



**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  
DATE: September 25, 2019  
SUBJECT: Regular Meeting and Viewing

*Sandra*

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, October 3, 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 **8:00 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 August and September 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

**PROPERTY OWNER:**

Robbie D. Kline

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

108 Neff Drive, Stuarts Draft in the South River District

**VICINITY ZONING:**

Single Family Residential surrounds the entire parcel

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

3/72 – Zoned Single Family Residential

**LAND USE MAPS:**

Urban Service Area – Medium Density Residential

**UTILITIES:**

Public water and public sewer

**APPLICANT'S JUSTIFICATION:**

To expand a non-conforming dwelling

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

Health Department has no issues public water and sewer to serve.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The rear addition will not adversely affect existing access or parking. VDOT has no objection to the request.

**SERVICE AUTHORITY'S COMMENTS:**

1. The proposed expansion will not impact the public water and sewer utilities. The following are provided as general information:

- A. 108 Neff Drive (Tax Map # 84E-(15)-91) is a current Service Authority water and sewer customer.

- B. There is an existing 6" waterline along Neff Drive along the front property line of the subject parcel.
- C. There is an existing 8" sewer line along Neff Drive across from the subject parcel.

**ENGINEERING'S COMMENTS:**

Not more intense than would otherwise be permitted. No Stormwater impact.

**STAFF RECOMMENDATIONS:**

The applicant is requesting to construct a 22' X 22' garage addition to the existing non-conforming dwelling not meeting the current setback requirement from a side yard. When the dwelling was constructed in 1997, the minimum side yard setback requirement was six feet (6'). The existing dwelling is located approximately 7.8' from the side property line. The current Ordinance requirement is no closer than fifteen feet (15') from a side property line.

The applicant has provided a survey showing the proposed addition will be no closer to the side yard than the existing dwelling. Due to the fact that the expansion is no closer to the property line, staff feels the request is not increasing the non-conformity, and would recommend approval with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Applicant obtain a Building Permit for the 22' X 22' garage addition.
2. Applicant construct the addition no closer than the current survey shows.
3. Applicant submit a foundation survey to Community Development.

AGENDA ITEM # 4B

Date ~~10/15/19~~  
10/31/19

**PROPERTY OWNER:**  
Gregory or Linda Clemmer

**APPLICANT:**  
Same

**LOCATION OF PROPERTY:**  
148 Old Stony Ridge Road, Afton in the South River District

**SIZE OF PROPERTY:**  
2.00 acres

**VICINITY ZONING:**  
General Agriculture to the north, south, and east; Rural Residential to the west

**PREVIOUS ZONING OR S.U.P.:**  
12/95 Zoned General Agriculture

**LAND USE MAPS:**  
Rural 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 conditions.

**HEALTH DEPARTMENT'S COMMENTS:**  
Health Department has no issues as long as no more than 1 bedroom is rented and the total occupancy of the dwelling does not exceed 6 people.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
Stony Ridge is a privately maintained roadway. VDOT has no objection to the request.

**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 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.**

There is only one (1) dwelling on the property.

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

There are no detached accessory dwelling units.

**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 parcel contains approximately two (2) acres. A short term vacation rental should be compatible with the neighboring properties.

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

The owner's primary residence is the principal dwelling on the property.

**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 expansions or remodeling is proposed. No permits are required.

**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 connected to a private septic system.

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

All parking is onsite.

### **STAFF RECOMMENDATIONS**

The applicants are requesting to rent out one (1) room in the lower level of the dwelling for short term vacation stays. The applicants reside on premise. No meals will be provided by the applicant, however, the guests will have a separate refrigerator and coffee maker in the room. Staff feels leasing one (1) room for short term vacation rentals would not be out of character with the rural community and would be a low impact use and recommends approval with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to lease one (1) bedroom for short term vacation rental.
2. Total occupancy of the dwelling does not exceed six (6) people per the Health Department comments.
3. Applicant must reside on premises.
4. Site be kept neat and orderly.

