

PRESENT: T. H. Byerly, Chairman
S. F. Shreckhise, Vice Chairman
D. A. Brown
G. A. Coyner, II
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, November 7, 2013, 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:

- **MICHAEL L. OR BRENDA F. BALSLEY – SPECIAL USE PERMIT**
- **BLUE MARLIN INVESTMENTS – SPECIAL USE PERMIT**
- **AMY BERRY – SPECIAL USE PERMIT**
- **CHRISTMAS GROUP, INC. – 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

PRESENT: T. H. Byerly, Chairman
S. F. Shreckhise, Vice Chairman
D. A. Brown
G. A. Coyner, II
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney
Sandra K. Bunch, Zoning Technician

ABSENT: J. D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 7, 2013, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Coyner moved that the minutes from the October 3, 2013, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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LINDA GIBSON – SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Linda Gibson, for a Special Use Permit to continue a catering business within an existing building on property owned by Neil W. and Linda H. Cash, located at 1119 Goose Creek Road, Fishersville, in the Wayne District.

Linda Gibson stated that she resides at 20 Sugar Hill Lane in Crimora and she is requesting to operate a catering business out of Linda Cash's existing building on her property that she currently uses for her catering business.

Mr. Coyner asked Ms. Gibson if Ms. Cash would still be operating from this location in addition to her business?

Ms. Gibson stated that she believed Ms. Cash was going to get out of the catering business.

Ms. Brown asked Ms. Gibson how many days of the week she would be operating?

Ms. Gibson stated that it would vary depending on the number of events she had.

Mr. Coyner asked what types of events she would be catering?

Ms. Gibson stated that she would do weddings and any special events.

Ms. Brown asked Ms. Gibson if she baked wedding cakes for the weddings she caters?

Ms. Gibson stated no. She said that she does do small cakes and desserts.

Mr. Coyner asked if there would be customers coming to the property.

Ms. Gibson stated that she would meet the customers and there would be no one coming to the property.

Chairman Byerly asked if there was anyone else wishing to speak regarding this request?

Linda Cash stated that she has run her catering business from this location since the Board approved her request in 2010 and the business has been remarkable. She said that she is a retired school teacher and has been asked on numerous occasions to start giving private cooking lessons, and she feels that she would like to give this a try. She stated that she has also started something called eight (8) meals in two (2) hours, which is class that people could attend and prepare eight (8) meals that can be frozen and eaten at a later date. Linda is also an awesome cook and a very reputable person and she feels that she will do a fine job in her catering business.

Chairman Byerly asked if there was anyone else wishing to speak regarding this request?

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

Mr. Coyner stated that the Cash's were approved several years ago without any problems and have operated well. He stated that he felt that Ms. Gibson would do the same and moved that the request be approved with the following conditions.

Pre-Conditions:

None

Operating Conditions:

1. The building for the catering business be limited to 20' X 30'.
2. No customer seating is permitted.

3. No employees other than family members.

Ms. Brown seconded the motion, which carried unanimously.

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MICHAEL L. OR BRENDA F. BALSLEY – SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Michael L. or Brenda F. Balsley, for a Special Use Permit to enclose an existing non-conforming uncovered porch on property they own, located at 1281 New Hope Road, Staunton, in the Beverley Manor District.

Michael Balsley stated that he resides at 1281 New Hope Road, Staunton, and is requesting to enclose the existing porch on the property. He said that they need to replace the roof on the home so they would to enclose the porch at the same time. They are not going any closer to the road and not enlarging the porch.

Mr. Coyner asked if they were going to enclose where the railing is?

Mr. Balsley stated yes.

Mr. Coyner stated that the Board granted Mr. Balsley a permit to repair and build street rods in 1994 and asked him if he still did that?

Mr. Balsley stated that he only works on his own vehicles.

Chairman Byerly asked if there was anyone else wishing to speak regarding this request? There being none, Chairman Byerly declared the public hearing closed.

Mr. Shreckhise stated that this request is not going to extend the porch any closer to the road than the other homes in the area, and they are not requesting to make it any larger than what is already there; therefore, he moved to approve the request with the following conditions.

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to enclose the existing side porch no closer to the road.

Mr. Coyner seconded the motion which carried unanimously.

Mr. Coyner also stated that the property is well kept and it is good to see owners' want to improve it more.

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ALAN HADFIELD, AGENT FOR BLUE MARLIN INVESTMENTS, LLC – SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Alan Hadfield, agent for Blue Marlin Investments, LLC and Hardrock Investments, Inc., for a Special Use Permit to construct a tower for employee training on property they own, located at 31 Swartzel Shop Road, Greenville, in the Riverheads District.

Alan Hadfield stated that he resides at 328 York Avenue, Staunton, and is owner of Blue Marlin Investments, LLC and Summit Tower Construction. He stated that they primarily construct new towers and perform repairs to existing towers. He said that their employees are required by OSHA to be properly trained to do this type of work safely. There are currently no facilities close to this area to send the employees for training. He stated that they are requesting to construct an eighty foot (80') tower on the property so that they can do their own training.

Mr. Coyner asked Mr. Hadfield if employees are currently sent away for training?

Mr. Hadfield stated yes. He said that some of the training can be done onsite in a classroom setting but hands on training requires climbing and a lot of the towers in the area are owned by a variety of people who do not want training on their towers due to liability reasons. He said that is why they would like to create their own training facility if at all possible.

