

PRESENT: G. A. Coyner, II  
 D. A. Brown  
 J. R. Wilkinson, Zoning Administrator & Secretary  
 Timothy K. Fitzgerald, Director of Community Development

ABSENT: T. H. Byerly, Chairman  
 S. F. Shreckhise, Vice Chairman  
 J. D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 2, 2013, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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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:

- **Pat Coffield, Agent For The Regional Animal Shelter Land Trust - Special Use Permit**
- **Warren Rodeffer And John Jantzi, Agents For The District Board Of The Shenandoah District Church Of The Brethren - Special Use Permit**
- **John Arehart, Agent For The Spottswood-Raphine Ruritan Club, Inc. - Special Use Permit**
- **Rachael Shull - 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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 Vice Chairman

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 Secretary

PRESENT: S. F. Shreckhise, Vice Chairman  
G. A. Coyner, II  
D. A. Brown  
Pat Morgan, County Attorney  
J. R. Wilkinson, Zoning Administrator & Secretary  
Timothy K. Fitzgerald, Director of Community Development  
B. Cardelicchio-Weber, Administrative Assistant

ABSENT: T. H. Byerly, Chairman  
J. D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 2, 2013, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Mr. Coyner moved that the minutes from the April 4, 2013, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**PAT COFFIELD, AGENT FOR THE REGIONAL ANIMAL SHELTER LAND TRUST - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Pat Coffield, agent for the Regional Animal Shelter Land Trust, for a Special Use Permit to construct an addition to the existing shelter and add an accessory building on property it owns, located at 1001 Mt. Torrey Road, Lyndhurst, in the South River District.

Mr. Pat Coffield stated he is the Chairman of the Shelter Committee. He stated Waynesboro, Staunton, and Augusta County got together and renovated the Happy Critter site and it became very operational. He stated the size of the facility fits the statutory

needs, however, they are asking for the addition in order to keep the animals until they find the appropriate placement. He noted they are near capacity because they try to hold the animals until they get the appropriate owner. He stated their goals are to find homes for the animals. He stated they are requesting this expansion in order to meet the needs of the community. He stated they have demonstrated that they are good neighbors.

Ms. Brown asked if they showoff the dogs and cats at different area stores?

Mr. Coffield stated this morning Wal-Mart gave them the announcement that they can bring the animals there. He stated they need more agencies to take the animals out for a day in order to make it easier to adopt the animals. He stated they encourage that and make it readily available.

Vice Chairman Shreckhise asked if the expansion would increase the noise in any way?

Mr. Coffield stated the animals are all contained. He stated they do take the dogs out for walks and they encourage when someone wants to adopt an animal they allow them to walk the dog. He stated they only take out one (1) or two (2) dogs at a time.

Ms. Brown asked what the caged in area is on the right hand side?

Mr. Coffield stated it is a sally port, a closed in gate that they can release the animal in but it is fenced in so the officer can get control of the animal. He stated it is there to protect the animals, officer, as well as the community.

Mr. Coyner stated there are no complaints on file regarding this request.

Mr. Coffield stated they have hired a good employee who works with the rescue agencies in order to find good placement for the animals.

Ms. Brown asked if someone needed to move into a retirement home would Animal Control pick up the animal?

Mr. Coffield stated most animals are picked up by Animal Control Officers are running at large but if there is a special circumstance like that they may be able to pick up the animal.

Ms. Brown asked where are the animals being picked up from?

Mr. Coffield stated from Waynesboro, Staunton, and Augusta County.

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

Ms. Katie Martin, 26 Russell Rock Lane, stated she lives in Greenville. She stated she rescues cats and horses and she is in favor of this request.

Vice Chairman Shreckhise asked if there was anyone else wishing to speak?

There being none, Vice Chairman Shreckhise declared the public hearing closed. He stated this request is not detrimental to the neighbors or the area.

Mr. Coyner stated this is a good thing and it seems to be working because there is no one here to speak in opposition.

