



**COUNTY OF AUGUSTA**  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
P.O. BOX 590  
COUNTY GOVERNMENT CENTER  
VERONA, VA 24482-0590



**MEMORANDUM**

TO: Augusta County Board of Zoning Appeals  
FROM: Sandra K. Bunch, Zoning Administrator *Sandra*  
DATE: July 25, 2019  
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, August 1, 2019, at 1:30 P.M.**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia.

Please meet in the Board of Supervisors Conference Room at the Augusta County Government Center in Verona at **9:00 A.M.**, Thursday, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow at **Country Cookin' at noon.**

Enclosed are the minutes, the agenda for Thursday's meeting, staff reports and site plans on each of the requests.

If you cannot attend this meeting, please notify this office as soon as possible.

SKB/bcw

Enclosures

**ADVANCED  
AGENDA**

**Regular Meeting of the Augusta County Board of Zoning Appeals**

**Thursday, August 1, 2019, 1:30 P.M.**

**1. CALL TO ORDER**

**2. DETERMINATION OF A QUORUM**

**3. MINUTES**

Approval of the Called and Regular Meeting of June 6, 2019

**4. PUBLIC HEARINGS**

- A. A request by Brent J. Warren, for a Special Use Permit to expand an accessory building located in the front yard on property he owns, located at 14 Birchwood Road, Staunton in the Wayne District.
- B. A request by Joseph D. or Sonnee Shomo, for a Special Use Permit to have a short term vacation rental on property owned by Joseph D. Shomo, located at 676 Haytie Lane, Swoope in the Riverheads District.
- C. A request by Taylor Carwile, agent for SA Hold Co., LLC, for a Special Use Permit to continue the existing campground and to continue to rent out for recreational use the two bedroom cottages, two (2) three bedroom cottages, fourteen (14) room lodges, and to continue to have a seasonal restaurant within the beach house and to increase the number of extended stay sites occupied more than 240 days on property owned by Shen Acres Realty, LLC, located at 256 and 348 Lake Road, Stuarts Draft in the South River District.

**5. OLD BUSINESS**

- A. An appeal by Michael W. Sharp, agent for Friends of Seawright Springs, to the Board of Zoning Appeals of a decision of the Zoning Administrator regarding the decision to forego requiring a Special Use Permit for a water withdrawal business on property owned by Flow Beverages, Inc. (formerly owned by Seawright Mineral Springs, LLC), located at 40 Seawright Road, Mount Sidney in the North River District. – **TABLED AT THE JULY 3, 2019 MEETING**

**6. MATTERS TO BE PRESENTED BY THE PUBLIC**

**7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

- A. A request by Sandon Knicely, for a Special Use Permit to have apartments in a pre-1980 structure on property owned by Deborah Simmons 1/4, Etal, located at 23 Buttermilk Road, Mount Sidney in the North River District. – **SIX MONTH EXTENSION OF TIME REQUEST**

## **8. STAFF REPORT**

18-45 Mossy Creek Brewing Co., LLC  
18-46 Gary J. Smith

## **9. ADJOURNMENT**

**PROPERTY OWNER:**

Brent J. Warren

Agenda Item # 4A

Date 8/1/19

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

14 Birchwood Road, Staunton in the Wayne District

**SIZE OF PROPERTY:**

0.402 acres

**VICINITY ZONING:**

Single Family Residential surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

02/48 Zoned Single Family Residential

11/17 SUP approved to construct an accessory building in the front yard

**LAND USE MAPS:**

Urban Service Area – Medium Density Residential

**UTILITIES:**

Public water and sewer

**APPLICANT'S JUSTIFICATION:**

To expand an accessory building located in the front yard

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits and inspections as per the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

Health Department has no comment. Public water and sewer to serve.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing entrance is adequate for the request. VDOT has no objection to the issuance of the Special Use Permit.

**SERVICE AUTHORITY'S COMMENTS:**

14 Birchwood Road is currently a Service Authority water and sewer customer. The expansion of an accessory building (non-commercial) has no impact on the public water & sewer facilities. The Service Authority has no comments.

**ENGINEERING'S COMMENTS:**

No comments.

**SECTION 25-134F - ACCESSORY BUILDINGS OR OTHER ACCESSORY STRUCTURES LOCATED IN THE FRONT YARD**

The proposed location of the accessory building or structure would not appear out of character with other buildings and uses on the adjoining and surrounding properties; would not be aesthetically damaging to the character of the surrounding properties; or would not adversely and substantially affect the fair market value of surrounding properties.

The applicant is requesting to construct an 8' X 24' open sided addition to the existing accessory building located in the front yard that should not be out of character with area.

**The accessory building or structure must meet the front setback requirement of this article.**

The existing accessory building meets the front setback requirement. The proposed addition will be no closer to the road than the existing building.

**STAFF RECOMMENDATIONS**

On November 2, 2017, the Board approved a Special Use Permit to construct a 24' X 24' accessory building in the front yard. The applicant is requesting to construct an 8' X 24' open sided addition to the existing building in order to store firewood. The addition will be no closer to the road than the existing building and will meet all other setback requirements.

If the Board feels the request would be compatible with the area and would not be aesthetically damaging to the character of the surrounding properties, staff would recommend the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to construct an 8' X 24' addition to the existing accessory building located in the front yard.
2. Obtain all necessary permits and inspections.
3. Site be kept neat and orderly

