



**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 *Sandra K. Bunch*  
DATE: July 28, 2016  
SUBJECT: Regular Meeting and Viewing

The Regular Meeting of the Augusta County Board of Zoning Appeals will be held on **Thursday, August 4, 2016, 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, August 4, 2016, 1:30 P.M.**

**1. CALL TO ORDER**

**2. DETERMINATION OF A QUORUM**

**3. MINUTES**

Approval of the Called and Regular Meeting of July 7, 2016

**4. PUBLIC HEARINGS**

- A. A request by Kimberly M. Johnson, for a Special Use Permit to continue to have motor vehicle sales, on property she owns, located at 2594 Lee Jackson Highway, Staunton in the Riverheads District.
- B. A request by Patrick McCrady, agent for Titan Mid-Atlantic Aggregates, LLC, for a Special Use Permit to reopen an old quarry for the extraction of clay materials, on property owned by Ralph L., Jr. or Sandra K. Riner, located at 1307 Coal Road, Greenville in the Riverheads District.

**5. OLD BUSINESS**

**6. MATTERS TO BE PRESENTED BY THE PUBLIC**

**7. MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**8. STAFF REPORT**

15-34            Ricky Carl and Michael Eugene Fridley – **Withdrawn**  
15-35            Country Landmarks, LLC

**9. ADJOURNMENT**

**AGENDA ITEM # 4A**

**Date** 8/4/16

**PROPERTY OWNER:**  
Kimberly M. Johnson

**APPLICANT:**  
Same

**LOCATION OF PROPERTY:**  
2594 Lee Jackson Highway, Staunton in the Riverheads District

**SIZE OF PROPERTY:**  
0.666 acres

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

**PREVIOUS ZONING OR S.U.P.:**  
09/63 – SUP to operate auto sales lot  
03/89 – SUP to operate auto sales lot  
04/93 – SUP to operate auto sales lot  
12/95 – Zoned General Agriculture  
08/01 – SUP to add a 24' X 24' addition to office

**LAND USE MAPS:**  
Community Development Area – Low Density Residential

**UTILITIES:**  
Private Septic and Public Water

**APPLICANT'S JUSTIFICATION:**  
To continue to have motor vehicle sales.

**PLANNING COMMISSION'S COMMENTS:**  
No Comment

**HIGHWAY DEPARTMENT'S COMMENTS:**  
The two existing entrances do not meet current VDOT access management spacing requirements. However, VDOT understands that there is not to be a change in use and would therefore be grandfathered with no entrance modifications needed. Should the use, safety, or intensity change, VDOT may require one of the two entrances to be closed.

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

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

The applicant is requesting to have up to twenty-five (25) vehicles displayed for sale.

**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 has been managing the existing business for the last six (6) years and resides six (6) miles from the property.

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

The auto sales lot has been at this location since 1963 with no complaints.

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

The business has direct access to Lee Jackson Highway (Rt. 11) and has an existing entrance.

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

The site has adequately and safely handled traffic to and from the public highway for over fifty (50) 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 applicant is requesting to continue to use the existing 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 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 expansion of the building is 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.**

The current business is on an existing private septic system and public water.

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

The applicant currently has smoke detectors in the building.

**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.**

All vehicles for sale are currently setback twenty-five (25) feet from the edge of pavement.

### **STAFF RECOMMENDATIONS**

The applicant is requesting to continue the existing motor vehicles sales lot with outdoor display for no more than twenty-five (25) vehicles. The applicant has been operating the business for the last six (6) years and has recently acquired the property. There will be no expansions to the building and no change in the operation or hours.

Staff feels that considering the fact that a motor vehicle sales lot has operated at this location since 1963 and the site has been kept neat and orderly the request would not be out of character and recommends approval with the following conditions:

### **Pre-Conditions:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.

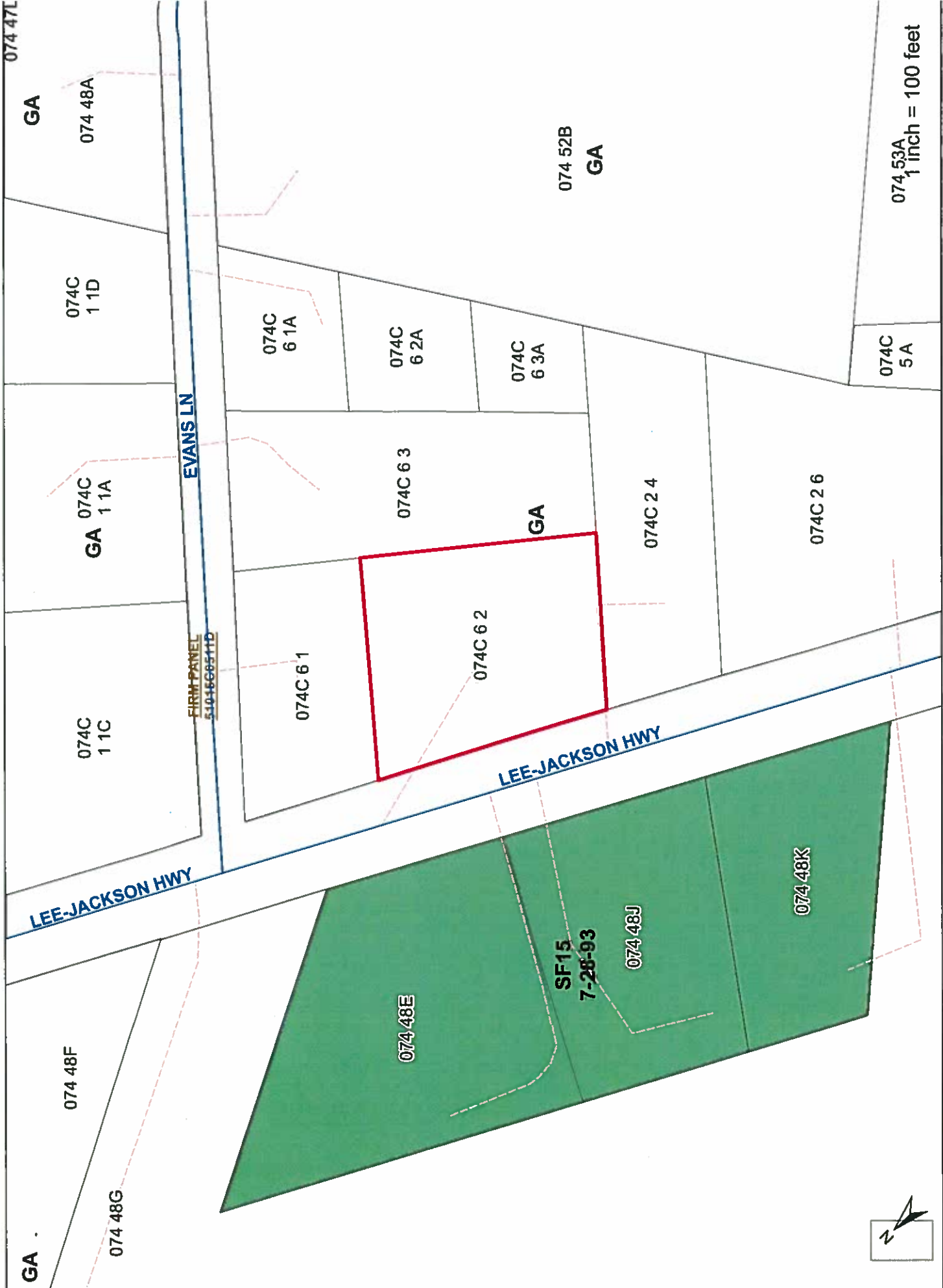
### **Operating Conditions:**

1. Be limited to twenty-five (25) vehicles on site.
2. No junk or inoperable vehicles or parts of vehicles to be kept outside.
3. Site be kept neat and orderly.
4. Hours of operation be Monday through Saturday from 7:00 a.m. to 7:00 p.m.
5. No Sunday operation.



