

PRESENT: J. D. Tilghman, Vice Chairwoman
 D. A. Brown
 T. H. Byerly
 G. A. Coyner, II
 J. R. Wilkinson, Zoning Administrator & Secretary

ABSENT: S. F. Shreckhise, Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 3, 2014, 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:

- **Greg Mayo, agent for Cornerstone Church of Waynesboro, Trustees - Special Use Permit**
- **Larry Wills, agent for Annex United Methodist Church Trustees - Special Use Permit**
- **John Rosenberger, agent for Rockingham Cooperative Farm Bureau - Special Use Permit**
- **Mark A. or Deborah H. Battle - Special Use Permit**
- **Linda L. or Thomas Groah - 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.

 Chairman

 Secretary

PRESENT: S. F. Shreckhise, Chairman
 J. D. Tilghman, Vice Chairwoman
 D. A. Brown
 T. H. Byerly
 G. A. Coyner, II
 Pat Morgan, County Attorney
 J. R. Wilkinson, Zoning Administrator & Secretary
 B. Cardelicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, April 3, 2014, at 1:30 P.M., in the County Government Center, Verona, Virginia...

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MINUTES

Mr. Byerly moved that the minutes from the March 6, 2014, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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GREG MAYO, AGENT FOR CORNERSTONE CHURCH OF WAYNESBORO, TRUSTEES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Greg Mayo, agent for Cornerstone Church of Waynesboro, Trustees, for a Special Use Permit to have a nursery school within the existing building on property they own, located at 1156 Tinkling Spring Road, Staunton in the Beverley Manor District.

Mr. Greg Mayo stated he is the Pastor for Cornerstone Church. He mentioned that they have always envisioned to have a preschool at their facility. He surveyed the community about the need for this type of facility. He stated most preschool operations have an extensive weight list.

Mr. Coyner asked if they would have experienced staff working with the children?

Mr. Mayo stated yes. He stated Jennifer Hannah has experience working at a day care at a local facility. He mentioned other staff who are part of the congregation are experienced as well.

Mr. Coyner stated there will be a regulation of no more than five (5) children under 2 ½ years old.

Mr. Mayo stated that is a State regulation. He stated Social Services is limiting them due to the space of the facility.

Mr. Coyner asked what the hours of operation would be?

Mr. Mayo stated they want to accommodate working mothers. He stated their hours would be 6:00 a.m. to 6:00 p.m.

Mr. Coyner asked what the student to teacher ratio would be?

Mr. Mayo stated one (1) teacher to ten (10) children. He stated they will be required to meet all regulations from Social Services.

Vice Chairwoman Tilghman asked if they would start off with one hundred (100) children or work up to that number?

Mr. Mayo stated they hope to work up to that. He stated this request would represent the maximum number of children they feel the current facility can hold.

Vice Chairwoman Tilghman stated this is a large church. She asked if the septic will be adequate for the number of children?

Mr. Mayo stated yes. He stated the septic system is able to handle 650 people.

Mr. Coyner asked when the congregation moved to this site?

Mr. Mayo stated in April of 2001.

Ms. Brown asked what type of curriculum would the day care have?

Ms. Jennifer Hannah, 1479 Middlebrook Road, Staunton, stated that they will have a curriculum based on preschool age children. She stated that the children will be learning. She noted this would not be like a day care operation.

Ms. Brown asked if they will offer day trips?

Ms. Hannah stated it is not possible for them to offer day trips due to the fact that they do not have transportation for the children.

Ms. Brown stated they have a great playground for the children. She stated the site is well taken care of.

Mr. Coyner asked who would the preschool serve?

Ms. Hannah stated they would serve the children of the parishioners of the church as well as the community. She stated this is a good location to operate this type of facility.

Ms. Brown asked if they would ever extend their hours after 6:00 p.m.?

Ms. Hannah stated no.

Mr. Byerly asked when will they start operating the preschool?

Ms. Hannah stated after Labor Day.

Mr. Coyner asked if meals will be prepared at the facility?

Ms. Hannah stated this year parents will be asked to pack lunches for the children. She noted they will provide snacks.

