

January 4, 2024

**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:** James R. Benkahla, County Attorney

**VIRGINIA:** At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 4, 2024 at 10:00 A.M., in the County Government Center, Verona, Virginia.

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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.

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**VIEWINGS**

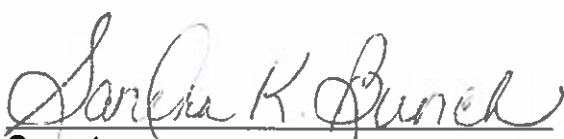
The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **PENNY G. MESSER - SPECIAL USE PERMIT**
- **SANDRA T. AND LINDSAY C. MAHON - SPECIAL USE PERMIT**
- **MICHAEL S. AND DANIELLE MCNULTY - SPECIAL USE PERMIT**
- **CRAIG NARGI, AGENT FOR MOSSY CREEK CATERING, LLC - 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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 Chair

  
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 Secretary

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Sandra K. Bunch, Zoning Administrator and Secretary  
James R. Benkahla, County Attorney  
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 4, 2024, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**ELECTION OF OFFICERS**

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

Mr. Bailey seconded the motion, which carried unanimously.

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**MINUTES**

Mr. Glover moved that the minutes from the December 7, 2023, meeting be approved.

Mr. Thacker seconded the motion, which carried unanimously.

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**RESOLUTION - JUSTINE TILGHMAN**

Chair Coyner read the resolution:

WHEREAS, the County of Augusta, in consideration of the long and dedicated service of Justine Tilghman; and

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WHEREAS, Mrs. Tilghman demonstrated exemplary qualifications and capabilities in the performance of her duties; and

WHEREAS, Mrs. Tilghman served on the Board of Zoning Appeals for twelve (12) years; and

WHEREAS, Mrs. Tilghman served as Chair three (3) years and as Vice Chair to that same body for two (2) years; and

WHEREAS, Mrs. Tilghman also served on the Planning Commission; and

WHEREAS, the County of Augusta, in its authority as a governing body is desirous of expressing their appreciation for Mrs. Tilghman's loyal service.

NOW, BE IT THEREFORE RESOLVED, that Justine Tilghman is commended for her past service, which she so aptly fulfilled with logic, diligence, and dedication. Mrs. Tilghman distinguished herself with her fellow Board Members, the staff and the citizens of Augusta County. She was known for her fairness and equality of her decisions; and

BE IT FURTHER RESOLVED, that this resolution be adopted by the Board of Zoning Appeals and recorded in its minutes.

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**CONSIDERATION OF THE 2024 MEETING DATES RESOLUTION**

Mr. Glover moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2024 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.

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### **PENNY G. MESSER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Penny G. Messer, for a Special Use Permit to have weddings and special events on property she owns, located at 51 Spring Crossing Lane, Steeles Tavern in the Riverheads District.

Ms. Penny Messer stated I have a small farm with a wildflower field and will be developing a flower farm. In the center I will have a platform with a glass building to offer private small events.

Chair Coyner stated parking will be in the field.

Ms. Messer stated we are working with VDOT to develop an extra entrance and roadway. We will have an excavator help with the extra road and the parking area.

Chair Coyner asked will you have employees?

Ms. Messer stated only my daughter and I currently.

Mr. Bailey asked have you spoken with VDOT about using the Spring Crossing Lane instead of the other entrance?

Ms. Messer stated they did come and look previously. They are coming back to finalize with the excavator on where we need the entrance to come out.

Ms. Bunch stated the proposed entrance is not sufficient per VDOT comments.

Ms. Messer stated I am waiting for VDOT to reach out about the entrance.

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 property is very nice.

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

#### **Pre-Conditions:**

1. Obtain letter of approval from VDOT.

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- 2. Applicant submit a complete Erosion and Sediment Control Plan and Stormwater Management Plan to the Community Development Department.

**Operating Conditions:**

- 1. Applicant will install a sewage treatment system approved by the Health Department within **two (2) years**.
- 2. Be permitted to operate for **two (2) years** using portable restroom facilities until the septic system is installed.
- 3. Be limited to sixteen (16) events per year but no more than two (2) per month.
- 4. Be limited to a maximum of one hundred twenty-five (125) people per event.
- 5. No outdoor amplified music.
- 6. Events to cease by 9:00 p.m. and all persons off the property by 10:00 p.m.
- 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. Thacker seconded the motion, which carried unanimously.

