



COUNTY OF AUGUSTA

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VIRGINIA 24482-0590



MEMORANDUM

TO: Augusta County Board of Zoning Appeals
FROM: John R. Wilkinson, Zoning Administrator
DATE: August 23, 2010
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, September 2, 2010, at 1:30 P.M.**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia.

Enclosed are the minutes of last month's meeting, the agenda for Thursday's meeting, comments sheets, and site plans on each of the requests.

Please meet in my office in the County Government Center in Verona at **9:15 A.M., Thursday**, to go out to view the items on the agenda. Lunch will follow at the **Hibachi Sushi Supreme Buffet at 11:30 A.M.** The Board of Zoning Appeals will meet at **1:00 P.M.** in the Board of Supervisors' Conference Room at the Augusta County Government Center for the staff briefing prior to the meeting at 1:30 P.M.

If you cannot attend this meeting, please notify this office as soon as possible.

JRW/bcw

Enclosures

**ADVANCED
AGENDA**

Regular Meeting of the Augusta County Board of Zoning Appeals

Thursday, September 2, 2010, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of August 5, 2010

4. PUBLIC HEARINGS

- A. A request by Stanley M. or Deborah J. Horst, for a Special Use Permit to construct a building for a garage, laundry room, and game room on property they own, located on the east side of Creekwood Lane, just south of the intersection of Creekwood Lane and Reeds Gap Road (Route 664) in the South River District.
- B. A request by Said or Donna Rhafiri, for a Special Use Permit to have a catering business from the existing home on property they own, located on the north side of Mount View Drive, just west of the intersection of Mount View Drive and Howardsville Turnpike (Route 610) in the South River District.
- C. A request by Allan Hadfield, agent for Dynamic Construction Services, Inc., for a Special Use Permit to have a general construction and electrical business, to construct an addition to the existing building, to construct a new warehouse, and have outside storage on property owned by Community Bank, located in the southwest quadrant of the intersection of Lee Jackson Highway (Route 11) and Swartzel Shop Road (Route 694) in the Riverheads District.
- D. A request by Diane Clark, for a Special Use Permit to have outside storage of a bar-b-que smoker on property she owns, located on the east side of Jefferson Highway (Route 250), just south of the intersection of Jefferson Highway (Route 250) and Long Meadow Road (Route 608) in the Wayne District.
- E. A request by Jeremy Nance for a Special Use Permit to have outdoor storage in conjunction with the sale of plants, flowers, and produce on property owned by Normel, Inc., c/o Peeler Oil Company, located in the southern quadrant of the intersection of Lee Highway (Route 11) and Laurel Hill Road (Route 612) in the Beverley Manor District.

- F. A request by Jeffrey S. or Rebecca L. Price, for a Special Use Permit to have a kennel for personal dogs on property they own, located on the north side of Old Greenville Road (Route 613), approximately .1 of a mile south of the intersection of Old Greenville Road (Route 613) and White Oak Lane in the Riverheads District.
- G. A request by Cindy Chandler Lucas, for a Special Use Permit to increase the size of the kennel structure on property owned by Vernon O. Lucas, located on the west side of Hermitage Road (Route 254), opposite the intersection of Hermitage Road (Route 254) and Henkel Road (Route 827) in the Wayne District.
- H. A request by Daniel Holsinger, agent for Holsinger Farms, LLC, for a Variance from the Floodplain Overlay District setback requirements in order to construct an agricultural building on property it owns, located on the west side of East Side Highway (Route 340), just west of the intersection of East Side Highway (Route 340) and Stream Hollow Lane in the Wayne District.

5. OLD BUSINESS

6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

- A. A request by Charles R. or Bonnie R. Zickefoose, for a Special Use Permit to construct a wind energy system in order to reduce energy consumption on property they own, located on the west side of George Waltons Road (Route 758), approximately .2 of a mile north of the intersection of George Waltons Road (Route 758) and Scenic Highway (Route 42) in the North River District. - **SIX MONTH EXTENSION OF TIME REQUEST**

8. STAFF REPORT

09-52	Augusta County SPCA
09-53	LT Partners
09-54	Morse, Dale or Holland, Susan
09-55	Stokesville Community Church of Christ

9. ADJOURNMENT

AGENDA ITEM # 4A
Date 9/2/10

PROPERTY OWNER:
Stanley M. or Deborah J. Horst

APPLICANT:
Same

LOCATION OF PROPERTY:
On the east side of Creekwood Lane, just south of the intersection of Creekwood Lane and Reeds Gap Road (Route 664) in the South River District

SIZE OF PROPERTY:
0.954 acre

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
03/06 SUP approved to have office in home for cabin rentals

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private

APPLICANT'S JUSTIFICATION:
To construct a building for a garage, laundry room, and game room

PLANNING COMMISSION'S COMMENTS:
None

HEALTH DEPARTMENT'S COMMENTS:
The current septic system is not designed for additional laundry and bathroom/game room.

SECTION 25-74H - PUBLIC ACCOMMODATION FACILITIES

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

The renting of cabins in the rural areas is appropriate for the agricultural area.

The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties.

The request to add a building to house a laundry and game room for guests would not be out of character with neighboring properties.

The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure.

The request for a laundry and game room will not result in a concentration of similar businesses.

The business shall have direct access on to a state maintained road.

The property has direct access onto Reeds Gap Road (Route 664).

STAFF RECOMMENDATIONS

The applicant is requesting to construct a building to be used as a garage, laundry room, and game room for their personal use as well as their guests at Cabin Creekwood. The applicant's family has had the cabin rental business in this area for over thirty (30) years. Staff feels that the sites are kept neat and orderly and the Horst family provides a needed service to the tourist industry and to the local area. Therefore, staff recommends approval with the following conditions:

Pre-Condition:

1. Obtain Health Department approval and provide a copy to Community Development.

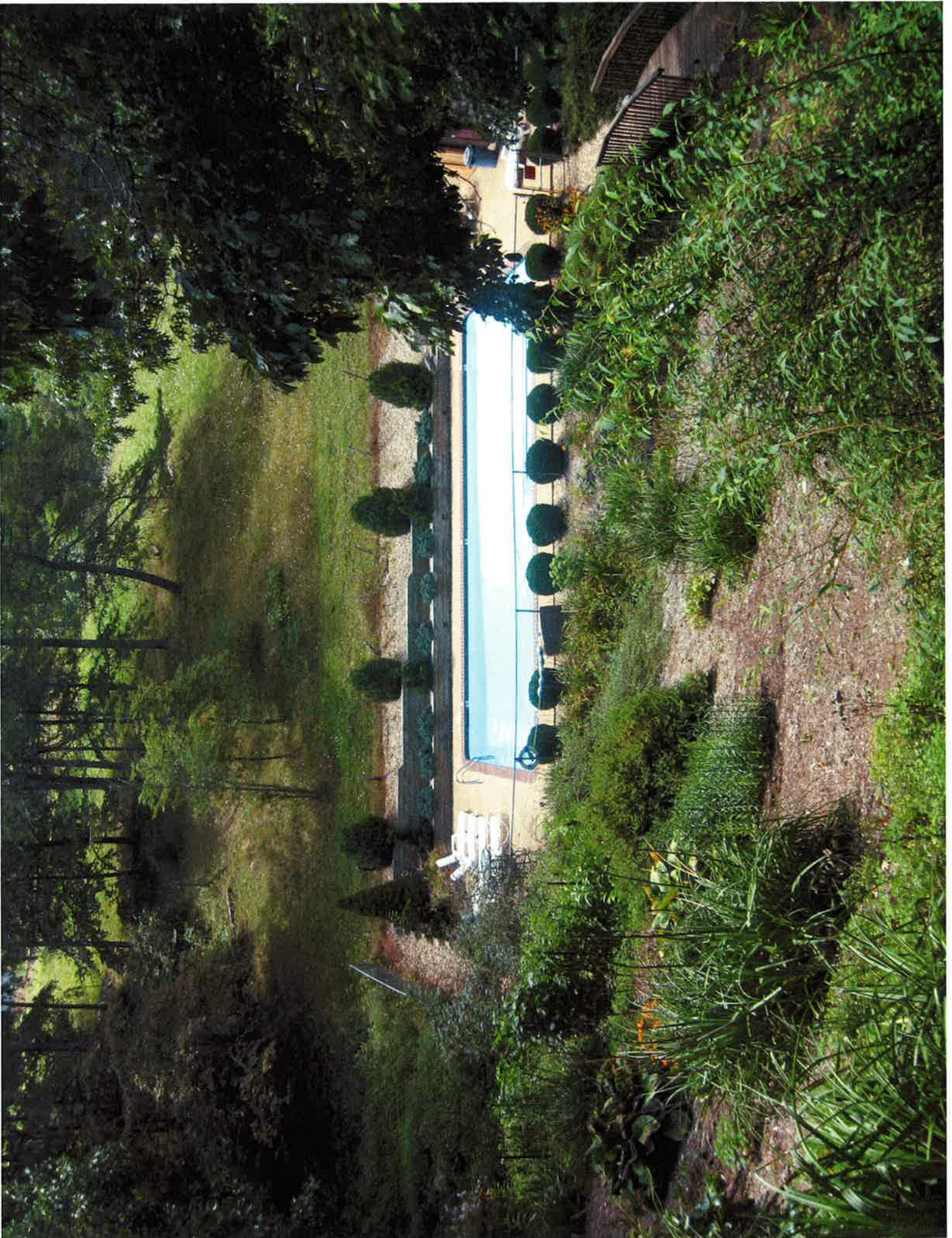
Operating Condition:

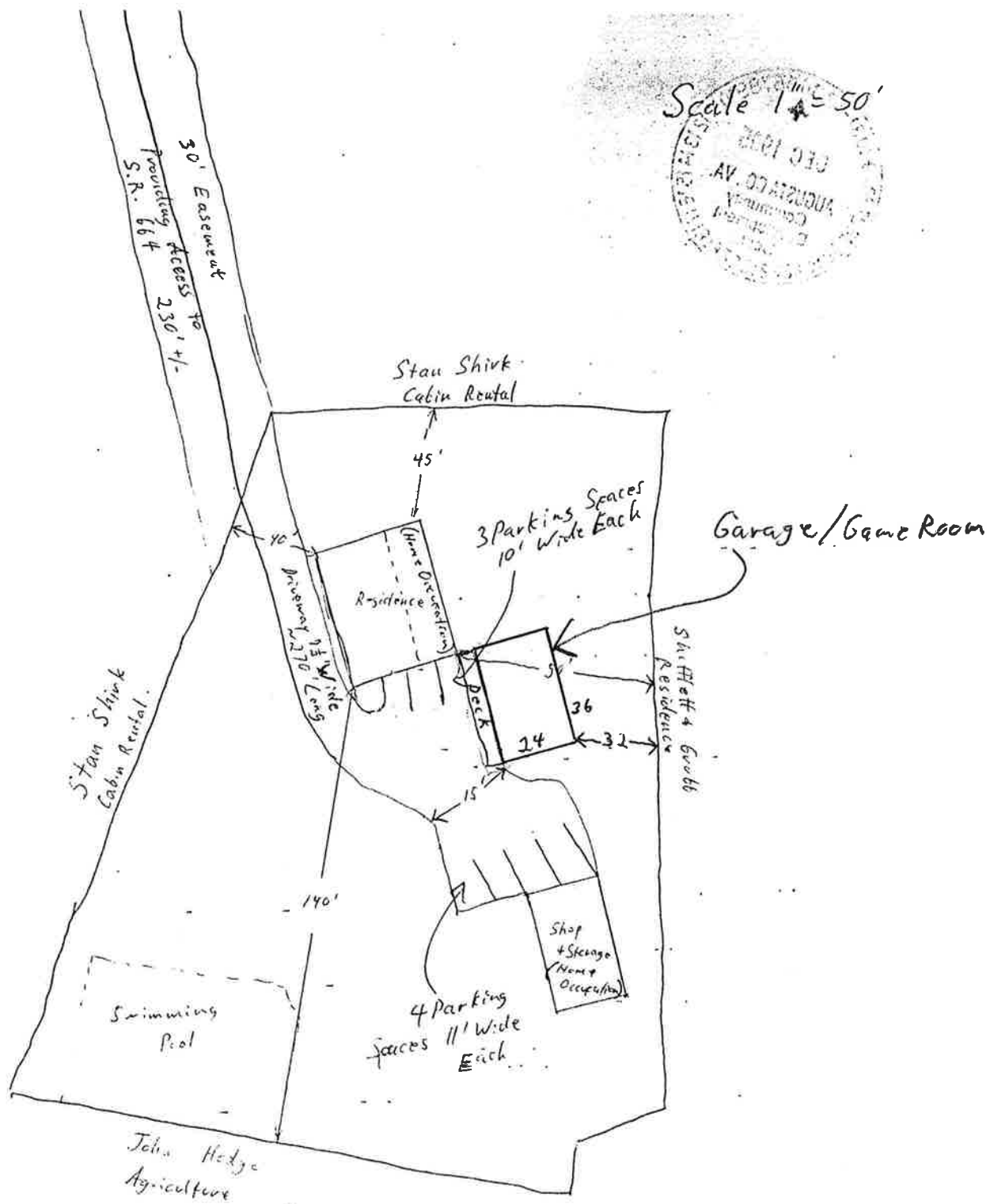
1. Be permitted to construct a 24' x 36' two-story building with a raised deck to be used as a garage, laundry room, and game room for guests.

