

PRESENT: T. H. Byerly, Chairman
D. A. Brown
G. A. Coyner, II
J. D. Tilghman
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney

ABSENT: S. F. Shreckhise, Vice Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 5, 2013, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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.

VIEWINGS

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

- **COURTNEY FISHER, AGENT FOR VIRGINIA ELECTRIC AND POWER COMPANY/DOMINION VIRGINIA POWER - SPECIAL USE PERMIT**
- **LEROY WELLS, AGENT FOR CHAPARRAL (VIRGINIA), INC. AND GERDAU AMERISTEEL US, INC. - SPECIAL USE PERMIT**
- **JOHN E. NORDER - SPECIAL USE PERMIT AND VARIANCE**

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.

Chairman

Secretary

PRESENT: T. H. Byerly, Chairman
D. A. Brown
G. A. Coyner, II
J. D. Tilghman
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney
Sandy Bunch, Zoning Technician I

ABSENT: S. F. Shreckhise, Vice Chairman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 5, 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 August 1, 2013, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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PRESENTATION BY CHRISTINA CAIN FROM THE STAUNTON CREATIVE COMMUNITY FUND, INC.

Ms. Christina Cain presented to the Board information on them offering workshops, training, and loans to small businesses in the area.

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COURTNEY FISHER, AGENT FOR VIRGINIA ELECTRIC AND POWER COMPANY/DOMINION VIRGINIA POWER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Courtney Fisher, agent for Virginia Electric and Power Company/Dominion Virginia Power for a Special Use Permit to have a contractors office and storage yard on property owned by Eastside Speedway, Inc., c/o A.L. Gore, located at 115 Al Gore Lane, Waynesboro, in the Wayne District.

Ms. Courtney Fisher stated she would like to continue the use of the property as a storage yard they have had under an Administrative Permit. She stated they are currently working on rebuilding their 50 mile line for the Dooms project and they want to use the area for a regional storage yard which requires the Special Use Permit.

Ms. Brown asked if this storage lot will be the prime area for storage?

Ms. Fisher stated they will try to keep it local and may have several other yards.

Mr. Coyner asked if the level of operation will be the same?

Ms. Fisher stated she would anticipate nothing changing with the operation.

Mr. Coyner asked if the applicant would have service trucks at the site?

Ms. Fisher stated no, storage material only.

Mr. Coyner asked what stops people pilfering through the storage yard?

Ms. Fisher stated they intend to put a fence there.

Mr. Coyner asked if the applicant maintains the grass?

Ms. Fisher stated yes. She noted they also have an existing VDOT permit and they intended to keep it active. She stated they will keep the grass down and install security cameras.

Mr. Coyner asked what are the hours of operation?

Ms. Fisher stated they work during daylight hours only and no Sunday work. She stated the Board can make that as an operating condition if they would like.

Ms. Brown asked if they are raising the height of the power lines?

Ms. Fisher stated yes from Lexington to Dooms.

Ms. Tilghman asked if the applicant only needs two (2) years to complete the project?

Ms. Fisher stated yes. She noted they can come back before the Board if they need more time.

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

Ms. Kathy Henkel, 489 Dooms Crossing Road, Waynesboro, stated she has concerns about the request. She owns the 36 acres adjacent to the site. She stated that she does not understand what the applicant is doing. She asked if this could cause environmental and health issues. She stated they do not have any problems with noise now but she asked about what they are proposing and if there would be noise. She stated she is also concerned about drainage and if they will widen the road. She asked if they would have more traffic coming to the site. She also had issues with security already and asked if the request would cause trespassing on her property. She noted that she and her husband do not fully understand what they are doing or proposing to do in the future. She stated she does not want to see the property values decrease.

Mr. Wilkinson stated he received a letter from Michelle Smiley, 351 Dooms Crossing Road, Waynesboro, with concerns regarding this request (copy of the letter is in the file).

