

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

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 5, 2013, at 8:30 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **8:30 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:

- **PHILLIP C. OR KATHY H. CRITCHFIELD – SPECIAL USE PERMIT**
- **DAVID W. OR BILLIE JO SMILEY – SPECIAL USE PERMIT**
- **MARK CARTER – SPECIAL USE PERMIT**
- **HELEN GARRETSON, AGENT FOR GARRETSON FAMILY REV. TRUST – SPECIAL USE PERMIT**
- **ROBERT SUMNER – 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. D. Tilghman
J. R. Wilkinson, Zoning Administrator & Secretary
Pat Morgan, County Attorney
Sandra K. Bunch, Zoning Technician I

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 5, 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 November 7, 2013, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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PHILLIP C. OR KATHY H. CRITCHFIELD- SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Phillip C. or Kathy H. Critchfield, for a Special Use Permit to have limited agriculture on property they own, located at 21 Greenville Farm Lane, Staunton in the Pastures District.

Phillip Critchfield stated that he resides at 21 Greenville Farm Lane, Staunton and is requesting to have limited agriculture on his property. He stated that the fencing outlined on the screen is not exactly accurate. He stated that he would like to keep the fence to the west of the driveway away from the garage and house. He said that he has often wondered how a large piece of property got zoned so that the only thing you could do is practice your mowing skills, but after speaking with Mr. Wilkinson he found out that there had been some changes to the Zoning Ordinance that would allow him to request limited agriculture on the property. He doesn't want to go into a large farming operation but just have the ability to have a horse or cow and maybe some goats.

Mr. Coyner asked Mr. Critchfield if he was interested in having swine or poultry on the property.

Mr. Critchfield stated no.

Chairman Byerly asked Mr. Critchfield if he had an idea on the number of animals he would like to have on the property?

Mr. Critchfield stated that the ordinance allows one (1) head per acre, but he has no intentions of getting near that number. He stated just a few animals is all he is requesting.

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

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

Mr. Coyner stated that he felt like the request made since on such a large tract of land, and the property is adjacent to farmland, therefore, he moved that the request be approved with the following conditions:

Pre-Conditions:

1. The animal storage area be secured by agricultural fencing as shown on the site plan and maintained at all times.

Operating Conditions:

1. **No Swine or Poultry.**
2. Applicant must reside on premises.
3. Site be kept neat and orderly.

Mr. Shreckhise seconded the motion, which carried unanimously.

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DAVID W. OR BILLIE JO SMILEY- SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David W. or Billie Jo Smiley, for a Special Use Permit to have a personal kennel on property they own, located at 65 Smiley Lane, Staunton in the Pastures District.

David Smiley stated that he and his wife reside at 65 Smiley Lane, Staunton. He said that they currently have four (4) pets of their own. He stated that his wife's father lives in

West Virginia and his health is failing. They are requesting to be allowed to bring her father's five (5) Yorkies to the house and take care of them. He stated that they will not be breeding the dogs and they will basically be house pets.

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

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

Ms. Tilghman stated that the Board visited the site this morning and it appears to be a reasonable request and moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted a maximum of eleven (11) personal dogs.
2. Facility not to be used for commercial breeding or boarding.
3. Site be kept neat and orderly.
4. Applicant must reside on premises.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Coyner stated that he would also like to say that it is a very nice piece of property and is not in close proximity to other neighbors.

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MARK CARTER- SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Mark Carter, for a Special Use Permit to have motor vehicle repair and sales within the existing building on property owned by Frank Humphreys, located at 5132 Lee Jackson Highway, Greenville in the Riverheads District.

Mark Carter stated that he resides at 1225 Maple Avenue, Buena Vista, and he is requesting to have a small motor vehicle repair shop. He is not requesting to do anything large or cumbersome just the basic repairs such as oil changes to cleaning vehicles.

Mr. Coyner asked Mr. Carter where he planned to keep the vehicles after they are repaired if someone doesn't pay or pick it up in a timely manner?

Mr. Carter said that he does not want to take on any large repairs that would make the vehicle totally inoperable and his responsibility to house the vehicle.

