

PRESENT: G. A. Coyner, II, Chairman  
 J. W. Callison, Jr., Vice Chairman  
 D. A. Brown  
 C. E. Swortzel  
 Timothy K. Fitzgerald, Director of Community Development  
 J. R. Wilkinson, Zoning Administrator & Secretary  
 S. K. Shiflett, Zoning Technician I

ABSENT: S. F. Shreckhise

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 2, 2010, at 9:15 A.M., in the County Government Center, Verona, Virginia.

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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:

- **Jeremy Nance - Special Use Permit**
- **Daniel Holsinger, agent for Holsinger Farms, LLC - Variance**
- **Said or Donna Rhafiri - Special Use Permit**
- **Allan Hadfield, agent for Dynamic Construction Services, Inc. - Special Use Permit**
- **Jeffrey S. or Rebecca L. Price - 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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 Chairman

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 Secretary

PRESENT: G. A. Coyner, II, Chairman  
J. W. Callison, Jr., Vice Chairman  
D. A. Brown  
C. E. Swortzel  
Pat Morgan, County Attorney  
J. R. Wilkinson, Zoning Administrator & Secretary  
S. K. Shiflett, Zoning Technician I  
Timothy K. Fitzgerald, Director of Community Development  
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: S. F. Shreckhise

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 2, 2010, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Mr. Swortzel moved that the minutes from the August 5, 2010 meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**STANLEY M. OR DEBORAH J. HORST - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Stanley Horst stated they would like to construct a building for a garage, laundry room, and game room. He stated they would use the building for their personal use as well as for rental cabins.

Chairman Coyner stated they have heard no complaints regarding this request. He asked if they would like to start constructing the building by this fall?

Mr. Horst stated yes. He stated they are working with an engineering firm for the Health Department regarding the septic.

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

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

Mr. Swortzel stated that the applicant has operated at the site for a long time. He stated that they have done a fine job. He moved that the request be approved 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.

Ms. Brown seconded the motion, which carried unanimously.

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**SAID OR DONNA RHAFIRI - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mrs. Donna Rhafiri stated that they would like to have a catering business at the home.

Chairman Coyner asked if they would prepare the food and then deliver it?

Mr. Rhafiri stated that the food would be delivered to parties or weddings.

Chairman Coyner asked where would the clients sample the food?

Mrs. Rhafiri stated wherever the event would be is where the tasting is held.

Ms. Brown asked what kind of food would the applicants prepare?

Mr. Rhafiri stated gourmet food/fine dining.

Chairman Coyner asked if the applicants are required to have a commercial kitchen?

Mrs. Rhafiri stated that they are working with the Health Department regarding that matter.

Chairman Coyner asked if the applicants would have any employees?

Mr. Rhafiri stated no. He stated that he will operate the business. He stated that he was an executive chef at the winery for twenty (20) years and now he is out of work.

Mrs. Rhafiri stated that she is a nurse at UVA.

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

There being none, Chairman Coyner declared the public hearing closed. He stated that the Board visited the property. He stated that the traffic concern is under control.

Ms. Brown moved that the request be approved 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.

Mr. Swortzel seconded the motion, which carried unanimously.

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**ALLAN HADFIELD, AGENT FOR DYNAMIC CONSTRUCTION SERVICES, INC. -  
SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Allan Hadfield stated that he is the Vice President for Dynamic Construction and they are a licensed Class A contractor in Virginia. He stated that they construct tower sites and they are a full service electrical operation. He stated that they purchased the property from Community Bank. He stated that they would like to construct a warehouse on the southern part of the property. He stated that they would like to construct an addition to the main structure in existence now to accommodate more meeting rooms, offices, and bathrooms. He stated that this property would be the main base for operation in order to house employees, equipment, and materials.

Chairman Coyner asked where would the applicant's work territory be?

Mr. Hadfield stated up and down Interstates 81 and 64. He stated that they are licensed in Tennessee, Alabama, West Virginia, Maryland, North Carolina, and Arkansas. He stated that they travel quite a bit.

Chairman Coyner stated that the applicant erects the towers.

Ms. Brown asked if the site would be maintained once it is built?

