



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 *Sandy*
DATE: September 23, 2016
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, October 6, 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.

SKB/bcw

Enclosures

**ADVANCED
AGENDA**

Regular Meeting of the Augusta County Board of Zoning Appeals

Thursday, October 6, 2016, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of September 1, 2016

4. PUBLIC HEARINGS

- A. A request by Craig M. Nargi, agent for Mossy Creek Catering, LLC, for a Special Use Permit to have food trucks onsite and serve food inside the tasting room on property he owns, located at 375 Madrid Road, Waynesboro in the Middle River District.
- B. A request by James Milham, agent for the Stonewall Jackson Area Council of Boy Scouts of America, Inc., for a Special Use Permit to continue the operation and to add a new shower house, two Adirondack campsite shelters, two staff cabins, a shotgun range shelter and a storage/program building on property they own, located at 222 Boy Scout Lane, Swoope in the Riverheads District.
- C. A request by David Ramsey, for a Special Use Permit to have a lawn care and landscape business on property owned by William H. and Lindsay T. Ferguson, located at 3094 Middlebrook Road, Staunton in the Riverheads District.
- D. A request by David and Christina Fitzgerald, for a Special Use Permit to have motor vehicle and farm machinery repair on property owned by John W. Allen, Jr., located at 88 Virginia Institute Way, Swoope in the Riverheads District.
- E. A request by Michael D. Clancey, for a Special Use Permit to enclose a carport on a non-conforming dwelling on property he owns, located at 36 Summerfield Drive, Fishersville in the Wayne District.
- F. A request by Richard A. or Leslie Sturges, for a Special Use Permit to have a bat rescue on property they own, located at 877 Bunker Hill Road, Mt. Solon in the North River District.
- G. A request by Jacqueline M. Ralston, for a Special Use Permit to have a kennel on property she owns, located at 302 Hermitage Road, Staunton in the Beverley Manor District.

5. OLD BUSINESS

- A. A continuation of the public hearing regarding a request by James W. and Teresa C. Howdyshell, for a Special Use Permit to have a mining operation for the extraction of shale and rock on property they own, located on the west side of Old Mountain Road (Route 764) approximately 0.075 miles west of the intersection of Old Mountain Road (Route 764) and Emmanuel Church Road (Route 731) in the North River District.

6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

8. STAFF REPORT

- 15-41 Woodson Real Estate, LLC
- 15-42 Bruce F. or Edward E. Holden
- 15-43 Justine Daniel Tilghman
- 15-44 Long Shots, LLC
- 15-45 Mary L. Corbello

9. ADJOURNMENT

Date 10/6/2016

PROPERTY OWNER:
Mossy Creek Catering, LLC

APPLICANT:
Craig M. Nargi, agent for Mossy Creek Catering, LLC

LOCATION OF PROPERTY:
375 Madrid Road, Waynesboro in the Middle River District

SIZE OF PROPERTY:
12.517 acres

VICINITY ZONING:
General Agriculture to the north, south, and west; General Agriculture and Agricultural Forestal District to the east

PREVIOUS ZONING OR S.U.P.:

07/1995	SUP approved for sales of tack and supplies
12/1995	Zoned General Agriculture
12/2005	SUP approved for catering, banquet, and meeting facility, weddings or similar social events
12/2010	SUP approved to increase the number of social events, to have public accommodation facilities, two equine events, to modify hours of music, and have outdoor music

LAND USE MAPS:
Agriculture Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To have food trucks onsite and serve food inside the tasting room.

PLANNING COMMISSION'S COMMENTS:
The Planning Commission recommends to the Board they consider the impact of the proposed use on adjacent properties which are in close proximity to the Crimora-Madrid Agricultural and Forestal District.

BUILDING INSPECTOR'S COMMENTS:
Obtain all necessary permits and inspections for any new electrical work for food truck connections to comply with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
All mobile food units need to be permitted and inspected by the Health Department. One mobile food unit, "Hermitage Hill Farm Food, LLC", was issued a

permit with a listed location of 21 Livery Ln. A sewage disposal system operation permit listing 21 Livery Ln. (Health Department ID number 107-15-0325) was issued for a 785 gallon per day system to serve a beer tasting room and also receive wastewater from a food truck.

The applicant should contact the local Health Department to discuss serving food inside the tasting room so that it can be determined whether additional permitting is required (it is unclear in the Special Use Permit application whether a new food establishment is being proposed or if customers would simply be consuming food they had purchased at a permitted mobile food unit).

The Health Department requires that any permitted food establishment obtain water from an approved source. Any water supply that serves 25 or more persons 60 days a year is regulated as a waterworks by the Office of Drinking Water (ODW) Lexington Field Office (540-463-7136). It is my understanding that in January of 2016 the applicant was in contact with ODW but was not yet going to be serving 25 or more people 60 days a year at the location. The applicant should contact ODW to determine whether this request, given current and expected usage, would now require regulation of the water supply.

HIGHWAY DEPARTMENT'S COMMENTS:

Madrid Road (Rt. 785) currently has 420 vehicle trips per day according to the most recent VDOT counts. There appears to be two entrances to the site:

Primary entrance: This entrance is paved and meets VDOT moderate volume commercial entrance requirements. The inverts of entrance pipe are crushed and need to be repaired. The evergreen to the west will require minor limbing to clear sight lines. A land use permit will not be required to perform these minor maintenance repairs.

Secondary entrance: The entrance is currently gravel. The entrance was permitted in 2013 as a PE-1 and serves two residences. The business also uses this entrance for minor deliveries. This entrance is currently adequate for this use; however, if the traffic flow is ever re-directed to use this entrance as a primary entrance for more intense commercial use or events, it would need to be paved and upgraded to moderate volume commercial entrance standards.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Site appears to have disturbed more than 10,000 square feet in the recent past. Drainage calculations need to be submitted to determine the additional runoff that has been created by the new gravel parking lot. Specifically to determine the capacity of the culvert that runs underneath Madrid Road.

SECTION 25-74H - PUBLIC ACCOMMODATION FACILITIES

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

Businesses are more appropriate in business districts, however, having food trucks and serving food as an accessory to a permitted agri-tourism business could be appropriate for the area.

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 site has an approved site plan with existing parking facilities. The request to serve food to the customers at the brewery would not seem to be out of character with the permitted business nor with the surrounding area.

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 proposed serving of food at the existing agri-tourism business should not result in congestion or clustering of similar businesses.

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

The property has direct access to Madrid Road (Route 785) and has an existing VDOT commercial entrance.