Ms. Brown stated the Board visited the site this morning. She stated the site is neat and orderly and this request will be helping the three localities.

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

**Pre-Condition:**

1. Submit site plan meeting the requirements of Section 25-673 ~~%~~Site Plan Contents+of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.

**Operating Conditions:**

1. Be permitted to construct a 36qx 50qenclosed addition and place a 15qx 20qstorage building.
2. The facility will have no outdoor runs or kennel.
3. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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**WARREN RODEFFER AND JOHN JANTZI, AGENTS FOR THE DISTRICT BOARD OF THE SHENANDOAH DISTRICT CHURCH OF THE BRETHERN - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Warren Rodeffer and John Jantzi, agents for the District Board of the Shenandoah District Church of the Brethren, for a Special Use Permit to construct an accessory building on property it owns, located at 1453 Westview School Road, Weyers Cave, in the Middle River District.

Mr. Warren Rodeffer stated he is requesting permission to build a 42x 56 storage building in order to store vehicles. He stated the church does disaster work in the eastern part of the United States. He stated currently the vehicles are stored outside all of the time. He stated if they get approved for the building they will be able to store the vehicles inside in order to protect them.

Mr. Coyner asked what type of building will be constructed?

Mr. Rodeffer stated a pole barn with a cement floor. He stated Headwaters Construction has given them a bid to build it.

Mr. Coyner asked if they planned on building this summer?

Mr. Rodeffer stated yes.

Mr. Coyner asked how big is the district?

Mr. Rodeffer stated they have areas from Franklin, West Virginia to Charlottesville and from Buena Vista to Winchester which includes 102 churches.

Ms. Brown asked if all of the churches help with the disaster relief?

Mr. Rodeffer stated yes. He mentioned they send a group out at least once a month. He stated they usually send out fifteen (15) to eighteen (18) people.

Ms. Brown asked how long do they stay?

Mr. Rodeffer stated two (2) weeks to about a month. He stated they have stayed one (1) year in Pulaski rebuilding houses where there was tornado damage.

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

There being none, Vice Chairman Shreckhise declared the public hearing closed.

Ms. Brown stated the Board visited the site today and saw where they would like to locate the building. She stated all equipment and the vehicles will be stored in the building. She stated this will be good for the district. She moved that the request be approved with the following conditions:

**Pre-Condition:**

1. Submit site plan meeting the requirements of Section 25-673 %Site Plan Contents+of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.

**Operating Condition:**

1. Be permitted to construct a 42qx 56qaccessory building.

Mr. Coyner seconded the motion, which carried unanimously.

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**JOHN AREHART, AGENT FOR THE SPOTTSWOOD-RAPHINE RURITAN CLUB, INC.-  
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by John Arehart, agent for the Spottswood-Raphine Ruritan Club, Inc., for a Special Use Permit to add a ballfield and batting cage on property it owns, located at 797 Spottswood Road, Raphine, in the Riverheads District.

Mr. John Arehart stated they would like to add a ballfield for t-ball which is in the outfield of an existing field. He mentioned they have already started constructing the batting cage.

Mr. Coyner stated the Board visited the site this morning. He stated this type of activity is good for the community.

Mr. Arehart stated this is the only thing in the area for kids to do. He stated he coached for over twenty (20) years. He stated they are trying to do this right even though they started before getting the permits. He stated since they were adding to what they had already they did not realize they needed the permit.

Ms. Brown stated she is a Ruritan member also. She stated the grounds are kept beautiful and the fields are very neat and orderly.

Mr. Arehart stated the South Augusta Baseball League does the bulk of the work.

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

Mr. Martin Chittum, 20 Old B&O Road, Spottswood, stated he lives one house behind the property across the road. He stated he is in favor of this for the kids. He stated sometimes they see a few lights but that is it.

Mr. Edward Holden, 38 Spottswood Road, Greenville, stated he has lived at the site for fifteen (15) years. He stated they have done a wonderful job and he is glad to see young folks have the option to play structured sports. He mentioned he is in favor of this request.

