

January 5, 2023

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  
 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, January 5, 2023 at 9:30 A.M., in the County Government Center, Verona, Virginia.

\*\*\*\*\*

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

\*\*\*\*\*

**VIEWINGS**

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

- **KEVIN LOSH, AGENT FOR KB&T, LLC AND MANDY SITES - SPECIAL USE PERMIT**
- **DOUG HUFFMAN - SPECIAL USE PERMIT**
- **JAMES E. WENGER - 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

January 5, 2023

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  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

\*\*\*\*\*

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 5, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

\*\*\*\*\*

**ELECTION OF OFFICERS**

Mr. Thacker nominated Mr. Coyner as Chair, Mr. Glover as Vice Chair, and Sandra Bunch as Secretary.

Ms. Tilghman seconded the motion, which carried unanimously.

\*\*\*\*\*

**MINUTES**

Ms. Tilghman moved that the minutes from the December 1, 2022, meeting be approved.

Mr. Glover seconded the motion, which carried unanimously.

\*\*\*\*\*

January 5, 2023

**CONSIDERATION OF 2023 RESOLUTION**

Mr. Glover moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2023 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

Mr. Bailey seconded the motion, which carried unanimously.

\*\*\*\*\*

**STEPHEN A. AND MARGARET O. RILEY, LIFE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Stephen A. and Margaret O. Riley, Life, for a Special Use Permit to increase the size of a non-conforming building previously approved on SUP #22-64, on property they own located at 451 Battlefield Road, Fort Defiance in the Middle River District.

Ms. Bunch stated only a portion of the structure was submitted when they first applied for the Special Use Permit and that is all that was approved. This request is to add the L-shape addition. She asked if the addition would be any closer to the road?

Mr. Stephen Riley stated no.

Ms. Bunch asked if it would be on the same foundation?

Mr. Riley 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.

Ms. Tilghman stated the first request did not have all of the details. The applicant has met all of the guidelines that we were concerned with. She moved to approve the request with the following conditions:

January 5, 2023

**Pre-Condition:**

- 1. Applicant obtain a building permit and provide a copy to Community Development.

**Operating Conditions:**

- 1. Applicant be permitted to construct a 29.6 x 19.75 L-shaped addition to the approved 24' x 36' barn, totaling 843.7 square feet.
- 2. All other Operating Conditions of SUP#22-64 remain in effect.

Mr. Thacker seconded the motion, which carried unanimously.

\*\*\*\*\*

**KEVIN LOSH, AGENT FOR KB&T, LLC AND MANDY SITES - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kevin Losh, agent for KB&T, LLC and Mandy Sites, for a Special Use Permit to have a lawn care and snow removal business with outdoor storage of business vehicles and equipment on property they own located on the southeast side of Lyndhurst Road (Route 624), south of the intersection of Lyndhurst Road and Woodson Bell Lane, Stuarts Draft in the South River District.

Mr. Kevin Losh stated I am in the process of retiring but I would like to have the snow equipment and trucks there until I retire.

Chair Coyner stated the fence is propped up.

Mr. Losh stated I was told that I had to have a fence up to satisfy the Board requirements.

Chair Coyner stated it will need to be put up in a more permanent way.

Mr. Losh stated yes.

Chair Coyner stated the tree line also needs to stay. It will also need to be maintained.

Mr. Losh stated the neighbor asked that it be cleared and then I will install the fence.

Mr. Bailey asked if the applicant plans on using the existing buildings?

January 5, 2023

Mr. Losh stated yes.

Mr. Bailey asked if any additional buildings are needed?

Mr. Losh stated no.

Mr. Thacker stated on the right side of the property there are not many trees. A fence should be adjacent to the property line where the mobile home is.

Mr. Bailey stated the vehicles will also need to be tagged.

Mr. Losh stated I have been in and out of the hospital. I will take care of getting the vehicles tagged.

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.

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

**Pre-Conditions:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Applicant submit a complete Erosion and Sediment Control Plan and Stormwater Management Plan.
3. Applicant license and inspect all vehicles on the property within **thirty (30) days**.

