

July 3, 2024

PRESENT: George A. Coyner, II, Chair
Mark L. Glover, Vice Chair
Thomas W. Bailey
Monica L. Rutledge
Thomas V. Thacker
Sandra K. Bunch, Zoning Administrator and Secretary
Doug Wolfe, Director of Community Development
James R. Benkahla, County Attorney
Nicole Price, 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 Wednesday, July 3, 2024 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:

- TRACY BRADLEY - SPECIAL USE PERMIT
- LINDA BURKHOLDER, AGENT FOR CLOVERFIELD, LLC - SPECIAL USE PERMIT
- AUSTIN NICELY, AGENT FOR THE BATTING CAVE, LLC - SPECIAL USE PERMIT
- BRYAN PHILIP AND SARAH GRADY PLEMMONS - SPECIAL USE PERMIT
- WALDA R. MASSIE - 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

PRESENT: George A. Coyner, II, Chair
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 James R. Benkahla, County Attorney
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ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on **Wednesday**, July 3, 2024, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Glover moved that the minutes from the June 6, 2024, 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 have a short term rental on property she owns, located at 3912 Stuarts Draft Highway, Stuarts Draft in the Wayne District.

Ms. Lisa Roberts stated I would like to request a short term rental. I also wanted to discuss my request about the existing venue and the use of porta-potties.

Chair Coyner asked if she is planning on building another home on the property?

Ms. Roberts stated yes. I would like to build a one (1) bedroom house on the top of the hill. I have had a number of complications regarding the septic system. I am required

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to place a septic system in within two (2) years. I would like to present some of the details about that to the Board.

Ms. Bunch stated in order to change the previous Special Use Permit it will need to be advertised.

Ms. Roberts stated the Health Department will not allow me to put one in. I would like to know if the Board is willing to consider the use of porta-potties. Ms. Bunch said the Board would not allow porta potties so if that is the case and they do not allow the porta-potties than there is no point in paying the \$350 again. To close the venue would be a heartbreak but if you are willing to work with me than I am happy to apply. If you say we have never done it and will never do it then there is no reason for me to apply and waste the money.

Ms. Bunch stated any changes need to go back before the Board. They cannot tell you right now if they would approve it.

Mr. Benkahla stated the porta-pottie issue is not before the Board today.

Chair Coyner asked if the Airbnb will be in the existing dwelling?

Ms. Roberts stated yes.

Chair Coyner asked will you start operating this year?

Ms. Roberts stated yes.

Chair Coyner asked if she planned on advertising on websites?

Ms. Roberts stated yes.

Mr. Bailey asked if the septic serves the existing dwelling?

Ms. Roberts stated yes. It was put in during the 1970s. There is a reserve area around the property for the house only. There is no availability other than for the house.

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 applicant did a nice job with the property. It is very well maintained.

Mr. Bailey stated this will be a low impact business. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Be permitted to lease the dwelling for short term vacation stays.
- 2. Maximum occupancy of the dwelling not to exceed six (6).
- 3. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

TRACY BRADLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tracy Bradley, for a Special Use Permit to expand a non-conforming dwelling no closer to the road and no closer to the side yard than the existing dwelling on property owned by Sylvia Jean Henderson (Life), located at 435 Entry School Road, Waynesboro in the Wayne District.

Mr. Tracy Bradley stated I may build away from it but I wanted to apply for the permit just in case.

Chair Coyner asked how long have you had the property?

Mr. Bradley stated since the 1960s. I plan on doing improvements to make the property look better.

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

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Mr. Robert Anderson, 457 Entry School Road, Waynesboro, stated I am not here to speak in favor or in opposition. I am an adjacent property owner. Why is this non-conforming? I would like to know the potential impact with this for my property.

Ms. Bunch stated it is non-conforming because the dwelling was constructed in 1940. The first Zoning Ordinance was in 1947. There were no requirements for setbacks, therefore, the dwelling is grandfathered in as it is. The ordinance says any non-conforming dwelling can be reconstructed, altered or expanded as long as it is no closer to the road than the existing but if they do not meet the side or rear yard setbacks they would need to apply for a Special Use Permit. This structure was built prior to any Zoning Ordinance. The applicant is fine with the rear yard setback. They are showing 44.4 in the rear. Twenty-five (25') feet is the minimum setback for the rear yard.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning. This would be a common sense thing to do.

Mr. Glover stated this should not have an impact to the area. He moved to approve the request with the following condition:

Pre-Conditions:

None

Operating Condition:

1. Be permitted to extend the existing porch and to construct an addition onto the rear of the dwelling as shown on the survey dated April 29, 2024 no closer to the road and side property line.

