

May 3, 2007

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

ABSENT: C. E. Swortzel, Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 3, 2007, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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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:

- **Kevin C. or Patricia L. Snelgrove - Special Use Permit**
- **Bennie W. Byler, agent for Byler’s Storage Buildings, Inc. - Special Use Permit**
- **Lee and Linda Comer - Special Use Permit**
- **Ronald L. or Pamela Burner - Special Use Permit**
- **Misty D. and Christopher M. Hilliard - Special Use Permit**
- **Cynthia A. Johnson - Special Use Permit**
- **Auburn and Kari Leach - 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

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Secretary

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PRESENT: C. E. Swortzel, Chairman  
J. W. Callison, Jr., Vice Chairman  
D. A. Brown  
G. A. Coyner, II  
S. F. Shreckhise  
J. R. Wilkinson, Zoning Administrator & Secretary  
S. Rosenberg, County Attorney  
S. K. Shiflett, Zoning Technician I  
B.B. Cardellicchio-Weber, Administrative Secretary

Absent: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, May 3, 2007, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Vice Chairman Callison moved that the minutes from the April 5, 2007 meeting be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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**JOHN JOHNSTON, AGENT FOR GOOD FAITH, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by John Johnston, agent for Good Faith, LLC, for a Special Use Permit to continue to rent out for recreational use the two one bedroom cottages, the two three bedroom cottages, the fourteen room lodges, and to continue to use the beach house for recreation and social events, and to add the rental of the round house and the three bedroom house on property they own, located on the east side of Lake Road (Route 660), just south of the intersection of Lake Road (Route 660) and Howardsville Turnpike (Route 610) in the South River District.

Mr. John Johnston stated that he is the agent for Good Faith. He stated that the new owners have elected not to open up Shenandoah Acres as a resort area as they have done in the past. He stated that they will be renting the cottages. He stated that the lake

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is closed. He stated that they could possibly use the beach house for a wedding or receptions.

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

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

Chairman Swortzel stated that this is a good use for the property and there has been rental units at this site for a number of years.

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

**Operating Conditions:**

- 1. Site be kept neat and orderly.
- 2. No outdoor music after 10:00 p.m.
- 3. Obtain yearly outdoor music festival permit.

Mr. Coyner seconded the motion, which carried unanimously.

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**BARRY LOTTS, AGENT FOR RAYMOND G. AND CHERRY S. EAVERS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Barry Lotts, agent for Raymond G. and Cherry S. Eavers, for a Special Use Permit to construct a second dwelling for a family member on property they own, located on the west side of Old White Hill Road (Route 831), opposite the intersection of Old White Hill Road and Hearn's Drive in the Riverheads District.

Mr. Coy Eavers stated that he is Raymond and Cherry Eavers' son. He stated that they are trying to build a second dwelling on the family farm.

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

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

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Mr. Coyner stated that this is a large piece of property. He moved that the request be approved.

Ms. Brown seconded the motion, which carried unanimously.

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### **KEVIN C. OR PATRICIA L. SNELGROVE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kevin C. or Patricia L. Snelgrove, for a Special Use Permit to modify the screening requirements for the outdoor storage area on property they own, located in the southern quadrant of the intersection of Tinkling Spring Road (Route 608) and Highland Drive (Route 1540) in the South River District.

Mr. Kevin Snelgrove stated that he is here to change the wording on the conditions from his previous permit to a white vinyl fence to a pressure treated fence with his choice of color. He stated that a white fence would be a huge contrast to the colors of the building and the surrounding area.

Mr. Coyner stated that the Board saw panels at the site this morning.

Ms. Brown asked if the fence would be stained the color of the building?

Mr. Snelgrove stated that he would start out with it being natural. He may want to change the color to be black or brown to go with the surrounding area.

Mr. Coyner stated that it would be the applicant's intention to maintain the fence.

Mr. Snelgrove stated that is correct.

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

Ms. Patricia Snelgrove stated that the wooden tone of the fence would lend itself better to the neighborhood and keep the warm and country feeling versus the white vinyl fence.

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

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

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Chairman Swortzel stated that the applicant does have a good idea that the pressure treated wood fence would be better than the white vinyl fence.

Mr. Coyner stated that the pressure treated fence would fit in with his property. He moved that the request be approved with the following conditions:

**Pre-Condition:**

1. Construct a six (6') foot high pressure treated wood privacy fence.

**Operating Condition:**

1. Fence be continuously maintained.

Vice Chairman Callison seconded the motion, which carried unanimously.

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**BENNIE W. BYLER, AGENT FOR BYLER'S STORAGE BUILDINGS, INC. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Bennie W. Byler, agent for Byler's Storage Buildings, Inc., for a Special Use Permit to increase the size of outside storage areas on property they own, located in the northwest quadrant of the intersection of Stuarts Draft Highway (Route 340) and Conner Road (Route 933) in the South River District.

Mr. Bennie Byler stated that they have been in business for thirty-five (35) years and they appreciate the privilege of operating along Route 340. He stated that the method of selling storage buildings has changed. He stated that the customer used to order the buildings and now the customers like to see a selection. He stated that they do feel they need more room. He stated that they have a variety of playground equipment at the property. He stated that there is more of a variety then they used to offer.

Chairman Swortzel asked if Mr. Byler was building the playground equipment?

Mr. Byler stated that they subcontract the outdoor playground equipment.

Mr. Coyner stated that this morning Mr. Byler had several swing sets at the site.

Chairman Swortzel asked how many swing sets would the applicant like to have?

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Mr. Byler stated they would like to have one (1) or two (2) swing sets on display.

Ms. Brown asked if the applicant had a catalog to show all of the buildings and swing sets?

Mr. Byler stated yes.

Ms. Brown stated that a customer can come to the site and look at a catalog as opposed to driving along the roadway.

Mr. Byler stated yes but when the customer can see the complete set, it will give them a better idea of what they are getting. He stated that some people can visualize the picture and others cannot.

Chairman Swortzel stated that the customer cannot see quality on a piece of paper.

Mr. Byler stated that the prices range from \$800 to \$3,000.

Mr. Coyner stated that there is a lot more variety now at the site then the applicant used to have.

Ms. Brown asked where the swing sets are built?

Mr. Byler stated Pennsylvania.

Ms. Brown asked if they are shipped?

Mr. Byler stated that they are shipped or they can pick them up as well.

Ms. Brown asked if the barns are built at the site?

Mr. Byler stated that they still build the painted barns. He stated that the vinyl and cedar buildings come from Pennsylvania. He stated that the steel models are built in Madison County.

Mr. Coyner asked if the applicant needs to work on the buildings once they come to the site or are they ready to be sold?

Mr. Byler stated that they are pretty much ready to be sold. He stated the shop is used very little.

Mr. Coyner asked how long does a building sit before it is sold?

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Mr. Byler stated that it varies. He stated that some two (2) or three (3) months. He stated that some of them could be sold in a week or two (2). He stated that they like to keep work for their employees year round. He stated that they stockpile during the winter so that when the weather gets nicer they are ready to go. He stated that presently they are selling more buildings on the lot than they are with orders.

Mr. Coyner stated that this is a seasonal business?

Mr. Byler stated it is seasonal but they do sell year round.

Mr. Wilkinson stated that this is an agricultural lot. He asked if the applicant could get by with less than what was requested?

