

November 2, 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
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, November 2, 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:

- CHARLES MAY - SPECIAL USE PERMIT
- IVAN PIZARRO - SPECIAL USE PERMIT
- DEREK REARDON, PE, AGENT FOR WAWA, INC. - SPECIAL USE PERMIT & VARIANCE

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

November 2, 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
James R. Benkahla, County Attorney
Beatrice B. Cardelicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 2, 2023, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Glover moved that the minutes from the October 5, 2023, meeting be approved.

Mr. Thacker seconded the motion, which carried unanimously.

CHARLES MAY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Charles May, for a Special Use Permit to have storage of commercial vehicles, equipment, tools, and landscape materials inside the existing barn, greenhouse, and garage in conjunction with a landscape business on property owned by Charlene T. May, located at 1177 Rockfish Road, Waynesboro in the Wayne District.

Mr. Charles May stated my business is Chuck May Landscaping and Design. This is my mom's property. I have three (3) commercial vehicles and two (2) trailers. I will not operate at this site. I only plan to store the equipment there. I live in a subdivision and I cannot store the items there. There will not be a change to what we have already been

November 2, 2023

doing. It used to be my dad, brother and I in business. We split the business up in June and I am going through this process so that we can legally operate.

Chair Coyner asked if this operation would be similar to what your dad did?

Mr. May stated yes but on a smaller scale.

Chair Coyner asked if there will be employees?

Mr. May stated no.

Chair Coyner stated the Board visited the site this morning. The property is well screened and well kept. It is important that it stay that way. 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 well maintained property and there has been a business there for years.

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

Pre-Condition:

1. Applicant Submit a complete Erosion & Sediment Control Plan and Stormwater Management Plan to the Community Development Department.

Operating Conditions:

1. All mulch, and topsoil be kept in the designated area shown behind the barn screened by natural vegetation.
2. All natural vegetation and trees remain and be maintained.
3. All licensed commercial vehicles, and trailers be parked in the graveled area beside the barn and garage as shown on the BZA sketch plan.
4. All equipment, and machinery for the business be kept inside the existing barn, and garage.

- 5. All shrubbery be kept inside the 12'X 80' hoop greenhouse.
- 6. No employees
- 7. No refuse from the business to be brought to this site.
- 8. Hours of operation be Monday – Saturday 8:00 a.m. to 5:00 p.m.
- 9. No Sunday work.
- 10. Site be kept neat and orderly.
- 11. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Bailey seconded the motion, which carried unanimously.

IVAN PIZARRO - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ivan Pizarro, for a Special Use Permit to have a short term vacation rental on property he owns, located at 33 Prospect Street, Grottoes in the Middle River District.

Mr. Ivan Pizarro stated I would like to have an Airbnb.

Chair Coyner asked do you plan on residing at the site?

Mr. Pizarro stated yes. When the property is rented, I will stay with my brother in Harrisonburg.

Chair Coyner asked how long have you had the property?

Mr. Pizarro stated since April 28, 2023.

Chair Coyner asked if the applicant saw the comments from the Health Department?

Mr. Pizarro stated yes.

November 2, 2023

Chair Coyner asked if marketing will be done through the internet?

Mr. Pizarro stated yes. I have a personal page and I will market through Airbnb.

Chair Coyner asked do you plan on overseeing the operation?

Mr. Pizarro stated yes.

Chair Coyner asked have you ever done this type of activity before?

Mr. Pizarro stated I have been a renter.

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. This is a nice piece of property.

Mr. Bailey stated this use should be compatible with the surrounding area. Mr. Bailey moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to lease two (2) bedrooms and be limited to a total occupancy not to exceed four (4) persons unless the applicant provides Community Development with Health Department approval.
2. Applicant resides on premise and be available during rental.
3. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

November 2, 2023

DEREK REARDON, PE, AGENT FOR WAWA, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Derek Reardon, PE, agent for Wawa, Inc., for a Special Use Permit to construct a travel plaza on property owned by Wilson Investments, LLC, located in the northeastern quadrant of the intersection of Tinkling Spring Road and Goose Creek Road in the Wayne District. - Applicant requested to continue until the November 2, 2023 Meeting.

