

April 7, 2022

PRESENT: George A. Coyner, II, Chair
 Mark L. Glover, Vice Chair
 Thomas W. Bailey
 Thomas V. Thacker
 Justine D. Tilghman
 Sandra K. Bunch, Zoning Administrator and Secretary
 John R. Wilkinson, Director of Community Development
 James R. Benkahla, County Attorney
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 7, 2022 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:

- LINDA R. HERMAN - SPECIAL USE PERMIT
- JONATHAN D. JENCKS ½ & TRUSTEE & ETAL - SPECIAL USE PERMIT
- TREVOR CLIFTON AND DEREK COLLIER - SPECIAL USE PERMIT
- ANDY L. HOSTETLER - SPECIAL USE PERMIT
- JOHN WILKINSON, AGENT FOR AUGUSTA COUNTY - VARIANCE

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.



 Chair



 Secretary

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James R. Benkahla, County Attorney
Beatrice B. Cardelicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 7, 2022, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Glover moved that the minutes from the March 3, 2022, meeting be approved.

Mr. Thacker seconded the motion, which carried unanimously.

RONNIE BRYANT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ronnie Bryant, for a Special Use Permit to have a short term vacation rental on property he owns, located at 1266 Hermitage Road, Waynesboro in the Beverley Manor District.

Mr. Ronnie Bryant stated I would like to turn my home into a vacation rental. We have had a lot of wedding venues in the area and with that people need places to stay. Since I have retired, I would like to have extra income.

Chair Coyner asked if the applicant will be living in the home also?

Mr. Bryant stated yes in the back.

Chair Coyner asked if this would be a weekly or monthly rental?

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Mr. Bryant stated weekly. The renters will have use of the kitchen.

Chair Coyner asked how do you advertise?

Mr. Bryant stated with wedding venues people request places to stay or word of mouth. I will also advertise on the internet. I have a granddaughter that will be managing the business for me.

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

Ms. Pam Taylor, 1382 Hermitage Road, Waynesboro, stated I am one of the owners of a venue and we always have people that book venues looking for a place to stay. This would be a great asset for the venues that surround Mr. Bryant's property and for the County as well.

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

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

Chair Coyner stated the Board received one letter in opposition. This site is a good piece of property.

Mr. Bailey stated this use would not be out of character with the surrounding properties. He moved to approve the request with the following conditions.

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to rent the entire three (3) bedroom dwelling for short term vacation rentals.
2. Site be kept neat and orderly.
3. The total occupancy not to exceed six (6) persons maximum.
4. The owner or facility operator must reside on premises.

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Mr. Glover seconded the motion, which carried unanimously.

LINDA R. HERMAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Linda R. Herman, for a Special Use Permit to have a short term campground on property she owns, located on the south side of Route 720 (Morris Mill Road) east of the intersection of Route 720 (Morris Mill Road) and Route 833 (Trinity Point Road) in the Pastures District.

Mr. Daniel Hansen with Balzer and Associates stated I am representing Ms. Herman. This proposal is for a short term campground but it will be very different than a lot of other campgrounds that we have in Augusta County. We are only looking for five (5) total sites right now. The thought is to build yurts on those sites, which is a sort of a semi-permanent structure. It will be about 20 to 24 feet in diameter. Ideally this is for a single family use. There will be five (5) sites and a bathhouse. The camp host will reside at the site. This is a low impact use with only five (5) sites on 30 acres. There are no other residents near the yurts.

Chair Coyner asked if the yurts would be on slabs or wooden platforms?

Mr. Hansen stated wooden platforms.

Chair Coyner asked if the yurts would be used only in warm weather?

Mr. Hansen stated it can be used in cold weather also.

Chair Coyner asked if the yurts will be close together or spaced out?

Mr. Hansen stated they are going to be fairly spaced out. Our proposal shows the closest being 100 feet apart. They will be spread out amongst five or six acres and the bathhouse will be on one side, but still within the regulations of the Health Department. There is a minimum distance that they gave us. No, the yurts would not be plumbed. They would have a shared bathhouse. The water supply is a private well.

Chair Coyner stated there is an existing home on the property currently. Will there be another one built?

Mr. Hansen stated the existing home is on another parcel. There will be a new house on this property built.

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Chair Coyner asked if the lane is controlled by a Homeowner's Association?

Mr. Hansen stated no it only serves two users. The proposal is only for twelve (12) more trips per day. We are still meeting the threshold of a low volume commercial entrance, which is what is there now.

