

May 4, 2023

PRESENT: George A. Coyner, II, Chair
 Mark L. Glover, Vice Chair
 Thomas W. Bailey
 Thomas V. Thacker
 Sandra K. Bunch, Zoning Administrator and Secretary
 Doug Wolfe, Director of Community Development
 Kathleen Keffer, Assistant County Attorney
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Justine D. Tilghman
 James R. Benkahla, County Attorney

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 4, 2023 at 8:30 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at 8:30 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:

- THOMAS K. AND LEANNE PATTERSON - SPECIAL USE PERMIT
- TERRY L. EDWARDS, AGENT FOR TFKME, LLC - SPECIAL USE PERMIT
- EMMA JEAN WISE - SPECIAL USE PERMIT
- ZACHARY CLYMORE - SPECIAL USE PERMIT
- ROBERT J. GREGORY REVOC. TRUST ½ LAUREN GREGORY REVOC. TRUST - SPECIAL USE PERMIT
- CYNTHIA BRIGGS - SPECIAL USE PERMIT
- OLEG AND OLGA MAKITRIN - 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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ABSENT: Justine D. Tilghman
James R. Benkahla, County Attorney

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 4, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Glover moved that the minutes from the April 6, 2023, 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 amend operating conditions of Special Use Permits #22-30 and #22-70 in order to increase the maximum number of events and number of attendees on property she owns located at 3912 Stuarts Draft Highway, Waynesboro in the Wayne District.

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Ms. Lisa Jo Roberts stated a lot of her clients like the budget option but they all want more than sixteen (16) guests. Clients have asked for graduation parties and sweet 16 parties and they would like to have additional people. My neighbors are important to me. I would like to increase the number to 60-75 events. Having only 30 attendees will not meet most of the requests. I would like to request at least 50 attendees which would meet 95% of my requests. I would not have any more than five (5) per week. I do not have many requests November – March but being able to offer things year round would help.

Chair Coyner asked if there are events in the barn?

Ms. Roberts stated yes. Everyone has fallen in love with the barn. Majority would be in the barn but we do have the pavilion also.

Chair Coyner stated there has been no traffic issues because you are right along Route 340.

Ms. Roberts stated no. There has not been any issues with noise. I will be home during the events. I care about my neighbors.

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. This request is on Route 340 and traffic would not be an issue.

Mr. Thacker stated I do not see any issues with increasing the number of attendees from 30 to 50 people.

Ms. Bunch stated the applicant has two (2) years to install a septic. They are using portable restrooms now.

Ms. Roberts stated she would also like to have mid-week events with fifty (50) and under people. The hours of operation would be 10:00 a.m. to 8:00 p.m.

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

Pre-Conditions:

None

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Operating Conditions:

1. Be limited to fifteen (15) large events limited to a maximum of one hundred (100) people per event and no more than two (2) weekends per month.
2. Be limited to thirty-five (35) small events limited to a maximum of fifty (50) people per event and no more than five (5) per week.
3. Events cease by 8:00 p.m.
4. All other operating conditions of SUP#22-30 remain in effect.

Mr. Bailey seconded the motion, which carried unanimously.

THOMAS K. AND LEANNE PATTERSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Thomas K. and Leanne Patterson, for a Special Use Permit to operate a special event facility, to have food trucks and serve food onsite, to have craft vendors, and to have retail sales of meat and other items processed or grown offsite on property they own located at 2711 Rockfish Road, Crimora in the Middle River District.

Mr. William Patterson stated we bought this property and the farm is in transition. This is my daughter-in-law's project. She would like to have an agri-tourism venue. They would like to have a pumpkin patch, sunflower festival, strawberry picking, and birthday parties.

Chair Coyner asked if they would have parties for children?

Mr. Patterson stated yes. They will have activities and the operation would be similar to Back Home on the Farm.

Chair Coyner stated the Board visited the site this morning.

Mr. Patterson stated this is a logical place to have this type of use. We plan on having a store and birthday parties. There will be moderate traffic coming to the site.

Mr. Glover stated the applicant will need to install a septic system.

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Mr. Patterson stated the site has been approved for residential.

