

February 5, 2015

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 5, 2015, 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:

- **JONATHAN L. OR JANET L. BURKHOLDER - SPECIAL USE PERMIT**
- **KEVIN LOSH - SPECIAL USE PERMIT**
- **EDGAR E. MICHAEL - SPECIAL USE PERMIT**
- **DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - 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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Chairwoman

\_\_\_\_\_  
Secretary

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PRESENT: J. D. Tilghman, Chairwoman  
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 S. F. Shreckhise  
 J. R. Wilkinson, Zoning Administrator & Secretary  
 B. Cardellicchio-Weber, Executive Secretary

ABSENT: Pat Morgan, County Attorney

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 5, 2015, 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 January 2, 2015, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**JONATHAN L. OR JANET L. BURKHOLDER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jonathan L. or Janet L. Burkholder, for a Special Use Permit to construct a building to operate a landscaping business and make landscaping stones and stone signs on property they own, located at 6409 Spring Hill Road, Bridgewater in the North River District.

Mr. Jonathan Burkholder stated this is a project that he has wanted to do for some time. He felt that applying for the permit to have a building on his property is the best option right now to minimize overhead. He stated half of the building will be used for personal use storage and the other half for his business. He plans on getting rid of the other storage buildings on his property and consolidating into this building. He mentioned that he does have an interest in protecting the neighborhood. He stated this building will not be visible from the neighbors. He stated the noise will be very minimal if any.

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Vice Chairman Coyner asked what is done with the rocks?

Mr. Burkholder stated he works with small entrance rocks and large commercial signage rocks.

Vice Chairman Coyner asked if he pours and makes the rock at the site?

Mr. Burkholder stated yes. He stated a pallet or two would come to the property at a time. Vice Chairman Coyner asked if the applicant will do a lot of advertising?

Mr. Burkholder stated he will advertise in the newspaper and on the internet.

Vice Chairman Coyner stated this is a nice piece of property. He asked if this would be a family venture?

Mr. Burkholder stated yes. He stated he has been in the construction and excavation business for nineteen (19) years now. He is looking to have work that his family can be involved with as his children get older.

Vice Chairman Coyner asked if the applicant will deliver the stones to the client?

Mr. Burkholder stated yes.

Ms. Brown asked if the applicant will use a flatbed?

Mr. Burkholder stated the company he deals with will provide a delivery trailer. He stated it is designed with a lift for pickup, transport, and setup.

Vice Chairman Coyner asked if he serves a big area?

Mr. Burkholder stated he was given a protective territory of three (3) different counties.

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

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

Mr. Shreckhise stated this is a viable business and will not affect the neighbors. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to construct a 40' x 50' building as shown on the site plan.
2. Be permitted to have a small pile of sand and gravel outside.
3. No employees other than family members.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

Mr. Byerly stated these signs are more appealing. He felt this is a good area for this type of business. He seconded the motion, which carried unanimously.

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**KEVIN LOSH - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kevin Losh, for a Special Use Permit to have a landscape business, snow removal and power washing with outdoor storage on property owned by Augusta County Eagles Aerie #4129, located at 2337 Jefferson Highway, Waynesboro in the Wayne District.

Mr. Kevin Losh stated he is requesting to have outside storage for his landscape, snow removal, and power washing business. He stated the outside storage will be the blades for the snow removal.

Chairwoman Tilghman asked if all of the items will be kept in the fenced in area?

Mr. Losh stated yes.

Chairwoman Tilghman asked if there is enough parking at the site?

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Mr. Losh stated yes.

Ms. Brown asked if the applicant will have any employees?

Mr. Losh stated none right now. He stated his friends help him if needed. He stated his kids help him in the summer months.

Ms. Brown asked about the amount of equipment at the site?

Mr. Losh stated he has four (4) trailers and a couple of trucks.

Ms. Brown asked if all of the items will be in the fenced in area?

Mr. Losh stated yes. He will keep the lawnmowers and small power washers inside the building. He stated he does store some personal items in the building.

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

Mr. Howard Ellis, 2702 E. Grace Street, Richmond, stated that he owns property to the east and south of this site. He stated he was made aware of this by the letter from the County. He stated this business is existing and the applicant needs this Special Use Permit to be in compliance. He is not aware of any negative experiences. He stated his property both behind and to the east will be well protected in terms of the elevation and the trees. He stated the applicant does a good job at keeping it maintained. He is in favor of this request.

Chairwoman Tilghman asked if there was anyone else wishing to speak.

