



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: November 26, 2019

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, December 5, 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 November 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, December 5, 2019, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of November 7, 2019

4. RESOLUTION – Dedicated Service of Thomas H. Byerly

5. PUBLIC HEARINGS

- A. A request by Loren Conner, agent for Five Stars, LLC, for a Special Use Permit to have an apartment within a pre-1980 structure on property owned by Five Stars, LLC, located at 1785 Lee Highway, Fort Defiance in the North River District.
- B. A request by David L. Gardner, for a Special Use Permit to construct a parking lot for overflow parking for the adjacent business on property he owns, located on the west side of Lee Highway (Route 11) south of the intersection of Fadley Road and Lee Highway (Route 11), Weyers Cave in the North River District.
- C. A request by Robert Showalter, agent for Lively Hope Farm, LLC, for a Special Use Permit to operate a produce stand and to sell items not grown onsite on property owned by Lively Hope Farm, LLC, located at 492 Battlefield Road, New Hope in the Middle River District.
- D. A request by Michael D. or Dana W. Lowery, for a Special Use Permit to cover a non-conforming deck on property they own, located at 800 Cold Springs Road, Stuarts Draft in the Riverheads District.
- E. A request by Matthew Layman, for a Special Use Permit to have outdoor storage of excavation equipment and materials on property owned by CJ Properties of Augusta, LLC, located on the east side of Lee Jackson Highway (Route 11), adjacent to 10 Swisher Truck Lane, Staunton in the Riverheads District.
- F. A request by Kent or Amy Shull, for a Special Use Permit to have a short term vacation rental on property they own, located at 1370 Parkersburg Turnpike, Swoope in the Pastures District.
- G. A request by Roger Willets, agent for Superior Concrete, for a Special Use Permit to have a concrete batching plant on property owned by PBR Associates, LLC, located at 100 Johnson Drive, Stuarts Draft in the Riverheads District. -
CONTINUE THE PUBLIC HEARING

6. OLD BUSINESS

7. MATTERS TO BE PRESENTED BY THE PUBLIC

8. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

- A. A request by John C. Leavell, for a Special Use Permit to construct a building for use as a machine shop and to have outdoor storage of equipment on property he owns, located at 321 Sangers Lane, Staunton in the Beverley Manor District.—
SIX MONTH EXTENSION OF TIME REQUEST

9. STAFF REPORT

19-9 David W. or Karen S. Quillen

10. ADJOURNMENT

PROPERTY OWNER:

Five Stars, LLC

APPLICANT:

Same

LOCATION OF PROPERTY:

1785 Lee Highway, Fort Defiance in the North River District

SIZE OF PROPERTY:

0.870 acres

VICINITY ZONING:

Single Family Residential and General Agriculture to the north, Limited Business and General Agriculture to the south, General Agriculture to the east, and Single Family Residential to the west.

PREVIOUS ZONING OR S.U.P.:

- 1984 SUP approved to add gas pumps to the existing convenience store and to sell antiques and crafts
- 05/86 SUP approved for offices
- 12/95 Zoned General Agriculture
- 08/96 SUP approved for outdoor storage of construction equipment
- 01/07 SUP approved for outdoor storage of equipment and materials in conjunction With a landscape business
- 02/18 SUP approved for outdoor storage of u-hauls

LAND USE MAPS:

Urban Service Area – Medium Density Residential

UTILITIES:

Public water and sewer

APPLICANT'S JUSTIFICATION:

To have an apartment within a pre-1980 structure

PLANNING COMMISSION'S COMMENTS:

No Comments

BUILDING INSPECTOR'S COMMENTS:

1. Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.
2. Obtain a Certificate of Occupancy 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 existing entrance behind the store on Dam Town Road is adequate to support an apartment.

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.
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. The structure with the address of 1785 Lee Highway is currently a Service Authority water and sewer customer. However, it is unclear as to whether or not the gas station is included. Due to the change in use and the need to clarify what is connected to public water, a meter sizing form must be submitted to the Service Authority Engineering Department to ensure the meter size is adequate. The meter sizing form is available at www.acsawater.com/standards. If the meter size need to be increased, additional charges would apply in accordance with the Service Authority's published Rate Schedule, which is available at www.acsawater.com.
5. There is an existing 8" waterline along Lee Highway across for the subject property.
6. There is an existing 10" sewer line along Lee Highway fronting the subject property.

