

December 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, December 1, 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

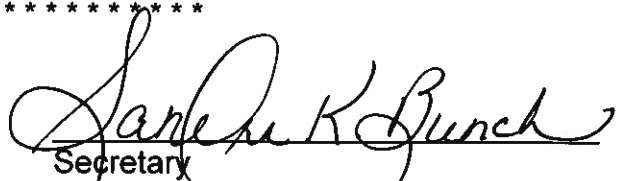
The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- KEVIN S. OR LESLIE C. WHITNEY - SPECIAL USE PERMIT
- DANIEL A. MURRAY, AGENT FOR SIPAPU, LLC - SPECIAL USE PERMIT
- DAVID L. OR ANN W. GARDNER - SPECIAL USE PERMIT
- JOHN WEATHERSPOON, AGENT FOR WALL RESIDENCES, INC. - 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, December 1, 2022, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

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

Ms. Tilghman seconded the motion, which carried unanimously.

SPRING P. SHINABERRY, AGENT FOR SHINABERRY RENTALS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Spring P. Shinaberry, agent for Shinaberry Rentals, LLC, for a Special Use Permit to have a short term vacation rental within the existing dwelling on property they own located at 81 Rocky Spring Lane, Deerfield in the Pastures District.

Ms. Spring Shinaberry stated I would like to operate a short term rental.

Chair Coyner asked if she has ever operated this type of business before?

Ms. Shinaberry stated no.

Chair Coyner asked how will the site be advertised?

Ms. Shinaberry stated Airbnb.

Chair Coyner asked if she plans on managing the business?

Ms. Shinaberry stated yes.

Chair Coyner asked if she lives across the road?

Ms. Shinaberry stated less than fifty (50') feet from the site.

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.

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

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease the existing three (3) bedroom dwelling for short term vacation rental.
2. Be limited to a maximum occupancy not exceeding six (6) people.
3. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

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BRANDON FLOOD, AGENT FOR MINI-MAX STORAGE CENTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brandon Flood, agent for Mini-Max Storage Center, for a Special Use Permit to have outdoor storage of licensed vehicles and trailers on property they own located at 52 Lodge Lane, Verona in the Beverley Manor District.

Mr. Brandon Flood stated there are some customers that have a storage unit that would like to park their box trailer or box truck onsite. We would like to allow our customers the option to park their vehicles in our parking area.

Chair Coyner asked if it would only be used by clients who rent a storage unit?

Mr. Flood stated yes.

Chair Coyner asked how many are at the site now?

Mr. Flood stated there are three (3) box trailers now and two (2) box trucks currently. There would not be any more than ten (10). All of the vehicles will be registered and inspected.

Mr. Thacker asked if personal vehicles are parked at the site during the day while the box trucks are being used?

Mr. Flood stated yes. This is not a long term storage spot.

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 needed service because many times you cannot park trucks at the business owner's home site. This area is commercial and it is a good location for this use. She moved to approve the request with the following conditions:

Pre-Conditions:

None

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Operating Conditions:

1. Outdoor storage be limited to commercial vehicles and trailers associated with vendors leasing warehouse units only.
2. All vehicles and trailers be parked in front of the rented warehouse unit only.
3. No junk or inoperable vehicles or trailers kept onsite.
4. Site be kept neat and orderly.
5. All operating conditions of SUP#16-40 remain in effect.

Mr. Glover seconded the motion, which carried unanimously.

KEVIN S. OR LESLIE C. WHITNEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kevin S. or Leslie C. Whitney, for a Special Use Permit to have a kennel and to have dog training and field trial events on property they own located at 982 Newport Road, Raphine in the Riverheads District.

Mr. Kevin Whitney stated we own an 88 acre farm. We have a kennel and use the dogs for a sheep herding activity. We would like to table the dog training and field trial events at this time. We have two (2) types of breeds. Four (4) livestock guard dogs are outside at all times.

Chair Coyner asked if the applicant plans on breeding the dogs?

Mr. Whitney stated yes.

Chair Coyner stated the Board visited the site this morning and saw the dogs.

Ms. Tilghman asked if the border collies live inside?

Mrs. Leslie Whitney stated yes. We also have 200 sheep.

Mr. Glover asked if the applicant breeds both types of dogs?

