



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: November 30, 2017

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, December 7, 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, December 7, 2017, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

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

4. PUBLIC HEARINGS

- A. A request by Patricia S. Shulman, for a Special Use Permit to have a short term vacation rental on property she owns, located at 1226 Middle River Road, Staunton in the North River District.
- B. A request by Darci D. Oberly, for a Special Use Permit to have a short term vacation rental on property she owns, located at 3471 Morris Mill Road, Staunton in the Pastures District.
- C. A request by Ray Eppard, agent for Victory Worship Center and World Outreach, Inc., for a Special Use Permit to have batting cages, a thrift store, and lease business space on property owned by Shenandoah Shiloh Christian Center, Trs. of, located at 870 Parkersburg Turnpike, Swoope in the Pastures District.
- D. A request by Sidney Beery, agent for Lick Run Dairy, LLC, for a Special Use Permit to enclose and expand an existing nonconforming structure not meeting the front setback requirements on property they own, located at 335 Emmanuel Church Road, Mt. Solon in the North River District.

5. OLD BUSINESS

6. MATTERS TO BE PRESENTED BY THE PUBLIC

7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

- A. A request by Jonathan L. or Janet L. Burkholder, for a Special Use Permit to construct a building to operate a landscaping business and make landscaping stones and stone signs on property they own, located at 6409 Spring Hill Road, Bridgewater in the North River District. – **ONE YEAR EXTENSION OF TIME REQUEST**
- B. A request by James Potter, agent for Redeeming Life Ministries, for a Special Use Permit to have a day care operation within a church on property it owns, located in the eastern quadrant of the intersection of Hammond Lane and Christians Creek Road, in the Beverley Manor District. – **ONE YEAR EXTENSION OF TIME REQUEST**

8. STAFF REPORT

17-4 Country Estates Mobile Home Park, LLC
17-5 Michael Dan Martin

9. ADJOURNMENT

Date 12/7/17

PROPERTY OWNER:

Patricia S. Shulman

APPLICANT:

Same

LOCATION OF PROPERTY:

1226 Middle River Road, Staunton in the North River District

SIZE OF PROPERTY:

37.24 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

11/99 SUP to have an apartment above the garage

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have a short term vacation rental

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:

- VDH does not regulate short term vacation rentals.
- If the proposal is for the main house the septic system is designed for 4 bedrooms (8 people maximum).
- If the proposal is for the "former" woodworking shop the system is designed for 2 bedrooms (4 people maximum).

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT does not anticipate a significant impact to adjacent roadways. The existing gravel entrance is adequate to serve the requested use. If voluntary improvements are made to the existing entrance, a VDOT Land Use permit is required.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Less than 10,000 square feet – ok. No Erosion and Sediment Control/Stormwater Management required.

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 this short term rental 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 structure and parking area should not be out of character with the 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 short term rental 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 direct access on Middle River Road.

STAFF RECOMMENDATIONS

The applicant is requesting to lease the existing one (1) bedroom apartment attached to the garage for short term vacation rentals for no more than two (2) occupants. The applicant resides on the property and will be onsite when the apartment is rented. The existing apartment has one (1) bathroom and kitchen area for food preparation. The applicant will not be providing meals.

Staff feels that a short term vacation rental within an existing structure would not be out of character with the area and recommends approval of the request with the following conditions:

Pre-Conditions:

None

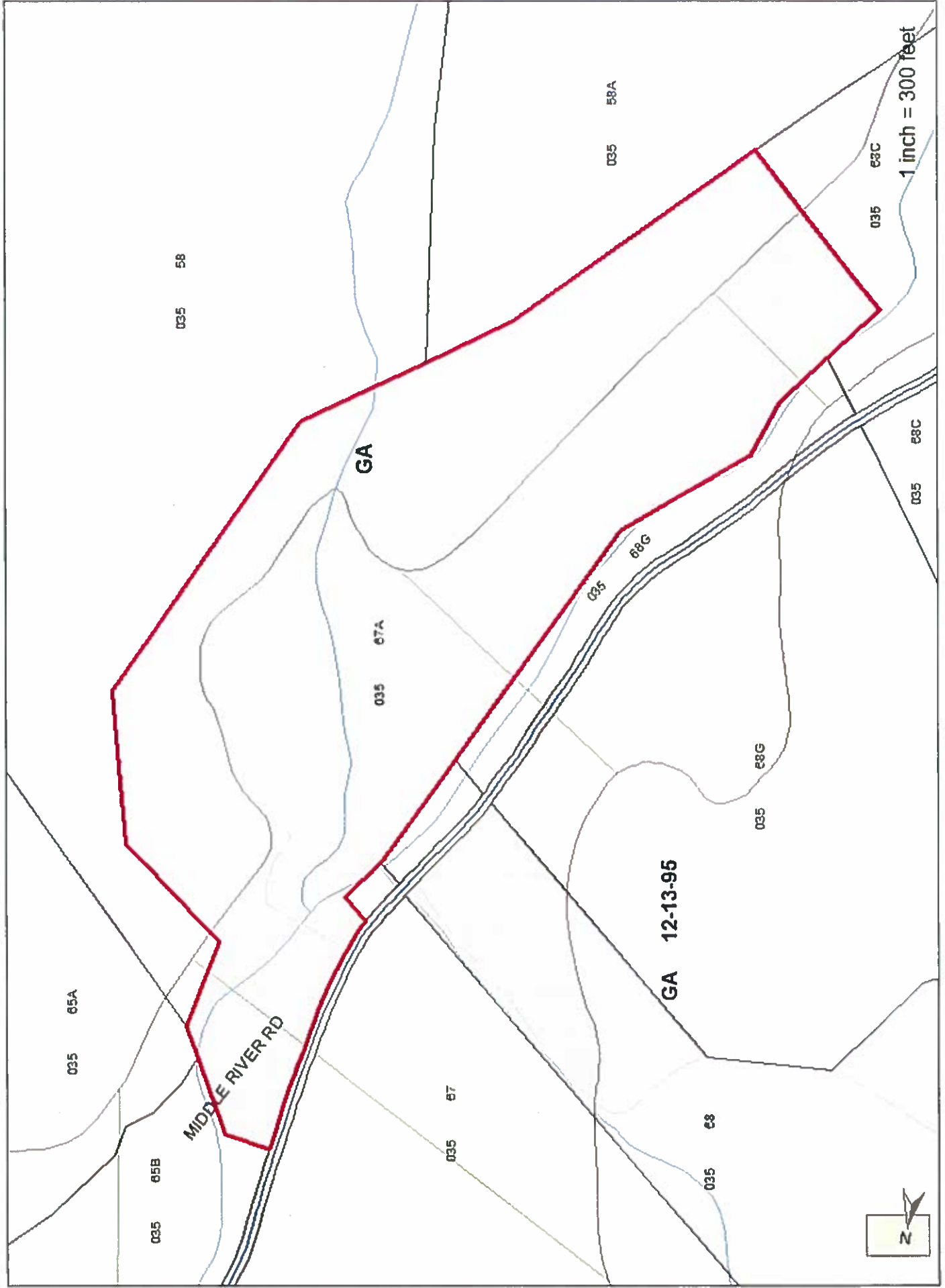
Operating Conditions:

1. Be permitted to use the one (1) bedroom apartment attached to the garage for short term rental.
2. The occupancy shall not exceed four (4) persons at any time.
3. Applicant must reside on premise.
4. Site be kept neat and orderly.



Shilpa

Shulman



1 inch = 300 feet

Shulman





1045704

1045704

Shulman

Orange Co

10480

Middle River Rd

Middle River Rd

10480

AGENDA ITEM # 4B

Date 12/7/17

PROPERTY OWNER:

Darci D. Oberly

APPLICANT:

Same

LOCATION OF PROPERTY:

3471 Morris Mill Road, Staunton in the Pastures District

SIZE OF PROPERTY:

22.716 acres

VICINITY ZONING:

General Agriculture to the north, south, and east; Rural Residential to the west

PREVIOUS ZONING OR S.U.P.:

03/90 Zoned Rural Residential

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To have a short term vacation rental

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no comments.