ENGINEERING'S COMMENTS:

Existing impervious. No Stormwater Management impact.

SECTION 25-74K APARTMENTS IN A PRE-1980 STRUCTURE

Apartments may be established within a structure that was constructed prior to January 1, 1980, provided the board of zoning appeals finds that the structure has historical or architectural significance or is otherwise appropriate for preservation in the manner proposed.

Real Estate records show the structure was built in 1941.

Off-street parking will be in compliance with ARTICLE III of this chapter.

There is adequate parking to the rear of the building for the apartment.

For purposes of expansion or enlargement, the pre-1980 structure shall be treated as a non-conforming building and shall be subject to the provisions of Section 25-663D of this chapter. The floor area of such expansion or enlargement shall not exceed twenty percent (20%) of the original floor area or the area required by law whichever is greater.

All renovations were done to the interior of the building and expansions are requested.

STAFF RECOMMENDATIONS

The applicant is requesting to have one (1) apartment within the existing building attached to the convenience store in order for the store manager to reside on premise. The property has consistently been used for business uses for over fifty (50) years. The applicant states the previous owner converted a portion of the building into a two (2) bedroom apartment, and they were not aware that the apartment was in violation when the property was purchased in 2003. The applicant is requesting the Special Use Permit in order to bring the property into compliance. Staff feels that an apartment for a store manager could be compatible with the surrounding rural area and would recommend the following operating conditions:

Pre-Conditions:

1. Applicant obtain all necessary building permits and certificate of occupancy and provide a copy to Community Development within **ninety (90) days**.
2. Applicant submit a meter sizing form and obtain Service Authority approval and provide a copy to Community Development within **ninety (90) days**.

Operating Conditions:

1. Be permitted to have one (1) apartment within the pre-1980 structure.
2. Be permitted to use the existing entrance off of Dam Town Road for the apartment.



Date

12/5/19

PROPERTY OWNER:

David L. Gardner

APPLICANT:

Same

LOCATION OF PROPERTY:

On the west side of Lee Highway (Route 11) south of the intersection of Fadley Road and Lee Highway (Route 11), Weyers Cave in the North River District

SIZE OF PROPERTY:

199.658 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Urban Service Area – Business

UTILITIES:

Public water and sewer

APPLICANT'S JUSTIFICATION:

To construct a parking lot for overflow parking for the adjacent business

PLANNING COMMISSION'S COMMENTS:

No Comments

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no issues.

HIGHWAY DEPARTMENT'S COMMENTS:

There is a significant amount of parking already available. We have analyzed the need for a right turn lane at the existing commercial entrance in the past and it was just shy of meeting warrants. The need for additional parking raises the question of the volume of traffic using the site and would likely need to revisit the turn lane needs. VDOT has no objection to the issuance of the SUP but may have comment at time of site plan to address adequacy of the entrance.

SERVICE AUTHORITY'S COMMENTS:

1. There are existing water and sewer lines along Lee Highway across from the subject property.
2. The request doesn't appear to have any effect on Service Authority facilities.

ENGINEERING'S COMMENTS:

Update existing Erosion and Sediment Control and 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 not requesting outside storage.

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 property.

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

Businesses are more appropriate in Business zoned areas. A parking lot for overflow parking for the adjacent farmers market should be appropriate for the agricultural 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 Lee Highway (Route 11).

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

The applicant will be using the existing entrance off of Lee Highway that has safely and adequately accommodated 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 new structures are 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 request is for additional parking for the adjacent business when needed.

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 adjacent business is connected to water and sewer.

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

Parking area only on this site. Adjacent structures have smoke detectors.

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.

Nothing will be displayed for sale on this lot.

STAFF RECOMMENDATIONS

The applicant is requesting to gravel an area approximately 190' x 215' to provide overflow parking for the adjacent farmers market. The parking will primarily be utilized during special events previously approved by Special Use Permit. The applicant owns both parcels and they will be using the existing entrance off of Route 11 for access to the new graveled lot. Staff feels that the additional parking area would not be out of character and recommends approval with the following conditions:

Pre-Condition:

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, including an updated Erosion and Sediment Control and Stormwater Management Plan.

Operating Conditions:

1. Be permitted to construct a 190' x 215' graveled area for overflow parking.
2. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.