Mr. Coyner asked Mr. Hadfield if other companies would be allowed to use their facility?

Mr. Hadfield stated that they have discussed allowing others to use their tower for training but nothing definite at this time. He stated that they are beside the fire department and they would certainly allow them to train if needed.

Chairman Byerly asked Mr. Hadfield what area they service.

Mr. Hadfield stated that they cover Virginia, West Virginia, North Carolina, Maryland, Tennessee, Ohio, and a little bit of Delaware.

Chairman Byerly stated it is wonderful, and we appreciate your presence in Augusta County.

Chairman Byerly asked Mr. Hadfield what the height of their tallest tower is?

Mr. Hadfield stated between six hundred fifty (650') to seven hundred (700') feet.

Ms. Brown asked if the tower had steps for climbing?

Mr. Hadfield stated that the type of structure they are proposing would be a lattice structure and those have step pegs they would climb up and there would be a safety climb that the employee would attach to.

Ms. Brown asked if the safety harness hooked on each rail.

Mr. Hadfield stated that it starts at the bottom and the employee would attach their cable grab to this device and it follows them up the tower. He stated that if something were to happen the harness would stop the fall.

Mr. Wilkinson asked Mr. Hadfield if he would still like to request two (2) years to complete the tower as he mentioned when he applied?

Mr. Hadfield stated yes.

Ms. Brown asked Mr. Hadfield if he would be an instructor?

Mr. Hadfield stated he would not.

Ms. Brown asked if this training would be OSHA certified?

Mr. Hadfield stated that is an industry recognized training program that they follow.

Ms. Brown asked Mr. Hadfield if the employee would receive a certificate that they could use at other places of employment if they leave?

Mr. Hadfield stated that the climbing certificate is only good at the place of employment.

Mr. Coyner asked Mr. Hadfield where they send the employees now for training?

Mr. Hadfield stated that the company they work with moves around. The recent training was at a site in Fredericksburg and the one before that was in Orlando, FL.

Mr. Coyner stated that he would see where it would be handy to have the training facility here.

Ms. Brown asked Mr. Hadfield if the employee needed to have any advanced training in order to get a job?

Mr. Hadfield stated that it is preferable that the employee does have some experience, but they do train and this would help.

Chairman Byerly asked if there was anyone else wishing to speak regarding this request?

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

Mr. Coyner stated that he thinks this speaks well of a company wanting to train their employees and it is very good that it is Augusta County based. He also indicated that they are having difficulty finding places to train and sounds like a great thing if they could contract others to use the tower as well. Based on this, Mr. Coyner moved that the request be approved 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 to be approved by all appropriate departments and/or agencies.
2. Submit a bond for removal of the tower structure meeting the requirements of Section 25-68.7 "Bonding".

Operating Conditions:

1. Be permitted to construct an eighty foot (80') high tower for employees and other designated persons for training purposes.
2. The tower will not be lighted.
3. The tower structure shall be enclosed by security fencing not less than six feet (6') in height and equipped with an appropriate anti-climbing device unless determined not to be warranted by the Board.
4. No advertising signs may be placed on the structure.
5. Tower be removed when it is no longer used for training purposes.
6. Be allowed two (2) years to complete construction of the tower.

Ms. Brown seconded the motion, which carried unanimously.

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AMY BERRY – SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Amy Berry, for a Special Use Permit to have dog training and a kennel with outside runs on property owned by Pad Rentals, LLC, located at 304 Draft Avenue, Stuarts Draft, in the South River District.

Amy Berry stated that she resides at 292 Draft Avenue, Stuarts Draft. She stated that they are basically requesting to run the training outside and the runs could be moved inside if needed. They currently have no more than ten (10) dogs there at a time, but they are comfortable with reducing the number down to six (6) as Staff indicated in their report.

Ms. Brown asked how long a dog would be on site for training?

Ms. Berry stated two (2) weeks.

Ms. Brown asked Ms. Berry if someone would be there to take care of the dogs after business hours?

Ms. Berry stated yes.

Ms. Brown asked if the dogs would be in the building?

Ms. Berry stated yes.

Ms. Brown asked if the building would be heated and cooled?

Ms. Berry stated yes.

Mr. Coyner asked if the training was for the typical family pet or police dogs?

Ms. Berry stated it was strictly obedience training.

Ms. Brown asked Ms. Berry how she would advertise for the obedience training?

Ms. Berry stated on the internet.

Mr. Coyner stated that they did not go in the facility but it does appear that the building is heated and air conditioned. Are the dogs kept inside until time for obedience training outside?

Ms. Berry stated they are walked in different areas.

Mr. Coyner asked if the dogs are all brought out at one time through the large doors?

Ms. Berry said they can take them out through the large door or there is a smaller door that leads to the fenced area.

Mr. Coyner said that he is concerned with opening the large door. This could cause all of the dogs to start barking.

Ms. Berry said that they usually bark when someone first gets there and then they settle down, but the door is typically not left open on a daily basis.

Mr. Byerly asked what percentage of dogs fail the class?

Ms. Berry stated that it does happen. If the dog needs more help they go home for a period of time and then return when there is an opening. She stated that some dogs do need more work than others.

Ms. Brown asked Ms. Berry if they train the owners too?

Ms. Berry stated that is part of the training program. The dog is trained first and when the dog goes home you essentially give the owners an hour lesson so that they know what to do and then they get follow up visits. They typically give two (2) follow up visits.

