



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 25, 2020

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, July 2, 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 in the **Board of Supervisors Conference Room at noon.**

Enclosed are 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

Agenda Item # 3A
Date 7/2/2020

PROPERTY OWNER:
Z Lot, LLC

APPLICANT:
Jeremiah Jenkins, agent for Black Bear Productions, LLC

LOCATION OF PROPERTY:
North of Howdysshell Lane, behind Natural Chimneys, Mount Solon in the North River District

SIZE OF PROPERTY:
61.141 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:
None

APPLICANT'S JUSTIFICATION:
To have a short term campground and special event performances

INDIVIDUAL PLANNING COMMISSION COMMENTS:
South River District Planning Commissioner: I have no issues with this as long as the roads can support the traffic. If it already is being used by the festival and there has been no issues I would see no reason the proposal should be denied.

North River District Planning Commissioner: The Redwing Festival is a big event for this part of the County. It's very large and can use the room. They are well self-policed and respectful of the community.

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

HEALTH DEPARTMENT'S COMMENTS:
The applicant is required to apply for and obtain a Health Department permit to operate a temporary campground each time they wish to allow camping at the property.

HIGHWAY DEPARTMENT'S COMMENTS:

The site will access Natural Chimneys Lane (Rt. 936) at the existing end of state maintenance. The additional camping sites and special event traffic will add additional, although similar, vehicle trips to this roadway. The pavement section is currently in good condition. VDOT does not object to the proposed use.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Calculations submitted show no increase in the runoff coefficient so there is no impact from a Stormwater Management perspective.

SECTION 25-74N – SHORT-TERM CAMPGROUNDS AND SHORT-TERM RECREATIONAL VEHICLE PARKS

Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution.

The applicants are proposing six hundred (600) sites to be used for overflow during the Red Wing Festival at Natural Chimneys. Sites are accessed through the existing campground at Natural Chimneys which has no record of crowd control traffic problems.

There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance.

All trash and garbage will be picked up daily. The applicants are proposing portable restrooms for temporary use.

There will be full compliance with Virginia Department of Health regulations with respect to food and water service.

The applicant is licensed through the Office of Drinking Water and no food will be provided.

There is an adequate plan for providing emergency medical services for persons in attendance.

Mt. Solon Fire and Rescue is located less than a ¼ mile from the park.

There is an adequate plan for parking and crowd and traffic control in and around the site.

All parking will be onsite at each campsite.

There is an adequate plan for protection from fire and other hazards.

Fire extinguishers are all onsite and they have an emergency action plan.

The business meets the requirements of article VI "Outdoor Lighting".

No new lighting will be installed.

There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety.

No new grandstands or structures are requested.

The campground or park is at least ten (10) acres in size. 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.

The proposed site contains 61.141 acres.

The density shall be no more than ten (10) sites per acre. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to limit the density of the campground or park.

The density does not exceed ten (10) sites per acre.

There shall be a minimum of fifty feet (50') of undeveloped land along the total perimeter of the campground or park.

The site plan shows the sites meeting the required fifty (50') foot perimeter setback.

All sites and facilities within the campground or park shall be served by a public water and sewer system or systems approved by the Virginia Department of Health. In no case shall portable toilets be permitted within a campground for anything more than temporary use defined as no more than four (4) days in any thirty (30) day period of time.

The campground will only be used during the Red Wing Festival. The applicants are licensed by the Health Department Office of Drinking Water and will be utilizing portable toilets for the festival no more than four (4) days in a thirty (30) day period.

Camp hosts may reside at a campground or park year-round, without regard to guest occupancy time limits. A campground or park may have one camp host per fifty (50) campsites. For purposes of this calculation, the number of campsites shall be rounded up to the next multiple of fifty (50). If a camp host resides in a recreational vehicle, the recreational vehicle must meet the definition of a self-contained unit as set out in § 25-4 and shall connect to an electricity supply and approved water and sewer system.

No camp hosts reside onsite.

