



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: June 29, 2017

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, July 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 **9:00 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, July 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 June 1, 2017

4. PUBLIC HEARINGS

- A. A request by Nadiah Younus, agent for Dominion Virginia Power, for a Special Use Permit to continue the contractor's office and storage yard on property owned by Eastside Speedway, Inc. c/o A.L. Gore, located at 115 Al Gore Lane, Waynesboro, in the Wayne District.
- B. A request by George D. and Janet B. Jones, for a Special Use Permit to have a dog kennel on property they own, located at 177 Dudley Road, Bridgewater, in the North River District.
- C. A request by Randall Lee and Allison M. Fink, for a Special Use Permit to have a bed and breakfast and to use an existing cabin as a vacation home on property they own, located at 19 and 23 Corey Hill Lane, Staunton in the Pastures District.
- D. A request by Donald L., Sr. and Karen R. Quick, for a Special Use Permit to have motor vehicle repair within an existing garage on property they own, located at 1611 Mt. Torrey Road, Lyndhurst in the South River District.
- E. An appeal by R. Creigh Deeds, P.C., as agent for Plecker Brothers, Inc., to the Board of Zoning Appeals of a decision of the Zoning Administrator regarding the property they own being used for a non-permitted use (storage of construction equipment and materials) located at the intersection of Sangers Lane and Balsley Road, Staunton in the Beverley Manor 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 Erin Trzell, for a Special Use Permit to have a bed and breakfast, inn operation, counseling service or therapy retreat, restaurant, and special events on property owned by Yoder Investments, LLC, located at 2487 Hankey Mountain Highway, Churchville in the North River District. – **Applicant would like to cancel the Special Use Permit.**

8. STAFF REPORT

16-31	Jane M. Swan Jenkins
16-32	Edward L. or Tracy M. Armentrout
16-33	Carolyn G., Wesley L. or Logan W. Bean
16-34	Huey W. or Mary L. Mullins
16-35	James W. or Teresa C. Howdysshell – Denied

9. ADJOURNMENT

AGENDA ITEM # 4A
Date 7/6/17

PROPERTY OWNER:
Eastside Speedway, Inc. c/o A.L. Gore

APPLICANT:
Nadiyah Younus, agent for Dominion Virginia Power

LOCATION OF PROPERTY:
115 Al Gore Lane, Waynesboro, in the Wayne District

SIZE OF PROPERTY:
101.57 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

- PREVIOUS ZONING OR S.U.P.:**
- 07/65 SUP approved for drag strip
 - 09/82 SUP approved for Dooms Volunteer Fire Department circus
 - 10/94 SUP approved to operate auto sales and have auto auctions
 - 08/03 SUP approved for soccer fields
 - 09/03 SUP approved to have go-kart racing
 - 01/04 PUO approved by BOS for the training academy
 - 03/04 SUP approved to have overnight RV parking during race events
 - 07/07 SUP approved to use the speedway facility in conjunction with a collision avoidance school
 - 07/09 SUP approved to modify operation of existing go-kart track and use a portion of the dirt track for go-karts
 - 09/13 SUP approved to have a contractor's office and storage yard
 - 07/15 SUP approved to continue the contractor's office and storage yard

LAND USE MAPS:
Urban Service Area – Community Mixed Use

UTILITIES:
None

APPLICANT'S JUSTIFICATION:
To continue the contractor's office and storage yard

PLANNING COMMISSION'S COMMENTS:
No comments

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

HEALTH DEPARTMENT'S COMMENTS:

The local Health Department has no objection to the granting of additional time.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT does not know of any specific problems associated with the use of the site. The existing entrances are adequate for a time extension associated with the previous issued permit.

SERVICE AUTHORITY'S COMMENTS:

If this is an extension of an existing Special Use and no water and sewer changes are proposed, the Authority has no additional comments.

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 is requesting to continue the laydown yard for equipment and materials for the regional rebuild of the public utility distribution lines. The existing vegetation has provided adequate screening.

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 request is for a utility lot to provide essential services to the 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 business has direct access to Dooms Crossing Road.

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

The 12.68 portion of the property should adequately and safely accommodate all traffic.

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 utilizing the two (2) existing office trailers.

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 structures 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 connections are required for construction laydown yards.

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

The vehicles are equipped with fire extinguishers and the applicant has a VSMP Permit from DEQ.

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 storage area is approximately three hundred (300') feet from Dooms Crossing Road.

STAFF RECOMMENDATIONS

The applicant is requesting to continue to utilize a portion of the one hundred one (101) acre parcel as a contractor's office and storage yard for materials and equipment for five (5) more years during the rebuild of the major transmission line through Augusta County to the Bath County line. The site has been used for work done in our area for the last four (4) years. The site is located to the back of the property behind the racetrack with a wooded perimeter that offers natural screening.

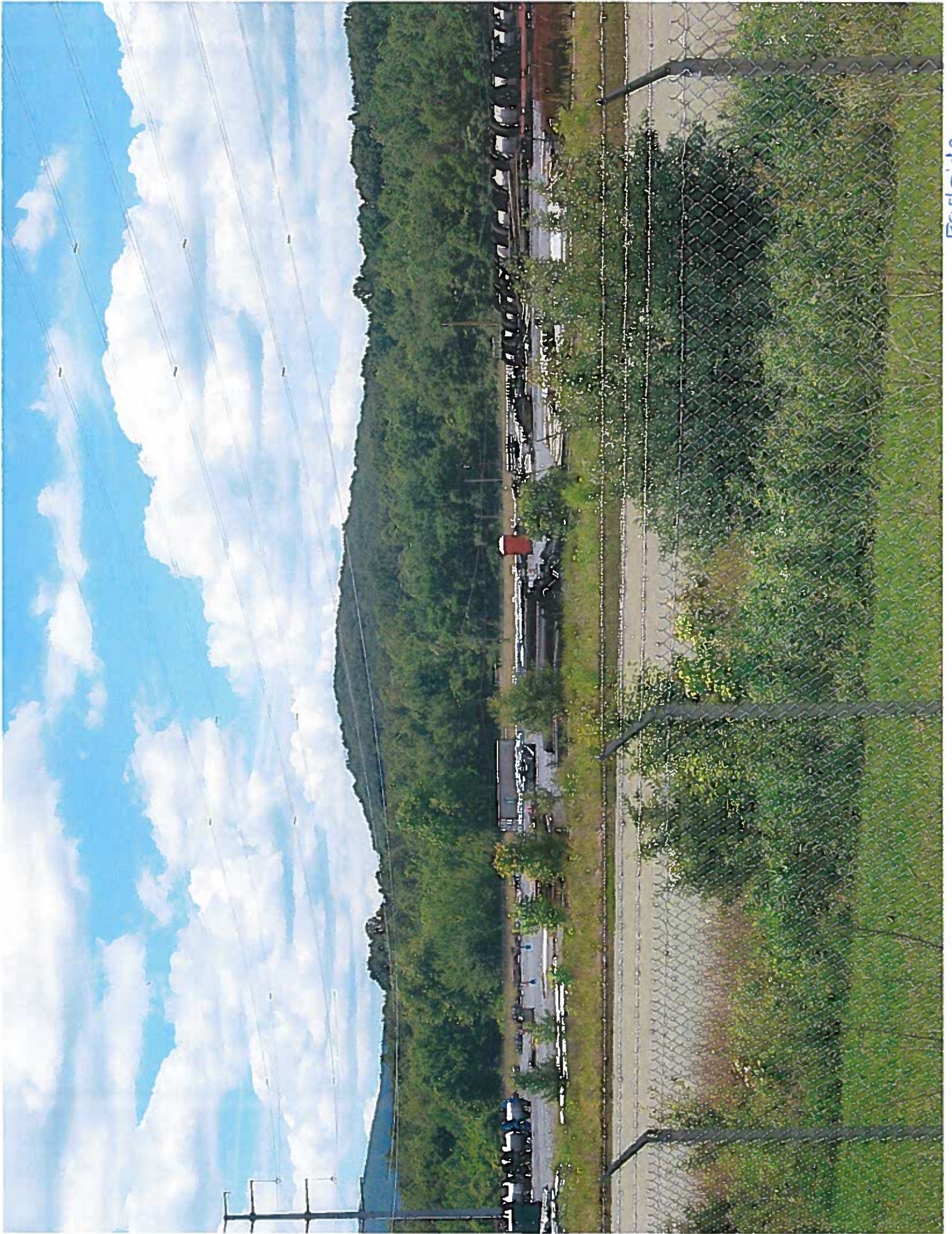
Dominion Virginia Power has a DEQ permit on this site and complies with all local, state, and federal regulations. They are requesting to continue to use the site for a utility storage lot during the transmission project rebuilds for five (5) additional years. Staff feels the request is necessary to provide essential electric service and would recommend approval with the following conditions:

Pre-Conditions:

None

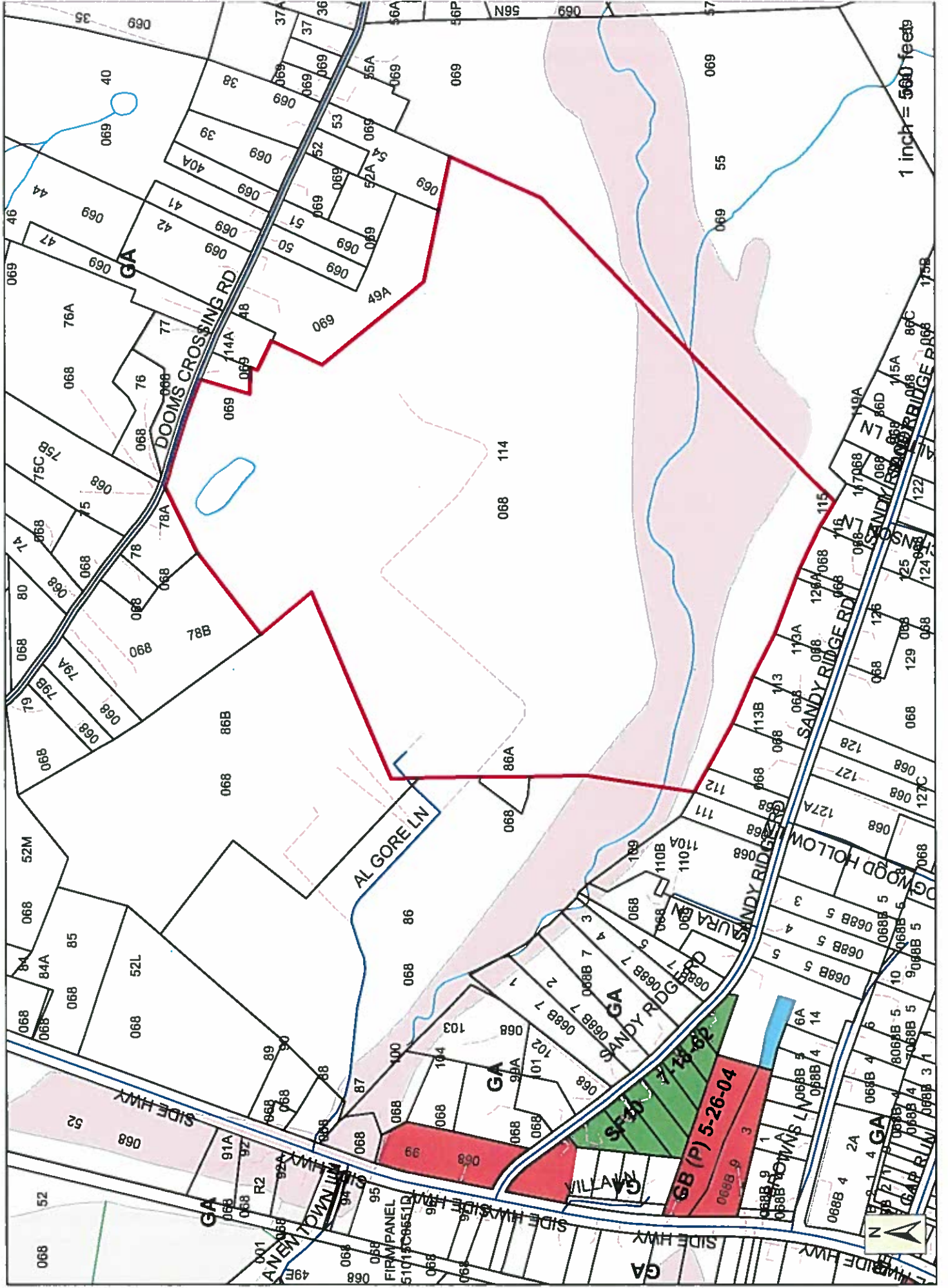
Operating Conditions:

1. All equipment be kept in the designated area shown on the site plan.
2. Site be kept neat and orderly.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Permit be issued for five (5) years.
5. The utility storage lot be used only for tower/transmission line replacement projects.





Eastside Speedway, Inc.

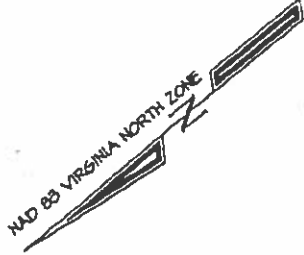


1 inch = 560 feet

Eastside Speedway, Inc.



SURVEY & PLAT OF A PERMANENT LEASE AREA FOR VIRGINIA ELECTRIC & POWER COMPANY CONTAINING 12.680 ACRES SITUATED ON THE SOUTH SIDE OF STATE ROUTE 611 BEING IN THE WAYNE MAGISTERIAL DISTRICT AUGUSTA COUNTY, VIRGINIA



LEGEND.

- CL - CENTERLINE
- TL - TRANSMISSION LINE
- PL - PROPERTY LINE
- RM - RIGHT OF WAY
- EX - EXISTING
- OP - OPENER POLE
- LP - LIGHT POLE

NOTES:

- 1) THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.
- 2) THIS SURVEY WAS PERFORMED WITHOUT A BENEFIT OF A TITLE REPORT.
- 3) THE PROPERTY SHOWN ON THIS PLAT IS DESIGNATED AS AUGUSTA COUNTY, VIRGINIA TAX MAP NO. 68 BEING A PART OF PARCEL 114



TAX MAP 68	
PART OF PARCEL 114	
REVISED:	
D & M SURVEYORS, P.C.	
221 GREEN STREET, P.O. BOX 1020 LAFAYETTE, VA. 22560	
OFFICE: 804-443-3000 FAX: 804-443-4150 EMAIL: dmsurveyors@earthlink.net	
DATE: MAY 15, 2013	DRAWN BY: VMM
SCALE: 1" = 100'	CHECKED BY: CMD
JOB NO. VF-104-LDY	

TAX MAP 68 PARCEL 114
EASTSIDE SPEEDWAY, INC.
D.B. 668 P.G. 306
D.B. 431 P.G. 228

TAX MAP 68 PARCEL 114A
WILLIAM H. PEACE &
BLANCHIE R. PEACE
D.B. 534 P.G. 285
D.B. 566 P.G. 294

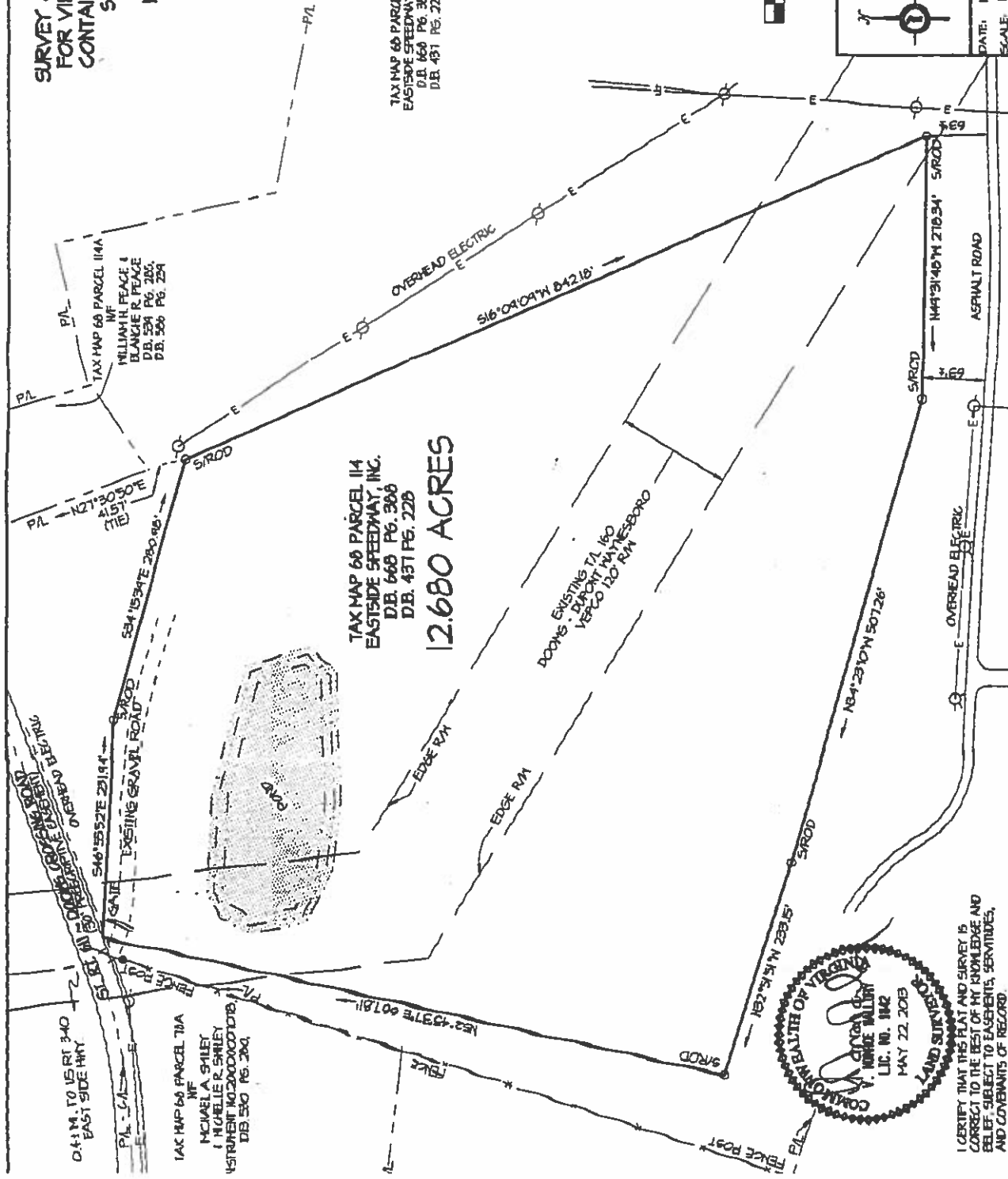
**TAX MAP 68 PARCEL 114
EASTSIDE SPEEDWAY, INC.
D.B. 668 P.G. 306
D.B. 431 P.G. 228**