Ms. Brown asked if the large door is insulated for noise reduction?

Ms. Berry stated no it is just a garage door.

Mr. Coyner asked Ms. Berry if she has discussed the dog training with her neighbors?

Ms. Berry stated that she does not have any close neighbors.

Mr. Coyner stated that the Board saw some houses close to the facility when they visited the site this morning.

Ms. Berry stated one of the houses is for sale and the middle house is vacant.

Ms. Brown asked John if there have been any complaints from the neighbors.

Mrs. Wilkinson stated that he has not spoken to anyone personally.

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

John Rorrer stated that he is the owner of the property and resides at 1838 Springhill Road, Staunton. He said that Ms. Berry has been his tenant for a number of years and has been a model tenant. He said that Ms. Berry works very hard at her dog business and is very attentive. He stated that he would like to answer a couple of the Board's questions regarding the neighbors. He stated that the property beside Snyder Park is for sale and the next one over is uninhabitable. He also said that he has spoken to the other two (2) neighbors and none of them have any issues. He stated that he did receive a phone call from a gentleman asking some questions, but he forgot his name and he refused to give his address. He did have some concerns. Mr. Rorrer stated that the garage door is not insulated but he would be happy to do so for her.

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

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

Mr. Shreckhise stated that since none of the neighbors are here voicing any concerns he does not feel that it will be a problem; therefore, he moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to a maximum of six (6) dogs of any age at this facility at any one time.
2. No dogs to be outside in the fenced areas without staff supervision.
3. The doors of the building remain closed unless a staff member is at the building.
4. Soundproofing materials be placed on the metal building to limit noise.
5. Sales of animals are prohibited on this site.
6. There be no boarding or keeping of any animals except those participating in the training program.
7. Maximum length of stay for any animal is two (2) weeks.
8. Applicant will keep a record of all dogs at the facility and their arrival and departure date.

9. Permit be issued for one (1) year and renewed if all conditions are followed.

Ms. Brown seconded the motion, which carried unanimously.

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GINGER CHRISTMAS AND BERT WRIGHT, AGENTS FOR THE CHRISTMAS GROUP, INC. – SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Ginger Christmas and Bert Wright, agents for The Christmas Group, Inc., for a Special Use Permit to have an assisted living facility and rooms for boarders within an existing dwelling on property owned by Sergio A. or Jodi L. Coppola, located at 2437 Fadley Road, Bridgewater, in the North River District. This request was remanded for a second public hearing by the Circuit Court of Augusta County.

Steven Strosnider, Attorney, representing Ms. Christmas and The Christmas Group stated that Ms. Christmas has not arrived yet, but he would like to go ahead and proceed to help present a clearer picture of the facility and the residents than Ms. Christmas was able to convey previously. He stated that Dr. Dennis Kilgore will be here with Ms. Christmas and is a vital component of the screening process that The Christmas Group uses in order to determine who would be a resident of the property on Fadley Road. He stated that the screening process is designed to identify the type of residents that The Christmas Group would like to serve in this facility. He stated that the typical resident is going to be an adult whether male or female and has suffered a nervous breakdown or maybe anxiety problems. They may have mild addiction problems either prescription drugs or alcohol. These people may be using these drugs or alcohol to help self medicate or overcome some problems or stress that they have experienced in their life. These are folks that need some time to recover from a traumatic event that they have been through. He stated that the peaceful rural existence is very beneficial in their recovery. He said that most of the referrals that Ms. Christmas receives are primarily from the Mennonite community both here in the Shenandoah Valley and throughout Pennsylvania. He stated that The Christmas Group does not accept sex offenders, no violent offenders, no one with severe addiction problems such as narcotics, or meth because this is not a detox facility or half way house for parolees or recently released criminals. He said, again, this is for people, often professionals that are well respected in their community that have come across a bump in the road that they are having a hard time getting over. He stated that the screening process would begin when the referral is made. The Christmas Group requires the potential resident to sign a waiver so that they can obtain all medical records, mental health records, Pastors, employers and really anyone that they feel will help give an adequate picture of who this person is and what are the problems they face. If it appears relevant, The Christmas Group will pay a professional group to do a criminal background check. He stated that they don't do these background checks all of the time only if they feel it necessary. He said that if anything looks unusual in their medical history or their prescription drug history, they send the

