

April 1, 2021

PRESENT: George A. Coyner, II, Vice Chair
 Thomas W. Bailey
 Mark L. Glover
 Thomas V. Thacker
 Sandra K. Bunch, Zoning Administrator and Secretary
 James R. Benkahla, County Attorney
 Kathleen Keffer, Assistant County Attorney
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Justine D. Tilghman, Chair

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 1, 2021 at 9:30 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **9:30 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

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

- **KEVIN F. OR GRACE F. SHANK - SPECIAL USE PERMIT**
- **MARK STABLES - SPECIAL USE PERMIT**
- **ADAM HALL - SPECIAL USE PERMIT**
- **JAMES E. TAYLOR, SR. - SPECIAL USE PERMIT**

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



 Vice Chair



 Secretary

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ABSENT: Justine D. Tilghman, Chair

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 1, 2021, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Thacker moved that the minutes from the March 4, 2021, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

Vice Chair Coyner welcomed Mark Glover to the Board of Zoning Appeals.

KEVIN F. OR GRACE F. SHANK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kevin F. or Grace F. Shank, for a Special Use Permit to have a contractors office and storage within an existing building on property they own, located at 350 Hotchkiss Road, Churchville in the North River District.

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Mr. Kevin Shank stated he does have a small contractors business and he mainly does cabinetry work. He stated it is he and his son.

Vice Chair Coyner asked if customers will be coming to the shop?

Mr. Shank stated typically they go to the customer.

Vice Chair Coyner asked if he anticipates growth to where you might want to employ someone else?

Mr. Shank stated no. He said he has no desire to have employees.

Vice Chair Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Anna Ashby stated she is the owner of the property surrounding this land. She stated that she is in favor of this operation.

Vice Chair Coyner asked if there was anyone else wishing to speak regarding this request?

There being none, Vice Chair Coyner declared the public hearing closed.

Vice Chair Coyner stated the Board visited the site today and it is a good spot. He said the property is in a remote location with no customers coming to the property.

Mr. Bailey stated the shop itself would not be out of character with the surroundings. He moved to approve the request with the following conditions:

Pre-Condition:

1. Complete all necessary inspections on the building and obtain letter of approval from Building Inspection.

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept inside the 40' X 80' building'
2. No employees other than family members.

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- 3. Site be kept neat and orderly.
- 4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Glover seconded the motion, which carried unanimously.

MARK STABLES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mark Stables, for a Special Use Permit to construct a new building for a contractor office on property owned by Francis J. Stout, located on the south side of Bailey Road, north of the intersection of Bailey Road and Pine Top Road, Fort Defiance in the Middle River District.

Mr. Mark Stables stated he would like to operate a contractor business at this location and move his shop there.

Vice Chair Coyner asked if there will be customers coming to the site?

Mr. Stables stated maybe once a year somebody comes to meet with him and talk about a house or a project, but it is very rare.

Vice Chair Coyner asked the applicant if he would operate here like he is currently doing on Bailey Road?

Mr. Stables stated yes.

Mr. Thacker asked if the entrance on Pine Top Road would be used?

Mr. Stables stated he prefers to use Bailey Road.

Vice Chair Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Larry Powell, 407 Pine Top Road, Fort Defiance, stated he is an adjacent property owner. He said Mr. Stables answered the one question that he had. He has done a

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super job where he is now. He said that he has no problem with that business going on at this site using Bailey Road.

Vice Chair Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Vice Chair Coyner declared the public hearing closed. He stated the Board visited the site this morning. He said the property is well kept.

Mr. Thacker moved to approve the request with the following conditions:

Pre-Conditions:

1. Obtain letter of approval from VDOT and provide a copy to Community Development.
2. Applicant obtain all necessary building permits and provide a copy to Community Development.
3. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to construct a 30' X 50' building to be used as a contractor office and shop.
2. Be limited to eight (8) licensed vehicles, including employee vehicles and they be kept in the parking spaces designated on the site plan.
3. Be limited to two (2) utility trailers and one (1) ladder rack stored outside adjacent to the building.
4. Be limited to eight (8) employees.
5. No junk inoperable vehicles or equipment nor any parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.

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Mr. Bailey seconded the motion, which carried unanimously.

VERONICA KING - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Veronica King, for a Special Use Permit to continue to have outdoor storage and display in conjunction with a food trailer on property owned by Skyline Swannanoa, Inc., located at 5186 Howardsville Turnpike, Afton in the South River District.