Mr. Thacker seconded the motion, which carried unanimously.

LINDA BURKHOLDER, AGENT FOR CLOVERFIELD, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Linda Burkholder, agent for Cloverfield, LLC, for a Special Use Permit to have a short term vacation rental on property owned by Cloverfield, LLC, located at 376 Mullins Lane, Stuarts Draft in the Riverheads District.

Ms. Linda Burkholder stated I would like to operate a short term rental.

Chair Coyner asked how will you advertise?

Ms. Burkholder stated with Vrbo.

Chair Coyner asked do you have any experience with this type of operation?

Ms. Burkholder stated my daughter does.

Chair Coyner stated the Board visited the site this morning. The property is well maintained. Is there anyone wishing to speak in favor, or in opposition to the request?

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

Mr. Glover stated this is a nice setting. This use will not disrupt anything at all. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease the three (3) bedroom dwelling for short term vacation stays.
2. Be limited to a maximum of six (6) persons occupying the dwelling.
3. Site be kept neat and orderly.

Ms. Rutledge seconded the motion, which carried unanimously.

MARCY REED - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Marcy Reed, for a Special Use Permit to lease space for a boat repair business with outdoor storage and display of boats for sale on property owned by Nu-Valley Enterprises, Inc., located at 5086 Lee Jackson Highway, Greenville in the Riverheads District.

Ms. Marcy Reed stated we would like to operate a boat repair shop. At the existing location they have lacked space. This property has been vacant. We will be sure that it is well maintained. There has been a business there for many years.

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

Mr. David Dean stated I am the owner of Shenandoah Valley Boat and Motor. I will lease the property. I used to have a business at 3661 Lee Jackson Highway but it got really crowded. I have been looking for something that fits us better. There are two (2) secured fences around the property. This is a perfect place for me to grow my business.

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

There being none, Chair Coyner declared the public hearing closed. This will be a good use.

Mr. Thacker stated there was a business there for years. The property will be maintained and look a lot better if you have a business there. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.
2. Submit a complete Erosion and Sediment Control Plan and Stormwater Management Plan.

Operating Conditions:

1. Be permitted to lease the detached shop behind the house as shown on the BZA sketch plan for boat repair.
2. All work to be done inside the shop.
3. No outdoor storage of boat parts.
4. All boats waiting for repair be kept in the shop or the screened area shown on the BZA sketch plan.
5. Gates to the outdoor storage area remain closed unless moving boats in and out.

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6. Be limited to eight (8) boats displayed for sale in the designated area shown on the BZA sketch plan.
7. Be limited to three (3) employees once the Health Department approval is obtained and a copy submitted to Community Development.
8. Hours of operation be Monday through Friday, 8:00 a.m. to 6:00 p.m.
9. No Sunday work.
10. The only sign to be permitted for this business is one (1) on premise business sign not exceeding thirty-two (32) square feet.
11. No junk inoperable vehicles, boats, equipment to be kept outside.
12. Site be kept neat and orderly.

Ms. Rutledge seconded the motion, which carried unanimously.

AUSTIN NICELY, AGENT FOR THE BATTING CAVE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Austin Nicely, agent for The Batting Cave, LLC, for a Special Use Permit to construct a building for indoor batting cages and small scale baseball/softball field for seasonal use on property owned by The Batting Cave, LLC, located on the west side of East Side Highway (Route 340), directly across from Stonewall Lane (Route 830) in the Middle River District.

Mr. Austin Nicely stated I am the owner and operator of The Batting Cave. We would like to move from our current facility in Grottoes. The proposed building will be built in right field passed the fence.

Chair Coyner asked if this will be a pole building?

Mr. Nicely stated it will be metal.

Chair Coyner asked what age groups will use the building?

Mr. Nicely stated twelve (12) and under.

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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 is a good location for the use.

Ms. Rutledge moved to approve the request with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies including a complete Erosion and Sediment Control Plan to Community Development.
2. Obtain VDOT approval and provide a copy to Community Development.
3. Obtain Health Department approval and provide a copy to Community Development.
4. Obtain all necessary permits and inspections and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to construct a 100' X 160' building for a maximum of three (3) batting cages and an indoor turfed baseball/softball field.
2. Be limited to no more than fifty (50) persons occupying the building.
3. Hours of operation be 8:00 a.m. to 9:00 p.m.
4. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
5. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

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BRYAN PHILIP AND SARAH GRADY PLEMMONS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bryan Philip and Sarah Grady Plemmons, for a Special Use Permit to construct a building for weddings and special events with outdoor storage of food trucks and to have short term vacation rentals in the existing dwellings on property they own, located at 2991, 2995, and 2971 Old Parkersburg Turnpike, West Augusta in the Pastures District.

