

March 2, 2017

PRESENT: Thomas H. Byerly, Chairman
Steven F. Shreckhise, Vice Chairman
Daisy A. Brown
George A. Coyner, II
Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney

ABSENT: Justine D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 2, 2017, at 8:30 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **8:30 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:

- **The Board of Zoning Appeals viewed all of the public hearing requests on the agenda today.**

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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PRESENT: Thomas H. Byerly, Chairman
Steven F. Shreckhise, Vice Chairman
Daisy A. Brown
George A. Coyner, II,
Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney
Michele L. Astarb, Subdivision Administrator

ABSENT: Justine D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 2, 2017, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Coyner moved that the minutes from the February 2, 2017, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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KENNETH W., JR. AND SARA K. LAWHORNE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kenneth W., Jr. and Sara K. Lawhorne, for a Special Use Permit to have farms and agriculture of a limited nature on property they own, located at 235 Howardsville Road, Staunton in the Riverheads District.

Mr. Kenneth Lawhorne, Jr. stated he purchased the 16 ¾ acre property in September 2016. He also explained that the land adjacent to him is zoned General Agriculture to the west and north. He is requesting to have cattle grazing on the property.

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

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Mr. Michael Ashby, 3275 Stallion Drive, Mechanicsville, stated he has some questions about the request. He asked how many cattle will there be. He also wanted to know if there will be mounds of manure at the site creating a smell. He does not want to look at a big pile of manure that is one hundred (100') feet high.

Ms. Bunch explained that with limited agriculture the applicant is permitted to have one (1) animal unit per acre. She noted the applicant is requesting sixteen (16) head of cattle. There being no one else wishing to speak, Chairman Byerly declared the public hearing closed.

Vice Chairman Shreckhise stated the applicant is limited on the number of agricultural animals. He stated with this limitation in place, he does not feel it would be a bother to any of the neighbors. He moved that the request be approved with the following conditions:

Pre-Condition:

1. The animal storage area be secured by agricultural fencing as shown on the site plan and maintained at all times.

Operating Conditions:

1. No poultry or swine.
2. Applicant must reside on premise.
3. Site be kept neat and orderly.

Mr. Coyner stated this is a good use of the land. He seconded the motion, which carried unanimously.

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MATTHEW T. BRADLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Matthew T. Bradley, for a Special Use Permit to expand a non-conforming dwelling on property he owns, located at 73 Baynes Road, Waynesboro in the Wayne District.

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Mr. Thomas Shumate, Jr. is here to speak on behalf of Mr. Bradley. He would like to construct the porch onto the dwelling. He noted this will be an improvement to the property.

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

Ms. Marilyn Keegan, 307 Cattle Scales Road, Waynesboro, stated the front deck has improved the property and will help with the appearance of the area. She is in favor of the request.

There being no one else wishing to speak, Chairman Byerly declared the public hearing closed.

Mr. Coyner stated in recent years the property has deteriorated. He stated Mr. Bradley has improved the site. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to extend the covered porch no closer to the side or front lot line.
2. Applicant obtain a building permit.

Ms. Brown seconded the motion, which carried unanimously.

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JASON ALMARODE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jason Almarode, for a Special Use Permit to operate a towing business with outdoor storage on property owned by Almarode, LLC, located at 1989 Mt. Torrey Road, Lyndhurst in the South River District. Mr. Jason Almarode stated his first proposal the Health Department had issues due to where the septic system is located. He revised the sketch to show the location of the drainfield. He is planning on storing six (6) vehicles at the site when he is really busy. He stated the State Police require him to have a lot in every zone that you tow in. He noted

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that he already tows in Staunton and now he would like to have a lot at this site in order to tow in the Route 340 corridor. He said the vehicles are kept at the site for a maximum of seven (7) to ten (10) days. He stated that if the vehicles need to be at this site for an extended period of time, he will take them to his business location in the City of Staunton. He stated it is unlikely that would happen unless there was a major accident.

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

Mr. Matthew Adler, 174 Round Hill School Road, Fort Defiance, stated he is the owner of the property across the street at 1996 Mt. Torrey Road, Lyndhurst. He has concerns about the quiet enjoyment of his tenants. He asked if there will be heavy equipment at the site. He has concerns about the noise from the business. He stated this is a residential area.

Ms. Sara Hamilton, 1996 Mt. Torrey Road, Lyndhurst, stated she rents from the Adlers. She stated the home is directly on the road. She asked if the applicant plans on towing at night because she would not want it to interfere with her sleep. She has concerns about noise and lights.

Mr. Chad Hamilton, 1998 Mt. Torrey Road, Lyndhurst, stated that he also has concerns about noise and light and this business affecting his quality of life. He stated the property values will decrease.

Ms. Kristina Adler, 174 Round Hill School Road, Fort Defiance, stated she is the owner of the property across the street. She is in opposition to this business. She has invested \$50,000 into her property at 1996 Mt. Torrey Road, Lyndhurst and she would like to keep her current tenants that they have. She noted this use would not improve the beauty of the property. She asked if there will be a fence screening the vehicles. She also asked if the applicant will be limited to six (6) vehicles. She is concerned about her property values decreasing.

There being no one else wishing to speak, Chairman Byerly asked the applicant to speak in rebuttal.

Mr. Almarode stated this site is used as a holding lot only. He will not have any car crushing at this site. He stated he does have a Ford rollback and the lights are no higher than any other passenger vehicle. He said the lights will be pointing away from any other structures in the area. He purchased this property in December 2015. He noted the size of the lot will hinder the number of vehicles. He needs to have an eight (8') foot privacy

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fence around the vehicles. He will not let the property values decrease. He is planning on renting the property out. He stated he does not want the property to look unsightly.

Vice Chairman Shreckhise asked how long does it take to drop off and pickup the vehicles?

Mr. Almarode stated ten (10) to fifteen (15) minutes.