Horst



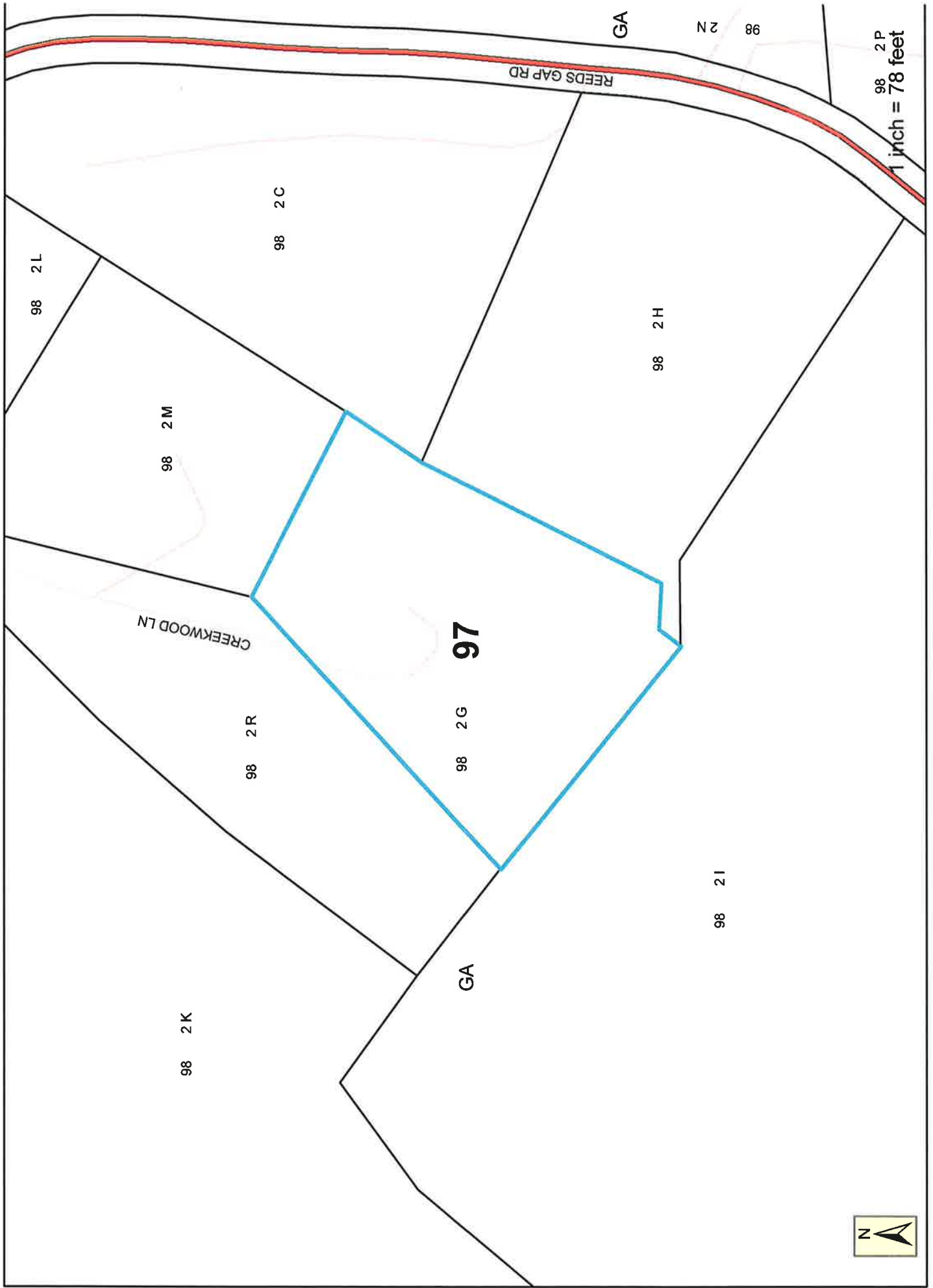






Horst

Horst



1 inch = 78 feet



PROPERTY OWNER:

Said or Donna Rhafiri

APPLICANT:

Same

LOCATION OF PROPERTY:

On the north side of Mount View Drive, just west of the intersection of Mount View Drive and Howardsville Turnpike (Route 610) in the South River District

SIZE OF PROPERTY:

0.689 acre

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private

APPLICANT'S JUSTIFICATION:

To have a catering business from the existing home

PLANNING COMMISSION'S COMMENTS:

None

BUILDING INSPECTOR'S COMMENTS:

Existing buildings or portions of buildings changing to a commercial use need to comply to the following if there will be customers or employees on the site:

- Restrooms are required to be provided in structure. (New restrooms will be required to be fully handicapped accessible)
- At least one handicapped accessible entrance will need to be provided. (Min. 3/0 6/8 door with lever door hardware, landing of approved size on each side of door, ramp max. slope 1" in 12" etc.)
- At least one handicapped accessible route is required from accessible entrance to new use area.
- Provide approved handicapped parking and hard surfaced handicapped accessible route between handicapped parking and accessible building entrance.

New buildings constructed for commercial use need to fully comply with all handicapped requirements above and the restroom is required to be fully accessible.

Class I & II – range hoods required

HEALTH DEPARTMENT'S COMMENTS:

Must have a "commercial" kitchen approved by the Health Department. Need a water sample and well log to issue OP. Then a professional engineer needs to evaluate a proposed use of the existing system.

SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES

Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.

No outside storage is requested.

The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.

The applicant resides in the existing dwelling.

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

A small catering business with no customers coming to the site is an appropriate use in an agricultural area.

The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

The applicant states all food will be delivered to the customer and there will be no customer traffic coming to the home.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.

The existing driveway should adequately and safely handle the applicants' vehicles. There will be no customer traffic.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The applicant is requesting to remodel the basement of the existing home into a commercial kitchen for a catering business. There will be no exterior changes that would affect the neighboring properties.

Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

No exterior expansion is requested.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.

The dwelling is connected to a private septic system. The applicant must obtain Health Department approval for the commercial kitchen.

There are adequate provisions set forth for the protection of fire, environmental and other hazards.

The applicant states the home is protected by fire extinguishers, smoke detectors, and carbon monoxide detectors.

STAFF RECOMMENDATIONS

The applicant is requesting to have a catering business from his home. He plans to remodel the basement into a commercial kitchen. He would like to supply the food for events such as weddings, birthday parties, and reunions. All events will be at the customer's home or business. No customers will come to the applicant's home. The food will be cooked and taken to the event site. The applicant is a chef and is requesting to have one (1) employee who could come to the home and all others would meet at the event site. The majority of the food and supplies will be picked up by the applicants, but some may be delivered.

The applicants' home is located in Swann Ridge Estates Subdivision. Staff feels a small catering business would not impact the neighboring homes as long as there is no customer traffic coming to the home and the business is limited to one (1) employee who comes to the home. Staff would recommend approval with the following conditions:

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.

2. Obtain letter of approval from Building Inspection Department and provide a copy to Community Development.

Operating Conditions:

1. No more than one (1) employee to come to the site.
2. All food to be delivered to the event site.
3. No events at this site.
4. Be limited to two (2) company vehicles at the site.
5. Be limited to one (1) on premise business sign not to exceed twelve (12) square feet.
6. Site be kept neat and orderly.



Rhafri

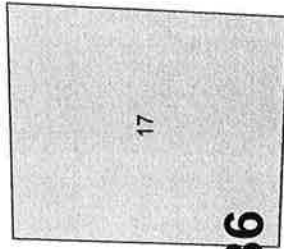
Rhafiri

86A31 D

86A3211

86A3411

1 inch = 40 feet



17

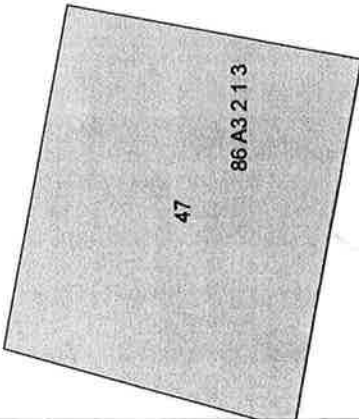
86

86A3212

MOUNT VIEW DR

86A3421

GA



47

86A3213

FLOOD ZONE FLOODWAY

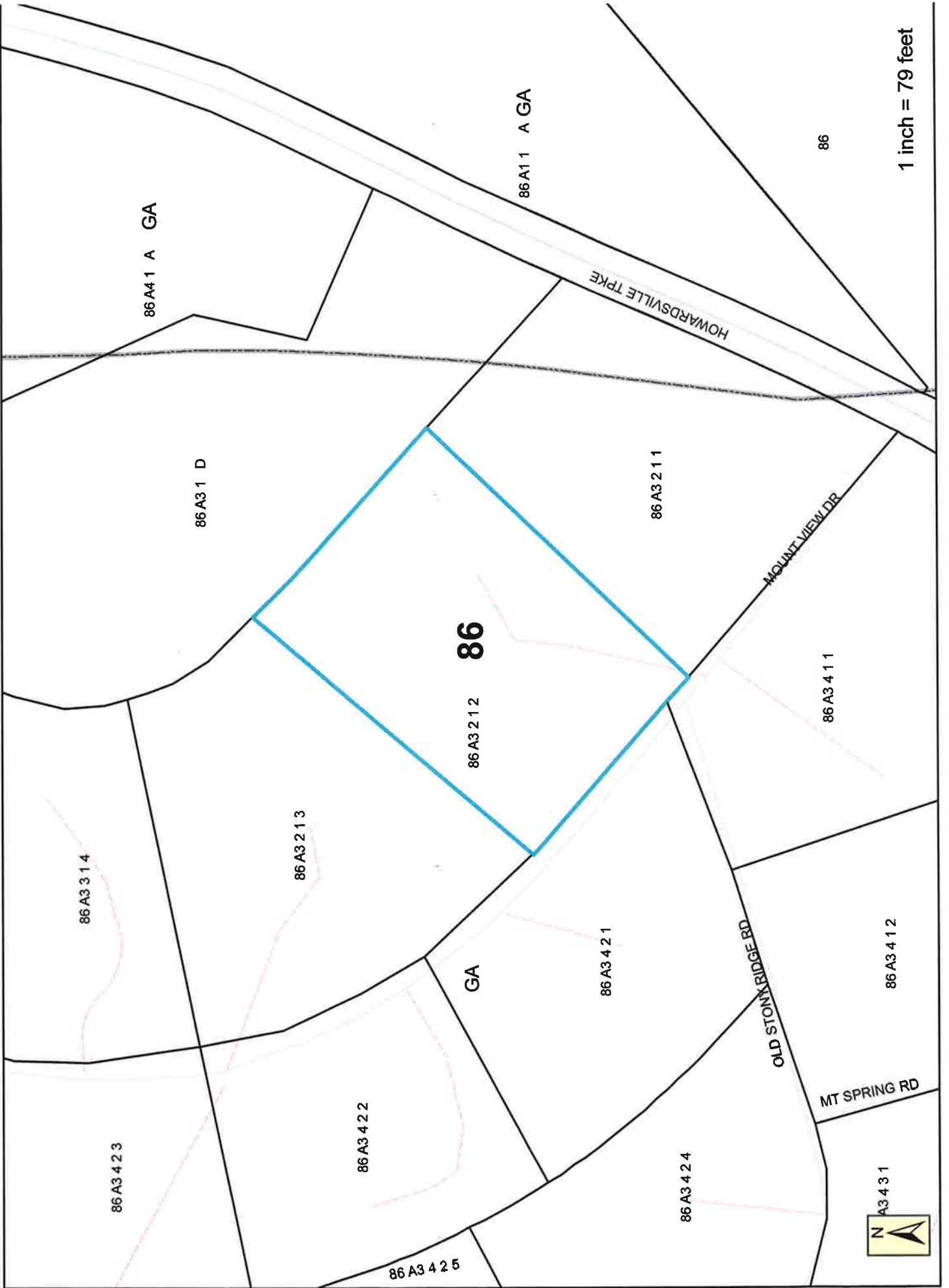
- 100 Year Annual Exceedance Flood Hazard
- 500 Year Annual Exceedance Flood Hazard
- 100 Year Floodway
- 500 Year Floodway
- Other
- Water
- Land