Chair Coyner stated the applicant can use a porta john for a certain time period. Do you plan on having employees? How would you keep clients from wandering off?

Mr. Patterson stated during the festivals they would have employees but that is agri-tourism. During the birthday parties we would not. We will have to fence the site.

Mr. Bailey stated the applicant will need to shift the entrance per VDOT. Are the neighbors concerned about the events?

Mr. Patterson stated it has all been approved. The birthday parties will not impact the neighbors. The Sunflower Festival would be only one (1) weekend a year.

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. This will be an agri-tourism use.

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

Pre-Conditions:

1. Submit an updated BZA site sketch showing the location and dimensions of the new driveway and comply with Erosion & Sediment Control and Stormwater Management requirements as determined from the updated sketch.
2. Obtain VDOT approval and provide a copy to Community Development.
3. Obtain approval from the VA Department of the Health Office of Drinking Water and provide a copy to Community Development.
4. The applicant obtain a VDH Food Service Permit and provide a copy to Community Development.
5. Obtain approval from the VA Department of Agriculture and Consumer Services for the sale of meats and provide a copy of Community Development.

Operating Conditions:

1. Be permitted to operate a farm store within the existing 24' x 40' building.
2. No employees other than family members.
3. Hours of operation be Monday – Saturday 9:00 a.m. to 5:00 p.m.
4. No Sunday operation.
5. Be permitted to have food trucks, craft vendors, and serve food onsite during agri-tourism events.
6. Applicant install a sewage treatment system approved by the Health Department within **two (2) years**.
7. Be permitted to operate for two (2) years using portable restroom facilities until the septic system is installed.
8. Be limited to thirty (30) events per year, not including the permitted agri-tourism events, but no more than three (3) per month.
9. Be limited to one hundred (100) people per event.
10. Events cease by 7:00 p.m.
11. Applicant reside on premise.
12. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
13. Site be kept neat and orderly.
14. 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. Bailey seconded the motion, which carried unanimously.

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TERRY L. EDWARDS, AGENT FOR TFKME, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Terry L. Edwards, agent for TFKME, LLC, for a Special Use Permit to have a short term vacation rental and to have weddings and special events on property owned by TFKME, LLC, located at 691 Crimora Mine Road, Crimora in the Middle River District.

Mr. Terry Edwards stated I have been operating this as a rental and had one (1) or two (2) weddings. I did not know that a Special Use Permit was required.

Chair Coyner asked if the guests can use the trails and ride the golf cart?

Mr. Edwards stated they would only be permitted to ride the golf cart along the road.

Chair Coyner stated this is a very nice facility. He asked if there would be a property manager onsite?

Mr. Edwards stated no because I am fifteen (15) minutes away. I did secure an adjacent property owner to look over the house.

Chair Coyner asked how long are the stays?

Mr. Edwards stated thirty (30) days or less.

Chair Coyner asked if the advertising would be on the internet?

Mr. Edwards stated yes.

Chair Coyner stated this is a very well cared for piece of property. 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. The Board visited the site this morning.

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

Pre-Conditions:

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

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2. Submit documentation prepared by OSE/PE to the Health Department for approval that the existing septic is adequate for the proposed uses.

Operating Conditions:

1. Be permitted to lease the entire dwelling for short term vacations.
2. Maximum total occupancy of the dwelling not to exceed six (6) as limited by the Health Department.
3. Applicant provide twenty-four (24) hour emergency contact number to Community Development.
4. Be limited to ten (10) events per year.
5. Limited to a maximum of seventy-five (75) people per event.
6. All events cease by 10:00 p.m. and all persons off the property by 11:00 p.m. with the exception of those renting the house.
7. No outdoor amplified music after 10:00 p.m.
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.
9. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

Mr. Edwards stated guests sometime walk on some of my other parcels.

Ms. Bunch stated we only advertised the parcels you were using for the events or for the rental and as long as you are not operating the business on the other parcels. If people walk onto your other property that is fine as long as it is ok with you.