Chairman Byerly asked Mr. Almarode to describe the type of fence he plans on constructing?

Mr. Almarode stated he would like to construct a wood frame fence and have it painted either brown or tan to match the property. He said the fence will be constructed of metal. Chairman Byerly explained that the fence needed to be opaque. He said the fence should be a vinyl privacy fence.

Mr. Almarode stated he can use vinyl but it will be white instead of the colored.

Ms. Bunch stated the opaque vinyl privacy fence is listed on the staff report as a recommended operating condition.

Ms. Brown asked if there would be work done on the vehicles?

Mr. Almarode stated no. He will only pickup and store the vehicles at the site.

Mr. Coyner asked if there would be security lighting in place?

Mr. Almarode stated no. He said there will be video monitors being used as security.

Vice Chairman Shreckhise asked if the alarm will be silent?

Mr. Almarode stated yes. He said there is no need for an alarm that sounds because there will be no one at the property.

Chairman Byerly declared the public hearing closed.

Vice Chairman Shreckhise stated the conditions that will be placed on the permit will help not to interfere with the neighbors' quality of life and should not decrease the property values. He 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. Obtain Health Department approval and provide a copy to Community Development.
3. Submit an updated BZA sketch plan to Community Development.

Operating Conditions:

1. The storage area be screened by an eight (8') foot high opaque vinyl privacy fence.
2. All outdoor storage be kept in the designated areas shown on the site plan.
3. No junk or inoperable vehicles to be kept outside.
4. No vehicle repair or maintenance work may be done on this site.
5. The eight (8') foot opaque privacy fence must be maintained at all times.
6. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.
7. The alarm be a silent alarm that rings at the applicant's home or police department.

Ms. Brown seconded the motion, which carried unanimously.

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EMILY S. HARRIS HENRY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Emily S. Harris Henry, for a Special Use Permit to have apartments in a pre-1980 structure on property owned by Francis Darryl Jarvis, located at 5 Sutton Road and 15 Sutton Road, Verona in the Beverley Manor District.

Ms. Emily Harris Henry stated that she has power of attorney over her dad. She manages his property and they currently have (2) apartments as rental properties. She said these

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have been used as rental for as long as she knows. She said it was brought to her attention that a Special Use Permit is required in order to have them as rentals. She stated the site has been used as a combination of business and residential uses for the last several years. She said before her father bought the property the family that owned the front property used it as the Skate Town office and the back apartment was her aunt's home and she ran a business out of it. She said there was some questions about the water on the property. She noted the Service Authority bill was included with the rent so that it did not need to be separated.

Ms. Bunch stated the Augusta County Service Authority had commented on this use. She stated the applicant would need to address any issues with them.

Mr. Coyner asked how long has there been people living in the front structure?

Ms. Henry stated the rear structure has been used for ten (10) years. She took over handling the property about three (3) years ago and is unsure what happened in between. She noted the front structure was a hair salon out of the house but now it sits empty. She stated the back structure has been used for residential.

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

Mr. Christopher Earhart, 162 Pleasant Grove Road, Staunton, stated that he would like to keep the property in business use. He said Dixie Gas and Oil own the surrounding lots. He stated the most appropriate use for the property is commercial and industrial. He is concerned about the safety of the small children. He stated traffic has increased on the road. He noted they have had issues with trash on their property. He said that a commercial use for this property would be much better. He said the use of the property for apartments does not meet the ordinance criteria of Section 25-304H. He would request that the Board deny the permit. He has spent money to develop the area and cleanup the site.

Mr. Coyner asked about the property to the rear and when it becomes developed, would that roadway be used?

Mr. Earhart stated the traffic flow would use that road which is the only access in and out of the property. He stated they paid to have a gate installed at the site.

Mr. Coyner stated the Board visited the property and noticed a lot of children's toys but did not see a fence.

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Mr. Earhart stated the applicant has had different renters over time at the site. He said they have to back in and out of the road. He stated as the area develops more and more, he is concerned about traffic. He does not feel this use is proper utilization of the land.

There being no one else wishing to speak, Chairman Byerly asked the applicant to speak in rebuttal.

Ms. Henry stated the properties were offered for sale but they did not go through with that. She said to repurpose the structures as commercial property would be very expensive. She mentioned the issue with the trash has been rectified. She noted that they have not had income coming in which is very difficult. She said her renters will have two (2) vehicles at the site and they would leave and come for work each day.

Chairman Byerly asked if the applicant is the landlord?

Ms. Henry stated yes.

Ms. Brown asked if there are renters in both houses?

Ms. Henry stated right now the back house is rented. She said the front house has been vacant because she was told that she needed this permit. She is losing money on the property every month with one of the houses being empty. She noted that it is difficult to repurpose the house for commercial and get a tenant on top of that wanting an office space.

Chairman Byerly declared the public hearing closed.

Mr. Coyner stated safety is important. He stated there is a lot of truck traffic going through that area now and potentially even more in the future. He stated the use is not appropriate with the area especially when small children are at the site. He stated this is also not appropriate with all of the surrounding businesses in the area.

Chairman Byerly stated public safety is the Board's primary responsibility and it is taken very seriously and is very important.

Mr. Coyner stated this use is not compatible in this business area. He moved that the request be denied.

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Vice Chairman Shreckhise asked if the applicant purchased the property knowing they could put apartments at the site?

Ms. Bunch stated the site plan was approved in 1977 and it was approved with a residence in the back, which was a permitted use with a Special Use Permit, and business use in the front. She stated the property owner never applied for a Special Use Permit to have the residence. She noted the building in the front was converted to an apartment with no building permits. She stated there are no building permits on file for the front structure. She stated that if the Special Use Permit had been applied for and approved when her father purchased the property it would have been a legal conforming use. She noted they cannot grandfather an illegal use. She stated the ordinance allows apartments in business zoned districts with a Special Use Permit. She read a portion of Section 25-304H: "Apartments may be established within a structure that was constructed prior to January 1, 1980, provided the board of zoning appeals finds that the structure has historical or architectural significance or is otherwise appropriate for preservation in the manner proposed."

