

PRESENT: G. A. Coyner, II, Chairman  
 T. H. Byerly, Vice Chairman  
 D. A. Brown  
 S. F. Shreckhise  
 J. D. Tilghman  
 J. R. Wilkinson, Zoning Administrator & Secretary  
 Pat Morgan, County Attorney  
 S. K. Shiflett, Zoning Technician I

ABSENT: Timothy K. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 3, 2012, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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**VIEWINGS**

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

- **Al Soltis, agent for Lanford Brothers Company - Special Use Permit**
- **Charles Scott and Cathy R. Balsley - Special Use Permit**
- **Benjamin W. Cash - Special Use Permit**
- **Darcey or Kasey Knox - 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  
T. H. Byerly, Vice Chairman  
D. A. Brown  
S. F. Shreckhise  
J. D. Tilghman  
J. R. Wilkinson, Zoning Administrator & Secretary  
Pat Morgan, County Attorney  
S. K. Shiflett, Zoning Technician I  
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: Timothy K. Fitzgerald, Director of Community Development

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 3, 2012, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Vice Chairman Byerly moved that the minutes from the April 5, 2012, meeting be approved.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**AL SOLTIS, AGENT FOR LANFORD BROTHERS COMPANY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Al Soltis, agent for Lanford Brothers Company, for a Special Use Permit to have outside storage of milling materials, and have a mobile cold recycling mixing plant and equipment onsite when required for federal, state, or local road projects, on property owned by MEG, LLC, located on the north side of White Hill Road (Route 654), approximately .6 of a mile east of the intersection of White Hill Road (Route 654) and Folly Mills Station Road (Route 800) in the Riverheads District.

Mr. Al Soltis stated that he appreciated the County working with them on the Interstate 81 project. He stated that project was very successful. He mentioned he would like to keep

his equipment and mill material at the White Hill Road property. He stated he has been leasing the property from MEG, LLC.

Chairman Coyner asked if this is a mobile mill setup?

Mr. Soltis stated yes.

Chairman Coyner stated that when the applicant gets a larger job they will move the machines to a specific location.

Mr. Soltis stated by doing that they save a lot on fuel costs.

Chairman Coyner stated the applicant had an administrative permit for his operation and to his knowledge the operation went really well.

Ms. Brown asked if the applicant finished the projects on time?

Mr. Soltis stated they finished ahead of time. He stated they have three (3) goals when working on projects which include safety, quality, and completing the project on time. He mentioned they achieved all of those goals.

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. Shreckhise stated they have never had any problems in the past.

Vice Chairman Byerly stated this is a perfect location for this type of request.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. Hours of operation be 6:00 a.m. to 9:00 p.m.

2. Be permitted night time operation hours when required by state, federal, or municipal road projects.
3. Applicant provide an accurate count of trucks for night projects to Community Development.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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**CHARLES SCOTT AND CATHY R. BALSLEY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Charles Scott and Cathy R. Balsley, for a Special Use Permit to have a Halloween event facility on property they own, located at 528 Rock Mountain Lane, Crimora, in the Middle River District.

Mr. Charles Scott Balsley stated that he is applying to continue to do Halloween events to raise money for Relay for Life.

Chairman Coyner stated the events have been well attended. He mentioned the Board visited the site this morning. He stated Rock Mountain Lane is very narrow. He stated the Board is concerned about hundreds of cars driving down the road. He asked why the applicant is not having the Halloween events at his property that was recently acquired?

Mr. Balsley stated he would like to operate the Halloween event at this site one more time this year. He mentioned he is planning on moving the event to the new site next year.

Chairman Coyner stated they received many complaints on traffic along the road last year.

Mr. Balsley stated he has acquired parking from the adjacent property owner. He stated he has permission to park in their field which would alleviate any traffic on the road. He stated they want the traffic to move in and out smoothly.

Chairman Coyner asked if the vehicles would come and go throughout the evening?

Mr. Balsley stated yes. He stated it starts to get crowded closer to dark as well as the closer it gets to Halloween.

Chairman Coyner asked if his staff would be sure that no one parks along the road?

Mr. Balsley stated yes. He mentioned he will have a minimum of six (6) parking attendants working to help with parking as well as other staff to monitor the area. He mentioned they will not be limited this year as far as parking goes.

Chairman Coyner asked if the Halloween event would be for this year only at this site?

Mr. Balsley stated yes.

Mr. Shreckhise asked what would be done with the fields if it rains?

Mr. Balsley stated they have not had an issue with the fields before. He stated the fields are all solid. He mentioned there will be two (2) way traffic at the site.

Chairman Coyner asked what would happen if there was a strange weather pattern such as a large amount of rain?

