



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: June 3, 2020
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Tuesday, June 16, 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 **8:30 A.M., Tuesday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow in the **Board of Supervisors Conference Room at noon.**

Enclosed are the **March** minutes, the agenda for the 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

Tuesday, June 16, 2020, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of March 5, 2020

4. PUBLIC HEARINGS

- A. A request by Rusty K. or Kari G. Davis, for a Special Use Permit to have short term rentals within the existing home and to amend operating condition #3 to allow thirty (30) events per year for SUP#15-40 on property they own, located at 106 Zion Church Road, Waynesboro in the Wayne District.
- B. A request by Donna L. Hamilton or Ellen M. Danni, for a Special Use Permit to have a short term vacation rental on property they own, located at 1149 Balsley Road, Staunton in the Beverley Manor District.
- C. A request by Omar or Emily LoLandes, for a Special Use Permit to have a short term vacation rental in the basement of the existing dwelling on property they own, located at 1908 Stuarts Draft Highway, Stuarts Draft in the Riverheads District.
- D. A request by Chapman Williams, agent for CJ Properties of Augusta, LLC, for a Special Use Permit to have general outdoor storage on property they own, located at 10 Swisher Truck Lane, Staunton in the Riverheads District.
- E. A request by Lloyd Knight, for a Special Use Permit to have a tree trimming and firewood processing business and to have outdoor storage and limited sales of firewood onsite on property owned by Robert L. Spradlin, located at 4043 Little Calf Pasture Highway, Craigsville in the Pastures District.
- F. A request by Jeffrey Armentrout, for a Special Use Permit to have a towing business and a vehicle impound yard on property owned by Robert S. Elkins, located at 94 Hildebrand Circle, Staunton in the Beverley Manor District.
- G. A request by the Zoning Administrator to consider cancellation of the Special Use Permit #88-10 issued to David C. Earman to have an electrical warehouse due to violation of the conditions of his permit on property he owns, located at 1085 Lee Jackson Highway, Staunton in the Beverley Manor District.
- H. A request by William Hausrath, for a Variance from the Floodplain Ordinance to construct a new dwelling on property owned by Lofton Lake Partnership, located at Lofton Lake Lane, north of Cold Springs Road, Raphine in the Riverheads District.

5. OLD BUSINESS

6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. 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. – **60 DAY EXTENSION OF TIME REQUEST**
- B. 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. - **90 DAY EXTENSION OF TIME REQUEST**

8. STAFF REPORT

19-32	Hugh and Candace Wade
19-33	Sandra Meyer – Denied
19-34	Joseph Shomo – Denied
19-35	Michael or Sanda Racca
19-36	Jonathan or Crystal Fretwell
19-37	D.M. Conner – Denied
19-38	Garnett Johnson – Withdrawn
19-23	Spottswood Farms, LLC
19-39	Kenneth Ray Bradley, Jr., Inc.
19-40	Paul S. or Connie L. Bendick
19-41	James E. or Mary Elizabeth H. Toth
19-42	Jerry W. Whitmore
19-43	Ethel M. Baber
19-44	Joseph K. or Suzan Howell
19-45	Joseph D. Shomo
19-46	Shen Acres Realty, LLC
19-47	Brent J. Warren

9. ADJOURNMENT

Agenda Item # 4A

Date 6/16/2020

PROPERTY OWNER:

Rusty K. or Kari G. Davis

APPLICANT:

Same

LOCATION OF PROPERTY:

106 Zion Church Road, Waynesboro in the Wayne District

SIZE OF PROPERTY:

50.799 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

10/15 SUP approved to have weddings and special events

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private well and private septic

APPLICANT'S JUSTIFICATION:

To have short term rentals within the existing home and to amend operating condition #3 to allow for thirty (30) events per year for SUP#15-40

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The drainfield for the home is designed for 5 bedrooms. Short Term rental should be for no more than 1 one room with the total number of bedrooms not to exceed 5 and total occupancy of the entire home not to exceed 10. If the owners wish to rent more than 1 bedroom they are advised to speak to the Health Department to determine if additional permitting would be required.

The Health Department has no issues with allowing 30 events per year as long as the events are Fridays and Saturdays and do not exceed 125 people per event (this is per the engineers drainfield design). Changing the days of the week the facility would be in

operation would require follow up with the Health Department and the septic system design engineer.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing moderate volume commercial entrance is adequate for the proposed amendment of operating condition #3 of SUP #15-40 and the short term rental/residence. The existing private entrance which serves the residence is not adequate for the short term rental use or the events under SUP #15-40; combining the driveway with the venue entrance would allow the existing inadequate private entrance to be removed.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Submit Stormwater Management and Erosion and Sediment Control Plan if disturbance will be greater than 10,000 square feet.

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 being used for short term rental.

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

The applicants are requesting to use the existing principal dwelling. No other dwellings onsite.

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 50.799 acres.

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

The owner resides in the 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 agreements needed.

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

No expansions 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.

There is an approved sewage disposal system onsite.

All parking shall be accommodated on-site.

All parking is onsite.

STAFF RECOMMENDATIONS

The Board approved a Special Use Permit to have weddings and special events in 2015. The applicant is requesting to increase the number of events to thirty (30) per year and to lease the dwelling on the property to the wedding party on a short term basis. The current Special Use Permit limits the number of weddings or events to fifteen (15) per year. The applicants reside in the dwelling, but they will leave and stay in another family owned dwelling within close proximity while their home is being rented. No meals will be provided by the applicant, but the guests will have full access to the kitchen during their stay.

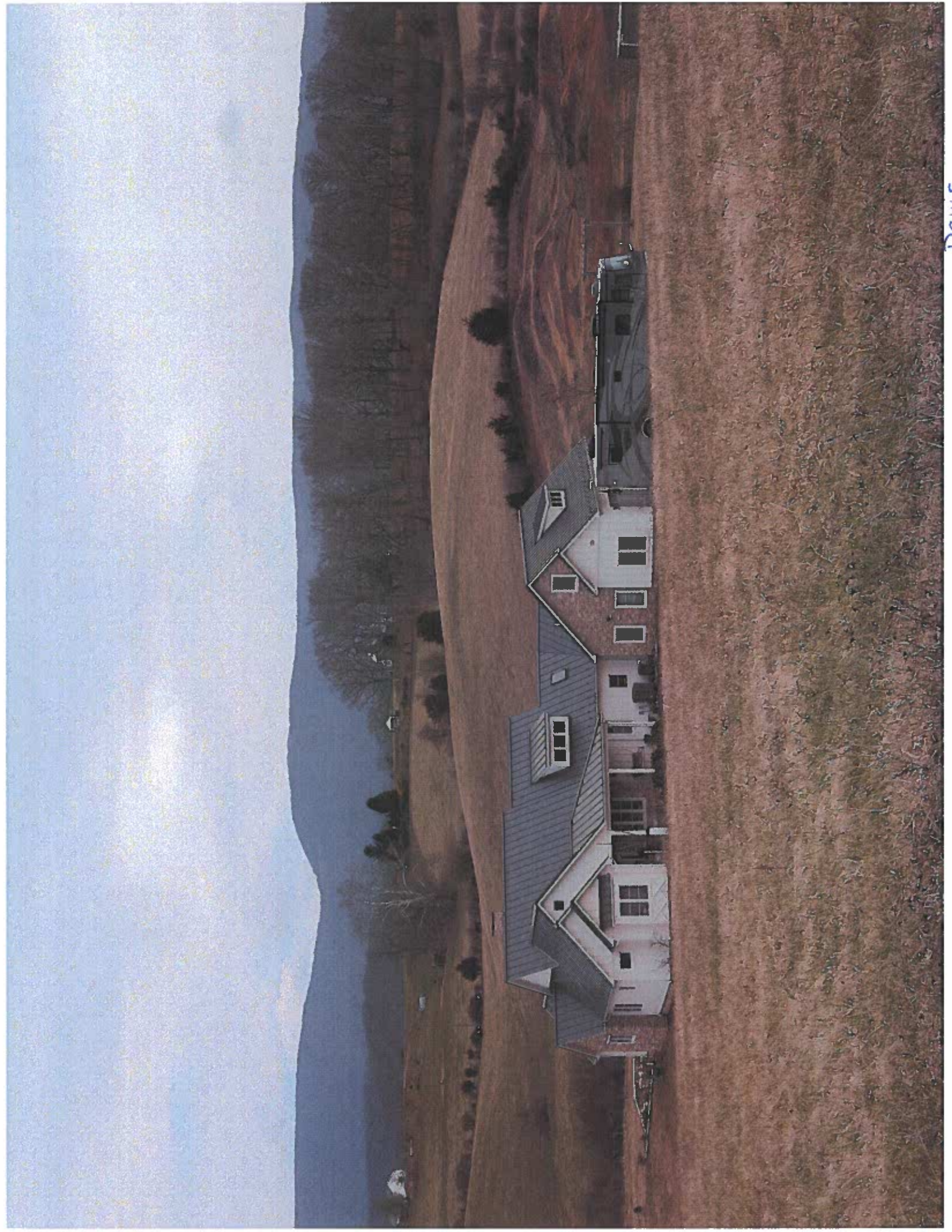
Staff feels that renting the existing home to the wedding party for the weekend should be compatible with the rural area, however, staff is concerned that a 50% increase in the number of events may have a negative impact on the surrounding homes in the area. If the Board feels the request is compatible with the area and desires to approve the request, staff would recommend the following conditions:

Pre-Conditions:

None

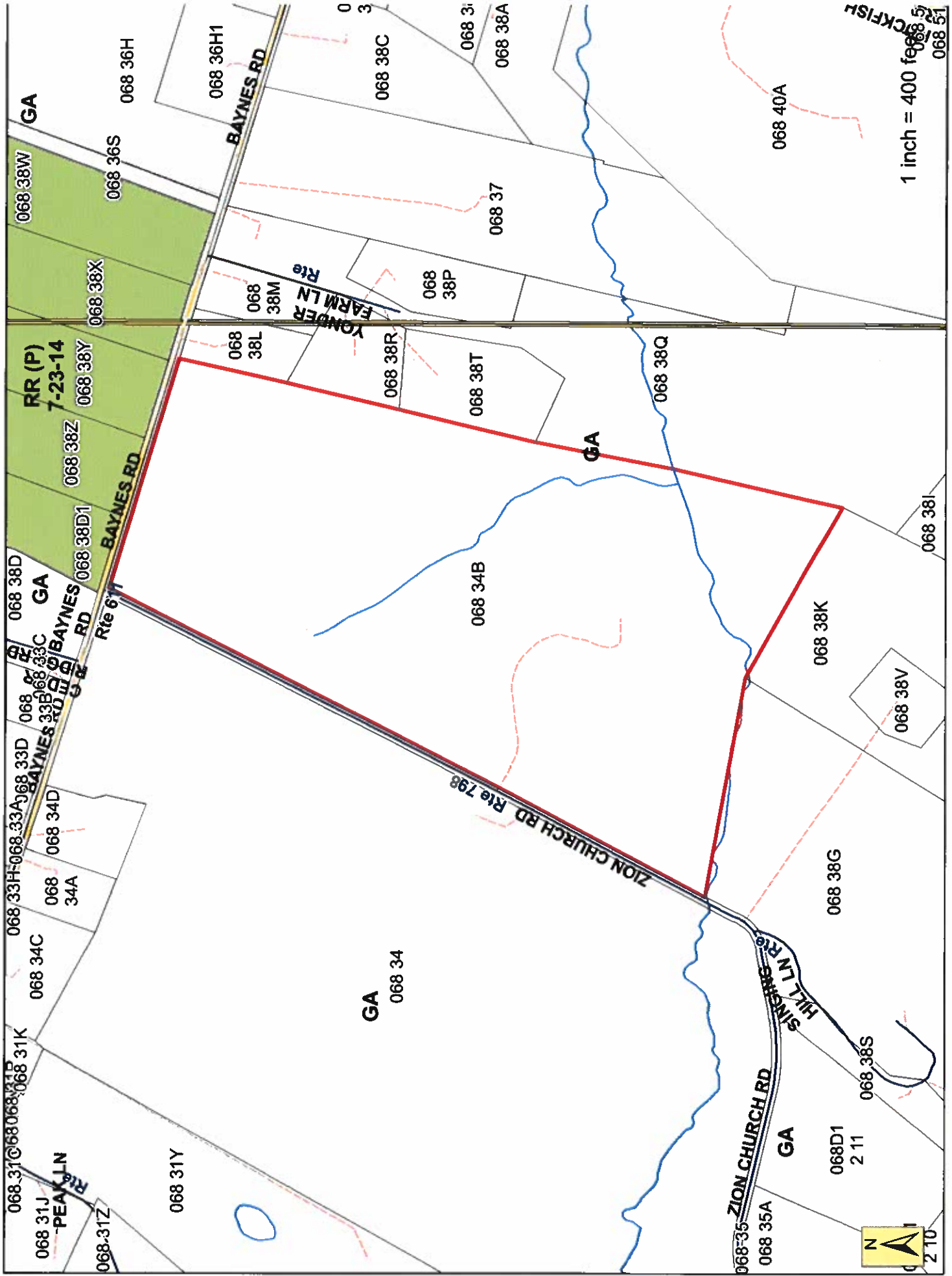
Operating Conditions:

1. Be permitted to leave no more than five (5) bedrooms in the existing dwelling for short term stays. Maximum occupancy not to exceed ten (10) persons as limited by the Health Department.
2. Be limited to twenty-four (24) events per year, but no more than three (3) per month, and only one (1) event per weekend.
3. Be limited to a maximum of one hundred twenty-five (125) people per event, Friday and Saturday only, as limited by the Health Department.
4. All other Operating Conditions of Special Use Permit #15-40 remain in effect.



