

PRESENT: T. H. Byerly, Chairman
S. F. Shreckhise, Vice Chairman
D. A. Brown
G. A. Coyner, II
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, October 3, 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:

- **LAUREN MADDOX, AGENT FOR THE REGIONAL ANIMAL SHELTER LAND TRUST - SPECIAL USE PERMIT**
- **WINSTON D. OR RENE E. RHODES - SPECIAL USE PERMIT**
- **JAMES P. OR DEBORAH K. MCLAUGHLIN - SPECIAL USE PERMIT**
- **KENNETH RAY BRADLEY, JR., INC. - 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: T. H. Byerly, Chairman
 S. F. Shreckhise, Vice Chairman
 D. A. Brown
 G. A. Coyner, II
 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, October 3, 2013, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Mr. Coyner moved that the minutes from the September 5, 2013, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

LAUREN MADDOX, AGENT FOR THE REGIONAL ANIMAL SHELTER LAND TRUST - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Lauren Maddox, agent for the Regional Animal Shelter Land Trust, for a Special Use Permit to add a fenced exercise area on property it owns, located at 1001 Mt. Torrey Road, Lyndhurst, in the South River District.

Mr. Wilkinson stated the applicant for this request is not present. He stated the Board should move this item to the end of the agenda.

WINSTON D. OR RENE E. RHODES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Winston D. or Rene E. Rhodes, for a Special Use Permit to park or store vehicles, trailers, boats, or equipment outdoors on property they own, located on the vacant lot on the north side of the mini-warehouse units at 14 Whistle Lane, Weyers Cave, in the Middle River District.

Mr. Winston Rhodes stated they will try to maintain a good frontage and a good looking facility. He mentioned that he is requesting to store boats and RVs at the site. He stated there is screening already in place on the east and south sides with the buildings.

Mr. Coyner asked if the berm will remain?

Mr. Rhodes stated they have no plans on removing the topsoil berm.

Mr. Coyner asked when the buildings are built will they be similar to the ones already at the site?

Mr. Rhodes stated yes.

Ms. Tilghman stated the berm gives protection and screening.

Ms. Brown stated the entrance is very nice.

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.

Ms. Brown stated the Board visited the site today and the area is well maintained. She stated the berm helps shelter the area with the other mini-warehouse units. She moved that the request be approved with the following conditions:

Pre-Condition:

1. The first 30' x 110' mini-warehouse unit be constructed in front of the storage area prior to any vehicle, trailer, boat, or equipment being brought to the site for outdoor storage.

Operating Conditions:

1. Be permitted to have a 30' x 110' outdoor storage area for vehicles, trailers, boats, or equipment.

- 2. All outdoor storage items listed above be kept outside only in the 30' x 110' area behind the mini-warehouse unit as shown on the BZA plan.
- 3. Service or repair of any items on this site is prohibited.
- 4. Site be kept neat and orderly.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

Chairman Byerly stated this area is a good, attractive location for this type of use.

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LAUREN MADDOX, AGENT FOR THE REGIONAL ANIMAL SHELTER LAND TRUST - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Lauren Maddox, agent for the Regional Animal Shelter Land Trust, for a Special Use Permit to add a fenced exercise area on property it owns, located at 1001 Mt. Torrey Road, Lyndhurst, in the South River District.

Ms. Lauren Maddox stated she is the Director of the Shenandoah Valley Regional Animal Shelter. She stated the fenced in area will allow them to have an area where if someone wants to adopt a dog they can visit with the dog in a no leash area. She stated they will also use the area so that the dogs can exercise. She noted the animals are always attended. She noted the business hours are from Monday – Saturday from 8:00 a.m. to 4:00 p.m. and staff hours from 9:00 a.m. to 3:00 p.m. on Sunday. She stated they have extended hours on Wednesday until 6:30 p.m.

Ms. Brown asked how many dogs are kept at the shelter?

Ms. Maddox stated they have forty (40) dog runs.

Ms. Brown asked if this shelter serves Staunton, Waynesboro, and Augusta County?

Ms. Maddox stated yes.

Ms. Brown stated she agrees that the shelter does need some more space in order to operate efficiently.

Mr. Coyner stated this morning the Board was given an informative tour of the facility.

Chairman Byerly stated the shelter is doing an excellent job of keeping stray cats and dogs off of the streets.