Mr. Byler stated that is not necessarily where the storage will actually be. He stated that their vision when they first opened up at the site was to have one hundred (100) buildings. He stated that the Board chose that they did not have that many. He stated that they were approved twenty-five (25) buildings. He stated that their competition has one hundred twenty-five (125) buildings at their location. He stated that it would be helpful to them if they could have more storage.

Mr. Coyner stated that the proposed site plan that the applicant gave the Board asked if they could have two (2) rows of buildings on the right hand side.

Mr. Byler stated that they will try to have two (2) rows angled and gravel in between the rows.

Mr. Wilkinson stated that 6,700 square feet of storage area is very substantial. He stated that the yellow area shown on the site plan is the proposed new area. He stated that the original site plan shows a 16' x 200' area along Route 340 and below there is a 20' x 100' storage area as well as a 20' x 30' office building totaling 8,000 square feet. He stated that the request is over 21,000 square feet of storage area.

Mr. Byler stated that the upper area is grass now. He stated that they would like to build a retaining wall. He stated that many of the buildings along the road will not be that visible.

Mr. Wilkinson stated that it will be visible to the neighbors on Conner Road.

Mr. Byler stated that they have always had a good relationship with their neighbors.

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Mr. Wilkinson stated that staff is concerned about the size of businesses in an agriculturally zoned parcel. He stated that the competition he referred to is located in a business area and the staff comments reflect that.

Chairman Swortzel stated that Mr. Byler's request is better than what could potentially be located at the site.

Mr. Shreckhise stated that the Board can say that for any site. He stated that the applicant has three (3) times the size of business around the area and it does not have anything to do with agriculture. He stated that the Board said this the last time when they granted him the 8,000 square feet of storage area.

Mr. Byler stated that the new line of metal buildings that they have started with are sold to people that deal with agriculture. He stated that they do sell quite a few horse barns which they do not have any on display because of the lack of room.

Vice Chairman Callison asked if the applicant planned to have those buildings put together and displayed at the site?

Mr. Byler stated yes at least a few buildings.

Ms. Brown asked if the applicant builds the buildings at his home?

Mr. Byler stated that is where they build some of the painted buildings. He stated that they have been building the buildings at his home since 1973.

Ms. Brown asked if the applicant has been keeping the outside storage to twenty-five (25) buildings or has the applicant gone over?

Mr. Byler stated that they have not kept track of that very well because they have been trying to maintain the square footage that the Board approved. He stated that depending on the size of the building it will vary as far as how many they will have at the site.

Mr. Coyner stated that the site is kept in excellent condition.

Mr. Byler stated that their sales manager does an excellent job.

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

Mr. Richard Lambert, 144 Virginia Institute Way, stated that as a consumer he would appreciate the opportunity when making a substantial investment to be able to view the



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merchandise rather than look at a catalog. He stated that it is better to walk through the buildings. He stated that it is better to put your kids on a swing set to see if that is what they really want. He stated that this is a worthwhile expansion project.

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

Mr. Monroe Chupp, 54 Conner Road, Waynesboro, stated that he is an adjoining landowner and is directly involved with the business. He stated that he does not believe that the area shaded in red was not approved initially because that is right above the detention pond.

Mr. Wilkinson stated that was the area of the site plan that was approved. He stated that the Board approved a certain amount of square footage and then asked for a revised plan and the revised plan indicated that those areas were storage areas and those particular areas added up to 8,000 square feet. He stated that the buildings are not exactly in those areas but that was the official site plan of where they were supposed to be kept.

Mr. Chupp stated that customers like to see what they have in stock. He stated that due to the fact that they have limited space, they have not had a horse barn at the site. He stated that they have a lot of horse people in the area because of Lexington and they have not been able to display the buildings. He stated that it is imperative that they have more space so that people can see the merchandise before they buy it.

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

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

Chairman Swortzel stated that the applicant does have a lot of space on his agricultural property. He stated that this is a very attractive business. He stated that Route 340 is an active highway.

Mr. Shreckhise stated that even though there was not any opposition today, there was opposition when the Board heard this request a few years ago. He stated that the opposition did state that the applicant would be coming back and asking for an expansion to get more buildings at the site. He stated that this site is not zoned business. He stated that when the Board granted this permit before they did it on a limited basis. He stated that the question is if it is still appropriate to have the request expand this much. He stated that he does not see any problem with having a few more swing sets at the site but he does not feel that giving the applicant more space and more buildings is appropriate.

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Mr. Coyner stated that Route 340 in the future is not going to be residential all the way from Waynesboro to Stuarts Draft in his opinion. He stated that there will be businesses located on Route 340. He stated that the applicant can choose to rezone his property to business. He stated that the applicant has asked for a lot of square footage. He stated that the Board can grant him half of the square footage that he is requesting. He stated that Mr. Byler has been a good neighbor.

Chairman Swortzel stated that the neighbors know what he is doing and they are happy with him or else the neighbors would be here today. He asked Mr. Byler to come back before the Board.

Mr. Coyner asked if the applicant could get along with half of the square footage that has been requested?

Mr. Byler stated that they can try. He stated that they are going to expand somewhere. He stated that they have already purchased property in Harrisonburg but they would really like to have more room in Augusta County. He stated that he has talked with his neighbor that was most opposed and he appreciates Mr. Chupp and the relationship that he has with us. He stated that the neighbor has no problem with this request. He stated that he is going to purchase the lots and hopefully build at the site between where Mr. Chupp lives and between his business is. He stated that he does want control of the property so that they can keep it looking nice, not only for them but the other property owners as well.

Mr. Wilkinson stated that according to the site plan there will be buildings that are behind the existing buildings. He stated that the lower area would be behind the swing sets which is the grass area now. He stated that the lower area would be 6,700 square feet which is almost as much as the original permit.

Chairman Swortzel stated that he thinks that there will be a lot of business along Route 340 not residential. He stated that this location is a good place to expand that business.

Vice Chairman Callison stated that the site looks very good and he is sure it has been a favorable location for him. He stated that none of the neighbors are here to speak in opposition. He stated that he should relocate some of his display and the Board should allow him at least 8,000 to 10,000 square feet.

Mr. Coyner moved that the Board approve the request with the following conditions:

**Pre-Condition:**

1. Applicant submit updated site plan.

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**Operating Conditions:**

1. Applicant be allowed an additional 8,000 square feet of outside storage.
2. All previous stipulations remain in effect.

Mr. Shreckhise stated that the addition to the office building was not advertised.

Mr. Wilkinson stated that the surveyor that did the site plan stated that was an error in his drawing. He stated that the office has not been expanded. He stated that there is a breezeway on the building. He stated that the applicant is not requesting to expand the building.

Mr. Shreckhise stated that if the Board approves the request the applicant would have 16,000 square feet of outside storage.

Vice Chairman Callison seconded the motion, which carried with Ms. Brown being in opposition to the motion.

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**MARK E. OR JILL S. GLICK - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Mark E. or Jill S. Glick, for a Special Use Permit to have an excavation business on property they own, located on the east side of Bridgewater Road (Route 613), approximately .4 of a mile north of the intersection of Bridgewater Road (Route 613) and Mossy Creek Road (Route 747) in the North River District.

Mr. Mark Glick stated that he is requesting a Special Use Permit to operate an excavation business to help supplement his farm income.

