

PRESENT: G. A. Coyner, II, Chairman
 D. A. Brown
 S. F. Shreckhise
 J. R. Wilkinson, Zoning Administrator & Secretary
 S. K. Shiflett, Zoning Technician I

ABSENT: T. H. Byerly, Vice Chairman
 Pat Morgan, County Attorney
 Timothy K. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 2, 2012, 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:

- **Lisa Ann Donkle - Special Use Permit**
- **P.J. Wright, agent for Maple Ridge Square, LLC - Special Use Permit**
- **Allen N. and Erma R. Zimmerman - Special Use Permit**
- **Edgar B. Hurdis - 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.

 Chairman

 Secretary

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Timothy K. Fitzgerald, Director of Community Development
Pat Morgan, County Attorney
S. K. Shiflett, Zoning Technician I
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: T. H. Byerly, Vice Chairman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 2, 2012, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Shreckhise moved that the minutes from the January 5, 2012, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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P.J. WRIGHT, AGENT FOR MAPLE RIDGE SQUARE, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by P.J. Wright, agent for Maple Ridge Square, LLC, for a Special Use Permit, to have an outside run in conjunction with a veterinary clinic on property it owns, located on the south side of Jefferson Highway (Route 250), opposite the intersection of Jefferson Highway (Route 250) and Idlewood Boulevard in the Wayne District.

Mr. P.J. Wright stated that he is the developer of the property in Fishersville. He stated his project is called Maple Ridge Square. He mentioned the project will consist of forty-six (46) townhouse units and business in the front. He submitted a photo of the building to the Board. He stated he has received five (5) verbal commitments from tenants. He stated if the Special Use Permit is passed there will be a veterinary clinic for small animals. He

stated the applicant does not board dogs on a long term basis. He stated the veterinary clinic will have indoor runs (3' x 7') with a drain. He stated they will need an outside exercise area. He stated the veterinarian agreed to the conditions that staff is suggesting but they would request the hours of operation be changed to allow the run to be in use from 8:00 a.m. to 8:00 p.m. He stated the nearest neighbor will be his other tenants which will be the townhouses and the nursing home. He stated the nursing home is not opposed to this request. He stated he will also add some additional conditions in the lease. He stated this will affect him the most.

Ms. Brown asked what is the distance from the townhouse to the veterinary clinic?

Mr. Wright stated 200'.

Ms. Brown asked who owns the house in the back?

Mr. Wright stated Greg Troxell lives there and he is not opposed.

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

Ms. Sarah Splaun, 35 Troxell Lane, Staunton, stated that she is not opposed but she is concerned about the proposed outside run and its uses. She is concerned about the noise and cleanliness of the area. She asked if this would only be a hospital or if they would be boarding dogs. She stated that not all veterinarians have outdoor runs. She stated that sick dogs should not be kept outside unattended. She questioned whether the veterinarian would put two (2) or more dogs together in the same run. She would not want them to spread diseases. She suggested maybe having two (2) different runs, one for the healthy dogs and the other for the sick. She stated the operating conditions should state that the runs be for the veterinary clinic and not boarding of the dogs. She stated dogs should be on a leash at all times. She stated no dogs should be in the run from 6:00 p.m. to 8:00 a.m. She stated the runs should be cleaned twice daily. She stated the white vinyl fence is fine with her.

Chairman Coyner asked if there was anyone else wishing to speak on this request?

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

Mr. Wright stated that the veterinarian is a professional and they will not allow several injured animals in the run to be together at the same time. He stated the veterinarian does plan on boarding some animals. He stated they possibly could have two (2) runs within a

run. He stated they should not have a problem with that. He stated he is sure that the veterinarian will be professional and keep the injured dogs apart.

Chairman Coyner stated the Board visited the site today but it is too early to tell how the site will look. He declared the public hearing closed.