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Mrs. Whitney stated yes but only when we need to.

Chair Coyner stated the applicant would like to maintain the number of dogs at the site.

Mr. Glover asked how many litters per year will there be?

Mrs. Whitney stated not much. The breeding would depend on the need. I am not asking for a breeding facility.

Mr. Whitney stated when the dogs retire, we end up keeping them as pets.

Ms. Tilghman asked what is the lifespan of the dogs?

Mr. Whitney stated the lifespan is about ten (10) years.

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 the Board visited the site this morning. The applicant is not in the dog production business.

Ms. Whitney stated we would like the request tabled due to not receiving the packet until Saturday. We have not had a chance to review it.

Mr. Glover moved to table the request.

Mr. Benkahla stated the applicant needs the Special Use Permit to have the dogs at the site now but the applicant would like to table the dog training and field trial events.

Mr. Glover amended his motion to approve the kennel portion and table the dog training and field trial events to the January 5, 2023 meeting.

Mr. Thacker seconded the motion, which carried unanimously.

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DANIEL A. MURRAY, AGENT FOR SIPAPU, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Daniel A. Murray, agent for Sipapu, LLC, for a Special Use Permit to add a 30' X 60' swimming pool to the existing campground on property they own located at 277 Lake Drive, Greenville in the Riverheads District.

Mr. Daniel Murray stated I am the owner of Stoney Creek Campground and I would like to add a 30' x 60' in-ground swimming pool for the campers. The campers will appreciate this amenity.

Chair Coyner asked if this will be completed in the coming year?

Mr. Murray stated we would like to start construction in February. I would also like to build another building in 2024 but since they are being built separately, the projects will be under 10,000 square feet.

Ms. Bunch stated the County Engineer was looking at the entire site plan. The reason you submit a new plan is because the parking area is being relocated for the pool.

Mr. Bailey asked if the pool will be open to the public?

Mr. Murray stated only for campers or a guest of a camper.

Mr. Bailey asked if there will be lifeguards onsite?

Mr. Murray 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. The Board visited the site this morning.

Mr. Glover stated this is a great location and fits in well. He moved to approve the request with the following conditions:

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Pre-Conditions:

1. Submit an updated site plan showing the addition of the pool, the revised parking and access to serve both the pool and the retail store, including updated Stormwater calculations.
2. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to install a 30' X 60' swimming pool as shown on the BZA sketch.
2. Applicant obtain all Building Permits and inspections and provide a copy to Community Development.
3. All operating conditions of SUP #17-50 remain in effect.

Ms. Tilghman seconded the motion, which carried unanimously.

DAVID L. OR ANN W. GARDNER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David L. or Ann W. Gardner, for a Special Use Permit to cover and enclose an existing patio to provide indoor space for weddings and seasonal events and to increase the number of events per year on property they own located at 3494 Lee Highway, Weyers Cave in the North River District.

Mr. David Gardner stated I would like to cover and enclose an existing patio to be out of inclement weather for the events. I also realized that I am over on the number of events that I have been doing. I have been really successful with having the events and I could really use a higher number. I have ample parking. I have a rehearsal dinner on Friday and then I have the wedding on a Saturday normally.

Mr. Glover stated that is not two separate events.

Ms. Bunch stated for a wedding that is only one event even though it takes place on two separate nights.

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Ms. Tilghman asked what is the capacity of the parking lot?

Mr. Gardner stated the parking area does fill up occasionally but then I also have an overflow area. I can fit 300-400 cars in the flat area. I try and check with the neighbors to be sure that we are not bothering anyone. I want to be a good neighbor. There was an issue with a neighbor previously with music. We reconfigured the music so it did not bounce off the buildings with the speakers and now they cannot hear it anymore.

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 it is not good to have an open ended number on the events but fifty (50) is probably not adequate.

Ms. Tilghman stated 200 should be more than adequate.

Chair Coyner stated this is in a commercial area on a major highway.

Ms. Tilghman stated Mr. Gardner has a business at this site already that is open to the public.

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

Pre-Condition:

1. Applicant submit an updated site plan to reflect the addition of the covered area, including a revised preservation area exhibit and updated Erosion and Sediment Control and Stormwater Management Plan and Construction General Permit to reflect the addition of the stream access and any additional impervious area.