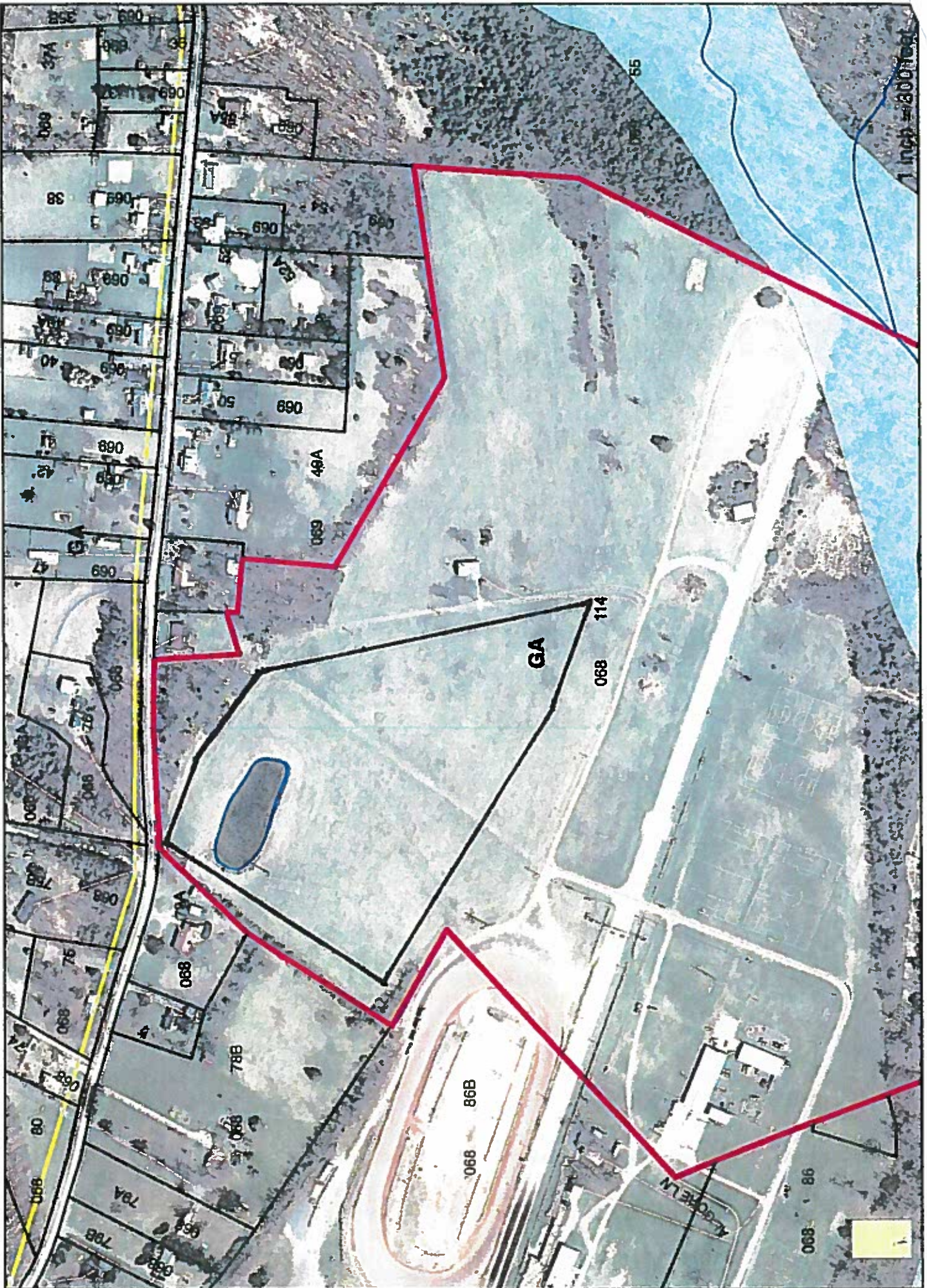
12.680 ACRES

DOORS EXISTING TL 160
VEPCO 130 RM



I CERTIFY THAT THIS PLAT AND SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUBJECT TO EASEMENTS, SERVITUDES, AND COVENANTS OF RECORD.





AGENDA ITEM # 4B

Date 7/6/17

PROPERTY OWNER:
George D. and Janet B. Jones

APPLICANT:
Same

LOCATION OF PROPERTY:
177 Dudley Road, Bridgewater, in the North River District

SIZE OF PROPERTY:
83.673 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

LAND USE MAPS:
Agricultural Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To have a dog kennel

PLANNING COMMISSION'S COMMENTS:
No comments

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

HEALTH DEPARTMENT'S COMMENTS:
The applicant indicates the kennel would be for personal use and that no new buildings will be constructed. The local Health Department has no requirements.

HIGHWAY DEPARTMENT'S COMMENTS:
VDOT does not anticipate a significant impact to adjacent roadways. It is VDOT's understanding that the existing private entrance serving the residence will also serve the dog kennel. The existing entrance is adequate to serve the dog kennel.

SERVICE AUTHORITY'S COMMENTS:
There is no public water or sewer available in the area of the subject parcel.

ENGINEERING'S COMMENTS:

No comments

ANIMAL CONTROL'S COMMENTS:

No problems at the site. It is recommended that the permit be approved.

SECTION 25-74C - ANIMAL CARE FACILITIES

There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation.

The applicant will clean the kennel area daily.

Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals.

The kennels are inside the existing 10' x 16' building.

Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals.

The 24' x 20' exercise area is secured with six (6') foot high chain-link fencing.

Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight.

The dogs are kept inside the building for shelter and have access to the fenced area through doggie doors.

There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate.

There are fire extinguishers inside the building.

Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals.

The applicant feels the 10' x 16' building and the 24' x 20' fenced area can accommodate the eight (8) dogs requested.

The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals.

The site contains 83.673 acres.

The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties.

The dogs will be confined inside the building between 10:00 p.m. to 6:00 a.m.

No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

The dogs are kept within an enclosed building and an exercise area that is more than five hundred (500') feet from any lot line.

