

Staff Briefing

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4. Public Hearing

- a. A request by Vladimir and Lyudmila Lukashuk, for a Special Use Permit to operate a short term rental within an existing dwelling on property they own located at 243 Old Mountain Road, Mount Solon in the North River District.

Ms. Larissa Lukashuk stated my parents would like to operate a short term rental. This is their primary residence. They will be in full compliance with all the regulations and safety standards. They want to be respectful members of the community. They will pay for their business license and local taxes.

Chair Coyner stated there are some issues with the septic.

Ms. Bunch stated the Health Department only has record of a three (3) bedroom septic. There are no records of building permits for the apartment in the basement. If approved, there are pre-conditions about obtaining Health Department and Building Inspection approvals. If approved, the basement will need to be brought into compliance.

Ms. Lukashuk stated the basement is fully furnished. We lived there for 17 years.

Ms. Bunch asked when was the basement finished?

Ms. Lukashuk stated in 2001-2002.

Ms. Bunch stated there are no records of building permits to convert that into an apartment. You would have needed an Administrative Permit from our office also. Now is the time to get this into compliance with everything.

Chair Coyner asked will you manage the short term rental?

Ms. Lukashuk stated yes.

Chair Coyner asked will you advertise on the internet?

Ms. Lukashuk stated with Airbnb. There will not be many people renting (possibly two families a month). My parents need something to supplement their retirement income. They will do the cleaning. I will help with posting the rental and answering any messages.

Chair Coyner asked will your parents be onsite all of the time?

Ms. Lukashuk stated yes.

Chair Coyner stated the Board visited the site this morning. The property is very well maintained. Is there anyone wishing to speak in favor, or in opposition to the request?

Ms. Colette Semerad, 229 Old Mountain Road, Mount Solon, stated I live next door. I

have no opposition to the request. They are great neighbors. I trust they will operate a good business.

There being no one else wishing to speak, Chair Coyner declared the public hearing closed. The Board visited the site this morning. This is a well maintained piece of property.

BZA Member Thacker moved, seconded by BZA Member Bailey, that the Board approve the request with the following conditions:

Pre-Conditions:

1. Obtain letter of approval from Building Inspection.
2. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to lease the one (1) bedroom apartment in the basement.
2. Be limited to a maximum of eight (8) persons total occupying the dwelling once Health Department approval is obtained.
3. Site be kept neat and orderly.

Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker
Nays: None

Motion Passed.

- b. A request by Derick and Bly Shank, for a Special Use Permit to have a metal fabrication and farm equipment repair business within an existing building on property they own located at 1707 Ridge Road, Bridgewater in the North River District.

Mr. Derick Shank stated I have a Plasma CNC machine and I use a CAD program to design the specifications for customers. I plan to make parts for farm machinery.

Chair Coyner asked if this is a family business?

Mr. Shank stated yes.

Chair Coyner stated the Board visited the site this morning.

Mr. Bailey asked if there would be employees coming to the site?

Mr. Shank stated no.

Chair Coyner asked will customers come to the site?

Mr. Shank stated no. I will deliver.

Ms. Rutledge asked did you receive your packet?

Mr. Shank stated yes and I saw there is an issue with the septic.

Ms. Bunch stated the Health Department will need to be contacted regarding the septic and let them know what is going on. Lacy Stevens commented on your request.

Chair Coyner asked if there is anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Coyner declared the public hearing closed. The Board visited the site. This will fit in with the surrounding area. There are no customers coming to the site.

Mr. Thacker stated this is a needed service in the area. I do not see any problems with this request.

BZA Member Thacker moved, seconded by BZA Member Rutledge, that the Board approve the request with the following conditions:

Pre-Condition:

1. Obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to use a portion of the existing agriculture building for farm machinery repair and metal fabrication.
2. All equipment, machinery, and materials for the business be kept inside the building shown on the BZA sketch plan.
3. No employees.
4. Hours of operation be 7:00 a.m. to 7:00 p.m.
5. No Sunday work.

- Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey,
Monica Rutledge, Thomas Thacker
Nays: None

c. A request by Joshua and Marcia Maria Pimentel Miller, for a Special Use Permit to have a motor vehicle repair business and a hobby shop with retail sales on property they own located at 3094 Middlebrook Road, Staunton in the Riverheads District.

