



**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 28, 2018

SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, July 5, 2018, at 1:30 P.M.**, in the Board Meeting Room, Augusta County Government Center, 18 Government Center Lane, Verona, Virginia.

Please meet in the Board of Supervisors Conference Room at the Augusta County Government Center in Verona at **9:30 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow at **Country Cookin at noon**.

Enclosed are the minutes of last month's meeting, the agenda for **Thursday's** meeting, staff reports and site plans on each of the requests.

If you cannot attend this meeting, please notify this office as soon as possible.

SKB/bcw

Enclosures

**ADVANCED  
AGENDA**

**Regular Meeting of the Augusta County Board of Zoning Appeals**

**Thursday, July 5, 2018, 1:30 P.M.**

**1. CALL TO ORDER**

**2. DETERMINATION OF A QUORUM**

**3. MINUTES**

Approval of the Called and Regular Meeting of June 7, 2018

**4. PUBLIC HEARINGS**

A. A request by Wanda H. Caraway, for a Special Use Permit to have a kennel and be allowed to breed 3-4 litters a year on property she owns, located at 427 Baynes Road, Waynesboro in the Wayne District.

B. A request by David Fitzgerald, for a Special Use Permit to have motor vehicle repair, body and fender work and painting in an existing 32' x 32' building on property owned by Barbara A. Fitzgerald, located at 1916 Howardsville Turnpike, Stuarts Draft in the South River District.

C. A request by Sandon Knicely, for a Special Use Permit to have apartments in a pre-1980 structure on property owned by Deborah Simmons 1/4, Etal, located at 23 Buttermilk Road, Mount Sidney 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 Philip Khnopp, for a Special Use Permit to have weddings, birthday parties, reunions or similar social functions, and to have guided nature walks on property owned by Trustees James M. and Jayne Ann L. Knopp, located at 603 Green Hill Lane, Churchville in the Pastures District. – **REQUEST TO CANCEL**

**8. STAFF REPORT**

17-33	Plecker Brothers, Inc.
17-34	Marty P. or Margaret A. Carty
17-35	Jackie D. or Sue M. Burgess
17-36	Shen Acres Realty, LLC
17-37	David W. or Billie Jo Smiley
17-38	William C., Jr. or Sharon B. Woodland
17-39	Jamie DeWayne Sticklely
17-40	Woodlawn Village, LLC
17-41	David I. McCaskey
17-42	Gary D. or Crystal Bradley
17-43	Joan M. Byrne
17-44	Glenn Shenk and Michelle Lesensky

**9. ADJOURNMENT**

**Date** 7/5/18

**PROPERTY OWNER:**

Wanda H. Caraway

**APPLICANT:**

Same

**LOCATION OF PROPERTY:**

427 Baynes Road, Waynesboro in the Wayne District

**SIZE OF PROPERTY:**

21.894 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

**LAND USE MAPS:**

Rural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To have a kennel and be allowed to breed 3-4 litters a year

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

1. Provide approved handicapped building access including 1 minimum 36" wide door with lever door hardware.
2. Provide handicapped parking space with approved handicapped parking which connects to the required building access route.

**HEALTH DEPARTMENT'S COMMENTS:**

Kennel is personal dogs, Health Department has no comments.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing entrance is adequate for the requested use. Should an expansion or additional traffic generated by the kennel operation be proposed in the future, contact VDOT to verify if entrance is adequate. Advertisement on the right-of-way or within the line of sight for the entrance is not permissible.

**SERVICE AUTHORITY'S COMMENTS:**

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

**ENGINEERING'S COMMENTS:**

Utilizing existing structure. Ok.

**ANIMAL CONTROL'S COMMENTS:**

Water in pen outside was green. Dog feces and urine on floor in the house. Only four dogs have rabies vaccinations per Westwood Animal Hospital. One dog tag but 14 dogs on premises. Animal Control does not recommend this Special Use Permit as when we were on the property, it was not good conditions.

**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 states they scoops the yard regularly. Animal Control comments state the inside was not being maintained or properly cleaned.

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

The dogs are all kept inside the dwelling with both heat and air conditioning.

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

The area behind the dwelling is completely fenced with four (4') foot high chain-link fence.

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

The dogs are allowed to go outside through a dog door. The dwelling provides adequate shelter.

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

There are smoke detectors inside the dwelling.

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

The dogs are all small Pomeranian/Poodle mixes. The dwelling and the fenced outside area are of proper size to accommodate the number of small 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 property contains 21.894 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 are all kept inside the dwelling between 10:00 p.m. and 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 inside the dwelling and are not left outside for extended periods.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to have twelve (12) adult dogs on the property, and be allowed to breed and sell three (3) to four (4) litters per year. The applicant currently has ten (10) adult dogs and four (4) puppies under six (6) months old. The applicant advertises the dogs on Puppy Find and normally the dogs are purchased by eight (8) weeks old. There are several houses within close proximity, however, due to the fact that the dogs are kept inside the dwelling, the two hundred (200') foot setback requirement from all property lines does not apply. Animal Control comments state that only four (4) of the dogs were vaccinated for rabies and there was urine and feces on the floor inside the dwelling. Therefore, they are recommending the **request be denied** due to the poor living conditions.

Based on Animal Control's inspection report, staff is concerned that the applicant may not be able to provide adequate care and cleanliness for the twelve (12) dogs requested and for the puppies bred up to four (4) times per year. Due to these concerns and the close proximity of adjacent houses, Staff feels the request may not be compatible with the area.