**PROPERTY OWNER:**  
Keith W. or Elizabeth S. Dishman

**APPLICANT:**  
Same

**LOCATION OF PROPERTY:**  
252 Twin Hills Lane, Fishersville in the Wayne District

**SIZE OF PROPERTY:**  
5.00 acres

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

**PREVIOUS ZONING OR S.U.P.:**  
03/86 Zoned Rural Residential

**LAND USE MAPS:**  
Urban Service Area – Medium Density Residential

**UTILITIES:**  
Public water and sewer

**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 conditions.

**HEALTH DEPARTMENT'S COMMENTS:**  
HD has no issues as long as no more than 1 room is rented. Public water and sewer to serve.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
The access to the property is off the cul-de-sac turnaround of Twin Hills Rd, a privately maintained road. VDOT has no objection to the request.

**SERVICE AUTHORITY'S COMMENTS:**  
1. The proposed use will have no impact on the public water and sewer utilities. The following are provided as general information:

- A. 252 Twin Hill Lane (Tax Map # 56A-(3)-15) is a current Service Authority water & sewer customer.
- B. There is an existing 6" waterline that ends at the Twin Hills Lane cul-de-sac at the front portion of the subject parcel.
- C. There is an existing 8" sewer line approximately 386'± northwest of the subject property.

**ENGINEERING'S COMMENTS:**

No anticipated Stormwater 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 short term rental is inside the principal dwelling.

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

There is no detached accessory dwelling unit on the property.

**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 parcel contains 5.00 acres.

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

The owner of record resides in the dwelling.

**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 improvements or expansions 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 connected to public water and public sewer.

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

All parking will be onsite.



### **STAFF RECOMMENDATIONS**

The applicant is requesting to lease an area approximately 400 square feet in the basement of the existing dwelling. The area contains one (1) bedroom, bathroom, and laundry. There is a separate entrance for the rental unit and no meals will be provided. The applicants reside in the dwelling and will be onsite when the room is rented. Staff feels that a short term vacation rental within the existing dwelling would not be out of character with the neighboring properties and would recommend approval with the following conditions:

### **Pre-Conditions:**

None

### **Operating Conditions:**

1. Be permitted to lease one (1) bedroom and bath in the basement of the existing dwelling for short term vacation stays.
2. Be limited to a maximum of two (2) people occupying the rental unit.
3. Applicant must reside on premises.
4. Site be kept neat and orderly.

**PROPERTY OWNER:**

Jonathan P. Rogers

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

292 Abbington Road, Swoope in the Pastures District

**SIZE OF PROPERTY:**

5.49 acres

**VICINITY ZONING:**

Rural Residential to the north, south, and east, and General Agriculture to the west

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

9/72 – Zoned Rural Residential

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To construct an accessory building in the front yard

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

Health Department has no issues.

**HIGHWAY DEPARTMENT'S COMMENTS:**

Abbington Road is a privately maintained roadway. The intersection of Abbington and Rt. 254 is adequate to support the requested use. VDOT has no objection to the request.

**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 impact.

## **SECTION 25-124F – ACCESSORY BUILDINGS IN THE FRONT YARD**

**Accessory buildings or other accessory structures to be located in a front yard may be permitted by Special Use Permit provided:**

**The accessory building or structure would not appear out of character with surrounding properties; and**

The accessory building will be located approximately nine (9) feet in front of the dwelling at the edge of the driveway and should not be out of character with the surrounding properties

**Be aesthetically damaging to the character of the surrounding properties; or**

The detached accessory building is set back over one hundred feet (100') from the road and all property lines on a wooded lot. The building should not damage the character of the surrounding properties.

**Adversely and substantially affect the fair market value of surrounding properties; and**

The construction of a detached accessory building within close proximity to the existing dwelling should not substantially affect the fair market value of the surrounding properties.

**The accessory building or structure must observe the front, side and rear yard requirements.**

The accessory building meets all required setbacks.

### **STAFF RECOMMENDATIONS**

The applicants are requesting to construct a 26' X 26' detached garage for personal storage approximately nine feet (9') in front of the existing dwelling adjacent to the driveway. The current Zoning Ordinance prohibits accessory buildings in the front yard without a Special Use Permit approved by the Board. The parcel contains 5.49 acres and is heavily wooded. The building will be setback over one hundred feet (100') from the front property line and over two hundred feet (200') from adjoining property lines. Due to the fact the garage will be located within close proximity to the existing dwelling and the fact that trees provide a natural screening, staff does not feel the garage would be out of character with the neighborhood and would recommend approval with the following operating conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to construct a 26' X 26' detached garage in front of the existing dwelling as shown on the BZA sketch.
2. Applicant obtain all building permits and necessary inspections.
3. No junk or inoperable vehicles be kept outside.
4. Site be kept neat and orderly.