Ms. Valerie Long stated I am here to represent Wawa along with Derek Reardon. The challenge has been with diesel fueling stations. The standard for Wawa is single pumps with both regular gas and diesel. We would like to have 16 diesel options at the pumps. There is more and more demand in the market for diesel. The ordinance states that gas stations should not have more than two (2) diesel fueling stations. If there are more than two (2) then they are not considered a gas station. One option is for Wawa to have two (2) of the pumps for dual fuel. The challenge is that they do not want to have a multiple que of cars blocking the travel ways using the diesel pumps. In their experience, it is not best practice to do that. The 16 pumps with the diesel is not permitted in the ordinance so that is why they had to apply for a Special Use Permit for a travel plaza which is more like a truck stop. They are not at all designed for tractor trailers or will serve them. The plan is just like any other Wawa store. The next request is a Variance because even in the General Business District a travel plaza requires a 100' setback on all four sides of the site. The challenge is the side lot that is adjacent to Mr. Wilson's residue land, even though the building and canopy is outside the 50' setback. The ordinance talks about the 100' setback applying to all buildings, structures, and operations. The sixteen (16) parking spaces and a dumpster are within the 50' setback on the far side. We would like to reduce the setback of 100' to 50' on three (3) sides and 10' on the other side. Wawa can buy an additional 40' from Mr. Wilson to have the dumpster and parking spaces to comply with the setback but Mr. Wilson does not want to sell any additional land. Mr. Wilson has plans for the rest of the land as future commercial development. This is just like any other gas station. Wawa builds stores around Virginia. This is their standard practice to have sixteen (16) pumps. The pumps are the same size but it is a matter of having one or two handles and two types of fueling. The building and fuel canopy are within the 50' setback on all sides. Wawa made a number of adjustments to their plan to be within the fifty (50') foot as possible. If they moved the canopy for the fuel pumps they would be removing four (4) parking spaces. They would like to be able to have sixteen (16) diesel pumps instead of the two (2).

Chair Coyner stated the Board visited the site this morning. What is the entrance to the site?

November 2, 2023

Ms. Bunch stated the primary entrance is at Travelers. The one on Tinkling Spring Road was approved as a right-in and right-out. The setback is 100' all the way around but they are requesting a 50' setback.

Chair Coyner stated grounds for granting a Variance is due to a hardship. There is an open field back there right now.

Ms. Long stated Mr. Wilson has plans for the other land for commercial businesses.

Chair Coyner stated it may not be the right spot for Wawa.

Ms. Long stated Wawa thinks it is a great spot. In looking at the Variance criteria, in addition to looking at the hardship criteria, there is also a provision about whether the strict enforcement of the regulations would unreasonably restrict the utilization of the property. The setback is 100' on all four sides but we are requesting for it to be 50' on three sides and 10' on the one side. This is adjacent to other land that is also zoned commercial. We would ask for your support. The 100' or 50' on the one side would require the removal of those parking spaces. We could probably relocate the dumpster but there is nowhere else to put the parking spaces and there would not be enough parking spaces to support the business. Otherwise it is a wonderful location and it is their standard alignment and standard size parcel. They have to go down the travel plaza route due to diesel pumps. This is an unusual request because this is not a traditional gas station. I hope that you would consider it. This is a great location for Wawa. They are excited to build a store in the community.

Chair Coyner stated Wawa needs to acquire more land.

Ms. Long stated that is not an option.

Chair Coyner asked what is the nearest location?

Mr. Derek Reardon stated Warrenton, Virginia as well as other sites. We plan on building in Staunton next.

Chair Coyner asked if the headquarters is in Pennsylvania?

Mr. Reardon stated yes.

Ms. Long stated there are also three Wawa locations in the Charlottesville area.

November 2, 2023

Mr. Glover stated the number of diesel pumps are the issue. If you had two (2) pumps than there would not be an issue.

Chair Coyner asked could you accommodate a tractor trailer?

Ms. Long stated the site is not designed for that. We do not have the high speed fuel pumps like a truck stop would have.

Mr. Reardon stated it would take 1-2 hours to fill both sides. The tractor trailer drivers know better than to stop at the standard gas stations. They would be better off going to a Love's Travel Center in order to be more efficient with their time.

Chair Coyner asked if Wawa caters to trucks, cars and RVs?

Ms. Long stated yes. Tractor trailers will deliver in the loading zone to the store but they will not be there to fuel. We will kick them out of the fueling area because we are designed for regular passenger vehicles or small trucks.

Chair Coyner asked what is the build out time?

Ms. Long stated 8-12 months.

Chair Coyner asked if Wawa would be 24 hours?

Ms. Long stated yes.

Mr. Thacker asked if Charlottesville and Albemarle County Wawa locations have dual pumps?