Chairman Swortzel stated that the applicant has a dump truck, a couple of trailers, bulldozer, track hoe, and backhoe which are parked in between the poultry house. He stated that the applicant has full-time employees.

Mr. Coyner stated that the equipment is parked between the poultry house so that it is not visible to the closest neighbors.

Mr. Glick stated that is correct.

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Mr. Wilkinson stated that in the past when staff inspected the site the equipment was not in that area. He stated that where the equipment is now, it provides a good screening for the neighbors not to have to look at the equipment.

Mr. Glick stated that there is a commercial entrance coming in that way.

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

Mr. Howard Wilson, 1430 Mossy Creek Road, Bridgewater, stated that his property adjoins the Glick property. He stated that he supports this request.

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

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

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

**Pre-Condition:**

1. Obtain VDOT entrance permit within thirty (30) days and provide a copy to Community Development.

**Operating Conditions:**

1. Be limited to seven (7) pieces of equipment for the excavation business.
2. All excavation equipment be kept only in the storage area behind the poultry house shown on the site plan.
3. No junk vehicles or equipment or parts thereof be kept outside.
4. Site be kept neat and orderly.
5. Be limited to two (2) employees.

Ms. Brown seconded the motion, which carried unanimously.

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**FRANK A. HUMPHREYS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Frank A. Humphreys, for a Special Use Permit to have a produce market and country store on property owned by Mark E. Taylor, located on the east side of Lee Jackson Highway (Route 11), just south of the intersection of Lee Jackson Highway (Route 11) and Almo Chapel Road (Route 671) in the Riverheads District.

Mr. Frank Humphreys stated that he would like to buy and open a produce store in Greenville. He stated that he would like to put in a couple of greenhouses on the land behind him. He stated that he would like to have the option of opening at 8:00 a.m. He stated that he would not open up any earlier than 8:00 a.m. He stated that he does not want to work over ten (10) hours a day.

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

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

Chairman Swortzel stated that this would be a good use for the building.

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

**Operating Conditions:**

1. Site be kept neat and orderly.
2. Be limited to two (2) employees per shift.
3. No items displayed after business hours.
4. Hours of operation be 8:00 a.m. to 9:00 p.m.

Ms. Brown seconded the motion, which carried unanimously.

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**MICHAEL L. OR ELOISA M. SURRATT - SPECIAL USE PERMIT**

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This being the date and time advertised to consider a request by Michael L. or Eloisa M. Surratt, for a Special Use Permit to construct a small wind energy tower on property they own, located on the west side of Mt. Tabor Road (Route 694), approximately .3 of a mile south of the intersection of Mt. Tabor Road (Route 694) and Bowman Springs Road (Route 700) in the Riverheads District.

Mr. Michael Surratt stated that he would like to construct a small wind tower on his property to offset his energy costs.

Ms. Brown stated that the electrical panel will have an automatic shutoff. She asked if the applicant would ever make enough to sell back?

Mr. Surratt stated that for a years use he will use more than what he would make. He stated that the electrical company would come in and install a meter that runs backwards. He stated that on days that it is windy, he will not use much electricity. He stated that the automatic shutoff is used just in case a tree falls on the line. He stated that it will stop the generator so that no electricity will be going out so that the linemen can work on the line safely. He stated that the power would need to be restored for five (5) to seven (7) minutes before the wind generator starts back up.

Ms. Brown asked if the property needs to be on a hill in order to generate enough wind?

Mr. Surratt stated that the higher the property, the better. He stated that he sits in a lower area and his tower is not going to be very high. He stated that the area is windy and he thinks he will do well.

Mr. Coyner asked how tall is the tower?

Mr. Surratt stated that the tower is thirty-five (35') feet tall.

Mr. Coyner asked how many blades would there be on the tower?

Mr. Surratt stated that he will have three (3) blades on the tower.

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

Mr. Richard Lambert, 144 Virginia Institute Way, stated that initially he came to oppose this request but after hearing the height and the location of the tower, he is all in favor of someone cutting their energy bills.

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

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

Mr. Coyner stated that it is great that the applicant wants to do something about the energy situation. He moved that the request be approved with the following conditions:

**Pre-Condition:**

- 1. Applicant obtain Building Permit and provide a copy to Community Development.

**Operating Conditions:**

- 1. Structure height including blades not to exceed forty-five (45') feet.
- 2. Any expansion, alteration, or replacement of the tower will require the applicant to make application for Special Use Permit to be approved by the Board of Zoning Appeals.

Ms. Brown seconded the motion, which carried unanimously.

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**R. ALLEN OR CINDY WEEKLY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by R. Allen or Cindy Weekly, for a Special Use Permit to have RV rental on property owned by Linda W. White, Trustee, located on the west side of Lee Highway (Route 11), across from the intersection of Lee Highway (Route 11) and Weller Pond Lane (Route 928) in the North River District.

Mr. R. Allen Weekly stated that he has purchased a motor home and they would like to rent it out during the summer months. He stated that he has a daughter that will be doing the bookwork and setting things up. He stated that he is going to let her oversee the paperwork and the cleaning of the RV when it comes back. He stated that he is trying to teach her how to be responsible and run a small business. He stated that he purchased the motor home because renting one would be very expensive. He stated that when he is not using the RV he would like to rent it out.

Ms. Brown asked how he would advertise?

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Mr. Allen stated that there is an internet company that handles renting of motor homes and the customers call through that website.

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

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

Vice Chairman Callison stated that he does not see any objections with this permit. He moved that the request be approved with the following condition:

**Operating Condition:**

1. Be limited to only one (1) personal recreational vehicle to rent out.

Mr. Coyner seconded the motion, which carried unanimously.

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**LEE AND LINDA COMER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Lee and Linda Comer, for a Special Use Permit to have a security business and use the existing buildings for storage of materials on property owned by Dana L. Blaine, located on the west side of Bald Rock Road (Route 781), just north of the intersection of Bald Rock Road (Route 781) and Shackelford Lane (Route 1950) in the North River District.

Mr. Lee Comer stated that they are requesting a Special Use Permit to relocate their security business from their present location to the County to property they would hope to obtain on Bald Rock Road. He stated that they have one (1) full-time technician who comes to their place of business in the morning and loads the vehicle and returns in the evening. He stated that they have part-time employees who normally meet at the jobsite or the full-time employee would pick them up. He stated that the sales people are located in other cities that they do business in.

Ms. Brown asked what type of security business is this operation?

Mr. Comer stated that they install commercial and residential burglar alarm systems.

Mr. Shreckhise asked if customers came to the site?



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Mr. Comer stated they have never had a customer come to their current location. He stated that normally they go out to the customer's site.

Ms. Brown asked how would someone know about this business?

Mr. Comer stated that they advertise in the yellow pages and are involved in Chamber events.

Mr. Coyner asked if they planned to purchase the property and reside at the location?

Mr. Comer stated yes. He stated that they would like to convert the barn into an office space for the business in the future.

Mr. Coyner asked if materials are shipped to the jobsite or do they get shipped to the site?

Mr. Comer stated that they come to our office area now. He stated that the storage area is 10' x 20'. He stated that they receive one (1) to two (2) UPS shipments a week. He stated that there are no large items coming to the site. He stated that there will not be any semi-tractor trailers involved in any of the deliveries.

Chairman Swortzel stated that a monitor would be the biggest item.

Mr. Comer stated that is correct.

Mr. Shreckhise asked if there would be outside storage?