STAFF RECOMMENDATIONS

The applicant is requesting to have food trucks onsite and be allowed to serve food within the tasting room of the existing brewery. The applicant produces sixteen (16) different craft beers using hops grown onsite. The applicant has been serving food at this location and was not aware that a Special Use Permit was needed to do so. The food will be prepared within a food truck and brought inside the tasting room. They are not requesting to have a commercial kitchen onsite.

The brewery is located on an operating horse farm and is a permitted agri-tourism activity. Agri-tourism is recognized as a means for Virginia farms to remain viable. The property contains 12.517 acres and the applicant was issued a Special Use Permit in 2005 and 2010 to have catering, weddings, special events, and similar functions onsite as well as an approved site plan with designated parking areas. Staff has received complaints regarding increased traffic and noise since the brewery opened.

Staff shares the Planning Commission's concerns regarding close proximity to the Crimora-Madrid Agricultural and Forestal District and the concern that increased traffic may cause an adverse impact on the rural character of the surrounding

area. However, the brewery is a permitted use in an agricultural area. Staff does not feel that a food truck or serving food as an accessory would increase the traffic or congestion on and off the site any more than the existing uses on the property and would recommend approval with the following conditions:

Pre-Conditions:

1. Submit drainage calculations to Community Development.

Operating Conditions:

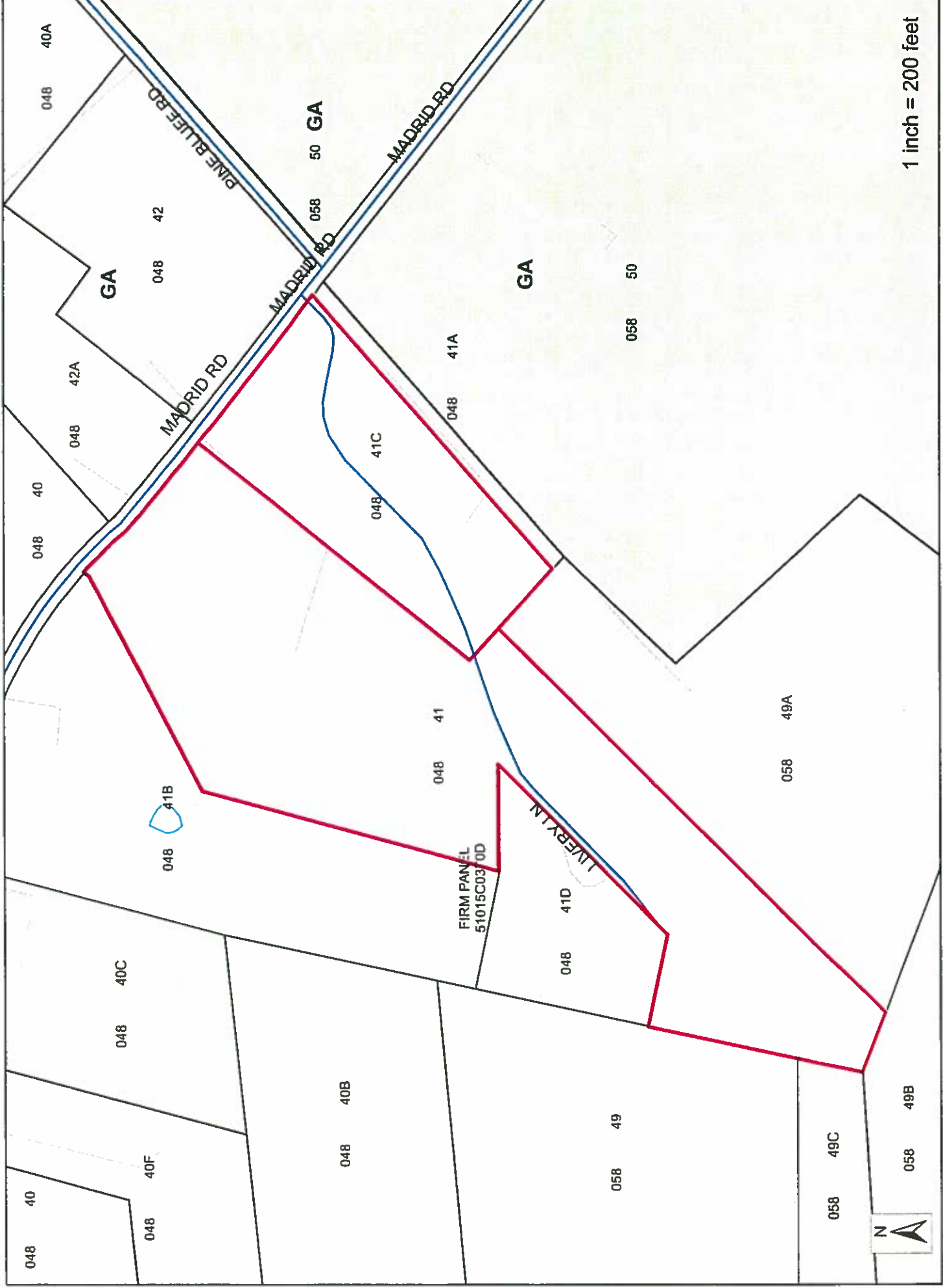
1. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
2. No further expansion.
3. Stipulations of SUP#05-69 and SUP#10-67 remain in effect.
4. All parking be on site and not parking on the public road.
5. Permit be reviewed in a year and renewed if all of the conditions are met.