Mr. Michael Shull, 6173 Lee Jackson Highway, Raphine, stated he is here to speak in favor of this. He stated this is a favorable part of the community. He stated he is a member of the Ruritan Club. He stated we need places like this for children to participate in because if they are on the ballfields, they are not out getting into trouble. He noted he supports this request.

Mr. Joey Jones, President of the South Augusta Baseball League, stated it is their mission to provide baseball to the community. He stated the fields have been in place for more than fifty (50) years. He stated they are not expanding due to growth. He stated the purpose of the t-ball field is so the children are not kept playing past 9:30 at night. He stated no organized t-ball game would start beyond 7:30 p.m. He stated the volume would be reduced. He stated the kids will get home earlier and that is why the field is being moved. He stated they have put in a backstop and the batting cage so balls do not get on the neighbors property. He stated they go to extraordinary efforts to keep the property looking neat and orderly. He stated that field was actually already being used. He stated they will not use the t-ball field for major or minor games.

Ms. Brown asked how long does the t-ball game last?

Mr. Jones stated they are lucky to get two (2) innings in. He stated about twenty-two (22) cars left passed 8:30 p.m. and half of them go out a different route.

Ms. Brown asked how many batting cages do you have?

Mr. Jones stated one.

Ms. Brown asked what are the ages of the children?

Mr. Jones stated four (4) through six (6) year olds and sometimes seven (7) year olds in t-ball.

Ms. Brown asked how many are on a team?

Mr. Jones stated nine (9) to eleven (11) on a team. He stated they are not experiencing growth currently but there are two (2) housing developments going in the Riverheads area so that may not be the case in the future. He stated the league consists of two (2) counties and five (5) school districts.

Vice Chairman Shreckhise stated it seems that many people have showed up in support of the request. He noted the Board has also received a letter in support as well.

Mr. Jason Barker, 765 Spottswood Road, Steeles Tavern, stated he is here to speak in opposition to the request. He stated his house is on the corner of where the parking is. He stated they have owned the house for five (5) years. He stated he likes baseball but he is concerned with the parking. He stated there is too much traffic for the facility. He stated there are too many cars at the site at one time. He stated the third field is unnecessary and traffic will get worse.

Ms. Brown asked what the speed limit is for the road?

Mr. Barker stated 35 mph.

Ms. Lindsey Barker, 765 Spottswood Road, Steeles Tavern, stated she is in opposition to the request and is concerned because things have changed this year with regards to traffic. She mentioned that there has been one hundred (100) cars parked at the site at a time. She stated some people parked their cars facing her house. She stated in the evenings when they leave they shine their lights into her house. She mentioned she goes to work at 3:00 a.m. and she has been awoken with people beeping the horn and shining lights at her house at 10:00 p.m. and 11:00 p.m. She stated the ballfields have created so much congestion. She stated they cannot handle another ballfield creating additional traffic. She stated the traffic did not used to be this way. She stated the ballfield will be close to their property. She stated she does not want any lights on the field. She stated the applicant should be satisfied with the two (2) fields that are already there. She showed the Board



pictures of the congestion and the cars facing her home with the headlights on. She mentioned that she is not against children playing baseball but if they add a third ballfield it is going to bring more traffic.

Vice Chairman Shreckhise stated any change with the request or with lighting they would need to come before the Board. He asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Shreckhise asked the applicant to speak in rebuttal.

Mr. Arehart stated they do want to be good neighbors. He stated there have been a lot of good points addressed by the neighbors. He stated they have already been doing t-ball on one of the fields. He stated adding the field will ensure getting the kids home earlier at night.

Ms. Brown stated when the vehicles leave it will be during Daylight Savings Time, therefore, they should not have to turn their headlights on because those games should finish earlier.

Vice Chairman Shreckhise asked if the area will be fenced in?

Mr. Arehart stated he cannot say that the Ruritan Club would fence in the field. He stated they will need to vote on everything they do. He stated he would be willing to do anything they need to be a good neighbor.