Johnson

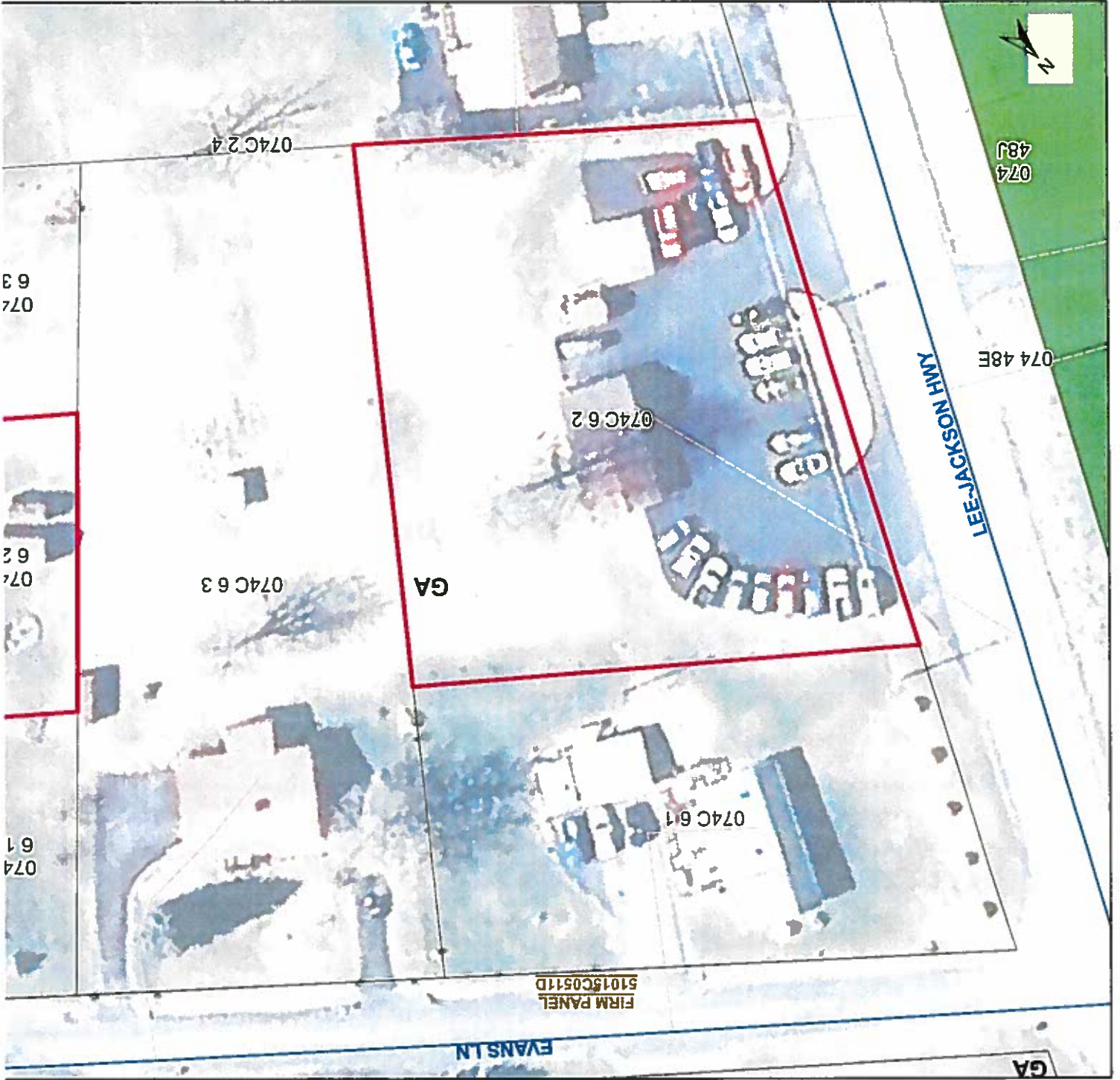
Johnson





Johnson

1 inch = 50 feet



**PROPERTY OWNER:**  
Ralph L., Jr. or Sandra K. Riner

Date 8/4/16

**APPLICANT:**  
Patrick McCrady, agent for Titan Mid-Atlantic Aggregates, LLC

**LOCATION OF PROPERTY:**  
1307 Coal Road, Greenville in the Riverheads District

**SIZE OF PROPERTY:**  
130 acres

**VICINITY ZONING:**  
General Agriculture surrounds the entire parcel

**PREVIOUS ZONING OR S.U.P.:**  
09/82 SUP for extraction of clay  
12/95 Zoned General Agriculture

**LAND USE MAPS:**  
Agricultural Conservation Area

**APPLICANT'S JUSTIFICATION:**  
To reopen an old quarry for the extraction of clay materials.

**PLANNING COMMISSION'S COMMENTS:**  
The Planning Commission is concerned about the amount of traffic proposed to be using Pine Chapel Lane, a rural rustic road, and Cold Springs Road. They are also concerned about how information about this request will be disseminated and recommends that signage beyond that required on-site of the proposed use be utilized to ensure that the residents impacted by the increased traffic are aware of the public hearing on the proposed Special Use Permit.

**BUILDING INSPECTOR'S COMMENTS:**  
No comments.

**HEALTH DEPARTMENT'S COMMENTS:**  
The applicant should ensure that the proposed activity does not encroach upon any existing sewage disposal system or water supply.

**HIGHWAY DEPARTMENT'S COMMENTS:**  
Rt. 898 (Pine Chapel Road) currently has an AADT of 520 vehicles per day. Rt. 608 (Cold Springs Road) currently has an AADT of 600 vehicles per day. Rt. 666 (Lofton Road) currently has an AADT of 540 vehicles per day. The vehicle counts provided are according to VDOT's most recent 2015 counts.