**PROPERTY OWNER:**

Maynard or Shirley Miller

**APPLICANT:**

Kervin Yoder

**LOCATION OF PROPERTY:**

2177 Tinkling Springs Road, Stuarts Draft in the South River District

**SIZE OF PROPERTY:**

88.938 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

05/03 SUP approved to continue feed mill business and expand storage sheds

02/11 SUP approved to expand and reconstruct the building used for the metal roofing business and to construct an addition to the feed mill building

07/14 SUP to use existing building for internet auctions and have outside storage between the buildings

09/14 SUP to construct a building and silos in conjunction with the feed mill business

**LAND USE MAPS:**

Agricultural Conservation Area

**UTILITIES:**

Public water, private septic

**APPLICANT'S JUSTIFICATION:**

To continue to use the existing building for internet auctions and to have outside storage between the buildings

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

Health Department has no issues.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT does not object to continuing the internet auctions. The existing entrance to Rt. 608 is adequate. The condition of the entrance is beginning to need repair; the perpetual maintenance of the entrance is the responsibility of the owner.

**SERVICE AUTHORITY'S COMMENTS:**

1. The continued use requested will have no impact on the public water and sewer utilities. The following are provided as general information:

- A. There is an existing 4" waterline running through the front portion of the subject parcel.
- B. There is no public sewer available in the area of the subject parcel.

**ENGINEERING'S COMMENTS:**

Any increase in impervious area (gravel) will require an update to the existing Stormwater Management analysis and could trigger the requirement for a Stormwater Management Plan.

**SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES**

**Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.**

The applicant is requesting to continue to store farm equipment or items too large to fit inside the building. The area is located between the two (2) buildings and should not be visible from Tinkling Spring Road.

**The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.**

The applicant lives within close proximity.

**The business and anticipated enlargements thereof will be appropriate for agriculture areas.**

Businesses are more appropriate in Business zoned areas, however, this building is currently being used for internet auctions. The applicant is requesting to continue the existing use.

**The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.**

The property has direct access to Tinkling Spring Road (Route 608) and has a VDOT approved entrance.

**On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.**

The 88 acre site has adequately and safely handled all traffic to and from the public highways.

**Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.**

The applicant is requesting to continue to use the existing building currently used for internet auctions.

**Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.**

No expansion of the building is requested.

**Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.**

The site has public water and a private septic system. There are restrooms in the shop.

**There are adequate provisions set forth for the protection of fire, environmental and other hazards.**

There are fire extinguishers in the building.

**All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.**

The storage area is located between the building well over twenty-five (25') feet from the edge of pavement.

### **STAFF RECOMMENDATIONS**

The Board approved a Special Use Permit to have internet auctions and outdoor storage in 2014 at this site. The applicant is in the process of purchasing the business and would like to continue to operate the internet auction sales within the existing 6,000 square foot building and to continue to utilize the area between the two (2) buildings to store items that are too large to fit inside the building. The applicant plans to operate the same and is not proposing any expansions. Staff feels this has provided a service to the community for the last five (5) years and would recommend approval with the following conditions:

#### **Pre-Conditions:**

None

### Operating Conditions:

1. The only outside storage permitted will be between the existing buildings as shown on the plan and the only items permitted outside will be vehicles, farm equipment, or items too large to fit inside the 60' x 100' building.
2. No other outside storage is permitted.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. No vehicles or equipment be brought to the site prior to **ten (10) days** before an auction event and all vehicles and equipment be removed within **ten (10) days** of an auction event and the site be returned to an agricultural state.
5. Porta-johns may be used to supplement the onsite restroom facilities but may be brought to the site no sooner than seven (7) days before an event and be removed no later than seven (7) days after an event.
6. Site be kept neat and orderly.
7. No Sunday work.