Ms. Sarah Plemmons stated I have lived onsite for five (5) years. I would like to operate weddings and special events.

Chair Coyner stated the Board visited the site today. How will you advertise?

Ms. Plemmons stated I will advertise on Airbnb for the short term rentals.

Chair Coyner stated the applicant resides there so she can watch over the property.

Ms. Plemmons stated yes. I do plan on being onsite during events.

Mr. Bailey asked the applicant if she has talked to the Health Department and VDOT regarding their issues?

Ms. Plemmons stated we have to get a new septic and we understand the other requirements. We have to cut a tree to satisfy VDOT's comments and that is not an issue.

Ms. Bunch stated the Health Department could not find a septic system for 2991 Old Parkersburg Turnpike. This will be listed as a pre-condition to complete before your permit is issued.

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

Ms. Bunch stated we received a letter of support from Lawrence Steele.

Mr. Todd Wray stated I live in Goochland County and I am here representing Martha Wray. We built here in 1947. I wish we did not have a business at this location. I do not want to stand in opposition of the concept but the building as it is drawn now is too close to our property and it will be visible from our property. If it is built could we go closer to Old Parkersburg Turnpike and not be in the floodplain. If it was 100' we would

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not see the building and then we would not be in opposition. Is the vote on the sketch plan today where it is drawn or anywhere in that area?

Chair Coyner stated where the building is drawn.

Ms. Bunch stated the floodplain is going to be a challenge. The floodplain is wider in that area. Typically when the BZA approves a request they are approving the site plan as well.

Mr. Wray stated they have to do a survey to determine the floodplain.

Ms. Bunch stated this is an overlay. We are asking for an elevation certificate to be sure it is out of the floodplain. The Board can ask for an updated site plan to be sure that it is out of the floodplain. The minimum setback is 35' from Old Parkersburg Turnpike. The permit is issued non-transferrable and any new property owners would need to come back to apply.

Mr. William Guin, 2529 Lee Highway, Mount Sidney, stated I am not for or against. I am concerned about the floodplain. It is dry now but I have seen it flood.

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

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

Ms. Bunch stated the Board can approve the location with the ability for the applicant to move it as long as it is out of the floodplain.

Mr. Bailey stated the property is heavily wooded and secluded. This will not have a negative impact on the neighboring properties. He moved to approve the request with the following conditions:

Pre-Conditions:

1. Applicant submit an elevation certificate and survey showing the exact location of the proposed building.
2. Applicant obtain VDOT approval and provide a copy to Community Development.
3. Obtain all necessary permits, inspections and Certificates of Occupancy for the proposed building in accordance with the Uniform Statewide Building Code.

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4. Submit documentation to the Health Department and obtain Health Department approval that the existing septic system is adequate for the proposed use at 2991 Old Parkersburg Turnpike and provide a copy to the Community Development Department.

Operating Conditions:

1. Be permitted to lease the two (2) bedroom dwelling located at 2971 Old Parkersburg Turnpike with a maximum occupancy not to exceed four (4) persons unless Health Department approval is obtained for more bedrooms.
2. Be permitted to lease the one (1) bedroom dwelling located at 2995 Old Parkersburg Turnpike with a maximum occupancy not to exceed two (2) persons unless Health Department approval is obtained for more bedrooms.
3. Be permitted to lease the two (2) suites and kitchen area in the existing dwelling located at 2991 Old Parkersburg Turnpike once Health Department approval is obtained and a copy submitted to Community Development.
4. Be permitted to construct a 35' X 75' building, including two (2) 10' X 35' porches and two (2) 10' X 25' additions for weddings and special events.
5. Be limited to a maximum of sixteen (16) weddings or special events per year.
6. Be limited to one hundred (100) attendees per event.
7. No outdoor amplified music.
8. All events cease at 10:00 p.m. and all persons off the property by 11:00 p.m.
9. Site be kept neat and orderly.

Mr. Thacker seconded the motion, which carried unanimously.

WALDA R. MASSIE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Walda R. Massie, for a Special Use Permit to have a detached accessory dwelling unit where the owner of record does not personally reside on property she owns, located at 153 Drifting Lane, Waynesboro in the Middle River District.

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Ms. Walda Massie stated I would like to turn the detached garage into an apartment. The house is setup for a three (3) bedroom septic. I would like to get permission to put an apartment in there with one (1) person in each apartment.