Mr. Jones stated the speed limit should be reduced by 10 mph. He stated congestion does happen especially when a game ends and people are coming in at the same time. He stated this usually happens at 6:00 p.m. and 7:30 p.m. He stated the third field being added is not due to an increase in enrollment. He stated they are moving from one location to another and they will be starting at 6:00 p.m. instead of 7:30 p.m. He stated t-ball just started this Saturday. He stated this will enable the kids to get done before dark. He stated they do not plan on installing lights on the field.

Vice Chairman Shreckhise declared the public hearing closed. He stated this project is good for the area.

Mr. Coyner stated he would encourage the applicant to be sure that cars do not park facing the neighbors home. He would commend the Ruritan Club for their hard work.

Ms. Brown stated traffic issues are possible. She stated the cars should be parked in a certain direction so that it does not affect the neighbors.

Mr. Coyner stated the applicant stated they are not increasing the total volume of players. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. New field be installed as shown on the BZA plan and be used as a tee-ball field or warm-up area.
2. Batting cage be permitted as shown on BZA plan.
3. Provide a person to direct parking in the field so that cars are not parked facing the adjacent neighbor's house.

Ms. Brown seconded the motion, which carried unanimously.

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**RACHAEL SHULL - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Rachael Shull, for a Special Use Permit to have an auto parts store within an existing building on property owned by Huey W. or Mary L. Mullins, located at 4779 Lee Jackson Highway, Greenville, in the Riverheads District.

Ms. Rachael Shull stated she would like to open an auto parts store. She stated they are cleaning up the building. She stated the retail business will consist of anything related to cars.

Ms. Brown asked if the applicant has ever done this before?

Ms. Shull stated her husband has and he will be the manager.

Ms. Brown asked if they would have any employees?

Ms. Shull stated just her husband and herself.

Ms. Brown stated the Board visited the site this morning. She stated the site is looking good.

Ms. Shull stated her family is here and they would like to keep their business in the community.

Mr. Coyner stated this would be a good improvement to the building.

Mr. Wilkinson stated VDOT had an extensive amount of comments.

Ms. Shull stated they had a meeting with VDOT and they have approved them for a moderate commercial entrance. She stated they wanted to wait to see if the Board approved the request before committing to the expense of putting in the entrance. She stated it will cost \$15,000. She stated they are required to put in a barrier and 35qof a paved entrance. She stated they will need to obtain a surety permit. She stated there will be a decorative fence to block off the rest of the property. She stated there will be no parking in the front entrance and off the side. She noted they are thinking about having a shared entrance since Mr. Mullins owns property on both sides.

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

Mr. Dustin Shull stated he will be the manager. He mentioned that he has had ten (10) years worth of experience and is very knowledgeable with auto parts. He stated the majority of the business will be online and drop shipped. He stated they would probably not have any more than twenty (20) to twenty-five (25) cars per day coming to the site. He stated there will be no large delivery trucks coming to the site.

Ms. Phyllis Barndollar, 12 Russell Rock Lane, Greenville, stated she lives across the road from the business. She stated this is an agricultural area. She stated they do not need any more traffic coming to the area and they do not need another business in the area. She stated there is an auto parts store less than ten (10) miles away. She asked how many auto part stores do we need in the area. She stated this site was used as a business before and it was unsuccessful. She mentioned that this will create a lot of noise in the area. She strongly opposes the request.

Mr. Coyner asked how long has she lived in the area?

Ms. Barndollar stated since 1998.

Ms. Katie Martin, 26 Russell Rock Lane, Greenville, stated she lives behind Ms. Barndollar. She operates a mini ranch there and she bought the property in December. She stated she also leases land. She stated the area is mainly agricultural and consists of mainly seniors. She stated she loves the peace and quiet of the area. She stated she rescues animals. She stated there is so much truck traffic that her horses have gotten out. She stated this is a rural area and she does not want any more traffic then what is there already. She stated she rescues cows, horses, goats, cats, and dogs. She stated there is an auto parts store in Stuarts Draft and Staunton already. She mentioned they do not want the traffic in the area. She stated she is not against the applicant making a living but she does not want the extra traffic.