STAFF RECOMMENDATIONS

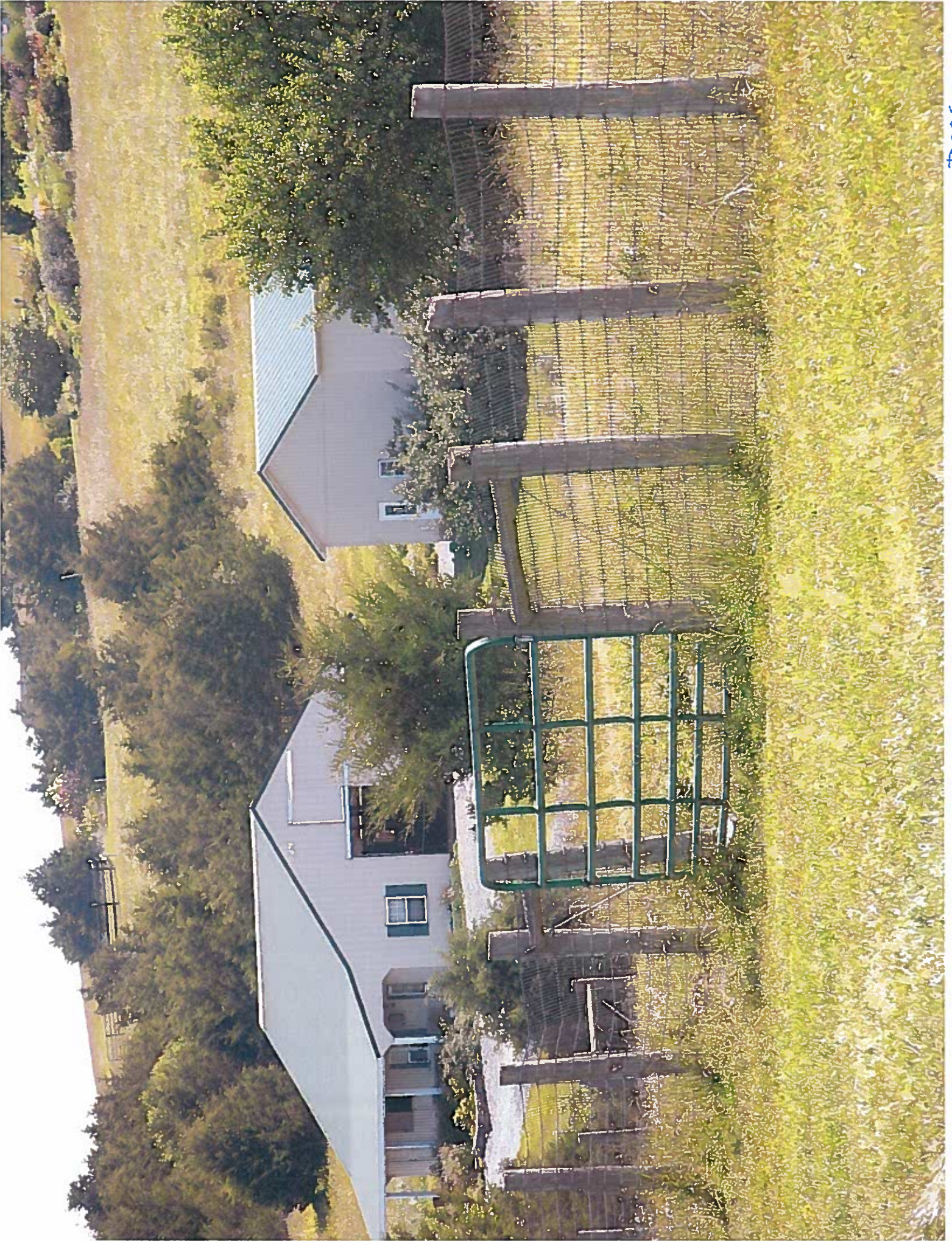
The applicants are requesting to have a personal kennel for up to eight (8) dogs. They currently have four (4) dogs onsite. The applicant states they have three (3) Foxhounds and one (1) Labrador Retriever search and rescue dog. The applicant is a member of the Blue and Grey Search and Rescue and would like to obtain another search and rescue dog in the future. They will not be breeding the dogs and will have no customer traffic coming to the property. Animal Control's inspection shows no concerns and recommends that the permit be approved. Due to the fact that there are no houses within close proximity of the kennel, staff feels the request would not have an adverse impact and recommends approval with the following conditions:

Pre-Condition:

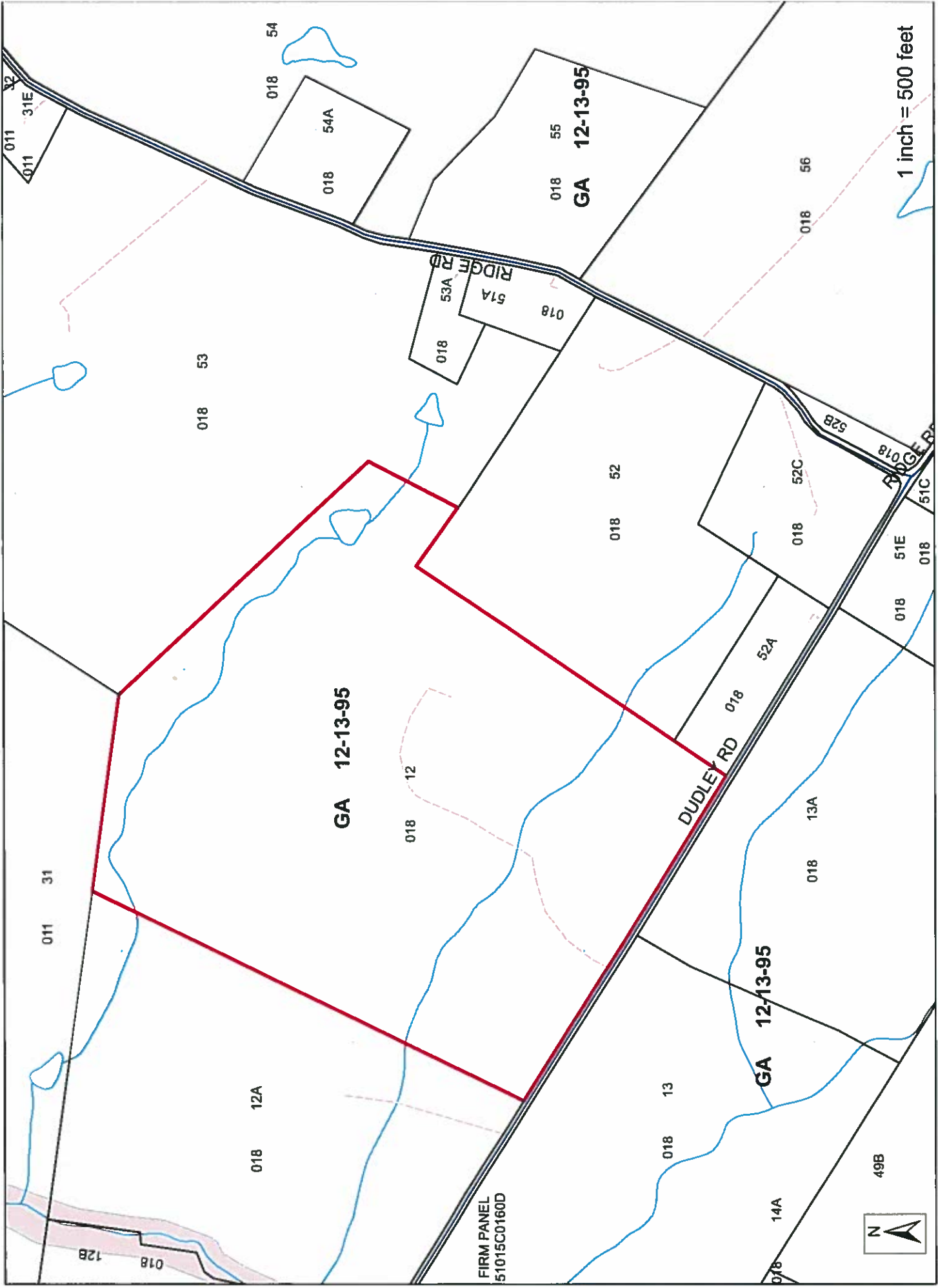
1. A six (6') foot high chain-link fence be installed adjacent to the building.

Operating Conditions:

1. Maximum of eight (8) adult dogs kept at this site at any time.
2. All dogs be confined within the 10' x 16' building or the fenced area designated on the site plan unless under direct supervision of the owner.
3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
4. Animal Control to inspect the site every year.



Jones





Jones

DA 12-13-05

700



G 12 0

William D. Ceccolini
237 Dudley Road
Bridgewater, VA 22812

6/26/17

County Development Office
P.O. Box 590
Verona, VA 24482

Re: Special Use Permit Application #17-26
George Jones Property
Tax Map # 18-12

Dear Sir/Madame:

I am writing in support of the Special Use Permit referenced above. We have been neighbors with the Jones' since they purchased the property that adjoins ours (Tax Map 18-12A) in 2003. We have found them to be responsible with the care and upkeep of their animals, both livestock and pets. The stables and kennel areas are well kept and the dogs have been no bother at all. We have no objection to the County letting them keep a few more on their property.

Thanks,



William D. Ceccolini
540 828-7240.

AGENDA ITEM # 4C

Date 7/16/17

PROPERTY OWNER:
Randall Lee and Allison M. Fink

APPLICANT:
Same

LOCATION OF PROPERTY:
19 and 23 Corey Hill Lane, Staunton in the Pastures District

SIZE OF PROPERTY:
7.035 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

LAND USE MAPS:
Community Development Area – Low Density Residential

UTILITIES:
Private septic and public water

APPLICANT'S JUSTIFICATION:
To have a bed and breakfast and to use an existing cabin as a vacation home

PLANNING COMMISSION'S COMMENTS:
No comments

BUILDING INSPECTOR'S COMMENTS:
Obtain all necessary permits, inspections in accordance with the Virginia Uniform Statewide Building Code to change use of cabin to bedroom and bath.

HEALTH DEPARTMENT'S COMMENTS:
The Health Department could not locate septic system records for this property. The owner uncovered the distribution box which revealed a drainfield with 6 X 50' trenches. The system appears to have most likely been sized and installed for 3 bedrooms. Currently the home consists of 3 bedrooms with a 1 bedroom apartment connected to the same septic system; 4 bedrooms total. The owner wishes to convert an additional outbuilding into living quarters; a septic system will need to be installed to serve the outbuilding. An application for a septic system permit has not yet been received. If the owner wishes to operate a Bed and Breakfast out of the residence they will also need to apply for a lodging permit from the local Health Department. Vacation homes do not typically require a lodging

permit from the Health Department (since they are rented out as a single unit and not "by the room").