The operator shall keep a guest register tracking occupancy data for all guests. This information shall be recorded on a standard form provided by the County and shall be made available for inspection on demand; and (Ord. 6/22/11)

The operator of a short-term campground or short-term recreational vehicle park may permit storage of unoccupied recreational vehicles year-round.

(Ord. 6/22/11)

The festival is once a year and each person is checked in with a ticket.

The campground or park shall have approval by the Virginia Department of Transportation (VDOT) and have direct access off a state maintained road. For facilities with one hundred (100) or more sites, a second access for emergency vehicles shall be provided. The second access may be gated. (Ord. 6/22/11)
The site is accessed by an approved VDOT entrance through Natural Chimneys Park. There is a second access through the park.

STAFF RECOMMENDATIONS

The applicants are requesting to have a short term campground and to have special event performances on the property during the Red Wing Festival at Natural Chimneys. The applicants have been utilizing this site for overflow camping and small performances during the three (3) day music festival since 2014, and they were not aware a Special Use Permit was required. The site will be accessed through Natural Chimneys Park using the existing approved entrance. The applicant submitted a site plan for five hundred seventy (570) sites, which will include two hundred twenty (220) dry RV sites for self-contained units and three hundred fifty (350) tent sites. Water for drinking will be provided and the applicants are licensed by the Health Department Office of Drinking Water. The applicants will be using portable restroom facilities for temporary use. The site will only be utilized once a year for three (3) consecutive days, which meets the County's definition of temporary use of portable restroom facilities.

Staff feels the request would not be out of character with the area and would bring the site into compliance with the current ordinance requirements and would recommend approval with the following conditions:

Pre-Condition:

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

Operating Conditions:

1. Be permitted one (1) festival per year for three (3) consecutive days and be permitted to use this property for camping and performances for the Red Wing Festival.
2. No camping outside of the approved site plan area.
3. Be permitted to use portable restroom facilities on a temporary basis defined as no more than four (4) days in any thirty (30) day period of time. If camping is allowed for more than four (4) days in any thirty (30) day period a sewage treatment system will need to be installed and a bathhouse will need to be constructed.
4. No outdoor amplified music after 11:00 p.m.

Agenda Item # 3B

Date 7/2/2020

PROPERTY OWNER:

C. Rodgers Huff Trustee & Etal

APPLICANT:

Collins Huff and Micah Huff

LOCATION OF PROPERTY:

425 Shenandoah Mountain Drive, West Augusta in the North River District

SIZE OF PROPERTY:

156.47 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

04/18 SUP approved to have outdoor storage of a food trailer and food sales

LAND USE MAPS:

Public TM#22-5, All Others Agriculture Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have a short term campground, trail riding, hiking, mountain biking, weddings and special events

PLANNING COMMISSION'S COMMENTS:

No comment.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits and inspections for any work done as regulated by the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

Applicants will need to apply for a campground permit with the Health Department. They were advised to work with a private sector PE and or AOSE for the campground plans. He stated that he plans to operate the event venue using portable toilets. It is recommended that at least 1 portable toilet per 100 people be provided.

HIGHWAY DEPARTMENT'S COMMENTS:

The site is served by an existing Moderate Volume Commercial Entrance adequate for the proposed use. VDOT has no objection.

SERVICE AUTHORITY'S COMMENTS:

There are no public water/sewer facilities in the area of the subject property. Therefore, the Service Authority has no comments on this SUP.

ENGINEERING'S COMMENTS:

Submit Erosion and Sediment Control and Stormwater Management Plans as appropriate for the disturbed acreage.

SECTION 25-74N – SHORT-TERM CAMPGROUNDS AND SHORT-TERM RECREATIONAL VEHICLE PARKS AND SECTION 25-74T - SPECIAL EVENT FACILITIES AND MEETING PLACES

Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution.

The site contains 156.47 acres and the applicant is proposing twenty (20) campsites which should not create traffic or crowd control problems.

There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance.

Applicants will pick up trash daily.

