



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: October 29, 2020
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, November 5, 2020, 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 **8:30 A.M., Thursday**, for the Staff Briefing prior to going out to view the items on the agenda. Lunch will follow in the **Board of Supervisors Conference Room at noon**.

Enclosed are the **October** minutes, the agenda for the 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, November 5, 2020, 1:30 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meeting of October 1, 2020

4. PUBLIC HEARINGS

- A. A request by Rebecca F. or Michael C. Breeding, for a Special Use Permit to have a contractor office with outdoor storage of business vehicles on property they own, located at 530 Barnhart Road, Fort Defiance in the Middle River District.
- B. A request by Timothy D. or Tracy L. Cupp, for a Special Use Permit to construct a 40' x 40' building to store business vehicles and materials for the existing electrical contractor business on property they own, located at 279 Patterson Mill Road, Grottoes in the Middle River District.
- C. A request by Duane Witmer, for a Special Use Permit to have a concrete pumping business on property owned by Lester P. or Mary A. Witmer, located at 188 Coffman Road, Weyers Cave in the North River District.
- D. A request by Kenneth R. or Sharon B. Troyer, for a Special Use Permit to have retail sales of farm machinery and equipment on property they own, located at 66 Conner Road, Waynesboro in the South River District.
- E. A request by Paul S. or June C. Terry, for a Special Use Permit to construct an accessory building in the front yard on property they own, located at 42 McCray Lane, Churchville in the North River District.
- F. A request by Gary D. or Regina M. Miller, for a Special Use Permit to have a dog kennel and breeding facility on property they own, located at 5 Lilly Farm Lane, Greenville in the Riverheads District.
- G. A request by Joep Paternostre, for a Special Use Permit to have a helipad for private use on property owned by Blue Ridge Flower Crops, LLC, located in the northeast corner of the intersection of Kindig Road and Stuarts Draft Highway in the South 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 Charles Scott and Cathy F. Balsley, agent for Creative Works Farm, Inc., for a Special Use Permit to add four (4) new structures including a windmill classroom, police station, pavilion and reflection hall, and a plane fuselage and train caboose for recreational use and have three (3) years to complete on property they own, located at 107 Creative Works Lane, Waynesboro in the Middle River District. – **6 MONTH EXTENSION OF TIME REQUEST**

8. STAFF REPORT

| | |
|------|-------------------------------------|
| 20-1 | James Lee Kindig and Lucy K. Coyner |
| 20-2 | Vickie Parson |
| 20-3 | Belle Vista Farm, LLC |
| 20-4 | Creative Works Farm, Inc. |

9. ADJOURNMENT

PROPERTY OWNER:
Rebecca F. or Michael C. Breeding

Agenda Item # 4A
Date 11/5/2020

APPLICANT:
Same

LOCATION OF PROPERTY:
530 Barnhart Road, Fort Defiance in the Middle River District

SIZE OF PROPERTY:
9.499 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 have a contractor office with outdoor storage of business vehicles

PLANNING COMMISSION'S COMMENTS:
No comments.

BUILDING INSPECTOR'S COMMENTS:
Obtain permits and inspections for any new or change of use of any structures in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:
The Health Department has no issues. There will be no employees on site.

HIGHWAY DEPARTMENT'S COMMENTS:
VDOT understands that the request is for the resident of the home and associated work vehicles. No employees or customers are expected. In this case, the private entrance is adequate to serve the office. If the business model changes to where customers and/or employees are expected to use the entrance, VDOT will need to be notified to re-evaluate the entrance to determine if adequate sight distance is attainable.

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

ENGINEERING'S COMMENTS:

Activity appears to be less than 10,000 sf. No permit required as long as cumulative land disturbance and impervious areas associated with the activity are less than 10,000 sf. Existing driveway for the house does not need to be counted in disturbed area, but any new road to the accessory building will be included. If activity exceeds 10,000 sf, then a complete Erosion & Sediment Control Plan and Stormwater Management Plan will be 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.

The applicants are requesting two (2) pickup trucks to be stored inside the building and three (3) sixteen (16') foot trailers parked beside the building or on various job sites.

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 lives on the property.

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

The applicant is proposing to use the existing 40' x 60' accessory building for vehicle storage with the trailers parked beside the building. The contractor business with the two (2) work trucks and three (3) sixteen (16') foot trailers should be appropriate for 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 property has an existing driveway with direct access onto the state maintained Barnhart Road.

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

The property has an existing driveway. There will not be any customer traffic and no employees coming to the site.

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

The applicant will be utilizing the existing 40' x 60' building onsite.

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

No expansions are requested.

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

Private well and septic onsite.

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

Fire extinguisher onsite.

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 two (2) pickup trucks will be stored in the building located 120' from the road and the three (3) sixteen (16') foot trailers will be stored behind the building approximately 180' from the road.

STAFF RECOMMENDATIONS

The applicants are requesting to have a contractors office and store their business vehicles, two (2) pickup trucks, and three (3) sixteen (16') foot trailers onsite. The two (2) pickup trucks will be stored in the existing 40' x 60' accessory building and the three (3) sixteen (16') foot trailers would be stored behind the building. No customer traffic will come to the site and there are no employees coming to this site. Staff feels that the contractors business with limited traffic would not be out of character for the area and recommends approval with the following conditions:

Pre-Condition:

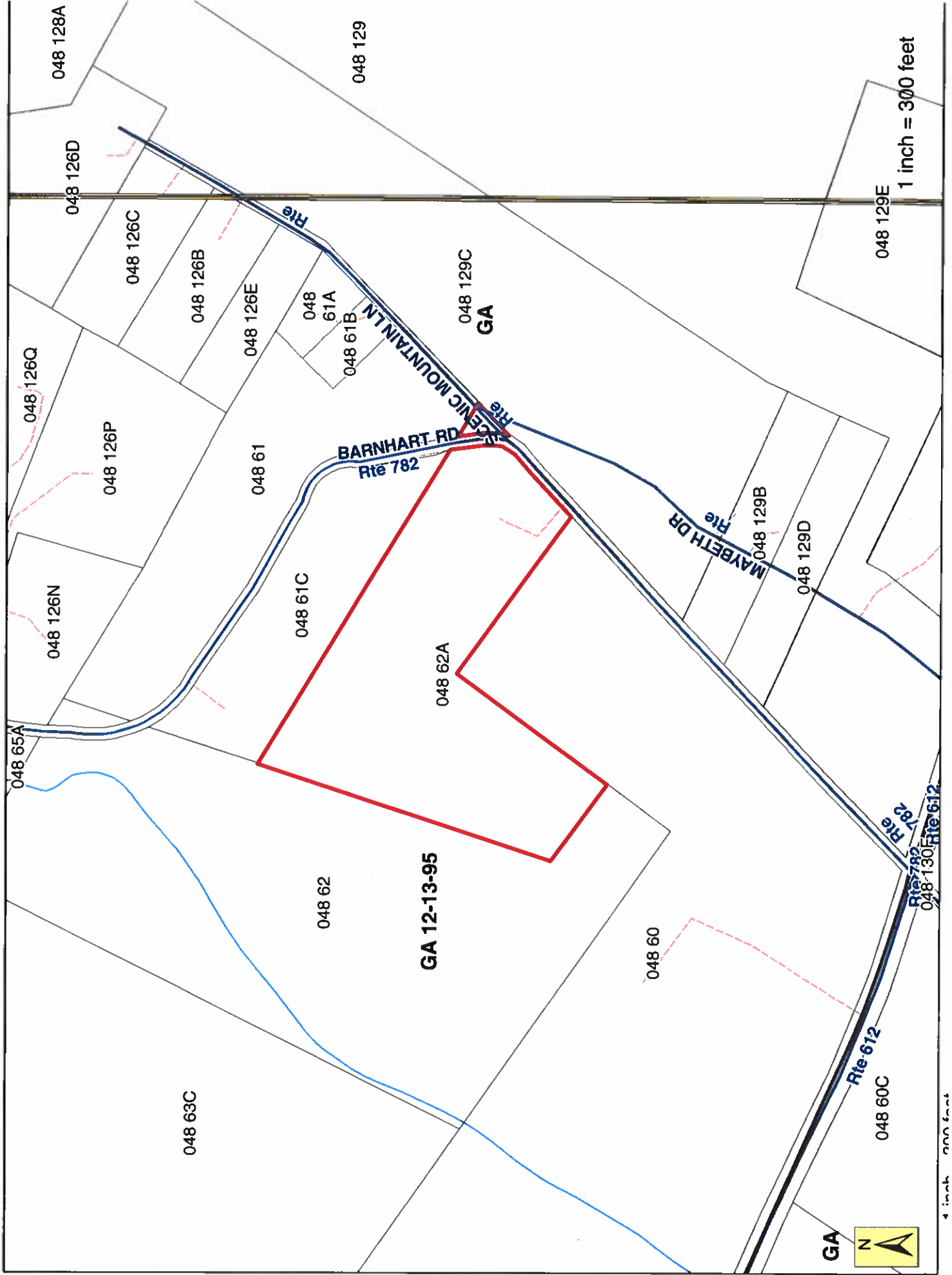
1. Obtain a Building Permit for the change of use to the 40' x 60' building and provide a copy to Community Development.