22

86A3

Rhafiri



1 inch = 79 feet

Date 9/2/10

PROPERTY OWNER:
Community Bank

APPLICANT:
Allan Hadfield, agent for Dynamic Construction Services, Inc.

LOCATION OF PROPERTY:
In the southwest quadrant of the intersection of Lee Jackson Highway (Route 11) and Swartzel Shop Road (Route 694) in the Riverheads District

SIZE OF PROPERTY:
1.628 acres

VICINITY ZONING:
General Agriculture to the south, east, and west; Single Family Residential and Rural Residential to the north

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
03/04 SUP approved to construct a 24' x 32' building and have landscape supply, natural stone and landscaping products

LAND USE MAPS:
Community Development Area – Low Density Residential

UTILITIES:
Public water and private septic

APPLICANT'S JUSTIFICATION:
To have a general construction and electrical business, to construct an addition to the existing building, to construct a new warehouse, and have outside storage

PLANNING COMMISSION'S COMMENTS:
None

HIGHWAY DEPARTMENT'S COMMENTS:
The existing commercial entrance to Route 694 is adequate from a sight distance standpoint – Required - 445 feet, Available - 200 feet left to intersection Rte 11 and 657 feet to right. This existing entrance is in violation of the corner clearance distance of 225 feet. Approximately 200 feet is available. An access management exception request will need to be made for this entrance. If access is utilized along the old access road to Route 694, available sight distance is 365 feet left and 568 feet right. Required sight distance is also 445 feet. An access management exception is not required to utilize this existing entrance. The old access road connection to Route 694 will need to have the pavement repaired if it is going to be utilized for access. A new commercial entrance permit will need to be issued to the new owner if the ownership has changed

from the original commercial entrance issuance since commercial entrance permits are non-transferable.

SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES

Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.

The applicant is requesting to have two (2) screened equipment and material storage areas, one 80' x 90' adjacent to the office and a 20' x 80' area behind the proposed future warehouse. The applicant is proposing a double row of evergreen trees along Swartzel Shop Road and an eight (8') foot high privacy fence around the outdoor storage areas.

The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.

The operator lives in Staunton about ten minutes away.

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

A construction business with outside storage can be appropriate for agricultural areas if kept neat and orderly.

The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

The property has direct access to Swartzel Shop Road (Route 694).

On site traffic flow will adequately and safely accommodate all traffic to and from the public highways.

The on site traffic flow has adequately handled the traffic from the previous stone business.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

There is an existing 22' x 36' (792 square foot) office building on the site. The applicant is requesting to build a 22' x 36' addition to the existing office and to build a 48' x 80' (3,840 square foot) warehouse.

Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The proposed 3,800 square foot warehouse is less than the 4,000 square feet ordinance standard, but the warehouse and office expansion together represents an almost 500% expansion over the existing 792 square foot office.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.

The site has an approved private septic system.

There are adequate provisions set forth for the protection of fire, environmental and other hazards.

There are fire extinguishers in the building and the new Riverheads Fire Station will be built on the adjoining lot to the rear.

STAFF RECOMMENDATIONS

The applicant is requesting to have a general construction and electrical business, to increase the size of the existing building, to construct a 48' x 80' warehouse and to have one 80' x 90' outdoor storage area and one 20' x 80' outdoor storage area. This site was the previous location of Pebbles to Boulders which had a large amount of outdoor storage. At this time, the applicant has eight (8) company vehicles, a mini-excavator, skid loader, and a trencher. They are in the business of constructing and maintaining telecommunications towers and they also do general construction and electrical work. Large sections of the towers or large materials are delivered directly to the jobsite. The two (2) outside storage areas are for their small equipment, materials, and cable.

Section 25-74 requires all outside storage areas to be adequately screened from view. The applicant is proposing to replant a double row of evergreen trees along Swartzel Shop Road and along the rear access easement for about ninety (90') feet, to construct an eight (8') foot high privacy fence from the office to the property line, and then continue the fence one hundred seventy (170') feet along the western property line as shown on the site plan. There is no screening proposed to cover the western side of the storage areas that may be visible from the forty (40') foot commercial entrance on Swartzel Shop Road.

This request represents a significant reduction in outside storage from the previous occupant, however, the applicant is requesting 4,632 square feet of new structures on the agricultural zoned property. Staff feels that a construction business could be compatible with the character of the neighborhood if the outside storage areas are kept screened and the site is kept neat and orderly. If the Board feels the size of the proposed expansion of the buildings is in keeping with the character of the neighborhood and desires to approve the request, then staff would recommend the following conditions:

Pre-Conditions:

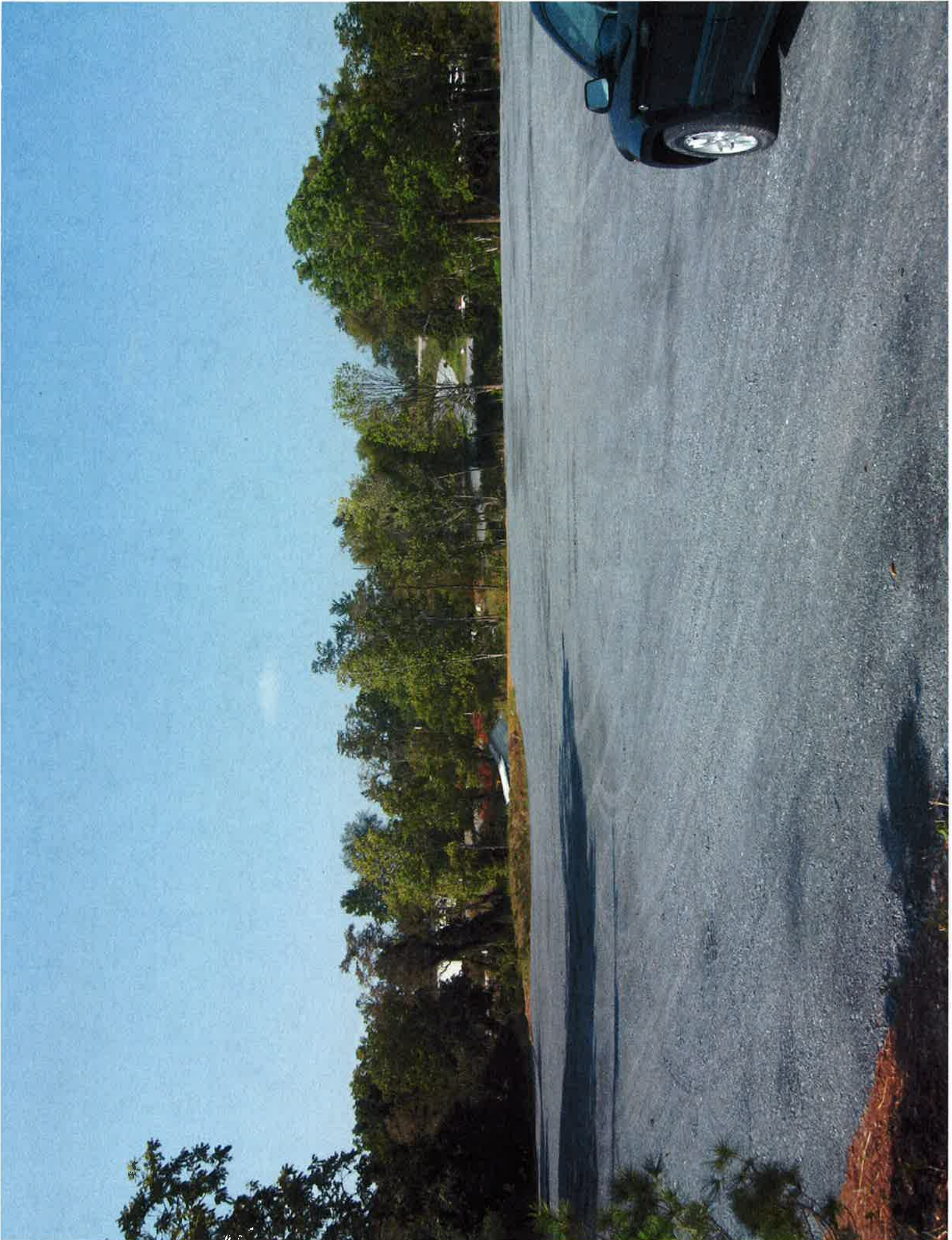
1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. The 20' x 80' and 80' x 90' storage areas be **completely enclosed on all sides** and screened by an eight (8') foot high opaque privacy fence prior to materials or equipment being brought to the site.
3. A double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center be installed along Swartzel Shop Road and Old Route 11 as shown on the BZA plan and must be maintained at all times.

Operating Conditions:

1. All equipment, machinery, and materials for the business be kept inside the warehouse or the 20' x 80' or 80' x 90' outside storage areas.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.
4. Maximum of two (2) signs to be permitted for this business not to exceed thirty-two (32) square feet each.
5. Any new outdoor lights require site plan submittal and must meet ordinance requirements.



Community Bank



US ROUTE 11
LEE JACKSON HIGHWAY

WATER VAULT

6' TALL PRIVACY FENCE

(2) 2' x 8' DYNAMIC CONSTRUCTION INC. SIGNS PROPOSED

(REAR) FENCE

EQUIPMENT PARKING

16' x 20' PARKING (TYP)

FUTURE PARKED FUTURE (WITHIN 2 YRS.)