Ms. Brown asked where her property was?

Ms. Martin stated she owns a large piece of property and leases an additional six (6) acres.

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

There being none, Vice Chairman Shreckhise asked the applicant to speak in rebuttal.

Ms. Shull stated the business will not generate much traffic. She stated most of the business will be through online sales. She stated this will have a family feel and not be a big chain. She felt they had a lot to offer and they love being in the County.

Ms. Brown asked about the VDOT issues and the driveway entrance being reduced?

Ms. Shull stated VDOT would like for customers to come in and out at one spot in order to reduce the entrance area. She stated they have spoken with VDOT and they are willing to pay someone to do the work.

Mr. Shull stated they are going to put up a fence. He stated there will be no issue with sight distance. He stated nothing will be displayed outside.

Ms. Brown asked about the Health Department comments?

Mr. Shull stated this is a retail operation. He stated since they are not selling food they do not need to do anything. He stated they will not have any employees working at the site. He stated they will have a water cooler for customers to drink from. He stated the septic tank is still operable. He stated they also have a cistern. He stated there was a business there until the mid 1990s. He stated it has been vacant until now.

Ms. Brown asked when the building was built?

Mr. Shull stated in the 1950s.

Ms. Martin stated the fence will block the view of Ms. Barndollar's yard.

Mr. Coyner stated there have been several commercial businesses at the site. He stated they try to encourage businesses to do well in the area.

Ms. Brown stated most of the business will be online sales and drop shipped. She stated there will not be much traffic coming to the site. She asked what type of fence will be at the site?

Ms. Shull stated the fence will be logs that are stacked. She stated she wants an attractive/nice looking fence at the site. She stated it will serve as a barrier. She mentioned it will not be very tall or block the view of any of the properties.

Vice Chairman Shreckhise declared the public hearing closed. He stated the Board will be limiting the hours of the permit. He stated there will be no employees except for family members.

Ms. Brown stated all permits are reviewed within a year for compliance. She stated if any of the neighbors have any issues they should contact the Community Development Department.

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

**Pre-Condition:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.

**Operating Conditions:**

1. Hours of operation be 9:00 a.m. to 6:00 p.m. Monday . Saturday and noon to 3:00 p.m. on Sunday.

2. No employees other than family members.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Wilkinson mentioned to Ms. Martin that rescuing is a wonderful thing but keeping more than four (4) dogs over the age of six (6) months would require a Special Use Permit.

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

### **LYNN KOERNER, AGENT FOR GLOBAL TOWER, LLC - SPECIAL USE PERMIT**

A request by Lynn Koerner, agent for Global Tower, LLC, for a Special Use Permit to construct a wireless telecommunications facility on property owned by James and Magdalene Brenneman, located on the north side of Lyndhurst Road (Route 624), approximately .25 of a mile west of the intersection of Lyndhurst Road and Tic Tree Lane in the South River District. . **TWO YEAR EXTENSION OF TIME REQUEST**

Mr. Lynn Koerner stated AT&T did stop working on this project. He stated they were not able to start the process within applying for their one (1) year Extension of Time. He stated carriers are upgrading equipment. He stated they have been pulling in a lot of their new development funding the last couple of years. He stated now they have seen an increase requesting the development of new sites and they hoped that when they finish upgrading their programs they would hope to start working on the request. He would appreciate the Board granting the two (2) year Extension of Time.

Ms. Brown asked if they would use fiber optics or copper?

Mr. Koerner stated more than likely it would be fiber connection to the tower but it depends on the carrier.

Mr. Coyner stated this is a logical request. He moved that the two (2) year Extension of Time be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**STAFF REPORT**

12-28	Conner, Albert, Jr. and Ellen M.
12-29	Alford, Ward H., Jr. or Jane B.

Mr. Wilkinson stated SUP#12-28 and SUP#12-29 are both 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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Vice Chairman

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Secretary