4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

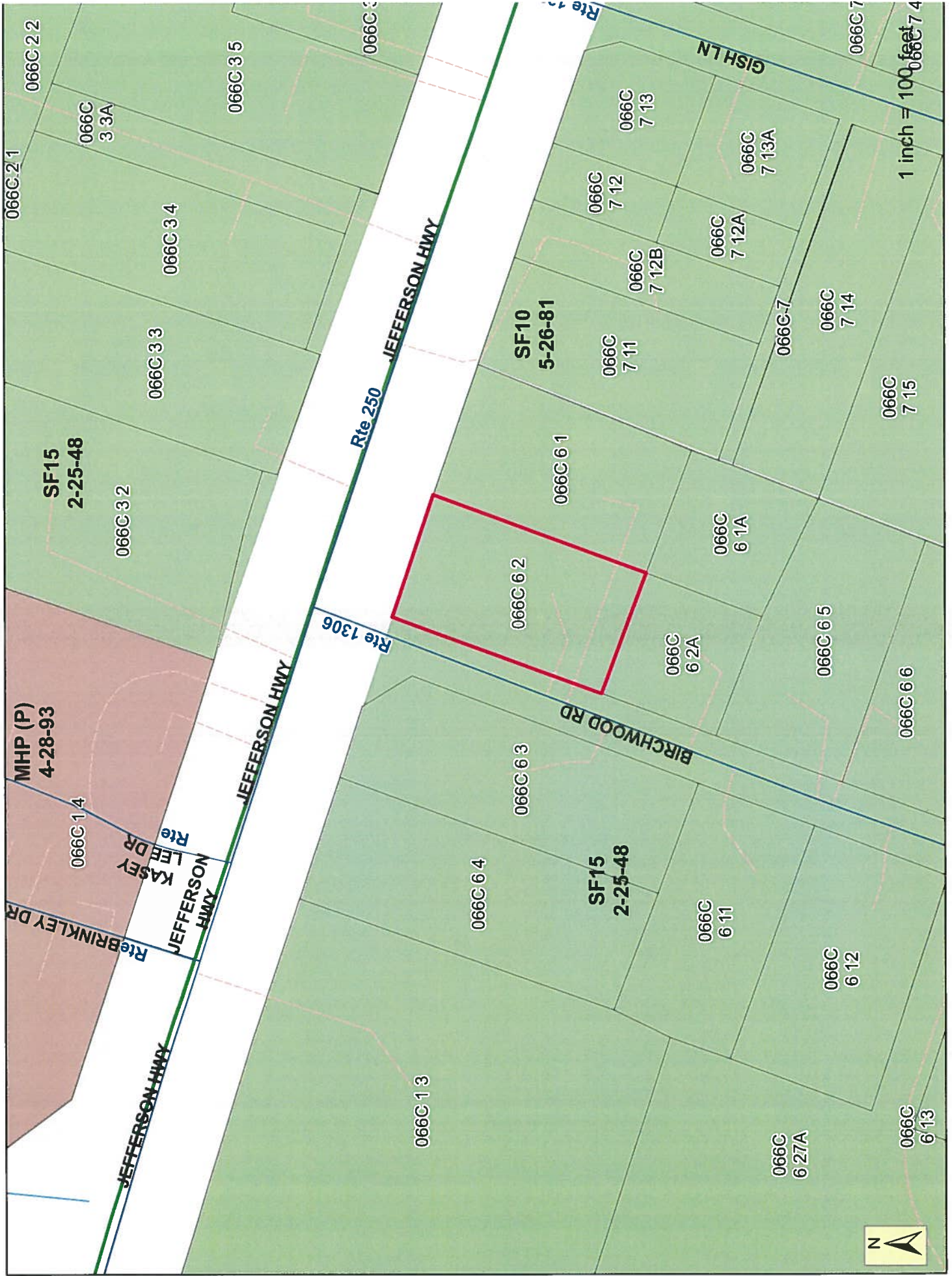




11/1/2011



Warren





Warren

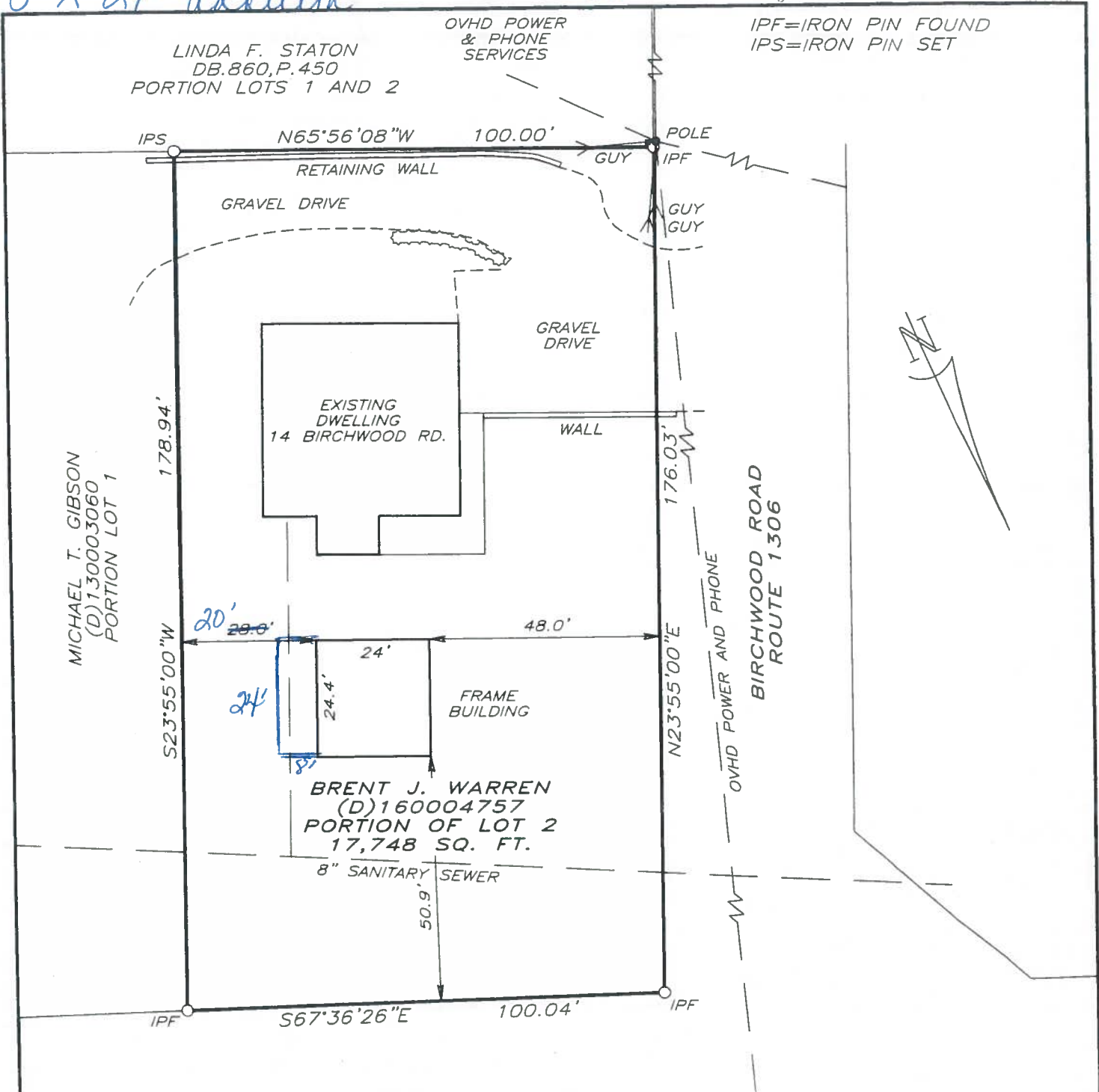




8' x 24' addition

Warren

862-17



LINDA F. STATON  
DB.860,P.450  
PORTION LOTS 1 AND 2

OVHD POWER  
& PHONE  
SERVICES

IPF=IRON PIN FOUND  
IPS=IRON PIN SET

IPS N65°56'08"W 100.00' POLE

RETAINING WALL

GUY IPF

GRAVEL DRIVE

GUY  
GUY

GRAVEL  
DRIVE



WALL

MICHAEL T. GIBSON  
(D)130003060  
PORTION LOT 1

178.94'

S23°55'00"W

20'  
28.8'

48.0'

24'

24'

24.4'

8'

FRAME  
BUILDING

176.03'

N23°55'00"E

OVHD POWER AND PHONE

BIRCHWOOD ROAD  
ROUTE 1306

BRENT J. WARREN  
(D)160004757  
PORTION OF LOT 2  
17,748 SQ. FT.

8" SANITARY SEWER

50.9'

IPF

S67°36'26"E

100.04'

IPF

JEFFERSON HIGHWAY  
ROUTE 250

PLAT SHOWING

EXISTING ACCESSORY BUILDING

PORTION OF LOT 2, WILSON HEIGHTS

WAYNE DISTRICT, AUGUSTA COUNTY, VIRGINIA

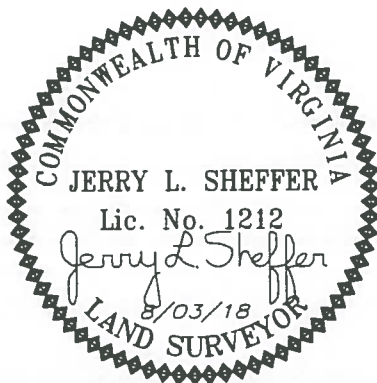
SCALE 1" = 30'

AUGUST 3, 2018

HAMRICK ENGINEERING, P.C.

ENGINEERS - SURVEYORS - PLANNERS

156 LAUREL HILL ROAD, VERONA, VIRGINIA



**PROPERTY OWNER:**

Joseph D. Shomo

Agenda Item # 4B

Date 8/1/19

**APPLICANT:**

Joseph D. or Sonnee Shomo

**LOCATION OF PROPERTY:**

676 Haytie Lane, Swoope in the Riverheads District

**SIZE OF PROPERTY:**

99.72 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

06/19 SUP denied to have weddings and special events

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To have a short term vacation rental

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no comments.

**HEALTH DEPARTMENT'S COMMENTS:**

Health Department has no issue with request. Home will be rented to a single person/party. The septic system is approved for 4 bedrooms 8 persons max.

**HIGHWAY DEPARTMENT'S COMMENTS:**

Haytie Ln is a Very Low Volume road. The entrance serving the property is at the end of the cul-de-sac road. The existing entrance is adequate for the request, serving as a low volume commercial entrance.

**SERVICE AUTHORITY'S COMMENTS:**

There is no public water or sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

No anticipated Stormwater Management impact.