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EMMA JEAN WISE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Emma Jean Wise, for a Special Use Permit to have a short term vacation rental on property owned by Emma Jean Wise, Trustee of Emma Jean Wise, Trust, located at 603 Fadley Road, Weyers Cave in the North River District.

Ms. Emma Jean Wise stated I would like to operate a short term rental on Airbnb to offset the cost of the property.

Chair Coyner asked who will take care of the property?

Ms. Wise stated I would have help for the care of the property.

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

Mr. Daryl Heatwole, 953 Fadley Road, Weyers Cave, stated I live one mile west of this property. I am glad to see the house fixed up. I would encourage the Board to pass this request. There are no other close neighbors in the area.

Mr. Lewis Cline, 410 Burketown Road, Weyers Cave, stated I am opposed to this business because I do not know what kind of neighbors I will have adjacent to this. Sometimes things can get out of hand really quick. I almost got hit with a bullet while someone was hunting in this area. I do not know what kind of people will be renting the site.

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

There being none, Chair Coyner asked the applicant to speak in rebuttal. He asked if the applicant plans on advertising hunting?

Ms. Wise stated I have no plans for having them hunt on the property.

Chair Coyner asked if the guests will have the ability to go off of the property?

Ms. Wise stated my intent is for them to rent the home only.

Chair Coyner asked if Ms. Wise will be at the site when it is rented out?

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Ms. Wise stated I will not stay at the house but I live across the road.

Mr. Thacker asked if this is a working farm?

Ms. Wise stated the farm is leased out.

Chair Coyner declared the public hearing closed. This is an ideal spot. The applicant will not allow hunting.

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

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to rent the entire four (4) bedroom dwelling for short term rental.
- 2. Maximum total occupancy not to exceed eight (8) as limited by the Health Department.
- 3. Applicant provide 24-hour emergency contact number to Community Development.
- 4. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

ZACHARY CLYMORE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Zachary Clymore, for a Special Use Permit to have an asphalt business and storage of business vehicles and equipment, on property owned by David E. and Angela P. Clymore, located at 187 Oak Ridge Lane, Staunton in the Riverheads District.

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Mr. Zachary Clymore stated I would like to store asphalt maintenance equipment on the property. I will have trucks, trailers, and tanks at the site. I plan to have 2-3 employees that will pick up the equipment at the site and then head out for the day until 5:00 p.m. On rainy days, I will operate in the building.

Chair Coyner asked if you will leave the vehicles and then return in the evening?

Mr. Clymore stated yes.

Chair Coyner asked if the asphalt tank will be screened?

Mr. Clymore stated I plan on putting a bush or fence to shield the equipment.

Chair Coyner asked if there has been any issues with the neighbors?

Mr. Clymore stated none.

Chair Coyner asked if the applicant operates year round?

Mr. Clymore stated May – October.

Chair Coyner asked if in the winter months, would you plan to work in the shop?

Mr. Clymore stated yes on occasion. I plan on maintaining the equipment. It would only be me in the winter.

Mr. Bailey asked if customers will come to the site?

Mr. Clymore stated no.

Chair Coyner asked if they pave parking lots and driveways?

Mr. Clymore stated I do everything that the big paving companies do not want to do.

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 today. This is difficult to see unless you are by the house.

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Mr. Glover stated this is a secluded area. The applicant will take the steps to install more screening. This is a much needed business in our area.

Ms. Bunch read the comments from the Health Department.

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

Pre-Conditions:

1. Submit a complete Erosion and Sediment Control Plan for disturbed areas and a Stormwater Management Plan.
2. Provide documentation approved by the Health Department that the existing septic system can accommodate the proposed usage.

Operating Conditions:

1. Be permitted to use the 36' x 64' detached building for storage of business vehicles, tools, and materials.
2. Be limited to two (2) licensed pickup trucks and five (5) licensed utility trailers stored outside or inside the building.
3. Be permitted to store the asphalt sealer tank and hot crack filling machine adjacent to the building.
4. The asphalt sealer tank and hot crack filling machine adjacent to the building be screened by an eight (8') foot high opaque privacy fence or a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center and must be maintained at all times.
5. Be limited to two (2) employees other than the applicant coming to the site.
6. Hours of operation be 8:00 a.m. to 5:00 p.m. Monday – Friday. Saturdays and Sundays as needed.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site be kept neat and orderly.

