

PRESENT: 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

ABSENT: S. F. Shreckhise, Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 1, 2014, at 8:45 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:45 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:

- **Bill Moore, agent for Blue Ridge Area Food Bank - Special Use Permit**
- **Ray Eppard, agent for Victory Worship Center and World Outreach, Treasurers - Special Use Permit**
- **Carman Sheets - Special Use Permit**
- **Keith Willis - Special Use Permit**
- **Leslie Smith - 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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 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. Cardellicchio-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, May 1, 2014, 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 3, 2014, meeting be approved.

Mr. Byerly seconded the motion, which carried unanimously.

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BILL MOORE, AGENT FOR BLUE RIDGE AREA FOOD BANK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bill Moore, agent for Blue Ridge Area Food Bank, for a Special Use Permit to reconstruct a portion of a non-conforming building on property they own, located at 96 Laurel Hill Road, Verona, in the Beverley Manor District.

Mr. Bill Moore stated he is with Balzer and representing the Blue Ridge Area Food Bank.

Vice Chairwoman Tilghman asked what is the purpose of this?

Mr. Moore stated it will be for the administrative offices which was basically an old farm house.

Ms. Brown asked if this would be the same size?

Mr. Moore stated no but it will not go into the right-of-way any closer. He stated it will be a little wider though.

Vice Chairwoman Tilghman asked how will the food bank continue to serve their clients during construction?

Mr. Moore stated they will lease space locally here in Verona. He stated the warehouse will still be at the site.

Vice Chairwoman Tilghman asked if the upgrade of the building will improve the ability to serve the citizens?

Mr. Moore stated yes.

Vice Chairwoman Tilghman asked how will it serve the community better?

Mr. Moore stated he is unsure and will need to ask the owner.

Ms. Brown asked how many floors will the addition consist of?

Mr. Moore stated it had two (2) floors and a basement. He stated there will not be a basement in the new part.

Vice Chairwoman Tilghman asked what is the construction schedule?

Mr. Moore stated in two (2) weeks or less they should submit the site plan. He noted as soon as the site plan is approved they are ready to start construction which should take approximately nine (9) months.

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 the food bank does a good service to the area. He noted with this request they will not come any closer to the road. He 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. Building reconstruction be no closer to Laurel Hill Road (Route 612) as shown on the site plan.

Ms. Brown seconded the motion, which carried unanimously.

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MAX CHANCE, DEWBERRY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Max Chance, Dewberry, for a Special Use Permit to replace an existing telecommunications tower on property owned by Virginia Electric and Power Company, located at 264 Coffman Road, Weyers Cave, in the North River District.

Ms. Brown asked what is the reason for replacing the tower?

Mr. Max Chance stated this site has aging infrastructure. He stated the tower will remain in the center of the station.

Ms. Brown asked if the tower will be over 200'?

Mr. Chance stated the tower will be 200' tall and it will have lights. He stated they have applied to the FAA. He stated that it does have lights currently.

Ms. Brown asked if there were plans to co-locate?

Mr. Chance stated special access is needed in order to enter the site. He felt that there will not be a co-locator due to security reasons.

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.

Chairman Shreckhise stated the County has a consultant who advises on the locations and makes recommendations on telecommunication towers. He noted that Atlantic Technologies has recommended approval on this tower.

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. Old tower be removed within ninety (90) days of the new tower being operational.

Mr. Coyner seconded the motion, which carried unanimously.

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**RAY EPPARD, AGENT FOR VICTORY WORSHIP CENTER AND WORLD OUTREACH,
TREASURERS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Ray Eppard, agent for Victory Worship Center and World Outreach, Treasurers, for a Special Use Permit to have active and passive recreation facilities on property they own, located at 200 Hammond Lane, Staunton, in the Beverley Manor District.

Mr. Ray Eppard stated he is the pastor of the church. He stated they are planning on providing more children activities for the church and the community. He stated they would like to put in a walking trail eventually.

Ms. Brown stated the property is quite beautiful.

Mr. Coyner asked how long has the church been at this site?

Mr. Eppard stated since 2000.

Mr. Coyner stated they have a nice facility.

Ms. Brown asked how large is the recreation facility at the site?

Mr. Eppard stated 24,000 square foot footprint with 2,000 square feet upstairs. He stated they may move the building to the other side of the sanctuary because it seems as though there will be less excavation needed if they do this.

Mr. Coyner asked how big is the congregation?

Mr. Eppard stated 600. He stated he has two (2) services on Sunday.

Mr. Coyner stated they would need an updated site plan submitted to the office.

