



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: March 29, 2017

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, April 6, 2017, 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 **9:30 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, April 6, 2017, 1:30 P.M.**

**1. CALL TO ORDER**

**2. DETERMINATION OF A QUORUM**

**3. MINUTES**

Approval of the Called and Regular Meeting of March 2, 2017

**4. PUBLIC HEARINGS**

- A. A request by Gene Hise, for a Special Use Permit to have outdoor storage of a food truck on property owned by Glen-Gary, Inc., located on the west side of Westview School Road approximately 0.664 miles north of Gentry Road in the Middle River District.
- B. A request by DeAnna Hyche, agent for The Broadway Group, LLC, for a Special Use Permit to have a retail sales establishment on property owned by Randal A. or Patty H. Simmons, located at the north side of Scenic Highway (Route 42) approximately .523 of a mile west of Moscow Loop (Route 607) 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**

- A. A request by Edward Treadway, agent for Pounding Mill Quarry Corporation, for a Special Use Permit to have a quarry and manufacture crushed stone on property owned by Carolena M. McClure (Life) c/o Finley McClure, located on the east side of Interstate 81, between Interstate 81 and Fauberitaville Lane in the Riverheads District. - **TWO YEAR EXTENSION OF TIME REQUEST**
- B. A request by Everette W. or Janice E. Orebaugh, for a Special Use Permit to have a welding and machine shop and equipment repair within an existing building, construct an addition for the machine shop, and have a farm waste hauling business on property they own, located on the west side of Knightly Mill Road (Route 778), approximately .4 of a mile south of the intersection of Knightly Mill Road (Route 778) and Westview School Road (Route 773) in the North River District. - **TWO YEAR EXTENSION OF TIME REQUEST**
- C. A request by Emmett W., Jr. or Sharon M. Hanger, for a Special Use Permit to have a real estate office and a political office on property they own, located at 928 Natural Chimneys Road, Mt. Solon, in the North River District. – **ONE YEAR EXTENSION OF TIME REQUEST**

## **8. STAFF REPORT**

16-23      Good Faith, LLC  
16-24      Roger D. or Susan K. Anderson

## **9. ADJOURNMENT**

Date 4/6/17

**PROPERTY OWNER:**  
Glen-Gary, Inc.

**APPLICANT:**  
Gene Hise

**LOCATION OF PROPERTY:**  
On the west side of Westview School Road approximately 0.664 miles north of Gentry Road in the Middle River District

**SIZE OF PROPERTY:**  
78.447 acres

**VICINITY ZONING:**  
General Agriculture to the north, General Agriculture and General Industrial to the south, General Industrial to the east, Single Family Residential to the west

**PREVIOUS ZONING OR S.U.P.:**  
12/95 Zoned General Agriculture

**LAND USE MAPS:**  
Urban Service Area – Planned Residential

**UTILITIES:**  
None

**APPLICANT'S JUSTIFICATION:**  
To have outdoor storage of a food truck

**PLANNING COMMISSION'S COMMENTS:**  
No comments.

**BUILDING INSPECTOR'S COMMENTS:**  
After review, our office has no conditions.

**HEALTH DEPARTMENT'S COMMENTS:**  
Storage of truck only, ok to park it on this property.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
The proposed use of an outdoor storage location for a food truck is expected to generate little to no additional traffic impacts to State maintained roadways (no public sales on-site). VDOT has no comments or concerns related to the request. The existing entrance serving the site is adequate for the proposed use.

**SERVICE AUTHORITY'S COMMENTS:**

The proposed use does not mention a need for public water or sewer, therefore, the Service Authority does not have any comments. If public water and/or sewer are needed, please advise, and a revised memo will be provided.

**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 trailer will be parked beside the existing barn on the property.

**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 in the adjacent residential subdivision.

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

The outdoor storage of a food trailer should be appropriate for 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 has frontage on Westview School Road.

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

The property contains 78.447 acres and is served by an existing entrance that will adequately and safely accommodate all traffic to and from the site.

**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 structures are proposed. Existing barn onsite.

**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.**

No water or sewer onsite. Outdoor storage only.

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

There are fire extinguishers on the food trailer.

**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 onsite.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to park his twenty (20') foot food trailer onsite. The applicant relocated to Weyers Cave from Oklahoma in December of 2016. He resides on property zoned Single Family Residential which prohibits storing a trailer for business use. He would like to continue his mobile concession business in Augusta County and be allowed to store the trailer on this property when not in use. The applicant will setup his mobile BBQ trailer at different business locations in the area and will do special events upon request. There will be no customers coming to this site. Staff feels that the storage of a food trailer without customer traffic on the property will be compatible with the neighboring properties and recommends approval with the following conditions:

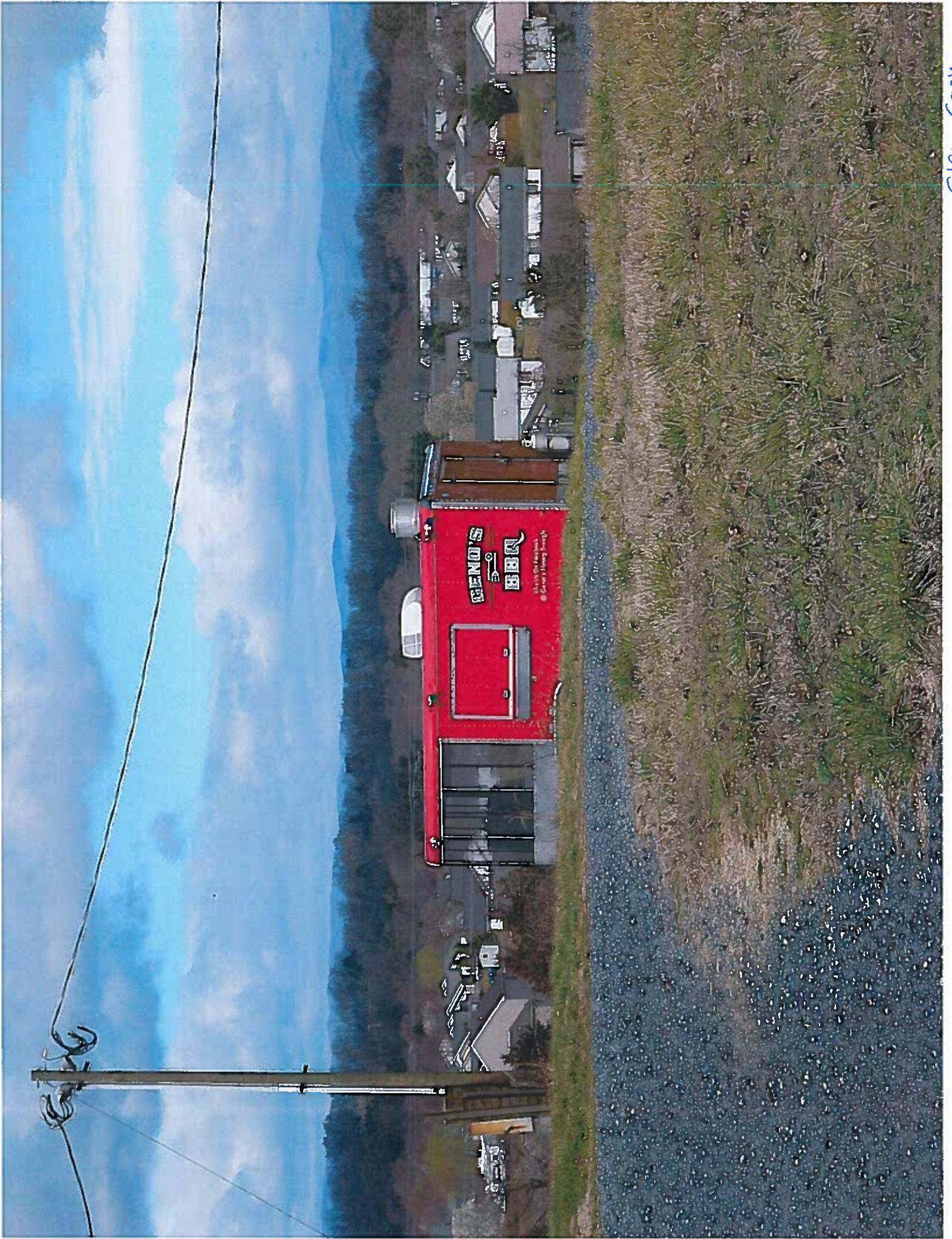
### **Pre-Conditions:**

None

### **Operating Conditions:**

1. No customers coming to the site.
2. One (1) food trailer be kept beside the barn as shown on the BZA site sketch.
3. Site be kept neat and orderly.