However, if the Board is satisfied that the request would be compatible and desires to approve the Special Use Permit as requested, staff would recommend the following conditions:

### **Pre-Condition:**

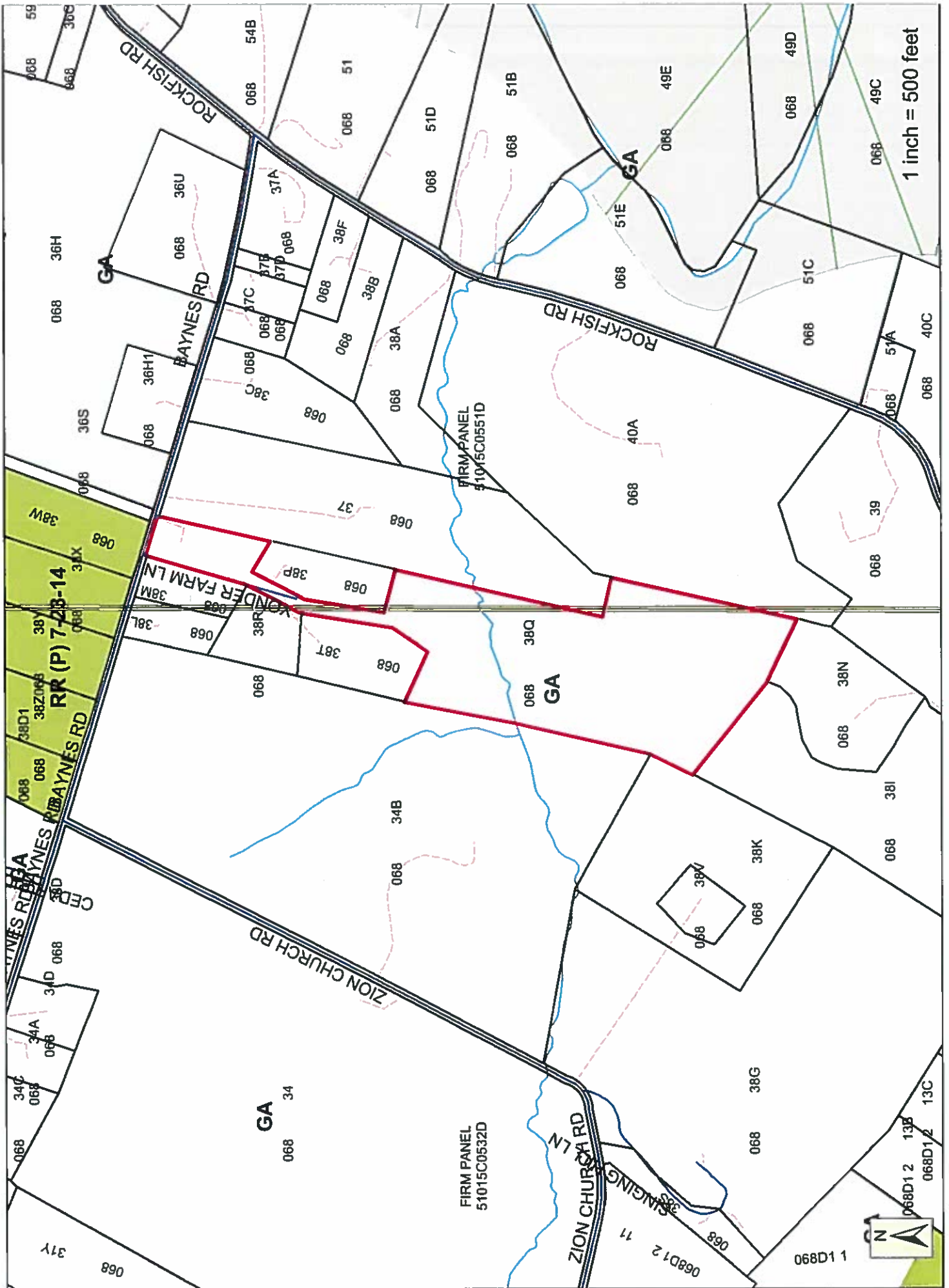
1. Obtain letter of approval from Building Inspection.

**Operating Conditions:**

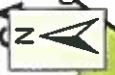
1. Maximum of ten (10) adult dogs kept at this site at any time.
2. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
3. Be limited to no more than two (2) litters of puppies per year.
4. All dogs be confined within the fenced exercise area or inside the dwelling at all times.
5. Site be kept neat and orderly.
6. Animal Control to inspect the site every **six (6) months**.
7. Permit be issued for one (1) year and renewed if all conditions are met.