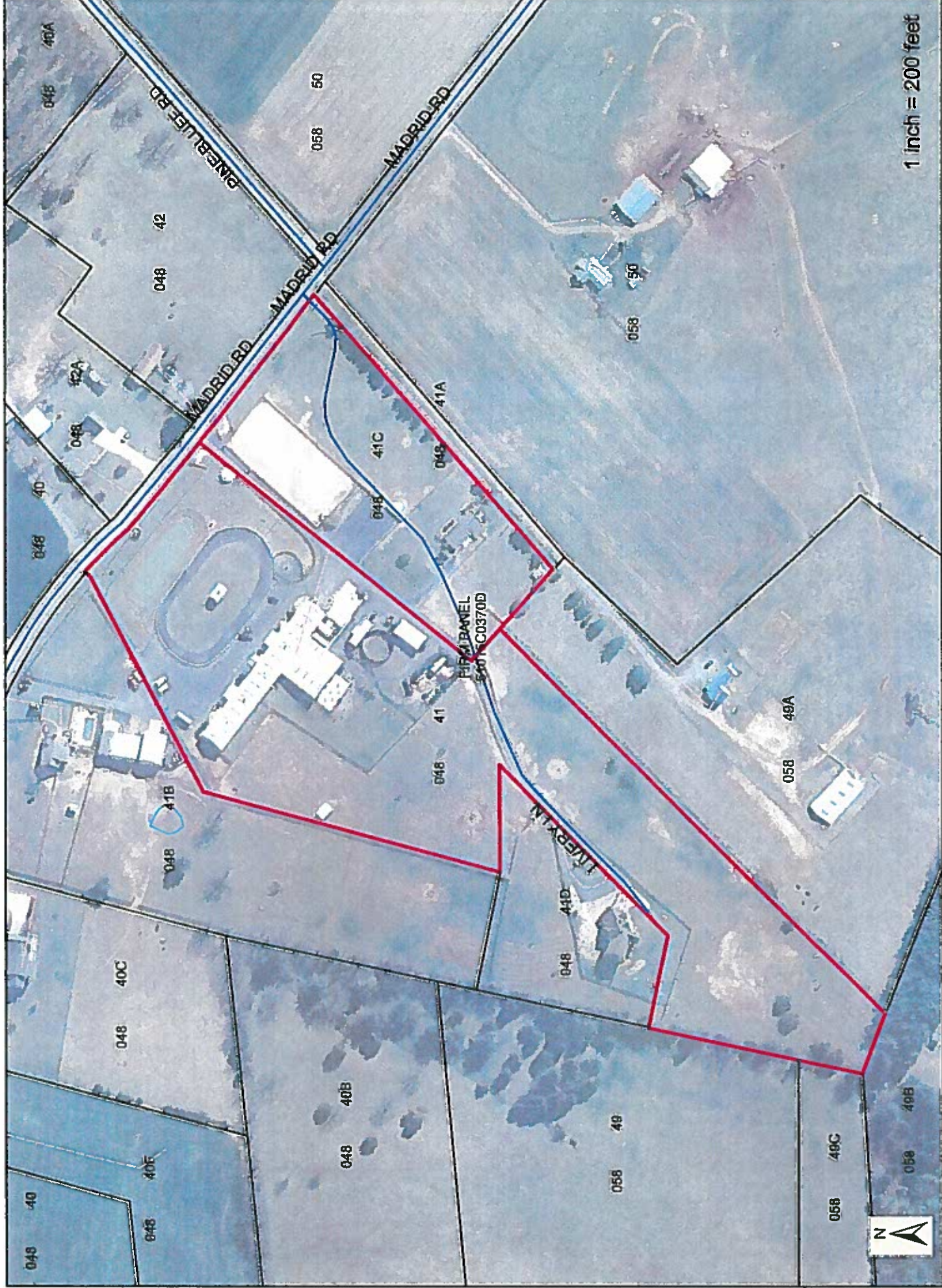


Mossy Creek Catering



1 inch = 200 feet

Mossy Creek Catering



1 inch = 200 feet

Date 10/16/16

PROPERTY OWNER:

Stonewall Jackson Area Council of Boy Scouts of America, Inc.

APPLICANT:

James Milham, agent for the Stonewall Jackson Area Council of Boy Scouts of America, Inc.

LOCATION OF PROPERTY:

222 Boy Scout Lane, Swoope in the Riverheads District

SIZE OF PROPERTY:

456.71 total acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

08/90 SUP approved to add onto dining hall and make improvements to existing facility

12/95 Zoned Exclusive Agriculture

02/98 TM#33-30A Portion Zoned General Agriculture

12/98 SUP issued for 5 year Extension of Time and improvements to the facility

10/06 SUP issued for 5 year Extension of Time and 5 years to install new improvements to the facility

03/10 Entire property zoned General Agriculture

11/11 SUP to add a family campsite area with a latrine, relocate the administration/multipurpose building, relocate and expand the parking area, add staff cabins, scout-craft shelter, reconstruct campsite shelters, and have extension of time on current permits.

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private

APPLICANT'S JUSTIFICATION:

To continue the operation and to add a new shower house, two Adirondack campsite shelters, two staff cabins, a shotgun range shelter and a storage/program building.

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits, inspections and Certificates of Occupancy to comply with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

The applicant will need to have a PE determine whether the proposed additions listed in the Special Use Permit request can be accommodated by the existing sewage disposal system(s) or whether the additions will cause an increase in waste strength or volume. If the system design volume and strength will not change, the PE may still need to submit specifications for any minor modifications that need to be permitted to accommodate the request (such as any new sewer lines that need to be installed, etc.). If there will be an increase in waste strength or volume, the applicant and PE should contact the Health Department to schedule a preliminary engineering conference so that regulatory requirements can be discussed.

HIGHWAY DEPARTMENT'S COMMENTS:

Boy Scout Lane (Rt. 806) currently has 30 vehicle trips per day according to the most recent VDOT counts. The change in traffic generation will be insignificant and the existing entrance is planned to remain in use. VDOT has no objection to the proposed Special Use Permit.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Engineering has no comment on the addition of the five proposed structures. If grading is required and the disturbance is greater than 10,000 square feet, an erosion and sediment control plan will need to be submitted for review.

SECTION 25-74L – PASSIVE RECREATIONAL FACILITIES REQUIRING A BUILDING AND ACTIVE RECREATIONAL FACILITIES AND SECTION 25-74M - RECREATIONAL ATTRACTIONS AND PUBLIC AMUSEMENT BUSINESSES

There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance.

The applicant has Health Department approval for two (2) onsite sewage systems. The Scouts handle trash pickup on the site.

There is an adequate plan for parking and crowd and traffic control in and around the site. Designated areas for pick-up and delivery of users are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets.

Staff has adequately and safely handled crowd control and provided adequate parking areas onsite for fifty (50) years.

Approval by the Virginia Department of Transportation.

VDOT has approved the entrance for this use.

The proposed size, the proposed recreational activities, the anticipated number of users, setbacks, parking facilities, lighting, hours of operation and landscaping, are appropriate for the area.

During the camping season, the facility operates for each troop from noon Saturday until noon the following Saturday. The facility has provided a service for the youth for fifty (50) years at this location.

Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution.

During the seven (7) to eight (8) week camping season, they average about ninety (90) vehicles per day without any problems.

There will be full compliance with Virginia Department of Health regulations with respect to food and water service.

The facility is in compliance with all Virginia Department of Health regulations.

There is an adequate plan for providing emergency medical services for persons in attendance.

During the summer camping season there is an onsite medical technician.

There is an adequate plan for parking and crowd and traffic control in and around the site.

The 456 acre site has safely and adequately handled parking and crowd control.

There is an adequate plan for protection from fire and other hazards.

The National Council of Boy Scouts has developed a risk management plan. The facility is evaluated twice a year for compliance with the plan.

The business meets the requirements of article VI "Outdoor Lighting".

Any new lighting will comply with the outdoor lighting requirements of the Zoning Ordinance.

There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety.

The organization obtains building permits for all structures required by the Building Code.