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. Coyner stated that there has been a garage at this location for many years and he feels that a garage in a neighborhood is an asset as long as it is managed properly so that you do not have cars just sitting around.

Mr. Coyner asked Mr. Carter if he would be commuting from Buena Vista every day?

Mr. Carter stated yes. He said that he retired from the Department of Corrections and used to drive past the garage every day and always wanted to get into this type of small vehicle repairs.

Mr. Coyner stated that it is a nice piece of property and moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Hours of operation be Monday – Saturday 8:00 a.m. to 8:00 p.m.
2. No Sunday work.
3. Be limited to two (2) employees.
4. Site be kept neat and orderly.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the Ordinance requirements of Article VI. A. Outdoor Lighting.

Mr. Wilkinson stated the Board discussed VDOT's recommendations and they feel that the garage has been there for a number of years without any issues regarding the entrance; therefore, the Board does not feel that you need to complete VDOT's

requirements prior to your permit being issued. This would be something you would have to work out with them, but it would not hold up your permit.

Mr. Shreckhise seconded the motion, which carried unanimously.

Chairman Byerly stated that he would like for it to go on record that the Board unanimously did not feel that the VDOT requirement was necessary in this case.

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ALLEN WEEKLY – SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Allen Weekly, for a Special Use Permit to construct a building for the existing masonry business and have outside storage on property owned by Linda W. White, Trustee, located at 3064 Lee Highway, Mt. Sidney in the North River District.

Allen Weekly stated that he resides at 46 College Wood Drive, Mt. Sidney, and he is requesting to be allowed to construct a building for his existing business. He stated that he has recently been doing some historical work that requires him to make some pre-cast pieces. He stated that he would like to build the building to keep these pieces out of the weather.

Ms. Tilghman asked Mr. Weekly if the building would be located in the trees?

Mr. Weekly stated yes.

Mr. Coyner asked Mr. Weekly if he would be doing the same type of work?

Mr. Weekly stated that he still wants to operate the masonry business, but he has recently been doing some historical restoration, and he would like to be able to step the business up a notch and be able to advertise that he can make pre-cast pieces. He stated that he recently did a project for Stuart Hall and no one else in the Country could make the pre-cast block for their wall. He stated that he made some molds and made the block and they were pleased with it, and he would like to be able to do more of that type of work but needs a facility to operate in.

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

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

Ms. Tilghman stated that the operation going on now is totally invisible to the neighbors and if the building is built in the same general area you still won't know it is there. She stated that they are no close neighbors that it should disturb and there is no reason it

should increase traffic. Ms. Tilghman 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.

Operating Conditions:

1. Be permitted to construct a 40' X 50' building for the masonry business.
2. All outdoor storage be kept in the designated areas shown on the site plan.
3. Be limited to two (2) employees.
4. Site be kept neat and orderly.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the Ordinance requirements of Article VI. A. Outdoor Lighting.

Ms. Brown seconded the motion, which carried unanimously.

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HELEN GARRETSON, AGENT FOR GARRETSON FAMILY REV. TRUST – SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Helen Garretson, agent for Garretson Family Revocable Living Trust, for a Special Use Permit to replace a nonconforming manufactured home with a larger unit not meeting the current setback requirements on property they own located at 10 Hope Drive, Crimora in the Middle River District.

Helen Garretson, stated that she resides at 10 Hope Drive, Crimora. She said that the park was started in late 1950 and the older homes do not meet the current setback requirements. She stated that homes today are larger than when they started the park and in order to upgrade some of the older smaller homes they need to have Board approval. She said that they are requesting to replace the homes on Lot 10, and Lot 12

with a 16' X 76' home. She stated that they are very careful that parked cars to do block the road should emergency vehicles need to get through.

Chairman Byerly asked Ms. Garretson how many years they have owned the park?

Ms. Garretson stated that she and her husband came from Manassas in 1991. She stated that some of the tenants in the park have been there since it started in 1956.

Ms. Brown asked how many lots on in the park?

Ms. Garretson stated twenty-four (24).

Ms. Brown asked Ms. Garretson if they own all the homes in the park?