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

Chairwoman Tilghman stated the property is slated on the Comprehensive Plan to be business and it would be nice for it to be zoned business. She stated the applicant may want to relay this information to the Augusta County Eagles in order for them to apply for a rezoning.

Ms. Brown stated the Board visited the site today and it is in a secluded area. She moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Applicant be permitted to keep vehicles and equipment in the chain-link fenced area and behind the building as shown on the site plan.
2. All outdoor storage be kept in the designated areas shown on the site plan.
3. Be limited to three (3) employees until the property is zoned Business.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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**EDGAR E. MICHAEL - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Edgar E. Michael, for a Special Use Permit to have a contractor's storage yard on property he owns, located on the north side of Willow Spout Road, approximately .1 of a mile west of the intersection of Willow Spout Road and Lee Highway in the North River District.

Mr. Edgar Michael stated he would like to have a permit for a contractor's storage yard. He stated it would be nice to park vehicles and the lowboys at this site because of the road situation at his other location.

Vice Chairman Coyner asked what are the materials that are stored on the property?

Mr. Michael stated they are culverts from other jobs but can be removed.

Vice Chairman Coyner stated this request is not in keeping with the character of the neighborhood.

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Mr. Michael stated some of the wood pile is where he was cleaning up the site.

Vice Chairman Coyner stated the Board stipulated that once the applicant outgrew the original site he would need to move to a business location.

Mr. Michael stated he would, if he could afford to.

Vice Chairman Coyner stated if the Board were to grant Mr. Michael this additional lot, he would be afraid he would fill this site up with more equipment which would not be the right thing to do to the surrounding neighbors.

Ms. Brown asked how many employees are there?

Mr. Michael stated he has ten (10) employees.

Ms. Brown asked where was the equipment kept before?

Mr. Michael stated the tanker, dump trailer, and lowboys were kept at the other shop.

Ms. Brown asked what is the reason that the applicant would like to move equipment to this site?

Mr. Michael stated it is hard to get in and out of his other site with the lowboy trailers. He mentioned that some of his equipment is only used on occasion.

Vice Chairman Coyner asked how big of an area does Mr. Michael work in?

Mr. Michael stated he works in Rockingham and Augusta Counties.

Vice Chairman Coyner asked if most of the equipment comes back to the site every night?

Mr. Michael stated he moves the equipment that he needs from one job to the next.

Chairwoman Tilghman asked if the applicant could put all of the equipment that is out at the job sites right now in the garage?

Mr. Michael stated yes but the lot would be full.

Ms. Brown asked how large is the main lot?

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Mr. Michael stated ten (10) acres but he owns the fifty (50) acres behind it.

Ms. Brown asked if the applicant has problems getting up the dirt road?

Mr. Michael stated it is hard to get the lowboy trailers up the dirt road.

Chairwoman Tilghman stated the applicant will violate the existing permit if he were to have more than twenty-five (25) pieces of equipment at the site. She stated the house on the hill looks down at this site. She felt that this request would present a problem to the neighbors. She did not feel the equipment could be screened from view.

Ms. Brown agreed with Chairwoman Tilghman.

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

Mr. James Toth, 1572 Lee Highway, Fort Defiance, stated he has been at the property since 2003 and he already had equipment at the site during that time. He stated his property has a very narrow dirt road. He stated sooner or later it will need to be widened. He is happy to have Mr. Michael as a neighbor.

Adam and Kristi Daniel, 83 Willow Spout Road, Fort Defiance, stated he is a good neighbor. He stated they are in the process of selling their house. He stated the price has dropped \$130,000. He noted that Mr. Michael has done some things to clean up the property. He noted they even planted trees along the property line.

Ms. Daniel stated they would like his equipment moved so that they can sell their house. She stated they built the house in 2005 and more equipment was placed at the site. She noted that she was told by the Livicks that the equipment would only be there temporarily but it has been there for many years.

Mr. Byerly asked if the neighbors would prefer if Mr. Michael remove the dirt pile and debris as well as having the Board limit the number of equipment at the site?

Ms. Daniel stated she would not be in favor of that. She stated majority of the equipment has been there for at least seven (7) years and it stays at the site. She stated the road is in terrible disrepair and they are working with Dr. Marshall Pattie on getting it paved.



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Ms. Brown stated the equipment at the site has been there for years and it has not moved.

Mr. Wilkinson stated regardless of how long the equipment has been at the site, a business use requires a Special Use Permit from the Board of Zoning Appeals. He noted that by Mr. Michael storing the equipment at the site it is considered a zoning violation.

Chairwoman Tilghman asked if the applicant would like to speak in rebuttal.