There will be full compliance with Virginia Department of Health regulations with respect to food and water service.

The applicants are currently working with the Health Department.

There is an adequate plan for providing emergency medical services for persons in attendance.

Deerfield Rescue is within close proximity as well as Churchville Fire and Rescue.

There is an adequate plan for parking and crowd and traffic control in and around the site.

The applicant is proposing a parking area for the tent sites and each RV site will have parking at the site.

There is an adequate plan for protection from fire and other hazards.

Deerfield Fire Department and Churchville Fire Departments are both within close proximity.

The business meets the requirements of article VI "Outdoor Lighting".

The applicants will be utilizing solar ground mount lighting.

There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety.

No construction is proposed.

The campground or park is at least ten (10) acres in size. 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.

The site contains 156.47 acres.

The density shall be no more than ten (10) sites per acre. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to limit the density of the campground or park.

The applicant is proposing twenty (20) sites.

There shall be a minimum of fifty feet (50') of undeveloped land along the total perimeter of the campground or park.

All sites meet the fifty (50') foot requirement.

All sites and facilities within the campground or park shall be served by a public water and sewer system or systems approved by the Virginia Department of Health. In no case shall portable toilets be permitted within a campground for anything more than temporary use defined as no more than four (4) days in any thirty (30) day period of time.

The applicant will be constructing a 15' x 30' bathhouse. Working with the Health Department on approval.

Camp hosts may reside at a campground or park year-round, without regard to guest occupancy time limits. A campground or park may have one camp host per fifty (50) campsites. For purposes of this calculation, the number of campsites shall be rounded up to the next multiple of fifty (50). If a camp host resides in a recreational vehicle, the recreational vehicle must meet the definition of a self-contained unit as set out in § 25-4 and shall connect to an electricity supply and approved water and sewer system.

The applicant resides in the dwelling on the property.

The operator shall keep a guest register tracking occupancy data for all guests.

This information shall be recorded on a standard form provided by the County and shall be made available for inspection on demand; and (Ord. 6/22/11)

The operator of a short-term campground or short-term recreational vehicle park may permit storage of unoccupied recreational vehicles year-round.

(Ord. 6/22/11)

The operator will have an online document for each camper. They are partnered with Hip Camp online reservations.

The campground or park shall have approval by the Virginia Department of Transportation (VDOT) and have direct access off a state maintained road. For facilities with one hundred (100) or more sites, a second access for emergency vehicles shall be provided. The second access may be gated. (Ord. 6/22/11)

The property has access to Route 250.

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

A small short term campground and limited weddings and special events may be appropriate for the agriculture area.

The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties.

A wedding venue and camping on a limited basis should not be out of character with the neighboring properties.

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

The proposed campground and wedding venue should not result in a clustering or change the character of the area.

The business shall have frontage on a state maintained road or the expected traffic on a legal right of way easement can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation.

The business has frontage on Route 250.

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

The 156.47 acre site should 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 compatible with neighboring properties.

The applicants will be constructing a 15 'x 30' bathhouse.

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 compatible with neighboring properties.

New structure will not exceed the 4,000 square feet limitation.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use by the Virginia Department of Health.

There is an existing septic system onsite and the applicant will be installing a new system and bathhouse.

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

Deerfield and Churchville Fire Departments are within close proximity.

STAFF RECOMMENDATIONS

The applicants are requesting to have a short term campground and to have weddings and special events. The applicants are proposing ten (10) tent sites and ten (10) RV sites. The applicants would like to also include horseback trail riding, hiking, and mountain biking as exercise trails as an accessory to the campground. They are proposing fifty (50) weddings or special events per year with up to two hundred fifty (250) attendees. Parking for the weddings will be in the field to remain grass. The weddings will be held outdoors and tents can be used if needed. All food and beverages will be catered for the events. The applicants are proposing portable restroom facilities for the weddings and special events, however, the Board has been consistent in requiring septic systems for similar event facilities. Due to the fact the applicants will need to install a septic system and construct a bathhouse per County regulations for the campground portion of the request, Staff feels the restrooms should be utilized during events as well.