information to Dr. Teresa Simon who is a psychiatrist based out of Petersburg, VA. She is employed by Virginia South Psychiatric and Family Services as well as Poplar Springs Hospital which is a fairly well known mental health treatment center in Petersburg, VA. Dr. Simon would give The Christmas Group her opinion of what it means if this person is receiving this type of treatment and has this particular medication. He stated that they always refer the individual to have a face to face interview with Dr. Dennis Kilgore, PHD who is also a licensed clinical social worker. He stated that Dr. Kilgore has extensive training regarding those that have suffered sexual abuse and sexual offenders as well. He stated that after the face to face interview Dr. Kilgore then has a team meeting with Ms. Christmas to discuss what information she has found during the family background review and Dr. Kilgore would discuss his impressions based on this interview. He would then report his diagnosis and concerns at that time. This step is taken to look for something that would not show up on paper. He stated that a decision is made at the team meeting as to whether or not this person would be a good fit in the residence. He stated that he would like to take a moment to address the safety concerns that were raised by the neighbors in the last meeting. They are concerned with the unknown and whether or not their families are safe with these persons in the area. He stated that even if the request were denied it would not give the residents any guarantee that nothing bad is ever going to happen in their neighborhood. He stated that he felt like their concern may be based on a misunderstanding of who the residents at The Christmas Group may be. He stated that he can understand the general apprehension of people who need mental health treatment and people who need counseling. He stated that it is unreasonable to judge every male over the age of eighteen (18) as a potential predator. He stated that this neighborhood is a few miles from Bridgewater and there is going to be young people whether it is men or women in and around the neighborhood. These residents will have gone through a background check that far exceeds anything a landlord or realtor would do. He stated that you never have a guarantee that the person that buys the house next to you is going to meet your approval and you can't prevent young men from living in and around your neighborhood. He stated that he would like to point out that the Special Use Permit request has two components to consider. One is the assisted living facility which we have discussed, but the second is the request for boarders. Ms. Christmas' idea for this request is to utilize a room that is not being used for the assisted living capacity. She could then rent it to a local college student. He stated that as he mentioned before, there would be no requirement to prevent her from renting the entire house out to college students as a rental property, therefore, why would it be reasonable to require some additional hurdles when these students would be renting rooms in a house that a responsible adult is living. He asked that the Board not impose any requirements on Ms. Christmas or The Christmas Group unless those are also imposed on other boarders or other landlords in Augusta County. He also stated that you can't deny someone housing based upon age or gender. He asked that there not be any conditions concerning age or gender at the property. He asked that Dr. Kilgore come up and explain what he does in the evaluation of potential residents.

Dr. Dennis Kilgore stated that he resides at 15230 Cypress Creek Lane, Boswell, VA. He stated that he does psychotherapy which involves an ongoing evaluation of how well they are doing. He stated that he started with the program after it had begun and they have

not admitted anyone new. He stated that part of what he does is to evaluate progress and program planning and it also involves evaluating whether this person is ok where they are or do they need to be hospitalized. He stated that he does family therapy at the facility when the families come up once a month. He said that he saw the residents today before coming to the meeting.

Ms. Brown asked Dr. Kilgore if he also issued medicines?

Dr. Kilgore stated that Dr. Teresa Simon issues the medications.

Ms. Brown asked if the residents come to him for treatment?

Dr. Kilgore stated that they were coming to him once a week, but now he comes to the facility once a week and one (1) weekend a month they have family therapy.

Mr. Coyner asked Dr. Kilgore if his evaluation is prior to the person entering the program?

Dr. Kilgore stated that he started with this program after it was underway, but if they admit more he will be involved in the screening process. He is involved in the ongoing evaluation. He does evaluate the individuals to insure they are where they need to be and are not a danger.

Mr. Coyner asked if the residents are all adults?

Dr. Kilgore stated that right now they are all over the age of eighteen (18), but he thought that they had one (1) prior that was under eighteen, but that was an exception.

Mr. Strosnider stated that the existing residents were moved here from Arkansas and were evaluated by doctors there. They realized that they needed to acquire more locally based doctors to do the evaluation process. That's how the relationship with Dr. Kilgore started.

Mr. Coyner asked how many current residents there are?

Mr. Strosnideer stated two (2).

Mr. Strosnider stated that he is requesting that the Board consider separating the request for boarders from the request for the assisted living facility. He stated that the Augusta County Code defines the use as a residential care facility.

Mr. Coyner asked John if the number of bedrooms would determine the number of residents?

John stated that it doesn't specifically address a maximum number that would be up to the Board.

Mr. Coyner stated that he is trying to figure out how many college students and how many patients would be on site.

John stated that we arrived at our number from the Health Department due to the fact that the septic system was designed for a maximum of four (4) bedrooms. Any additional bedrooms would have to be worked out through the Health Department. This would include one (1) for Ms. Christmas and three (3) for her college students or residents.

Ms. Brown asked Mr. Strosnider if both of the residents came from Arkansas?

Mr. Strosnider stated yes. He stated that The Christmas Group has not attempted to fill the other space until they obtained approval from the Board. He stated that he would like to discuss the additional conditions on the Staff report that was not addressed previously in July. He stated that they are requesting the permit be issued to allow Ms. Christmas to operate the assisted living facility or to rent out rooms with only the condition that either use be limited to three (3) bedrooms. He stated that one of the conditions was that there be one (1) staff member present at all times. He stated that would make this operation uneconomic. This is not a nonprofit organization so they do not get any assistance to help take care of the residents. The residents' family or insurance helps pay for it and increasing the operating cost is going to make it unfeasible and is unnecessary because of who the residents are. These are not individuals that are confined to the house or need to be monitored. They have no court order that they have to stay at the house. They can get in their car and drive here and there. They are allowed to come and go as they please. There is no need to have a staff member on site when there may or may not be anyone there for them to watch. He stated that the goal of the facility is to address the problems that they have and transition them back to independent life so monitoring them twenty-four (24) hours a day is essentially unproductive in their treatment. He asked that this requirement be removed unless it is imposed on every other assisted living facility or boarding house in Augusta County. He stated that he is also concerned with the condition regarding the screening process be a process as directed by the Board of Zoning Appeals. He stated that they are not exactly sure what that recommendation involves. The Christmas Group has no problem in following and going through the steps that were outlined. They did not come up with their screening policy because they moved to Augusta County and there is a BZA hearing. He stated that Ms. Christmas explained previously that she has been in this type of service for a number of years and these are the policies she has always followed because it is the correct thing to do for the residents and the employees. He stated that she does not need the BZA to remind them to follow these procedures. The Christmas Group is regulated and monitored by The Commonwealth State Department of Health and Human Services. The Christmas Group always does their utmost to be in compliance with any State requirements and regulations. He stated that the final item he would like to address is to think about the decision making process that you have before you. The Zoning Staff has correctly compiled that this application complies with the legal requirements under code Section 25-74H for renting rooms or residential care facility. He stated that the Board has to determine if this has undue adverse impact on the neighborhood. You know that you can't deny a request based on or is connected to an assumption that young men are