Mr. Shreckhise stated he agrees that the veterinarian will oversee that the runs are maintained properly because they would not want to have a bad business. He moved that the request be approved with the following conditions:

Pre-Condition:

1. Submit site plan showing the outdoor run 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.

Operating Conditions:

1. Be permitted to construct a 14' x 60' outdoor run as shown on the BZA plan.
2. A six (6') foot high white vinyl privacy fence be installed around the 14' x 60' outdoor run.
3. A maximum of four (4) animals be permitted in the outdoor run at any one time and no animals be left unattended for more than two (2) hours.
4. Animals be kept indoors from 8:00 p.m. until 8:00 a.m.
5. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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JONATHAN P. AND BARBARA G. SENGER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jonathan P. and Barbara G. Senger, for a Special Use Permit to use a manufactured home for storage on property they own, located at 4757 Cold Springs Road, Raphine, in the Riverheads District.

Ms. Barbara Senger stated she would like to request a manufactured home, classroom, or modular office for storage. She stated it would be a good use of dry storage space. She stated they agree to all of the conditions. She stated she would not want to be locked into a specific size. She asked if the Board would be able to limit the manufactured home to 1,200 square feet. She stated she does not want to be locked into searching for a 14' x 70'. She stated they would also like to position it perpendicular to Route 608 towards the back rather than the side.

Chairman Coyner stated a revised site plan would need to be submitted if this were to pass.

Mr. Shreckhise asked if it would be more economical to use the manufactured home for storage rather than an addition?

Ms. Senger stated there are homes available and this option is the most economical thing for them at this time.

Mr. Shreckhise stated if the applicant chooses another route they would need to reapply. He stated the Board visited the site last month and the property is kept very neat.

Chairman Coyner stated the site is neat and orderly. He stated the manufactured home would be positioned better perpendicular rather than in the front. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

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

Ms. Brown moved that the request be approved with the following conditions:

Pre-Conditions:

1. Obtain building permit.
2. Applicant submit a revised sketch to Community Development.

Operating Conditions:

1. Be permitted to place one 1,200 square foot manufactured home or modular office for storage.
2. The existing tree buffer must be left in its natural state and maintained.

Mr. Shreckhise seconded the motion, which carried unanimously.

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ALLEN N. AND ERMA R. ZIMMERMAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Allen N. and Erma R. Zimmerman, for a Special Use Permit to reconstruct and enlarge an existing non-conforming building on property they own, located at 2288 North River Road, Mount Solon, in the North River District.

Mr. Allen Zimmerman stated that the old structure is on the state right of way. He stated the building obstructs the view. He stated the building is in need of repair. He stated they would build another building behind it. He stated they can only meet a twenty (20') foot setback due to the well being near the building. He stated that he cannot meet the thirty-five (35') foot setback from the state right of way.

Chairman Coyner stated the bank drops off. He stated moving it back off the road will be better for everyone.

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

Mr. James Wichael, 2309 North River Road, Mount Solon, stated he lives across the road. He stated that he has no problem with what they would like to do with the building.

Chairman Coyner asked if there was anyone else wishing to speak on the request?

There being none, Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning. He stated the building has been there for quite some time. He stated if the building is moved back it would be compatible with all of the other buildings.

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

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to reconstruct a 22' x 46' building as shown on the BZA plan.
2. The building will be set twenty-two (22') feet from the VDOT right-of-way.

Ms. Brown seconded the motion, which carried unanimously.

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EDGAR B. HURDIS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Edgar B. Hurdis, for a Special Use Permit, to have a kennel and boarding facility on property he owns, located at 46 Horseshoe Circle, Stuarts Draft, in the Riverheads District.

Mr. Edgar Hurdis stated that he would like to operate a boarding kennel. He mentioned Molly Bigger is his partner in this venture. He mentioned she has had experience with this type of business.

Chairman Coyner stated the Board visited the site this morning. He stated that there is another house on the property which is owned by you.

Mr. Hurdis mentioned he spoke with his closest neighbors and they have no problem with this request.

Chairman Coyner asked if this would be a breeding and boarding kennel?

Mr. Hurdis stated they will board dogs. He stated they will board any dog that has proper credentials. He stated they will not breed dogs.

Ms. Brown asked how many dogs can be handled at the site at one time?