Ms. Brown asked if many are dropped off by citizens?

Ms. Maddox stated most of them come in as strays but they do have occasional owner surrenders.

Ms. Brown asked how much does someone need to pay to get their pet back?

Ms. Maddox stated the County charges \$95.00 plus \$15.00 a day. She stated they mostly deal with the County because they collect the impound fees for the County after hours and weekends when the Government Center is not open. She noted the Cities collect their own fees and have staff 24/7.

Ms. Brown asked if they walk each dog every day?

Ms. Maddox yes. She stated they have forty (40) dogs at the shelter on average.

Ms. Brown asked about the number of staff at the shelter?

Ms. Maddox stated they have two (2) full-time and five (5) part-time employees who are rotated seven (7) days a week.

Ms. Brown stated it is a lot to even wash down the areas where the animals are kept. She felt that the shelter did not have enough staff help.

Mr. Coyner stated the site appeared to be all in order.

Ms. Brown asked how many cats are kept at the shelter?

Ms. Maddox stated about 120 cats. She stated most of the cats that come in are brought in by the public.

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

Mr. Gary Gregory, 1025 Mt. Torrey Road, Lyndhurst, stated his property borders the kennel on the south side. He stated this request is a good idea because it will help get more animals adopted. He stated he does have a problem with the noise especially when the animals are being fed. He noted the traffic is also bad now. He stated his property is for sale and he is not sure if anyone will even purchase his property. He stated fencing the property may help with some of the noise. He is asking for any help that the County will provide.

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

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

Mr. Coyner stated the Board visited the site this morning. He stated the County needs to have a facility such as this. He stated they appreciate the neighbor's viewpoints. He stated by visiting the site this morning, they realize the shelter does need a lot more room. He stated this request will enhance and help the situation at the shelter. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. The 20' x 36' fenced area be scaled onto the site plan.
2. Be permitted to construct a fenced area 20' x 36' with six (6') foot high chain-link fencing.
3. A staff member will be present at all times when an animal is in the exercise area.
4. The facility will have no outdoor runs.
5. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

Ms. Tilghman stated this is a much needed service to the community.

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JAMES P. OR DEBORAH K. MCLAUGHLIN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James P. or Deborah K. McLaughlin, for a Special Use Permit to have a small engine repair shop within an existing building and have a screened storage area on property they own, located at 808 Doods Crossing Road, Waynesboro, in the Middle River District.

Mr. James McLaughlin stated he would like to have a small engine repair business. He stated there is a need for this type of business. He mentioned that he spoke with the neighbors and they all said it was a good idea. He stated there will not be much traffic with this type of business. He noted if the business did grow, he would move to a business location. He stated he would like to operate this business in order to supplement his income.

Chairman Byerly asked if the applicant will operate this business part-time?

Mr. McLaughlin stated in the beginning he will operate part-time but he will then like to eventually work full-time at his property.

Ms. Brown asked what type of equipment would the applicant work on?

Mr. McLaughlin stated he would work on lawn mowers, chain saws, etc.

Ms. Brown asked if customers would drop off items to the site?

Mr. McLaughlin stated mostly they would drop off but he does have a trailer in order to pickup items as well.

Mr. Coyner asked if this would be a family run operation?

Mr. McLaughlin stated yes. He stated he will also sell parts to customers as well.

Mr. Coyner stated the Board has seen applicants accumulating a lot of items at their site in the past and he wanted to make clear that type of operating would be a problem with this Board. He stated the site is kept neat now and he would intend that the applicant keep it that way.

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 every neighborhood has things that need to be repaired. He stated having this in the neighborhood would be a convenience to the citizens. He stated the property is kept immaculate and it is important that it is kept that way.

Ms. Brown asked if the applicant will work on the engines with the doors open or closed?

Mr. McLaughlin stated he would have to work with the doors open some of the time. He noted that it would not be any louder than someone mowing their property.

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

Pre-Condition:

1. Obtain letter of approval from Building Inspection.

Operating Conditions:

1. Be permitted to construct a 10' x 32' outside storage area to the rear of the garage and it be screened by a six (6') foot high opaque privacy fence.
2. All equipment, machinery, and materials for the business be kept inside the 30' x 42' garage or 10' x 32' screened storage area.
3. All work must be done inside the garage and any work after 7:00 p.m. be done with the doors and windows closed.
4. Hours of operation be Monday – Saturday 9:00 a.m. to 9:00 p.m.
5. No Sunday work.
6. No employees other than family members.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site be kept neat and orderly.
9. Applicant must reside on premises.
10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Ms. Tilghman seconded the motion, which carried unanimously.