Mr. Comer stated no. He stated that the only thing that they would be storing outside is the work van.

Mr. Coyner asked if they had a van for the business vehicle?

Mr. Comer stated that they presently have a GMC Savannah work van.

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

Ms. Linda Comer stated that they are historic preservationists. She stated that they do appreciate the property as it is even though it needs a lot of work. She stated that they would like to give the barn a new life before it deteriorates any further.

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

Mr. G.C. Collie, 75 Shackelford Lane, Verona, stated that he lives adjacent to the property. He stated that the area is agriculture and he strongly objects to the request. He stated that they have twelve (12) residential houses adjoining the subdivision. He stated that they do not want a business in the area. He stated that if the Board allows a business on this property then someone else would want another business as well. He stated that he moved to the area because of the agricultural zoning. He stated that their contract with purchasing this piece of property is contingent upon this Special Use Permit being approved.

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

Mr. Bobby Abernethy, 85 Shackelford Lane, Verona, stated that he also lives adjacent to the property. He stated that he bought the land in 1993 and built a house. He stated that one of the main reasons why he bought that property is because of the residential area. He stated that he is opposed to giving them the Special Use Permit.

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

There being none, Chairman Swortzel asked if Mr. Comer would like to rebut?

Mr. Comer stated that they appreciate the concerns of the neighbors. He stated that they appreciate the beauty of the country. He stated that the business that they have operated in Augusta County for two (2) years. He stated that they are operating out of a 1,200 square foot office space. He stated that is more than what they need to operate out of. He stated that he noticed an exterminating business in the County in an agricultural area. He stated that the Board approved today an excavating business which is in an agricultural area. He stated that the business will be self-contained within the building. He stated that the work van they would like to get under cover in a building. He stated that they would not ever want to go on to the back property. He stated that he would like to eventually have a Christmas tree farm. He stated that he does not see how they could expand the business into other structures without coming back before the Board. He stated that Ms. Blaine was operating a limo service at the site. He stated that he does not see that their business would cause any more disruption in the neighborhood than running a limousine business. He stated that he does not see the amount of employees growing. He stated that he currently has five (5) employees.

Mr. Coyner asked if the business would be managed by the applicant and his wife?

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Mr. Comer stated yes.

Mr. Coyner asked if the applicant felt comfortable with the size of the business that is in operation today?

Mr. Comer stated yes because he has full-time employment with another business.

Mr. Collie stated that Ms. Blaine did operate a limo service but it is gone now. He stated that he does not know what is going to happen to the rental house. He stated that they do not trust Ms. Blaine at all.

Chairman Swortzel declared the public hearing closed.

Mr. Coyner stated that the request before the Board does not deal with the use of the rental property. He stated that this business is operated inside the house with the exception of the van. He stated that the applicant stated that they did not see the business growing much more than what it is currently. He stated that the applicant stated that they had five (5) employees.

Mr. Comer stated that he has one (1) full-time employee and three (3) part-time employees on an as needed basis. He stated that there are salespeople in different locations.

Mr. Coyner asked if the employees came to the office?

Mr. Comer stated no. He stated that the full-time technician comes to the site. He stated that there will not be any other employees coming to the site.

Mr. Wilkinson stated that if this were to be approved the applicant would need to work out the issue with the Highway Department because they stated no employees coming to the site.

Mr. Comer stated that he spoke with Mr. Sandridge and he stated that he was fine with the full-time technician coming to the site. He stated that additional employees would not be allowed to come to the site. He stated that Mr. Sandridge stated that the first line was put in to his comments in error. He stated that if additional employees were needed to come to the site then they would need to upgrade their entrance. He stated that the Health Department also clarified their comments. He stated that they would only have the one (1) full-time technician in the morning and the evening. He stated that the part-time employees do not come to the site.

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Mr. Coyner stated that if this were to be approved today there would be conditions placed on the permit and if the applicant does not abide by them it could go before the Board for cancellation.

Mr. Coyner moved to approve the request with the following conditions:

**Operating Conditions:**

1. All materials be kept within the frame building on the 4.6 acre parcel.
2. No materials or equipment be outside.
3. Be limited to one (1) company vehicle on site.
4. Be limited to one (1) full-time and four (4) part-time employees.
5. Be limited to one (1) employee coming to the site.
6. No employees can come to the site unless written approval is obtained from VDOT.
7. No expansions.
8. The large barn not to be used for the business unless the applicant reapplies.

Vice Chairman Callison seconded the motion, which carried unanimously.

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**RONALD L. OR PAMELA BURNER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Ronald L. or Pamela Burner, for a Special Use Permit to construct a building for a burial vault business on property owned by Built By B & K, Inc., located on the south side of Purple Cow Road (Route 619), approximately .3 of a mile east of the intersection of Purple Cow Road (Route 619) and East Side Highway (Route 340) in the Wayne District.

Mr. Ronald Burner stated that he is here to apply for a Special Use Permit for a business. He stated that he intends to build his dwelling and the building if the permit is approved. He stated that he has a listing of property owners in the area that have no problem with this business.

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Mr. Coyner asked if they recently purchased the property?

Mr. Burner stated that they are in the process of purchasing the property. He stated that a land development company owns the property currently. He stated that they do not sell to the public. He stated that they sell strictly to funeral homes. He stated that they have four (4) trucks. He stated that they have two (2) one ton trucks and two (2) two ton trucks. He stated that they have four (4) employees and several part-time employees when they need them. He stated that they are a small business. He stated that they are currently renting a space and the rent was raised a good bit. He stated that they would like to have the residence and the business on the same lot.

Mr. Coyner asked if the vaults are manufactured at the site?

Mr. Burner stated that he would only be storing the vaults.

Mr. Coyner asked if the vaults come in on a semi-truck?

Mr. Burner stated that they deliver the vaults on a twenty-six (26') foot flatbed truck. He stated that they bring nine (9) vaults at a time. He stated that they may come one (1) time a week or three (3) times a week. He stated that it depends on the amount of business.

Chairman Swortzel asked how much storage was the applicant asking for?

Mr. Burner stated that he would like to have a 40' x 80' building. He stated that the building would have siding on it just like the house.

Chairman Swortzel asked if they are installed at the grave site?

Mr. Burner stated yes.

Mr. Coyner stated that given the nature of the business everything occurs during the daylight hours.

Mr. Burner stated yes. He stated normally they go in at 8:00 a.m. and most of the time they are gone by 4:00 p.m. He stated that sometimes they have to go in at 7:00 a.m. depending on the time of the service. He stated that some days all four (4) trucks leave and some days there may not be any trucks leaving.

Mr. Coyner asked how the applicant unloads the vaults?

Mr. Burner stated that the vaults are rolled down off onto boards and then they push and tug.

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Mr. Coyner asked if the building would be a machinery shed?

Mr. Burner stated yes. He stated that it will have a door on each end for the trucks to go in and out. He stated that everything is stored inside.

Ms. Brown asked if all of the vaults are identical?

Mr. Burner stated that they have ten (10) different styles.

Ms. Brown stated that looking at the picture it does not seem there would be enough space.

Mr. Burner stated that all of the vaults are on one side. He stated that they have plenty of room when the trucks are out.

Ms. Brown asked how many trucks did the applicant have?

Mr. Burner stated four (4) trucks and a passenger van.

Mr. Coyner asked if the applicant kept inventory there all of the time?