Ms. Brown seconded the motion, which carried unanimously.

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RUSSELL THOMAS AND CHANTELE BROWN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Russell Thomas and Chantelle Brown, for a Special Use Permit to operate a pest control business on property they own, located at 106 Suffolk Lane, Bridgewater in the North River District.

Ms. Chantelle Brown stated she has a pest control company and would like to use one of her spare bedrooms for the office. She noted that her daughter is her secretary. She said her business is not open to the public.

Mr. Coyner asked how many company vehicles will the applicant have?

Ms. Chantelle Brown stated she owns two (2) company vehicles. She will not have any customers coming to the site. She does not have a lot of chemicals at the site. She has passed all of her inspections.

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

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Mr. Russell Brown, 106 Suffolk Lane, Bridgewater, stated he is in favor of this request. He stated she will only have an 8 x 10 office and truck at the site.

Ms. Daisy Brown, 106 Suffolk Lane, Bridgewater, stated she is the secretary for the business. She is in the office doing filing and collecting payments. She noted that no one comes to the property for the business, therefore, traffic will not be an issue. She does have some medical issues and it helps her to be at home and be able to work.

Mr. Robert Brown, Sr., 131 Suffolk Lane, Bridgewater, had concerns regarding the chemicals harming his animals and the fields. He asked if the chemicals are dangerous. He also asked where the vehicles would be washed.

There being no one else wishing to speak, Chairman Byerly asked the applicant to speak in rebuttal.

Ms. Chantelle Brown stated she has been doing this for ten (10) years. She has dogs, cats, and children and would not harm anything. She uses low risk products. She takes the vehicles to be washed at a car wash.

Vice Chairman Shreckhise asked if all of the chemicals are locked up in the building?

Ms. Chantelle Brown stated they are all locked up. She said that she has spoken with all of her neighbors including Mr. Robert Brown, Sr. and none of them had any issues with this request.

Chairman Byerly declared the public hearing closed.

Ms. Brown said the Board viewed the site. She stated the vehicles will be washed at the car wash and all of the chemicals are locked. She moved that the request be approved with the following conditions:

Pre-Conditions:

1. Obtain Health Department approval and provide a copy to Community Development.
2. Obtain letter of approval from Building Inspection.

Operating Conditions:

1. Be limited to two (2) company vehicles at the site.
2. All equipment and materials for the business be kept inside the 8' x 12' accessory building.
3. Site be kept neat and orderly.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. No refuse from the business to be brought to this site.
6. Hours of operation be 9:00 a.m. to 4:00 p.m.
7. No more than one (1) employee to come to the site.
8. No on or off premise signs be permitted.

Mr. Coyner seconded the motion, which carried unanimously.

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CHBR, LLC, C/O MARGIE ELLEN O'HANLON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by CHBR, LLC, c/o Margie Ellen O'Hanlon, for a Special Use Permit to operate a residential care facility on property owned by John M. or Holly A. McVey, located at 51 Fleetwood Road, Staunton in the Beverley Manor District.

Ms. Ellen O'Hanlon stated she is asking for a Special Use Permit to operate a facility there. She stated the residential care facility will only have nine (9) people at the most and it is an emergency care facility with twenty-four (24) hour staff care onsite. She stated they are asking for nine (9) beds only. She said there is a surveillance monitoring system in place. She noted this is a residential section and the reason that she felt this was a good section is because of the fair housing law. She said this facility offers services to anyone and that is why we wanted to put it in a residential area so it would have that calmness about it. She said when there is a crisis you want to be at home in a home setting and not in an institutionalized setting.

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Mr. Coyner asked what type of facility is this?

Ms. O'Hanlon stated this is an emergency care facility.

Mr. Coyner asked who would come to your place?

Ms. O'Hanlon stated it could be anyone who is in a situation of abuse.

Mr. Coyner asked if they would come to the property in the middle of the night?

Ms. O'Hanlon stated usually not. She stated usually they would call for services. She stated there is no traffic to the property. She said they pick those people up in a van and bring them to the facility. She said they are picked up offsite. She said they can be picked up downtown in a parking lot. She said they are only housed up to thirty (30) days.

Mr. Coyner asked if these are adults, adults and children, or either or?

Ms. O'Hanlon stated could be either or. She said if you have a lady who was in an abusive situation and services are needed to be provided for her and she has two (2) children, she could stay there.

Vice Chairman Shreckhise asked if they will have vehicles?

Ms. O'Hanlon stated no. She stated their vehicles are placed at other places if they do.

Mr. Coyner asked while a resident there, are there goings and comings or are they there onsite until they leave?

Ms. O'Hanlon stated there is always a 24 hour staff member there when there are people in the house. She said there are goings and comings like a normal family or normal tenant.

Mr. Coyner asked if there would be visitors coming to the site.

Ms. O'Hanlon said no one comes there to visit the people that are staying there. Child Protective Services would visit with the client offsite and not there at the facility, not at Fleetwood.

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Mr. Coyner asked how did you happen to choose this particular piece of property for this?

Ms. O'Hanlon stated it is a philanthropy part of her life, and she bought the property from her brother. It just seemed like a good fit because it was in a neighborhood.

Mr. Coyner asked if she has done this type of activity elsewhere before?

Ms. O'Hanlon stated not this type, but she has twenty-seven (27) years in rental property. She makes sure the facility and yard are taken care of. She will try to be a good neighbor.

Mr. Coyner asked if the facility is on County water and sewer?

Ms. O'Hanlon stated yes.

Mr. Coyner asked how many folks could you have here at one time?