Caraway



1 inch = 500 feet



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ROCKFISH RD

BAYNES RD

ROCKFISH RD

ZION CHURCH RD

ZION CHURCH LN

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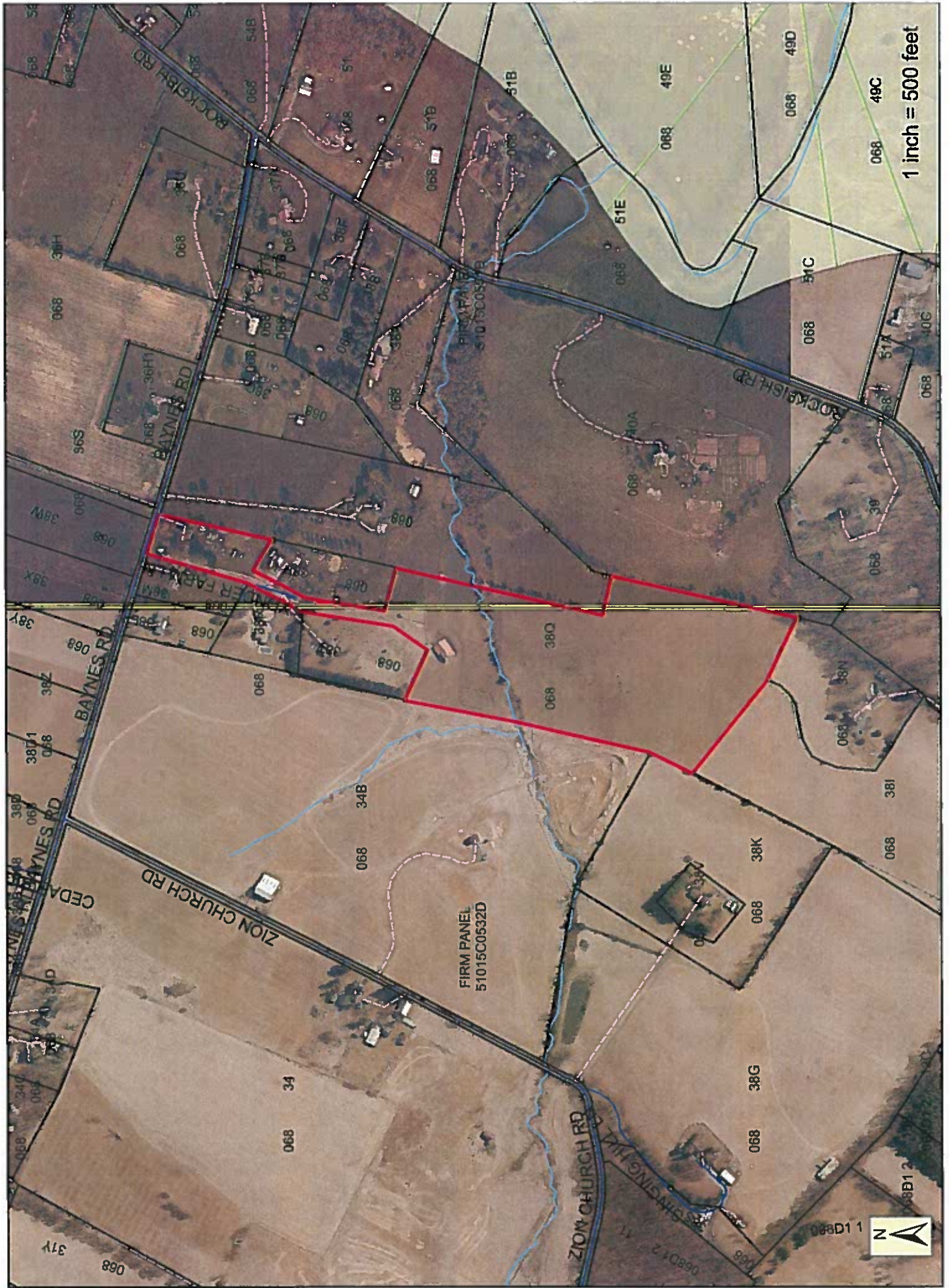
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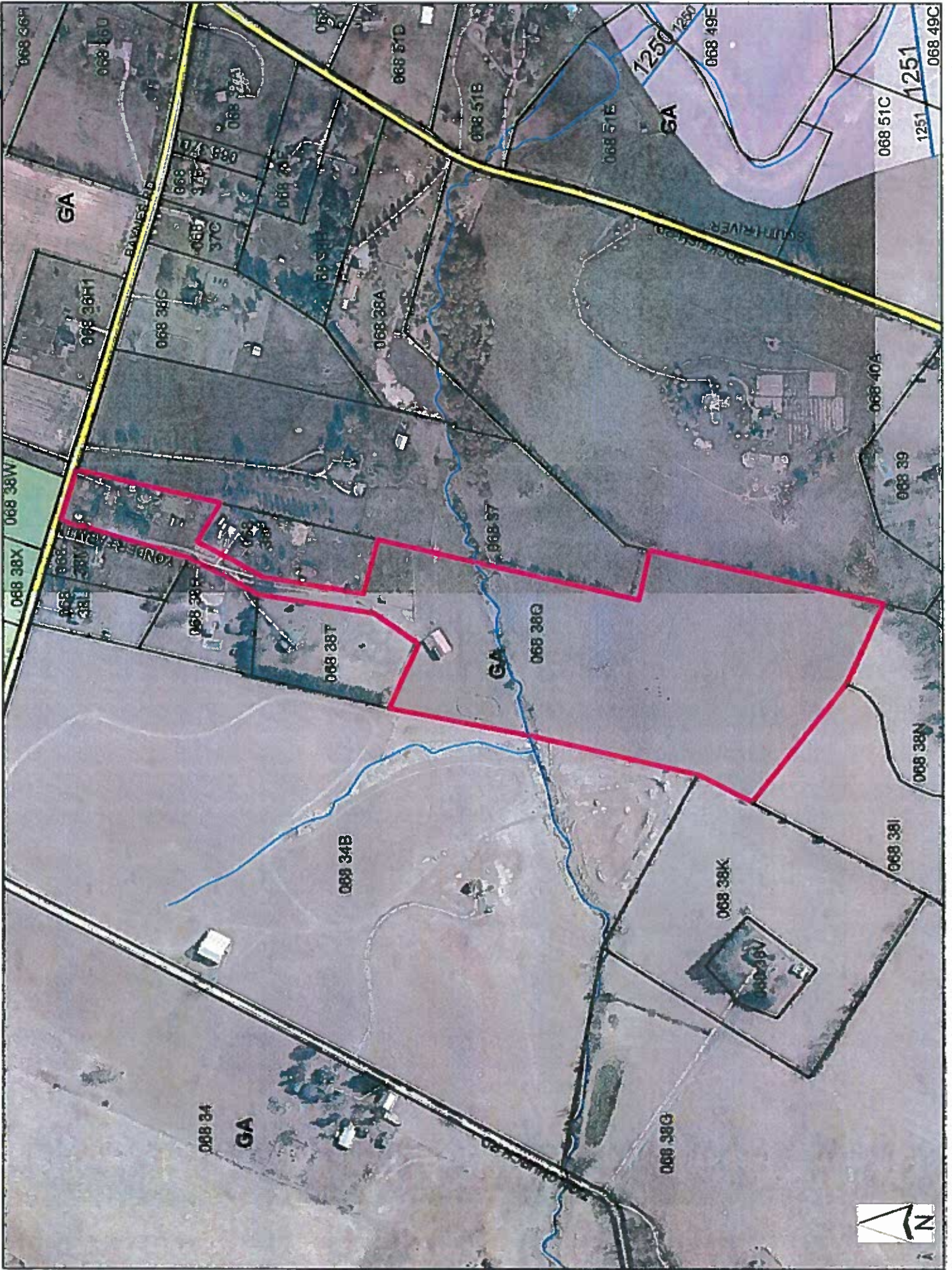
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# Caraway



Caraway



1 inch = 400 feet

AGENDA ITEM # 4B  
Date 7/5/18

**PROPERTY OWNER:**

Barbara A. Fitzgerald

**APPLICANT:**

David Fitzgerald

**LOCATION OF PROPERTY:**

1916 Howardsville Turnpike, Stuarts Draft in the South River District

**SIZE OF PROPERTY:**

2.039 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

03/98 SUP to have automotive repair garage, body and fender work, painting in existing garage

**LAND USE MAPS:**

Community Development Area – Low Density Residential

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To have motor vehicle repair, body and fender work and painting in an existing 32' x 32' building

**PLANNING COMMISSION'S COMMENTS:**

No comments.

**BUILDING INSPECTOR'S COMMENTS:**

1. Provide approved handicapped building access including 1 minimum 36" wide door with lever door hardware.

2. Provide handicapped parking space with approved handicapped parking which connects to the required building access route.

**HEALTH DEPARTMENT'S COMMENTS:**

Property is the applicants' residence and the business will have no employees. Health Department has no issues as long as there are no employees.

**HIGHWAY DEPARTMENT'S COMMENTS:**

The existing paved entrance meets sight distance requirements for a low volume commercial entrance. However, the geometry of the entrance is somewhat smaller than the current standards require. The applicant has indicated that large vehicles are not anticipated. VDOT would support using the existing entrance without geometric upgrades as long as the proposed cumulative traffic generation for the site is less than 20 vehicles per day (enter + exit). Based on discussions with the applicant, this appears to be manageable for the proposed business model. The entrance is capable of being modified in the future if the business demands change.

**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. 1916 Howardsville Turnpike (Tax Map # 92-97C) is currently a Service Authority water customer.
5. There is no public sewer available in the area of the subject property.

**ENGINEERING'S COMMENTS:**

Existing facilities. Ok.

**SECTION 25-74J - VEHICLE REPAIR SHOP**

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

The applicant resides on premise.

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

Businesses are more appropriate in Business zoned districts. Motor vehicle repair may not be compatible with the rural character of the area.

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

The property has access to Howardsville Turnpike which is a State maintained road.

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

The 2.039 acre parcel should adequately and safely accommodate all traffic to and from the public highways.

**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 is requesting to operate within the existing 32' x 32' building.

**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 or enlargements are requested at this time.

**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. No outdoor display or storage is requested. All vehicles and parts will be kept inside the garage or the impound area.**

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

The applicant will be installing a fenced impound area to the east side of the garage. No vehicles will be left 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 is proposing a 30' x 30' screened impound area.

#### **STAFF RECOMMENDATIONS**

The applicant is requesting to have motor vehicle repair including painting, and body and fender work inside the existing 32' x 32' garage. The Board approved this same request in 1998, however, the business was never established and the permit expired. The applicant is requesting to operate the repair operation on a part-time basis. He currently has a full-time job, and would like to work on the vehicles in the evenings and on Saturday. There will be no employees and a limited number of customers coming to the home. The applicant will also be installing a 30' x 30' fenced area adjacent to the garage for storage of vehicles waiting repair and any inoperable vehicles. The property is surrounded by small lots containing single family dwellings that could be negatively impacted by noise, dust, and fumes associated with motor vehicle repair garages, therefore, Staff feels the request may not be compatible with the neighboring properties. However, if the Board feels that the request would be compatible and chooses to approve the Special Use Permit, staff would recommend the following conditions:

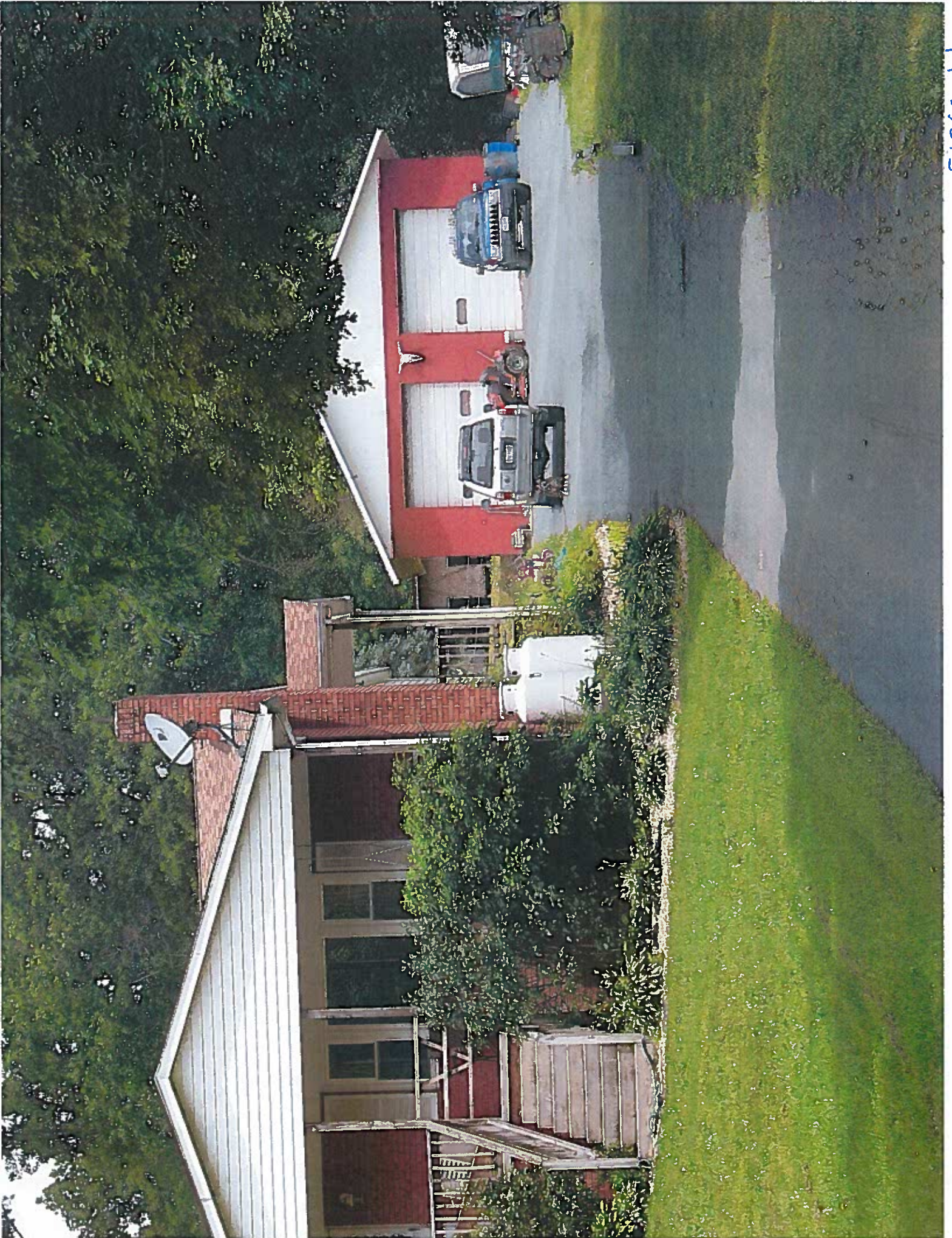
#### **Pre-Conditions:**

1. Obtain letter of approval from Building Inspection.
2. Applicant install a 30' x 30' impound area, screened by an eight (8') foot high opaque privacy fence adjacent to the garage within **ninety (90) days**.