Mr. Burner stated that usually if he is at full capacity, he will have sixty-five (65) vaults stacked four (4) high.

Mr. Wilkinson stated that the business is currently located up the road in an industrial area.

Mr. Burner stated that it is industrial but there are houses in the area.

Mr. Coyner stated that this property is starting to develop into a residential area.

Mr. Wilkinson stated that the property is residential on the Comprehensive Plan.

Mr. Burner stated that there are a few businesses in the area. He stated that if you did not know other than seeing a truck come out occasionally you would not know that there would even be a business at this site. He stated that there will be no signs.

Mr. Wilkinson stated that a 40' x 80' is a substantial size building just for business use in an area planned for residential growth.

Mr. Coyner asked what the roof height would be?

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Mr. Burner stated that he is unsure. He stated that the door of the building that he is in now is sixteen (16') foot high. He stated that it would be twenty-five (25') feet at the most.

Ms. Brown asked how do they get to the vaults when the vehicles are side by side?

Mr. Burner stated that they have an overhead crane that they use when placing the vault in the truck.

Ms. Brown stated that most of the people that signed the paperwork are on Purple Cow Road and East Side Highway. She asked how close are they to the property?

Mr. Burner stated that most of the folks are across the road from where the entrance to the driveway would be. He stated that there are a couple of folks on the backside of the lot.

Vice Chairman Callison asked if the back part of the property was flat or raised?

Mr. Burner stated that there is one spot that is really level and the plan is to have the house there. He stated that the building would be along the backside which slopes down a little. He stated that the building will not be hidden from Route 340 or Purple Cow Road.

Ms. Brown asked how many employees would the applicant have coming to the property?

Mr. Burner stated that they would have four (4) employees coming to the site. He stated that some of the employees do not work everyday. He stated that the part-time employees mostly get picked up on the way to the service.

Ms. Brown asked how far out in the state of Virginia would the applicant service?

Mr. Burner stated that he goes to Mount Jackson, Shenandoah County, and Lovingson. He stated that the biggest area is Staunton, Waynesboro, and the Harrisonburg area.

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

Ms. Mary Anne Hodges, 128 Purple Cow Road, Waynesboro, stated that she is across the street from the property. She stated that Mr. Burner contacted her to discuss his plans for a burial vault storage building on the property. She stated that this business would have little if no impact on the area. She stated that they would on occasions be delivering vaults to the address, however, they occasionally have large trucks on Purple

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Cow Road as well. She stated that a few more should not even be noticeable. She stated that she believes that the County should protect the rural nature and feel of the Purple Cow Road area. She stated that the Board and citizens should also look at changes with concern. She stated that in looking at this request and trying to determine the impact on the community. She feels that this request would not impact the area in a negative way. She supports the Special Use Permit.

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

Mr. James Lambert, 128 Purple Cow Road, Waynesboro, stated that his land is directly across from the property. He stated that this business will improve the area and other people may see the improvements and want to improve their land also.

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

Mr. William Arey, 431 Purple Cow Road, Waynesboro, stated that this business will have no affect on the area. He stated that the traffic that it will create will be at the beginning of Purple Cow Road. He stated that he has no problems with this request.

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

Ms. Bonnie Kerber, 312 Lee Drive, Waynesboro, stated that she is their realtor. She stated that the land they are getting is almost on five (5) acres. She stated that they are trying to make the building match the house. She asked that the Board approve the request and get more revenue for the County.

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

Ms. Pam Burner stated that she is Ronnie Burner's wife and co-owner of the business. She stated that this has been their dream for five (5) years to have their business and home on the same property plus save some money. She stated that rent has gone up tremendously. She stated that they do about 900 vaults a year. She stated that they are not looking to be a huge company. She stated that they will not do anything to make their property or anyone else's property values go down. She stated that they want to be good neighbors.

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



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Ms. Linda Baber, 68 Purple Cow Road, Waynesboro, stated that she is approximately .2 of a mile east of the intersection of Purple Cow Road and East Side Highway. She stated that the intersection is a very dangerous and busy intersection. She stated that if you are exiting Purple Cow Road there is a small hill and when there is a car at the bottom of that area it is hard to detect it. She stated that there is a small restaurant that has traffic exiting and entering during the day. She stated that Mr. Burner will be using this intersection to access the property that he wants to build his home on and this business. She stated that this building for the vaults will be bigger than her house. She stated that the traffic has increased significantly over the last ten (10) to fifteen (15) years due to three (3) subdivisions on their road. She stated that they do not need to add traffic from the trucks. She stated that if the permit is granted it will open the doors to other people that might want to come in the area. She stated that the farmhouse is on the National Historic Registry. She stated that he is already using a building for storage in Crimora for his vaults. She stated that it is approximately three and half (3.5) miles from where he wants to build this proposed business. She stated that she submitted a petition with a total of fifty-eight (58) residents of Purple Cow Road that is in opposition to the business. She stated that thirty-five (35) of the residents live on Purple Cow Road. She stated that twenty-three (23) signatures are people that live on Black Oak Lane, Mount Stream Road, and McClures Run and these residents are directly off of Purple Cow Road. She stated that she will be able to see that building from where she lives. She stated that she can see that this business will most likely expand in the future. She stated that certain cemeteries have their own guidelines but the local cemeteries require burial vaults. She stated that they did not receive a letter from the County. She stated that she would hope that the Board not grant this request. She stated that they are in an agricultural area and they do not want anymore business.

Chairman Swortzel asked if Ms. Baber's property joined the applicant's property?

Ms. Baber stated that they are across the road.

Mr. Wilkinson stated that if the property is adjoining the request then a letter is sent. He stated that they also advertise in the newspaper.

Mr. Shreckhise asked if Ms. Baber was in view of the property?

Ms. Baber stated yes.

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

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Mr. Forrest Hensley, 1000 East Side Highway, Waynesboro, stated that he is across the road from where this property is. He stated that they already have enough traffic on Route 340. He stated that he needs a stoplight getting out of his driveway because of the traffic. He stated that the property is agriculture and would like to see that it be kept that way. He stated that his property does not adjoin the applicant.

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

Mr. James Lambert, 128 Purple Cow Road, Waynesboro, stated that he knows the property is zoned agriculture but he would rather see something like this than he would chicken houses. He stated that it will not make a difference with three (3) or four (4) more trucks. He stated that Black Oak Lane is a mile above where the applicant wants to build. He stated that he can see the property and he has no problem with the request at all. He stated that majority of the people that are against this will not be affected.

Mr. Wilkinson stated that he does have the petition that thirty-five (35) residents signed and the majority of them are on Purple Cow Road. He stated that the petition states that the residents of Purple Cow Road and the vicinity feel that a burial vault business is inappropriate for the area. He stated that heavy trucks would create additional traffic and wear and tear on the roads. He stated that they are opposed to having a Special Use Permit granted for construction of and operation of this business.

Mr. Wilkinson stated that he has a petition from Mr. Burner with eleven (11) signatures.

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

There being none, Chairman Swortzel asked if Mr. Burner would like to speak in rebuttal?

Mr. Burner stated that the petition is in support. He stated that they would be .3 of a mile off of Route 340. He stated that they travel up and down on Route 340 every day. He stated that they love the area. He stated that they do not want to move anywhere else. He stated that he would like to have his business as close as possible. He stated that he can take care of a late service call instead of driving ten (10) to fifteen (15) miles. He stated that he has spoken with Health Department and Highway Department.

