

February 1, 2018

PRESENT: Steven F. Shreckhise, Chairman
George A. Coyner, II, Vice Chairman
Daisy A. Brown
Justine D. Tilghman
Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney
John R. Wilkinson, Director of Community Development
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Thomas H. Byerly

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 1, 2018 at 9:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **9:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **LELAND BRENNEMAN, AGENT FOR STUARTS DRAFT CHRISTIAN HOME - SPECIAL USE PERMIT**
- **BRIAN WRIGHT AND EMMETT TOMS, AGENTS FOR ATLANTIC COAST PIPELINE, LLC - SPECIAL USE PERMIT**
- **DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - EXTENSION OF TIME REQUEST**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

Chairman

Secretary

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 1, 2018, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Vice Chairman Coyner moved that the minutes from the January 4, 2018, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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TEJENDRAKUMAR PATADIA, AGENT FOR FIVE STARS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tejendrakumar Patadia, agent for Five Stars, LLC, for a Special Use Permit to have outdoor storage and display of u-haul vehicles on property they own, located at 1785 Lee Highway, Fort Defiance in the North River District.

Ms. Brown asked how many vehicles will be stored onsite?

Mr. Dharmandra Patadia, 2835 Matthew Drive, Vinton, stated eleven (11) u-hauls would be fine.

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Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

Vice Chairman Coyner stated the Board is familiar with this site. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted a maximum of eleven (11) U-Haul vehicles on site.
2. No more than five (5) vehicles in front and six (6) vehicles behind the building as shown on the BZA sketch.
3. Operating conditions of SUP #16-11 remain in effect.

Ms. Brown seconded the motion, which carried unanimously.

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**LELAND BRENNEMAN, AGENT FOR STUARTS DRAFT CHRISTIAN HOME -
SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Leland Brenneman, agent for Stuarts Draft Christian Home, for a Special Use Permit to construct an addition to the existing facility on property owned by Promised Land of Augusta, LLC, located at 144 Patton Farm Road, Stuarts Draft in the South River District.

Mr. Leland Brenneman stated they would like to construct a 2,000 square foot extension to the existing building being used as an assisted living facility. He said they will use the addition for four (4) resident rooms that could be double rooms.

Ms. Brown asked if the addition will be on the back of the existing building?

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Mr. Brenneman stated yes.

Vice Chairman Coyner asked if they are close to being built out at this location?

Mr. Brenneman stated yes.

Ms. Brown asked if the rooms would be used as single or double rooms?

Mr. Brenneman stated the rooms are double but they are only being occupied by one (1) person.

Ms. Tilghman asked if the capacity will be increased with the addition?

Mr. Brenneman stated the total number of occupants in that building will not exceed thirty-four (34). He noted right now they are full at twenty-three (23). He stated his clients prefer the single rooms.

Ms. Tilghman stated the applicant will not increase the number of residents.

Mr. Brenneman stated no.

Ms. Brown asked how many residents are at the site?

Mr. Brenneman stated there are twenty-three (23) residents at the Meadows.

Ms. Brown asked what is the overall number in the development?

Mr. Brenneman stated this is a twenty (20) acre development with 120 independent living units. He said there is a couple hundred people living in the community.

Chairman Shreckhise asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Shreckhise declared the public hearing closed.

Ms. Brown stated the Board visited the site today. She stated the property is beautiful and very much needed in the community. She moved to approve the request with the following conditions:

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Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. Applicant obtain building permit and provide a copy to Community Development.

Operating Conditions:

1. Be limited to the requested 33' x 62' addition.
2. Be permitted to have up to thirty-four (34) residents in this facility.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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BRIAN WRIGHT AND EMMETT TOMS, AGENTS FOR ATLANTIC COAST PIPELINE, LLC - SPECIAL USE PERMIT

A request by Brian Wright and Emmett Toms, agents for Atlantic Coast Pipeline, LLC, for a Special Use Permit to have a contractor storage yard on property owned by Stanley Sheets, Trustees of Elk Meadow Farm, located on the west side of Scenic Highway, opposite the intersection of Union Church Road and Scenic Highway, Churchville in the North River District. – TABLED AT THE JANUARY 4, 2018 MEETING

Ms. Bunch stated the Board tabled the request in order to obtain more information regarding the road maintenance, agreements between the property owners, the reclamation bond, and the water issues.

