



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

TO: Augusta County Board of Zoning Appeals
FROM: John R. Wilkinson, Zoning Administrator
DATE: November 23, 2015
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, December 3, 2015, at 1:30 P.M.**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia.

Please meet in the Board of Supervisors Conference Room at the Augusta County Government Center in Verona at **8:45 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow at **Country Cookin at noon**.

Enclosed are the minutes of last month's meeting, the agenda for **Thursday's** meeting, staff reports and site plans on each of the requests.

If you cannot attend this meeting, please notify this office as soon as possible.

JRW/bcw

Enclosures

**ADVANCED
AGENDA**

Regular Meeting of the Augusta County Board of Zoning Appeals

Thursday, December 3, 2015, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of November 5, 2015

4. PUBLIC HEARINGS

- A. A request by Paul R. and Theresa G. Johnson, for a Special Use Permit to enlarge an accessory building resulting in the aggregate area exceeding 1,200 square feet on property they own, located at 43 Bradford Street, Swoope, in the Pastures District.
- B. A request by Lester P. and Mary A. Witmer, for a Special Use Permit to construct a new building and use a portion of it for a concrete pumping business on property they own, located at 188 Coffman Road, Weyers Cave, in the North River District.
- C. A request by B.E. Brannock, agent for Crosco Company, LC, for a Variance from the yard and setback requirements in order to construct an office building on property it owns, located at 270 Keezletown Road, Mount Sidney, in the North River District.
- D. A request by B.E. Brannock, agent for Crosco Company, LC, for a Special Use Permit to expand a non-conforming building on property it owns, located at 270 Keezletown Road, Mount Sidney, in the North River District.

5. OLD BUSINESS

6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

8. STAFF REPORT

15-4	Edgar E. Michael, Trustee – Denied
15-5	Jonathan L. or Janet L. Burkholder
15-6	Goldwrench Enterprises, LLC
15-7	Augusta County Eagles Aerie #4129

9. ADJOURNMENT

AGENDA ITEM # 4A

Date 12/3/15

PROPERTY OWNER:
Paul R. and Theresa G. Johnson

APPLICANT:
Same

LOCATION OF PROPERTY:
43 Bradford Street, Swoope, in the Pastures District

SIZE OF PROPERTY:
2.108 acres

VICINITY ZONING:
Rural Residential surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
05/89 Zoned Rural Residential

LAND USE MAPS:
Community Development Area – Low Density Residential

UTILITIES:
Public water, private septic

APPLICANT'S JUSTIFICATION:
To enlarge an accessory building resulting in the aggregate area exceeding 1,200 square feet

PLANNING COMMISSION'S COMMENTS:
No Comment

SECTION 25-122.1C – ACCESSORY BUILDINGS NOT MEETING 25-122.1A & B

The accessory building or structure would not be out of character with the neighborhood or disproportionately large in relation to the size, location and character of other buildings and uses on the lot on which it is to be located and on adjoining and surrounding properties. For purposes of this section, "disproportionately large" shall mean so large as to: (i) be larger than a principal building to which it is accessory; or (ii) appear out of character with surrounding properties.

The existing dwelling is 2,954 square feet. The existing garage is 696 square feet (24' x 29') and the requested addition is 1,008 square feet (24' x 42') bringing the total building to 2,256 square feet which is not larger than the dwelling.

Accessory buildings and structures shall meet the applicable side and rear yard requirements of § 25-128.

The proposed addition will easily meet all setback requirements.

STAFF RECOMMENDATIONS

The applicant is requesting to enlarge an existing garage by constructing a 24' x 42' (1,008 square foot) addition, bringing the total aggregate of accessory buildings to 2,256 square feet. The ordinance sets a total aggregate limit of 1,200 square feet of accessory structures without a Special Use Permit. The applicant currently has three (3) accessory buildings totaling 1,248 square feet.

The current ordinance that limits accessory building total aggregate to a maximum of 1,200 square feet on lots less than five (5) acres was adopted in 2010. Prior to 2010, there was no limit on the size of accessory buildings in the Rural Residential District. Staff has visited this neighborhood and found that there are five (5) properties on this street with accessory building aggregates from 2,352 to 4,000 square feet. Staff feels the applicants' request would not be disproportionately large and would be compatible with accessory structures in this neighborhood, and would recommend approval with the following conditions:

Pre-Conditions:

None

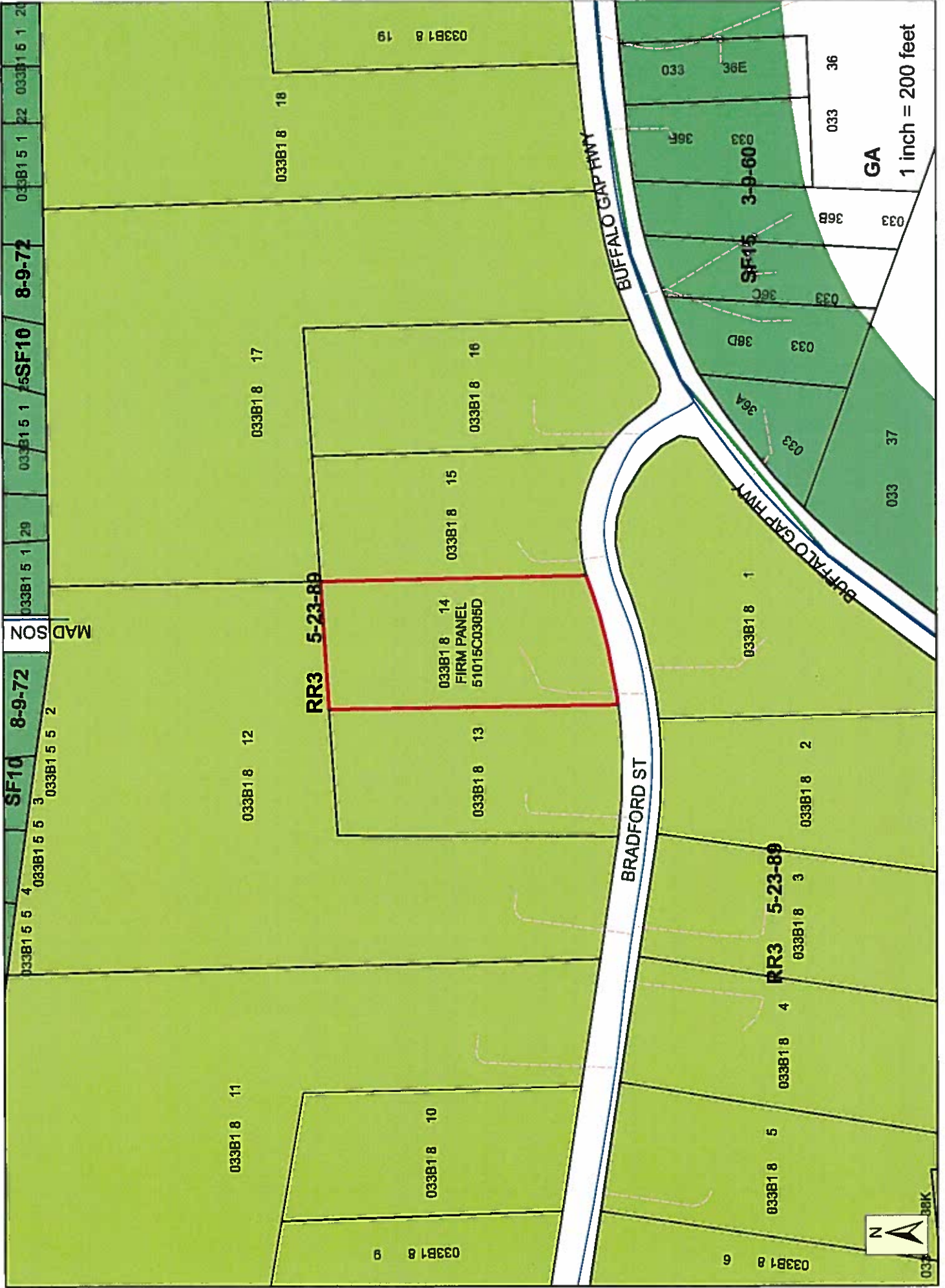
Operating Conditions:

1. Be permitted to construct a 24' x 29' addition to the existing garage.
2. Applicant obtain all necessary building permits.