BZA Member Rutledge moved, seconded by BZA Member Glover, that the Board

Pre-Conditions:

Operating Conditions:

- Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker
Nays: None

d. A request by Richard and Allison Browning, for a Special Use Permit to have an excavating and dumpster rental business with outdoor storage of equipment, commercial vehicles, and roll-off dumpsters on property owned by John H. Dillon located at 1683 Barterbrook Road, Staunton in the Beverley Manor District.

Chair Coyner asked if the dumpsters are delivered to the jobsite?

Ms. Browning stated we deliver dumpsters to commercial and residential sites.

Chair Coyner asked will the dumpsters come back empty?

Ms. Browning stated yes. We do not want trash flying around.

Chair Coyner stated the Board saw 20+ dumpsters at the site today.

Ms. Browning stated my husband is out of town and I could not get the drivers to deliver the dumpster in the correct location. I was on a sales call and there was a misunderstanding. We had to get one of the drivers to move the dumpsters at the end of the day. We finished up a solar farm job in Rockingham. Normally we are well below ten (10) dumpsters at the site.

Chair Coyner asked will there be various size dumpsters?

Ms. Browning stated yes. We have 10 yards and 30 yard dumpsters.

Chair Coyner asked do they normally stay out once they are delivered?

Ms. Browning stated it depends on the customer. It could be out for a week or a year. Some are permanently placed and we go to the site to dump them out every 30 days.

Chair Coyner asked how many employees are there?

Ms. Browning stated three (3) total. One is part-time. They clock-in and pick up their trucks and trailers.

Chair Coyner stated I would have not anticipated seeing that many dumpsters onsite.

Ms. Browning stated it was unfortunate timing being the solar job just finished. Eight (8) was delivered but they will be used for the next set of jobs we have. We have also picked up Ryan Homes and DR Horton as clients. We are delivering dumpsters to their communities.

Chair Coyner stated if the request is approved, we would put a maximum number of dumpsters stored onsite.

Ms. Browning stated we discussed that. The dumpsters will go to other areas within the next month.

Mr. Glover asked how many could be on the lot on average?

Ms. Browning stated I would like to have below five (5) but eight (8) would be the maximum number of dumpsters onsite.

Chair Coyner asked if the dumpsters are turned over frequently?

Ms. Browning stated yes. I stay on top of marketing in order to get our business growing more.

Mr. Bailey asked about screening?

Ms. Browning stated I will have trees every 10' – 2 rows so essentially there will be 4 rows of trees along the property line including the adjoining development. I would like to wait until the adjoining developer plants their trees so that ours do not die due to them being planted too close together.

Ms. Bunch stated if you operate your business and do not have the operating conditions completed, you are in violation of your permit. We would need trees or a privacy fence installed.

Chair Coyner stated the trees will also need to be maintained and they need to live.

Ms. Browning stated that is fine.

Mr. Glover stated if we approve this, we will set a number for the dumpsters.

Ms. Browning stated normally we do not have that many dumpsters at the site. It was just really bad timing. We did not have anywhere to put them. We want them to be rented out.

Chair Coyner asked if there is anyone wishing to speak in favor, or in opposition to the request?

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning. There were more dumpsters than there should be at the site. The screening will need to be done. This is a good spot for this type of business.

BZA Member Glover moved, seconded by BZA Member Rutledge, that the Board approve the request with the following conditions:

Pre-Condition:

1. Applicant submit documentation by a soil evaluator and obtain Health Department approval and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to use the existing 40' x 50' building for office and storage of equipment and tools.

- Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey,
 Monica Rutledge, Thomas Thacker
 Nays: None

e. A request by Stuart Squier, agent for Arcola Towers, for a Special Use Permit to construct a 199' telecommunications tower on property owned by Kevin Lane Cowger, located at 55 Point Lookout Road, Crimora in the Middle River District.

Mr. Jonathan Yates stated this is a perfect piece of property for Verizon in order to improve coverage in the area. This is also designed to add three (3) other carriers. There is a house and two (2) barns on the property and five (5) acres of pasture land around the house. There is a lot of tree cover. This will bring infrastructure in the most benign way. You will be able to see the top of the tower but it will not be lit at night. We were approved by the FAA and they found that no illumination was required. There are no effects on historic resources. It will take 60 days to build the facility. Verizon will come 8-10 times a year to check equipment but a lot of it is monitored remotely. There will be no noise, odor, fumes or glare from the tower. This will provide wireless and 911

service.