Ms. Bunch stated the applicant can only have one (1) apartment. The County limits you to a principal dwelling and one (1) apartment. The rest of the structure will need to be used for storage.

Ms. Massie stated the neighbors are fine with the apartment.

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. It is a nice piece of property.

Ms. Rutledge 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. Obtain approval from Augusta Water and provide a copy to the Community Development Department.
3. Obtain all necessary permits and inspections and a Certificate of Occupancy in accordance with the Uniform Statewide Building Code.

Operating Conditions:

1. Be permitted to have a detached accessory dwelling unit attached to the existing 36' X 36' detached accessory building where the owner of record does not reside on premise.
2. No junk or inoperable vehicles to be kept outside.
3. Site be kept neat and orderly.
4. No further additions or expansions.

Mr. Bailey seconded the motion, which carried unanimously.

OLD BUSINESS

SHARON G. CONNER, AGENT FOR D.M. CONNER, INC. - SPECIAL USE PERMIT

A request by Sharon G. Conner, agent for D.M. Conner, Inc., for a Special Use Permit to expand the existing mining operation on property she owns, located at 245 Oak Lane, Stuarts Draft in the South River District. - Continued from the May 2, 2024 Meeting

Mr. Benny Conner, 35 Dewey Lane, Waynesboro, stated I need a permit for this parcel of land to keep up with the demand for sand and stone.

Mr. Glover stated the previous request was for the property to be put into compliance.

Ms. Bunch stated yes, they applied for a permit to reclaim an area in order to bring the site back into compliance.

Chair Coyner asked if the applicant understands the requirements on this parcel?

Mr. Conner stated yes.

Chair Coyner stated the area is growing and this is needed. I received several calls this month and they were all in favor.

Mr. Glover agreed.

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

Pre-Conditions:

1. Applicant submit a site plan showing the entire operation, which is 40.492 acres mined on this site, including 15+ acre phases prior to commencement of mining on this site.
2. Applicant submit an updated DMME Mining Plan including the reclamation plan including the two hundred foot (200') buffer.

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3. Applicant mark the two hundred foot (200') buffer from all property lines except the property currently bine mined, and the five hundred foot (500') buffer from Cole's Campers Subdivision with stakes or ribbons prior to mining.

Operating Conditions:

1. Be permitted to mine an additional 35.492 acres. Total mining operation not to exceed 40.492 acres on this parcel.
2. Only excavating at the site. All crushing, processing, and storage of materials to be done at the existing plant.
3. Access will be through the existing quarry with truck traffic confined entirely to Route 660 when entering and leaving site utilizing the existing fifty (50') foot right-of-way on the north side of Shenandoah Acres property.
4. No truck traffic on Sycamore Path or Oak Lane.
5. No mining operation within five hundred (500') feet of Coles Campers Subdivision. Existing wooded five hundred (500') foot buffer be left in its natural undisturbed state.
6. No buffer will be required between the property lines adjacent to the existing quarry operations on TM#84C (1) 34, TM#91-19 and TM#91-21. The two hundred (200') foot minimum buffer will be required on all other property lines.
7. The mining operation should be set up in 15+ acre phases shown on the site plan prior to commencement of mining operations.
8. Each phase must be reclaimed as soon as possible, but not later than six (6) months after a new phase has been commenced.
9. The applicant shall comply with all rules and regulations set forth by the Department of Mines, Minerals and Energy.
10. Whenever the applicant amends the permit with the Department of Mines, Minerals and Energy, they must notify the Community Development Department.
11. Hours of operation be Monday-Friday, 7:00 A.M. to 6:00 P.M. and Saturday 7:00 A.M. to 12:00 Noon, and no Sunday operation.

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12. All local, state and federal regulations must be complied with.

13. Debris, including residue rock and stone and other waste material stored on the property must have originated from the property and not be brought in from other sites.

Mr. Glover seconded the motion, which carried unanimously.

STAFF REPORT

- 23-50 James W. Sizemore Family, L.P
- 23-52 Sherry Hockman Sumerlin
- 23-53 Vernon Lee Walker or Barbara Rowe
- 23-54 Brian D. Jamison & Kelsey R. Simmons
- 23-55 Ward H., Jr. or Jane B. Alford

Ms. Bunch stated staff sent a letter of violation on the operating conditions for SUP#23-50. SUP#23-52 was denied. SUP#23-53 and SUP#23-54 are both in compliance. Staff sent a letter of violation of the operating conditions for SUP#23-55.

Mr. Benkahla discussed the court cases with the Board.

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



 Chair



 Secretary