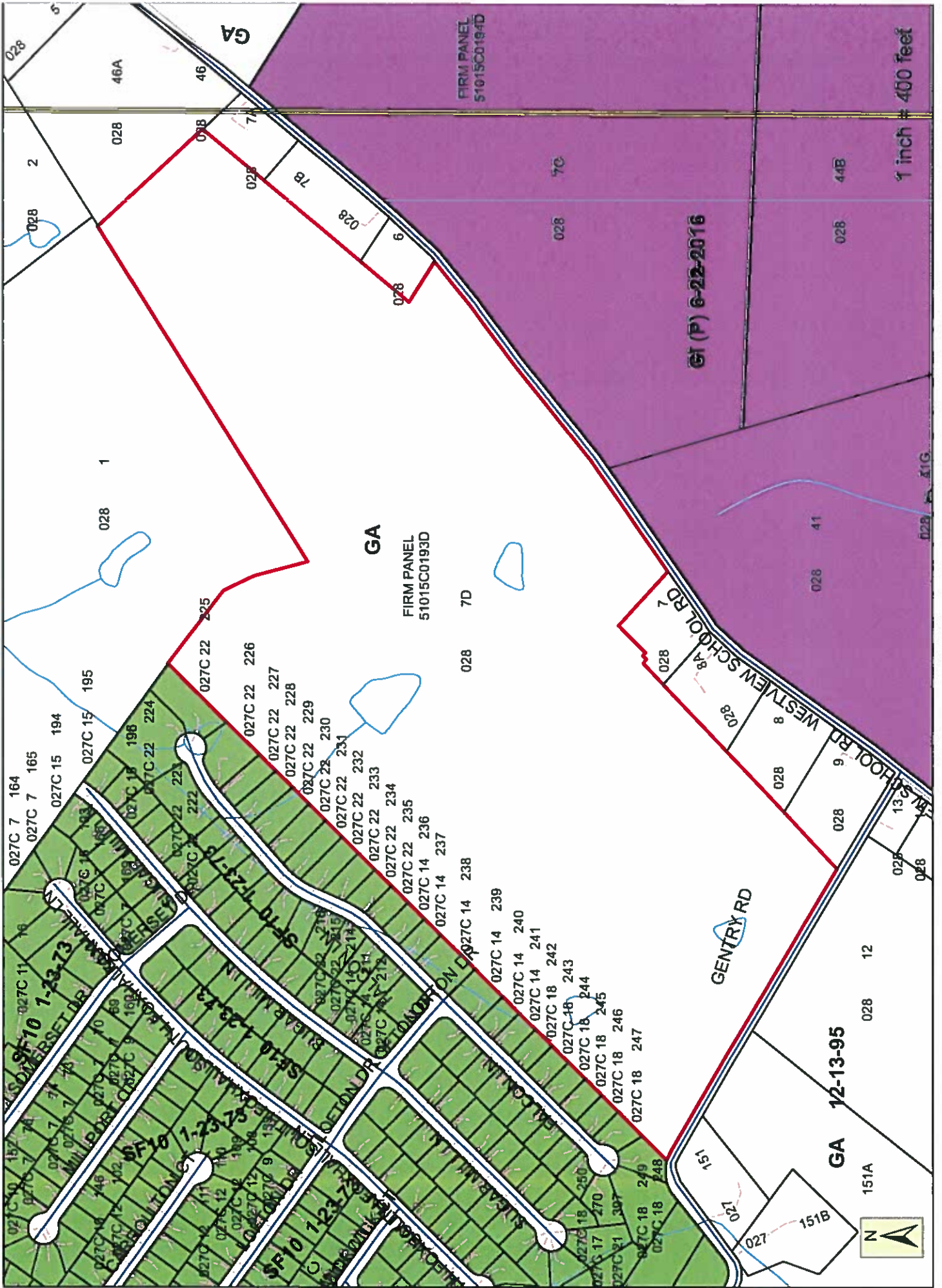




May - 2015



Glen-Gary, Inc.





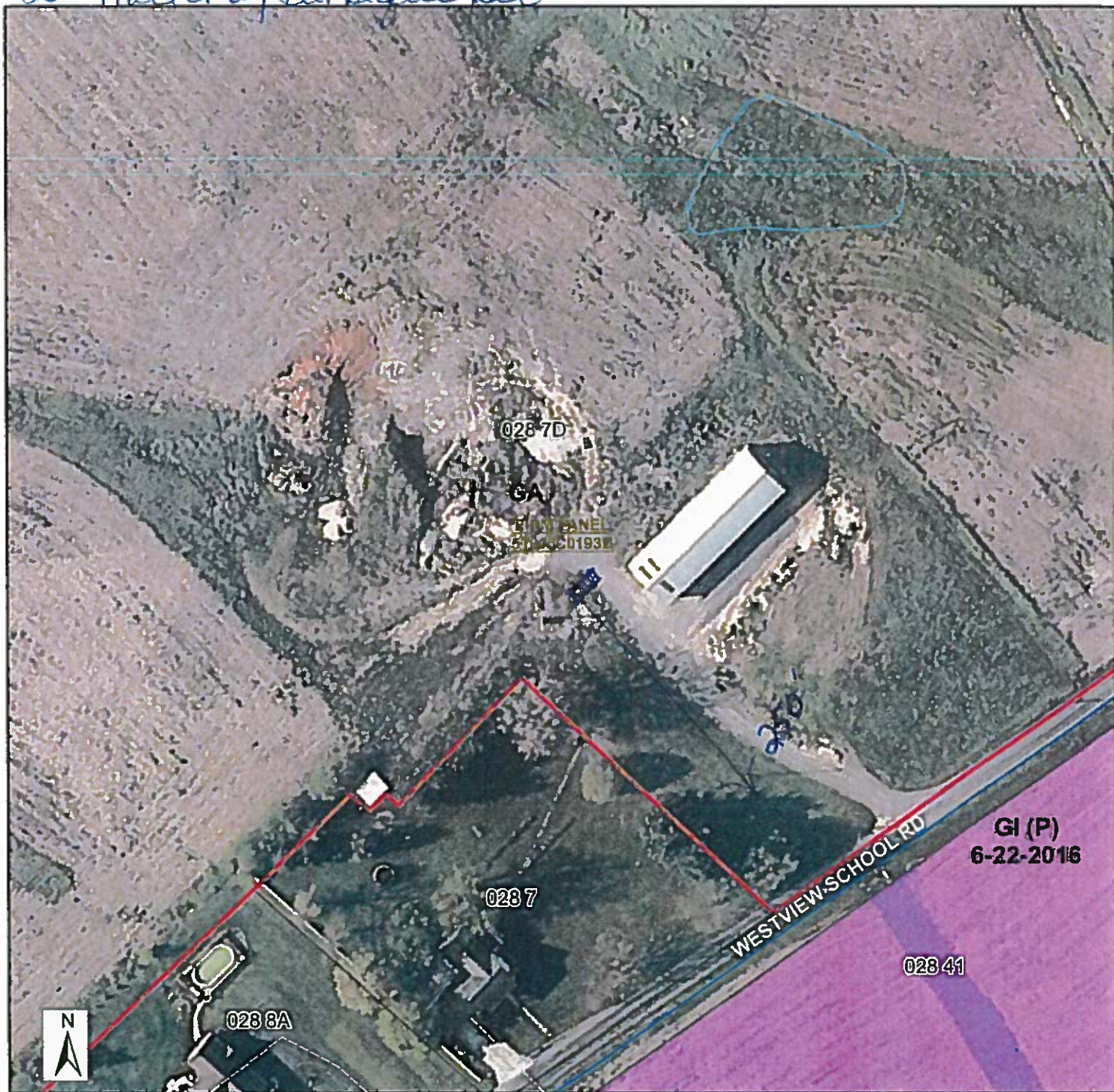
Glen-Gary, Inc.