Chair Coyner asked if the yurts are air conditioned?

Mr. Hansen stated typically not.

Chair Coyner stated when it is 95 degrees in the summer, what are these people going to do?

Mr. Hansen stated the guests will enjoy the County. The point is to honestly have a place to stay that is sort of primitive and enjoy the nature surrounding you.

Chair Coyner asked if the applicant is targeting urban people?

Mr. Hansen stated we are targeting anybody that would like to come and enjoy the County.

Chair Coyner asked if the applicant will have parties and music at the site?

Mr. Hansen stated we are not doing any events here but there are different things that go on in the County in the summer. This would be one more place to stay and just enjoy being in a more primitive environment than staying at a hotel. Partying and music will not be an issue because the camp host will be onsite. The camp host will be onsite to handle any issues.

Chair Coyner asked if there will be lighting?

Mr. Hansen stated the yurts will have power in them. They will have solar lights for trails. We will not have lighting greater than 3,000 lumens.

Chair Coyner asked if this would be for weekend rental or monthly?

Mr. Hansen said we will mostly see weekends, but I could see some people maybe just coming for a week at a time for vacation. I would strongly think that most people would not stay longer than that.

Chair Coyner asked what is the maximum number of folks who can stay in one of these?

Mr. Hansen stated ideally it will be for a family unit, two (2) to four (4) people per yurt.

Chair Coyner asked if the vehicles will be parked near the yurt?

Mr. Hansen stated we are providing for a parking lot up on the hill sort of closer to where the residence is going to be. We will have a trail around there to go from the parking lot to their individual yurts.

Mr. Thacker asked what will the bathhouse consist of?

Mr. Hansen stated sink, toilet, and shower. It will be adequate for five (5) yurts based on the Health Department regulations.

Mr. Thacker asked if each yurt will have electric to it?

Mr. Hansen stated yes.

Chair Coyner asked if there will be cooking appliances?

Mr. Hansen stated none will be provided.

Chair Coyner asked if there will be a playground for children?

Mr. Hansen stated no. The goal is to have a low impact primitive facility.

Ms. Tilghman stated the yurts will be visible over the hill. Do people have use of the pool at the other site?

Mr. Hansen stated no.

Ms. Tilghman stated there are all types of yurts in all colors and sizes. A bright yellow yurt up on the top of that hill might not be very attractive. The road continues back to another home. There are three homes on the road already. Has the owner spoken with the other people that use this road?

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Mr. Hansen stated fabric colors have not been picked out yet. We are looking at a 20-24 foot diameter. The first house does not use the road. Yes, the owner has spoken with the neighbors. We spoke with the Virginia Department of Transportation and this would only produce 12 trips per day. The road would have to be maintained in order to be used.

Ms. Tilghman stated the sound really carries there.

Chair Coyner asked how will people find this? Will there be a sign off of the road?

Mr. Hansen stated internet advertising. We are not looking to put a sign near the road.

Chair Coyner said the yurts will be about 20' in diameter. How tall will they be?

Mr. Hansen stated 8' to 10' tall.

Chair Coyner asked will they be vented?

Mr. Hansen stated yes. It will be a wooden or metal frame with canvas material on top.

Mr. Bailey asked if each site will have a fire pit for campfires?

Mr. Hansen stated to the best of my knowledge that has not been thought about yet.

Mr. Bailey asked if the rules and regulations will be posted somewhere?

Mr. Hansen stated yes.

Mr. Thacker stated if it is decided that there will be fire pits, it will need to comply with regulations.

Mr. Hansen stated I believe that can be controlled so that you do not start a fire wherever you want to.

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

Mr. Charles Cecil, 4031 Morris Mill Road, Swoope, stated I sent the Board a four page letter regarding this request. My property is across from the proposed campsite. I can hear conversations outside across the river and up on the hill. I can hear the man

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driving up who is building the new house. They will sleep 8-15 times five yurts which is 40-75 people. This is not needed and not wanted. What is the applicant's expertise in running this? The traffic will increase. They are asking for five yurts now but what will happen next. We live out there and we will see these yurts. This will look like a circus tent.