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Mr. Bailey seconded the motion, which carried unanimously.

**ROBERT J. GREGORY REVOC. TRUST ½ LAUREN GREGORY REVOC. TRUST -
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Robert J. Gregory Revoc. Trust ½ Lauren Gregory Revoc. Trust, for a Special Use Permit to reconstruct a non-conforming building no closer to the road on property they own, located at 162 Balsley Road, Staunton in the Beverley Manor District.

Mr. Robert Gregory stated I bought this house three (3) years ago. I have restored the property since then. I tried to restore the barn but there was really nothing that we could do with it, therefore, I took it down and wanted to rebuild it in the exact place of where it was. I did remove one section on the north side. This should not be an issue since it is going back in the same spot.

Chair Coyner asked when was this issue discovered?

Mr. Gregory stated I thought that I did not need a building permit.

Ms. Bunch stated the building can be constructed no closer to the road with a Special Use Permit.

Mr. Gregory stated I did not realize I needed that permit beforehand.

Chair Coyner stated VDOT's comments state that the building should be moved back. It is close to the road.

Mr. Gregory stated there is an issue with grading.

Mr. Bailey asked if the building is anchored?

Mr. Gregory stated yes it is anchored to cement.

Chair Coyner stated the building really should be moved further away from the road. There is an opportunity to do this now.

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Mr. Gregory stated there is a grade change which would change the scope of the building. Can I apply for a Variance?

Chair Coyner stated there needs to be a hardship when granting Variances. Economics would not constitute a hardship.

Mr. Gregory stated the hardship would be that I have to take down the building that I already put up.

Ms. Keffer stated staff has only advertised the Special Use Permit. A Variance would need to be advertised if you want to apply for a Variance. Finances cannot be taken into account because this is a self-imposed hardship which may not qualify for a Variance.

Ms. Bunch stated in order to tear down and reconstruct the structure, they need a Special Use Permit because it is a non-conforming building.

Chair Coyner stated now it is a good time to move it back to get it away from the road.

Mr. Bailey stated VDOT requires a clear zone.

Ms. Bunch read VDOT's comments.

Mr. Bailey stated it looks like it could be pulled back five (5') feet.

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

Pre-Condition:

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

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Operating Condition:

1. Applicant be permitted to construct a 20.6' x 22.5' building no closer than ten (10') feet from the edge of pavement per VDOT recommendations.

Mr. Glover seconded the motion, which carried unanimously.

CYNTHIA BRIGGS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Cynthia Briggs, for a Special Use Permit to have an office for a cleaning and painting business on property owned by Larry Denton Meadows, Jr. located at 103 Clear Meadows Lane, Stuarts Draft in the South River District.

Ms. Cynthia Briggs stated I would like to start a cleaning company out of this location.

Chair Coyner stated the Board visited the site this morning. Will this be your office?

Ms. Briggs stated yes. I do not plan to have employees.

Chair Coyner asked if materials are stored at the site?

Ms. Briggs stated no. I store them in the vehicle.

Chair Coyner asked if this would be the business address?

Ms. Briggs stated yes. The apartment where I live will not allow me to have a business office at my address.

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. The area is in a remote location and should not be offensive to the neighbors.

Mr. Bailey stated this should not cause a negative effect on the surrounding properties. He moved to approve the request with the following conditions:

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Pre-Condition:

- 1. Provide documentation approved by the Health Department that the existing septic system can accommodate the proposed usage.

Operating Conditions:

- 1. Be permitted to have an office for a cleaning and painting business within the dwelling.
- 2. Be limited to one (1) company vehicle onsite.
- 3. No employees coming to the site.
- 4. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

STEPHEN BYLER, AGENT FOR ULRICH OF VA - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stephen Byler, agent for Ulrich of VA, for a Special Use Permit to continue to have an office and display and sales of storage buildings, gazebos, and outdoor lawn furniture and ornaments on property owned by Ulrich Properties, LLC, located at 4154 Stuarts Draft Highway, Stuarts Draft in the Wayne District.

