

October 1, 2015

PRESENT: J. D. Tilghman, Chairwoman
G. A. Coyner, II, Vice Chairman
D. A. Brown
T. H. Byerly
S. F. Shreckhise
T.K. Fitzgerald, Director of Community Development
P. Morgan, County Attorney

ABSENT: J. R. Wilkinson, Zoning Administrator & Secretary

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 1, 2015, 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:

- **RUSTY K. AND KARI G. DAVIS - SPECIAL USE PERMIT**
- **GEORGE ANEN, SR. AND DENISE D. CAMPBELL - SPECIAL USE PERMIT**
- **BLAND W. AND REMA D. FARRAR - SPECIAL USE PERMIT**
- **BRANDON R. AND SARAH F. BURKHOLDER - SPECIAL USE PERMIT**
- **MARCO C. TAYLOR - 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
 G. A. Coyner, II, Vice Chairman
 D. A. Brown
 T. H. Byerly
 S. F. Shreckhise
 T.K. Fitzgerald, Director of Community Development
 P. Morgan, County Attorney
 B. Cardellicchio-Weber, Executive Secretary

ABSENT: J. R. Wilkinson, Zoning Administrator & Secretary

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 1, 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 September 3, 2015, meeting be approved.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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RUSTY K. AND KARI G. DAVIS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Rusty K. and Kari G. Davis, for a Special Use Permit to use an existing barn for weddings and special events on property they own, located at 106 Zion Church Road, Waynesboro, in the Wayne District.

Ms. Kari Davis stated she was asked by two of her friends to use the existing barn for weddings and special events. She will not advertise at all. She is in agreement with staff's recommendation with no Sunday operation and limiting the guests to 150. She asked the Board to permit her to clean up the site by 10:00 p.m. She stated there will be parking in the grass and they will have two mandatory parking attendants for the events. She noted there will not be any thru traffic on Zion Church Road for the events. She stated there will be no motocross during the special events or weddings. She will not permit the use of

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tobacco or alcohol on the premises unless her client provides a shuttle bus for those who partake in alcohol.

Vice Chairman Coyner asked what type of restroom facilities will the applicant have for the events?

Ms. Davis stated they are planning on installing a new septic system and well so they can have interior bathrooms in the barn. She did not want to use porta-potties. She will use a restroom trailer in the meantime. She stated their goal is to have everything installed in the spring of 2016 if the permit were to be approved.

Vice Chairman Coyner asked if the lower area will still be used as a barn?

Ms. Davis stated yes. She stated the lower area will be used as agriculture storage of equipment and farm animals.

Vice Chairman Coyner asked if the parking will be in the pasture field?

Ms. Davis stated yes. She would like to keep it looking like it is but after all of the rain, they may have to gravel the parking area.

Vice Chairman Coyner asked if the applicant resides on the property?

Ms. Davis stated yes.

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

Mr. William Huestis, 1829 Duke Road, Waynesboro, stated he lives a half a mile away. He objects to the Board approving the motocross track a year and a half ago. He stated the motocross track is very noisy and it affects about a dozen homes. He stated the property owners suffer in the area. He stated this will change the rural character of the area and diminish property values. He stated this will lengthen the time a home stays on the market for sale. He noted this is not consistent with other businesses in the area because there are no businesses nearby. He does have some concerns about trash removal and the use of all of the water for the catering. He stated these two venues change the way this area of the County is. He stated when he moved to the area he wanted to live in a rural environment. He stated when the motocross is there it is as though someone is running a chainsaw.

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Chairwoman Tilghman stated this Board did not grant the permit for the motocross. She stated a personal use motocross track is allowed by right.

Mr. Fitzgerald noted that the Board of Supervisors did hear comments from the neighbors concerning the motocross at this site. He stated the Board of Supervisors did not take any action on the personal use motocross because it is permitted outright on agriculture property that they own.

Mr. Byerly stated the motocross does not have anything to do with the application today.

Mr. Huestis stated the motocross does change the character of the neighborhood.

Mr. Dan Nix, 77 Singing Hill Lane, Waynesboro, stated he has a clear view of the property. He stated his property is adjacent to the site. He wanted to know if the entire acreage would be used on event days. He stated special events could be used for virtually anything. He asked if there would be concerts?

Chairwoman Tilghman stated the Board can limit what area of the property is used.