Ms. O'Hanlon stated up to fifteen (15) but she only asked for nine (9).

Mr. Coyner stated the Board visited the site this morning. He stated with respect, this house with fifteen (15) residents would make it pretty tight.

Ms. O'Hanlon stated they would be satisfied with nine (9).

Vice Chairman Shreckhise asked if the residents are restricted with their goings and comings?

Ms. O'Hanlon stated they do have a curfew so that they do not come back at 12:00 a.m. or 1:00 a.m.

Vice Chairman Shreckhise asked if the residents can come and go anytime other than that?

Ms. O'Hanlon stated yes.

Ms. Brown asked how many bathrooms do you have?

Ms. O'Hanlon stated one (1) bathroom. She stated usually it is a mother and a child or a father and a child. She stated they have beds for nine (9).

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Ms. Brown stated but you only have one (1) bathroom for the nine (9) people. She asked if there is security?

Ms. O'Hanlon stated yes. She stated they have a surveillance system with nine (9) cameras already in place.

Mr. Coyner asked if it could be either male and/or female residents?

Ms. O'Hanlon stated it is usually not both at the same time. She stated if there is a lady with two (2) children they do not usually bring in an abused male at the same time.

Mr. Coyner asked if the people come to you from the court system or Sheriff's Department or how?

Ms. O'Hanlon stated most of them come through Social Services Departments. She said they are referred. She stated it gives them an opportunity to give them a chance to be in a residential setting, a home setting so that the crisis can deescalate and help them prepare to get services wherever else they might need. She stated the longest they ever stay is thirty (30) days.

Mr. Coyner asked if they are younger people or older people?

Ms. O'Hanlon stated it could be anyone. She said abuse has no limits. She stated it could be children, could be a mother, or could be a father.

Ms. Brown asked if there are other places like this in Augusta County?

Ms. O'Hanlon stated not to her knowledge.

Ms. Brown stated so this would be a first.

Vice Chairman Shreckhise asked do you have any security?

Ms. O'Hanlon stated yes.

Vice Chairman Shreckhise asked what type of security do you have?

Ms. O'Hanlon stated they have a security system in place with leads that come in on a TV. She stated there are nine (9) security cameras there, so all points are covered.

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Ms. Brown asked if someone tries to break-in to harm someone, is there someone onsite to protect them?

Ms. O'Hanlon stated not in the fashion that you would have an armed security guard. She stated there is a staff member there and most of them are licensed social workers and counselors who know how to handle that type of situation. She said a lot of wanting to have this in a residential situation is to help calm the situation down but staff knows how to handle any situation that might happen.

Ms. Brown asked if the staff are there twenty-four (24) hours?

Ms. O'Hanlon stated yes twenty-four (24) hours.

Ms. Brown asked if they have shifts or just one person?

Ms. O'Hanlon stated they have shifts.

Mr. Coyner asked if staff is trained in crisis management?

Ms. O'Hanlon stated yes absolutely. She stated they are all social workers or they have a DCBA which is a Behavioral Analyst.

Chairman Byerly asked if her residence is near the facility?

Ms. O'Hanlon stated no. She lives in Waynesboro, Virginia at 998 Northgate.

Mr. Coyner asked how often would you be at this site?

Ms. O'Hanlon stated she can be there within fifteen (15) minutes. She has gone there quite a few times, probably two (2) to three (3) times a month.

Mr. Coyner asked who actually manages the site?

Ms. O'Hanlon stated it is a protective shelter. She stated there is a Board of Directors for the shelter. She said because it is a protective shelter, we try to keep it real low key.

Chairman Byerly asked if there was anyone wishing to speak in favor of the request?

Ms. Lenora Jones-Elliott, 104 S. Lynnhaven Drive, Staunton, stated she works for the facility and is the Executive Director. She has a staff of fourteen (14) people. She said they rotate and every person on staff is trained. She stated every staff member must have

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at least forty (40) hours of training before they are allowed to provide services to this particular shelter. She stated this is an emergency care shelter for thirty (30) days. She stated they can give extensions but we really try not to and we try to get them stabilized to the point that they can move forward after the thirty (30) day period. She stated they have staff coverage for twenty-four (24) hours and rotate between the fourteen (14) of them. She stated they have an emergency hotline and between the cameras and the staff onsite that is our form of security. She said if there is anything else needed, they can call 911. She stated they have only had to call 911 once. She said they have been dispatched out to us by other people but that was not our call. She had one (1) incident where someone wandered onto the property. She stated the residents do not and cannot open the door. She stated they are to be inside the dwelling by 11:00 p.m. She stated they provide services mainly to women and children and if there is a male who needs shelter we shelter him elsewhere offsite. She stated they are in by 11:00 p.m. and we have quiet hours from 11:00 p.m. to 6:00 a.m. She stated because by law if a person moves into the shelter and they have children and they are from a different locality, the school systems must provide transportation for them. She said if you see cars in the morning that is because the public school system will send a car to get a child. She stated if the person is from Staunton and if their child goes to a Staunton City School, the school will provide transportation. She stated it might be a car and not usually a bus because it is usually only one (1) or two (2) children. She said they come pick up the children and take them. She stated it is not very often where we get a resident with a car. She said most of them do not have their own transportation. She stated at the most they have had three (3) cars onsite at one time. She stated the van stays on the property all of the time. She stated there will be staff with their own transportation. She said at the most they have had only one (1) or two (2) residents with cars. She stated we revamped our transportation policy as far as clients being able to park there for safety purposes. She said that we do take note that by doing so we are limiting their access for transportation so if there is something that happens, we need staff to transport them if needed. She said there is very little traffic. She stated we are limiting it to nine (9) people. She said it could be a mom with three (3) kids. She stated they have a schedule to rotate everything from the chores, cooking, bathroom use, or laundry. She stated they have a schedule for everything. She has a sign-out and sign-in board so we know who is there at all times. She stated along with the surveillance, each staff person has the cameras on their phone and on an iPad and so at any time even if I'm at home at 7:30 p.m. I can peek into the shelter to see what is going on using the nine (9) different cameras.