**SECTION 25-74R – SHORT-TERM RENTALS, BED AND BREAKFASTS, AND VACATION RENTALS**

**There is no more than one principal dwelling, or part thereof, operating as a bed and breakfast or short-term rental per parcel.**

The principal dwelling is the only dwelling used for short term rental.

**There is no more than one detached accessory dwelling unit operating as a bed and breakfast or short-term rental per parcel.**

There is not an accessory dwelling unit on the parcel.

**The lot is at least five (5) acres in area, unless the Board of Zoning Appeals determines that operation of the use on a smaller acreage will be compatible with neighboring properties.**

The property contains 99.72 acres.

**The owner of record's primary residence is the principal dwelling or accessory dwelling unit.**

The owner inherited the property when his father passed away. The owner states the dwelling is now his primary residence.

**The Building Inspection Department has indicated that either a Building permit is not required, or can be issued for the use once the Special Use Permit has been approved.**

No alterations or additions are requested.

**If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.**

The dwelling is served by an existing sewage disposal system.

**All parking shall be accommodated on-site.**

The 99.72 acre parcel can accommodate all parking on-site.

**STAFF RECOMMENDATIONS**

The applicant is requesting to lease the entire dwelling for short term vacation stays. The owner inherited the property when his father passed away, and he is now residing on premise. The applicant would like to lease the entire dwelling. The applicant owns property adjacent to this parcel which contains an existing dwelling that he would like to utilize when his primary residence is rented. There will be no meals provided by the applicant, however, the guests will have access to the fully stocked kitchen facilities during their stay. The vacation home will be rented as a single unit. Staff feels that



using the dwelling as a vacation rental would not be out of character with the area and recommends approval with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

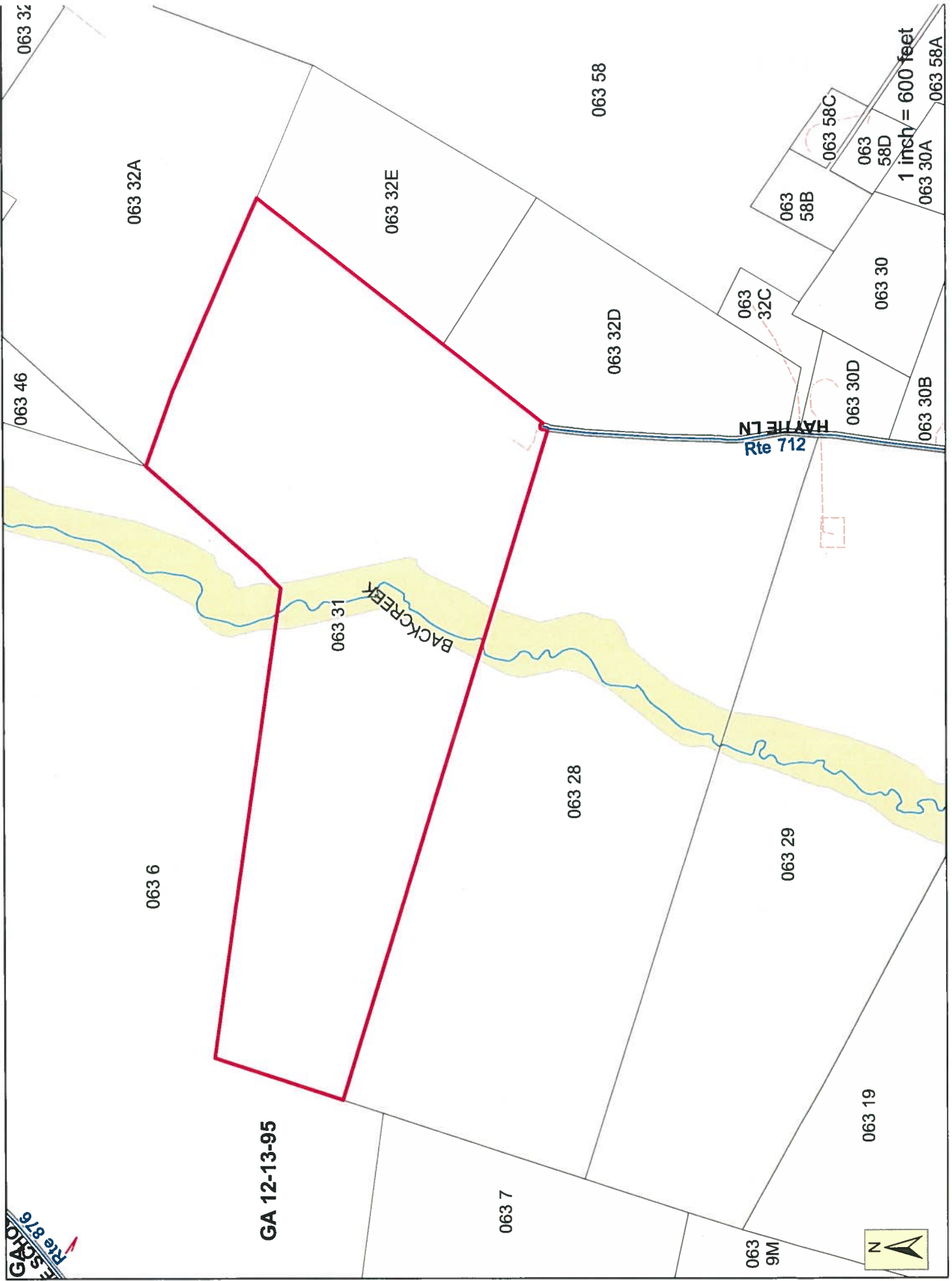
1. Be permitted to use the existing four (4) bedroom dwelling for short term vacation rentals.
2. Be limited to eight (8) persons maximum occupying the home.
3. Applicant reside on premise and be available at all times the dwelling is rented.
4. Site be kept neat and orderly.



