



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: February 25, 2016
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, March 3, 2016, 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 **8:30 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, March 3, 2016, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of February 4, 2016

4. PUBLIC HEARINGS

- A. A request by John D. Senger, for a Special Use Permit to replace an existing nonconforming bank barn on property he owns, located at 1898 Moffett Branch Road, Churchville in the North River District.
- B. A request by Neil Houff, agent for Houff Feed and Fertilizer Co., Inc. and Hahn Kanode, agent for Ag Venture, LLC, for a Special Use Permit to continue the existing fertilizer mill and farm shop with equipment sales and repair, warehouse, have seed and product services to poultry growers and cattle producers, and to add a bulk agricultural materials storage area on property owned by Ag Venture, LLC, located at 491 Fadley Road, Weyers Cave in the North River District.
- C. A request by Travis Miller, agent for R.T. Manufacturing, LLC and Five Stars, LLC, for a Special Use Permit to expand the existing nonconforming convenience store, replace and expand an existing nonconforming canopy, and reorient the gas pumps on property owned by R.T. Manufacturing, LLC, located at 1785 Lee Highway, Fort Defiance in the North River District.
- D. A request by Ivan M. or Luella W. Nolt, for a Special Use Permit to add an accessory building in conjunction with the business, increase the number of employees, and modify the hours of operation on property they own, located at 83 Lookout Mountain Lane, Mt. Solon in the North River District.
- E. A request by Erin Trzell, for a Special Use Permit to have a bed and breakfast, inn operation, counseling service or therapy retreat, restaurant, and special events on property owned by Yoder Investments, LLC, located at 2487 Hankey Mountain Highway, Churchville in the North River District.
- F. A request by Paul E. Green to appeal a decision of the Zoning Administrator regarding a dump site on property he owns, located on the southwest side of Calf Mountain Road, west of the intersection of Calf Mountain Road and Jarman Gap Road in the Wayne District.

5. OLD BUSINESS

6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

- A. A request by David or Catherine Marie Riccioni for a Special Use Permit to have firearms and ammunition sales and gunsmithing on property they own, located at 1676 Newport Road, Raphine, in the Riverheads District. – **8 MONTH EXTENSION OF TIME REQUEST**

8. STAFF REPORT

15-17	Emmett W., Jr. or Sharon M. Hanger
15-18	Jeffrey P. or Deborah L. Back
15-19	Jose Ortiz Cruz or Rebecca J. Kidd
15-20	VBR Properties, LLC
15-21	Sangersville-Towers Ruritan Club, Inc.
15-22	David L. or Ann W. Gardner
15-23	Weyers Cave Recreation Association, Inc.

9. ADJOURNMENT

AGENDA ITEM # 4A

Date 3/3/16

PROPERTY OWNER:

John D. Senger

APPLICANT:

Same

LOCATION OF PROPERTY:

1898 Moffett Branch Road, Churchville in the North River District

SIZE OF PROPERTY:

120.00 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture (a portion of the property lies in the floodplain)

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private

APPLICANT'S JUSTIFICATION:

To replace an existing nonconforming bank barn

PLANNING COMMISSION'S COMMENTS:

No Comment

ENGINEERING'S COMMENTS:

Existing structure is approximately 100 ft. from the floodplain. As long as stipulations are met, I have no comments.

STAFF COMMENTS

The applicant is requesting to replace an existing nonconforming bank barn that will be no closer to Moffett Branch Road. The bank barn is approximately two hundred (200) years old, and was constructed long before the County's first Zoning Ordinance in 1947. The barn is approximately twenty-two (22') feet from the VDOT right-of-way. The current ordinance requires structures to be setback thirty-five (35') feet from the right-of-way. The fact that the existing barn did not meet the setback requirement when the first ordinance was adopted made it nonconforming. The applicant has two issues with the land that prevent him from moving the barn to meet the current setback of thirty-five (35') feet. One is the steep slope directly behind the barn that would require an engineer to design a foundation and the second is that the flat area on the lower level of the property behind the barn lies within one hundred (100') feet of the floodplain, and that area continuously

stays wet and unsuitable for a building. The applicant feels that it may take up to two (2) years to dismantle and rebuild the barn.

STAFF RECOMMENDATIONS

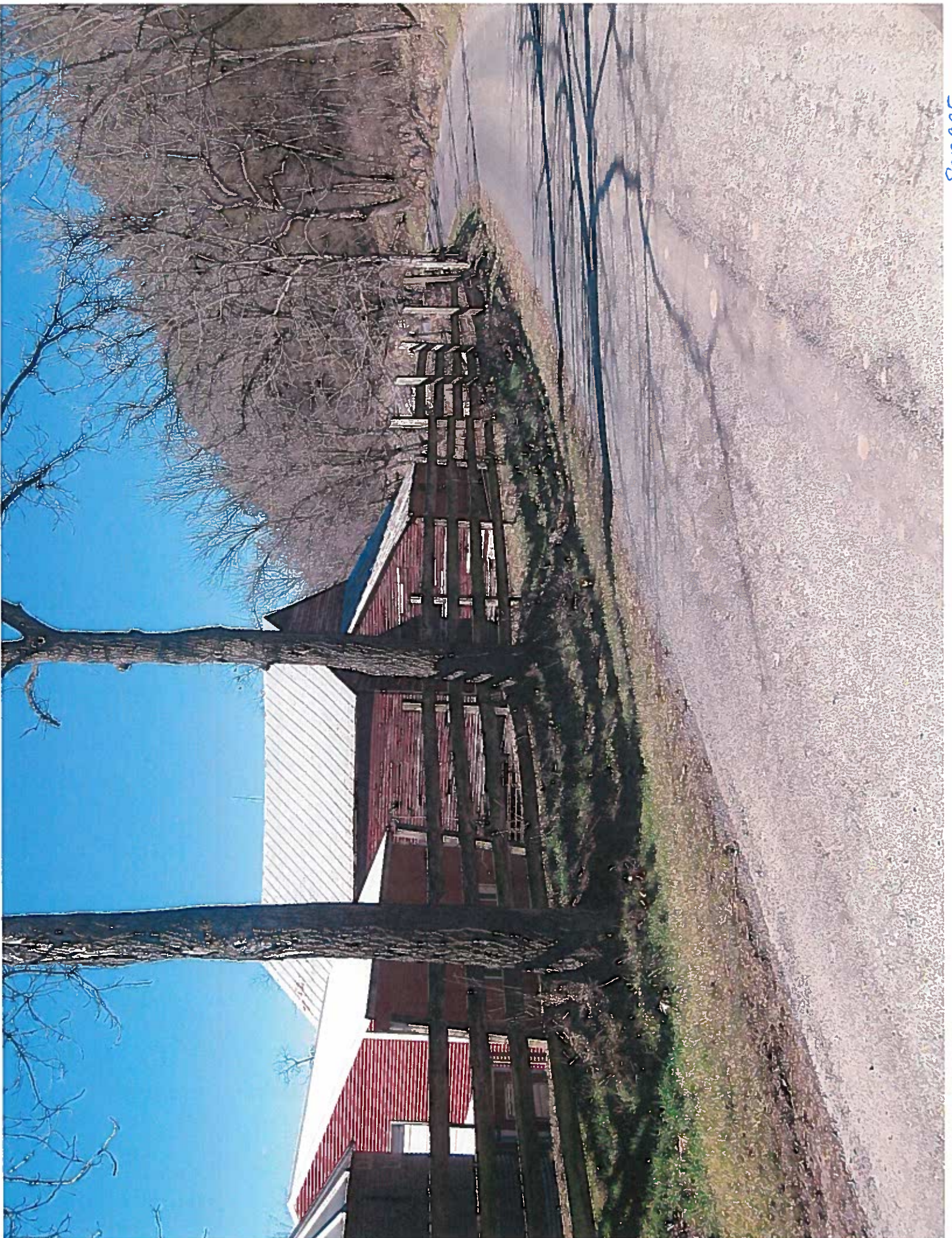
Staff feels that we are dealing with a 200 year old nonconforming barn located in a rural agricultural area of the County. In order to relocate the barn to meet the current setback, the barn would have to be in a perpetually wet area or in the floodplain. Staff feels that reconstructing the barn no closer to the road would be a reasonable option and would be compatible and in keeping with this rural agricultural area, and would recommend approval with the following conditions:

Pre-Conditions:

None

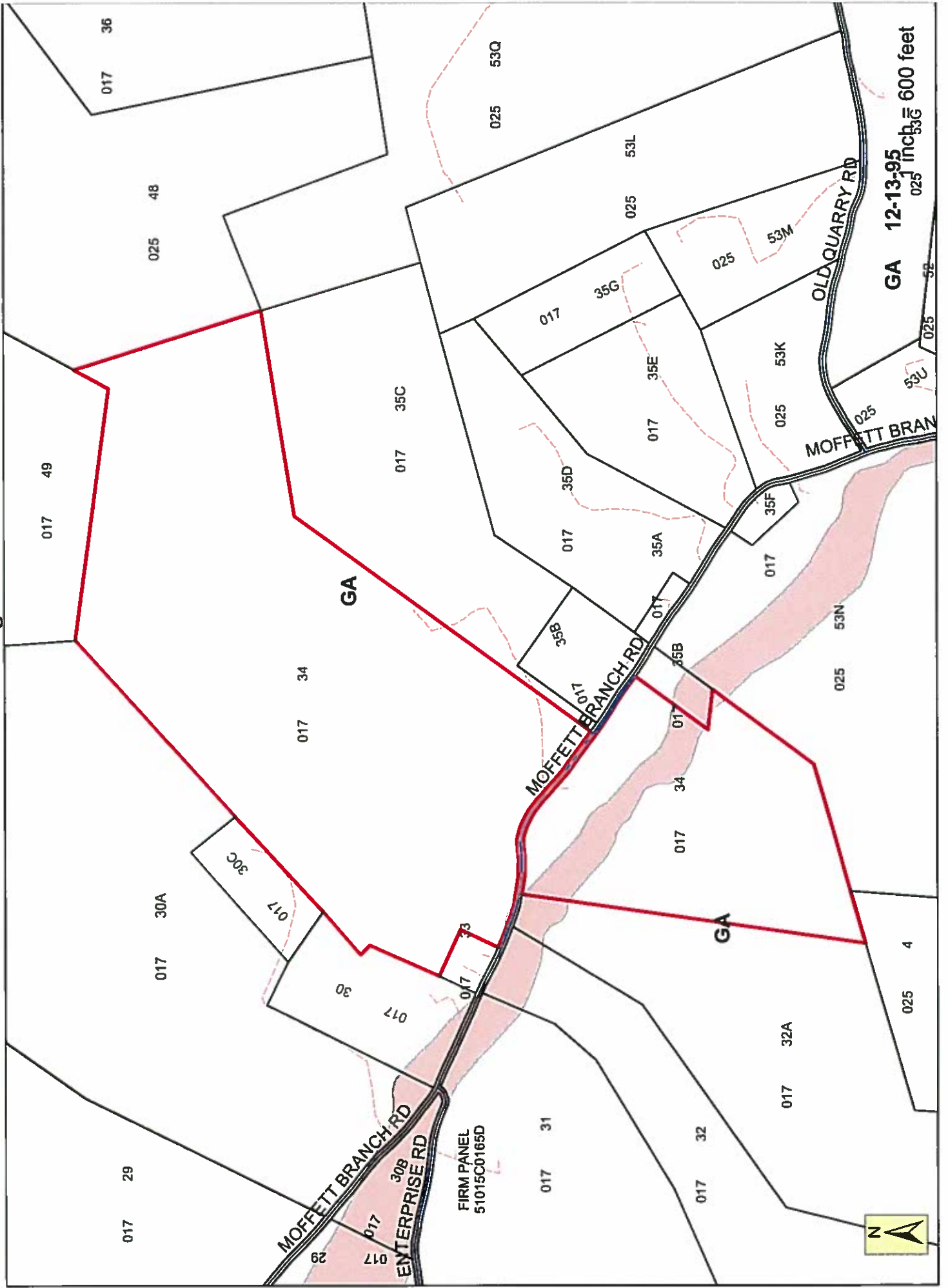
Operating Conditions:

1. Be permitted to reconstruct the 50' x 80' bank barn no closer to the road.
2. Applicant be given two (2) years to complete the project.



Sannaer

Senger



GA 12-13-95
25 inch 36 600 feet

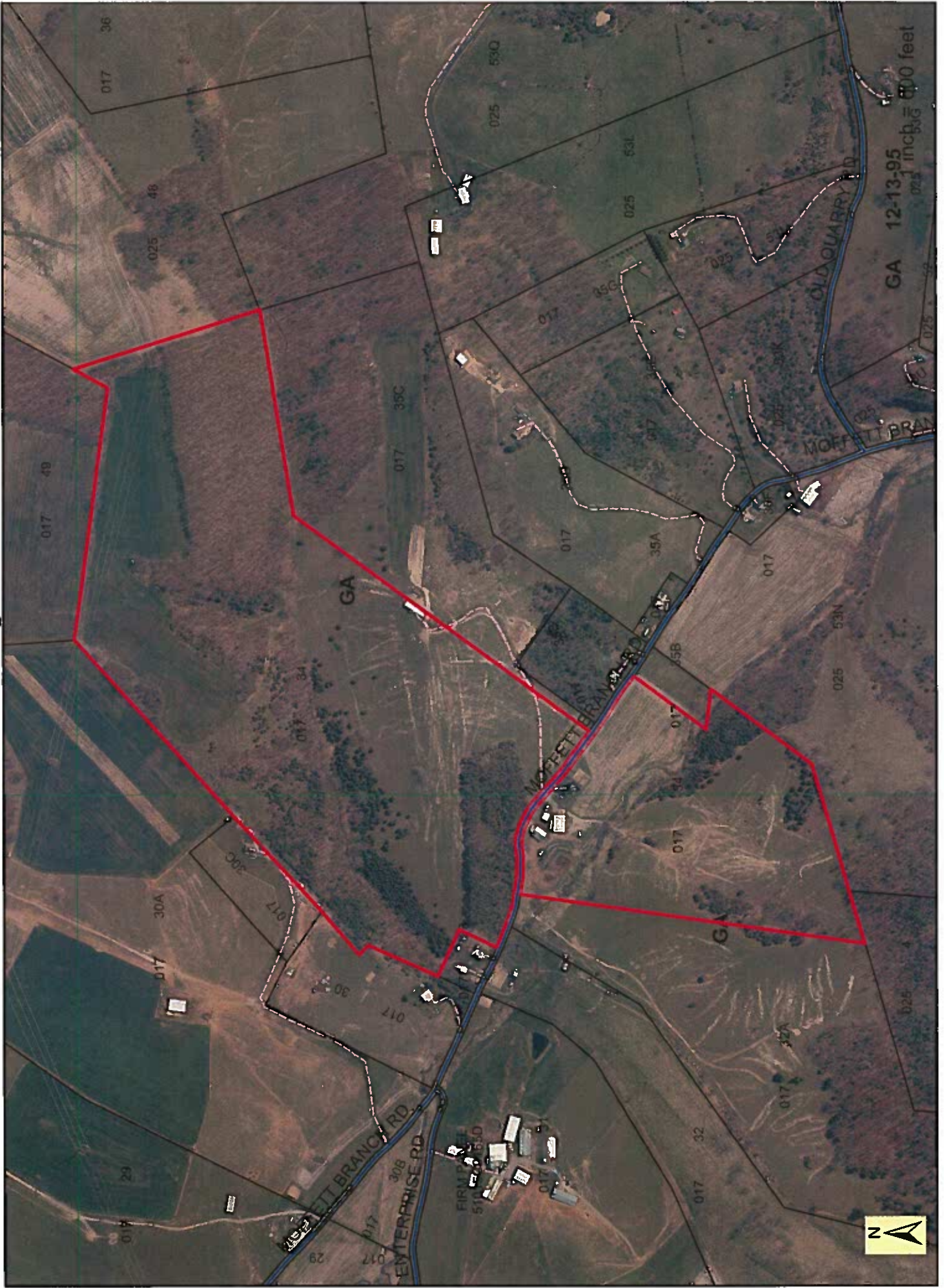
FIRM PANEL
51015C0165D

MOFFETT BRANCH RD
ENTERPRISE RD

MOFFETT BRANCH RD

OLD QUARRY RD

Senger





GA

MOFFETT BRANCH RD

P.P.

GA

017 34



1 inch = 50 feet

Senger

AGENDA ITEM # 4B

Date 3/3/16

PROPERTY OWNER:

Ag Venture, LLC

APPLICANT:

Neil Houff, agent for Houff Feed and Fertilizer Co., Inc. and Hahn Kanode, agent for Ag Venture, LLC

LOCATION OF PROPERTY:

491 Fadley Road, Weyers Cave in the North River District

SIZE OF PROPERTY:

10.672 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

06/89 SUP approved for farm shop and fertilizer plant

12/95 Zoned Exclusive Agriculture

12/00 SUP approved to construct warehouse addition

01/09 SUP approved to continue operation, have equipment sales and repair, use an existing 50' x 120' building for warehouse and seed, products, and services to poultry growers and cattle producers

03/10 Zoned General Agriculture

02/11 Sourcewater Protection Overlay District

LAND USE MAPS:

Agriculture Conservation Area

Sourcewater Protection Overlay District

UTILITIES:

Private

APPLICANT'S JUSTIFICATION:

To continue the existing fertilizer mill and farm shop with equipment sales and repair, warehouse, have seed and product services to poultry growers and cattle producers, and to add a bulk agricultural materials storage area

PLANNING COMMISSION'S COMMENTS:

No Comment

ENGINEERING'S COMMENTS:

Met with applicant and applicant's engineer. Site will conform to all stormwater and ESC regulations. Proposed development will improve existing site conditions and should produce no new net runoff.

SECTION 25-74B – AGRICULTURE SUPPORT BUSINESSES

The business is reasonably related to agriculture or forestry use. Examples of such businesses are those which involve (a) the processing of agriculture or forestry products, (b) the supply and maintenance of equipment, tools, and facilities used in agriculture and forestry production, (c) the care and feeding of animals generally, or (d) the marketing of agriculture and forestry products.

This local business is designed to supply seed, fertilizer, equipment, and services to the agriculture community.

Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads.

This business has been located on this property since 1989 and has not caused any traffic issues.

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

The business has an existing entrance which has adequately and safely accommodated all traffic since 1989.

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

An agricultural support business located on a 10.672 acre parcel is an appropriate use in an agricultural area.

Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties.

The proposed 50' x 60' storage area is over seventy (70') feet from the closest property line.

The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create a business center or otherwise change the area's character and social structure.

The permitting of this business has not resulted in a clustering of similar businesses over the last twenty-five (25) years.

STAFF RECOMMENDATIONS

The applicant is requesting to continue the current operation of the fertilizer mill, farm shop with equipment sales and repair, warehousing, seed and product services to poultry and cattle producers, and to add a 50' x 60' bulk agricultural materials storage area. The new outdoor bulk materials storage area will be located within a secondary containment facility to prevent possible spills from reaching the ground. This facility is located within the outer limits of the

Sourcewater Protection Overlay District. The applicant has submitted a Special Administrative Permit with a spill prevention plan which has been approved.

This business has provided a needed service to the agricultural community for over twenty-five (25) years. Staff feels the request is compatible with the agricultural area and would continue to provide a needed service to the area. Staff would recommend approval with the following conditions:

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:

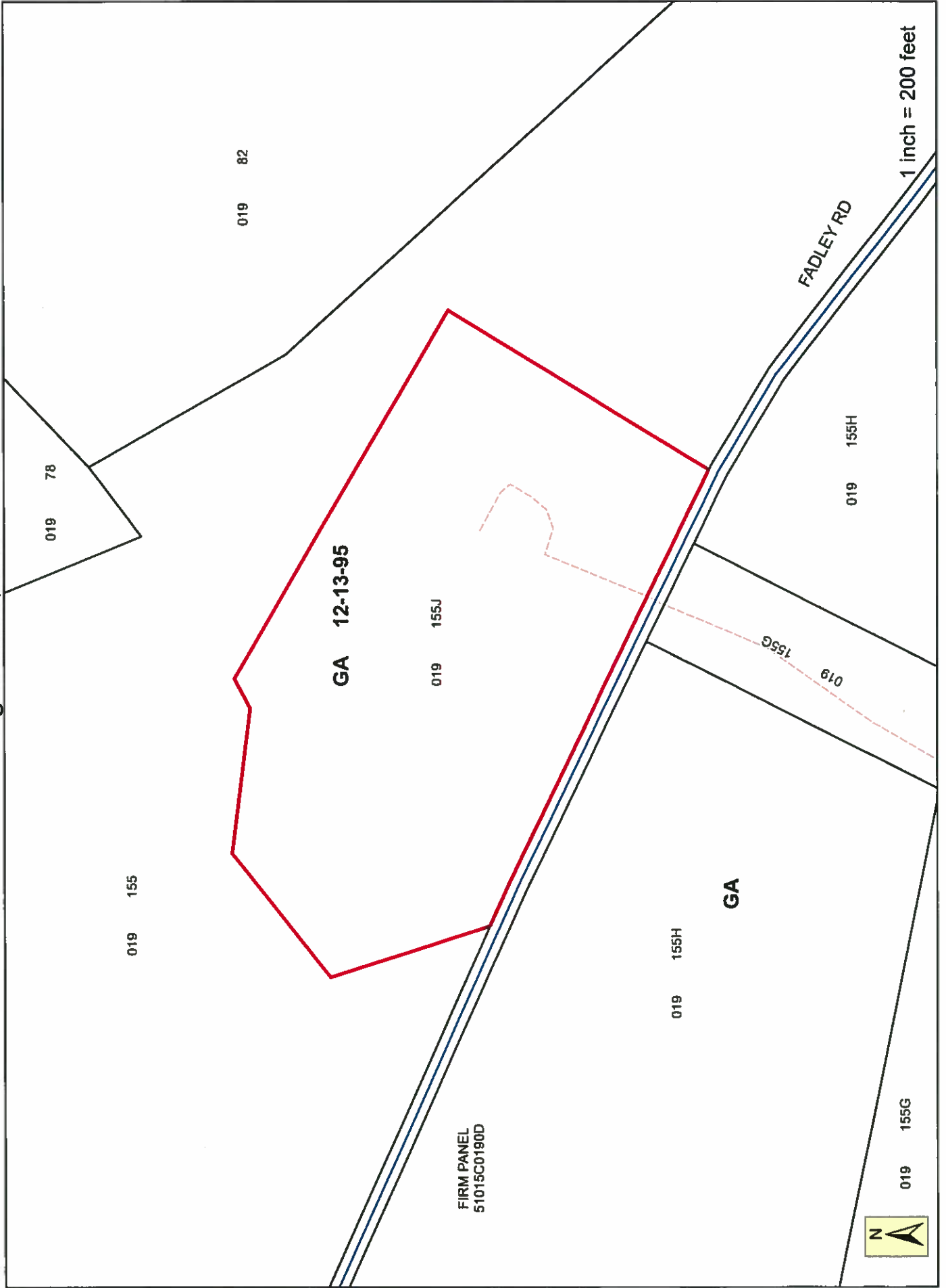
1. Be permitted to add a 50' x 60' bulk agricultural materials storage area as shown on the BZA plan.
2. All hazardous materials be kept within the designated secondary containment facilities.
3. All seed and products be kept within the warehouses or designated storage areas.
4. All tanks to be kept in the designated area shown on the BZA plan and be kept neat and orderly.
5. Sales inventory be limited to twenty (20) pieces of equipment.
6. Be limited to ten (10) pieces of equipment outside waiting to be repaired.
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Site be kept neat and orderly.



AgVenture



Ag Venture, LLC



019 78

019 82

GA 12-13-95

019 155J

019 155

019 155H

155G

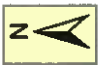
019

GA

019 155H

FIRM PANEL
51015C0190D

019 155G

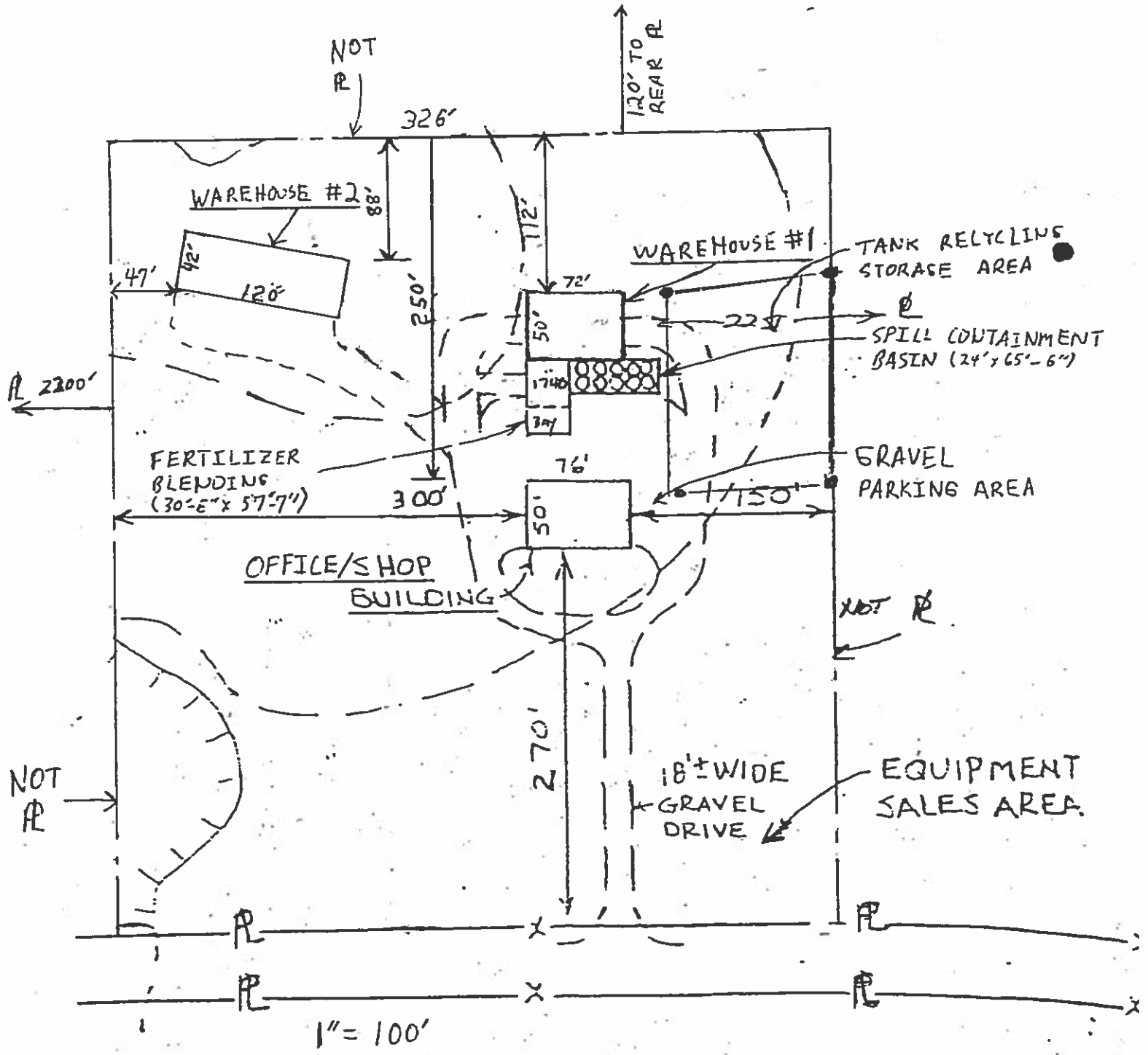


1 inch = 200 feet

FADLEY RD

Ag Venture, LLC





AGENDA ITEM # 4C

Date 3/3/16

PROPERTY OWNER:
R.T. Manufacturing, LLC

APPLICANT:
Travis Miller, agent for R.T. Manufacturing, LLC and Five Stars, LLC

LOCATION OF PROPERTY:
1785 Lee Highway, Fort Defiance in the North River District

SIZE OF PROPERTY:
2.643 acres

VICINITY ZONING:
Single Family Residential and General Agriculture to the north; Limited Business and General Agriculture to the south; General Agriculture to the east; Single Family Residential to the west

PREVIOUS ZONING OR S.U.P.:
1984 SUP approved to add gas pumps to the existing convenience store and sell antiques and crafts
05/86 SUP approved for offices
12/95 Zoned General Agriculture
08/96 SUP approved for outside storage of construction equipment
01/07 SUP approved for outside storage of equipment and materials in conjunction with a landscape business

LAND USE MAPS:
Urban Service Area – Medium Density Residential

UTILITIES:
Public water and sewer

APPLICANT'S JUSTIFICATION:
To expand the existing nonconforming convenience store, replace and expand an existing nonconforming canopy, and reorient the gas pumps

PLANNING COMMISSION'S COMMENTS:
No Comment

BUILDING INSPECTOR'S COMMENTS:
1. Obtain any required permits for any additions, alterations or equipment changes in accordance with the Uniform Statewide Building Code.
2. Obtain all necessary inspections for any such work in accordance with the Uniform Statewide Building Code.

ENGINEERING'S COMMENTS:

Proposed addition will not produce an increase in stormwater runoff.

SERVICE AUTHORITY'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm/main.php>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. This parcel, 1785 Lee Highway (Tax Map # 37B-(3)-8), is currently an ACSA water and sewer customer. Since an addition is proposed, a meter sizing form (attached) will be required to evaluate adequacy of the existing meter. Additional fees will apply if the meter size needs to be increased.
5. There is an existing 8" waterline along Route 11 (Lee Highway) across from said parcels to the northwest. There is an existing 2" waterline along Dam Town Road across from said parcels to the southwest.
6. There is an existing 10" sewer line along Route 11 (Lee Highway) fronting said parcels.

HIGHWAY DEPARTMENT'S COMMENTS:

The use is not expected to significantly impact the adjacent roadways. This section of Rt. 11 currently has an AADT of 7,800 vpd and Rt. 616 (Dam Town Road) has an AADT of 1,300 vpd. The site currently has a total of five (5) entrances, two on Rt. 616 and three on Rt. 11. In order to better promote access management and also prevent short cutting of the signal, VDOT would require the closure of each entrance closest to the signalized intersection on Rt. 11 and Rt. 616. Each closure would be accomplished by connecting the raised islands having CG-3 header curb.

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.

No outside storage of materials is requested.

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 operators will not reside onsite.

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

The applicant is requesting to construct a 16' x 21' addition to the existing convenience store and to replace and enlarge the existing canopy over the gas pumps no closer to the road.

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 Lee Highway (Route 11) and a VDOT approved commercial entrance permit.

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

This site has adequately and safely accommodated all traffic since the convenience store was opened in the 1960's.

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 feels the 16' x 21' expansion of the convenience store and the larger canopy over the gas pumps will be both compatible with the neighboring properties and a substantial benefit to the area.

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 is requesting to construct a 16' x 21' (336 square foot) addition to the convenience store and a 25' x 25' (625 square foot) addition to the canopy, for a total of 961 square feet, or a 32% expansion.

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 business is currently connected to public water and sewer.

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

There are fire extinguishers onsite.

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.

No outside display is requested.

STAFF RECOMMENDATIONS

The applicant is requesting to continue and expand the existing nonconforming convenience store, replace and expand the existing nonconforming canopy over the gas pumps, and to reorient the gas pumps. The convenience store was constructed in the 1960's and Route 11 has been widened several times resulting in the store and canopy no longer meeting the current setback requirements, which made them nonconforming.

The applicant would like to construct a 16' x 21' addition to the convenience store no closer to the road in order to make the store more customer friendly. He also would like to increase the canopy over the gas pumps no closer to the road, from 25' x 25' up to 25' x 50' in order to accommodate buses. By reorienting the gas pumps, the buses will be able to park farther off Route 11 when fueling, which would make it more convenient and safer.

Staff feels the request would be compatible with the area and also benefit the area. Staff would recommend approval with the following conditions:

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. Be permitted to construct a 16' x 21' addition to the convenience store no closer to Route 11, replace and increase the size of the canopy to 25' x 50' no closer to Route 11, and to reorient the gas pumps.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.



RT Mts.

R.T. Manufacturing, LLC



THEODORE F. AND VALERIE S. FRENKEL
 P.O. BOX 100
 THE MAP 878-(1)-10

**PHYSICAL SURVEY OF
 2.666 ACRES OF LAND
 FOR I & J, LLC**

NORTH RIVER DISTRICT, AUGUSTA COUNTY, VIRGINIA
 SCALE 1" = 30'
 AUGUST 8, 2001



BARRY E. LOTTS, P.C.
 LAND SURVEYOR - LAND PLANNER
 1800 SPURLOCK DRIVE HIGHWAY
 P.O. BOX 1147
 STUMBLE CRAFT, VIRGINIA 24477
 TELEPHONE (640) 843-0318 FAX (640) 852-1712

PG 31 OF 1119
 PLOT 2410377

2.666 ACRES
 (TOTAL)

1.786 ACRES
 S.R. 42A PG 819
 THE MAP 878-(1)-10

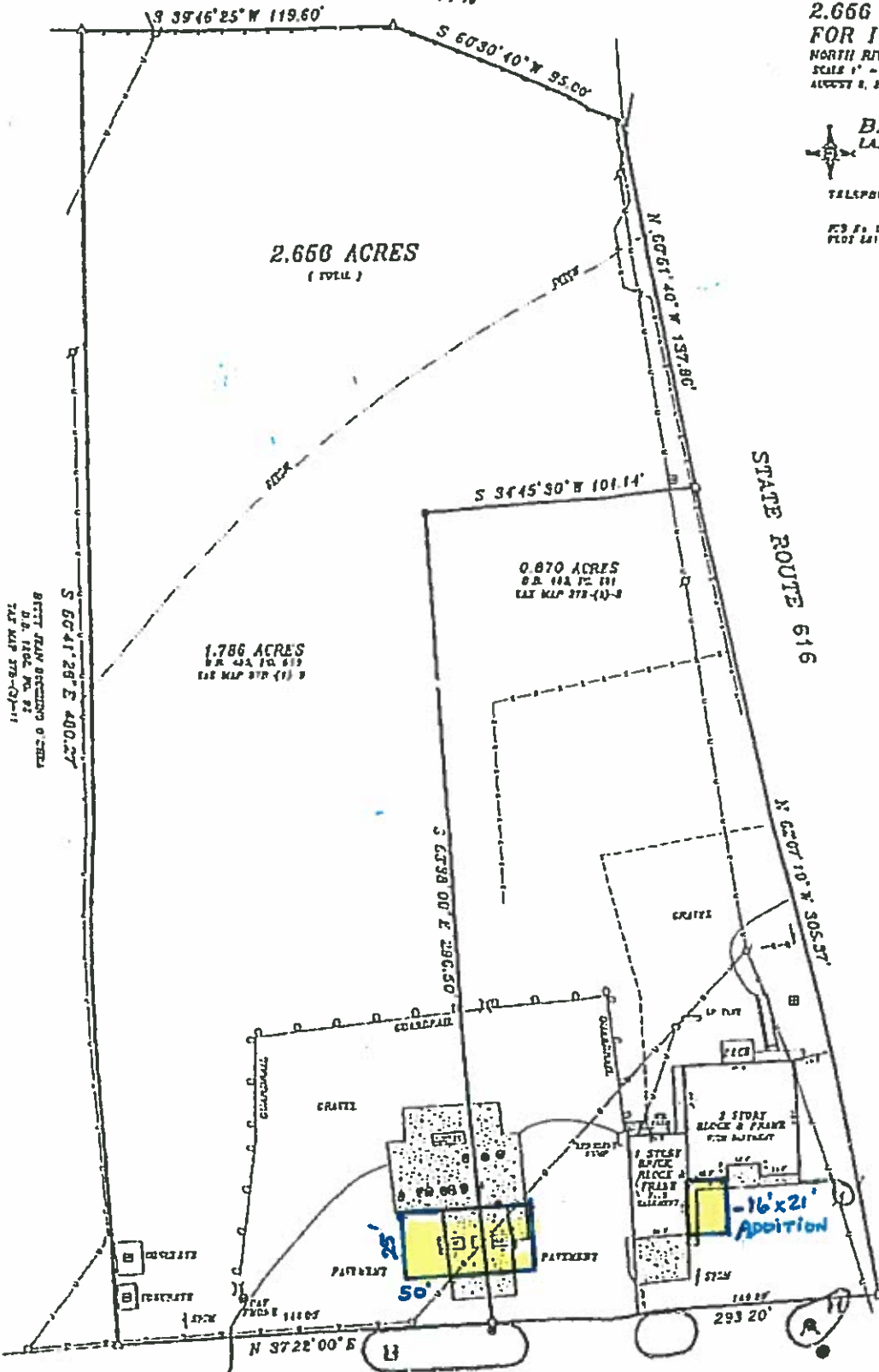
0.870 ACRES
 S.R. 44A PG 811
 THE MAP 878-(1)-10

STATE ROUTE 616

NOTES:

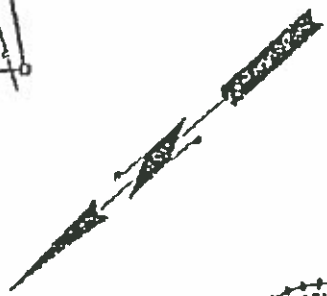
1. SHOWN AS STUMP REMOVAL IS APPLICABLE TO ESTABLISHED INFORMATION AND A CURRENT FIELD SURVEY.
2. THIS SURVEY IS PARALLEL TO THE PART OF ACRES WAS CORRECTION.
3. BOUNDARY ARE POINTED TO THAT ACCEPTED IN SHER BOOK 440, PAGE 800.
4. THE SURVEY PERMITS IS LOCAL STREET FLOOD 1998 & 1999 PERMITS TO BE OBTAIN ON THIS FIELD PLAN. ACCORDING TO FLOOD ESTIMATE RATE MAP FOR THE COUNTY OF AUGUSTA, VIRGINIA, ESTABLISHED - FLOOD STUDY REPORT 6668 B EFFECTIVE DATE MAY 17, 1990.
5. ALABAMA, 1985 SEE CITY FOOT DISTANCE, VIRGINIA 24477

BERRY MAP SECTION 0 2104
 S.D. 100, PG. 82
 THE MAP 878-(1)-10



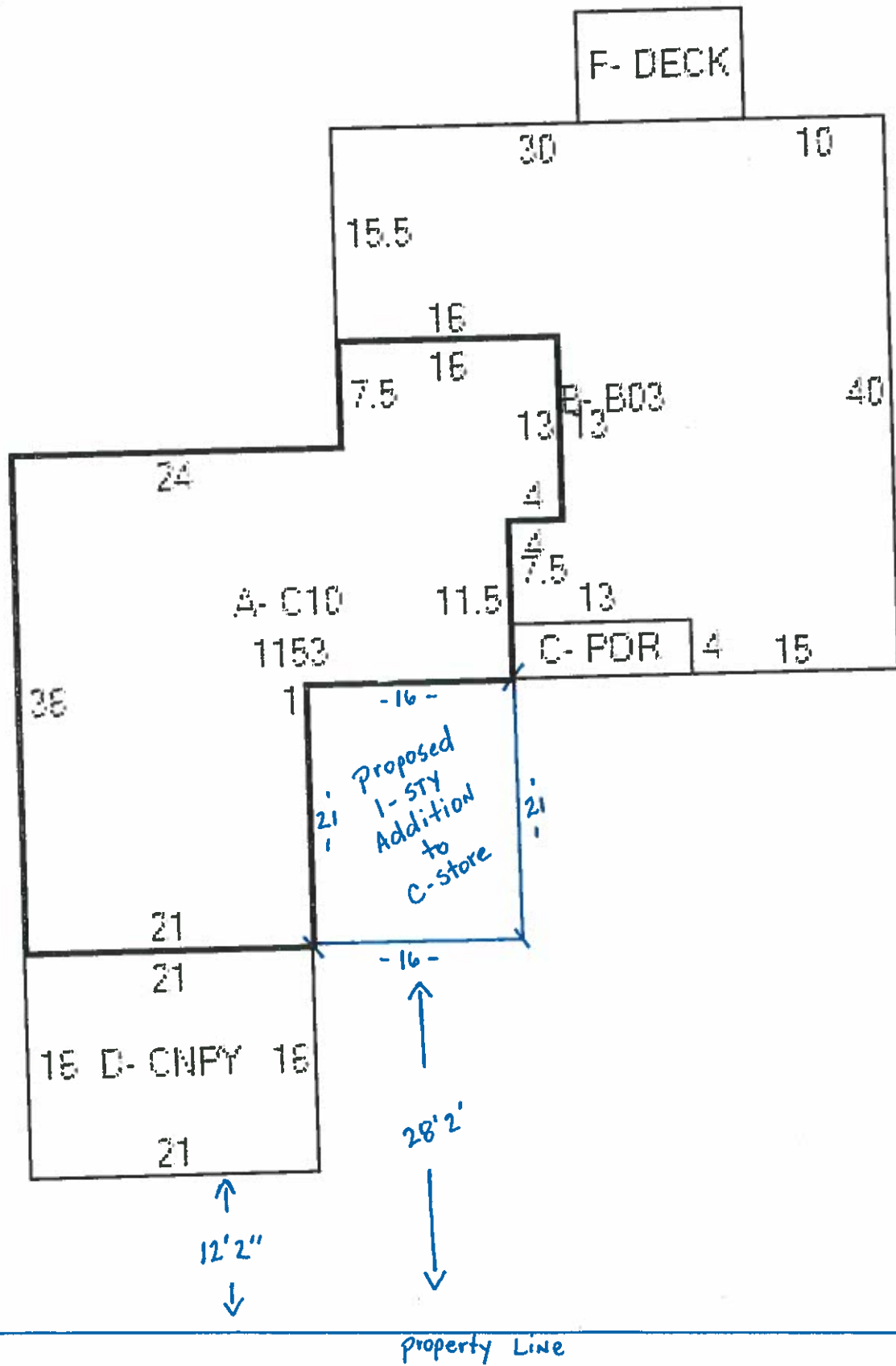
- LEGEND**
- ▲ IRON PIPE FOUND
 - IRON PIPE SET
 - WOOD NAIL SET
 - STUMP MARKER
 - ⊠ TRAFFIC POLE
 - ⊞ TELEPHONE PEDISTAL
 - ⊟ LIGHT POLE
 - ⊠ UTILITY POLE
 - ⊡ TRAFFIC BOX
 - WATER MARK
 - DITCH

U.S. ROUTE 11



1" = 60' BT manufacturing





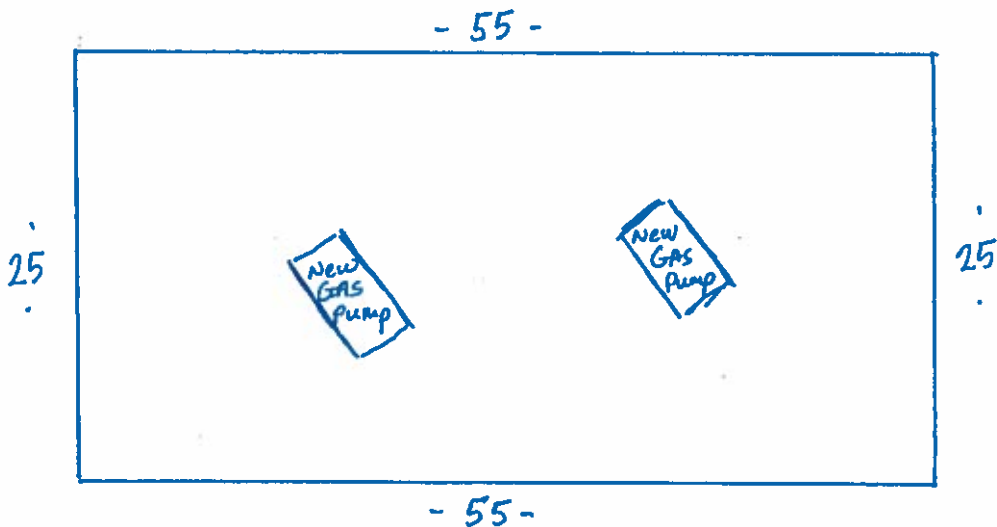
pump replacement

1 (one) New Diesel Pump

2 (two) New Gasoline Pumps

New Canopy 25 x 55

Electric To Sign For LED LIGHTING



AGENDA ITEM # 4D

Date 3/3/16

PROPERTY OWNER:
Ivan M. or Luella W. Nolt

APPLICANT:
Same

LOCATION OF PROPERTY:
83 Lookout Mountain Lane, Mt. Solon in the North River District

SIZE OF PROPERTY:
9.90 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
04/13 SUP approved to have a general excavation business with outdoor storage

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To add an accessory building in conjunction with the business, increase the number of employees, and modify the hours of operation

PLANNING COMMISSION'S COMMENTS:
No Comment

ENGINEERING'S COMMENTS:
No Comment

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 outside storage area has been shielded by evergreen trees as stipulated by the Board.

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 operator resides onsite.

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

The addition of a 14' x 24' storage building should be appropriate for 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 an approved VDOT entrance permit.

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

The 9.9 acre site has adequately and safely accommodated all traffic for the last three (3) years.

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 14' x 24' storage building to keep tools and equipment inside, which should benefit neighboring properties.

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 14' x 24' storage building is only three hundred thirty-six (336) square feet.

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 business is served by an existing private septic system.

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

The applicant has fire extinguishers onsite and in the vehicles.

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.

Equipment and vehicles are stored in the 80' x 100' screened storage area and are kept more than twenty-five (25') feet from the edge of the road.

STAFF RECOMMENDATIONS

The applicant is requesting to add a 14' x 24' storage building for tools and equipment, to increase the number of employees from one (1) to two (2) who can come to the site, and modify the operating hours from 8:00 a.m. to starting at 7:00 a.m.

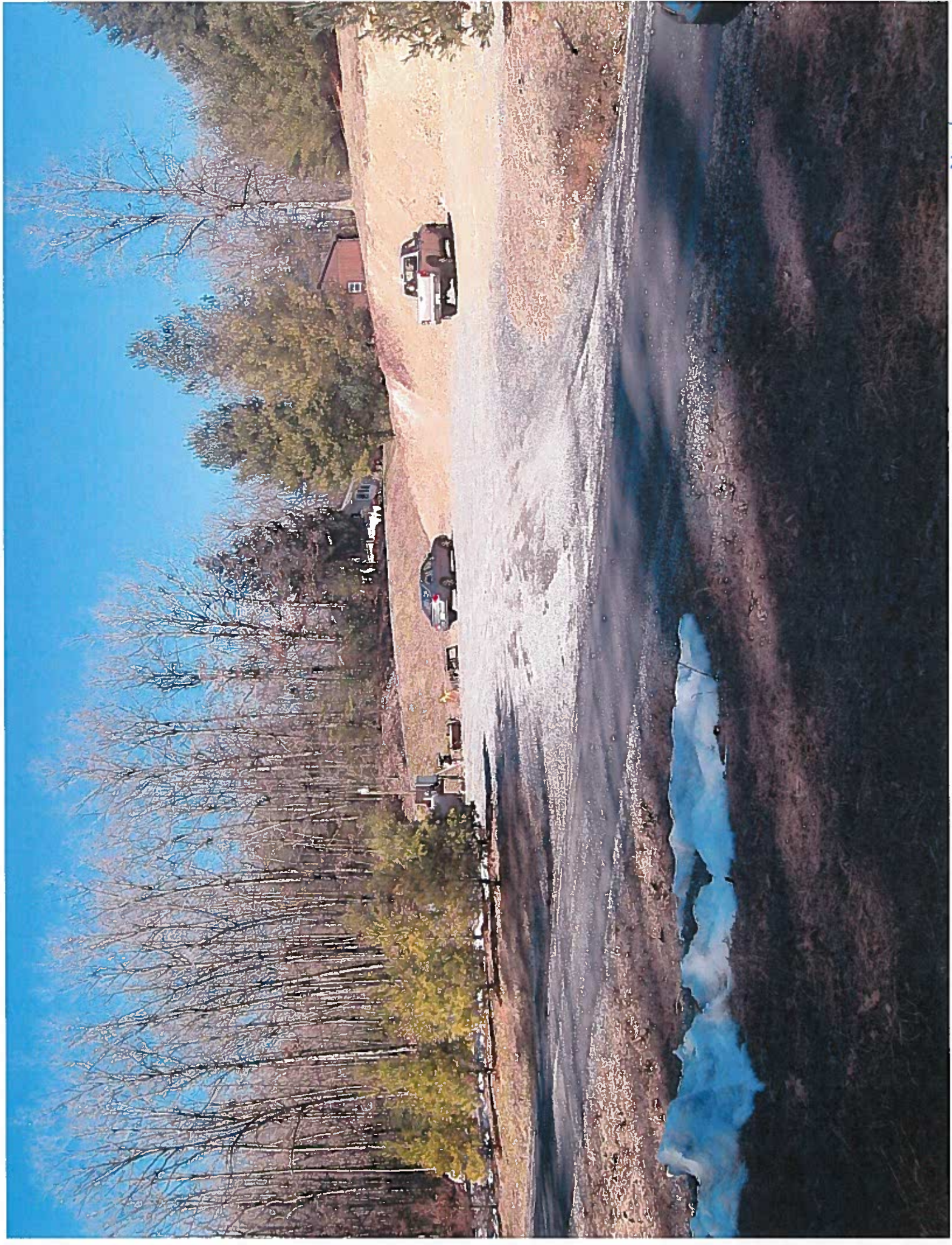
Staff feels the applicant has run a neat and orderly business for the last three (3) years. The addition of a storage building to keep equipment and tools indoors would benefit neighboring properties, increasing the number of employees who come to the site from one (1) up to two (2), and changing the starting hour from 8:00 a.m. to 7:00 a.m. would be compatible with similar excavating businesses. Staff would recommend approval with the following conditions:

Pre-Conditions:

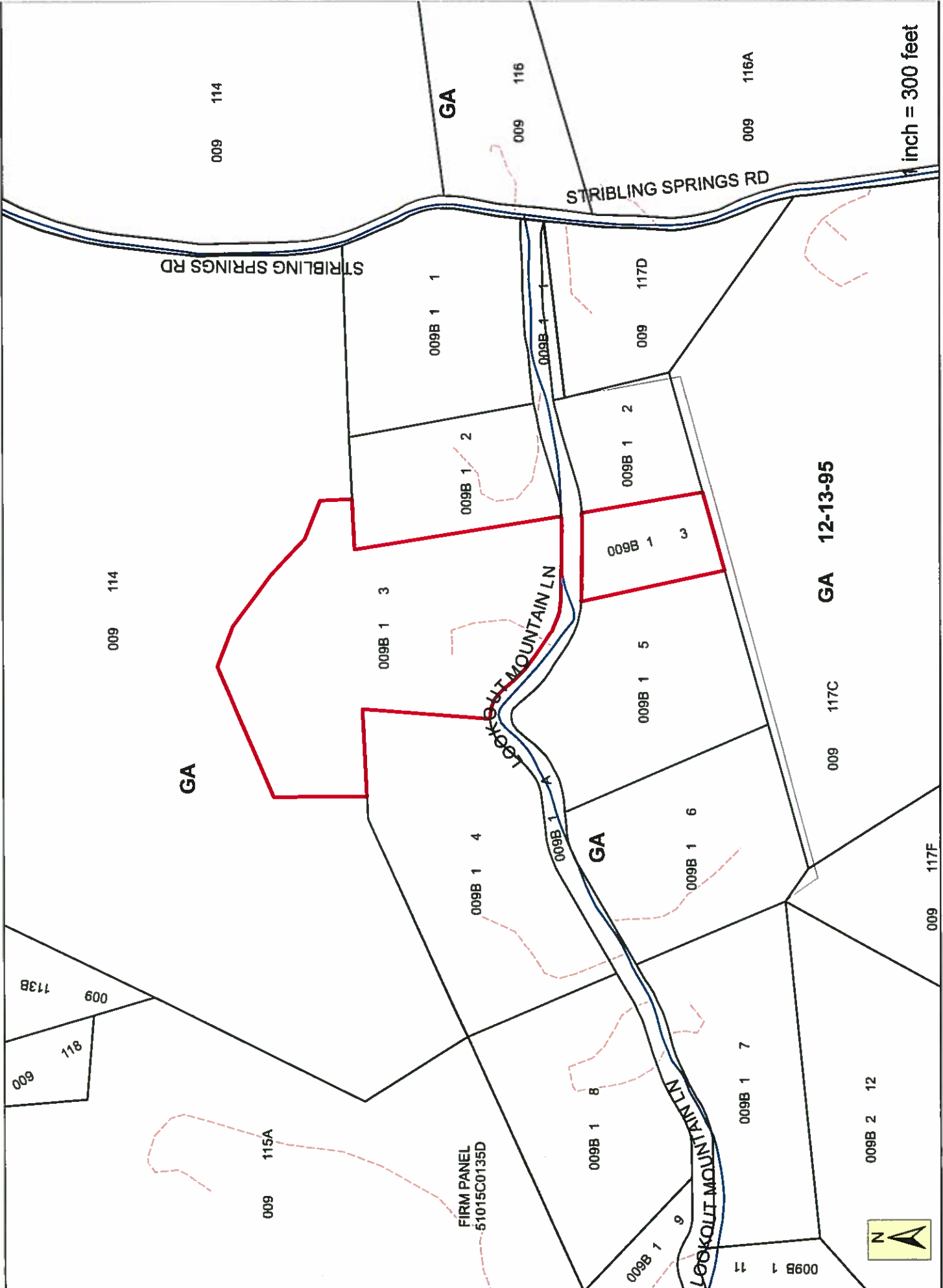
None

Operating Conditions:

1. Be permitted to construct a 14' x 24' storage building for the business.
2. Obtain a Building Permit for the 14' x 24' building.
3. No more than two (2) employees to come to the site.
4. Hours of operation be 7:00 a.m. to 8:00 p.m. Monday – Saturday.
5. No Sunday work.
6. Site be kept neat and orderly.
7. All other conditions of SUP#13-9 to remain in effect.



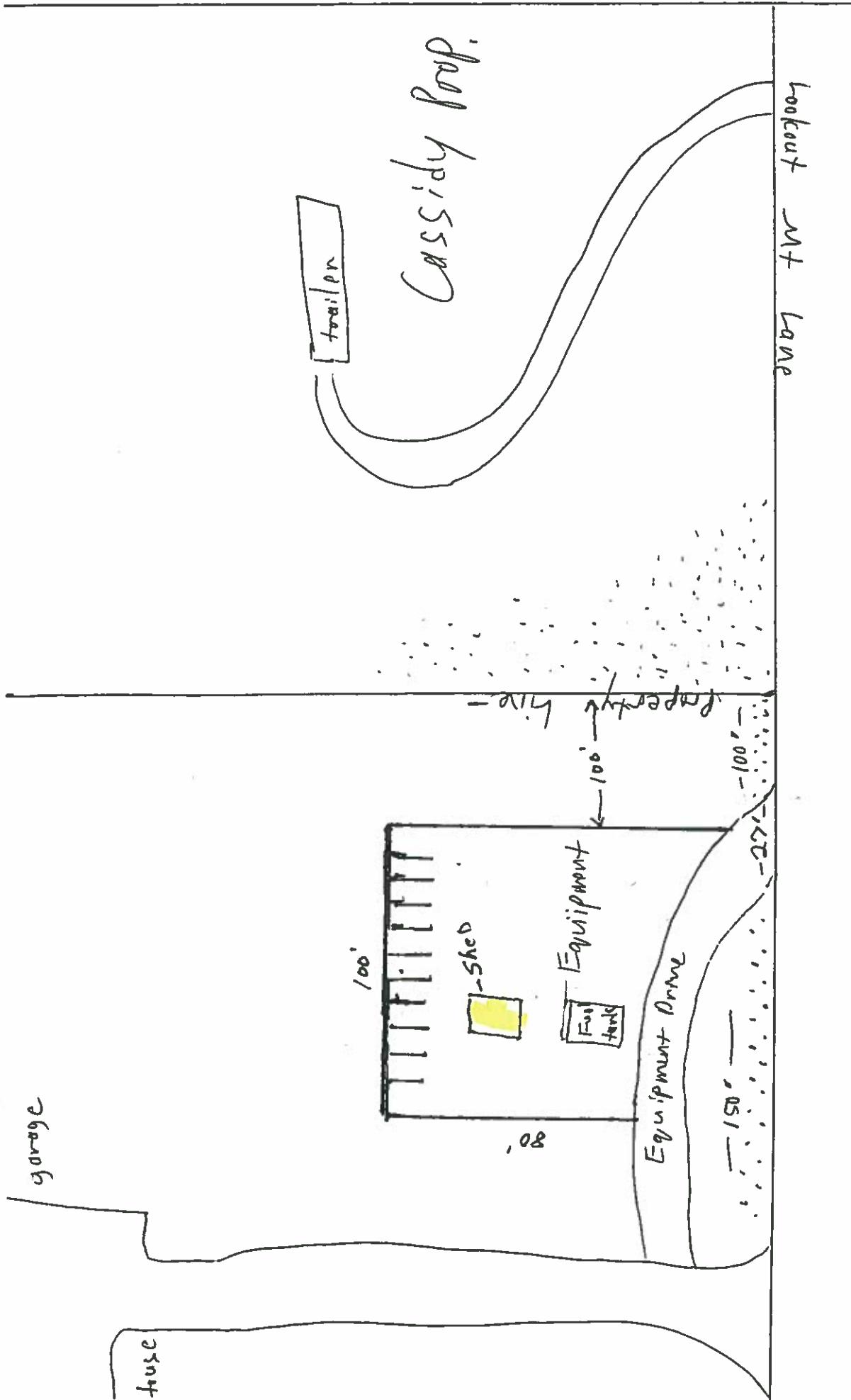
Nolt



1 inch = 300 feet



1101



AGENDA ITEM # 4E

Date 3/3/16

PROPERTY OWNER:
Yoder Investments, LLC

APPLICANT:
Erin Trzell

LOCATION OF PROPERTY:
2487 Hankey Mountain Highway, Churchville in the North River District

SIZE OF PROPERTY:
4.894 acres

VICINITY ZONING:
National Forest to the north; General Agriculture to the south, east, and west

PREVIOUS ZONING OR S.U.P.:
10/77 SUP approved to have a hotel, restaurant, and catering service
04/81 SUP approved to use portion of second floor for sales of gifts and crafts
12/95 Zoned General Agriculture

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To have a bed and breakfast, inn operation, counseling service or therapy retreat, restaurant, and special events

PLANNING COMMISSION'S COMMENTS:
The Planning Commission is concerned that this use could become a residential care facility rather than a bed and breakfast inn. Therefore, they recommend to the BZA, if they permit the bed and breakfast, that there be limits placed on the amount of time a guest can stay, so that the use doesn't become a residential care facility.

BUILDING INSPECTOR'S COMMENTS:
1. Obtain any required permits for any new work or equipment and inspections in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
Due to the commercial nature of the establishment and the proposal to change the usage of the property, the applicant is advised to contact a Professional Engineer to determine whether the existing sewage disposal system is safe, adequate, and proper for the uses listed in the Special Use Permit application. A Professional

Engineer can speak to whether or not the system needs to be modified to accommodate the request. The Health Department would need to review the Engineer's written proposal. Any proposed modifications to the installed sewage system would require a permit. A new owner would also have to obtain permits (in their name) for the restaurant and lodging.

HIGHWAY DEPARTMENT'S COMMENTS:

The additional use is not expected to significantly impact the adjacent roadways. This section of Rt. 250 currently has an AADT of 2,100 vpd. The existing paved commercial entrances are adequate for the proposed use.

ENGINEERING'S COMMENTS:

No Comment

SECTION 25-74H - PUBLIC ACCOMMODATION FACILITIES

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

The Buckhorn Inn has been operated as a hotel, bed and breakfast, and restaurant since 1977.

The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties.

The Buckhorn Inn has been part of the character of the local area for over thirty-five (35) years.

The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure.

The Buckhorn Inn has operated at this location for over thirty-five (35) years and there has not been a clustering of similar businesses.

The business shall have direct access on to a state maintained road.

The business has direct access to Hankey Mountain Highway (Route 250) and has a VDOT commercial entrance permit.

STAFF RECOMMENDATIONS

The applicant is requesting to continue the historic Buckhorn Inn, bed and breakfast, restaurant, retail sales, special events, and add outpatient counseling and wellness services. She has operated a mental health practice in Hampton, Virginia, for the past two (2) years.

The bed and breakfast will offer overnight stays, banquets, and special events will be by special arrangement. The wellness retreats will be offered as a package to include a two (2) night stay. Counseling services will be available by a licensed professional counselor, by appointment only. Comments by the Health Department state there is a permit on file for a forty (40) seat restaurant and a five (5) room bed and breakfast and other uses would need to be evaluated to verify the system can handle the uses requested. Planning Commission comments suggest the Board may want to consider setting a limit to the length of time a guest can stay, so the use does not turn into a residential care facility.

The Buckhorn Inn and restaurant has been operating in this area for almost forty (40) years. Staff feels the request is a good use of the property and would recommend approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

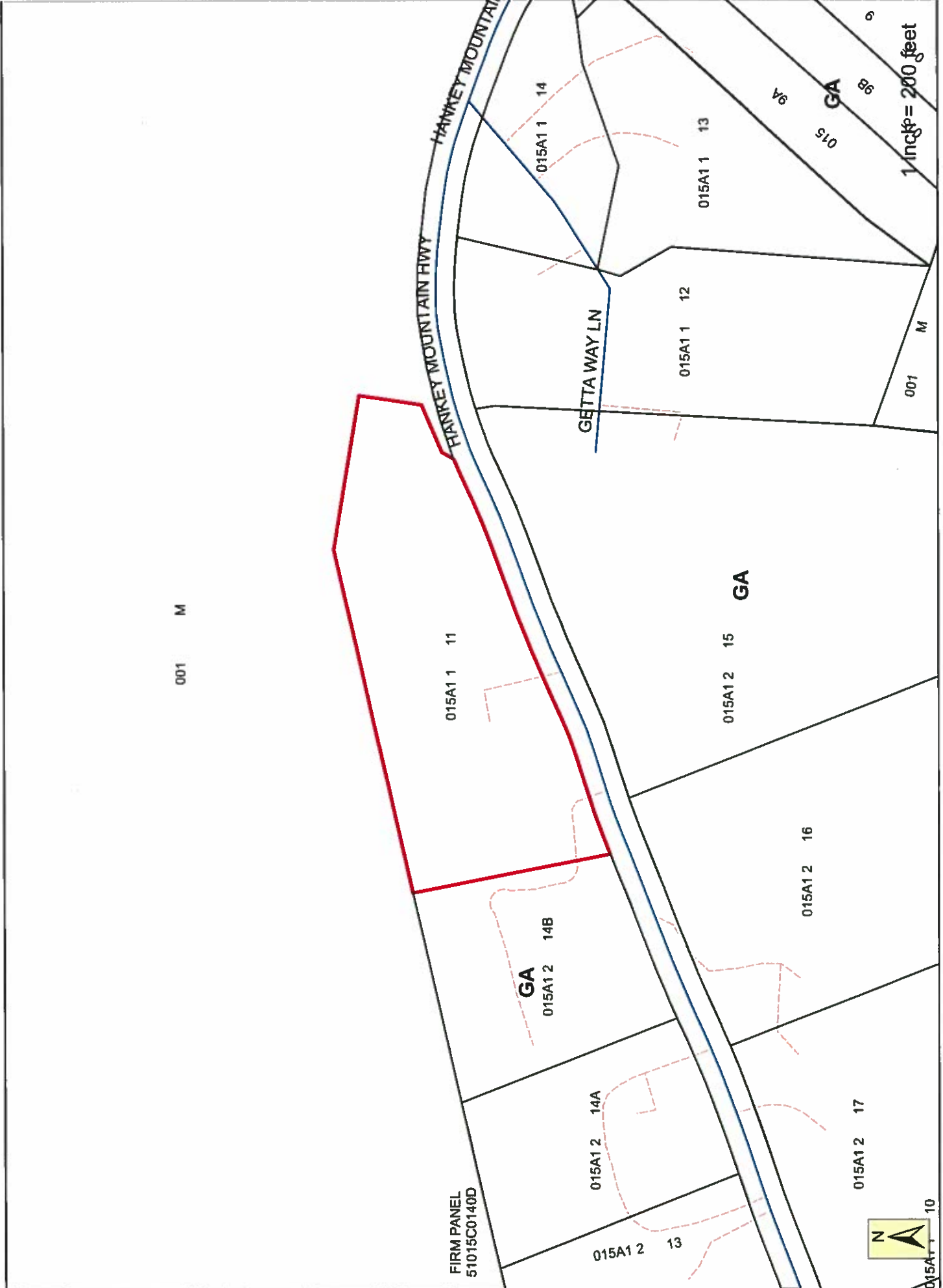
1. Be permitted to use five (5) bedrooms for a bed and breakfast.
2. No guests may stay over two (2) weeks at any one time.
3. Be permitted to have a forty (40) seat restaurant.
4. Be permitted to have six (6) weddings and twelve (12) special events per year, but no more than two (2) per month.
5. Be limited to a maximum of one hundred (100) people per event, if the Health Department approves an upgrade of the septic system or a portable restroom trailer is utilized.
6. No outside amplified music after 8:00 p.m.
7. Events to cease by 9:00 P.M. and all persons off the property by 10:00 p.m.
8. The applicant must be on the premises during events, and stay in the Buckhorn Inn during the bed and breakfast operation.
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.



Under



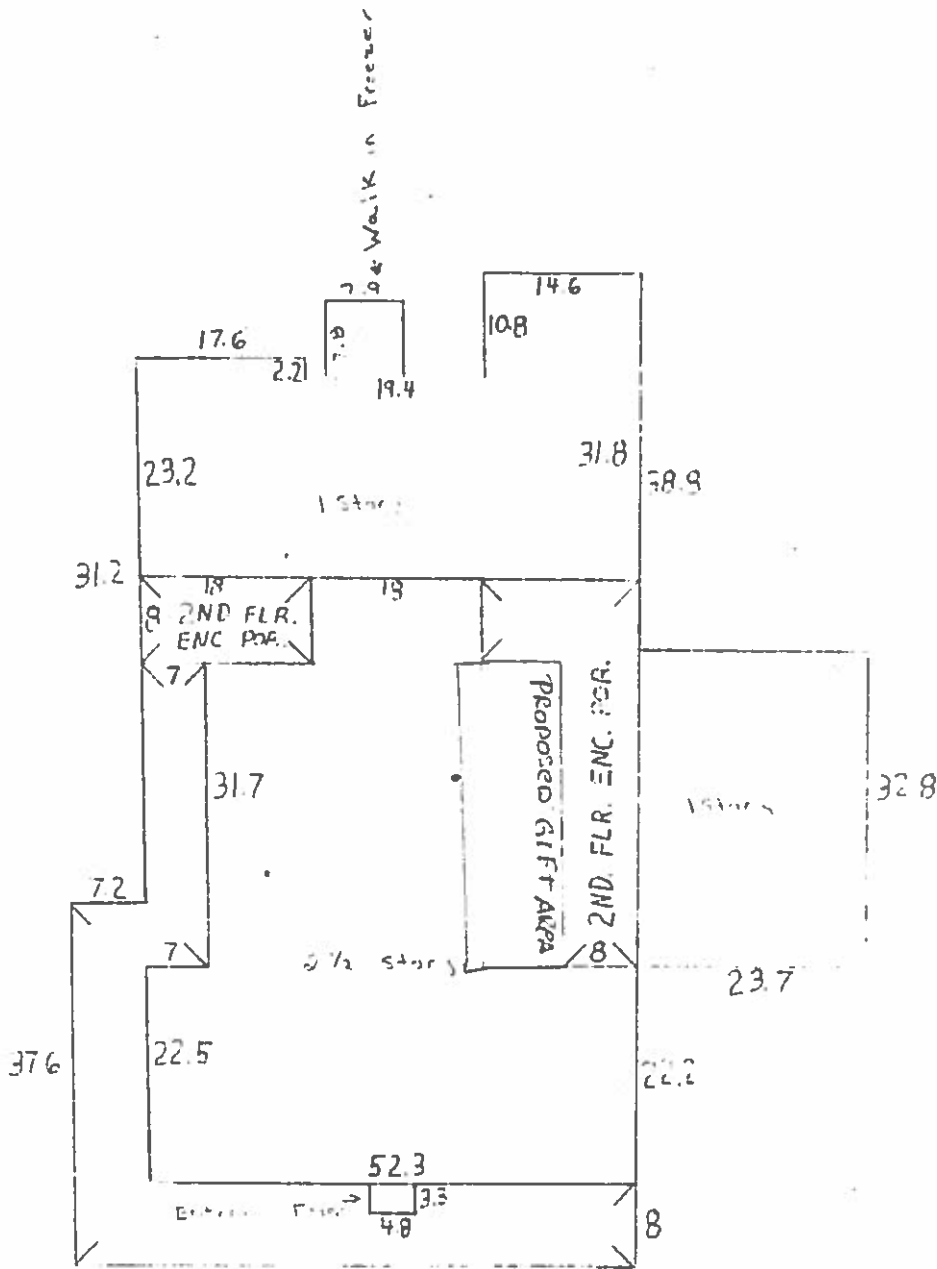
Yoder Investments, LLC



Yoder Investments, LLC

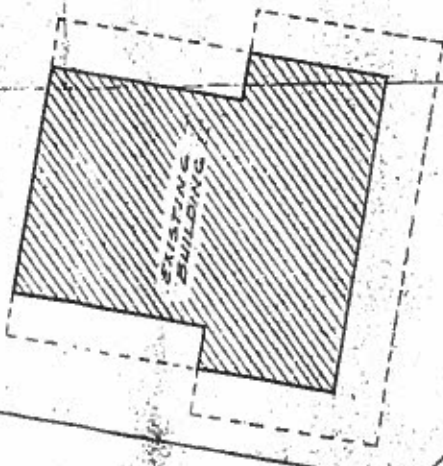
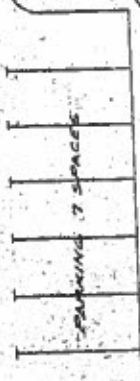
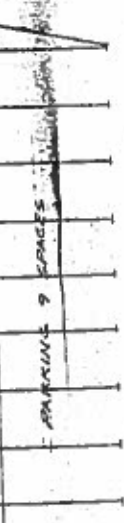
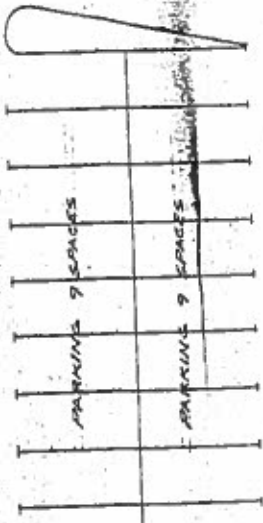


BUILDING OUTLINE SKETCH



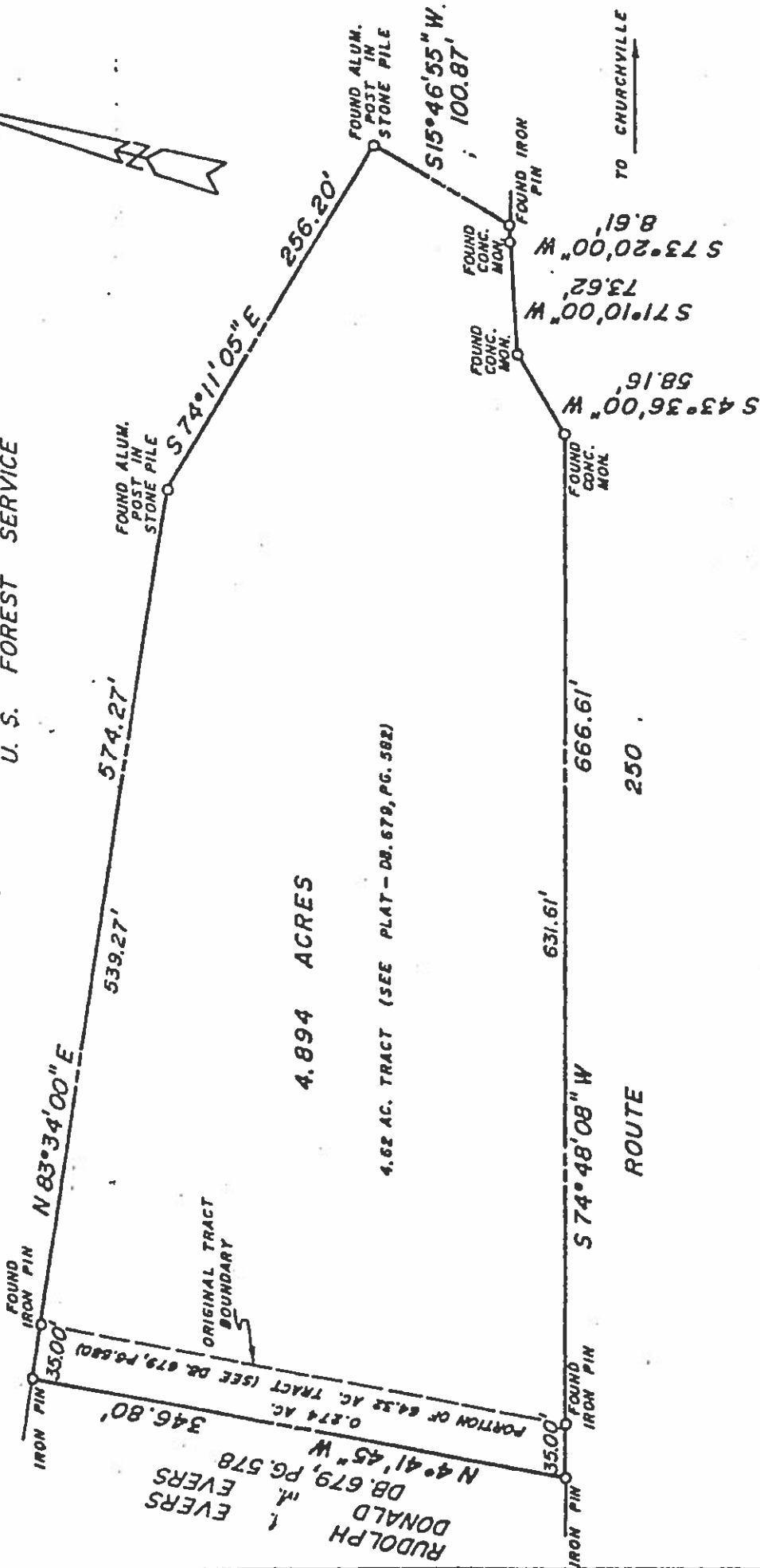
SCALE -
1 INCH = 20 FT.

Yoder Investments



PARKING PLAN

U. S. FOREST SERVICE



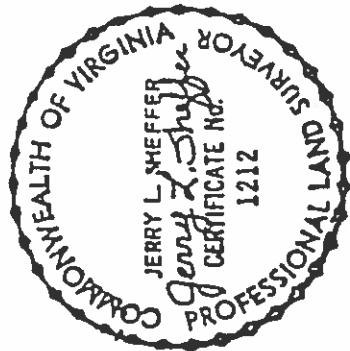
4.894 ACRES

4.62 AC. TRACT (SEE PLAT - DB. 679, PG. 582)

ROUTE

250

TO CHURCHVILLE



PLAT SHOWING PORTION OF
 RUDOLPH M. EVERS AND DONALD M. EVERS PROPERTY
 PASTURES DISTRICT, AUGUSTA COUNTY, VIRGINIA

SCALE 1" = 100'

JANUARY 14, 1980

JERRY L. SHEFFER, L. S. - STAUNTON, VIRGINIA

RUDOLPH M. EVERS
 DONALD M. EVERS
 DB. 679, PG. 578
 N 4° 41' 45" W
 346.80'

PORTION OF 64.38 AC. TRACT (SEE DB. 679, PG. 582)
 0.274 AC.
 35.00'



Trzell and Associates, LLC
The Buckhorn Inn,
Counseling and Wellness Retreat

Plan Summary

2520 Hankey Mountain Hwy
Churchville, VA 24421

p. 540-712-0756
cell: 757-771-7589

dancingzell@mgwnet.com

Objectives

Establish outpatient counseling and alternative healing practice as part of the services offered at The Buckhorn Inn.

Continue to operate the Buckhorn as a historic Inn while updating the services available.

Mission Statement

Our mission is to help people improve their lives through counseling and education on mental health and alternative healing modalities. Trzell and Associates, LLC seeks to help anyone suffering mental, emotional and behavioral health issues through reconnecting with Nature, sharing heart-felt interactions with others, and developing inner-resilience through traditional and alternative mental health practices.

Keys to Success

The Buckhorn is an established business location with an existing clientele. Proposed additions to the business will serve to increase profitability.

Easily accessible location with high level of traffic for a rural business.

All partners possess management level experience in a variety of fields that is applicable to the business plan.

Description of Business

Trzell and Associates, LLC (TAA) is an outpatient mental health practice, which was operating in Hampton, Virginia for the past two years. Erin Trzell, LPC is the owner and therapist. Mental Health treatment is provided to address: depression, anxiety, ADHD, PTSD, behavioral problems, and family/relationship discord. Treatment modalities include evidenced-based practices in Person-Centered Counseling, Cognitive-Behavioral Therapy, Mindfulness, Solution Focused Therapy, Motivational Interviewing, and Energy Psychology.

TAA is seeking to acquire the property and business of the Buckhorn Inn with the purpose of expanding and diversifying the potential revenue streams for the business, as well as provide more intensive and comprehensive treatment for clients.

Company Ownership/Legal Entity

TAA is a limited liability company under sole ownership of Erin Trzell, LPC.

Location

Located in the heart of the Shenandoah Valley and backed up to the George Washington National Forest, The Buckhorn Inn is uniquely and ideally situated to see the many attractions of the Shenandoah Valley or simply get away from it all.

Interior

<http://thebuckhorninn.com/>

Hours of Operation

Bed and Breakfast services: Check In 4:00pm – Check Out 11:00am

Counseling and Wellness Services: Monday – Friday 7:00am – 11:00am and 3:00pm-8:00pm, Saturday 9:00am – 2:00pm by appointment.

Restaurant open one weekend per month, reservation only.

Banquets and events by special arrangement.

Products and Services

B&B Services

Overnight accommodations in a quaint, historic inn, located in a rural setting that is easily accessible.

Accommodations include overnight stay in a comfortable room, access to the wrap-around porch and lounge, and a home-cooked breakfast made from fresh, local, organic foods. Guests are provided with information on local attractions upon request.

Banquets and events are available by special arrangement. Event coordination and planning services are also available.

Counseling and Wellness Services

Wellness Retreats will be provided as a package service to include: alternative healing treatments, counseling and wellness classes. Retreats will include 2 nights accommodations, combined with the guest's choice of wellness options. Special dietary needs will be accommodated including, vegan/vegetarian, low-carb, and gluten-free diets. Transportation will be available as an additional service for groups travelling from metropolitan areas.

Mental health counseling is available by a licensed professional counselor, by appointment. Most major insurances accepted.

Alternative health treatments are also available by certified providers – massage, reiki, healing touch.

Yoga and other wellness classes will be conducted based on interest. Classes or groups will only be held on days when the restaurant is not open. Classes and groups will be limited to 40 or less participants per day.

Customer Service

Customers and clientele for The Buckhorn Inn Counseling and Wellness Retreat will be drawn from the existing clientele, from commuters travelling 250, and throughout the surrounding areas in the Shenandoah Valley. Customer satisfaction will be the primary goal before during and after services are provided. Follow-up contact will be made through email, and by postal services, as requested by the guest/client.

AGENDA ITEM # 4F

Date 3/3/16

PROPERTY OWNER:

Paul E. Green

APPLICANT:

Same

LOCATION OF PROPERTY:

On the southwest side of Calf Mountain Road, west of the intersection of Calf Mountain Road and Jarman Gap Road in the Wayne District

SIZE OF PROPERTY:

2.688 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

None

APPLICANT'S JUSTIFICATION:

To appeal a decision of the Zoning Administrator regarding a dump site

STAFF COMMENTS

On October 6, 2015, the Community Development Department received a complaint regarding an illegal dump or junkyard on Calf Mountain Road. Staff inspected the site accompanied by a local resident and utilizing photos from the County's GIS System identified the property owned by Mr. Green as one of the properties containing the animal carcasses, tires, mattresses, and miscellaneous junk. A Special Use Permit is required in order to have a junkyard or salvage yard and a Public Use Overlay is required in order to have a landfill. Staff checked the records and found there are no Special Use Permits or Public Use Overlays on file for a junkyard or landfill on any properties in this area.

Section 25-4 of the Augusta County Zoning Ordinance defines a junkyard as:

"Any lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of any scrap, waste, reclaimable material, or debris."

Staff notified Mr. Green of the violation by letter dated November 5, 2015. Mr. Green contacted our office on November 10, 2015, and stated he lives out of town and was not

aware of people dumping on his property. He also stated that he would talk with adjoining property owners and he would clean up the property. Mr. Green has contacted our office on several occasions to describe his efforts to get other agencies to help him with the cleanup including VDOT, Augusta County Sherriff's Department, and the Game Warden. He has put up "no trespassing" but the dumping continues. Mr. Green has gotten estimates from several contractors ranging from \$2,200 to \$3,500 to cleanup the property.

The property was not cleaned up or brought into compliance and on December 21, 2015, Mr. Green was sent a second notice of violation. On January 20, 2016, our office received a letter stating Mr. Green was appealing the decision of the Zoning Administrator (a chronology of events is attached).

Section 15.2-2309 of the Code of Virginia Powers and Duties of the Board of Zoning Appeals states:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. **The decision on such appeal shall be based on the Board's judgment of whether the administrative officer was correct.** The Board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.

Statement of the Case

1. The applicant states in his letter of appeal that he is now aware of the illegal dumping and trespassing on his property. He states there has been a history of dumping on the property, he personally cannot afford to cleanup the site, and suggests the County should use its resources to cleanup the property and take measures to prevent its reoccurrence. Staff agrees that it is not fair that someone trespasses and illegally dumps on another's property, but the County does not have the resources to monitor or cleanup private property within a County of this size.
2. The Zoning Ordinance clearly prohibits having a dump, landfill, or junkyard as a permitted use.

§ 25-72 Permitted Uses of the Augusta County Zoning Ordinance lists the permitted uses within General Agriculture zoned districts without administrative or special use permits. The operation of dump, landfill or junkyard **is not a permitted use** in this district.

§ 25-74.1 Prohibited Uses of the Augusta County Zoning Ordinance states all uses except those listed in Sections 25-72, 25-72.1, 25-73 and 25-74 **are specifically prohibited** in General Agriculture districts unless permitted by overlay district regulations.

In Conclusion

Section 15.2-2309 of the Code of Virginia states the Decision of the Appeal of the Zoning Administrator shall be based on the Board's judgment of whether the administrative officer is correct. The applicant admits animal carcasses and miscellaneous junk have been dumped on his property, it has not been cleaned up, and no evidence has been presented to show the materials are not on his property, therefore, staff feels it is clear that the lot is clearly in violation of the Zoning Ordinance. We are confident that based upon the evidence, the Board will uphold the Decision of the Zoning Administrator.

Finalized: No

Number: 15-173

Name: Green, Paul E., Jr. and Sandra S.

Address: 1707 While Lane, Norfolk, VA 23518

Complainant:

Comp Address:

Nature of Complaint: junkyard - dump site
tires, sofa, animal carcasses, misc. junk, and trash

Drainage: No

Location: Calf Mountain Road

Map: 69F(1) **Parcel:** 21 **Zoning:** GA

Taken by: Tom **Investigator:** Tom **Investigated:** 10/6/2015

Comments: 10/6/15 - Inspection shows a junkyard/dump site starting up on the property including old tires, furniture, animal carcasses, misc. junk, and trash. Bcw

11/5/15 - Sent first notice to contact the office. Recheck 11/17/15. bcw

11/10/15 - Paul Green called and stated he was not aware people were dumping on his property. He has talked to several other property owners and they will clean the junk up. Recheck 12/14/15. bcw

11/17/15 - Inspection shows violation remains and appears more junk has been dumped. Recheck 12/14/15. bcw

11/19/15 - Timmy talked with VDOT and they will send someone to check the pull-off and also if VDOT can help with cleanup, and possibility of placing of "No Dumping sign. JM

12/2/15 Inspection shows site remains in violation.

12/2/15 - Mr. Green called and stated he will be here this weekend to try and get with neighbors to clean up. JM

12/7/15 - Mr. Green called and stated he is getting three estimates to clear the site. The first one was \$3,500. He has contacted the Augusta County Sherriff's Office and the Game Warden to hopefully increase patrols of the area. He will put up "No Trespassing" signs. Recheck 12/14/15. bcw

12/14/15 - Site remains the same or a little worse. Bcw

12/21/15 - Sent second notice. Recheck 1/4/16. bcw

1/14/2016 Mr. Green called and stated he has posted the property and will start cleanup.

1/15/16 Inspection shows the property is now "Posted" but remains in violation.

1/20/2016 Received a letter requesting appeal of the zoning administrator's decision regarding the illegal dump on his property. It will be put on the BZA Agenda to be heard on March 3.

2/2/16 Sent Mr. Green a letter notifying him that his appeal will be on the March 3, BZA hearing.

2/5/16 Inspection shows the property remains in Violation.
Recheck 3/2

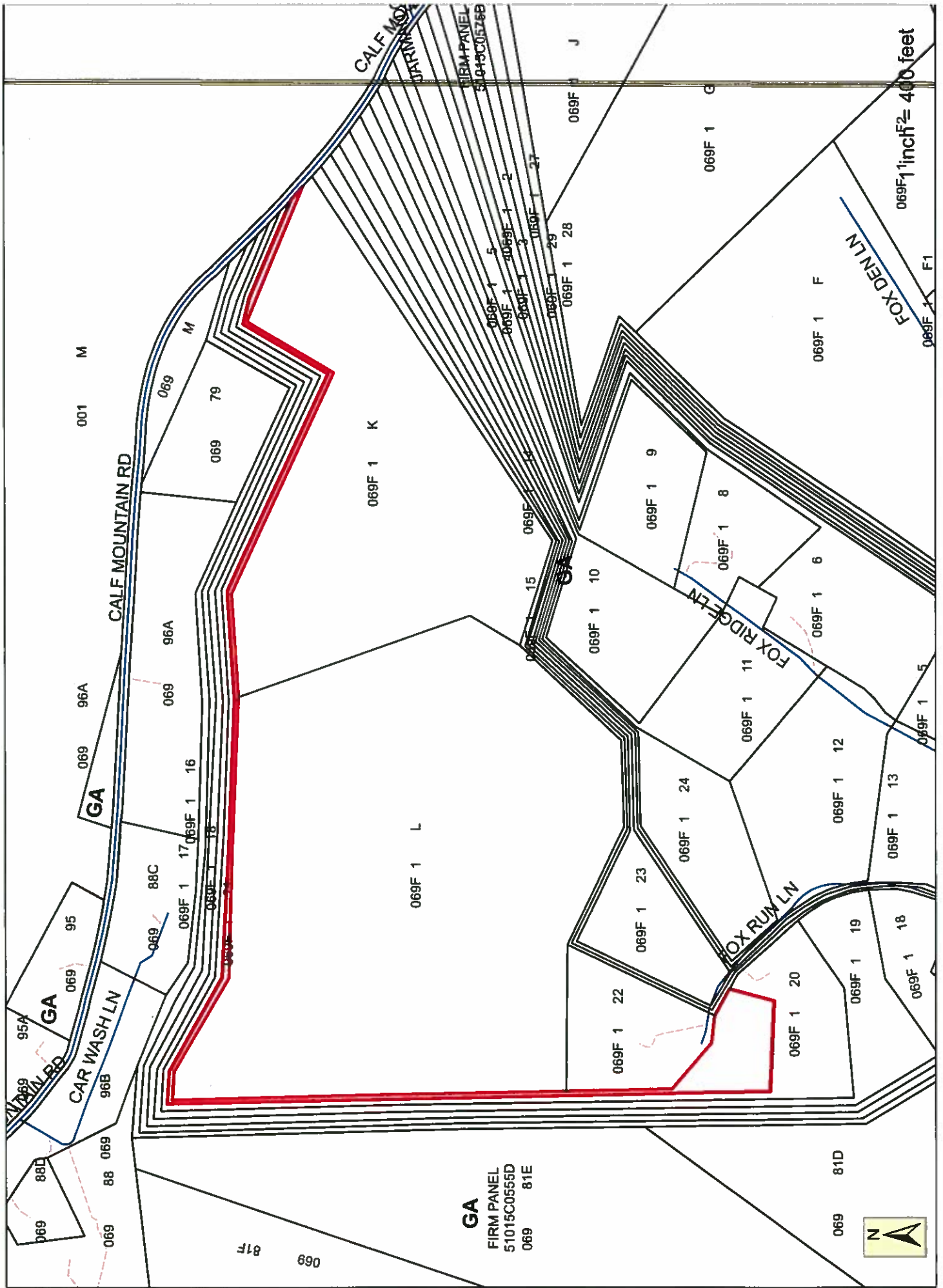


Green





Green



069F 1 inch = 400 feet



GA
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069 81E

069 81D

069 81F

001 M

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069 88

069 88L

069 96A

069 88C

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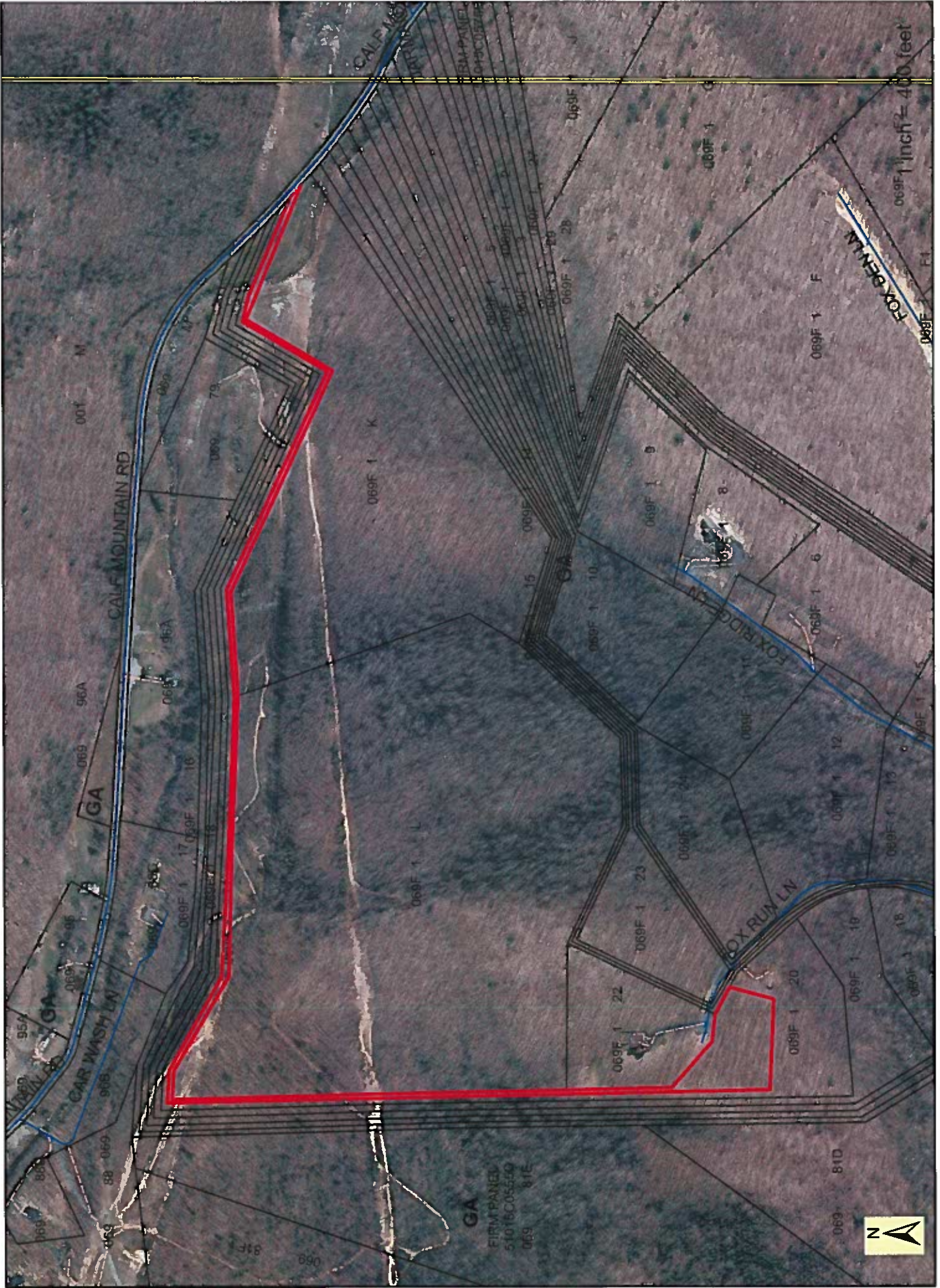
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Green



AGENDA ITEM # 7A

EXTENSION OF TIME REQUEST

Date 3/3/16

PROPERTY OWNER:

David or Catherine Marie Riccioni

APPLICANT:

Same

LOCATION OF PROPERTY:

1676 Newport Road, Raphine, in the Riverheads District

SIZE OF PROPERTY:

17.269 acres

VICINITY ZONING:

General Agriculture surround the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have firearms and ammunition sales and gunsmithing.

The applicant is requesting an eight (8) month Extension of Time.

STAFF COMMENTS MARCH 2016

The applicant has installed a handicapped parking sign but has not installed the handicapped access ramp. He is requesting an eight (8) month Extension of Time to complete the project. Staff would recommend a one (1) year Extension of Time.



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



MEMORANDUM

DATE: February 19, 2016
TO: John R. Wilkinson, Zoning Administrator
FROM: Tom Bailey, Zoning Technician
SUBJECT: Special Use Permit Inspections

The following special use permits issued in the month of May 2015 have been inspected:

15-17	Emmett W., Jr. or Sharon M. Hanger
15-18	Jeffrey P. or Deborah L. Back
15-19	Jose Ortiz Cruz or Rebecca J. Kidd
15-20	VBR Properties, LLC
15-21	Sangersville-Towers Ruritan Club, Inc.
15-22	David L. or Ann W. Gardner
15-23	Weyers Cave Recreation Association, Inc.

I have enclosed a copy of those reports with the action I have taken.

TB/bcw

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Emmett W., Jr. or Sharon M. Hanger

Location: 928 Natural Chimneys Road, Mt. Solon

Use: To have a real estate office and political office.

Special Use Permit No.: 15-17

Date Approved: 5/7/15

Date Inspected: 2/12/16

Name of Person Inspecting: Tom Bailey

1. Site plan requirements met (including VDOT entrance):

Yes No

If no, explain: _____

2. Stipulations met: Yes No

If no, explain: _____

Action Taken: Send letter to applicant to see if they need an Extension of Time. No building permit on file.

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Jeffrey P. or Deborah L. Back

Location: 103 Back Lane, Staunton

Use: To have a kennel.

Special Use Permit No.: 15-18

Date Approved: 5/7/15

Date Inspected: 2/12/16

Name of Person Inspecting: Tom Bailey

1. Site plan requirements met (including VDOT entrance):

Yes _____ No X

If no, explain: Appears runs have not been finished.

2. Stipulations met: Yes _____ No X

If no, explain: _____

Action Taken: No dogs visible or heard on inspection. Send letter to see if the

applicant needs an Extension of Time.

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Jose Ortiz Cruz and Rebecca J. Kidd

Location: 77 Samsons Circle, Crimora

Use: To have a trucking business with outside storage of vehicles.

Special Use Permit No.: 15-19

Date Approved: 6/4/15

Date Inspected: 2/12/16

Name of Person Inspecting: Tom Bailey

1. Site plan requirements met (including VDOT entrance):

Yes _____ No X

If no, explain: No VDOT entrance permit on file

2. Stipulations met: Yes _____ No X

If no, explain: _____

Action Taken: Send letter to applicant requesting the VDOT entrance permit.

SPECIAL USE PERMIT INSPECTION REPORT

NAME: VBR Properties, LLC

Location: 10 Purple Cow Road, Waynesboro

Use: To have a snack shop with ice cream, produce, crafts, and food stand.

Special Use Permit No.: 15-20

Date Approved: 5/7/15

Date Inspected: 2/5/16

Name of Person Inspecting: Tom Bailey

1. Site plan requirements met (including VDOT entrance):

Yes No

If no, explain: _____

2. Stipulations met: Yes No

If no, explain: _____

Action Taken: _____

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Sangersville – Towers Ruritan Club, Inc.

Location: 86 Emmanuel Church Road, Mt. Solon

Use: To expand the existing non-conforming fire and rescue building.

Special Use Permit No.: 15-21

Date Approved: 5/7/15

Date Inspected: 2/12/16

Name of Person Inspecting: Tom Bailey

1. Site plan requirements met (including VDOT entrance):

Yes No

If no, explain: _____

2. Stipulations met: Yes No

If no, explain: _____

Action Taken: _____

SPECIAL USE PERMIT INSPECTION REPORT

NAME: David L. or Ann W. Gardner

Location: West side of Lee Highway (Route 11) approx. .1 of a mile south of the intersection of Lee Highway and Fadley Road

Use: To utilize a bank barn for farmers market to have seasonal events and outdoor storage.

Special Use Permit No.: 15-22

Date Approved: 5/7/15

Date Inspected: 2/10/16

Name of Person Inspecting: Tom Bailey

1. Site plan requirements met (including VDOT entrance):

Yes No

If no, explain: under construction

2. Stipulations met: Yes No

If no, explain: under construction

Action Taken: _____

SPECIAL USE PERMIT INSPECTION REPORT

NAME: Weyers Cave Recreation Association, Inc.

Location: 682 Weyers Cave Road, Weyers Cave

Use: To have a summer day camp.

Special Use Permit No.: 15-23

Date Approved: 5/7/15

Date Inspected: 2/10/16

Name of Person Inspecting: Tom Bailey

1. Site plan requirements met (including VDOT entrance):

Yes No

If no, explain: _____

2. Stipulations met: Yes No

If no, explain: _____

Action Taken: _____