HEALTH DEPARTMENT'S COMMENTS:

- VDH does not regulate short term vacation rentals.
- The septic system was designed for 3 bedrooms.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT does not anticipate a significant impact to adjacent roadways. The existing paved entrance (Gallop Hills Rd, privately maintained) is adequate to serve the requested use. The entrance also serves a barn. If the entrance exceeds 50 vpd (enter + exit), the entrance shall be upgraded to a Moderate Volume Entrance. If the entrance is upgraded a Land Use permit is required and the entrance shall be constructed to VDOT's current standards per Appendix F of the Road Design Manual.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Less than 10,000 square feet – ok. No Erosion and Sediment Control/Stormwater Management required.

SECTION 25-124G - OPERATION OF A BED AND BREAKFAST OR SHORT-TERM RENTAL WITHIN A PRINCIPAL DWELLING OR DETACHED ACC. DWELLING UNIT

Operation of a Bed and Breakfast or Short-term rental within a principal dwelling or detached accessory dwelling unit may be permitted by Special Use Permit provided:

There shall be no more than one (1) principal dwelling, or part thereof, operating as a Bed and Breakfast or Short-term rental per parcel.

The applicant will be leasing the lower level of the existing dwelling for short term rentals.

There shall be no more than one (1) detached accessory dwelling unit operating as a Bed and Breakfast or Short-term rental per parcel.

No detached accessory dwellings are onsite.

The lot is at least five (5) acres in area.

The lot contains 22.716 acres.

The owner of record personally resides in the principal dwelling or accessory dwelling unit.

The owner resides in the principal dwelling.

The Building Inspection Department has indicated that either a Building Permit is not required or a Building Permit can be issued for the use once the Special Use Permit has been approved.

No expansions or remodeling is requested, therefore, no permits are required.

If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.

There is an existing well and septic onsite.

All parking shall be accommodated on-site.

The twenty-two (22) acre site can accommodate all parking.

STAFF RECOMMENDATIONS

The applicant is requesting to lease two (2) bedrooms in the lower level of the existing two-story dwelling for short term vacation rentals. The applicant will not be providing meals, but the occupants will have access to a microwave oven and a dorm size

refrigerator during their stays. The applicant resides in the dwelling and will remain onsite when the lower level is rented. Staff feels the short term rental of the lower level of the existing dwelling would be a low impact business and could benefit the area. Staff would recommend approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to use the two (2) bedrooms in the dwelling for short term rental.
2. The total occupancy of the dwelling shall not exceed six (6) persons at any time unless the applicant provides Community Development with Health Department approval.
3. Applicant resides on premise.
4. Site be kept neat and orderly.



Cherly

Oberly





1 inch = 200 feet

Oberly

LOT 3A

DANGER 5 BA



AGENDA ITEM # 4C

Date 12/7/17

PROPERTY OWNER:
Shenandoah Shiloh Christian Center, Trs. of

APPLICANT:
Ray Eppard, agent for Victory Worship Center and World Outreach, Inc.

LOCATION OF PROPERTY:
870 Parkersburg Turnpike, Swoope in the Pastures District

SIZE OF PROPERTY:
1.62 acres

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

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

LAND USE MAPS:
Community Development Area – Low Density Residential

UTILITIES:
Public water, private septic

APPLICANT'S JUSTIFICATION:
To have batting cages, a thrift store, and lease business space

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
1. If occupant load is restricted to no more than 49 persons then there is no building code issues.
2. If occupant load needs to be more than 49, then an Virginia registered Architect or Engineer will have to do an evaluation and possibly plans to change the use of the structure in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
Current septic system is insufficient in size to handle the proposed use. The applicant will need to contact a private soil consultant and/or a Professional Engineer to discuss appropriate drainfield design requirements.

HIGHWAY DEPARTMENT'S COMMENTS:
Due to the potential and existing business space, the entrances serving the property shall meet current VDOT commercial entrance standards. It is our understanding that the property also has a rental home served by a side entrance off Rte 708. The entrances

closest to the intersection of Rte 254/708 need to be removed. The furthest entrance off Rte 708 shall be used to access the rental property. This entrance may remain in place as a low volume commercial entrance. The furthest entrance off Rte 254 shall be upgraded to a full access commercial entrance. The entrance shall be constructed per the requirements as detailed in Appendix F of the Road Design Manual. A land use permit is required for any construction within the right-of-way. Even after closing the two entrances nearest the intersection, the remaining entrance on Rt. 254 will require an Access Management Exception (Form AM-E).

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. 870 Parkersburg Turnpike (Tax Map # 54C-(6)-G) is currently a Service Authority water only customer. Service Authority records indicate that there are two addresses and two meters associated with this property. One is a 1.5" meter shown to serve 870 Parkersburg Turnpike. The second is a 5/8" shown to serve 14 Miss Phillips Road, which is listed as an apartment. The building located at 14 Miss Phillips Road appears to be larger than a single apartment. The Service Authority requests that the applicant clarify how the existing buildings are served. Meter sizing forms may be required to ensure that the meters are appropriately sized. The existing 1.5" meter is reaching the end of its useful life and needs to be replaced. This size meter can provide a notable amount of flow and could be larger than needed. Because it may need replacement due to age, there may be some opportunity to save in replacement costs and/or user charges. The 5/8" meter may be smaller than what is needed for the use. Additionally, if there is the potential for both buildings to be serviced off of a single service, there may be some ability for the owner to save on user charges. Please contact the Service Authority Engineering Department at 540-245-5670 (William Monroe or Jennifer Hoover) to discuss further.
5. There is no public sewer available in the area of the subject property.

ENGINEERING'S COMMENTS:

Less than 10,000 square feet – ok. No Erosion and Sediment Control/Stormwater Management required.

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

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

No outside storage is requested.

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

The applicant does not reside on premise. There is an existing apartment onsite.

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

No expansions are requested. Batting cages and a retail/service establishment should be appropriate for the agriculture areas.

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

The property has access on Parkersburg Turnpike.

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

The existing 1.62 acre site has safely and adequately accommodated traffic to and from the public highway over the years.

Only pre-existing structures will be utilized unless the board of zoning appeals finds that proposed new construction will be not only compatible with neighboring properties, but will also be a substantial benefit to neighboring properties.

The applicants will be using the existing structures on the property.

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 enlargements or expansions are requested.

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

There is an existing septic system onsite.

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

Smoke detectors are installed.

All items displayed for sale or stored on site shall be set back at least twenty-five feet (25') from the edge of the pavement of any adjoining roads, and in no case shall a display or storage area be within the right-of-way of any road.

No items will be displayed outside for sale.

STAFF RECOMMENDATIONS

The applicants are requesting to use the existing structures on the property for batting cages, a thrift store, and office space rental. The structures have been used for various business uses over the years and the current owners have held church services since the property was purchased in 2008. The applicants will be doing interior remodeling for the batting cages but no expansions to the building are requested. They are proposing one (1) pitching tunnel and three (3) hitting cages in the back portion of the building approximately 2,914 square feet. The batting cages will be open to the public by membership only. The remainder of the building will be used for the thrift store and office space. The applicants are proposing two (2) employees for the batting cages and no more than two (2) for the thrift store. The batting cages will be open from 4:00 p.m. to 8:30 p.m., Monday – Friday and Saturday and Sunday by appointment only. The thrift store will be open Monday – Friday 10:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 1:00 p.m.

Staff feels that the operation of a small thrift store and an indoor recreational facility operating on a membership only basis would be a low impact business and would recommend the following conditions:

Pre-Conditions:

1. Obtain Service Authority approval and provide a copy to Community Development.
2. Obtain Health Department approval and provide a copy to Community Development.
3. Obtain VDOT entrance permit and provide a copy to Community Development.

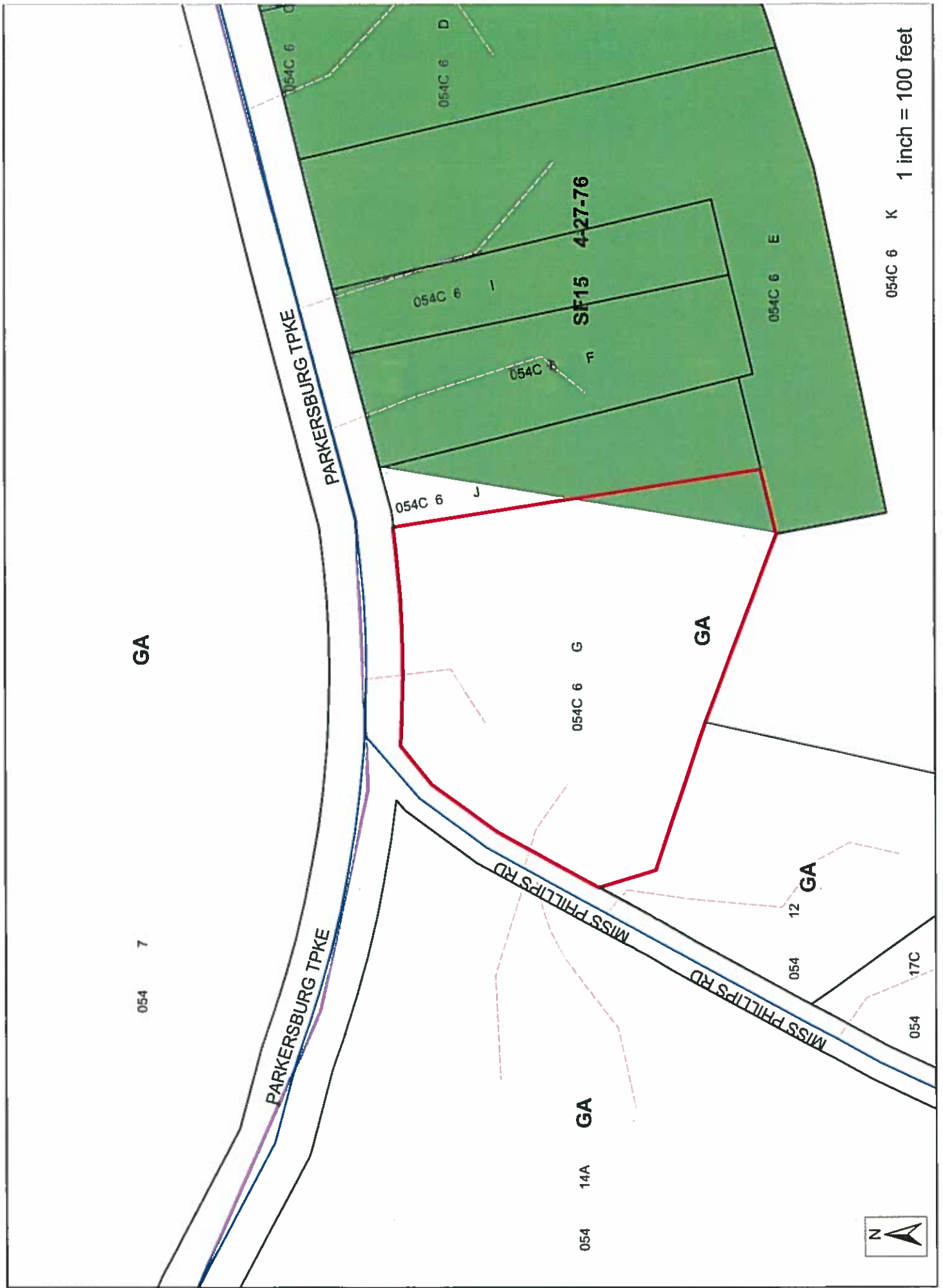
Operating Conditions:

1. All batting and pitching be done inside the building. No outdoor activities.
2. Batting cage hours of operation be 4:00 p.m. to 8:30 p.m. Monday – Friday and Saturday and Sunday by appointment only.
3. Thrift store hours of operation be 10:00 a.m. to 6:00 p.m. Monday – Friday and Saturday 9:00 a.m. to 1:00 p.m.
4. Be limited to four (4) employees.
5. Site be kept neat and orderly.



Shenandoah Shiloh

Shenandoah Shiloh Christian Center



Shenandoah Shiloh Christian Center



Shenandoah Shiloh



1 inch = 50 feet

AGENDA ITEM # 4D

Date 12/7/17

PROPERTY OWNER:
Lick Run Dairy, LLC

APPLICANT:
Sidney Beery, agent for Lick Run Dairy, LLC

LOCATION OF PROPERTY:
335 Emmanuel Church Road, Mt. Solon in the North River District

SIZE OF PROPERTY:
21.5 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
03/15 SUP to replace and enlarge an existing non-conforming building

LAND USE MAPS:
Agriculture Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To enclose and expand an existing nonconforming structure not meeting the front setback requirements

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
Obtain all necessary permits and inspections in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
The structure will have no internal plumbing. The Health Department has no comments.

HIGHWAY DEPARTMENT'S COMMENTS:
The current location of the new structure is not within VDOT's right-of-way; however, it is within VDOT's clear zone requirements of 12'-14' from the edge of pavement. The location of the proposed expanded structure also appears to worsen the homeowner's sight distance to the right when exiting the driveway. Due to these concerns, VDOT does not recommend any side expansion of the existing structure within the clear zone.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Less than 10,000 square feet – ok. No Erosion and Sediment Control/Stormwater Management required.

STAFF RECOMMENDATIONS

The applicant purchased the property in May of this year and was not aware that the previous owner had been issued a Special Use Permit to reconstruct and enlarge the nonconforming building in March, 2015. The framing and roof of the building was reconstructed but the enclosing of the building was never completed. The previous Special Use Permit was issued non-transferrable, therefore, in order to complete the building, the applicant needs to obtain a permit in his name. The applicant is requesting to enclose the building and add onto the side and rear for storage.

VDOT previously approved the location of the building twelve (12') feet off the edge of pavement, but their current comments state that the proposed expansion on the side appears to worsen sight distance when exiting the driveway.

Staff feels that enclosing and expanding the existing building no closer to the road than what was approved in March, 2015 would be compatible with other structures in the rural area. VDOT has raised a concern about the side expansion that may hinder sight distance. If the Board desires to approve the permit as requested, staff would recommend the following conditions:

Pre-Conditions:

None

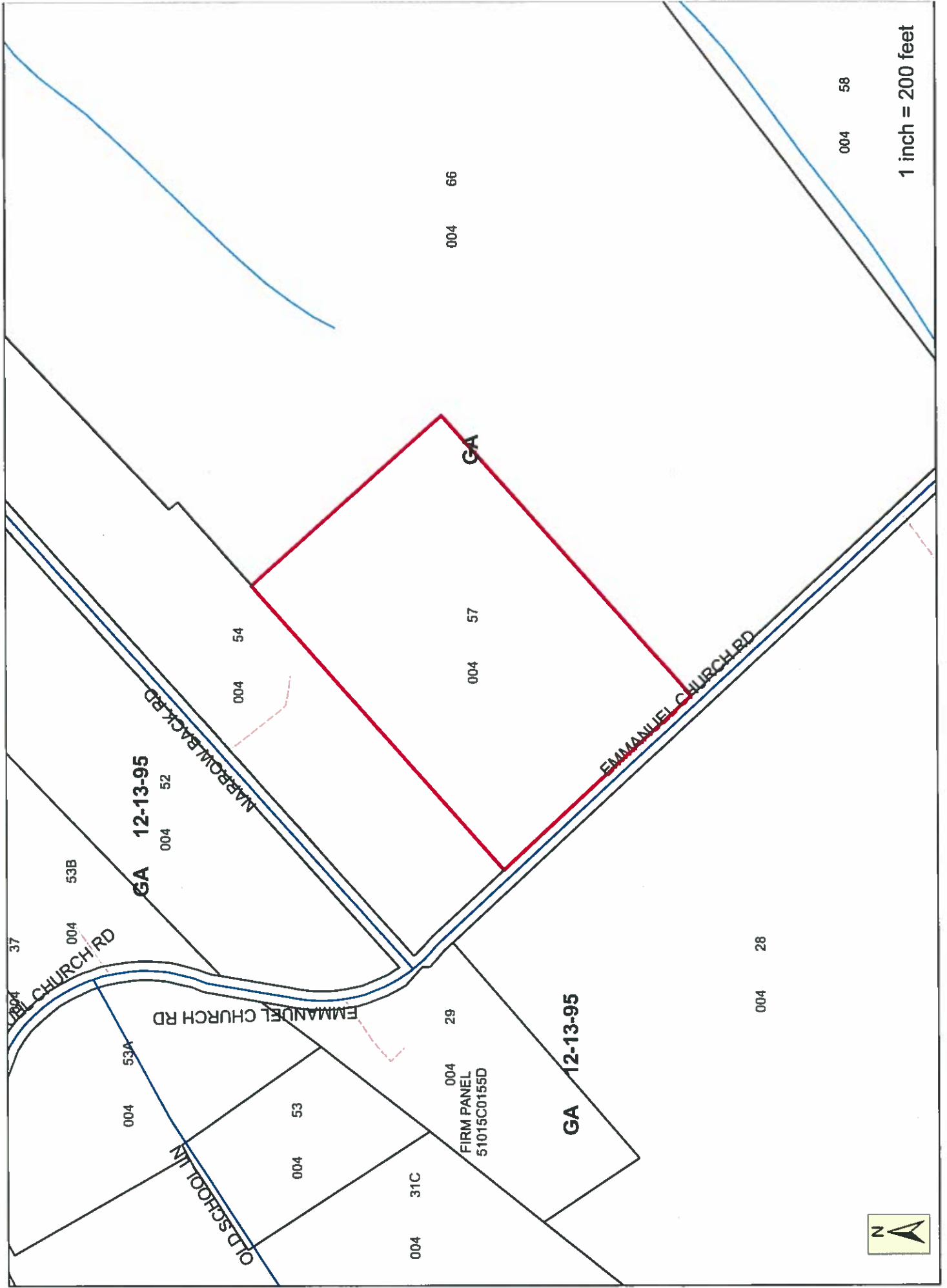
Operating Conditions:

1. Be permitted to enclose the existing 24' x 32' building.
2. Be permitted to add an 8' x 32' addition to **the side** and a 10' x 24' addition to the **rear** of the building.
3. Submit a survey showing the expansion is no closer to the road than the existing structure.
4. Obtain a farm building permit for all additions.



Lick Run Dairy

Lick Run Dairy



Lick Run Dairy



Lick Run Dairy

8' x 32' overhang on side / 10' x 24' addition on the rear



004 54

004 57

GA 12-13-95

GA

EMMANUEL Church

004 28

004 66



1 inch = 50 feet

AGENDA ITEM # 7A

Date 12/7/17

EXTENSION OF TIME REQUEST

PROPERTY OWNER:

Jonathan L. or Janet L. Burkholder

APPLICANT:

Same

LOCATION OF PROPERTY:

6409 Spring Hill Road, Bridgewater in the North River District

SIZE OF PROPERTY:

12.00 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Agriculture Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To construct a building to operate a landscaping business and make landscaping stones and stone signs

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

STAFF RECOMMENDATIONS

The applicant still has not started construction and is requesting another year. Staff recommends approval.

AGENDA ITEM # 7B

Date 12/7/17

EXTENSION OF TIME REQUEST

PROPERTY OWNER:
Redeeming Life Ministries

APPLICANT:
James Potter, agent for Redeeming Life Ministries

LOCATION OF PROPERTY:
In the eastern quadrant of the intersection of Hammond Lane and Christians Creek Road,
in the Beverley Manor District

SIZE OF PROPERTY:
18.345 acres

VICINITY ZONING:
General Agriculture and General Industrial to the north; General Agriculture to the south,
east, and west

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

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private

APPLICANT'S JUSTIFICATION:
To have a day care operation within a church

The applicant is requesting a one (1) year Extension of Time. The site plan for the church has not been approved. They are requesting the Extension of Time to obtain approvals for construction of the church.

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

STAFF RECOMMENDATIONS

The applicants have started construction of the church and are requesting a year extension to establish the day care after the building is complete.