Due to the size of the property, staff does not feel that a small short-term campground and limited weddings and special events would have a negative impact on the neighboring properties and would recommend approval with the following conditions:

Pre-Condition:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance including Erosion and Sediment Control and Stormwater Management for the disturbed acreage to be approved by all appropriate departments and/or agencies.
2. Obtain Health Department campground permit and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to operate a short term campground consisting of ten (10) tent sites and ten (10) recreational vehicle/horse trailer sites and a 15' x 30' bathhouse as shown on the site plan.
2. Applicant install a sewage treatment system approved by the Health Department prior to operation of any portion of this request.
3. Applicant obtain a building permit for the 15' x 30' bathhouse and provide a copy to Community Development.
4. No portable restroom facilities allowed for any portion of this request.
5. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
6. Be limited to thirty (30) events per year but no more than three (3) per month.
7. Be limited to two hundred fifty (250) people per event.
8. No outdoor amplified music after 9:00 p.m.
9. Events cease by 10:00 p.m. and all persons off the property by 11:00 p.m.
10. Applicant reside on premise.
11. Site be kept neat and orderly.

Agenda Item # 3C

Date 7/2/2020

PROPERTY OWNER:

Benjamin E. Yoder or Melanie D. Gregoire

APPLICANT:

Same

LOCATION OF PROPERTY:

77 Singing Hill Lane, Waynesboro in the Wayne District

SIZE OF PROPERTY:

37.429 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 septic

APPLICANT'S JUSTIFICATION:

To have weddings and special events

PLANNING COMMISSION'S COMMENTS:

No comment.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

Applicant plans to use portable toilets for events. The Health Department recommends 1 portable toilet per 100 people min per event.

HIGHWAY DEPARTMENT'S COMMENTS:

Zion Church Road is a low volume (60 vehicles per day) gravel roadway. The proposed use would double the amount of traffic using the roadway on days of events. An increase in the existing VDOT maintenance frequency on the roadway surface may not be attainable. An entrance serving an event center is required to meet the VDOT requirements for a moderate volume commercial entrance. The existing entrance does not meet the sight distance required. A remedy to the sight distance limitations was not apparent to VDOT staff.

SERVICE AUTHORITY'S COMMENTS:

There are no public water/sewer facilities in the area of the subject property. Therefore, the Service Authority has no comments on this SUP.

ENGINEERING'S COMMENTS:

No new construction. No Stormwater Management impact.

SECTION 25-74T - SPECIAL EVENT FACILITIES AND MEETING PLACES

Special event facilities and meeting places, including but not necessarily limited to: wedding venues, reunion venues, meeting places and other facilities of civic, community service and fraternal organizations, may be permitted by Special Use Permit provided:

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

The applicants are not proposing any construction. Events will be held outdoors and limited to a maximum of fifty (50) people. All parking will be onsite. The proposed use should be compatible with neighboring properties.

The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties.

The location and proposed use on the property should not be out of character to neighboring properties. The applicants are proposing a maximum of up to twenty (20) events a year with a maximum of fifty (50) attendees.

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

The permitting of this proposed business should not result in a clustering of similar businesses in the area.

The business shall have frontage on a state maintained road or the expected traffic on a legal right of way easement can be accommodated by the intersection with the state maintained road per approval by the Virginia Department of Transportation.

The property has direct access to Zion Church Road.

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

The property contains 37.429 acres and should safely and adequately accommodate all traffic to and from the public highways. All parking will be onsite. The applicants estimate a maximum of thirty (30) to forty (40) vehicles per event.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be compatible with neighboring properties.

All events are proposed outdoors. No construction is proposed.

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 compatible with neighboring properties.

No expansions are proposed.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use by the Virginia Department of Health.

The applicants are asking for a two (2) year trial of these events using portable toilets. After which, if they feel they would like to continue the business, they would install a permanent restroom facility.

