

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, September 4, 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:

- **RANDY MEADE, AGENT FOR MEADE MOBILE HOME PARK, LC - SPECIAL USE PERMIT**
- **TODD REED AND KEVIN HARRIS, AGENTS FOR DOMINION ASSETS, LLC - SPECIAL USE PERMIT**
- **GEORGE DRUMHELLER - SPECIAL USE PERMIT**
- **MAYNARD AND SHIRLEY MILLER - SPECIAL USE PERMIT**
- **RUSSELL SCHMIDT - 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.

Vice Chairwoman

Secretary

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 J. R. Wilkinson, Zoning Administrator & Secretary
 B. Cardelicchio-Weber, Executive Secretary

ABSENT: S. F. Shreckhise, Chairman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, September 4, 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 August 7, 2014, meeting be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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RANDY MEADE, AGENT FOR MEADE MOBILE HOME PARK, LC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Randy Meade, agent for Meade Mobile Home Park, LC, for a Special Use Permit to replace two non-conforming manufactured homes within the manufactured home park with larger units on property owned by J.R. Ridenour, located at 90 Meade Park Circle, Lots 22 and 50, Verona, in the North River District.

Mr. Bill Henson, on behalf of Meade Mobile Home Park, stated that they would like to make the park more presentable and are asking for permission to replace the homes with newer ones.

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

There being none, Vice Chairwoman Tilghman declared the public hearing closed.

Mr. Byerly stated the Board looks forward to older parks doing the upgrades and bringing in homes that are more modern. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Replacement homes to be no closer than twenty-one (21') feet to the side of the adjacent homes and no closer to the road as shown on the BZA sketch plan.
2. Applicant obtain proper placement permits from Building Inspection.

Ms. Brown seconded the motion, which carried unanimously.

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TODD REED AND KEVIN HARRIS, AGENTS FOR DOMINION ASSETS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Todd Reed and Kevin Harris, agents for Dominion Assets, LLC, for a Special Use Permit to have outdoor display and storage of merchandise on property it owns, located at 15 Angela Court, Suite A, Fishersville, in the South River District.

Mr. Todd Reed stated they would like to have a place at the site in order to display some products. He stated they keep the property looking clean and professional.

Vice Chairwoman Tilghman stated there were two (2) items outside today. She does not see a problem with them being displayed as long as the sight distance is not affected.

Mr. Coyner asked how many units do you plan on keeping outside?

Mr. Reed stated four (4) to six (6) items outside is plenty.

Mr. Coyner asked if a total of six (6) would probably suffice?

Mr. Reed stated yes.

Mr. Coyner asked if they would be stored outside all year long?

Mr. Reed stated they would start displaying them late summer and sell the display models and may not have them the rest of the season but it does depend on how fast they sell.

Ms. Brown asked how many days a week are you open?

Mr. Reed stated six (6) days.

Vice Chairwoman Tilghman asked what the other types of displays would there be?

Mr. Reed stated right now they carry the canoes and kayaks inside at night. He stated they would like permission for anything related to their business. He stated they want the site looking professional.

Mr. Coyner stated the site was neat and orderly this morning.

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

There being none, Vice Chairwoman Tilghman declared the public hearing closed.

Mr. Coyner stated the Board visited the site this morning. He stated this is a well-run organization and he would hope the applicant continue to keep the site neat and orderly. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have two (2) outdoor storage areas for merchandise for sale as shown on the site plan.
2. Be limited to a maximum of six (6) units outside.
3. All outdoor storage be kept in the designated areas shown on the site plan and items displayed be kept at least twenty-five (25') feet from the edge of the pavement of the State roads.
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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GEORGE DRUMHELLER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by George Drumheller, for a Special Use Permit to have a lawn care business on property owned by Katherine M. Williamson, located at 103 Old Laurel Hill Road, Verona, in the Beverley Manor District.

Mr. George Drumheller stated he would like to operate a stump grinding and handyman business from this site. He will use the trailer for the business.

Vice Chairwoman Tilghman stated the applicant will be going offsite to operate the business.

Mr. Drumheller stated there is nothing being done at his property.