Chairman Byerly asked if there was anyone else wishing to speak regarding the request?

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

Ms. Fisher stated there are no health issues because nothing is active or connected at this site. She noted there is no link in EMF and Cancer in humans as per the study from the Virginia Department of Health. She stated they are not anticipating any more noise than previously operated.

Mr. Coyner stated the applicant is only bringing bulk shipment of material to the site.

Ms. Fisher stated yes. She mentioned that she would give Ms. Henkel a local contact number if there are any concerns. She stated the traffic enters from Dooms Crossing Road and VDOT has no concerns with this.

Mr. Coyner asked if the applicant has a count on the number of trucks?

Ms. Fisher stated she is not really sure on a number. She stated there will be no transformers stored at the site and they are the high dollar items. She noted they have a VSMP permit with DEQ that requirements them to monitor runoff and Erosion and Sediment Control. She stated they are only leasing the property for two (2) years which is a limited duration. She noted they should not need the permit much more than that. She stated they will have a fence and have security cameras at the site.

Ms. Tilghman asked if the applicant would have a problem with the operating condition of no Sunday work?

Ms. Fisher stated no.

Ms. Brown stated the Board should add to keep the property mowed and clean to the operating conditions as well.

Chairman Byerly declared the public hearing closed.

Ms. Tilghman stated this request is being done due to upgrades that must be done and they previously had an Administrative Permit. She stated the applicant will need two (2) years to complete the project. She stated she does not believe this is a long term project even if it could be more than two (2) years. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All equipment be kept in the designated area shown on the site plan.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Permit be issued for two (2) years.
5. No Sunday work.
6. Site be kept mowed, neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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MARK E. SHAFFER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mark E. Shaffer, for a Special Use Permit to continue the motor vehicle repair garage on property he owns, located at 103 Rock Mountain Lane, Crimora, in the Middle River District.

Mr. Mark Shaffer stated he would like to continue the motor vehicle repair garage. He asked if he could add two (2) more spaces for employee parking.

Mr. Coyner asked if there are three (3) bays in the shop?

Mr. Shaffer stated yes. He noted they are only leasing one (1) bay out. He stated two (2) of the bays would only be used for his personal vehicles.

Mr. Coyner stated there has been problems with garages having too many cars and not understanding the limits of the County.

Chairman Byerly asked Mr. Wilkinson to explain the ordinance pertaining to inoperable vehicles.

Mr. Wilkinson stated the applicant is permitted up to five (5) vehicles outside and any more than that the applicant will need to provide a screened impound area.

Mr. Shaffer stated he will come back before the Board if they plan on doing that in the future.

Ms. Brown stated the applicant will only use one (1) bay for the shop.

Mr. Shaffer stated yes one (1) bay for the shop which he will lease.

Chairman Byerly asked how long has the applicant been at this site?

Mr. Shaffer stated he purchased the property last year. He stated he leases the bay out. He mentioned that he is employed at Hershey.

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

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

Mr. Coyner stated there has been a shop at this site for a good number of years. He stated they discussed with the applicant the limitations that he would have. He moved that the request be approved with the operating conditions.

Mr. Wilkinson stated staff has limited the applicant to one (1) employee and Mr. Shaffer mentioned having two (2) employees.

Mr. Shaffer stated he would like to have two (2) employees at the site. He stated they also have a mobile mechanic business as well.

Mr. Coyner amended his motion as follows:

Pre-Condition:

None

Operating Conditions:

1. Be limited to a maximum of five (5) licensed vehicles outside the garage.
2. No motor vehicle parts to be displayed or stored outside.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. All work to be done inside the garage.
5. Site be kept neat and orderly.
6. Be limited to three (3) employees other than the applicant.
7. Hours of operation be Monday – Saturday 7:00 a.m. to 7:00 p.m.
8. No Sunday work.
9. The only sign to be permitted for this business is one (1) on premise business sign not to exceed thirty-two (32) square feet.