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

For any tents fire extinguishers will be onsite.

STAFF RECOMMENDATIONS

The applicants are requesting a Special Use Permit to provide weddings and special events limited to a maximum of fifty (50) people. They are requesting up to twenty (20) events yearly. Events are proposed to be held outdoors. All food and beverages will be catered in. Parking will be in a grassy area next to the outdoor event area. The applicants would like to use portable toilets for two (2) years and then install a permanent restroom facility, if they find they want to continue the business. They plan on having someone onsite during the entire event. They plan on ending all events by 10:00 p.m. and having reasonably amplified music until 10:00 p.m.

Staff feels that the limited number of weddings and special events in the rural setting could provide a service to the area and should not have a negative impact on the neighboring properties. If the Board feels the request is compatible with the area and desires to approve this request, staff would recommend the following conditions:

Pre-Condition:

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

Operating Conditions:

1. Applicant will install a sewage system approved by the Health Department within **two (2) years**.
2. Be permitted to operate for **two (2) years** using a portable restroom trailer until the septic system is installed.
3. Be limited to twenty (20) events per year but no more than three (3) per month, and only one (1) event per weekend.
4. Be limited to a maximum of fifty (50) people per event.
5. No outdoor amplified music after 7:00 p.m.
6. Events to cease by 9:00 p.m. and all persons off the property by 10:00 p.m.
7. At least one (1) of the applicants be onsite during events.
8. Site be kept neat and orderly.
9. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Agenda Item # 30

Date 7/2/2020

PROPERTY OWNER:

David or Catherine Marie Riccioni

APPLICANT:

Same

LOCATION OF PROPERTY:

1676 Newport Road, Raphine in the Riverheads District

SIZE OF PROPERTY:

17.269 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 firearms and ammunition sales and gunsmithing

PLANNING COMMISSION'S COMMENTS:

No comment.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:

No employees and no walk-in customers. Health Department has no issues

HIGHWAY DEPARTMENT'S COMMENTS:

Neither of the two existing entrances on the property meet sight distance requirements to be used by the public for the proposed use. A low volume commercial entrance is required that meets the minimum stopping sight distance requirements. VDOT does not support the request unless adequate access is available for the public; VDOT is not aware of a location along the property frontage that will meet the requirements.

SERVICE AUTHORITY'S COMMENTS:

There are no public water/sewer facilities in the area of the subject property. Therefore, the Service Authority has no comments on this SUP.

ENGINEERING'S COMMENTS:

Existing home. No improvements. No Stormwater Management impact

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 outdoor 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 applicant resides on premise.

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

Businesses are more appropriate in Business zoned districts, however, this small family business could be appropriate in an agricultural area.

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

The business has direct access to Newport Road. VDOT comments state the applicant will need to upgrade the entrance if the public comes to the site.

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

The 17.269 acre site should 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 new construction or expansions are requested.

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

No enlargements 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 dwelling has an approved septic system.

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

The applicant has fire extinguishers in the home.

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

No items are displayed for sale.

STAFF RECOMMENDATIONS

The applicant is requesting to have firearm and ammunition sales and gunsmithing. The Board of Zoning Appeals approved a Special Use Permit for this request at their regular meeting on April 2, 2015, however, the applicant never started the operation and the permit expired. The applicant feels he is ready to get the business started and is reapplying for the permit. The applicant states the business would be small with very little customer traffic. The applicant will be reloading and selling ammunition to local gun shops, but he would also like to be able to do gunsmithing for customers in the home. VDOT comments state the applicant will need to upgrade the entrance to have adequate site distance for public use. The applicant is also requesting to be allowed to test fire after working on a gun.

If the Board feels that the request is still compatible with the rural character of the area and desires to approve the permit, staff would recommend the following conditions:

Pre-Conditions:

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

Operating Conditions:

1. No employees other than family members.
2. Test firing of guns be limited to daylight hours and limited to ten (10) test firings per week.
3. All test firing be done in the area designed on the site sketch.
4. No test firing on Sundays.
5. No customers coming to the site unless VDOT approval is obtained and submitted to Community Development.