**PROPERTY OWNER:**  
Benjamin Eli Yoder

**APPLICANT:**  
Kervin Yoder

**LOCATION OF PROPERTY:**  
1210 Cold Springs Road, Stuarts Draft in the Riverheads District

**SIZE OF PROPERTY:**  
10.112 acres

**VICINITY ZONING:**  
General Agriculture surrounds the entire parcel

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

- 02/73 SUP approved to construct storage buildings
- 04/76 SUP approved to construct 30' x 30' building to store lumber
- 10/80 SUP approved to sell wood furnaces and accessory retail and wholesale
- 04/86 SUP approved to add 12' x 16' office and 16' x 16' addition and add display room
- 03/89 Withdrew request for a 48' x 60' addition to the existing buildings
- 12/91 SUP approved to use 24' x 36' existing garage and a 10' x 16' building to store books
- 05/93 SUP approved to add 8' x 27' storage addition bringing total area to 3,994 sf
- 12/95 Zoned General Agriculture
- 08/13 SUP approved to use existing buildings for internet auctions
- 03/15 SUP approved to construct a new 60' x 120' building

**LAND USE MAPS:**  
Rural Conservation Area

**UTILITIES:**  
Private well and septic

**APPLICANT'S JUSTIFICATION:**  
To continue to use the existing buildings for internet auctions and to amend Operating Condition #2 regarding the number of trailers stored onsite

**PLANNING COMMISSION'S COMMENTS:**  
No comments.

**BUILDING INSPECTOR'S COMMENTS:**  
After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

9/25/19 Modified Comments: The Health Department would advise that no parking or driving occur on top of an existing sewage disposal system.

From the Sewage Handling and Disposal Regulations:

12VAC5-610-700. Site Preparation and Alteration.

E. Protection of subsurface soil absorption system.

1. No structures shall be placed over the subsurface soil absorption system. Driveways or parking lots shall not be constructed on the subsurface soil absorption system unless the invert of the lead or header lines or top of the gravel in the absorption trenches is deeper than 30 inches below the ground surface and the driveway or parking lot is paved with portland cement or bituminous concrete to prevent compaction of the trench bottom. Driveways and parking lots shall not be constructed over the distribution box unless adequate structural and access provisions are provided.

Records believed to be for the original shop (3 workers/8 hours a day) are attached and appear to show drainfield location a bit differently than the site plan. Of course there are no "as-installed" measurements to be sure of location. The applicant may need to uncover components to verify actual system location and determine the extent of any encroachment. Any work to modify, relocate, or replace the system would need to be handled by the private sector with a package submitted to the health department for review.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT does not object to continuing the internet auctions or allowing trailers to be stored on-site. The existing entrance to Rt. 608 is adequate.

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

It appears the site is in violation of the 2015 site plan in that additional graveled area has been added behind the building. The site plan needs to be updated and Erosion and Sediment Control/Stormwater calculations need to be submitted if additional impervious area since 1990 is greater than or equal to 10,000 square feet. It also appears the existing drainfield may have been impacted with the additional parking.

## **SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES**

**Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.**

There is an existing storage area for vehicles and trailers located behind the building screened by existing trees.

**The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.**

The applicant does not reside on the property.

**The business and anticipated enlargements thereof will be appropriate for agriculture areas.**

Businesses are more appropriate in Business zoned districts, however, the property has been used for business use since 1973.

**The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.**

The property has access to Cold Springs Road which is State maintained.

**On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.**

The 10.112 acres has safely and adequately accommodated all traffic to and from the public highways.

**Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.**

The applicant will be utilizing the two (2) existing buildings onsite. No new construction is requested.

**Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.**

The applicant is requesting to have a larger storage area for up to sixteen (16) enclosed trailers.

**Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.**

The property has an approved septic system that is limited to a maximum of three (3) employees on an eight (8) hour shift.

**There are adequate provisions set forth for the protection of fire, environmental and other hazards.**

There are fire extinguishers in the buildings.

**All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.**

No items are displayed for sale.

**STAFF RECOMMENDATIONS**

The applicant is purchasing the property and would like to continue to use the existing buildings on the property for internet auctions. The current permit holder has about sixteen (16) trailers on site in violation of the current operating conditions and has expanded the gravel storage area behind the building. The previous Special Use Permit the Board granted in 2015, limited the number of trailers to six (6). The applicant is requesting to change the existing operating condition and be allowed to have sixteen (16) enclosed trailers in the approved storage area behind the buildings. The trailers are licensed vehicles used to pick up items for auctions. There will be no other changes in operation. Staff feels the internet auctions provide a service to the area and would recommend approval with the following conditions:

**Pre-Conditions:**

1. Submit an updated site plan and Erosion and Sediment Control/Stormwater calculations if additional impervious area since 1990 is greater or equal to 10,000 square feet.