Mr. Michael stated he can move the equipment to the space on the top of the hill behind his shop.

Chairwoman Tilghman declared the public hearing closed.

Ms. Brown stated there is no screening the equipment from the surrounding neighbors. She feels that the applicant has outgrown his location and is in violation.

Vice Chairman Coyner felt that the applicant should not pile more stuff on the back lot. He stated the site should be cleaned up as soon as possible because he is in violation today.

Ms. Brown asked if the applicant can operate and store more equipment at his current location?

Mr. Wilkinson stated an expansion at the applicant's other location would require the approval of the Board.

Chairwoman Tilghman stated an expansion might not be a good idea due to the fact of the traffic on the road. She stated there is a fairly good size hill at his other location.

Vice Chairman Coyner stated the applicant has outgrown their spot.

Mr. Wilkinson stated the Board discussed in their meeting back in 2009 that there be no further expansion at the current location. He noted that it has been discussed at a couple hearings that once the business grows that the applicant would need to move to a business or industrial location which would be more compatible.

Chairwoman Tilghman stated the applicant has been operating on this land for several years and there was no Special Use Permit issued. She stated it is remiss that the

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County did not realize this sooner but the fact remains that Community Development's office is complaint driven.

Ms. Brown stated the applicant has had a number of permits and is familiar with the process. She felt that since his business has grown it would need to move to a business zoned area. She stated this property cannot be screened from the neighbor on the hill.

Vice Chairman Coyner stated an expansion at this spot should not be granted. He stated the applicant has been using this site illegally for several years now. He moved that the request be denied and that the applicant have sixty (60) days to remove the equipment and clean up the site.

Ms. Brown seconded the motion, which carried unanimously.

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**DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Dirk Gold, agent for Goldwrench Enterprises, LLC, for a Special Use Permit to construct a larger fenced vehicle storage on property they own, located at 588 East Side Highway, Waynesboro in the Wayne District.

Mr. Dirk Gold stated he would like to expand the fenced in storage area to 90' x 100'. He stated that he wants to be in compliance and aware he is out of compliance. He stated by the Board granting this request they will be able to meet their current needs. He stated eventually he wants to construct an addition onto the building in order to dedicate one bay to provide state inspection services to his customers. He received staff's recommendations of permitting the 55' x 90' storage area but he would ask that the Board consider the full size of the lot.

Mr. Byerly asked once the addition is constructed how much would it reduce the storage area to?

Mr. Gold stated it would be reduced by half.

Ms. Brown asked what is being done with the vehicles behind the lot?

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Mr. Gold stated the majority of the vehicles are Volkswagen repairs. He stated the other vehicles are ready for resale, being worked on, or from the wrecker service with no insurance. He stated that he needs to process paperwork that the vehicles are abandoned before they take them down to get crushed. He noted that some of the vehicles are his personal vehicles.

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

Mr. Gold stated three (3) employees.

Ms. Brown asked when do you have time to restore the Volkswagens and how often do you receive them?

Mr. Gold stated they get about six (6) to eight (8) a year. He stated he does not restore the Volkswagens. He does mechanical repair on them.

Mr. Shreckhise stated the applicant's permit is not for a junkyard. He stated once a vehicle is towed to the site, the applicant should file the paperwork. He stated there is no reason for it to sit on the property for months. He mentioned that the applicant does not have permission to collect vehicles at the site. He stated the permit is for the applicant to work on the vehicles and to not have a junkyard.

Mr. Gold stated they are asking for more room in order to be in compliance with their permit. He stated their goal is to reduce the storage area once they expand the building which they originally proposed back in 2008. He stated when he completes the addition to the building, he would only use half of the storage area and it will only be used for a couple of vehicles.

Mr. Byerly asked if the amount of business has increased over the last twenty-four (24) months?

Mr. Gold stated yes it has increased. He noted they receive about two (2) to four (4) calls a week for wrecked vehicles. He stated 25% of the vehicles end up being abandoned.

Mr. Shreckhise asked how long does the applicant keep the vehicles?

Mr. Gold stated the vehicles are at the site anywhere from 45 to 60 days.

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Mr. Shreckhise stated if the Board approves the 100' x 90' storage area then once the applicant gets the funds available to construct an addition to the building, the 95' x 55' storage area will be reduced by one half. He asked if the applicant will keep both until the building gets built?

Mr. Gold stated yes.

Mr. Byerly asked when does the applicant plan on constructing the addition to the building?

Mr. Gold stated he would like to go to the bank as soon as possible in order to get the financing in order to start the process sometime this year. He stated this is the first step in order for him to comply with his permit.