The proposed use is expected to have a significant impact on the adjacent secondary roads, particularly Rt. 898 (Pine Chapel Road). Rt. 898 is designated as a rural rustic road, posted with a speed limit of 25 mph, and primarily serves local traffic from the residents on the roadway. The road is surface treated and not designed for heavy commercial vehicular traffic. If Rt. 898 is used for the primary haul route, it is recommended that a condition of the Special Use Permit be that the applicant enter into an agreement with VDOT to bond the roadway for a specified term and agree to repair any damages incurred during the same time period. It is also recommended that hauling of material be limited to the months of April to December if feasible to limit the amount of damage that could occur during the winter months.

The intersection of Rt. 898 and Rt. 608 currently has limited sight distance when exiting Rt. 898 and looking left (south). In researching crash data available since 2006, there appears to be one injury crash near this intersection and another accident with property damage attributable to snow; it is unclear whether or not the intersection actually played a role in either crash.

Coal Road and the portion of Pine Chapel between the limits of state maintenance and Coal Road are not maintained by VDOT. It will be the responsibility of the applicant to obtain permissions to use those roadways not maintained by VDOT.

#### **NATIONAL FOREST SERVICE'S COMMENTS:**

The Riner property is surrounded on three sides by National Forest lands and the Coal Road (Forest Road #42), which the Riners use to access their property, is maintained by the U.S. Forest Service. Thank you for the opportunity to provide comments on this Special Use Permit.

Our first comment is regarding commercial use of the Coal Road. The maps included with the application for Special Use Permit indicate that approximately 1,200 to 1,500 feet of the Coal Road (FR #42) will be used to transport the mined material from the Riner property to Pines Chapel Lane. This is considered a commercial hauling operation and will require a road use permit from the Forest Service. Road use permits allow the U.S. Forest Service to recover a commensurate portion of the road maintenance costs associated with this commercial use of the road. U.S. Forest Service roads are maintained for general public use and additional use by vehicles for commercial hauling significantly increases the required maintenance. The road use permit will restrict commercial hauling to this portion of the road and will prohibit commercial use of other portions of the Coal Road.

Cold Spring Branch is a stream that runs through the Riner property and drains through a culvert pipe under the Coal Road. During significant storm events, sediment moving downstream from the mining spoil piles has caused problems with water flow through the culvert. Adequate erosion and storm water drainage mitigation measures should be implemented during mining operations to prevent sediment movement downstream to this culvert.

Our last comment is in regard to the proximity of the St. Mary's Wilderness to the reclamation project and the proposed quarry. A portion of the property boundary common with the Riners and the United States, is also the boundary for the Congressionally designated St. Mary's Wilderness. The narrative accompanying the special use permit application indicates that Titan Mid-Atlantic Aggregates LLC will not mine within 200 feet of property lines. While this condition should prevent an intrusion into the St. Mary's Wilderness, we request that this boundary be closely identified and protected prior to and during mining operations.

**SERVICE AUTHORITY'S COMMENTS:**

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

**DEPARTMENT OF MINES' COMMENTS:**

Matt Kretsch, Mine Inspector, for the Virginia Department of Mines, Minerals & Energy will plan on attending the meeting in order to address any questions or concerns regarding the request.

**SECTION 25-74D - USES AWAY FROM DEVELOPED AREAS**

**The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use.** The area does have residential homes located along all routes to the quarry that would be impacted.

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

The applicant is proposing to load 200 to 900 trucks per quarter and they are proposing to upgrade and extend a private easement from the Coal Road to Pine Chapel Lane for truck traffic and will be traveling a Federal maintained road (Coal Road) approximately 1,200 to 1,500 feet.

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

There is an existing entrance to the quarry and the 130 acres will accommodate all operations adequately.

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

The quarry has an entrance off of a Federal Maintained Forest Road.

**The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone.**

There is an existing abandoned quarry onsite that is appropriate for agriculture areas.

**All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.**

The 200' buffer is shown on the site drawing and there are no residentially zoned properties within close proximity.

### **STAFF RECOMMENDATIONS**

The applicants are requesting to reopen an old abandoned quarry for the extraction of clay materials. They will be reclaiming existing stockpiles of waste clay for use as raw materials in the production of cement at the Roanoke Cement Plant. The initial process will last several years and no new extraction would begin until after all waste stockpiles have been removed.

The site will not be open to the public and the applicants are proposing to operate between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. There will be no one onsite after 7:00 p.m. The applicants are proposing to use the Coal Road, which would require a Road Use Permit from the US Forest Service as their access road until improvements are made to a private property easement connecting to Pine Chapel Lane. After improvements are made, they will be using approximately 1,200 to 1,500 feet of the Coal Road.