Mr. Fitzgerald stated the events will be inside the barn. He stated if outdoor music is needed the applicant would need to obtain an Outdoor Music Permit from the Board of Supervisors.

Chairwoman Tilghman stated the events could be wedding anniversaries, weddings, reunions, and Christmas parties.

Mr. Nix asked if the applicant would have a gathering of motorized vehicles?

Chairwoman Tilghman stated no. She stated the events will need to be inside the barn. She noted that the Board visited all of the requests on the agenda today.

Mr. Nix stated the Board then saw the condition of Zion Church Road which is a constant problem for the neighbors. He stated the road is always in need of repair and maintenance. He is opposed to the commercialization of the area.

Mr. Ed Keefer, 33 Misty Hill Lane, Waynesboro, stated this is a beautiful area and he would hate to lose that. He asked who would ensure the safety of a building that could hold 100-200 people? He stated the applicant will not have any sanitation for two years. He asked if the applicant could ask for additional time after two years? He stated his biggest concern is the motocross and the 100-200 person venue together. He questioned if the neighbors

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can restrict the Davis' from having a venue on days that he is having a cookout in his backyard.

Chairwoman Tilghman stated there has been a number of Special Use Permits in the last couple of years that have started having special events in barns with zero sanitation setup.

She stated the reason the Board allows the applicant to start operating is because initially the septic is very expensive. She stated all of the permits granted have given the applicants some flexibility to start operating and then install the septic in order to determine if the expense of a septic system would be feasible.

Mr. Keefer asked if the applicant would need to abide by any building and fire codes?

Mr. Fitzgerald stated the barn is an accessory use to the farm. He stated the County does not have an official fire code. He stated the liability would come back to the owner of the facility.

Mr. Jonathan Stanley, 119 Zion Church Road, Waynesboro, stated he was concerned about where the parking lot would be and the number of weekends the applicants plan on having special events.

Chairwoman Tilghman stated during certain times of the year there will be more special events than others. She asked if there was anyone else wishing to speak?

There being none, Chairwoman Tilghman asked the applicant to speak in rebuttal.

Mr. Rusty Davis stated they are willing to work with the neighbors and if they have issues they encourage them to speak to them. He stated the events will be inside the barn. He stated the closest neighbor affected will be Mr. Stanley and he wants to make sure they have a good relationship with him. He was glad the Board is giving them sometime regarding the septic because if this venture does not go well they would be able to back out without a lot of expenses. He is concerned about all of the issues. He stated they care about the neighbors and do not want them affected.

Ms. Davis stated this is the perfect venue spot. She stated they will not have alcohol onsite. She noted they have a list of strict guidelines their clients will need to abide by.

Chairwoman Tilghman asked where would the guests enter from?

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Ms. Davis stated there is a gate on Baynes Road. She stated they will also have two traffic attendants during special events. She stated all of the traffic would be routed through Baynes Road and not on Zion Church Road.

Chairwoman Tilghman declared the public hearing closed.

Mr. Byerly stated the Davis' decided to build a motocross track for family only. He stated they built it for their children and they can ride their four-wheelers because it is their right. He stated as landowners we need to understand this.

Vice Chairman Coyner stated the Board has heard a number of permits for events taking place in barns and he has yet to receive a complaint from any of them.

Chairwoman Tilghman stated all of the special event facilities have all been in rural areas around the County.

Mr. Byerly stated the applicants are not going to promote this site as a business.

Mr. Shreckhise stated this is a very limited use of the property and the Board has not had problems with this type of use before.

Vice Chairman Coyner stated the neighbors will need to work together. He stated the Board visited this site and it is a nice piece of property. He stated they have heard comments that twenty-four (24) events is too many.

Ms. Davis stated the Board can limit us to fifteen (15) events per year.

Ms. Brown stated the Board may want to review this permit within a year.

Mr. Fitzgerald stated the applicant is asking to be allowed to have the events end at 10:00 p.m. and that all persons be off of the property by 11:00 p.m.

Chairwoman Tilghman stated she would prefer that all persons be off of the property by 10:30 p.m. instead.