10. Permit be reviewed in six (6) months and one (1) year.

Ms. Brown seconded the motion, which carried unanimously.

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DUSTIN POTTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Dustin Potter, for a Special Use Permit to have a tree service business on property owned by James or Sheila M. Potter, located at 142 Mill Creek Lane, Staunton, in the Riverheads District.

Mr. Dustin Potter stated he would like to park a bucket truck, chipper, and one (1) to two (2) trailers at the site. He mentioned that he will have employees at the site two (2) to three (3) times a week. He stated they are working part-time now. He stated nothing happens at his site.

Mr. Coyner asked if the applicant has a large truck?

Mr. Potter stated yes. He stated he has a bucket truck with a dump loader on the back.

Mr. Coyner stated if the applicant thinks they will need a larger one in the future, now is the time to ask the Board for it.

Mr. Potter stated yes, he would like to get a crane boom truck.

Mr. Coyner asked the applicant if three (3) vehicles would be sufficient?

Mr. Potter stated yes.

Mr. Wilkinson asked if the applicant would have any employees?

Mr. Potter stated he would have family members working and maybe one (1) or two (2) friends who assist him.

Mr. Coyner asked if the Health Department has issues with the applicant having employees?

Mr. Wilkinson stated yes. He noted they mentioned in their comments that they had no issues with family members and that the applicant could have offsite employees only.

Mr. Potter stated 90% of the time they use family members and the others meet at the jobsite.

Mr. Wilkinson stated any employees other than family will need to meet at the jobsite as per the Health Department comments.

Mr. Coyner asked what do you do with the wood chips?

Mr. Potter stated he calls around to farmers to see if they need them. He stated he does not keep them at the house.

Chairman Byerly asked if the applicant is fine with the proposed hours of operation?

Mr. Potter stated yes.

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

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

Mr. Coyner stated it is great to see young people start businesses. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to three (3) company vehicles, one (1) chipper, and one (1) utility trailer at the site.
2. No employees other than family members to come to the site.
3. Hours of operation be 7:00 a.m. to 8:00 p.m. Monday thru Saturday.
4. No Sunday work.
5. Site be kept neat and orderly.

6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
7. No materials brought back to the site.

Ms. Brown seconded the motion, which carried unanimously.

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LEROY WELLS, AGENT FOR CHAPARRAL (VIRGINIA), INC. AND GERDAU AMERISTEEL US, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by LeRoy Wells, agent for Chaparral (Virginia), Inc. and Gerdau Ameristeel US, Inc., for a Special Use Permit to continue the existing scrapyard and add a mobile office unit on property owned by Stump Holding Company, LLC, located at 71 Stump Lane, Waynesboro, in the South River District.

Ms. Valerie Long stated she is here representing Gerdau. She stated they have taken over the business earlier this year. She stated the business has been in existence since the 1960s and there are no plans for changing it other than a small addition. She noted Mr. Wilkinson has been very helpful once they had found out that the permit had expired when the ownership changed. She stated they are comfortable with the proposed operating conditions.

Mr. LeRoy Wells, site manager for Waynesboro Metallic, began the acquisition from Cycle Systems in February. He stated they operate a good clean yard to make new products. He stated they have operated many decades without any issues. He mentioned they are proposing an office trailer as part of their request.

Mr. Coyner stated the Board visited the site this morning and there was not much onsite. He asked if this is typical?

Mr. Wells stated yes. He mentioned that he does not want to keep much at the site. He stated he wants to keep everything being shipped as soon as possible.

Mr. Coyner asked if industrial or homeowner customers come in to bring items?

Mr. Wells stated 60% is coming in as commercial. He stated he also accepts material from homeowners and they receive \$0.10 a pound for metal. He stated the fluids are removed from the cars and then sold back to petroleum companies. He stated they recycle about 99% of all material.

Chairman Byerly asked if they provide customer pickup?