Mr. Reardon stated yes. This is standard for Wawa to have diesel at every pump.

Mr. Thacker stated Buc-ee's specifically states no tractor trailers allowed. If approved would Wawa go that route on this site?

Mr. Reardon stated yes as a day to day fueling use, we would be able to condition that.

Ms. Long stated they would still need to have tractor trailer deliveries. They could put up signage.

November 2, 2023

Mr. Bailey asked do you feel like you would lose a lot of business if reducing this site to a gas station?

Ms. Long stated yes. With only two (2) diesel pumps there will be many vehicles waiting in line which would create an issue. If people see congestion at the pumps they will not want to stop there.

Chair Coyner asked is the owner of the property not willing to sell more land?

Mr. Reardon stated yes. They have plans for the future development of the rest of the property.

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. Currently, this is an open field and from my perspective there is enough land there to accommodate what they would like to do. The property owner is unwilling to sell them more land. They are unyielding on the number of diesel pumps. I am not in favor of this request.

Mr. Bailey stated the Variance itself is something that is not shared by adjoining properties either. There is not a hardship with this request.

Mr. Glover stated the ordinance is not prohibiting them from using the property.

Chair Coyner stated they are trying to put too much on a small lot.

Mr. Glover stated the applicant can still reduce the pumps to two (2) diesel pumps and it would be permitted.

Mr. Bailey asked could the pumps be reduced to two (2) diesel?

Ms. Long stated yes they will do that if necessary but they strongly prefer to have all sixteen (16). We would hate to build a brand new store without the optimal layout and design.

Ms. Bunch stated the definition of a travel plaza states more than two (2) diesel pumps by the ordinance and that is why there is a larger setback.

November 2, 2023

Mr. Glover moved to deny the request. The site plan does not meet the increased setbacks due to them having sixteen (16) diesel pumps as opposed to two (2).

Mr. Bailey seconded the motion, which carried unanimously.

Chair Coyner stated there is sufficient property in the parcel but the property owner is reluctant to sell.

DEREK REARDON, PE, AGENT FOR WAWA, INC. - VARIANCE

This being the date and time advertised to consider a request by Derek Reardon, PE, agent for Wawa, Inc., for a Variance from the one hundred (100') foot setback requirement on property owned by Wilson Investments, LLC, located in the northeastern quadrant of the intersection of Tinkling Spring Road and Goose Creek Road in the Wayne District. – Applicant requested to continue until the November 2, 2023 Meeting

Ms. Long stated the code states that we do not have to show a hardship. Another option in the code states that we have to show that the strict application of the ordinance requirements would unreasonably restrict the utilization of the land. In light of the circumstances that the pumps are exactly the same whether it is diesel or not, if you are willing to reduce the setback from 100' to 50' on those sides it would. The 10' is to accommodate parking spaces and a trash enclosure. Otherwise this meets the spirit of what is intended. We are know where near the scale of Buc-ee's. The need for a 100' setback or even a 50' on the one side is just not necessary given the fact that the adjacent property is zoned commercial. The adjacent owner has no objection. There is not a health, safety or welfare impact that would result with the reduction.

Chair Coyner stated it is odd to have a Variance when you do not even really need to have one when there is sufficient land available. This is too big of an operation for this small piece of property.

Ms. Long stated this is the same size operation as their other sites. The layout will not change. It is exactly the same. We are asking to be a travel plaza to accommodate their standard diesel arrangement.

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

November 2, 2023

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

Mr. Benkahla asked if a Variance is needed without the diesel pumps?

Ms. Bunch stated they meet all of the ordinance requirements for a gasoline retail outlet. The Variance is not needed if they reduce the diesel fueling stations.

Mr. Bailey moved to deny the Variance.

Mr. Thacker seconded the motion, which carried unanimously.

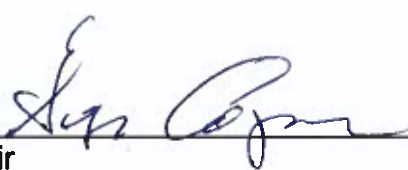
STAFF REPORTS

- 23-1 Stephen A. and Margaret O. Riley
- 23-2 Kevin S. or Amber N. May
- 23-3 Doug Huffman
- 23-4 James E. Wenger

Ms. Bunch stated SUP#23-1 is in compliance. SUP#23-2 was withdrawn. Staff sent a letter to Mr. Huffman regarding the pre-condition for SUP#23-3. He is working with VDOT to complete the pre-condition. SUP#23-4 is in compliance.

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

