

December 6, 2012

PRESENT: G. A. Coyner, II, Chairman
T. H. Byerly, Vice Chairman
D. A. Brown
S. F. Shreckhise
J. R. Wilkinson, Zoning Administrator & Secretary

ABSENT: J. D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 6, 2012, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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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.

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VIEWINGS

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

- **Julie A. Bullock - Special Use Permit**
- **Mary Phillips Scott, agent for Old Grey Mare's Acres, LLC - Special Use Permit**
- **Joe White, agent for Charles D. Crouse and Gemstone, LLC - 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.

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Chairman

Secretary

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PRESENT: G. A. Coyner, II, Chairman
T. H. Byerly, Vice Chairman
D. A. Brown
S. F. Shreckhise
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: J. D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 6, 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 November 1, 2012, meeting be approved with the change to reflect townhouses instead of apartments on the Moffett request.

Ms. Brown seconded the motion, which carried unanimously.

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JULIE A. BULLOCK - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Julie A. Bullock, for a Special Use Permit to have a personal kennel on property she owns, located at 1399 Roman Road, Mount Sidney, in the North River District.

Ms. Julie Bullock stated she is requesting a permit for a kennel license.

Mr. Wilkinson asked if this would be a personal kennel?

Ms. Bullock stated she would like to have a personal kennel. She mentioned she does not breed dogs. She stated her goal is to have six (6) foxhounds that she will take off the premises to hunt. She stated there will be no traffic associated with the kennel.

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Chairman Coyner asked if she was a breeder?

Ms. Bullock stated she would have hounds that are no longer being bred. She stated the dogs would all be either spayed or neutered.

Chairman Coyner asked if she would board dogs?

Ms. Bullock stated no.

Ms. Brown asked if the applicant lives at the site?

Ms. Bullock stated yes.

Ms. Brown asked how many dogs are at the site currently?

Ms. Bullock stated three (3) dogs live inside the dwelling. She stated they are planning on expanding the tractor shed for the kennel. She stated there will be heat lamps and fans in the kennel. She stated the dogs will all be vaccinated and de-wormed. She stated no public will come to the site.

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

Ms. Alison Shott stated she resides at the same address. She will help maintain the kennel and be sure it is done well.

Ms. Michelle Swortzel, 205 Willand Lane, Mt. Sidney, stated she is not here to dictate what the applicant can do on her property but she does feel she has a right to express her concerns over the kennel. She mentioned that she purchased the property in 2004 because it is peaceful, private, and because of the wonderful view as well as agricultural possibilities. She stated there is not much noise or traffic in the area. She stated her concerns are multiple dogs barking and creating noise. She stated they have two (2) domestic dogs on their property. She questioned how the applicant was going to keep the dogs on their property because they have had issues with birds and horses roaming in their fields and around the house. She stated they have eaten their flower bed and garden. She stated her husband called the applicant but there was no answer on numerous occasions. She stated there have been times when a donkey and mule happened to be in the private driveway and field. She stated they do not have a fence on their property to keep other animals off of their property. She stated they have an underground fence for their dogs. She stated with all of these instances happening, she is skeptical on how they

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will keep the dogs on their property. She mentioned her last concern was the increase in the traffic. She stated the applicant is not boarding dogs so that does alleviate some of her concerns regarding traffic issues. She stated they do have a verbal road maintenance agreement but as of this date the applicant has not contributed towards the road improvements.

Chairman Coyner stated the issue of the road maintenance is a civil matter between the property owners.

Ms. Swortzel mentioned that she does not wish to hear a lot of barking. She stated she is 200' off of where the kennel is going to be. She mentioned that she enjoys her peace and quiet of her property. She mentioned if the permit is approved she hopes that the dogs are kept on the applicant's property and not in her field.

Mr. Danny Swortzel, 205 Willand Lane, Mt. Sidney, stated if the kennel is kept quiet and maintained he would have no problems with it. He mentioned his biggest concern is the animals coming onto his property. He stated this is a "fence in" County and the applicant should keep the animals on her property. He stated in the future he will start documenting the number of times the applicant's animals come onto his property.

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 the applicant to speak in rebuttal.

Ms. Bullock stated that she wants to be a good neighbor. She stated the dogs never leave the property. She stated the horses and donkey did get out because of an electric short in the fence. She appreciated all of her neighbor's concerns. She stated they are kept in the main fence area now which they cannot get out. She stated they will have a totally different fence for the hounds. She stated her dogs are trained to listen to her voice commands.

Mr. Shreckhise asked how many hounds does the applicant have now?

Ms. Bullock stated none. She mentioned she was waiting on the permit to get approved before bringing them to the site.

Mr. Shreckhise asked if she anticipated any additional noise from the hounds?