Vice Chairman Coyner moved that the request be approved with the following conditions:

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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. Applicant will install a sewage treatment system approved by the Health Department within two (2) years.
2. Be permitted to operate for two (2) years using a portable restroom trailer until the septic system is installed.
3. Be limited to fifteen (15) events per year but no more than three (3) per month, and only one (1) event per weekend.
4. There will be no use of the motor cross track on event days.
5. Be limited to a maximum of two hundred (200) people or less per event, as limited by the Health Department.
6. No amplified outside music after 7:00 p.m.
7. Events to cease by 10:00 P.M. and all persons off the property by 10:30 p.m.
8. One of the applicants must reside on the premises.
9. Site be kept neat and orderly.
10. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
11. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the Ordinance requirements of Article VI.A Outdoor Lighting.
12. 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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GEORGE ANEN, SR. AND DENISE D. CAMPBELL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by George Anen, Sr. and Denise D. Campbell, for a Special Use Permit to have a motor vehicle sales lot and to detail vehicles on property they own, located at 304 East Side Highway, Waynesboro, in the Wayne District.

Mr. George Anen, Sr. stated he does some detail work for friends and family in the building.

Mr. Shreckhise asked if the applicant will only detail vehicles?

Mr. Anen stated yes.

Vice Chairman Coyner asked if the applicant will have ten (10) vehicles at the site?

Mr. Anen stated he will only have six (6) or seven (7) vehicles at the site. He stated the Department of Motor Vehicle requires him to have spaces for ten (10) vehicles.

Mr. Shreckhise stated the applicant will only have a maximum of ten (10) vehicles onsite whether it is for sale or to be detailed.

Mr. Anen stated yes. He also mentioned the house is above the floodplain.

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 it is good that the applicant is trying to provide for himself and his family. He stated the Board visited the site this morning. He stated the property is very limited because of the way it is situated along the road. He noted this request would be in keeping with the character of the area.

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

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Pre-Conditions:

- 1. Applicant provide a survey showing the exact boundaries of the two lots, parking, and aisleways.
- 2. Obtain letter of approval from Building Inspection.

Operating Conditions:

- 1. Be permitted to have a maximum of ten (10) vehicles for the business on the property at any one time.
- 2. There be no vehicles displayed for sale in front of the house.
- 3. All vehicles for the business must be kept inside the vehicle storage area shown on the BZA plan.
- 4. No employees other than family members.
- 5. Site be kept neat and orderly.
- 6. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 7. Applicants must reside on premises.
- 8. No further expansion.
- 9. Permit be reviewed in a year and renewed if all of the conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

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BLAND W. AND REMA D. FARRAR - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Bland W. and Rema D. Farrar, for a Special Use Permit to have a trucking business with storage of vehicles and

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trailers on property they own, located at 86 Purple Cow Road, Waynesboro, in the Middle River District.

Mr. Bland Farrar stated he has lived at this site since 1990 and has drove a truck all of his life. He stated his son drives a truck and his son-in-law drives part-time. He has been in business for twenty-five (25) years.

Chairwoman Tilghman asked if the applicant planned on increasing the number of employees?

Mr. Farrar stated no. He stated some places require him to have an extra trailer. He stated that his son's truck broke down last week and they could have used a fourth tractor so that they would not lose the work.

Vice Chairman Coyner stated the Board saw a refrigerated trailer at the site. He asked if the applicant left for a week at a time?

Mr. Farrar stated yes. He stated they are not in and out during the week. He normally leaves on Sunday or Monday and returns once a week.

Chairwoman Tilghman stated this is a long haul trucking business.

Mr. Farrar stated yes. He is back on the weekends.

Vice Chairman Coyner asked if service is done at the site for the tractors?

Mr. Farrar stated service is done while he is on the road. He stated his son does a lot of work on his tractor.

Mr. Shreckhise asked if the applicant will hire another driver?

Mr. Farrar stated no.

Vice Chairman Coyner asked if there could be the eight (8) trailers on the property all at once?

Mr. Farrar stated no. He stated there would not be a time where they would have that many trailers at the site at once. He leases the trailers to an owner operator but they are not his employees.

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Vice Chairman Coyner asked if the neighbors are in support of this business?

Mr. Farrar stated he went around to all of his neighbors. He does try not to come to the site with a loaded trailer so they do not have to hear the unit running.

Vice Chairman Coyner stated the property is well maintained and orderly.

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

Mr. Ronald Burner, 119 Purple Cow Road, Waynesboro, stated he has never had any disruption from the trucks.

Mr. Brian Fitzgerald, 81 Mountain Stream Lane, Waynesboro, stated Mr. Farrar is gone all week long. He stated this is a parking lot for the tractor trailers. He has never heard any complaints from anyone. He stated he has operated there for twenty-five (25) years. He is in support of this request.