essentially dangerous or people with mental disorders are dangerous. He stated that the residents are simply good folks that have reached a bump in the road. They are professionals such as pastors, judges, doctors, or nurses that need treatment or counseling to overcome their issues. They should not be treated as dangerous because of this. He stated that a vote for approving this request would be a vote to help these folks in need.

Chairman Byerly asked about the licensing procedure in Virginia for this type of business.

Ginger Christmas stated that she resides at 2437 Fadley Road, Bridgewater. She stated that they have already had the people from the Department of Health and Human Services visit their facility. She said that they have also invited people from the Health Department. She stated that if you have three (3) or less in an assisted living facility you have to follow guidelines, but you do not have to be licensed until you go to four (4). After the fourth resident you become a residential assisted living facility. At that point you can have as many as the Health Department decides your facility can handle. You then go back before the Zoning Board for approval of the number. She stated that they are only asking for three (3) or less. This still requires oversight.

Mr. Strosnider asked Ms. Christmas to explain what she means by oversight.

Ms. Christmas stated that to the best of her knowledge they can visit the facility at any time unannounced. They do make inspections at least twice a year. They can ask you to supply supporting documents or records on the residents, or medication lists if needed.

Chairman Byerly asked Ms. Christmas if she presently held a Virginia license?

Ms. Christmas stated no since they have less than four (4) they do not have to have a license. She stated that they do not have any plans to expand beyond the three (3) or less on that property.

Mr. Coyner asked how long the typical resident stays at the facility?

Ms. Christmas said that it depends on their age and what they have gone through. She stated that if a high profile businessman comes to the facility it would be unusual for them to stay sixty (60) days. If a college student were to come it would be common for them to stay a year depending on what they have gone through. So anywhere from thirty (30) days to a year or more.

Mr. Coyner asked Ms. Christmas how she chose Augusta County?

Ms. Christmas stated that she loved the house and the Shenandoah Valley. She stated that she loves working with the Mennonites in the area and was delighted when she found out the house was in Augusta County. She stated that her deceased husband wanted to spend his last days here. She said that they were here about six (6) months before he passed away.

Ms Brown asked Ms. Christmas if she stated that the residents could live on site for a year or more and work?

Ms. Christmas stated yes. They could if they wanted to.

Ms. Brown asked if they are free to drive themselves around?

Ms. Christmas stated yes, if they are approved by their doctors.

Ms. Brown asked Ms. Christmas how they are referred?

Ms. Christmas stated that she has referrals internationally and nationally. She stated that now she refers them out to other facilities across the United States.

Ms. Brown asked if they could come here internationally?

Ms. Christmas stated if they met the appropriate criteria. She stated that they are typically corporate folks that are stationed internationally not international people.

Ms. Brown asked if all her referrals are from the Mennonite community?

Ms. Christmas stated not all of them are Mennonite. She stated that she was approached by some folks in the Shenandoah Valley that asked her to evaluate a couple of Mennonite folks and that started an influx of Mennonites into their facility in Arkansas.

Ms. Brown asked Ms. Christmas if she would have more than three (3) residents since these people are coming from other areas?

Mr. Strosnider stated that there is a demand for The Christmas Group, but they have to refer them elsewhere. They are not requesting anymore than three (3) as it changes the type of facility.

Ms. Christmas states that she has worked with over 12,000 facilities across the nation since 1995. She stated that she can get them in other facilities easily.

Mr. Shreckhise asked if the two (2) residents with her now are from Arkansas?

Ms. Christmas stated that they were in their facility in Arkansas. One of them is actually from Virginia and is an Attorney so he was able to come and be closer to his family and the other one is from South Carolina which made him closer to his family. They both come from doctors and attorneys families so it seemed like they were appropriate for what we are doing.

Mr. Shreckhise stated that he is trying to get an idea about the people they are servicing. He said that at one point Ms. Christmas states that their problems are not severe but yet

they are relocating to get away. He stated that it is not a little problem if you're willing to relocate.

Mr. Strosnider stated that there are not very many facilities of this nature. Someone who desires privacy in a rural community does not have many facilities to choose from. He stated that they were getting a number of repeated referrals from the Shenandoah Valley and the Mennonite community so that was the driving force to pick up from Arkansas and come here. He stated that some of the problems are not thirty (30) day go away problems and some do need longer treatment.

Mr. Coyner asked Ms. Christmas what her credentials are?

Ms. Christmas stated that she is a certified life skills coach and has worked in consulting with other facilities since 1995. The Christmas Group does a lot of placement across the nation. She stated that she has been introduced as the world's most foremost expert on the subject of placement and people are referred to her from all over the world. She stated that most calls come from Texas and second is Virginia. There are no other places in Virginia.

Ms. Brown stated that in the last meeting it was noted that Ms. Christmas started the program because her son had some difficulties. She asked Ms. Christmas if she worked with psychiatrists to develop the program?