20' trailer w/ Barbecue pit

Glen-Gary, Inc.



1 inch = 100 feet

Date 4/6/17

**PROPERTY OWNER:**

Randal A. or Patty H. Simmons

**APPLICANT:**

DeAnna Hyche, agent for The Broadway Group, LLC

**LOCATION OF PROPERTY:**

At the north side of Scenic Highway (Route 42) approximately .523 of a mile west of Moscow Loop (Route 607) in the North River District

**SIZE OF PROPERTY:**

1.994 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:**

None

**APPLICANT'S JUSTIFICATION:**

To have a retail sales establishment

**PLANNING COMMISSION'S COMMENTS:**

The Planning Commission, at their meeting on March 14, 2017, recommends to the Board of Zoning Appeals that they consider the impact of the proposed use on adjacent properties which are within the North River Agricultural and Forestal District.

**BUILDING INSPECTOR'S COMMENTS:**

Obtain all necessary permits, inspections and certificates of occupancy in accordance with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**

The Health Department has not received an application or plans on this property. A private engineer will have to be hired to design and a private onsite soil evaluator hired to evaluate any sort of commercial system for this property.

**HIGHWAY DEPARTMENT'S COMMENTS:**

VDOT does not anticipate a significant impact to adjacent roadways. The entrance will be designed and constructed in accordance with Appendix F of the VDOT Road Design Manual. During site plan submittal, the entrance will be reviewed in detail; this

comment letter does not represent formal approval of the entrance illustrated by the sketch provided in the application packet.

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

This usage will require a full site plan including ESC and Stormwater and will need to be submitted per state and County requirements. Stormwater CGP will need to be obtained with associated fees paid and will need to be bonded to ensure ESC measures are installed through the life of the project.

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

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

No outside storage is requested.

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

No one will reside on premise.

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

Constructing a 9,100 square foot retail operation may not be appropriate for the agriculture area.

**The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.**

The property has frontage along Scenic Highway (Route 42).

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

The proposed 1.994 acre site should safely accommodate all traffic to and from the public highway.



**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 applicants are proposing to construct a new retail sales establishment which could be a benefit to neighboring properties, but may not be compatible with the rural character of the area.

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

The applicants are proposing a 9,100 square foot building which is over two times the 4,000 square foot standard in the ordinance. A retail building of this size may not be compatible with neighboring properties.

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

No existing sewage system or well is onsite. The applicants will have to hire someone to design and evaluate a commercial system for this site for both.

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

All Building Code requirements will be met when the building is constructed.

**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.**

All items displayed for sale will be located in front of the building and moved inside at night.

### **STAFF RECOMMENDATIONS**

The applicants are purchasing 1.994 acres and are proposing to construct a 9,100 square foot retail sales establishment. They are requesting the business to be open seven (7) days a week, 8:00 a.m. to 10:00 p.m. The applicants stated there will be one (1) large delivery truck per week coming to the site, and they will employ approximately ten (10) to twelve (12) persons. Staff has concerns that the neighboring properties may be impacted by the increased traffic, noise, lights, and visual impacts associated with the anticipated volume of customers. However, if the Board feels that the business would be compatible and would be a substantial benefit to neighboring properties and desires to approve the request, staff recommends the following conditions:

**Pre-Condition:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.

**Operating Conditions:**

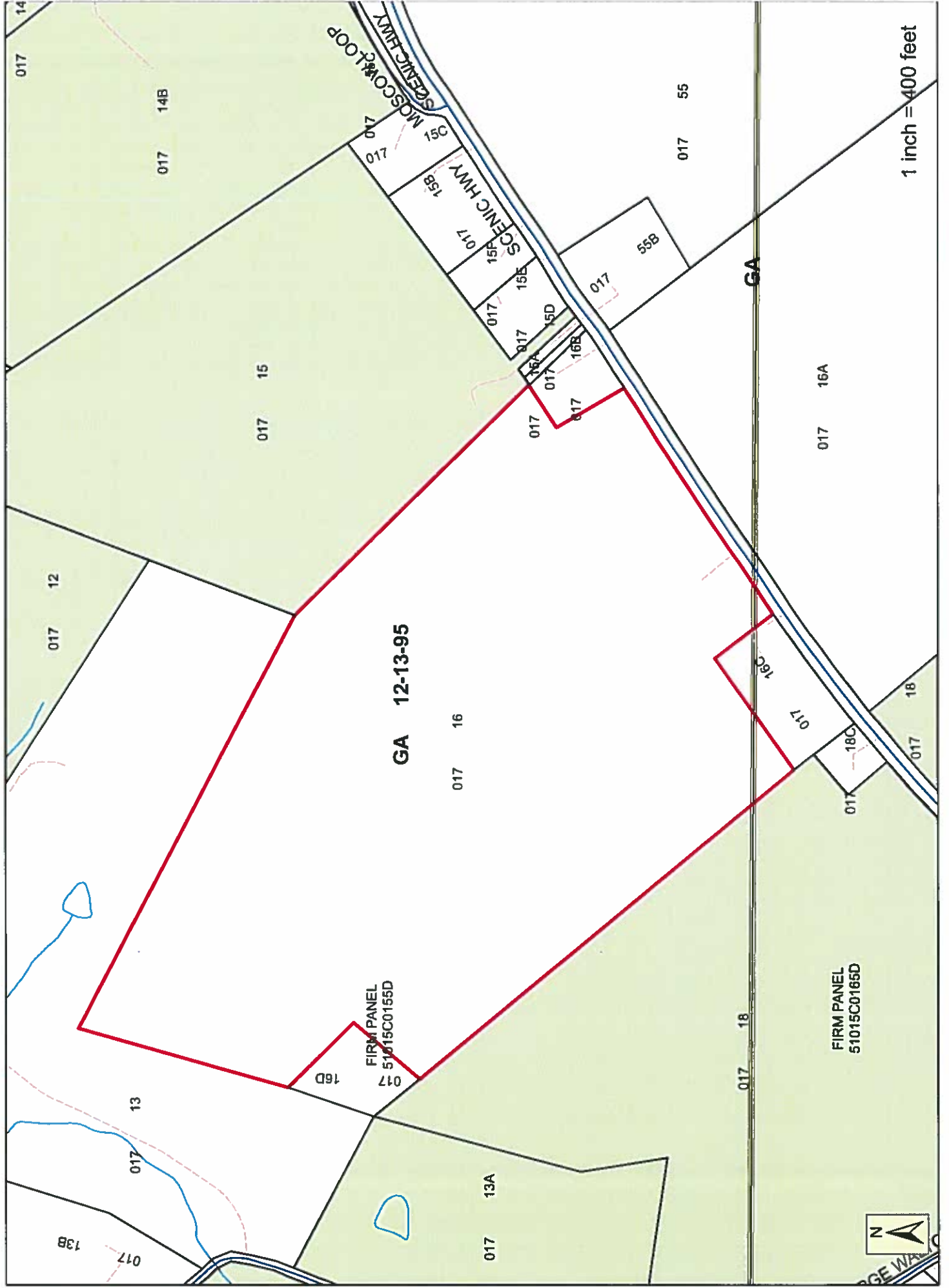
1. Applicant obtain building permit for the 9,100 square foot building and provide a copy to Community Development.
2. The parking area be screened by an eight (8') foot high opaque vinyl privacy fence or a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center and must be maintained at all times.
3. Hours of operation be 8:00 a.m. to 10:00 p.m.
4. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
5. Site be kept neat and orderly.
6. No expansions of the building.