HANDICAP PARKING SPACE

PAVED PARKING AREA

SHOP/GARAGE PROPOSED WITHIN 2 YRS

EXISTING DETENTION POND

EXISTING DRAINFIELD AREA

ADDITIONAL PARKING

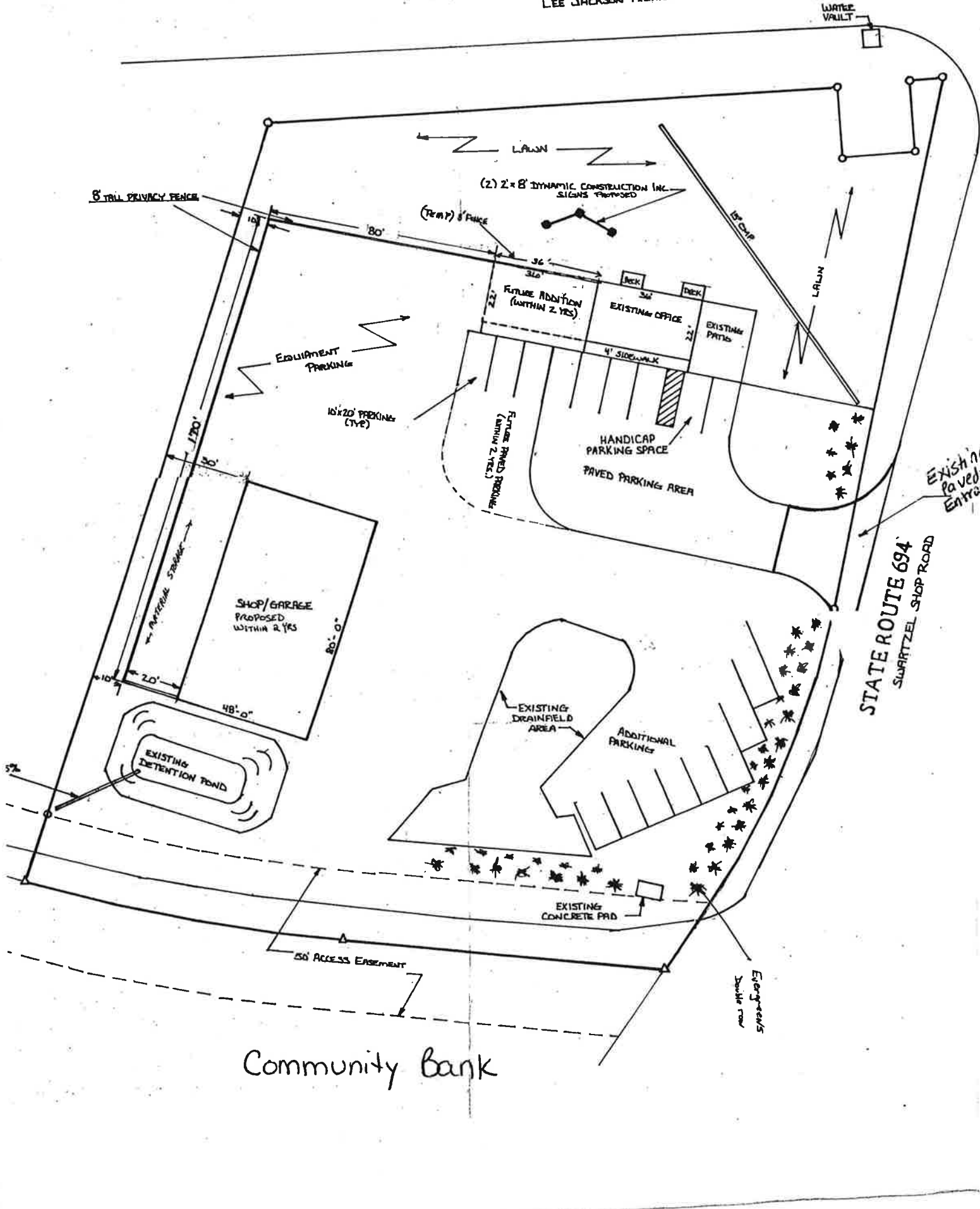
EXISTING CONCRETE PAD

Emergencies
Shuttle Row

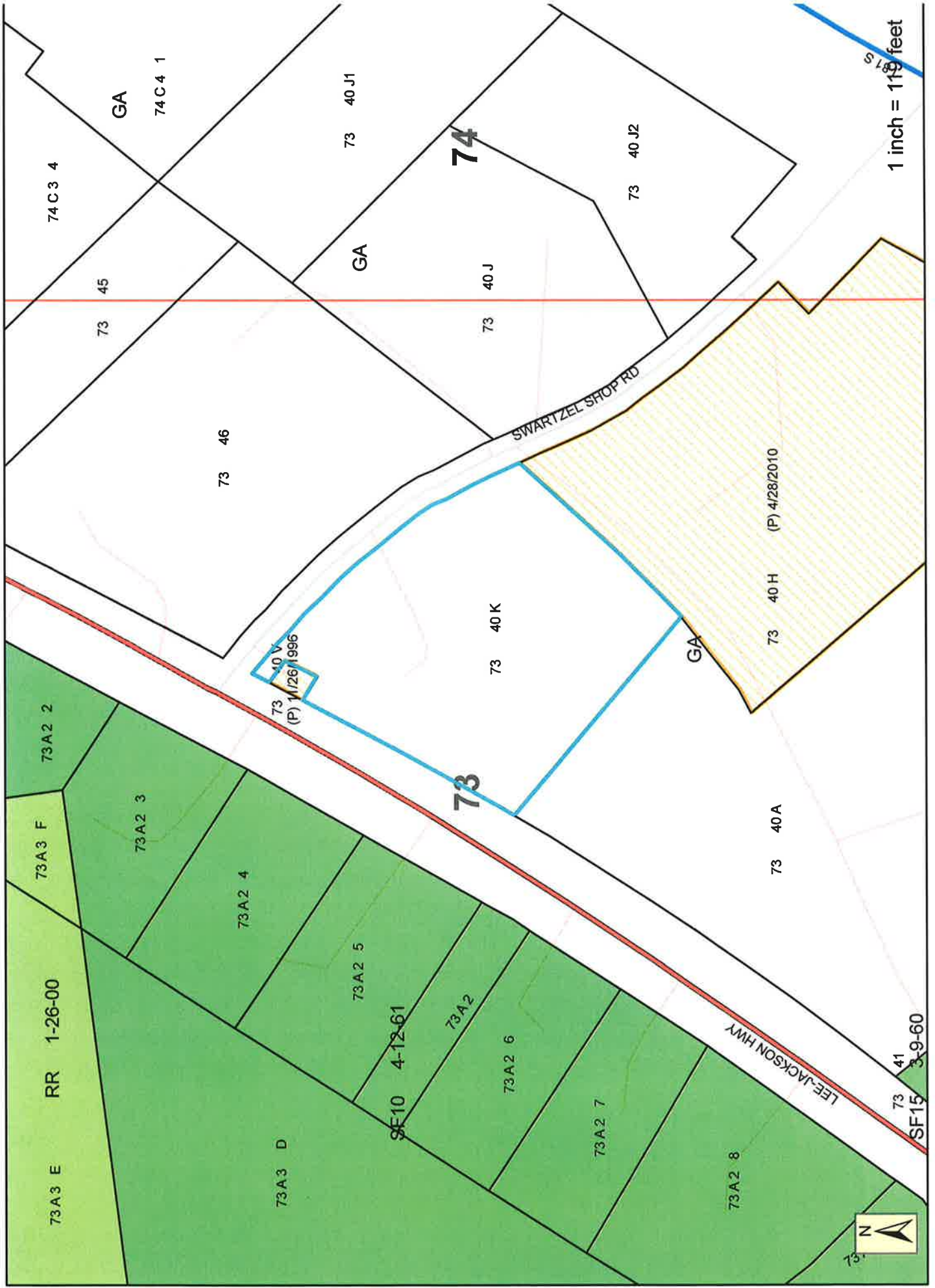
Existing paved Entrance

STATE ROUTE 694
SWARTZEL SHOP ROAD

Community Bank



Community Bank



AGENDA ITEM # 4D

Date 9/2/10

PROPERTY OWNER:

Diane Clark

APPLICANT:

Same

LOCATION OF PROPERTY:

On the east side of Jefferson Highway (Route 250), just south of the intersection of Jefferson Highway (Route 250) and Long Meadow Road (Route 608) in the Wayne District

SIZE OF PROPERTY:

1.413 acres

VICINITY ZONING:

General Business surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

10/47 Zoned General Business

LAND USE MAPS:

Urban Service Area – Business

UTILITIES:

Public water and sewer

APPLICANT'S JUSTIFICATION:

To have outside storage of a bar-b-que smoker

PLANNING COMMISSION'S COMMENTS:

None

HIGHWAY DEPARTMENT'S COMMENTS:

The existing commercial entrance for the business complex is adequate for the proposed. No additional VDOT permits are required.

SECTION 25-304B - GENERAL OUTDOOR STORAGE

A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter.

The location of the smoker is shown on the site plan.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic.

The property has an approved site plan that can adequately handle traffic.

Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage.

The requested outdoor storage area is adjacent to the parking area and will not interfere with parking.

Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage.

The 8' x 18' train style smoker is appropriate in size in relation to the business.

Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties.

The proposed smoker will be more than twenty-five (25') feet from the edge of the road.

Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisleways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area.

Smokers and cookers are not normally screened.

There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter.

No additional lighting is requested.

Items to be stored outside may not be items normally and customarily kept inside.

Smoker/cookers are normally kept outside.

STAFF RECOMMENDATIONS

The applicant is requesting to have outside storage of an 18' x 8' smoker that is a replica of a train mounted on a trailer. The train smoker will not be on site at all times, mainly spring through fall. The applicant will store the train smoker at her home during the winter months. The bar-b-que will be cooked in the train smoker but all sales will be inside the coffee shop.

Staff feels that the request is compatible with other business properties in the neighborhood and would recommend approval with the following conditions:

Pre-Condition:

None

Operating Condition:

1. Train/smoker be kept in the area designated on the site plan.



Clack

PROPERTY OWNER:
Normel, Inc., c/o Peeler Oil Company

APPLICANT:
Jeremy Nance

LOCATION OF PROPERTY:
In the southern quadrant of the intersection of Lee Highway (Route 11) and Laurel Hill Road (Route 612) in the Beverley Manor District

SIZE OF PROPERTY:
0.780 acre

VICINITY ZONING:
General Business surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
04/55 Zoned General Business

LAND USE MAPS:
Urban Service Area – Business

UTILITIES:
Public water and sewer available

APPLICANT'S JUSTIFICATION:
To have outdoor storage in conjunction with the sale of plants, flowers, and produce

PLANNING COMMISSION'S COMMENTS:
None

HEALTH DEPARTMENT'S COMMENTS:
ACSA is available for this vacant lot. No restroom facilities on the premises.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing commercial entrance on Route 11 and the two entrances along the Route 612 (car wash entrances) are within the operational area of the Route 11 and 612 intersections. An access management exception request will need to be filed to review this proposed use for access. It is recommended that the entrance on Route 11 be closed and the first car wash entrance closest to Route 11 be closed and an exception request be made for the remaining car wash entrance to service the car wash and 36A1(5)24B. GIS shows ownership of the adjacent car wash parcel as Normel, Inc. as well.

SECTION 25-304B - GENERAL OUTDOOR STORAGE

A site plan is filed meeting the requirements of division J article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter.

The requested outdoor storage areas are shown on the site plan.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic.

The site has no buildings. The .477 acre site can safely accommodate traffic.

Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage.

The 60' x 70' outdoor storage area and 10' x 20' tent should not interfere with easy access to the parking areas.

Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage.

The requested outdoor storage areas are appropriate in size to the nature of the business on this .477 acre site.

Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties.

The requested 10' x 20' produce tent and display area is setback more than twenty-five (25') feet from the edge of the street.

Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisleways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area.

All items displayed are for sale.

There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter.

No outdoor lighting is requested.

Items to be stored outside may not be items normally and customarily kept inside.

Plants, flowers, and produce are normally kept outside.

STAFF RECOMMENDATIONS

The applicant is requesting to have outdoor storage in conjunction with the sale of plants, flowers, and produce. The applicant is also requesting to have a camping trailer onsite for storage and to be able to take breaks. There is no building on the property. He is requesting to have a 10' x 20' tent and a 60' x 70' outside area to display his products for sale. The applicant has an administrative permit for produce sales on the property but it is limited to a maximum of ninety (90) days. He is requesting a Special Use Permit to be able to display products during the growing season from May through October.