HIGHWAY DEPARTMENT'S COMMENTS:

The existing entrance is adequate for the requested use. A commercial entrance shall be required if the entrance serves more than 50 vpd (vehicles per day). Due to the location of the existing entrance, a commercial entrance will be challenging to meet intersection sight distance.

SERVICE AUTHORITY'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. 19 Corey Hill Lane is a current ACSA water customer. Because the proposed use is business in nature and additional fixtures are being added, a meter sizing form needs to be completed and submitted to the ACSA Engineering Department for review. A change in meter size will also require additional connection fees.
5. There is no public sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

No comments

SECTION 25-74H - PUBLIC ACCOMMODATION FACILITIES

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

No enlargements are requested. The operation of a bed and breakfast and a vacation home should be compatible with the rural character of 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 existing dwellings and parking area should not be out of character with neighboring properties.

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 permitting of a bed and breakfast and a vacation home should not result in a clustering of businesses in the area.

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

The property has frontage on Middlebrook Road and has access by a private lane.

STAFF RECOMMENDATIONS

The applicants are requesting to have a bed and breakfast operation and to use a small cabin on the property as a vacation home. They are requesting to use one (1) room in the main house and they are requesting to convert an accessory building on the property into one (1) additional bedroom for the bed and breakfast. They are also requesting to rent out the small four (4) room cabin on the property as a vacation home.

The applicants will be providing meals for the operation of the bed and breakfast, however, the vacation home will be rented as a single unit with its' own kitchen facilities and no meals will be provided.

Staff feels that a bed and breakfast and a small vacation rental would not be out of character with the area or the rural community and recommends approval of the request with the following conditions:

Pre-Conditions:

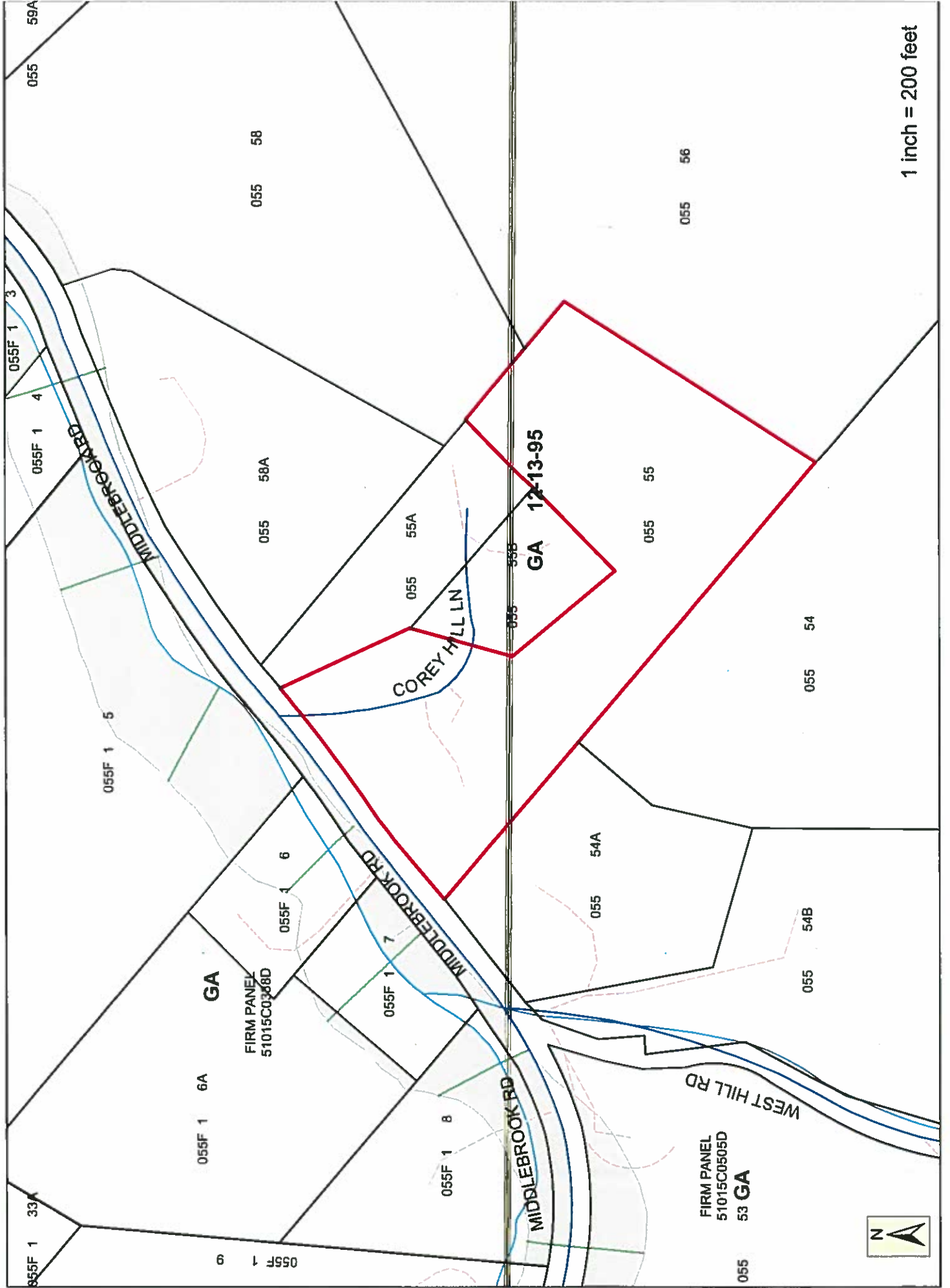
1. Obtain Service Authority approval and provide a copy of Community Development.
2. Obtain Health Department approval and provide a copy to Community Development.
3. Obtain a letter of approval from Building Inspection for the change of use of the accessory building to a bedroom and bath.

Operating Conditions:

1. Be permitted to convert the existing accessory building into a bedroom and bath for the bed and breakfast.
2. Be limited to two (2) rooms for the bed and breakfast.
3. Be permitted to rent out the existing four (4) room cabin as a vacation home.
4. Applicant must reside on premises.



Fink



Fink



1 inch = 200 feet

Fink



1 inch = 100 feet



AGENDA ITEM # 4D

Date 7/6/17

PROPERTY OWNER:

Donald L., Sr. and Karen R. Quick

APPLICANT:

Same

LOCATION OF PROPERTY:

1611 Mt. Torrey Road, Lyndhurst in the South River District

SIZE OF PROPERTY:

1.427 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

11/10 SUP approved to construct a building for motor vehicle repair

11/12 SUP cancelled

LAND USE MAPS:

Community Development Area – Low Density Residential

UTILITIES:

Private septic and public water

APPLICANT'S JUSTIFICATION:

To have motor vehicle repair within an existing garage

PLANNING COMMISSION'S COMMENTS:

No comments

BUILDING INSPECTOR'S COMMENTS:

Provide approved handicapped parking, signage and building access.

HEALTH DEPARTMENT'S COMMENTS:

The applicant indicates that there will be no outside employees and that they reside at the property. Provided that public restrooms are not offered the Health Department has no objection. The applicant should ensure that there is no parking or driving over any existing sewage disposal system.

HIGHWAY DEPARTMENT'S COMMENTS:

The facility is served by an existing loop driveway. Each entrance will require radius modifications to accommodate larger vehicles coming to the site. The widened radii can be constructed as a stone shoulder in lieu of pavement. Each radius is required to be at least 25' or larger depending on the design vehicle.

SERVICE AUTHORITY'S COMMENTS:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://www.acsawater.com/oppm>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
4. 1611 Mt. Torrey Road is a current ACSA water customer. If modifications are made to the buildings, a meter sizing form will need to be completed and sent to the ACSA Engineering Department for evaluation. A change in the meter size will also require additional connection fees.
5. There is no public 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 the property.

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

Businesses are more appropriate in Business zoned districts.

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 on Mt. Torrey Road. The small amount of traffic should be compatible with the roads serving the site.

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

The 1.47 acre site should adequately and safely handle the traffic from the business.

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 1,200 square foot building 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 are requested.

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

There will be no outdoor storage of 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.

No more than five (5) licensed vehicles will be outside.

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 has constructed a privacy fence behind the existing garage to screen vehicles and parts.

STAFF RECOMMENDATIONS

In 2010, the applicant was granted a Special Use Permit to construct a new 30' x 50' garage for motor vehicle repair with the pre-condition that a site plan be submitted meeting all of the requirements of Section 25-673 "Site Plan Contents" and approved by all appropriate departments and/or agencies, which was an Ordinance requirement at that time for any new structures permitted by Special Use Permit. The current Zoning Ordinance no longer requires site plan submittal unless required by the Board. The applicant cancelled the Special Use Permit due to the fact that he could not afford the cost of the site plan and therefore could not complete the pre-condition.