Mr. Hadfield stated once the tower is built it is the owner's responsibility to maintain it. He stated that the crews will come to this site. He stated that they load the trucks and grab material and then are gone for the week. He stated that the only daily traffic would be two (2) to three (3) office staff.

Chairman Coyner asked if the applicant operated out of a different location?

Mr. Hadfield stated yes he is moving his business operation from Forest, Virginia. He stated that it made sense for them to have the office closer together. He stated he lives in Staunton.

Ms. Brown asked how many towers were built this year?

Mr. Hadfield stated approximately twenty-two (22) towers.

Ms. Brown asked how long does it take to construct a tower?

Mr. Hadfield stated it depends on the design. He stated that it could take up to thirty (30) to forty-five (45) days.

Chairman Coyner asked if there would be heavy equipment and dozers at the site?

Mr. Hadfield stated that they have small mini-excavators and skid loaders. He stated that they rent the big equipment.

Chairman Coyner asked if the large equipment comes back to the site?

Mr. Hadfield stated that most of the time it goes from site to site occasionally they come back.

Ms. Brown asked if the items needed for the construction of the tower are delivered to the site?

Mr. Hadfield stated that the tower equipment is shipped directly to the site where the tower will be placed.

Mr. Wilkinson stated that the outside storage area will be used prior to the warehouse being constructed.

Mr. Hadfield stated yes. He stated that he is not financially ready to build the warehouse. He stated he would need some outside storage.

Chairman Coyner asked what would be stored in the building when it is built?

Mr. Hadfield stated spool reels and a lot of copper will be stored inside.

Chairman Coyner asked if they would still have the need for outside storage once the building is built?

Mr. Hadfield stated yes for the large equipment.

Mr. Wilkinson stated that the storage area on the site plan shows the fence and trees. He stated that staff is recommending fully enclosing the area so that people looking in cannot see the storage areas. He stated that staff recommended an eight (8') foot high opaque fence until the trees mature coming north and from Swartzel Shop Road. He stated that small trees would not be adequate.

Ms. Brown asked how many entrances would there be?

Mr. Wilkinson stated that the main entrance is on Swartzel Shop Road.

Mr. Hadfield stated they recently acquired an entrance permit from VDOT. He stated that the back entrance did not have a named route, therefore, VDOT did not care what they did with it. He stated that it is an easement to the VDOT shop.

Chairman Coyner asked if Mr. Hadfield had a right to use that easement?

Mr. Hadfield stated VDOT did not have a problem with them using it. He stated that he can completely enclose the site until the storage building is constructed and the trees get up to a certain height.

Chairman Coyner stated that the trees need to be living and a nice size. He stated that the trees need to be maintained.

Mr. Hadfield stated that they removed some of the dead trees the other owner had. He stated there is no screening along the southern side.

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

There being none, Chairman Coyner declared the public hearing closed. He stated that the applicant has really improved the appearance of the site.

Vice Chairman Callison stated that the site has dramatically improved in the last ten (10) days. He moved that the request be approved with 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.



6. An updated site plan be submitted prior to construction of the office addition or warehouse 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.
7. Applicant be given two (2) years to complete the project.

Mr. Swartzel seconded the motion, which carried unanimously.

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### **DIANE CLARK - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Ms. Diane Clark stated that she owns the shopping center in Fishersville. She is requesting to have an outdoor storage bar-b-que smoker on her property. She stated that she would like to smoke the pork bar-b-que and then sell it inside her coffee shop. She stated that it would not be sold in the parking lot. She stated that during the winter months she will take the smoker back to her residence if need be.

Ms. Brown asked if she would operate year round?

Ms. Clark stated yes at the shopping center. She stated that she will comply with the Health Department requirements. She said in the winter they may prepare the bar-b-que ahead so she is not outside in inclement weather.

Mr. Swartzel asked if she will need employees?

Ms. Clark stated that she will utilize the existing employees at the coffee shop.

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

Ms. Linda Hershey stated that she is the Vice President of the Greater Augusta Regional Chamber of Commerce. She stated that Diane Clark owns the strip mall and coffee shop and runs Blackthorn Academy. She stated that she won the award of 2008 entrepreneur of the year for Blackthorn Academy. She supports this request.