**Operating Conditions:**

1. All commercial vehicles, trailers, equipment, machinery, and materials be kept in the designated areas shown on the BZA sketch.
2. Be permitted to use two (2) 10' x 10', one (1) 10' x 16', and one (1) 8' x 16' pre-existing structures for storage.

January 5, 2023

- 3. The property be screened by an eight (8') foot privacy fence along the front and fifty (50') feet along the western side property line and natural trees and vegetation remain along the eastern side and rear property line and be maintained.
- 4. If natural vegetation and trees are removed along the side property line to the east, an eight (8') foot privacy fence must be installed.
- 5. No employees coming to the site.
- 6. No brush and debris from the business be brought to the site.
- 7. No burning of any materials not generated onsite.
- 8. No junk or inoperable vehicles, equipment or parts of vehicles or equipment be kept on the property.
- 9. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

\*\*\*\*\*

**KEVIN S. AND AMBER N. MAY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kevin S. and Amber N. May, for a Special Use Permit to have an excavating business and outdoor storage of commercial vehicles and equipment on property they own located at 155 Miller Road, Waynesboro in the Wayne District. – **WITHDRAWN**

\*\*\*\*\*

**DOUG HUFFMAN - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Doug Huffman, for a Special Use Permit to have outdoor display, sales, and repair of farm equipment and implements on property he owns located at 3047 East Side Highway, Grottoes in the Middle River District.

January 5, 2023

Mr. Doug Huffman stated I would like to operate a part-time farm equipment and light repair service similar to my previous operation at another location. I do not want equipment laying around. I would like to provide a service to the community and to my friends and neighbors. I enjoy doing this type of work.

Chair Coyner asked if the applicant will have employees?

Mr. Huffman stated no.

Chair Coyner asked when do you plan on starting this business?

Mr. Huffman stated I would like to start this spring. I have asked for seventy-five (75) pieces of equipment but I do not anticipate having that many.

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

Mr. Christopher Glover, 1775 Barrenridge Road, Staunton, stated I have a poultry farm and something is always breaking. It is nice to have somewhere close to take equipment to in order for it to get fixed. This type of business would fit nice in the area.

Mr. Terree Rinaca, 52 Rock Mountain Lane, Crimora, stated I have lived in the Crimora area for forty-five (45) years. There are many farms with animals in the area. My twenty-six (26) acres adjoins his land. We have never had any problems with Mr. Huffman. He is a good guy and wants to help people.

Mr. Grayson Comer, 3130 East Side Highway, Grottoes, stated I am across the road from this. This area is devastated by spot zoning and poor management. This area is starting to look like a dump. I built a house and keep it looking nice. There are many unsightly businesses in the area north of Harriston on Route 340. This site did not look neat before. There are many businesses in the area and if you continue to allow spot zoning it will look like Philadelphia. The area does not need this type of business at this location. There will be antique equipment at the site along the road. This is a dangerous spot because people speed. This use would be a bad thing for the area. I built a house in the area and to look at a mess across the road is heartbreaking.

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.

January 5, 2023

Mr. Huffman stated nothing was done over the past year except I put in no U-turn signs and I have added twelve (12') feet to my driveway because the neighbor complained. Mr. Comer has been coming over harassing my wife so I put no trespassing against him. I did receive a letter from the County and as soon as I did I applied for the permit. I will rebuild the fence.

Chair Coyner declared the public hearing closed. The Board visited the site today. This business should provide a valuable service to the neighborhood.

Mr. Thacker stated this is a service to the area. It is not Mr. Huffman's fault that the businesses in the area look the way they do. In the recommended staff conditions, it does state to keep the property neat and orderly. If the applicant does not abide by those conditions, staff will address that. He moved to approve the request with the following conditions:

**Pre-Condition:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to use one (1) bay of the existing 30' x 70' farm structure for farm equipment repair.
2. All outdoor sales and display of farm equipment for sale be kept in the designated areas shown on the BZA sketch plan.
3. Be limited to seventy-five (75) pieces of equipment at this site.
4. Hours of operation be 8:00 a.m. to 5:00 p.m., Monday – Friday and 9:00 a.m. to 6:00 p.m. on Saturday.
5. No Sunday work.
6. No employees other than family members.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site be kept neat and orderly.