Chin



# Shomo

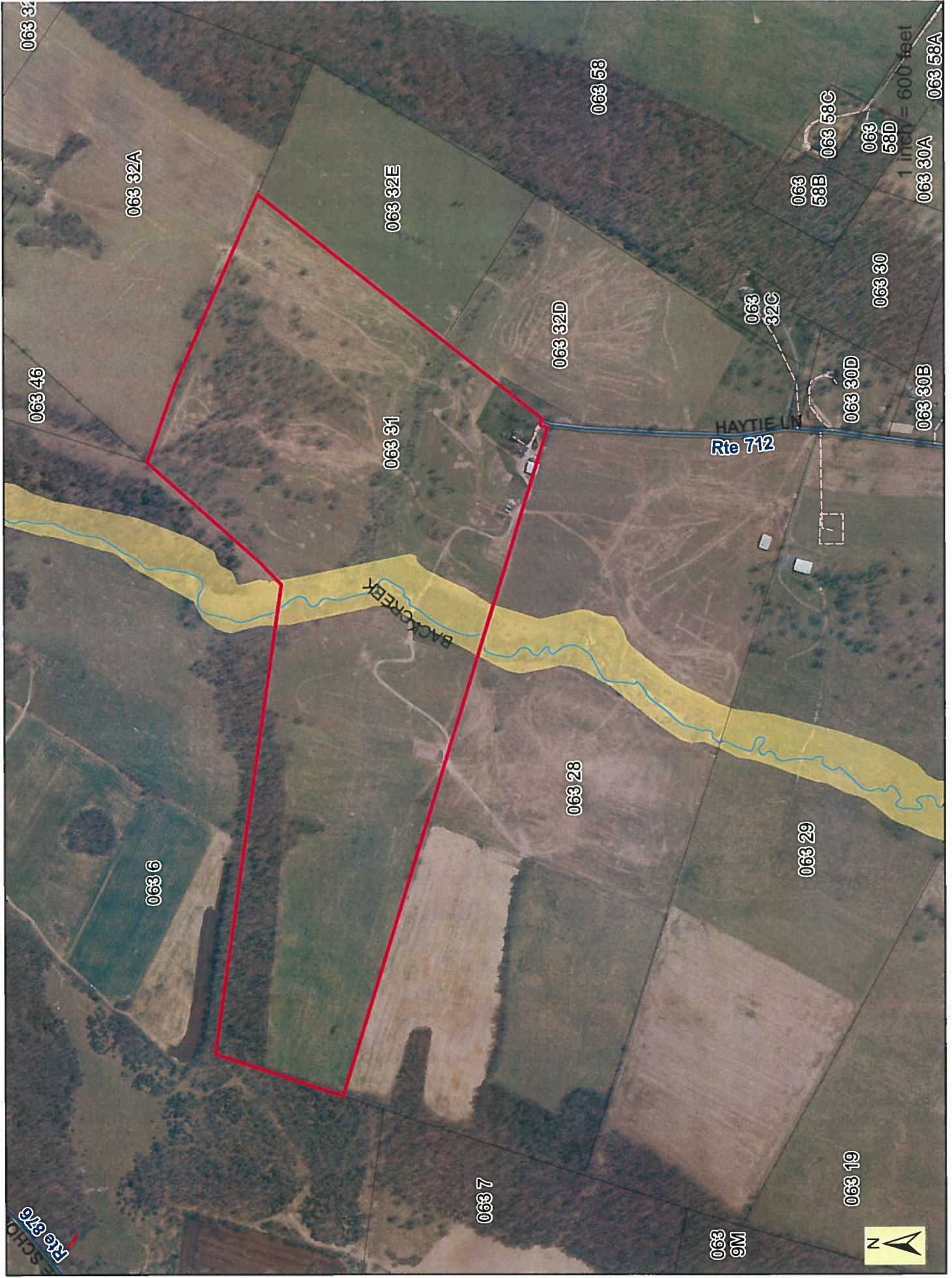


GA 12-13-95  
Rte 712



1 inch = 600 feet

# Shomo





Shomo

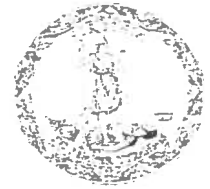


1 inch = 100 feet





**COUNTY OF AUGUSTA**  
 COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF COMMUNITY DEVELOPMENT  
 P.O. BOX 590  
 COUNTY GOVERNMENT CENTER  
 VERONA, VA 24482-0590



19-826

July 18, 2019

Dear Adjacent Property Owner:

This is to advise you that the Augusta County Board of Zoning Appeals will conduct a Public Hearing at **1:30 P.M., Thursday, August 1, 2019**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia to consider a request by Joseph D. or Sonnee Shomo, for a Special Use Permit to have a short term vacation rental on property owned by Joseph D. Shomo, located at 676 Haytie Lane, Swoope in the Riverheads District.

The Augusta County real property records indicate that you are the owner of property adjacent to, or across the road from the property under consideration for the special use permit. You are invited to be present for this hearing.

Data and information regarding the above request are available for inspection and review in the Community Development Department, Augusta County Government Center, Verona, Virginia, Monday through Friday between the hours of 8:00 A.M. to 5:00 P.M., except on **Thursday, August 1, 2019**.

Sincerely,

Sandra K. Bunch  
 Zoning Administrator

SKB/bcw

*I John W Allen Jr. is fine with his request. Property address 38 Vachmesittus Way Swoope*

**PROPERTY OWNER:**  
Shen Acres Realty, LLC

Agenda Item # 4C  
Date 8/1/19

**APPLICANT:**  
Taylor Carwile, agent for SA Hold Co., LLC

**LOCATION OF PROPERTY:**  
256 and 348 Lake Road, Stuarts Draft in the South River District

**SIZE OF PROPERTY:**  
132.585 acres

**VICINITY ZONING:**  
Single Family Residential and General Agriculture to the north and west; General Agriculture to the south and east

**PREVIOUS ZONING OR S.U.P.:**  
05/95 SUP approved to expand Shenandoah Acres Resort  
12/95 Zoned General Agriculture  
03/98 SUP approved to replace the non-conforming beach house  
05/07 SUP approved to continue rental of cottages, the lodge, roundhouse, and three bedroom house, and use beach house for recreation and social events  
03/14 SUP approved to continue the facility  
10/14 SUP approved to reopen back section  
06/16 SUP approved to expand the existing campground by adding additional full hookup campsites and a seasonal restaurant within the existing beach house  
12/16 SUP approved to expand the existing campground by adding additional full hook-up sites and reopen an existing site area  
10/17 SUP approved to expand the existing campground by adding full hook-up and seasonal sites  
06/18 SUP approved to construct a building for recreational use  
05/19 SUP approved to add extended stay sites to the existing campground

**LAND USE MAPS:**  
Urban Service Area – Planned Residential

**UTILITIES:**  
Private well, public sewer, and waste dump station

**APPLICANT'S JUSTIFICATION:**  
To continue the existing campground and to continue to rent out for recreational use the two (2) one bedroom cottages, two (2) three bedroom cottages, fourteen (14) room lodges, and to continue to have a seasonal restaurant within the beach house and to increase the number of extended stay sites occupied more than 240 days

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits, engineering, inspections and Certificate of Occupancy for new beach house and game room in accordance with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

The campground is currently permitted for 302 campsites. Once the required infrastructure is completed the number of permitted campsites will be +/- 500. The Health Department currently permits a restaurant on-site. Health Department permits are not transferable to any new owner.

**HIGHWAY DEPARTMENT'S COMMENTS:**

It is VDOT's understanding that this SUP permit will take the place of all the existing SUP applied for by the previous owner(s). To fulfill the previous SUP requirements: The existing gravel entrances #256 & #348 shall be upgraded to meet VDOT full commercial entrance requirements as detailed in Appendix F of the Road Design Manual. Additional ditch work and installation of a 15" pipe is required for entrance #348. If an additional entrance is requested, it will have to be evaluated prior to construction. There have been several amendments to the use of this site in recent years; VDOT would be willing to meet with the applicant to discuss a future master plan of the site to better plan for any potential improvements that may be necessary.

**SERVICE AUTHORITY'S COMMENTS:**

1. This property is currently a Service Authority sewer only customer.
2. Good Faith, LLC (former owner) is currently under an Agreement dated December 3, 2014 (of record as Instrument No. 140008120), with the Service Authority regarding their sewer service. ShenAcres Realty, LLC will need to abide by the terms of that Agreement prior to any new connections being allowed by the Service Authority as the Agreement states that it "shall be binding upon any successors in title to the property and all owners, lessees, or occupants thereof". The applicant needs to verify, in writing, whether there are sewer expansion plans associated with this request (are the extended stay sites a part of the previously approved campsites?). If so, per the Agreement, the plans are subject to review and approval by the Service Authority Engineering Department prior to construction. The Service Authority also requests the applicant provide a written update on the inventory of sites utilizing public sewer.

**ENGINEERING'S COMMENTS:**

No land disturbance. No anticipated Stormwater Management impact.



**SECTION 25-74N – SHORT-TERM CAMPGROUNDS AND SHORT-TERM RECREATIONAL VEHICLE PARKS AND SECTION 25-74Q – EXTENDED-STAY CAMPGROUNDS AND EXTENDED-STAY RECREATIONAL VEHICLE PARKS**

**Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution.**

This facility has operated for over fifty (50) years and has caused no traffic or crowd control problems.

**There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance.**

All sites are served by existing sanitation facilities or hooked to public sewer. Trash is picked up on a regular basis.

**There will be full compliance with Virginia Department of Health regulations with respect to food and water service.**

The existing campground complies with Health Department regulations through the Office of Drinking Water.

**There is an adequate plan for providing emergency medical services for persons in attendance.**

Stuarts Draft Rescue Squad is within two (2) miles of the facility and there are life saving devices at the lake.

**There is an adequate plan for parking and crowd and traffic control in and around the site.**

Facility staff will supervise parking and crowd control. Parking spaces are provided for every rental unit.

**There is an adequate plan for protection from fire and other hazards.**

The Stuarts Draft Fire Department is within two (2) miles of the facility. They have fire extinguishers onsite and smoke detectors in all rental units.

**The business meets the requirements of article VI “Outdoor Lighting”.**

No new outdoor lights are requested.

**There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety.**

All structures meet Building Code requirements.

**The campground or park is at least ten (10) acres in size. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site.**

The facility contains 132.585 acres.