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KENNETH RAY BRADLEY, JR., INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kenneth Ray Bradley, Jr., Inc., for a Special Use Permit to have a contractor's storage yard, a temporary salvage yard, to construct a building for auction events, and to have a flea market on property he owns, located on the east side of East Side Highway (Route 340), just north of the intersection of East Side Highway (Route 340) and Al Gore Lane in the Wayne District.

Mr. Tom Shumate, Sr. stated he is here representing Mr. Bradley. He stated he has a surveying business in Waynesboro and has worked with Mr. Bradley for many years. He stated they have looked at the staff report and have no problems with the restrictions that staff is recommending. He stated Mr. Bradley is working diligently to clean up the site.

He stated this piece of property serves Waynesboro greatly. He stated the applicant is working seven (7) days a week to get the site cleaned up.

Mr. Coyner asked why is the applicant getting the appropriate permits now for this site?

Mr. Shumate stated they have gotten their Erosion and Sediment Control plans approved but they thought the contractor was taking care of the rest of the permits. He stated Mr. Bradley had no knowledge of the contractor not getting the appropriate permits. He stated Mr. Bradley took the contractors word that they have gotten all of the necessary permits.

Ms. Tilghman asked how is parking figured for the auction events?

Mr. Shumate stated they look at other auctions in the area and see what the need is for the parking. He stated they have to submit a site plan meeting all of the Augusta County requirements. He stated they will do what they have to do in order to have this type of operation at the site.

Ms. Tilghman asked if the County will require a certain number of parking spaces?

Mr. Shumate stated yes. He noted that certain businesses take more parking than others.

Mr. Wilkinson stated in the ordinance it states the number of parking spaces that are required for every use. He stated the County will set the minimum requirement but the applicant can also show an overflow of parking for larger size auctions. He stated the applicant shows about three (3) acres for overflow of parking.

Mr. Coyner stated this building will be a structure of good size.

Mr. Shumate stated the building is 7,200 square feet.

Mr. Coyner asked if everything will be kept inside the building?

Mr. Shumate stated it will be inside so they do not get rained out of having an auction.

Mr. Wilkinson stated all of the large equipment or vehicles will be stored in an outside storage area designated on the site plan.

Mr. Shumate stated the applicant will be permitted to keep small items on site for a certain number of days as well as the items will need to be removed within a certain number of days. He stated this site will not be a storage lot for vehicles or be used as a junkyard.

Mr. Coyner asked about the outside flea market?

Mr. Shumate stated the outside flea market would consist of items for sale. He mentioned that nothing will stay at the site after the flea market. He noted that the tables will be gone after each sale.

Mr. Wilkinson stated the Board can set an area where the flea markets will be held.

Mr. Coyner asked if there would be lights at the site?

Mr. Shumate stated not at this time. He stated there will not be street lights in the parking lot but there will be lights outside the building.

Ms. Tilghman stated the Board wants to be sure that the lighting is adequate in order for people to leave.

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

Mr. Thomas Keller, 297 East Side Highway, Waynesboro, stated he lives in the cabin across the creek next to the raceway. He asked if there would be buildings built adjacent to his property.

Mr. Wilkinson explained where the proposed building would be.

Mr. George Anen, 304 East Side Highway, Waynesboro, stated his mother lives across from this. He noted that he has concerns with regard to asbestos.

Mr. Wilkinson stated the applicant did meet with OSHA on the property. He stated they have not received any reports back from them yet.

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 Mr. Shumate to speak in rebuttal.

Mr. Wilkinson stated he met OSHA on site. He stated it has been determined at this point that there is no evidence of asbestos at all. He stated the applicant could do further testing to show that there is no asbestos at the site.

Chairman Byerly declared the public hearing closed.

Ms. Tilghman stated this is a reasonable request. She stated they cannot answer to the asbestos situation and it has nothing to do with the Board making their decision.

Mr. Wilkinson stated DEQ was onsite today and will be doing ongoing inspections during this process and will continue until the project is finished.

Ms. Brown asked about the entrance?

