

September 1, 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
 James R. Benkahla, County Attorney
 John R. Wilkinson, Director of Community Development
 Kathleen Keffer, Assistant 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, September 1, 2022 at 10:00 A.M., in the County Government Center, Verona, Virginia.


The staff briefing was held at **10:00 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

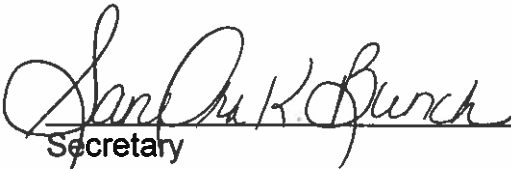
The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **PAIGE A. OR ANGELA K. ADAMS - SPECIAL USE PERMIT**
- **RICHARD AND ELIZABETH THOMPSON - SPECIAL USE PERMIT**
- **PHILLIP E. WAGNER, SR. AND JESSICA CAMPBELL - 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.



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ABSENT: None

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

MINUTES

Mr. Glover moved that the minutes from the August 4, 2022, meeting be approved.

Mr. Thacker seconded the motion, which carried unanimously.

PAIGE A. OR ANGELA K. ADAMS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Paige A. or Angela K. Adams, for a Special Use Permit to have a short term vacation rental on property they own, located at 142 Heston Farm Lane, Waynesboro in the South River District.

Mr. Paige Adams stated I am requesting a short term rental.

Chair Coyner asked have you have done this type of business before?

Mr. Adams stated no.

Chair Coyner asked will you be on premise when the property is rented out?

Mr. Adams stated yes.

Chair Coyner stated the Board visited the site this morning. This is a nice piece of property and a quiet area. He 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.

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

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to lease the one (1) bedroom suite in the basement for short term vacation rental.
- 2. The occupancy shall not exceed six (6) persons at any time.
- 3. Owner reside on premise.
- 4. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

RICHARD AND ELIZABETH THOMPSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Richard and Elizabeth Thompson, for a Special Use Permit to continue to have weddings and special events and to provide overnight accommodations during events on property they own, located at 125 Berry Farm Road, Staunton in the Beverley Manor District.

Ms. Elizabeth Thompson stated I would like to have an event space on the property.

Chair Coyner asked if the use will remain the same as the previous applicant?

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Ms. Thompson stated yes but without the bed and breakfast.

Chair Coyner stated the Board visited the site this morning. Have you done this type of business before?

Ms. Thompson stated I have not done this on my property but I did manage events for a hotel.

Ms. Tilghman stated the applicant has asked for twelve (12) events but the Health Department only approved seven (7) with the original permit.

Ms. Thompson stated I will have to get an engineer to review the septic and then if it is approved I would like the increased number of events.

Ms. Tilghman stated the Board can approve twelve (12) pending Health Department approval.

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

Mr. Wilson Fauber stated I work for Regal Real Estate in Staunton and I am here representing Ms. Davison. Ms. Davison is planning on developing the property. The land is all adjacent to this site. We are in the process of creating and selling high end, upscale lots for homes. Ms. Davison opposes this due to the development of the property. Lots 9 & 10 are not that wide. We are not opposed to the overnight stays but do oppose the noise. Some of the homes will be at least \$1 million. The events will have noise. It was not an issue before with the previous applicant but now they want to sell the lots.

Chair Coyner asked if Ms. Davison used to own this property?

Mr. Fauber stated yes.

Chair Coyner stated the applicant can make the lots larger so they are not close together.

Mr. Fauber stated Ms. Davison would like to make the most of her property.

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Ms. Tilghman asked when the original people applied for the permit, did Ms. Davison oppose it?

Mr. Fauber stated I do not know. She opposes it now because of the potential for noise.

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.

Ms. Thompson stated they discussed buying some of the surrounding property with Ms. Davison. I have not heard it was being developed like this just one lot per year. The events will conclude by 10:00 p.m. and we plan on having one (1) event every other month right now.

Chair Coyner declared the public hearing closed. The Board did not have opposition for the last request.

Ms. Tilghman stated this is a new operator but it was well run in the past with no complaints.

Chair Coyner stated the developer has a clean slate and they may have to adjust the boundary lines for these lots.

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

Pre-Conditions:

None

Operating Conditions:

1. Be limited to seven (7) events per year but no more than one (1) per month unless Health Department approval is obtained for twelve (12) events and a copy submitted to Community Development.
2. Be limited to a maximum of one hundred (100) people per event.
3. No amplified music after 10:00 p.m.

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- 4. Events to cease by 11:00 p.m. and all persons off the property by midnight.
- 5. Applicant must reside on the premise.
- 6. Be permitted to lease four (4) of the guest bedrooms for short term rental during events.
- 7. Site be kept neat and orderly.
- 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. Glover seconded the motion, which carried unanimously.

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PHILLIP E. WAGNER, SR. AND JESSICA CAMPBELL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Phillip E. Wagner, Sr. and Jessica Campbell, for a Special Use Permit to have outdoor storage of commercial vehicles, equipment and logs in conjunction with a tree service business on property they own, located at 36 Mizer Lane, Swoope in the Riverheads District.

Mr. Phillip Wagner stated I would like to move the business and the equipment to the farm where we plan on living. I plan on putting in a gravel pad for the equipment and a carport to store the smaller equipment. It will not be visible from the road. This farm has been in the family for a long time. I plan on remodeling the home also. It will be easier to keep everything in one spot and apply for this permit on the property where I plan on moving to.