Vice Chairman Coyner moved to bring the item forward.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Shreckhise stated the public part of the meeting has been closed. He said the Board will hear from the applicant and render a decision. He said the Board has received a lot of input on this request as well as requests for more people to speak on this matter. He said they have consulted with the County Attorney and they cannot receive public input at this meeting because the request was not properly advertised in order to reopen the public

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hearing. He said after the Board hears from the applicant, they may want to re-advertise the public hearing for a later date. He said at this meeting there will not be public comment on this request today.

Mr. Emmett Toms stated they have come to an agreement with the Blossers and Drivers. He has submitted a letter of support from them. He said they received an updated Virginia Department of Transportation (VDOT) letter. He said they will need to cut twenty (20') foot of the trees on the Blosser property in order to make the sight line with the curve. He said they have agreements with the property owner on reclamation of the land but are willing to put up a bond for the County. He said their counsel addressed the issues that were in the Appalachian Trail's counsel's letter. He said the main issue is screening. He noted they will provide adequate screening. He has provided pictures of the project in Pennsylvania showing how the land was reclaimed. He said it has taken two (2) years to get the site back to growth. He stated Ron Baker and Gregory Supey is also here to answer any questions the Board may have.

Ms. Bunch displayed and explained the pictures provided by Dominion.

Vice Chairman Coyner stated the Board visited the site this morning and they were a little disappointed that the entrance was not marked.

Mr. Toms stated the Board received an overview from VDOT and a survey. He has obtained an easement from the Blossers and will have to trim the trees on the Blosser property to give them a full sight line of 600'. He said they needed to shift the entrance due to the storm retention pond.

Chairman Shreckhise stated it would be nice to have a more visual representation at the site.

Mr. Toms said they can do that if the Board wishes.

Mr. Gregory Supey, Dominion representative, stated the entrance is directly across from the brick home.

Chairman Shreckhise stated screening will be required per the ordinance.

Mr. Toms stated they are proposing shrubbery screening and fencing in addition to the chain link. He said they will do whatever is appropriate. He said they realize chain link does not meet the requirements. He said they prefer the tree option. He said they are planning on putting the trees on the Blosser and Driver properties so that the trees can stay

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on their property permanently once Dominion is gone. He will work with staff on the screening.

Ms. Tilghman stated she was not present at the meeting but she has read all of the material extensively. She said this site will have 400 employees. She asked how large is the parking area for the employees?

Mr. Toms stated the tract is a total of thirty-four (34) acres. He said there will be sixteen (16) acres of graveled area for parking.

Ms. Tilghman asked how many vehicles will be at the site?

Mr. Ron Baker stated in the short term there will be 400 vehicles. He said the machinery will not sit in the yard. He said the only time the machinery will be at the storage yard is for maintenance purposes or being staged to be put on the right-of-way.

Ms. Tilghman asked if the employees drive their own vehicles or company vehicles to the site?

Mr. Baker stated some drive their own vehicle and some drive company vehicles but they will have 400 parking spaces regardless.

Ms. Tilghman asked what time will the employees leave?

Mr. Baker stated during the day they will come to the site, have their meeting, and then leave. He said 90% of those vehicles will not come back until the next morning. He said there will be staff and engineers at the site during the day which will be approximately thirty (30) vehicles. He said they will leave the site by 6:00 p.m.

Ms. Tilghman asked from this site, how far is the work site?

Mr. Baker stated they are one (1) mile where it crosses Route 42 and then a twenty-nine (29) mile stretch north.

Ms. Tilghman asked if pipe will be stored at the site?

Mr. Baker stated 99% of the pipe will go to the actual site, some maybe at the yard for fabrication and then it will go to where it will be transported and used. He said there will not be much at this site.

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Ms. Tilghman asked if they will bring all of the equipment in at once or will it be staged? She asked if there will be a continual amount of items being brought in by tractor trailer?

Mr. Baker stated once the welding is complete they would stop bringing in the pipe. He said this will be similar to a moving assembly line where things are phased. He said once complete, they will pack up and leave, and then move on to the next section of the project.

Chairman Shreckhise asked how many tractor trailer loads are coming in and out each day?