Mr. Wilkinson stated the applicant can handle that as part of their site plan process.

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 noble undertaking. He stated this request will benefit the community.

Mr. Coyner stated this is commendable work. He noted it is wonderful to see growth in a good setting.

Mr. Byerly 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. Hours of operation be 8:00 a.m. to 10:00 p.m.
2. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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CARMAN SHEETS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Carman Sheets, for a Special Use Permit to have a preschool on property owned by Timothy Sweeney, located at 3742 Churchville Avenue, Churchville, in the Pastures District.

Ms. Carman Sheets stated she has been an educator for the Augusta County Schools for eleven (11) years now. She would like to pursue operating a preschool at this site. She

stated they do not have an all-day preschool available for children in this area. She will have a curriculum in place to prepare the children for kindergarten.

Ms. Brown asked if the preschool will operate all day?

Ms. Sheets stated yes. She stated her hours of operation are from 7:00 a.m. to 6:00 p.m.
Ms. Brown asked what will the age be of the children?

Ms. Sheets stated 2 ½ to school age.

Ms. Brown asked how many employees would the applicant have?

Ms. Sheets stated it would depend on how many children enroll at the preschool. She mentioned that she currently has two (2) other people working with her.

Ms. Brown asked if there were other preschools in the area?

Ms. Sheets stated Churchville Elementary has a Headstart program but there is limited space and the children need to meet certain qualifications.

Ms. Brown asked if they will provide food?

Ms. Sheets stated they will provide breakfast, lunch, and two (2) snacks.

Mr. Coyner asked if there is a kitchen at the site?

Ms. Sheets stated they will be putting in a kitchen. She stated they are currently in the process of working with an architect and an engineer.

Mr. Coyner asked if they plan on opening in the fall?

Ms. Sheets stated their goal is to open in August.

Mr. Coyner asked if they will be open during the school year?

Ms. Sheets stated yes, all year.

Ms. Brown asked if they will add restrooms?

Ms. Sheets stated they will add one (1) more bathroom. She stated there will be two (2) total.

Mr. Coyner asked if the clients will be folks in the neighborhood?

Ms. Sheets stated yes, residents of the area.

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

Mr. Tim Sweeney stated he is the owner of this property. He stated Ms. Sheets is a very professional person. He noted this service is needed in the Churchville area.

Chairman Shreckhise asked if there was anyone else 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 this is a much needed service in the community. She stated this is conveniently located and this is a highly regulated industry. She stated the parking lot is in the residential portion of the property.

Mr. Byerly stated this is a great addition to Churchville.

Mr. Coyner stated Churchville is fortunate because there is a waiting list for many preschools in the area. He stated Ms. Sheets is an experienced professional which is a positive.

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 Conditions:

1. Be limited to a maximum of thirty (30) children.
2. Hours of operation be 7:00 a.m. to 6:00 p.m.
3. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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KEITH WILLIS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Keith Willis, for a Special Use Permit to have trailer sales and repair, and sales of storage buildings, carports, and camper tops on property owned by David P. or Pamela D. Ramsey, located at 2156 Lee Jackson Highway, Staunton, in the Riverheads District.

Mr. Keith Willis stated that he owns Mountain Valley Truck and Trailer currently on 14 Second Street which is his current business location. He stated through the blessing of the community, he has outgrown that site. He would like to ask the Board's permission to move his business to this location and grow.

Mr. Wilkinson stated in 2004 a landscape and lawn care business operated at the site with a Special Use Permit. He stated in 2007 a Special Use Permit was approved to expand the outdoor storage area. He noted the owner installed a tree buffer on the side and behind the building for screening the materials in the lower area.

Mr. Coyner stated it is good that the business is prospering. He mentioned this is not really a good location due to the residential area. He stated the trailers will be highly visible.

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 with this type of business proposed it is important to have the buildings displayed in view so customers can see them in the front rather than in the rear. He stated this would be an issue in this type of residential area.

Chairman Shreckhise stated the Planning Commission shared the same concerns.

Vice Chairwoman Tilghman stated she would not have a problem with a business that is hidden from the neighbors of the area or people coming down to Route 11. She noted this type of business needs to be visible to the public. She stated this is the wrong zoning for this type of use. She stated this type of business does not belong in this neighborhood and this would be spot zoning. She moved that the request be denied.

Ms. Brown stated the current business is in the rear but this type of business would be in view of Route 11. She seconded the motion, which carried unanimously.