STAFF RECOMMENDATIONS

The applicant is requesting to continue the operation and to add a new shower house, two (2) Adirondack campsite shelters, two (2) staff cabins, shotgun range shelter, and storage/program building. The Stonewall Jackson Area Council of Boy Scouts has operated the facility for over fifty (50) years. They are still in the process of constructing several structures previously approved and are asking for another five (5) year Extension of Time to complete these improvements. The Boy Scouts of America provides a needed service to the youth of our area. The facility has safely operated at this location. Staff has inspected the property many times and found it is kept neat, orderly, and in a safe manner. Staff feels the request will continue to improve the existing facility and should not cause any significant increase in traffic, noise, dust, or odor to the neighboring area and recommends approval with the following conditions:

Pre-Condition:

None

Operating Condition:

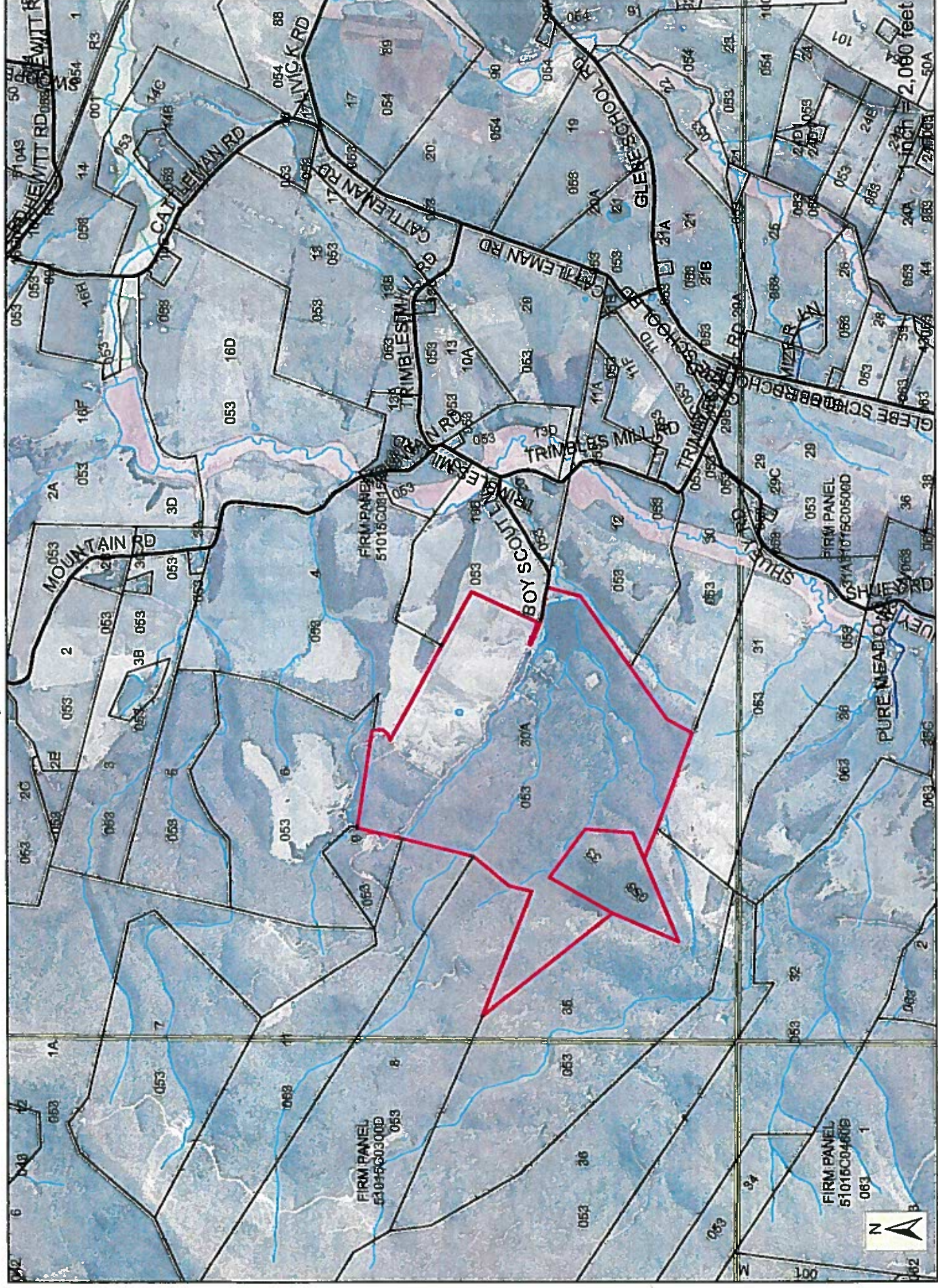
1. Applicant to have five (5) years to complete the new requests and five (5) years to complete construction of projects on existing permits.
2. Obtain Health Department approval and provide a copy to Community Development.



01/10/2010



Boy Scouts



Date 10/6/16

PROPERTY OWNER:

William H. and Lindsay T. Ferguson

APPLICANT:

David Ramsey

LOCATION OF PROPERTY:

3094 Middlebrook Road, Staunton in the Riverheads District

SIZE OF PROPERTY:

0.721 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

- 03/78 SUP approved for service station and garage and grocery store
- 05/85 SUP approved for service station and garage and grocery store
- 12/95 SUP approved for convenience store, game room, garage, and used for a car lot
- 06/95 SUP approved for metal fabrication shop
- 02/96 SUP approved for auto repair garage
- 12/98 SUP approved for convenience store and auto repair
- 04/04 SUP approved for convenience store and auto repair
- 11/04 SUP approved to continue convenience store and auto repair
- 03/07 SUP approved to continue to have a convenience store and motor vehicle repair shop

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private

APPLICANT'S JUSTIFICATION:

To have a lawn care and landscape business.

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Obtain all necessary permits and inspections for any new work and/or fuel tank installation in compliance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

There are to be no more than three (3) employees max based on current drainfield design.

HIGHWAY DEPARTMENT'S COMMENTS:

Middlebrook Road (Rt. 252) currently has 1,300 vehicle trips per day and Howardsville Road (Rt. 701) currently has 1,800 vehicle trips per day, both according to the most recent VDOT counts. The previous use of the site appears to have been for an automotive repair shop. There is an entrance onto both Rt. 252 and Rt. 701. The existing entrance on Rt. 252 does not have adequate sight distance due to the vertical alignment of Rt. 252 and must be closed and shoulders re-seeded. The existing entrance on Rt. 701 is currently adequate as a low volume commercial entrance; however, if the business expands in the future and exceeds 50 vehicle trips per day, the entrance will need to be paved and upgraded to VDOT moderate volume commercial entrance standards.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

No comments.

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

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

The applicant has not requested to have outside storage associated with the business.

