

PRESENT: Justine D. Tilghman, Chairwoman  
George A. Coyner, II, Vice Chairman  
Thomas W. Bailey  
Daisy A. Brown  
Steven F. Shreckhise  
Sandra K. Bunch, Zoning Administrator and Secretary  
James R. Benkahla, County Attorney  
John R. Wilkinson, Community Development Director  
Beatrice B. Cardelicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 5, 2019 at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at 9:00 a.m. in the Board of Supervisors Conference Room where the Board reviewed the staff report for each request on the agenda. Copies of the staff reports can be found in the Community Development Department.

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**VIEWINGS**

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **LOREN CONNER, AGENT FOR FIVE STARS, LLC - SPECIAL USE PERMIT**
- **ROBERT SHOWALTER, AGENT FOR LIVELY HOPE FARM, LLC - SPECIAL USE PERMIT**
- **KENT OR AMY SHULL - SPECIAL USE PERMIT**
- **MATTHEW LAYMAN - SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Chairwoman

  
Secretary

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 Sandra K. Bunch, Zoning Administrator and Secretary  
 James R. Benkahla, County Attorney  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 5, 2019, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Vice Chairman Coyner moved that the minutes from the November 7, 2019, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**RESOLUTION - THOMAS H. BYERLY**

Ms. Bunch read the following resolution:

WHEREAS, the County of Augusta, in consideration of the long and dedicated service of Thomas H. Byerly; and

WHEREAS, Mr. Byerly demonstrated exemplary qualifications and capabilities in the performance of his duties; and

WHEREAS, Mr. Byerly served on the Board of Zoning Appeals for nine years; and

WHEREAS, Mr. Byerly served as Chairman two years and as Vice Chairman to that same body for two years; and

WHEREAS, Mr. Byerly served on the Planning Commission; and

WHEREAS, the County of Augusta, in its authority as a governing body is desirous of expressing their appreciation for Mr. Byerly's loyal service.

NOW, BE IT THEREFORE RESOLVED, that Thomas H. Byerly is commended for his past service, which he so aptly fulfilled with logic, diligence, and dedication. Mr. Byerly distinguished himself with his fellow Board Members, the staff and the citizens of Augusta County. He was known for his fairness and equality of his decisions; and

BE IT FURTHER RESOLVED, that this resolution be adopted by the Board of Zoning Appeals and recorded in its minutes.

Vice Chairman Coyner stated he certainly enjoyed Mr. Byerly's business expertise and it was a pleasure to serve with him. He moved to approve that the resolution be adopted in the Board's minutes.

Ms. Brown stated he was a wealth of knowledge and a joy to be around.

Chairwoman Tilghman stated she served on the Board of Zoning Appeals and Planning Commission together with Mr. Byerly. She said they did not always agree but they always listened and respected each other and when she had a question she would call him.

Mr. Shreckhise stated he was not only a member of the Board but a friend.

Ms. Brown seconded the motion, which carried unanimously.

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**LOREN CONNER, AGENT FOR FIVE STARS, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Ms. Loren Conner stated she and her sister-in-law both live in the apartment and run the store.

Chairwoman Tilghman asked how long have you lived there?

Ms. Conner stated ten (10) months.

Vice Chairman Coyner asked when was it converted to apartments?

Ms. Conner stated when she got there it was already setup as apartments.

Vice Chairman Coyner stated nothing will be changing from what is happening today.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated there is no change to the current operation and this will not affect anyone. He moved to approve the request with the following 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.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**DAVID L. GARDNER - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. David Gardner stated he would like to have an expansion for overflow parking on the gravel lot.

Chairwoman Tilghman said VDOT will look at the entrance at site plan stage.

Vice Chairman Coyner asked how many cars will be on this site?

Mr. Gardner stated eighty (80) vehicles.

Vice Chairman Coyner stated the business appears to be going well.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Mr. Shreckhise stated this is an asset to the community. He said this expansion will not affect anyone adversely. He moved to approve the request 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.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**ROBERT SHOWALTER, AGENT FOR LIVELY HOPE FARM, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Robert Showalter stated they live on the farm and would like to operate a produce stand. He said he raises what he can but would also like to buy produce not grown onsite.

Chairwoman Tilghman asked if this would be seasonal?

Mr. Showalter stated yes. He will be open in the summer and fall.

Chairwoman Tilghman asked if they will also sell jam and jellies or purely just fresh produce?

Mr. Showalter stated they may sell pumpkins and wreaths. He said he does not plan on selling jams or jellies.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Betty Gruber, 572 Battlefield Road, Crimora, asked if this site is on Route 608 or Route 616?

Ms. Bunch stated Route 608.