Chairman Swortzel declared the public hearing closed. He stated that the Board has heard comments in favor and in opposition.

Mr. Shreckhise stated that a 40' x 80' building is a large building for a residential area.

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Mr. Wilkinson stated that agriculture is the zoning of the property. He stated that the plan for the area is low density residential.

Vice Chairman Callison asked if there is a request to get this property rezoned or subdivided?

Mr. Wilkinson stated that there is nothing pending. He stated that this is a 5.4 acre lot which has been subdivided off of the large tract which is owned by Built By B & K.

Vice Chairman Callison asked what is the result of selling the balance of the property off?

Mr. Wilkinson stated that unless it is rezoned there can only be one (1) lot subdivided per year.

Vice Chairman Callison asked who owns parcel 55E?

Mr. Coyner stated that the Duncan boys have sold many pieces of property from the back. He stated that a fifty (50) acre parcel has been sold.

Mr. Wilkinson stated that 55E and 55C are both owned by Built By B & K.

Vice Chairman Callison stated that the balance would be slow to develop if it is not rezoned. He stated that the applicant is building a nice home and this building would be a large storage building. He stated that by nature this is a quiet business. He moved that the request be approved.

Mr. Coyner stated that the Board should put stipulations on the permit. He stated that there should be no further expansions at the site. He stated that the number of employees should be limited to four (4) employees plus their family. He stated that they have five (5) employees counting the applicant. He stated that the wife is part of the business as well.

Mr. Wilkinson stated that he would propose that the Board put pre-conditions on the permit for the Health Department and VDOT approval due to the comments submitted by both of those departments.

Ms. Brown asked if the vehicles should be limited to four (4)?

Vice Chairman Callison stated that the applicant states that all of the equipment is kept inside the building. He stated that there would be no outside storage.

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Mr. Wilkinson stated that the Board could require a site plan be submitted meeting the requirements of the ordinance.

Mr. Wilkinson reread Vice Chairman Callison's motion to approve the request 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. Applicant obtain Health Department approval and provide a copy to Community Development.
3. Obtain VDOT entrance permit and provide a copy to Community Development.

**Operating Conditions:**

1. Be limited to four (4) employees.
2. All equipment and materials be kept inside the building.
3. No outside storage of materials.
4. No further expansion at the site.

Mr. Shreckhise stated that with the current site be located a mile down the road he does not feel a reason to vote in favor of the request.

Mr. Coyner seconded the motion, which carried with a 3-2 vote with Ms. Brown and Mr. Shreckhise in opposition to the motion.

\* \* \* \* \*

**MISTY D. AND CHRISTOPHER M. HILLIARD - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Misty D. and Christopher M. Hilliard, for a Special Use Permit to have a dog kennel on property they own, located on the east end of Carwash Lane, approximately .1 of a mile east of the intersection of Carwash Lane and Calf Mountain Road (Route 611) in the Wayne District.

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Ms. Misty Hilliard stated that she would like to have a dog kennel for her personal dogs.

Ms. Brown asked how many dogs does the applicant have?

Ms. Hilliard stated that she has four (4) dogs currently but she would like to have twenty-five (25) at the most. She has her personal dogs but she will also be breeding dogs and sometimes she rescues dogs and finds them homes.

Ms. Brown asked if a dog is rescued how long are they kept at the property?

Ms. Hilliard stated that she does not normally take a dog to the SPCA. She will get it neutered or spayed and if it does not get a home she will keep the dog.

Chairman Swortzel asked how will the applicant control the number of dogs on her property?

Ms. Hilliard stated that if someone calls her for a rescue dog and she is already at her limit there would be no way that she could take in anymore dogs.

Mr. Coyner stated that the rescue dogs are kept until a home is found for the dog. He stated that if the applicant cannot find a home for the dog, will it stay with the applicant?

Ms. Hilliard stated that she will advertise the dog and they usually do not have that kind of problem.

Mr. Coyner asked how does a person know to call the applicant?

Ms. Hilliard stated that it is usually by family and friends and people around the area.

Mr. Coyner asked if she would rescue any size dog?

Ms. Hilliard stated that size does not matter. She stated that she would like to have a kennel with a concrete floor. She stated that she would like to have a grooming table and a separate room to prepare food for the dogs. She stated that they plan to put up a six (6') foot high privacy fence around the kennels. She stated that eventually they would also like to fence in their front yard. She stated that the privacy fence will be a sound buffer.

Chairman Swortzel asked what type of breed does the applicant plan on raising?

Ms. Hilliard stated Golden Retrievers and Shitzus. She stated that she will not have litters of puppies all of the time.

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Ms. Brown asked how many times can a dog be bred?

Ms. Hilliard stated that you can breed a dog every six (6) to eight (8) months depending on their heat cycle. She stated that the older dogs go into heat later than the smaller dogs.

Mr. Coyner asked if this is full-time work or part-time work?

Ms. Hilliard stated that this would be on the side. She stated that she did work with Dr. Bowman at his veterinarian office. She stated that she also has done training with dogs. She stated that she would like to eventually train Golden Retrievers as duck dogs. She stated that she has a pond on the adjoining property that they can use to train the dogs.

Ms. Brown asked when the dogs are being trained what do they do?

Ms. Hilliard stated that she has not gotten into the details of the training the dogs yet. She stated that they would not use real ducks.

Ms. Brown asked how long would the fence be?

Ms. Hilliard stated that her husband will be able to give the dimensions of the fence.

Mr. Coyner asked how far does the water come up from the creek?

Ms. Hilliard stated that it is not in a flood zone. She stated that it gets up on the other side. She stated that it has not come up high enough over into the bank.

Mr. Shreckhise asked if the applicant has contacted the two (2) homes across the road.

Ms. Hilliard stated that she has not spoken with the neighbors. She stated that they always have had dogs at this site. She stated that none of the neighbors complained. She stated that they did check with the neighbors to see if the dogs bothered them.

Mr. Coyner asked how long has the applicant been at the site?

Ms. Hilliard stated that they have been at this site for six (6) years.

Mr. Wilkinson asked if the applicant decided how they were going to take care of the waste?

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Ms. Hilliard stated that they are worried about the hair. She stated that she may get the waste doolies. She stated that she will get six (6) of them. She stated that they get put into the ground. She stated that they will disintegrate the waste.

Ms. Brown asked how long does it take to break the waste down?

Ms. Hilliard stated that she is unsure. She stated that you can have one (1) to four (4) dogs on one of them. She stated that there are packets that disintegrate the waste.

Chairman Swortzel asked what is the gallon capacity of them?

Ms. Hilliard stated that it is very small.

Ms. Brown asked how many neighbors are in the area?

Ms. Hilliard stated that they have three (3) across the road from them.

Ms. Brown asked if the bridge ever floods?

Ms. Hilliard stated no. She stated that she also had VDOT come by and look at the entrance and they said it was fine.

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

Mr. Christopher Hilliard stated that he is Christy's husband. He stated that the building that they plan on building is 30' x 40' constructed similar to a pole barn. He stated that there will be a concrete floor and it will be drained so that it can be sprayed down with the water hose. He stated that the building will have vinyl siding to match the existing house with a shingled roof. He stated that around that there will be a six (6') foot high chain link fence except for the creek side which will be a six (6') foot privacy fence pressure treated and stained to match the house.