Ms. Bullock stated the hounds are quiet.

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Mr. Shreckhise asked if the hounds bark when you feed them?

Ms. Bullock stated not typically.

Mr. Shreckhise asked how many dogs would you have at the site?

Ms. Bullock stated she would like to have six (6) foxhounds and her three (3) personal dogs. She stated she wanted to ask for twenty (20) but she does not plan on keeping twenty (20) at the site. She mentioned she would not care to feed any more than twelve (12) dogs.

Vice Chairman Byerly asked if she was required to have a kennel sized for the number of dogs at the site?

Ms. Bullock stated no. She would like to have the option of expanding the kennel in the future if it is needed. She stated the goal is to keep six (6) dogs in the kennel.

Ms. Brown stated the issues with the fence not keeping the animals in have been a problem for the neighbors. She asked if the fence is low on the one side?

Ms. Bullock stated the donkeys are now locked out from the area where the fence is very low. She stated none of the donkeys have access to that. She stated her dogs do not leave her property.

Chairman Coyner stated this is a rural remote area which is a good place for a kennel. He declared the public hearing closed. He stated the Board visited the site this morning.

Mr. Shreckhise stated the Board can reduce the number of dogs and the applicant can come back if she would like to increase the number in the future.

Chairman Coyner stated the Board can review the permit in one (1) year to be sure the applicant is in compliance.

Vice Chairman Byerly stated he has visited a number of kennels and hunting dogs are very quiet dogs. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

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Operating Conditions:

1. Maximum of twenty (20) adult dogs kept at this site at any time.
2. Dogs be kept inside the 24' x 25' kennel or the dwelling from 10:00 p.m. until 6:00 a.m.
3. Site be kept neat and orderly.
4. Applicant must reside on premises.
5. Permit be issued for one (1) year and renewed if all conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

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MARY PHILLIPS SCOTT, AGENT FOR OLD GREY MARE'S ACRES, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mary Phillips Scott, agent for Old Grey Mare's Acres, LLC, for a Special Use Permit to add events to the current permit including rodeos, bull riding, livestock shows, and dog competitions on property it owns, located at 435 Lofton Road, Raphine, in the Riverheads District.

Ms. Mary Phillips Scott stated she would like to add events to her current permit and increase the hours to include evening times. She stated she is putting in a sewage system. She is working with someone from Southern Electric regarding the lighting on the one side of the arena and the field where there will be parking. She stated any noise will stop by 11:00 p.m. She stated she has spoken with both neighbors and they seem to be fine with that.

Chairman Coyner stated the Board visited the site this morning. He stated the applicant has made a number of improvements to the site. He asked how often would they operate the rodeo at the site?

Ms. Scott stated bull riding would be done in the winter months at least one (1) time a month. She stated they will have high school rodeos which would be monthly activities. She stated they will not have over twenty-four (24) events in a year. She stated the most they would have is two (2) events a month.

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Chairman Coyner asked if the events would take place on Saturday?

Ms. Scott stated the bull riding will either be Friday or Saturday evening. She stated it would start by 4:00 p.m. and end by 10:00 p.m. She stated the high school rodeo will take place during the day.

Mr. Wilkinson asked what time would the barrel racing take place?

Ms. Scott stated anywhere from 5:30 p.m. to 8:30 p.m.

Chairman Coyner asked if the rope and barrel events are done in the summer?

Ms. Scott stated they are done year round. She stated with an indoor arena they can do it all year round.

Chairman Coyner asked if the events were well attended?

Ms. Scott stated one hundred (100) people attended the events. She stated she is working on the sewage system for the property. She stated the barrel racing will be sanctioned which should get the word out. She mentioned this time of year is her slow time but it should pickup in January.

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

Ms. Julie Bullock stated she is an equine veterinarian and she used to do group riding. She stated she has many clients that do team roping at the facility.

Mr. Wilkinson stated he received a call from Edith Eckman, a property owner in the Lofton Lake area, and she is concerned about the amplified noise and that 11:00 p.m. is too late of a time.

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 the applicant to speak.

Ms. Scott stated they can stop at 10:00 p.m. if she needed to.

Chairman Coyner declared the public hearing closed. He stated this is a great facility. He mentioned there is a need for this type of operation.

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Vice Chairman Byerly moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant install a sewage treatment system approved by the Health Department within twelve (12) months.
2. Be permitted to have twenty-four (24) events per year but no more than three (3) per month.
3. Events may be up to three (3) days and be on Friday, Saturday, and Sunday.
4. Be permitted to conduct practices on Tuesday, Wednesday, and Thursday.
5. Hours of operation be 8:00 a.m. to 11:00 p.m.
6. No amplified sound or music after 10:30 p.m.
7. Any new outdoor lights over 3,000 lumens require lighting plan submittal and must meet ordinance requirements of Article VI.A Outdoor Lighting.
8. Site be kept neat and orderly.
9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
10. Porta-johns may be used to supplement the onsite restroom facilities but may be brought to the site no sooner than seven (7) days before an event and be removed no later than seven (7) days after an event.