Mr. Harry John Lee, 4290 Morris Mill Road, Swoope, stated I oppose this. This property is zoned General Agriculture and this is the most pristine, beautiful, peaceful, farmland in Augusta County. The property with its karst limestone tread landscape is bordered by the Middle River and sinkholes. The neighbors that I have spoken to about this are horrified at the very thought of such a change in the area. Increased traffic of the unknown origin would place increased danger to me and the renters in the event that strangers to the campground will likely wander around and trespass on my property. I see that as an inevitable problem. I do not want to have to deal with that. A campground will result increased liability to me. There will be noise pollution from the campground because sound carries very well in that area. What about visitors bringing their own four wheelers. In addition to a negative environmental impact, I am sure a campground will impact our hunting and fishing. Carelessness with this landscape can result in pollution with the underground water supply. Light pollution will impact dark skies. We do not need light pollution. If this venture is successful, short term becomes long term and a campground just got bigger. It is like a cancer if you do not address the problem. I do not want to have my property values depreciated. Strangers in the area present the opportunity for security issues for others including parties, group events, and possible drug and alcohol misuse. Cattle or people coming over the fence will also cause additional liability. Ms. Fink will see all of this and it will depreciate her property. If the campers get rowdy, who will police it. I am worried about fires because the wind blows west to east. I am also here speaking on behalf of Glenna Fink.

Ms. Becci Harmon, 3892 Morris Mill Road, Swoope, stated we are an agricultural community. We do have a lot of noise. We have tractors that cost more than my house and neighbor's house. This is allowing them to bring in more and more but what about the farmer across the road? Once they get approved for this, they will already have their foot in the door and may want more. We are a quiet community for the most part. We are very peaceful. Noise does travel and the wind blows constantly. Fire is a concern. There are bears in the area and they are dangerous. There is a lot of deer hunters in our neighborhood. There is a lot of gunfire going off all of the time. What will the children that come to these yurts, what will they do? Kids get bored. There is not internet. I am against this. I am a landowner and a taxpayer.

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Mr. Scott Weller, 125 Franks Mill Road, Staunton, stated there will be 75 people you do not know coming here, where are they going to go first, to the river. You can have people sign anything. You can sign away your liability. They can sign the rules. They can sign the regulations but they will do whatever they want. They will not do what they tell you. This is bad for neighbor relations. We all get along and love our neighbors. We are not a recreational community. If you want to have good relations with your neighbors, you got to get to know them. There needs to be public water and sewer for this. How many four wheelers will there be onsite? I would question the drainfield and water for 75 people. This is a bad idea.

Chair Coyner asked if the applicant spoke with him?

Mr. Weller stated no.

Mr. Gregg Keller, 4290 Morris Mill Road, Swoope, stated I have been there for six years and I love it, I feel safe and secure. This is a one lane place and if this thing comes in, there is going to be traffic up and down the lane. They cannot police people coming down to John's property taking a wrong turn. Now my security will be threatened. I do not like this and I do not think it is fair. When I first met them it was when they actually came down and introduced himself after calling the police because my car was sitting up on the top of the hill so in case it snows, I can walk up to it and at least get out of the lane. So instead of coming down to my house first and checking to see if that was my car up there, he called the Augusta County Police first, then came down to my house and asked me about it. I said that is my car and why did you not come to me first and ask me. The police showed up afterwards but he could have come down here to ask me first. This behavior is not cool. I hear birds, turkeys, deer and other animals and if this comes they will all disappear. The wind carries and there will be a lot of noise with the amount of people at the site. What do you call a short term bath house? I have seen portable restroom trailers. There are people shooting and hunting constantly in this area. There will be people coming down the lane after dark. I love the solitude. You cannot tell me that there will not be much traffic because you do not know how many people will be staying there. I have seen how the yurts are built. The structure they are building is not permanent either unless you dig it up out of the ground. I do not want people walking down the hill that are not supposed to be there. This proposal really scares me.

Ms. Donna Harris, 4053 Morris Mill Road, Swoope, stated I have lived here for 67 years. There is a lot of drag racing that goes on in the area. It is a blind curve from that bridge up to that corner. I do not want to look at a campground. Our generation when we went camping, we would look for a pool. There is a pool on another property

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adjacent. Now kids also want to go to the river. I really find this plan very ambiguous in the wording. You asked that gentleman if there was going to be water at the five locations but it says in the report that there is a water hydrant at every yurt but primitive camping requires a fireplace. You know hot dogs on a stick is primitive camping. Having twelve (12) more cars down that road with five (5) yurts plus a host house and a permanent house. There are two (2) adults in each group. Somebody has to go get breakfast because you cannot make anything inside the yurt or you have to have a grill or something else which still can cause a fire. I am very concerned that somebody who bought this property and invested this money and time to do this, did not think it was important enough to show up today. Who is going to police the host? Who is going to choose the host? Are they going to be responsible to call up or to handle things. Most people when they go camping today have an RV and a golf cart. There is a house close to this land and it has a pool. What will stop these kids from wandering off and going into the pool. They said they will not have any unoccupied recreational vehicles stored on this property so that tells me they are planning on letting occupied recreational vehicles on their property. I just think the wording is too open. How many bathroom stalls are you going to have? There is a lot of unanswered questions about this whole issue. This is not a good idea right now without any insight into these questions.