**The density shall be no more than ten (10) sites per acre. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to limit the density of the campground or park.**

There are approximately five hundred (500) campsites. The total number of campsites is below ten (10) sites per acre

**There shall be a minimum of fifty feet (50') of undeveloped land along the total perimeter of the campground or park.**

The campground meets the setback requirement. The lake and several structures were constructed decades before the setback requirement and do not meet the fifty (50') foot perimeter requirement, however, they are legal non-conforming uses.

**All sites and facilities within the campground or park shall be served by a public water and sewer system or systems approved by the Virginia Department of Health. In no case shall portable toilets be permitted within a campground for anything more than temporary use defined as no more than four (4) days in any thirty (30) day period of time.**

The facility has water and sewer systems approved by the Augusta County Service Authority and the Health Department.

**Camp hosts may reside at a campground or park year-round, without regard to guest occupancy time limits. A campground or park may have one camp host per fifty (50) campsites. For purposes of this calculation, the number of campsites shall be rounded up to the next multiple of fifty (50). If a camp host resides in a recreational vehicle, the recreational vehicle must meet the definition of a self-contained unit as set out in § 25-4 and shall connect to an electricity supply and approved water and sewer system.**

The campground has one (1) camp host per fifty (50) campsites. All recreational vehicles meet the definition of self-contained unit and are connected to electric and approved systems.

**The operator shall keep a guest register tracking occupancy data for all guests. This information shall be recorded on a standard form provided by the County and shall be made available for inspection on demand; and (Ord. 6/22/11)**

**The operator of a short-term campground or short-term recreational vehicle park may permit storage of unoccupied recreational vehicles year-round.**

**(Ord. 6/22/11)**

The operator keeps a guest register onsite.

**The campground or park shall have approval by the Virginia Department of Transportation (VDOT) and have direct access off a state maintained road. For facilities with one hundred (100) or more sites, a second access for emergency vehicles shall be provided. The second access may be gated. (Ord. 6/22/11)**

The facility has several entrances that have VDOT approval.

**No recreational vehicle or recreational vehicle site may be sold or otherwise conveyed as a separate lot or condominium unit.**

No recreational vehicles or recreational vehicle site are sold.

**The campground or park may contain campsites that are not extended-stay recreational vehicle sites or extended-stay cabins as defined in § 25-4 if the operator obtains a permit under subsection (N) of this section for a short-term campground or short-term recreational vehicle park. In no case, shall more than 30% of the recreational vehicle sites be occupied by vehicles which are in the park for more than 240 days per calendar year.**

The applicant was approved for short term campsites and extended stay campsites. The applicant was limited to thirty-five (35) recreational vehicle sites occupied more than 240 days per calendar year. This is below the 30% requirement.

**The operator shall submit to the Zoning Administrator a map of the campground or park (1) showing all campsites, (2) indicating the classification of each campsite as a tent site, short-term cabin, short-term recreational vehicle site, extended-stay cabin, or extended-stay recreational vehicle site, and (3) showing and identifying all other facilities.**

Site plans are on file in the Community Development office for each location.

**All campsites classified as extended-stay recreational vehicle sites or extended-stay cabins shall be served by: (1) electricity and (2) a water and sewer system approved by the Virginia Department of Health.**

All extended stay sites are full hookup sites.

**All recreational vehicles occupying extended-stay recreational vehicle sites shall meet the definition of a self-contained unit as set out in § 25-4.**

All recreational vehicles meet the definition of self-contained unit.

**All recreational vehicles occupying extended-stay recreational vehicle sites shall connect to the site's electricity supply and approved water and sewer system.**

All recreational vehicle will be connected to the approved systems.

**The operator shall inspect all occupied extended-stay recreational vehicle sites to ensure that the recreational vehicles occupying the sites are properly connected to the site's electricity supply and approved water and sewer system.**

The operator ensures all comply with regulations.

**The operator shall enforce time limits set out in § 25-4 for guest occupancy for each type of campsite.**

The operator enforces time limits for each type of campsite.

**The operator of a recreational vehicle park may permit storage of unoccupied recreational vehicles year-round.**

All year round storage of recreational vehicles are kept in the storage area on the plan.

**Other than those occupied by camp hosts, there shall be no additions or structures, including decks, steps, or porches, attached to a recreational vehicle.**

**All recreational vehicles must have a valid license and all wheels must remain on the vehicles.**

There are no additions or structures attached to recreational vehicles. All recreational vehicles have valid license and wheels remain on the vehicles.

**Private streets shall meet the following standards and specifications:**

**a. The minimum street width shall be eighteen feet (18'). Street width shall not include curb and gutter and shall meet the requirements of subparagraph 3 of this section.**

**b. The subbase and the base course shall meet the minimum specifications promulgated by the Virginia Department of Transportation.**

**c. The surface course may be asphalt or gravel. If asphalt, the surface course shall meet the minimum standards for asphalt surface treatment promulgated by the Virginia Department of Transportation.**

**d. All banks and ditches shall be appropriately stabilized immediately upon completion of the work in accordance with the minimum standards promulgated pursuant to the Virginia Erosion and Sediment Control Law and Regulations.**

**e. Streets shall be designed to safely accommodate fire and rescue emergency vehicles.**

The campground has an existing entrance. A portion of the campground was established prior to these requirements. The new section known as White Oak meets the new requirements.



## **STAFF RECOMMENDATIONS**

The applicants are in the process of purchasing the property and are requesting to continue the current operation of the short-term campground and extended-stay recreational vehicle park. This request also includes the rental of the two (2) one bedroom cottages, the two (2) three bedroom cottages, the fourteen (14) room lodges, and to continue to have a seasonal restaurant within the old beach house, and to increase the number of extended-stay campsites occupied more than 240 days per calendar year. The Board approved a Special Use Permit to have extended-stay sites occupied year round in the new White Oak section on May 2, 2019, with an operating condition that sites occupied **more** than 240 days in a calendar year be limited to thirty-five (35).

The existing campground was approved for a total of 547 campsites, and according to our records, 456 campsites have been established. The new owners are requesting to increase the number of extended-stay sites that could be occupied year round to the maximum thirty percent (30%) allowed per the ordinance standards. Thirty percent (30%) of the approved 547 campsites would allow 164 campsites that could be occupied year round. Thirty percent (30%) of the existing 456 campsites would amount to 137 campsites occupied year round.

The campground facility was started in the 1940's and has provided families with a tourism option for many generations. However, this site is visible from a public road, and is adjacent to several single family dwellings, and in the last five (5) years the campground has increased from 110 campsites to 456 campsites which is a significant impact to the area. Staff feels the continued operation of this facility is a good use of the property, however, Staff does not feel that increasing the number of campsites that could be occupied year round to the maximum thirty percent (30%) would be compatible with the surrounding area.

If the Board feels the request would be compatible and desires to approve the request, Staff would recommend the following operating conditions:

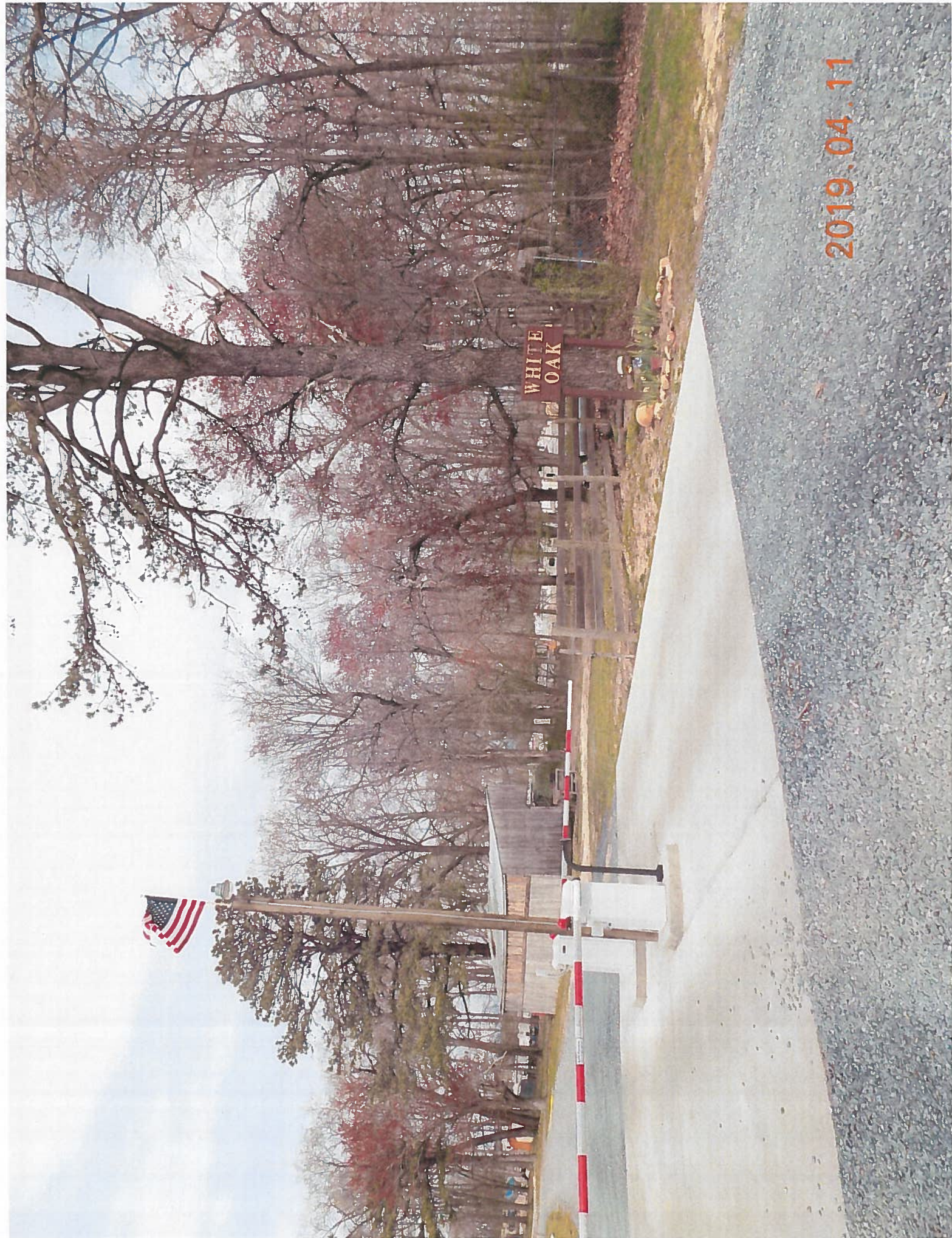
### **Pre-Conditions:**

1. Obtain letter of approval from the Augusta County Service Authority and provide a copy to Community Development.
2. Obtain Health Department campground permit and provide a copy to Community Development **within thirty (30) days.**
3. Obtain all necessary permits, engineering, inspections and Certificate of Occupancy for new beach house and game room in accordance with the Uniform Statewide Building Code.

**Operating Conditions:**

1. Be limited to no more than sixty (60) extended stay RV sites occupied more than two hundred forty (240) days in a calendar year, located to the rear of "White Oak" furthest away from the road.
2. The applicant plant a double row of six (6') foot high evergreen trees for screening in front of the "White Oak Section".
3. Applicant keep a log tracking occupancy data for all sites.
4. No outdoor amplified music after 10:30 p.m.
5. Obtain yearly outdoor music festival permit.
6. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
7. No further expansions.