Mr. Hurdis stated twenty (20) dogs in the kennel. He stated they will have 6' x 8' rooms. He stated the kennels will be heated and air conditioned.

Chairman Coyner stated the applicant is in the process of building a fence.

Mr. Hurdis stated he is building the fence so there are no dangers of any of the dogs escaping even their own dogs.

Chairman Coyner asked if the applicant will have twenty (20) or ten (10) dogs at the site?
Mr. Hurdis stated he does not know.

Ms. Brown asked if the applicant and his partner would take care of the kennel operation?

Mr. Hurdis stated yes.

Chairman Coyner asked if the applicant would board large or small breeds?

Mr. Hurdis stated either one.

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

Mr. Warren Hartless, 648 Horseshoe Circle, Stuarts Draft, stated he is the closest neighbor and he has no problem with the request.

Mr. Bob Owen stated that Mr. Hurdis is a great neighbor. He mentioned he could not ask for a better neighbor. He stated the site is zoned agriculture. He stated they have a great relationship.

Ms. Patterson stated that she is not in favor of the request. She stated his land adjoins her property. She felt that there is enough dogs barking around her now. She stated she lives up the road on Horseshoe Circle.

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

There being none, Chairman Coyner asked if the applicant would like to speak in rebuttal.
Mr. Hurdis stated that he has spoken with Animal Control and they told him that the County built their kennel with six (6") inch walls to control the sound. He mentioned he has no problems doing that. He would also put in Canadian Hemlocks as a sound barrier around the kennel/fence line.

Chairman Coyner declared the public hearing closed. He stated the applicant is willing to plant Canadian Hemlocks and soundproof the walls.

Ms. Brown stated the Board visited the site today.

Mr. Shreckhise stated the kennel is in the center of the property.

Ms. Brown moved that the request be approved with the following conditions:

Pre-Condition:

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

Operating Conditions:

- 1. Maximum of twenty (20) adult dogs kept at this site at any time.
- 2. No dogs other than personal pets be brought to the site until the kennel facility and perimeter fence is completed.
- 3. All dogs be confined within the designated facility areas on the site plan unless under direct control of staff members.
- 4. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
- 5. Site be kept neat and orderly.
- 6. Applicant must reside on premises.
- 7. Animal Control to inspect the site after six (6) months and then once per year.
- 8. The kennel structure will have six (6") inch thick walls for sound reduction.
- 9. The applicant will plant Canadian Hemlocks around the perimeter of the fenced area.

Mr. Shreckhise seconded the motion, which carried unanimously.

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LISA ANN DONKLE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Lisa Ann Donkle, for a Special Use Permit, to have a day care home occupation on property owned by Donald Ray II and Lisa Ann Donkle, located at 152 Heather Lane, Staunton, in the Beverley Manor District.

Ms. Lisa Donkle stated she is requesting a Special Use Permit to have a day care to go from six (6) to eight (8) children in her home. She currently has five (5) on roll and one (1) resident child and she is licensed with Social Services. She has a two (2) year waiting list. She stated they tried to address all of the neighbors' concerns. She has been in constant contact with the Property Owner Association Board. She stated the President of the Property Owner Association requested that Spring Lakes be added to the preschool General Liability insurance policy. She mentioned that her insurance company is waiting to bind the policy to see how many children they need to bind it for. She stated her property backs up to the ponds. She mentioned Social Services visited the site repeatedly. She stated they measured and they are three hundred (300') feet away from the pond and one is three hundred ten (310') feet away. She stated Carol Troxell from Social Services felt there was not a need for a fence. She stated they are required to supervise the children at all times. She mentioned they have chosen and spoke with Premier Vinyl Fence. She did get approval of the fence from the Property Owner Association Board. She stated that her husband and some of the parents will help put up the fence. She stated they can fit eight (8) cars in her driveway. She parks her car in the garage. She stated her family will continue to park in the overflow parking at the clubhouse and walk up the hill. She mentioned the parents will park in the driveway so that they do not interfere with traffic flow. She stated if her driveway is full, the parents were told not to park along the street. She mentioned they are to circle around or park down at the clubhouse and walk up the hill. She stated the parents travel on Old Greenville Road, Loch Drive, and come up on Heather Lane to come to her house. She stated they are only on Spring Lakes for three (3) to four (4) houses. She mentioned she is required to have the children play outside for thirty (30) minutes in the morning and thirty (30) minutes in the afternoon weather permitting. She stated she can split her children in two (2) groups in order to accommodate some of the neighbors' issues with noise. She would prefer not to do that because outside time is a social time but if it will be a huge problem she will split them up.

Chairman Coyner stated the Board visited the site this morning. He asked if Ms. Donkle's table could accommodate eight (8) children?

Ms. Donkle stated yes.

Chairman Coyner asked if she would have an assistant?

Ms. Donkle stated yes, her future daughter-in-law. She mentioned her assistant will work from 9:00 a.m. to 6:00 p.m. She mentioned she would greet the parents from 7:30 a.m. to 8:30 a.m. She stated at 9:00 a.m. the children will have breakfast. She stated she starts dinner at 4:00 p.m. and her assistant will be there for parent pickup anywhere from 4:00 p.m. to 6:00 p.m.

Chairman Coyner asked about the arrival time and departure time?

Ms. Donkle stated they are required to keep a sign-in and sign-out sheet when a parent arrives and when they pickup their child. She stated the times vary and are staggered. She stated the only time the parents arrive at the same time is on Tuesday afternoon when she takes the children to Spirit 365 in Verona for gymnastic class. She mentioned they arrive back at the home around 5:30 p.m. She stated the only time they have had the parents at the house was for Thanksgiving Dinner.

Chairman Coyner asked if all eight (8) cars could simultaneously be in the driveway?

Ms. Donkle stated she cannot remember a time when all of the parents were at the site at one time.

Chairman Coyner asked if the applicant has done this before?

Ms. Donkle stated she has been a preschool teacher and has worked with autistic children as well as special needs kids. She also was a substitute teacher and a teacher for Kids Under Construction for quite some time.

Chairman Coyner asked if the applicant will take infants?

Ms. Donkle stated they will only take children age three (3) to five (5) years old. She stated Social Services actually approved her for twelve (12) children. She stated they requested that they only approve her for eight (8) children. She stated the ratio is one caregiver to eight (8) children. She does not want to put herself in a position where she would be over ratio. She would like to be in compliance all of the time.

Mr. Shreckhise asked if any family members would be included in the eight (8) children?

Ms. Donkle stated children that live in the residence do not count. She stated her son will be getting married and they will not live with them. She stated their grandchild would count because she does not live with them.

Mr. Wilkinson explained the limitations on the number of children with a day care. He stated that in 2010 state legislator changed the law. He stated up to five (5) children a Zoning Certificate is issued with no public input. He stated that six (6) to twelve (12) children requires a Day Care Home Occupation Permit. He mentioned anything over twelve (12) requires a Special Use Permit. He stated Ms. Donkle applied for the Day Care Home Occupation Permit. He stated staff received an objection to her permit, therefore,

staff could not approve it. He mentioned Ms. Donkle applied for the Special Use Permit to come before the Board of Zoning Appeals to hear her request.

Mr. Shreckhise stated the applicant is only requesting to add two (2) more children to the present program.

Ms. Donkle stated she had an open house for an entire weekend. She delivered letters to the neighborhood. She stated no one prior to that contacted them. She wanted her neighbors to look around but not many people attended the open house. She is very proud of her facility. She stated she did try and contact some of the neighbors in the area. She mentioned two (2) neighbors across the street were opposed to the permit but then when they viewed the paperwork they retracted their statement and was in support of the request. She stated her neighbor next door is neither for nor against her request. She stated the Property Owners Association Board has taken a neutral stand. She stated they have received a lot of retractions from the neighbors once they viewed the paperwork.

Chairman Coyner asked if there was anyone wishing to speak in favor of the request?

Ms. Susan Horne, 99 Heather Lane, Staunton, stated that she was an educator. She stated Ms. Donkle does a wonderful job with the kids. She has never seen the kids out of control. She always has the children within site. She stated safety is her number one priority and she does a good job with that.