Mr. Byerly stated the intent of the Board of Zoning Appeals is too keep you successful but the applicant needs to remain in compliance with their permit.

Mr. Gold stated he is a little clearer with his responsibilities.

Chairwoman Tilghman stated that the Board will need to be sure that once the addition is constructed that the original storage area be reduced.

Vice Chairman Coyner stated he would have a problem with both areas completely full of vehicles.

Mr. Gold asked if he would have to screen the side near the railroad tracks?

Mr. Byerly felt that the screening did not need to be in place at the railroad tracks. He stressed the importance of slats not meeting the screening requirements.

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

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

Vice Chairman Coyner stated the applicant does a good job and it is great to see a family business successful, but the applicant does need to adhere to the conditions that the Board places on the permit. He would not want to see the storage area overrun with vehicles.

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Mr. Wilkinson stated the applicant may even have to turn down customers if their storage area is getting full.

Chairwoman Tilghman stated this permit should be inspected on a regular basis. She stated the permit should not be issued indefinitely with regard to all of the storage area.

Mr. Shreckhise stated the permit should have a two (2) year time limit in order for the permit not to be open ended. He stated once the applicant is ready for the addition he will need to come back before the Board and apply for another permit. He stated the screened storage areas should not be used to store junk vehicles and the opaque screening should be maintained. He stated screening flopping in the wind would be in violation of the operating conditions.

Vice Chairman Coyner stated the applicant does a valuable service to the community. He moved that the request be approved with the following conditions:

**Pre-Condition:**

1. Submit an Erosion and Sediment Control Plan meeting the requirements of Sections 9-6 and 9-7 of the Augusta County Code to be approved by all appropriate departments and/or agencies.

**Operating Conditions:**

1. Be permitted to construct a new **90' x 100'** vehicle storage area and it must be screened by an eight (8') foot high opaque privacy fence and must be maintained at all times. The rear side of the fence facing the railroad tracks does not have to be screened.
2. Applicant be given two (2) years to obtain a Special Use Permit for an addition to the garage.
3. Be permitted to keep the existing 55' x 95' vehicle storage lot until the garage addition is constructed, and at that time the 55' x 95' vehicle storage area will be reduced by one-half.
4. All unlicensed or inoperable vehicles must be kept within the building or the two screened vehicle storage areas.

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- 5. No salvaging or parting out of vehicles, or repair work within the two screened vehicle storage areas.
- 6. Site be kept neat and orderly.
- 7. Site be inspected every **six (6) months**.
- 8. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 9. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Byerly seconded the motion, which carried unanimously.

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**MATTERS TO BE PRESENTED BY THE PUBLIC**

Mr. Garland Eutsler with Shenandoah Acres is asking that the Board amend their motion to approve a 32' x 32' bathhouse as per the Health Department regulations. He noted that he would have included that bathhouse originally if he would have known that it is a Health Department requirement. He stated 2014 has been a really good year for him. He is prepared to apply for the building permit for the bathhouse if the Board amends their motion.

Mr. Shreckhise moved to amend their previous motion in order to permit the construction of a 32' x 32' bathhouse as per the Health Department regulations.

Mr. Byerly seconded the motion, which carried unanimously.

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**ALLAN HADFIELD, AGENT FOR DYNAMIC CONSTRUCTION SERVICES, INC. -  
EXTENSION OF TIME**

A request by Allan Hadfield, agent for Dynamic Construction Services, Inc., for a Special Use Permit to have a general construction and electrical business, to construct an addition to the existing building, to construct a new warehouse, and have outside storage on property owned by Blue Marlin Investments, LLC, located in the southwest quadrant of the intersection of Lee Jackson Highway (Route 11) and Swartzel Shop Road (Route 694) in the Riverheads District.

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Mr. Allan Hadfield stated he is requesting a two (2) year Extension of Time. He stated that he has focused most of his time in obtaining work. He felt that he is ready to expand the building.

Mr. Byerly moved that the two (2) year Extension of Time be approved.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 14-16 Cornerstone Church of Waynesboro, Trustees
- 14-17 Garretson Family Revocable Living Trust
- 14-18 Mark A. or Deborah H. Battle
- 14-19 Linda L. or Thomas Groah
- 14-20 Annex United Methodist Church, Trustees
- 14-21 Rockingham Cooperative Farm Bureau, Inc.
- 14-22 Rebecca W. Simmons – **Withdrawn**

Mr. Wilkinson stated all of the permits were inspected and are all in compliance.

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

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Chairwoman

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Secretary