Ms. Christmas stated that she was approached by different psychiatrists for that particular age group. She stated that he son was gone from home and doing well at that point.

Mr. Coyner asked Ms. Christmas if this rural property is the typical setting for her type of operation?

Ms. Christmas stated that they were located up in the high mountains of Arkansas. Two sides were National Forest. So it made a rural setting look like a big town.

Mr. Coyner stated that the proximity of close neighbors was entirely different in that setting than Centerville.

Ms. Christmas stated that is correct.

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

John Doughty stated that he resides at 2495 Fadley Road, Bridgewater. He stated that he has been presented with new information from Ms. Christmas and her colleagues and he would like to present some information as well. He stated that he and his wife are very sympathetic to Ms. Christmas. He stated that he is a Pastor and he and his wife believe in counseling but they do not feel that their community is the place for such a business. He stated that they tried to reach out to Ms. Christmas after the July meeting and she was

well aware of their concerns with security. He stated that Ms. Christmas shared the fact that her son gave her trouble and she had to obtain a protective order against him. He stated that it concerned him since they had vandalism right in their area close to her property. He stated that they wondered if the protective order was in conjunction with that situation. He said that all of the neighbors are upset but not all of them could attend today's meeting. He stated that if a person does not have their own household in order, then how can they expect to rule others. He stated that he would ask the Board to contemplate that. He stated they are also concerned that Ms. Christmas is never home. He said that he and his wife live close enough to see the vehicles gone. He stated that they knocked on her door on three (3) different occasions but she was never home. He said that she leaves early in the morning and comes home late at night. He stated that she has three (3) young men living with her and a woman that she stated was not a boarder because she adopted her as a Goddaughter. He stated that he is not surprised that her attorney is asking that her personal oversight be excused because she isn't home. He stated that he has not seen any workers on the property either. He stated that they are concerned for their eight children at home. He also stated that there is a Mennonite Christian school down the block with young children that is also a concern as well as many school age children waiting on the bus in the mornings. He said that he is very concerned about the protective order. He stated that a protective order is no guarantee against a troubled mind. He said that Ms. Christmas called him on July 3rd after the first meeting asking him to disregard the Board's decision. He stated that she asked him if he would be ok with the boarders staying for a year while she made arrangements with the Coppola family. He stated that the following Wednesday he received a phone call from Ms. Coppola trying to get him to change his mind on the request. He said that she stated they were planning on hiring an attorney and appealing the Board's decision. He stated that how does he know that Ms. Christmas will follow any of the Board's direction since she asked him to disregard the decision from the previous meeting.

Jeff Rinker stated that he resides at 2491 Fadley Road, Bridgewater. He stated that he is a native of the Shenandoah Valley. He said that he went out west for a number of years and has since moved back to the area. He stated that he has been living at this location for four (4) years. He stated he is a professional Geologist. He is concerned that there are no licenses required and yet they are bringing people into the area for this business. He said from an environmental prospective he is concerned with the ground water wells. He stated that some of the neighbors have had issues with their ground water wells. He stated that he felt like additional usage from the Coppola residence would have a negative impact on the ground water levels in the area. He stated that there is an engineered septic system on the property but the Health Department states a professional engineer study would still have to be evaluated on the property to ensure that the current design would be matched. He stated that normally a four (4) bedroom house would be for eight (8) occupancies. He said that during the last hearing Ms. Christmas stated that she has seven (7) children and grandchildren that occasionally visit. He stated that there are only four (4) bedrooms in the house, and she is asking for boarders and an assisted living facility. He stated that a normal family would tax the septic system and the ground water levels so, therefore, he can't see where this would

work. He stated that in the last meeting there was extensive discussion about monitoring and now they are asking that all of that go away. He stated that he is very concerned since Ms. Christmas is a very busy lady and she is gone a lot. He stated that this is a business for her and he cannot imagine having a facility like this without supervision. He stated that he has noticed adults walking on the roadways, and he has waved to them, but they do not respond which makes him feel uncomfortable. He asked the Board to look at all the concerns and deny the request.

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

There being none, Chairman Byerly asked Mr. Strosnider to speak in rebuttal.

Mr. Strosnider stated that he understands that the neighbors have concerns but again it is a concern that is disconnected to the reality. Mr. Doughty was concerned with vandalism in the area. He stated that there are no suggestions that The Christmas group had anything to do with this. He said that it just goes to show that there are no guarantees even in a nice neighborhood. He stated that Mr. Doughty was saying that Ms. Christmas is never at home. He stated that there are staff members in addition to her. He stated that she identified a man who works two (2) weeks on and two (2) weeks off and then a woman who works one (1) week and then off three (3) weeks. He stated that between the three (3) of them, they cover the time. He stated that having 24/7 monitoring would prohibit the person in charge from going to the store, or running errands unless there was someone else paid to sit and watch and the house may be empty. He stated that there is supervision and there is care. He stated that the individuals that are her staff members normally fly in and use Ms. Christmas' vehicles at the house. This is the reason the same vehicles are always there. He stated that Ms. Christmas was very clear that she is never going to have more than three (3) residents in the assisted living facility. He stated that the fourth male Mr. Doughty mentioned was actually a staff member. He said that the property was approved for four (4) bedrooms and the Health Department does not put a limit on the number of people living in the residence. He stated that the comments regarding Ms. Christmas' son have nothing to do with this request or the residents. He stated that this is a determination process that you have to go through and you have to take into consideration the neighboring views. He stated that he has not heard any of the neighboring residents raise any issues with the types of individuals that will be in the facility. He said that no one stated that those would be unsafe or that boarders in general must be unsafe. Again, the facility is within driving distance of a number of colleges and there are young people and boarders. He stated that the folks coming into the facility will go through a screening and background process unlike anything anyone else would have to go through if you had an ordinary renter living next door.