Ms. Natasha Yorro, 42 Ridgewood Drive, Verona, stated Byler Storage Buildings merged with Ulrich of VA. We will have 2-3 sales individuals onsite. The operating hours will be different. We would request the hours be changed to Monday – Friday 8:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m. We do not work on Sundays. We will have three (3) employees who do not reside on the property.

Chair Coyner stated staff was lead to believe Ulrich was going to operate as the previous applicant did.

Ms. Yorro stated usually there are 2-3 people in the store. Benny Byler has retired and does not work for us.

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Chair Coyner asked if Ulrich owns multiple locations?

Ms. Yorro stated yes. The company first started in Texas. There are four (4) locations in Virginia and some in California.

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 previous Special Use Permit was issued non-transferrable.

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

Pre-Conditions:

None

Operating Conditions:

1. Display area be a maximum of 16,000 square feet.
2. No more than three (3) employees who do not reside on the property.
3. The office be limited to 20' x 30'.
4. Storage/garage be limited to 2,800 square feet.
5. Hours of operation be Monday – Friday 8:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m.
6. No Sunday work.

Mr. Bailey seconded the motion, which carried unanimously.

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OLEG AND OLGA MAKITRIN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Oleg and Olga Makitrin, for a Special Use Permit to have a motor vehicle repair and body shop on property they own, located at 389 Coffman Road, Weyers Cave in the North River District.

Mr. Oleg Makitrin stated I would like to start my own business. I plan to change oil in vehicles. This will be a family business. I do not plan on painting but would like to do some body work.

Chair Coyner stated the applicant needs to be sure they do not have a collection of cars at the site.

Mr. Makitrin stated I do not want to have many cars there.

Chair Coyner asked if the applicant planned on doing major repairs?

Mr. Makitrin stated no. I would like to start the business at my home and then hopefully have my own shop in the future.

Chair Coyner stated the Board saw vehicles outside this morning. Are you working on them?

Mr. Makitrin stated yes but those are my vehicles. I would like to do this as a full-time venture.

Chair Coyner asked if you spoke with the neighbors?

Mr. Makitrin stated yes and they have no problems with this request.

Mr. Bailey asked if the applicant plans on towing in vehicles?

Mr. Makitrin stated I have personally but not for anyone else.

Mr. Bailey asked how many employees will there be?

Mr. Makitrin stated only family members. I plan to operate from 9:00 a.m. to 5:00 p.m.

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

Ms. Emily Hostetter, 373 Coffman Road, Weyers Cave, stated my son lives on this property now. I am concerned about the noise of a body shop and hearing a lot of equipment. I am concerned about a wrecker coming and going. I am also concerned about the car parts being visible. This is a nice, quiet, agricultural community and this would not be conducive to that neighborhood.

Ms. Mary Ann Blevins, 407 Coffman Road, Weyers Cave, stated I am opposed to working late into the night. This looks like a used car lot and I would like to see the hours restricted and to not have vehicles everywhere.

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. Makitrin stated I did work a couple weekends late because I was working my other job. I only plan to operate 9:00 a.m. to 5:00 p.m. and no Saturdays or Sundays.

Chair Coyner stated the number of vehicles need to be controlled in the screened area. It is important that you adhere to that.

Chair Coyner declared the public hearing closed. The Board visited the site this morning. I understand the neighbors' concerns but with the limitation on the hours of operation and the impound area fenced in, those concerns are addressed in staff's recommended conditions.

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

Pre-Conditions:

1. Provide handicapped building access, handicapped parking, and parking signage within **sixty (60) days**.
2. An eight (8') foot high opaque privacy fence be installed around the vehicle impound area shown on the BZA sketch plan within **sixty (60) days**.