Mr. Wilkinson stated the entrance at the north end will need to be developed as a full commercial entrance. He stated VDOT will look at turn lanes during the site plan stage.

Ms. Tilghman 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 have the materials storage area located behind the building as shown on the BZA plan. The building must be constructed to provide screening of materials.
2. Be permitted to continue the salvage and crushing of the building debris and have sixty (60) days to complete this project. No new salvage materials to be brought to this site.
3. Be permitted to construct the 60' x 120' building to be used for auction or flea market events.
4. Be permitted to have sixteen (16) outdoor auctions or outdoor flea market events but not more than two (2) per month. No tables outside overnight.
5. Outdoor auctions or outdoor flea market events be permitted on Thursday, Friday, and Saturday. No Sunday operations.
6. Large equipment or vehicles to be kept outside for auction be brought to the site no more than seven (7) days prior to an auction and be removed within seven (7) days after an auction.
7. All outdoor storage be kept in the designated areas shown on the site plan.
8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
9. Site be kept neat and orderly.

10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Coyner seconded the motion, which carried unanimously.

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KENNETH R. BRADLEY, JR., INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kenneth R. Bradley, Jr., Inc., for a Special Use Permit to have a trucking business with outside storage of vehicles on property owned by Sea Bea Motorsports, Inc., located at 32 East Side Highway, Waynesboro, in the Wayne District.

Mr. Wilkinson stated the site plan shows a 100' setback which is required by the County.

Mr. Coyner asked if this property still adjoins his other property would a 100' setback still be required?

Mr. Wilkinson stated yes unless they combine the two properties together.

Chairman Byerly stated this property adjoins the railroad. He felt that the 100' setback was unnecessary adjacent to the railroad.

Mr. Wilkinson stated the County does not have the option to reduce the setback from the railroad.

Mr. Tom Shumate, Sr. stated he is here on behalf of Mr. Bradley. He stated they have reviewed the recommended staff conditions and have no issues with them as written. He noted there is heavy vegetation on all of the lots. He stated the main building will be used to store large equipment and there have been large trucks at the site for sometime. He stated this is a business area. He stated there are machine shops, mechanics, and the City of Waynesboro in this area. He felt that this would be a good location for this type of business. He stated the applicant is in agreement with what the Board would like for him to do.

Mr. Coyner stated there is a large entrance to go into the building and then there is another entrance which the applicant should do away with.

Mr. Wilkinson stated when the property was rezoned there was a proffer that the one entrance be closed but the property owner did not close the entrance. He stated over the years the entrance was widened and had many improvements to it but it is

currently a zoning violation. He stated the entrance would need to be closed unless the applicant would like to apply for a rezoning to try to remove the proffer.

Mr. Shumate stated Mr. Bradley was not the owner at the time the proffer was placed on the property during the rezoning stage.

Mr. Coyner stated he is the owner now and will need to abide by it.

Chairman Byerly stated the Board will make that one of the conditions so the entrance will need to be closed.

Mr. Coyner asked about the right-of-way for the houses?

Mr. Shumate stated they kept the right-of-way from Route 340 to the property unknowing that it is a road access to a big field. He stated they do not intend to remove the hedge row.

Mr. Coyner stated the Board will not require a fence as long as the hedge row is there.

Mr. Wilkinson stated that VDOT comments state only one commercial entrance.

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. Shumate stated the drainage goes both ways and they will put stone down so that the trailers can be parked at the site.

Mr. Coyner stated this site is a nice piece of property. He stated this request falls in keeping with the trucking business on each side.

Vice Chairman Shreckhise moved that the request be approved with the following conditions:

Pre-Conditions:

1. Submit a site plan of the entire site including vehicle impound area and truck and trailer parking areas 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.
2. Close the second entrance as required by the 1995 proffers.

Operating Conditions:

1. Be limited to forty (40) semi-tractors and trailers in the designated area shown on the site plan.
2. The semi-tractor trailer storage area be screened by the existing vegetative buffer and must be maintained at all times.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside except within the screened vehicle impound area.
4. No Sunday work.
5. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Coyner seconded the motion, which carried unanimously.

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STAFF REPORT

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|-------|----------------------|
| 12-45 | Bullock, Julie A. |
| 12-46 | Scott, Mary Phillips |

Mr. Wilkinson stated both permits have been inspected and are 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