



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: January 30, 2020

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, February 6, 2020, 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 January 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, February 6, 2020, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of January 2, 2020

4. RESOLUTION – Dedicated Service of Steven F. Shreckhise

5. PUBLIC HEARINGS

A. A request by Julie Rice and Victoria Godfrey, for a Special Use Permit to prepare foods for retail sales offsite within the existing commercial kitchen on property owned by William F. or Judie S. Croft, located at 331 Glebe School Road, Swoope in the Pastures District.

B. A request by Ronnie or Sandra Morris, for a Special Use Permit to construct an accessory building exceeding the 900 square foot total aggregate allowed on property they own, located at 412 Little Run Road, Weyers Cave in the Middle River District.

C. A request by Marvin Ingram, for a Special Use Permit to have a dog kennel on property owned by Robert L. VanBuren, Sr., located at 384 Paine Run Road, Grottoes in the Middle River District.

6. OLD BUSINESS

A. A request by Dale W. Hill, agent for Apex Towers, LLC, for a Special Use Permit to construct a 199' wireless telecommunication tower on property owned by James Lee Kindig and Lucy K. Coyner, located at 3546 Stuarts Draft Highway, Waynesboro in the Beverley Manor District. – **TABLED AT THE JANUARY 2, 2020 MEETING**

7. MATTERS TO BE PRESENTED BY THE PUBLIC

8. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

A. A request by Stacy Johnson, agent for 1 Tribe, LLC, for a Special Use Permit to provide overnight accommodations and farm related workshops and therapy on property owned by Kimball E. Stowers, Trustee, located at 1082 Todd Road, Mt. Sidney in the North River District. – **TWO MONTH EXTENSION OF TIME REQUEST**

9. STAFF REPORT

19-18	Harry A. or Susan D. Baldwin – Cancelled
19-19	Bogdan V. or Alvina V. Sakhnyuk
19-20	Chester A. Riley or Pamela H. Taylor
19-21	Stonewall Jackson Area Council of Boy Scouts of America
19-22	Bernard Lee, III and Melissa A. Christian
19-23	Spottswood Farms, LLC – Tabled (approved in July)
19-24	Steven W. or Kimberly Harris

10. ADJOURNMENT



RESOLUTION

WHEREAS, the County of Augusta in consideration of the long and dedicated service of Steven F. Shreckhise; and

WHEREAS, Mr. Shreckhise diligently and faithfully served the citizens of Augusta County for twenty-one years in the capacity of a public servant; and

WHEREAS, Mr. Shreckhise was appointed to the Augusta County Board of Zoning Appeals in August 1998 and completed his service in December 2019; and

WHEREAS, the Augusta County Board of Zoning Appeals is desirous of expressing their appreciation and thanks to Mr. Shreckhise for his dedicated service.

NOW, THEREFORE BE IT RESOLVED that the Augusta County Board of Zoning Appeals does hereby publicly thank Mr. Shreckhise for his service which he has so aptly fulfilled with diligence and concern for the citizens of Augusta County.

BE IT FURTHER RESOLVED, that this resolution be adopted by the Board of Zoning Appeals, recorded in its minutes, and a copy forwarded to Mr. Shreckhise.

DATE

Chair, Augusta County Board of Zoning Appeals

PROPERTY OWNER:
William F. or Judie S. Croft

Agenda Item # 5A
Date 2/6/2020

APPLICANT:
Julie Rice and Victoria Godfrey

LOCATION OF PROPERTY:
331 Glebe School Road, Swoope in the Pastures District

SIZE OF PROPERTY:
6.136 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
06/11 SUP to have a bed and breakfast and to construct an addition to the dwelling and to have special events

LAND USE MAPS:
Agriculture Conservation Area

UTILITIES:
Private well and private septic

APPLICANT'S JUSTIFICATION:
To prepare foods for retail sales offsite within the existing commercial kitchen

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
Applicant/Owner will need to speak to a PE to determine if the existing septic system is sized to accommodate this proposal.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing moderate volume commercial entrance meets current commercial entrance requirements. 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 addition of impervious area. Ok.

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.

No outside storage is requested.

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 applicants do not reside on the premises. There is an existing bed and breakfast onsite.

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

The bed and breakfast has an existing commercial kitchen. Preparing food for offsite sales should be appropriate.

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 frontage on Glebe School Road which is a State maintained road.

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

There is an existing entrance and the six (6) acre site adequately and safely accommodates 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 applicants will be using the existing commercial kitchen.

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 expansions are 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.

There is an existing sewage disposal system onsite and the Health Department has advised the applicants to contact an engineer to determine if the system is sized to accommodate the request.

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

There are smoke detectors and fire extinguishers onsite.