Mr. Carl Sprouse, 4480 Morris Mill Road, Swoope, stated I am opposed to this proposal. I wrote a letter to the Board. I lived at my current address for 23 years and I have owned the property for about seven more since 1994. After 26 years in the military, I wanted a place I could settle down. It was important for me to find somewhere like that and I did find that but now I am very concerned that this proposed campground is going to ruin this. I will not say too much because many things have already been said but I am concerned about this. This is a very serene and peaceful place and farmers, make a lot of noise but I do not mind a man making noise when he is working. The plan for the number of campers seems to be off. I think there is too many questions. I am going to be able to hear up there because it carries sound very good on that high area. There will be light pollution. Wildlife has already been mentioned. My other major concern is what are the people going to do? My experience is that most people want music and they want parties but it is not what we want in Swoope. The roads in the area are already very dangerous. There is drag racing being done in the area. I cannot imagine how I am going to go into my property every day when there are going to be campers along the road coming over. This is not right. I am really concerned about the 30 trips back there, VDOT estimated 30 trips with two families. But these other families are going to have 12 more. I understand that people want to do things to have income but the fact that they are not here speaks volume. Maybe they can answer some of the questions that has come up today. This is a bad fit for the County.

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Mr. Roger Decker, 168 Trinity Point Road, Swoope, stated the back of my property is less than 500' from where the yurt will be located. I do know from being in the real estate business and before that I was a Class A home builder for 15 years, when you get a building permit for a home here in Augusta County, it has to have accompanying paperwork from the Augusta County Health Department to show that that home is permitted for the number of bedrooms. So my question would be that I did not see it. What was this bathhouse septic field approved for with the number of bedrooms because if each of these units was at the minimum it would be a one bedroom unit plus the guest host home that would constitute a six bedroom septic field at minimum. I would like to know if it is approved for a six bedroom? Was there any accompanying paperwork presented from the Augusta County Health Department. Would it need another well drilled or is it using a well from the existing home that seems to be an unanswered question as well. The other thing that concerns me is being that we are in such an intensive agriculture area in the Comprehensive Plan and our zoning is General Agriculture. I have had experience with my cattle getting out and the neighbors are very helpful. If there are people that are inquisitive or out roaming around that are not used to that area, would they leave the gate open with someone else's cattle escaping? That type of thing would really concern me because we put a lot of money into cattle. I am certainly in opposition to this. There seems to be a number of procedural things that were not answered by the engineer in reference to the data. I know that VDOT said this is a low volume commercial entrance. If you add more than two users to it, it has to be a commercial entrance. If this is a low volume commercial entrance, they will sometimes waive the regulation to have the radiuses at the road which have to be at least 75 feet wide. They have to pave the first 25 feet but if it is a high volume, they make you do those things and it has to have a very specific sight distance and entry. There seems to be so many unanswered questions about the volume of traffic here but at the minimum I would think that it would add at least the equivalent of six single family homes back in there. To add at least 60 trips a day to that entrance, which in my view would make it not a low volume commercial entrance, but a high volume commercial entrance, would radically change how VDOT would look at that. There is a lot of unanswered items.

Mr. Brad Long, 211 Tribbetts Mill Road, Swoope, stated I am a landowner across the road, building the new house. I just made a big investment on the farm right across the road from the entrance to where this proposed campground is going to be. I have not heard anything good about it today or before today. I am a builder. I do a lot of things in the County and it is not easy to do things in the County but for them to just come in here and hire engineers, it just seems like it is just kind of easy for this lady. She did not even show up today. Swoope is full with farms. For a campground to come in is

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something I would have never thought about especially right across the road from a farm I just bought and I am building my forever home. I have three kids and we have river access. The kids love to go down to the river every day. So now I have to worry about a campground and people getting into the river getting out on my property when I send my kids down there and they are safe. These will be strangers, people you do not know. People from outside of the area. It is not going to be the neighbors using this. The driveway is a shared driveway. I think this is a terrible idea. I would have never thought there would be a campground in this area. I think it says in the ordinance that it can be up to 30 sites and nobody said anything about that today. I think this is just for them to get a foot in the door to see if it works out. There are other areas in the County that would support this, but this is not the area.