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 does not reside on premise.

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

The existing building has been used for business use since 1978.

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 has access to Middlebrook Road (Route 252) and Howardsville Road (Route 701), however, VDOT comments state the entrance onto Middlebrook Road (Rt. 252) does not have adequate site distance and should be closed.

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

The site has adequately and safely handled the traffic since 1978.

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 will be using the existing structure.

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.

No expansions are requested.

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

There is an existing septic system onsite, but the Health Department limits the number of employees on site to three (3).

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

There are smoke detectors and 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.

The applicants are not requesting outdoor display areas.

STAFF RECOMMENDATIONS

The applicant is requesting to have a lawn care and landscaping business at this location. They will have no outdoor storage or display of materials at this site and no customers coming to the property. All equipment other than business vehicles will be kept inside the garage area.

Due to the current drainfield design, the Health Department comments are limiting the number of employees to a maximum of three (3) onsite. The applicant currently has five (5) employees that meet onsite in the mornings before going to the jobsite and two (2) Administrative Secretaries in the office all day. They will need to contact the Health Department for approval of more than three (3) employees.

The existing building has been used for business uses for many years with no complaints from neighboring properties, therefore, staff recommends approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to a maximum of three (3) employees at the office unless approved by the Health Department.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. All equipment, machinery, and materials for the business be kept inside the garage.
5. No refuse from the business to be brought to this site.
6. Hours of operation be 8:00 a.m. to 5:00 p.m.
7. Close the existing entrance onto Middlebrook Road (Route 252) and re-seed the shoulders.



Central Shenandoah Health District

Environmental Health & Vital Records Office
Augusta - Staunton Health Department
1426 N. Augusta St.
Staunton, Virginia 24401

IN COOPERATION WITH THE STATE
DEPARTMENT OF HEALTH

(540) 332-7830
FAX (540) 332-9501

DATE: September 26, 2016

TO: Sandra K. Bunch, Zoning Administrator

FROM: Jason Weakley, EH Manager

SUBJECT: Special Use Permit Request 16-42: William H. and Lindsay T. Ferguson/David Ramsey; 3094 Middlebrook Road Staunton, VA

Dear Sandra,

The local health department replied to Special Use Permit 16-42 on 9/8/16 indicating that there were to be no more than 3-employees maximum based on the current drainfield design. The same limitation (3-employees maximum) was provided in 1996 when the health department commented on a special use permit for a service station. The original septic records (1965 permit to John Massey) referenced a service station with a 200 gallon per day consumption.

After receiving our comments, Mr. Ramsey provided additional information (see attached letter dated 9/23/16). He pointed out that while he has 6-8 full time employees working for him during the growing season only one person would actually work on-site in the office setting. The remainder of the employees would spend no more than 30-45 minutes at the property in the morning and 15 minutes at the property in the afternoon.

As long as there is only one employee working on-site and the additional employees' time at the property is limited as proposed the health department has no objection to approval of the special use permit.

Thank you,

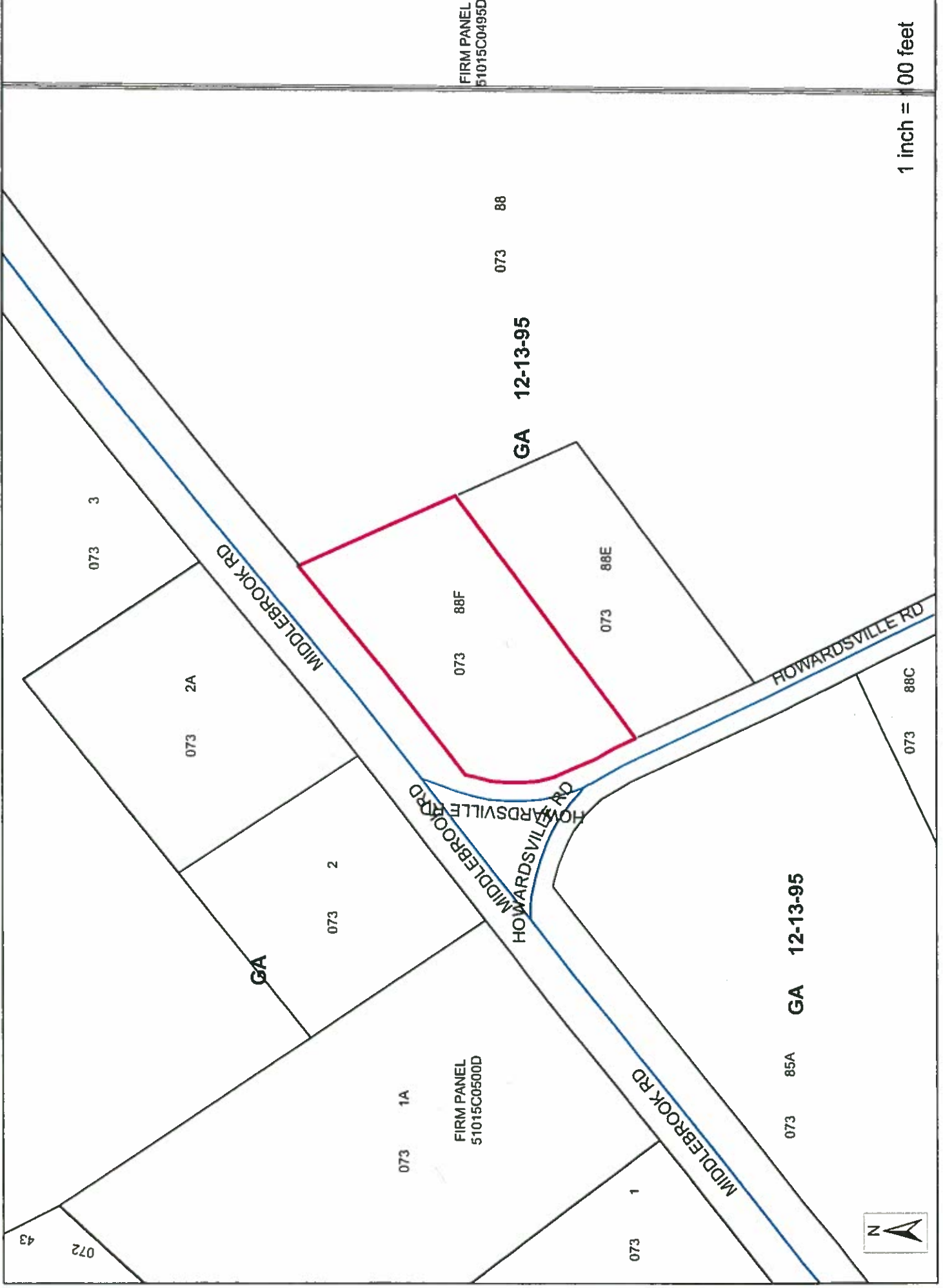
A handwritten signature in black ink, appearing to read "Jason Weakley".