Ms. Brown asked if they have fourteen (14) employees?

Ms. Elliott stated yes.

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Ms. Brown asked if all fourteen (14) help at this home?

Ms. Elliott stated yes. She stated of the fourteen (14) staff that we have, ten (10) are degreed employees and the others are going through a process of getting certified to provide services. She stated they go through the State Coalition, and also funded through the Virginia Department of Social Services, funded through Virginia Department of Criminal Justice Services, and funded by CAPSAW. She stated they get funding from different sources, federal sources, state sources, and local sources and the Community Foundation and United Way.

Mr. Coyner stated the Board visited the site this morning. He said it would appear that you are already in business there.

Ms. Elliott stated yes, we have been there since July of 2016.

Mr. Coyner asked why the applicant is applying for a permit now if you have already been there for six (6) months?

Ms. Elliott stated they did not realize a permit was needed. She stated we operated a shelter in Staunton for probably fifteen (15) years but we owned the property when we operated the shelter in Staunton. She stated when we branched into another location into Augusta County, we did ask questions but I guess that we did not ask the right questions so we did not have the proper information going forward. She stated once we were alerted of what was required that is when we moved forward with seeking the permit.

Chairman Byerly asked if there was anyone else wishing to speak in favor regarding the request?

There being none, Chairman Byerly asked if there was anyone wishing to speak in opposition to the request?

Mr. Terry Kelley, Jr., 50 Kendrick Avenue, Verona, stated he is the Board of Supervisor for the Beverley Manor District and he represents everyone here against the property today. He said it was brought to his attention about a month or month in a half ago that this property was being used for a shelter for abused families or women that might need an emergency place to live. He stated he has been to the property twice and has several concerns about parking. He stated when he went there, there were three (3) cars in the parking lot, one (1) in the ditch, and one (1) in the front yard. He stated it is being used more than what is being relayed to you today. He stated the police have been called their several times. He knows of three (3) times that he saw on the Sheriff's list. He stated one

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was for non-payment from a lady for a taxi cab. He stated there was no staff person at the house at the time and no one to pay the cab driver his fee and a fight broke out. He stated this is a residential area. He said the County does not take care of the roads, they take care of it themselves. He stated several of the residents make sure the streets are plowed and bring their own snowplows out and shovels. He stated this is a community. He stated this facility moved in without even acknowledgement of the people that live there already. He asked the Board to reject this Special Use Permit at this time. He stated facilities are needed and we understand that, and we would be glad to look into it as a Board as people bring it to us but at this time in a residential area of a community with a lot of elderly people, I would ask that you reject the Special Use Permit at this time.

Chairman Byerly stated everyone has the right to speak but the Board would like to limit the time to two (2) minutes.

Ms. Corinne Basius, 62 Fleetwood Road, Staunton, stated she lives across the street. She stated this is a very small house and I don't even know that it is even 800 square feet and it was a residence before this became a residential care house. She stated this is a private road because when we bought it we called the County and found out that it is a private road, so we maintain the road, the owners maintain it. She stated we chip in so who are we going to call. She stated they have been operating since the summer and they have never told us anything about what was happening. She stated there was a little repair work being done on the house but we did not know what happened until after people started coming in and then we had problems with strange people looking in the windows and trespassing. She stated there are people opening and closing car doors. She stated it is a small driveway. She stated on occasions there have been five (5) cars in the driveway, not two (2), not three (3), but five (5). She said they are on one side of the driveway and sometimes on the front lawn. She said she passes this house constantly. She does not know why the neighbors were not notified of this. She stated they have been in operation and apparently it is illegal because they did not have zoning approval. She stated none of them were notified by letter, telephone, or whatever. She stated this is a private road and the children that go to County schools are picked up at the end of the street. She stated they have seen Waynesboro buses come onto their property and pickup children from that house. She asked if the County schools cannot do it, then why are Waynesboro buses allowed to do that. She said this is a dead-end road. She stated you need to turn around and cannot go through.

Chairman Byerly stated the Board visited the site this morning.

Ms. Basius stated this is a two (2) lane road so we have increased traffic. She stated some of the neighbors have been complaining about the trespassing and the roads we have to maintain which is expensive. She asked how we get in touch with the owner when we do

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not know who the owner is. She has not seen the van there. She has seen cars, nice small looking cars, sports cars. She stated she doesn't know who is visiting but someone is doing pretty well. She stated in front of the house there is a light pole that is paid for by one of the residents. She said that is not from the County and if the neighbor decides to turn off the light, you would not see anyone walking if they are in dark clothes unless you saw them on the camera. She said one of the neighbors told her that they were talking to a real estate agent and mentioned that this house was converting to commercial use and the realtor said that this would not be in the best interest of the residents and would devalue the property. She questioned nine (9) people with one (1) bathroom. She stated if you are in a commercial building that is one thing but a private residence with nine (9) people minimum and one (1) bathroom, you are going to have to take a number on that one. She wanted to know who the owner is.