Operating Conditions:

1. Be permitted to cover and enclose a 36' X 100' patio area for special events.
2. Applicant obtain all necessary Building Permits and inspections and provide a copy to Community Development.

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3. Be limited to two hundred (200) events per year.
4. All other Operating Conditions of SUP #14-29, #15-22, #19-8, and #20-11 remain in effect.

Mr. Bailey seconded the motion, which carried unanimously.

JOHN WEATHERSPOON, AGENT FOR WALL RESIDENCES, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John Weatherspoon, agent for Wall Residences, Inc., for a Special Use Permit to have office space and meeting rooms within an existing building on property they own located at 13 Swartzel Shop Road, Staunton in the Riverheads District.

Mr. John Weatherspoon stated we plan to use the site as an office.

Chair Coyner asked how many locations do you have?

Mr. Weatherspoon stated we have fifteen (15) office locations in Virginia.

Chair Coyner asked how many professionals or counselors will operate there?

Mr. Weatherspoon stated two (2) but could have up to five (5) individuals onsite.

Chair Coyner asked if they operate day and evenings?

Mr. Weatherspoon stated right now half a day but if this goes well it could be extended into the rest of the afternoon.

Chair Coyner asked if there would be traffic?

Mr. Weatherspoon stated there would not be much traffic.

Chair Coyner asked if your office is located there?

Mr. Weatherspoon stated no. I will go to the site for meetings.

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Chair Coyner asked if this use is regulated by any particular agency?

Mr. Weatherspoon stated the Department of Behavioral Health and Development Services and Medicaid.

Ms. Tilghman asked if employees are local?

Mr. Weatherspoon stated they are local.

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 a good way to utilize the existing building. This will have a low impact to the neighbors and the site is located right on a highway so traffic is not an issue.

Mr. Glover stated this is a good setting and will have a low impact to the area. This is a very needed service. He moved to approve the request with the following conditions:

Pre-Condition:

1. Applicant obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to use the existing building for offices and meetings.
2. Hours of operation be Monday through Friday 8:00 a.m. to 5:00 p.m.
3. Be limited to a maximum of seven (7) people on site including employees unless Health Department approval is obtained for a larger number.
4. Applicant provide a copy of license through the Department of Behavioral Health.

Mr. Bailey seconded the motion, which carried unanimously.

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BERNARD LEE CHRISTIAN, III – EXTENSION OF TIME REQUEST

A request by Bernard Lee Christian, III, for a Special Use Permit to construct a new building to have a motor vehicle repair operation including body and fender work on property he owns, located on the east side of Tinkling Spring Road (Route 608), Stuarts Draft in the South River District.

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

Mr. Glover seconded the motion, which carried unanimously.

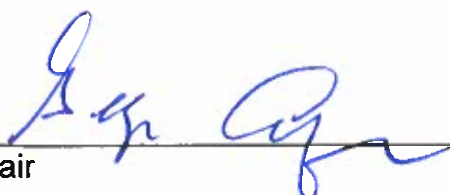
STAFF REPORTS

- 22-5 Garland R., II and Hilary J. Davis
- 22-6 James Have
- 22-7 Abner N., IV and Clara M. Johnston
- 22-8 Phillip Scott or Megan Leslie Tiernan
- 22-9 C.C. Lawrence
- 22-10 HW Farms, LLC

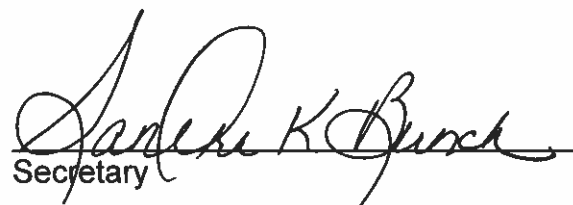
Ms. Bunch stated SUP#22-5 is in compliance. SUP#22-6 was denied. SUP#22-7 and SUP#22-8 were both in compliance. Mr. Lawrence sold the property and staff has sent a cancellation request for SUP#22-9. We have not heard from Mr. Lawrence so we will send out a second notice. We have not received a site plan for SUP#22-10 but the Board did approve a two (2) year Extension of Time for the permit.

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