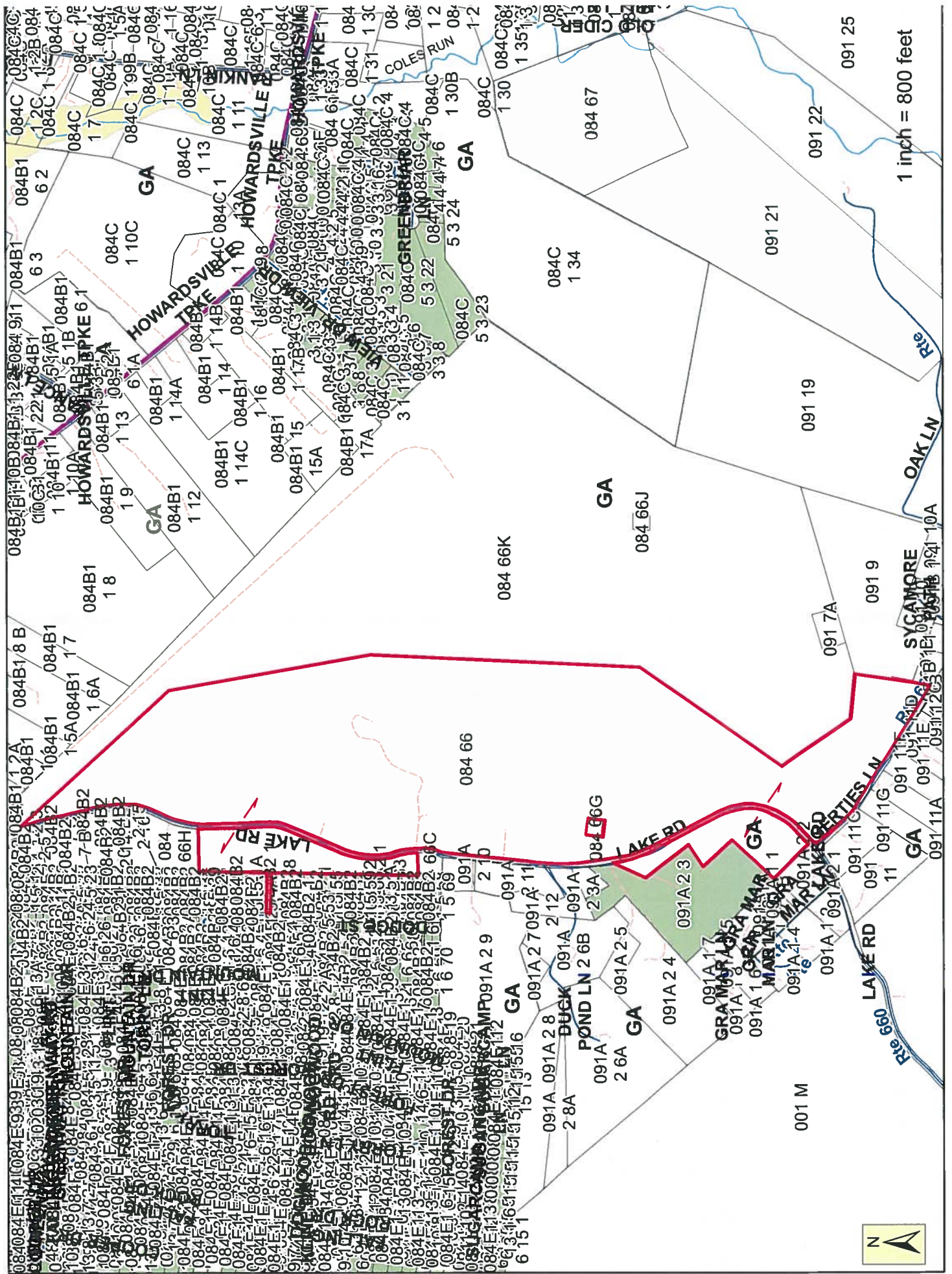


2019.04.11

cl. Anne

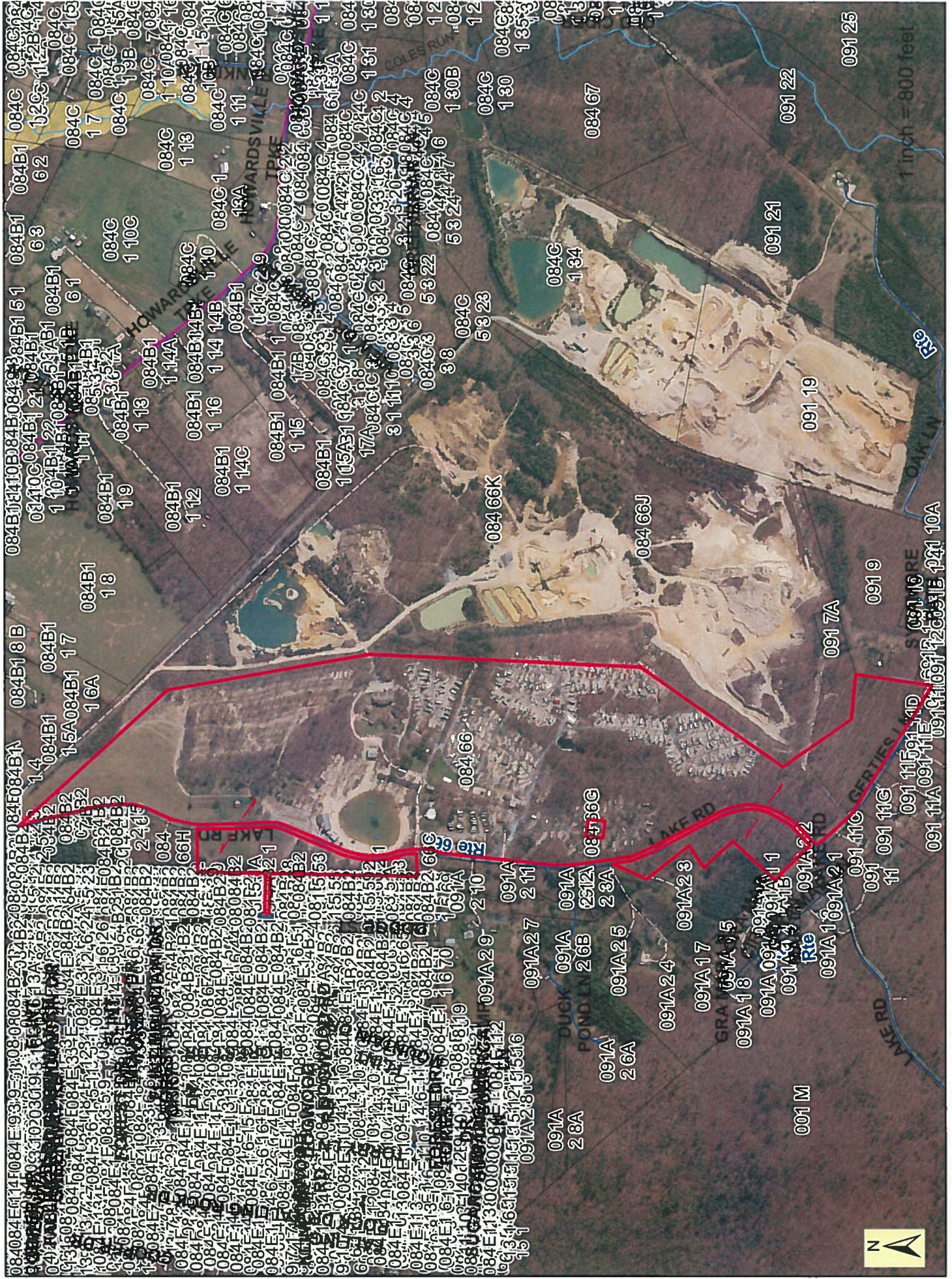


Shen Acres Realty, LLC





# Shen Acres Realty, LLC

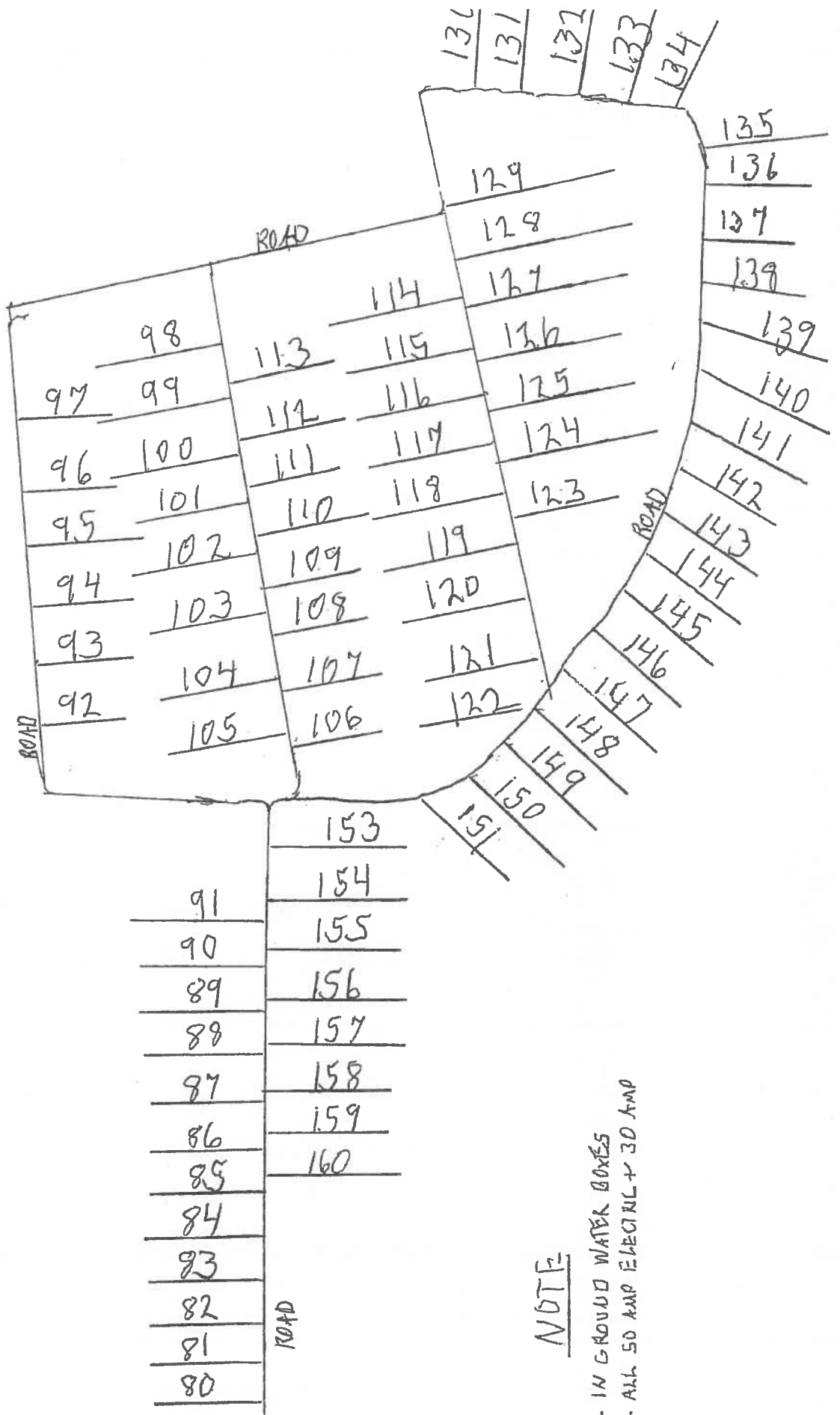




SHEKANDDAH ACRES FAMILY CAMPGROUND

MOUNTAIN LAUREL WAY

SITES NUMBERED  
 APRIL 8, 2019 - 80 SITES  
 ALL - WATER, SEWER, ELECTRIC



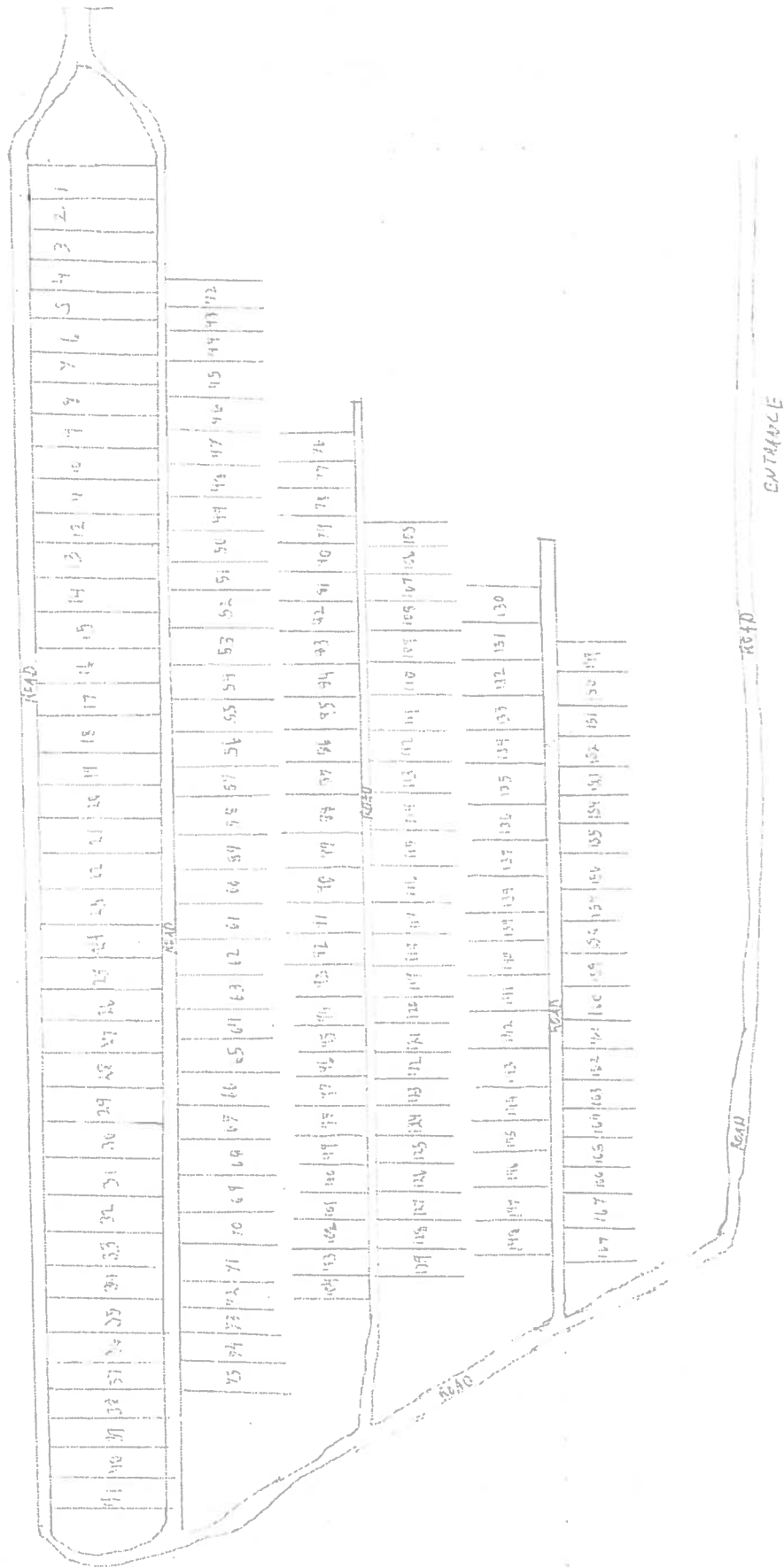
NOTE  
 - IN GROUND WATER BOXES  
 - ALL 50 AMP ELECTRICAL + 30 AMP



SHELDON ALBES FAMILY CAMPFOLLOW

WHITE OAK

167 SITES COMPLETED - APRIL 8, 1919  
 SITES NUMBERED  
 ALL WATER, SEWER, ELECTRIC



NOTES

- IN ROUND WATER BOXES
- ALL TO BE ELECTRIC TO CAMP

APRIL 8, 1919

Agenda Item # 5A  
Date 8/1/19

TABLED

**PROPERTY OWNER:**

Flow Beverages, Inc. (formerly owned by Seawright Mineral Springs, LLC)

**APPLICANT:**

Michael W. Sharp, agent for Friends of Seawright Springs

**LOCATION OF PROPERTY:**

40 Seawright Road, Mount Sidney in the North River District

**SIZE OF PROPERTY:**

140.55 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**

12/95 – Zoned General Agriculture

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private Well

**APPLICANT'S JUSTIFICATION:**

An appeal to the Board of Zoning Appeals of a decision of the Zoning Administrator regarding the decision to forego requiring a Special Use Permit for a water withdrawal business

**STAFF COMMENTS:**

The applicants are appealing the Zoning Administrators decision to not require a Special Use Permit for the withdrawal and hauling of water on the property.

In 1996 a determination letter by Debbie Balsler, Zoning Analyst, was sent to Seawright Spring Water Corporation stating that water could be extracted, marketed, packaged and sold in bulk and bottles (cases) and shipped, which includes nine (9) tankers and (3) trailers per day as the previous owners. The letter specifically references a Zoning Certificate. A Zoning Certificate is defined in the ordinance as **an official finding that a planned use of a property, as indicated by an application, complies with the requirements of the Zoning Ordinance.**

For **twenty-three (23) years** both the County and various landowners of Seawright Springs property have governed themselves under the terms of the 1996 determination letter. The County has consistently upheld the decision of previous Zoning Administrators that the extraction, hauling, marketing, and shipping of water is a by right use and can continue within the limitations of the determination letter on this property.