Chair Coyner stated the Board visited the site this morning. This is an ideal spot. There is screening all around. No one would know that it is even there.

Mr. Yates stated the property owner offered an ideal piece of property.

Chair Coyner asked what is the projected date of operation?

Mr. Stuart Squier stated we will submit the site plan prior to construction. After that is complete, we will proceed with speed.

Chair Coyner asked if the applicant will be completed in one (1) year?

Mr. Squier stated yes. I hope it is complete by the end of 2026.

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

Ms. Judy Dewitt stated I am here representing the Mount Bethel Church. We welcome the tower. I do not see one thing wrong with the permit. I commend Kevin for being an excellent neighbor for many years. This will provide good internet and cell service. We are lacking that in the area.

Mr. Steve Downs stated I am the Chair of the Board of Trustees for Mount Bethel Church. In speaking with folks, there has not been opposition to this. I do have a question as to whether construction work will be done on Sundays.

Mr. Yates stated there will be no work on Sundays.

There being no one else wishing to speak, Chair Coyner declared the public hearing closed. The area is in need for this type of service. The site is surrounded by trees.

Ms. Rutledge stated this is well needed in the area.

BZA Member Rutledge moved, seconded by BZA Member Bailey, that the Board approve the request with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance including an Erosion and Sediment Control Plan and Stormwater Management Plan to be approved by all appropriate departments and/or agencies.
2. The applicant will submit all necessary information and a bond, irrevocable letter of

credit, or appropriate surety to comply with Section 25-68.7 "Bonding" of the Augusta County Zoning Ordinance within two (2) years.

Operating Conditions:

1. Be permitted to construct a 197' monopole style telecommunications tower with a two (2') foot lighting rod.
2. Tower design will allow three (3) additional carriers.
3. Existing vegetation and mature trees remain as shown on the site plan and be maintained at all times.
4. The tower will not be lighted unless required by the FAA in the future.
5. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunication purposes. The tower shall be disassembled and completely removed including the concrete pad to a depth of at least three (3') feet below grade and all equipment from the site within 180 days of such notification.
6. The applicant will not unreasonably deny the telecommunication providers the opportunity to co-locate on this tower.
7. The County will have the option of co-locating public safety communications equipment and antenna on this site for future growth and upgrade of the radio system, including law enforcement communications.
8. Permit be issued transferable to another tower company or other wireless provider.
9. Construction of the approved project shall commence within two (2) years of final approval and be diligently pursued until completion.

Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker
Nays: None

Motion Passed.

- f. A request by Stuart Squier, agent for Cellco Partnership dba Verizon Wireless, for a Special Use Permit to amend the approved site plan in order to relocate the access road approved on SUP#25-41 on property owned by Summit Dairy, Inc. located at the intersection of Wagon Shop Road and Pilson Road in the Riverheads District.

Ms. Lori Schweller with Williams Mullen presented a PowerPoint Presentation to the Board (copy is in the file).

Chair Coyner stated this request is for moving the entrance of the site. This makes sense according to VDOT. Are you prepared to move forward with this?

Ms. Schweller stated Stuart Squier was working on the site plan when this issue arose and he will continue to work on the site plan. Once approved it can be constructed.

Chair Coyner asked if there is anyone wishing to speak in favor, or in opposition to the request?

Ms. Taylor Heizer, 663 Pilson Road, Greenville, stated my family owns the farm. We plan to move back on the farm. My daughter is waiting on a heart surgery from UVA. We are wanting to build a home and it would be near the cell phone tower. I am hoping to stop it from being built. We do not want my daughter exposed to the cell tower. It is harmful to live near one. I am here to see if there is any way to stop this.

There being no one else wishing to speak regarding the request, Chair Coyner asked the applicant to speak in rebuttal.

Ms. Schweller stated this is surprising news and we were not aware of this situation. Verizon Wireless will be happy to talk to the landowner about their family situation. I do not think the request from the speaker affects what we are asking for today. I would ask that we move forward with today's request regarding the access road. If we can move forward with the tower on the landowner's property, the access road will be in the correct location.