Mr. Wells stated no, only to industrial sites.

Mr. Coyner asked if there is any retail trade?

Mr. Wells stated no. He stated everything is shipped to the shredder in Petersburg or Roanoke.

Mr. Coyner asked if the applicant only takes metal?

Mr. Wells stated yes.

Mr. Coyner asked how many locations are there in Virginia?

Mr. Wells stated eight (8) locations and twenty-eight (28) in the United States.

Ms. Brown asked if he lived here locally?

Mr. Wells stated yes, in the Waynesboro area.

Ms. Brown asked if the applicant handled the metal with special gloves?

Mr. Wells stated yes. He stated they assist customers getting the material off of their vehicles.

Chairman Byerly stated that he appreciated this type of business in the County.

Ms. Tilghman asked on a typical day what is the number of trucks leaving the site?

Mr. Wells stated there were six (6) shipping out today. He stated it depends on the amount of material.

Ms. Brown asked what are the hours of operation?

Mr. Wells stated 7:30 a.m. to 3:45 p.m. but the crew will be at the site until 4:00 p.m. or 4:15 p.m.

Mr. Coyner asked if the applicant maintains dust control at the site?

Mr. Wells stated yes. He stated they have a company that sprays from Kindig Road into his facility.

Ms. Long stated at the request of the landowners she would ask the Board grant the permit with it being transferrable.

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

Mr. Steve Stump stated they have operated the scrapyards for about 54 years and he never knew the permit expired. He stated he lives onsite and feels this operation will work well.

Ms. Crystal Allen, 34 Stump Lane, Waynesboro, had some questions and concerns regarding the entranceway and more traffic coming from consumers. She stated she has had people coming onto her driveway previously. She stated the dust is kept down. She asked where the mobile office will be on the property.

Mr. Wilkinson stated it will be attached to the building.

Ms. Allen asked where the applicant is dumping. She stated some things are being dumped on the adjacent tree line. She felt that the entryway needs to be widened to accommodate the bigger trucks and the speed on the road monitored. She asked how property values will be affected. She stated she is concerned with the increase in traffic if any.

Mr. Coyner asked if she did grow up in the area?

Ms. Allen stated yes and she is familiar with this type of operation.

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

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

Mr. Wells stated they are looking into widening the entranceway but they do not have immediate plans. He stated they have posted speed limit signs. He mentioned that he would be afraid that widening the road might increase the speed. He stated the office building will be adjacent to the existing building. He stated the trash along the tree line does happen. He asked the neighbors to call if they see any. He stated they will try to maintain a slow speed in the area.

Ms. Gloria Stump mentioned that a correction needs to be made on the maps.

Mr. Wilkinson noted that he can change the maps after the deed work is complete.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated the County has had a long history with the Stumps. He noted they have done a good job and would like this operation to continue. He stated the practice in the past is to not issue permits transferrable. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. The scrapyards/junkyard operation be restricted to the existing three (3) acres.
2. The operation not be expanded or moved any closer to any property line or to Kindig Road (Route 635) or Stuarts Draft Highway (Route 340).
3. The existing woods and vegetation be maintained as a natural screen of the operation.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment, scrap, or metal be kept outside of the three (3) acre site shown on the BZA plan.
5. Hours of operation be 7:00 a.m. to 7:00 p.m. Monday thru Saturday.
6. No Sunday work.
7. No further expansion.

Ms. Brown seconded the motion, which carried unanimously.

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This being the date and time advertised to consider a request by John E. Norder, for a Special Use Permit to replace several nonconforming buildings not meeting the current yard and setback requirements on property he owns, located at 11 Jefferson Street, Verona, in the Beverley Manor District.

This being the date and time advertised to consider a request by John E. Norder, for a Variance from the front and side yard requirements for an attached carport on property he owns, located at 11 Jefferson Street, Verona, in the Beverley Manor District.