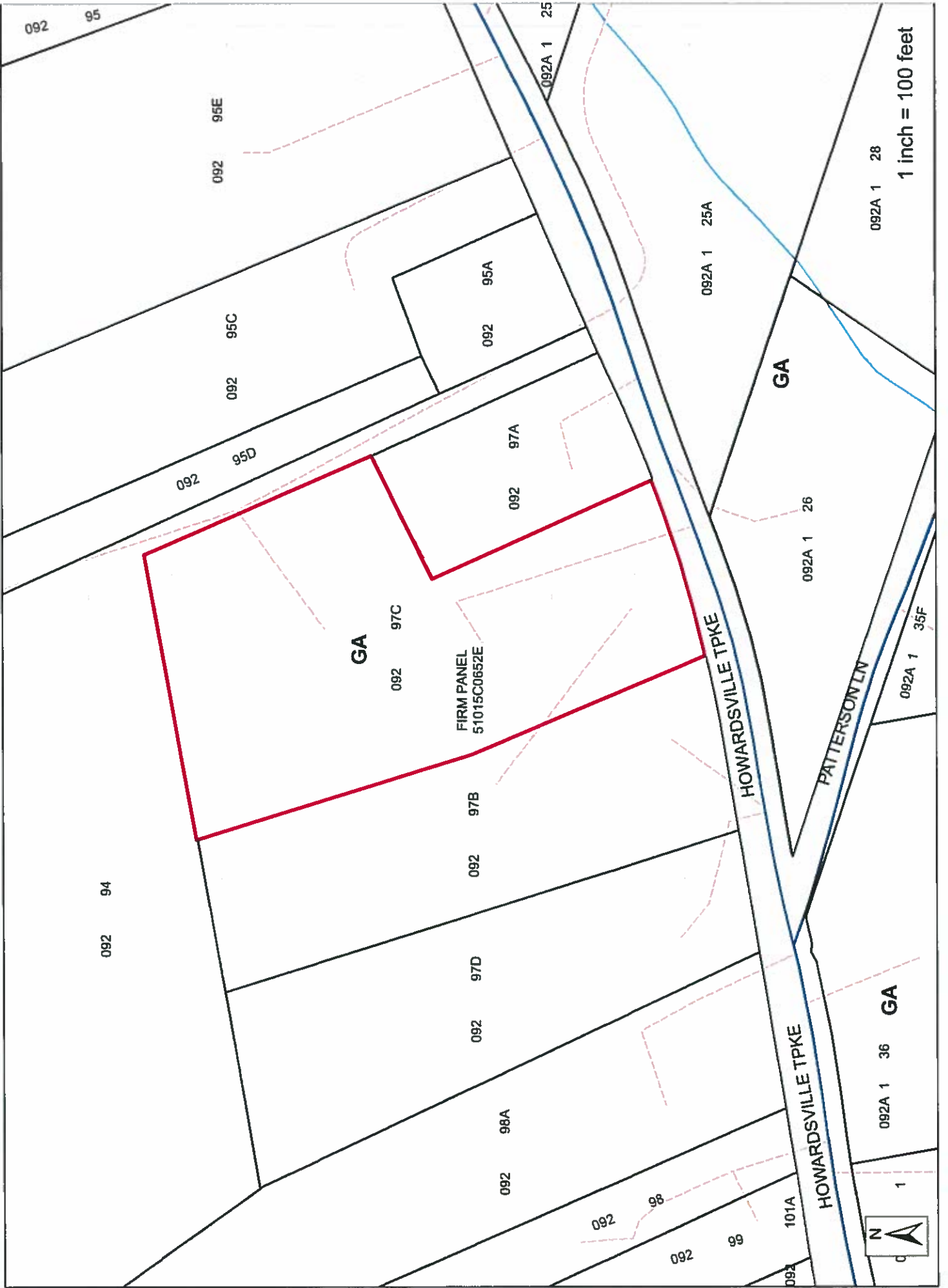
**Operating Conditions:**

1. Be allowed to use the existing 32' x 32' garage for motor vehicle repair, painting, and body and fender work.
2. All vehicles waiting repair and all inoperable vehicles and vehicle parts be kept inside the building or the screened impound area as shown on the BZA sketch.
3. Hours of operation be 4:00 p.m. to 8:00 p.m., Monday-Friday and 8:00 a.m. to 5:00 p.m. on Saturday.
4. No Sunday work.
5. No employees.
6. No junk or inoperable vehicles or parts of vehicles be kept outside.
7. Site be kept neat and orderly.

12/20/2013



Fitzgerald



Fitzgerald





AGENDA ITEM # 4C  
Date 7/5/18

**PROPERTY OWNER:**  
Deborah Simmons 1/4, Etal

**APPLICANT:**  
Sandon Knicely

**LOCATION OF PROPERTY:**  
23 Buttermilk Road, Mount Sidney in the North River District

**SIZE OF PROPERTY:**  
0.241 & 0.089 acres

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

**PREVIOUS ZONING OR S.U.P.:**  
3/69 – Zoned General Business

**LAND USE MAPS:**  
Urban Service Area – Business

**UTILITIES:**  
Public Water and Sewer

**APPLICANT'S JUSTIFICATION:**  
To have apartments in a pre-1980 structure

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

**BUILDING INSPECTOR'S COMMENTS:**  
Obtain all necessary permits, inspections to comply with the Uniform Statewide Building Code.

**HEALTH DEPARTMENT'S COMMENTS:**  
Public water and sewer to serve, Health Department has no comment.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
The existing entrance is adequate for the proposed use.

**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. 23 Buttermilk Road (Tax Map # 27A-(3)-23B) is currently a Service Authority water customer. The existing meter size is 5/8", which may not be large enough for multiple apartments. The applicant needs to complete a meter sizing form and return it to the Service Authority Engineering Department for evaluation. Additional fees/charges in accordance with the Service Authority Rate Schedule would apply if the water meter size needs to be changed.
5. There is an existing 6" sewer line running through Tax Map # 27A-(3)-24B.

**ENGINEERING'S COMMENTS:**

Existing buildings and gravel parking. Ok.

**SECTION 25-304H – APARTMENTS in a pre-1980 structure**

**Special Use Permit for up to two (2) apartments in a pre-1980 structure may be granted provided:**

**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; and**  
Real estate records show the building was constructed in 1960.

**Off-street parking will be in compliance with article III of this chapter; and**  
All parking is off street and is adequate to serve two (2) apartments requiring four (4) spaces.

**For purposes of expansion or enlargement, the pre-1980 structure shall be treated as a non-conforming building and shall be subject to the provisions of § 25-663 D. of this chapter. The floor area of such expansion or enlargement shall not exceed twenty percent (20%) of the original floor area or the area required by law, whichever is greater.**

No expansions or enlargements are requested, interior remodeling only.

### **STAFF RECOMMENDATIONS**

The applicant is purchasing the property from the family estate and would like to convert the entire building into two (2) apartments for residential use. The existing building was constructed in 1960 for a barber and beauty shop on the ground floor with an apartment above for the owner, which was a permitted use at that time. The property was rezoned to General Business in 1969 and the upstairs continued to be used as a residential apartment.

The previous owner converted a portion of the downstairs to an apartment when the barber shop went out of business in the 1970's without obtaining the proper permits and inspections. The applicant is now requesting to remodel and convert the entire 1<sup>st</sup> floor area into an apartment. The applicant will be residing on premise in one of the apartment units and leasing the other. The applicant will need to obtain and comply with all required building permits and inspections prior to occupancy of the downstairs apartment.