The applicant constructed a smaller 30' x 40' garage on the property for personal use only. The Community Development Department received complaints that the applicant was operating the repair facility without the proper permits and licenses. The property was inspected and the applicant was notified that he was in violation of the Zoning Ordinance unless he reapplied for a Special Use Permit.

The applicant is now requesting to operate the motor vehicle repair within the existing 30' x 40' garage on the property. He has constructed a privacy fence behind the building to screen inoperable vehicles or vehicle parts. The applicant has a truck and trailer he uses to pickup and deliver vehicles and is not requesting employees.

Staff has concerns that the repair operation might not be compatible due to the close proximity of neighboring homes and the property being in an area planned for residential development. If the Board feels the request would be compatible and desires to approve the motor vehicle repair operation, staff would recommend the following conditions:

Pre-Condition:

1. Obtain Building Inspection approval and provide a copy to Community Development.

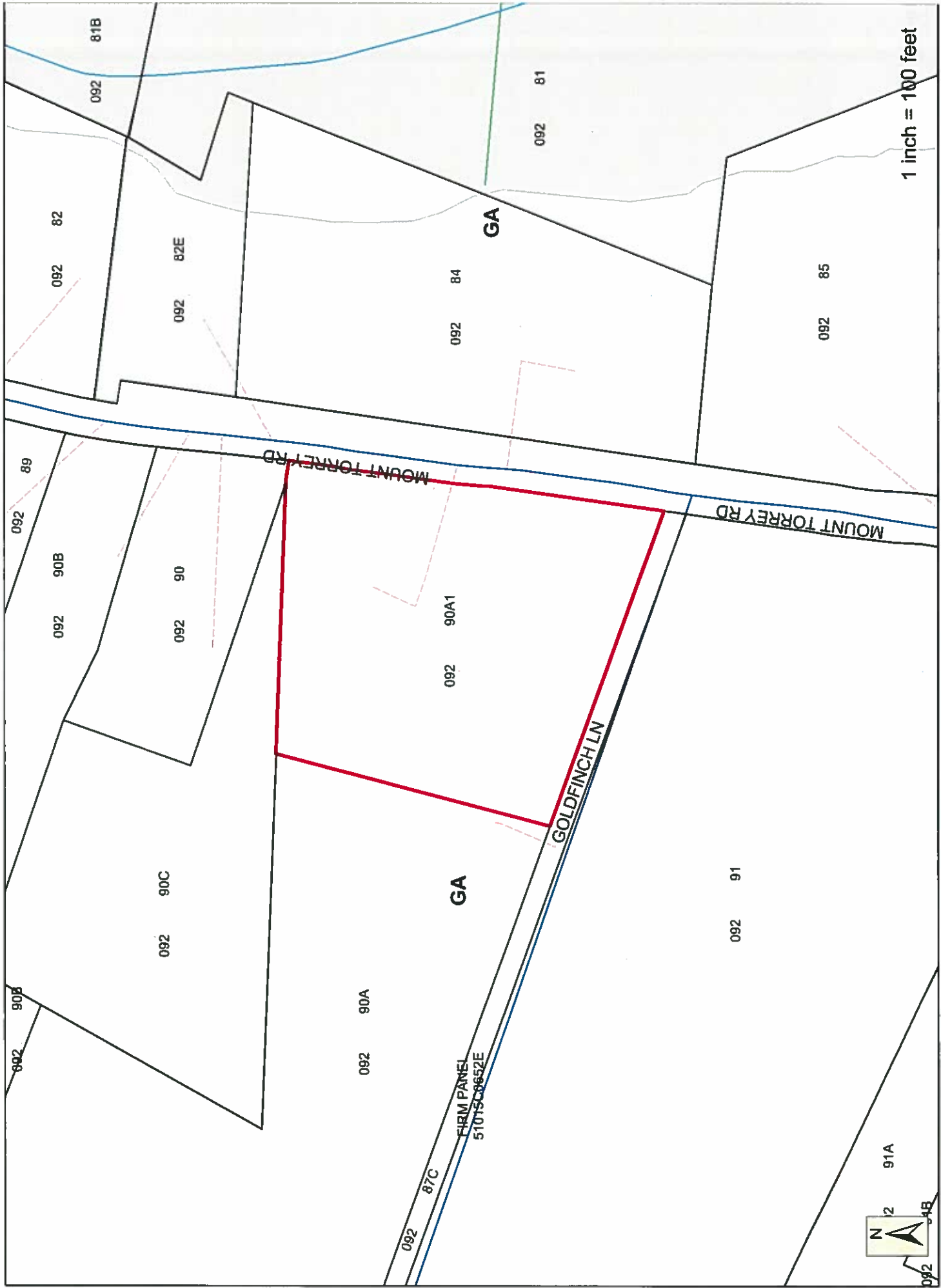
Operating Conditions:

1. Be permitted to use the existing 30' x 40' garage for motor vehicle repair operations and a 60' x 60' vehicle impound area between the buildings.
2. The 60' x 60' vehicle impoundment area be screened by an eight (8') foot high opaque fence and must be maintained at all times.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
4. Site be kept neat and orderly.
5. Hours of operation be 8:00 a.m. to 7:00 p.m., Monday – Saturday.
6. No Sunday work.
7. No employees other than family members.
8. Permit be reviewed in a year and renewed if all of the conditions are met.





Quick



1 inch = 100 feet



FIRM PANEL
5107SC0652E

092 87C

092 90A

GA

092 91

GOLDFINCH LN

MOUNT TORREY RD

MOUNT TORREY RD

GA

81B

092 82

092 82E

092 84

092 85

092 81

092 89

092 90B

092 90

092 90A1

092 90C

092 90B

91A

4B

092

Quick



BARK CREEK

1437

1439

W. BARK CREEK

GA

MOUNT LORENA AVE

BRISTOL LN

GA



Date

7/6/11

PROPERTY OWNER:

Plecker Brothers, Inc.

APPLICANT:

R. Creigh Deeds, P.C., as agent for Plecker Brothers, Inc.

LOCATION OF PROPERTY:

At the intersection of Sangers Lane and Balsley Road, Staunton in the Beverley Manor District

SIZE OF PROPERTY:

28.688 acres

VICINITY ZONING:

General Agriculture to the north, south, and east; Staunton City to the west

PREVIOUS ZONING OR S.U.P.:

03/85 Zoned General Business

LAND USE MAPS:

Urban Service Area – Business

UTILITIES:

None

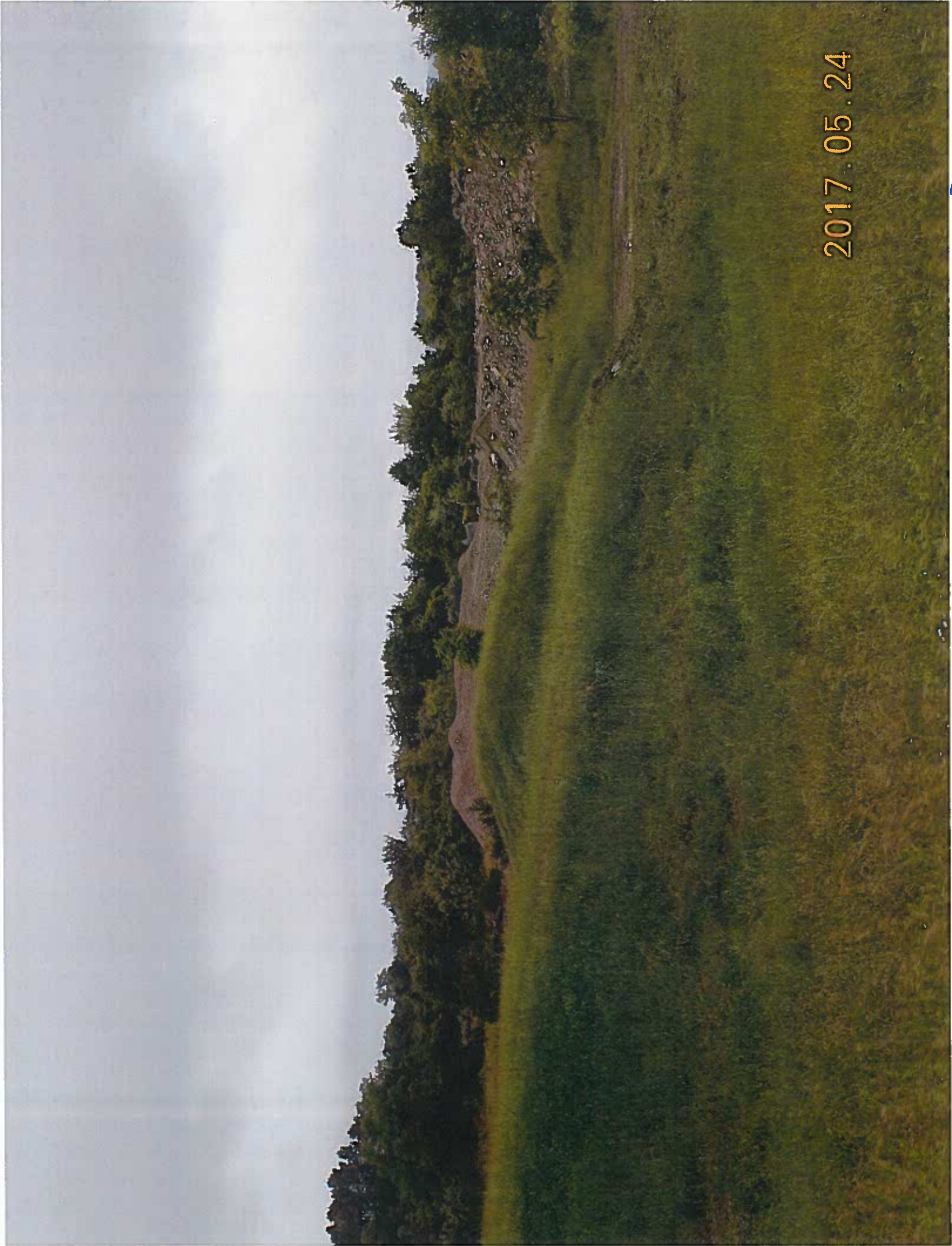
APPLICANT'S JUSTIFICATION:

Appeal to the Board of Zoning Appeals of a decision of the Zoning Administrator regarding the property they own being used for a non-permitted use (storage of construction equipment and materials).

STAFF COMMENTS

The property was purchased by Plecker Brothers, Inc. in 1973 and was zoned General Agriculture at the time. The Zoning Ordinance in effect in 1973 did not list contractor storage yards as a permitted use, however, they could have been permitted by Special Use Permit. Plecker Brothers, Inc. did not obtain a Special Use Permit. The property was rezoned to General Business in 1985, and contractor storage yards were not listed as a permitted use, therefore, a Special Use Permit would have still been required in a Business zoned area. Plecker Brothers, Inc. did not obtain a Special Use Permit.

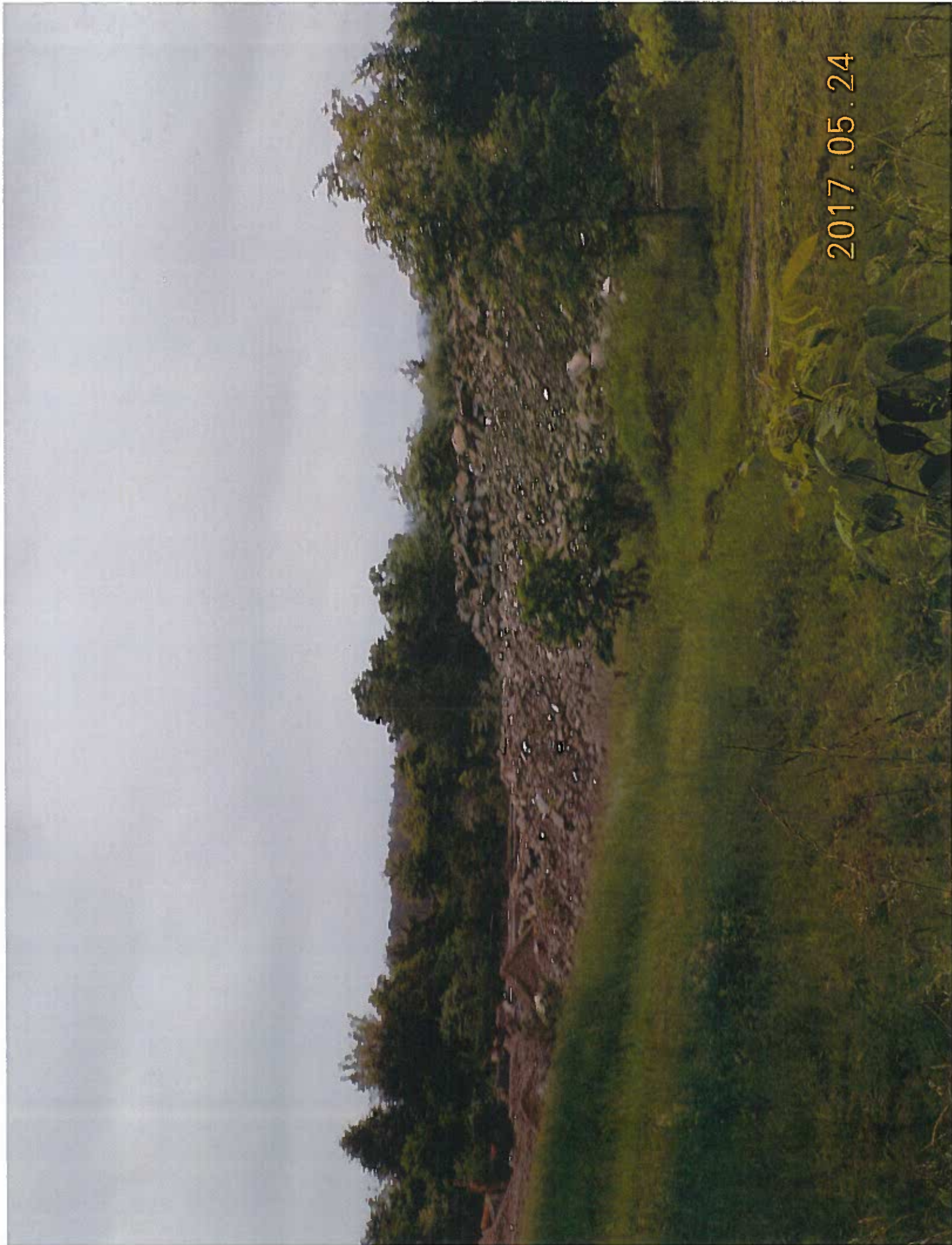
In 1994, an Erosion and Sediment Control Plan was submitted and approved for a fill site only, which does not include the outdoor storage of equipment, stock piles of rock, gravel, reground asphalt and concrete, culvert, pipe, tanks or inoperable vehicles. The plan was approved to add fill and restabilize per the approved plan.