2015

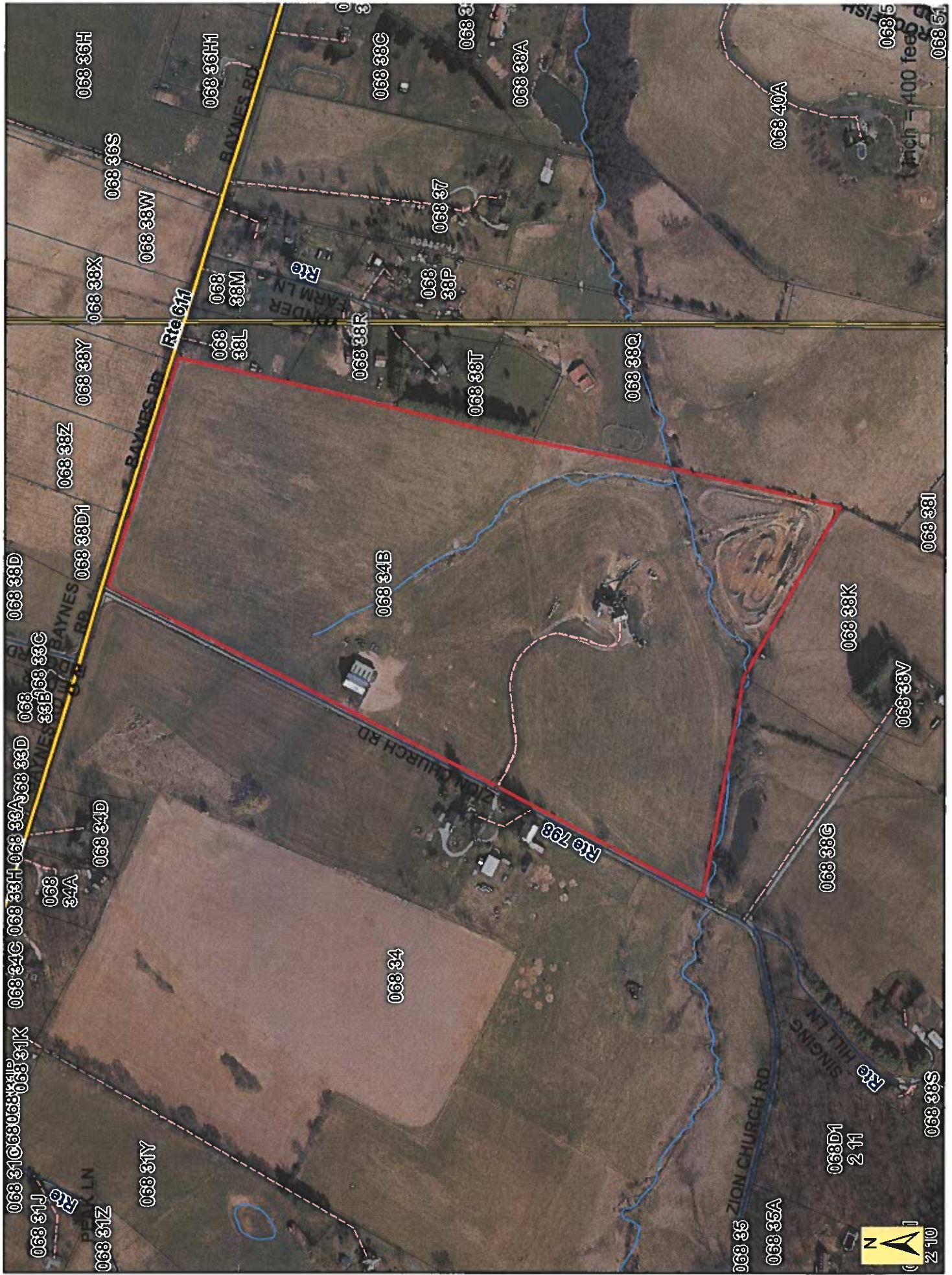
Davis



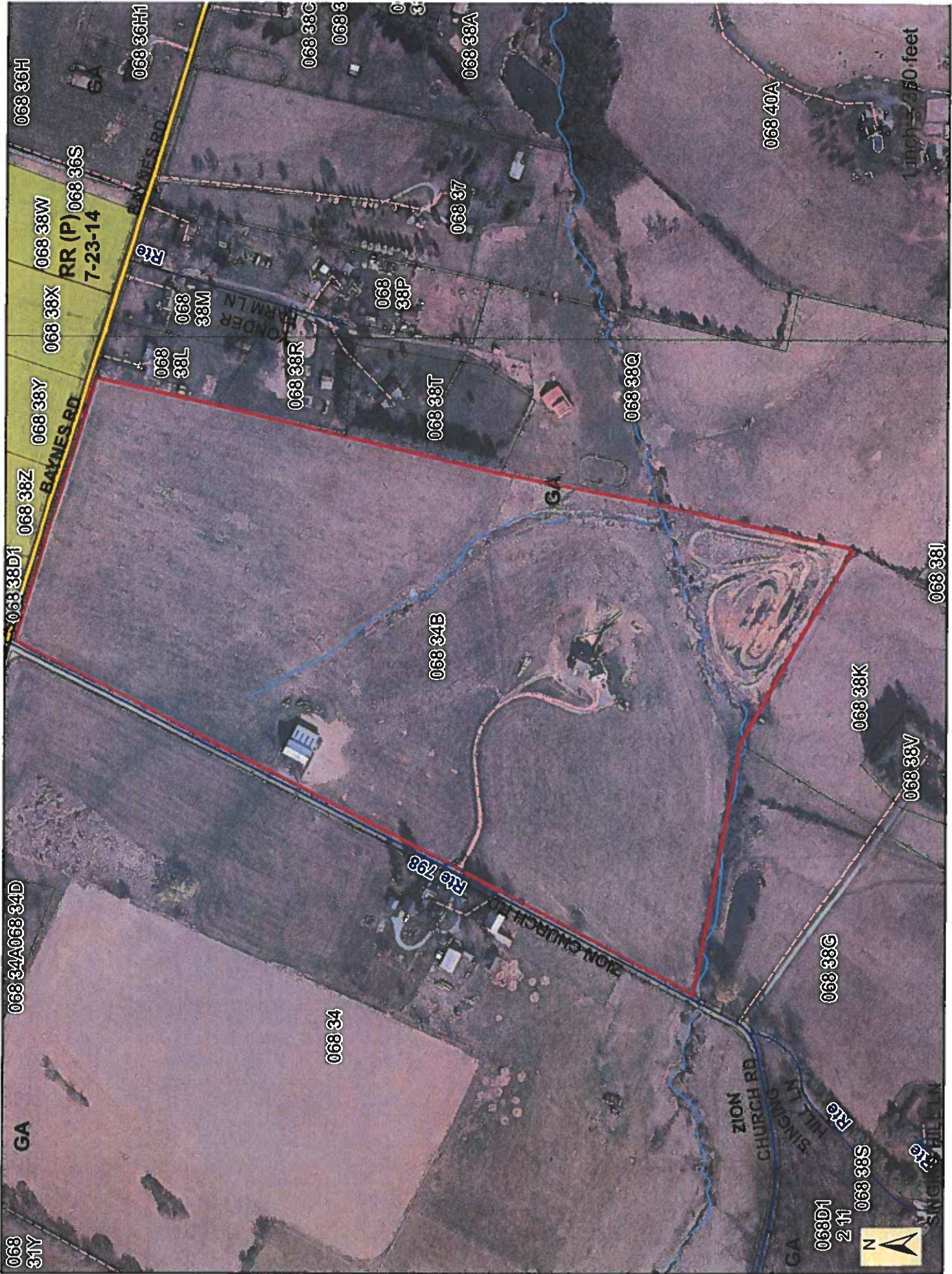
1 inch = 400 feet



Davis



Davis



PROPERTY OWNER:
Donna L. Hamilton or Ellen M. Danni

Agenda Item # 4B
Date 6/14/2020

APPLICANT:
Same

LOCATION OF PROPERTY:
1149 Balsley Road, Staunton in the Beverley Manor District

SIZE OF PROPERTY:
4.40 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:
Drainfield is designed for 3 bedrooms. The Health Department has no issues as long as no more than 1 room is rented and total bedrooms of the home does not exceed 3 or a maximum of 6 people total in the home.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance is adequate for the proposed use.

SERVICE AUTHORITY'S COMMENTS:
There is no public water or sewer available in the area of the subject parcel.

ENGINEERING'S COMMENTS:
Less than 10,000 square feet. 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. The applicants are requesting to lease one (1) bedroom for short term vacation stays.

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 on the property.

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

The lot contains 4.40 acres and is surrounded by General Agriculture zoned properties. Leasing one (1) bedroom in the basement should be compatible with neighboring properties.

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

The applicant resides in the 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 is needed.

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 building permits are required per Building Inspection Department.

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.

There is an existing sewage disposal system onsite.

All parking shall be accommodated on-site.

All parking is onsite.

STAFF RECOMMENDATIONS

The applicants are requesting to lease the one (1) bedroom suite in the basement of the existing dwelling for short term vacations. No meals will be provided by the applicant, but there is a small kitchenette with a microwave and refrigerator the guests can utilize during their stay. The applicants reside on the premise and will be onsite when the room is rented. Staff feels short term rental of the one (1) bedroom suite in the basement of the existing dwelling would be a low impact business that should be compatible with the area. Staff would recommend approval with the following conditions:

Pre-Conditions:

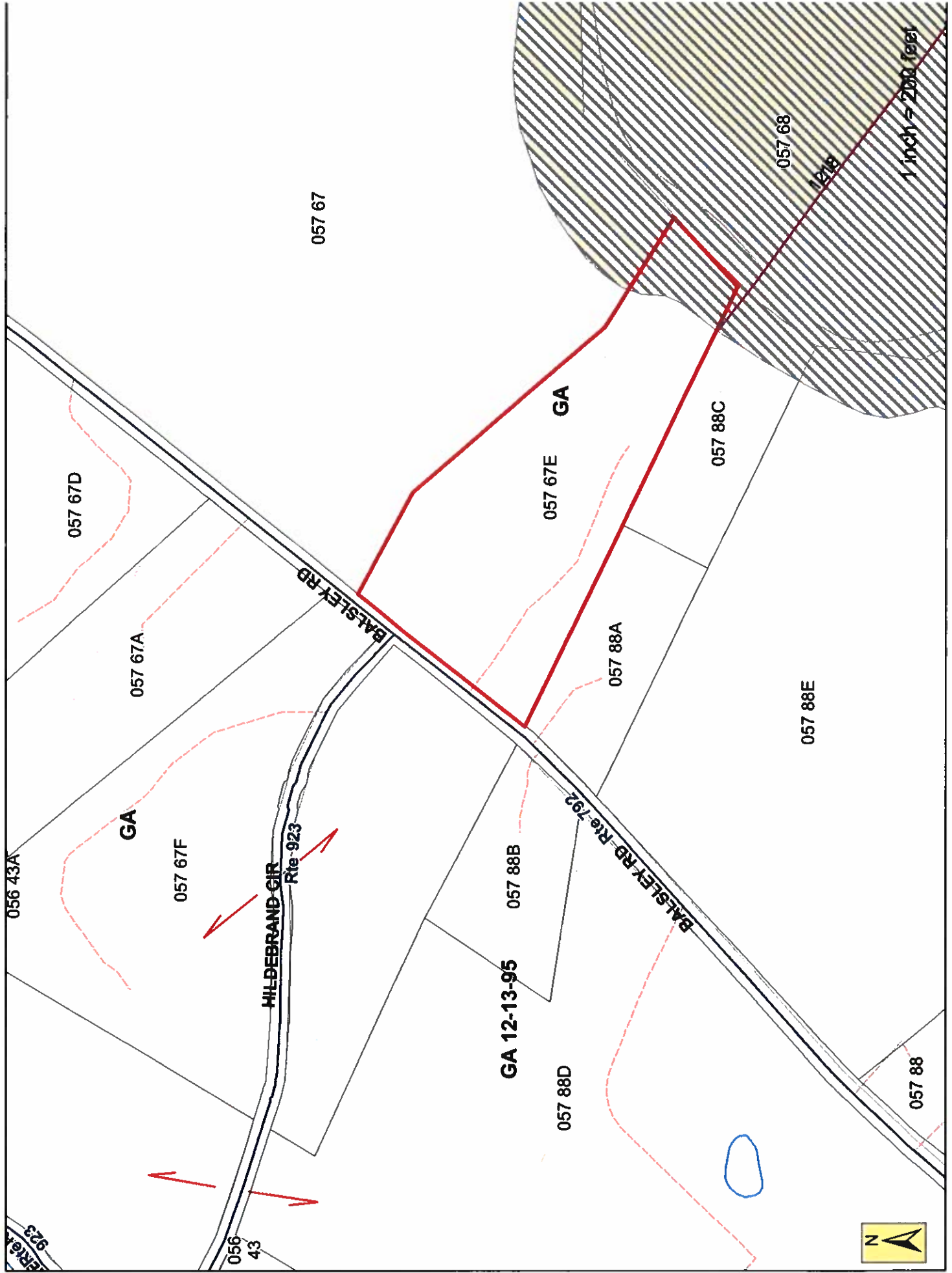
None

Operating Conditions:

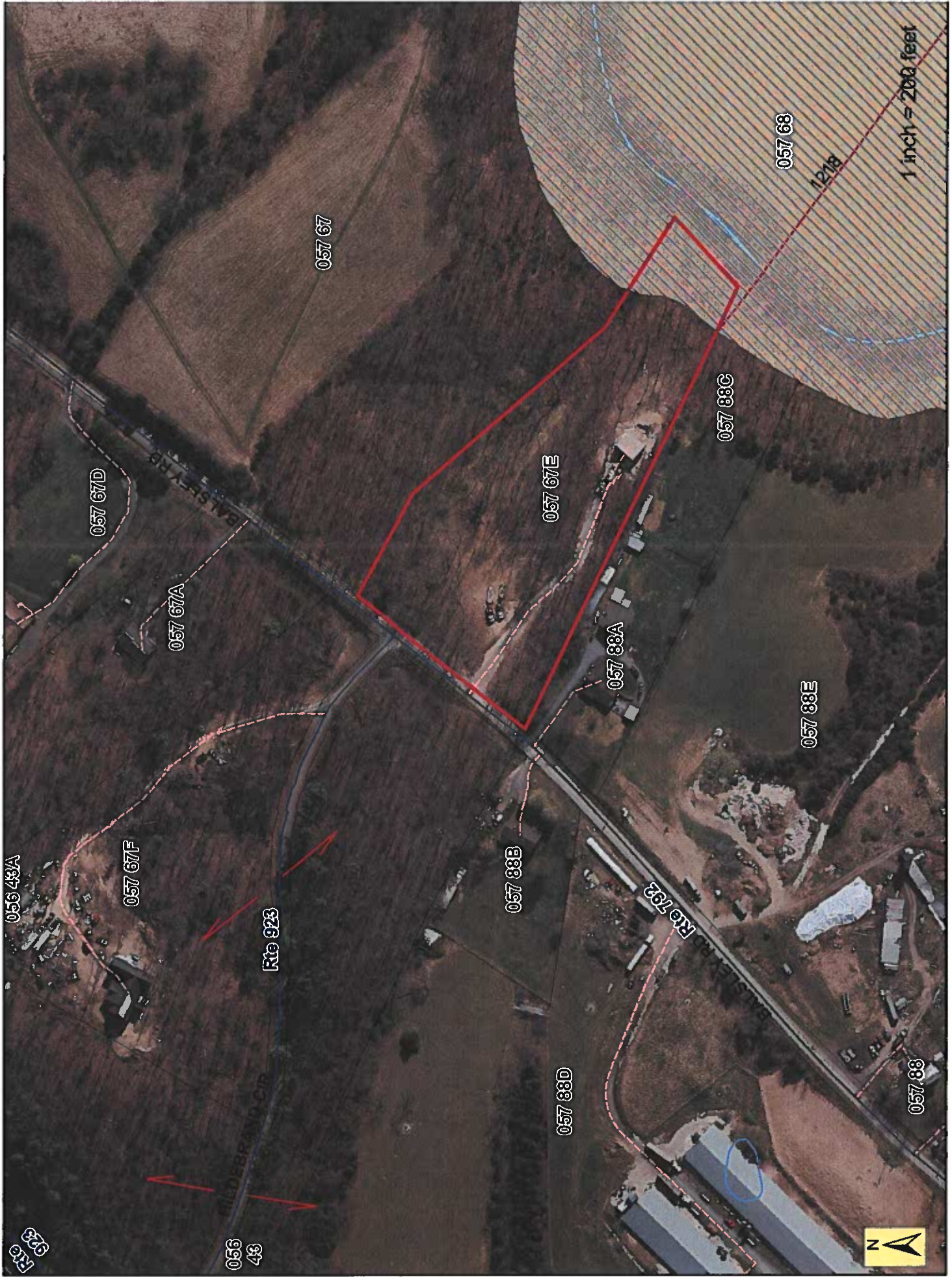
1. Be permitted to lease the one (1) bedroom/bath suite in the basement for short term rental.
2. The total occupancy of the dwelling shall not exceed six (6) persons at any time as limited by the Health Department.
3. Applicant reside on premise.
4. Site be kept neat and orderly.



Hamilton and Danni



Hamilton and Danni



Hamilton/Danni



PROPERTY OWNER:
Omar or Emily LoLandes

Agenda Item # 4C
Date 6/16/2020

APPLICANT:
Same

LOCATION OF PROPERTY:
1908 Stuarts Draft Highway, Stuarts Draft in the Riverheads District

SIZE OF PROPERTY:
1.14 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:
Public water and private septic

APPLICANT'S JUSTIFICATION:
To have a short term vacation rental in the basement of the existing dwelling

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 no more than 1 room is rented and total occupancy of the home does not exceed 6 people.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance is adequate for the proposed use. However, no additional entrance would be granted on the parcel in order to construct a loop driveway or separate driveway to the walkout basement.

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. 1908 Stuarts Draft Highway is currently a Service Authority water only customer. There is an existing 8" waterline along Stuarts Draft Highway across from the subject parcel.
5. There is no public sewer available in the area of the subject parcel.
6. If the retail unit constitutes an apartment or dwelling unit, a water meter sizing form must be submitted to the Service Authority Engineering Department. If the meter size needs to be changed based on this evaluation, additional charges would apply in accordance with the Service Rate Schedule.

ENGINEERING'S COMMENTS:

Less than 10,000 square feet. 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 on the property.

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

The parcel contains 1.14 acres. They are leasing one (1) bedroom suite in the basement and it may be compatible and could provide a service to the area.

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

The owner resides in the 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 is needed.

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.

Building Permits are not needed per Building Inspection Department comments.

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.

There is an approved sewage disposal system onsite.

All parking shall be accommodated on-site.

All parking is onsite.