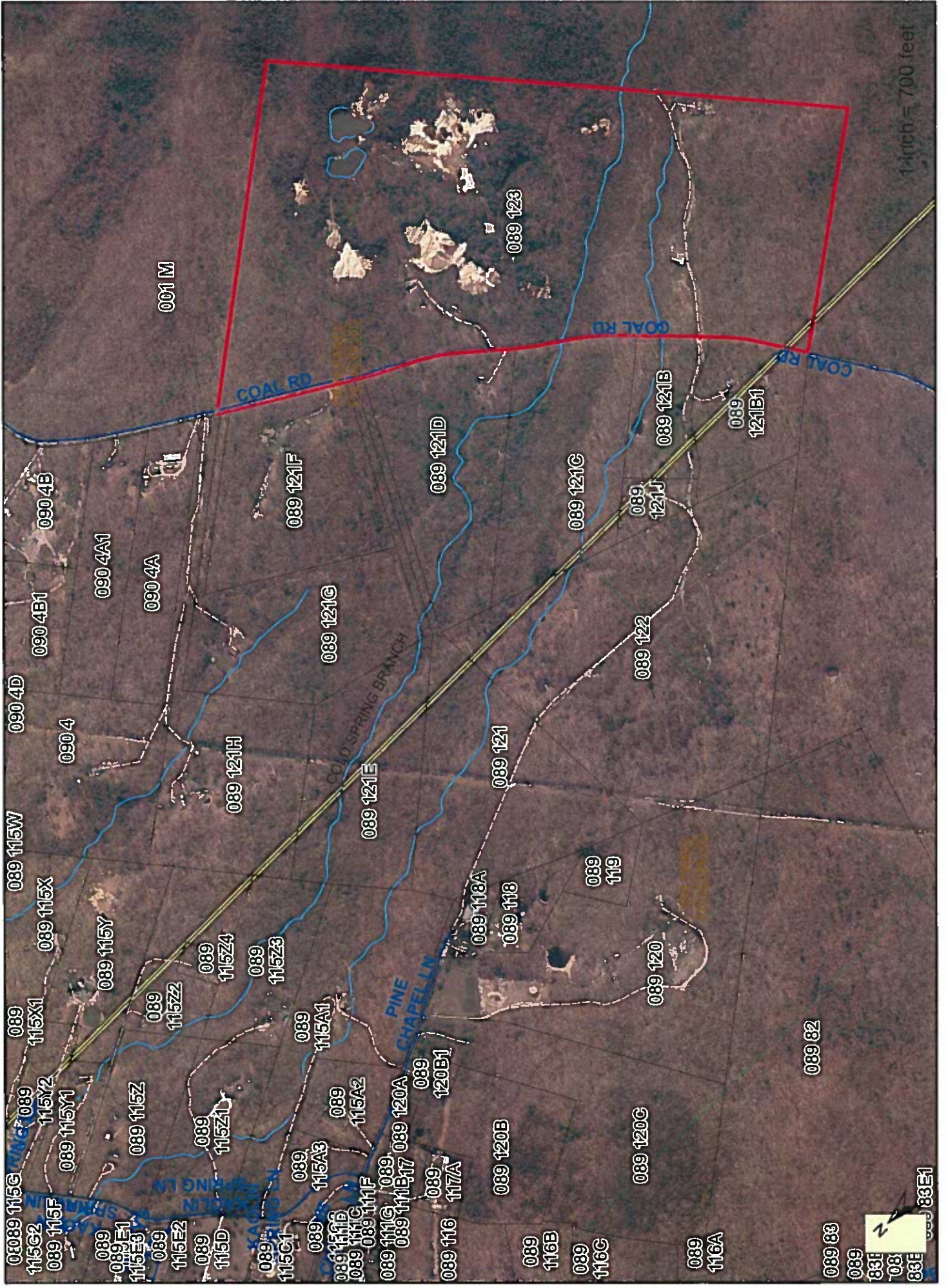
Staff has great concerns regarding the approval of the request. One concern is that the applicants have not obtained a Road Use Permit from the US Forest Service Department and have not submitted copies of the legal easements to Pine Chapel Lane. Staff feels that without these documents the request does not meet the ordinance standards for direct access to a State maintained road. Staff is also concerned that the property owners along Coal Road, Pine Chapel Lane and Cold Springs Road (Rt. 608) will be subjected to increased noise, dust, fumes, and vibration from the heavy truck traffic from the proposed 300 loads per month. Pine Chapel Lane was improved under the Rural Rustic Road Program and was not designed to handle heavy commercial vehicles. Staff has concerns that the applicants have not submitted any plans regarding their road expansion or how they intend to address any damages incurred to the existing paved road. Staff feels the request should be tabled to allow the applicant time to address these issues and provide further information to staff as well as affected property owners.