AGENDA ITEM # 5C

Date 12/5/19

PROPERTY OWNER:
Lively Hope Farm, LLC

APPLICANT:
Robert Showalter, agent for Lively Hope Farm, LLC

LOCATION OF PROPERTY:
492 Battlefield Road, New Hope in the Middle River District

SIZE OF PROPERTY:
149.808 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

LAND USE MAPS:
Agriculture Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To operate a produce stand and to sell items not grown onsite

PLANNING COMMISSION'S COMMENTS:
No Comments

BUILDING INSPECTOR'S COMMENTS:
Provide approved handicapped parking and parking signage in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
The applicant stated his kids, whom live at the home on the property, will be running the produce stand and no public restrooms will be provided. The Health Department has no issues with the proposal. Should public restrooms be required I would ask the applicant to reach out to the Health Department to discuss.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance on Rt. 608 is adequate as a low volume commercial entrance capable of serving a cumulative 50 vehicle trips per day (enter + exit). {note that the packet shows the stand on the field entrance off Swisher Road, but VDOT understands that the stand will be off the farm entrance on Battlefield Road} If the business plus existing uses exceed that volume, the entrance will need to be re-paved to meet

moderate volume commercial entrance standards. The existing culvert appears clogged; it is the Owner's responsibility to maintain the drainage at a commercial entrance (upgrades may be required).

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.
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. 492 Battlefield Road is currently a Service Authority sewer only customer.
5. There is an existing 8" sewer line along Battlefield Road across from the subject property.
6. There is no public water available in the area of the subject property.
7. If the proposed produce stand will not have any need for public sewer, the Service Authority has no comments regarding the request.

ENGINEERING'S COMMENTS:

Do not expect disturbance to exceed 10,000 square feet. If over 10,000 square feet, then an Erosion and Sediment Control and Stormwater Management Plan will be required.

SECTION 25-74B – AGRICULTURE SUPPORT BUSINESSES

The business is reasonably related to agriculture or forestry use. Examples of such businesses are those which involve (a) the processing of agriculture or forestry products, (b) the supply and maintenance of equipment, tools, and facilities used in agriculture and forestry production, (c) the care and feeding of animals generally, or (d) the marketing of agriculture and forestry products.

The applicant is requesting to operate a produce stand and to sell items not grown onsite. They would sell seasonal items of produce, vegetables, fruit, mums, and pumpkins. This property is currently farmed by the applicant.

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

The property has road frontage on Battlefield Road (Route 608) and the stand will be located next to the existing driveway fifty (50') feet from the road.

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

The applicant is proposing five (5) parking spaces in front of the proposed buildings, with access from the existing driveway off of Route 608.

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

Businesses are more appropriate in business zoned areas, however, the operation of a produce stand and sales of seasonal plants and flowers should be appropriate for the agriculture area.

Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties.

The produce stand and parking area are proposed to be setback from Battlefield Road (Route 608) fifty (50') feet, situated next to the existing private driveway.

The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create a business center or otherwise change the area's character and social structure.

The permitting of a produce stand should not result in a clustering of businesses.

STAFF RECOMMENDATIONS

The applicant is proposing to operate a farm stand on property he owns and currently farms. Additionally, he would like to sell items not grown onsite. The applicant will be displaying all items in a gazebo and selling in a 12' x 20' storage building. They are proposing to operate six (6) days a week and be closed on Sundays.

Staff feels that the operation of a produce stand and sales of products not grown onsite would not have a negative impact on neighboring properties and will provide a benefit to the area. Staff recommends approval with the following conditions:

Pre-Condition:

1. Obtain letter of approval from Building Inspection and submit a copy to Community Development.
2. Obtain VDOT approval and submit a copy to Community Development.

Operating Conditions:

1. Be allowed to sell products not grown or made onsite.
2. Be allowed to display products in a 10' x 12' gazebo and a 12' x 20' building.
3. Hours of operation be 8:00 a.m. to 6:00 p.m. Monday – Saturday.
4. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.



AGENDA ITEM # 5D

Date 12/5/19

PROPERTY OWNER:

Michael D. or Dana W. Lowery

APPLICANT:

Same

LOCATION OF PROPERTY:

800 Cold Springs Road, Stuarts Draft in the Riverheads District

SIZE OF PROPERTY:

0.679 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Community Development Area – Low Density Residential

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To cover a non-conforming deck

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:

The Health Department has no issues.