Chair Coyner asked if the lane serves both properties?

Mr. Wagner stated yes.

Chair Coyner stated this is a nice area. Will the wood be used for your personal use?

Mr. Wagner stated yes, both homes burn firewood. The wood chips are used on a farm.

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Ms. Tilghman stated the recommended conditions are very specific with the number of business vehicles and equipment. Do you think you would want more in the future? You will be limited to a specific number and if you purchase more than what is approved then you would be in violation of your permit.

Mr. Wagner stated I would like to possibly have one more truck and one more piece of equipment. I would not have more than ten (10) pieces of equipment maximum. There are also pieces of equipment for the farm that will be stored onsite.

Chair Coyner asked if the applicant plans on moving to the site soon?

Mr. Wagner stated yes.

Chair Coyner asked if this is a family business with no employees?

Mr. Wagner stated yes, only family.

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

Mr. Oakley Huffer stated I live two properties behind this site. I do approve what Mr. Wagner is doing as long as he keeps the right-of-way open so we can get in and out of our property.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning.

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

Pre-Conditions:

None

Operating Conditions:

1. Be limited to a maximum of ten (10) business vehicles and equipment at the site.
2. No employees other than family.

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- 3. Hours of operation be 7:30 a.m. to 4:30 p.m. Monday – Saturday with the exception of winter snow removal as needed.
- 4. Site be kept neat and orderly.
- 5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Tilghman seconded the motion, which carried unanimously.

BOYCE BRANNOCK, AGENT FOR JIMMY’S LANDING, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Boyce Brannock, agent for Jimmy’s Landing, LLC, for a Special Use Permit to have a private campground for corporate retreats on property they own, located at 298 Vinegar Hill Road, Churchville in the Pastures District.

This request was withdrawn by the applicant.

OLD BUSINESS

LAURA MEADOWS, AGENT FOR VIRGINIA ELECTRIC AND POWER CO./DOMINION VA POWER - SPECIAL USE PERMIT

A request by Laura Meadows, agent for Virginia Electric and Power Co./Dominion VA Power, for a Special Use Permit to continue the contractor’s office and storage yard on property owned by Eastside Speedway, Inc. c/o A.L. Gore, located at 115 Al Gore Lane, Waynesboro in the Wayne District. - Tabled at the August 4, 2022 Meeting

Mr. Thacker moved to bring the item forward.

Mr. Glover seconded the motion, which carried unanimously.

Mr. Stefan Brooks stated Dominion Power would like to continue the storage yard at the site. We plan on operating the same as when we applied in 2013.

Chair Coyner stated I am not aware of any problems or complaints at the site.

Ms. Tilghman asked if the footprint will change?

Mr. Brooks stated no. We will continue to operate just as is.

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 they plan to continue what they have been doing. This is a good operation.

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

Pre-Conditions:

None

Operating Conditions:

1. The utility storage lot be used only for tower/transmission line replacement.
2. All equipment, machinery, and materials be kept in the designated area shown on the site plan.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Site be kept neat and orderly.
5. Permit be issued for **five (5) years**.

Ms. Tilghman seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

JOSEPH PATTERSON - EXTENSION OF TIME REQUEST

A request by Joseph Patterson, for a Special Use Permit to have outdoor storage of a 40' trailer for a hauling business on property owned by Michael H. Taylor, located at 324 Cedar Green Road, Staunton in the Pastures District.

Ms. Tilghman moved to approve the sixty (60) day Extension of Time.

Mr. Glover seconded the motion, which carried unanimously.

ZACHARY CLYMORE – CANCEL SUP

A request by Zachary Clymore, for a Special Use Permit to have offsite storage of business vehicles and equipment on property owned by Steven W. or Kimberly Harris, located at 585 Old White Hill Road, Stuarts Draft in the Riverheads District.

Mr. Thacker moved to cancel the Special Use Permit.

Mr. Bailey seconded the motion, which carried unanimously.

MARGARET MAE DAVISON - EXTENSION OF TIME REQUEST

A request by Margaret Mae Davison, agent for Shared Solar HoldCo., LLC, for a Special Use Permit to install a 1 MW fixed tilt solar array on 10 acres to be tied into Dominion Energy per Virginia's Shared Solar Program – VA Code 56- 576 et seq. on property owned by Margaret Mae Davison, Etal, located on a 10 acre tract of 90.78 acres on Route 626 northwest of Staunton located at 125 Berry Farm Road, Staunton in the Beverley Manor District.

Ms. Tilghman moved to approve the one (1) year Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

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AUSTIN MCNETT, AGENT FOR MCNETT CATTLE, LLC - EXTENSION OF TIME REQUEST

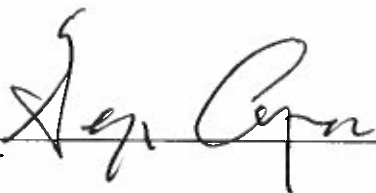
A request by Austin McNett, agent for McNett Cattle, LLC, for a Special Use Permit to have retail and wholesale sales of meat, mineral and feed on property they own, located at 703 Humbert Road, Crimora in the Middle River District.

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

Ms. Tilghman seconded the motion, which carried unanimously.

Ms. Keffer discussed the court cases with the Board.

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

Chair 

Secretary 