Cinnam

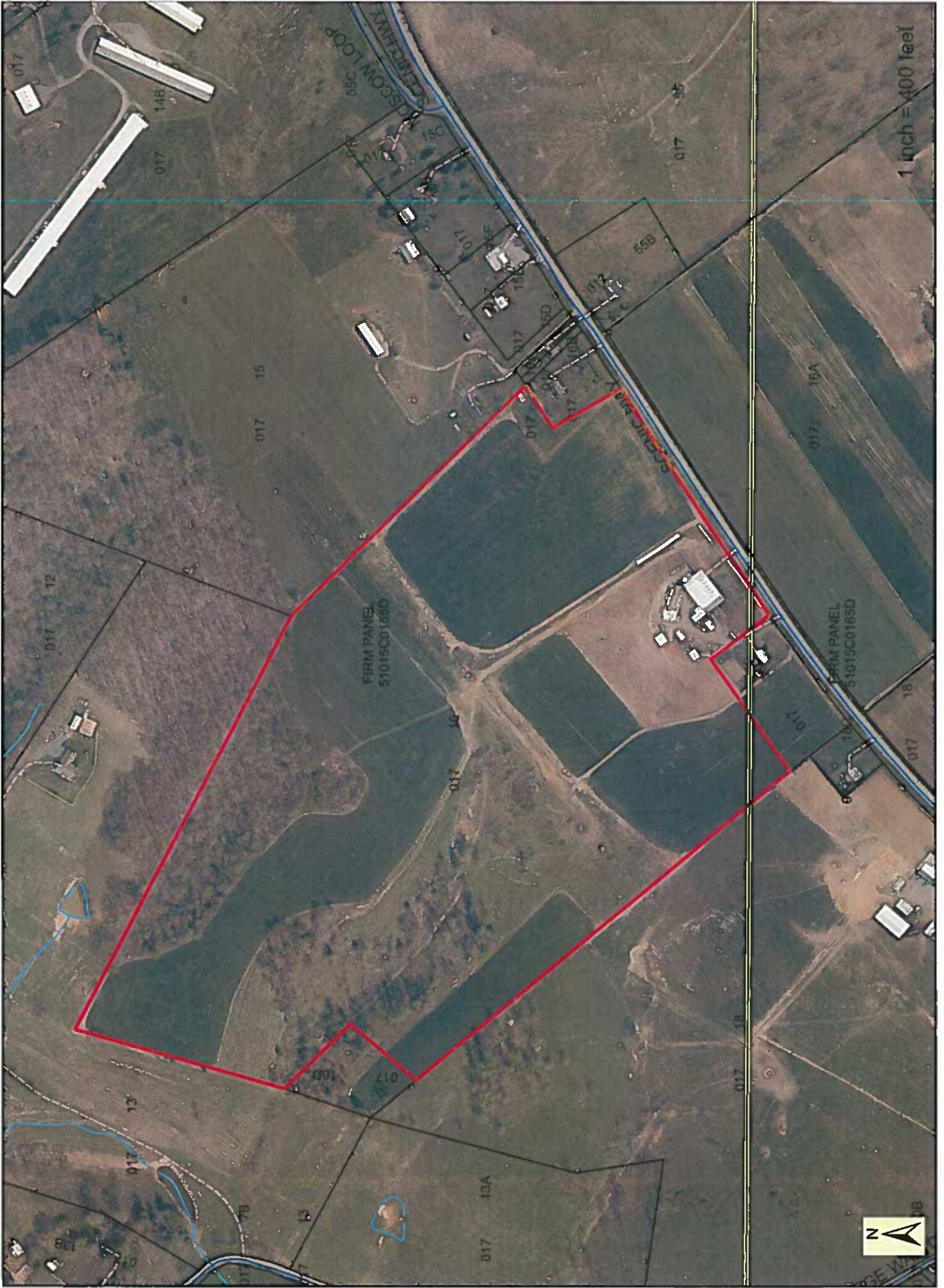


Simmons





Simmons

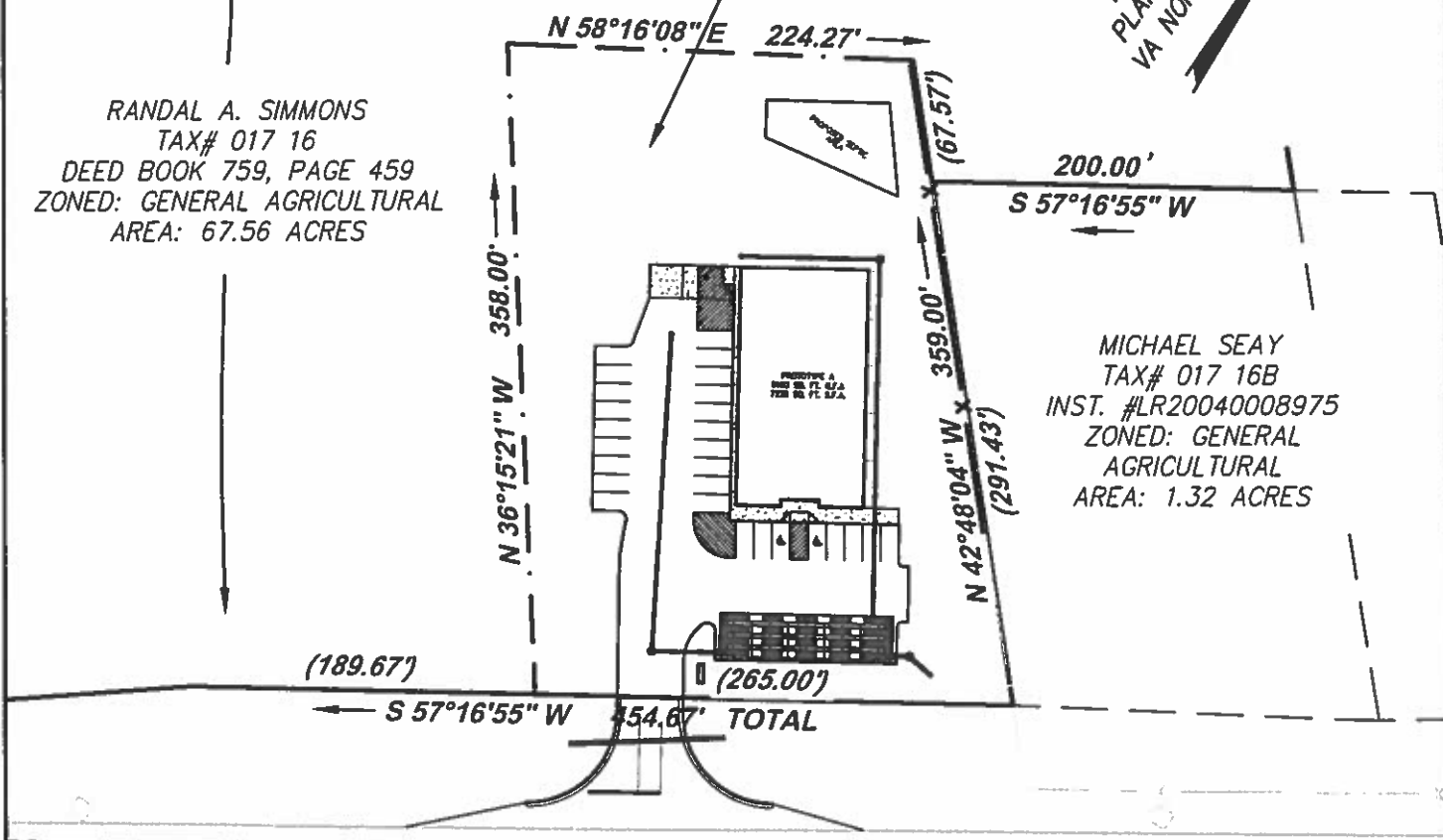


**1.994 ACRES**  
 TO BE CONVEYED TO  
 THE BROADWAY GROUP  
 BY RANDAL SIMMONS  
 PROPOSED ZONING: GB - GENERAL BUSINESS