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

There being none, Chair Coyner asked the applicant to speak in rebuttal.

Mr. Daniel Hansen stated we have been working with VDOT on the approval. Dale Driver is the person that did the calculations as far as trips per day. As far as the bathhouse goes, we are looking at it and it will have four toilets, four showers, and four sinks. We already have a sanitation compliance letter from the Health Department. We know there are 30 acres out there but we are utilizing 15% to 20% of it for this. The rest we are looking to use it for agricultural uses. We think this is a good agri-tourism use to help promote other things in the County and to explore the County. We are not trying to have any sort of an event center. I heard somebody speculating about the short term campground. Short term is more about length, not how long the campground exists. The bathhouse would be a slab permanent structure. It is not like we are going to pick up and move it every so often. It would frankly be one of the only few permanent structures because the yurts being built on a platform is more semi-permanent. The landowner is here with us. He has just asked us to speak on his behalf. He does appreciate this project enough to come down and join us today and be with us but just having a representative speak on his behalf.

Chair Coyner closed the public hearing. The Board visited the site this morning. My personal opinion is it is tough to approve something when only one person that approves it is the applicant.

Ms. Tilghman stated I have several concerns. We can have control over how many sites the applicant has and whether you are allowed music. There are restrictions but my concern is that this will be at the top of a hill. The noise will travel because of where the yurts will be located. This road bothers me because people are going to drive a

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long way back to get to the sites. It is the landowner's responsibility to talk to the neighbors. The regulations state anyone that is adjacent to or across the road is who the County notifies, we cannot do 10 miles down the road. I know that there has been discussion with the Health Department and with VDOT but I am opposed to this.

Mr. Benkahla stated the Board can deny this based on the adverse impacts on the surrounding neighborhood regarding noise and visual impact.

Chair Coyner stated there is also a liability with people wandering that are not familiar with the County and opening up gates. Livestock could hurt people if they get out of the gates.

Ms. Tilghman moved to deny the request based on the fact this could cause an undue hardship on the neighbors with regard to visual impact, noise impact, and more traffic on the road. There will be an issue of the liability for neighbors as far as gates may not be shut and animals getting loose if people were to wander onto adjacent property.

Mr. Thacker stated I think the minuses outweigh the pluses.

Mr. Bailey stated they have contacted VDOT but it is almost like they are guessing with how much traffic will be generated from this use plus the dwellings. That was one of my major concerns along with the sight distances for a low volume commercial entrance.

Mr. Glover seconded the motion, which carried unanimously.

JONATHAN D. JENCKS ½ & TRUSTEE & ETAL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jonathan D. Jencks ½ & Trustee & Etal, for a Special Use Permit to construct an accessory building exceeding the 1,200 square foot total aggregate allowed and taller than the principal dwelling on property they own, located at 17 Hidden Valley Court, Fishersville in the Wayne District.

Chair Coyner stated the Board visited the site this morning.

Mr. Jonathan Jencks stated we would like to construct a two car garage and the primary reason for this is that our house does not have much storage. The only storage we have is in the attic that I have to use a stepladder to climb into. We have engaged an architect which has done a great job of designing the project for us to look exactly like it was built when the house was put in. The whole lot is screened off very well. I went and

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solicited the input from the two neighbors right beside me who would be the only two that can see it. They were both in favor. One of them came to the Architectural Review Committee meeting to support our project. We do have approval from the Architectural Review Committee.

Chair Coyner asked if the garage would be for your personal use?

Mr. Jencks stated yes.

Chair Coyner asked how long have you been at this site?

Mr. Jencks stated I bought the house in 1999. I bought the separate lot a couple of years later because our driveway is about three feet onto that lot.

Chair Coyner asked are you wanting to complete the project this year?

Mr. Jencks stated yes. My architect and contractor are here to answer any questions.

Mr. Steve Hinton with Design Vision stated we do a lot of architectural interior design work in Augusta County. We submitted color images for the Board to see. The site is completely surrounded by evergreen plants. From these images you can see the house actually is taller than the garage. I did not want the garage to have a strong presence than the house because the garage should be the secondary structure. We also met with the Architectural Review Board and the Board has had requests for something like this in the community in the past and as far as I know they have not been approved. We showed up and met with them and showed them the pictures and all of those concerns went away. Other concerns were about the construction noise and the mess of construction. They have hired David Kirby and he has done a number of projects that we have designed. He is an excellent general contractor and really keeps a clean site. He will be an asset for this construction process.