6. Applicant reside on premise.
7. Site be kept neat and orderly.
8. Maintain all applicable State, Federal, or Local Licensing and regulatory requirements.

Agenda Item # 3E
Date 7/2/2020

PROPERTY OWNER:

Jonathan D. Kern or Carol Turrentine

APPLICANT:

Same

LOCATION OF PROPERTY:

823 Wagon Shop Road, Middlebrook in the Riverheads District

SIZE OF PROPERTY:

7.623 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 dog kennel for personal dogs

PLANNING COMMISSION'S COMMENTS:

No comment.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits and inspections for any work done as regulated by the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no issues with a personal kennel

HIGHWAY DEPARTMENT'S COMMENTS:

The existing private entrance is adequate for the proposed personal dog kennel. VDOT has no objection.

SERVICE AUTHORITY'S COMMENTS:

There are no public water/sewer facilities in the area of the subject property. Therefore, the Service Authority has no comments on this SUP.

ENGINEERING'S COMMENTS:

No anticipated Stormwater Management impact.

ANIMAL CONTROL'S COMMENTS:

Our office has not received any complaints on this address. I do not foresee any problems here. Dogs are indoor/outdoor in fenced area.

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 dogs will be kept inside the home. There are no outside kennels. There is a doggie door. The dog waste is cleaned up daily.

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 have access to a doggie door and stay inside the house.

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

There is board fence with wire above the boards that should be sufficient to safely secure all dogs while outside for bathroom breaks and exercise.

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

The dogs have free access to the fenced area through a doggie door in the house.

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

The house has smoke detectors.

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

The fenced area is approximately ¼ of an acre and is of proper size to accommodate the dogs. They have small mixed breed dogs.

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 7.623 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.

The dogs shall be kept in the house 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.

The closest neighboring house is approximately 490' from the outdoor fenced area. There are no outside kennels. The dogs live in the house and are only outside for exercise and potty breaks.

STAFF RECOMMENDATIONS

The applicants are requesting a personal kennel for up to six (6) dogs. The applicants currently have four (4) dogs but they would like to have the ability to foster or adopt two (2) more if they desire. There will be no breeding. Staff has not received any complaints and Animal Control inspected the property and is recommending approval. If the Board feels that the request would be compatible and desires to approve the request, staff would recommend the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Maximum of six (6) adult dogs kept at this site at any time.
2. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
3. All dogs be confined within the fenced area or inside the dwelling.
4. Site be kept neat and orderly.
5. Animal Control to inspect the site **yearly**.

Agenda Item # 3F

Date 7/2/2020

PROPERTY OWNER:

J.R. Ridenour

APPLICANT:

Bill Henson, agent for Meade Mobile Home Park, LC

LOCATION OF PROPERTY:

90 Meade Park Circle, Lot 52, Verona in the North River District

SIZE OF PROPERTY:

4.835 acres

VICINITY ZONING:

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

PREVIOUS ZONING OR S.U.P.:

10/97 Zoned Manufactured Home Park

09/62 Board of Supervisors approved expansion of existing park

LAND USE MAPS:

Urban Service Area – Business

UTILITIES:

Public water and sewer

APPLICANT'S JUSTIFICATION:

To replace a nonconforming manufactured home in a manufactured home park with a larger unit

PLANNING COMMISSION'S COMMENTS:

No comment.

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. Public water and sewer to serve.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT has no objection.

SERVICE AUTHORITY'S COMMENTS:

This location is currently provided water and sewer service by the Service Authority. The Authority understands that the replacement of the home will be 1:1, replacing a 10'x60' home with a 14'x70' home. This is a minor change that will not impact the existing service

size for the mobile home park. No changes or additional information are required by the Authority.

ENGINEERING'S COMMENTS:

Negligible Stormwater Management impact with larger unit.