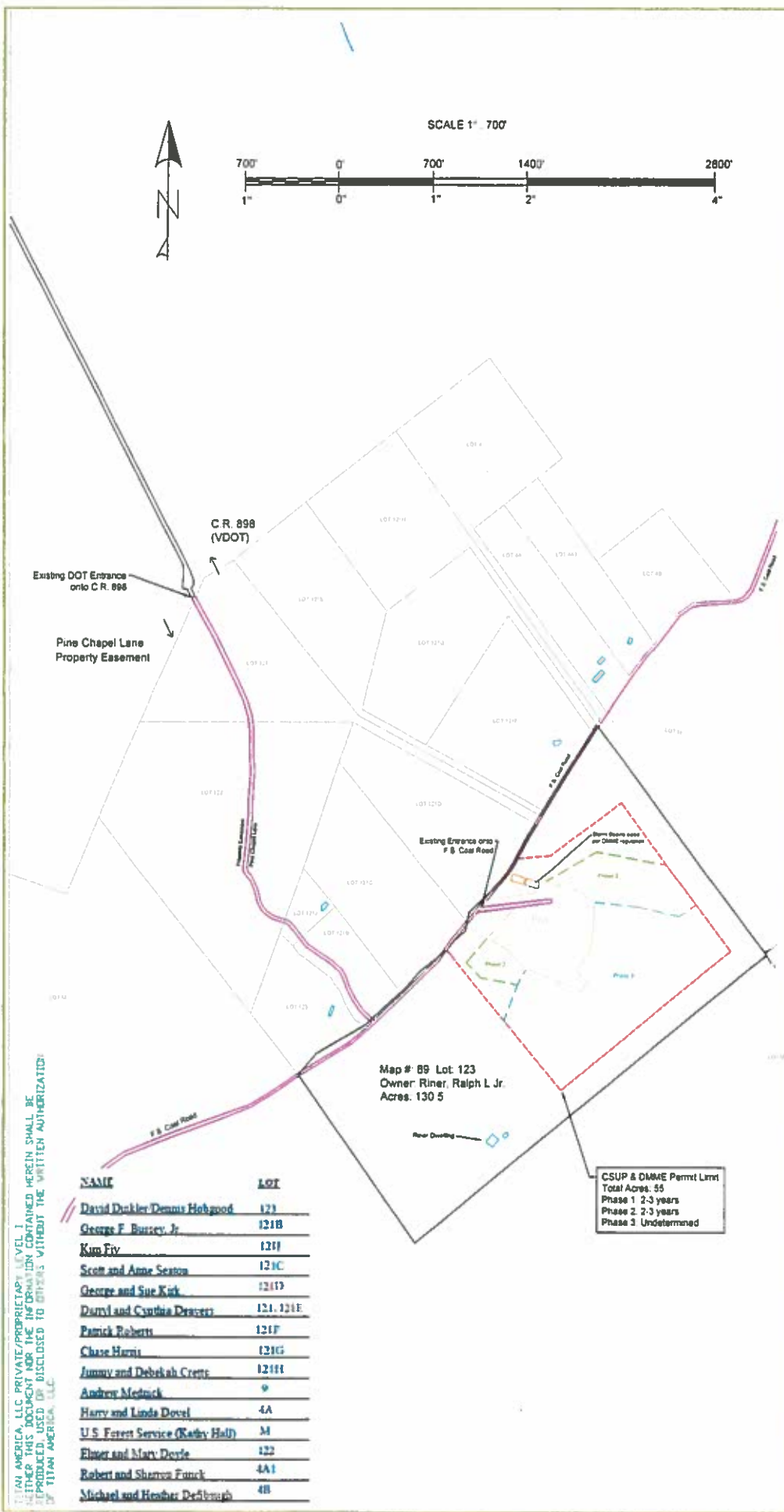


0.100



# Riner





TITAN AMERICA, LLC PRIVATE/PROPRIETARY LEVEL 1. DRAWINGS CONTAINED HEREIN SHALL BE THE PROPERTY OF TITAN AMERICA, LLC. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN AUTHORIZATION OF TITAN AMERICA, LLC.

