

PRESENT: S. F. Shreckhise, Chairman  
 D. A. Brown  
 T. H. Byerly  
 G. A. Coyner, II  
 J. R. Wilkinson, Zoning Administrator & Secretary

ABSENT: J. D. Tilghman, Vice Chairwoman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 4, 2014, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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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.

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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:

- **RANDY MEADE OR BILL HENSON - SPECIAL USE PERMIT**
- **GARY OR AUDREY CONNER - SPECIAL USE PERMIT**
- **CHRISTOPHER S. OR TORI C. MCWHORTER - SPECIAL USE PERMIT**
- **KENNETH RAY BRADLEY, JR. - 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

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 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, December 4, 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 November 6, 2014, meeting be approved.

Vice Chairwoman Tilghman seconded the motion, which carried unanimously.

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**RANDY MEADE OR BILL HENSON - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Randy Meade or Bill Henson, for a Special Use Permit to replace two non-conforming manufactured homes in a manufactured home park with larger units on property owned by J.R. Ridenour, located at 84 Meade Park Circle and 83 Meade Park Circle, Verona, in the North River District.

Mr. Bill Henson stated they are requesting the Special Use Permit in order to replace the older home with newer larger manufactured homes.

Chairman Shreckhise stated the Board viewed the site today and it does make sense to approve this request.

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 applicant has done a lot of work over the years trying to upgrade the manufactured home park.

Vice Chairwoman Tilghman moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Replacement homes to be no closer than twenty-two (22') 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.

Mr. Byerly seconded the motion, which carried unanimously.

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**GARY OR AUDREY CONNER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Gary or Audrey Conner, for a Special Use Permit to replace an existing non-conforming dwelling that does not meet the current setback requirements on property they own, located at 550 Draft Avenue, Stuarts Draft, in the South River District.

Mr. Gary Conner thanked the Board for listening to his request. He would like to replace the older home with a newer home at the site. He stated he has done some work with the power and the pole prevents them from moving the home farther from the line, and that is why they want to replace the home in the same area if possible.

Chairman Shreckhise stated the Board visited the site today. He 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.

Ms. Brown stated this would be an improvement to the site. She moved that the request be approved with the following condition:

**Pre-Conditions:**

None

**Operating Condition:**

1. Be permitted to construct the addition as shown on the site plan no closer to the side property line.

Mr. Coyner seconded the motion, which carried unanimously.

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**CHRISTOPHER S. OR TORI C. MCWHORTER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Christopher S. or Tori C. McWhorter, for a Special Use Permit to have a grooming and boarding kennel on property they own, located at 232 Mine Branch Road, Crimora, in the Middle River District.

Ms. Tori McWhorter stated she is here to request a Special Use Permit for a dog boarding and grooming facility beside her home.

Ms. Brown asked what will the applicant offer to her clients?

Ms. McWhorter stated she will offer a full service boarding and grooming facility. She stated many businesses locally only offer one or the other. She stated she will also offer emergency drop-off in cases like family emergencies.

Chairman Shreckhise asked what is the anticipated traffic flow?

Ms. McWhorter stated this will be a low impact on traffic.

Mr. Coyner asked if the clients will come into the current driveway?

Ms. McWhorter stated they are going to look into putting in a separate driveway from the home.

Mr. Coyner stated the permit, if approved, will be contingent upon purchasing the additional property next door. He asked if the applicant will require the dogs to be vaccinated?

Ms. McWhorter stated she will require the dogs to be vaccinated and they will need to bring in records showing that.

Mr. Coyner asked if she will have employees?

Ms. McWhorter stated eventually as the business grows she would like to have the option of having employees but right now it will be her husband and her working.

Mr. Coyner asked if one (1) employee would be sufficient?

Ms. McWhorter stated at the start yes but she would like to have a kennel assistant and an extra groomer as her business grows. She planned on offering the best care to all of her clients.

Mr. Coyner stated as you know there has been discussion about the issue of barking dogs in the County recently.

Ms. McWhorter stated yes. She stated she has spoken with the builder about using heavier insulation as an extra sound barrier. She stated the dogs will be inside from 10:00 p.m. until 6:00 a.m. She stated she will live next to the facility and she would be the first one to complain over the barking dogs.

Ms. Brown asked how many kennels do you plan on having?

Ms. McWhorter stated ten (10) inside and outside runs. She stated two (2) smaller dogs from the same household could be in the same run if the owners would like.

Mr. Byerly asked if she would provide electronic cameras in the facility?

Ms. McWhorter stated no. She would love to offer that in the future as her business grows.

Mr. Coyner asked if the applicant would like to get started this winter?

