

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 5, 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:

- **Ward H., Jr. and Jane B. Alford - Special Use Permit**
- **Allan Hadfield, agent for Blue Marlin Investments - Special Use Permit**
- **Monte N. and Donna L. Atkins - Special Use Permits**

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

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
 B. Cardellicchio-Weber, Administrative Assistant

ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 5, 2012, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Vice Chairman Byerly moved that the minutes from the June 7, 2012, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

WARD H., JR. AND JANE B. ALFORD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ward H., Jr. and Jane B. Alford, for a Special Use Permit to have motor vehicle repair and sales, body shop, and equipment repair within the existing building, and to modify the outdoor storage on the existing permit on property they own, located at 3867 Stuarts Draft Highway, Waynesboro, in the South River District.

Mr. Ward Alford, Jr. stated that he would like to increase the outdoor parking for his construction equipment. He mentioned he will thin out his equipment because he is currently in violation of his permitted outdoor space although he has never been called about it. He stated he no longer has eight (8) to ten (10) employees going to various jobsites. He stated he would like the Board to extend his parking spaces from two (2) to six

(6) in order to rearrange the contracting portion of the business. He mentioned he would also like to operate an auto and equipment repair and sales business.

Chairman Coyner stated the outdoor sales would be in addition to the construction business. He mentioned that he has never received a complaint at this site.

Mr. Shreckhise stated this is a small business that would not take up much space.

Chairman Coyner stated they have had an automobile business at this site previously.

Mr. Alford stated that they currently work on their own vehicles in the shop now. He stated this would be a good use for the facility.

Ms. Brown asked if he would have any employees?

Mr. Alford stated that he currently does not have any employees. He stated he occasionally gets help with his contracting business. He mentioned there would be employees associated with the body shop. He stated the traffic to and from will diminish rather than increase. He stated he has had eight (8) to ten (10) vehicles at the lot before.

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

Mr. David Beyeler, 3949 Stuarts Draft Highway, Waynesboro, stated this property used to be King's Tune Up. He stated that Mr. Alford runs a good clean business. He stated that his son lives behind Mr. Alford's business and wanted him to speak on his behalf. He stated that his son feels that Mr. Alford is a good neighbor and he is in support of this request. He mentioned he has some of the best improved business in the neighborhood.

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.

Chairman Coyner stated the Board viewed the property this morning. He stated this site is maintained very well.

Mr. Shreckhise stated this is a small business that would not interfere with the neighbors. He moved that the request be approved with the following conditions:

Pre-Condition:

None

Operating Conditions:

1. Be limited to six (6) licensed vehicles or pieces of equipment outside in conjunction with the construction office or repair garage.
2. All other equipment, machinery, and materials for the business be kept inside the building.
3. All vehicles for the body shop to be kept inside the rear of the building or the four (4) spaces shown behind the building.
4. Be limited to ten (10) vehicles displayed for sale.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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ALLAN HADFIELD, AGENT FOR BLUE MARLIN INVESTMENTS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Allan Hadfield, agent for Blue Marlin Investments, for a Special Use Permit to use the existing building in conjunction with a construction business, increase the outdoor storage area, and continue the wrecker service on property owned by Albert, Jr. and Ellen M. Conner located at 31 Swartzel Shop Road, Greenville, in the Riverheads District.

Mr. Allan Hadfield stated he is requesting a Special Use Permit to operate a tower construction business at the property. He stated they will utilize the existing building for indoor storage as well as outdoor storage. He mentioned he would also like to continue the wrecker business and extend the fenced in area and possibly relocate the wrecker business in the future to that lot in order to have some separation between the two entities.

Chairman Coyner stated the applicant has done a nice job with the property that they are currently using and he would expect this to be the same. He 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 the Board visited the site this morning. He stated the property adjacent to this site has been used for a few years and they have done a tremendous job with that site.

Ms. Brown stated the site is kept neat and orderly. She mentioned they have not had any problems with the way the applicant has operated. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All towed or inoperable vehicles, equipment, machinery, and materials for the business be kept inside the fenced area or building.
2. The new 100' x 100' storage area be enclosed by a six (6') foot or higher chain-link fence.
3. The existing opaque privacy fence and tree buffers be maintained.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

Ms. Tilghman seconded the motion, which carried unanimously.

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MONTE N. AND DONNA L. ATKINS - SPECIAL USE PERMITS

This being the date and time advertised to consider a request by Monte N. and Donna L. Atkins, for a Special Use Permit to increase the number of pieces of equipment kept outdoors on property they own located at 1246 McClures Mill Road, Greenville, in the Riverheads District.

This being the date and time advertised to also consider a request by Monte N. and Donna L. Atkins, for a separate Special Use Permit to have outdoor storage of equipment and materials on property they own on the north side of McClures Mill Road just north of the intersection of McClures Mill Road and Broadhead School Road in the Riverheads District.

Chairman Coyner stated the Board has received numerous phone calls and letters regarding both of these requests. He mentioned the Board will here both requests at the same time and then act on each of them individually.