Ms. Garretson stated that the tenants own their own homes. She stated that she and her husband personally own one (1).

Mr. Coyner asked if the park has its own septic system?

Ms. Garretson stated that there are several different septic systems throughout the park and they are all working properly.

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 the park seems to be well kept and well run and it seems upgrading the homes would be the practical thing to do and moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to replace the manufactured home on Lot 10 and Lot 12 as shown on the BZA sketch plan.

Mr. Coyner seconded the motion, which carried unanimously.

Mr. Coyner also stated that this park has always been run well.

Chairman Byerly also stated that Augusta County appreciates upgrades whenever possible.

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ROBERT SUMNER – SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Robert Sumner, for a Special Use Permit to structurally alter a nonconforming building by increasing the building height on property he owns, located at 4058 Stuarts Draft Highway, Waynesboro in the South River District.

Robert Sumner stated that he resides at 4058 Stuarts Draft Highway, Stuarts Draft and has lived there for the last ten (10) years. He stated that he would like to install a lift in his existing garage/workshop behind his house. He stated that he is requesting to raise the roof approximately six feet (6'). He stated that he is an old automotive enthusiast with numerous vehicles and would like to have the space to make repairs when needed and to store them.

Ms. Brown asked Mr. Sumner if he would only be working on his personal vehicles?

Mr. Sumner stated yes.

Mr. Coyner asked Mr. Sumner if the lift would be high enough to park a vehicle underneath another one?

Mr. Sumner stated yes.

Ms. Brown asked Mr. Sumner if he would be removing the entire roof or just a portion of the roof?

Mr. Sumner stated the entire roof will be raised.

Mr. Coyner asked Mr. Sumner if the structure would look the same?

Mr. Sumner stated yes other than being six foot (6') taller and they are adding another garage door to the front. He stated that the footprint of the garage would not change. He will be taking out the walk in door and replacing with a garage door.

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.

Ms. Brown stated that due to the fact that the footprint will remain the same and the only change to the building is the height and one (1) additional garage door she moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to raise the height of the existing garage six feet (6') as shown on the BZA sketch plan.

Mr. Shreckhise 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 tabled at the November 7, 2013 meeting.

Mr. Coyner moved that the request be brought forward.

Mr. Shreckhise seconded the motion, which carried unanimously.

Ms. Brown moved to remove the motion to deny the request.

Mr. Coyner seconded the motion, which carried unanimously.

Steven Strosnider, agent for Ginger Christmas and The Christmas Group, stated that he is presenting the Board with a packet of information and would like to briefly go over the items. He stated that he would like to bring to the Board's attention that there are two (2) requests in question, one for the assisted living facility and one for the boarders at the site. He requested that they be voted on separately. He stated that he would like to focus on the residential care facility since everyone understands how the property would be used for boarders. He stated that he wants to clarify which rooms would be used for the residential care. He stated that the Certificate of Occupancy for this structure is for four (4) bedrooms. Two (2) of the bedrooms would be used for residents of the residential care facility. One (1) of the bedrooms is configured to have single occupant and the second bedroom which is configured to have two (2) occupants. He stated that the third bedroom would be for employees or the live in employees that come in a week at a time and live there and then the fourth bedroom would be for Ms. Christmas' use. He stated that the documentation he supplied does outline the admissions process. He stated that the screening process begins when the individual is referred to the Christmas Group and a fuller detailed check is preformed if it appears that this person would be a good fit into the facility. He stated that there is a seven (7) page form of a psycho-social history to basically try and get the full picture of the resident. This is where The Christmas Group talks to family members and other individuals that may have knowledge of that person's

