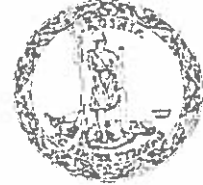




COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

TO: Augusta County Board of Zoning Appeals
FROM: Sandra K. Bunch, Zoning Administrator
DATE: April 27, 2016
SUBJECT: Regular Meeting and Viewing

Sandy

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, May 5, 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 **9:00 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.

SKB/bcw

Enclosures

**ADVANCED
AGENDA**

Regular Meeting of the Augusta County Board of Zoning Appeals

Thursday, May 5, 2016, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of April 7, 2016

4. PUBLIC HEARINGS

- A. A request by Penny Groah, agent for KWC, LLC, Kennard W. Campbell and Son Builders, Inc., and Kennard W. Campbell Excavating, Inc., for a Special Use Permit to operate an office within the home on property owned by Ronald Lewis, III or Katie Marie Rohr, located at 495 Shirey Road, Middlebrook in the Riverheads District.
- B. A request by Charles L. Simmons or Melissa A. Kelley, for a Special Use Permit to have a dog kennel on property they own, located at 452 Eagle Rock Lane, Staunton in the Pastures District.
- C. A request by Caren S. Beccaglia, for a Special Use Permit to reconstruct and enlarge a portion of a non-conforming dwelling on property she owns, located at 4104 Lee Highway, Weyers Cave, 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

15-28	Alan B. or Sharon M. Kincheloe
15-29	Eastside Speedway, Inc. c/o A.L. Gore
15-30	Edgar B. Hurdis, III

9. ADJOURNMENT

Date 5/5/16

PROPERTY OWNER:
Ronald Lewis, III or Katie Marie Rohr

APPLICANT:
Penny Groah, agent for KWC, LLC, Kennard W. Campbell and Son Builders, Inc., and Kennard W. Campbell Excavating, Inc.

LOCATION OF PROPERTY:
495 Shirey Road, Middlebrook in the Riverheads District

SIZE OF PROPERTY:
3.17 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 Area

UTILITIES:
Private well, private septic

APPLICANT'S JUSTIFICATION:
To operate an office within the home

PLANNING COMMISSION'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.
There will be no outside storage. All equipment and materials are kept at another location.

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.

This is a family business. The applicant does not live onsite, but the property is owned by her daughter and her daughter participates in the business.

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

No expansions are requested. The applicant will be using one (1) room inside the home for an office only, which is appropriate in agricultural areas.

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 property fronts on Shirey Road and has an approved entrance.

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

The property is served by an existing entrance that safely and adequately accommodates 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.

No new construction is requested.

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 office will be within the existing home.

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 home is currently served by an existing well and septic system.

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

There are smoke alarms installed within the dwelling.

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 items will be displayed for sale.

STAFF RECOMMENDATIONS

The applicant is requesting to move their existing office into one (1) room of her daughter's residence. The office will be used for bookkeeping purposes for KWC, LLC, Kennard W. Campbell and Son Builders, Inc., and Kennard W. Campbell Excavating, Inc. The office will be operated by the applicant, her daughter, and granddaughter. There will be no other employees coming to the property and all equipment and materials will remain at their current location, which allows outdoor storage by Special Use Permit.

Staff feels that a small bookkeeping office with no employees other than family members will be compatible with neighboring properties and recommends approval with the following conditions:

Pre-Conditions:

None

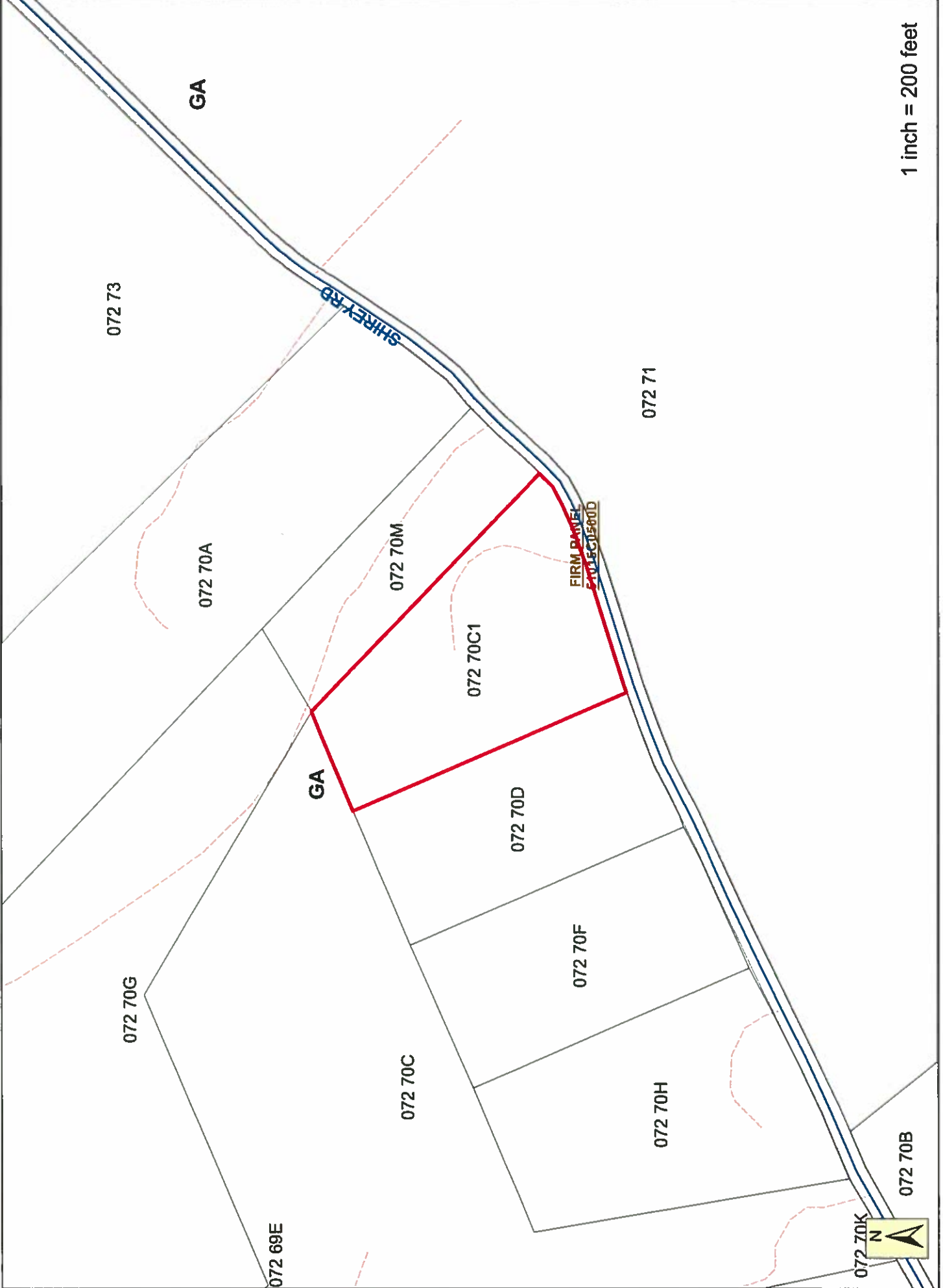
Operating Conditions:

1. Site be kept neat and orderly.
2. No employees other than family members.
3. All equipment, machinery, and materials be kept offsite at the current location.



Rohr

Rohr

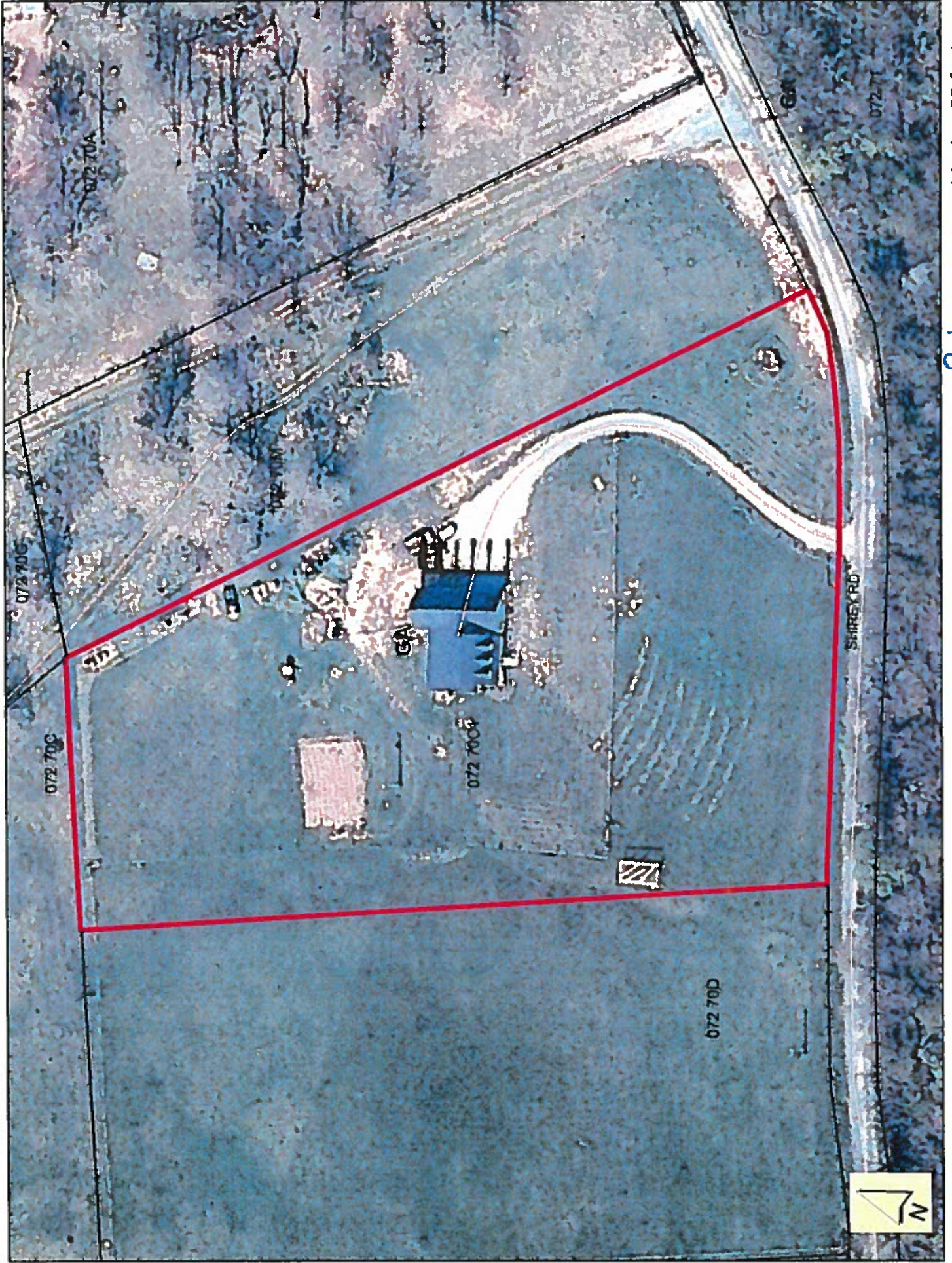


1 inch = 200 feet

Rohr



1 inch = 200 feet



1 inch = 80 feet

Rohr

AGENDA ITEM # 4B

Date 5/5/16

PROPERTY OWNER:

Charles L. Simmons or Melissa A. Kelley

APPLICANT:

Same

LOCATION OF PROPERTY:

452 Eagle Rock Lane, Staunton in the Pastures District

SIZE OF PROPERTY:

20.959 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 Area

UTILITIES:

Private well, private septic

APPLICANT'S JUSTIFICATION:

To have a dog kennel

PLANNING COMMISSION'S COMMENTS:

No Comment

ANIMAL CONTROL'S COMMENTS:

This kennel is in a good location and should not be any bother to neighbors. Animal Control does not have any concerns with this Special Use Permit.

SECTION 25-74C - ANIMAL CARE FACILITIES

There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation.

Kennels are cleaned daily.

Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals.

Kennels will be well ventilated and constructed with a concrete floor inside the existing barn.

Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals.

The dogs will be secured inside kennels that are six (6') foot high inside the existing hay barn.

Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight.

The dogs will be kept inside the barn to protect them from weather and sunlight and taken out to hunt for exercise.

There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate.

There is an existing water hydrant inside the barn.

Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals.

The dogs will be kept inside the existing barn which appears adequate to accommodate the breed of dogs requested.

The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals.

The site contains 20.959 acres which can accommodate the ten (10) hunting dogs requested.

The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties.

The dogs will be kept in kennels inside the barn. Three (3) sides will be enclosed and the individual kennels are thirty (30') to forty (40') feet away from the wall of the barn. This should offer some buffering of noise to the adjoining properties.

No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

The applicant purchased the property prior to the ordinance change on March 1, 2010, requiring the two hundred (200') foot setback. The barn is located nine hundred (900') feet from the northern property line, approximately four hundred fifty (450') feet to the southern property line, one hundred (100') feet to the western property line, and six hundred fifty (650') feet to the eastern property line.

STAFF RECOMMENDATIONS

The applicant is requesting to have a personal kennel for up to ten (10) hunting dogs. They currently have five (5) Walker Hounds. They do not have a breeding operation but would like to have a maximum of one (1) litter per year. They purchased the property on January 27, 2010.

The new ordinance, effective March 1, 2010, increased the minimum setback for kennel facilities to two hundred (200') feet from the property line. Before March 1, 2010, the Board could have considered a structure with a setback less than fifty (50') feet from the property line if the Board was satisfied that soundproofing or other measures would adequately protect neighboring properties. Prior to 2002, there were no minimum standards. Staff does have concerns that the structure does not meet the required setback, therefore, we cannot recommend approval of the request.

However, if the Board desires to take into consideration that the applicant purchased the property prior to the ordinance change, the closest dwelling is located approximately nine hundred (900') feet from the barn/kennel, and the Board feels the request is compatible with neighboring properties and desires to approve the request, then staff would recommend the following conditions:

Pre-Conditions:

None

Operating Conditions:

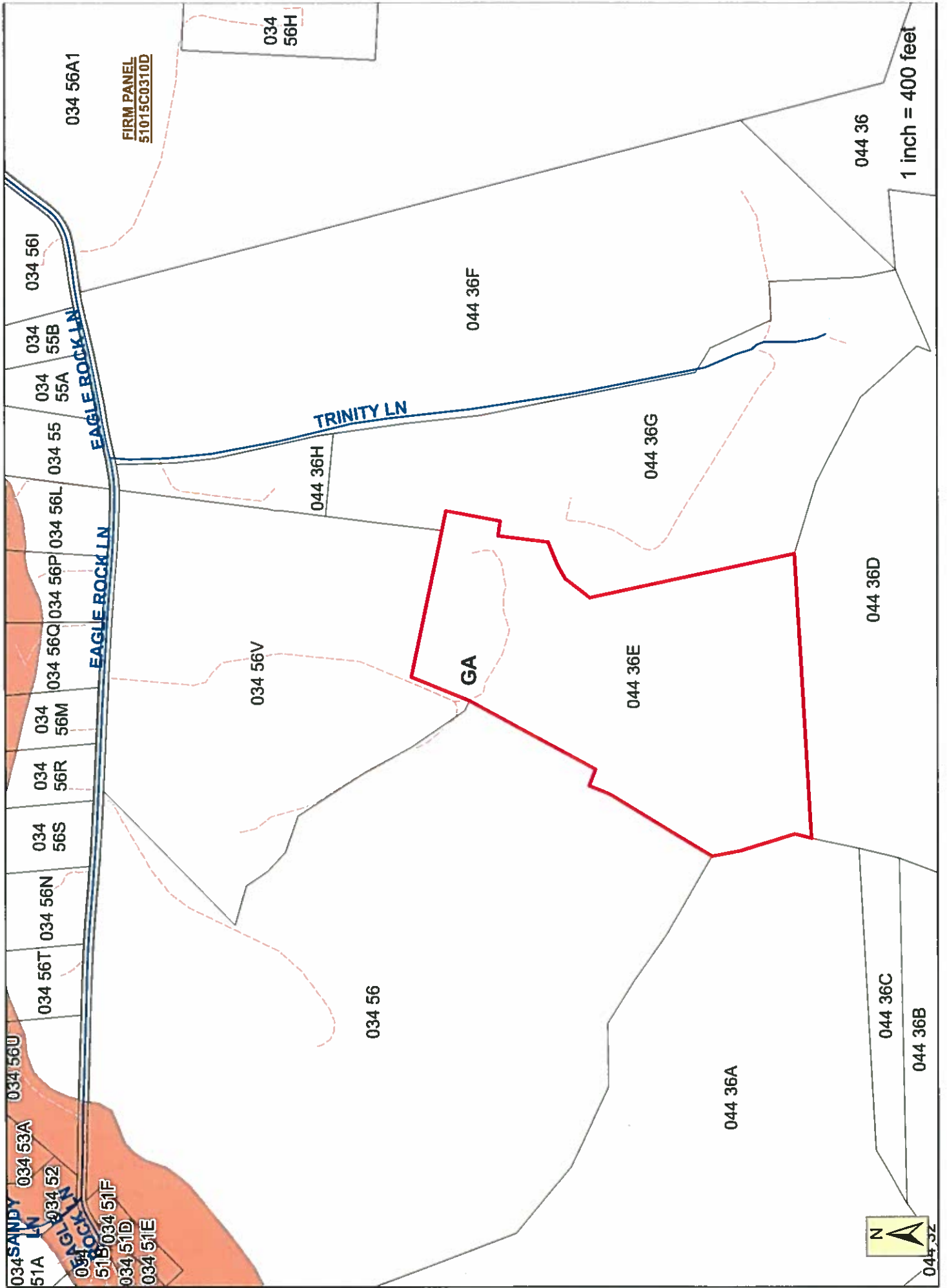
1. Kennels be constructed within the barn so the animals can be confined within a structure from 10:00 p.m. to 6:00 a.m. **within six (6) months.**
2. Be limited to a maximum of ten (10) adult dogs.
3. No more than one (1) litter of puppies per year.

4. Site be kept neat and orderly.
5. Applicant must reside on premise.
6. Animal Control or Community Development to inspect the site once per year.

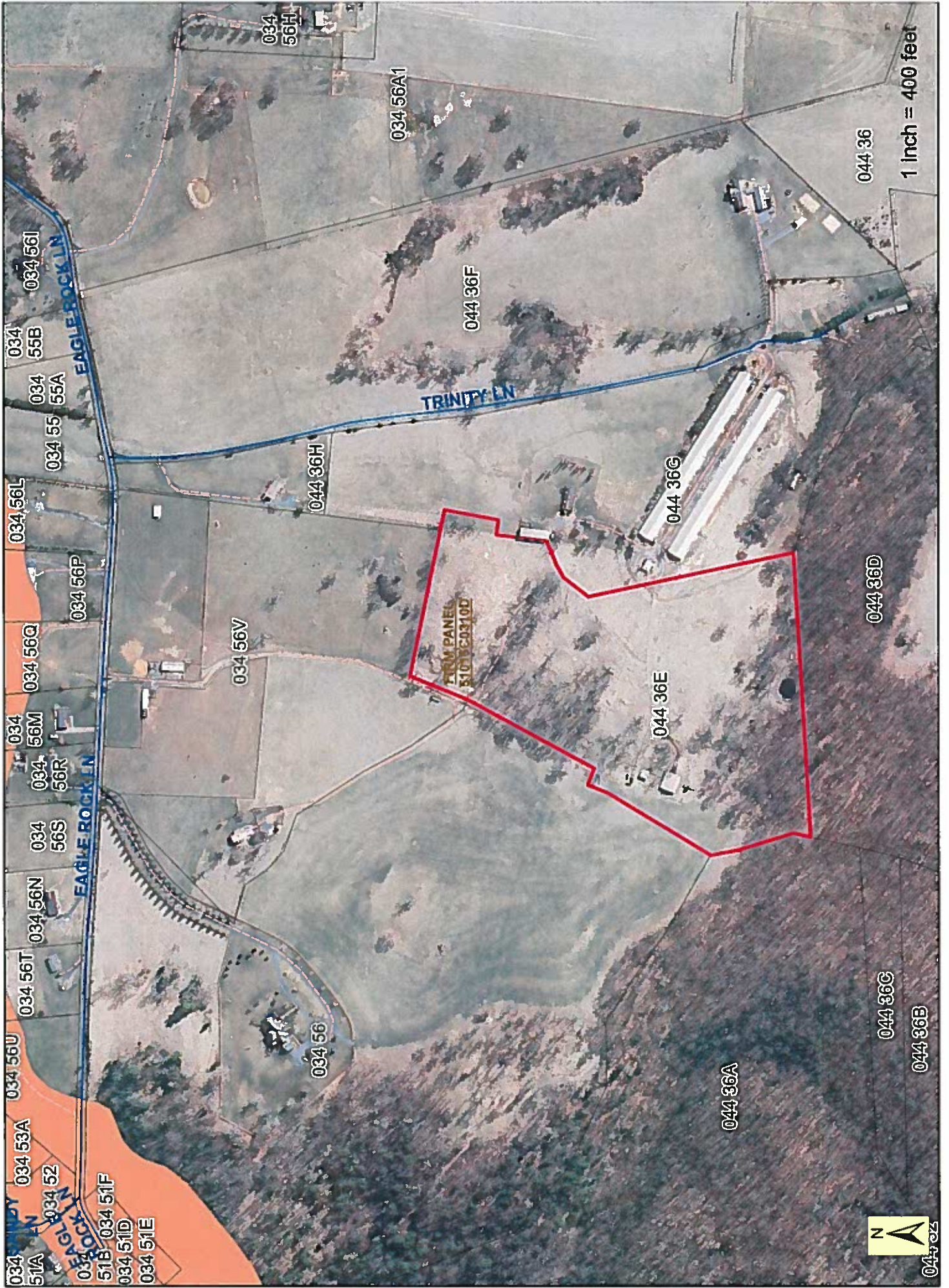


Simms

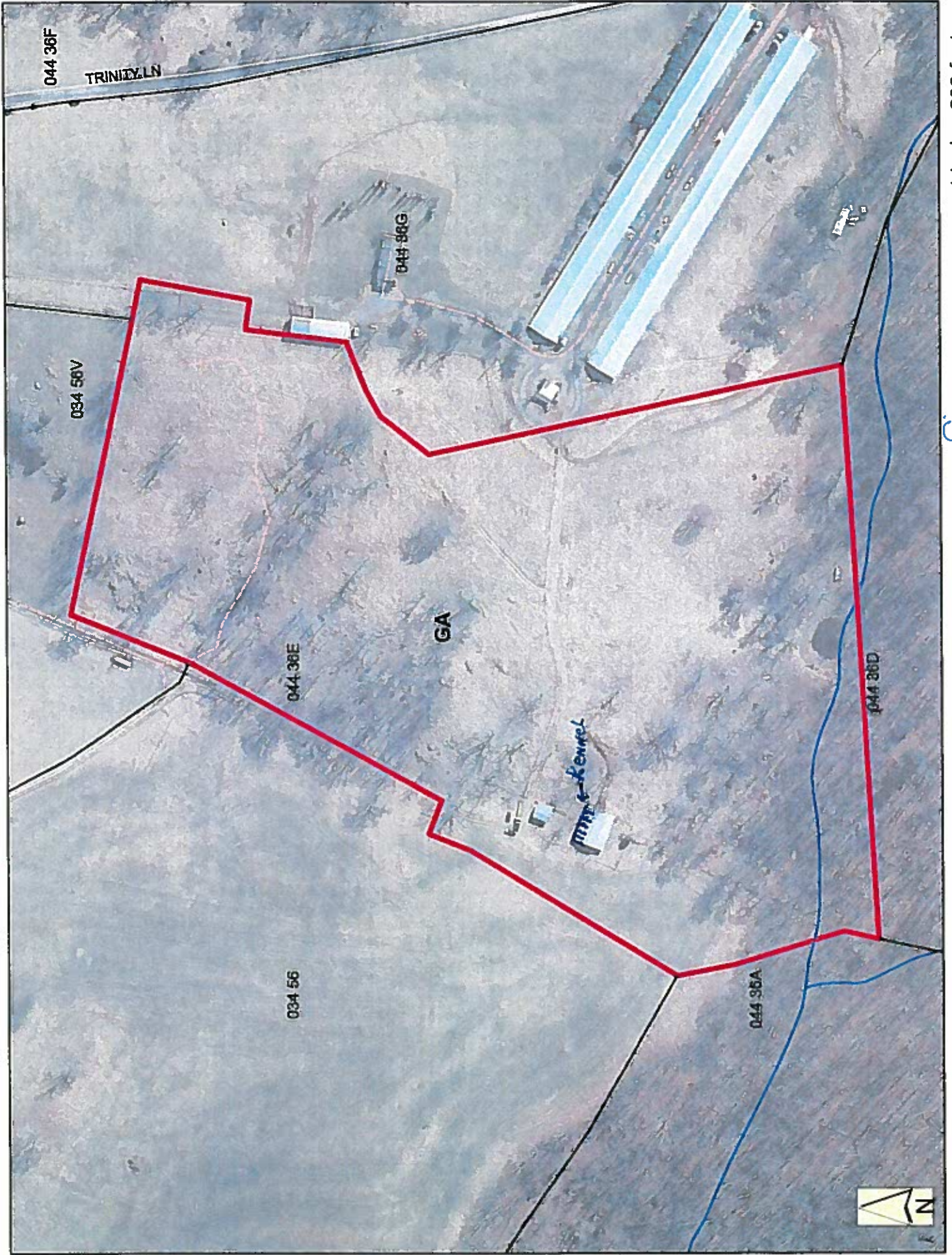
Simmons



Simmons



044 36Z



1 inch = 200 feet

Simmons

AGENDA ITEM # 4C

Date 5/5/16

PROPERTY OWNER:

Caren S. Beccaglia

APPLICANT:

Same

LOCATION OF PROPERTY:

4104 Lee Highway, Weyers Cave, in the North River District

SIZE OF PROPERTY:

1.16 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:

Private well, private septic

APPLICANT'S JUSTIFICATION:

To reconstruct and enlarge a portion of a non-conforming dwelling

PLANNING COMMISSION'S COMMENTS:

No Comment

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary building permits and inspections in compliance with the Uniform Statewide Building Code.

STAFF COMMENTS

The applicant is requesting to reconstruct and enlarge a portion of a non-conforming dwelling no closer to Lee Highway. The dwelling is approximately one hundred sixteen (116) years old, and was constructed long before the County's first Zoning Ordinance in 1947. The dwelling is located approximately twenty (20') feet from the VDOT right-of-way and one (1') foot from the side property line. The current Ordinance requires structures to be setback thirty-five (35') feet from the right-of-way and twenty-five (25') feet from a side yard. The fact that the dwelling did not meet the setback requirement when the first ordinance was adopted made it non-conforming.

The applicant is wanting to tear off the existing 14' x 32' deck and replace it with a 19' x 32' addition for a handicapped accessible bedroom, bathroom, and a closet, and remove

an existing four (4') foot wide deck and stairs and reconstruct a 6' x 19' deck and stairs that would be two (2') feet closer to the side line. The addition will be located approximately thirty-three (33') feet from the right-of-way line and sixteen (16') feet from the side property line.

Due to the fact that the addition is not going closer to the road and the deck will be only two (2') foot closer to the side yard setback, staff feels the request is not substantially increasing the non-conformity, and would recommend approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant obtain a building permit.
2. Applicant construct the addition no closer than the current field survey shows.
3. Applicant submit foundation survey to Community Development.



Barcaia.

Beccaglia

FIRM PANEL
51015C0200D

019 94A

019 94B

019 94

LEE HWY

019 96A

GA 12-13-95

GA 12-13-95

019 84A

019 96B

019 96C 1 inch = 100 feet



Beccaglia



Notes:

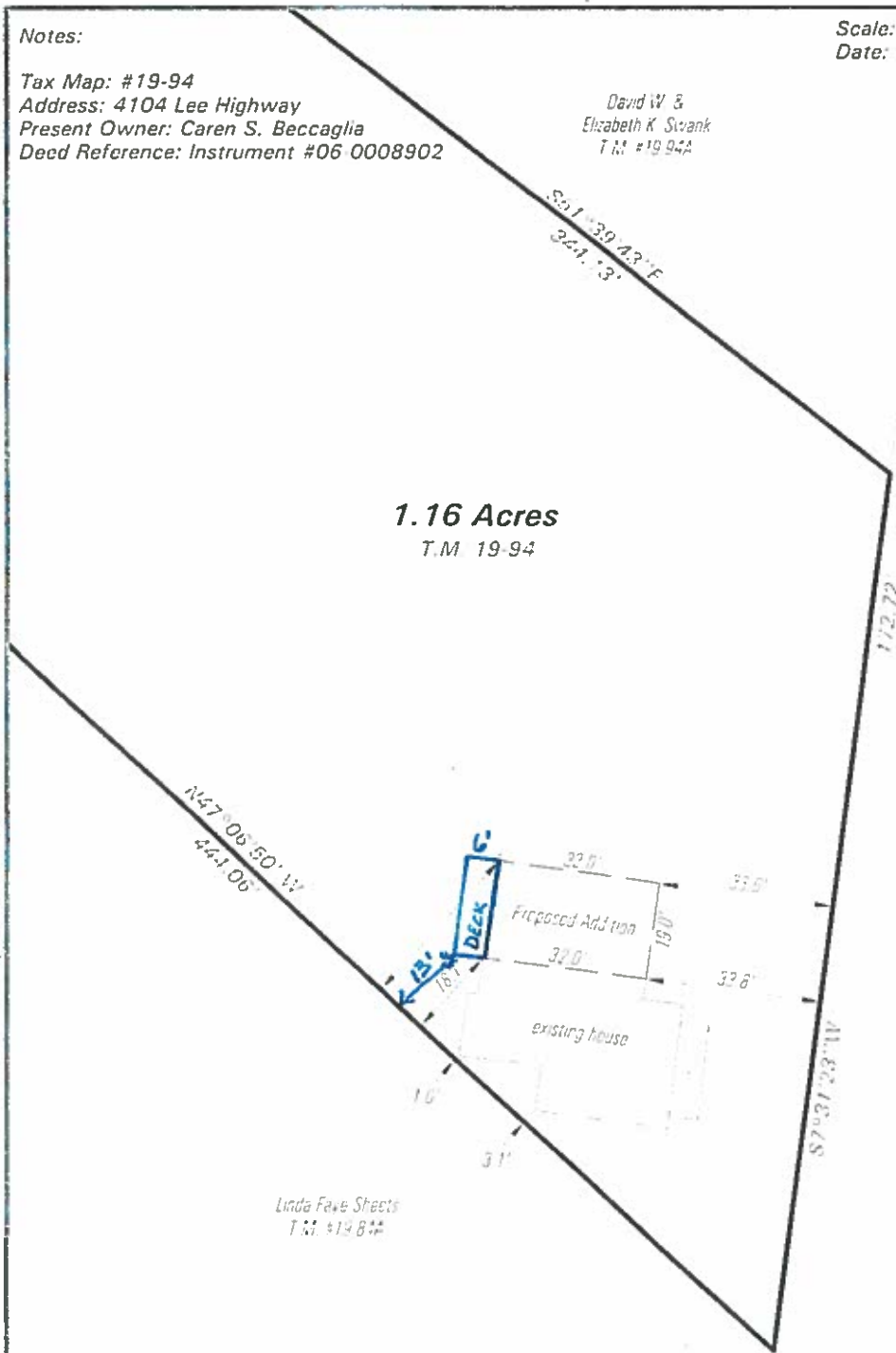
Tax Map: #19-94
Address: 4104 Lee Highway
Present Owner: Caren S. Beccaglia
Deed Reference: Instrument #06 0008902

David W &
Elizabeth K Swank
T.M. #19 94A

Scale: 1" = 30'
Date: March 28, 2016



1.16 Acres
T.M. 19-94



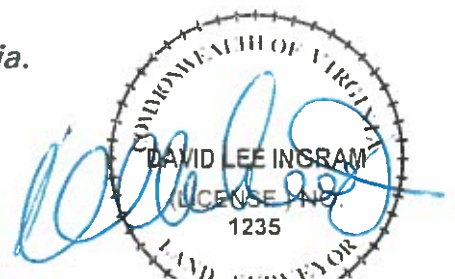
Linda Faye Sheets
T.M. #1984A

House Location Survey
(Based on a current Field Survey)
North River District, Augusta County, Virginia.

INGRAM - HAGEN & CO., P.L.C.

Surveyors - Engineers - Planners

Note: A current title



APR 27 2016

John Wilkinson

From: Ashland Commons <ashlandcommons@sheltergrp.com>
Sent: Tuesday, April 26, 2016 4:44 PM
To: John Wilkinson
Cc: csb4ever@yahoo.com
Subject: Renovations for Caren Beccaglia

To whom it may concern,

I am writing this letter to humbly request that you consider the renovation that my mother, Caren Beccaglia, is seeking to complete on her home, 4104 Lee Highway, Weyers Cave, VA 24486 . It has been very difficult for her to accomplish her day to day activities and to live in her home in the condition that it is in. Due to my mother's disabilities she has good days and bad days and her symptoms seem to continue to deteriorate. With that being said it would greatly improve her quality of life if everything could be on the same floor level so that she could maneuver as she continues to suffer with these symptoms. Also, it would bring me great relief to know that she would not be at risk of injuring herself due to having to get from room to room nor would she be stuck in one room in her home if everything were all one level. She needs her home to be capable of accessibility for a walker and a wheel chair when that time comes. Unfortunately, I am not there to assist her day to day but if you would allow her to make the changes she is requesting then I can rest easy knowing that she is able to get around without risk of falling down or other types of incidents.

I thank you in advance for your consideration in this matter and should you need me for anything please feel free to contact me at 410-276-2364 or 443-939-5552.

Thank you,

Nicole Howard, TCS
Assistant Property Manager
Ashland Commons
1715 E. Eager Street
Baltimore, MD 21205
(410) 276-2364 phone
(410) 522-5803 fax
ashcomm@sheltergrp.com
ashlandcommons@sheltergrp.com
www.thesheltergroup.com

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“Never mistake kindness for weakness. There is the strength of a lion within the spirit of a lamb. Grace is selfless strength..”– Mo Isom Aiken