Mr. John Norder stated that he was not aware of the property line or that permits were required for a carport. He stated the one carport was moved to his property ten (10) years ago when he bought the place and nothing was ever said. He stated he did move some buildings and enlarge one carport in the back. He stated he is willing to buy property from the State to keep the carport there. He stated the carport in the backyard he is willing to move. He stated he will eventually remove all buildings and put one large carport and keep it six (6) feet from the property line if the Board agrees.

Chairman Byerly asked if the applicant would remove three (3) buildings?

Mr. Norder stated yes and then he would build another one no larger than 900 square feet total but he would like to keep it at least six (6') feet like the house is. He stated he had no idea that the State had that much property on the side. He noted he has never had his property surveyed so he had no idea where his property lines were.

Mr. Coyner asked if the telephone pole is on your property?

Mr. Norder stated yes, according to the survey.

Ms. Tilghman asked if the buildings are over the setback in the back?

Mr. Norder stated no.

Mr. Wilkinson noted the survey shows seven (7') feet and only five (5') feet is needed for the rear. He stated the Board may want to consider the Variance first. He stated the front setback is closer than 35' at one corner and the applicant is requesting to leave the carport at the existing location but not meeting the 35' setback. He stated the applicant would like to purchase 8.5' from VDOT and have zero setback on the side and not have to move the carport to meet the front setback.

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

Mr. David Norder, 11 Jefferson Street, Verona, stated the area has houses all close together. He stated they have been mowing and maintaining the property not knowing it belonged to the State. He stated he is in favor of leaving the buildings as they are or at the six (6') foot setback.

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

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

Mr. Wilkinson stated if no land is acquired from VDOT then the carport will have to be removed.

Ms. Tilghman stated the applicant will need to know what to ask VDOT for.

Ms. Brown stated the applicant does not have a hardship.

Mr. Norder asked what is a hardship?

Mr. Wilkinson stated the Board has a very stringent set of regulations that they have to abide by. He stated in order to qualify the applicant would not be able to position the structure to meet the setbacks due to size, shape, narrowness, or extreme topography of the property. He stated another item that the Board looks at is where the applicant would not have use of the property if the Variance was not granted.

Mr. Norder stated he does not have a hardship.

Mr. Wilkinson stated no.

Mr. Coyner stated the applicant put the carport up after he purchased the property. He stated this Board has no grounds to approve the Variance. He stated the applicant created his own problem.

Ms. Brown stated based on that there is no way to grant the Variance. She moved that the Variance be denied.

Mr. Coyner seconded the motion, which carried unanimously.

Mr. Norder stated he is also asking the Board to act on the front setback too.

Mr. Coyner asked if a permit was issued for the building in the back?

Mr. Wilkinson stated no permits were ever issued.

Mr. Coyner stated these issues could have been prevented had building permits been issued.

Mr. Wilkinson stated the applicant will need at least 15' from VDOT.

Ms. Tilghman moved to approve the Special Use Permit with the following conditions:

Pre-Condition:

None

Operating Conditions:

- 1. Be permitted to move or replace the two (2) nonconforming structures along the side property line to meet the pre-2005 six (6') foot side yard setback and replace three (3) nonconforming structures with one (1) structure with the same six (6') foot side setback.
- 2. Be permitted to keep the attached carport meeting the six (6') foot side yard setback and meeting the required front setback, contingent upon purchasing adjacent property from VDOT.
- 3. Submit a survey to Community Development within nine (9) months showing the structures are in compliance with these conditions.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

- 12-41 Maugans, Karen S.
- 12-42 Bowden, James H. or Margaret
- 12-43 Karr, Ronald L. or Pamela Jean
- 12-44 Summy, Edwin

Mr. Wilkinson stated SUP#12-41 is in compliance. He stated staff has sent the applicant a letter regarding completing the pre-condition for SUP#12-42. He stated SUP#12-43 and SUP#12-44 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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Chairman

Secretary