

June 2, 2022

PRESENT: George A. Coyner, II, Chair
 Mark L. Glover, Vice Chair
 Thomas W. Bailey
 Thomas V. Thacker
 Sandra K. Bunch, Zoning Administrator and Secretary
 John R. Wilkinson, Director of Community Development
 James R. Benkahla, County Attorney
 Kathleen Keffer, Assistant County Attorney
 Sara Terry, Secretary

ABSENT: Justine D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 2, 2022 at 9:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **9:00 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:

- **JONATHAN AND MELISSA RAWLEY, AGENTS FOR BELLE MEADE ENTERPRISES, LLC - SPECIAL USE PERMIT**
- **PHILLIP W. SHEETS - SPECIAL USE PERMIT**
- **RAVI PATEL, AGENT FOR CHURCHVILLE MARKETPLACE, LLC - SPECIAL USE PERMIT**
- **CHRISTOPHER SCOTT, AGENT FOR STOKESVILLE OWNERS GROUP & LLC - SPECIAL USE PERMIT**
- **ELIJAH M. TROUT AND KATHRYN H. TROUT - 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.



 Chair



 Secretary

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James R. Benkahla, County Attorney
Sara Terry, Secretary

ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 2, 2022, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Ms. Tilghman moved that the minutes from the May 5, 2022, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

LISA JO ROBERTS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Lisa Jo Roberts, for a Special Use Permit to construct a pavilion and restore a bank barn for small weddings or special events on property she owns, located at 3912 Stuarts Draft Highway, Waynesboro in the Wayne District.

Ms. Lisa Roberts said she would like to have micro-weddings. These weddings are brief and affordable. The wedding would be approximately two (2) hours long.

Chair Coyner asked if there would be amplified music?

Ms. Roberts stated no.

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Chair Coyner asked if there would be more than one (1) event a day and how many per season?

Ms. Roberts stated on Saturdays they will offer a 10:00 a.m., 1:00 p.m., and 4:00 p.m. ceremony and on Sunday we will offer a 1:00 p.m. and 4:00 p.m. ceremony. The events may be year round.

Ms. Tilghman asked if the applicant plans on limiting to only sixteen (16) people per event?

Ms. Roberts stated yes.

Chair Coyner asked if the applicant will be onsite during events?

Ms. Roberts stated yes. If successful, I will hire someone to help.

Chair Coyner asked what type of restroom facilities will you have for the guests?

Ms. Roberts stated porta-potties for two (2) years, then an outhouse. I do not anticipate a high usage for the bathrooms.

Chair Coyner stated the Board will grant the use of porta-potties temporarily but a permanent bathroom will be required within two (2) years.

Ms. Roberts asked if outhouses are allowed in Augusta County?

Ms. Bunch stated yes but you are asking for a Special Use Permit and permanent restrooms facilities have always been included in the conditions the Board puts on special event facilities.

Chair Coyner stated the Board gives applicants two (2) years to operate using porta-potties but after that permanent facilities will need to be installed if the business continues.

Ms. Roberts stated permanent facilities will add an extra expense to the venue if bathrooms will need to be installed. A new building will need to be built for the bathrooms.

Chair Coyner asked how many events will you have at the site?

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Ms. Roberts stated 210 a year about 295 after 3-4 years in business.

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

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

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

Pre-Condition:

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

Operating Conditions:

1. Applicant will install a sewage treatment 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 three (3) events between 10:00 a.m. and 6:00 p.m. on Saturdays, and two (2) events between 1:00 p.m. and 6:00 p.m. on Sundays, April – October.
4. Be limited to a maximum of sixteen (16) people per event.
5. No outdoor amplified music.
6. Events to cease by 6:00 p.m.
7. Applicant must reside on the premises.
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.

Mr. Glover seconded the motion, which carried unanimously.

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JONATHAN AND MELISSA RAWLEY, AGENTS FOR BELLE MEADE ENTERPRISES, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jonathan and Melissa Rawley, agents for Belle Meade Enterprises, LLC, for a Special Use Permit to have retail and wholesale sales of processed meat on property they own, located at 5289 Spring Hill Road, Mount Solon in the North River District.

Ms. Melissa Rawley stated I would like to have retail sales of processed meat on the farm. The meat is raised on the farm.

Chair Coyner asked if customers will come to the farm or would there be sales online?

Ms. Rawley stated we will have customers coming to the site and sales online.