Jason Weakley
EH Manager
Central Shenandoah Health District
540-332-7830 ext. 348
Jason.Weakley@vdh.virginia.gov

Attachment: September 23, 2016 letter from David Ramsey



Ferguson



FIRM PANEL
51015C0495D

FIRM PANEL
51015C0500D

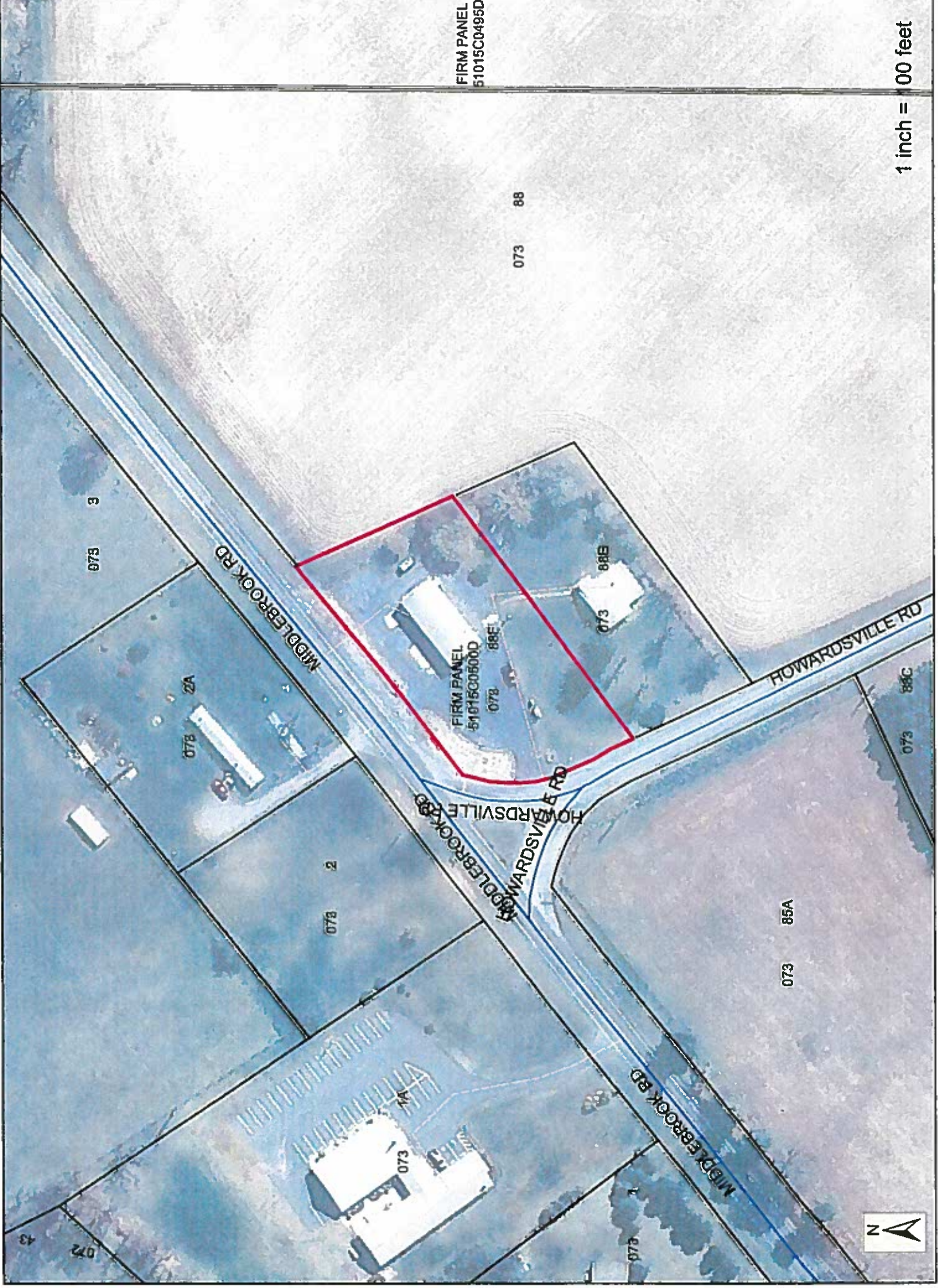
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GA 12-13-95