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Operating Conditions:

1. Be allowed to operate a motor vehicle repair and body shop within the existing 30' x 50' garage onsite.
2. No vehicle repair or maintenance work be done outside.
3. All vehicles be kept inside the 30' x 50' garage or the screened impound area on the BZA sketch.
4. The eight (8') foot opaque privacy fence must be maintained at all times.
5. No junk or inoperable vehicles to be kept outside.
6. No employees other than family members.
7. Hours of operation be 9:00 a.m. to 5:00 p.m. Monday – Friday.
8. No Saturday or Sunday work.
9. No painting onsite.
10. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

JEROME JONES, AGENT FOR CHURCH OF GOD - SPECIAL USE PERMIT AND VARIANCE

This being the date and time advertised to consider a request by Jerome Jones, agent for Church of God, for a Special Use Permit to expand a non-conforming building and a request for a Variance from the front setback on property owned by Staunton-Augusta-Waynesboro Habitat for Humanity, Inc., located at 145 Parkersburg Turnpike, Staunton in the Pastures District.

Mr. Jerome Jones stated the church would like to construct an addition on the front of the building but we would not be extending passed the steps.

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Chair Coyner asked if the size of the addition could be decreased by two (2') feet?

Mr. Jones stated yes.

Chair Coyner asked if they want to get started on this addition in the summer?

Mr. Jones stated they would like to acquire the property from Habitat for Humanity first but they plan on getting busy with the addition as soon as we close.

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

Mr. Preston Carter, 105 Sunnyside Street, Staunton, stated this would be a blessing for us because our church is growing. We appreciate the Board approving this request.

Mr. Timothy Plecker, 172 Parkersburg Turnpike, Staunton, stated I own the property across the street. I have no problem with what the church is doing as long as they obtain the proper approvals for the bathrooms.

Ms. Bunch stated a recommended pre-condition is that they obtain Health Department approval.

There being no one else wishing to speak, Chair Coyner declared the public hearings closed.

Ms. Bunch stated the addition can be no closer than 34.5'. The applicant will need to submit the revised plan from Balzer. Deleting the lot lines will require a revised survey so you may want to do everything at one time.

Chair Coyner stated this is a common sense thing to do. It is great that the church is growing.

Mr. Bailey moved to approve the Special Use Permit with the following conditions:

Pre-Conditions:

1. Applicant submit an updated survey showing the proposed additions no closer than 34.5' from the right-of-way line of Parkersburg Turnpike.

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- 2. Applicant submit documentation prepared by an OSE/PE to the Health Department and obtain Health Department approval to connect to the existing septic and provide a copy to Community Development.

Operating Condition:

- 1. Applicant be permitted to construct two additions no closer than 34.5' from the right-of-way line of Parkersburg Turnpike.

Mr. Bailey moved to deny the Variance.

Mr. Thacker seconded both motions, which carried unanimously.

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 ON DECEMBER 1, 2022 BUT TABLED THE DOG TRAINING AND FIELD TRIAL EVENTS

Mr. Thacker moved to bring the item forward, with Mr. Glover seconding the motion. The motion carried unanimously.

The applicant is not present.

Mr. Glover stated this request has been tabled multiple times. There is no representation from the applicant. He moved to deny the dog training and field trial event portion of the Special Use Permit.

Mr. Thacker seconded the motion, which carried unanimously.

The kennel portion of the request was approved on December 1, 2022 with the following conditions:

Operating Conditions:

- 1. Be limited to a maximum of sixteen (16) personal dogs, including the four (4) guardian livestock dogs, on the property.

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- 2. All dogs be confined within the fenced areas or inside the dwelling at all times.
- 3. The dogs be confined within the dwelling from 10:00 p.m. until 6:00 a.m. excluding the four (4) guardian livestock dogs.
- 4. Site be kept neat and orderly.
- 5. Animal Control inspect the property **yearly**.

STAFF REPORTS

22-36	Carl K. & Karen R. Sorensen
22-37	Larry W. Hostetter
22-38	John C., III or Elizabeth McCue
22-39	Wilmer R. Phillips
22-40	Doreen Deblock
22-41	Always Faithful, LLC
22-42	Kimball E. Stowers
22-43	Kimball E. Stowers
22-44	Mark W. or Mandi L. Simmers

Ms. Bunch stated SUP#22-36 – SUP#22-40 are all in compliance. SUP#22-41 was withdrawn. Staff sent letters to SUP#22-42 – SUP#22-44 regarding the pre-conditions not being completed.

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