needs so that The Christmas Group can determine if this person would be a good fit. He stated that The Christmas Group requires that the applicant have their medical history submitted for review by Dr. Teresa Simon, who is a Psychiatrist that works in private practice as well as in a hospital in Petersburg, VA, and then Dr. Dennis Kilgore, who is a Psychotherapist, would do a face to face interview with the applicants. He stated that he would like to state again that it is the policy of The Christmas Group that they will not accept any applicants as residents at Fadley Road if they are convicted sex offenders or if they reveal any tendencies of sexual offenses even where there are no convictions. There have been times where there is nothing on paper stating this person has committed a sexual offense but the psychologist decides there is a possibility for an offense and that individual is denied. The screening process is to get a complete picture of the individual and not just what is written on paper. He stated that Dr. Kilgore does have ongoing treatment with the individual residents. Dr. Kilgore meets with the residents three (3) to four (4) times a month to discuss their progress. He stated that Dr. Kilgore is mandated by law under Virginia Code Section 54.1-2400.1 which states that all mental health care providers have to take precautions to protect others from the violent behavior of their patients if they believe the patient intends to carry out a threat of serious bodily injury to himself or others. Dr. Kilgore or whoever the psychologist may be is mandated by law to take steps to protect the patient or protect the public and if warranted he is authorized to seek involuntary admission for mental health treatment. He stated that he does want to let the Board and the public know that there is a gatekeeper or monitor. He stated that the individuals that come into The Christmas Group do not meet the criteria for commitment. They are free to live wherever they want to live, and they are being monitored by a professional psychiatrist who is required to report any changes in their mental stability or if he feels they become a threat. He stated that he would like to change to the ongoing day to day operation of the residential care facility. He stated that The Christmas Group has other employees than Ms. Christmas. He stated that Ms. Christmas would live at the property for two (2) to three (3) weeks each month, and if she is away from the area there will always be another employee available to the residents. He stated that it does not mean that an employee will be in the house twenty-four (24) hours a day, seven (7) days a week. When the employees are working at the residence they do reside there. He stated that there will be times when that employee will leave the house and sometimes the job would require it. They sometimes have to accompany one (1) of the residents to appointments or give guidance in going to the store and not feeling overwhelmed. He stated that the facility is not a lock down facility since the residents do not meet the criteria to be involuntarily committed; therefore, they can come and go as they desire. The Christmas Group feels that this is beneficial to these individuals due to the fact that a large portion of the clients that get referred have been working productive adults who have had a traumatic experience, and the goal is to restore them back to the way they were previously. He stated that each resident is issued an iPhone upon acceptance into the facility which allows them to keep in contact with someone from The Christmas Group.

Mr. Strosnider stated that he would like to point out that the Augusta County Zoning Ordinance defines what we are describing as a residential care facility and there is a mixture of definitions and terms used. He stated that The Christmas Group's facility would actually be classified as an adult foster care provider by the Virginia Department of

Social Services, and it is classified that way because they are proposing no more than three (3) residents. He stated that as previously discussed, there are no licenses required for an adult foster care facility, but the local Department of Social Services has to approve the facility as an adult foster care provider. He stated that there is an approval process and a monitoring process, but there is not a license. He stated that he has provided some of the regulations of adult foster care providers and he highlighted areas he felt were of concern to the Board and the neighbors. He pointed out that he highlighted the definition of adult foster care and adult foster care provider to bring attention that The Christmas Group's residential care facility meets the definition of an adult foster care provider. He asked that the Board turn to page seven (7) and referenced a section on the standards of care for an adult service provider that the Department of Social Services has created. He stated that a couple of these are relevant for discussion. He stated that the first is pertaining to supervision and is found under 22 Virginia Administrative Code 40-771-40 Subsection B2 which states that there must be a responsible adult or approved assistant always available for the appropriate care for the adult in case of an emergency. He stated that there is no requirement that the responsible adult or assistant is at the facility twenty-four (24) hours a day seven (7) days a week they just have to be available. This is what The Christmas group is providing. He stated that Subsection 4 states that the provider shall ensure that adequate care and supervision is provided to adults in care and that the adult's health, safety, and well being are protected, which is a similar standard that is required for the facility. He then asked the Board to refer to page fourteen (14) to point out the regulation that the local Department of Social Services is required to monitor adult foster care providers at least twice a year but they can visit the home as often as necessary unannounced. He stated that social services talks to the adults under care as well as staff when they make visits to the facility. He stated that the last two (2) regulations he would like to address are on pages seventeen (17) and eighteen (18) and they are related to a regulation which defines the rights to the adults in care. On page seventeen (17) item fourteen (14) states that the residents have the right to be encouraged to function at their highest mental emotional, physical, and social potential, and page eighteen (18) it states that residents have the right to be free of physical, mechanical or physical restraints except for specific situations. He stated that item twenty-one (21) states that the resident has the right to be permitted to meet with and participate in activities of social, faith based, and community groups at the residents discretion unless medically contra indicated as documented by their physician. He stated that there was some concerns in the last meeting regarding the resident's being able to come and go as they please, and he wanted to bring to the Boards attention that the law requires residential care facilities to allow their residents to be free to leave and participate in community and social groups, which is one of the goals of treatment that the residents would receive. The Christmas Group could not keep them in the facility because, again, they do not meet the criteria for involuntary commitment and they have the right to be free to leave. He stated that there is no prescreening requirement in any of the regulations set by the State but The Christmas Group has voluntarily decided to commit themselves too. They created the screening process because they don't want to do the bare minimum expected of them. They are trying to do the right thing for their employees, residents, and for the neighbors.