Operating Conditions:

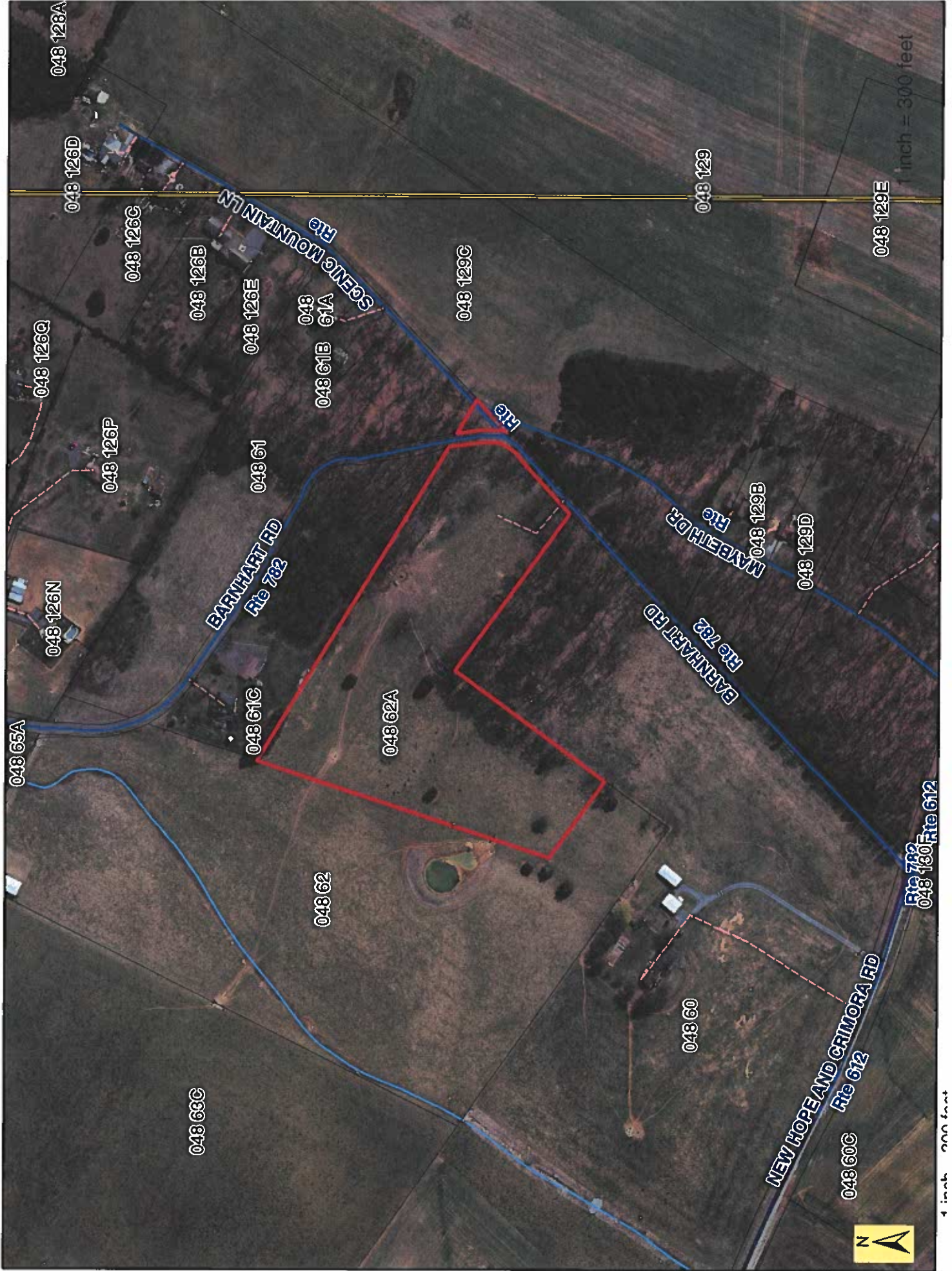
1. Be limited to two (2) pickup trucks and three (3) sixteen (16') foot trailers.
2. All business vehicles to be kept in the designated areas as shown on the site plan.
3. No employees or customers come to the site.
4. No junk or inoperable vehicles onsite.
5. Site be kept neat and orderly.



Breeding



Breeding



1 inch = 300 feet

40' X 60' Accessory Building for Vehicle Storage / trailers parked beside Breeding



Feet

Agenda Item # 4B

Date 11/5/2020

PROPERTY OWNER:

Timothy D. or Tracy L. Cupp

APPLICANT:

Same

LOCATION OF PROPERTY:

279 Patterson Mill Road, Grottoes in the Middle River District

SIZE OF PROPERTY:

1.50 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

05/95 SUP approved to operate an electrical contractor business, construct a 24' x 24' building, and to have two (2) employees

12/95 Zoned General Agriculture

03/00 SUP approved to have six (6) employees and four (4) business vehicles

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Private well and septic

APPLICANT'S JUSTIFICATION:

To construct a 40' x 40' building to store business vehicles and materials for the existing electrical contractor business

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Obtain permits and inspections for structure in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

The applicant was advised to keep the building 10'+ from the existing drainfield. The business will have no outside employees. He was advised that a permit from the Health Department would be required if plumbing is to be installed into the building. The Health Department has no issues.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing entrance is adequate for the request.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Activity associated with this expansion, when coupled with existing extensive graveled area and accessory buildings, appears to exceed 10,000 sf. A complete Erosion & Sediment Control Plan and Stormwater Management Plan are required. Impervious area associated with Special Use Permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

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 outdoor 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.

Applicants reside on the property.

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

This is an existing business that has been operating at this location since May 1995, under SUP#95-23. In March 2000, the Board approved an expansion to have additional employees. Adding a building for additional storage should be appropriate for the agriculture area.

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

The business has an approved VDOT highway entrance permit. The business has direct access to the state maintained Patterson Mill Road.

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

VDOT approved the existing entrance for business use in March 2000.

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

The applicants are requesting to construct a new 40' x 40' accessory building to store business vehicles and materials for the existing electrical contractor business. The existing 24' x 24' building will now be used for personal storage.

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

The proposed new accessory building is 1,600 square feet and will be setback on the property, not visible from the road or surrounding properties. The existing business building will be used for personal storage.

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 and Health Department has no issues with the request.

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

Fire extinguishers will be onsite.

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 outdoor storage or display is requested.