HIGHWAY DEPARTMENT'S COMMENTS:

The request would not have a negative impact on the roadway or existing driveway configuration.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

No significant Stormwater Management impact.

STAFF RECOMMENDATIONS

The applicants are requesting to reconstruct and cover the existing 10' x 20' non-conforming deck not meeting the current front setback requirement. A survey provided by the applicant shows the existing deck approximately 39'.2" from the right-of-way line. The current ordinance requires a fifty (50') foot setback from the right-of-way line. The new deck will be no closer to the road than the existing uncovered deck.

Staff feels the request would not be out of character or have an adverse impact on other homes in the area and would recommend approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to reconstruct and cover the existing 10' x 20' deck no closer to the road than the existing deck as shown on the survey dated 9/27/91.
2. Applicant obtain all necessary permits and provide a copy to Community Development.
3. Applicant submit a foundation survey and provide a copy to Community Development.



PROPERTY OWNER:

CJ Properties of Augusta, LLC

APPLICANT:

Matthew Layman

LOCATION OF PROPERTY:

On the east side of Lee Jackson Highway (Route 11), adjacent to 10 Swisher Truck Lane, Staunton in the Riverheads District

SIZE OF PROPERTY:

3.549 acres

VICINITY ZONING:

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

PREVIOUS ZONING OR S.U.P.:

LAND USE MAPS:

Community Development Area – Low Density Residential

UTILITIES:

Public water and private septic

APPLICANT'S JUSTIFICATION:

To have outdoor storage of excavation equipment and materials

PLANNING COMMISSION'S COMMENTS:

No Comments

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no issues with the proposal of outdoor storage of equipment and materials. The site plan shows a proposed shop and a drainfield area. The Health Department does not have record of a drainfield permit being issued. If the proposed building will have plumbing fixtures, ie. sinks and or toilets, then a sewage disposal permit will need to be applied for and issued by the Health Department prior to installing.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT has no objection to the outdoor storage. The details of the entrance will be reviewed during site plan process.

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.
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. 16 Swisher Truck Lane is a currently a Service Authority water only customer.
5. There is an existing 12" waterline along Lee Jackson Highway across from the subject parcel.
6. There is no public sewer available in the area of the subject property.
7. The proposed storage area doesn't appear to have any effect on Service Authority facilities.

ENGINEERING'S COMMENTS:

Requires an Erosion and Sediment Control and Stormwater Management Plan.

SECTION 25-304B - GENERAL OUTDOOR STORAGE

A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter.

The applicant is purchasing 3.549 acres and will be submitting a site plan for a new office for his excavating business and an outdoor storage area for equipment.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic.

The 3.549 acre parcel should safely and adequately accommodate all traffic to and from the public highways.

Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage.

The proposed storage area shown on the site plan will not interfere with parking or aisleways.

Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage.

The applicant is proposing an area 175' X 210' for the outdoor storage of heavy equipment and materials in conjunction with his excavating business.

Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties.

The proposed buildings are within the required setbacks and the proposed storage area will be screened.

Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisleways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area.

The applicant would like to utilize the existing trees and vegetation to screen the proposed storage area.

There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter.

The only lighting on the property will be on the building.

Items to be stored outside may not be items normally and customarily kept inside.

Heavy equipment such as a backhoe, skid steer, a dozer, and piping are all normally and customarily kept outside.

STAFF RECOMMENDATIONS

The applicant is purchasing 3.549 acres from the existing 18.402 acre parcel zoned General Business and plans to construct a new office and have outdoor storage of heavy equipment in conjunction with his excavating business. The applicant states the equipment will primarily be on the job site, but there will be times when it will be brought to the site. The applicant is proposing an area approximately 175' X 210'. Natural vegetation and trees surrounds the majority of the storage area. The applicant feels the existing trees and vegetation would provide adequate screening due to the limited amount of equipment that will be on site and would not have a negative impact on the neighboring properties. If the Board feels the natural vegetation provides adequate screening and the request would be compatible with the surrounding area and desires to approve the outdoor storage, 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.

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept in the designated areas shown on the site plan.
2. All natural vegetation shall remain and be maintained.
3. Any open areas along Lee Highway (Route 11) be planted with six (6') foot high evergreen trees in order to screen the storage area.
4. A double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center be planted or an eight (8') foot high opaque privacy fence be installed along the northern boundary of the storage area. All trees must be maintained at all times.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.