Mr. Balsley stated they would close for the evening if there is an issue.

Vice Chairman Byerly asked how would the customers be notified?

Mr. Balsley stated they will notify them on their website or facebook page. He stated they could also put signs up that they are closed for the evening at the end of the road. Mr. Shreckhise stated the applicant would be in violation of their permit if there is traffic along the road. He asked how many days would the applicant operate?

Mr. Balsley stated about thirteen (13) days.

Chairman Coyner asked if they would operate weekends?

Mr. Balsley stated yes throughout Halloween. He mentioned Thursdays would be a non-scare night. He stated last year they donated \$25,000 to Relay for Life and \$27,000 to the American Cancer Society.

Ms. Brown asked how much do you charge?

Mr. Balsley stated \$10.00 per person.

Ms. Brown stated if the event gets cancelled there should be a sign out along Route 340 and at the church.

Chairman Coyner asked if this is a young person event?

Mr. Balsley stated it is for all ages. He stated they recommend ages ten (10) and older. He mentioned the event is family oriented, no alcohol, and no smoking.

Ms. Brown asked if they would sell food?

Mr. Balsley stated the church group would obtain a temporary Health Department permit to sell food.

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

Mr. Conrad Wyrick, 467 Rock Mountain Lane, Crimora, stated that he is the applicant's stepfather. He mentioned that he has signed the paper allowing the vehicles to park on his property. He stated that if this becomes a problem the applicant would need to find another alternative. He stated they will upgrade both fields for weather access. He stated they will hire a private duty deputy this year to be onsite. He stated if they do not hold the event this year they will not be able to move the Halloween event to their new location. He stated this is a good thing for the County and it will help bring in tourism dollars.

Ms. Kerry Clement stated that she is the Augusta County Community Manager for the American Cancer Society. She stated their fundraiser is the largest from Winchester to Roanoke. She stated this event is vital to the American Cancer Society and key in their budgeting.

Mr. Michael Grove, 375 Rock Mountain Lane, Crimora, stated that he is not opposed to the event itself. He stated the traffic situation needs to be dealt with. He stated that they will need to patrol the area and be aware of all of the actions of the attendees. He stated since the applicant has acquired a second parking area they will need to communicate well once they are full in order to have a continuous flow of traffic along the road for safety purposes. He also would like for them to keep in mind the noise ordinance of the County.

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

There being none, Chairman Coyner asked Mr. Balsley to address some of the concerns.

Mr. Balsley stated that he is trying to hold the event just one more year at this site. He mentioned he has acquired some additional parking in the field. He stated that if the lots get full he can always turn people away.

Chairman Coyner stated they are trying to do a good thing but it would be a shame to let a couple people ruin it for everyone. He stated the Board is not going to tolerate people parking along the road.

Mr. Balsley stated that he does not want the neighbors to be upset. He stated they always make sure there is no trash along the road or along the property. He stated the County noise ordinance is listed as midnight. He asked if the staff recommended stipulation could be amended from 10:00 p.m. to midnight.

Mr. Shreckhise stated 11:00 p.m. would be fine with him. He asked if they collect the money after the cars are parked?

Mr. Balsley stated yes.

Mr. Shreckhise stated if the applicant runs out of parking then they should turn customers away. He stated they need to be really efficient with the parking area.

Mr. Wilkinson showed the Board the parking area displayed on the aerial.

Ms. Brown asked how many vehicles would the applicant expect at the site?

Mr. Balsley stated on a busy night it could be about 500 vehicles.

Chairman Coyner declared the public hearing closed. He stated this has been a very successful fundraiser. He mentioned it has gone very well with the exception of the backlog of traffic. He stated when the first car parks along the road there will be a problem.

Ms. Tilghman agreed that the parking along the road is a major concern.

Ms. Brown requested that the signs be placed along the road for closings.

Mr. Shreckhise stated no parking should be on the road.

Vice Chairman Byerly stated that he applauds Mr. Balsley undertaking this scale of charity. He feels that the applicant has addressed the major issues with traffic and safety. He thanked the neighbors for their input and understanding. He moved that the request be approved with the following conditions:

**Pre-Condition:**

None

**Operating Conditions:**

1. Fall festival including the Haunted Forest and Haunted Corn Maze be permitted Thursday, Friday, and Saturdays, the last two weekends in September thru October. Be permitted to be open three (3) weekdays during the week when Halloween falls on a weekday.
2. Porta-johns, as approved by the Health Department, may be used for special events and must be located so they are not visible from public roads.
3. No alcohol permitted onsite.
4. No outdoor music, amplified sound, or noise above 70 decibels after 11:00 p.m.
5. Site be kept neat and orderly.
6. Any new outdoor lights over 3,000 lumens require lighting plan submittal and must meet ordinance requirements.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Permit be granted for two (2) years.
9. No vehicles may be parked on the road.
10. Signs be posted along Route 340 and the church for all inclement weather closings.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**BENJAMIN W. CASH - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Benjamin W. Cash, for a Special Use Permit to have a tree, landscaping, and mowing business on property he owns, located at 288 Goose Creek Road, Fishersville, in the Wayne District.