Mr. David Kirby stated I am the contractor that will work on this project.

Chair Coyner asked what length of time will it take to do this project?

Mr. Kirby stated about four months depending on material availability.

Chair Coyner asked if there is a lot of excavating that will need to be done?

Mr. Kirby stated this building is on a slab so there will be minimal excavating.

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

There being none, Chair Coyner declared the public hearing closed. He stated the Board viewed the site this morning. The applicant has the approval from the Architectural Review Board. This is a wonderful piece of property.

Mr. Thacker stated the Board received the pictures. This is a very attractive property now and it will be probably just as attractive when this is finished. I cannot see any negatives to this project. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to construct a 1,392 square foot garage 1.6' taller than the principal dwelling.
2. Applicant obtain building permit and provide a copy to Community Development.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles to be kept outside.

Mr. Glover seconded the motion, which carried unanimously.

TREVOR CLIFTON AND DEREK COLLIER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Trevor Clifton and Derek Collier, for a Special Use Permit to have a tree service and landscaping business and to sell processed firewood on property owned by Randall L. and Marcella A. Burtner, located at 72 Union Church Road, Staunton in the North River District.

Mr. Trevor Clifton stated my grandparents are the property owners. The plan is for me and my brother-in-law to start a landscaping and tree service business. I currently have done professional tree work for nine (9) years now for a utility company. All the neighbors are family and they are on board with this.

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Chair Coyner asked if firewood would be delivered?

Mr. Clifton stated yes. We would not have people come and go. I work full-time for a company and Derek is in the National Guard but our long term plan is to do this full time.

Chair Coyner asked if they plan on having employees?

Mr. Clifton stated they may have a family member help occasionally.

Mr. Thacker stated there is a burn pile at the site. If approved one of the conditions state no burning.

Mr. Clifton stated that is something that my granddad had since they moved here. There is a lot of stuff to be cleaned up along the fence rows and dead trees all the time on the farm. It is just something that he has always had. Occasionally, maybe once a year, we will burn that off to keep the property cleaned up. When we remove items from people's property that they do not want, if it is good firewood, we will split it up and either burn ourselves or give it to neighbors and friends.

Chair Coyner stated it is important that you not bring in a bunch of debris.

Mr. Bailey asked do you have a way to get rid of debris?

Mr. Clifton stated right now they are hauling with a big dump trailer but they are planning on getting a chipper for mulch.

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

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

Ms. Tilghman stated this is a reasonable request so that these young men can get started. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All equipment and machinery be kept inside the 100' x 26' portion of the existing building.
2. All logs and firewood be kept in the designated areas shown on the BZA plan.
3. Be limited to one (1) bucket truck and one (1) wood splitter.
4. Hours of operation be 8:00 a.m. to 6:00 p.m. Monday – Saturday.
5. No employees other than family members.
6. No Sunday work.
7. No burning of debris associated with the business.
8. Site be kept neat and orderly.
9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Thacker seconded the motion, which carried unanimously.

ANDY L. HOSTETLER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Andy L. Hostetler, for a Special Use Permit to have a concrete batching plant on property he owns, located at 176 Triangle Drive, Weyers Cave in the Middle River District.

Mr. Andy Hostetler stated I would like to have a concrete batching plant at this property.

Chair Coyner asked are you planning on starting this year?

Mr. Andy Hostetler stated yes, as soon as possible.

Chair Coyner stated this is a good spot to have a concrete batching plant because it is in an industrial park.

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Mr. Andy Hostetler stated I spoke with the neighbors and they seemed to have no issues or resistance.

Mr. Adam Hostetler stated I am the primary investor for this project.

Chair Coyner asked if they will manufacturer concrete?

Mr. Adam Hostetler stated we will manufacture and deliver ready mix concrete.

Chair Coyner asked how long until you are in business?

Mr. Adam Hostetler stated the plant should be operational sometime towards the middle to the end of the summer. It will probably take a month or two to get it operational.

Chair Coyner asked do you have experience in this type of operation?

Mr. Adam Hostetler stated yes.

Chair Coyner asked will you hire locally?

Mr. Adam Hostetler stated yes. I think our estimated employees would be around six. We have been approached by people in the Weyers Cave area about jobs already. This is in an industrial park, good location, and access to roads. They will address VDOT's concerns about the entrance and our plan is to totally replace what is there now.