Mr. Coyner stated the applicant will take the trailer home. He asked if there will be customers coming to the site?

Mr. Drumheller stated no.

Mr. Coyner asked if the applicant has done this before?

Mr. Drumheller stated he is retired and wants something to do. He has built houses previously so he is familiar with handyman work.

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

There being none, Vice Chairwoman Tilghman declared the public hearing closed.

Ms. Brown stated the Board visited the site today. She stated the applicant is asking to operate a small business with not much equipment being stored at the site. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to one (1) company vehicle and one (1) utility trailer for the business at the site.
2. All equipment, machinery, and materials for the business be kept inside the existing garage.
3. No refuse from the business to be brought to this site.
4. No employees other than family members may come to this site.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.
7. No Sunday work.
8. Applicant must reside on premises.

Mr. Byerly seconded the motion, which carried unanimously.

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MAYNARD AND SHIRLEY MILLER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Maynard and Shirley Miller, for a Special Use Permit to add a building and silos in conjunction with the existing feed mill business on property they own, located at 194 Yoder Circle, Stuarts Draft, in the South River District.

Mr. Maynard Miller stated he operates Sunrise Farms. He would like to take advantage of the pricing and buy a better volume of feed so he will need additional storage space.

Mr. Coyner asked if this would be an addition to the ones that are currently there?

Mr. Miller stated yes.

Mr. Coyner stated the applicant is running a nice operation.

Mr. Byerly stated this is a neat operation.

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

There being none, Vice Chairwoman Tilghman declared the public hearing closed.

Mr. Byerly stated we are fortunate to have this specialty type of business that services Augusta County and other localities. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to construct a 48' x 100' building and four (4) thirty-six (36') foot in diameter silos for the feed mill business.
2. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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OLD BUSINESS

RUSSELL SCHMIDT - SPECIAL USE PERMIT

A request by Russell Schmidt, for a Special Use Permit to expand the number of items for outdoor storage and add U-Hauls on property owned by Doris S. Wright, located at 1670 Lee Jackson Highway, Staunton, in the Riverheads District. – TABLED AT THE AUGUST 7, 2014 MEETING

Mr. Coyner moved to bring the item forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Wilkinson stated at the public hearing last month the Board tabled the request in order to give the applicant time to modify the site plan and create a plan for the traffic flow and a plan to display the outside storage.

Mr. Russell Schmidt stated he wants to be a good neighbor to the area. He stated the Board saw a placement of a second carport at the site today. He stated that he put up the carport because he wanted to keep the pallets and styrofoam blocks out of public view. He stated the concrete pad is empty now. He stated there was some miscommunication between him and the company that put up the building and he has since called them and asked that the building be removed. He mentioned that he rents the property and he would

not dream of putting a permanent structure like that up. He showed the Board a picture of what was supposed to be at the site. He stated the picture shows three (3) examples of what a customer could get. He would like to put that display model on the property if the Board is in agreement. He mentioned that he was having trouble communicating with the people putting the building up. He stated that he has met with Mr. Wilkinson and he has submitted a new site plan. He stated staff is recommending only twelve (12) individual items but he has requested twenty-five (25). He stated that he is not looking to take up any more space. He stated they will not all be motor homes because he is not in the business of selling motor homes. He stated the twenty-five (25) items could be items like bikes and riding mowers. He certainly will not have twenty-five (25) large things for sale at the site. He stated he has been at the site for five (5) years and has had no issues. He stated the opposition that came to the hearing last month does not even live at the site. He stated he will not put anything to where it would block the sight distance over the hill. He would only have two (2) U-Hauls on the knoll. He would also ask for the rental and storage of U-Haul trailers and trucks. He stated he has never had any more than five (5) at this site. He stated you never know when they come back and on average they have had three (3) in the last two (2) years. He stated when the colleges get out they scoop up all of the U-Hauls and he would not have any for six (6) to eight (8) weeks. He stated the U-Haul business is a service to the people within this twenty-five (25) mile radius. He stated only one person has had any issues with this. He stated she does not want this business but the site has been used for business for over sixty (60) years. He submitted two (2) letters in support from the Hildebrands and Ms. Wright. He stated he is open only 35 hours a week, Monday – Friday from 10:00 a.m. to 5:00 p.m. He mentioned sometimes he works on Saturday to catch up. He stated the Ebay business is very seasonal. He stated the winter months are very slow and the U-Haul business will fill in the blanks for additional revenue during that time. He thanked the Board for allowing him to come back and would hope that we come to an agreement.