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**SANDRA T. AND LINDSAY C. MAHON - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Sandra T. and Lindsay C. Mahon, for a Special Use Permit to convert an accessory building into a short term cabin for short term rental and to have one (1) tent site for primitive camping on property they own, located at 717 Rockfish Road, Waynesboro in the Wayne District.

Ms. Lindsay Mahon stated I would like to have a single room cabin utilizing the existing structure on the property. It will be used for seasonal camping, May – October. We have several acres in the back for one (1) primitive tent site on the bank that looks out to the river.

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Chair Coyner asked is there water at the site?

Ms. Mahon stated no. We will use compost toilets.

Chair Coyner asked how would you market the site?

Ms. Mahon stated Airbnb or Vrbo and there are also different sites to market camping/cabins.

Chair Coyner asked about parking?

Ms. Mahon stated there is a roadway where the cabin is. There is also parking along the back side. We can bring them around to the site because there are two different ways to get there.

Chair Coyner asked if someone would always be onsite when the property is rented?

Ms. Mahon stated yes. I reside there.

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. Glover stated this is a beautiful site. He moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Obtain Health Department approval and provide a copy to the Community Development Department.
2. Applicant obtain building permit and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to have two (2) primitive campsites in the designated areas shown on the plan.

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2. Be permitted to convert an accessory building into a one (1) room short term cabin for primitive camping.
3. No more than two (2) camping units per campsite.
4. No water flushed toilets, plumbing, lavatories, or potable water will be provided.
5. Signage must be posted at the entrance to the site.
6. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

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### **MICHAEL S. AND DANIELLE MCNULTY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Michael S. and Danielle McNulty, for a Special Use Permit to have a contractor office with outdoor storage of commercial vehicles and to use an existing accessory building for equipment storage on property they own, located at 839 East Side Highway, Waynesboro in the Middle River District.

Mr. Michael McNulty stated I would like to use an office in my house for a contractor business. I would like to use the 25' x 50' metal building for parking and storing my supplies. I will also store my forklift and skid steer in the older barn.

Chair Coyner stated the Board saw the equipment outside today.

Mr. McNulty stated I am in the process of clearing out the barn.

Chair Coyner asked do you reside next door?

Mr. McNulty stated yes.

Chair Coyner asked if there will be employees?

Mr. McNulty stated my wife, son and my son's girlfriend.

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Chair Coyner asked if the work trucks will be stored onsite?

Mr. McNulty stated I have utility trucks or flatbed there but employees will drive their work vehicles home. There are some other vehicles there.

Chair Coyner asked if generally employees go straight to the jobsite?

Mr. McNulty stated yes unless the equipment needs to be picked up.

Mr. Bailey stated with three (3) employees working at the site, the septic may need to be upgraded. Have you spoken with the Health Department?

Mr. McNulty stated no. I saw their comments that I need to contact an engineer to look at the septic system. I wondered why since there is only three (3) people in the house.

Ms. Bunch stated the applicant should contact the Health Department to discuss this with them.

Mr. McNulty stated I spoke with VDOT on expanding the driveway and cutting the bank completely out to Route 340.

Chair Coyner stated the Health Department comments are a standard procedure.

Ms. Bunch stated if you would like to use the barn that will need to be added to the operating conditions in order for you to legally use it. When we met, you stated you were only using the 25' x 50' building.

Mr. McNulty stated I would like to store the equipment inside. The buildings would be the first two on the right as you enter.

Ms. Bunch asked how big is the barn?

Mr. McNulty stated 30' x 50'.

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.



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Chair Coyner stated the Board visited the site this morning. There has been a business there before. The applicant's previous location looked great and it is important that this location stay that way.

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

**Pre-Conditions:**

1. Obtain VDOT approval and provide a copy to Community Development.
2. Applicant provide documentation approved by the Health Department that the existing sewage disposal system can accommodate employees working onsite.

**Operating Conditions:**

1. Be permitted to have ten (10) licensed company vehicles and four (4) licensed trailers kept in the designated areas shown on the BZA sketch plan.
2. All equipment, machinery, and materials for the business be kept inside the 25' x 50' metal building and 30' x 50' barn.
3. Be limited to three (3) employees working onsite once Health Department approval is obtained.
4. Hours of operation be 7:00 a.m. to 5:00 p.m.
5. No Sunday work.
6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. Site be kept neat and orderly.