Mr. Coyner stated the Health Department will be reviewing their entire process.

Ms. Hannah stated yes as well as the Fire Marshall.

Ms. Brown asked what will the ages of the children be?

Ms. Hannah stated they will enroll 2 ½ years to age 6. She stated they will also offer care for five (5) children under 2 ½ years old.

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

Ms. Caroline Biggers, 1192 Tinkling Spring Road, Staunton, stated the church has been a wonderful neighbor. She noted that it has not negatively affected anything in her life.

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

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

Mr. Coyner stated this will offer a good Christian atmosphere for the children. He stated there is definitely a need for this type of operation in the area. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to one hundred (100) children as approved by the Social Services Department.
2. No more than five (5) children will be under 2 ½ years of age.

Mr. Byerly seconded the motion, which carried unanimously. He noted this is a noble undertaking.

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LARRY WILLS, AGENT FOR ANNEX UNITED METHODIST CHURCH TRUSTEES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Larry Wills, agent for Annex United Methodist Church Trustees, for a Special Use Permit to construct a picnic shelter, playground facility, and parking area on property they own, located on the south side of New Hope Road across from the church, approximately .1 of a mile west of the intersection of New Hope Road and Woodrow Wilson Parkway in the Beverley Manor District.

Mr. Larry Wills stated they are in need of a parking area. He stated for a special occasion people are parking along the road because there is not enough parking at the church facility. He stated they had the opportunity to purchase the land across the road from the church with the primary purpose of additional parking. He noted they would also like to put in a picnic shelter and playground facility on that property in the future.

Mr. Coyner stated there is not much opportunity to expand on the church side of the road.

Mr. Wills stated there is no more land in the back of the church.

Mr. Coyner stated the Board is concerned about the safety of people walking across the road.

Mr. Wills stated with special events they will have people out directing the pedestrians. He stated that they cannot put in a crosswalk per VDOT. He noted they may be able to put in a blinking light but it would be at their cost. He stated they are concerned about the trucks driving along the road. He stated the area at the bottom of the property where the curve is,

visibility is not great. He stated they would like to have it at the top side of the property where there is better visibility.

Mr. Coyner asked what order would you place those items on the property?

Mr. Wills stated they want to do the parking lot first, the picnic shelter, and then the playground.

Mr. Coyner asked if the parking lot will be paved?

Mr. Wills stated the entrance will be paved and the rest gravel for now. He noted that he would like to have two (2) to three (3) years for the ground to settle before paving the entire property. He mentioned that they do not have the funds to get it all done.

Mr. Coyner asked when was the congregation started?

Mr. Wills stated 1892.

Ms. Brown asked if there is parking along the road on Sundays?

Mr. Wills stated no, just on special occasions. He noted most Sundays they have enough parking on their own lot. He stated there needs to be extra parking for funerals, dinners, and Easter Sunday. He stated VDOT will not help them with this issue.

Ms. Brown asked how many members are in the congregation?

Mr. Wills stated they have approximately seventy (70) that attend on Sundays.

Mr. Coyner asked if the entrance will align with the road behind the church?

Mr. Wills stated yes.

Mr. Coyner asked if there is an event at night will there be lights?

Mr. Wills stated they do not plan on putting up any lights. He noted most events are held during the daylight hours.

Mr. Byerly stated this Board is concerned with the safety of people and children crossing the road. He stated the applicant should speak with their insurance carrier as to the liability of having people walking across the road to get to the church.

Mr. Wills stated he will speak with them. He mentioned that the parents should be with the children when crossing the road. He mentioned the playground will be very small. He stated the playground will not be used on Sundays, only during special events or Vacation Bible School. He mentioned that he will convey that to the congregation.

Ms. Brown asked if they will fence the property?

Mr. Wills stated they will put a sign up and if there is a problem they will install a gate. He mentioned that the neighbor is a member of the church and will keep an eye on the property for them too. He stated they are willing to mark the road to have a crosswalk but VDOT will not permit them to do so.