Mr. Virgil Dedrick, 118 Hilltop Terrace Road, Staunton, stated his property is next to the property that New Directions is in now. He stated if the Board allows New Directions to be granted a Special Use Permit, you are inviting violence into our neighborhood. He said if you look at the website, they deal with violence. He feels that the reason we are here today is that New Directions is asking for forgiveness and not asking for permission. He stated they have been there since July and none of us were notified about what was going on. He stated they have been operating this facility since then. He said the only reason they are here today asking for the permit is because they got caught. He stated the entire neighborhood has inundated calls to the Community Development Department. He stated the owners of New Directions said they were told by Social Services that they did not need a permit which is wrong. He stated if you allow New Directions to operate out of our small, safe neighborhood, you are inviting violence. He stated when you invite a safe house into a neighborhood you are making the rest of us unsafe. He does not feel comfortable allowing his kids to go out and play in the yard anymore. He said you do not know who will come in and out of the house. He said that is a huge concern for him. He said if something happens, not if, but when something happens, he does not want to explain to his seven (7) year old daughter why someone is getting beat up in the street. He stated there has already been two (2) instances of domestic violence due to the house. He stated there is an Augusta County Deputy that lives in the neighborhood who broke one up and then you will hear from some other neighbors who broke the other instance up. He said they state they have security. He stated there are five (5) deputies that work at night. He stated if there is an instance and they are in Deerfield or at another end of the County, it will take the deputy forty-five (45) minutes to get to our neighborhood. He stated it will be over with by the time they get over here. He said they only have a person on the inside of the house with cameras. He does not see how that is reliable security. He said he knows that certain rules do apply. He stated he works shift work so he is up at 3:00 a.m. He stated they are not in at 11:00 p.m. He stated they are out walking up and down the

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streets at all hours of the night. He passes them on his way to work at 4:00 a.m. He said there was a lady that was from Georgia who stayed there a whole week by herself. He stated there are unsupervised people at the house. He stated some of the other residents do not respect the property. He stated he does not care if a kid is playing ball and the ball bounces in the yard, they can go get it but when they are hanging out and jumping in and out of equipment that people have on their property such as a boat or burning pit, who is liable to pay for the medical bills if that kid gets hurt on the property. He said the property owner will be sued not them. He said New Directions has blocked access to Hilltop Terrace, and if we would have needed Emergency Services on those occasions they would not have been able to get up the hill until we would have them move all of their vehicles out of the road. He said the road is 11.6' wide. He said if you park a six (6') foot car out there, you only have five (5') feet left, there is no reason why he has to go along his neighbors' grass to park a vehicle. He stated there is a wooded area that separates two different parts of Hilltop Terrace. He stated the residents have walked down there on his property in order to access that property. He stated they have parked on his yard and used his yard as a driveway to get into their facility as well and that is unacceptable. He stated that is not being a good neighbor. He does have a few questions about the cameras. He asked if they are inside or outside. He said if they are outside what are they recording. He has talked with a real estate agent and he was told that his property would take a significant devalue because of a safe house next door. He asked the realtor what the likelihood of his property being sold would be with a safe house next door. He was told that he would get hit pretty hard because no one is going to want to buy his property. He state that he felt according to Section 25-134.C out of the Augusta County Zoning Ordinance this use is out of character with the neighborhood and there are no other safe houses in our neighborhood or around. He has pictures of them parking all over the place and blocking access to their house. He does want to know why the applicant decided to leave their site downtown and come to a 900 square foot house. He said they had two (2) perfectly good properties downtown. He stated we would like to know why they are here.

Ms. Debbie Camden, 40 Fleetwood Road, Staunton, stated she lives across the street from the shelter. She has experienced a little boy between 6-8 years old in the neighborhood one morning begging to use people's cell phones by himself. She stated he was over on the next street where the Sheriff lives by himself. She said there was an occasion where her kids came running in and said there was a big fight in her front yard. She has taken her dog out at night sometimes at 10:00 p.m. or 11:00 p.m. and one night she called for her husband, Richard. She said there was a women and two (2) or three (3) children that were down at the house owned by Betty Whitmore and was peeping through the window. She said they were out there smoking. She lives by herself and is elderly. She did not want her to wake up scared. She yelled and they took off. She said they are supposed to be in by

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the curfew. She knows everybody needs help but this is not the place for them. She said it is too much trouble fussing and fighting. She said they are out at 1:00 a.m. down at her front yard near the gravel road. She has picked up trash from them drinking or snacking the next morning. She said the neighbor has called the law on three (3) occasions to have them moved because she could not even walk through her house because they are sitting right there at her window. She said the kids are out at this time.

Mr. Coyner asked where she lives in relation to the house?

Ms. Camden stated she is on the left at 40 Fleetwood Road.

Mr. Weldon Messick, 48 Fleetwood Road, Staunton stated he lives across the street in the white brick house. He said over the Christmas holidays his daughter-in-law could not get into his driveway to get his grandson because of the cars. He said they stated that everyone is quiet and controlled between 8:00 and 11:00 at night but when a car is sitting directly in front of his bedroom, every time they leave at night, he gets the headlights in his bedroom. He stated they installed a motion light on the porch and it comes on repeatedly. He stated the light comes on just like the headlights in his bedroom window. He does not understand it. He said most of the people are retired or semi-retired except for those nice people that live on top of the hill next to them. He said Betty lives downhill and Debbie lives on his side passed his property. He stated they have had a good neighborhood with good people. He stated they maintain the road and own it. He stated it is wide enough for one (1) vehicle and we will pull over and catch a spot on someone's driveway to pull over, but they do not. He said they use the grass. He stated he has been here twenty-five (25) years and it is a very quiet neighborhood and they love their neighborhood. He said for the last six (6) months it has been horrifying. He stated you do not know who is coming or going. He said cars are in and out and all over. He said this is just ridiculous. He does not understand how people can do this when you live in a private neighborhood with a private street and we pay for it all.

Mr. Mark Miller, 115 Hilltop Terrace Road, Staunton, stated he is two (2) doors away from that house. He goes along with everything that has been said. He said this has increased the traffic in the neighborhood. He said that is his main concern. He stated nine (9) people in a 900 square foot house is not even safe. He said these people are unrelated and nine (9) beds in a two (2) bedroom house is just not appropriate. He does not know how anyone can have a permit for anything like that.

There being no one else wishing to speak in opposition regarding the request, Chairman Byerly asked the applicant to speak in rebuttal.