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 applicants are requesting to utilize the commercial kitchen within the existing bed and breakfast on the property. The applicants will be preparing foods such as soups, pate, pimento cheese, and herb cheese spreads. All food will be sold offsite and the kitchen will only be used when the Inn is not occupied. Staff feels the request would be compatible with the agricultural area and recommends approval with the following conditions:

Pre-Condition:

1. Submit documentation from a licensed professional engineer stating the existing septic system is sized to accommodate the request.

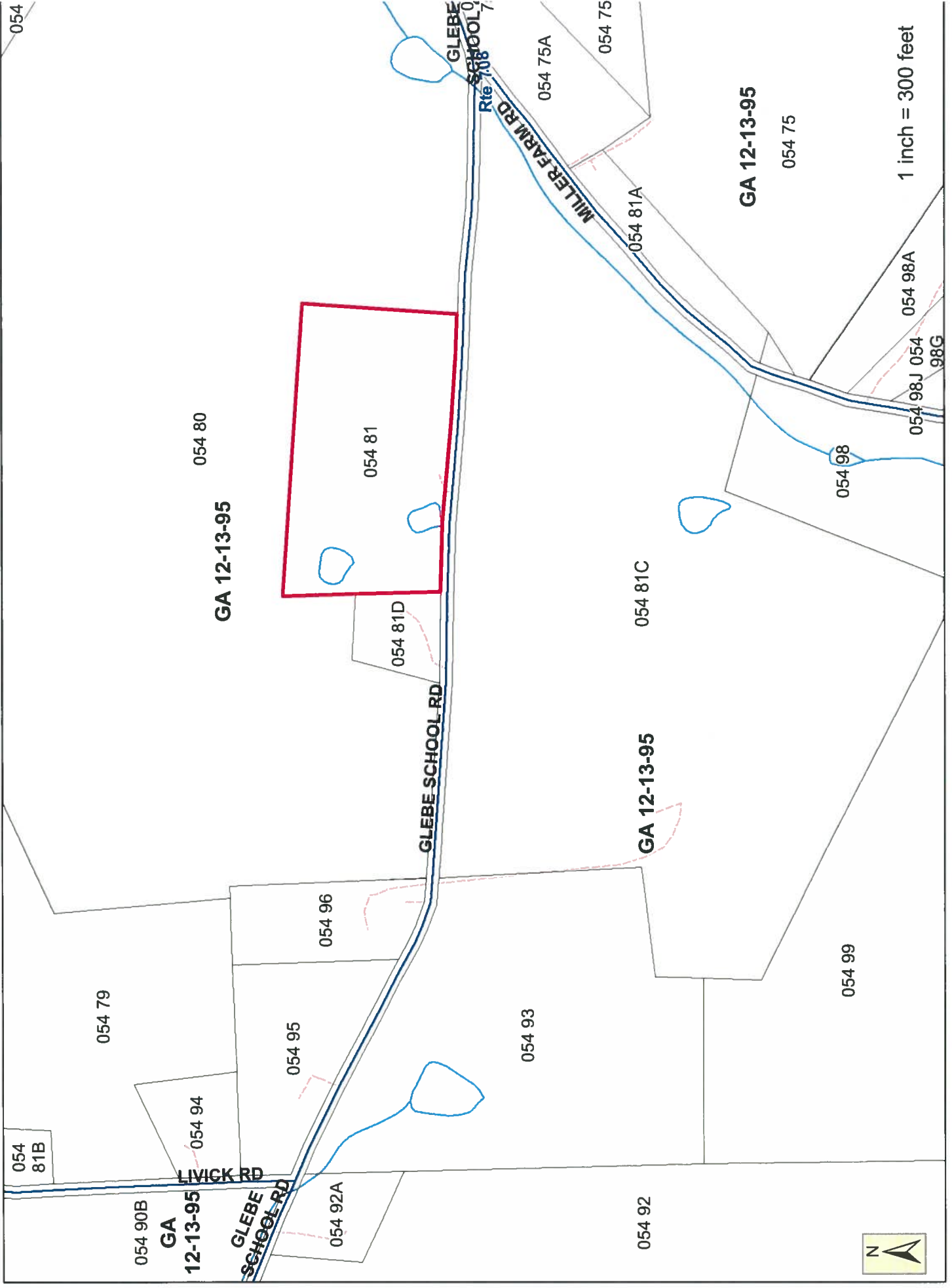
Operating Conditions:

1. Be permitted to utilize the commercial kitchen within the existing bed and breakfast when the Inn is not occupied.
2. No onsite retail food sales.
3. No employees.