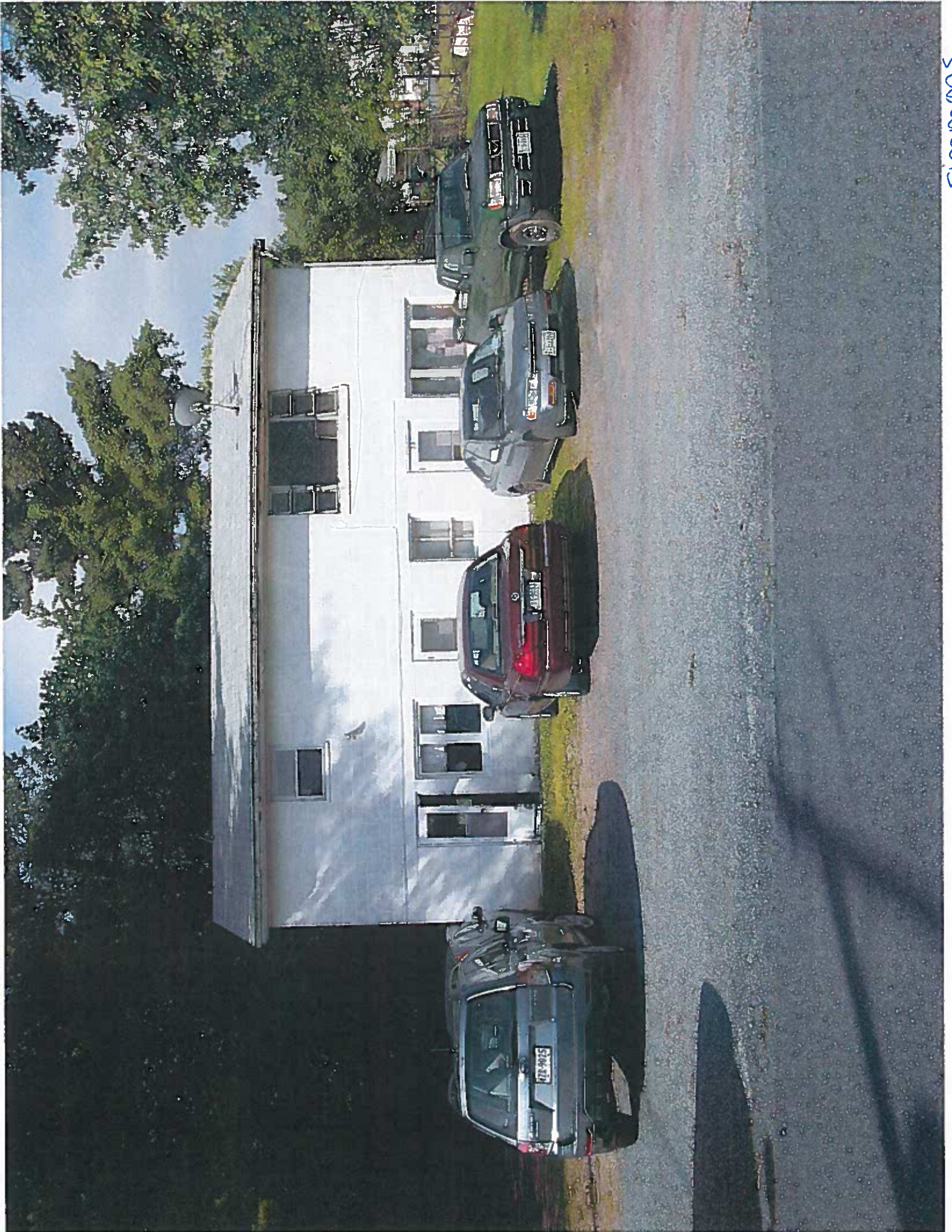
Due to the fact that a portion of the building has always been used residentially, Staff feels the request would be compatible with the surrounding area and recommends approval with the following conditions:

#### **Pre-Conditions:**

1. Applicant obtain all necessary building permits and provide a copy to Community Development.
2. Applicant obtain Service Authority approval and provide a copy to Community Development.