STAFF RECOMMENDATIONS

The applicants are requesting to lease one (1) bedroom, bath, and kitchen in the basement of the existing dwelling for short term vacations. The applicants reside in the dwelling and will be onsite when the area is rented. No meals will be provided but guests can use the existing kitchen in the basement. Staff feels the request would be a low impact business that should not have a negative impact on the adjacent homes. Staff would recommend approval with the following conditions:

Pre-Conditions:

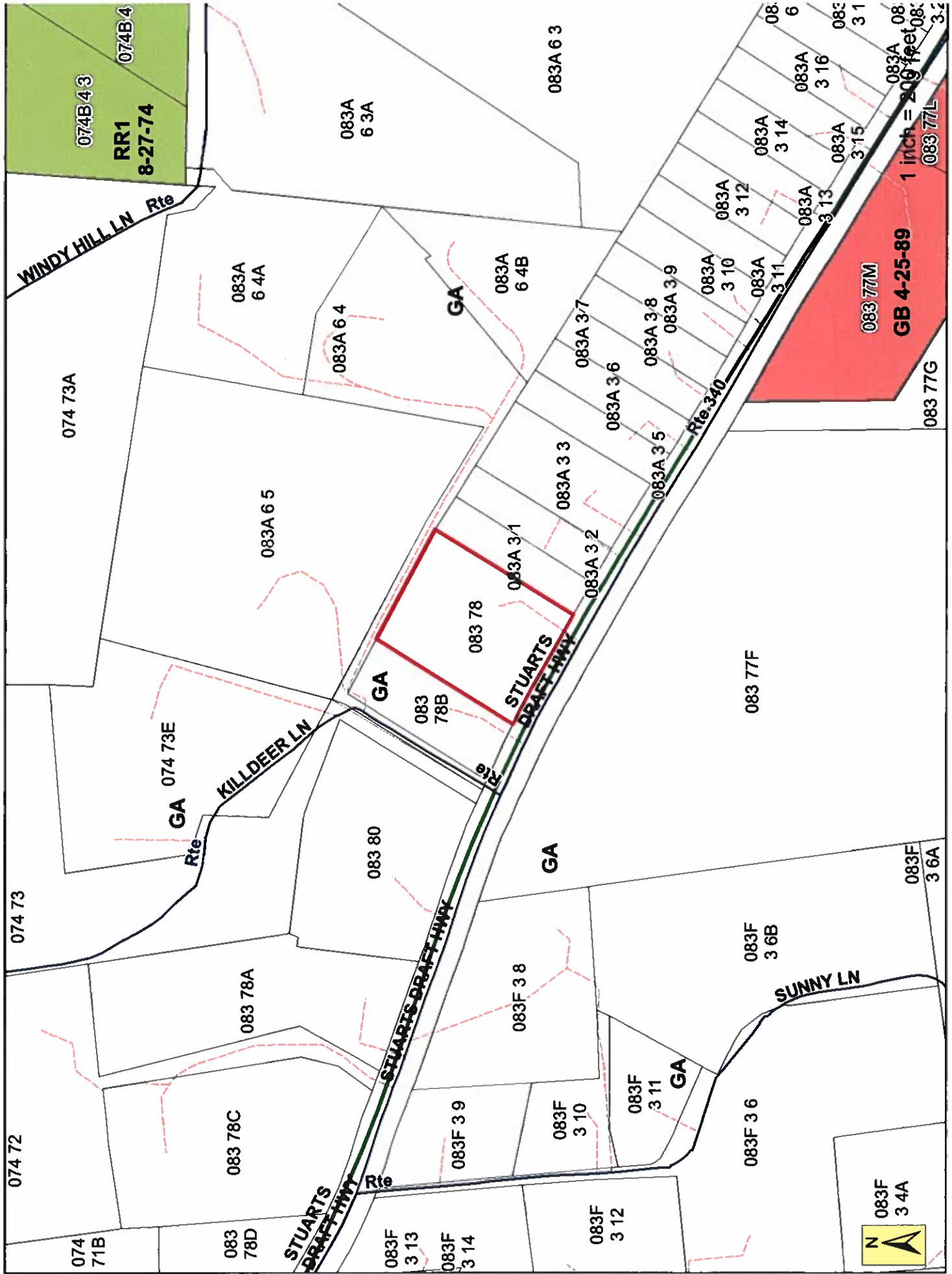
None

Operating Conditions:

1. Be permitted to lease one (1) bedroom, bath, and kitchen in the basement for short term rental.
2. Maximum occupancy of the dwelling not to exceed six (6) total, as limited by the Health Department.
3. Applicant reside on premise.
4. Site be kept neat and orderly.



LoLandes



LoLandes



Lolandes



PROPERTY OWNER:
CJ Properties of Augusta, LLC

Agenda Item # 4D
Date 6/14/2020

APPLICANT:
Chapman Williams, agent for CJ Properties of Augusta, LLC

LOCATION OF PROPERTY:
10 Swisher Truck Lane, Staunton in the Riverheads District

SIZE OF PROPERTY:
18.402 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

LAND USE MAPS:
Community Development Area – Low Density Residential

UTILITIES:
Public water and private septic

APPLICANT'S JUSTIFICATION:
To have general outdoor storage

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 regarding outdoor storage of equipment.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing paved (northern) entrance is adequate for the proposed use. However, any future request that will generate additional traffic volumes may require both entrances to be reviewed to meet current standards; it should be noted that the existing southern entrance does not currently meet sight distance requirements.

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

ENGINEERING'S COMMENTS:

Appears gravel area was added in recent years. Requires Erosion and Sediment Control and Stormwater Management Plan to account quantity and quality.

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.

There is an approved site plan on file for the existing business uses in Community Development.

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.

There are two (2) existing entrances on the property which have safely and adequately accommodated traffic to and from the public highways, however, VDOT states the southern entrance does not meet current sight distance requirements.

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

All parking and aiseways are accessible.

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 proposed storage area covers a 140' x 140' area between two (2) buildings that should be appropriate for this site.

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

No new structures are proposed.

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 aiseways 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 is proposing privacy fencing along the front and would like to utilize the natural vegetation and existing buildings on the other three (3) sides.

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.

No new lighting is proposed.

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

Excavation equipment, commercial vehicles, and materials are items normally kept outside.

STAFF RECOMMENDATIONS

The applicant currently leases office space to an excavation contractor and would like to use an area approximately 140' x 140', located between two (2) existing structures on the site to store equipment and materials. The applicant would like to also store recreational vehicles in the storage area on occasion. The applicant will be installing a privacy fence along the front entrance to the storage area but would like to use the existing trees and buildings as screening along the other three (3) sides of the storage area. The property is zoned for Business and backs up to Interstate 81. Staff feels the request would be

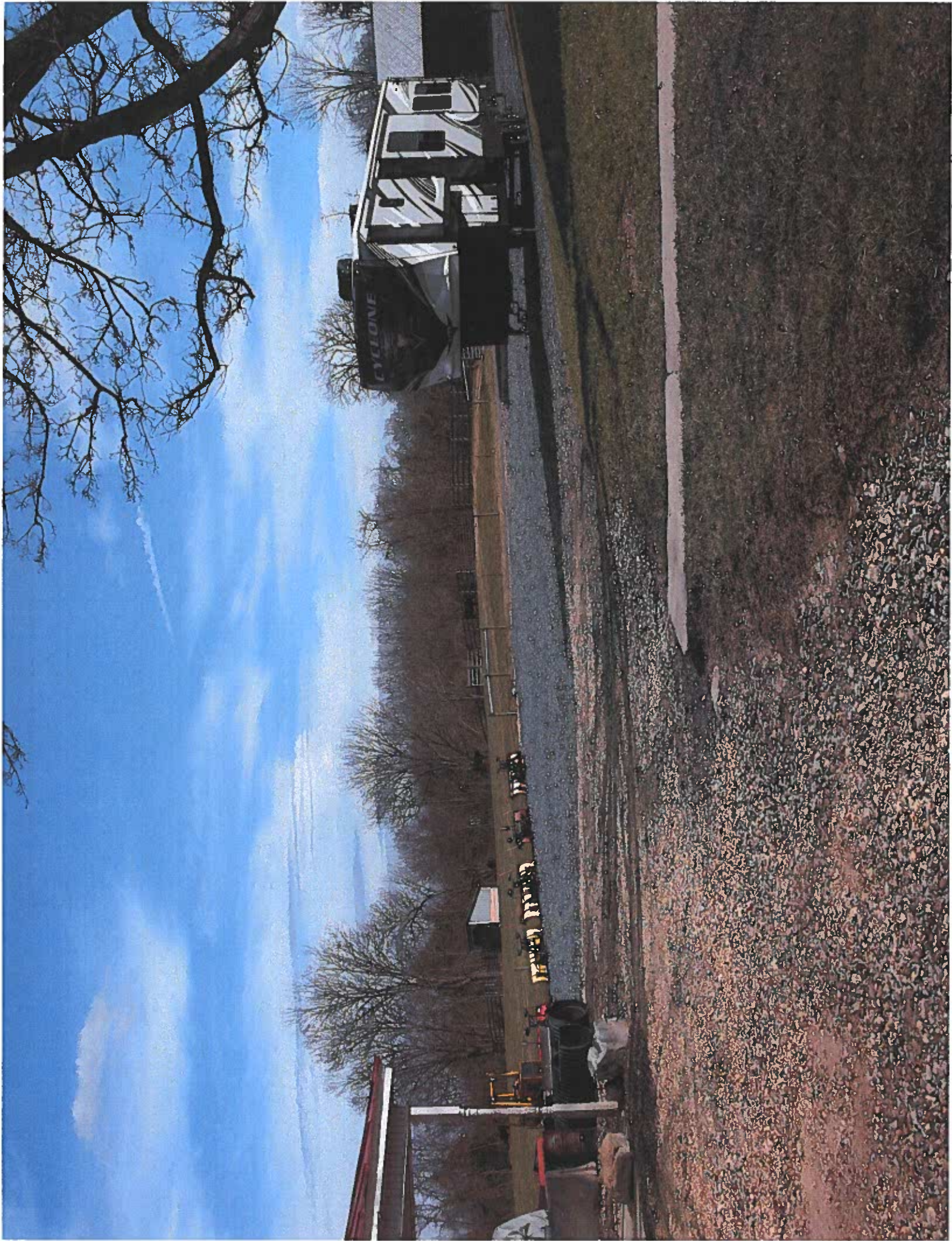
compatible with the area and would recommend approval of the request with the following conditions:

Pre-Condition:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance including Erosion and Sediment Control and Stormwater Management Plan to be approved by all appropriate departments and/or agencies.

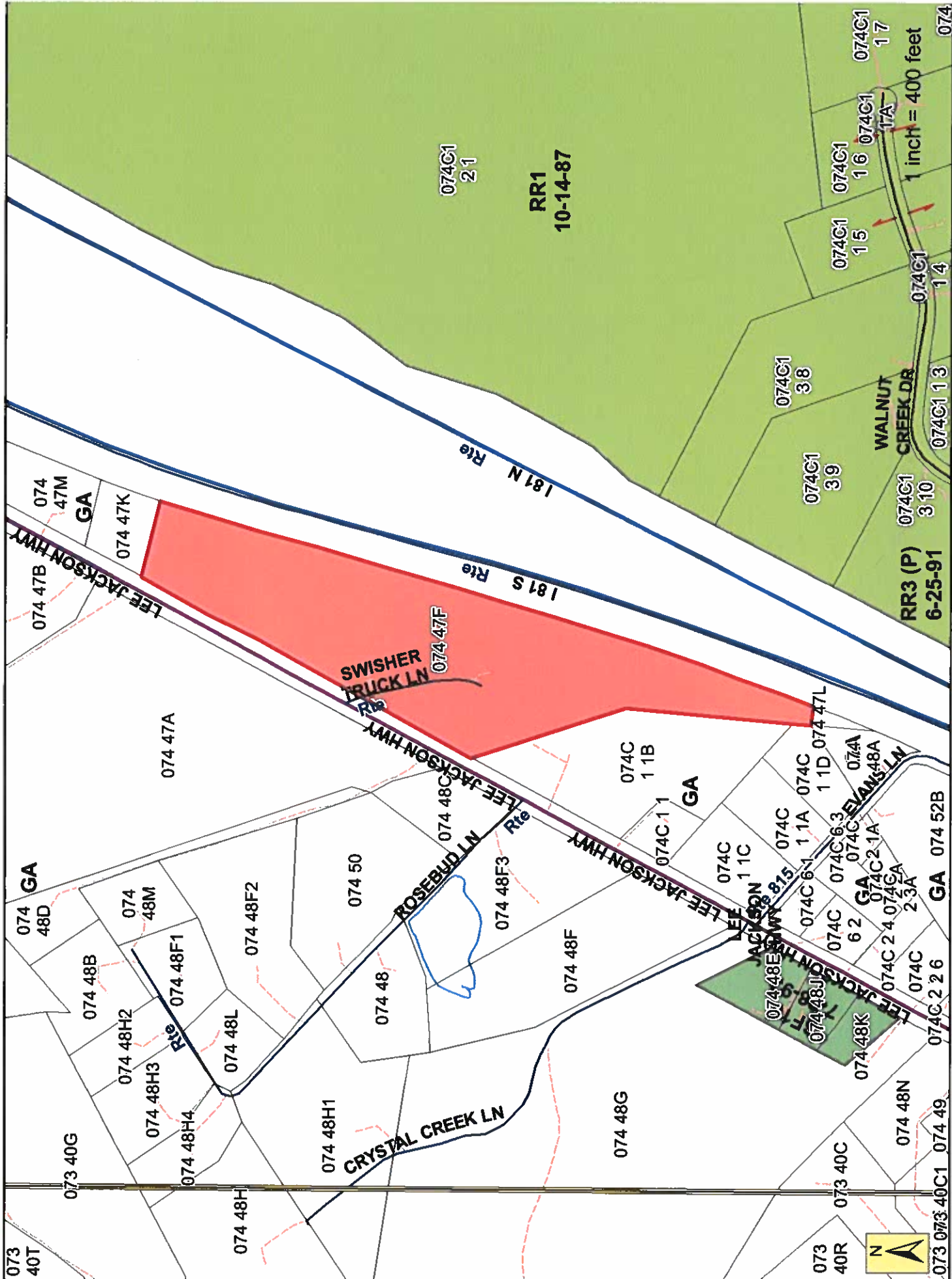
Operating Conditions:

1. All equipment, machinery, materials, and RV's be kept in the designated area on the site plan.
2. The 140' x 140' storage area be screened by an eight (8') foot high opaque vinyl privacy fence along the front.
3. All natural vegetation remain and be maintained to provide adequate screening.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.



at 10:00 AM

CJ Properties of Augusta



CJ Properties of Augusta

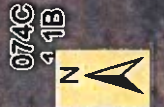


CJ Properties

Outdoor Storage - RV's, equipment



1 inch = 100 feet



PROPERTY OWNER:
Robert L. Spradlin

Agenda Item # 4E
Date 6/14/2020

APPLICANT:
Lloyd Knight

LOCATION OF PROPERTY:
4043 Little Calf Pasture Highway, Craigsville in the Pastures District

SIZE OF PROPERTY:
0.962 acre

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 private septic

APPLICANT'S JUSTIFICATION:
To have a tree trimming and firewood processing business and to have outdoor storage and limited sales of firewood onsite

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 occupant of the home is the only employee. It is recommended not to drive or park over your septic tank and drainfield.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance will need to be improved to have 25' radii for the proposed use. There is evidence that the applicant has been illegally parking on VDOT Right-of-Way. All of the gravel parallel parking area on VDOT Right-of-Way in front of the residence will need to be removed and replaced with top soil and be seeded and strawed in order to prevent any future parking. VDOT recommends adding a condition to the permit that parking is not permitted on VDOT Right-of-Way.

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. 4043 Little Calf Pasture Highway is currently a Service Authority water only customer. There is an existing 8" waterline along Little Calf Pasture Highway fronting the subject parcel.
5. There is no public sewer available in the area of the subject parcel.
6. The proposed use does not appear to have any effect on Service Authority facilities. If any changes to the existing structure are proposed for the business/employees that would include additional water fixtures, a meter sizing form would need to be completed and provided to the Service Authority Engineering Department. If a meter size change is required, additional charges would apply in accordance with the Service Authority Rate Schedule.

ENGINEERING'S COMMENTS:

Any land disturbance or gravel/paved areas greater than 10,000 square feet will require an Erosion and Sediment Control 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 storage area is surrounded by trees that the applicant feels will provide adequate screening.

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 operator resides in the manufactured home onsite.

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

Businesses are more appropriate in Business districts. A tree trimming business with limited firewood processing should be appropriate for the agriculture areas.

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 business has direct access to Little Calf Pasture Highway.

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

The 0.962 acre site should be able to adequately and safely accommodate 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.

No structures will be utilized. The splitting and storage of firewood will be outside.

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 of structures 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.

The home is connected to an existing septic system and there are only family members in the business.

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

There are fire extinguishers inside the trucks.