Vice Chairwoman Tilghman asked if the twenty-five (25) items include the U-Haul?

Mr. Schmidt stated he would like to have thirty-five (35) total which include ten (10) U-Haul and twenty-five (25) items of outside storage.

Ms. Brown asked how many pieces are outside now?

Mr. Schmidt stated five (5) pieces. He noted twenty (20) items could be smaller items like bikes or lawn mowers.

Mr. Coyner asked if majority of them would be larger items?

Mr. Schmidt stated he could not fit twenty-five (25) items on his property if they were all large.

Mr. Coyner stated last month the applicant had a trailer and a motor home at the site. He asked if the storage building is only a display unit?

Mr. Schmidt stated yes.

Vice Chairwoman Tilghman asked if it was essential that it be put in the same spot?

Mr. Schmidt stated he will put it next to the building or near the concrete slab.

Vice Chairwoman Tilghman asked if that is where the parking spaces are?

Mr. Schmidt stated no.

Mr. Coyner asked if he would ever get the large U-Haul trucks?

Mr. Schmidt stated within the last two (2) years he has had seven (7) trucks total with the biggest being twenty (20') feet. He mostly has vans and little trailers. He stated the large trucks are there a day and then they are gone.

Mr. Coyner stated the trucks will take up a lot of room.

Mr. Schmidt stated they would be just like a motor home. He stated it is rare to have the big trucks at the site because they are usually not available.

Ms. Brown asked about the tires at the site?

Mr. Schmidt stated they have been removed.

Mr. Coyner stated there can be a tremendous influx with the trailers. He asked if the applicant keeps them at the site until they are all rented?

Mr. Schmidt stated if he needs to move them out he can call his supervisor and tell him to move them today.

Ms. Brown asked if customers look at the items inside the building too?

Mr. Schmidt stated yes. He noted two (2) customers per day is a lot.

Mr. Coyner asked what would the percentage be of someone coming in to look at the merchandise?

Mr. Schmidt stated between 5% and 10%.

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

Ms. Doris Wright stated that she is the owner of the property. She stated she has been very pleased with Mr. Schmidt operating at this site. She stated her only concern was the size of the new building that was placed at the site which will be removed soon. She stated this request is alright with her since that has been resolved.

Mr. Coyner asked if she lived in the house behind the Ebay store?

Ms. Wright stated yes.

Mr. Wilkinson read the letter received from Ms. Rader (copy in the file). He noted that the Augusta County Real Estate Office shows her as owning the property across the street.

Vice Chairwoman Tilghman declared the public hearing closed.

Mr. Coyner stated a total of thirty-five (35) items is quite a bit of items on display at the site which would not be in the best interest of the neighborhood.

Ms. Brown stated the Board visited the site today and it was very tight.

Mr. Coyner asked if they would be in the grassy area in the back?

Mr. Schmidt stated yes.

Mr. Schmidt stated they would not have twenty-five (25) larger size items at the site.

Mr. Coyner stated the Board should specify the number of large, medium, or small items. He appreciated the comment that the applicant could call his U-Haul Supervisor if he exceeded the number permitted and that they would be removed.

Mr. Wilkinson stated the customer parking spaces need to be left open and are required. He stated the lot cannot be full because the aisleway will need to be open for customer traffic.

Vice Chairwoman Tilghman stated the U-Hauls are hard to control. She stated there needs to be some boundaries on how many items will be at the site. She stated twenty-five (25) bikes would not take up much room but twenty-five (25) golf carts would take up a lot more room. She stated the applicant wants the Board to separate the number of U-Hauls from the other outside storage.

Mr. Wilkinson stated he only leases ten (10') foot of property behind the building.