Staff feels that retail sales with a regulated amount of outside display and storage is compatible with the other neighboring businesses. However, staff has several concerns with the request. First is the lack of restroom facilities on the site. Section 25-505 of the Augusta County Zoning Ordinance requires all uses in the Business district to have restroom facilities.

The restroom facilities may be shared with another business, but there are no restroom facilities on this lot or on the adjacent lot, the closest is across the street. It further states that no portable toilets (including campers) shall be permitted in a Business district. The hours of operation should be limited due to the lack of restroom facilities unless staff is provided with a lease agreement showing shared restroom facilities are available. The second concern is the camping trailer stored onsite which the applicant uses to take breaks, but this is not a permitted use in the Business district. Section 25-304B and Section 25-56 only permit trailers or campers if fully screened from public view. Staff's conclusion is that the trailer is not permitted and needs to be removed. Staff would recommend approval of the request with the following conditions:

Pre-Conditions:

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Remove the camper/trailer from the site within ten (10) days.
3. Provide a copy of a written contract or lease agreement for shared restroom facilities to Community Development within thirty (30) days.

Operating Conditions:

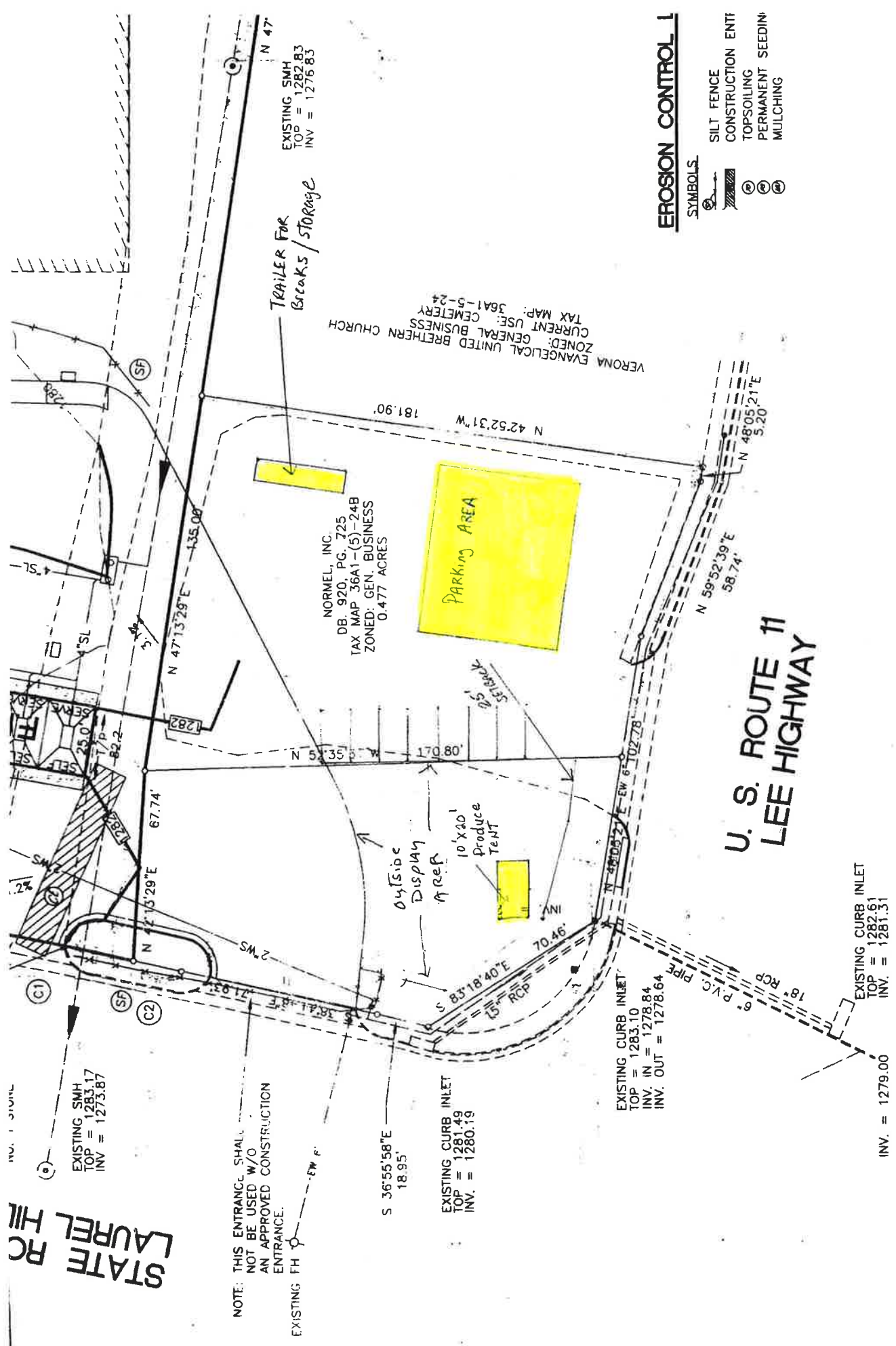
1. Be permitted one 10' x 20' tent for display and a 60' x 70' outside display and storage area, and they be kept at least twenty-five (25') feet from the edge of pavement of any street, and they can stay onsite from May 1st thru October 31st.

2. Site be kept neat and orderly.

3. Hours of operation be noon to 5:00 p.m. if no shared restroom facility agreement is provided.



Normel



EROSION CONTROL I

SYMBOLS

- SILT FENCE
- CONSTRUCTION ENTRI
- TOPSOILING
- PERMANENT SEEDIN
- MULCHING

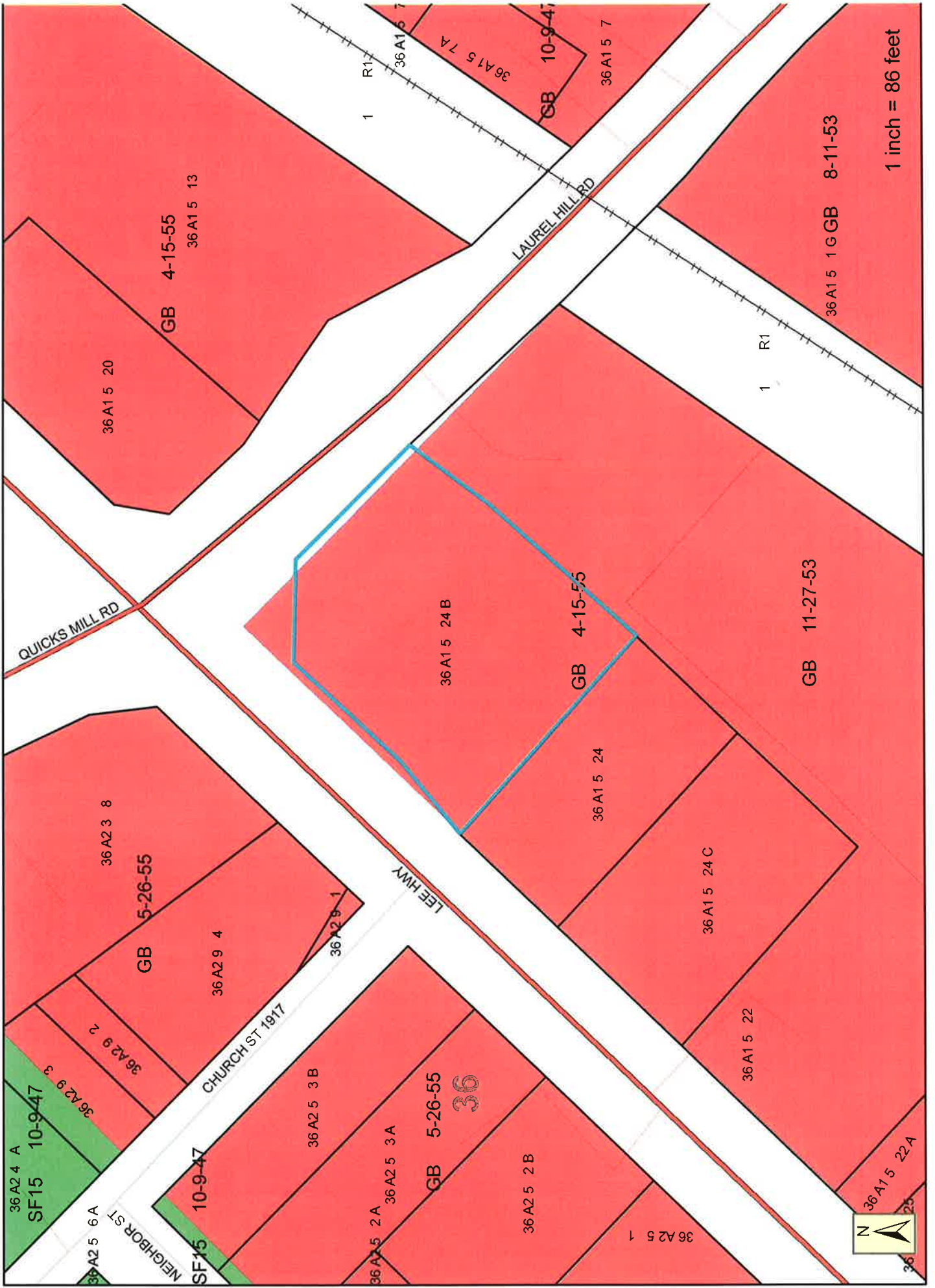
NOTES

Normel

NOTE: THIS ENTRANCE SHALL NOT BE USED W/O AN APPROVED CONSTRUCTION ENTRANCE.

EXISTING FH

Normel, Inc.



Date 9/2/10

PROPERTY OWNER:
Jeffrey S. or Rebecca L. Price

APPLICANT:
Same

LOCATION OF PROPERTY:
On the north side of Old Greenville Road (Route 613), approximately .1 of a mile south of the intersection of Old Greenville Road (Route 613) and White Oak Lane in the Riverheads District

SIZE OF PROPERTY:
1.420 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private

APPLICANT'S JUSTIFICATION:
To have a kennel for personal dogs

PLANNING COMMISSION'S COMMENTS:
None

ANIMAL CONTROL'S COMMENTS:
This is one of the best kennels in the County. Animal Control has never had any complaints at this kennel. Animal Control wishes all kennels looked like this one.

SECTION 25-74C - ANIMAL CARE FACILITIES

There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation.
The kennel is cleaned weekly.

Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals.

The 20' x 50' kennel is a converted old barn with individual kennels inside.

Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals.

There is a 20' x 120' exercise area with four (4') foot high woven wire fencing that is adequate to secure the dogs.

Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight.

The exercise area is adjacent to the enclosed kennel.

There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate.

The kennel is in close proximity to the house.

Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals.

Animal Control has inspected the site and feels it is one of the best facilities they have seen.

The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals.

The property contains 1.42 acres which does not meet the new five (5) acre requirement that was effective March 1, 2010.

The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties.

The animals are kept inside the kennel at night.

No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

The kennel was established in 1993 and is twenty-five (25') feet from the eastern property line and one hundred twelve (112') feet from the western property line.

STAFF RECOMMENDATIONS

The applicants are requesting to have a kennel for up to ten (10) personal dogs. There are currently eight (8) dogs onsite, of which seven (7) are neutered. The dogs are bear dogs that are used for hunting. They do not breed their dogs. If they want a puppy they purchase one. The applicants purchased the property in 1973 and have had up to ten (10) dogs onsite for seventeen (17) years but did not know they needed a Special Use Permit. The kennel is about twenty-five (25') feet from the eastern property line adjacent to a field and about one hundred twelve (112') feet from the western property line. The closest neighboring dwelling is to the west and is about one hundred fifty (150') feet from the kennel.