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Ms. O'Hanlon stated she understands everybody's fear. She stated where the house sets, the rectangular lot beside it belongs with the property. She said if parking is an issue we can put additional parking there. She said as far as anyone walking up and down the street at night it could be anyone. She stated she does not know. She said the driveway has been there for years. She said the gentleman that lives across the street saying the lights are shining in his house but nothing has changed, it is a residential house. She noted the Terrace View property up where Mr. Dedrick lives, his house faces Terrace View and she does not know why that road is blocked off between there. She said there is a big rock and a couple of poles across. She has never had anybody ask if she would assist with road maintenance but she would. She stated as far as the light being provided she does not know who put that light in. She said if it is on the property, they pay for the light. She said the house has three (3) bedrooms not two (2).

Mr. Coyner stated one of the gentleman was curious why you moved to this location. Ms. O'Hanlon stated she does not have that information. She stated she is only trying to provide a place for them now.

Mr. Coyner stated perhaps Ms. Elliott would have that information for us.

Ms. Elliott stated the property that they previously owned in Staunton was on New Street in downtown Staunton. She said part of the reason why the agency's name was not mentioned is because we provide shelter and safety for people in need of a safe haven. She stated that one of the residents gave their name. She said part of why they moved from Staunton is because they had been there for about ten (10) years and it got to the point that everyone knew where it was located. She said not that they have had any problems, but we did not have a backyard for the kids and it was right on New Street. She said there was no place for the children to play. She said it felt more like an institution than a home which was part of the reason why they were branching out and looking to find different locations. She noted they serve Staunton, Augusta, and Waynesboro. She said the whole purpose was to try to keep families in their localities so that we would not have issues with a van coming to pick up a child from Waynesboro in a different locality. She mentioned they were trying to get a facility or house in Waynesboro, one (1) in Staunton, and one (1) in Augusta County because those are their service areas. She said those are the areas that we receive funding to provide services for. She said that is the main reason why there was a move. She said they have the police reports when they were called out and some of the statements were not exactly true. She stated when the police came out about the issue regarding the young lady and the cab driver they found she was sent there by another police department and staff was there so staff helped the cab driver and the police officer who came and they all worked together with the young lady to rectify the situation. She said it was rectified without any violence and without a fight. She noted we

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have not had any violence on the property. She said that is one of our main stipulations. She stated if there is any violence of any kind, any animosity or threatening behaviors, or words, we try to relocate that person. She said they are trying to keep the atmosphere as peaceful as possible because if we are trying to pull them and help them to leave a violent situation and the whole goal is to be sure that where we take them is as peaceful as possible, it would be contrary to our whole mission if we allowed those things to occur.

Chairman Byerly declared the public hearing closed.

Mr. Coyner said what these people are trying to do is noble. He said this service is needed, however, it appears to be that this is not the proper location for that. He noted they viewed this site this morning and this is a small house and to house nine (9) to fifteen (15) people in there is really tight and kind of unacceptable. He said the applicant has not gone about it the right way because of not getting permits. He said it is a good idea but a wrong location. He moved that the request be denied due to it not being compatible with the neighborhood.

Ms. Brown stated this is a private road and the sewer system is too small for the number of people. She said the compatibility for the neighborhood is just not there for this type of business. She seconded the motion.

Chairman Byerly commented that there is no question that it is a noble endeavor and a much needed service and he doubts that many of us have had to deal with it but we do know that it goes on in society. He said it is a noble endeavor but it is a wrong location.

The motion carried unanimously.

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D.M. CONNER, INC. - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by D.M. Conner, Inc., for a Special Use Permit to operate a mining operation on property owned by Lee T. Whitesell, located on the north side of Sycamore Path, at the intersection of Gerties Lane and Sycamore Path, Stuarts Draft in the South River District.

Ms. Bunch explained the site sketch for the mining operation.

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Mr. Benny Conner, 35 Dewey Lane, Waynesboro, stated he would like the Special Use Permit because he takes the crushed stone to B&S. He said they need at least 15,000 tons of sand stones for paving for the Virginia Department of Transportation. He stated on the original land they are mining, there is more sand than rock.

Ms. Brown asked if you know for sure that there is rock on the land?

Mr. Conner stated they tested the land.

Mr. Coyner asked how long has the applicant owned the land?

Mr. Conner stated the Whitesells still own the land but they have already signed a contract to buy the property contingent upon getting the Special Use Permit approved. He stated the buffer zone between the original property and Suburban Heights is a 200' buffer with a ten (10') to twelve (12') foot berm with pine trees on top which holds in the noise and dust. He asked to be allowed the 200' buffer with a berm because if he needs to be 500' then it would not be economically feasible to mine the land. He would only be left with a triangle size area to mine.

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

Ms. Shayla Branch, 79 Gerties Lane, Stuarts Draft, stated there is a proposed new entrance onto Gerties Lane onto Sycamore Path. She drives to work every morning and every morning she sees tractor trailers and dump trucks waiting to get into the quarry backed up at the gate. She stated this would be the same situation on Gerties Lane. She noted this is a residential area with children and school buses. She said it is not good to have tractor trailers and dump trucks sitting on that road with school buses picking up children. She has concerns of the rescue vehicles and fire trucks trying to get around. She questioned whether the road is able to handle an 80,000 pound vehicle driving up and down. She stated there is a decline at the stop sign on Gerties Lane, and she asked if the trucks will use their jake brakes. She is concerned about the noise. She asked if there was a water and land study done, is this land safe to mine, would it cause sinkholes, and will there be water runoff.

Mr. Roy Simmons, Jr., 61 Gerties Lane, Stuarts Draft, stated he has waited a long time to build a house and he wants peace and quiet. He noted the last thing he wants are dump trucks running up and down the main road when they have an entrance to the quarry. He hoped the Board would oppose this request.

Chairman Byerly asked Mr. Conner to come up to answer the question about the entrance.