STAFF RECOMMENDATIONS

On May 2, 1995, the Board of Zoning Appeals approved a Special Use Permit for the applicants to have an electrical contractors business in a 24' x 24' shop with two (2) employees and one (1) business vehicle. On March 2, 2000, the Board of Zoning Appeals approved a Special Use Permit for the applicants to expand the electrical contractor business to have six (6) employees and four (4) business vehicles. The applicants are requesting to have a new larger business building 40' x 40' (1,600 square feet) to store business vehicles and materials. No request was made for any increase in employees or number of business vehicles. The existing 24' x 24' building will now be used for personal storage. The proposed business building will not be visible from the road and the property is shielded by trees so it should not be visible to adjoining

neighbors. If the Board feels this request is in keeping with the area, staff recommends the following conditions:

Pre-Conditions:

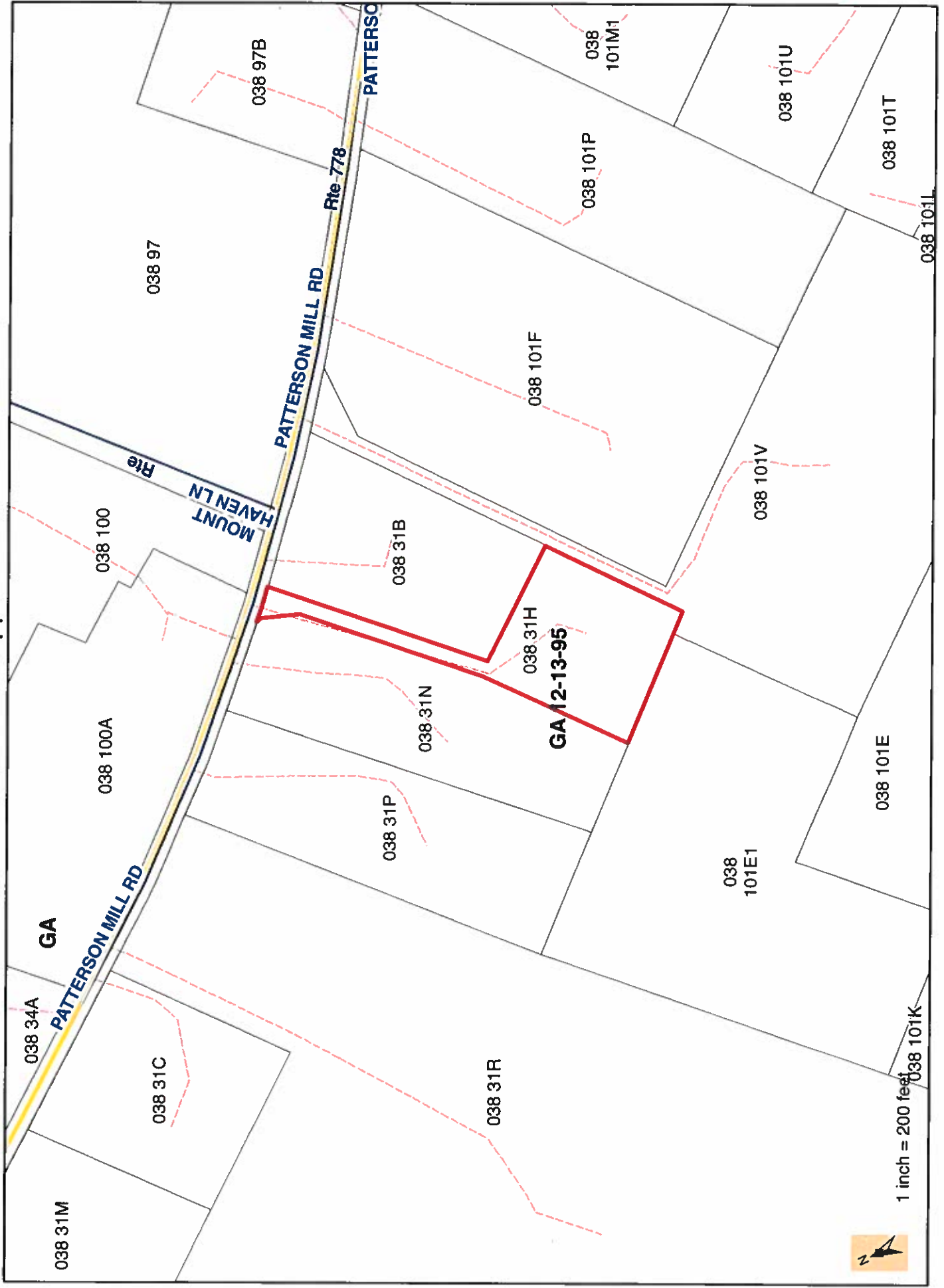
1. Submit a complete Erosion and Sediment Control Plan and Stormwater Management Plan.
2. Obtain all necessary Building Permits and submit a copy to Community Development.

Operating Conditions:

1. Be permitted to construct a 40' x 40' building for storage of materials and equipment for the electrical contractor business.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.
4. All operating conditions of SUP#00-18 remain in effect.



Cupp



1 inch = 200 feet

Feet

Cupp



1" = 100'

PROPERTY OWNER:
Lester P. or Mary A. Witmer

Agenda Item # 4C

Date 11/5/2020

APPLICANT:
Duane Witmer

LOCATION OF PROPERTY:
188 Coffman Road, Weyers Cave in the North River District

SIZE OF PROPERTY:
50.480 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:
12/95 Zoned General Agriculture
01/16 SUP to have a concrete pumping business and to construct a new shop

LAND USE MAPS:
Agriculture Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To have a concrete pumping business

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
The Health Department would advise that the owner hire a private Onsite Soil Evaluator to design a sewage disposal system to accommodate the 2 businesses. The Health Department has no records on file of a septic system permit to serve a bathroom for 2 employees, we assume this was never built since a permit would have been required. **It should also be noted that the existing drainfield serving the home on the property is failing.** The owner needs to work with a private licensed Onsite Soil Evaluator and/or licensed Onsite Sewage Disposal System Installer to make appropriate repairs to the system. Most likely a repair permit issued by the Health Department will be required. Two Notice of Alleged Violations have been sent to the owner regarding this issue.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing low volume commercial entrance is adequate for the request.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

The 2015 SUP was to add a 60 x 80 building. From aerial photography, it appears a much larger area was disturbed and is now impervious. A complete Erosion & Sediment Control Plan and Stormwater Management Plan are required. Impervious area associated with Special Use Permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

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 planning on having three (3) trucks and two (2) employees. Only licensed vehicles will be outside and once the shop is complete all vehicles will be parked inside the 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's father resides on the site and operates his own business at this site and will continue to do so, approved January 2016 by the Board of Zoning Appeals. The applicant does not reside on site.

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

No enlargements are requested. Applicant will operate using the existing facility. SUP#15-46 approved on January 7, 2016, allowed an addition to the existing shop and a building permit was issued for a 52' x 80' shop addition.

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.

There is an existing VDOT approved entrance on this site with direct access to state maintained Coffman Road.

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

The site contains 50.480 acres which can safely and adequately 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.

Applicant proposes to use the existing shop building onsite.

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

No expansions or enlargements are requested to the existing business. This will be a separate business.

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

The existing septic system serving the dwelling is failing. The applicant will need to apply for a septic permit to install bathrooms in the building.

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

Fire extinguishers are onsite.

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 outdoor storage or display.

STAFF RECOMMENDATIONS

The Board approved a Special Use Permit for a concrete pumping business at this location in 2016. The applicant has been working with his father in the business, and he is now requesting to operate his own business from this site. He does not reside on premise. The applicant currently has two (2) trucks but he plans to purchase another one (1) in the future, therefore, he is requesting three (3). He would also like to hire two (2) employees. The Health Department comments state the existing drainfield for the home is failing, and no new permits have been obtained to install a restroom in the shop to accommodate two (2) separate businesses with employees.

The existing business has been operating since 2016 as a supplemental income to the farming operation. If the Board feels this request would be compatible with the surrounding agriculture area and desires to approve the permit, staff would recommend the following conditions:

Pre-Conditions:

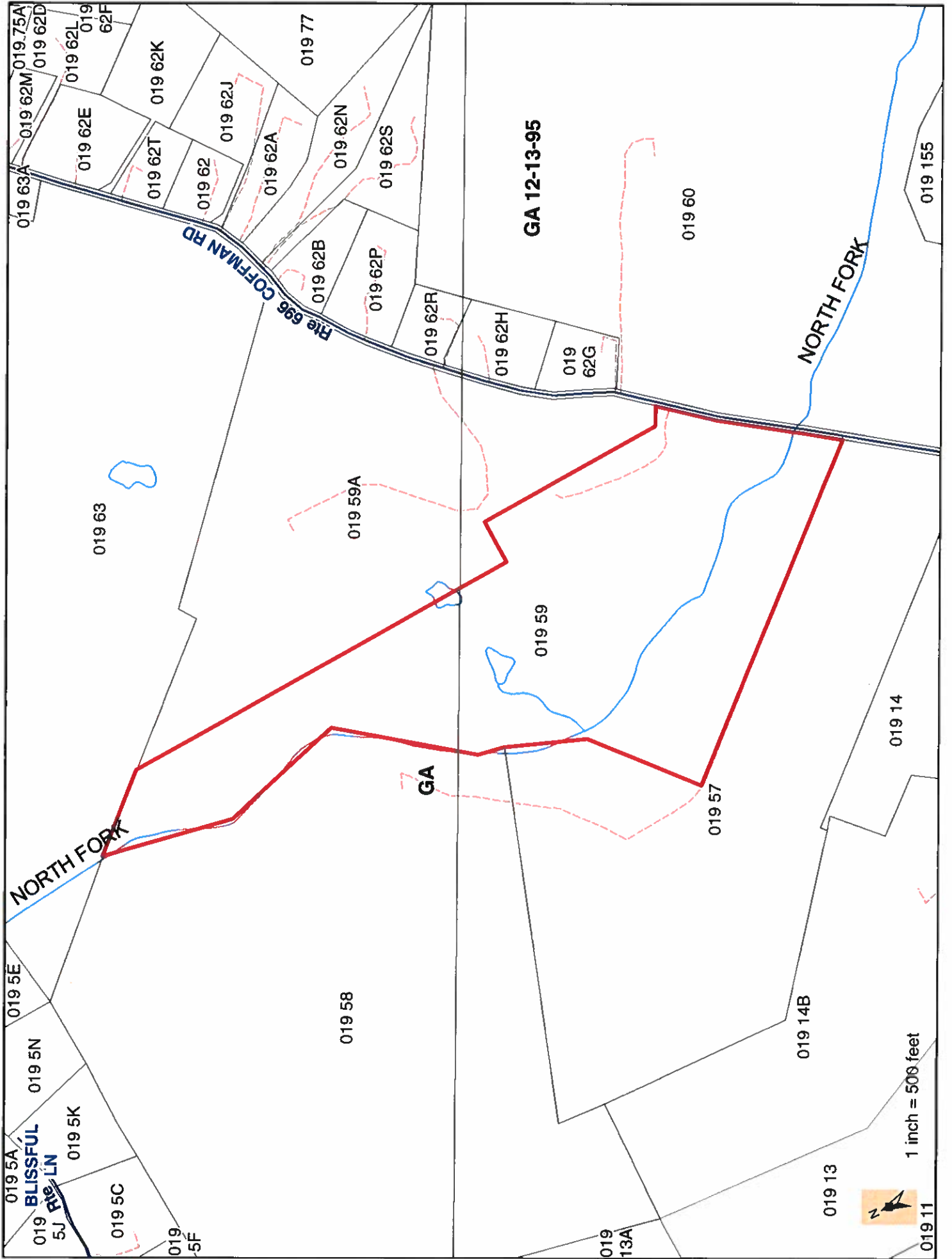
1. Submit a complete Erosion and Sediment Control Plan and Stormwater Management Plan to Community Development.
2. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to have three (3) trucks in the business.
2. All equipment, machinery, and materials for the business be kept inside the existing building used for the concrete pumping business.
3. Be limited to two (2) employees once Health Department approval is obtained.
4. No Sunday work.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.
7. No further expansion.



Witmer



1 inch = 500 feet



Witmer



1 inch = 500 feet

Feet

Witmer

52' x 80' addition being constructed on site for the business



Feet

1 inch = 200 feet



PROPERTY OWNER:
Kenneth R. or Sharon B. Troyer

Agenda Item # 4D
Date 11/5/2020

APPLICANT:
Same

LOCATION OF PROPERTY:
66 Conner Road, Waynesboro in the South River District

SIZE OF PROPERTY:
17.801 acres

VICINITY ZONING:
General Agriculture surrounds the entire parcel

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

LAND USE MAPS:
Urban Service Area – Neighborhood Mixed Use

UTILITIES:
Public water and private septic

APPLICANT'S JUSTIFICATION:
To have retail sales of farm machinery and equipment

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
The Health Department has no issues with the request. The building currently has a bathroom for up to 15 daytime employees (300 gpd system).

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance meets low volume commercial entrance requirements and is adequate for the request.

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. There is an existing 6" waterline along Conner Road approximately 300'± south of the subject parcel.
5. There is no public sewer available in the area of the subject parcel.

ENGINEERING'S COMMENTS:

No additional disturbance or impervious areas shown. No permit required as long as both are less than 10,000 sf. If additional areas are disturbed, then a complete Erosion & Sediment Control Plan and Stormwater Management Plan may be required in which case impervious area associated with Special Use Permit activity will be calculated back to 1990 based on documentation available and 1991 aerial photography.

SECTION 25-74B – AGRICULTURE SUPPORT BUSINESSES

The business is reasonably related to agriculture or forestry use. Examples of such businesses are those which involve (a) the processing of agriculture or forestry products, (b) the supply and maintenance of equipment, tools, and facilities used in agriculture and forestry production, (c) the care and feeding of animals generally, or (d) the marketing of agriculture and forestry products.

The applicant is requesting to sell post drivers, hay equipment, and other farm implements.

Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads.

It will be a small business on this site. Customers come onsite to pick items up. It is done by appointment. The traffic should be compatible with the road and other traffic.

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

The site has direct access to Conner Road and has 17.8 acres. Applicant proposes a gravel parking area onsite.

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

The proposed business is a small agricultural support business. Applicant will be utilizing an existing building onsite. All items being sold are kept inside the building.

Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties.

The building meets current setbacks.

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 a business center or otherwise change the area's character and social structure.

The proposed building should not result in a clustering of businesses in this rural area.

STAFF RECOMMENDATIONS

The applicant is requesting to have retail sales of farm machinery and equipment onsite. The equipment will be stored inside the existing building with the adjoining gravel parking area shown on the site plan. The applicant will not have any employees and customer trips are by appointment. The applicant lives onsite and currently sells produce which is grown onsite. Staff feels the storage of farm related equipment with limited retail sales and no employees would not be out of character for this area and recommends approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have retail sales of farm machinery and equipment.
2. All equipment, machinery, and materials for the business be kept inside the building as shown on the BZA sketch plan.
3. No employees other than family members.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.
6. Applicant must reside on premises.



using the existing building for street

Troyer



076 20L

076 8

076 18

Rte 933

076 20M

076 20E

076 20J

076 20P

076 20N

CONNER RD

076J 233

076J 232 SF10

076J 231

076J 228

076J 227

076 20R

076 20B

1 inch = 200 feet

Feet

PROPERTY OWNER:
Paul S. or June C. Terry

Agenda Item # 4E
Date 11/5/2020

APPLICANT:
Same

LOCATION OF PROPERTY:
42 McCray Lane, Churchville in the North River District

SIZE OF PROPERTY:
5.655 acres

VICINITY ZONING:
Rural Residential to the south and west; General Agriculture to the north and east

PREVIOUS ZONING OR S.U.P.:
01/87 Zoned Rural Residential

LAND USE MAPS:
Rural Conservation Area

UTILITIES:
Private well and septic

APPLICANT'S JUSTIFICATION:
To construct an accessory building in the front yard

PLANNING COMMISSION'S COMMENTS:
No comments.

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

HEALTH DEPARTMENT'S COMMENTS:
The Health Department has no issues. The building will not be close to the septic system and it will not have any plumbing.

HIGHWAY DEPARTMENT'S COMMENTS:
The existing entrance is adequate for the request. The proposed building will not negatively affect parking or entrance to property.

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

ENGINEERING'S COMMENTS:

Home landscaping/accessory building less than 10,000 sf of disturbance or impervious area, no permit required.

SECTION 25-134F - ACCESSORY BUILDINGS OR OTHER ACCESSORY STRUCTURES LOCATED IN THE FRONT YARD

The proposed location of the accessory building or structure would not appear out of character with other buildings and uses on the adjoining and surrounding properties; would not be aesthetically damaging to the character of the surrounding properties; or would not adversely and substantially affect the fair market value of surrounding properties.

The location for the proposed accessory building is 288' from McCray Lane. The area is wooded. There are other properties in the area with accessory buildings located in the front yard. The proposed location should not appear out of character or have a negative impact on the surrounding properties.

The accessory building or structure must meet the front setback requirement of this article.

The proposed accessory building will meet all required yard setbacks.

STAFF RECOMMENDATIONS

The applicant is requesting to construct a 30' x 36' with a 9' x 36' attached lean to personal use storage building in front of the existing dwelling. The current Zoning Ordinance prohibits accessory buildings in the front yard of Rural Residential zoned districts without a Special Use Permit approved by the Board. The property contains 5.655 acres and is partially wooded. The building will be setback approximately 288' from the road. The property is located on a corner and has double road frontage. The requested location is a flat area and the existing trees would provide a natural screening. Due to these facts, staff does not feel the accessory building would be out of character with the neighborhood and would recommend approval with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to build the 30' x 36' with the 9' x 36' attached lean to in the front yard as shown on the BZA sketch.
2. Applicant obtain all Building Permits and necessary inspections.
3. No junk or inoperable vehicles to be kept outside.
4. Site be kept neat and orderly.



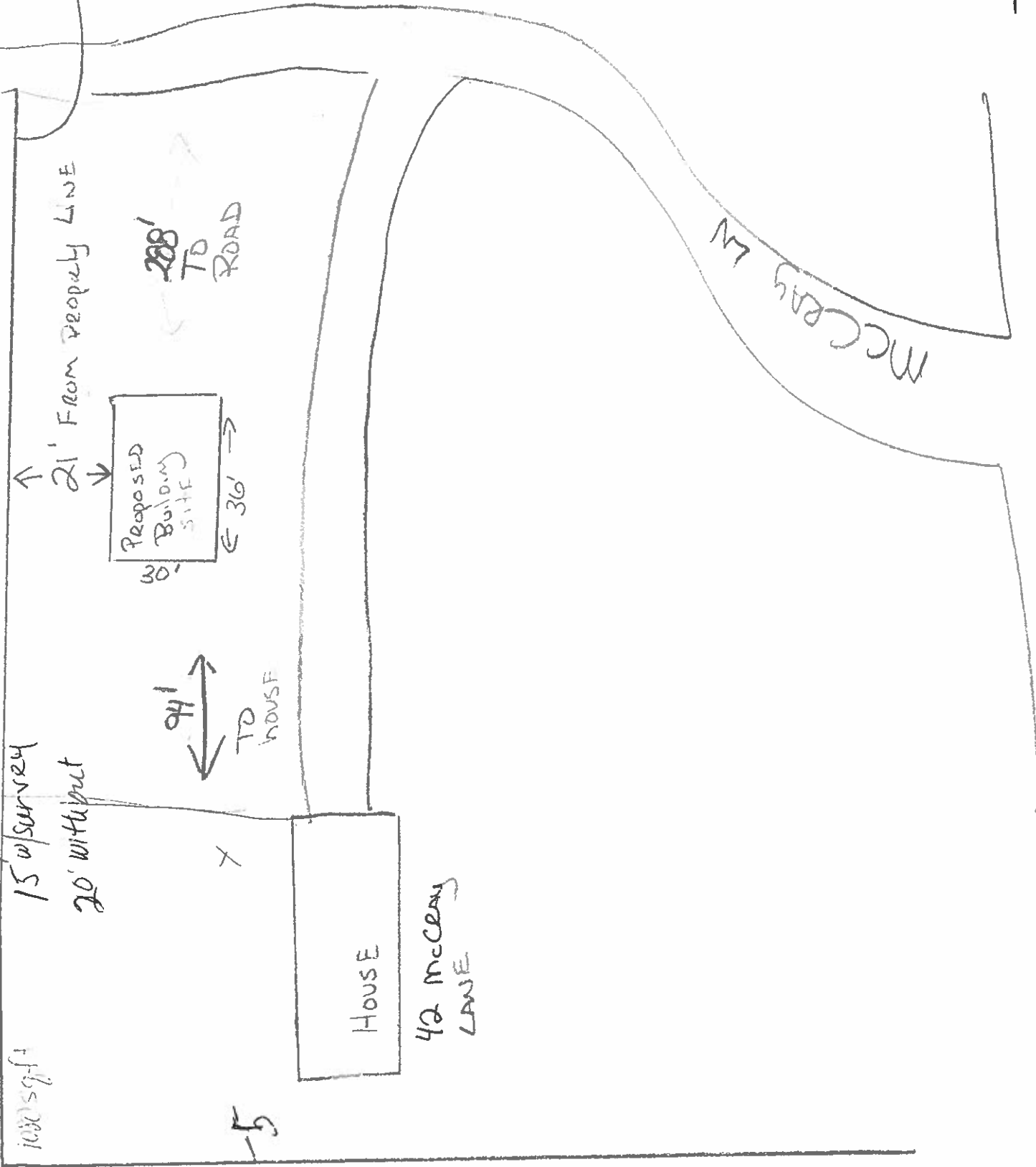
Terry



Property Line
Surveyed
by
LDH's
Associates

E
+
N
-
S
+
W

Terry



SR 42

Agenda Item # 4F
Date 11/5/2020

PROPERTY OWNER:

Gary D. or Regina M. Miller

APPLICANT:

Same

LOCATION OF PROPERTY:

5 Lilly Farm Lane, Greenville in the Riverheads District

SIZE OF PROPERTY:

14.567 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 dog kennel and breeding facility

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

Obtain permits and inspections for any new structures in accordance with the Uniform Statewide Building Code.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no issues with the kennel.

HIGHWAY DEPARTMENT'S COMMENTS:

The existing entrance meets low volume commercial entrance requirements and is adequate for the request.

SERVICE AUTHORITY'S COMMENTS:

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

ENGINEERING'S COMMENTS:

Activity appears to be less than 10,000 sf (5,500 sf fenced area). No permit required as long as cumulative land disturbance and impervious areas associated with the activity are less than 10,000 sf. If the dog run area becomes bare or is paved or graveled, then this area will be factored into any future additions to the operation. If activity exceeds 10,000 sf, then a complete Erosion & Sediment Control Plan and Stormwater Management Plan will be required.

ANIMAL CONTROL'S COMMENTS:

Ten (10) adult females will be ok for this property. Two (2) adult males for breeding purposes. Be cautious how many litters a year are granted (8-10 average in a litter).

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.

Kennel area will be cleaned 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 applicant will be installing electric and using heat lamps in the winter inside the existing building. Vented area open on top at eave.

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

There is a chain-link fence five (5') foot high around the kennel structure.

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

The dogs will have access to the building while in the exercise area.

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

There will be fire extinguishers in the kennel structure.

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

The applicant will be raising lab puppies. The existing structure and fenced exercise area should be of proper size to accommodate the number of animals 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 14.567 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 animals will be kept inside the existing building from 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 existing structure is over two hundred (200') feet from all property lines and approximately five hundred fifty (550') feet from the closest dwelling.

STAFF RECOMMENDATIONS

The applicant is requesting to have a dog kennel and breeding facility for Labrador Retriever puppies. The applicant is requesting to have up to ten (10) females and two (2) males onsite and he would like to be allowed twenty-five (25) to thirty (30) litters per year. The dogs will be kept inside the existing 20' x 20' structure with individual dog runs and 55' x 100' fenced exercise area. The structure is approximately two hundred fifty (250') feet from the closest property line and five hundred fifty (550') feet from the nearest dwelling.

Staff shares Animal Control's concerns regarding the number of dogs and litters requested per year, **as twenty-five (25) litters per year would produce an average of two hundred twenty-five (225) puppies per year.** If the Board feels a breeding kennel facility of this size is compatible with the neighborhood then staff would recommend the following conditions if the Board desires to approve the request:

Pre-Conditions:

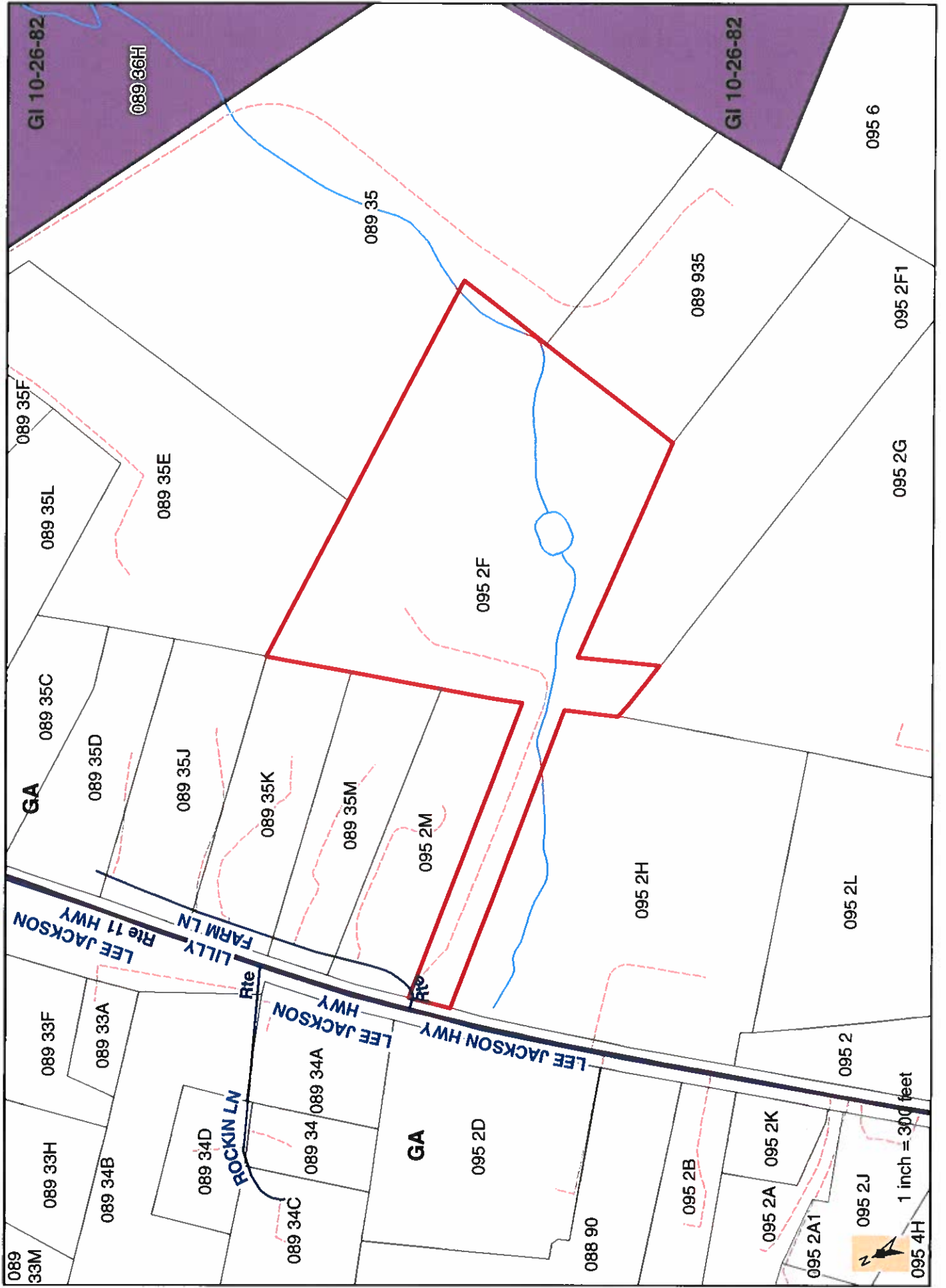
None

Operating Conditions:

1. Maximum of ten (10) adult dogs kept at this site at any time.
2. Be limited to eight (8) litters per year.
3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
4. All dogs be confined within the 55' x 100' exercise area or inside the building at all times.
5. Applicant must reside on premises.
6. Animal Control to inspect the site every **six (6) months**.



Miller



1 inch = 300 feet

Feet

Miller



20' x 20'

Miller



039 35M

095 2M

095 2F

100'

531

Fenced Area

GA



1 inch = 50 feet

1 inch = 50 feet

Beatrice Cardellicchio

From: J. Erin Etzel <jeevegichief@gmail.com>
Sent: Thursday, October 29, 2020 8:40 AM
To: ComDev
Subject: [EXTERNAL] Kennel request in Greenville co

To whom it may concern,

I would like to voice my opinion that the kennel request for Mr. and Mrs. Miller of Greenville co be denied. Breeding more dogs during a time that our local shelters are at max capacity and surrounding counties have a high-kill rate, why would we encourage more people to purchase dogs, when there are so many perfectly good dogs in need of homes(pure bred and mixed breed). Please consider this and know your community members do not support back yard breeding programs.

I appreciate your time and consideration, J. Erin Etzel

Sent from my iPhone

Sandy Bunch

From: Augusta Dog Adoptions <augustadogadoptions@hotmail.com>
Sent: Thursday, October 29, 2020 3:37 PM
To: Gina Zimmerman; Sandy Bunch; beverly Giesecke
Cc: Becci Harmon
Subject: [EXTERNAL] Re: Blocking zoning board request for another dog breeding facility in Augusta County, Virginia

Sure,

You have permission to add Augusta Dog Adoptions. I'll post this on our volunteer page in case some can come to the meeting or think of ways to help you further.

Thanks so much,

Amy Hammer, President of Augusta Dog Adoptions

From: Gina Zimmerman <ginaleaz@gmail.com>
Sent: Thursday, October 29, 2020 3:09 PM
To: sbunch@co.augusta.va.us <sbunch@co.augusta.va.us>; beverly Giesecke <mrgfla@gmail.com>
Subject: Blocking zoning board request for another dog breeding facility in Augusta County, Virginia

I am trying to influence the Zoning Board of Augusta County, Virginia, to refuse permission for the addition of another dog breeding facility in Augusta County. May I have your permission to add your organization (using City or County location only) in a letter to the County of Augusta, Commonwealth of Virginia, Virginia Dept. of Community Development, P.O. Box 590, County Government Center, Verona, Virginia 24482-0590? Public hearing will be held Thursday, November 5, 2020 at that location. As you can see, time is of the essence. Additionally, and of great help would be your participation in the public hearing. The hearing will begin at 1:30 pm at:

Augusta County Government Center
18 Government Center Lane
Verona, VA 24482

Additional information can be found at:

<https://www.co.augusta.va.us/home/components/calendar/event/21310/12>

Thank you for your consideration.

Beverly Giesecke, founder and Past Director , Wee Waggin' Rescue, Fort Myers, Virginia 33905 current contact info: mrgfla@gmail.com 540-377-2690

(FYI, we currently have 4 older and/or disabled rescued pups in our home. We can't save them all, but we can certainly reduce the numbers of animals in need of help. Agreed???)

Beatrice Cardellicchio

From: crissy smith <crissy.28@live.com>
Sent: Thursday, October 29, 2020 4:19 PM
To: ComDev
Subject: [EXTERNAL] Dog breeding facility.

I am currently a foster and member of Augusta Dog Adoptions. Please do not allow another breeder in Augusta county. We cannot keep up with the need of the unwanted dogs in our community now, many from breeders who sell sick puppies. The local shelter is overwhelmed and many dogs end up homeless. It breaks my heart that we as a community would consider breeding more dogs when there are not enough homes for the dogs in need now.

Crissy Smith
2 Woodview Ct Stuart's Draft

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Agenda Item # 4G

Date 11/5/2020

PROPERTY OWNER:

Blue Ridge Flower Crops, LLC

APPLICANT:

Joep Paternostre

LOCATION OF PROPERTY:

In the northeast corner of the intersection of Kindig Road and Stuarts Draft Highway in the South River District

SIZE OF PROPERTY:

9.482 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 Zoned General Agriculture

LAND USE MAPS:

Urban Service Area – Neighborhood Mixed Use

APPLICANT'S JUSTIFICATION:

To have a helipad for private use

PLANNING COMMISSION'S COMMENTS:

No comments.

BUILDING INSPECTOR'S COMMENTS:

After review, our office has no conditions.

HEALTH DEPARTMENT'S COMMENTS:

The Health Department has no issues.

HIGHWAY DEPARTMENT'S COMMENTS:

VDOT has no objection to the request.

SERVICE AUTHORITY'S COMMENTS:

The requested use has no impact on the public water utilities.

ENGINEERING'S COMMENTS:

It is unclear from the submitted drawing how much area will be disturbed. The existing Stormwater Management Plan should be revised to factor in this additional impervious area and these calculations submitted for review.

SECTION 25-74E - LANDING STRIPS AND HELIPORTS

The landing strip or heliport shall be for private aviation aircraft only, limited exclusively to the use of the landowner and his/her family members; commercial operations, including flight training, ground school, aircraft repair, and sales are prohibited.

The applicant/landowner is requesting a helipad for his personal helicopter and emergency landings for Fire and Rescue when needed.

Take-offs and landings are limited to daylight hours.

The applicant will be landing and taking off during daylight hours only.

The neighboring area is not characterized by agricultural, residential, commercial, or industrial development which would be adversely impacted by the proposed use.

The surrounding agriculture property could be adversely impacted by noise and dust from the proposed use.

The landing strip or heliport is not located in close proximity to an existing airport and/or will not impact commercial flight paths.

Eagles Nest Airport is 3.3 miles from this site.

STAFF RECOMMENDATION

The applicant is requesting to have a 20' x 20' concrete helipad to land his personal helicopter. The area is agricultural in nature and the property contains 9.482 acres. The applicant currently operates a greenhouse/wholesale business from this site and would like to store the helicopter in one of the large buildings onsite instead of at his home in Eagles Nest. **The Eagles Nest (Waynesboro Airport) is only 3.3 miles from this site.**

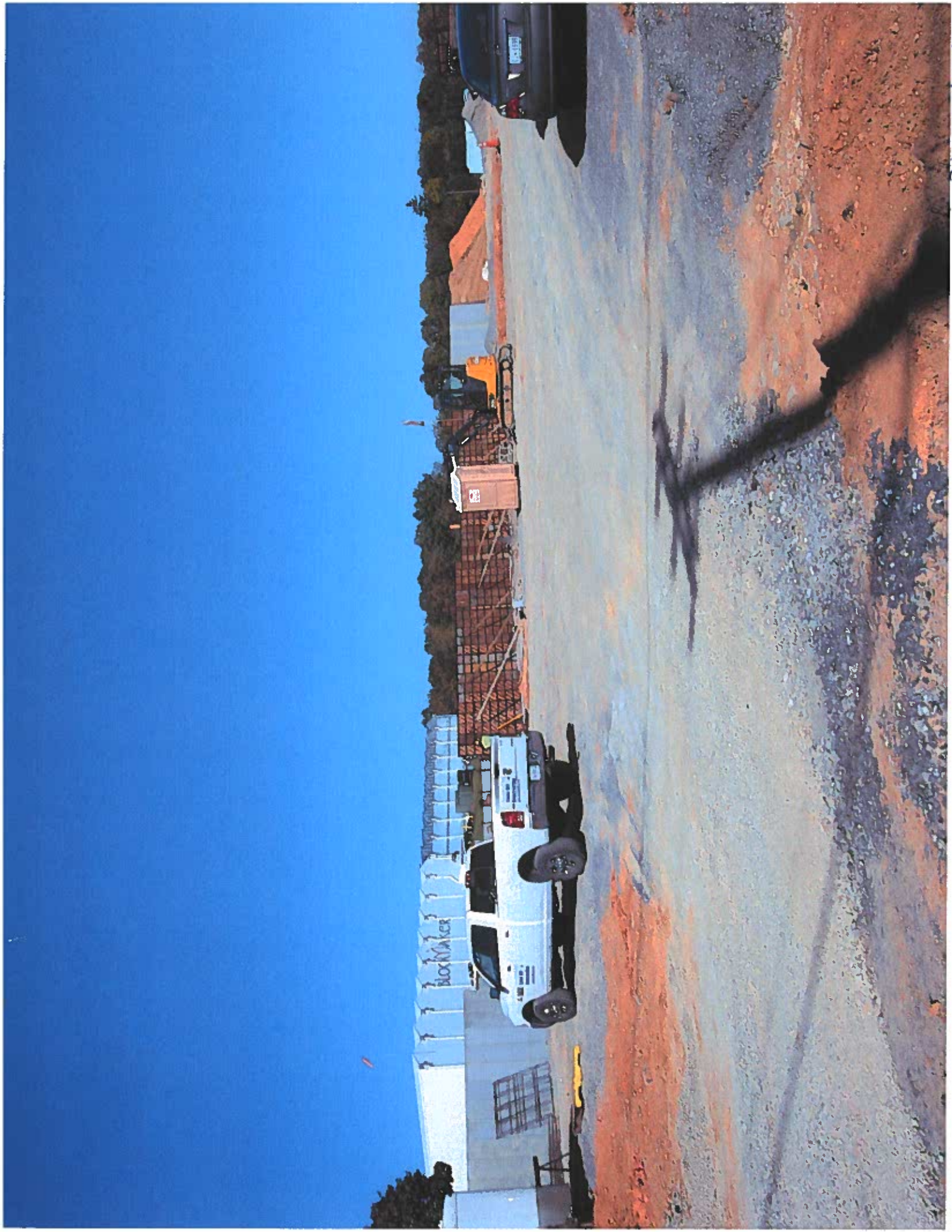
The applicant submitted a letter of support from Augusta County Fire and Rescue which states the helipad would provide a much needed resource for them during emergency situations. **The current Zoning Ordinance limits the use to landowners and their family members and prohibits commercial or business use.** If the Board feels the request would be compatible with the surrounding agriculture area and desires to approve the Special Use Permit, staff would recommend the following conditions:

Pre-Condition:

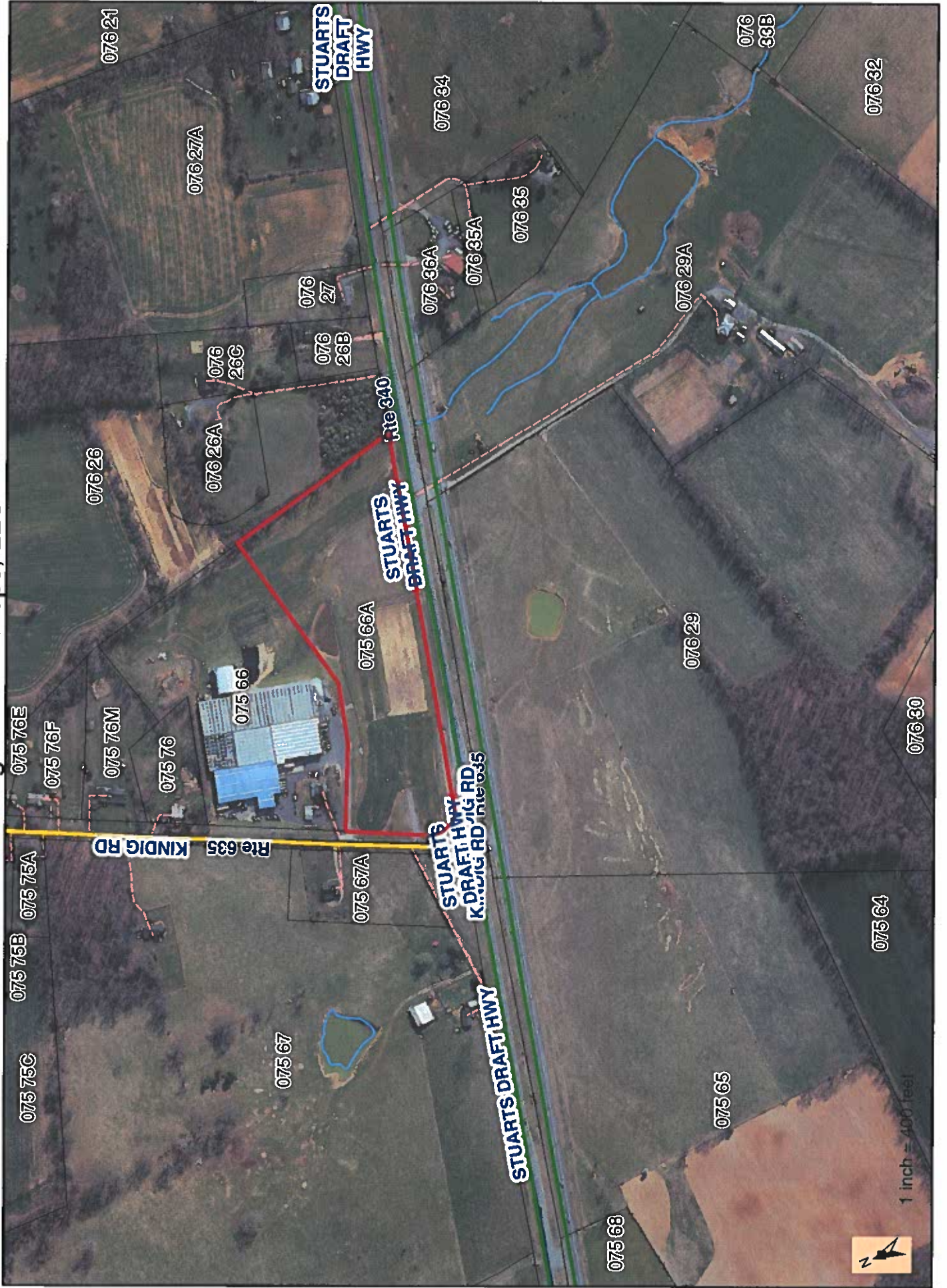
1. Submit a revised Stormwater Management Plan to factor in the additional impervious area.

Operating Conditions:

1. The helipad be used only by the applicant or family members and EMS operation.
2. Take off and landings during daylight hours only unless for EMS operations.
3. No commercial operations, training, aircraft repair or sales onsite.
4. No Sunday flights.



Blue Ridge Flower Crops, LLC



1 inch = 400 feet



Feet

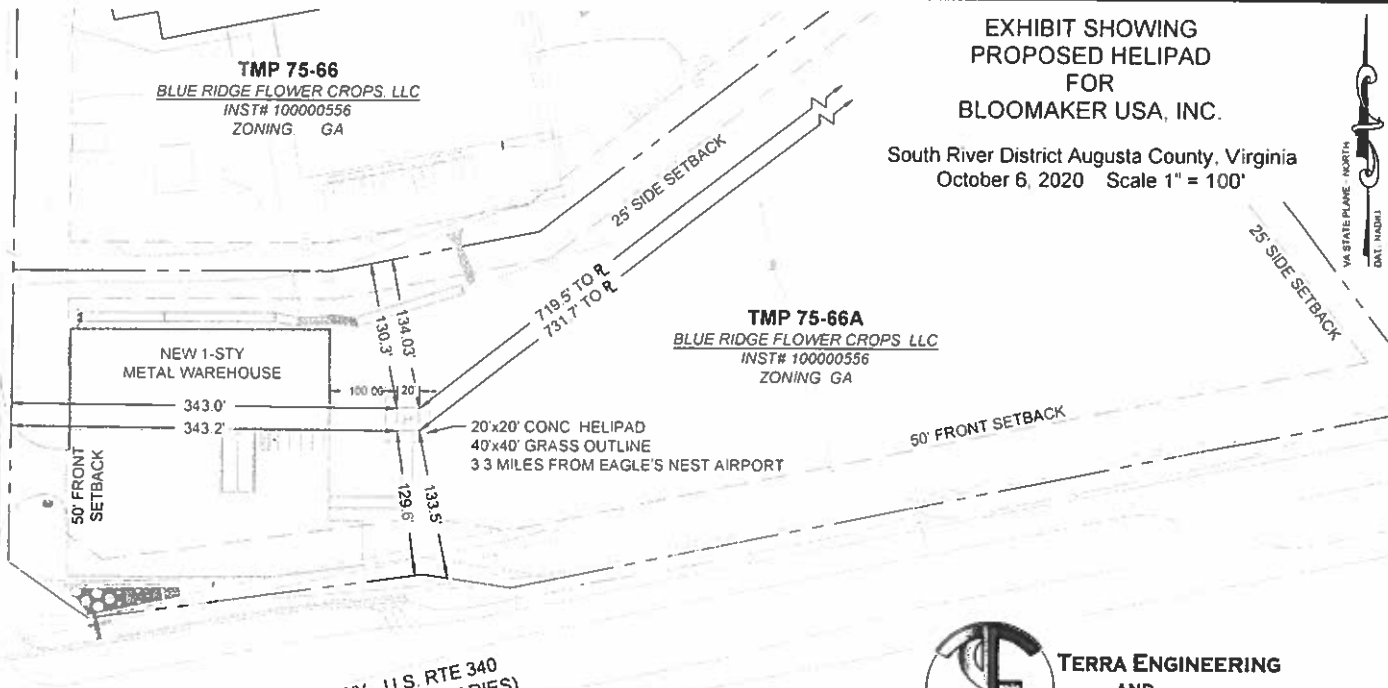
EXHIBIT SHOWING
 PROPOSED HELIPAD
 FOR
 BLOOMAKER USA, INC.

South River District Augusta County, Virginia
 October 6, 2020 Scale 1" = 100'



TMP 75-66
 BLUE RIDGE FLOWER CROPS, LLC
 INST# 100000556
 ZONING GA

TMP 75-66A
 BLUE RIDGE FLOWER CROPS, LLC
 INST# 100000556
 ZONING GA



STUARTS DRAFT HWY - U.S. RTE 340
 (MINOR ARTERIAL, 55 MPH, RW VARIES)

GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft



**TERRA ENGINEERING
 AND
 LAND SOLUTIONS, PC**

CIVIL ENGINEERS PLANNERS LAND SURVEYORS
 2371 STUARTS DRAFT HIGHWAY STUARTS DRAFT VA 21177
 PH 540-337-4591 FAX 540-337-5291

EXTENSION OF TIME REQUEST

PROPERTY OWNER:

Creative Works Farm, Inc.

APPLICANT:

Charles Scott and Cathy F. Balsley, agent for Creative Works Farm, Inc.

LOCATION OF PROPERTY:

107 Creative Works Lane, Waynesboro in the Middle River District

SIZE OF PROPERTY:

160.826 acres

VICINITY ZONING:

General Agriculture surrounds the entire parcel

PREVIOUS ZONING OR S.U.P.:

12/95 – Zoned General Agriculture

04/12 – SUP approved to have a public accommodation facility, including cabins, recreation, and special events

LAND USE MAPS:

Rural Conservation Area

UTILITIES:

Public water and private septic

APPLICANT'S JUSTIFICATION:

To add four (4) new structures including a windmill classroom, police station, pavilion and reflection hall, and a plane fuselage and train caboose for recreational use and have three (3) years to complete

The applicant is requesting a **six (6) month** Extension of Time.

The Board granted the Special Use Permit with the operating condition that the sewage disposal system be installed by 12/31/2020. The applicant is currently working on the system but does not think he will make the deadline. Staff recommends approval.