MERIDIAN OF VA STATE  
 PLANE COORDINATE SYSTEM  
 VA NORTH (4501) - NAD '83

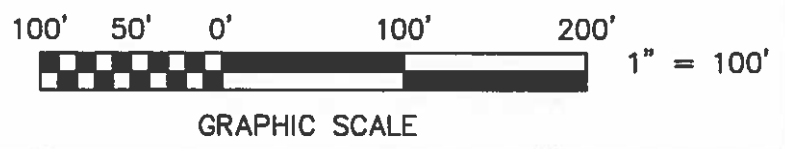
RANDAL A. SIMMONS  
 TAX# 017 16  
 DEED BOOK 759, PAGE 459  
 ZONED: GENERAL AGRICULTURAL  
 AREA: 67.56 ACRES

MICHAEL SEAY  
 TAX# 017 16B  
 INST. #LR20040008975  
 ZONED: GENERAL  
 AGRICULTURAL  
 AREA: 1.32 ACRES



**SCENIC HIGHWAY - RTE. 42**  
 R/W VARIES - 55 MPH  
 MINOR ARTERIAL (1600 AADT)

CRAUN S EDWARD JR OR BETSY D EDWARD  
 TAX# 017 16A  
 ZONED: GENERAL AGRICULTURAL  
 AREA: 68.79 ACRES

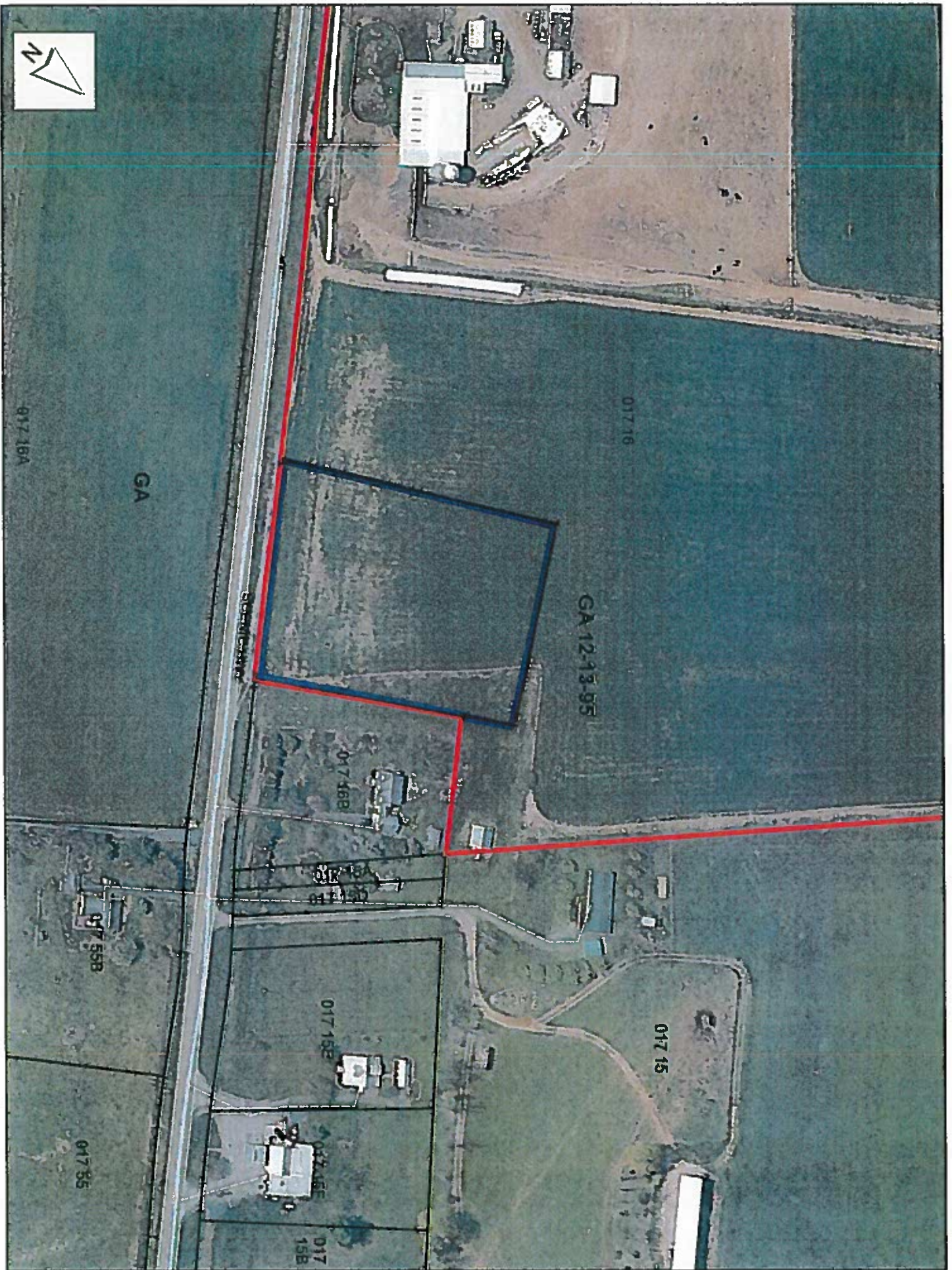



**parker**  
 DESIGN GROUP, INC.  
 ENGINEERS \* SURVEYORS \* PLANNERS \* LANDSCAPE ARCHITECTS

2122 Carolina Avenue, S.W.  
 Roanoke, Virginia 24014  
 Phone: 540-387-1153  
 Fax: 540-389-5767  
 www.parkerdg.com

**Preliminary Layout Plan**  
**Commercial Retail Store - Mt Solon**  
**Project No. 16-0156:03**  
**Date: February 24, 2017**