Ms. Amber Crawford, 349 Summerdean Road, Middlebrook, stated that her child attends Creative Creations Learning Center. She stated that has been the best thing that ever happened to her son. She stated Ms. Donkle is warm and welcoming. She teaches the children things so many things. She is truly amazing.

Mr. Mike Huntley, 1515 Churchville Avenue, Staunton stated his daughter attends the day care. He stated that he supports this request. He stated his daughter is excited and has enthusiasm for the school. He stated that it is not just a day care. He stated that some has suggested that Creative Creations will cause traffic with cigarette flicking parents. He stated the parents are respectful to the Spring Lakes property. He stated this operation is low key and tastefully run. He stated not many citizens knew of the day care operation until the petition was passed around. He stated the world needs places like this school. He stated his mom and dad are neighbors and they are all in full support of the request.

Ms. Rona Huntley, 1515 Churchville Avenue, Staunton, stated that her parents and her in-laws live in Spring Lakes. She stated this school has given her daughter a trilingual experience. She stated that she is expecting her second child who she hopes can attend Ms. Donkle's school. She stated the property is cleaned and well maintained. She stated

there are no advertisements. She stated they are all working together to not have any disruptions with traffic. She stated her daughter comes in and says things that are so amazing. She stated Spring Lakes is a tight nit group of neighbors.

Ms. Renae Bailey, 48 Beatrice Court, Fishersville, stated that she is a parent and she runs the business called Sprit 365. She stated Creative Creations has private field trips to her facility. She has always been impressed with the manners and her children's behaviors. She stated Ms. Donkle has a special gift with children. She has met all of the parents and they are fine, upstanding people in the community. She stated they bring the children now on a weekly basis to tumble with the other children. She stated if Creative Creations was available to her when she needed child care she would run and put her name on that list. She as a parent, finding quality care for children is hard.

Ms. Janet Gomez, 70 Wilson Lane, Fishersville, stated that her child started preschool last year. She stated her daughter was scared of the pool. She stated that Ms. Donkle had her child swimming in days. She stated if this request is not approved it would be a shame to keep children away from the preschool.

Ms. Samantha Cash, 275 Fishersville Road, Fishersville, stated that her daughter goes there. She stated within a small amount of time her daughter was doing things that blew her mind. She stated her daughter went through Wilson's County program and she did not learn half of what her other daughter is learning at Creative Creations. She stated they have a wonderful home. She stated Ms. Donkle is teaching her kids in a safe environment.

Ms. Carla Byrd, 53 Kingsbury Drive, Waynesboro, stated that she is here to support Ms. Donkle. She stated her son has a bond with Ms. Donkle. She asked that the Board not deny this permit. She stated that it would be heartbreaking for two (2) other children. She mentioned she is very grateful for Ms. Donkle. She stated her child is in the top of his kindergarten class. She stated she is spelling well beyond his years. She stated Ms. Donkle is kind and she takes care of her students as if they were her own. She stated two (2) more children deserve to be blessed by her and her family.

Ms. Sarah Hubbell, 1076 Old Greenville Road, Staunton, stated that she lives near Spring Lakes. She stated Ms. Donkle has an affordable preschool. She stated that she conducts a viable small business in the safety of her home. She stated that Ms. Donkle is preparing the children for elementary school. She read the Planned Unit Development Zoning Ordinance as well as the Single Family Residential section of the Zoning Ordinance. She stated there are no accessory buildings used in conjunction with the business. She stated this business is approved by Social Services. She stated they will only have one (1)

employee. She feels that this is a proper use of Ms. Donkle's basement. She stated this use does not impose on the neighbors.

Ms. Rebecca Gibson, 94 Greenville Farm Lane, Staunton, stated that she is within walking distance to the site. She is concerned about people signing the petition under false information. She stated that her child did attend the school and she can only speak highly of Ms. Donkle.

Ms. JoAnn Tigert, 913 N. Augusta Street, Staunton, stated that she lives in the City of Staunton. She stated that her grandson was attending the school and she cannot speak highly enough of it. She stated this is not a detriment to any community. She stated that the neighbors should be thankful for having this opportunity in their neighborhood.