Ms. Veronica King stated she would like to have this permit to operate the food truck on Afton Mountain. She said she would like to purchase a new food truck. She stated that she would operate exactly the same as it has been in the past.

Mr. Thacker stated this is a good location.

Vice Chair Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Vice Chair Coyner declared the public hearing closed. He stated this location is a nice spot.

Mr. Bailey stated this site has been in operation previously and it has always been kept neat. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to have two (2) food service trailers, six (6) picnic tables and an 8' X 10' storage building as shown on the BZA site plan.
- 2. Site be kept neat and orderly

Mr. Glover seconded the motion, which carried unanimously.

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ADAM HALL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Adam Hall, for a Special Use Permit to have motor vehicle repair on property owned by Blue Marlin Investments, LLC, located at 31 Swartzel Shop Road, Staunton in the Riverheads District.

Mr. Adam Hall stated he would like to operate an automobile repair shop. He said he plans on purchasing the property.

Vice Chair Coyner stated the Board visited the site this morning, and they were in the process of removing the tower.

Mr. Hall stated he told the realtor that they needed to remove the tower in order for him to purchase the site.

Vice Chair Coyner asked what type of automotive work will you do?

Mr. Hall stated routine maintenance.

Vice Chair Coyner asked if he plans on having employees?

Mr. Hall stated his son helps out but it is primarily just going to be him.

Vice Chair Coyner stated if you think you will ever need an employee, now is the time to ask so you do not have to come back before the Board. He asked if one (1) employee would be adequate?

Mr. Hall stated that would be very good.

Mr. Bailey asked if the applicant has spoken with the Virginia Department of Transportation concerning the entrance?

Mr. Hall stated not yet.

Vice Chair Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

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There being none, Vice Chair Coyner declared the public hearing closed. He stated the Board visited the site this morning. He said this location has been operated as a shop before. He said it is good to see the tower in the process of coming down.

Mr. Thacker moved to approve the request with the following conditions:

Pre-Condition:

- 1. Submit a complete Erosion & Sediment Control Plan and Stormwater Management Plan to the Community Development Department.

Operating Conditions:

- 1. All motor vehicle repair be done inside the 40' X 60' garage on the property.
- 2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 3. All inoperable/unlicensed vehicles or vehicles waiting repair for more than thirty (30) days be kept in the fenced vehicle impoundment area shown on the BZA site plan.
- 4. Be allowed a maximum of two (2) employees per Health Department comments.
- 5. Hours of operation be Monday through Saturday, 9:00 a.m. to 4:30 p.m.
- 6. No Sunday operation
- 7. All natural vegetation remain.
- 8. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Bailey seconded the motion, which carried unanimously.

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JAMES E. TAYLOR, SR. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James E. Taylor, Sr., for a Special Use Permit to reconstruct and expand a non-conforming structure destroyed by fire and to use the building for personal and business use on property he owns, located at 567 Love Road, Lyndhurst in the South River District.

Ms. Rebecca Taylor stated they would like to rebuild their garage directly behind where the old garage was and just a little bit larger than the one that was destroyed by a fire.

Vice Chair Coyner asked what type of construction will the building be?

Ms. Taylor stated it will be a metal building.

Vice Chair Coyner stated the Board saw a couple of tents on the property.

Ms. Taylor stated they lost everything, so anything that they have in there is just being protected from the weather.

Vice Chair Coyner asked if they plan on constructing the building quickly?

Ms. Taylor stated yes.

Vice Chair Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Vice Chair Coyner declared the public hearing closed. He stated the Board visited the site this morning. He stated the applicant would like to rebuild the fire damaged structure.

Mr. Bailey stated the structure is not out of character with the surrounding properties. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Obtain VDOT approval and provide a copy to Community Development.
2. Applicant obtain building permit and provide a copy to Community Development.

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- 3. Applicant submit a foundation survey and provide a copy to Community Development

Operating Conditions:

- 1. Be permitted to construct a 30' X 50' building no closer to the right-of-way than shown on the survey dated 2/3/2021.
- 2. All equipment, machinery, and materials for the business be kept inside the 30' X 50' building.
- 3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 4. No employees other than family members.
- 5. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

OLD BUSINESS

TODD FRETWELL, AGENT FOR FAIRFIELD-ECHOLS - VARIANCE

A request by Todd Fretwell, agent for Fairfield-Echols, for a Variance from the rear setback in order to construct a new building on property owned by Fishersville Realty, LLC, located at 85 Construction Lane, Fishersville in the Beverley Manor District. - Tabled at the February 4, 2021 Meeting

The applicant withdrew this request from the agenda.

