

May 5, 2016

PRESENT: G. A. Coyner, II, Chairman
T. H. Byerly, Vice Chairman
D. A. Brown
S. F. Shreckhise
J. D. Tilghman
Pat Morgan, County Attorney
J. R. Wilkinson, Community Development Director & Secretary
Sandra K. Bunch, Zoning Administrator

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 5, 2016, at 9:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **9:00 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.

VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **CHARLES L. SIMMONS OR MELISSA A. KELLEY - SPECIAL USE PERMIT**
- **CAREN S. BECCAGLIA - SPECIAL USE PERMIT**
- **JEFF JENNINGS, AGENT FOR BEVERLEY MANOR ORCHARD - 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.

Chairman

Secretary

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 J. D. Tilghman
 Pat Morgan, County Attorney
 J. R. Wilkinson, Community Development Director & Secretary
 Sandra K. Bunch, Zoning Administrator
 B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 5, 2016, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Vice Chairman Byerly moved that the minutes from the April 7, 2016, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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PENNY GROAH, AGENT FOR KWC, LLC, KENNARD W. CAMPBELL AND SON BUILDERS, INC., AND KENNARD W. CAMPBELL EXCAVATING, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider 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.

Ms. Penny Groah stated she would like to have an office in her daughter's home which will allow her to watch her grandchildren while working at the office within the home. She

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stated there will be no additional traffic coming to the site. She said the use of this site would be for administrative purposes only.

Chairman Coyner asked if they will still have the equipment located at 2249 Stuarts Draft Highway?

Ms. Groah stated the office only will move to this location. She noted the equipment will stay at 2249 Stuarts Draft Highway. She stated she works on payroll at the office and there would not be any additional traffic coming to this site.

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

There being none, Chairman Coyner declared the public hearing closed.

Chairman Coyner stated this business has been around for quite some time and there will be no additional traffic.

Ms. Brown stated this location would be good for this type of use. She stated there will be no additional traffic, therefore, she moved that the request be approved 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.

Mr. Shreckhise seconded the motion, which carried unanimously.

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CHARLES L. SIMMONS OR MELISSA A. KELLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider 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.

Mr. Charles Simmons stated he is requesting to have a dog kennel at this site. He stated there is a lot of natural topography and vegetation on the property. He noted the property is a good distance away from any of the neighbors.

Chairman Coyner asked about the manufactured home on the property?

Mr. Simmons stated this is his manufactured home. He said that none of the neighbors even knew he had hounds on his property. He has received a letter of support from one of his neighbors. He said there would be no additional traffic.

Chairman Coyner asked if these dogs are the applicant's personal dogs?

Mr. Simmons stated yes.

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

Mr. Simmons stated ten (10) dogs.

Ms. Tilghman stated that none of the other adjoining property owners would hear the dogs based on the distance from the property lines.

Chairman Coyner stated this is a remote location and an ideal place to have a dog kennel.

Vice Chairman Byerly asked if these are hunting dogs?

Mr. Simmons stated yes.

Chairman Coyner stated the site will need to remain neat and orderly. He asked how long has the manufactured home been at the site?

Mr. Simmons stated about six (6) months.

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

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There being none, Chairman Coyner declared the public hearing closed.

Chairman Coyner stated this site is in an ideal location for a kennel.

Ms. Tilghman agreed. She stated that none of the neighbors are in close proximity. She moved that the request be approved with 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.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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CAREN S. BECCAGLIA - SPECIAL USE PERMIT

This being the date and time advertised to consider 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.

Ms. Caren Beccaglia stated she has become recently disabled. She stated this house is older and has many levels. She said this addition will allow them to build a master

bedroom, bathroom, and closet in order to accommodate a wheelchair. She would also like to add a deck on the back of the bedroom.

Chairman Coyner asked if this would be something that they are planning on completing soon?

Ms. Beccaglia stated as soon as possible.

Chairman Coyner stated the Board visited the site this morning. He asked how old is the dwelling?

Ms. Beccaglia stated the home was built in the 1900s and it used to be across the street. She stated the home has had two different additions added to it.

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

There being none, Chairman Coyner declared the public hearing closed.

Vice Chairman Byerly stated this is a reasonable request. He moved that the request be approved 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.

Ms. Tilghman seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR/DIRECTOR

JEFF JENNINGS, AGENT FOR BEVERLEY MANOR ORCHARD - SPECIAL USE PERMIT

Mr. Wilkinson stated the Board approved a Special Use Permit for Beverley Manor Orchard in January of this year. He said the Board viewed the site today. He stated the applicant was given ninety (90) days to screen the outside storage area with a berm and nothing has happened. He noted in March staff inspected the site and sent the applicant a letter stating that they are weeks away from expiration of their Special Use Permit. He stated the applicant left him a voicemail stating he would like to meet. He has since returned the applicant's call twice and have not received a return phone call for a time to setup a meeting. He stated there has been no improvements done to the site and no berm for the outdoor storage. He stated the ordinance states that if the pre-conditions are not completed within the time set by the Board of Zoning Appeals, staff can notify the applicant that the Board will consider the cancellation of the permit at the next meeting.

Chairman Coyner stated the Board viewed the site this morning. He said the property is deteriorating instead of improving. He mentioned that Mr. Jennings has had plenty of opportunities to complete the pre-conditions.

Ms. Tilghman moved to direct staff to advertise for the June 2, 2016, meeting the consideration to cancel the Beverley Manor Orchard permit.

Ms. Brown seconded the motion, which carried unanimously.

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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

Ms. Bunch stated SUP#15-28 and SUP#15-29 are both in compliance. She stated the applicant is working with the Health Department in order to obtain approval for the events for SUP#15-30. She said staff will follow up with Mr. Hurdis in thirty (30) days.

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Mr. Morgan passed out the court cases for the Board to review.

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CAREN S. BECCAGLIA - SPECIAL USE PERMIT

Ms. Caren Beccaglia stated she forgot to mention a minor detail about their addition.

Mr. Bart Bauerlien stated they would like the 6' x 19' back deck to be constructed to the edge of the bump out of the house.

Mr. Wilkinson stated the applicant has a survey of the property showing this addition. He stated the survey shows that it will extend to the corner of the deck only seventy (70") inches further. He stated this change would not impact the request at all.

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

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Chairman

Secretary