THANSON

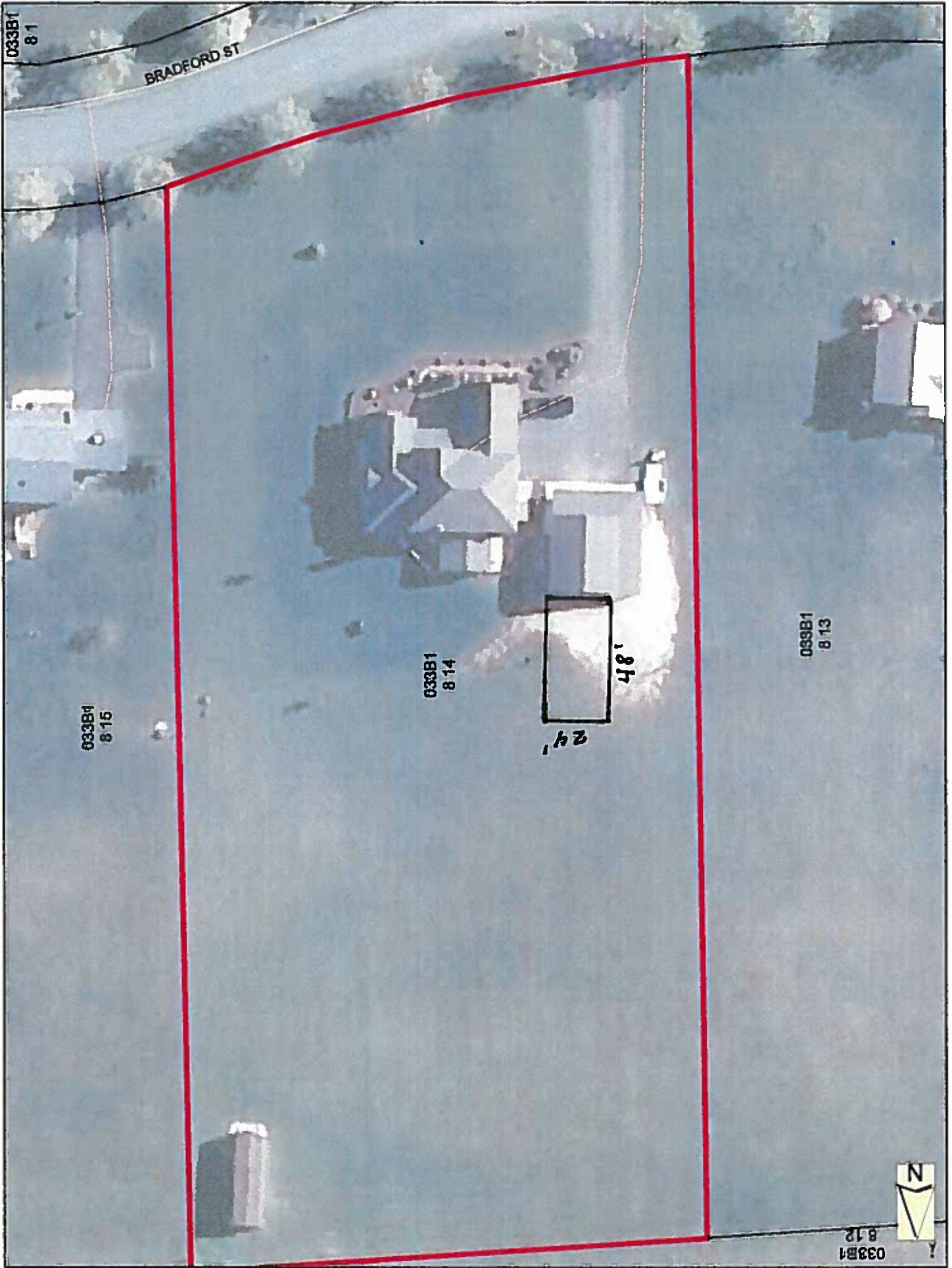
Johnson



Johnson



Johnson



1 inch = 50 feet

AGENDA ITEM # 4B

Date 12/3/15

PROPERTY OWNER:

Lester P. and Mary A. Witmer

APPLICANT:

Same

LOCATION OF PROPERTY:

188 Coffman Road, Weyers Cave, in the North River District

SIZE OF PROPERTY:

50.480 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Agriculture Conservation

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To construct a new building and use a portion of it for a concrete pumping business

PLANNING COMMISSION'S COMMENTS:

No Comment

HIGHWAY DEPARTMENT'S COMMENTS:

The use is not expected to significantly impact the adjacent roadways. The existing entrance location is adequate as a low volume commercial entrance capable of serving up to 50 vehicle trips per day.

ENGINEERING DEPARTMENT'S COMMENTS:

No concerns as the proposed disturbance is less than 10,000 square feet.

SERVICE AUTHORITY'S COMMENTS:

There is no public water or sewer in the area of the subject property.

SECTION 25-74I - LIMITED BUSINESSES AND INDUSTRIES IN AGRICULTURE ZONES

Where outside storage is not prohibited, all outside storage areas will be adequately shielded or screened from view.

The applicant currently has three (3) trucks and trailers. The concrete pumps sit on the trailers. He would like to have four (4) trucks and trailers.

The operator will be a resident on the premises unless the board of zoning appeals determines that such residency is not appropriate in the specific case, taking into account the nature of the business and the character of the neighboring properties.

The applicant lives onsite.

The business and anticipated enlargements thereof will be appropriate for agriculture areas.

Businesses are more appropriate on Business zoned lots, however, a small concrete pumping business may be compatible with an agricultural area.

The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

The business has direct access to Coffman Road and VDOT has approved their existing entrance as a low volume commercial entrance.

On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways.

The 50.480 acre site should be able to adequately and safely accommodate all traffic.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The applicant is requesting to construct a 60' x 80' addition to the existing farm shop and use one-half for the concrete business.

Reasonable limitations are imposed on the enlargement or expansion of the business. Business structures larger than four thousand (4,000) square feet or accumulated expansions by more than fifty percent (50%) shall not be permitted unless the board finds that a larger structure or expansion is not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The applicant has multiple farm structures on the property. The proposed 60' x 80' building addition would not be a 50% expansion of the site.

Evidence that the business will be connected to public sewer or that an onsite sewage disposal system can be approved for the business use.

The site has an approved well and septic system. They plan to add a restroom in the new shop.

There are adequate provisions set forth for the protection of fire, environmental and other hazards.

The applicant has fire extinguishers.

All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.