Mr. Daniel Kanagy, 126 Mountain Stream Lane, Waynesboro, stated his property is adjacent to Mr. Farrar. He stated Mr. Farrar is a fine neighbor and they get along fine. He keeps the property looking orderly. He mentioned that the building is an asset to the community. He does not park his trucks in the road.

Ms. Debby Howe, 173 Mountain Stream Lane, Waynesboro, stated the site is neat and clean. She stated Mr. Farrar is very respectable and an asset to the community.

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

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

Mr. Byerly stated the property looks extremely good and this business is an asset to the community. He stated when neighbors come to the meeting to speak in support it makes the Board's decision much easier. He does not foresee any problems with this request. He stated this is a family operation. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

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Operating Conditions:

1. Be limited to four (4) semi-trucks and eight (8) semi-trailers on this site at any one time.
2. All semi-trucks and trailers be kept in the designated areas shown on the site plan.
3. **Tractor trailers may enter and leave only by the entrance on Purple Cow Road**, unless the applicant obtains a commercial entrance permit and completes all the upgrades to Mountain Stream Lane that are required by VDOT.
4. Site be kept neat and orderly.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. No employees other than family members.
7. Applicant must reside on premises.
8. If any future expansion of building or use is requested or required, the business must be moved to a Business or Industrial zoned district.

Ms. Brown seconded the motion, which carried unanimously.

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BRANDON R. AND SARAH F. BURKHOLDER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brandon R. and Sarah F. Burkholder, for a Special Use Permit to enlarge a non-conforming dwelling no closer to the lane on property they own, located at 28 Burkholder Lane, Waynesboro, in the South River District.

Mr. Fitzgerald stated the Zoning Ordinance changed in 1995 to include a thirty-five (35') foot setback. He stated the property owners are not able to meet the thirty-five (35') foot setback. He stated they would like to construct a 16' x 44' addition to the dwelling but they will not come any closer to the private road.

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Mr. Byerly asked if the addition would have a basement?

Mr. Brandon Burkholder stated no. He stated the addition will have a crawl space.

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 did not see any issues in granting this request. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant obtain a Building Permit.
2. Addition be constructed no closer to the right-of-way as shown on the survey dated July 31, 2015.

Ms. Brown seconded the motion, which carried unanimously.

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MARCO C. TAYLOR - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Marco C. Taylor, for a Special Use Permit to construct a larger accessory building than the ordinance permits on property he owns, located at 56 Carter Circle, Stuarts Draft, in the South River District.

Mr. Fitzgerald stated on property that is less than one acre, the ordinance only permits an aggregate of all buildings no more than 900 square feet. He stated the applicant would like to locate a new building in the back of the property.

Vice Chairman Coyner asked how long has the applicant lived at the site?

Mr. Marco Taylor stated seven (7) years.

Vice Chairman Coyner asked if the applicant planned on building it yourself?

Mr. Taylor stated yes. He is planning on constructing a pole barn.

Vice Chairman Coyner stated there are many items outside on the property. He stated if the building is built then the items outside should be placed inside the building. He asked if the applicant will remove the smaller buildings on the property?

Mr. Taylor stated he would like to. He stated Augusta County is the only area that limits accessory building size on agriculture lots. He stated that he does not have any neighbors behind him.

Chairwoman Tilghman stated the Board looks at the character of the neighborhood and all of the neighbors in this area have a number of buildings on their property. She 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. Byerly moved that the request be approved with the following conditions:

Pre-Condition:

- 1. Applicant obtain a Building Permit.

Operating Condition:

- 1. Be limited to construct a 28' x 32' building with the total aggregate of buildings not to exceed 1,700 square feet.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

14-54	Kenneth Ray Bradley, Jr., Inc.
14-59	Gary or Audrey Conner
14-60	J.R. Ridenour
14-61	Christopher S. or Tori C. McWhorter

Mr. Fitzgerald stated the Erosion plan has been submitted and the applicant is almost ready to submit the site plan for SUP#14-54. He stated the permit has been issued for

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the placement of the manufactured home for SUP#14-59. He stated SUP#14-60 is in compliance. He stated Mr. McWhorter (SUP#14-61) will ask the Board for an Extension of Time at the November meeting.

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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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Chairwoman

Secretary