Mr. Benjamin Cash stated he would like to store his vehicle in the building. He stated that he has a landscaping and mowing business. He mentioned he also uses an enclosed trailer which is rarely at the site.

Chairman Coyner stated the Board visited the site this morning. He asked if the truck and trailer are normally kept at the site?

Mr. Cash stated yes they are kept onsite. He stated occasionally there will be an agricultural trailer stored onsite but that is for the farm use. He stated that his intention is to build a new building onto the existing building and close off the one end in order for it to look better.

Chairman Coyner asked if he will plant pines along the property to shield the neighbor's view?

Mr. Cash stated yes he can plant some trees. He stated it has been a concern of his neighbor. He stated the Service Authority currently is dumping waste material at the site. He stated that he has been getting fill dirt from the Wilson Elementary project. He mentioned that it has been his objective to get a turnaround at the site.

Chairman Coyner asked if this is his side business?

Mr. Cash stated yes.

Chairman Coyner asked if he only needs one (1) employee?

Mr. Cash stated that he has one (1) employee who picks up the equipment and then leaves.

Chairman Coyner asked if he needs more than one (1) employee?

Mr. Cash stated no. He does have guys who help on the agricultural part but not with his business.

Mr. Shreckhise asked if he would have outside lighting?

Mr. Cash stated no.

Mr. Shreckhise asked if there would be retail sales?

Mr. Cash stated no.

Chairman Coyner asked if there would be pesticides, chemicals, or fuel tanks stored onsite?

Mr. Cash stated no.

Vice Chairman Byerly asked if he would have any security lighting at the property?

Mr. Cash stated he would not have any lighting as per the request of Mr. Pingry.

Mr. Wilkinson read four (4) letters in support from adjacent property owners regarding the request.

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

Mr. Bob Pingry, 306 Goose Creek Road, Fishersville, stated that he supports Mr. Cash's request but he does have some conditions that he would require. He mentioned as long as those conditions are acted on and respected he would have no problem with the request. He stated the fill that was brought to the property significantly changed the look of the driveway. He mentioned he does not want the value of his property diminishing. He stated that he does not want to change the nature of the area from residential to a business area. He mentioned the fill does not look good. He stated the landscape border along the property would be fine. He mentioned that he is concerned about stormwater. He stated that Mr. Cash should have respect and not work onsite from 9:30 p.m. to 7:00 a.m. He also requested that the dumpster be screened so that it is not visible from his property. He stated there should not be any outside speakers or sound system at the site. He stated any additional flow of development may cause some additional problems.

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.

Mr. Wilkinson stated that anything less than 10,000 square feet of land disturbance would be a civil matter.

Chairman Coyner stated that it takes a neighbor to be a neighbor. He stated the Board visited the site this morning and it seems as though this is a nice operation.

Ms. Brown stated the property is neat and clean.

Mr. Cash mentioned that he would be able to move the dumpster behind the building.

Ms. Brown moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be limited to three (3) pieces outside and they can be either vehicles, trailers, or equipment. One (1) item may be parked on the east side of the building and the other two (2) must be parked behind the building.
2. All equipment, machinery, and materials for the business be kept inside the 40' x 60' barn.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Site be kept neat and orderly.
5. No more than one (1) employee to come to the site.
6. Hours of operation be 7:00 a.m. to 9:00 p.m. Monday – Saturday.
7. No Sunday work.
8. The existing 40' x 60' building may be reconstructed but not expanded.
9. Applicant must reside on premises or the adjacent parcel.
10. The storage area be screened by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center and must be maintained at all times.

11. Dumpster be kept on the northwest side of the building.

12. No further expansion of this site.

Ms. Tilghman seconded the motion, which carried unanimously.

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**DARCEY OR KASEY KNOX - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Darcey or Kasey Knox, for a Special Use Permit to have a kennel on property they own, located at 522 Guthrie Road, Staunton, in the Riverheads District.

Mr. Darcey Knox stated that they have rescued six (6) Siberian Huskies that are kept inside the home or in the fenced yard. He stated Animal Control came to their property and they said the dogs look great. He stated they have never had any complaints about them.

Chairman Coyner asked if they breed the dogs?

Mr. Knox stated no.