Mr. Schmidt stated he does not lease that entire area.

Mr. Wilkinson stated in staff's recommendation they suggested limiting the number of large items. He stated if the Board would like to set the number first and then they could define what is small, medium, and large.

Mr. Byerly stated most U-Hauls will be cargo trailers or vans. He noted eight (8) U-Hauls might be a good number.

Mr. Schmidt stated majority of the users are local. He stated the van and pickup trucks will need to come back to him. He stated mostly the U-Hauls are 6 x 10 and 5 x 8 which are small. He stated there would be a maximum of two (2) on the hill. He stated last year he has never had any more than five (5) U-Hauls and the most he has ever had was three (3). He mentioned that he will put the other U-Hauls next to the carports.

Mr. Coyner stated the large items would be a bus, boat, or fifth wheel. He stated there should only be two (2) or three (3) large sized items at the site.

Mr. Schmidt stated that is all that he could have because of the size of the area. He stated the parking has always been accessible.

Ms. Brown asked how many parking spaces do you have for the customers?

Mr. Schmidt stated five (5) parking spaces for customers.

Mr. Coyner moved that the request be approved. He stated the applicant should be permitted eight (8) U-Hauls. He stated the applicant should also be permitted three (3) large size items (buses), three (3) medium size items (vehicles), and ten (10) small size items (bikes and lawnmowers).

Mr. Schmidt would like to have at least five (5) medium size items. He stated he would not store any items inside the building that have gas in them. He stated small items will be chained to the building by cables or under the carport.

Vice Chairwoman Tilghman stated she understood that the bikes cannot go inside because there is not enough room in the building.

Mr. Coyner stated the Board does not want to overcrowd the location.

Ms. Brown stated small items could be under the canopy or under the carport display.

Mr. Schmidt stated each carport is 8 x 16 and they are examples of what could be purchased and are all built to code.

Mr. Wilkinson stated if the structure is under 256 square feet, no building permits are required.

Mr. Byerly stated he would like to see that the applicant be successful but the site needs to be kept neat.

Vice Chairwoman Tilghman stated the Board is trying to work with the applicant and even though this has been a business property at this site for years, it still could not be appropriate for every business. She stated the Board is trying to work with the applicant in order to accommodate all. She stated the Board is aware that the applicant cannot bring all of the items inside the building but they do not want to see a used car lot.

There was no second, therefore, the motion failed.

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

Pre-Condition:

None

Operating Conditions:

1. Be permitted a maximum of eighteen (18) individual items outside in the spaces shown on the site plan, under the building overhang, or under the building display or carport. These eighteen (18) items shall be limited to a maximum of **three (3) large items** such as campers, boats, or RVs, and a maximum of **five (5) medium size items** such as motor vehicles, utility trailers, tractors, or golf carts, and **ten (10) small items** such as lawn mowers, bicycles, or canoes.
2. Be permitted to have a maximum of eight (8) U-Haul vehicles on this site parked in the grass area as shown on the site plan.
3. All items to be kept in areas shown on the site plan and no item shall be within twenty-five (25') feet of the edge of pavement of Lee Jackson Highway or in the VDOT right-of-way.
4. Be permitted to have one (1) carport and one (1) building display unit not to exceed 256 square feet. Smaller items may be kept within the display unit.
5. Sold items count towards items permitted outside.
6. No semi-trailers or manufactured homes are permitted on this site.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site will be kept neat and orderly.

- 9. Be limited to two (2) employees other than family members.

Mr. Byerly seconded the motion, which carried unanimously.

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STAFF REPORT

- 13-47 Neil W. and Linda H. Cash
- 13-48 Michael L. or Brenda F. Balsley
- 13-49 Pad Rentals, LLC
- 13-50 Blue Marlin Investments, LLC and Hardrock Investments, Inc.

Mr. Wilkinson stated SUP#13-47 and SUP#13-48 are both in compliance. He stated there has been no activity for SUP#13-49. He noted staff sent the applicant a letter asking if they would like to cancel this permit. He stated we are waiting on the site plan to be submitted for SUP#13-50.

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

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

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Vice Chairwoman

Secretary