Ms. Tilghman asked if the applicant will process onsite?

Ms. Rawley stated no.

Mr. Jonathan Rawley stated the USDA will inspect their meat that is sold.

Mr. Bailey asked if there will be employees?

Ms. Rawley stated only family members.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning. This will be a low impact business.

Mr. Glover stated this is a perfect setting for this type of business. He moved to approve the request with the following conditions:

Pre-Condition:

1. Obtain a letter of approval from the Virginia Department of Agriculture.

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Operating Conditions:

1. Be permitted to have retail and wholesale sales of meat packaged and processed offsite within a portion of the existing barn.
2. No employees other than family members.
3. Hours of operation be 8:00 a.m. to 5:00 p.m., Monday – Saturday.
4. No Sunday work.
5. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

STEPHEN WAYNE AND VICTORIA L. SMILEY (LIFE) - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stephen Wayne and Victoria L. Smiley (Life), for a Special Use Permit to have outdoor storage of a food trailer on property they own, located at 222 Pond Gap Lane, Craigsville in the Pastures District.

Mr. Stephen Smiley stated I would like to store my BBQ trailer at the house. There is no traffic coming to the site.

Chair Coyner asked if the applicant will only have one (1) trailer?

Mr. Smiley stated my goal is to add a full concession trailer.

Chair Coyner stated if the applicant would like to have two (2) trailers, now is the time to ask for it.

Mr. Smiley stated I put a lot of work in the trailer I have now so I do not want to get rid of it. The small trailer is perfect for small events. The adjacent land is all owned by family members.

Chair Coyner asked if he will operate on weekends?

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Mr. Smiley stated yes. I plan on catering or setting up at different places.

Chair Coyner asked how far will you go for the business?

Mr. Smiley stated I will go wherever I can.

Chair Coyner asked if he plans on having employees?

Mr. Smiley stated only family and a friend who will be my mentor and help me get started.

Ms. Tilghman stated the operating conditions say one (1) 5' x 8' trailer. The Board will need to alter the wording if the applicant would like to have two (2) trailers.

Mr. Smiley stated two (2) food trailers would be great.

Ms. Tilghman stated we should not list a trailer size so that the applicant can upgrade to a larger trailer.

Chair Coyner stated the trailers are stored out of view from the neighbors. He asked if there is anyone wishing to speak in favor, or in opposition to the request?

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

Ms. Tilghman moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be allowed to have outdoor storage of two (2) food trailers stored behind the existing pole barn as shown on the BZA sketch.
2. All natural vegetation remain.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

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4. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

PHILLIP W. SHEETS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Phillip W. Sheets, for a Special Use Permit to have a landscaping business with outdoor storage of commercial vehicles and equipment on property he owns, located at 1359 Long Meadow Road, Fishersville in the Wayne District.

Mr. Phillip Sheets stated I would like to park work vehicles on my property. I have a shop in Waynesboro that I would like to relocate to this property.

Chair Coyner asked if the equipment stays onsite unless it is being used?

Mr. Sheets stated yes. The operating conditions state Monday – Friday. I also do emergency work on weekends. Would the Board change the conditions to include weekends?

Chair Coyner asked if the weekends would only be on certain occasions?

Mr. Sheets stated yes.

Ms. Tilghman asked if the applicant is satisfied with the limitations on the equipment?

Mr. Sheets stated yes.

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

Mr. Andy White, 502 Miller Road, Waynesboro, stated Mr. Sheets is a perfect neighbor. I have no problem with him operating a business there. This will be an asset to the area.

Ms. Heidi Rohrbaugh, 792 Kiddsville Road, Waynesboro, stated Mr. Sheets is a good neighbor and I am excited about his business.

Mr. Ricky Carr, 1431 Long Meadow Road, Fishersville, stated Mr. Sheets keeps the property in good shape.

Mr. David Surratt, 1308 Long Meadow Road, Fishersville, stated the previous Board turned down a business of another property owner. I do not want to see this turned into a commercial business. I want this land to stay agricultural.

Ms. Deanna Lotts, 1378 Long Meadow Road, Fishersville, stated I do not want a business across from my house. There will be more accidents on the road. I am opposed to this request. I see the bucket truck and buildings that were built.

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

There being none, Chair Coyner asked the applicant to speak in rebuttal. He asked if there will be customers coming to the property?

Mr. Sheets stated no. The bucket truck is way smaller than the actual farm equipment on the road. A privacy fence will be constructed.