Ms. Tabitha Cote, 17 Kingston Court, Stuarts Draft, stated that her son attended Creative Creations and the center was clean and welcoming. She stated he learned so much with Ms. Donkle that he excelled in kindergarten and scored higher than the other children. She credits all of that to Ms. Donkle. She stated that her son was terrified of stepping in the water and she got him in the water. She stated her family had tried to do that for quite some time. She stated Ms. Donkle is like no other person. She stated that she is beautiful inside and out. She stated that she is an inspiration and a blessing to her family. She would hope the Board would allow other children to experience this.

Mr. Brian Cote, 17 Kingston Court, Stuarts Draft, stated that he would have to drag his son out of Ms. Donkle's day care. He stated his son's skills in kindergarten are far and above the other children. He stated that Ms. Donkle is a good person. He asked the Board to grant this permit because the community needs more places like this one. He stated that Ms. Donkle teaches the children so much. He hopes the Board grants this request.

Chairman Coyner asked if there was anyone wishing to speak in opposition to the request?

Mr. Kendall Bennett, 43 Villa View Drive, Staunton, stated that he lives in Spring Lakes and is against this request. He stated that he is a realtor and this Special Use Permit will cause property values to decrease. He read the covenants of Spring Lakes subdivision. He stated this request will increase traffic as well as noise level from children playing in the yard. He stated that Heather Lane is the only north and south street going to Spring Lakes. He stated if the permit is granted it would not be in the interest of public safety and compatible with the neighboring properties.

Ms. Doris Donaldson, 175 Heather Lane, Staunton, stated that she lives in Spring Lakes. She stated that Ms. Donkle does do a wonderful job. She stated they do not have any

issues with the day care but they do not want the number to increase to eight (8) children. She stated that she is not in any way trying to stop her from taking care of her current five (5) children. She stated that she has concerns of liability, noise, and traffic. She stated Springs Lakes is a quiet peaceful neighborhood. She stated the Property Owner Association has insurance but she is not clear today on the insurance issues. She asked what happens if there is a lawsuit? She asked will they be covered under the Property Owner Association and/or by Ms. Donkle? She asked who would pay the claim? She stated there is a liability with the pool because there is no lifeguard on duty.

Ms. Jane Pogany, 161 Heather Lane, Staunton, stated the word business was never mentioned in their covenants. She stated they have no business that compares to the size that Ms. Donkle is requesting. She stated the Board should consider the feelings of the neighbors, not only of the four (4) adjoining, but the many other neighbors that are in opposition. She stated many of the neighbors are at work. She stated the Board received twelve (12) emails and sixty-six (66) neighbors signed the petition in opposition to the request. She stated that twenty-five (25) non-residents support the request. She noted that those in support do not live in Spring Lakes. She stated the school sounds wonderful but their testimony is irrelevant because they do not live next door. She stated her objection is based on the zoning rules. She stated there will be an adverse impact, reduced property values, increased traffic, noise, and she is unclear about the insurance issues. She stated that this is a quiet, exclusive residential neighborhood and she is deeply concerned that the character of the neighborhood would be changed for the worst. She stated there are safety issues as well as noise. She stated that it would be in the community's best interest if the Board deny the request.

Ms. Bobbye Kimbrough, 157 Heather Lane, Staunton, stated she has lived across from Ms. Donkle's property for eight (8) years. She is in opposition to the request. She stated the day care will create traffic issues and noise. She stated her driveway is filled at capacity with six (6) vehicles. She stated two (2) more cars will be added to the driveway. She stated the cars will circle around the street. She stated there is no other business in the neighborhood. She mentioned she is a retiree on a fixed income and she is in fear of her property values decreasing. She stated Ms. Donkle addressed her concern of not having a fence. She is also concerned about the pool and the legal issues if something were to happen. She would request that the Board consider these issues in making a decision.