Chairman Coyner asked if they are asking for a specific number?

Mr. Knox stated that they will not rescue anymore until one passes.

Ms. Brown asked if they are all older dogs?

Mr. Knox stated that the oldest dog is eleven (11) years old.

Vice Chairman Byerly asked what is the expected life span of the breed?

Mr. Knox stated eleven (11) years old.

Chairman Coyner asked if their names are listed at the shelters for rescue?

Mr. Knox stated yes. He stated they first look to see if their existing dogs are compatible with the ones they rescue. He stated they sometimes get dogs that do not fit with their existing dogs and then they will need to be returned back to the shelter.

Chairman Coyner stated the site looks great. He mentioned that you can tell that the dogs are kept inside because the grass was not worn out.

Mr. Knox submitted three (3) letters in support from the neighbors and friends.

Ms. Brown asked how far is the closest neighbor?

Mr. Knox stated 1,000' and the other one is 2,400'.

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

Ms. Ashley Cowan stated the dogs are well taken care of. She stated the family loves the animals.

Mr. Ricky Campbell, 220 Solstice Springs Lane, Stuarts Draft, played a video for the Board. He mentioned the property shown on the video is not an example of the Knox property. He stated the video shows good and bad examples in the area. He stated the video shows kennels along Guthrie Road and who does not take care of their facility. He stated there needs to be restrictions placed on kennels. He mentioned the dogs should not be kept outside all at the same time. He stated that a lot of animals need good homes. He stated that he does have a list of names that would prefer the applicant only have eight (8) dogs.

Mr. Wilkinson read the proposed conditions that staff wrote up.

Mr. Campbell stated the fellow that works with him says he cannot have more than two (2) dogs outside at the same time in the exercise area. He stated they do not know what type of dogs they will get when rescuing. He stated the applicant has a large breed dog.

Mr. Bradley Knox, 522 Guthrie Road, Staunton, stated they keep their dogs inside. He stated to bring two (2) dogs out at a time in the 40' x 40' area for fifteen (15) minutes would not be practical or good for the dogs. He stated they are all adjusted to each other and like to play with each other. He stated the dogs love each other and we love them. He stated they will not harm any one with 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 the Board visited the site this morning and it is a very well kept place. He stated the fence is quite substantial.

Vice Chairman Byerly stated that he has no problem with nine (9) dogs the way it is managed.

Mr. Shreckhise stated that one of the dogs is older. He stated nine (9) large dogs is a high number.

Mr. Knox stated the 40' x 40' kennel is for leisure time to get the dogs outdoors. He stated that they have not had a dog get off the property unattended. He stated the dogs going outside together should not be a problem.

Mrs. Kasey Knox stated they do own their own business and make their own hours. She stated they go in the fields with two (2) to three (3) dogs at a time for walks.

Chairman Coyner stated once the older dog expires the number should be reduced to eight (8).

Mr. Knox stated that would be fine with him.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. Maximum of nine (9) adult dogs kept at this site at any time, however, once one (1) expires the applicant be limited to **only eight (8)** dogs.
2. All dogs be confined within the home or the 40' x 40' kennel unless under direct control of the owners.
3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
4. Applicant must reside on premises.

5. Animal Control to inspect the site every year.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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**MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**WILLIAM F. AND JULIE S. CROFT - EXTENSION OF TIME**

A request by William F. and Julie S. Croft, for a Special Use Permit to construct an addition onto an existing dwelling in order to have a bed and breakfast and special events on property they own, located at 331 Glebe School Road (Route 708), Swoope, in the Pastures District.

Ms. Julie Croft stated she is requesting an Extension of Time due to the fact that they have been delayed with getting their building permit. She stated they went ahead and started the renovation on the existing structure. She purchased another log structure and moved it to the property. She stated it took awhile to get the architectural plans to the County. She stated they were on hold for at least six (6) months. She stated they have to complete the renovation of the log structures before starting the new construction. She stated this has been a slow process. She mentioned that next month she is hoping to complete the electrical and plumbing inspections. She stated they are doing the interior framing now. She hopes to have this project completed within a year.

Mr. Shreckhise asked if the applicant would prefer the Board granting an eighteen (18) month Extension of Time?

Ms. Croft stated that would be sufficient.

Mr. Shreckhise moved to approve the eighteen (18) month Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 11-32 Happy Critter, Inc.
- 11-33 Ronald E. or Theresa B. Hunt
- 11-34 Everette W. or Janice E. Orebaugh

11-35 Billy G. or Margaret A. Riley  
11-36 Robert A. or Louise A. Harris

Mr. Wilkinson stated that all of the permits have been inspected and are all in compliance.

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Mr. Morgan passed out the court cases for the Board to review.

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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