Mr. Glover asked if there will be one (1) employee?

Mr. Sheets stated yes. The employee will work 9:00 a.m. to 5:00 p.m.

Ms. Tilghman asked if the fence will help with the neighbors view depending on elevation?

Mr. Sheets stated yes, it will help neighbors and hide the trailers and buildings.

Chair Coyner declared the public hearing closed. This is a well-kept property.

Mr. Glover stated this will be a low impact business.

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

Pre-Condition:

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

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Operating Conditions:

1. All tools and materials for the business be kept inside the 18' x 24' and 18' x 36' accessory buildings.
2. All outdoor storage be kept in the designated areas shown on the BZA site plan which consists of one (1) chipper, one (1) backhoe, one (1) skid steer, two (2) stump grinders, and one (1) leaf vac.
3. The outdoor storage area be screened by a six (6') foot high wooden privacy fence on three (3) sides and all natural vegetation remain and be maintained in the rear.
4. Be limited to five (5) licensed and inspected company vehicles at the site including one (1) chipper truck, one (1) bucket truck, and three (3) licensed trailers for business use.
5. Be limited to one (1) employee coming to the site to pick up a vehicle. No employees working onsite per Health Department comments.
6. No refuse from the business to be brought to this site.
7. Hours of operation be 9:00 a.m. to 5:00 p.m., Monday – Sunday. Saturday and Sunday will be limited to commercial jobs and emergency calls.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
9. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

RAVI PATEL, AGENT FOR CHURCHVILLE MARKETPLACE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ravi Patel, agent for Churchville Marketplace, LLC, for a Special Use Permit to convert an existing structure into mini-warehouse units on property they own, located at 19 Scenic Highway, Churchville in the Pastures District.

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Mr. Ketul Patel stated I am Ravi Patel's partner. The mini-warehouses will be useful for the local people.

Chair Coyner stated the height of the door will need to be lowered.

Mr. Patel stated they will lower the door to 8' and they are working on the floodplain issues. They will follow code including flood proofing.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning. The applicant must lower the doors and make the structure flood proof to code.

Ms. Bunch stated there is a 200' setback from any arterial road. The structure is setback 140'. Since they are not meeting the 200' setback there is an option for this Board to reduce the setback without applying for a Variance. If approved, the site plan can be used as shown.

Chair Coyner stated I see no issues with this having a reduced setback.

Mr. Bailey stated they will need the help from a certified engineer for the floodplain. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Obtain all necessary building permits, inspections, and Certificates of Occupancy and provide copies to Community Development.
2. Provide approval by a licensed Virginia architect or engineer.
3. Submit a Floodplain Development Plan meeting all requirements of 25-477 of the Floodplain Ordinance including flood proofing.
4. Reduce the doors facing the residentially zoned property to the east to eight (8') foot.

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Operating Conditions:

1. Be permitted to convert an existing carwash into eight (8) mini-warehouse units.
2. No activities such as sales, repairs, painting or servicing goods and equipment.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Site be kept neat and orderly.
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.

Mr. Thacker seconded the motion, which carried unanimously.

**CHRISTOPHER SCOTT, AGENT FOR STOKESVILLE OWNERS GROUP & LLC -
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Christopher Scott, agent for Stokesville Owners Group & LLC, for a Special Use Permit to have weddings, a bicycle touring business, bicycle rental, bicycle training, bicycle trails, bicycle riding events, construct an accessory building, and to use an existing dwelling on the property for short term rental at the Stokesville Campground on property they own, located at 464 Stokesville Road, Mount Solon in the North River District.

Mr. Christopher Scott stated I would like to have bike rentals, bike training, programs for Girl Scouts, weddings, bike events and short term rental at the property.

Chair Coyner asked if there is a septic system at the campground?

Mr. Scott stated there are three (3) septic systems.

Chair Coyner asked what events do you plan on having?

Mr. Scott stated the Girl Scouts will ride bikes on the trails. Some of the bikes will be on this property and some will be on the roads.

Chair Coyner asked how many bikes will be on the road?

Mr. Scott stated 150-200 bikes, 3 weekends a year in the spring.

Chair Coyner asked how far will the bikes go?

Mr. Scott stated three (3) miles in the area and also out in the National Forest.

Chair Coyner asked if there will be a warning for drivers to be aware of the bikers?

Mr. Scott stated there will be caution signs.

Chair Coyner asked if these are afternoon events?