Craft

Croft



054

054 81B

054 79

054 90B

GA 12-13-95

LIVICK RD

054 94

GA 12-13-95

054 80

054 95

054 96

054 81

054 81D

GLEBE SCHOOL RD

054 93

054 92

GA 12-13-95

054 81C

054 75A

054 75

054 81A

GA 12-13-95

054 75

054 99

054 98

1 inch = 300 feet

054 98A

054 98J 054 98G



Croft



054

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81B

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054 80

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054 96

054 81

054 81D

Rte 708

GLEBE SCHOOL RD

GLEBE SCHOOL RD

054 75A

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054 75C

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054 98J

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054 98B

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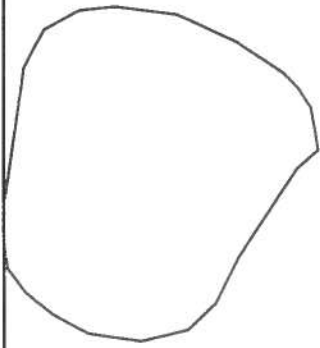
1 inch = 300 feet



Croft

331 Glebe School Rd

Swoope VA 22479



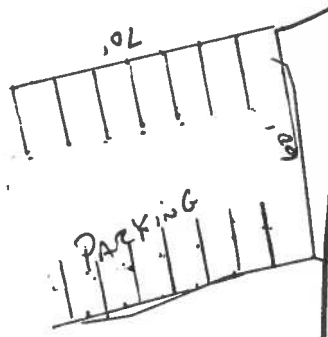
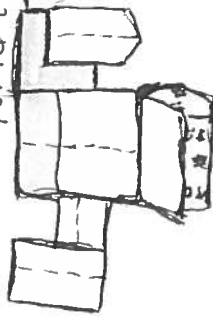
2411
Acres

54 81

54



48x16 deck



GLEBE SCHOOL RD

54 81

1 inch = 50 feet



54 81 D

PROPERTY OWNER:
Ronnie or Sandra Morris

Agenda Item # 5B
Date 2/6/2020

APPLICANT:
Same

LOCATION OF PROPERTY:
412 Little Run Road, Weyers Cave in the Middle River District

SIZE OF PROPERTY:
0.771 acres

VICINITY ZONING:
General Agriculture to the north, south, east, and Airport Business to the west

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

LAND USE MAPS:
Agriculture Conservation Area

UTILITIES:
Private well and private septic

APPLICANT'S JUSTIFICATION:
To construct an accessory building exceeding the 900 square foot total aggregate allowed

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 with the proposed building. Owner is advised to keep the new building 10'+ from any existing drainfield.

HIGHWAY DEPARTMENT'S COMMENTS:
The additional building will be used for personal use only. The existing PE-1 entrance is adequate for 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:

Not a significant Stormwater Management concern.

STAFF RECOMMENDATIONS

The applicant is requesting to place a 14' X 24' (336 sq. ft.) accessory building for personal storage on the property. Because the property contains **less than one acre, .771 acre,** the ordinance change **effective on March 1, 2010, limits the total aggregate size** of accessory buildings to be **no more than 900 square feet.** If the property is over one (1) acre, there are no limits on the buildings. Prior to March 1, 2010, there was **no limit** on the size or number of accessory buildings in General Agriculture Districts.

There are numerous existing accessory buildings on the property that total approximately one thousand two hundred thirty-six (1,236) square feet, which already exceeds the total aggregate allowed on the property. The placement of the new building will bring the total aggregate to one thousand five hundred seventy-two (1,572) square feet. The applicant states some of the existing buildings are in disrepair and will be removed once the new building is on site.

In 2014, the Board of Supervisors amended the Ordinance to establish an option to apply for a Special Use Permit to have larger accessory buildings if it was determined the larger buildings would not be out of character with the neighborhood and not disproportionately larger than other structures in the area.

The property is surrounded by farm land and the airport which contain large structures. If the Board feels the request would be compatible and not be disproportionately larger than other structures in the area and desires to approve the request, staff would recommend the following conditions:

Pre-Condition:

1. Applicant obtain a Building Permit.

Operating Conditions:

1. Be permitted to place a three hundred thirty-six (336) square foot prefab accessory building on the property.
2. No further expansions.
3. Site be kept neat and orderly.