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LESLIE SMITH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Leslie Smith, for a Special Use Permit to have a public transportation business with storage of vehicles on property she owns, located at 465 Calf Mountain Road, Waynesboro, in the Wayne District.

Ms. Leslie Smith stated she is the owner of Ride Rite. She started in 2008 as a taxi business. She stated they operate a non-emergency medical transportation/taxi business. She stated they mainly transport cancer and dialysis patients to the University of Virginia. She stated her insurance company wants the vehicles housed where she can keep an eye on them. She mentioned that she has spoken with three (3) of the adjoining neighbors regarding this request. She noted that Mr. Wade and Mr. Farley were both in favor of her request.

Mr. Coyner stated the vehicles are kept on the property. He asked if the drivers will come to the site and leave their personal vehicle while on duty?

Ms. Smith stated her employees drive their personal car to the parking lot. She stated they get all of their paperwork online with their tablets. She stated they do not come into her home. She stated she dispatches the work to them in the van. She stated her employees are on her property for ten (10) minutes in the morning and ten (10) minutes in the evening. She stated the only thing they are doing on her property is picking up the work vehicle. She stated everyone is usually gone by 6:30 a.m. She stated the hospital has made them their preferred provider. She noted they are also a Medicaid transport as well. She mentioned her drivers are normally retired that need supplemental income. She stated they all enjoy what they do because they feel like they are making a difference by helping the community and their neighbors. She stated they know what time they come to the house and leave. She stated the cars do not come back and forth to her property. She stated most of the employees are gone for about twelve (12) hours.

Vice Chairwoman Tilghman asked if she operates seven (7) days a week?

Ms. Smith stated they generally do not work on Sundays normally but occasionally they travel on Sunday for a patient that lives in southwest Virginia. She stated they run dialysis on Saturdays. She noted during the Christmas season they may shift the days for dialysis so it is possible that they could operate on Sundays if needed.

Mr. Coyner asked if the vehicles are serviced at the site?

Ms. Smith stated no. She stated they get the vehicles serviced at Augusta Jeep Dodge. She stated they have their employee meetings in her building at 782 North Bath Avenue where Superior Glass is located. She stated the insurance requires them to have a

quarterly safety training meeting. She stated Medicaid requires annual training for patient handling and that is also held there.

Ms. Brown asked if they transport any special needs?

Ms. Smith stated they do not have the capability to have wheelchair transport or stretcher transport. She stated they do handle the mentally challenged.

Mr. Coyner asked what the patient to driver ratio is?

Ms. Smith stated 1 to 1 but it depends if they have them multi-load clients from southwest Virginia to Charlottesville.

Mr. Coyner asked how long have you been in business?

Ms. Smith stated since 2008.

Mr. Coyner asked if the applicant permits the employees to enter the dwelling and use the restroom facilities?

Ms. Smith stated no. She mentioned that she is out driving as well. She locks her doors when she leaves. She mentioned the insurance company had an issue with them because the vehicles have tablets and equipment in them. She noted they wanted to be sure the vehicles were secure on her property. She stated that she does have security at the site.

Vice Chairwoman Tilghman asked if the vehicles can be left at the property in Waynesboro?

Ms. Smith stated no. She mentioned the parking lot is too small for all of the vehicles.

Mr. Byerly asked if the drivers work at night?

Ms. Smith stated she has one driver that works until 10:00 p.m. She stated his vehicle is approved by the insurance company to be garaged at his home site.

Mr. Byerly asked how did this venture start?

Ms. Smith stated after her parents passed away she started the business. She felt that it was hard to find good medical transportation.

Mr. Coyner asked how does the applicant advertise?

Ms. Smith stated by word of mouth. She noted they provide excellent service. She mentioned that she owns new vehicles. She stated her employees are professionals and no smoking is permitted in the vehicles.

Mr. Byerly stated they were impressed with the fleet.

Mr. Coyner asked at what point will the applicant cap this business?

Ms. Smith stated financially it does not make sense for her to buy a business piece of property. She stated the property in business is quite expensive. She stated the hospital and Medicaid is about where she wants to be. She stated they drive to southwest Virginia and to the Tennessee line. She noted they do not go to northern Virginia or DC. She stated they also service the VA Hospital transferring to UVA.

Mr. Coyner asked if there is a high turnover rate for her drivers?

Ms. Smith stated none practically. She stated most of the drivers are about 64 years of age and need supplemental income. She stated they do not have to worry about carrying cash and they feel as though they are helping the community.

Mr. Coyner asked if they need a CDL to drive the vehicles?

Ms. Smith stated no. She stated she does have the driver take a drug test and background test. She also offers safety training to the drivers.