Mr. Strosnider stated that he would like to make some proposals regarding the operating conditions which were proposed at the last meeting by zoning staff. He stated that they are proposing that a staff member not have to be on the property twenty-four (24) hours a day seven (7) days a week but that there be at least one (1) staff member available to respond to the needs of the residents and who can be contacted by the public at all times either in person or by telephone. He stated that the phone number is (214) 415-9100, which can be called twenty-four (24) hours a day. When that number is called, it goes to The Christmas Group's main reception center that is located in Tennessee. During normal business hours the call would be answered by the receptionist and she redirects the call to the appropriate employee who is responsible at that time. The person could be Ms. Christmas or it could be the other employee who is there for the week. He stated that outside of normal business hours the call will automatically be forwarded to the cell phone of the appropriate person in charge. He said this would give the neighbors some comfort level knowing that they can reach someone in the event of an emergency. He stated that the other operating condition is the one stating that all clients be involved in a screening process as directed by the Board of Zoning Appeals. He stated that they would like to state that all clients or residents of The Christmas Group would be evaluated by a board licensed psychiatrist or psychologist prior to residing at the property, and they would continue to have periodic treatment and evaluation by such mental health professional not less than one (1) visit or treatment per month. Secondly, that The Christmas Group will not allow any clients to reside at the property if the client is a registered sex offender. He stated that he hopes the proposed operating conditions meets the intent of having the Board of Zoning Appeals having some input in the screening process.

Mr. Shreckhise asked Mr. Strosnider if Ms. Christmas could keep a client from leaving if they seemed disturbed and she had concerns?

Mr. Strosnider stated no, but she has the same rights as anyone else to seek an involuntary detention order. He stated that anyone can go to the Magistrate and seek an involuntary detention order on someone. He stated that it would not be any different than any individual getting upset and going out for a ride. Their family member could seek a temporary detention order if they felt that family member was going to carry out a threat.

Mr. Coyner asked what the average length of stay was?

Mr. Strosnider stated that he believed Ms. Christmas stated six (6) months to one (1) year in the last meeting. However, a lot of individuals stay thirty (30) days especially if it is someone engaged in work. He stated that each case is tailored to that individual's need.

Mr. Shreckhise asked if the clients are sometimes volunteering to come to the facility because they were advised to do so?

Mr. Strosnider stated that they are all by referral by a physician, but Ms. Christmas would not know the circumstances for the referral.

Mr. Coyner asked what the criteria are to get through the prescreening process?

Mr. Strosnider stated that they have to have a good fit with the other residents because they are going to be living around them so you look at their personality and whether this person is committed to the treatment. They also look at what the issue is that they are seeking treatment for since this is not a detox facility or a place that the Department of Social Services or a local court could order someone to go to so you are looking at someone that wants to be there voluntarily. This would not be a treatment center for someone who has issues of violence since Ms. Christmas is going to be living in the house and she is not going to want that person to be in and around her in such proximity. He stated that there is a wide range of issues this person may have such as depression, anxiety, or mild substance abuse problem such as alcoholism. The Christmas Group markets itself to mature adults, executives or professionals who need treatment for a fairly short period of time.

Mr. Coyner asked if a person can be asked to leave the facility?

Mr. Strosnider stated that The Christmas Group can discharge a client at any time if they fail to abide by the terms or if Ms. Christmas feels they may be a threat. The Christmas Group is free to do that because they are not accepting these individuals as court appointed. They are accepted by invitation and referral only.

Mr. Coyner asked who determines when it is time for the client to leave or when treatment is finished?

Mr. Strosnider said that it is a team decision made by The Christmas Group. He stated that Ginger Christmas is a life skills coach and the residents have meetings with a psychotherapist three (3) to four (4) times a month, and he will prescribe a plan of treatment and when that is achieved along with consultation with Ms. Christmas they will determine if that person has met their goals and can leave.

Mr. Coyner asked what a life skills coach is?

Ms. Christmas stated that a life skills coach works with individuals that need to relearn or be supported in life skills. She stated for example if one of her clients had lost a job they had for twenty (20) years, and they are very apprehensive about going out into the workplace then she would work with them on regaining confidence in preparing a resume or preparing a presentation in an interview. If someone has been a victim of a sexual assault or rape they would help them manage their fear and go back out around others without being afraid. She stated that it is a very personal intimate thing to explain why you are not doing well and they help their clients be able to do that.

Ms. Brown stated that Mr. Coyner was originally asking how you were educated to be a life skills coach?

Ms. Christmas stated that a life skills coach is a certification. She stated that she worked with John Maxwell, who is an international life skills coach, and she partnered with him in establishing an international life skills coaching certification and her certification is through John Maxwell International Life Skills Coaching.

Ms. Brown asked Ms. Christmas where they are located?

Ms. Christmas stated that they are located out of Florida but Mr. Maxwell works internationally.

Ms. Brown asked Ms. Christmas if she went to Florida to be certified?

Ms. Christmas stated yes.

Mr. Coyner asked Ms. Christmas how long she had been doing this type of work?

Ms. Christmas stated since 1995.

Chairman Byerly asked Ms. Christmas what type of work she does in Northern Virginia?

Ms. Christmas stated that she does not just work in Northern Virginia. She stated that she has properties in Arkansas and in Texas. She said that sometimes her work takes her to other states as well.

Chairman Byerly asked Ms. Christmas how many days a month she would be involved with the other off site activities?

Ms. Christmas stated that in the last six (6) months probably two (2) to three (3) weeks a month. She stated that all the other facilities have other employees that handle things while she is not there too. She stated that she is the CEO of The Christmas Group and has numerous responsibilities.

Chairman Byerly stated that the public hearing was closed last month and it remains closed for public comment.

Mr. Shreckhise stated that even though the hearing was closed last month, there are a lot of people at today's hearing and if they have new information pertaining to this request then the Board should allow them to speak.

Chairman Byerly asked if there was anyone wishing to submit any new information not presented at last month's hearing?

Teresa Yates stated that she resides at 8 Centerville Road and she is located at the corner of Fadley and Centerville Road. She stated that she and her husband, Rick Yates, and their fourteen (14) year old daughter live at this location. She stated that she is concerned that Ms. Christmas is not licensed and the fact that the clients have to undergo psychiatric evaluation. She stated that the children in the boardroom today are only half of the children that are in the area. She said that her fourteen (14) year old daughter is home alone on occasion and she is concerned with that too. She stated that she is all for helping people that need help. She stated that they have seen some of the residents walking on the road and it concerns her when they do not wave back. She is also concerned with the psychiatric evaluations, and she made reference to the incident with

Senator Deeds. She stated that there are facilities in Augusta County, Rockingham County, Staunton, and Waynesboro that help those with psychiatric issues, drug abuse, alcohol abuse, and even those that have been raped or children that have been molested so there are other options with licensed individuals on hand twenty-four (24) hours seven (7) days a week. She stated that she and some of the others in the neighborhood looked up The Christmas Group, Inc. on the web and found that one (1) facility in Arkansas had their license or status revoked due to not paying taxes according to the Secretary of State, Mark Martin. The facility in California has a suspended license, the facility in Nevada is still active, and the Texas facility states not in good standing. She stated that she does have concerns with the safety of the children in the community but also the fact that they are State hopping, and the website shows other facilities with suspended or revoked licenses. She submitted the information to the Board for their review.