The applicant is requesting to have four (4) trucks and four (4) trailers associated with the concrete pumping business. They would be parked approximately six hundred (600') feet from Coffman Road.

STAFF RECOMMENDATIONS

The applicants are requesting to construct a new 60' x 80' building and use one half for the concrete pumping business. The fifty acre parcel is a working farm and the concrete pumping business is a secondary business. They currently have three (3) trucks and trailers to be used for the concrete business. The applicant and his son run the concrete business and they have two (2) employees who can also drive the trucks.

Staff feels this small business would be compatible with the existing farm operation onsite and with the rural area and would recommend approval with the following conditions:

Pre-Conditions:

None

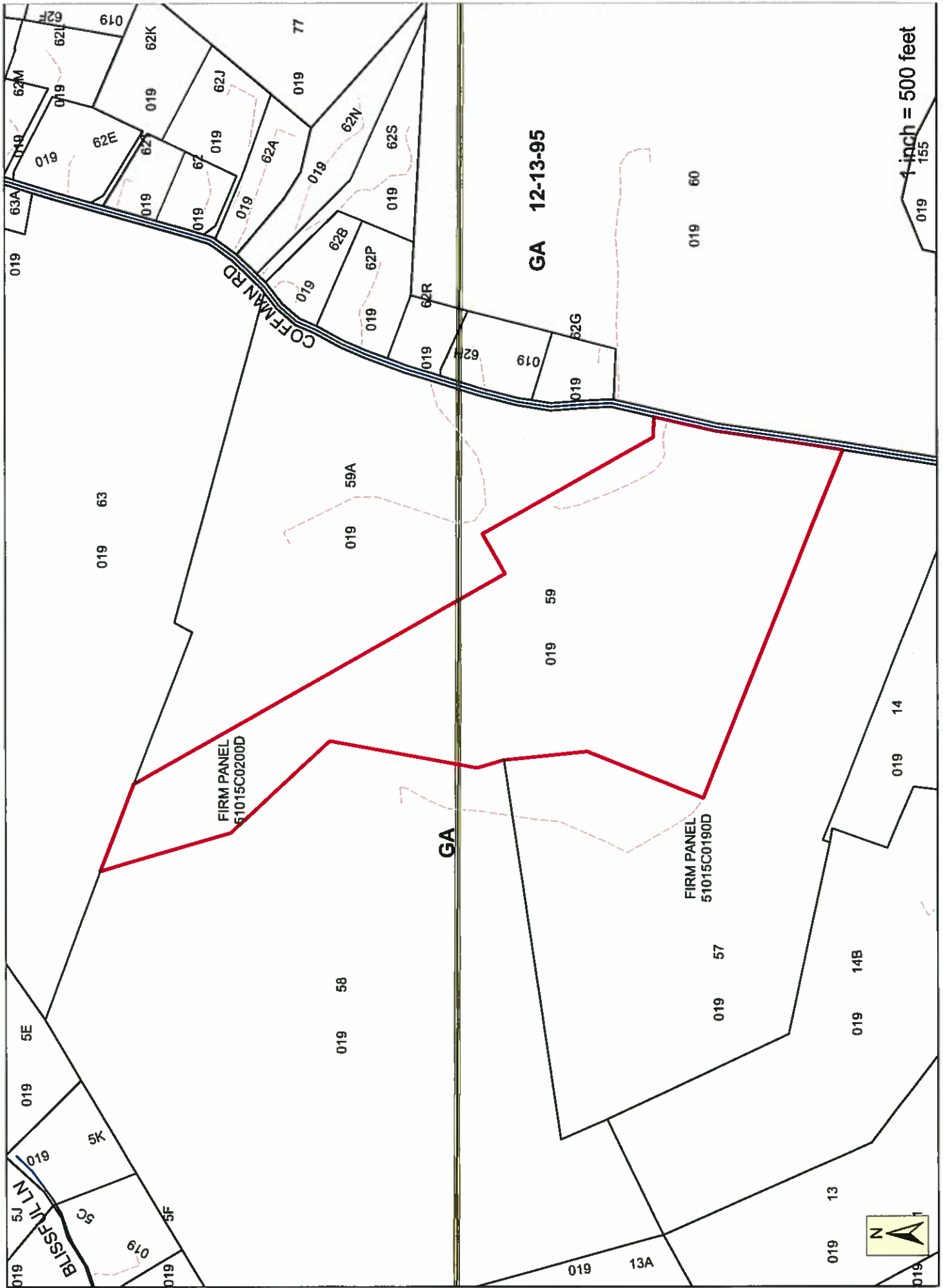
Operating Conditions:

1. Be permitted to construct the new 60' x 80' building and use one half for the concrete pumping business.
2. Be permitted to have four (4) trucks and four (4) trailers in the business.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. No Sunday work.
6. Applicant must reside on premises.