Ms. Brown asked how wide will the privacy fence be?

Mr. Hilliard stated that they will start off with fifty (50') feet at the kennel. He stated that eventually they would like to put the fence down to the creek because they have a young child.

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

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Ms. Debbie Brown, 97 Mary's Lane, Waynesboro, stated that she owns the five (5) acres adjoining the property as well as the fifty (50) acres behind. She stated that she is the applicant's stepmother. She stated that they have no problem with the applicant using her acreage to walk the dogs or train the dogs in the pond. She stated that they have plenty of acreage.

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

Mr. William Arey, 431 Purple Cow Road, Waynesboro, stated that the applicant has kept a dog overnight for him. He stated that she is very good around animals. He stated that the Board should approve this request.

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

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

Mr. Shreckhise asked if the neighbors across the road were notified?

Mr. Wilkinson stated that they were notified by letter. He stated that all adjacent property owners were notified.

Mr. Coyner stated that this would be an ideal place to have dogs. He stated that the applicant seems to have experience with dogs. He stated that the applicant needs to adhere to the conditions set forth by the Board if the permit is approved.

Ms. Brown stated that the applicant is requesting twenty-five (25) dogs.

Mr. Coyner stated that twenty (20) dogs is still a lot of dogs. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. The 30' x 40' kennel, the six (6') foot chain link perimeter fence, and the six (6') foot high privacy fence be constructed prior to more than four (4) dogs being kept on site.
2. Obtain Health Department or DEQ approval for the separate drainfield or individual dog waste disposal units and give a copy to Community Development.



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**Operating Conditions:**

1. Be limited to twenty (20) dogs.
2. All dogs be kept inside the kennel from 10:00 p.m. until 6:00 a.m.
3. No employees other than family members.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

\* \* \* \* \*

**CYNTHIA A. JOHNSON - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Cynthia A. Johnson, for a Special Use Permit to increase the number of dogs and structures at the existing kennel on property owned by Cynthia A. or Robert E. Yancey, located on the east side of Forest Creek Lane, approximately .2 of a mile southeast of the intersection of Forest Creek Lane and Dooms Crossing Road (Route 611) in the Wayne District.

Ms. Cynthia Johnson stated that she has a letter from her veterinarian that she passed to the Board. She stated that she was caught with fifty-seven (57) dogs on February 28, 2007 and at the time she did not realize that she had that many dogs. She stated that since then she has been very careful not to go over her limit. She stated that when she went before the Board in April. She stated that in doing so she needs to stay home in order to take proper care of her dogs. She stated that she does not work full-time. She stated that she is hoping that the Board approve her request to up the amount of dogs to seventy-five (75) dogs. She stated that this will not happen overnight. She stated that this will give her enough dogs to be able to breed while waiting for her puppies to mature into adulthood. She stated that a puppy is considered an adult at six (6) months. She stated that the vet has informed them that they should not breed a dog until they are eighteen (18) months of age. She stated that this is when they are mature enough to have tests done to make sure there are no health problems with the dog. She stated that at that time you can see their personality as well. She stated that if their personality is not suitable they will find a home for the dog. She stated that the vet says that she should retire her dogs at age five (5). She stated that at that time she will need to find a home for the dog. She stated that this process could take several months. She stated that at that time she could have an abundance of dogs. She stated that when she increases the dogs she will have smaller dogs fifteen (15) pounds or less. She stated that she would

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also like to construct a 40' x 40' self contained kennel or building. She stated that the building will have a 20' x 20' puppy birthing room and a 10' x 10' puppy viewing room. She stated that the viewing room will keep diseases out from the kennel. She stated that this will keep the puppy healthier. She stated that the dogs themselves will have a 4' x 4' box with a kennel coming off of it with a 4' x 6' run. She stated that they will have a separate area in the building for exercise. She stated that all of the dogs play together in the building. She stated that they are also in the process of graveling all of the kennels. She stated that she was going to concrete the kennels but the vet suggested not to do that. She stated that concreting in the kennels will be harder on the joints. She stated that she scoops the waste daily and bleaches weekly. She stated that she plans on adding a fence around the entire property. She stated that they would like to have two (2) years to finish this project because it will take time to finish the building.

Chairman Swortzel asked what breed of dogs did the applicant have?

Ms. Johnson stated that she has ten (10) Golden Retrievers and poodles. She stated that the rest are smaller breeds.

Chairman Swortzel stated that Golden Retrievers are large size dogs.

Ms. Johnson stated that hers average about forty (40) to fifty (50) pounds. She stated that she does not want to have any more large dogs. She stated that they want to have smaller dogs because they eat less.

Ms. Brown asked if they will have heat in the building for the smaller dogs?

Ms. Johnson stated that there are certain heat window units that will heat and help cool. She stated that on the roof there will be a ridge vent. She stated that they would also like to have a grooming room in the building.

Ms. Brown asked what size building is there at the site currently?

Ms. Johnson stated that the two (2) buildings are 12' x 28'. She stated that with this building there will be less noise and less of a smell. She stated that the building will be insulated for the dogs. She stated that they will have heat lamps in the boxes.

Ms. Brown asked if they would go out for exercise?

Ms. Johnson stated there will be exercise areas in the building. She stated that there would be a 4' x 4' box and they will use hard plastic kennel runs that could be put down and used. She stated that she can clean underneath the kennels because they will be set up from the ground. She stated that in the corner they will have exercise pens for the

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puppies and dogs to play in. She stated that when people come to visit they would also like to have a separate building. She stated that she had a bad experience in February and Animal Control came to her house. She stated that they are now taking more precautions with her dogs. She stated that if anyone visits the house they need to wash their hands. She stated that she brings the puppies out to them because it is healthier for the dogs.

Mr. Johnson stated that they do not let their clients handle the puppies anymore.

Ms. Brown asked what type of disposal system do the applicants have?

Ms. Johnson stated that they have two (2) barrels that they burn the waste in.

Ms. Brown asked if there is an odor to it?

Mr. Johnson stated no. He stated that they do not burn a lot at one time.

Ms. Brown asked how many employees did the applicant have?

Ms. Johnson stated that she stays home full-time to take care of the dogs. She stated that she goes out and spends four (4) to five (5) hours with the dogs. She stated that she has an eighteen (18) year old son and a three (3) year old that helps her.

Mr. Johnson stated that the he also helps out.

Mr. Shreckhise asked how old are the puppies when they are sold?

Ms. Johnson stated that the puppies are normally ten (10) weeks and under when they are sold.

Mr. Shreckhise asked if the puppies are counted with the number that the Board grants?

Ms. Johnson stated that she was told that the puppies are not counted toward the forty (40) dogs.

Mr. Johnson stated that six (6) months and over were counted as adult dogs and anything under six (6) months does not count.

Mr. Shreckhise asked how many animals would there be at the site at one time?

Ms. Johnson stated that she has thirty (30) that are females that she breeds. She stated that she does not breed all of the dogs at one time. She stated that they skip a heat.

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Mr. Shreckhise stated that there are 150 puppies that need to be sold a year.

Ms. Johnson stated that she has an internet site. She stated that most of the puppies are gone by seven (7) weeks old.

Mr. Coyner stated that a mature dog would have puppies once a year. He asked what the average size of a litter is?