1 inch = 150 feet

Date 4/6/10

**EXTENSION OF TIME REQUEST****PROPERTY OWNER:**

Carolena M. McClure (Life) c/o Finley McClure

**APPLICANT:**

Edward Treadway, agent for Pounding Mill Quarry Corporation

**LOCATION OF PROPERTY:**

On the east side of Interstate 81, between Interstate 81 and Fauberitaville Lane in the Riverheads District

**SIZE OF PROPERTY:**

159.28 acres

**VICINITY ZONING:**

General Agriculture surrounds entire parcel

**PREVIOUS ZONING OR S.U.P.:**

04/64 SUP approved for rock quarry

05/97 SUP approved to construct 199' cell tower

05/00 SUP approved for co-location

07/00 SUP approved to transfer ownership of tower

01/01 SUP approved to replace antenna and add equipment cabinet

**LAND USE MAPS:**

Rural Conservation Area

**APPLICANT'S JUSTIFICATION:**

To have a quarry and manufacture crushed stone

**The applicant is requesting a one (1) year Extension of Time request.****STAFF COMMENTS APRIL 2010:**

The applicant's Special Use Permit to reopen the old quarry to provide crushed stone for the Interstate 81 widening project was approved July 3, 2003, and included a five (5) year time limit. On May 1, 2008, the Board approved a two (2) year Extension of Time. The applicant is again requesting an Extension of Time for one (1) year and will attend the meeting on May 6, 2010, to discuss details of the Interstate 81 project with the Board.

**STAFF COMMENTS JULY 2013:**

The applicant is requesting a two (2) year Extension of Time. The Special Use Permit was approved on July 3, 2003 and they were given five (5) years to commence the project. The I-81 widening project has never moved forward. The Board has granted three (3) Extension of Time requests, which now totals ten (10) years since the Special



Use Permit was issued. Staff feels the Board needs to give serious thought before granting further extensions or if the applicant just needs to reapply if the project ever moves forward.

**The applicant is requesting a two (2) year Extension of Time request.**

**MAY 2015 STAFF COMMENT:**

VDOT has been working on installing climbing lanes on Interstate 81 for the last two (2) years. The applicant feels the I-81 widening project may get started within the next two (2) years. Staff would recommend approval.

**The applicant is requesting a two (2) year Extension of Time request.**

**APRIL 2017 STAFF COMMENT:**

The applicant is again requesting a two (2) year Extension of Time to reopen the old quarry for the I-81 widening project. The project still has not moved forward. The Board has granted four (4) Extensions of Time on this request. The applicant will attend the meeting on April 6, 2017, to discuss the details.

EXTENSION OF TIME REQUEST

Date 4/10/17

**PROPERTY OWNER:**

Everette W. or Janice E. Orebaugh

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

On the west side of Knightly Mill Road (Route 778), approximately .4 of a mile south of the intersection of Knightly Mill Road (Route 778) and Westview School Road (Route 773) in the North River District

**SIZE OF PROPERTY:**

9.821 acres

**VICINITY ZONING:**

General Agriculture to the north, south, and west; General Agriculture and North River Agricultural Forestal District to the east

**PREVIOUS ZONING OR S.U.P.:**

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Agricultural Conservation Area

**UTILITIES:**

Private

**APPLICANT'S JUSTIFICATION:**

To have a welding and machine shop and equipment repair within an existing building, construct an addition for the machine shop, and have a farm waste hauling business

**The applicant is requesting a two (2) year Extension of Time request.**

**MAY 2015 STAFF COMMENT:**

The economy has delayed the applicant from starting construction of the new shop. He feels that late this year or early next year he will be in a position to get started. Staff recommends approval.

**The applicant is requesting a two (2) year Extension of Time request.**

**APRIL 2017 STAFF COMMENT:**

The applicant is still delayed in starting construction of the new shop. He stated that he would hopefully have funding within the year. He is requesting another two (2) year Extension of Time and will attend the meeting to discuss.

AGENDA ITEM #

7C

Date

4/6/12

**EXTENSION OF TIME REQUEST**

**PROPERTY OWNER:**

Emmett W., Jr. or Sharon M. Hanger

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

928 Natural Chimneys Road, Mt. Solon, in the North River District

**SIZE OF PROPERTY:**

0.241 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

**APPLICANT'S JUSTIFICATION:**

To have a real estate office and a political office

**The applicant is requesting a one (1) year Extension of Time.**

**APRIL 2016 STAFF COMMENTS:**

Due to the busy political year, the applicant has been delayed in starting the office. He has purchased the adjoining lot to give them more room. Staff recommends approval of the request.

**The applicant is requesting a one (1) year Extension of Time request.**

**APRIL 2017 STAFF COMMENT:**

The applicant has purchased the adjacent property and is unsure if he will be utilizing this property. He is requesting another one (1) year Extension of Time. Staff recommends approval of the request.