Mr. Wilkinson asked if the fourth person would require a staff member on site at all times?

Ms. Christmas stated that there are more regulations but not sure about the staff member.

Chairman Byerly asked if there were any further questions?

There being none, Chairman Byerly closed the public hearing.

Mr. Coyner stated that it appears that you do not have to meet a lot of criteria by only having three (3) residents. He stated that he can understand and appreciate the neighborhood concerns. He said that during his tenor on the Board we have also taken those feelings into consideration. He stated that one of his concerns is her previous location was sort of a remote setting where this location is close to other residential structures and not sure it is the ideal location.

Chairman Byerly stated that he would like to state that the Board has explored the request thoroughly. He stated that he sees this as a professional service that is being rendered in an area that may not be perfect but from a personal stand point it is in his back door since he lives only three (3) miles from the property, and he has no problem with the request. He stated that he would much prefer knowing a site and how it is being operated than the residents he does not know about. He stated that he knows that he lives in a community that has some recent ex-felons living there. He stated that their only supervision is a parole officer and the same goes for sex offenders. He said that he feels it is a needed facility, but he wants to make sure that the comfort level is provided for the neighbors. He said he still supports the request.

Mr. Shreckhise stated that it is a specialized type of care that is needed but maybe not in this area. He said that one of the primary things the Board looks at when a request is questionable is the neighbor's feelings. He said there are two (2) neighbors opposed to the request which is a big consideration. He stated it is not the perfect location if you are locating beside people that don't want you there. He said that it looks like these people need support and they may need to find a more appropriate location.

Chairman Byerly stated that the Board has to be cautious if they are thinking of denying the request. He stated that the reasons have to be extremely valid and fear is not one of them that would drive that decision. He stated that you need something specific rather than hear say.

Ms. Brown stated that they are still saying that the residents should be able to come and go into the community with no one watching them. She stated that she has a problem with that. She said that someone should be looking over their shoulders and not come and go as they please.

Mr. Coyner said that he is concerned with them being in disagreement with the staff's comment on supervision.

Mr. Shreckhise stated that evidently the reason they do not have to have supervision is because it is a small facility.

Ms. Brown stated that if she lived in the community she would rather have peace of mind in knowing that they are being regulated and watch.

Mr. Shreckhise said that he understands that these people may not need round the clock care and monitoring and they would not want that rule, but maybe they should be in an area where it would be more excepted that there not be monitoring.

Ms. Brown stated yes, in an area where it is less populated.

Chairman Byerly asked Ms. Christmas if she could offer any help in building this comfort zone for the neighborhood and security measures?

Mr. Shreckhise asked if this was the only place they looked to have this facility?

Mr. Strosnider stated that she picked this spot because she fell in love with the area and the house. He stated that it is difficult to address Ms. Brown's concerns since these individuals are not involuntarily committed. He said that when someone checks into a facility for anxiety problems they are not going to check in if they are in a lock down facility and this is not a lock down facility. This is an attempt to address the individual's needs. It is voluntary treatment when they recognize they have something they need treatment for and they are free to leave. He stated that they are willing to commit to an evaluation process but they are concerned with the fact that the Board would have to approve any new residents.

Mr. Wilkinson stated that the intent of the Staff recommendation was that if the Board accepts what you and Ms. Christmas have proposed regarding the screening process, then that would satisfy that proposed condition. It does not mean that all new residents would need Board approval.

Mr. Strosnider stated that after checking with Ms. Christmas she would not have an objection to a condition stating that the Special Use Permit is conditioned upon the fact that no new resident would be admitted unless they have first gone through a psychotherapist evaluation and The Christmas Group would continue to make evaluations as described by Dr. Kilgore. He stated that is a policy they are going to maintain and would not be anything additional for them to do. This will verify that they will go through with this process. He stated that they will never accept any sexual offenders. Maybe this will help the Board feel a little more comfortable that this person has been evaluated. He stated that the reason these folks are walking around the community is because they have gone through the evaluation and in their professional opinion they are not dangerous.

Ms. Christmas stated that she is the CEO of The Christmas Group and she can assure the Board that there will be no sex offenders in the facility. She stated that they have an Attorney in the program that went through some very difficult things in college and because of the things he went through his family contacted her to help him overcome these issues. He is a very nice guy and looking at him you wouldn't think twice about it.

He is in the community all the time. She stated that another example of someone in the program is a woman who has a number of children and had a child born with a rare heart disorder. She stated that she did not have insurance and they could not find a heart for the baby and they had to take the baby home to die. She had to learn to function again when she didn't even want to get out of bed in the morning. They need to be in the community. These people are not dangerous. She stated that when they do go out they are required to have an iphone. She stated that they have done management via iphone since 2002. She stated that they text when they leave the property to let them know where they are, who they are with or who they are helping. Some of the residents are attending different classes in the community so they text when they arrive at the class and when they return. She said that she could check her phone right now and know where everyone is. There is always more than one person that knows where they are so there is back up if they need something or someone.