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

The firewood is kept in the rear of the property, well over twenty-five (25') feet from pavement.

STAFF RECOMMENDATIONS

The applicant is requesting to have a tree trimming business with outdoor processing and storage of wood and outdoor storage of vehicles and equipment. He currently has two (2) bucket trucks, a chipper, and a dump truck that he uses for the tree trimming business. He is requesting to bring logs back to the site for processing for his personal use and to occasionally sell to the public. All firewood, vehicles, and equipment will be stored to the rear of the property in a wooded area. He would like to use the existing trees as natural screening. The applicant states that the vehicles are primarily kept offsite March – October, but there are times they will be kept on the property. The applicant has no employees and very limited customer traffic coming for firewood. The majority of the firewood is for himself or other family members. Staff feels that if the operation and outdoor storage is limited that it may be compatible with the rural area.

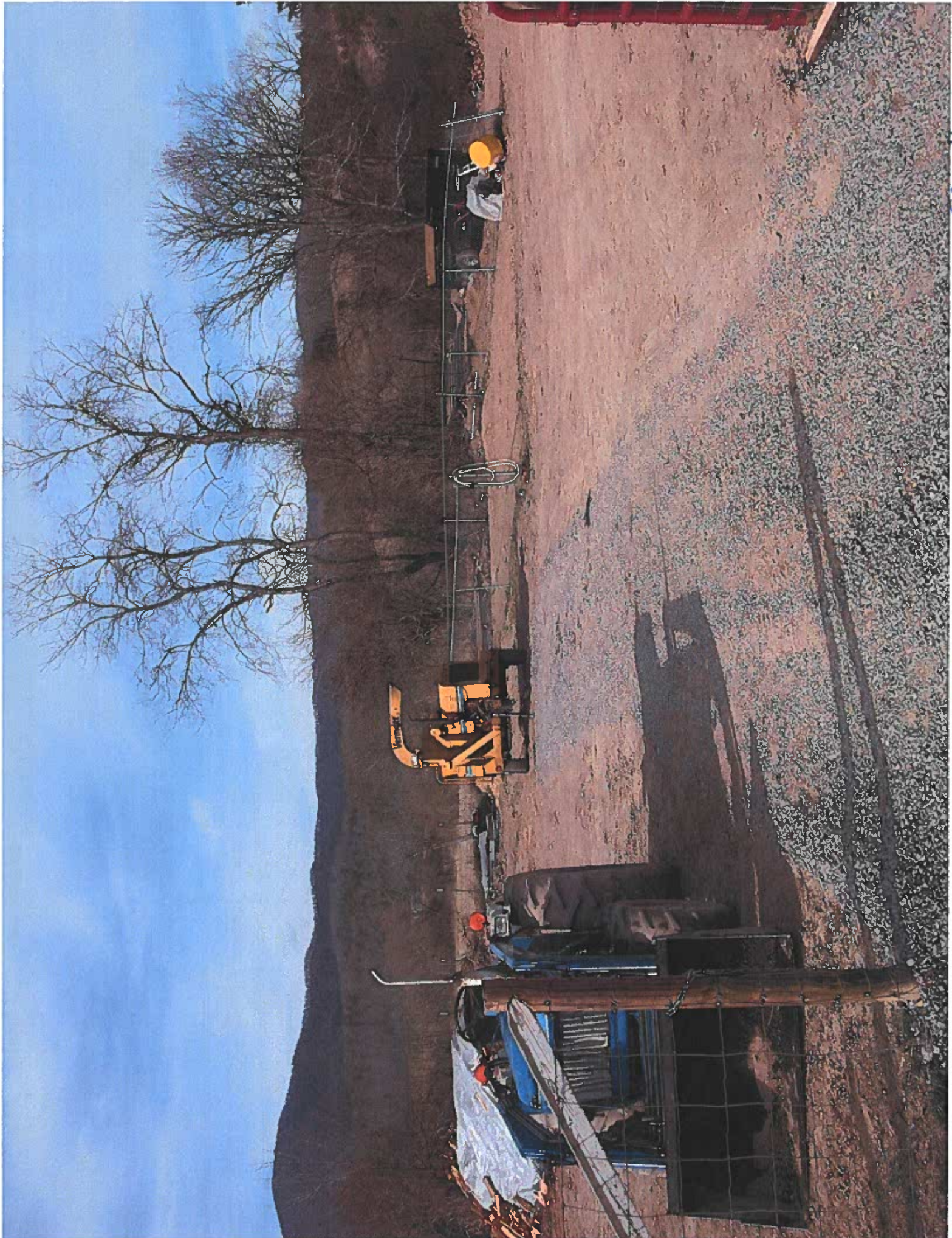
If the Board feels the request is compatible and desires to approve the request, then staff would recommend the following conditions:

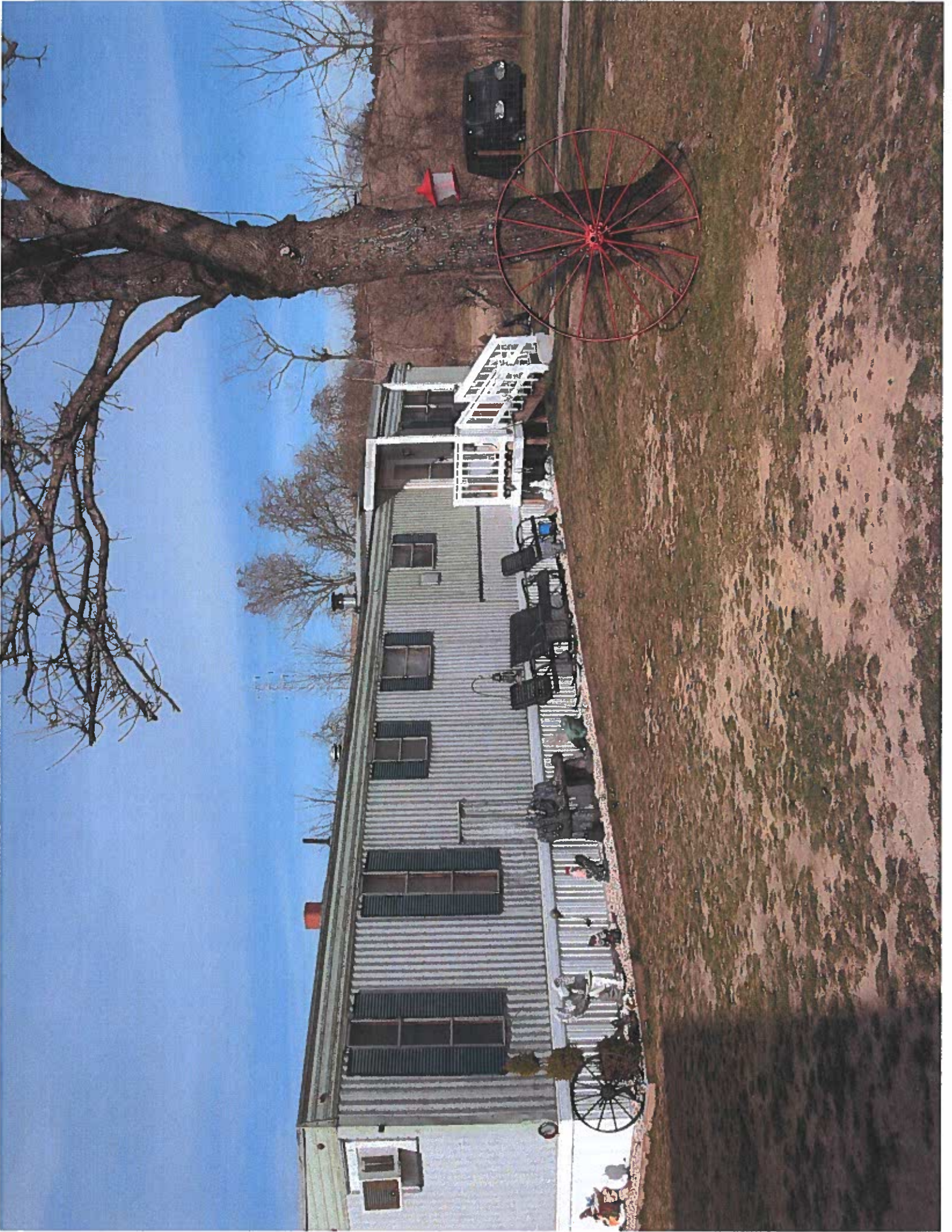
Pre-Condition:

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

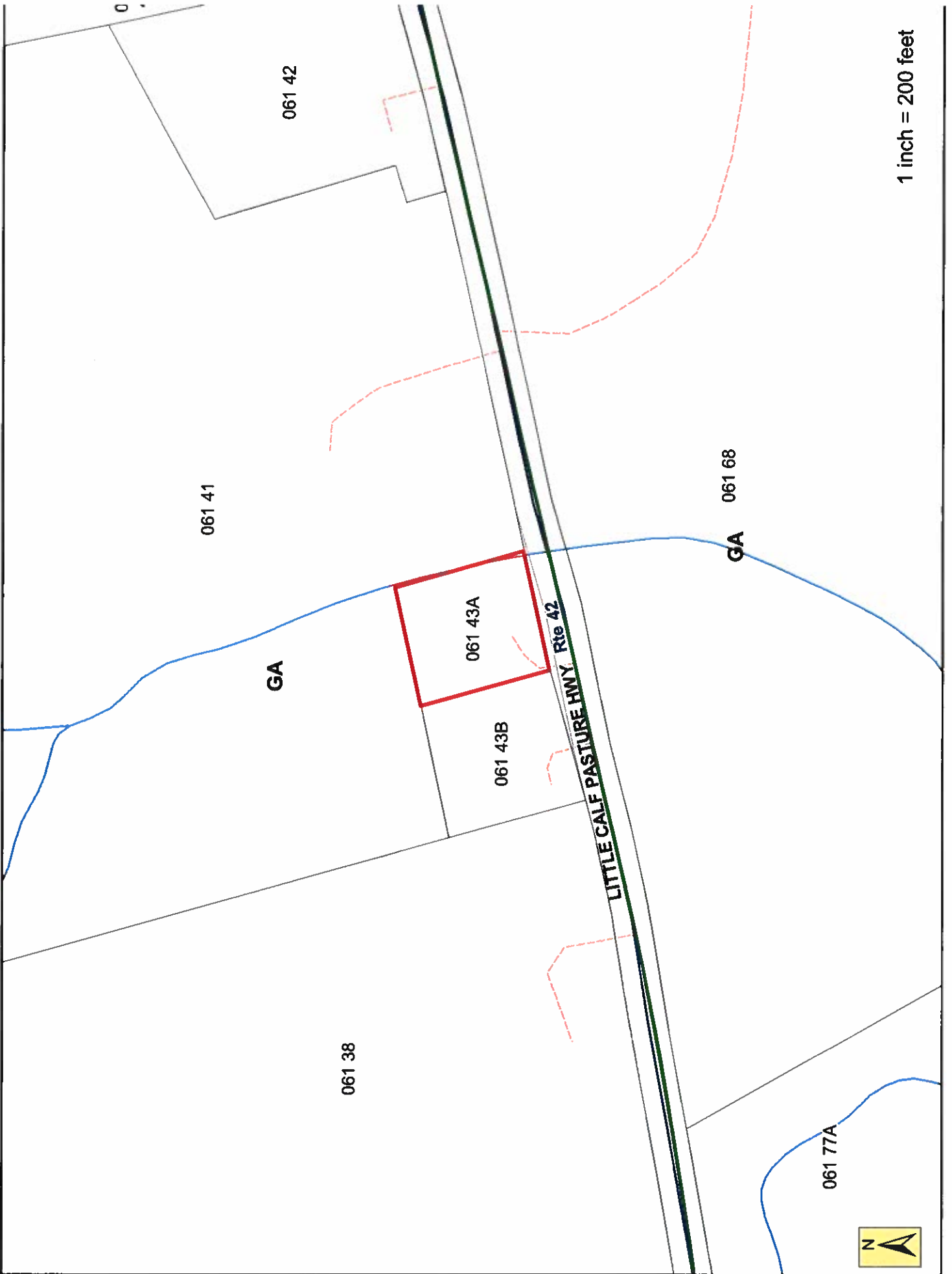
Operating Conditions:

1. All vehicles and equipment for the business and all wood be processed and stored in the designated areas on the site plan.
2. Hours of operation be Monday – Saturday 8:00 a.m. to 6:00 p.m.
3. No firewood processing on Sunday.
4. All trees and natural vegetation remain and be maintained to provide screening.
5. No employees other than family members.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. Site be kept neat and orderly.





Spradlin



Spradlin



100' x 50' Storage Area

Spradlin

061 41



PROPERTY OWNER:
Robert S. Elkins

Agenda Item # 4F
Date 6/16/2020

APPLICANT:
Jeffrey Armentrout

LOCATION OF PROPERTY:
94 Hildebrand Circle, Staunton in the Beverley Manor District

SIZE OF PROPERTY:
2.437 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private well and private septic

APPLICANT'S JUSTIFICATION:
To have a towing business and a vehicle impound yard

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 occupant of the home is the only employee. It is recommended not to drive or park over your septic tank and drainfield.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance is adequate for the proposed use.

The private driveway bridge is not on VDOT Right-of-Way, but VDOT does recommend that the landowner have a Professional Engineer with bridge design experience analyze the structural capacity of the structure.

SERVICE AUTHORITY'S COMMENTS:
There is no public water or sewer available in the area of the subject parcel.

ENGINEERING'S COMMENTS:

Less than 10,000 square feet. Ok.

DEQ'S COMMENTS:

See attached

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 inoperable motor vehicle storage area will be screened by an opaque privacy fence.

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 operator resides in the dwelling on the property.

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

Businesses are more appropriate in Business zoned areas. A towing business and impound yard may not be appropriate for the agriculture area.

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

The business has access to Hildebrand Circle.

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

There is an existing entrance that should safely and adequately accommodate 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.

No new structures are proposed. The fenced area will be 25' x 110'.

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.

There are no expansions 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 septic system for the dwelling on the property. The Health Department comments state no employees.

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

The applicant states there are fire extinguishers in the truck.

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 is displayed for sale. All vehicles brought to the site are taken to the salvage yard.

STAFF RECOMMENDATIONS

The applicant is requesting to operate a towing business and to have an impound area for inoperable vehicles. The impound area will be 25' x 110' and will be screened by an opaque privacy fence. The applicant currently has four (4) licensed tow trucks that will be parked on the property. There will be no outside employees. The applicant states that his brother and father do drive on occasion. The applicant picks up vehicles for the County Sheriff's Office, Staunton Police Department, State Police Department, and also for individuals when called. The applicant states there will be no more than eighteen (18) vehicles on the property maximum.

Staff has received numerous complaints regarding the operation of the towing business and outdoor storage of inoperable vehicles. Staff sent letters to the applicant and the property owner advising them of the violation. The applicant stated he was not aware a Special Use Permit is required. He was advised to cease operating the business from this location and not bring any inoperable/unlicensed vehicles to the site until the Board acts on the request. **Staff continues to receive complaints and recent inspections show the applicant is still bringing junk/inoperable vehicles to the site.** Due to the fact the applicant **continues to operate in violation** of the Zoning Ordinance after staff instructed him to stop, we are not confident the applicant will comply with the Board's operating conditions. Therefore, staff cannot support approval of the Special Use Permit request. However, if the Board desires to approve the request, staff would recommend the following conditions:

Pre-Condition:

1. Applicant construct an eight (8') foot high opaque privacy fence around the 25' x 110' vehicle storage area within thirty (30) days.

Operating Conditions:

1. The eight (8') foot opaque privacy fence must be maintained.
2. No employees other than family members.
3. All outdoor storage be kept in the designated areas shown on the site plan.
4. No junk or inoperable vehicles to be kept outside.
5. No vehicle repair or maintenance work may be done on this site.
6. No retail sales of motor vehicles or motor vehicle parts may be done on this site.
7. Site be kept neat and orderly.

Beatrice Cardellicchio

Subject: FW: [EXTERNAL] Request for comments, Special Use Permit #20-18

From: Keith Fowler <keith.fowler@deq.virginia.gov>
Sent: Wednesday, March 18, 2020 3:12 PM
To: Sandy Bunch <sbunch@co.augusta.va.us>
Subject: [EXTERNAL] Request for comments, Special Use Permit #20-18

Hi Sandra – In response to your 3/12/20 letter to Jennifer Welcher of this office, below are DEQ Valley Regional Office review comments for the subject project. Other than the information provided below, I have no additional recommendations with respect to this project. Please let me know if you have any questions or need any additional information.