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

Ms. Phyllis Harris, 1561 New Hope Road, Staunton, stated they live next door to the proposed parking lot and would not have any problem with the request. She would prefer the entrance be on the lower end of the property due to the sharp curve on the upper end that makes visibility difficult. She stated if there are any problems on the property she will contact the church. She stated children need designated play areas during the events and during Vacation Bible School.

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

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

Vice Chairwoman 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 Condition:

1. Facility be developed as shown on the BZA plan.

Vice Chairwoman Tilghman noted that they do not have a problem with the parking lot but do have concerns about the idea of people crossing the road. She would fear that a child would run across the road but this is not a reason to disapprove the request. She stressed the need for the applicant to be careful in doing this.

Mr. Coyner seconded the motion, which carried unanimously.

JOHN ROSENBERGER, AGENT FOR ROCKINGHAM COOPERATIVE FARM BUREAU - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John Rosenberger, agent for Rockingham Cooperative Farm Bureau, for a Special Use Permit to have outside display and storage on property they own, located at 2589 and 2575 Stuarts Draft Highway, Stuarts Draft in the South River District.

Mr. John Rosenberger stated they are not keeping the marine business. He noted they will be expanding Stuarts Draft Feed and Supply. He mentioned they would like to have retail products stored outside which include agricultural fencing and gates, farm equipment, and mowers in the front of the building. He mentioned he would also like to store items on the east side of the main entrance. He would also request to have a mobile food stand and tent on the property. He stated that he does not have any specific plans to have one at the site now but would like to add that so that he does not have to come back before the Board.

Mr. Coyner asked if the applicant would have two locations?

Mr. Rosenberger stated they would all be merged into one location. He stated that he is planning on renovating the marine building that he purchased from Mr. Almarode.

Mr. Coyner asked if the applicant will have screening so that the neighbors do not have to look at the fence posts?

Mr. Rosenberger stated he did not plan to do that. He stated it might be an improvement to them instead of looking at the boats.

Mr. Coyner stated he has been to the site in Rockingham County and it is kept neat and orderly. He would hope that the applicant would keep this site looking the same.

Mr. Byerly stated he is fine with the applicant requesting a mobile food stand and tent.

Ms. Brown asked if the applicant would have events onsite?

Mr. Rosenberger stated they have a steel chainsaw event on Mother's Day. He stated they also have a number of seminars that they do.

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

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

Mr. Byerly stated this is a good extension of an existing agricultural business. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. All outdoor storage be kept in the designated areas shown on the site plan and they be items for sale.
2. Mowers may be displayed on the grass landscaped area on the east and west side of the main entrance and be kept at the back edge of the grass away from Route 340.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Be permitted a mobile food stand and a tent at the site.

Mr. Coyner seconded the motion, which carried unanimously.

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MARK A. OR DEBORAH H. BATTLE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mark A. or Deborah H. Battle, for a Special Use Permit to have a construction business on property they own, located at 400 Miller Road, Waynesboro, in the Wayne District.

Mr. Mark Battle stated he has been in business working out of his house for twenty-six (26) years. He stated he is no longer in business with his partner. He mentioned that he needs a business license because he is starting a new company. He stated that he has two (2) trucks that are seldom at the site. He stated they usually do not have much at the site except for the nails. He stated there is scaffolding in the building now because it was leftover from a job site in West Virginia.

Mr. Coyner asked if they frame buildings?

Mr. Battle stated yes.

Chairman Shreckhise asked if framing materials will be stored onsite?

Mr. Battle stated no. He mentioned they only do the labor. He mentioned that he used to have twenty-six (26) employees at one time but now he is down to six (6) employees. He stated only two (2) employees come to the property to pick up nails and the air compressors but most of the time he takes those supplies to them directly at the jobsite. He stated the red truck is his work truck. He stated nothing is kept at the site. He noted most of the time they go from job to job. He mentioned they are starting a job in West Virginia on Monday and they will be there until September.

Vice Chairwoman Tilghman stated the property is large and not much is visible from the road but if you have three (3) or four (4) vehicles it would be visible which would not be in keeping with the character of the area.

Mr. Battle stated he also can leave items at Mr. Shields property or at Valley Recycling.