1/11/2008

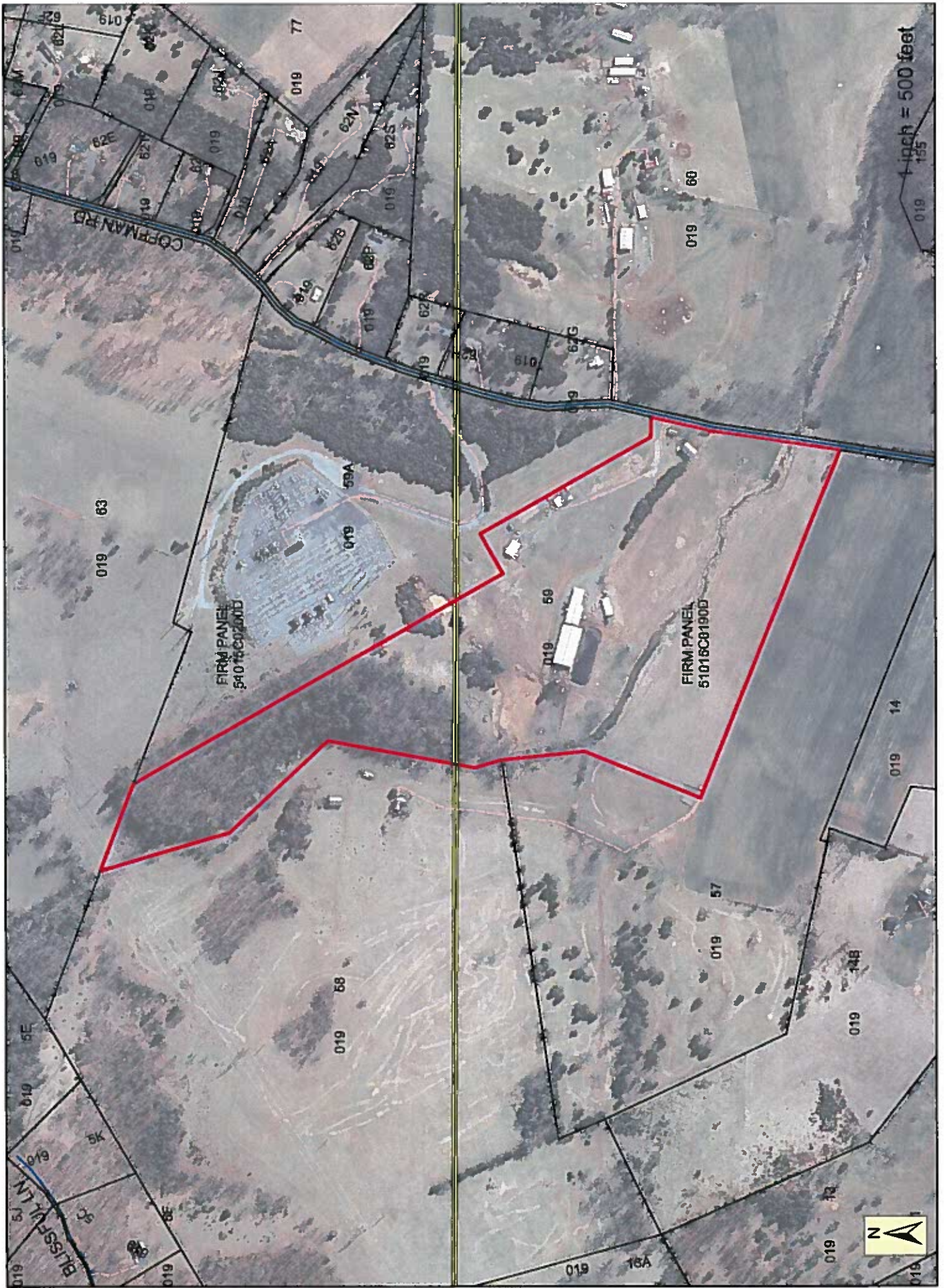
Witmer



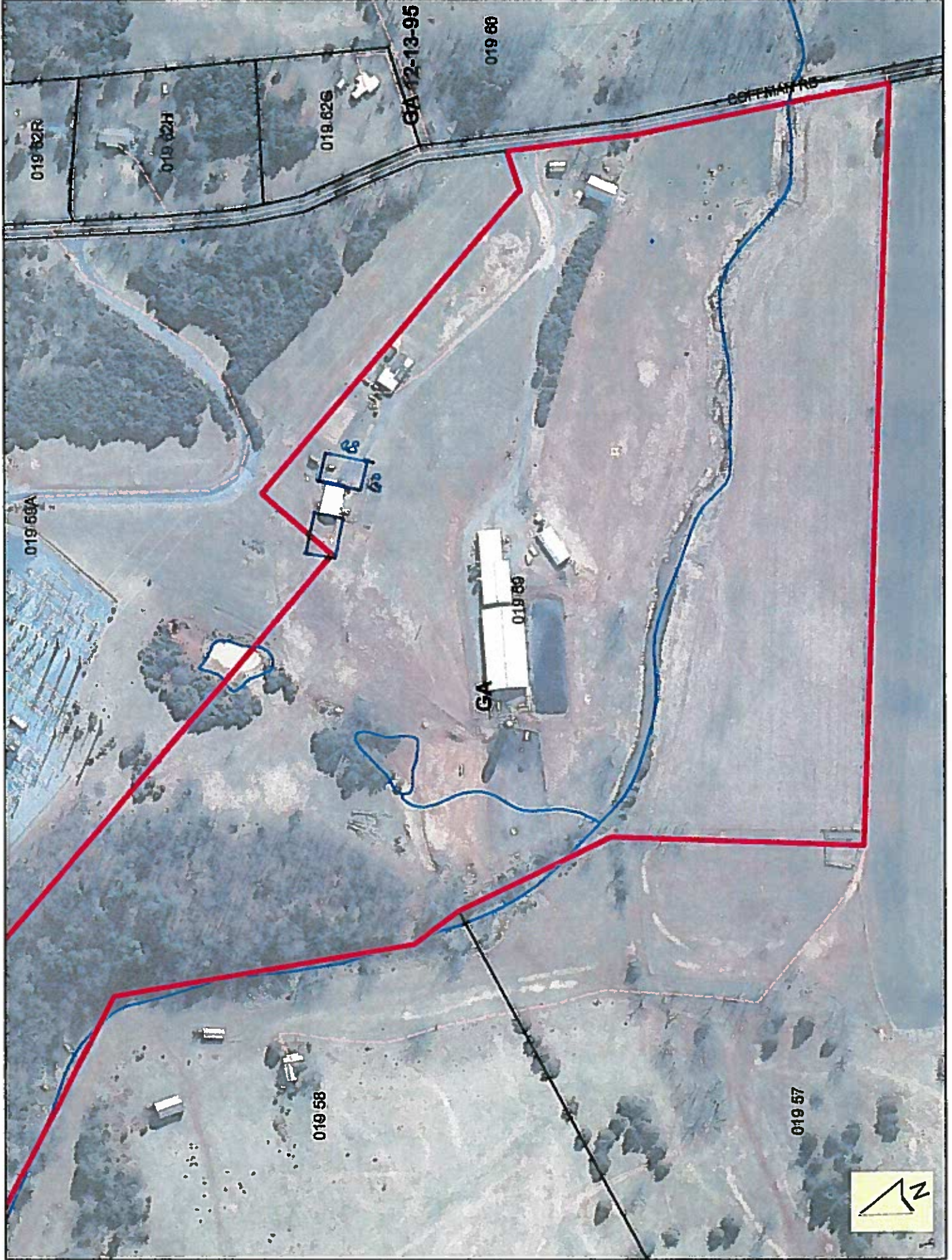
1 inch = 500 feet



Witmer



Witmer



1 inch = 250 feet

AGENDA ITEM # 4C

Date 12/3/15

PROPERTY OWNER:

Crosco Company, LC

APPLICANT:

B.E. Brannock, agent for Crosco Company, LC

LOCATION OF PROPERTY:

270 Keezletown Road, Mount Sidney, in the North River District

SIZE OF PROPERTY:

3.361 acres

VICINITY ZONING:

General Agriculture to the north and west; General Industrial and General Agriculture to the south and east

PREVIOUS ZONING OR S.U.P.:

07/76 Zoned General Industrial

06/07 Variance approved to construct an addition to an existing building

LAND USE MAPS:

Urban Service Area – Industrial

UTILITIES:

Private well and septic serving the existing building

APPLICANT'S JUSTIFICATION:

Variance from the yard and setback requirements in order to construct an office building

PLANNING COMMISSION'S COMMENTS:

No Comment

SERVICE AUTHORITY'S COMMENTS:

Not Received

ENGINEERING DEPARTMENT'S COMMENTS:

A site plan including an Erosion and Sediment Control Plan will be required. If the total disturbance is over one (1) acre, they will need to address water quality.

STAFF COMMENTS

The applicant is requesting a Variance from the rear setback requirement in order to construct a new 76' x 82' office building. The Zoning Ordinance in effect since 1995 requires a twenty-five (25') foot setback from the rear property line. The applicant is requesting to construct the building only ten (10') feet from the rear line which would require a fifteen (15') foot Variance. The justification for the Variance is that they would like to utilize a flat area at the rear of the property and they feel it would be unreasonable

to have to fill a portion of the site to make the area large enough for the building to meet the setback requirement. The applicant does not feel that they could construct the building in the lower level of the property because they feel that the drainfield may be in that area.

Section 15.2-2201 of the Code of Virginia **defines** Variance "In the application of a Zoning Ordinance, a reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land, or the size, height, area, bulk or location of a building or structure when the strict application of the Ordinance would unreasonably restrict the utilization of the property, and such need for a Variance would not be shared generally by other properties, and provided such Variance is not contrary to the purpose of the Ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning."

Virginia State Code 15.2-2309 provides for the granting of a Variance if the evidence shows that the strict application of the terms or the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the area; (iii) the condition or situation of the property is not of so general or recurring a nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process.