Ms. Donna Atkins stated they would like to expand the number of vehicles at the site as well as storage of equipment and jobsite materials across the road in order to keep the rest of the property neat.

Chairman Coyner stated this business started out as a "ma and pop" business but it looks like the business has expanded over the years.

Ms. Atkins stated this is as big as they are going to be.

Chairman Coyner stated the Board has seen pictures with equipment scattered all over the property.

Ms. Atkins stated after they finished up their jobs in February, all of the vehicles had to be serviced. She stated half of that equipment is now all gone. She stated the rest of the year they should be on the jobsite unless they have bad weather.

Chairman Coyner asked about the dirt at the site?

Ms. Atkins stated that is a sediment trap in order for them to keep the fish living. She stated they dug a trench and dumped it there so they can move the dirt later.

Chairman Coyner asked about the entrance to the site?

Mr. Wilkinson showed the Board the aerial of the site and explained where the approved entrance is located onto McClures Mill Road. He stated that with grading and some tree removal VDOT may grant a commercial entrance onto Broadhead School Road.

Chairman Coyner stated the Board visited the site this morning. He asked why the entrance was not developed?

Ms. Atkins stated the trees have gotten bigger. She stated it is difficult to get trailers into the site.

Chairman Coyner stated that the Board's intent is for the applicant to get started with their business and when it becomes successful or the applicant outgrows the site then they should move to a business or industrial location. He asked if they considered moving the business?

Ms. Atkins stated they bought this property but if they did get bigger they would have to move to another location.

Ms. Brown asked Mr. Wilkinson to explain the two (2) violation notices.

Mr. Wilkinson stated staff notified the applicant in 2005 and in 2012 regarding the number of trucks and equipment at the site. He mentioned in 2005 the applicant removed the extra equipment. He stated in 2012 the applicant contacted him to make application to increase the trucks and pieces of equipment at the site as well as apply for a permit for the lot across the road. He mentioned the applicants do not have a Special Use Permit to store equipment across the road. He stated after receiving the violation letter, the applicants reduced the pieces of equipment and trucks to twenty (20) which is permitted under the current permit.

Chairman Coyner stated there is some old pipe on the lot across the road already. He asked if that was part of the construction business?

Ms. Atkins stated yes.

Chairman Coyner mentioned that the applicant started using the lot across the road before getting their Special Use Permit approved.

Ms. Tilghman asked if it would be feasible to have storage across the road? She mentioned the dump trucks would not be able to get onto that site.

Ms. Atkins stated it would be mostly storage of backhoes and equipment. She stated the dump trucks will not be able to get in there. She stated they would take a pickup truck to the site.

Ms. Tilghman asked if the trees would be cleared out?

Ms. Atkins stated they could trim some of the trees if they have to.

Chairman Coyner stated there is a theory of being out of sight, out of mind. He stated the site is not intended to be a junkyard.

Ms. Atkins stated they will do their best to keep it up.

Ms. Brown asked if the VDOT comments are related to the entrance that they are using?

Mr. Wilkinson stated VDOT commented on both sites. He stated the paved straightaway could be a commercial entrance for the applicant. He stated the applicant should contact VDOT.

Ms. Brown asked if they have a commercial entrance on the new permit?

Mr. Wilkinson stated VDOT asked that it be a requirement if the permit is granted.

Chairman Coyner stated that is the entrance the applicant is using now.

Mr. Monte Atkins stated the entrance was there when they bought the property so they started using it.

Ms. Brown stated the entrance has a steep grade.

Chairman Coyner stated he does not see the reasoning in putting equipment across the road in the woods.

Ms. Atkins stated they would like to keep everything neat and orderly near the shop.

Mr. Atkins stated the cleared spots would be used for attachments for the equipment.

Ms. Brown asked if the barriers stay on the property?

Mr. Atkins mentioned they are used for flood control.

Ms. Brown asked if supplies are brought back to the site from construction jobs?

Ms. Atkins stated no.

Chairman Coyner asked how much equipment does the applicant have?

Ms. Atkins stated thirty-five (35) trucks and equipment total.

Mr. Atkins mentioned most of the time the equipment is stored at the jobsite. He stated the only time the equipment and trucks are kept onsite is in the winter time and when they are serviced.

Chairman Coyner asked if the applicants do all of the service work?

Mr. Atkins stated yes.

Chairman Coyner asked if the spills are contained?

Mr. Atkins stated yes.

Ms. Brown asked if everything is stored in containers?

Mr. Atkins stated yes and disposed of properly.

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

Mr. Wilkinson stated the Board received four (4) letters in support of the requests. He stated all four (4) letters had no objections to the way the property is being used.

Mr. Homer L. Hite, 1151 McClures Mill Road, Greenville, stated that he is the husband of one of the owners of the site. He stated they live in King George, Virginia. He previously submitted a letter to the Board. He stated he is here to speak in opposition to the requests. He mentioned that these requests do not conform with the Comprehensive Plan and to agriculture. He stated these requests will impact the neighbors. He stated this is not a "ma and pop" operation. He stated the size of the storage areas have gone well beyond that type of operation. He stated the applicants have had a history of violations. He stated he is opposed to the requests on TM#82-25B and TM#81-36B.