Mr. Coyner asked how long has the applicant lived at the site?

Mr. Battle stated three (3) years.

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

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

Mr. Coyner stated this sounds like it would be a quiet business. He stated the applicant has two (2) employees that will come to the site. He asked if both employees will come to the site at the same time?

Mr. Battle stated both vehicles will not come to the site at the same time. He stated the vehicles are pickup trucks and not large vans.

Mr. Coyner encouraged the applicant to keep the business equipment at the jobsites. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to three (3) vehicles or pieces of equipment and one (1) utility trailer for the business.
2. All outdoor storage be kept in the designated areas shown on the site plan.
3. No more than one (1) employee to come to the property.

- 4. Site be kept neat and orderly.
- 5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Brown seconded the motion, which carried unanimously.

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HELEN GARRETSON, AGENT FOR GARRETSON FAMILY LIVING TRUST - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Helen Garretson, agent for Garretson Family Living Trust, for a Special Use Permit to replace a non-conforming manufactured home with a larger unit not meeting the current setback requirements on property they own, located on Lot 7, 25 Crest Drive, Crimora in the Middle River District.

Ms. Helen Garretson stated she is replacing the manufactured home on Lot 7. She stated the current home on the lot has numerous water leaks. She stated her tenant wants to replace it with a 14 x 66 manufactured home. She stated the home is 36 years old and she would like to see it replaced.

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

There being none, Chairman Shreckhise declared the public hearing closed. He stated the applicant has done a nice job in keeping the site updated.

Ms. Brown stated this sites look nice and clean. She moved that the request be approved with the following condition:

Pre-Conditions:

None

Operating Condition:

- 1. Replacement home be placed per BZA sketch plan.

Mr. Byerly seconded the motion, which carried unanimously.

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LINDA L. OR THOMAS GROAH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Linda L. or Thomas Groah, for a Special Use Permit to have a personal kennel on property they own, located at 175 Kaolin Spring Lane, Greenville, in the Riverheads District.

Ms. Linda Groah stated her dogs are like her children. She mentioned that she did not know she needed to get a kennel license to have her personal dogs at the site. She stated that she has four (4) dogs over eleven (11) years old and she does not plan to get that many ever again. She stated a couple of the dogs are not in good health right now. She stated the property is all wooded and there is a fenced in backyard. She stated she cleans the facility two (2) to three (3) times a week. She stated the dogs mainly live in the house with her.

Ms. Brown asked what types of dogs does she have?

Ms. Groah stated her dogs include one (1) German Sheppard, one (1) English Bulldog, one (1) Chocolate Lab, and three (3) mixed breed dogs.

Mr. Coyner asked if this is a breeding facility?

Ms. Groah stated no.

Mr. Coyner asked if there is a homeowner's association?

Ms. Groah stated yes.

Mr. Coyner asked how long has she lived at the site?

Ms. Groah stated since 2002.

Ms. Brown stated the dogs are all well behaved. She asked how many people use her driveway?

Ms. Groah stated that is her own private driveway.

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

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

Vice Chairwoman Tilghman stated the applicant looks like she takes good care of the dogs. She noted her pets do not bother anyone. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Maximum of six (6) adult dogs kept at this site at any time.
2. All dogs be kept within the house, the fenced area on the site plan, or under direct control of the owners at all times.
3. Site be kept neat and orderly.
4. Applicant must reside on premises.

Mr. Byerly seconded the motion, which carried unanimously.

STAFF REPORT

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| 13-23 | James W. or Dawn E. Perry |
| 13-24 | Rodney L. Soulsby, II |
| 13-25 | William E. and Sarah F. Brubeck |
| 13-26 | Clinton D. or Margaret C. Webb – Withdrawn |
| 13-27 | Stonewall Jackson Area Council of Boy Scouts of America, Inc. |

Mr. Wilkinson stated SUP#13-23 is under construction. He noted that SUP#13-24 and SUP#13-25 are both in compliance. He stated the applicant for SUP#13-27 is going to rebuild the existing ranger house and construct an addition to it. He stated they have sent an email requesting that the permit be cancelled because it is no longer needed.

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

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary