

PRESENT: G. A. Coyner, II, Vice Chairman
D. A. Brown
T. H. Byerly
J. R. Wilkinson, Zoning Administrator & Secretary
Timothy K. Fitzgerald, Director of Community Development

ABSENT: S. F. Shreckhise, Chairman
J. W. Callison, Jr.
Pat Morgan, County Attorney

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 5, 2011, at 9:15 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **9:15 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:

- **James W., Jr. or Carla F. Humphries - Special Use Permit**
- **Brent A. or Lindsay N. Shaver - Special Use Permit**
- **George B. or Shawnee C. Kennedy - Special Use Permit**

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.

Vice Chairman

Secretary

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 Pat Morgan, County Attorney
 J. R. Wilkinson, Zoning Administrator & Secretary
 Timothy K. Fitzgerald, Director of Community Development
 B. Cardellicchio-Weber, Administrative Assistant

ABSENT: S. F. Shreckhise, Chairman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 5, 2011, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Callison moved that the minutes from the April 7, 2011 meeting be approved.

Mr. Byerly seconded the motion, which carried unanimously.

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JAMES W., JR. OR CARLA F. HUMPHRIES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by James W., Jr. or Carla F. Humphries, for a Special Use Permit to have a personal kennel on property they own, located on the north side of Lofton Ridge Lane, approximately .1 of a mile northeast of the intersection of Lofton Ridge Lane and Poor Creek Lane (Route 853) in the Riverheads District.

Vice Chairman Coyner asked if the applicant planned on keeping bear dogs?

Mr. James Humphries stated yes.

Vice Chairman Coyner mentioned that the applicant has quite a nice facility. He asked if the bear hunting would be done within a fifty (50) mile radius?

Mr. Humphries stated that he hunts mostly here in the County within a fifty (50) mile radius. He mentioned that he does go out west from time to time.

Vice Chairman Coyner asked if he takes all the dogs out for hunting?

Mr. Humphries stated he takes about eight (8) dogs out at a time. He stated that currently he has some puppies. He stated about once a year he has a litter of puppies to replace the older dogs.

Vice Chairman Coyner asked if this is something he does for pleasure?

Mr. Humphries stated yes, pleasure only.

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

Mr. Jeffrey S. Todd, 368 Poor Creek Lane, presented a letter to the Board. He is here today representing his mom. He is the manager of the property adjoining Mr. Humphries.

Vice Chairman Coyner asked if this was the house all the way in the back?

Mr. Todd stated no this is the brick house across the railroad tracks. He mentioned that he would like to have privacy on the farm. He mentioned the dogs have gone through his trash. He stated that he called the dog warden and the dog was removed from the property. He is concerned about the barking of the dogs continuously off and on throughout the day and night. He mentioned three different dogs ran through the woods without a leash at different times. He stated Animal Control has been called at least four (4) times. He stated Animal Control has sent the applicant letters twice. He stated that if the kennel is added it will increase the barking of the dogs. He mentioned for the past week he has not heard barking. He stated that the applicant probably has had them under control in order for this kennel to look good. He stated the dogs are waking them up at different times throughout the night. He asked if the Board would want a kennel within one hundred (100) yards from their house. He would vote no on this request.

Mr. Byerly asked what size is his parcel?

Mr. Todd stated about nineteen (19) acres.

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

There being none, Vice Chairman Coyner asked Mr. Humphries to speak in rebuttal.

Mr. Humphries stated nothing will be changing. He stated that this has been the same kennel since he bought the property in 2006. He has bought a kennel permit every year since then. He has had the same amount of dogs. He stated that his dogs do not bark excessively but they do occasionally bark especially at feeding time. He mentioned that when he first moved to this property a dog did get loose and the dog warden was called and they brought the dog back to them. He did receive a letter from Animal Control. He stated that they have never had any other complaints from the other neighbors. He mentioned he never heard anything about it from the Todds except for now or through Animal Control.

Vice Chairman Coyner asked if the applicant planned on getting larger?

Mr. Humphries stated he does not want any more than eight (8) dogs but to keep the cycle going he has to keep twelve (12) at times. He stated that he is not a breeder and he does not intend to be.

Vice Chairman Coyner declared the public hearing closed. He stated that the Board visited the site this morning. He stated that the applicant will not be a commercial breeder. He stated this is a nice facility.

Mr. Byerly stated that he appreciates the neatness of the property.

Vice Chairman Coyner stated the property is well maintained.

Ms. Brown asked what year did the dog get out?

Mr. Humphries stated in 2006 when he first moved to the property.

Ms. Brown asked how far apart are the two (2) houses?

Mr. Humphries stated 600' to 800' apart.

Ms. Brown stated that there was only one complaint filed back in 2006. She stated there is a five (5) year span with no complaints and the distance from the property is 800'.

Mr. Byerly moved that the request be granted with the operating conditions.

Ms. Brown seconded the motion.

Mr. Callison stated that the neighbor should not be totally disregarded. He feels that the Board should review the permit within a year just to be sure there is compliance. He stated that he did not attend the viewings this morning.

Mr. Byerly amended his motion. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Maximum of twelve (12) adult dogs kept at this site at any time.
2. Animal Control to inspect the site each year.
3. All dogs be confined within the kennel area except when under control of the owners.
4. Site be kept neat and orderly.
5. Applicant must reside on premises.
6. Permit be reviewed in a year and renewed if all of the conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

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BRENT A. OR LINDSAY N. SHAVER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brent A. or Lindsay N. Shaver, for a Special Use Permit to have a personal kennel on property they own, located on the north side of Curry Road (Route 739), approximately .1 of a mile southeast of the intersection of Curry Road (Route 739) and Sillings Road in the North River District.

Ms. Lindsay Shaver stated that she is here to apply for a Special Use Permit for a personal kennel. She presented two (2) letters to the Board. She stated that one of them is from the closest adjoining neighbor and one from a family member.

Mr. Wilkinson stated he has letters from the neighbors and they have no problem with the kennel. He stated James Peters feels that the site is well maintained. He is the closest neighbor to the kennel. He feels the dogs are well mannered. Mr. Wilkinson stated that Wilda Hale of Waynesboro states that the property is always neat and orderly.

Vice Chairman Coyner asked if the applicant planned on expanding the kennel?

Ms. Shaver stated that she would like to apply for eight (8) dogs so that the puppies can train with the older dogs.

Vice Chairman Coyner asked if they were trying to sell the puppies?

Ms. Shaver stated no. She stated they are bear dogs.

Vice Chairman Coyner stated that the property is well maintained. He stated the Board was impressed with the non-barking dogs.

Mr. Byerly asked if the dogs were trained to be non-verbal?

Ms. Shaver stated they work with them a lot.

Ms. Brown stated that the house is within walking distance and the neighbor is not complaining on the kennel.

Vice Chairman Coyner mentioned this is the first time since he has been on the Board that the dogs did not bark. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Coyner declared the public hearing closed. He stated this is a well kept facility. He mentioned the dogs were well attended. He stated that the neighbor's property is within a good proximity to the kennel and they sent a letter of support. He stated the applicants know what they are doing.

Ms. Brown stated that she walked up to the cage this morning and she never once heard the dogs barking. She stated the letter from the neighbor shows that they have not received any complaints. She moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Maximum of eight (8) adult dogs kept at this site at any time.
2. All dogs be confined within the kennel area except when under control of the applicants.
3. Site be kept neat and orderly.
4. Applicant must reside on premises.
5. Animal Control **and** Community Development to inspect the site every year.

Mr. Byerly seconded the motion, which carried unanimously.

Vice Chairman Coyner wanted to point out that this Board has visited many kennels through the years but these facilities today were refreshing.

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GEORGE B. OR SHAWNEE C. KENNEDY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by George B. or Shawnee C. Kennedy, for a Special Use Permit to have a business office in an existing building on property they own, located on the south side of Guthrie Road (Route 652), just west of the intersection of Guthrie Road (Route 652) and Tisbrook Drive in the Riverheads District.

Mr. George Kennedy stated that he has moved to the new home in the back. He would like to have one (1) room for his eBay business. He stated this will not be a business where people come in and out. He mentioned they will sell their own items on eBay.

Vice Chairman Coyner asked if the buildings will be removed?

Mr. Kennedy stated yes all the buildings at the site will be removed.

Vice Chairman Coyner asked if this was his livelihood?

Mr. Kennedy stated that he and his wife have always wanted to have a business.

Vice Chairman Coyner stated that the site is quite nice and he felt the applicant has put a lot of work into the property.

Ms. Brown asked if the products that he owns will be sold on eBay?

Mr. Kennedy stated yes.

Ms. Brown asked how would the clients receive their purchases?

Mr. Kennedy stated that he will either put it in the mail or take it to the post office.

Ms. Brown asked if there was anyone coming to the office?

Mr. Kennedy stated no.

Ms. Brown asked if it would only be the applicant and his wife working for the business?

Mr. Kennedy stated yes.

Ms. Brown asked what would the rest of the building be used for?

Mr. Kennedy stated that it will be a workshop for his tools and personal storage.

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

There being none, Vice Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning. He stated that they saw the new home. He stated that the applicant will be removing the other buildings from the site.

Mr. Callison moved that the request be approved with the following conditions:

Pre-Conditions:

1. All remaining storage buildings be removed.
2. Old house be converted to storage in real estate.

Operating Conditions:

1. All merchandise be kept inside the old house.
2. No outside display or storage of merchandise.

- 3. Site be kept neat and orderly.
- 4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 5. No employees other than family members.
- 6. Applicant must reside on premises.
- 7. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.

Mr. Byerly seconded the motion, which carried unanimously.

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STAFF REPORT

- 10-38 First Republic Group Realty, LLC
- 10-39 Knicely, Scott W. and Jewel S.
- 10-40 Howell, Elizabeth Jane
- 10-41 First Republic Group Realty, LLC
- 10-42 Landes, Dennis L. and Judy A.
- 10-43 Morris, Lucille C.

Mr. Wilkinson stated that SUP#10-38 and SUP#10-39 are both in compliance. He stated that there is an extra building on the site for SUP#10-40. He stated that staff will check to see if it is a farm building and not associated with the auctions. He stated that SUP#10-41 and SUP#10-42 are both in compliance. He stated that staff has sent a letter to see if they will reopen this year for SUP#10-43. He stated when an inspection was conducted there was no activity at the site.

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Mr. Wilkinson passed out the court cases for the Board to review.

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

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Vice Chairman

Secretary