Mr. Conner stated there will not be any new entrances. He said that he has used the entrance for years. He stated they plan on using Lake Road and not be anywhere near Sycamore Path or Gerties Lane.

Mr. Coyner asked if there would be material pick up on Gerties Lane?

Mr. Conner stated no.

Mr. Sean Kean, operator of Acres Sand and Stone, 2035 North Lee Highway, Lexington, stated that he is in favor of the permit. He said the trucks are on the road waiting for them to open. He said they are not trying to cause a hassle, just following the rules of their permit.

Mr. John Golladay, 32 Sycamore Path, Stuarts Draft, stated there is a right-of-way on the property that goes back to his property. He said 200' is way too close. He has a swimming pool on his property that needed a fence around it. He said there is no fence around any of this operation. He said anyone could fall back on the cliff of the mine which would not be a good thing. He stated if the permit is granted, he would like to see a 500' buffer and a fence required for this permit.

Mr. Derek Hutchinson, 106 Gerties Lane, Stuarts Draft, explained the loss of property values with the gravel mining operation. He stated 250' from his back door is a gravel mine. He asked that the Board think about that and how it would affect the quality of life. He asked who will ensure him the safety of his daughter with this gravel mine being 250' off of his back door. He opposed the Special Use Permit. He stated if the Board feels that the permit is necessary, he asked that the applicant have a 500' buffer and a fence or barrier placed so that no one can wander onto the property at night and die. He asked if this request is so important to disturb the quality of life in the area.

Mr. Clifford Knous, 11 Sycamore Path, Stuarts Draft, stated he has five (5) grandchildren and one (1) great grandchild and safety is one of his main concerns. He hears all of the noise even with the buffer zone. He moved to this property in 1977 and every year it has gotten a little louder.

Mr. Michael Benavitch, 26 Oak Lane, Stuarts Draft, stated he has lived at this site all of this life. He said this permit will be encroaching on his land and property values. He has concerns with privacy and the safety of the children. He has concerns about the clearing of the fifty (50) acres, water quality issues, safety, and the noise. He stated the operation is

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272' from the corner of Mr. Coffey's property. He felt that the applicant is in violation now as far as the digging. He noted that Howardsville Turnpike to Lake Road is a worn road and is actually collapsing. He said there will be trucks, buses, and campers all along the road. He has spoken with the operator of Shenandoah Acres and they have been expanding their campsites. He said there are many people adjacent to the sand pit operation.

Mr. David Coffey, 30 Oak Lane, Stuarts Draft, stated he is the landowner adjacent to the Whitesell property. He stated when you drive down the lane, you see people working, hear noise, and see the dust. He is trying to sell his property and no one is going to buy his property with a mine nearby.

There being no one else wishing to speak regarding the request, Chairman Byerly asked the applicant to speak in rebuttal.

Mr. Conner stated there is a thirty (30') to thirty-five (35') foot cliff. He noted that federal law on berms state that they have to be axle height of a loader. He said if they do not get approved for the permit, they will not be able to meet the demands of B&S. He noted the tax revenue will go to Nelson County instead of Augusta County.

Ms. Brown asked if there is another alternative for B&S?

Mr. Conner stated yes. He said if they are not approved, B&S will have to go to a company in Nelson County because they need the non-polished stone.

Chairman Byerly declared the public hearing closed.

Vice Chairman Shreckhise stated the Board visited the site today. He said the neighbors have concerns about property values and increased traffic.

Mr. Coyner stated the neighbors have endured a lot up there. He said there is an alternative to get rock somewhere else if the permit is denied. He stated the applicant will not be put out of business. He moved that the request be denied based on the activity that is there already, the mine encroaching on the neighborhood, and all of the opposition to the mining operation.

Vice Chairman Shreckhise stated this request is not feasible with the 500' buffer. He stated if the tree buffer is decreased, it will create additional noise. He stated there is a lot of opposition on the request about the traffic on the road.

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Mr. Coyner stated this request is in close proximity to Shenandoah Acres.

Chairman Byerly stated this is a residential area.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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The Board took a five (5) minute recess.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

CHARLES SCOTT AND CATHY F. BALSLEY - EXTENSION OF TIME REQUEST

A request by Charles Scott and Cathy F. Balsley, for a Special Use Permit to construct a public accommodation facility and children’s camp including cabins, active recreational facilities, and have special events on property owned by Creative Works Farm, Inc., located on the north side of Purple Cow Road (Route 619), approximately .1 of a mile east of the intersection of Purple Cow Road and Mountain Stream Lane in the Middle River District.

Ms. Bunch stated the applicant is requesting a five (5) year Extension of Time.

Vice Chairman Shreckhise moved to approve the five (5) year Extension of Time request.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Coyner stated the applicant has done an amazing job at this site.

Ms. Bunch stated the applicant plans on having an open house in April.

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**LARRY WILLS, AGENT FOR ANNEX UNITED METHODIST CHURCH TRUSTEES -
EXTENSION OF TIME REQUEST (PICNIC SHELTER)**

A request by Larry Wills, agent for Annex United Methodist Church Trustees, for a Special Use Permit to construct a picnic shelter, playground facility, and parking area on property they own, located on the south side of New Hope Road across from the church, approximately .1 of a mile west of the intersection of New Hope Road and Woodrow Wilson Parkway in the Beverley Manor District.

Ms. Bunch stated the applicant is requesting a two (2) year Extension of Time.

Mr. Coyner moved to approve the two (2) year Extension of Time request.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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STAFF REPORT

16-20	Charles L. Simmons or Melissa Ann Kelley
16-21	Ronald Lewis, III or Katie Marie Rohr
16-22	Caren S. Beccaglia

Ms. Bunch stated all Special Use Permits were inspected and are all in compliance.

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Mr. Benkahla discussed the court cases with the Board.

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

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Chairman

Secretary