After review of the applicant's site plan, staff feels that the applicant has several options to construct the office building which could meet all setback requirements, but just not be the exact location the applicant desires.

1. The applicant could expand the proposed area for the building and meet the rear setback but it may require fill material. It is common practice for sites to require fill material prior to building construction.
2. The building could be constructed on the lower level and meet all setback requirements. If evidence is presented showing a drainfield in this area, staff would point out that public sewer is available to this parcel.
3. The applicant owns the adjacent property where the building could also be located.

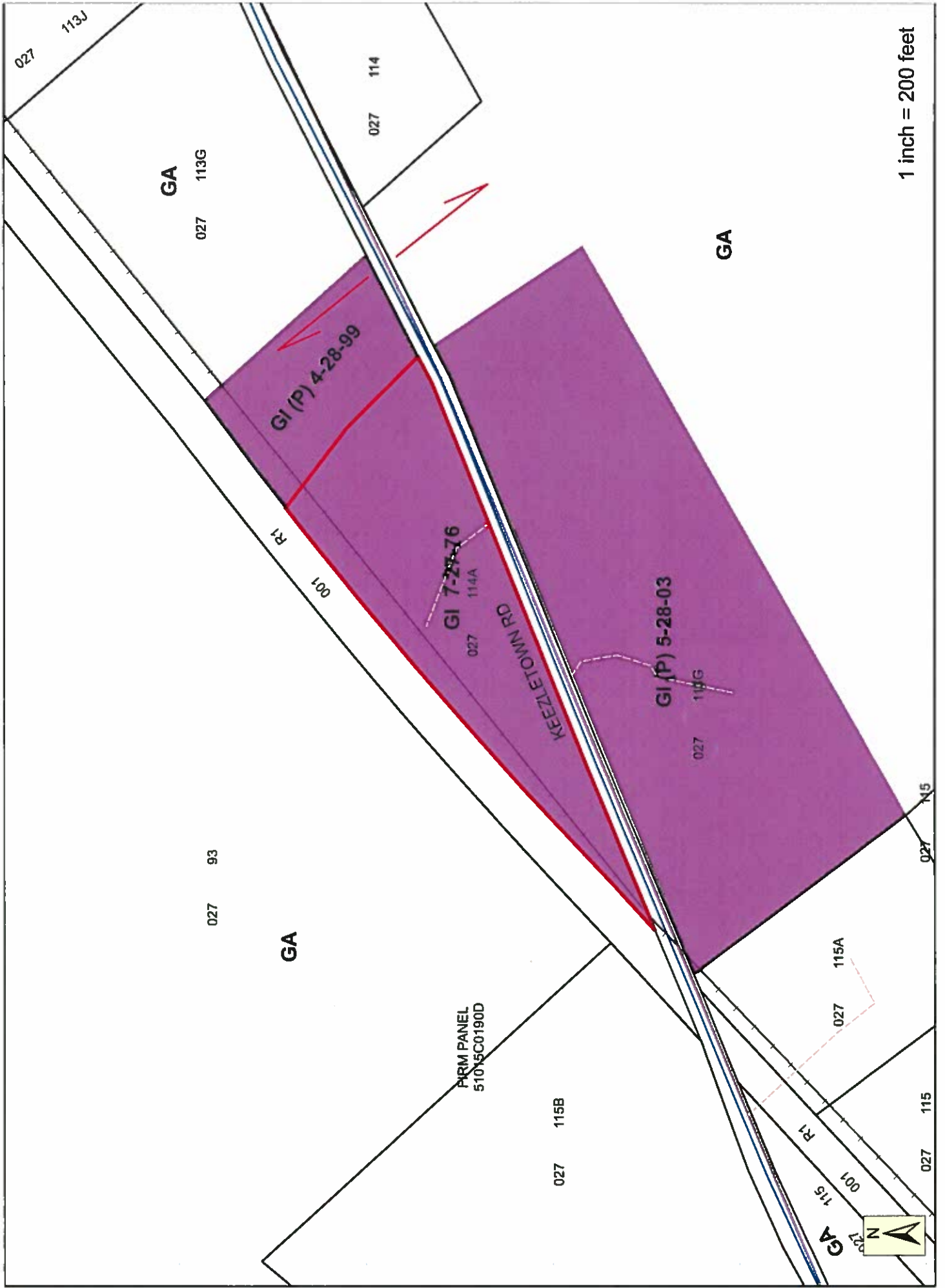
At this point, staff does not feel the applicant has provided concrete evidence that options one or two listed above would unreasonably restrict the utilization of the property. There is an existing business onsite, so the property is being utilized. It is a situation shared by many property owners who may desire to expand their operation but cannot meet setback

requirements. Staff feels the applicant has not met the State Code requirements to be granted a Variance and to approve one would be contrary to the purpose of the ordinance. Staff would recommend denial of the request.