Mr. Bailey seconded the motion, which carried unanimously.

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**CRAIG NARGI, AGENT FOR MOSSY CREEK CATERING, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Craig Nargi, agent for Mossy Creek Catering, LLC, for a Special Use Permit to convert an existing warehouse into a public accommodation facility for up to five (5) efficiency suites and to lease an existing singlewide for short term rental on property they own, located at 45 and 375 Livery Lane, Waynesboro in the Middle River District.

Mr. Craig Nargi stated the building was originally built to house glassware but we never utilized the second floor. I would turn that into five (5) efficiency suites and use the current singlewide for short term rental.

Chair Coyner stated the Board visited the site this morning. How is this project different than last year's project?

Mr. Nargi stated last year's project was presented much larger than the intent of 5-12 units. Lineage looked at the project and we came up with a much better plan and less of an impact. We are not changing the footprint of the property.

Chair Coyner asked what is the desire of overnight lodging?

Mr. Nargi stated we deal with a lot of people across the state. We have distributors that we work with and entertainers. We will bring them to the property to facilitate in the brewery with our brewers and cider makers hands on to see the process. They will brew with us for the day and stay there at the site.

Mr. Thacker asked if the efficiency suites are a 1-2 night minimum stay?

Mr. Nargi stated typically a two (2) night stay minimum. The typical client will spend about \$800 to \$1,200.

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

Ms. Kitra Shiflett, 368 Patterson Mill Road, Grottoes, stated this is a top notch operation. This is a favorite for my family. There has never been any problems with this site. This has all been done in a top notch manner. If there was ever a problem it will be taken care of immediately. This is a great asset to Augusta County.

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

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

Chair Coyner stated the Board visited the site this morning. This property seems to be maxed out. I am not sure if we would want to have a motel at this location.

Mr. Bailey stated this time the applicant came back with a much smaller scale. They are utilizing the existing structures and not expanding them. He moved to approve the request with the following conditions:

**Pre-Conditions:**

1. Applicant submit a Stormwater Management Plan to Community Development.
2. Obtain all Health Department approvals and permits and provide a copy to Community Development.
3. Obtain all necessary building permits, inspections, and Certificates of Occupancy in accordance with the Uniform Statewide Building Code and provide copies to Community Development.

**Operating Conditions:**

1. Be permitted to lease the existing singlewide manufactured home for short term vacation rentals. Be limited to a maximum of two (2) persons occupying the dwelling.
2. Be permitted to convert the existing warehouse into five (5) individual efficiency suites. Be limited to a maximum of two (2) persons per unit.
3. No further expansions.
4. All stipulations of SUP #'s 05-69, 10-67, and 16-37 remain in effect.

Mr. Glover seconded the motion, which carried with a 3-1 vote with Chair Coyner being opposed to the motion.

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**BOARD OF ZONING APPEALS ANNUAL REPORT 2023**

Ms. Bunch presented the Board of Zoning Appeals Annual Report for the year 2023.

Mr. Glover moved that the report be approved.

Mr. Bailey seconded the motion, which carried unanimously.

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**MINT SPRING DEVELOPMENT, LLC - EXTENSION OF TIME REQUEST**

A request by Mint Spring Development, LLC, for a Special Use Permit to have a residential care facility on property they own located on the north side of White Hill Road, east of the intersection of White Hill Road and Lee Jackson Highway in the Riverheads District.

Mr. Thacker moved to approve a two (2) year Extension of Time.

Mr. Bailey seconded the motion, which carried unanimously.

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**KYLE MURRAY, AGENT FOR CHANEY ENTERPRISES - EXTENSION OF TIME REQUEST**

A request by Kyle Murray, agent for Chaney Enterprises, for a Special Use Permit to have a concrete batching plant on property owned by Gobble Hoo, LLC located on the southeast side of Jericho Road, east of the intersection of Jericho Road and Ramsey Road in the Beverley Manor District.

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

Mr. Bailey seconded the motion, which carried unanimously.

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**STAFF REPORT**

23-14	Bradley or Deana H. Tipler
23-15	Everette and Carol Showalter

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Ms. Bunch stated SUP#23-14 is in compliance. Staff sent the applicant a letter for SUP#23-15 due to the pre-conditions not being completed.

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Ms. Keffer discussed the court cases with the Board.

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

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Chair

  
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Secretary