Chair Coyner stated the Board visited the site this morning and we saw some recent excavation that has been done.

Ms. Tilghman asked would you like to continue with your current operation?

Mr. Adam Hostetler stated yes.

Ms. Tilghman asked if an office structure is needed?

Mr. Adam Hostetler stated there is already a small single room modular unit at the site.

Chair Coyner asked if there is rail access?

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Mr. Adam Hostetler stated no.

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

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

Chair Coyner stated this is an industrial plant. There are no food manufacturers next door or anything that would make this have an adverse effect on the area.

Mr. Thacker stated this is in an industrial complex. There are roads and infrastructure in place and it is a perfect place to operate the plant. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Obtain DEQ approval and provide a copy to Community Development.

Operating Conditions:

1. All operations, buildings, and structures be setback one hundred feet (100') from all property lines.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Glover seconded the motion, which carried unanimously.

JOHN WILKINSON, AGENT FOR AUGUSTA COUNTY - VARIANCE

This being the date and time advertised to consider a request by John Wilkinson, agent for Augusta County, for a Variance to correct a tax map discrepancy on Variance #09-3 to construct a hangar exceeding the height limitation on property owned by Shenandoah Valley Joint Airport & Commission, located in the southwestern quadrant

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of the intersection of Valley Church Road (Route 847) and Moss Lane in the Middle River District.

Mr. John Wilkinson stated in 2009 the Board approved a Variance for the airport. There is a 50 foot height limitation in Airport Business. The modern jets are taller. It will take a 65 foot hangar to accommodate the jet. The site plan and aerial are the same from the 2009 meeting where we showed the location of where it will be located on the property. It took this length of time because of the crash and then Covid-19. They did put in the concrete pad but economics were not in play until now to start the construction of the hangar. When we received the site plan, in our review, staff noticed the discrepancy in the tax map number of this piece of ground versus what the application originally said. When we held the public hearing, we discussed the correct location of the site but we did not catch that the tax map changed. This hearing is really for legalities to make sure our application tax map matches where the hangar is actually being built.

Chair Coyner asked if this is something they want to go forward with this year?

Mr. Wilkinson stated yes. The site plan is submitted and they are ready to start with construction immediately.

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

There being none, Chair Coyner declared the public hearing closed. He said this is really a housekeeping matter.

Mr. Glover moved to approve the request with the following condition:

Pre-Condition:

None

Operating Condition:

1. The Tax Map and Parcel be corrected to be TM#28-79A.

Mr. Bailey seconded the motion, which carried unanimously.

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BRANDON TURNER - SPECIAL USE PERMIT

A request by Brandon Turner, for a Special Use Permit to amend Operating Condition #8 on Special Use Permit #21-33 to allow business traffic on Koogler Hill Lane on property owned by Guy C. or Judy C. Eavers, located on the east side of Walnut Hills Road, adjacent to 47 Koogler Hill Lane, Staunton in the Riverheads District. - Tabled at the March 3, 2022 Meeting

Ms. Tilghman moved to bring the request forward.

Mr. Glover seconded the motion, which carried unanimously.

Ms. Bunch stated the Board tabled this request at the March meeting to allow Mr. Turner the opportunity to get with his engineer and possibly get his Erosion and Sediment Control Plan and site plan completed.

Mr. Brandon Turner stated the engineer is still working on the BZA sketch. They are still pushing things forward. We are still going to do the site plan and still planning on doing everything that we talked about. This is all still in the process of getting approved.

Ms. Bunch stated I need Mr. Driver to takeoff all of the area that was not approved.

Mr. Turner stated I did talk to him and he said that they were getting everything together to send that over as well. I think that is where a lot of the miscommunication was coming from.

Ms. Bunch stated Mr. Driver needs to modify and show what you are actually approved for because none of these buildings have been approved.

Mr. Turner stated that is where I really got confused because he asked me what my future plans were. He wrote it all up and sent it even though I have not applied for that yet. I told Mr. Driver that I was by no means in a financial position to be doing those future plans. I would not want to put a building up when I do not even have ownership. My plan is to still build a road but I was trying to ask if it is still possible to have my truck and trailer go up and down that road while trying to get the plans approved and getting ownership of the land.

Chair Coyner stated the Board cannot let this drag on forever.