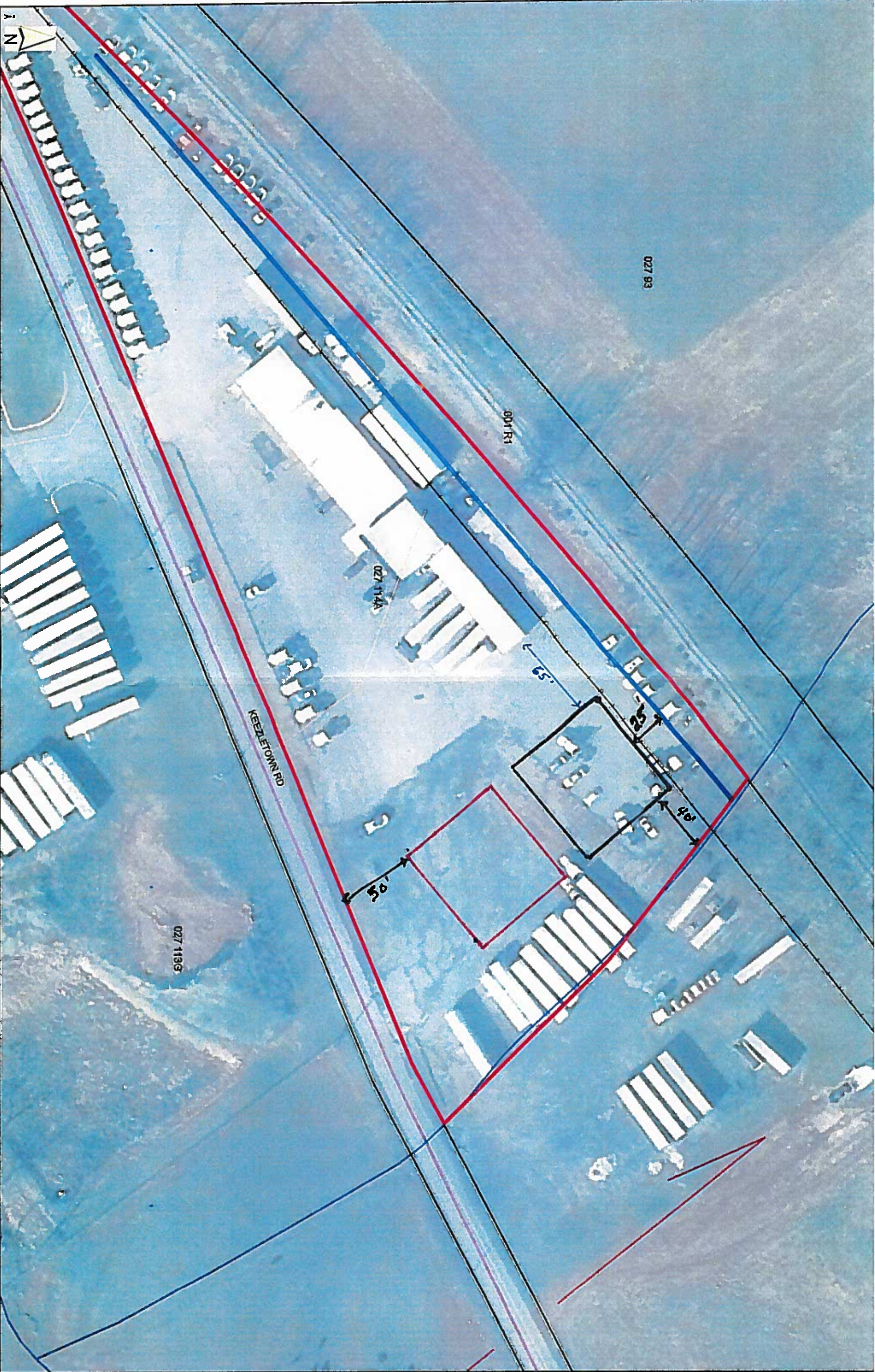
msc

Crosco



1 inch = 200 feet





1 inch = 60 feet

AGENDA ITEM # 4D
Date 12/3/15

PROPERTY OWNER:
Crosco Company, LC

APPLICANT:
B.E. Brannock, agent for Crosco Company, LC

LOCATION OF PROPERTY:
270 Keezletown Road, Mount Sidney, in the North River District

SIZE OF PROPERTY:
3.361 acres

VICINITY ZONING:
General Agriculture to the north and west; General Industrial and General Agriculture to the south and east

PREVIOUS ZONING OR S.U.P.:
07/76 Zoned General Industrial
06/07 Variance approved to construct an addition to an existing building

LAND USE MAPS:
Urban Service Area – Industrial

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To expand a non-conforming building

PLANNING COMMISSION'S COMMENTS:
No Comment

SERVICE AUTHORITY'S COMMENTS:
Not Received

ENGINEERING DEPARTMENT'S COMMENTS:
A site plan including an Erosion and Sediment Control Plan will be required. If the total disturbance is over one (1) acre, they will need to address water quality.

STAFF COMMENTS
After review of the applicant's site plan, the existing building actually exceeds the setback requirement. An addition would not require a Special Use Permit, only a site plan.