Chairman Byerly declared the public hearing closed.

Chairman Byerly asked Mr. Strosnider if he wished to speak in rebuttal?

Mr. Strosnider stated that again there is not a State required license for a residential care facility of three (3) people or less, therefore, the fact that Ms. Christmas is not licensed really has no relevance. She is approved by the local Shenandoah Valley Department of Social Services as an adult foster care provider and that approval is the only thing she can obtain.

Ms. Brown asked Mr. Strosnider if Ms. Christmas had documentation stating she is approved by the Department of Social Services?

Mr. Strosnider stated that he does not have it with him today.

Mr. Coyner asked if there was some reason Ms. Christmas is only requesting three (3) residents?

Mr. Strosnider stated that going up to four (4) would require every regulation that would apply to a nursing home of five hundred people or more and they will treat you as if you have hundreds of residents and you have an institution that has the capability and the resources to deal with hundreds of patients. He stated that a doctor opening a family practice in the area does not have to meet all the requirements that would be required by AMC. In response to the concern regarding the residents not waving to the neighbors often times when you are dealing with depression or anxiety sometimes you don't feel like returning a wave. He stated that a lot of these people have serious issues that they are dealing with and they are not trying to be unfriendly. He stated that he is not sure why the psychological evaluation is concerning. The evaluation that the residents go through is above and beyond anything that is required by social services. He stated that the Coppola's could rent the house to anyone with no evaluation and no safeguards and the neighbors would have no say and no hearing would be required. The Christmas Group proposes to take a step that they are not required to do by law that they feel is the right thing to do.

Mr. Strosnider stated that he was not surprised that the situation with Senator Deeds was brought up. He stated that we need more facilities where people can receive the care that they need not less and secondly as described the types of individuals that would be a resident at this facility are the victims of that sort of attack and the fact that the neighborhood is saying they won't accept the victims of that attack to live at this house is not a reasonable objection.

Mr. Shreckhise asked Mr. Strosnider to comment on the other facilities that were either closed down or in bad standing.

Mr. Strosnider said that Ms. Christmas states that she is only incorporated in Nevada so there may be a Christmas Group, Inc in Arkansas or in these other states but that is not the applicant here. He stated that he would like the opportunity to take a look at the information the neighbors supplied to the Board. He said that Ms. Christmas states that she has never had any licenses questioned or revoked at all; therefore, whatever information that was provided has nothing to do with her company.

Mr. Shreckhise stated that we are talking about an adult facility that you are putting in the middle of a playground. He stated that he does not feel that this is an appropriate location for this type of facility.

Ms. Brown stated that she agrees with Mr. Shreckhise.

Mr. Shreckhise stated that there are other places for these adults rather than around all these children in the community.

Ms. Brown said that Ms. Christmas stated that their facility in Arkansas was located in a remote area with no residential areas around which was a good location. This area is surrounded by residential houses and she does not feel that it is feasible to have this facility among the residents of the community.

Mr. Coyner stated that it is difficult for him to approve a request that has so much opposition.

Mr. Shreckhise stated that the website included descriptions of individuals at the facility such as depression, obsessive compulsion disorder, anxiety disorder, borderline personality disorder, panic attacks, ADD, ADHS, post traumatic stress disorder, bipolar disorder, attachment disorder, cutting, self destructive behavior, anger, and it is not unusual for guests to have suffered some type of trauma including sexual trauma or abuse trauma. He stated that he is sure that not all of the guests have these problems, but an adult with these types of problems do not need to be in a residential neighborhood with numerous children.

Ms. Tilghman stated that the Board has several responsibilities as they do at every hearing. She stated that they have to listen to the applicant and to the opposition. She stated that the majority of time the Board has gone with the neighbors when there is an overwhelming negative response to the application. She stated that it appears that is the

case in this request. She said that because of the nature of the application she would comfortably say that it is a terrible long shot that anything bad would happen but if it did it would be on the Board's conscience because they voted it in.