Below is general information related to DEQ programs which should be considered when initiating a construction project in Virginia. In addition, you may wish to refer to DEQ's Environmental Impact Reviews web site, <http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview.aspx>, and our Pollution Prevention / Environmental Excellence pages, <http://www.deq.virginia.gov/Programs/PollutionPrevention.aspx>, for other general information. We are glad to discuss specifics for any aspects of your business with you as it relates to any DEQ programs. Please let me know if you have any questions or need any additional information regarding environmental matters.

1. Water Quality and Wetlands. Measures must be taken to avoid and minimize impacts to surface waters and wetlands during construction activities. The disturbance of surface waters or wetlands may require prior approval by DEQ and/or the U.S. Army Corps of Engineers. The Army Corps of Engineers is the final authority for an official confirmation of whether there are federal jurisdictional wetlands or other surface waters that may be impacted by the proposed project. DEQ may confirm additional waters as jurisdictional beyond those under federal authority. Review of National Wetland Inventory maps or topographic maps for locating wetlands or streams may not be sufficient; there may need to be a site-specific review of the site by a qualified professional. Even if there will be no intentional placement of fill material in jurisdictional waters, potential water quality impacts resulting from construction site surface runoff must be minimized. This can be achieved by using Best Management Practices (BMPs). If construction activities will occur in or along any streams (perennial, intermittent, or ephemeral), open water or wetlands, the applicant should contact Eric Millard at DEQ-VRO (540-574-7813, Eric.Millard@deq.virginia.gov) to determine the need for any permits prior to commencing work that could impact surface waters or wetlands.

2. Erosion and Sediment Control and Storm Water Management. DEQ has regulatory authority for the Virginia Pollutant Discharge Elimination System (VPDES) programs related to municipal separate storm sewer systems (MS4s) and construction activities. Erosion and sediment control measures are addressed in local ordinances and State regulations. Additional information is available at <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement.aspx>. Non-point source pollution resulting from this project should be minimized by using effective erosion and sediment control practices and structures. Consideration should also be given to using permeable paving for parking areas and walkways where appropriate, and denuded areas should be promptly revegetated following construction work. If the total land disturbance exceeds 10,000 square feet, an erosion and sediment control plan will be required. Some localities also require an E&S plan for disturbances less than 10,000 square feet. A stormwater management plan may also be required. For any land disturbing activities equal to one acre or more, you are required to apply for coverage under the VPDES General Permit for Discharges of Storm Water from Construction Activities. The Virginia Stormwater Management Permit Authority may be DEQ or the locality. Specific questions regarding the Stormwater Management Program requirements should be directed to Gary Flory at DEQ-VRO (540-574-7840, Gary.Flory@deq.virginia.gov).

3. Other Site Development Considerations. Fugitive dust generated during construction should be controlled by using measures such as the prompt removal of spilled or tracked dirt or other materials from paved streets, limited application of water to suppress dust, and washing of construction vehicles and paved roadways immediately adjacent to construction sites. Do not use water for dust control to the extent that it results in runoff to surface waters or wetlands. Land clearing wastes (vegetative debris) generated during construction should be properly managed in accordance with applicable regulations and local ordinances. Shredding/chipping of vegetative debris and reuse on-site is usually recommended over open burning. Any open burning of vegetative debris must be performed in accordance with the Open Burning Regulation

and coordinated with the local fire official to ensure that all local ordinances are met. A copy of DEQ's open burning regulation and related information are accessible from <http://www.deq.virginia.gov/Programs/Air/AirQualityPlans/OpenBurning.aspx>. Also, no open burning should take place in violation of the Virginia Waste Management Regulations, <http://law.lis.virginia.gov/admincode/title9/agency20/>. Contact Keith Fowler at DEQ-VRO (540-574-7812, Keith.Fowler@deq.virginia.gov) for any questions related to the proper control of fugitive dust, or open burning requirements and prohibitions.

4. Potable Water. Installation of potable water lines and appurtenances must comply with the State's Waterworks Regulations. The Virginia Department of Health (VDH), <http://www.vdh.state.va.us/ODW/>, administers both federal and state laws governing waterworks operation. For more information, contact the VDH's Lexington Office of Water Programs at (540) 463-7136 or Mark.Perry@vdh.virginia.gov.

5. Wastewaters. DEQ has approval authority over wastewater discharges per the State Water Control Law and corresponding regulations. This includes discharges or land application of any wastewaters generated from washing of materials, products, or vehicles, or other practices relevant to this project, including water contaminated by chemicals used on-site. DEQ also has approval authority over plans and specifications for sewage collection systems and treatment works (except drainfields and other on-site systems approved by the local health department), per the Sewage Collection and Treatment (SCAT) Regulations, <http://law.lis.virginia.gov/admincode/title9/agency25/chapter790/>. Any wastewaters generated by this project must be properly managed and disposed. For additional information and assistance, contact Brandon Kiracofe at DEQ-VRO (540-574-7892, Brandon.Kiracofe@deq.virginia.gov).

6. Air Quality. Installation / operation / modification / replacement of stationary or portable fuel burning equipment (e.g., generators, wood chippers/grinders, boilers, etc.) or other sources of air pollutants, including dust, may be subject to registration and/or air permitting requirements (<http://www.deq.virginia.gov/Programs/Air/PermittingCompliance/Permitting/TypesofAirPermits.aspx>); for questions regarding this, please contact Janardan Pandey at DEQ-VRO (540-574-7817, Janardan.Pandey@deq.virginia.gov).

7. Petroleum Storage Tanks. Installation / operation / modification of tanks used for the storage of petroleum and CERCLA substances may be subject to registration and/or other regulatory requirements (<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/PetroleumProgram/StorageTanks.aspx>). If petroleum-contaminated soils or water are encountered during excavation work, or if old petroleum tanks need to be removed or replaced, contact DEQ. For questions regarding any of this, please contact Todd Pitsenberger at DEQ-VRO (540-574-7847, Todd.Pitsenberger@deq.virginia.gov).

8. Solid and Hazardous Wastes, and Hazardous Substances. DEQ administers the Virginia Waste Management Regulations, <http://law.lis.virginia.gov/admincode/title9/agency20/>. All solid wastes, hazardous wastes, and hazardous materials, including construction and demolition (C&D) wastes and universal wastes (batteries, fluorescent lights, refrigerants, mercury switches, mercury thermostats, etc.), must be managed in accordance with all applicable federal, state, and local environmental regulations. The generation of hazardous wastes should be minimized and solid wastes generated at the site should be reduced at the source, reused, or recycled. DEQ encourages the management of certain organic wastes by on-site composting or reuse as animal feed or soil amendment. Also, if you encounter any improperly disposed solid or hazardous wastes, or petroleum contaminated soils, you should contact DEQ-VRO. You may wish to refer to the web link for "What's in My Back Yard?", <http://www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx>, to help you determine areas where residual contamination may be more likely. Contact Graham Simmerman at DEQ-VRO (540-574-7865, Graham.Simmerman@deq.virginia.gov) for any questions related to waste management / disposal, including any questions related to open burning requirements and prohibitions. Manage / dispose of any asbestos-containing materials (ACMs) in accordance with Virginia Department of Labor and Industry (DOLI) regulations. Contact Doug Wiggins at DOLI (Richard.Wiggins@doli.virginia.gov, 540-562-3580, ext. 131) for any questions related to management / disposal of ACMs.

9. Pesticides and Herbicides. DEQ recommends that herbicides or pesticides for construction or landscape maintenance, when necessary, be used in accordance with the principles of integrated pest management, and that the least toxic pesticides that are effective in controlling the target species be used. Please contact the Department of Agriculture and Consumer Services at (804) 786-3501 for more information. If applying aquatic pesticides to surface waters, the applicant must comply with the DEQ's Pesticide General Permit, <http://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination/PermitsFees.aspx#pest>.

10. Natural Heritage Resources. The Virginia Department of Conservation and Recreation (DCR) Division of Natural Heritage (DNH) can search its Biotics Data System for occurrences of natural heritage resources from the area indicated on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered animal

and plant species, unique or exemplary natural communities, and significant geologic communities. We recommend that the DNH be contacted at (804) 786-7951 to secure updated information on natural heritage resources before commencing the project.

11. Wildlife Resources. The Virginia Department of Game and Inland Fisheries (DGIF) exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state or federally listed endangered or threatened species. DGIF determines likely impacts on fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce, or compensate for those impacts. For more information, see the DGIF website at <http://www.dgif.virginia.gov> or contact Ray Fernald at (804) 367-6913 or ray.fernauld@dgif.virginia.gov.

12. Historic and Archaeological Resources. *Section 106 of the National Historic and Preservation Act of 1966*, as amended, requires that activities that receive federal funding must consider effects to properties that are listed or eligible for listing on the National Register of Historic Places. The Department of Historic Resources (DHR) conducts reviews of projects to determine their effect on historic structures or cultural resources. If applicable, contact DHR. In the event that archaeological resources are encountered during construction, immediately contact Ms. Ethel Eaton, DHR, at (804) 367-2323.

13. Pollution Prevention. DEQ recommends that construction projects incorporate the principles of pollution prevention including the following recommendations:

- Consider environmental attributes when purchasing materials. For example, the extent of recycled material content and toxicity level should be considered.
- Consider contractors' commitment to the environment when choosing contractors. Also, specifications regarding raw material selection (alternative fuels and energy sources) and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable practices and materials in infrastructure and construction and design. These could include asphalt and concrete containing recycled materials and integrated pest management in landscaping.
- Integrate pollution prevention techniques into maintenance and operation activities to include source reduction (fixing leaks, energy efficient products).

Pollution prevention measures are likely to reduce potential environmental impacts and reduce costs for material purchasing and waste disposal. DEQ's Office of Pollution of Prevention hosts a number of programs and initiatives that provide non-regulatory assistance to businesses, institutions, and communities including the Virginia Environmental Excellence Program and Virginia Green. For more information, please visit our web site at <http://www.deq.virginia.gov/Programs/PollutionPrevention.aspx>.

14. Energy Conservation. Any structures should be planned and designed to comply with state and federal guidelines and industry standards for energy conservation and efficiency. For example, energy efficiency of the structures can be enhanced by maximizing the use of the following:

- thermally-efficient building shell components (roof, wall, floor, and insulation);
- high efficiency heating, ventilation, air conditioning systems; and
- high efficiency lighting systems.

Matt Heller at the Department of Mines, Minerals and Energy, (434) 951-6351, matt.heller@dmme.virginia.gov, may be contacted for assistance in meeting this challenge.

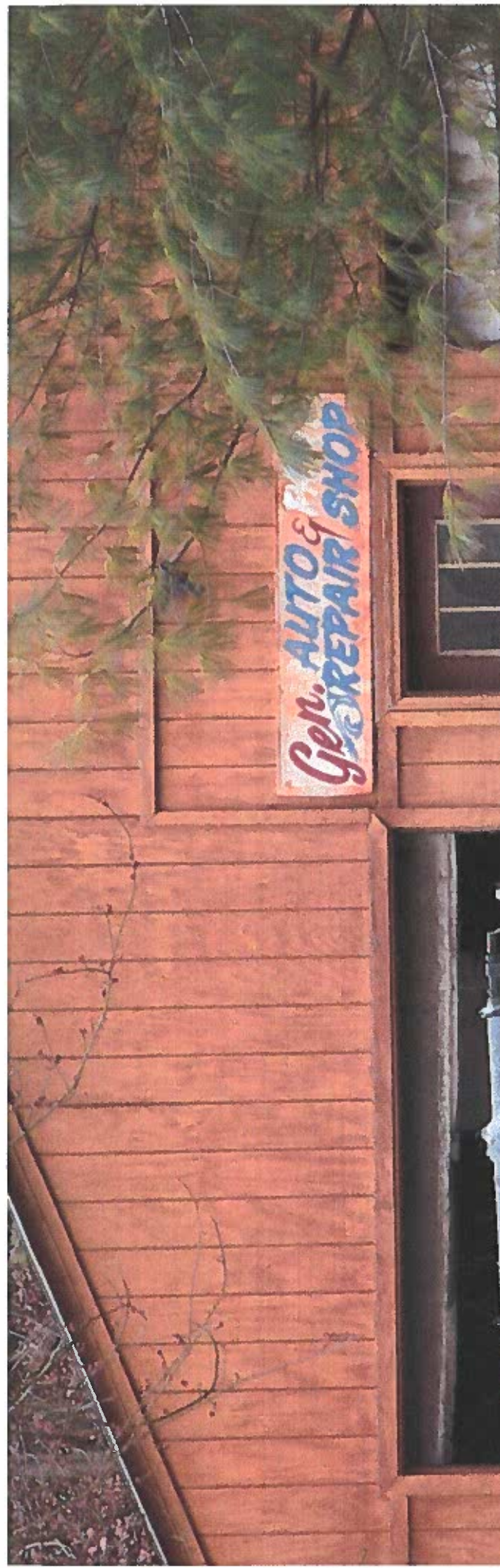
B. Keith Fowler | Deputy Regional Director | DEQ-Valley Regional Office | 4411 Early Road | P. O. Box 3000 | Harrisonburg, VA 22801 | 540-574-7812 | Keith.Fowler@deg.virginia.gov

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Gen. AUTO & REPAIR SHOP



Elkins

057 66

057 67C

057 67B

1 inch = 100 feet
BARLEY RD

057 65
GA 12-13-95

Rte 923

GA

057 64

HILDBRAND CIR

056 43A

056 41A

057 67F



Elkins



1 inch = 100 feet

25' x 110' Vehicle Storage - gravelled area

Elkins



057 65

056 41A

RTB 923

057 67B

057 64

056 43A



PROPERTY OWNER:

David C. Earman

Agenda Item # 4G
Date 6/16/2020

APPLICANT:

Same

LOCATION OF PROPERTY:

1085 Lee Jackson Highway, Staunton in the Beverley Manor District

SIZE OF PROPERTY:

0.700 acre

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:

None

APPLICANT'S JUSTIFICATION:

Request by the Zoning Administrator to Consider Cancellation of the Special Use Permit #88-10

STAFF RECOMMENDATIONS

The Board approved a Special Use Permit on **April 5, 1988**, for Mr. Earman to have an electrical warehouse with the following Operating Conditions:

1. The site plan submitted to the Board of Zoning Appeals be revised to reflect the conditions of the permit.
2. The eight (8) foot privacy fence be erected on both sides of the building.
3. The scrap material storage building be allowed to be built at this site as shown on the site plan.
4. **The only thing allowed outside is two (2) semi-trailers** and they are to be located in the southwest corner of the lot.

5. Cables stay up until the fence is erected.
6. Permit be issued non-transferrable.
7. Submit an updated site plan with the location of the pole structure, the two (2) semi-trailers, and the utility trailers and the eight (8) foot fence be shown all the way around the building.
8. Limitation of eight (8) poles stored on the rack to the rear of the property.
9. Limit of four (4) small utility trailers be stored to the rear of the building and be kept neat and orderly.