STAFF RECOMMENDATIONS

The applicant is requesting to replace a nonconforming manufactured home within a manufactured home park with a larger home that does not meet the current requirement of thirty (30') feet between homes. The applicants have removed the smaller 10' x 55' home and would like to replace it with a 14' x 65' home. The applicants sketch shows twenty-two (22') feet between homes, no closer to the road than the previous home.

This Manufactured Home Park was approved by the Board of Supervisors in 1962. At that time, there were no requirements for setbacks or distance between homes. Setbacks and required distance between homes were not established until 1981 and varied over the years from twelve (12') feet up to thirty-five (35') feet.

The applicant's request for a larger home would be no closer than the majority of the homes in the park. Staff feels the request would be compatible with the park and would recommend approval with the following conditions:

Pre-Condition:

1. Applicant obtain a Placement Permit from Building Inspection.

Operating Condition:

1. Replacement home be no closer than twenty-two (22') feet to the side of the adjacent homes as shown on the BZA sketch plan.

Agenda Item #3G

Date 7/2/2020

PROPERTY OWNER:

Worley Family Properties, LLC

APPLICANT:

Erin J. Murphy, agent for Queen City Birth Services LLC

LOCATION OF PROPERTY:

1610 Goose Creek Road, Fishersville in the Wayne District

SIZE OF PROPERTY:

1.640 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

05/74 SUP approved for veterinarian hospital

LAND USE MAPS:

Urban Service Area – Medium Density Residential

UTILITIES:

Public water and private septic

APPLICANT'S JUSTIFICATION:

To have a midwifery birth center

PLANNING COMMISSION'S COMMENTS:

No comment.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits and inspections as required by the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

Applicant will need to have a PE evaluate the existing septic system to determine if the system is adequately sized to handle the proposed use and also determine the strength of sewage for the proposed use.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing commercial entrance is adequate for the proposed use. The routine maintenance of the existing pavement and entrance culvert is the owner's responsibility. VDOT has no objection to the proposed use.

SERVICE AUTHORITY'S COMMENTS:

This location is currently provided water service by the Service Authority. The Authority understands that no new construction is proposed, however, if plumbing/fixtures are being altered within the existing building a meter sizing form will need to be completed and provided to the Service Authority Engineering Department for review. If a meter size change is needed, additional charges would apply in accordance with the published rates.

ENGINEERING'S COMMENTS:

No new construction. No Stormwater Management impact.

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 applicant does not reside on the premises. The building has been used as an animal hospital since 1974.

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

The building has been used for business use for over forty (40) years. The proposed midwifery birth center should be appropriate for the agriculture area.

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

The business has direct access to Goose Creek Road.

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

There is an approved commercial entrance and paved parking area that should 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 new structures are proposed.

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 additions or expansions are proposed.

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 onsite. Health Department comments state the existing system needs to be evaluated by a Professional Engineer to determine if adequate.

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

There are smoke alarms in the building.

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

Nothing will be displayed for sale.

STAFF RECOMMENDATIONS

The applicant is purchasing the property and is requesting to have a midwifery birth center. The Board approved a Special Use Permit to operate a veterinarian office at this site in 1974. The existing building has been used commercially for over forty (40) years. The applicant is proposing two (2) treatment rooms and the patients will be discharged within a few hours after the birth of the baby. There will be no overnight stays. The applicant will be in the office on Monday, Wednesday, and Friday; however, the hours of operation will vary depending on the need. The applicant states there will be no employees. Staff feels the request would not be out of character and would provide a needed service to the area and would recommend approval with the following conditions:

Pre-Condition:

1. Obtain Health Department approval.
2. Obtain all necessary permits and inspections as required by the Uniform Statewide Building Code.

Operating Conditions:

1. Site be kept neat and orderly.

2. No employees coming to the site.
3. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
4. No more than two (2) on premise advertising signs not to exceed thirty-two (32) square feet.