January 5, 2023

Ms. Tilghman seconded the motion, which carried unanimously.

\*\*\*\*\*

### **JAMES E. WENGER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by James E. Wenger, for a Special Use Permit to have a primitive campground on property he owns located at 284 Middle River Road, Staunton in the North River District.

Mr. James Wenger stated this use will provide us with additional income on the farm. This venture became available to us and we would like to continue. The Board of Supervisors approved the ordinance. This land cannot be used for agriculture. I do not want to have a large campground. This is an agri-tourism use.

Chair Coyner asked how will this be marketed?

Mr. Wenger stated there is a company that does all of the booking and marketing for them.

Chair Coyner asked if they screen the applicants also?

Mr. Wenger stated yes. We also monitor the activity at the site and can reject anyone if they are an issue. Many people that stay are happy to learn about agriculture. This benefits us and it is a nice place for them to camp.

Chair Coyner asked if water would ever get up to the two (2) tent sites?

Mr. Wenger stated one site it has but the other one no.

Chair Coyner asked if he plans on hiring employees?

Mr. Wenger stated no.

Chair Coyner asked if visitors come for a week or weekend?

Mr. Wenger stated most stay two (2) to four (4) days. They do not stay long term at all. We will shut down through the winter. We will have campers there from the middle of March through hunting season.

January 5, 2023

Chair Coyner stated there could be a liability of having people wander all over.

Mr. Wenger stated several did wander but they took care of that. I only allow them to walk along the driveways.

Mr. Thacker stated these are two (2) nice sites.

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 and we enjoyed going down to the river. This is a good way for them to generate extra income.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to have two (2) primitive campsites in the designated areas shown on the BZA sketch plan.
2. The deck platform at each campsite must be properly anchored and secured per floodplain standards.
3. No more than two (2) camping units per campsite.
4. No restrooms, running water, or electricity be provided.
5. Signage must be posted at the entrance to the primitive campground.
6. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

\*\*\*\*\*

**OLD BUSINESS**

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

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. – **APPROVED THE KENNEL BUT TABLED THE DOG TRAINING AND FIELD TRIAL EVENTS**

Mr. Thacker moved to bring the request forward.

Mr. Bailey seconded the motion, which carried unanimously.

Ms. Bunch stated I received an email from their attorney requesting that the request be tabled another thirty (30) days.

Mr. Thacker moved to table the request for an additional thirty (30) days.

Mr. Glover seconded the motion, which carried unanimously.

\*\*\*\*\*

**MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**NICK COLLINS, AGENT FOR WCC REAL ESTATE, LLC - EXTENSION OF TIME REQUEST**

A request by Nick Collins, agent for WCC Real Estate, LLC, for a Special Use Permit to have outdoor storage of commercial vehicles, materials and equipment on property they own, located at 753 Lee Highway, Verona in the North River District.

Mr. Glover moved to approve the ninety (90) day Extension of Time.

Ms. Tilghman seconded the motion, which carried unanimously.

\*\*\*\*\*

January 5, 2023

**BOARD OF ZONING APPEALS ANNUAL REPORT 2022**

Ms. Bunch presented the Board of Zoning Appeals Annual Report for the year 2022.

Ms. Tilghman moved that the report be approved.

Mr. Bailey seconded the motion, which carried unanimously.

\*\*\*\*\*

**STAFF REPORT**

- 22-11 Sun Shenandoah Acres
- 22-12 Guy C. Eavers
- 22-13 Mark or Mandi Simmers
- 22-14 Mitchell Tilson
- 22-15 Beverley Manor Orchard

Ms. Bunch stated SUP#22-11 and SUP#22-13 are both in compliance. SUP#22-12 was tabled. SUP#22-14 and SUP#22-15 were both denied.

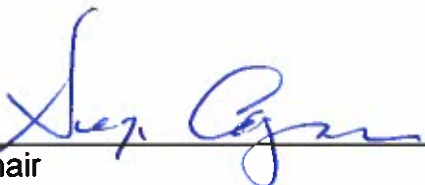
\*\*\*\*\*


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