In 2004, in accordance with the 1996 zoning determination letter, Seawright Springs, LLC applied for and received a Special Use Permit to **expand** the facility by reconstructing the catchment structure, **adding** buildings and structures, and to add six (6) 20,000 gallon water tanks (See attached 2004 Staff report). All adjoining property owners were given written notice of the public hearing and it was advertised in the local newspaper once a week for two (2) successive weeks. A copy of the 1996 determination letter was included in the Special Use Permit file provided to the Board of Zoning Appeals. According to the minutes of the meeting, neither the adjoining property owners who were sent notice nor anyone else in the community spoke in opposition to permit to expand or filed an appeal after the Boards approval of the permit.

In 2009, John Wilkinson, Zoning Administrator, sent another determination letter to First American Title Insurance Company, affirming the use was a legal use.

On December 4, 2018, I sent a determination letter to Protorae Law, PLLC, counsel for the current landowner, reaffirming that the extraction, hauling, marketing, and shipping of water (9 tankers and 3 trailers) is permitted on the property without a Special Use Permit within the limits of the 1996 determination letter.

According to Flow Beverage, Inc., it purchased the property in reliance on that determination letter.

On May 28, 2019, our office received a letter addressed to John Wilkinson requesting an appeal of the Zoning Administrator decision not to require a Special Use Permit for the extraction and hauling of water.

It was my determination that the landowner can continue to operate under the conditions of the 1996 determination letter and my reaffirmation of that decision in my letter dated December 4, 2018. The County did not receive an appeal of **any** determination until May 28, 2019.

Due to the fact the 1996 decision was not appealed, and my December 4, 2018 letter was not appealed within thirty (30) days it was then and is now, a **“thing decided”**.

In addition, according to **Virginia State Code §15.2-2311(C)**, after sixty (60) days had elapsed from the date of my decision, my decision cannot be changed. **It is a vested right and a “thing decided”**.

**§15.2-2311(C)** provides in part: **“in no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative**



**officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer.”**

**EXTENSION OF TIME REQUEST**

Agenda Item # 7A  
Date 8/1/19

**PROPERTY OWNER:**

Deborah Simmons 1/4, Etal

**APPLICANT:**

Sandon Knicely

**LOCATION OF PROPERTY:**

23 Buttermilk Road, Mount Sidney in the North River District

**SIZE OF PROPERTY:**

0.241 & 0.089 acres

**VICINITY ZONING:**

General Business to the north, south, and west; Single Family Residential to the east

**PREVIOUS ZONING OR S.U.P.:**

3/69 – Zoned General Business

**LAND USE MAPS:**

Urban Service Area – Business

**UTILITIES:**

Public Water and Sewer

**APPLICANT'S JUSTIFICATION:**

To have apartments in a pre-1980 structure

**The applicant is requesting a six (6) month Extension of Time.**

The property closing was delayed; therefore, the applicant needs some additional time to obtain the building permits and complete the upgrades to the building. Staff recommends approval.