Ms. Bunch stated we are trying to get him to complete the pre-conditions of his previous permit. They were to submit the complete Erosion and Sediment Control Plan and to

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submit an updated BZA sketch on the new location of the outdoor storage area and construct an eight (8') foot high privacy fence within nine (9) months. The new entrance access road along Walnut Hills Road be completed within nine (9) months. The main issue is he should not even really be working at the site. He did submit the Erosion and Sediment Control Plan but that is still under review but I do not have the BZA sketch.

Mr. Benkahla stated the Board could limit the permit time but allow him to operate along Koogler Hill Lane and use business vehicles in the meantime until his pre-conditions are completed.

Mr. Turner stated I have two ¾ ton pickup trucks, landscape trailer, couple employee vehicles that come in the mornings and then leave in the evenings, and a dump trailer. There are no big dump trucks or heavy hauling equipment or anything other than the gas truck.

Chair Coyner asked how long do you think revising the plan would take?

Mr. Turner stated Mr. Driver thought probably a week or two before he could have the BZA sketch.

Chair Coyner stated we could give the applicant sixty (60) days to complete the pre-conditions.

Ms. Bunch asked if Mr. Turner will have time to put in the road access to Koogler Hill Lane because that is part of the pre-conditions also?

Mr. Turner stated it is going to take time to put in that road.

Chair Coyner stated we could give the applicant six (6) months to complete the pre-conditions of the permit and temporarily utilize Koogler Hill Lane.

Mr. Glover moved to continue the request at the October 6, 2022 meeting. In the meantime, the applicant be allowed to utilize Koogler Hill Lane for business vehicles. The business vehicles permitted include:

- Two ¾ Ton Pickup Trucks
- Two Utility Trailers
- One Dump Trailer
- Leaf Vacuum Machine
- Employee Vehicles

Mr. Thacker seconded the motion, which carried unanimously.

BRANDON TURNER - EXTENSION OF TIME REQUEST

A request by Brandon Turner, for a Special Use Permit to have a property maintenance business with outdoor storage of commercial vehicles and equipment on property owned by Guy C. or Judy C. Eavers, located on the east side of Walnut Hills Road adjacent to 47 Koogler Hill Lane, Staunton in the Riverheads District. - Six (6) Month Extension of Time Request - Tabled at the March 3, 2022 Meeting

Ms. Tilghman moved to bring the request forward.

Mr. Glover seconded the motion, which carried unanimously.

Ms. Tilghman moved to approve the six (6) month Extension of Time.

Mr. Glover seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

MARK STABLES - EXTENSION OF TIME REQUEST

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. Bailey moved to approve the one (1) year Extension of Time request.

Ms. Tilghman seconded the motion, which carried unanimously.

ADAM HALL - EXTENSION OF TIME REQUEST

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.

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Mr. Thacker moved to approve a six (6) month Extension of Time request.

Ms. Tilghman seconded the motion, which carried unanimously.

AUGUSTA CSG, LLC (DIMENSION RENEWABLE ENERGY) - EXTENSION OF TIME REQUEST

A request by Augusta CSG, LLC (Dimension Renewable Energy) for a Special Use Permit for a 3.88 MW small scale solar energy facility on approximately 12 acres of an approximately 50 acre parcel on property owned by Thomas Henry Curd, located southeast of Long Meadow Road (Route 608) and approximately 0.1 miles north of the intersection of Fishersville Road (Route 641) and Long Meadow Road, Fishersville in the Wayne District.

Ms. Bunch stated the applicant is requesting to amend the pre-condition and ask for a one (1) year extension to allow them two (2) years to submit their site plan.

Mr. Glover moved to approve the one (1) year Extension of Time request.

Ms. Tilghman seconded the motion, which carried unanimously.

STAFF REPORTS

- 21-28 Kimball E. Stowers, Trustee
- 21-29 Imogene T. Michael
- 21-30 Gratton Payne Fisher, III
- 21-31 Sun Shenandoah Acres RV, LLC
- 21-32 Benjamin R. Gee
- 21-33 Jessica Sheffer
- 21-34 The Farm at Chapel Hill, LLC

Ms. Bunch stated SUP#21-28 and SUP#21-29 are both in compliance. Staff sent the applicant for SUP#21-30 a letter because there were inoperable vehicles onsite. The applicant has removed the vehicles and the site is now in compliance. SUP#21-31 is in compliance. Staff inspected SUP#21-32 and there are only one (1) row of trees and some brush and debris that is located in the floodplain. Staff will send the applicant a letter to correct the violation. SUP#21-33 is in compliance. SUP#21-34 was denied.

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Mr. Benkahla discussed the court cases with the Board.

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



Chair



Secretary