Mr. Paul Judd, 160 Heather Lane, Staunton, stated that he has lived in Spring Lakes for seven (7) years. He has concerns with this request and hopes that it gets denied. He stated that his house is his greatest asset and if he knew there was a day care next to him he would not have purchased his home. He stated that Ms. Donkle has a number of vehicles parked along Heather Lane, in front of Ms. Donkle's home, and in front of his

home Monday through Friday. He stated that those vehicles cause blind spots from his property when he tries to pull out of his driveway. He stated that if she has an employee, they will need to park somewhere. He stated the children will be yelling and screaming outside which will make it impossible for him to open his windows and doors and he is unable to nap in the afternoon. He stated he will not be able to be outside on his deck when they are outdoors playing. He stated the unsightly mess in the backyard playground violates Spring Lakes Bylaws. He is concerned with the neighborhood. He stated his home has been threatened.

Chairman Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Coyner asked the applicant to speak in rebuttal.

Ms. Donkle stated she has not met half of the people in opposition. She stated that it is sad that she does not know the people in her community as well as she would like to. She has spoken with Karen Carpenter, who is a realtor and resident at Spring Lakes, and she does not feel this request will affect property values. She stated Bob Robinson, the real estate agent for Spring Lakes, said the same thing. She feels that there is no data either way regarding property values. She has received a number of retractions with regard to the petition. She stated people were told dishonest things when signing the petition. She tried hard to get the correct information to the neighbors. She stated she did have towels outside to dry and when she received notification, they were removed and have not been out since. She mentioned they looked at putting up a screen beside the deck so that the neighbors do not have to look over and see the playhouse and toys. She stated the children need to go outside everyday weather permitting. She stated they go out to get exercise and they are well under any noise ordinances. She stated they do not have time to play outside all day. She stated they play thirty (30) minutes in the morning and thirty (30) minutes in the afternoon. She stated they play, laugh, and run outside. She stated they have a neighbor with seven (7) children and they have a backyard full of play equipment. She felt that some of the neighbors thought that is where the day care was located. She mentioned she only has one (1) playhouse on the property and she has since taken it inside her home and is now a reading center. She wants to be a good neighbor.

Chairman Coyner asked about the insurance issues?

Ms. Donkle stated the Property Owners Association feels that they are protected when she added Spring Lakes at the Woodlands as an additional insured on her million dollar policy. She stated that she has her own Homeowner's policy. She stated that if her using the pool with the children is a big deal she can take the kids to Gypsy Hill pool. She stated the Board requested her to add them as additional insured and they did. She mentioned she wants to be a good neighbor.

Mr. Donald Donkle stated he will be putting up a fence which has already been approved. He is requesting to be able to take care of two (2) more children. He stated that education is the key.

Mr. Wilkinson asked what type of fence will be constructed?

Mr. Donkle stated it will be a three-rail fence around the property as the Board approved.

Mr. Wilkinson asked what would be the height of the fence?

Mr. Donkle stated four (4') feet high. He stated he did not want to block the view of the neighbors.

Chairman Coyner declared the public hearing closed.

Ms. Doris Donaldson asked to see a picture of the fence. She wanted to make sure that it was the same fence that went before the Architectural Review Board two (2) years ago.

Chairman Coyner stated the Board can table the request to the next meeting in order to review more of the information. He stated that they may have a full Board next month.

Ms. Brown moved that the request be tabled until the March 1, 2012 meeting.

Chairman Coyner stated the public hearing was held today.

Mr. Shreckhise stated that he feels that the applicant has addressed the concerns of the neighbors. He feels the Homeowners Association should have addressed some of these concerns. He stated the Board is here to protect the rights of the citizens and property values. He seconded the motion, which carried unanimously.

Chairman Coyner stated the public hearing was closed but if there is any new information or a spokesperson for a group that would like to speak then he would allow that.

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STAFF REPORT

- 11-21 Brent A. or Lindsay N. Shaver
- 11-22 George B. or Shawnee C. Kennedy
- 11-23 James W., Jr. or Carla F. Humphries

Mr. Wilkinson stated that Special Use Permits #11-21, #11-22, and #11-23 are all in compliance.

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Mr. Morgan 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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Chairman

Secretary