The new ordinance effective March 1, 2010, increases the acreage requirement to a minimum of five (5) acres and the minimum facility setback from fifty (50') feet to two hundred (200') feet from any property line. Before March 1, 2010, the Board could have considered a kennel on less than five (5) acres with a setback of fifty (50') feet if the Board was satisfied that soundproofing or other measures would adequately protect neighboring properties. Prior to 2002 there were no minimum standards. The applicant's property contains only 1.42 acres, however, the dogs have been kept on this site for seventeen (17) years. Staff does have concerns regarding the following conditions that may affect neighboring homes:

1. The closest neighbor's dwelling on the adjacent lot to the west is only one hundred fifty (150') feet from the kennel.
2. The property contains only 1.42 acres.

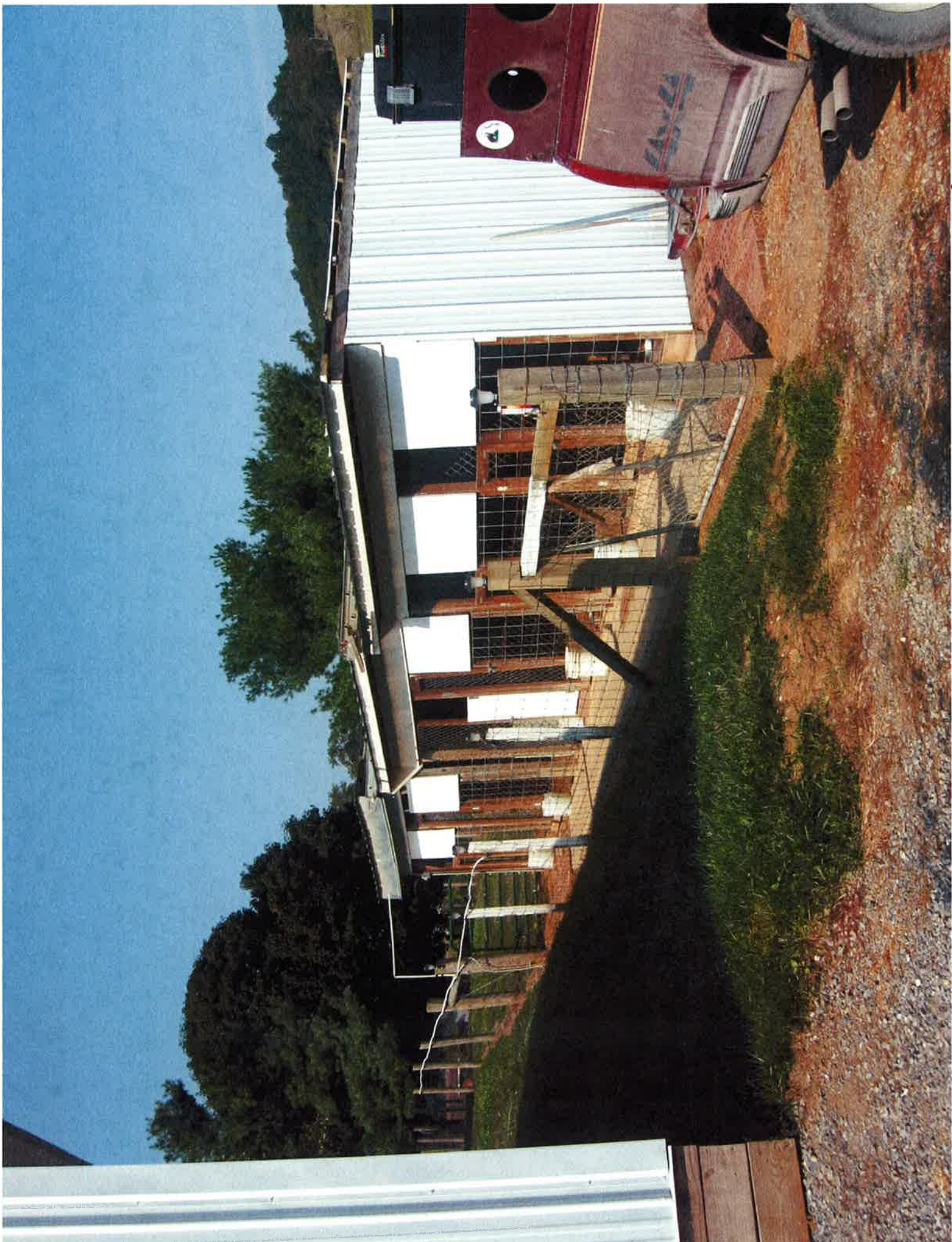
Due to the fact that the property is less than five (5) acres, the kennel structure is only about twenty-five (25') feet from the eastern side property line, and the close proximity of neighboring homes that may be impacted by noise or odors, staff cannot recommend approval of the request. However, if the Board desires to take into consideration that up to ten (10) dogs have been kept on this site for seventeen (17) years, Community Development has not received any complaints on the kennel, Animal Control gives positive comments on the kennel, and there have been recent changes to the ordinance standards, the Board feels the request is compatible with neighboring properties, and desires to approve the request, then staff would recommend the following conditions:

Pre-Conditions:

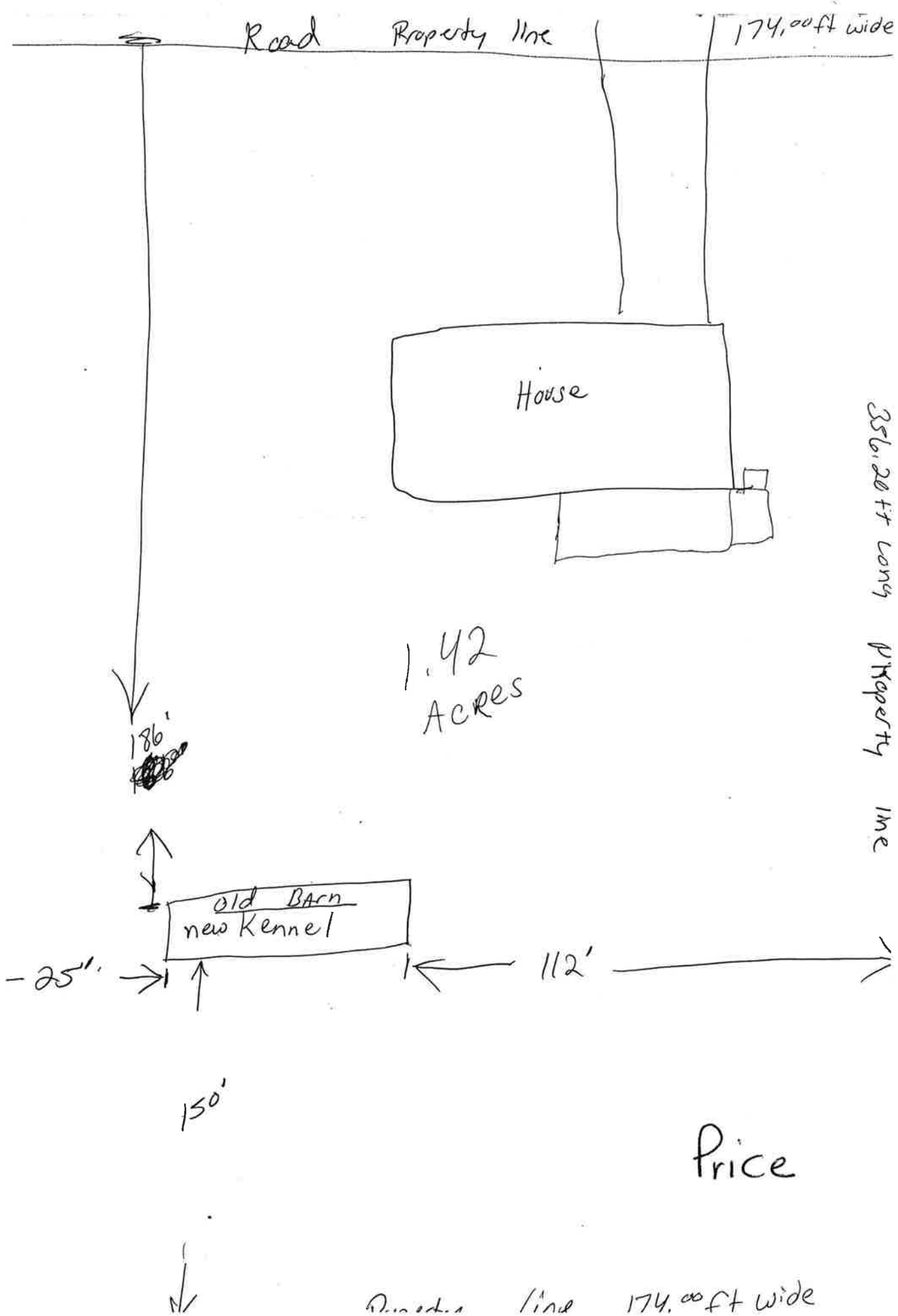
None

Operating Conditions:

1. Maximum of ten (10) adult dogs kept at this site at any time.
2. Site be kept neat and orderly.
3. Applicant must reside on premises.



Price



Road Property line

174.00 ft wide

House

1.42 Acres

186'

old Barn
new Kennel

-25'

112'

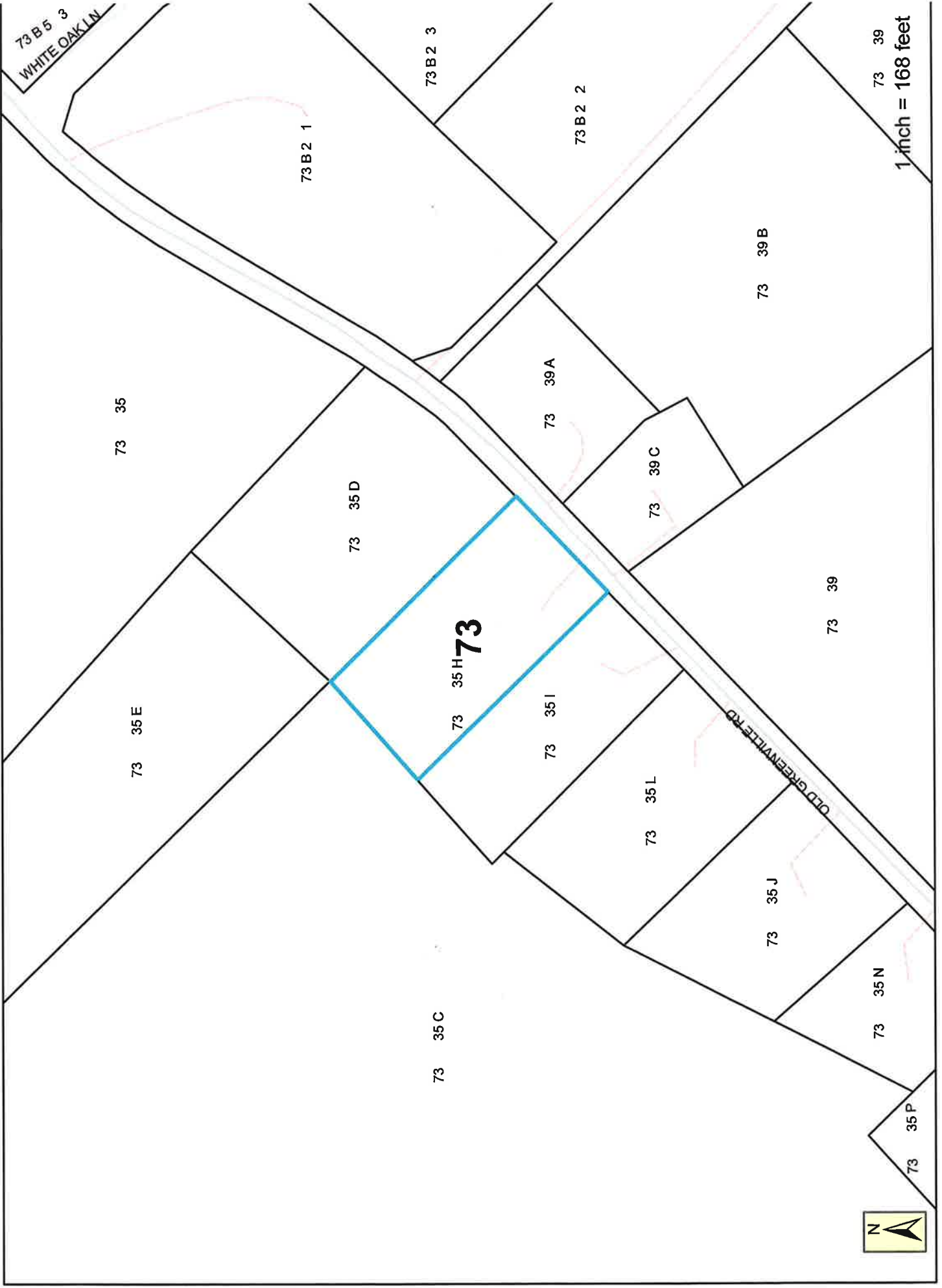
150'