1 inch = 100 feet

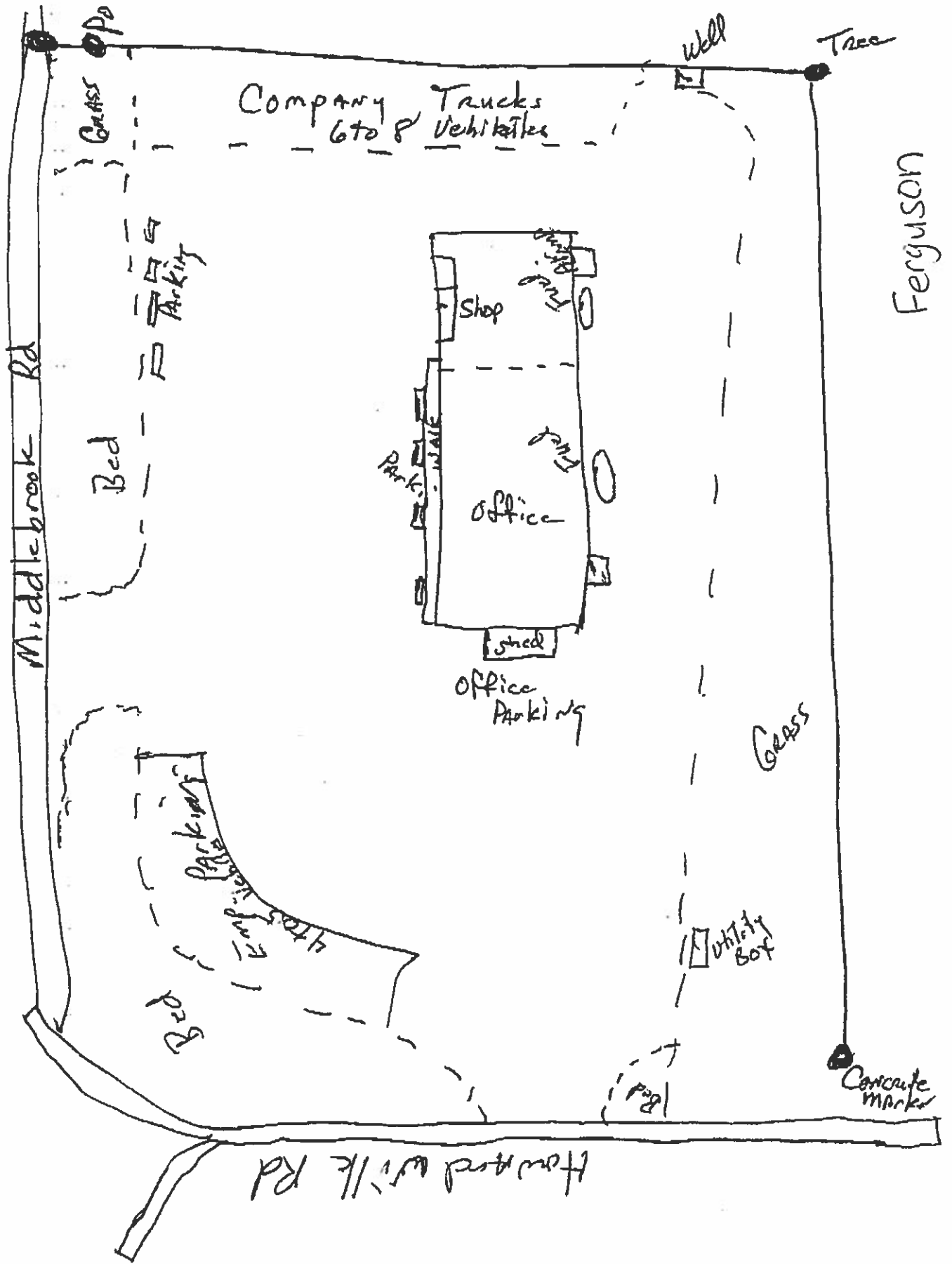


Ferguson



FIRM PANEL
51015C0495D

1 inch = 100 feet



PROPERTY OWNER:

John W. Allen, Jr.

APPLICANT:

David and Christina Fitzgerald

LOCATION OF PROPERTY:

88 Virginia Institute Way, Swoope in the Riverheads District

SIZE OF PROPERTY:

1.241 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 and septic

APPLICANT'S JUSTIFICATION:

To have motor vehicle and farm machinery repair.

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Provide handicapped parking and parking signage.

HEALTH DEPARTMENT'S COMMENTS:

Applicant is the only employee. No bathrooms will be in the shop. To use the bathroom in the house as needed.

HIGHWAY DEPARTMENT'S COMMENTS:

VA Institute Way (Rt. 694) is designated as a rural rustic road and currently has 90 vehicle trips per day according to the most recent VDOT counts. The existing entrance will require upgrading to a low volume commercial entrance standards. The upgrades will include re-grading the entrance so that drainage is directed toward the roadside ditch and cross-pipe instead of flowing into Rt. 694. There must be adequate parking on-site to prevent vehicles from backing into the state maintained roadway, which there appears to be.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

No comments.

SECTION 25-74J - VEHICLE REPAIR SHOP

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

The applicant resides on premise.

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

A small scale motor vehicle/farm machinery repair business could be appropriate for an agricultural area.

Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads. The business shall have direct access on to a state maintained road.

The property has direct access to Virginia Institute Way (Route 694).

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

The 1.241 acre site should be able to adequately and safely accommodate the anticipated traffic.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction a) will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties; and b) will not be of such size, character or required financial investment that it would best be located in an available business or industrial zoned area.

The applicant will be using the existing 12' x 26' structure for the business.

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

No expansions are requested.

Employees will be limited to residents on premises unless the board finds that a limited number of additional employees will be compatible with neighboring properties and will not be inconsistent with available infrastructure, including, but not necessarily limited to, sanitation facilities, water supply, and roads serving the site.

No employees other than family members are requested.

Outside display or outside storage of new or used automobile parts is prohibited.

No outside storage or display areas are requested for parts.

When allowed, no more than five (5) vehicles shall be located outside of the vehicle impoundment yard at any time. Such vehicles remaining for more than thirty (30) days must be located in the vehicle impoundment yard.

The applicant plans to only have three (3) to four (4) vehicles at a time.

Where outside storage is permitted, all outside storage areas and all inoperable motor vehicles shall be located within a vehicle impoundment yard. The vehicle impoundment yard shall meet the following requirements: a. No inoperable motor vehicle shall be located on any part of the site so as to be visible from any public road or adjoining property. b. Storage of inoperable motor vehicles shall be limited to areas shown on an approved site plan. c. No body or mechanical work, painting, maintenance work, salvaging or crushing shall be permitted within the impoundment yard. Such work, when permitted as part of the motor vehicle or boat repair shall be confined to such areas designated for such purposes on the approved site plan. d. Fencing or screening shall be entirely opaque and of good quality and shall be maintained in a good state of repair. Gates shall remain closed except when vehicles or boats are being moved to and from the yard.

The applicant is not requesting a vehicle impoundment yard and does not plan on working on inoperable vehicles.

STAFF RECOMMENDATIONS

The applicant is requesting to have motor vehicle and farm machinery repair onsite and within the existing enclosed carport. He plans to do all types of engine work as well as small oil changes and other preventative maintenance jobs for farmers in the area. He is not requesting any employees. The applicant normally picks up the vehicles or machinery and brings them to the property for repair. Staff feels a small scale motor vehicle/farm machinery repair would be a benefit to the neighboring area if kept neat and orderly and would recommend approval with the following conditions:

Pre-Conditions:

1. Obtain VDOT entrance permit and provide a copy to Community Development within sixty (60) days.
2. Obtain letter of approval from Building Inspection within sixty (60) days.

Operating Conditions:

1. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
2. All vehicles and equipment for the business must be kept within the fenced area and the privacy fence be maintained.
3. Site be kept neat and orderly.
4. Hours of operation be Monday – Saturday 8:00 a.m. to 6:00 p.m.
5. No Sunday work.
6. No employees other than family members.