Ms. McWhorter hoped that once the weather breaks she can get started. She mentioned that she will require flea and tick treatments before coming to the site. She stated that she is willing to offer pet day care services depending on her availability.

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

Mr. Joe Campbell, PO Box 60, Fishersville, stated he works for Virginia Frame. He was impressed about how detailed Ms. McWhorter was. He stated he made suggestions to her about the construction of the kennel facility.

Ms. Cindy Chandler Lucas, 3085 Hermitage Road, Waynesboro, stated that Tori is her daughter. She is very proud of her. She stated she will offer a good grooming facility. She stated that she will be sure the dogs are vaccinated. She stated that her daughter

is great with people and this will be a better environment for the dogs. She stated that she will offer her clients a place to keep their dog in case of a family emergency that happens in the middle of the night.

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.

Chairman Shreckhise stated this is a well thought out project.

Mr. Coyner stated most of us have dogs and it seems like the applicant will be running a good operation. He noted that she has had a good mentor. He stated the Board visited the site this morning. He would hope that the applicant is successful. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. A copy of an approved plat showing the two parcels being combined into one lot containing at least five acres be submitted to Community Development.
2. Applicant obtain building permit and provide a copy to Community Development.
3. Obtain VDOT entrance permit and provide a copy to Community Development.

**Operating Conditions:**

1. The facility will be for grooming and boarding. Breeding or sales of animals on this property is prohibited.
2. Maximum of thirty (30) dogs kept at this site at any time.
3. All dogs be confined within the facility as shown on the site plan or under direct control of the applicants.
4. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
5. Be limited to two (2) employees other than family members.
6. Site and kennel facility be kept neat and orderly.
7. Applicant must reside on premises.

Mr. Byerly seconded the motion, which carried unanimously.

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## **OLD BUSINESS**

### **KENNETH RAY BRADLEY, JR. - SPECIAL USE PERMIT**

A request by Kenneth Ray Bradley, Jr. for a Special Use Permit to modify conditions of the existing permit to have a trucking business by changing condition #4 to allow Sunday operations and to have outdoor storage of vehicles and equipment around the perimeter of the property he owns, located at 32 East Side Highway, Waynesboro, in the Wayne District. - TABLED AT THE OCTOBER 2, 2014 MEETING

Mr. Coyner moved that the item be brought forward.

Vice Chairwoman Tilghman seconded the motion, which carried unanimously.

Mr. Tom Shumate, Jr. stated that Kenneth Bradley had to be out of town and could not attend the meeting. He stated at the previous meeting the Board had some concerns about the water drainage onto Mr. Wood.

Mr. Coyner stated they noticed some of the blocks had been turned sideways.

Mr. Shumate stated Mr. Bradley turned the blocks sideways toward the existing ditch so that it drains to the detention pond along the eastern property line.

Chairman Shreckhise stated this will help drain the water into the ditch.

Mr. Coyner asked if there is a creek or ditch running along the north end toward the railroad?

Mr. Shumate stated the Virginia Department of Transportation installed an existing detention pond on a previous project and there is a fifty (50') foot drainage easement in place that goes up and turns along the railroad and it is all very low. He stated the detention pond in place will help to get it draining to the river. He stated they would like to have storage all around, moving it forty (40') feet away from the rear property line to the existing houses. He stated the front of the properties average about forty (40') feet from the curb and gutter. He stated all of the equipment will be 190' away from the residential houses.

Chairman Shreckhise asked what types of equipment would be stored outside?

Mr. Shumate stated trailers, snow plows, salt holders, and trucks. He stated the business is growing. He noted the contract at Eastside Speedway fell through and he plans to stay here but he does need more room.

Chairman Shreckhise stated the storage along the railroad tracks will give him quite a bit of storage area.

Mr. Shumate stated they put stakes in the ground at the forty (40') foot mark away from the houses and the one hundred (100') foot mark so the Board can see. He stated a lot of the land is lost.

Chairman Shreckhise stated the land is not lost, it is being used as a buffer.

Vice Chairwoman Tilghman asked if the ditch is included in the buffer?

Mr. Shumate stated yes.

Mr. Coyner felt that the applicant can store a lot of equipment near the railroad tracks in the back. He mentioned that if he was a homeowner in the area, he would not want to look at all of the equipment.

Chairman Shreckhise stated the applicant may need to screen the area. He stated a fence should be at the forty (40') foot mark.

Mr. Shumate suggested they could put up a six (6') foot high privacy fence at the forty (40') foot mark.

Mr. Coyner stated that the salt trucks are much taller than six (6') feet. He asked if the area would be raised and level before any of the equipment storage comes to the site?

Mr. Shumate stated yes, he would fill the area which would make the fence higher.