Mr. Shreckhise seconded the motion, which carried unanimously.

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JOE WHITE, AGENT FOR CHARLES D. CROUSE AND GEMSTONE, LLC - SPECIAL USE PERMIT

A request by Joe White, agent for Charles D. Crouse and Gemstone, LLC, for a Special Use Permit to have a bridge refinishing and painting company with outdoor storage of vehicles and equipment, and to construct a vehicle service building for company use on property owned by Thelma I. Uplinger, located in the western quadrant of the intersection of Crattan Hill Road (Route 696) and Wise Hill Lane in the North River District. - TABLED FROM THE AUGUST 2, 2012 MEETING

Mr. Shreckhise moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Wilkinson stated this request was tabled because there was a large amount of vehicles and equipment stored onsite. He mentioned the Board wanted the site cleaned up before moving forward with this permit.

Mr. Joe White stated ninety (90) days ago they started the cleanup process. He stated they do not have the expertise to tear down the old equipment and that is why it is taking longer to cleanup the site. He stated they are in the process of taking the tires off and stripping down and hauling the parts away. He mentioned they hauled away eight (8) semi-loads already. He stated they do need more time to work on this.

Chairman Coyner asked how much more time does the applicant need?

Mr. White stated he would prefer to have sixty (60) days to complete the cleanup process. Chairman Coyner stated they are not anywhere near half way done. He felt that the applicant would not be able to cleanup the site within sixty (60) days.

Mr. White stated they will have more manpower during the winter months. He stated the biggest part of the cleanup is the breaking down of the trucks to take off parts. He hopes to have the bulky items removed within sixty (60) days.

Mr. Shreckhise stated there are a lot of vehicles that they do not have any use for. He stated they appreciated the progress this far but the Board wants to emphasize that anything not being used will need to be removed. He stated the applicant will not be permitted to keep the old vehicles at the site. He stated he cannot see the applicant cleaning up the entire site within sixty (60) days.

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Mr. White stated he is aware that it does not look like they have cleaned up much but that is because they got overloaded with other problems. He stated they also have storage and a scrap yard in Marshall.

Chairman Coyner asked if there is any use for the old car carrier?

Mr. White stated it will need to be chopped up into three parts in order for it to be taken away.

Mr. Wilkinson stated there are salvage yards in the County that may take some of these items off of the property which may help speed up the clearing process. He noted that the applicant can call him and he will give him the names and phone numbers of the salvage yards in the area.

Vice Chairman Byerly stated within four (4) months the property should be pretty well cleaned up.

Mr. Shreckhise stated the Board may stop by before April to check the status of the cleanup project. He stated the Board will let you know whether they feel the applicant is progressing enough. He moved that the request be tabled until the April 4, 2013 meeting. Mr. White mentioned that he would appreciate any input the Board would like to give him and guidance on what he should be aiming for.

Mr. Shreckhise stated the applicant has a ways to go with the cleanup process.

Chairman Coyner stated the Board is willing to work with the applicant but the property will need to be cleaned up.

Ms. Brown seconded the motion, which carried unanimously.

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JONATHAN YATES, AGENT FOR BEACON TOWERS AND AT&T - TWO YEAR EXTENSION OF TIME REQUEST

A request by Jonathan Yates, agent for Beacon Towers and AT&T, for a Special Use Permit to construct a new wireless telecommunications facility on property owned by D. Perry and Emily L. Hostetler, located at 95 Sulfur Pump Road, Weyers Cave, in the Middle River District.

Mr. Wilkinson stated he has spoken with the applicant and due to the economy they would like to have a two (2) year Extension of Time. He mentioned AT&T would like to move

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forward with the request but they need some more time. He stated staff is recommending the Extension of Time be approved.

Vice Chairman Byerly moved that the two (2) year Extension of Time be approved.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

- 12-3 Edgar B. Hurdis
- 12-4 Donald Ray II and Lisa Ann Donkle
- 12-5 Allen N. and Erma R. Zimmerman
- 12-6 Maple Ridge Square, LLC
- 12-7 Jonathan P. and Barbara G. Senger

Mr. Wilkinson stated SUP#12-3 is under construction. He stated SUP#12-4 and SUP#12-5 are both in compliance. He stated the permit for SUP#12-6 has been cancelled. He stated SUP#12-7 is 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