356.20 ft long Property line

Price

Road Property line 174.00 ft wide

Price



AGENDA ITEM # 4G
Date 9/2/10

PROPERTY OWNER:
Vernon O. Lucas

APPLICANT:
Cindy Chandler Lucas

LOCATION OF PROPERTY:
On the west side of Hermitage Road (Route 254), opposite the intersection of Hermitage Road (Route 254) and Henkel Road (Route 827) in the Wayne District

SIZE OF PROPERTY:
5.973 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
01/10 SUP approved to have a kennel

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To increase the size of the kennel structure

PLANNING COMMISSION'S COMMENTS:
None

SECTION 25-74C - ANIMAL CARE FACILITIES

There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation.
The applicant bags and burns the waste.

Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals.

The applicant is requesting to increase the size of the kennel structure from 16' x 24' to 14' x 32'.

Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals.

The fencing will be four (4') feet high.

Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight.

The 12' x 32' fenced exercise area is covered.

There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate.

The facility is close to the house.

Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals.

The proposed facility and exercise areas should be adequate for the small breed of dog.

The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals.

The site contains 5.973 acres.

The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties.

The dogs are kept inside the kennel unless supervised.

No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

The Special Use Permit approved on January 7, 2010, was considered with the old setback requirements in effect before March 1, 2010. The applicant would like to keep the kennel at the fifty (50') foot setback.

STAFF RECOMMENDATIONS

The applicant is requesting to increase the size of the kennel structure from 16' x 24' (384 square feet) up to 14' x 32' (448 square feet). They are not requesting any increase in the number of dogs. The applicant kept an excellent facility at the previous location. Staff feels the request to add sixty-four (64) square feet to the kennel structure will not

increase the impact to the neighboring properties and would recommend approval of the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Kennel structure be 14' x 32'.
2. All other conditions of SUP#10-2 remain in effect.



Lucas

4K

4J

HENKEL RD

4P

HERMITAGE RD

1 inch = 100 feet

4A1

9A

LUCAS

9B

68

9C

4Y

61' x 32' - Covered Pans
41' x 32' - KENNEL
76' x 32' - TRAIL

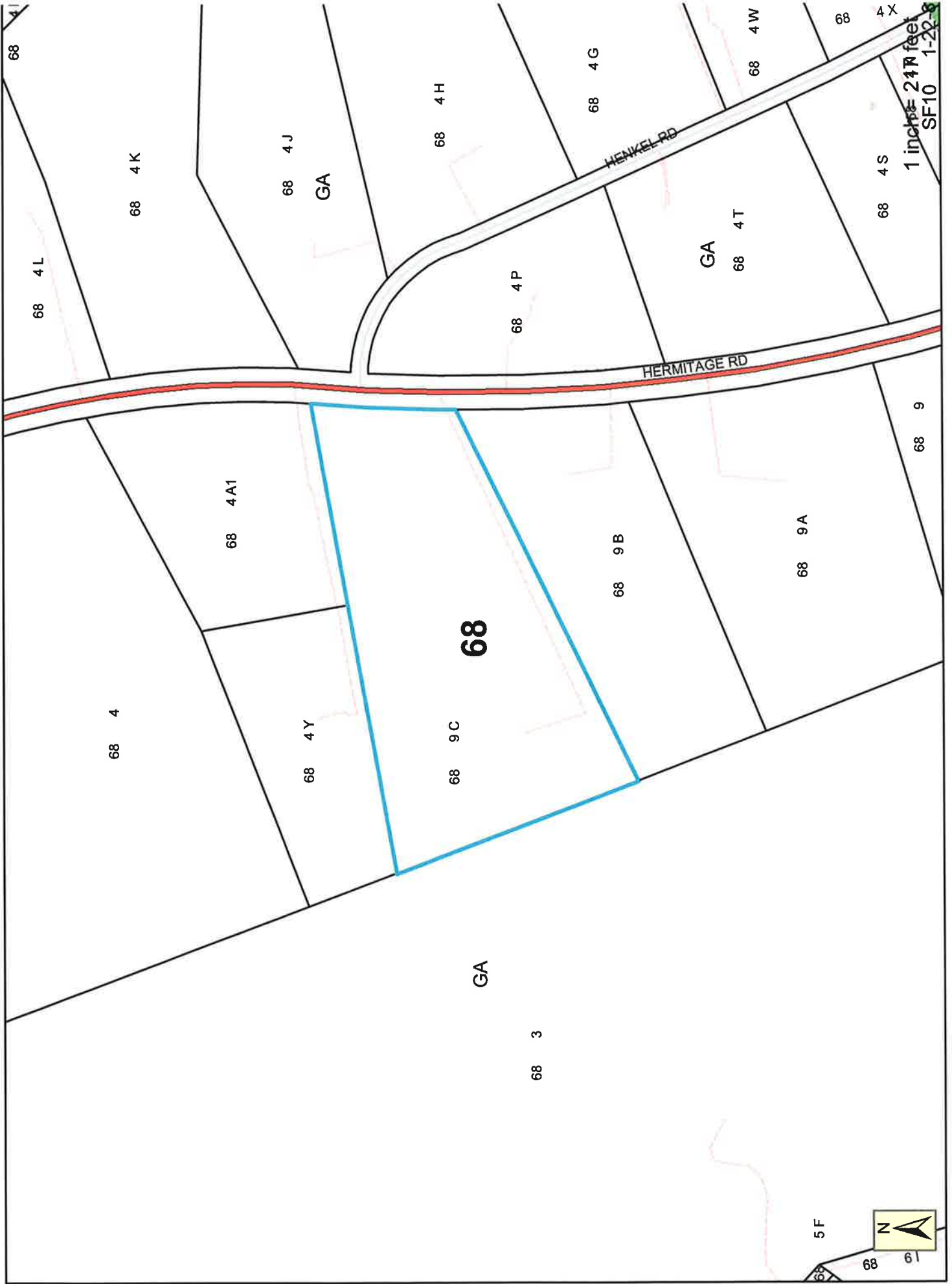
12' x 38' -
100' -
Bike Garage 17'

4

3



Lucas



AGENDA ITEM # 4H:

Date 9/2/10

PROPERTY OWNER:
Holsinger Farms, LLC

APPLICANT:
Daniel Holsinger, agent for Holsinger Farms, LLC

LOCATION OF PROPERTY:
On the west side of East Side Highway (Route 340), just west of the intersection of East Side Highway (Route 340) and Stream Hollow Lane in the Wayne District

SIZE OF PROPERTY:
101.575 acres

VICINITY ZONING:
General Agriculture to the north, south, and west; General Agriculture, Single Family Residential, and Manufactured Home Park to the east

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private

APPLICANT'S JUSTIFICATION:
Variance from the Floodplain Overlay District setback requirements in order to construct an agricultural building

PLANNING COMMISSION'S COMMENTS:
None

STAFF COMMENTS

The applicant is requesting a Variance from the Floodplain Overlay District setback requirements in order to construct a new loafing barn. The existing agricultural structures are in the Floodplain district. The applicant provided an Engineering survey that shows the new structure will be out of the Floodplain by elevation, but will not meet the new ordinance requirement adopted March 1, 2010, to be setback twenty-five (25') feet from the Floodplain boundary line. The survey shows the new structure will be at least thirteen (13') feet away from the Floodplain line at the closest point.

Section 25-478C states: Variances shall be issued only after the board of zoning appeals has determined that there is good and sufficient cause and that the granting of such variance will not result in (i) unacceptable or prohibited increases in flood heights, (ii) additional threats to public safety, or (iii) extraordinary public expense, and will not (i)

create nuisances, (ii) cause fraud or victimization of the public, or (iii) conflict with local laws or ordinances.

Staff feels the attached engineering survey shows that the applicant meets the FEMA Variance standards listed above and would recommend approval of the request with the following conditions:

Pre-Conditions:

None

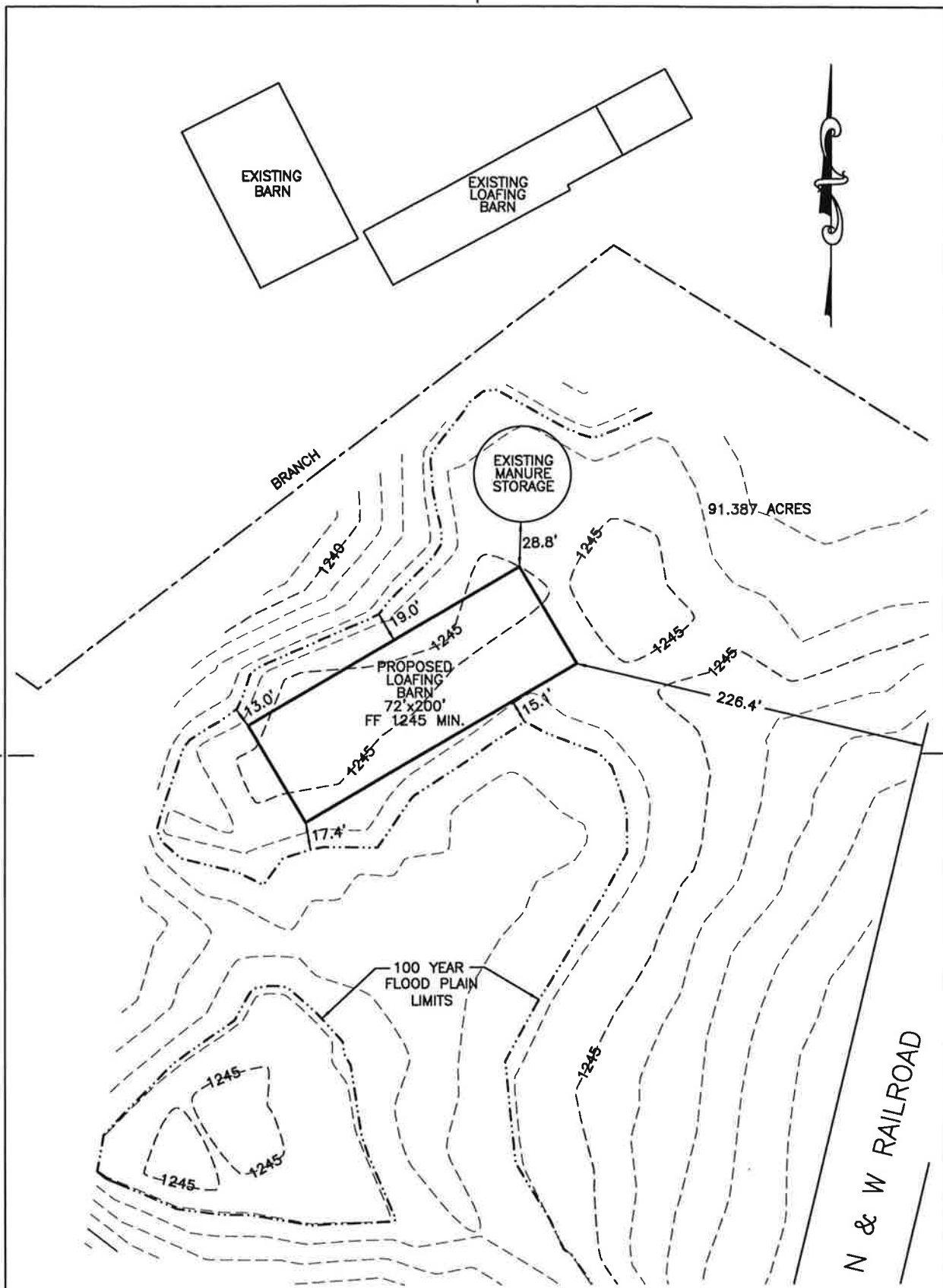
Operating Condition:

1. The new loafing barn be constructed as shown on the submitted plan.

Halsinger

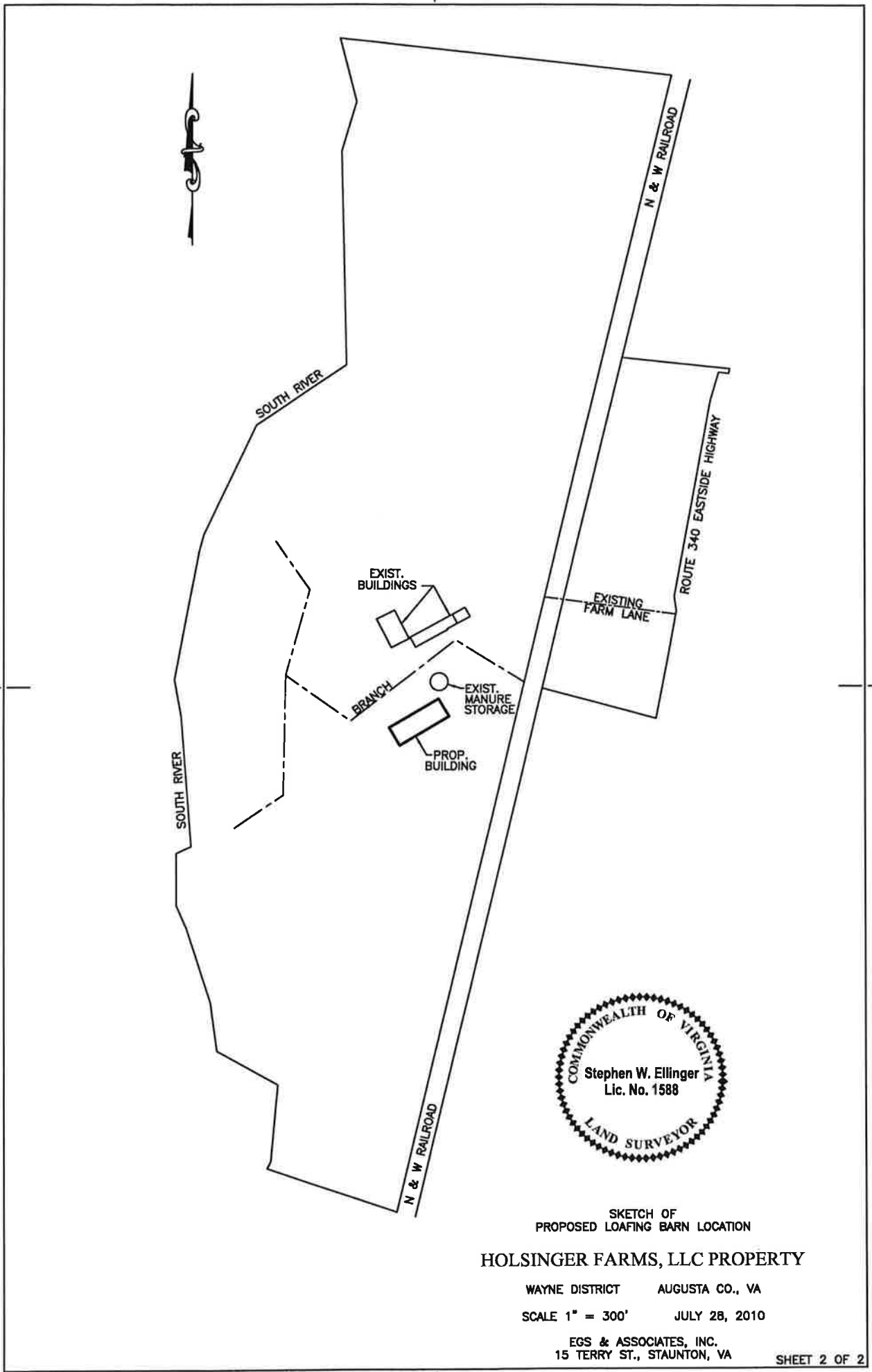






SKETCH OF
 PROPOSED LOAFING BARN LOCATION
HOLSINGER FARMS, LLC PROPERTY
 WAYNE DISTRICT AUGUSTA CO., VA
 SCALE 1" = 60' JULY 28, 2010

EGS & ASSOCIATES, INC.
 15 TERRY ST., STAUNTON, VA

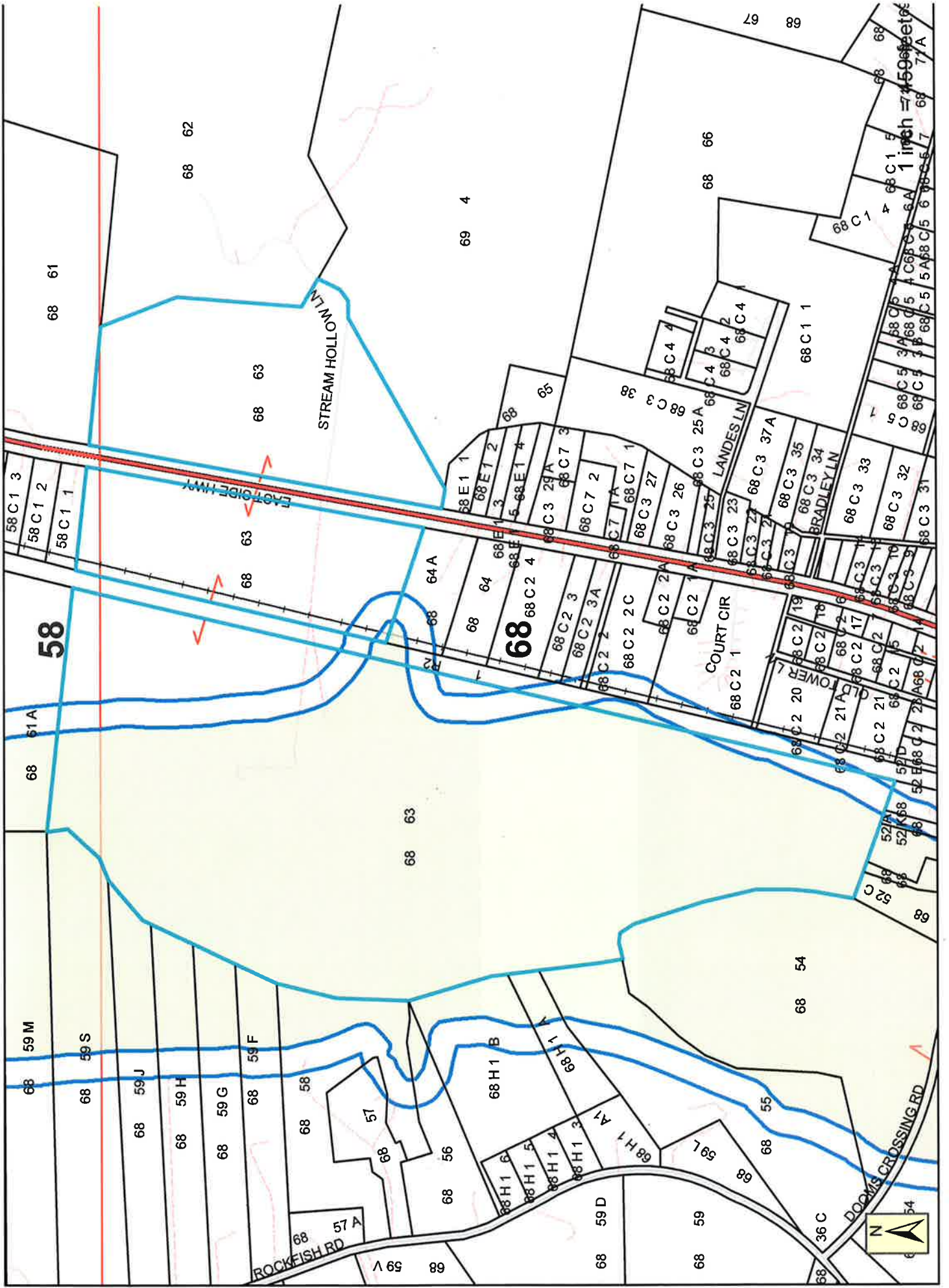


SKETCH OF
PROPOSED LOAFING BARN LOCATION
HOLSINGER FARMS, LLC PROPERTY

WAYNE DISTRICT AUGUSTA CO., VA
SCALE 1" = 300' JULY 28, 2010

EGS & ASSOCIATES, INC.
15 TERRY ST., STAUNTON, VA

Holsinger Farms



EXTENSION OF TIME

PROPERTY OWNER:

Charles R. or Bonnie R. Zickefoose

APPLICANT:

Same

LOCATION OF PROPERTY:

On the west side of George Waltons Road (Route 758), approximately .2 of a mile north of the intersection of George Waltons Road (Route 758) and Scenic Highway (Route 42) in the North River District

SIZE OF PROPERTY:

6.00 acres

VICINITY ZONING:

General Agriculture surrounds entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned Exclusive Agriculture

03/10 Zoned General Agriculture

LAND USE MAPS:

Agricultural Conservation Area

UTILITIES:

Private

APPLICANT'S JUSTIFICATION:

To construct a wind energy system in order to reduce energy consumption

PLANNING COMMISSION'S COMMENTS:

None

HIGHWAY DEPARTMENT'S COMMENTS:

This parcel is served by an existing private entrance. The private entrance, as constructed, will be adequate for the proposed use.

Supplement to farm income

The business will be subordinate to agriculture or forestry activity on premises as a reasonably limited supplement to farm income.

The applicant is requesting to construct a wind energy system to reduce energy consumption in order to supplement his fruit orchard.

Related to Agriculture

Business will be related to agriculture or forestry use. Examples are processing of agriculture or forestry products; supply and maintenance of equipment, tools, and facilities used in agriculture and forestry production; care and feeding of animals; or the marketing of agricultural or forestry products.

The operation of a fruit orchard is an agricultural use of the property.

Traffic Generation

Traffic generated will be compatible with roads serving the site and other traffic using the roads.

No additional traffic will be generated unless maintenance of the wind system is required.

Traffic Flow

On site traffic flow will adequately and safely accommodate all traffic.

The six (6) acre site can handle all traffic.

Appropriate Location

Business and enlargements will be appropriate for agricultural areas and not more properly placed in General Business zoned areas.

The six (6) acre agricultural property is an appropriate site for a wind energy system.

Sufficient Setbacks

Setbacks for proposed structures will be sufficient to protect neighboring properties from unreasonable noise, dust, odor vibration, etc.

The proposed setback is equal to the height of the tower and should be sufficient.

Character of Request

The permitting of the request will not result in a clustering of such businesses as to create a business center or change the area's character or social structure.

The approval of this request should not change the rural character of the area or result in a clustering of similar requests.

AUGUST 25, 2010 STAFF COMMENTS

The Special Use Permit for the wind energy system was approved on October 1, 2009. The wind energy support structure has been delivered to the site. The applicant is requesting six (6) months to get the system operational. Staff recommends approval.