Chairman Shreckhise felt that area along the railroad was enough storage for the applicant while he decides about the truck pad. He noted that the applicant can come back and reapply for more once the Board sees that there is not a disruption to any of the neighbors.

Mr. Coyner stated they would like to see how the applicant manages the outside storage area. He noted that following stipulations has not been a strong suit. He mentioned that the area should be from the truck pad back to the railroad tracks straight across the back side.

Mr. Byerly agreed.

Mr. Shumate stated Mr. Bradley has a separate permit to store tractor trailers behind the houses which has no Sunday operations.

Mr. Wilkinson stated for the applicant's transportation business, Sunday operation is not permitted. He also noted that storing and moving of school buses for maintenance is



not permitted on Sundays. He stated the applicant is asking to operate the transportation business seven (7) days a week. He mentioned that the other half of the property that is zoned business there is no limitation on hours. He stated staff was concerned about the substantial amount of noise to the neighbors. He stated people will be impacted if the applicant is operating during the nighttime hours. He stated the Board understands about operating during a snow storm emergency.

Chairman Shreckhise stated the Board can make an exception for emergency snow storms but he is hesitant in granting this permit with the transportation business being operated seven (7) days a week and at night.

Vice Chairwoman Tilghman stated the Board can list that the only Sunday operation be in the case of an emergency.

Mr. Wilkinson stated the applicant has two permits on this property. He stated the first permit is where Mr. Bradley took over the Sea Bea permit and the second one is the transportation business. He stated a one hundred (100') foot buffer is required for all transportation businesses and is an ordinance requirement. He stated the Board set those regulations to minimize the potential impacts on residents that might be nearby. He stated with him not operating on Sundays it will give the neighboring homes a break from the transportation business.

Vice Chairwoman Tilghman stated that he could get his snow plows out if need be or a wrecker.

Mr. Byerly stated he does have a problem with the applicant operating on Sundays unless there were to be a public transportation operation there which typically does not run on Sundays.

Chairman Shreckhise stated once the business is up and running at the site the applicant could come back before the Board and Sunday operations could be reconsidered.

Vice Chairwoman Tilghman stated the applicant will need to abide by the stipulations placed on the permit.

Chairman Shreckhise stated there was no one wishing to speak on the request, therefore, he declared the hearing closed.

Mr. Coyner stated he has no problem with the storage along the railroad track to the front of the truck pad. He stated he would like to see a fence to the northern property line. He stated possibly an eight (8') foot fence to the truck pad.

Mr. Shumate stated the existing tree line is still there. He asked if they keep the existing buffer do they have to put up a fence?

Mr. Byerly stated the applicant will need to have a really tall fence in order to screen the equipment. He felt the fence was not necessary due to the existing tree buffer.

Mr. Coyner stated the tree buffer will need to be maintained. He stated that he has no problem with the storage area being from the railroad tracks to the front of the pad. He asked if the pad will be in place this spring?

Mr. Shumate stated they are working on a site plan. He stated there are new regulations in place on stormwater quality that will be reviewed during the site plan process.

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

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to have outside storage of licensed vehicles and equipment within the one hundred (100') foot buffer area along the western property line adjacent to the railroad and in the designated area along the northern property line stopping at the one hundred (100') foot buffer line adjacent to the houses as shown on the site plan.
2. No Sunday operations for the freight and truck terminal/courier business.
3. The existing tree buffer in front of the homes be maintained.
4. The pre-conditions of SUP#13-45 remain in effect.

Mr. Byerly seconded the motion, which carried unanimously.

Mr. Wilkinson asked about the site plan submittal for the East Side Highway property?

Mr. Shumate stated that should be ready in a month or two.

Mr. Wilkinson stated that there is a semi-trailer on the property. He asked Mr. Shumate to let Mr. Bradley know that the semi-trailer cannot be on the property and it cannot be used for storage until a site plan is approved.

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**STAFF REPORT**

- 14-4 Pinkston-Dougan, LLC
- 14-5 Draft Electric and Plumbing, Inc.
- 14-6 Draft Electric and Plumbing, Inc.
- 14-7 Rebb, LLC
- 14-8 The Regional Animal Shelter Land Trust
- 14-9 Sours Properties, LLC

Mr. Wilkinson stated SUP#14-4 and SUP#14-5 are both in compliance. He stated there were four (4) untagged vehicles not in the impound area for SUP#14-6. He has notified the property owner of this violation. He stated SUP#14-7 is in compliance. He mentioned that the Animal Shelter (SUP#14-8) will go ahead with the black coated vinyl for the fence. He stated SUP#14-9 is in compliance. He noted they are only operating the pool office.

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Mr. Morgan discussed the court cases with the Board.

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

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Chairman

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Secretary