Morris

Morris

028 58

GA 12-13-95

028 79A

028 78A

AB 5-23-78

028 40

028 42A

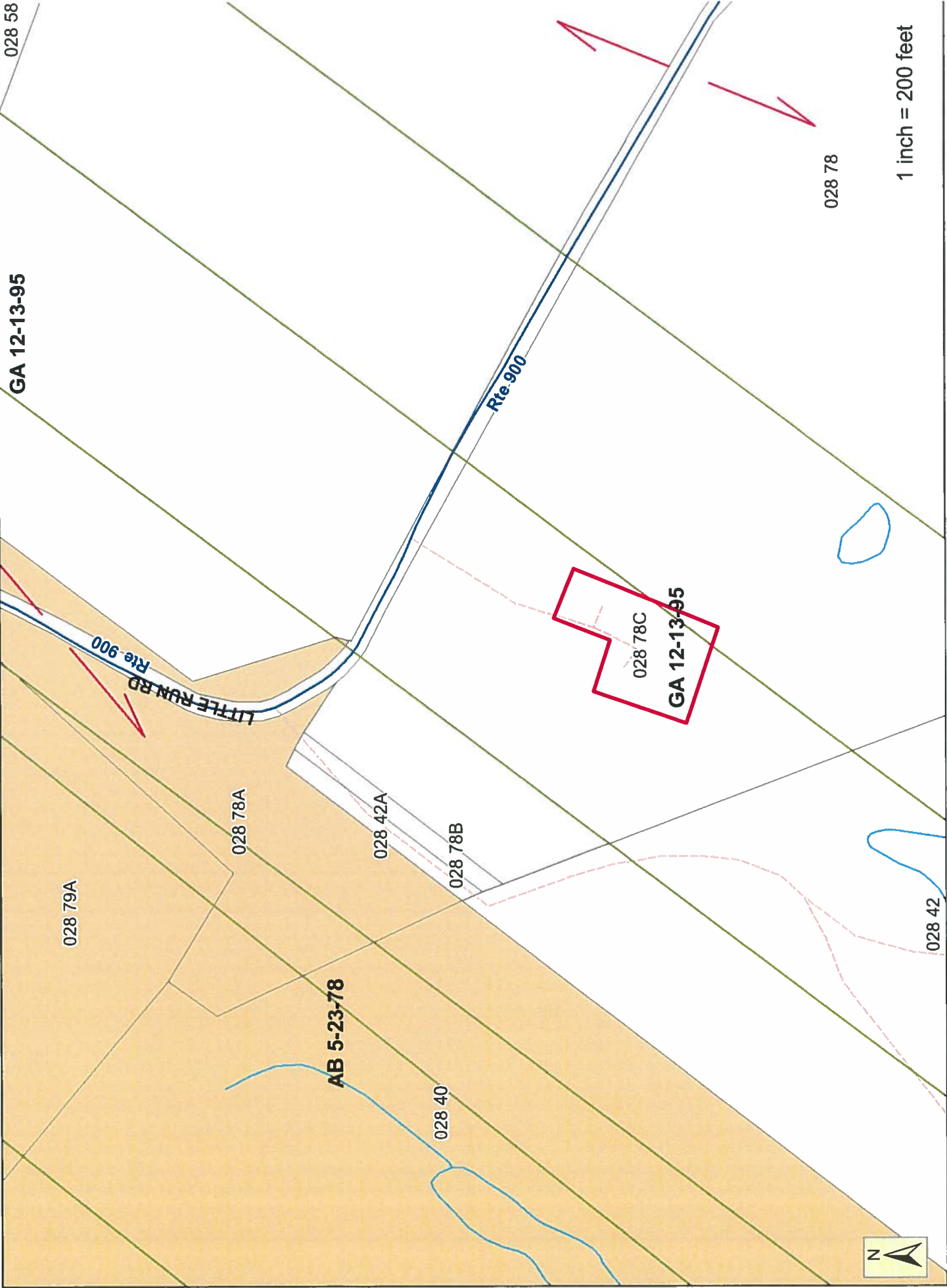
028 78B

028 78C

GA 12-13-95

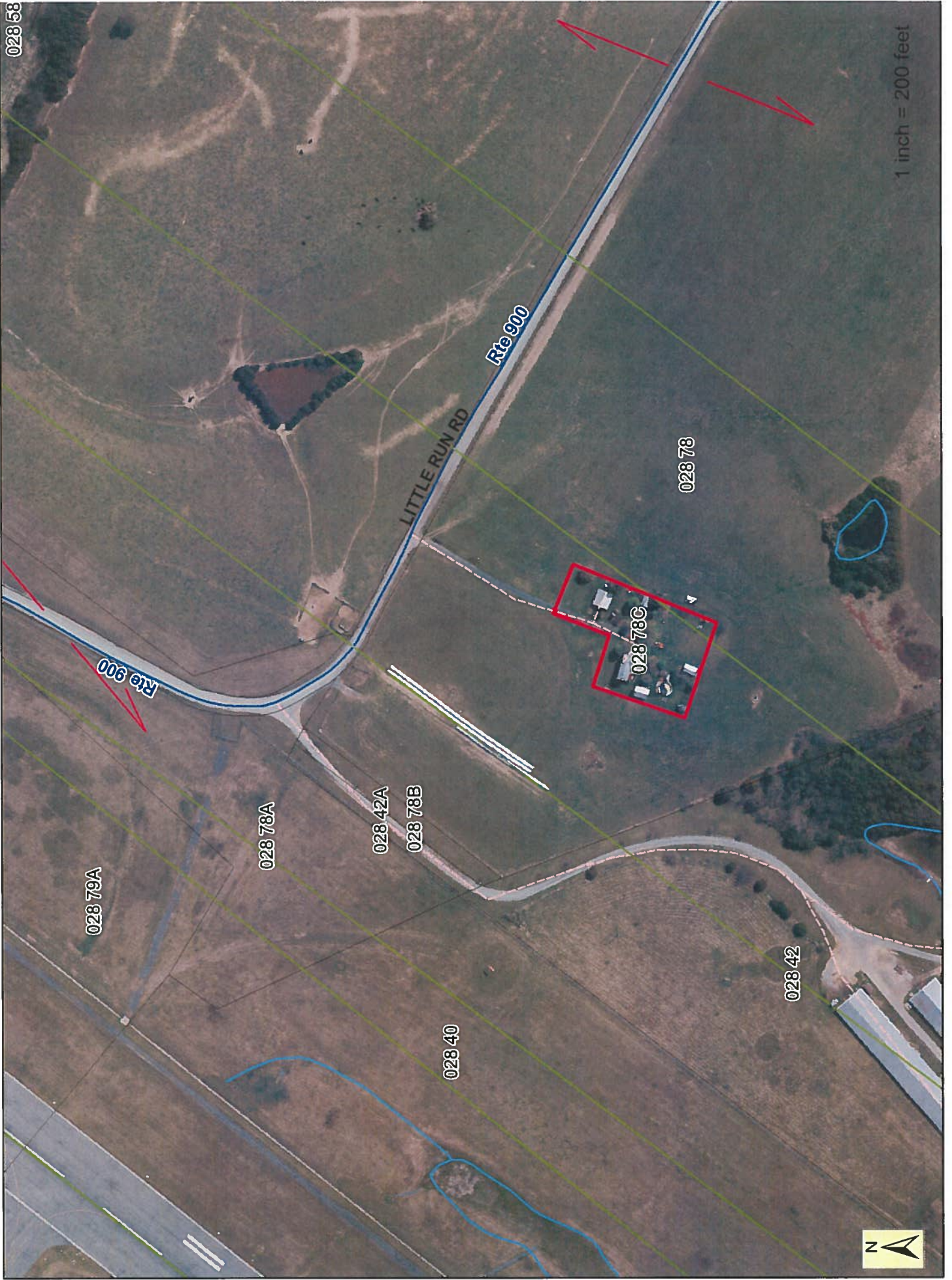
028 78

028 42



1 inch = 200 feet

Morris



1 inch = 200 feet

Morris

14' x 24' Accessory building



028 78



1 inch = 50 feet

PROPERTY OWNER:
Robert L. VanBuren, Sr.

Agenda Item # 5C
Date 2/6/2020

APPLICANT:
Marvin Ingram

LOCATION OF PROPERTY:
384 Paine Run Road, Grottoes in the Middle River District

SIZE OF PROPERTY:
8.100 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 private septic

APPLICANT'S JUSTIFICATION:
To have a dog kennel

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
Obtain all necessary permits and inspections for any new structures in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
Personal kennel, the Health Department has no issues.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing PE-1 entrance is adequate for this use. Applicant states that the kennel will be used for personal use only. No breeding, grooming, or other customer services. 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:

Not a significant Stormwater Management concern.

ANIMAL CONTROL'S COMMENTS:

Animal Control would approve this request as long as the fence is put up and if there are enough dog houses with proper bedding for the dogs. Property needs to be checked after the fence is put up. Animal Control would recommend that only eight (8) dogs be approved. Mr. Ingram only has eight (8) dogs now. He does not plan on breeding and they are not hunting dogs.

SECTION 25-74C - ANIMAL CARE FACILITIES

There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation.

The yard is cleaned frequently. The dogs kept inside the home.

Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals.

The dogs are kept in the home and go outside for bathroom breaks and exercise only. There are dog houses outside for shelter when the larger dogs are chained outside for bathroom breaks.

Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals.

The applicant will be constructing a fence using six (6') cattle fencing that should be sufficient to safely secure the animals.

Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight.

The applicant will construct a 10' X 25' fenced exercise area with individual dog houses for shelter while the dogs are outside. The dogs are also walked on a trail on the property for exercise.

There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate.

All dogs reside in the dwelling and there are smoke detectors on site.

Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals.

The dogs are primarily in the home. There will be a 10' X 25' exercise area constructed that should accommodate the numbers and breeds when they are outside.

The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals.

The property contains 8.01 acres.

The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties.

All dogs will be in the home from 10:00 p.m. to 6:00 a.m.

No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

No dogs are housed outside for more than two (2) hours in a twenty-four (24) hour period. The dogs are only out during bathroom breaks and exercise.

STAFF RECOMMENDATIONS

The applicant is requesting a personal kennel in order to keep the eight (8) dogs he currently has onsite. He was not aware that a Special Use Permit was needed for more than four (4) dogs. He currently has five (5) Jack Russel, one (1) Chiweenie, one (1) Pitbull/Boxer mix, and one (1) Border Collie mix. All of the dogs are primarily kept inside the dwelling. The small dogs are leashed and taken outside for exercise and bathroom breaks. The two (2) larger dogs are chained outside and have dog houses for shelter when they are let out for bathroom breaks. There is currently no fenced exercise area; however, the applicant states he has the materials to construct a 10' X 25' fenced exercise area. The applicant does not want to increase the number of dogs but only wants to keep his existing dogs until they pass away.

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

Pre-Condition:

1. A 10' X 25' exercise area secured with a six foot (6') high fence with individual dog houses for shelter when outside for exercise and bathroom breaks be installed behind the house within **ninety (90) days**.

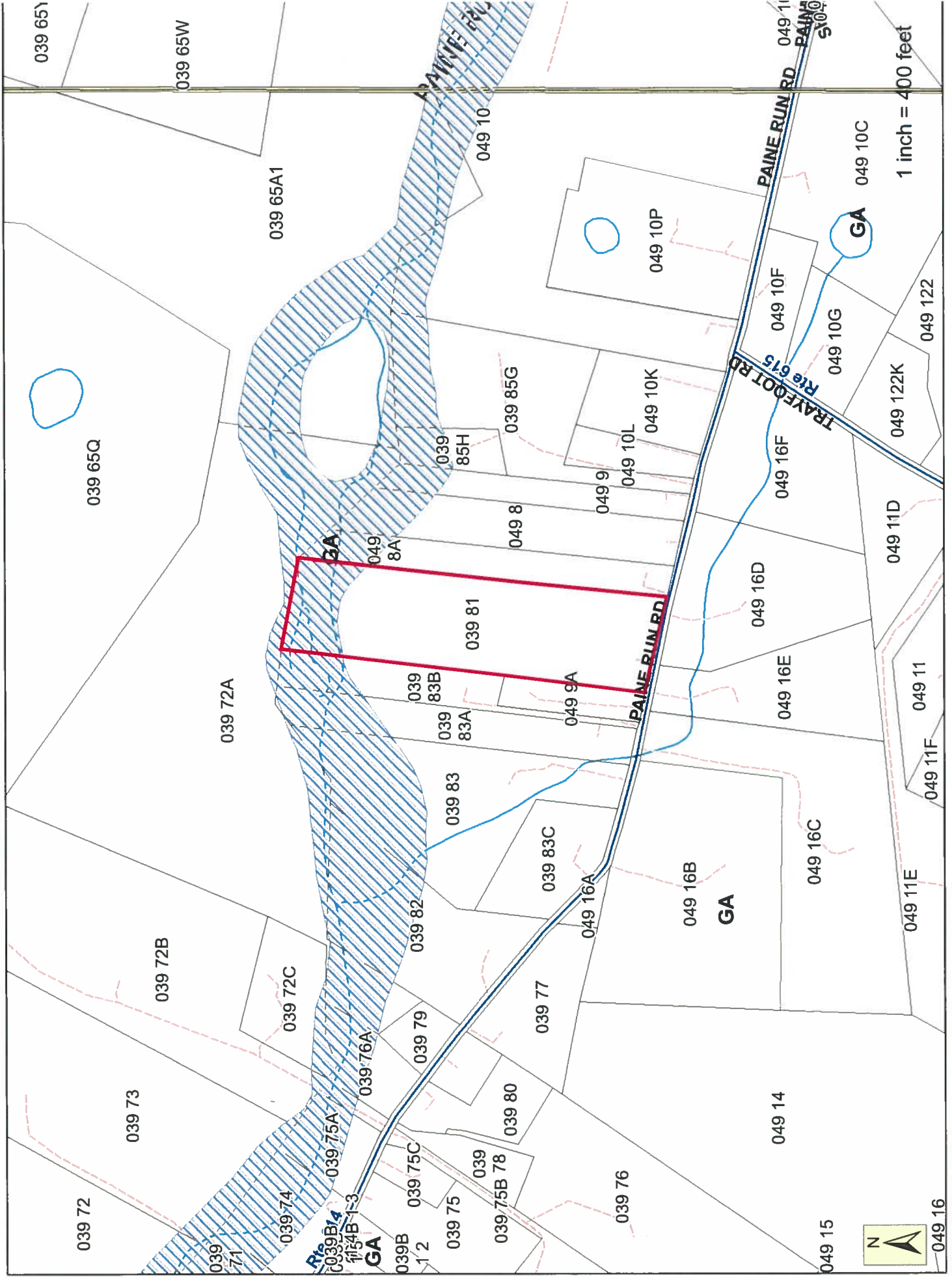
Operating Conditions:

1. Applicant be permitted to keep the eight (8) existing dogs, however, as they expire they not be replaced, and then a maximum of four (4) adult dogs be kept at this site.
2. All dogs be kept on a leash or be confined within the fenced exercise area or within the dwelling at all times.
3. All dogs be kept inside from 10:00 p.m. until 6:00 a.m.
4. Animal Control to inspect the site every **six (6) months**.
5. Site be kept neat and orderly.



Van Buren

VanBuren



VanBuren



Van Buren



TABLED

Agenda Item # 6A
Date 2/6/2020

PROPERTY OWNER:

James Lee Kindig and Lucy K. Coyner

APPLICANT:

Dale W. Hill, agent for Apex Towers, LLC

LOCATION OF PROPERTY:

3546 Stuarts Draft Highway, Waynesboro in the Beverley Manor District

SIZE OF PROPERTY:

58.433 acres

VICINITY ZONING:

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

PREVIOUS ZONING OR S.U.P.:

12/95 – Zoned General Agriculture

LAND USE MAPS:

Urban Service Area – Medium Density Residential

UTILITIES:

Public water and private septic

APPLICANT'S JUSTIFICATION:

To construct a 199' wireless telecommunication tower

INDIVIDUAL PLANNING COMMISSION'S COMMENTS:

South River Planning Commissioner: I have a concern about the cell tower location. I feel it will affect the view shed of the properties directly behind the proposed location.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits, inspections and Certificates of Occupancy in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

Health Department has no comment.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT has no objection to this request. A VDOT land use permit has been obtained to construct a low volume commercial entrance that is capable of serving the proposed tower site.

SERVICE AUTHORITY'S COMMENTS:

The proposed telecommunication tower would have no impact on the public water and sewer utilities.

ENGINEERING'S COMMENTS:

Erosion and Sediment Control Plan will be required. If disturbance exceeds 1 acre, then a Stormwater Management Plan will also be required.

SECTION 25-68.5B – WIRELESS TELECOMMUNICATION FACILITIES

New wireless telecommunication towers or base stations over one hundred ninety-nine feet (199'), new towers or base stations that are to be lighted or, existing towers or base stations that will add new lighting, existing facilities expanded higher than one hundred ninety-nine feet (199'), existing facilities where a collocation or expansion would result in a substantial change to the facility, facilities otherwise permitted by Administrative Permit but where objections have been received, and facilities where setback requirements cannot be met or the recommendations of the consultant cannot be met may be permitted by Special Use Permit provided that

The applicant must demonstrate that no existing telecommunication tower or base station can be utilized to reasonably achieve the applicant's radio frequency coverage objectives.

Documentation was provided showing there are no existing towers that can meet the applicant's needs.

The location (latitude and longitude), structure height, name, address, and telephone number of the structure owner of all potential co-locatable structures within a three-mile radius of the proposed structure, and written discussion and documentation of why those opportunities were rejected.

Consultant documentation states no structures were found to have potential for co-location within a three mile radius.

Propagation predictions and coverage objective from a committed carrier including hand-off sites.

Propagation study shows the tower will provide and improve coverage along Route 340.

No wireless telecommunications facility may be approved and no building permit issued until the first telecommunications service provider is identified.

T-Mobile will be the first telecommunication service provider.

Towers and base stations shall be visually as innocuous as possible and maintain a galvanized steel finish unless otherwise required by the Federal Aviation Administration (FAA). Antennas shall be of a neutral, non-reflective color with no logos. The design of accessory structures and equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting.

The tower will be a standard galvanized finish.

Base Stations shall be set back a distance equal to one hundred ten percent (110%) of the height of the structure from all adjacent property lines and a distance equal to one hundred fifty percent (150%) of the height of the structure from any dwelling.

The site plan shows the proposed tower 259.7' from the closest property line and 375' from the closest dwelling.

All towers or base stations will be designed to collapse within the lot lines in case of structure failure as the result of various hazards including high wind.