**Operating Conditions:**

1. There be no outside storage other than company vehicles except that a maximum of six (6) motorized vehicles/equipment and sixteen (16) trailers may be kept in the trailer parking area behind the buildings as shown on the BZA sketch plan.
2. Be limited to three (3) full-time employees unless the applicant provides written approval from the Health Department and provides documentation to Community Development.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

**PROPERTY OWNER:**

Leonid or Yelena Malevaniy

**APPLICANT:**

Vyacheslav Malevaniy

**LOCATION OF PROPERTY:**

On the east side of Little Run Road (Route 900) south of Snowflake Mill Road (Route 769) Weyers Cave in the Middle River District

**SIZE OF PROPERTY:**

2.729 acres

**VICINITY ZONING:**

Airport Business to the north; General Agriculture to the south, east, and west

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

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Agriculture Conservation Area

**UTILITIES:**

None

**APPLICANT'S JUSTIFICATION:**

To have outdoor storage of tractor trailers

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**

Health Department has no issues.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT understands the request is to initially store one tractor trailer with up to 4 total in the future. Trucks are expected to be out on Monday and back on Friday (not daily trips). With minor brush clearing, a location to permit a low volume commercial entrance is available to serve the use. Little Run Road is a 20' wide gravel roadway (35 mph). The entrance will need to be large enough to accommodate turning movements without damaging the shoulder on either side of the roadway.

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

Estimated 8,800 square feet impervious area. Any future work that increases disturbance or impervious area to 10,000 square feet cumulative may trigger the submission of an Erosion and Sediment Control and/or Stormwater Management Plan.

**SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES**

**Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.**

The applicant is requesting an 80' x 80' graveled area to park his semi-tractor trailer screened by existing trees and vegetation on two (2) sides.

**The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.**

The applicant resides on the adjacent parcel.

**The business and anticipated enlargements thereof will be appropriate for agriculture areas.**

A parking area for up to four (4) semi-tractor trailers should be appropriate for the agriculture area.

**The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.**

The property has access to Little Run Road which is State maintained.

**On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.**

The 2.729 acre parcel should safely and adequately accommodate all traffic to and from the public highway.

**Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.**

No structures are requested. Parking only.

**Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.**

No new construction is requested.

**Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.**

Parking area only. No septic onsite.

**There are adequate provisions set forth for the protection of fire, environmental and other hazards.**

Fire extinguishers in the trucks.

**All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.**

No items will be displayed for sale.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to install an 80' x 80' graveled area on his parent's property to park his semi-tractor trailer. The applicant currently has one (1) truck in operation, but he is requesting to park up to four (4) on this lot in case the business grows. The semi-tractor trailer will be parked there Friday thru Monday. There will not be daily trips to and from the site. The applicant resides on the adjacent property but he would like to build on the property in the future. The parking area will be screened by natural vegetation along the front and east property lines, however, the property to the west has no natural screening. Staff feels a parking area used primarily on the weekends for up to four (4) semi-tractor trailers could be compatible with the agriculture area if the area is properly screened and maintained. Therefore, staff would recommend the following conditions:

#### **Pre-Condition:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.

#### **Operating Conditions:**

1. Be allowed to construct an 80' x 80' graveled parking area to park a maximum of four (4) semi-tractor trailers as shown on the site plan.
2. Natural vegetation remains along the front and eastern property lines and a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center be planted along the western property line for screening.

3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Site be kept neat and orderly.



**PROPERTY OWNER:**

PBR Associates, LLC

**APPLICANT:**

Roger Willets, agent for Superior Concrete

**LOCATION OF PROPERTY:**

100 Johnson Drive, Stuarts Draft in the Riverheads District

**SIZE OF PROPERTY:**

41.178 acres

**VICINITY ZONING:**

General Industrial to the north, south, west, and General Agriculture to the east

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

9/76 – Zoned General Industrial

**LAND USE MAPS:**

Urban Service Area – Industrial

**UTILITIES:**

Public water and public sewer

**APPLICANT'S JUSTIFICATION:**

To have a concrete batching plant

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

Health Department has no issues. If restrooms are needed for the workers the applicant will need to connect to public water and sewer.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The access to the property is via existing commercial entrance on Johnson Drive. Johnson Drive is an industrial access road capable of carrying traffic from the proposed use.

