

February 7, 2008

PRESENT: S. F. Shreckhise, Chairman
J. W. Callison, Jr., Vice Chairman
G. A. Coyner, II
D. A. Brown
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I

ABSENT: C. E. Swortzel

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 7, 2008, at 10:00 A.M., in the County Government Center, Verona, Virginia.

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VIEWINGS

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

- **Barton or Tricia Black - Special Use Permit**
- **Harry Moore, Inc. - Special Use Permit**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Chairman

Secretary

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PRESENT: S. F. Shreckhise, Chairman
J. W. Callison, Jr., Vice Chairman
G. A. Coyner, II
D. A. Brown
J. R. Wilkinson, Zoning Administrator & Secretary
S. K. Shiflett, Zoning Technician I
B.B. Cardelicchio-Weber, Administrative Secretary

Absent: C. E. Swortzel

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 7, 2008, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Vice Chairman Callison moved that the minutes from the January 3, 2008 meeting be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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ZEB M. HARRY, JR. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Zeb M. Harry, Jr., for a Special Use Permit to have an apartment above a garage on property he owns, located on the east side of Lee Jackson Highway (Route 11) approximately .5 of a mile north of the intersection of Lee Jackson Highway (Route 11) and Montebello Road (Route 56) in the Riverheads District.

Mr. Wilkinson asked if the applicant would like to have an apartment above a garage?

Mr. Zeb Harry, Jr. stated yes it would be specifically for a farm tenant.

Mr. Coyner asked if the apartment would be for an employee?

Mr. Harry stated yes. He stated that he has worked on the farm by himself for two (2) years and it has become overwhelming.

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Mr. Coyner stated that the intent would be to allow employees that help with the farm live in the apartment and not rent it out to other people.

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

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

Mr. Coyner stated that this is a large tract of land and the applicant needs to have a place to accommodate their employees. He moved that the request be approved.

Ms. Brown seconded the motion, which carried unanimously.

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BARTON OR TRICIA BLACK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Barton or Tricia Black, for a Special Use Permit to have an excavation business as an agricultural support business on property owned by Donna Humbert Harner, located in the northwest quadrant of the intersection of Humbert Road (Route 616) and Morton Road (Route 782) in the Middle River District.

Ms. Tricia Black stated the main reason that they are requesting this permit is to park their vehicle at the site. She stated that she will not be having any employees. She stated that her husband does the excavating on the side so that they may continue to farm the family farm. She stated that he previously worked for Guy Eavers for about ten (10) years and that situation did not provide him with the flexibility to keep up with the urgent demands of farming. She stated that their equipment they do have is used on the farm. She stated that most of the work that they will be doing will be for farmers. She stated that she emailed John a list of their repeat customers that are farms. She stated that they feel they need to have an agricultural support business in order to supplement their income from the farm. She stated that they want to maintain the farm because it has been a family farm for the past one hundred fifteen (115) years. She stated that they have a cow/calf operation, they make hay, and harvest small grains to feed their own animals. She stated that they want to keep the truck parked in the building. She stated that this site will only be a telephone base for the business. She stated that no one comes in and out of the farm for the business. She stated that they drive the equipment maximum twice a week. She stated that they feel that this space is a better place to park the equipment.

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Mr. Coyner asked if the applicant will be living on the site?

Ms. Black stated that they live across the road. She stated that the house on the farm was her grandmothers and she died in April of 2005 and her parents rent that out because they had already built their house. She stated they are living on the farmland that is part of the Humbert tract.

Mr. Coyner stated that the property is well kept. He stated that the Board visited the site this morning.

Chairman Shreckhise asked if the applicant had any questions or concerns regarding the pre-conditions and operating conditions that staff is recommending be placed on the permit?

Ms. Black stated that she has received the entrance permit and there would be no problem with providing a list of equipment as well as obtaining a list of customers each year. She stated that 80% of the business is agricultural related so she would have to pick out the 20% that is not agricultural related.

Mr. Coyner stated that the business should be primarily used for agricultural support.

Ms. Black stated that they do not do work in subdivisions. She stated that they do work for Red Mill Farm, North Point Farm, and Kentmere Farm.

Mr. Wilkinson stated that as long as the property remains zoned Exclusive Agriculture, the business would have to remain a subordinate part of the farm until time it is zoned to General Agriculture or until the Board of Supervisors sees fit to put everything under one zoning district as it was years ago.

Ms. Black stated that they maybe could request to rezone but right now they feel it is best to keep the land in Exclusive Agriculture.

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

There being none, Chairman Shreckhise declared the public hearing closed. He stated that the Board visited the site today and the farm is well kept.

Ms. Brown stated the business is to support the farm and moved that the request be approved with the following conditions:

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Pre-Conditions:

- 1. Obtain VDOT entrance permit and provide a copy to Community Development.
- 2. Provide Community Development a list of equipment used in the excavating business.

Operating Conditions:

- 1. All equipment be used on the farm.
- 2. No employees for the excavating business.
- 3. Should the business grow and require additional employees or no longer be a subordinate portion of the family income, then the business must be relocated to a business district.
- 4. Applicant provide a list of customers each year detailing which are agriculture related and that the income from the excavating business is subordinate to the farm income.

Mr. Coyner seconded the motion, which carried unanimously.

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HARRY MOORE, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Harry Moore, Inc., for a Special Use Permit to use the existing dwelling for retail sales and display, construct an addition onto the back of the barn to display outdoor style merchandise, and to extend the side porch on property they own, located on the north side of Cold Springs Road (Route 608), east of the intersection of Horseshoe Circle (Route 842) and Cold Springs Road (Route 608) in the South River District.

Mr. Harry Moore stated that he would like to extend the side porch, put an addition to the rear of the barn, and to use the house for the business. He stated that the porch is 99% a cosmetic thing so that the customers can use the side of the property. He stated that he does have a small problem with a damp wall in the basement that this would correct. He stated that this would improve the cosmetic look of the barn. He stated that they get a lot of tourists and he would like to have something to offer them. He stated that the rear of the barn which backs up to Hershey would be used for display of outdoor merchandise.

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He stated that he has visited Lancaster County and they always wished they could have a store like that sometime. He stated that his finances would not allow him to locate the business on Route 340. He stated that he is requesting the privilege to open the house up, put the addition on the barn, and to also add the side porch to the site.

Mr. Coyner asked if the applicant is currently residing in the house?

Mr. Moore stated yes. He stated that there is a garage in between them. He stated that the request would be to put an addition onto the house. He stated that there will not be another house built on the lot. He stated that it would be a living addition of a minimum of nine hundred (900) square feet.

Mr. Coyner stated that the intent would be to have a sales room where the applicant currently resides.

Mr. Moore stated yes with a living addition attached to it.

Ms. Brown asked if anything would be displayed in the house?

Mr. Moore stated yes.

Ms. Brown asked if there would be display upstairs and downstairs?

Mr. Moore stated yes.

Ms. Brown asked what the applicant would do with the area above the garage?

Mr. Moore stated that it would be used for storage.

Mr. Coyner stated that the applicant asked for additions to the barn a few years back. He asked what is different today than a few years ago?

Mr. Moore stated that nothing is different. He stated that he has never been able to cosmetically improve the grounds there or spend any money on it. He stated that he has planned for landscaping including ponds and walkways. He stated that he would like to beautify the place to make the site as appealing as possible.

Mr. Coyner stated that he noticed a cattle barn down behind the site. He asked if that was Mr. Moore's property?

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Mr. Moore stated that Eddie Burkholder owns that property. He stated that the property goes all the way to Forest Springs Drive. He stated that the property is good for grazing cattle and raising hay.

Mr. Coyner stated that the Board needs to look at how much activity is appropriate for the applicant to have on this piece of property when there are subdivisions all around the site.

Mr. Moore stated that they do very well with the neighborhood. He stated that they have been there seven (7) years and they have not had one complaint with the exception of cows getting out. He stated that the neighbors come to the functions. He stated that they are well liked within the community.

Ms. Brown asked how many functions would there be per year?

Mr. Moore stated that they now only have one (1) function a year where they would open the house for customers which would be the Christmas open house and it is the first Saturday in November. He stated that they have a total of five special events which include Fourth of July, Labor Day, Memorial Day, Christmas, and another one in the fall. He stated that the traffic count on a good day would be fifteen (15) to twenty (20) cars during the week. He stated that on Saturday the traffic count would be seventy-five (75) to one hundred (100) on an outstanding day. He stated that when they have their Fourth of July, Memorial Day, and Labor Day festivities there will be approximately one hundred fifty (150) cars. He stated that the Christmas open house is when they have the most traffic. He stated that they are open from 9:00 a.m. to 6:00 p.m. and the cars are spread out throughout the day. He stated that the approximate count is up to five hundred (500) cars for the Christmas open house.

Ms. Brown asked where are the cars parked on the event day?

Mr. Moore stated that the cars are parked in a three (3) acre field in front of the house that runs the entire distance of the property.

Vice Chairman Callison stated that the Board went out of the driveway to access that field.

Mr. Coyner asked how many employees does the applicant have?

Mr. Moore stated that he has two (2) employees. He stated that he has one (1) full-time. He stated that his brother-in-law is a part-time employee. He stated that his wife works full-time and he is in and out. He stated that hopefully in the next year or two he would like to stop building houses.

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Vice Chairman Callison stated that the property looks really nice. He asked if he had plans about doing something about the driveway to help with the dust?

Mr. Moore stated that he has solicited two (2) bids for the driveway. He stated that he hopes to have that take place this year.

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

Mr. Wilkinson stated that they have received one (1) letter in opposition from James and Brenda Thompson at 244 Cold Springs Road. He stated that they are in opposition to the addition and expansion of the business and they state that additional traffic on the gravel road may cause additional dust. He stated there is a hill that restricts the view of traffic and additional traffic may scare their horses which are across the street.

Mr. Coyner asked if Mr. Moore knew where the Thompsons are located?

Mr. Moore stated that they are across from his property.

Chairman Shreckhise declared the public hearing closed. He stated that the place looks really nice and the applicant seems to be doing a good business but it is zoned General Agriculture with the Comprehensive Plan designation of residential. He stated that in the past the idea was that he had a nice place and a nice barn and it would be good for him to make a good use of the site. He stated that the idea was for the business to be in character with the surrounding area. He stated that he is not sure if this type of expansion is not getting a bit overboard for what they originally intended to grant the request.

Vice Chairman Callison stated that he does not feel this is a tremendous amount of expansion. He stated that the applicant already has the large buildings on the site. He stated that this would enhance what he already has on the site.

Chairman Shreckhise stated that the applicant wants the customers coming to the house on a daily basis.

Mr. Moore stated that is correct. He stated that the customers can come to the house six (6) days a week.

Mr. Coyner stated that there would be merchandise in the barn and other types of merchandise in the house.

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Mr. Moore stated that his idea is to have Country Connections and then "Not So Country". He stated that they get people who come in the door and say that it is a great place but it is not for them. He stated that they would want to have merchandise to accommodate whoever walks in the door.

Mr. Coyner stated that it looks like the applicant is very successful. He stated that applicant is reaching the end of the line as far as what he can do on this piece of property.

Mr. Moore stated that whatever he walks away with today that will be it. He stated that he is asking the Board to at least consider part of his request. He stated that the addition onto the barn would be a great.

Vice Chairman Callison stated that the applicant's site is full with the five hundred (500) customers on the Christmas open house.

Mr. Moore stated that on a daily day to day basis, if the business doubled there would not be an impact. He stated that they cannot take any more customers on their Christmas open house and their special days and they do not try to. He stated that they run two (2) ads prior to their open house to let the people know it is coming. He stated that they would never build it up anymore than what it is.

Mr. Wilkinson stated that ordinance standards regarding expansion are fairly clear as they have addressed those in the staff report. He stated that expansions over 50% shall not be permitted unless the Board finds that it is not only compatible but the size of the building would be a substantial benefit to the neighboring properties. He stated that this is certainly more than a 50% expansion.

Vice Chairman Callison stated that he does not feel that this would be incompatible with the area. He stated that he feels that the property fits in with the area. He stated that the Board visited the site this morning.

Chairman Shreckhise stated that if the applicant was not anticipating any more customers he would not be requesting an expansion.

Vice Chairman Callison stated that the applicant does not anticipate any more customers on his special days.

Mr. Moore stated that the way the business goes is that people are not out there spending money six (6) days a week. He stated that twenty (20) customers a day on regular days is outstanding. He stated that if it would go to forty (40) customers there would be no impact.

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Mr. Coyner stated that if the applicant only got a portion of the request, he would request the barn addition.

Mr. Moore stated that he would like to walk away with all of it. He stated that the barn would not require anymore employees. He stated that this would be his last request either way.

Chairman Shreckhise asked what the square footage would be on the addition?

Mr. Wilkinson stated that the applicant requested a 20' x 40' addition plus the side porch.

Mr. Moore stated that was what was requested the last time. He stated that now he is requesting a 20' x 60' addition and the side porch.

Mr. Coyner stated that it would be the majority of the length of the barn on the back side.

Mr. Moore stated yes.

Chairman Shreckhise asked if the specific size was advertised?

Mr. Wilkinson stated that they did not advertise the specific size of the building.

Mr. Moore stated that it would be a two-story addition. He stated that the downstairs would be storage and the upstairs would be a sales area. He stated that the only entrance to it would be on the main sales floor. He stated that he would like to have 1,200 square feet for sales and 1,200 square feet for storage. He stated that in order to get the sales floor up to the level it would be a shame not to be able to use that space for storage underneath.

Mr. Coyner asked how does the merchandise come to the site?

Mr. Moore stated that the highest percentage comes in by UPS and FedEx. He stated that typically he goes once a month to load the furniture.

Mr. Coyner stated that trailer traffic at the site has not been an issue.

Mr. Moore stated that no. He stated that they have one (1) company that ships common carrier.

Mr. Coyner stated that it appears to him that this is a family venture.

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Mr. Moore stated that is correct. He stated that the past seven (7) years has been a struggle but now he owns his own inventory.

Mr. Coyner stated that the applicant would need additional employees if he gets the house included with the request.

Mr. Moore stated that he would need one (1) additional employee.

Chairman Shreckhise stated that the applicant is asking for 5,100 additional square feet. He stated that he feels that this request is simply too large.

Mr. Coyner stated that maybe the Board can grant the applicant the addition on the barn and just continue to live in the house.

Chairman Shreckhise asked if the Board felt that the applicant needed the 40' x 60' two-story addition or if he could get by with the 20' x 60' addition on the barn?

Mr. Coyner stated that the applicant wants the square footage on the retail floor and in order to get that the shed needs to be off of the ground and inventory would be underneath it.

Ms. Brown asked if the applicant had any problems with flooding?

Mr. Moore stated no. He only has one (1) wet wall that he would like to correct and he could do that with the porch extension. He stated that they take everything out of the house for their open house. He stated that the County had no problem with the open house being held one (1) time a year. He stated that whatever does not sell they take to the barn. He stated that he would like to be able to live in the house without having to take pictures off the wall during the open house events. He stated that they have not been able to enjoy living in their house.

Chairman Shreckhise stated that the applicant would not have that problem if they were in a business location.

Mr. Moore stated that he does not have enough funds to be able to buy property on Route 340. He stated that they have all of the ability and not the finances to do it.

Mr. Coyner stated that this site has a lot of charm.

Chairman Shreckhise stated that he is against the entire request being approved.

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Mr. Coyner moved that the Board approve only the portion of the Special Use Permit request to construct a **(two-story) 20' x 60'** addition to the rear of the barn and to extend the porch along the east side of the barn. He stated that the house only be used five (5) times a year for special events. He moved that the permit be approved with the following conditions:

Pre-Conditions:

1. Submit site plan showing all expansions 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.
2. Obtain VDOT approval and provide a copy to Community Development.

Operating Conditions:

1. Be limited to two (2) full-time employees and one (1) part-time other than family who reside on the site.
2. Site be kept neat and orderly.
3. No further expansion of this site or facility.
4. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
5. Construct only a two-story 20' x 60' addition to the rear of the barn and extend the porch along the east side of the barn.
6. Be permitted to use the house up to five (5) times per year for "open house" sales events.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Shreckhise stated that the applicant should go ahead with their plans to pave the driveway so that the neighbors do not get upset about the dust.

Mr. Moore stated that he is in an economic crunch and if he has to he certainly will. He stated that he does have funds reserved at the present time. He stated that it is his intent this year to pave the driveway.

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OLD BUSINESS

JOSEPH TRUXELL - SPECIAL USE PERMIT

A request by Joseph Truxell, for a Special Use Permit to have a tractor, equipment, and small engine repair shop within an existing building, and have mobile service on property he owns, located in the western quadrant of the intersection of Scott Christian Road (Route 705) and Howdyshell Lane in the Pastures District. **TABLED AT THE NOVEMBER 1, 2007 MEETING**

Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Wilkinson stated that he has spoken with Mr. Truxell on the telephone and he has stated his intention to withdraw the request but he has not received anything in writing. He asked that the Board move that the request be denied since he does not have anything in writing from the applicant. He stated that the cost of renovating the building would be too much to put in a part time business.

Mr. Coyner moved that the request be denied per the applicant's request.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

- 07-21 Sours Property, LLC – **Tabled until May 2007**
- 07-22 Hatter, Mark A.
- 07-23 Armstrong, Ellena Fay, Estate c/o Hamilton, Samuel A.
- 07-24 Campbell, Martha L. or Kenneth W. – **Withdrawn**
- 07-25 Doyle, Verna or Davis, James
- 07-26 Fitzgerald, R. Brian

Mr. Wilkinson stated that SUP#07-22 and SUP#07-23 are both in compliance. He stated that the Board gave the applicant three (3) years to put in their septic system for SUP#07-25. He stated that staff will monitor this request. He stated that SUP#07-26 is in compliance.

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

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Chairman

Secretary