Agenda Item # 3H

Date 7/2/2020

PROPERTY OWNER:

Deon E. or Carrie P. Gibbons

APPLICANT:

Brett Clarkson

LOCATION OF PROPERTY:

124 Hampton Drive, Stuarts Draft in the South River District

SIZE OF PROPERTY:

12.000 acres

VICINITY ZONING:

Single Family Residential to the west, north, and south; General Agriculture to the east

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 landing strip for personal use

PLANNING COMMISSION'S COMMENTS:

The Planning Commission would encourage the BZA to carefully consider the noise and impacts associated with a landing strip near adjacent residential development.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no issues with the request however it is advised that the landing strip not be placed over the existing drainfield.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT has no objection.

SERVICE AUTHORITY'S COMMENTS:

The proposed use does not impact the public water/sewer facilities. Therefore, the Service Authority has no comments on this SUP.

ENGINEERING'S COMMENTS:

No Stormwater Management impact.

SECTION 25-74E - LANDING STRIPS AND HELIPORTS

The landing strip or heliport shall be for private aviation aircraft only, limited exclusively to the use of the landowner and his/her family members; commercial operations, including flight training, ground school, aircraft repair, and sales are prohibited.

The applicant is requesting a 250' grassy area for takeoff and landing located on a neighbor's property. It will remain grassy. It will be for his personal use only. He flies a powered parachute which is stored in his personal garage.

Take-offs and landings are limited to daylight hours.

The applicant only flies during the day and when winds are 7mph.

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

The property is adjacent to larger Rural Residential lots and Single Family Residential lots that could be impacted by noise from the parachute.

The landing strip or heliport is not located in close proximity to an existing airport and/or will not impact commercial flight paths.

The closest existing airport is in Waynesboro and the request should not impact the flight path.

STAFF RECOMMENDATION

The applicant is requesting a landing strip on his neighbor's property for his personal powered parachute. He will be the only person using the landing strip. The property contains twelve (12) acres and the landing strip will be adjacent to the driveway. The aircraft is small and only carries one (1) person. The staff shares the Planning Commission's concerns regarding noise and impacts to nearby residential districts. If the Board feels that this is an appropriate use of the property and desires to approve the request, staff would recommend the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. The landing strip be used only by the applicant.
2. No Sunday flights.

Agenda Item # 3I

Date 7/2/2020

PROPERTY OWNER:

Spottswood Farms, LLC

APPLICANT:

John Wilkinson, agent for Appalachian Aggregates

LOCATION OF PROPERTY:

On the east side of Interstate 81 in the Riverheads District

SIZE OF PROPERTY:

86.374 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

04/64 SUP approved for rock quarry

12/95 Zoned General Agriculture

05/97 SUP to construct a 199' cell tower

05/00 SUP approved for co-location

07/00 SUP approved to transfer ownership of tower

01/01 SUP to replace antenna and equipment cabinet

07/03 SUP to have a quarry and manufacture crushed stone

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

None

APPLICANT'S JUSTIFICATION:

To reconsider a Variance from the required setback for a mining operation

STAFF RECOMMENDATIONS

The applicants are requesting the Board reconsider their Variance request to reduce the required two hundred (200') foot setback requirement for mining operations to one hundred (100') feet along Interstate 81 and a portion of the western property line. These areas are shown on the revised drawing. This reduction would allow the applicants access to the existing road and a portion of the existing sediment pond that are currently within the two hundred (200') foot setback.

Due to the topography, all the drainage naturally flows to the existing pond. Doug Wolfe, County Engineer, has been onsite, reviewed the topography of the property, and agrees with the applicant that there is really no other area to relocate the pond and meet required drainage requirements.

Staff feels this is a hardship that would not be shared by other properties and would recommend approval of the request with the following condition:

Pre-Condition:

None

Operating Condition:

1. The required two hundred (200') foot setback be reduced to one hundred (100') foot **only** in the **hatched areas** along Interstate 81 and the western portion of the property line as shown on the BZA sketch plan. **No expansion of the quarry operation outside of the hatched area.**
2. The site plan required for SUP #19-23 be revised to reflect this Variance.