PROPERTY OWNER:
Kent or Amy Shull

APPLICANT:
Same

LOCATION OF PROPERTY:
1370 Parkersburg Turnpike, Swoope in the Pastures District

SIZE OF PROPERTY:
16.666 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

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 conditions.

HEALTH DEPARTMENT'S COMMENTS:
The Health Department has no issues as long as the whole home is rented to 1 party or no more than 1 room is rented. The Health Department has a 3 bedroom septic permit on file which allows for no more than 6 people maximum to occupy the home.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance does not meet intersection or stopping sight distance for the posted speed of 55 mph. The home could be rented as a long term rental and be considered a private entrance. However, the transient nature of a short-term rental requires that the entrance meet low volume commercial entrance requirements, one of which is to at least meet stopping sight distance.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

No Stormwater Management impact. OK.

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 property contains 16.666 acres. The house is not visible from the road.

The owner of record or a facility operator personally resides in the principal dwelling or accessory dwelling unit.

The owner of record resides in the principal dwelling.

The owner of record shall provide to the Zoning Administrator proof of the current lease agreement between the owner and facility operator as a pre-condition of the permit. The owner shall submit subsequent lease agreements, within 10 days of signature, when the lessee changes.

No lease agreement required.

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 a private septic system.

All parking shall be accommodated on-site.

All parking is onsite.

STAFF RECOMMENDATIONS

The applicants are requesting to operate a short term vacation rental and plan on leasing the entire home. The dwelling contains three (3) bedrooms and no meals will be provided. Staff feels that a short term vacation rental would provide a service to the area and would recommend approval with the following conditions:

Pre-Conditions:

1. Obtain VDOT approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to use the entire dwelling for short term vacation rentals.
2. Be limited to a maximum of six (6) persons occupying the dwelling.
3. The applicant must reside on premise unless the owner submits a lease agreement with a facility operator within ten (10) days of signature.
4. Site be kept neat and orderly.



CONTINUE THE PUBLIC HEARING

PROPERTY OWNER:

PBR Associates, LLC

APPLICANT:

Roger Willetts, 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.

DEQ'S COMMENTS:

See attached

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

STAFF COMMENTS NOVEMBER 2019

The Board continued the public hearing at their October 3, 2019, meeting to give the applicant time to submit more detailed information pertaining to dust. The applicant has been working with Hershey to answer some of their concerns, and they have submitted documents to both the Board and Hershey, which are included in the packets.

STAFF COMMENTS DECEMBER 2019

The Board continued the public hearing at the November 7, 2019 meeting to give Hershey time to review the documentation submitted to them regarding the dust at the facility. On November 25, 2019, Hershey submitted a letter stating they are still opposed to the request, and an environmental impact study performed by GHD Services, which states the concrete batching plant would emit pollutant particulates into the air that would affect the integrity of food products at the Hershey facility. Modeling has also shown there will be unacceptable increases of harmful pollutants. The letter also points out that the Augusta County Comprehensive Plan seeks to ensure that new industrial businesses are compatible with those already in existence and the Augusta County Zoning Ordinance states a use requiring a Special Use Permit cannot have an adverse impact on the surrounding neighborhood.

On November 27, 2019, Staff received an eight (8) page letter from the applicant detailing why Superior Concrete will meet all environmental regulations.

In conclusion, Staff has now received conflicting reports from the applicant and the adjacent industry, and therefore cannot make a recommendation on the request.

EXTENSION OF TIME REQUEST

PROPERTY OWNER:

John C. Leavell

APPLICANT:

Same

LOCATION OF PROPERTY:

321 Sangers Lane, Staunton in the Beverley Manor District

SIZE OF PROPERTY:

2.920 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

11/07 SUP to construct a building for a machine shop

06/18 SUP approved to construct a building for use as a machine shop and to have outdoor storage of equipment

LAND USE MAPS:

Community Development Area – Low Density Residential

UTILITIES:

Private

APPLICANT'S JUSTIFICATION:

To construct a building for use as a machine shop and to have outdoor storage of equipment

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

The applicant has been working with Jim Brenneman and he will be submitting the required drainage calculations by the end of the month. The applicant is asking for another six (6) month extension to allow for any delays. Staff recommends approval.