John Wilkinson asked Ms. Christmas if it is feasible to have a family member or an employee at the home should a problem develop and the neighbors needed to contact someone?

Mr. Strosnider stated that when Ms. Christmas isn't at the home there is staff at the facility. It doesn't mean that person will always be at the house because sometimes part of their job duties is to leave and accompany residents to appointments or run errands. He also stated that there are no other family members available during the week and her children are all in other states.

Mr. Coyner stated that he was not aware that they had contact by cell phone which appears to change things. Mr. Coyner asked Ms. Christmas if she would be willing to give the neighbors a contact number should a problem occur.

Ms. Christmas said that she would probably not give her direct number, but she would give another staff member's number or her personal assistant number. Ms. Christmas said that she thought that was a great idea.

Ms. Brown asked Ms. Christmas if there was ever a time she was out of town for a week?

Ms. Christmas stated yes sometimes. She stated that she would be more than happy to give the neighbors more than one (1) number and would even be willing to give the Board numbers. She stated that she is a life skills coach and runs several businesses so if she is tied up in a meeting she wants them to be able to get someone not just get a voicemail.

Mr. Coyner asked Ms. Christmas if the residents are alone when she is gone for a week?

Ms. Christmas stated that usually there is a staff member there. Sometimes they are scheduled for family passes and no one needs to be there. She stated that it is unusual for them to be there alone for days, but they don't necessarily have anyone spend the night with them depending on what they are going through. She stated as long as

someone is available within five (5) to ten (10) minutes of a call. She said that they also have their own car there to get where they need to be.

Ms. Brown stated that Ms. Christmas said she has several businesses that she runs, and that the residents drive her vehicles, and now she is stating that they could drive their own vehicles.

Ms. Christmas stated that some staff members do drive their own vehicles like Dr. Kilgore who is close enough to drive but others that fly in would use the facilities vehicles. She stated that she has limited the residents that are there now to her vehicles. She said the only reason she has done this is because she feels they have enough vehicles on the property. She stated that after she gets rid of some of her vehicles if the residents want to bring their own vehicles that would be fine. She said these are professional people and if the doctor says they are cleared to drive there would be no reason she would keep them from doing so.

Ms. Brown asked Ms. Christmas if she lists the persons driving her vehicles on the insurance policy?

Ms. Christmas stated no, if they are over twenty-five (25).

Ms. Brown asked Ms. Christmas to address the other businesses she runs?

Ms. Christmas stated the aviary the Board approved at the last meeting, rental properties in other states, and some consulting work through the Christmas Creek Village.

Chairman Byerly asked the Board if they have a comfort zone yet?

Mr. Shreckhise stated he did not.

Ms. Brown stated due the fact that Ms. Christmas stated that this would be her business and then she states she has several businesses and is going to be in and out of town. She said that she feels like the people who are there come and go as they please and nobody really monitors them when she is not there. She stated that she is stretching herself so thin that she cannot regulate this business as it should be.

Mr. Shreckhise stated that this is a business, and they didn't look anywhere else in Augusta County. He stated that he feels like there are more suitable areas for this facility.

Mr. Strosnider stated that he wanted to make it clear that when the staff is there they live there. They are not necessarily in the house 24/7 because there are other responsibilities and other errands that they have to do. However, to say that there is no supervision because Ms. Christmas is not there would not be accurate. She has employees that live on site when they are there and she is not.

Ms. Brown asked where the staff members stayed. She stated that there are only four (4) bedrooms and three (3) of those are for the assisted living residents and one (1) is for Ms. Christmas.

Ms. Christmas stated that there is a fifth room that is also a bedroom. She said that the house was listed as a four (4) bedroom home with the possibility of an additional fifth bedroom. She stated that they plan to have the engineer look at the septic design for that. She stated that it is a big old house and it does have three and a half baths too.

Ms. Brown stated that throughout the meeting it feels as if she is bouncing back and forth with her answers. Someone may be at the house or not, etc. She stated what if a resident had a situation and needed help, and the neighbors did not know who to call. She stated that there are still too many unanswered questions, therefore, she moved that the request be denied.

Mr. Coyner asked Ms. Brown if the request was tabled for another thirty (30) days to obtain more information if that would help clear things up for her?

Ms. Brown stated that it seems like the questions are answered and then it is changed later in the discussion.

Mr. Shreckhise seconded the motion.

Chairman Byerly asked Mr. Wilkinson to explain to Ms. Christmas what her options are since the Board is one (1) member short.

Mr. Wilkinson stated that there are normally five (5) seated members of the Zoning Board and it takes a majority of those seated to make a decision. He stated that the Board only has four (4) present today. He stated that you can request to table this until next month when there will be five (5) members present.

Mr. Strosnider said that he was not aware of that option, and they would elect to table the request for the full five (5) member Board.

Mr. Coyner stated that the reason for tabling is to not only have the fifth member present, but to allow Ms. Christmas time to have all her information regarding the concerns discussed today. He stated that he is concerned that the Board had to extract information from the applicant, and there are many concerns in the neighborhood, therefore, he does not have a comfort zone. He stated that all these details need to be sorted out.

Mr. Coyner moved to table the request until the December 5, 2013 hearing.

Mr. Shreckhise seconded the motion, which carried unanimously.

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STAFF REPORT

13-1 Gratton Payne "GP" Fisher, III
13-2 Steven B. Albrecht (Mack Pack, Inc.)

Mr. Wilkinson stated both permits have been inspected and are 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