NAME	LOT
David Dickler/Dennis Holgood	121
George F. Burrey, Jr.	121B
Kim Fry	121I
Scott and Anne Seaton	121C
George and Sue Kirk	121D
Daryl and Cynthia Dravers	121, 121E
Patrick Roberts	121F
Chase Harris	121G
Jimmy and Deborah Creets	121H
Andrew Medrick	9
Harry and Linda Dovel	4A
U.S. Forest Service (Kathy Hall)	M
Eliaser and Mary Doyle	122
Robert and Sharon Fouck	4A1
Michael and Heather DeBorough	4B

**TITAN AMERICA**  
100 Summit Road, Suite 201,  
Pineville, Virginia 24133  
www.titanamerica.com

Corporate Engineering

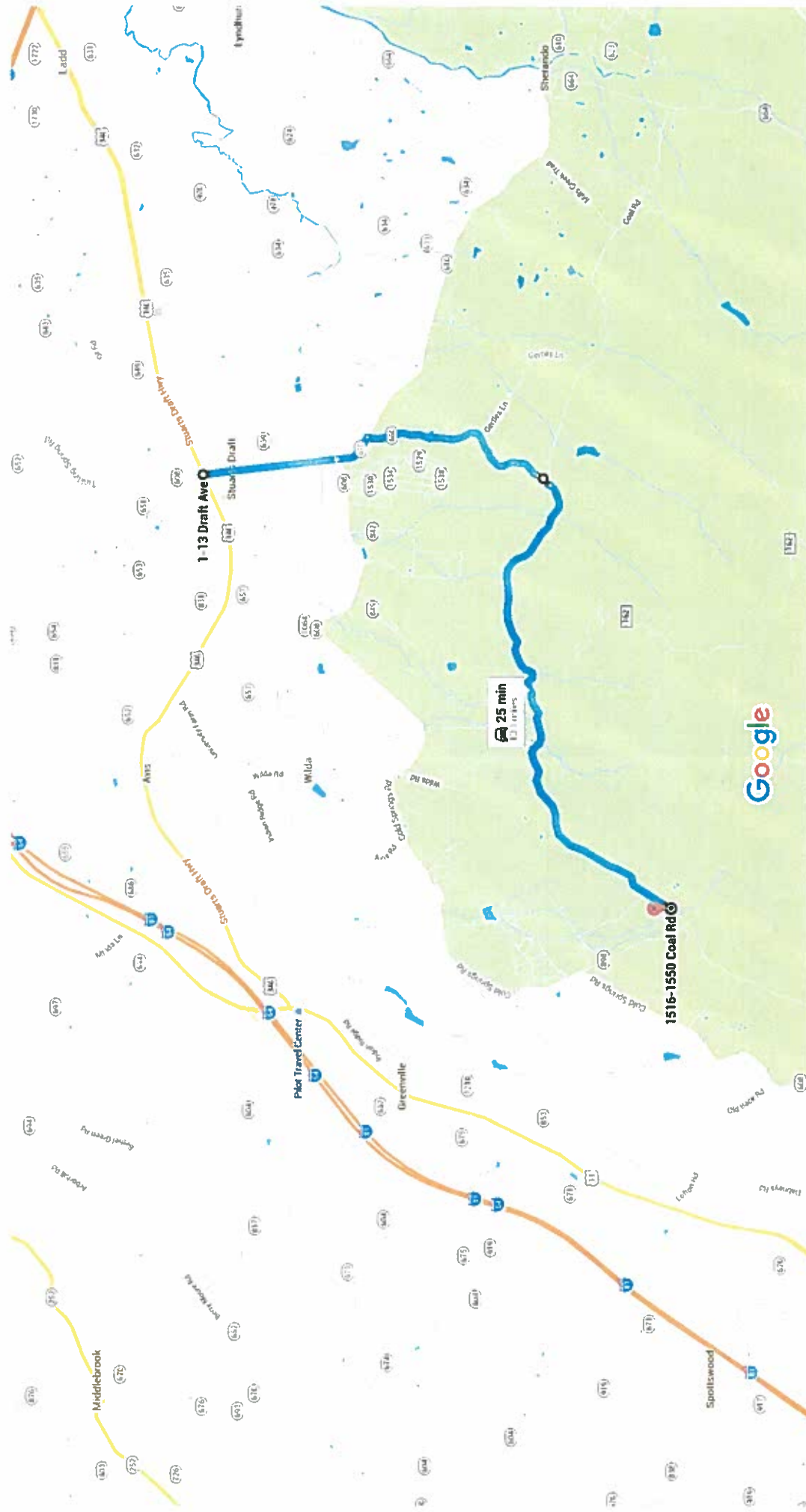
FILE NAME: 110 B  
DRAWING NO: 110 B  
REV: 110 B