Vice Chairman Coyner stated this is by the lane going into the dairy.

Ms. Gruber stated she would like the property to stay clean as opposed to getting junky. She said she had concerns of this being on Route 616. She said that she is not opposed to this but they should try and make sure the site stays tidy so that it does not affect property values.

Ms. Bunch stated the applicant is proposing a gazebo and a small storage building to keep everything in. She said they will display products in the gazebo. She said they have to keep structures at least fifty (50') feet off of Route 608. She noted customers will pull in the driveway and park on the property.

Chairwoman Tilghman asked if there was anyone else wishing to speak regarding the request?

There being no one else wishing to speak regarding the request, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated the Board visited the site today and it is neat and orderly. He said this is the best kept dairy farm he has seen. He moved to approve the request 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.

Ms. Brown seconded the motion, which carried unanimously.

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**MICHAEL D. OR DANA W. LOWERY - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Michael Lowery stated they would like to construct a roof on the existing deck.

Vice Chairman Coyner asked if it would be closer to the road?

Mr. Lowery stated no closer to the road but it will have a roof over it.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Ms. Brown stated the footprint of the structure will not change. She said they are just adding a roof. She moved to approve the request 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.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**MATTHEW LAYMAN - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Matthew Layman stated he would like to park equipment and construct a shop at the northern end of the property.

Chairwoman Tilghman asked if the equipment would be further down the yard?

Mr. Layman stated it would be on the lower end and screened.

Chairwoman Tilghman asked what amount of equipment would be onsite?

Mr. Layman stated right now he has four (4) pieces of equipment. He has backhoes, skid steers, a dozer, and other various excavating equipment and dump trucks.

Ms. Bunch stated the dump trucks would not need to be screened.

Chairwoman Tilghman asked if the public will be coming to the site?

Mr. Layman stated they can but mostly private use. He said only employees will come to the site. He will have an office inside the building with four (4) bays.

Mr. Shreckhise asked how much land will have gravel on it?

Mr. Layman stated two (2) acres.

Mr. Bailey asked if the equipment will be at the site year round?

Mr. Layman stated majority of the time it is on various work sites throughout the County unless it is broken. He plans on fencing and having a ten (10') foot buffer on the northern end of the lot. He stated he can plant trees along Route 11.

Chairwoman Tilghman stated screening will definitely be needed on the northern side.

Ms. Bunch stated there is a ten (10') foot buffer required along the property line not zoned General Business and any outdoor storage needs to be screened from public view.

Mr. Bailey asked if they have received their VDOT entrance yet?

Mr. Layman stated he did speak with them and he is looking into it. He said plans are for the entrance to be directly across from the driveway across the street.

Chairwoman Tilghman stated traffic will be very limited.

Mr. Layman stated there will be limited interaction with the public. He said this is a small operation.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Chapman Williams stated he is the owner of the property. He said Mr. Layman will be a good fit for this property.

Chairwoman Tilghman asked if there was anyone else wishing to speak regarding the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Vice Chairman Coyner stated it is great to see that entrepreneur spirit still exists. He moved to approve the request 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.

**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.

Ms. Brown seconded the motion, which carried unanimously.

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**KENT OR AMY SHULL - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Kent Shull stated they would like to have short term rentals a couple times a year. He would like to rent out the site when he travels in the summer.

Ms. Brown asked who would look after the house when you are not there?

Mr. Shull stated his mom lives next door and his brother lives in town.

Ms. Brown asked if he plans on advertising?

Mr. Shull stated he would rent to people he knows, mainly friends, but they may use Airbnb.

Vice Chairman Coyner asked what is the age of the house?

Mr. Shull stated 1980.

Chairwoman Tilghman asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairwoman Tilghman declared the public hearing closed.

Ms. Brown stated the Board visited the site today. She said it is neat and at a beautiful location that is isolated. She moved to approve the request with the following conditions:

**Pre-Condition:**

- 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.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**ROGER WILLETS, AGENT FOR SUPERIOR CONCRETE - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Roger Willets stated they have put a hard, good faith effort to deal with Hershey's concerns. He said they have not been able to resolve the concerns to their satisfaction.

He stated he feels it is appropriate for them to withdraw this application under these circumstances.

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

**JOHN C. LEAVELL - EXTENSION OF TIME REQUEST**

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.

Vice Chairman Coyner moved to approve the six (6) month Extension of Time.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**STAFF REPORT**

19-9 David W. or Karen S. Quillen

Ms. Bunch stated SUP#19-9 is in compliance.

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Mr. Benkahla presented the court cases to the Board.

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There being no further business to come before the Board, the meeting was adjourned.

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Chairwoman

  
Secretary