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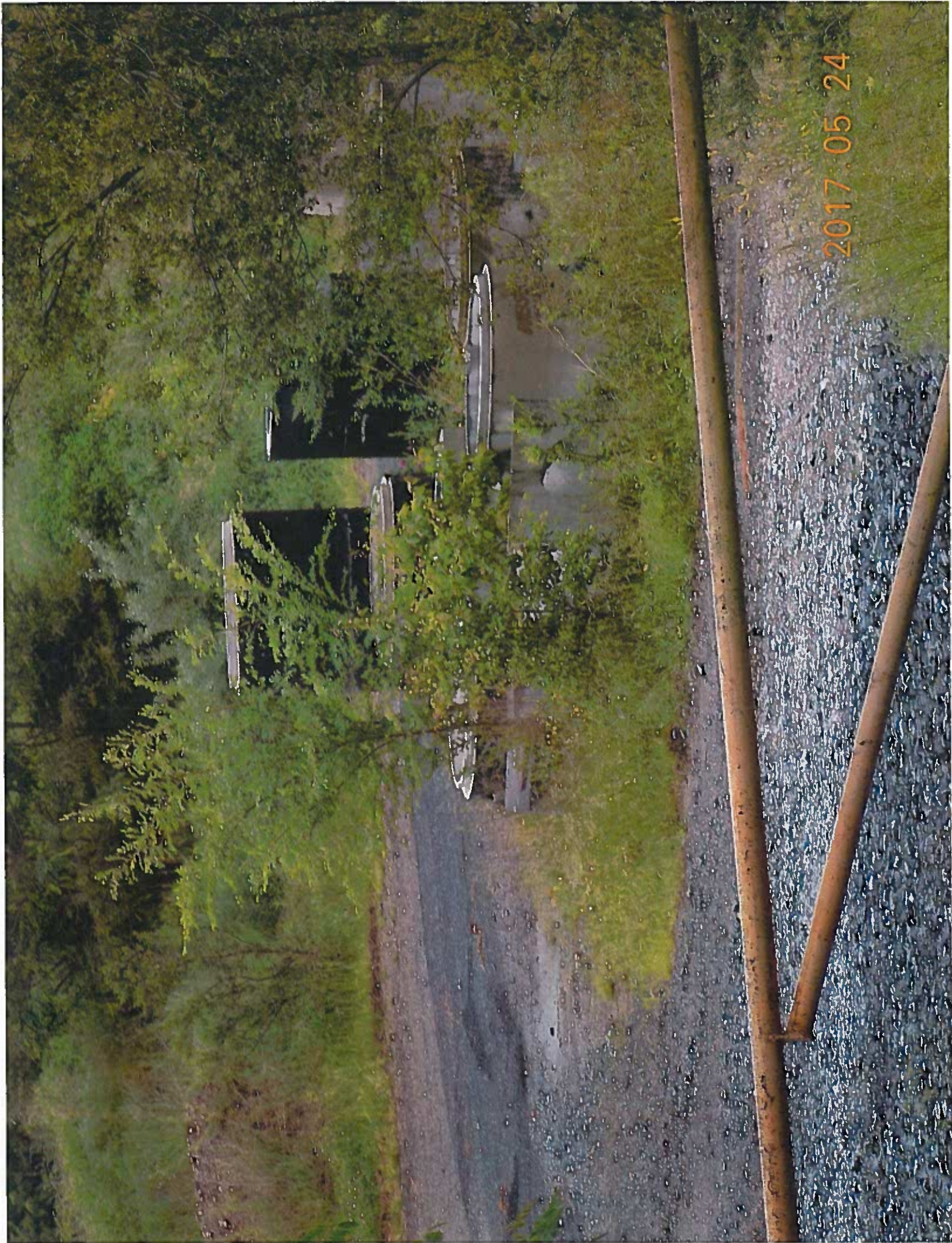
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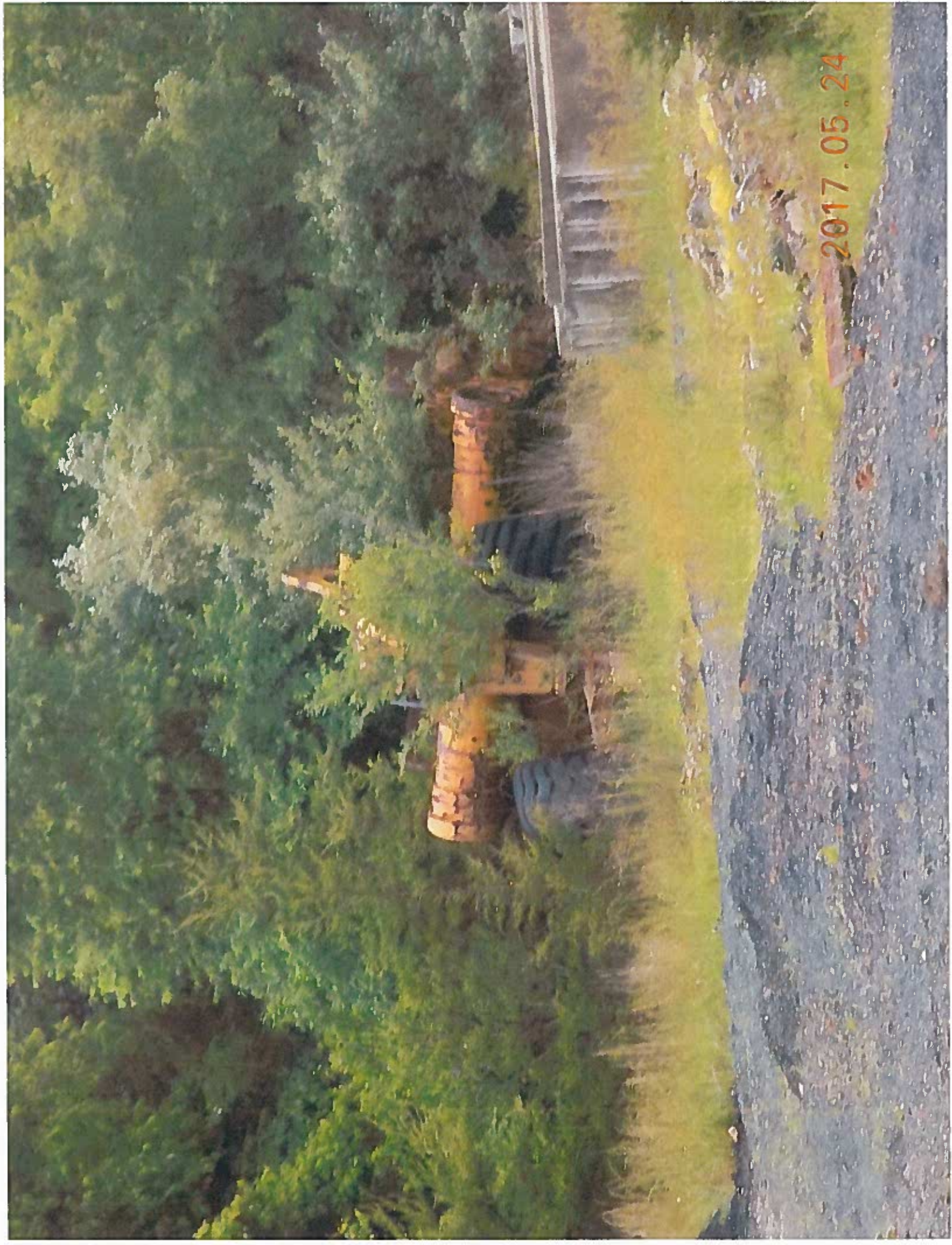


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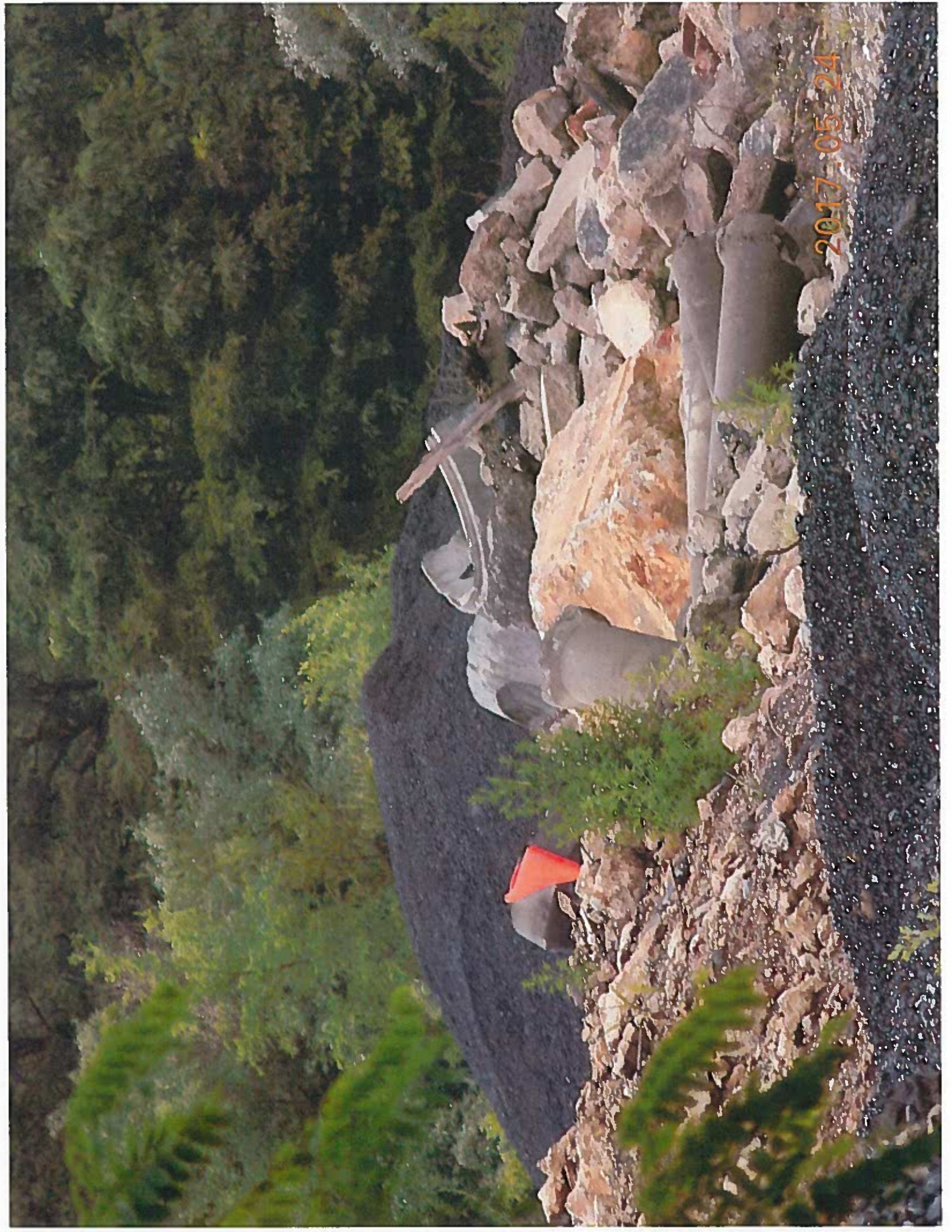


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8
3
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378
368
366
361
347



1 inch = 150 feet

1991



056 02

056D 1A

056D 1B

056D
4.11A

056 96

056 91A

056 94

056 94B

05601 15



1 inch = 150 feet

2002



1 inch = 150 feet

2006



056 82

056D 13

056D 1A

056D 1B

056D 411A

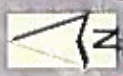
056 95

056 91A

056 94

056 94B

056D 15



1 inch = 150 feet

2011



1 inch = 150 feet

2015



1 inch = 92 feet

2015 Close up