Mr. Baker stated on a six axle lowboy there will be three (3) per day. He said they have a traffic study that was completed at the site which lists all of the traffic coming to the site. He would be happy to provide a copy of the traffic study to the Board which lists the 400 total vehicles per day. He said majority of the traffic will be pickup trucks coming in from 6:00 a.m. - 7:30 a.m.

Ms. Tilghman asked if the employees will take their company vehicles home?

Mr. Baker stated some do take the company vehicles home.

Ms. Tilghman asked if there will be adequate housing? She asked for an estimate of the number of workers in and out of the area?

Mr. Baker stated yes. He does not know who the employees will be. He said some will rent houses or stay in travel trailers or hotels. He said it is up to them to find a place to live.

Ms. Tilghman stated she had great reservations because of the neighbors. She said no matter what the situation there is an obligation to the neighbors, particularly pertaining to their livelihood but you have reached an agreement with the neighbors. She noted VDOT listed in their comments that the entrance would not work, then they said it would work, and now they have additional revised comments. She said they visited the site today. She has to look at the safety of the general community. She does take into consideration what VDOT says but we need to look at common sense. She said the entrance does not seem appropriate. She has driven that road many times. She said people do not speed but they do not drive 30mph or 40mph. She said they mostly drive 50 mph or 60 mph. She noted that VDOT lists they do not need a turn lane. She felt this was totally impractical due to the curve uphill and the curve going the other way. She said there will be so much traffic in and out. She said so much of it will be heavy truck traffic. She needs VDOT to give them a better explanation as to why this is acceptable. She does not know if there is a better way in and out.

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Chairman Shreckhise agreed with Ms. Tilghman. He said Dominion has accomplished a settlement with the neighbors which was essential.

Mr. Toms stated the plat shows that the entrance more than meets VDOT's requirements. He said he will meet the 600' sight line in both directions. He said they had to shift the entrance. He said in order to meet the Erosion and Sediment Control requirements the entrance needed to be shifted.

Mr. Baker stated we picked this yard because it is close to where they will need to work.

Ms. Brown asked if they will have blinking warning lights letting citizens know that it is a busy intersection?

Mr. Baker stated they will comply with whatever the traffic manual states.

Vice Chairman Coyner asked if the equipment leaving will go to the nearest access road?

Mr. Baker stated not all equipment will enter at this site. He said when the equipment hits the right-of-way, it essentially becomes a road and all equipment traffic stays on the right-of-way.

Mr. Toms stated they will work with staff on any screening issues.

Chairman Shreckhise stated he is happy the applicant has been able to come to an agreement with the neighbors but he still has questions about the safety and the traffic issues. He said the Board does have an option to table the request. He said the Board has received several requests from the opposition to be permitted more time to speak.

Vice Chairman Coyner stated he does not feel comfortable about the highway entrance. He would like to meet at the site with VDOT regarding the entrance. He feels that the entrance is unacceptable now.

Ms. Tilghman would like to know if there is another place it could go. She said if there is another feasible way to get into the site then it is worth pursuing but between the top of the hill and the curve there is not much sight line no matter what direction you come from. She said VDOT is not requiring a turn lane, but she feels it is needed. She is not sure this Board can require it. She asked if there is an entrance somewhere else on the property? She would like some more specific answers.

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Chairman Shreckhise stated the Board can table the request in order to obtain more information and have a VDOT representative to answer some of their questions. He said by tabling the request, they will be able to advertise for additional public comment and reopen the public hearing. He said during the public hearing, the Board would not want to hear all of the same things over and over again.

Vice Chairman Coyner stated this is the first laydown yard that the Board has had and they want to be sure to cover all of their angles. He moved to table the request to the March 1, 2018, meeting in order to advertise the request and open the public hearing for new public information.

Ms. Brown seconded the motion, which carried unanimously. She would like to know if there is another location for a proper entrance?

Ms. Tilghman asked why is VDOT not requiring a turn lane? She needs all of these answers before making a decision.

Ms. Brown stated next month they will have their other Board member present as well as legal counsel.

Chairman Shreckhise requested the opposition to speak on items pertaining only to the storage yard and not the pipeline in general.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - EXTENSION OF TIME REQUEST

A request by Dirk Gold, agent for Goldwrench Enterprises, LLC, for a Special Use Permit to construct a larger fenced vehicle storage on property they own, located at 588 East Side Highway, Waynesboro in the Wayne District.