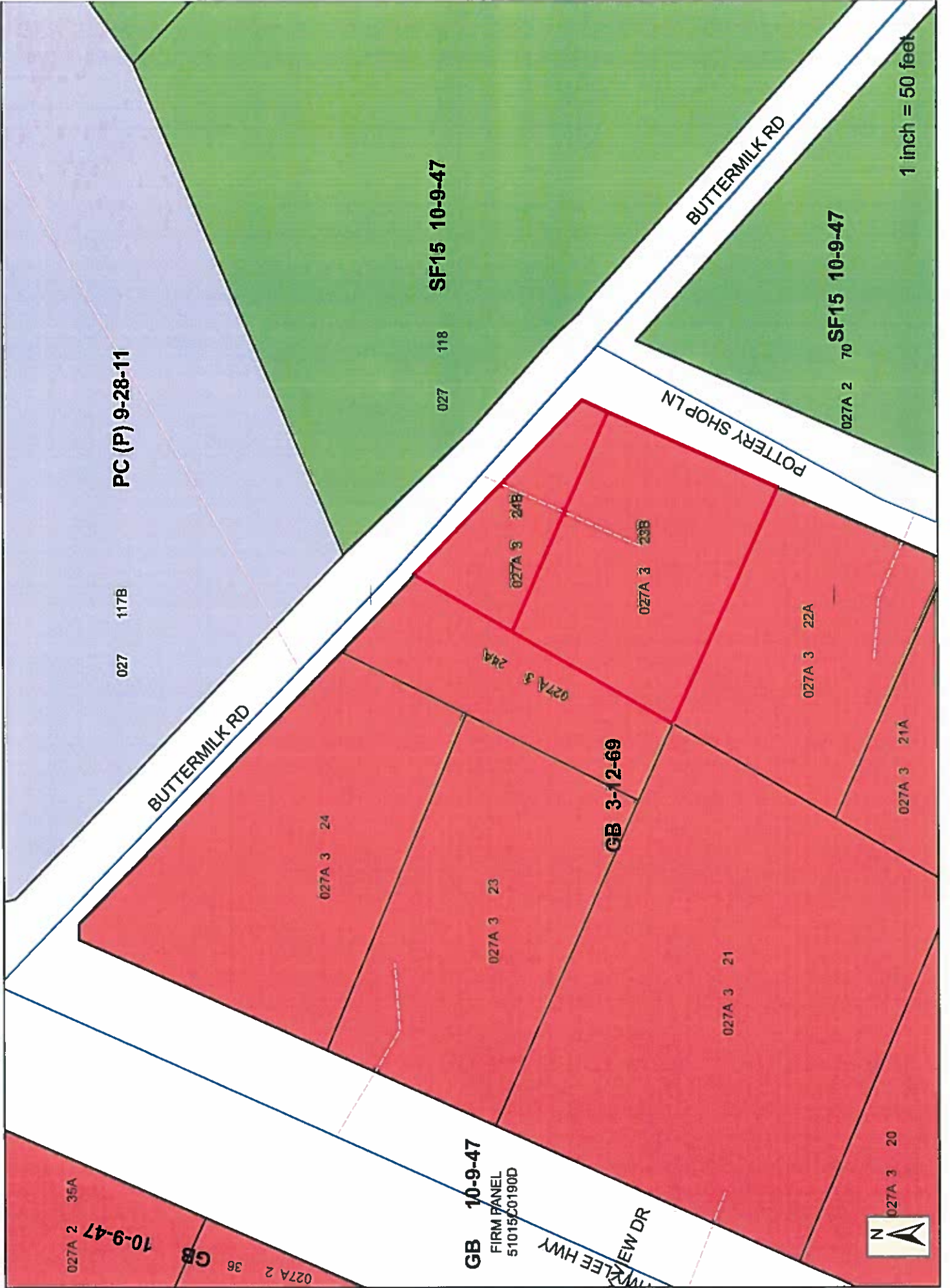
#### **Operating Condition:**

1. Be permitted to have two (2) apartments in the pre-1980 structure.



SW  
2000

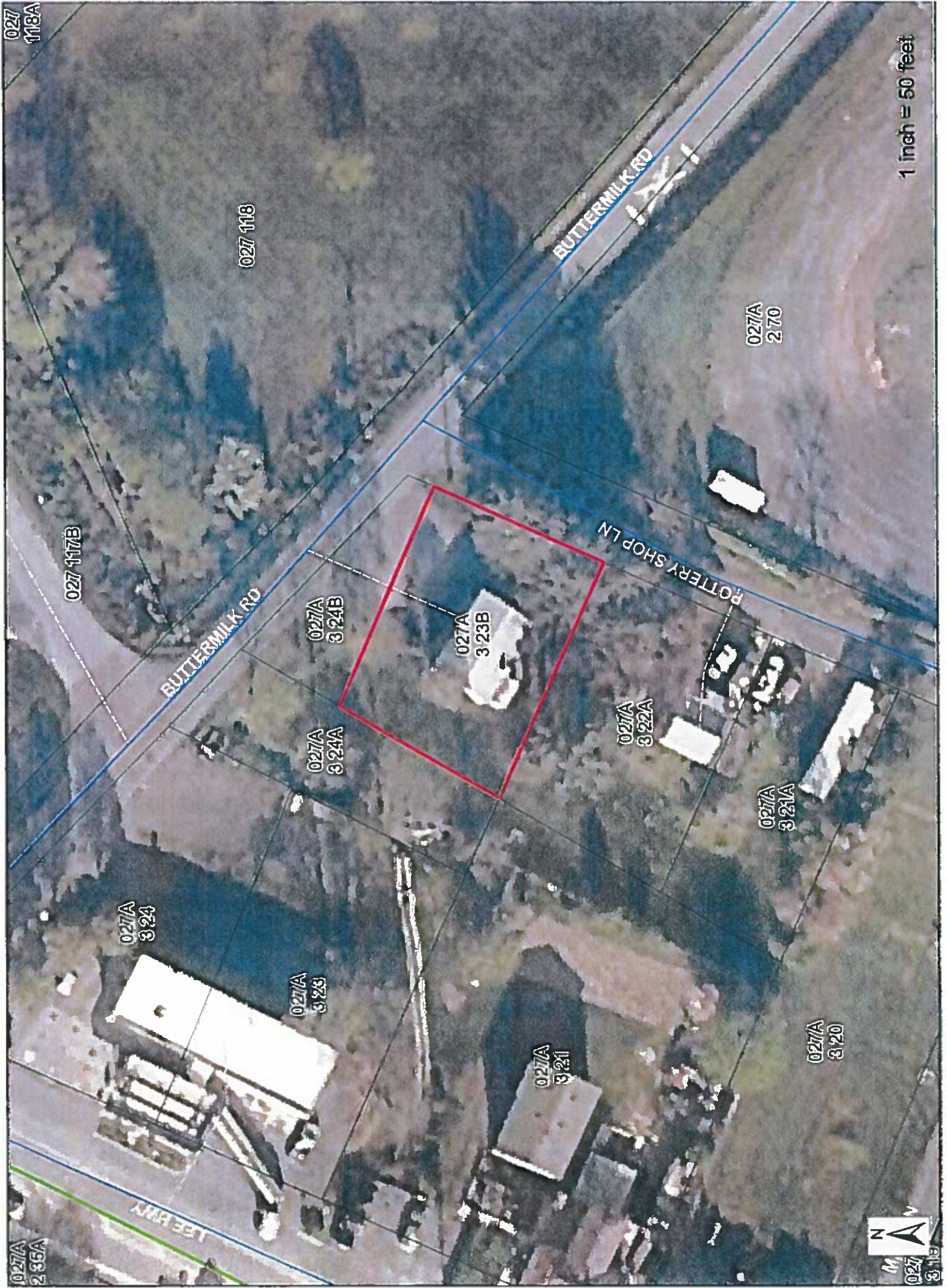
Simmons



Simmons



Simmons



Date 7/5/18

REQUEST TO CANCEL

**PROPERTY OWNER:**

Trustees James M. and Jayne Ann L. Knopp

**APPLICANT:**

Philip Khnopp

**LOCATION OF PROPERTY:**

603 Green Hill Lane, Churchville in the Pastures District

**SIZE OF PROPERTY:**

138.380 acres

**VICINITY ZONING:**

General Agriculture surrounds the entire parcel

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

12/95 Zoned General Agriculture

03/10 SUP to have weddings, birthday parties, reunions, or similar social functions

07/16 SUP to have weddings, birthday parties, reunions or similar social functions, and to have guided nature walks

**LAND USE MAPS:**

Agricultural Conservation Area

**UTILITIES:**

Private well and septic

**APPLICANT'S JUSTIFICATION:**

To have weddings, birthday parties, reunions or similar social functions, and to have guided nature walks.

**The applicant is requesting to cancel the Special Use Permit.**

The applicant stated that he is not financially ready to meet all of the pre-conditions regarding the installation of the septic system and wishes to cancel the permit.