Ms. Brown stated that there are no similar facilities within a residential area to compare this with.

Chairman Byerly stated that he is disappointed in the fact that the twenty (20) page document was presented to the Board just prior to the hearing. He stated that he first understood that the Fadley Road facility was for Ms. Christmas exclusively and now it has been revealed that it is a multi-business and that she is offsite two (2) to three (3) weeks a month. He said that he is concerned with her managing this facility. He stated that he thought Ms. Christmas was going to be there on a daily basis to manage the operation.

Ms. Tilghman asked Chairman Byerly if they could vote on the boarders and the assisted living facility separately?

Chairman Byerly stated yes.

Mr. Coyner stated that he is concerned with the fact that normally applicants are very forthcoming and give all the information they can, and the Board has had to pry the information out of Ms. Christmas. He stated that after the third hearing on this request we are still receiving new information.

Chairman Byerly stated that he cannot recall where an application has been given this amount of review. This is the third hearing and several hours on this request to make the right decision. He stated that they are all appointed by the Circuit Court Judge to serve at his discretion.

Ms. Tilghman moved to deny the request for an assisted living facility due to the fact that the applicant has failed to establish that the proposed clients will live with one (1) or more staff persons, which is necessary to provide a safe environment and reduce potential impact and the operation of the residential care facility is not compatible with the request for boarders that is proposed simultaneously and it is not compatible with the residential nature of the community.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Shreckhise stated that he would like to add that not only does he find it incompatible with the neighborhood, but he also questions the amount of supervision and the fact that the staff members are somewhat restricted as to what they can do.

Ms. Brown stated that she is concerned with the fact that Ms. Christmas felt that the Board of Zoning Appeals did not need to remind her of the procedures she should follow.

Chairman Byerly asked the Board to consider the second part of the request to be allowed to have rooms for boarders.

Mr. Shreckhise stated that he does not have a complete understanding of the boarders. Is this for students with problems?

Chairman Byerly asked Mr. Strosnider to clarify who the boarders would be.

Mr. Strosnider stated that it would be for whoever applies. He stated that the most likely persons would be college age students due to the location. He said that if the request is approved just for the boarders it will not be boarders that are brought in with mental health to treat them. This will just be boarders that are paying their rent living in their room and going to school.

Mr. Shreckhise stated that it is still going to be boarding adults in a neighborhood. He stated that he does not feel like there should be two (2) boarders to a room.

Mr. Coyner stated that he agreed there should be one (1) person per room.

Mr. Shreckhise stated that he felt that if the request is approved it should be reviewed in a one (1) year.

Ms. Brown stated that she is still concerned that the adults boarded could possibly have problems; therefore she is still against this portion of the request.

Ms. Tilghman stated that she understood Ms. Christmas to say that they may use students that wanted to work with this type of individual or who are considering majoring in this type of work not the ones that have the problems.

Mr. Strosnider stated that they are prohibited by law from barring boarders based upon any disabilities they may have; therefore, they can't ask the question do you have a mental health disorder and if so you are not allowed.

Mr. Shreckhise stated that the Board does not want them to solicit renters with mental health issues that are willing to pay more for a room and get care.

Mr. Strosnider stated that they understand that approving the boarders cannot be a way of getting around the denial for the assisted living facility.

Mr. Coyner moved that the request for boarders be approved with the following conditions:

Pre-Conditions:

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

Operating Conditions:

- 1. Be limited to three (3) boarders.
- 2. Boarders may not receive counseling or psychiatric care on site.
- 3. Permit be issued for one (1) year and renewed if all conditions are followed.

Ms. Tilghman seconded the motion, which carried with a four (4) to one (1) vote with Ms. Brown opposed.

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STAFF REPORT

- 13-3 – Cestari Sheep & Land Company, LLC – Withdrawn
- 13-4 – East, Stephen Lynn or Jackie J.
- 13-5 – Wood, Dwight D. or Mary F.
- 13-6 – Lawson, Cecil C. or Patricia S.

Mr. Wilkinson stated Special Use Permit 13-3 was withdrawn and Special Use Permits 13-4, 13-5, 13-6 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