Mr. Scott stated yes. The start time will be 11:00 a.m. and there will be 10-11 officers at the site during the events.

Chair Coyner asked if there would be advertising so that locals know of the upcoming events?

Mr. Scott stated I can have a town hall meeting to discuss this on June 30th at Stokesville Church. We can also send out announcements when there are area events.

Ms. Tilghman asked how many campsites are there?

Mr. Scott stated 100-107 are listed.

Ms. Tilghman asked where do the cyclist stay?

Mr. Scott stated local Airbnb and staying at Natural Chimneys campground as well as hotels.

Ms. Tilghman asked how do the Girl Scouts come to the site?

Mr. Scott stated by bus.

Ms. Tilghman asked if other activities are offered other than biking?

Mr. Scott stated yes. We offer volleyball, horseshoes, and other activities.

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Mr. Thacker stated the Board received phone calls about numerous events and people running stop signs and no law enforcement.

Mr. Scott stated they will not have road events without VDOT and County approval.

Mr. Thacker stated the Board may want to add obtaining permits/approval as a condition to the permit being approved (medical and law enforcement).

Mr. Bailey asked if you have a way to control bike traffic?

Mr. Scott stated there have been events yearly from other organizations. I did not know that this would have been an issue.

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

Mr. Charles Horn, 1142 Freemason Run Road, Mount Solon, stated my farm is adjacent to this property. This has caused a problem for many years. There are many trucks coming in and out of his property for the poultry house. This weekend we had a full field of bicycles, hundreds of them. Public safety needs to be controlled. I do not think they should allow bike races on public roads. The racers run the stop signs.

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

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

Mr. Scott showed the Board a picture of the caution sign. I am aware of the conflict with drivers and bike riders. I will work with the community on their issues.

Chair Coyner declared the public hearing closed. He said the community meeting should have occurred prior to this meeting.

Staff showed the Board a video that was submitted to the Community Development Department.

Ms. Tilghman asked if the applicant is requesting 13 events?

Ms. Bunch stated 13 events total which include weddings and three (3) bike races.

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Chair Coyner stated the Board may want to table the request until the neighborhood meeting.

Mr. Glover stated that will give the community time to get more information from the applicant. He moved to table the request to the July 7, 2022 meeting.

Ms. Tilghman seconded the motion, which carried unanimously.

ELIJAH M. TROUT AND KATHRYN H. TROUT - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Elijah M. Trout and Kathryn H. Trout, for a Special Use Permit to have a dog kennel on property owned by Kathryn H. Trout, located at 155 Harris Hill Drive, Raphine in the Riverheads District.

Ms. Kathryn Trout submitted a written response to the staff report (copy is in the file). I have eleven (11) dogs right now. We have five (5) breeding females and two (2) non-breeding females that are elderly. Fifteen (15) dogs would be great to have. We will continue doing what we have been doing. We will not have twenty (20) dogs. I spoke with VDOT and they are in the process of reconsidering their comments regarding the property.

Chair Coyner stated the property looks well maintained. The Board visited the site this morning. How do you plan to advertise?

Ms. Trout stated by the newspaper.

Chair Coyner asked how many litters per year?

Ms. Trout stated I am not a puppy mill. I would like to be able to have seven (7) litters per year because we have five (5) females right now.

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

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

Mr. Bailey stated Animal Control recommends only five (5) litters per year. The Board will need to modify the conditions to increase the number of litters per year.

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Mr. Thacker stated the applicant is not a puppy mill and she knows what she is doing. He moved to approve the request with the following conditions:

Pre-Condition:

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

Operating Conditions:

- 1. **Maximum of fifteen (15) adult dogs** which includes breeding females and males be kept at this site at any time.
- 2. **Be limited to seven (7) litters per year.**
- 3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
- 4. All dogs be confined within the fenced exercise area adjacent to the dwelling or inside the dwelling at all times.
- 5. Applicant must reside on premises.
- 6. Animal Control to inspect the site every **six (6) months.**

Mr. Bailey seconded the motion, which carried unanimously.

STAFF REPORTS


21-40	Joe F. Surratt, III or Mark M. Shore
21-41	Thomas Henry Curd
21-43	Russell or Chantelle Brown


Ms. Bunch stated SUP#21-40 is in compliance. The applicant has not started the project for SUP#21-41. SUP#21-43 is in compliance.

Ms. Keffer discussed the court cases with the Board.

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


Chair


Secretary