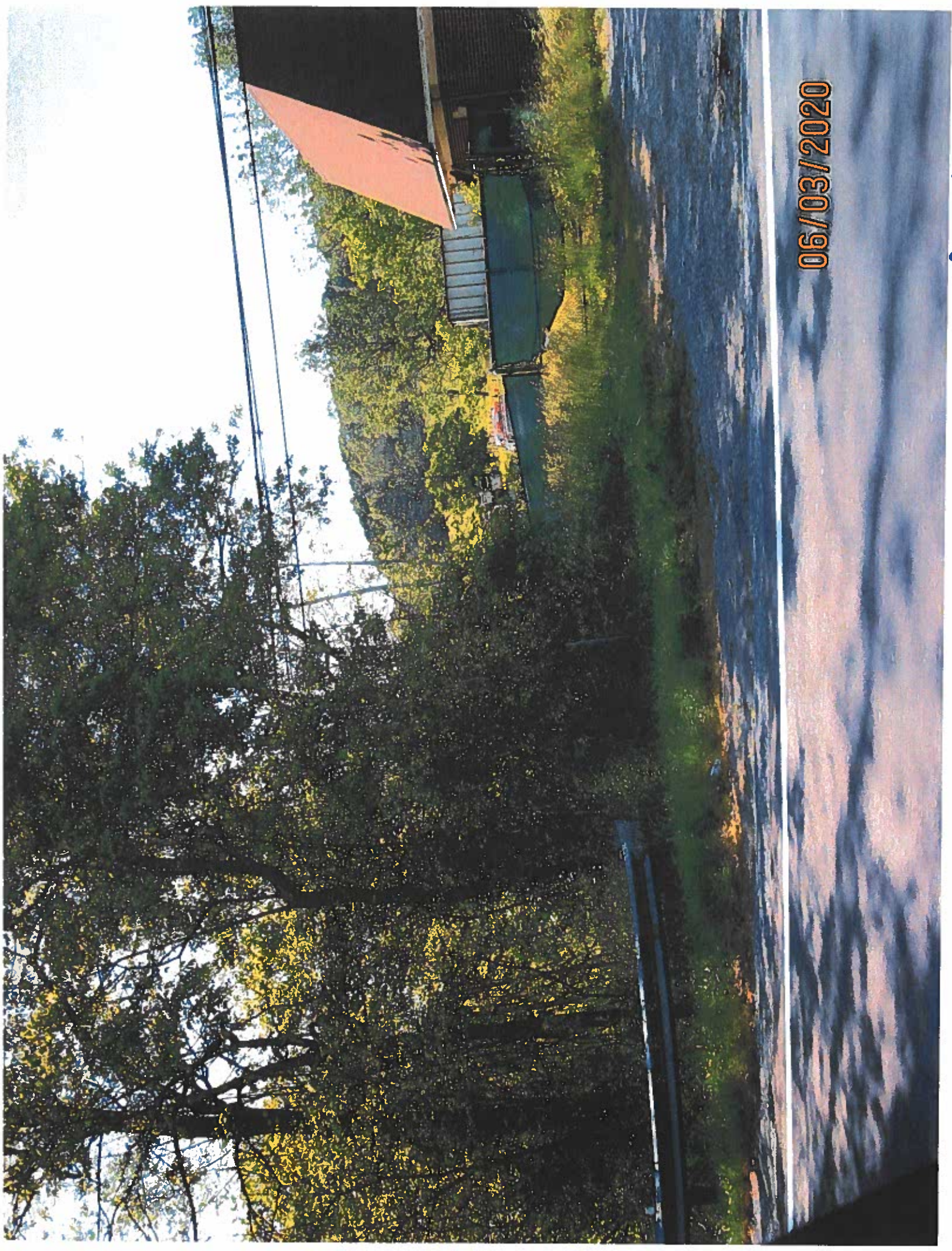
The Community Development Department has received numerous complaints regarding persons living in a camper and the storage of inoperable vehicles, shipping containers, equipment and miscellaneous junk on the property in public view. Mr. Earman has been notified on several occasions that he is in violation of the Operating Conditions of his Special Use Permit and the Zoning Ordinance.

CHRONOLOGICAL LIST OF EVENTS

- | | |
|-----------|--|
| 1/24/2014 | Received a complaint regarding inoperable vehicles and using a camper as a dwelling. |
| 1/24/2014 | First notice of violation regarding persons living in a camper and inoperable vehicles stored was sent. |
| 2/05/2014 | Mr. Earman contacted our office and stated a friend was staying in the camper. He will ask him to move it and he will remove the inoperable vehicle. |
| 3/05/2014 | Property remains in violation. Second notice of violation was sent. |
| 3/20/2014 | Property still in violation. Camper and miscellaneous junk and debris remain. |
| 4/07/2014 | Property still the same. |
| 4/15/2014 | Final notice of violation letter was sent. |
| 4/30/2014 | Camper still onsite and VDOT trailer. |
| 5/28/2014 | Camper and trailer remain. |
| 6/24/2014 | Sent first notice to mow the property. |

- 7/07/2014 Mr. Earman stated the property is in compliance.
- 7/24/2014 Site inspected and the property has been mowed and vehicles are not visible.
- 1/24/2019 Received a complaint regarding inoperable vehicles, equipment, miscellaneous junk and debris, and shipping containers stored on the property.
- 1/28/2019 Sent notice of violation letter.
- 2/02/2019 Mr. Earman contacted the office and stated everything was for his electrical business. Sandy advised he could not store inoperable vehicles and miscellaneous junk and equipment.
- 2/12/2019 Site remains in violation.
- 2/25/2019 Site still in violation.
- 8/16/2019 No progress.
- 8/21/2019 Sent final notice of violation.
- 9/05/2019 Site remains in violation. Fence has been installed.
- 9/23/2019 Site remains in violation and no response from Mr. Earman.
- 12/10/2019 Still in violation of Operating Conditions.
- 1/13/2020 Sent final notice of violation of Operating Conditions and cancellation notice.
- 2/28/2020 Property still in violation.

Due to the fact that Mr. Earman continues to violate the Operating Conditions of the Special Use Permit, staff recommends cancellation of Special Use Permit #88-10 to have an electrical warehouse.

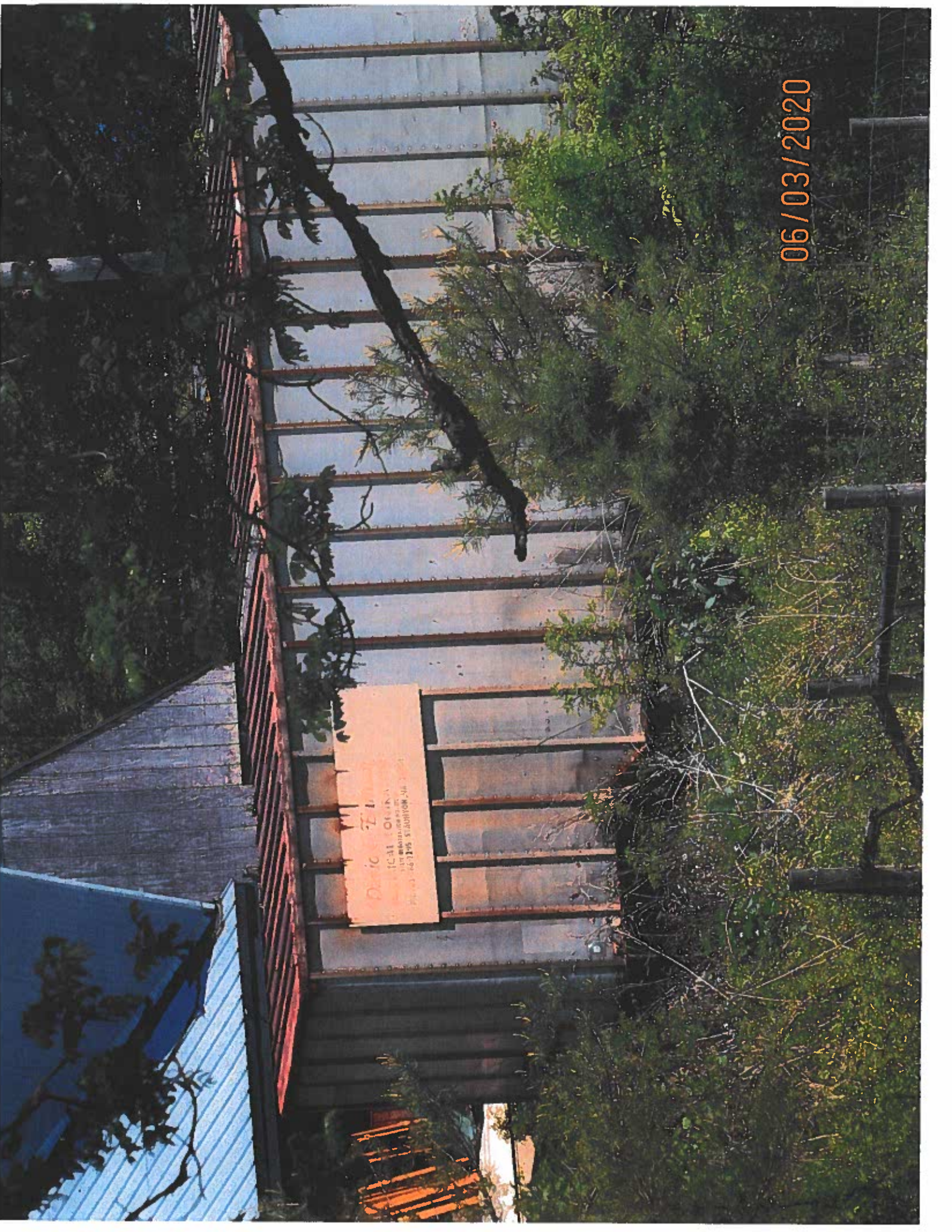


06/03/2020

Dustin Koeman



06/03/2020

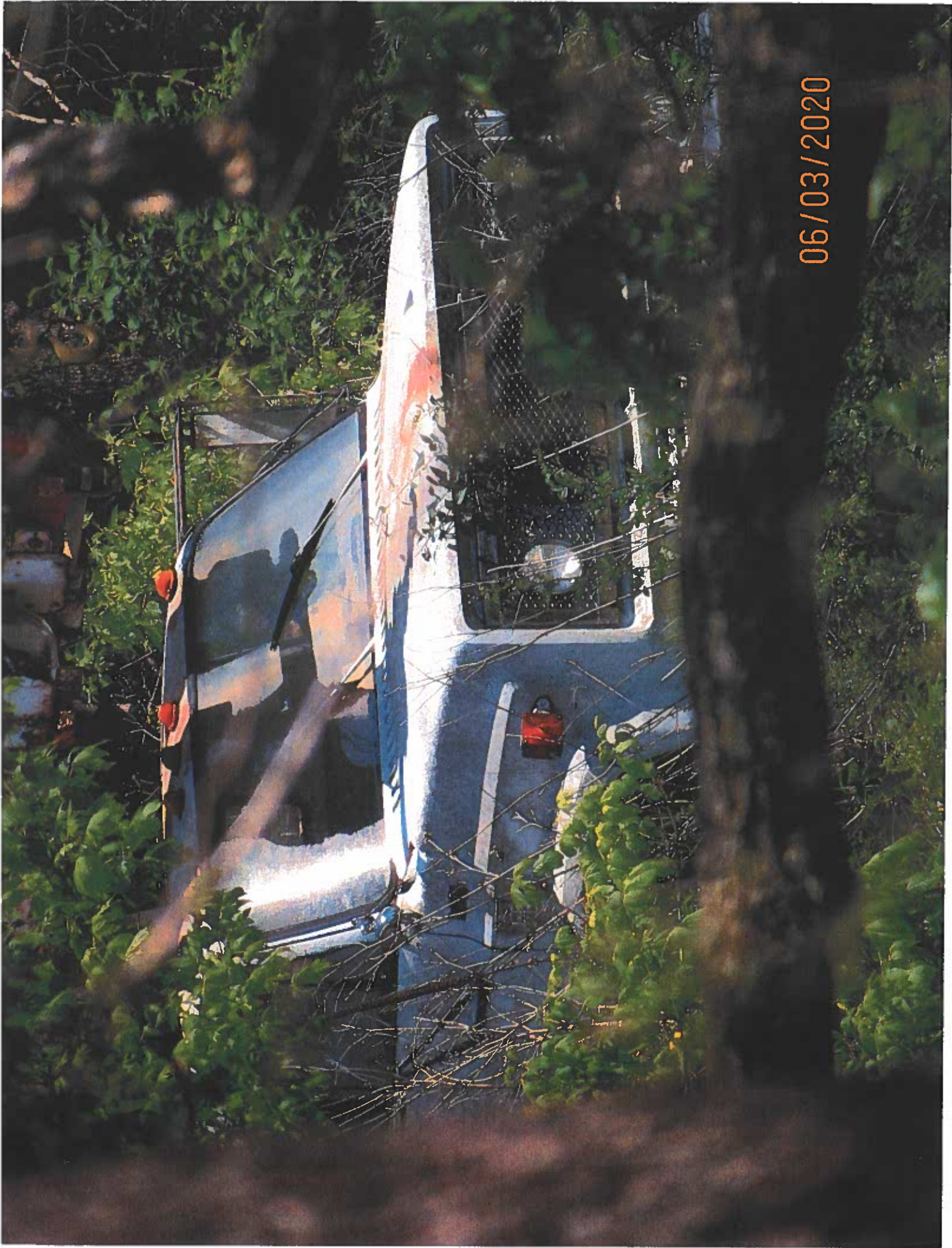


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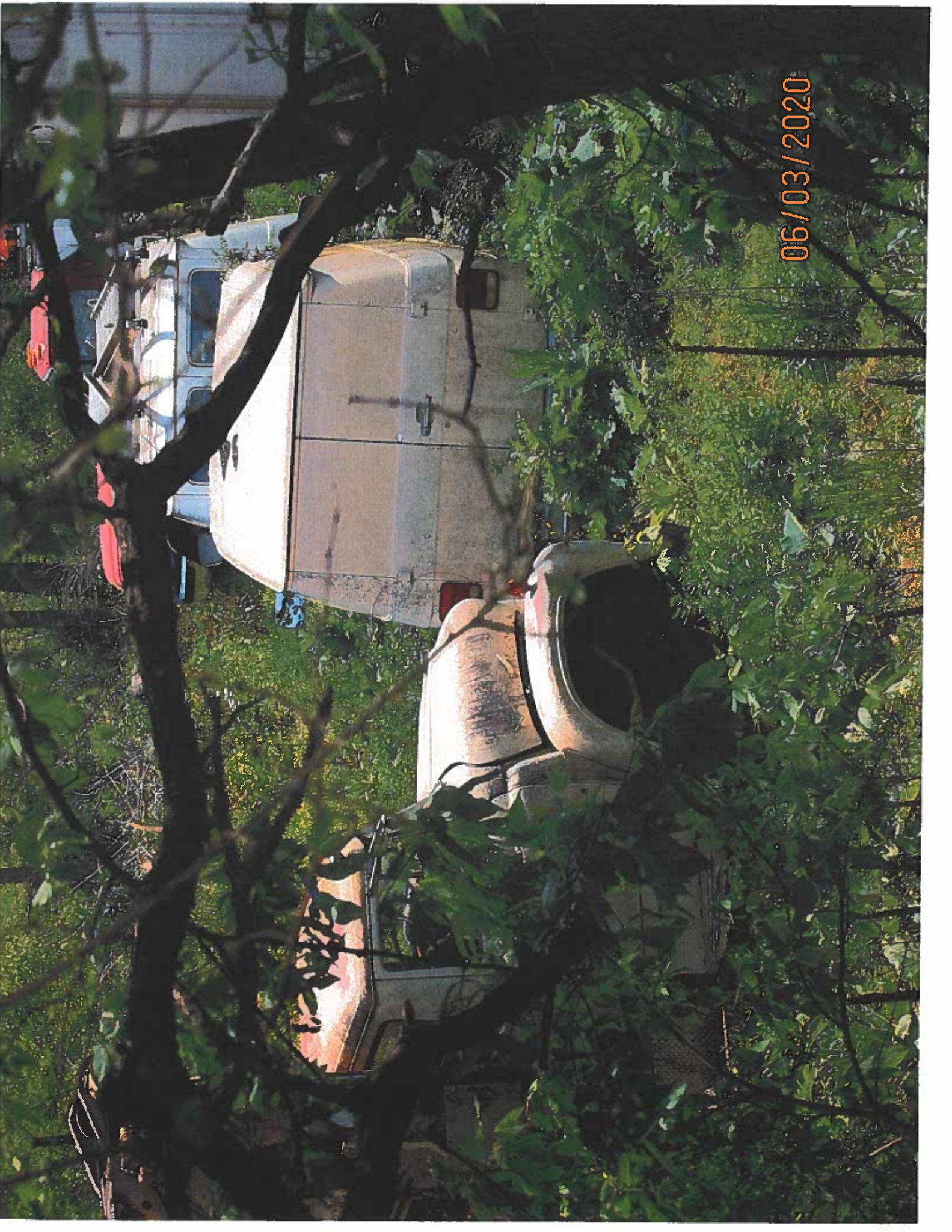
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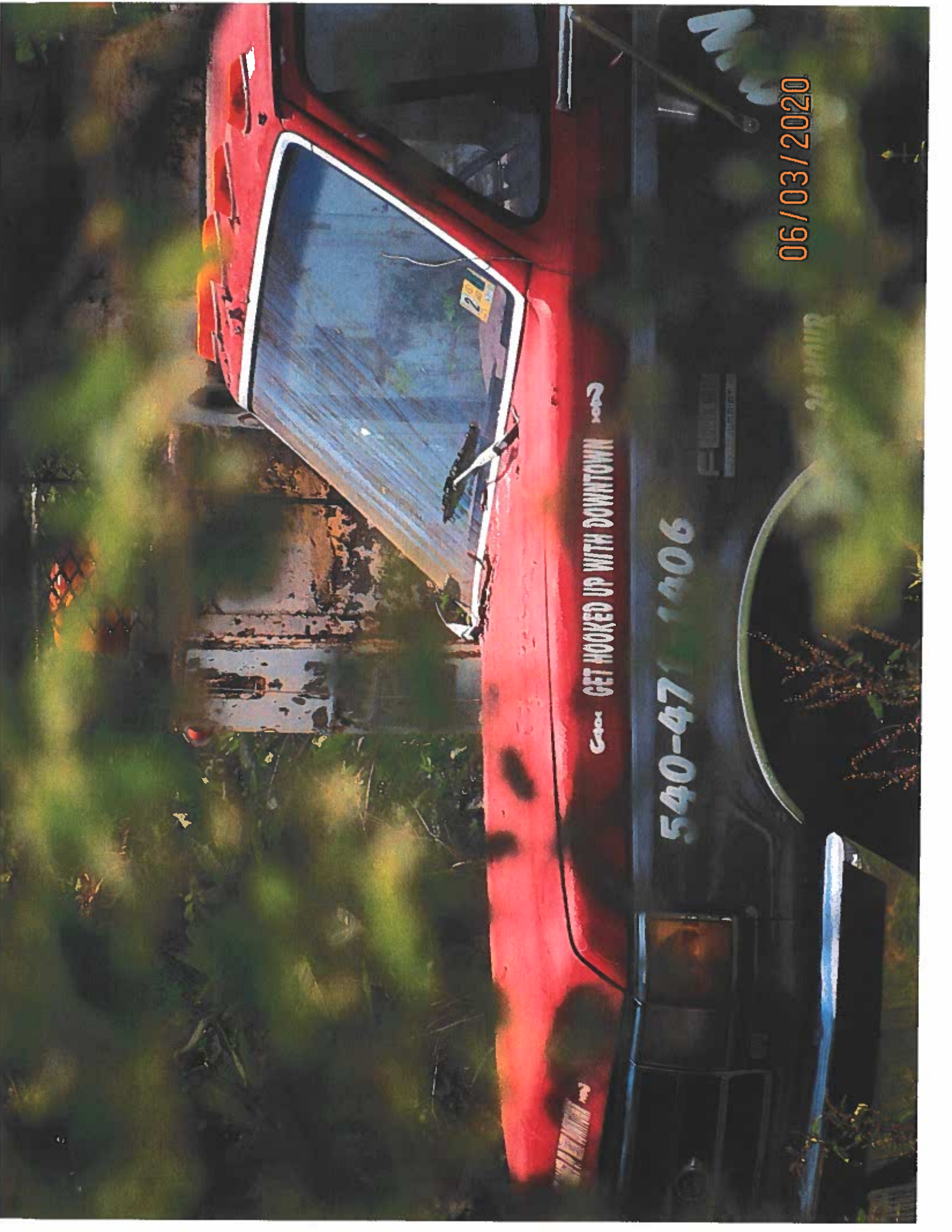
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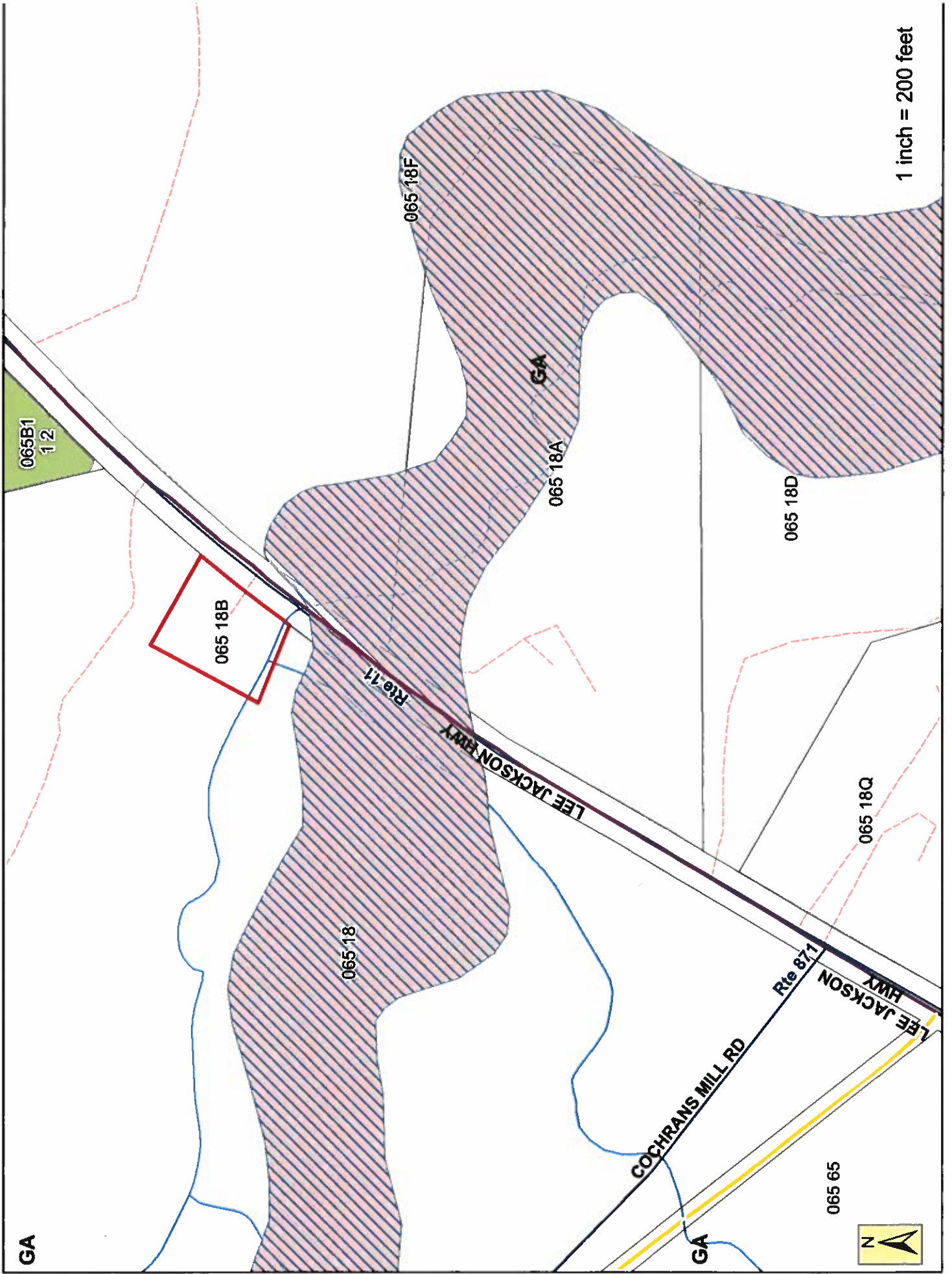


GET HOOKED UP WITH DOWNTOWN

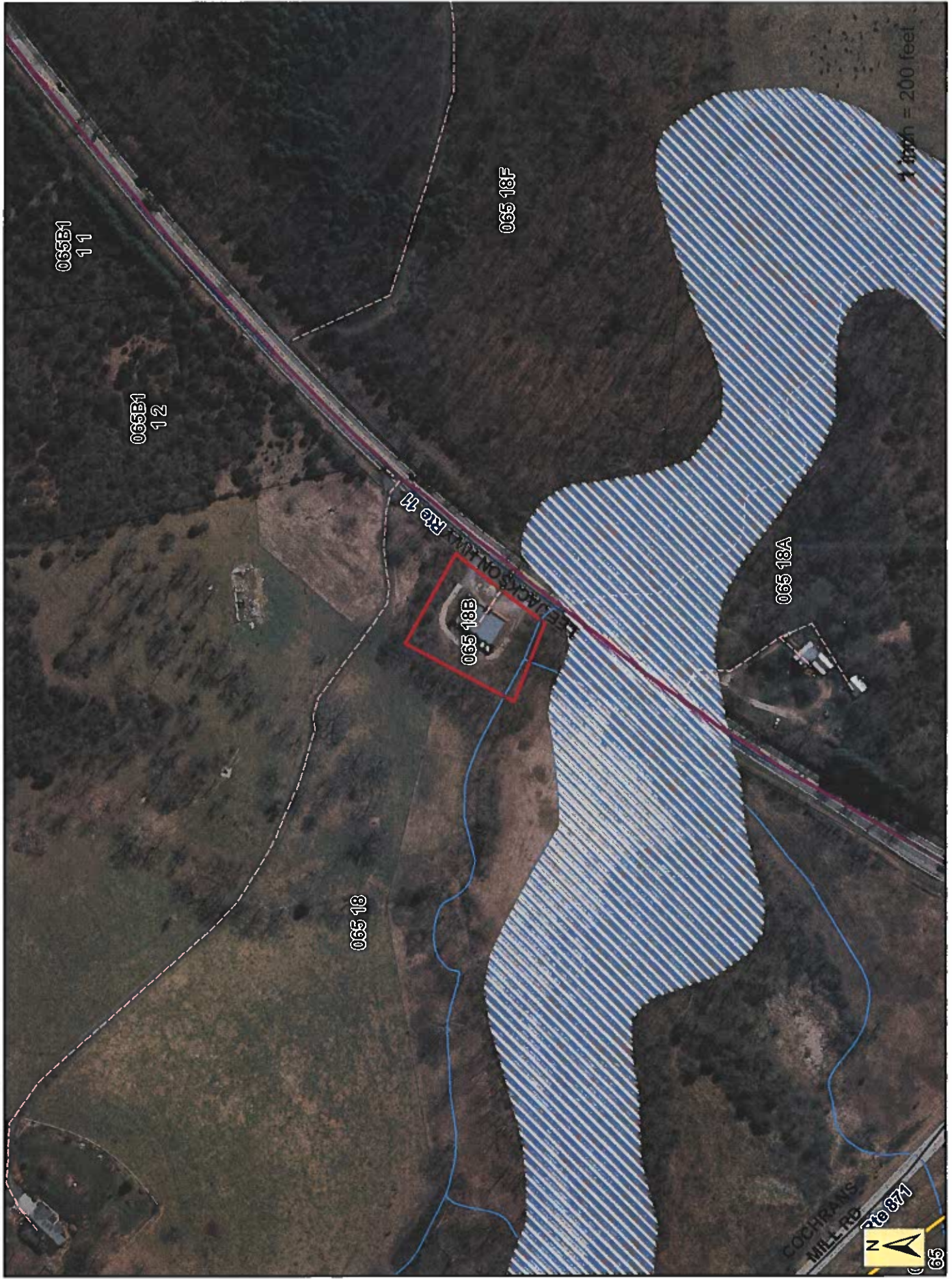
540-47 1406

06/03/2020

Earman



1 inch = 200 feet



PROPERTY OWNER:
Lofton Lake Partnership

Agenda Item # 4H
Date 6/14/2020

APPLICANT:
William Hausrath

LOCATION OF PROPERTY:
Lofton Lake Lane, north of Cold Springs Road, Raphine in the Riverheads District

SIZE OF PROPERTY:
222.019 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 will be installed

APPLICANT'S JUSTIFICATION:
Variance from the Floodplain Ordinance to construct a new dwelling

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
The Health Department has no issues with this request.

HIGHWAY DEPARTMENT'S COMMENTS:
VDOT has no objection to the Variance from the Floodplain Ordinance. However, it should be noted that the existing entrance (intersection of private Lofton Lake Dr. and Rt. 608) has been evaluated in the past and does not meet current commercial entrance requirements.

SERVICE AUTHORITY'S COMMENTS:
There is no public water or sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

This is not FEMA floodplain, but is in County defined Floodpool created to protect public investment in flood control dams. Ensure space underneath house is not habitable or finished. Install flood vents in accordance with FEMA standards. Require approval from Headwaters Soil and Water Conservation District.

HEADWATERS SOIL AND WATER CONSERVATION DISTRICT'S COMMENTS:

See attached letter dated March 5, 2020

STAFF COMMENTS:

The applicant is requesting a Variance from the Floodplain Overlay District in order to construct a new dwelling with the Floodpool area. The Floodpool is area located upstream of publicly owned or maintained flood control or water supply structures that are at or below the elevation of the top of the dam. This would be the area that will be inundated when the structure is completely full. The base flood elevation in this district is defined as the elevation at the top of the dam.

The applicant provided a topographic survey showing the proposed dwelling to be constructed on pier footings below the base flood elevation of 1765.2; however, the finished floor elevation will be above the base flood elevation at 1766.

Doug Wolfe, County Engineer, reviewed the survey and does not feel this will cause a significant net increase to the base flood elevation at the top of the dam. However, both the County Engineer and Headwaters Soil and Water Conservation District agree that the applicant needs to provide an engineered foundation plan for the pier footings and flood vents be installed if the dwelling is constructed on a crawlspace to meet FEMA standards.

Section 25-478C states: Variances shall be issued only after the board of zoning appeals has determined that there is good and sufficient cause and that the granting of such variance will not result in (i) unacceptable or prohibited increases in flood heights, (ii) additional threats to public safety, or (iii) extraordinary public expense, and will not (i) create nuisances, (ii) cause fraud or victimization of the public, or (iii) conflict with local laws or ordinances.

If the Board is satisfied the applicant meets the above standards and desires to approve the Variance, then Staff would recommend the following conditions:

Pre-Condition:

1. Applicant submit an engineered foundation plan, including flood vents if on a crawlspace, prepared and sealed by a professional engineer.

Operating Conditions:

1. Applicant obtain Building Permit and provide a copy to Community Development.
2. Dwelling be constructed as shown on the topographic survey.



We work with the people who work the land.

Headwaters Soil and Water Conservation District
70 Dick Huff Lane
Verona, VA 24482
(540) 248-0148
www.headwatersswcd.org

March 5, 2020

Sandra K. Bunch
P.O. Box 590
Verona, VA 24482

Dear Ms. Bunch:

The Headwaters Soil and Water Conservation District would like to submit revised comments on the variance application sought by Lofton Lake LLC on behalf of William Hausrath for an occupied dwelling in the flood pool of Lofton Lake flood control dam.

The exhibit provided by the landowner was provided to the District Dam Engineer for Virginia's Department of Conservation and Recreation and the Virginia State Engineer for Virginia's USDA Natural Resources Conservation Service for their guidance. These two agencies provide engineering assistance, inspections, and much of our major project funding.

In the review it was noted that the planned home location has a proposed Finish Floor Elevation of 1766.2'. The exhibit shows the Lowest Adjacent Grade (LAG) for the structure would be at an approximate elevation 1760.8' which is well below the flood pool for South River #4 - Lake Lofton (Inventory # 015001) as defined by the top of dam elevation of 1765.2.

The first preference of the Headwaters Soil and Water Conservation District is that no home ever be allowed in the flood pool of any flood control dam. There are both safety and dam operating permit considerations. Also, to place any portion of this structure below top of dam potentially jeopardizes future funding for major modifications from state and federal sources thereby placing that financial burden upon the District and Augusta County. The county code should address the safety issues. To prevent permit problems and the loss of future funding the Headwaters SWCD asks that the Augusta County Board of Zoning Appeals, take into consideration the National Watershed Program Manual, Part 504, Subpart A, 504.3C(3) Induced Flooding (ii) Flooding of Buildings. The wording of which is attached. The district has been told that if the landowner's proposed flood mitigation meets the county code or FEMA guidance it should meet the intent of the National Watershed Program Manual.

Therefore, if the zoning board approves a variance that allows any portion of this structure to be below top of dam elevation, the district asks that the Board of Zoning appeals make it conditional on two restrictions. First we ask that the landowner be required to provide documents with the engineer's seal and signature guaranteeing that the portion below top of dam has been flood proofed and protected to meet the requirements as specified in the county code.

Second we ask that Lofton Lake LLC and Mr. Hausrath produce and provide to the District a restrictive covenant recorded with the deed that will follow chain of title stating that the current or subsequent owners will hold harmless the Headwaters Soil and Water Conservation District and local sponsors of the dam from any and all damages to their structure and property occurred by flooding.

The Headwaters SWCD appreciates the Board of Zoning Appeal's consideration in this matter.