The tower is designed to collapse within the lot lines

Written, technical evidence from a professional engineer that the existing or proposed structure meets structural integrity standards.

The applicant submitted documents showing the tower will be designed to meet all standards.

Towers and base stations shall not be artificially lighted unless required by the Federal Aviation Administration (FAA).

The FAA will not require lighting on the tower.

Wireless telecommunications facilities shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device unless determined by the county not to be warranted.

The site plan shows a seven (7') foot chain-link fence with three (3) strands of barbed wire.

Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.

The tower will be secured by anti-climbing devices.

Collocation space on new wireless telecommunications facilities shall be reasonably available to other telecommunication service providers including limited facilities of the County and its agencies.

Co-location space for up to three (3) additional carriers.

Approval for a highway entrance can be obtained from the Virginia Department of Transportation.

VDOT has approved the entrance.

Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport.

The FAA determination report states the tower present no hazard to any airport.

Federal Communications Commission (FCC) environmental compliance report prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA).

Phase I NEPA has been completed and shows that there will be no adverse impact to the area.

Color photo simulations showing to scale representations of the proposed structure and associated facilities as it would appear viewed from the closest residential property or properties and from adjacent roadways.

Photo simulations have been submitted.

No signs other than those listed below may be placed on the antenna support structure or other components comprising the wireless telecommunications facility unless required by the Federal Communications Commission (FCC).

No signs will be placed on the structure except those required by FCC.

No advertising of any type may be placed on a tower or other components comprising the wireless telecommunications facility unless the advertising was pre-existing on a base station structure.

No advertising signs are requested.

STAFF RECOMMENDATIONS

The applicant is requesting to construct a one hundred, ninety-five (195') foot monopole style telecommunication tower with a four (4') foot lighting rod within a 50' X 50' fenced compound area. The proposed tower will provide access to T-Mobile and space for up to three (3) additional telecommunication providers.

The applicant has met the general standards of the Ordinance in order to apply for a Special Use Permit for a new telecommunications facility including propagation studies, evidence that no existing facility is available for collocation, engineering studies, FAA approval, collocation space, NEPA study, and photo simulations of the proposed structure.

This location and technical data has been evaluated by Atlantic Technologies, consultant for Augusta County, and was found to meet all County requirements. If the Board feels the request desires to approve the request, Staff would recommend the following 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. The applicant will submit all necessary information and a bond, irrevocable letter of credit, or appropriate surety to comply with **Section 25-68.7 “Bonding”** of the Augusta County Zoning Ordinance.

Operating Conditions:

1. Be permitted to construct a 195' monopole style telecommunications tower with a four (4') lighting rod.
2. Tower design will allow a minimum of three (3) additional co-locators.
3. The tower will **not be lighted**.
4. The fenced compound area be screened by a **double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center, per section 25-68.6 of the Augusta County Zoning Ordinance**, and the trees be maintained at all times.
5. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed from the site within 180 days of such notification.
6. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.
7. Augusta County shall be allowed, at its request, to use a mutually agreed upon location on the monopole for County emergency communications, subject to the following conditions:
 - Rent-free if solely for use by the County police, fire, rescue, and/or other emergency communication services.
 - Application submitted with equipment specifications.
 - Written no-rent license agreement with the County.
 - Subject to space availability and structural capacity without the need for extensions or structural modifications (unless approved by and installed by Applicant at the County's sole cost and expense); provided, however, that

when only one space for collocation remains on the monopole, the County shall have the right of first refusal before any additional carrier is allowed to collocate, including ground space, not to exceed 10' x 10', for its communication needs, without any charge. This otherwise perpetual reservation may be waived at the discretion of the County Administrator, and this right of first refusal shall expire upon the earlier to occur of the tower (a) being removed; or (b) reaching full capacity.

STAFF COMMENTS FEBRUARY 6, 2020

The Board tabled this request at the January 3, 2020 public hearing so that all members of the Board would be present and could review the request before making the final decision. There were three (3) letters submitted to Community Development from adjoining property owners which are included in the packets for review.

Agenda Item # 8A
Date 2/6/2020

EXTENSION OF TIME

PROPERTY OWNER:

Kimball E. Stowers, Trustee

APPLICANT:

Stacy Johnson, agent for 1 Tribe, LLC

LOCATION OF PROPERTY:

1082 Todd Road, Mt. Sidney in the North River District

SIZE OF PROPERTY:

1.708 and adjoining 191 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 private septic

APPLICANT'S JUSTIFICATION:

To provide overnight accommodations and farm related workshops and therapy

STAFF RECOMMENDATIONS

The applicants are requesting a two (2) month extension of time in order to complete the pre-conditions of the permit. They are currently working with the Health Department to obtain all approvals necessary for operation. Staff recommends approval.