Augusta County - Special Use Permit  
BZA Review Plan - Figure 1

DATE	BY	REVISIONS
DATE	DESIGNED BY	Description
DATE	CHECKED BY	
DATE	APPROVED	

LOCATION OF BUSINESS UNIT: VARIOUS PROJECT: 11011 PROJECT ID No: 11011 SHEET: 1 of 1

AUTOCAD



Map data ©2016 Google 1 mi

Figure 2 - Current Route to Hwy 340

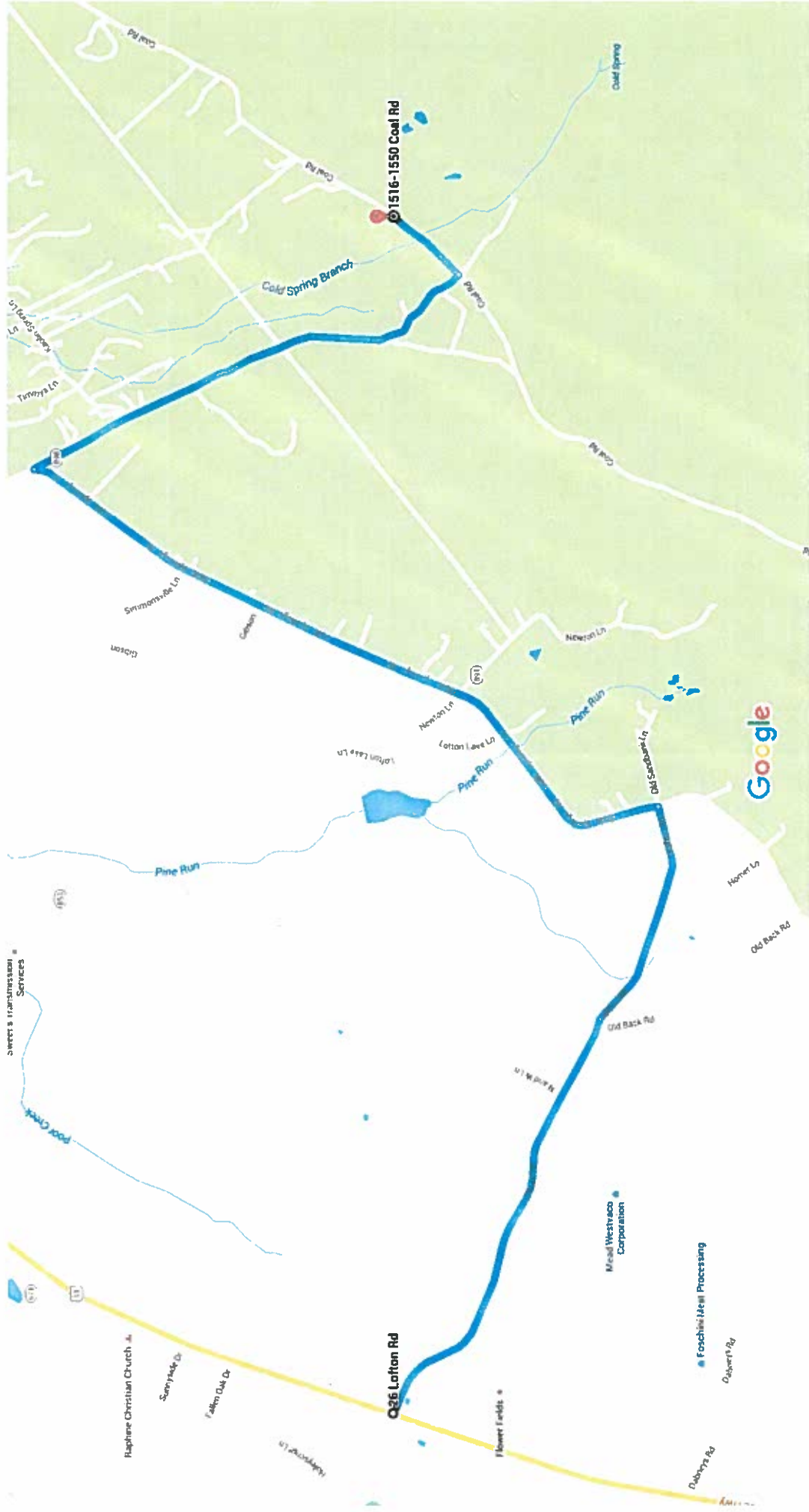


Figure 3 - Proposed route to Hwy 11

Map data ©2016 Google 1000 ft