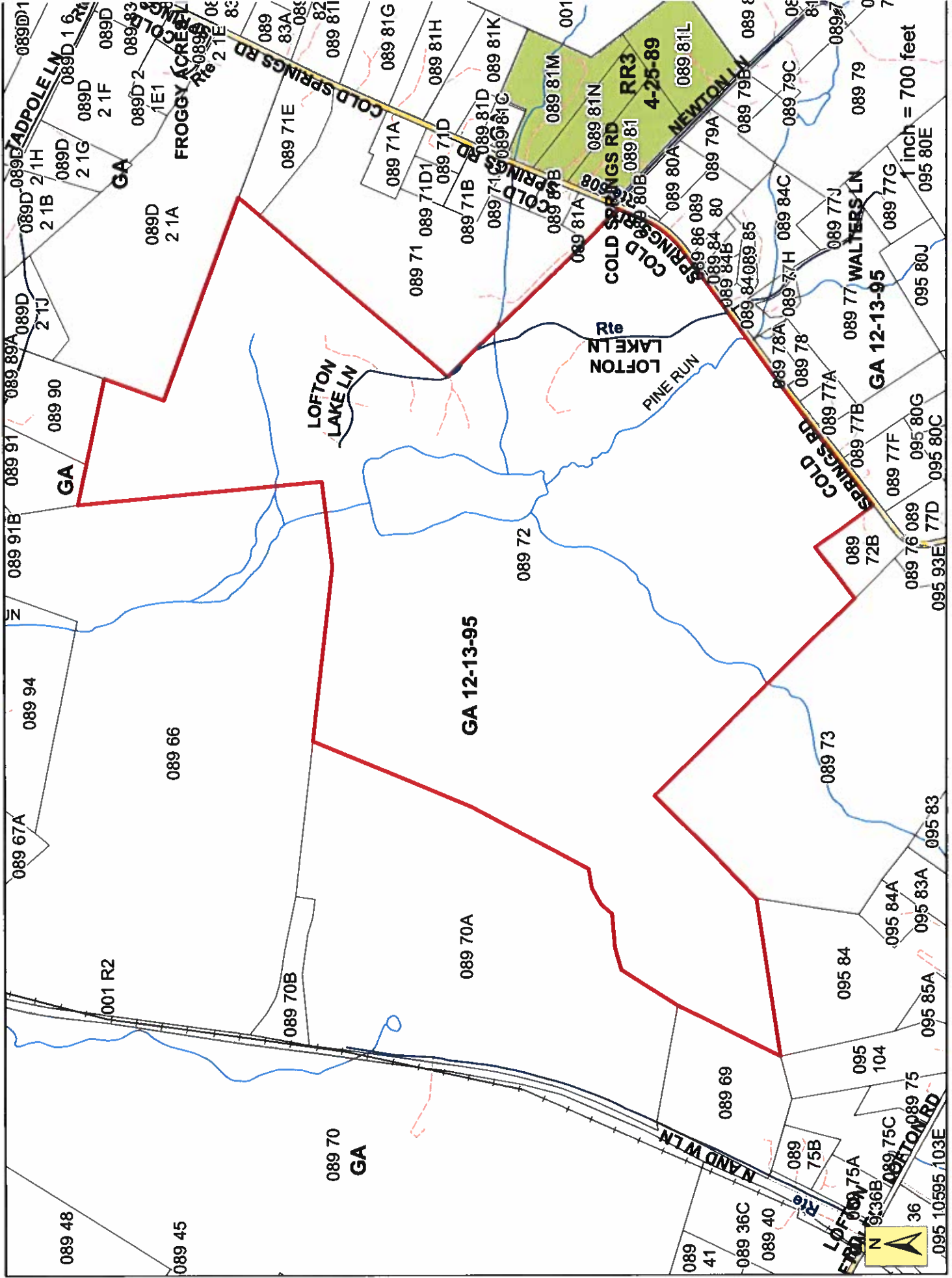
Sincerely,

Richard Shiflet /cp

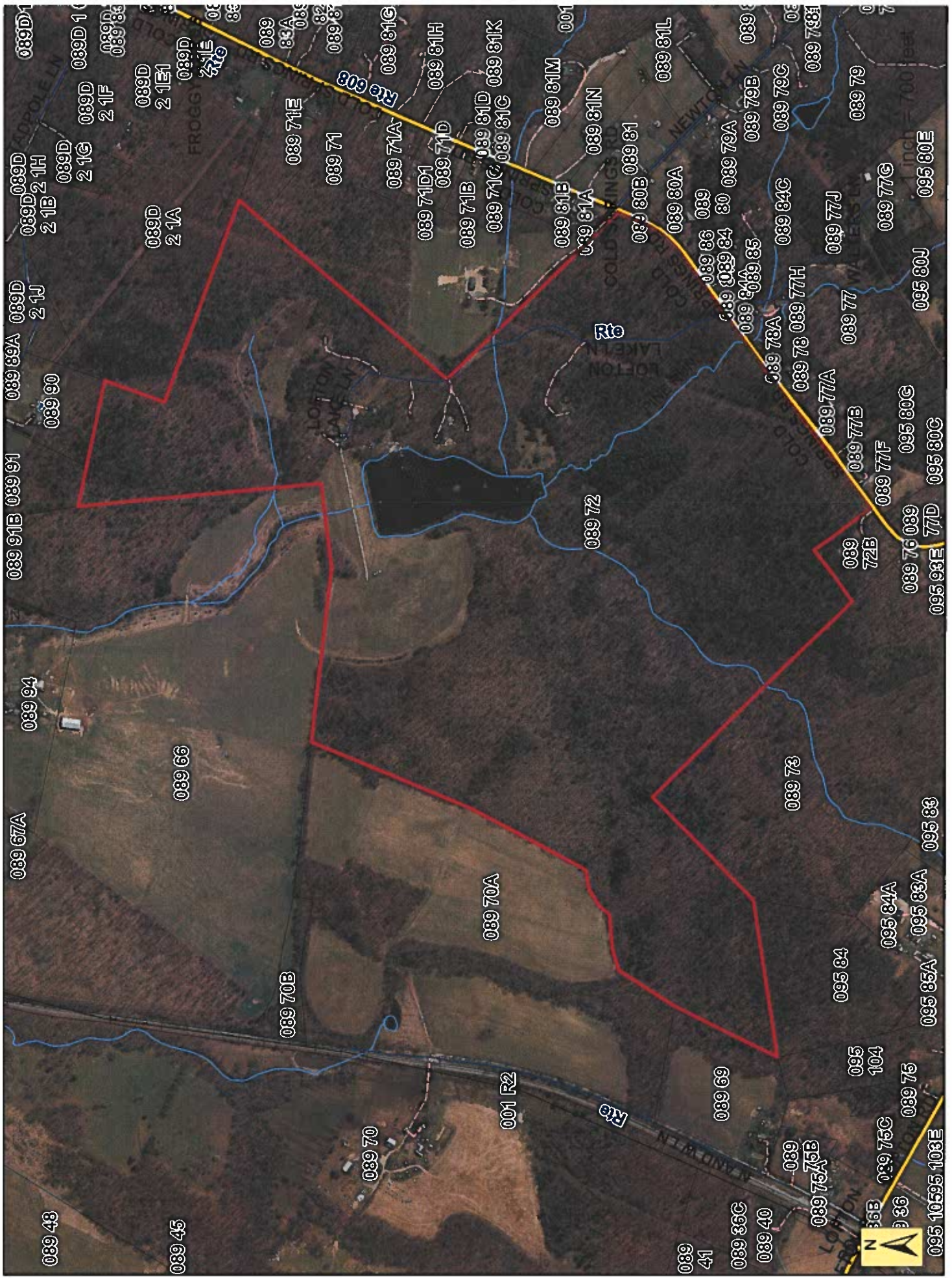
Richard Shiflet, Chairman



Lofton Lake Partnership



Lofton Lake Partnership



NOTES:

- 1) THIS PLAT REPRESENTS A CURRENT FIELD SURVEY.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.
- 3) PER THE AUGUSTA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, THE SUBJECT PROPERTY IS IN "FLOOD POOL" AREA OF THE FLOODPLAIN OVERLAY DISTRICT.
- 4) SUBJECT PROPERTY IS IN FEMA DEFINED ZONE "X"
MAP NUMBER: 51015C06100
EFFECTIVE DATE: SEPTEMBER 28, 2007
- 5) VERTICAL DATUM IS NAVD88.

CERTIFICATION:

THIS PLAT SHOWING PROPOSED HOME LOCATION ON AND PARTIAL TOPOGRAPHIC SURVEY OF TAX MAP #89-72" WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF DANIEL E. HANSEN, L.S. FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED ON NOVEMBER 20, 2019; AND THAT THIS PLAT, MAP, OR DIGITAL GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.

OWNER INFORMATION:

LOFTON LAKE PARTNERSHIP
TAX MAP #89-72
DB-913 PG-585

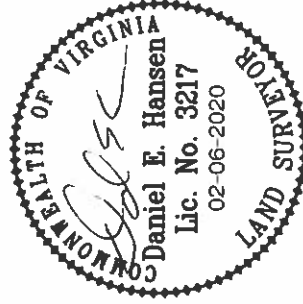
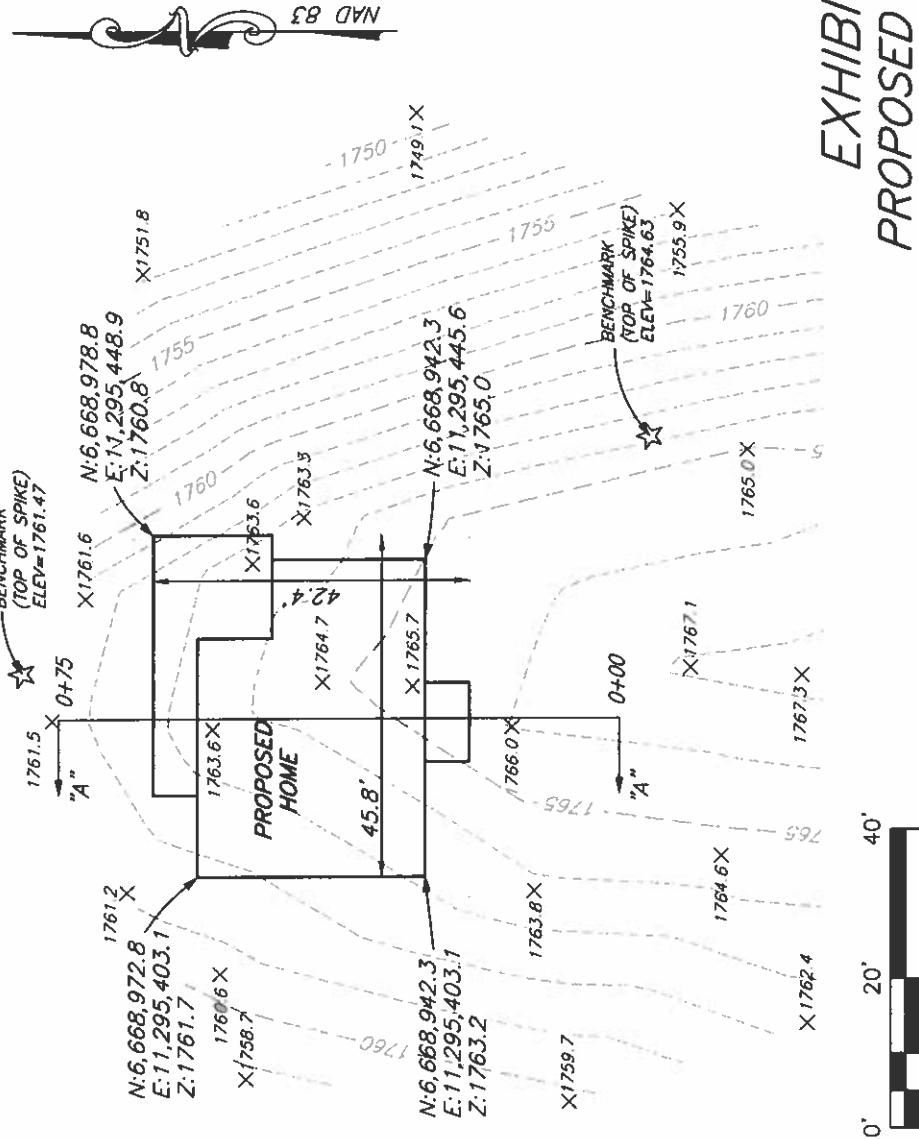


EXHIBIT SHOWING PROPOSED HOME LOCATION ON AND PARTIAL TOPOGRAPHIC SURVEY OF TAX MAP #89-72

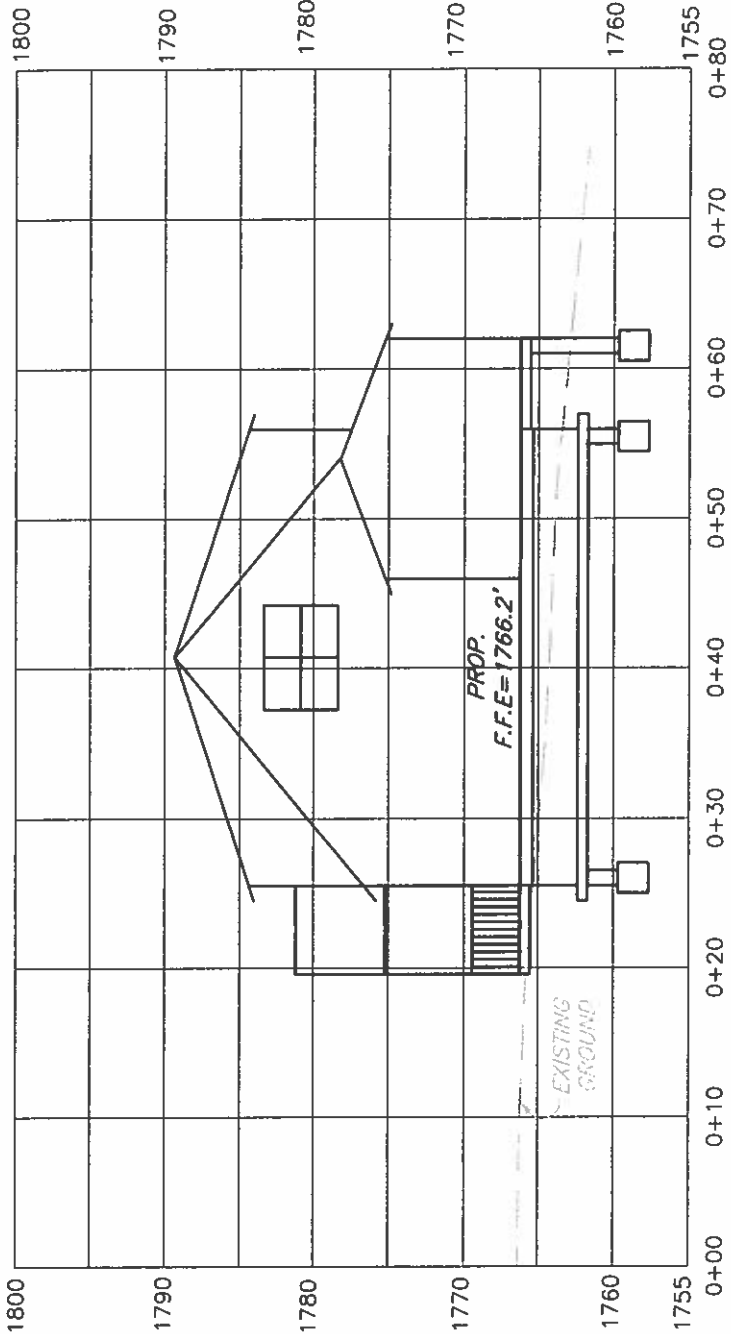
RIVERHEADS DISTRICT
COUNTY OF AUGUSTA, VIRGINIA
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY / STAUNTON / HARRISONBURG / LYNCHBURG
1561 Commerce Road, Suite 401 / Verona, Virginia 24482 / Phone (540) 248-3220 / www.balzar.cc



DATE: 02-06-2020
SCALE: 1" = 20'
JOB: 35180020.HS
DRAWN BY: FJE
SHEET 01 OF 02

SECTION A--A

LEGEND
F.F.E = FINISH
FLOOR ELEVATION



DATE: 02-06-2020
SCALE: 1" = 10' (HORIZONTAL & VERTICAL)
JOB: 35180020.HS
DRAWN BY: FJE
SHEET 02 OF 02

EXHIBIT SHOWING
PROPOSED HOME LOCATION
ON AND PARTIAL TOPOGRAPHIC SURVEY
OF TAX MAP #89--72

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EXTENSION OF TIME

Agenda Item # 7A

Date 6/16/2020

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.

The applicant is requesting a 60 day Extension of Time.

The applicants have a few more things to complete for VDOT approval. Staff recommends approval.

EXTENSION OF TIME

Agenda Item # 7B
Date 6/16/2020

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

The applicant is requesting a 90 day Extension of Time.

The applicants are requesting additional time to obtain all the necessary building permits for the apartment. Staff recommends approval.