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

There being none, Chairman Coyner declared the public hearing closed. He stated that this is a well kept piece of property. He stated that the Board visited the site this morning.

Ms. Brown stated that this would be a good asset to the neighborhood. She moved that the request be approved with the following condition:

**Operating Condition:**

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

Mr. Swortzel seconded the motion, which carried unanimously.

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**JEREMY NANCE - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Jeremy Nance stated that he would like to sell plants and produce May thru October. He stated that they would like to have a full size tent. He stated that he has a current administrative permit for ninety (90) days but he would like to be at the site for the full length of the growing season.

Chairman Coyner asked if the camper would be removed?

Mr. Nance stated yes. He stated that the camper was at the site during the hot days so that he could go inside it to take a break from the heat.

Chairman Coyner asked if the applicant made arrangements for a restroom facility?

Mr. Nance stated yes. He handed the permission letter to share the facilities with the property in behind Fisher Auto.

Mr. Wilkinson asked if the 10' x 20' tent is adequate in size?

Mr. Nance stated 20' x 20' would be more sufficient.

Chairman Coyner asked if the tent would be left up?

Mr. Nance stated yes for the growing season.

Ms. Brown asked what type of design would the tent be?

Mr. Nance stated that it would have steel poles and canvas top.

Ms. Brown asked if it would be sturdy enough for a storm?

Mr. Nance stated yes. He stated that it would be well anchored.

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

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

Chairman Coyner stated that the applicant addressed the trailer and the restroom facilities.

Mr. Wilkinson stated that staff received revised comments that the entrance is adequate as per VDOT.

Mr. Swortzel moved that the request be approved with the following conditions:

**Pre-Condition:**

1. Remove the camper/trailer from the site within ten (10) days.

**Operating Conditions:**

1. Be permitted one 20' 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 1<sup>st</sup> thru October 31<sup>st</sup>.
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.

Ms. Brown seconded the motion, which carried unanimously.

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**JEFFREY S. OR REBECCA L. PRICE - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Mr. Jeffrey Price stated that he has had dogs for over seventeen (17) years. He stated that he has had a kennel license for the past three (3) years. He stated that he did not know that he needed a Special Use Permit. He stated that he uses his dogs for bear hunting.

Chairman Coyner asked if the applicant would be continuing with the number of dogs that they currently have?

Mr. Price stated yes. He stated that he does not want to have any more than ten (10) dogs.

Chairman Coyner stated that this site is a nice facility.

Ms. Brown asked how many dogs does the applicant currently have?

Mr. Price stated eight (8) dogs.

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

There being none, Chairman Coyner declared the public hearing closed. He stated that the Board visited the site this morning. He stated that the site is well cared for and the applicant is doing a good job with the dogs.

Mr. Wilkinson stated that he received two (2) letters from Patricia Benson and Kelly Rivenburg who stated that the dogs are well controlled and the site is very quiet. He stated that they have never had any problems with the dogs.

Ms. Brown stated that the comments from Animal Control read as follows: "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." She moved that the request be approved with 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.

Mr. Swortzel seconded the motion, which carried unanimously.

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**CINDY CHANDLER LUCAS - SPECIAL USE PERMIT**

This being the date and time advertised to consider 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.

Ms. Cindy Chandler Lucas stated that she went before the Board in January. She stated that they looked at kennel structures and found one that would hold the dog food and cages, therefore, she is requesting to increase the size of the kennel structure on the property. She stated that she is asking for more storage space. She is not requesting any more dogs.

Mr. Vernon Lucas stated that they would like to place the kennel back closer to the residence. He stated that would place the kennel structure closer to them and further away from the neighbor. He stated he would like the kennel setback of twenty-five (25') feet instead of fifty (50') feet.

Mr. Wilkinson stated that the permit that was approved in January was under the old ordinance which stated the setback be a minimum of fifty (50') feet. He stated that the current ordinance standards state that the kennel structure be a minimum of 200'.

Ms. Lucas stated that they also have indoor and outdoor runs. She stated that the dogs are brought in during the evening hours. She stated that the end of the sidewalk will be twenty-five (25') feet not the entire building.

Ms. Brown asked if there were any complaints received from the kennel?

Ms. Lucas stated that she has not had a complaint at any of her other two locations.