Mr. Wilkinson stated the Building Official requested some items be completed. He noted the Health Department may require the size of the drainfield be increased if the issue with the Building Official cannot be resolved about the requirements of a bathroom for the employees.

Ms. Smith stated that she has spoken with the Building Official and she does not understand some of the requirements. She noted that the drivers do not go inside her dwelling.

Mr. Coyner stated the Board visited the site this morning. He stated the property is well maintained. He asked about the privacy fence?

Ms. Smith stated that she prefers to plant trees instead of the privacy fence.

Mr. Wilkinson asked about the rollback at the site?

Ms. Smith stated they use that on the farm and use that to move farm equipment.

Mr. Coyner asked if the family members help with the business?

Ms. Smith stated her nephew does help dispatch. She stated they have an office in Stone Ridge and that is where he is working out of.

Mr. Coyner asked if the applicant is the only person coming inside the house?

Ms. Smith stated yes.

Mr. Coyner asked if the applicant has been operating for a while, why is she just applying now for the permit?

Ms. Smith stated her insurance company eight (8) months ago starting having an issue with her employees bringing the vehicles home to their site. She had to move the vehicles back to her residence except for four (4) of them. She stated the insurance company approved four (4) employees to take their vehicle to their home site. She stated sixteen (16) vehicles stay at her residence overnight. She stated by the vehicles coming back to her property, it made her in violation of her Home Occupation Permit. She stated this was not done intentionally.

Mr. Coyner asked what is the total number of vehicles that the applicant has?

Ms. Smith stated twenty (20) vehicles total.

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

Mr. Augustus Smith, 513 Calf Mountain Road, Waynesboro, stated this business has not affected the neighbors negatively. He stated the vehicles come and go and are very quiet. He stated all of the drivers are courteous.

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

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

Mr. Coyner stated they are glad that the Board visited the site. He stated this is totally under the radar. He stated if approved the Board should state that the request not be expanded. He noted that none of the neighbors object to this operation. He stated this is a noble undertaking.

Mr. Byerly stated the applicant runs a professional business. He stated this is a medical specialty transport business. He stated they have not received any complaints from the neighbors.

Ms. Brown stated the applicant is running a service to help get sick people to the hospital. She stated the business has been in operation since 2008.

Vice Chairwoman Tilghman stated this business is being done in a professional manner. She stated the applicant can also run a taxi service for members of the community if she wanted to. She noted this is being done without disturbing the neighbors. She mentioned that the applicant does have older, responsible drivers working for her.

Mr. Coyner stated this is a well maintained piece of property that is in excellent shape.

Ms. Brown stated the neighbors have no problems with this request.

Chairman Shreckhise stated he feels that the neighbors not objecting to the request is a plus but he does feel that it could be run from a business location. He feels that this site is being used to the maximum and if the applicant wants to increase the number of vehicles at the site this business would need to move to a business location. He stated this is a good business for the County.

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

Pre-Conditions:

1. Obtain VDOT entrance permit and provide a copy to Community Development **within thirty (30) days.**
2. Obtain letter of approval from Building Inspection **within sixty (60) days.**
3. The opaque privacy fence to screen vehicles be installed **within sixty (60) days.**

Operating Conditions:

1. Be permitted to park twenty (20) vehicles used in the taxi/transport business in the area designated on the site plan.
2. An eight (8') foot high opaque privacy fence be installed along the parking spaces adjacent to the southern property line.
3. The opaque privacy fence must be maintained at all times.
4. There be no servicing or repair of vehicles on this site.
5. Hours of operation be 5:30 a.m. to 6:30 p.m. Monday through Saturday.
6. No regular Sunday work, only when there is a required medical transport.
7. Site be kept neat and orderly.

- 8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 9. Applicant must reside on premises.
- 10. No further expansion.

Mr. Byerly seconded the motion, which carried unanimously.

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STAFF REPORT

- 13-28 Ridenour, J.R.
- 13-29 Lowkey, Inc., Blue Fox, Inc., & Middle River, Inc.
- 13-30 Howell, Elizabeth Jane
- 13-31 Moomau, Alvin
- 13-32 Coppola, Sergio A. or Joni L.

Mr. Wilkinson stated SUP#13-28 is in compliance. He stated SUP#13-29 was denied. He stated he had to go onsite to issue a stop work order. He stated Mr. Howell will be back before this Board to renew his permit in June (SUP#13-30). He stated SUP#13-31 is in compliance. He stated we are waiting on the transcripts for SUP#13-32 to be completed.

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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