Allen

063 59D GA 12-13-95

MILLER FARM RD

MILLABOR RD

063 60

063 63

063 60A

GA

063 62

063 61A

063 61B

063 61C

063 61E

063 61D

063 61F

063 61

063 58 GA 12-13-95

FIRM PANEL
51015C0500D

VA INSTITUTE WAY

58B

063

94

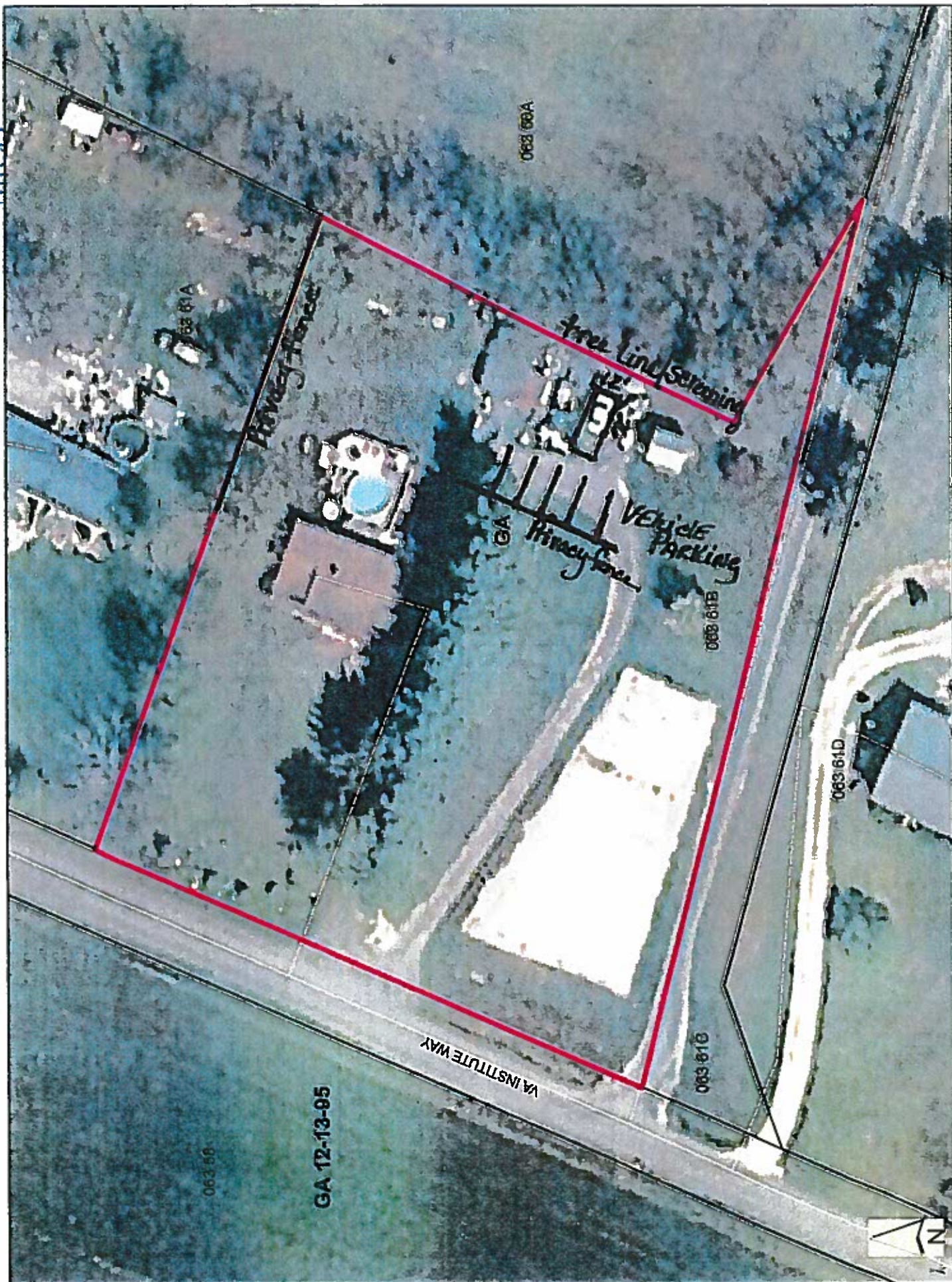


1 inch = 200 feet

Allen



Allen



1 inch = 50 feet

I strongly oppose the allowance of a special use permit for the property located at 88 Va Institute Way in Swoope, Va for not only personal reasons but safety as well. According to Zan Davis with Century 21 my property will have a higher negative effect on the market value due to the nature of this particular special use permit request and my property being a double wide as well. I am sorry that I couldn't pay the \$350.00 for the appraiser to justify the whole dynamics of the reasoning. Plus I have the understanding that the board may not even consider this relevant but to me it is my property that I have been paying on for fifteen years. I believe it is an unreasonable request for the fact that presently they are just renting. Working on farm equipment and vehicle repair in the area we are in puts the residents and animals at risk to toxic air contaminations that come from diesel fumes especially that will be inhaled and deposited into our lungs putting another unnecessary exposure and risk to human health. We will now be exposed to chemicals such as brake fluids, antifreeze, and other solvents that can get into the ground, we almost all of us have wells. Lead exposure from dust fumes from repairing radiators, spray paints, and welding increasing the risk of lead poison. This is out of character with no harmony to the property zoning. This area is zoned agriculture and is intended to allow the area to be devoted to agriculture and non-farming residents like myself. I do understand the "right to farm policy" as a public policy. However, Mr. Fitzgerald has been working on many vehicles for all this time and still continues even after the fact I was informed that zoning stated that they should stop the work until they were actually in compliance. Zoning also let me know that they couldn't go on the property and make them stop. Not sure how this falls into the whole Comprehensive Plan. This doesn't make him a farmer working on vehicles it makes him a mechanic with a small garden trying to manipulate the system. I ask that the board consider the issues of the private nuisance that this causes and the integrity of the requester. I am the closest neighbor who is affected the most. This has been a nuisance to me long enough. I have had to listen to loud music and loud power tools not only outside my property but inside as well on a daily basis from morning to late evening. On a daily basis hearing back up beeps, late night light from long tow trucks, engines being throttled, and smelling diesel and what smells like burning plastic. On several occasions my electricity has went out because we are on the same transformer. Shen Valley electric wouldn't provide a letter because they felt this was a legal issue. My peaceable enjoyment is effected as a property owner and I ask that my rights are considered as well. My peaceable enjoyment has been compromised legally with the noise ordinance laws and illegally by the length of time I have had to endure this and many other issues such as the numerous traffic that generates on this property. In making a decision please consider the issues of who owns and who rents. Land owners have to sell and move renters can just move on. David Fitzgerald had a business license for a different profession and I can't imagine he didn't think what he was doing was wrong. My job requires me to work at least forty five hours a week including a flexible schedule. I am a retail manager at time I am required to work overnights and sleep during the day. I suffer from classic migraines do to stupid factors caffeine, gas, bleach and yes diesel to name a few. After fifteen years I have invested in new vinyl siding, and new decks so my family can enjoy ourselves outside around our pool not to look over and see our neighbors walking around with beers working on vehicles and playing music so loud you can't relax or even play your own music because they turn theirs up if they know you have it on. I get I am probably the only one opposing because since this and other factors we have been made to feel uncomfortable in our own house and yard. As of today September 20, 2016 neither the Murrays or myself have gotten anything from zoning in letter form about this Special Use request. I just happen to be so effected by it I kept calling.

Gail Stokes 70 Va Institute Way