Mr. Dirk Gold stated he did not complete the project because his business did not meet the financial obligation and he did not have a good mechanic. He is just now getting his financing in order and now he has a general contractor in line. He said his biggest challenge is the headache of the cars that are not licensed and in need of repair so they can get licensed. He said that is where he continues to fail the Board's expectations. He does realize that he is not in compliance. He does know he needs to reduce the fenced

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area. He presented a sketch to the Board asking to close the fence in with a gate and run a new fence to the right. He would like to make the property more presentable and address his security issues.

Ms. Tilghman stated the security seems to be more important than adding the building to the applicant. She said this permit was approved in 2007 and she does not know the Board has ever had a permit on file that long without being completed.

Ms. Bunch stated increasing the impound area would require a new public hearing. She said anything waiting on repair for more than thirty (30) days has to go into the impound area. She said inoperable vehicles need to be in the impound area also. She said the request for an Extension of Time is just for the addition. She suggested the applicant coming back before the Board when the applicant is ready to proceed with his plans.

Mr. Gold stated he is ready this time.

Chairman Shreckhise stated the applicant will need to come into compliance. He said the Board may want to deny the Extension of Time and ask the applicant to come back with a plan when he is ready to build.

Mr. Gold stated he will build the building and meet the requirements.

Vice Chairman Coyner asked if the applicant plans on getting it done in a year?

Mr. Gold stated yes. He said we are now approaching the construction season.

Ms. Bunch stated a portion of the screening was down when the Board visited the site today.

Mr. Gold appreciated the Board's patience on this matter.

Vice Chairman Coyner moved to approve the one (1) year Extension of Time request.

Ms. Brown seconded the motion, which carried unanimously.

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CRAIG WILLIAMS, AGENT FOR THE CHURCHVILLE VOLUNTEER FIRE DEPARTMENT - EXTENSION OF TIME REQUEST

A request by Craig Williams, agent for the Churchville Volunteer Fire Department, for a Special Use Permit to enlarge and extend an existing nonconforming structure on property it owns, located at 3829 Churchville Avenue, Churchville, in the Pastures District.

Mr. Kevin Wilkes stated he is the Swoope Fire Chief and has been asked by Mr. Williams to attend the meeting on his behalf.

Ms. Bunch stated the site plan has been approved and the applicant is in diligent pursuit of their permit. She said they are requesting an Extension of Time.

Mr. Wilkes stated the project is going out to bid in the spring and they have completed all site work.

Ms. Tilghman moved to approve the one (1) year Extension of Time request.

Vice Chairman Coyner seconded the motion, which carried unanimously.

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RICK SHUFFIELD, AGENT FOR LOVE’S TRAVEL STOPS AND COUNTRY STORES, INC. - EXTENSION OF TIME REQUEST

A request by Rick Shuffield, agent for Love’s Travel Stops and Country Stores, Inc., for a Special Use Permit to have a travel plaza and truck stop, tire shop, convenience store, and restaurant on property owned by Augusta County Company, LLC, c/o Ramsey Enterprises, located on the north side of Pilot Truck Drive, in the northwest quadrant of the intersection of Pilot Truck Drive and Lee Jackson Highway (Route 11), in the Riverheads District.

Ms. Bunch stated they have submitted a site plan and it is currently under review. She said they are requesting an Extension of Time.

Vice Chairman Coyner moved to approve the one (1) year Extension of Time request.

Ms. Brown seconded the motion, which carried unanimously.

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JASON ALMARODE - SPECIAL USE PERMIT CANCELLATION

A request by Jason Almarode, for a Special Use Permit to operate a towing business with outdoor storage on property owned by Almarode, LLC, located at 1989 Mt. Torrey Road, Lyndhurst in the South River District.

Ms. Bunch stated Mr. Almarode is unable to afford the proper screening and is requesting the permit be cancelled.

Vice Chairman Coyner moved to cancel the permit.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

17-13 Glen-Gary, Inc.

Ms. Bunch stated SUP#17-13 has been inspected and is in compliance.

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Ms. Bunch discussed the court cases with the Board.

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There being no further business to come before the Board, the meeting was adjourned.

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Chairman

Secretary