Mr. Kenneth Earman, 486 Pilson Road, Greenville, stated this started as a "ma and pop" operation. He stated that he has not been opposed to the request until now. He mentioned what the Board saw today is not a true representation of what is normally there. He stated normally it is overwhelmed with construction equipment. He stated that it is time to find a new place to go. He stated they will be happier and so will the neighbors.

Mr. Eric Earhart, 686 Broadhead School Road, Greenville, stated that he lives across from the site. He mentioned he has never said a word until now. He stated they do not need to expand their operation.

Mr. William Speck, 868 Broadhead School Road, Greenville, stated that he agrees with the recommendation from the Planning Commission and staff. He stated there is a problem with equipment being stored along Broadhead creek with environmental problems that could occur. He stated the Board should take into consideration items being stored near the creek. He stated the Board should also take into consideration canceling the existing permit as well as not approving any expansions.

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

There being none, Chairman Coyner asked the applicants to speak in rebuttal.

Mr. Atkins stated there are no issues environmentally. He stated they have a sediment trap at the site and is cleaned up every couple of years. He stated they use silt fence and erosion controls at the site. He stated they need to abide by the law. He stated they are doing a lot more than the other residents in the area.

Chairman Coyner declared the public hearing closed.

Ms. Tilghman stated that the Board should take the Planning Commission's recommendation under consideration. She stated the whole point of allowing small businesses in agricultural areas is to have them blend in with agriculture as well as to allow people to get started with their business. She stated these requests do not conform to the spirit of the ordinance. She stated the Board has helped the applicants get started with their business but at some point they will have to move to a business or industrial location. She stated their competitors have to at some point. She stated this size business needs to be at a business or industrial location. She stated there are quite a few neighbors in this area. She mentioned these roads are not meant to have all of the traffic that would come with this business. She stated going by the spirit of the law this request should not be here. She stated that a lot of businesses start out in agricultural districts. She stated these applicants are blessed and lucky that their business has grown. She stated she is looking at the overall picture and sees that this is not what the laws intended to happen. She stated they intended for someone to get a start. She stated the applicants should move to another location in order to expand their business.

Ms. Brown stated the sites are on a curve in the road and they had to move over so both vehicles would get by. She stated that she is in agreement with Ms. Tilghman.

Mr. Shreckhise stated he also agrees. He stated the applicants should expand their business to an area that is business zoned due to the number of vehicles they are requesting.

Vice Chairman Byerly stated the applicants have had two (2) violations cited. He stated the applicants' current permit is for twenty (20) vehicles. He stated he would have a problem increasing the equipment storage to thirty-five (35). He stated in the future he would like to see a neater operation. He stated today the site looked much better than it did in February. He mentioned that since the business has expanded it would be better to move it to a business location which probably would benefit the neighbors as well as the owner.

Chairman Coyner mentioned that it is important for the applicants to adhere to the stipulations that this Board sets forth. He stated the entranceway that is approved needs to be used. He stated the applicant has excavating equipment to fix the road in order for it to be used.

Mr. Wilkinson stated the applicant's current permit limits them to twenty (20) pieces of equipment or vehicles. He stated they are asking to increase the amount to thirty-five (35).

Mr. Shreckhise stated that if the applicant changes an entrance, they need to get into compliance with VDOT.

Mr. Morgan stated they can enforce the original permit that states the required entrance as per VDOT.

Ms. Tilghman asked about rescinding the existing permit?

Mr. Shreckhise stated the original permit cannot be considered for cancellation today.

Mr. Morgan stated the original permit has not been advertised for cancellation with today's meeting.

Mr. Wilkinson stated the applicants will need to get in touch with VDOT in order to use the other entrance at the site.

Chairman Coyner stated they viewed the site this morning and the lot for storage could become a junkyard very easily.

Ms. Brown agreed.

Ms. Tilghman moved that the request to increase the number of pieces of equipment at 1246 McClures Mill Road be denied.

Mr. Shreckhise seconded the motion, which carried unanimously.

Ms. Brown moved that the request to have outdoor storage of equipment and materials on the north side of McClures Mill Road just north of the intersection of McClures Mill Road and Broadhead School Road be denied.

Mr. Shreckhise seconded the motion, which carried unanimously.

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STAFF REPORT

- 11-41 David L. Gardner
- 11-42 C. Rodgers Huff, Trustee & Etal
- 11-43 Stonewall Jackson Area Council of Boy Scouts of America
- 11-44 Everette L. Gardner

Mr. Wilkinson stated SUP#11-41 is approaching the completion of their addition and would like the Board to tour the site. He stated that SUP#11-42 is in compliance. He mentioned two (2) staff cabin permits were applied for on SUP#11-43. He stated the Board granted the Boy Scouts five years to complete the items on the permit. He stated SUP#11-44 is 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

Secretary