The following comments may apply to the site plan stage of the project:

- The existing curb at the entrance is showing signs of deterioration.

- The existing entrance culvert is buried on the outlet end and has insufficient cover (top of pipe is visible through broken pavement).
- The size of the entrance should be adequate to serve the additional use.

**SERVICE AUTHORITY'S COMMENTS:**

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval. In accordance with ACSA Design and Construction Standards, any extension of public water and sewer mains shall consider future development.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. There is an existing 8" private waterline running through the front portion of the subject parcel. There is an existing 10" public waterline along Johnson Drive. The applicant should anticipate the installation of a new public line through the property to accommodate the proposed use and any other development on the property (in accordance with a proposed development plan for this project and the remaining property) or the installation of new private waterlines to accommodate the proposed use. Any public extension should include provisions for providing service to adjacent undeveloped properties.
5. There is an existing 10" sewer line along Johnson Drive. There is also an existing 8" sewer line that crosses under the railroad approximately 730 feet east of the intersection of the railroad and Johnson Drive. Extending public sewer to the eastern portions of the property may require a new railroad crossing or a private pump station that would pump back to an existing public sewer main. To avoid multiple railroad crossings a new public railroad crossing centrally located to other undeveloped properties will need to be evaluated/considered as part of the proposed use. Any public extension should include provisions for providing service to adjacent undeveloped properties.

**ENGINEERING'S COMMENTS:**

Likely to exceed 10,000 square feet disturbance. This will require a complete site plan with Erosion and Sediment Control Plan and Stormwater Management Plan.

## **SECTION 25-384E – Batching Plants for asphalt, cement or concrete**

**The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and**

The property is surrounded by General Industrial zoned property on three (3) sides that should not be adversely impacted by the request. However, the eastern property line abuts General Agriculture zoned property that could be impacted by noise, dust, and vibration.

**Traffic generated by the proposed project will be compatible with the road serving the site and other traffic utilizing the said roads; and**

Johnson Drive was designed to handle industrial traffic.

**On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and**

The new eight (8) acre parcel should safely and adequately accommodate all traffic to and from the public highways.

**All buildings, structures, and operations will be set back at least one hundred (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.**

The site plan shows all buildings and operations one hundred feet (100') from all property lines. However, the applicants would like a lesser setback from property lines zoned General Industrial

### **STAFF RECOMMENDATIONS**

The applicants are requesting to have a concrete batching plant. The applicants are purchasing approximately eight (8) acres of the forty-one (41) acre parcel zoned General Industrial. The applicants are proposing eight (8) employees at this facility and will operate daily Monday thru Friday. The tallest structure at this facility will be the seventy-six foot (76') silo. The current Zoning Ordinance requires all operations, structures and buildings be a minimum one hundred feet (100') from all property lines unless the Board feels a greater setback is required. The applicants have requested the Ordinance be amended to allow a lesser setback from property lines zoned General Industrial and from railroads. At the direction of the Board of Supervisors, Staff and the Ordinance Committee are currently drafting an amendment to present to the Board of Supervisors, however, if the Board of Supervisors desires to adopt a lesser setback, the one hundred foot (100') requirement will still apply to this request if approved today. Staff would recommend this request be tabled until the Board of Supervisors' decision. However, if the Board desires to approve the request, Staff would recommend the following operating conditions:

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Submit a subdivision plat creating the eight (8) acre parcel.

**Operating Conditions:**

1. All operations, buildings, and structures be setback one hundred feet (100') from all property lines unless the Board of Supervisors amends the ordinance standard to a lesser setback requirement from Industrial zoned property and railroads prior to site plan submittal.
2. All operations will be done Monday – Friday between 6:30 a.m. and 5:00 p.m.
3. No Saturday or Sunday operation
4. Site be kept neat and orderly

**EXTENSION OF TIME REQUEST****PROPERTY OWNER:**

Shen Acres Realty, LLC

**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
- 08/19 SUP approved 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

**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.

The applicants have extended the property closing until October 31<sup>st</sup>. They are requesting a thirty (30) day extension of time in order to complete the pre-conditions and complete the closing. Staff would recommend approval