Chair Coyner declared the public hearing closed. The Board approved this request previously. They plan on changing the access road and would like to move forward with this request. The tower is not constructed yet so it can be adjusted. The area needs cell service badly.

BZA Member Bailey moved, seconded by BZA Member Glover, that the Board approve the request with the following conditions:

Pre-Condition:

1. All Pre-Conditions of Special Use Permit #25-41 remain in effect.

Operating Condition:

1. All Operating Conditions of Special Use Permit #25-41 remain in effect.

Vote was as follows:

Yeas:	George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker
Nays:	None

Motion Passed.

5. **Old Business**

6. **Matters to Be Presented by the Public**

7. **Matters to Be Presented by the Zoning Administrator**

JEREMIAH CASH - SPECIAL USE PERMIT

A request by Jeremiah Cash for a Special Use Permit to construct a building for storage and maintenance of excavating equipment and to have outdoor storage of commercial vehicles and attachments on property owned by William L. and Charlotte F. Cash located at 4901 Lee Jackson Highway, Raphine in the Riverheads District.

Ms. Bunch stated the Board granted this Special Use Permit in March. One of the conditions was for the applicant to install trees but the applicant would like to construct a fence instead of the trees around the outdoor storage area. Mr. Cash is requesting the Board amend the operating conditions to include an 8' opaque privacy fence. The permit has not been issued yet.

Ms. Rutledge moved to amend the permit with the following conditions:

Pre-Conditions:

1. Obtain VDOT approval and entrance permit and provide a copy to Community Development.
 2. Applicant obtain building permit and provide a copy to Community Development.
- Operating Conditions:

1. Be permitted to construct a 40' x 46' building for storage and maintenance of business vehicles and equipment.
2. Be limited to two (2) company vehicles, five (5) utility trailers, and four (4) pieces of equipment including attachments at the site.
3. All equipment and machinery for the business be kept inside the 40' x 46' building or the designated storage area.
4. The 30' x 40' storage area be screened by an eight (8') foot high opaque privacy fence.
5. Existing trees remain and be maintained along the southwestern and northeastern property line.
6. No employees working onsite.

9. Site be kept neat and orderly.

Mr. Glover seconded the motion, which carried unanimously.

- a. A request by Zachary Clymore, for a Special Use Permit to have an asphalt business and storage of business vehicles and equipment, on property owned by David E. and Angela P. Clymore, located at 187 Oak Ridge Lane, Staunton in the Riverheads District. – **ONE YEAR EXTENSION OF TIME REQUEST**

BZA Member Rutledge moved, seconded by BZA Member Bailey, that the Board approve the one (1) year Extension of Time.

Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey,
 Monica Rutledge, Thomas Thacker
 Nays: None

Motion Passed.

- b. A request by Michael and Emma Gutzler, agents for Prospect Village, LLC, for a Special Use Permit to have apartments in two (2) pre-1980 structures on property owned by William E. and Sara Frances Brubeck, Trustees, located at 38 and 40 Cherry Grove Road, Middlebrook in the Riverheads District. – **ONE YEAR EXTENSION OF TIME REQUEST**

BZA Member Thacker moved, seconded by BZA Member Glover, that the Board approve the one (1) year Extension of Time.

Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker
Nays: None

Motion Passed.

- c. A request by Jeffrey Lord, agent for Waynesboro VAB, LLC, for a Special Use Permit for a 3MW (alternating current) small scale solar energy facility within approximately 23.5 acres of fence enclosed site located on Parcel Tax Map No. 077-32 with a gravel access road extending through Tax Map No. 48-2-1 on property owned by Kenneth R. Bradley, Jr., located at 720 May Avenue, Waynesboro in the Wayne District. - **ONE YEAR EXTENSION OF TIME REQUEST**

BZA Member Rutledge moved, seconded by BZA Member Glover, that the Board approve the one (1) year Extension of Time.

Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker
Nays: None

Motion Passed.

8. Staff Reports

a. Inspections

25-29	Thomas K. Patterson
25-30	Thony Y. and Beatriz Del Carmen Aceituno
25-31	VA Electric & Power Co. dba Dominion Energy VA

Ms. Bunch stated SUP#25-29 was in compliance. Staff sent the applicant a letter for SUP#25-30 regarding their pre-conditions not being complete. They still need to call in their final inspections. SUP#25-31 was in compliance.

9. Adjournment

Mr. Young 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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