Mr. Morgan stated decreasing the setback would be a different application. He stated that it would require a Variance.

Mr. Wilkinson stated because they applied during the fifty (50') foot setback requirements they can still continue to go by the ordinance that was in effect prior to March 1, 2010, but they cannot be any closer. He stated the way the current ordinance is written the Board does not have any leeway. He stated in his opinion they can still maintain the fifty (50') foot because they applied before the new ordinance took effect.

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

There being none, Chairman Coyner declared the public hearing closed. He stated that they operated out of other locations in the past and has done a fine job at those locations.

Ms. Brown stated that the neighbors should not hear anything due to the added buffer area. She moved that the request be approved 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.

Vice Chairman Callison seconded the motion, which carried unanimously.

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### **DANIEL HOLSINGER, AGENT FOR HOLSINGER FARMS, LLC - VARIANCE**

This being the date and time advertised to consider 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.

Mr. Daniel Holsinger stated that he is one of the owners of Holsinger Farms. He stated that several generations ago the farms were established on the waterways. He stated that the existing operation is in the floodplain. He stated they are trying to move out of the floodplain in phases. He stated that the farm building can't quite fit without the Variance for the floodplain line. He stated they are out of the floodplain. He stated that he would be eleven (11') feet from the floodplain line. He stated they want to do this for the environment.

Chairman Coyner stated that this site is an optimal location.

Mr. Holsinger stated he is trying to get all of the buildings out of the floodplain. He stated that he is trying to make use of what they have.

Chairman Coyner asked if he could build on the hill?

Mr. Holsinger stated that the building has to be close to the feed storage areas.

Chairman Coyner asked if he would start constructing the building this fall?

Mr. Holsinger stated that he would like to get it done before winter.

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

Ms. Evelyn Niedentohl, 231 Link Road, Waynesboro, stated that she owns the property adjacent to Mr. Holsinger. She stated that she was unsure if the building would be near the farm or back to the railroad.

Mr. Holsinger stated near the farm.

Ms. Niedentohl stated she was unsure if there would be any noise of any kind but Mr. Holsinger has answered her questions.

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

There being none, Chairman Coyner declared the public hearing closed. He stated that the Board visited the site this morning.

Mr. Swortzel stated that this is a well run operation. He stated that this request complies with the requirements of Section 25-478C.

Ms. Brown stated that they are doing a good job. She stated that the applicant is looking at the environmental uses of the property and using the property the best he can.

Mr. Swortzel moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Condition:**

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

Vice Chairman Callison seconded the motion, which carried unanimously.

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**CHARLES R. OR BONNIE R. ZICKEFOOSE - SIX MONTH EXTENSION OF TIME**

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.



Mr. Wilkinson stated that the wind energy unit has been delivered. He stated that the applicant has yet to put it up. He stated that the unit should be operational in thirty (30) to sixty (60) days. He stated that the applicant is requesting a six (6) month Extension of Time.

Mr. Swortzel moved that the request be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**RICKY L., CINDY B., BRANDON, JOSHUA, AND CODY CAMPBELL - 30 DAY EXTENSION OF TIME REQUEST**

A request by Ricky L., Cindy B., Brandon, Joshua, and Cody Campbell, for a Special Use Permit to construct a building in order to have a construction business with outdoor storage on property owned by Ricky L. and Cindy B. Campbell, located in the southern quadrant of the intersection of Solstice Springs Lane and Guthrie Road (Route 652) in the Riverheads District.

Mr. Wilkinson stated that the site plan has preliminary approval. He stated that Mr. Campbell needs to pay his erosion fee and post his bond. He stated that he contacted Mr. Campbell because the permit will expire next week. He asked Mr. Campbell if he still needs the Extension of Time?

Chairman Coyner asked how long of an Extension of Time is the applicant requesting?

Mr. Ricky Campbell stated thirty (30) days.

Mr. Swortzel moved that the request be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**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

Mr. Wilkinson stated that the parking needs to be installed for SUP#09-52. He stated that staff will check the site in October. He stated that SUP#09-53 and SUP#09-54 are both in compliance. He stated that work has not been done for SUP#09-55. He stated that the applicant has two (2) years to complete the request.

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

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Chairman

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Secretary