Ms. Johnson stated the smaller dogs can have three (3) or four (4) puppies. She stated that Golden Retrievers can have nine (9) to eleven (11).

Mr. Coyner stated that the applicant will spread the dogs out so that they will not have puppies at the same time.

Ms. Johnson stated that she has calendars noting the heat cycle of each dog. She stated that she controls the breeding process. She stated that the building will be a 40' x 40' pole barn.

Mr. Coyner asked how long will the applicant take to start construction?

Ms. Johnson stated hopefully this summer.

Mr. Johnson stated that they will be contracting the building out.

Mr. Rosenberg stated that there needs to be a clarification between the six (6) months or older issue for a kennel. He stated that for Animal Control there are one set of rules but under the Special Use Permit provisions as he sees them a dog is a dog whether it is two (2) weeks old or a year old. He stated that there are no special provisions with the Zoning Ordinance. He stated that in residential areas the issue is addressed concerning the age of the animals but in the Special Use Permit provisions they do not. He stated that if it is the Board's intention to allow seventy-five (75) adult dogs then the Board should include that in the condition.

Mr. Shreckhise stated that the Board should word the condition with adult dogs or total dogs.

Mr. Wilkinson stated that the definition of a kennel refers to dogs over the age of six (6) months. He stated that Mr. Rosenberg has a good suggestion which would help the Board in their decision making and staff on their enforcement.

Mr. Rosenberg stated that stating adult dogs would avoid any ambiguity.

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Ms. Brown asked how many dogs does the applicant have currently?

Ms. Johnson stated that she has thirty-eight (38) adult dogs and twenty-five (25) puppies.

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

Mr. Robert Yancey, 58 Forest Creek Lane, Waynesboro, stated that the applicant is his daughter. He stated that the applicant was working a full-time job while she was taking care of the dogs. He stated that the applicant is an animal lover. He stated that the puppies do not stay at the site very long. He stated that many people buy dogs off of the internet. He stated that the applicant is continually upgrading the kennel. He stated that he spoke with several of the neighbors and no one has complained. He stated that he would encourage the Board to extend the permit to seventy-five (75) dogs. He stated that it does take some time to find homes for the dogs after they cannot be bred anymore.

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

Ms. Debbie Brown, 97 Mary's Lane, Waynesboro, stated that she does not oppose the applicant having her kennels. She stated that she would like to know how big the property is that the applicant can have seventy-five (75) adult dogs on it. She stated that she approved her stepdaughter's permit with twenty (20) dogs. She stated that is a lot of dogs on a piece of property. She stated that seventy-five (75) dogs are a lot of dogs to try to take care of. She stated that she does not oppose the applicant having forty (40) dogs. She stated that she does not see seventy-five (75) dogs on a two (2) acre piece of property.

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

There being none, Chairman Swortzel asked if Ms. Johnson would like to speak in rebuttal?

Ms. Johnson stated that she can take care of the seventy-five (75) adult dogs and puppies. She stated that she does not work. She stated that she is outside with her dogs between four (4) and five (5) hours a day. She stated that her dogs are very well taken care of. She stated that when Animal Control came to the site the only thing that they can comment on was the fact that they had too many dogs. She stated that all of the dogs were very well taken care of and fed properly.

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Chairman Swortzel declared the public hearing closed.

Vice Chairman Callison stated that at the current time she has thirty-eight (38) adult dogs and twenty-five (25) puppies. He stated that is sixty-three (63) dogs. He stated that Mr. Rosenberg's suggestion was a good idea.

Mr. Rosenberg stated that the best way to clarify this is to specifically speak in terms of the maximum number of adult dogs with some understanding that there is going to be an additional number based on the litters that come along in the cycle. He stated that if the Board approved fifty (50) adult dogs, there will be additional dogs because of the litters. He stated that the Board could include a blanket cap that would be inclusive of all dogs of any age.

Chairman Swortzel stated that the applicant can have a litter of puppies and put her over the limit with a blanket cap. He stated that the adult dog limit is a better number to work with than a total of all dogs.

Mr. Shreckhise stated that seventy-five (75) is too many dogs. He stated that the applicant does not have enough property to have that many dogs.

Ms. Brown stated that she would have a problem with fifty (50) dogs. She stated that the applicant should only have forty (40) dogs. She stated that there is only one (1) person taking care of all of these dogs. She stated that she would not want to increase the number of dogs that the applicant has. She stated that the number of adult dogs should remain at forty (40) adult dogs. She moved that the request be approved with the following conditions:

**Operating Conditions:**

1. Be allowed a maximum of forty (40) adult dogs.
2. Be allowed to construct a new 40' x 40' kennel.
3. All other conditions of SUP#06-16 remain in effect.

Mr. Shreckhise seconded the motion, which carried unanimously.

\* \* \* \* \*

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**RUSSELL SOURS, AGENT FOR SOURS PROPERTIES, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Russell Sours, agent for Sours Properties, LLC, for a Special Use Permit to have automotive road service, occasional outdoor emergency repair between the buildings, renovate or reconstruct the 50' x 100' existing building for a paint booth, showroom, sales of RV and vehicle accessories, to convert a portion of the existing buildings for mini-storage units, to use the remainder of the buildings for storage of vehicles, vehicle parts, boats, and other materials, and to have two years to complete on property they own, located on the east side of Tinkling Spring Road (Route 608), approximately .2 of a mile north of the intersection of Tinkling Spring Road (Route 608) and Yoder Circle in the South River District.

Mr. Russell Sours stated that this request came about from last month's meeting. He stated that the emergency outdoor repair would be larger motor homes that would be towed in. He stated that they would be behind the shop in the shaded area which is where the parking is now for customers. He stated that you would not be able to see that from the road. He stated that they would only stay there a couple of days. He stated that the smaller units can be repaired in the shop. He stated that they keep the road service truck inside the upper building at the end behind the RV storage. He stated that the paint booth, showroom, and sales of accessories would be beside the main shop and the only entrance would be through the office area that they have now contingent upon building permits and the like. He stated that they will have mini-storage units in the back two (2) buildings. He stated that the building is two (2) stories and the bottom floor already has timber in place. He stated that they would have to box them in. He stated that this would not be open to the public. He stated that customers have to come through him or one of his employees in order to get into the buildings.

Mr. Wilkinson asked if the applicant would be renting out space for a boat?

Mr. Sours stated yes.

Mr. Shreckhise asked how much traffic would the applicant have?

Mr. Sours stated that for boats they usually come in the fall and stay through the winter. He stated that they are picked up in the spring and gone all summer. He stated that the RVs are pretty much the same way.

Mr. Shreckhise asked how much outside storage is requested?

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Mr. Sours stated that the RVs are in the upper right corner with eight (8) spaces. He stated that right beside them are the U-Hauls. He stated that they also have RVs waiting to be repaired or picked up.

Mr. Shreckhise asked if there were any other outside storage other than those areas?

Mr. Sours stated that there is not any other outside storage on this request. He stated that last month they were asking for storage between the two (2) buildings on the right side for a wrecker service.

Mr. Wilkinson stated that is the next request on the agenda. He stated that the only other thing outside is a dump truck and a rollback which is behind the buildings.

Mr. Sours stated that the space along the first building has five (5) spaces for the employees, dump truck, and rollback. He stated that on the other side of the road there are five (5) spaces for parking for employees. He stated that there are also customers' cars waiting to be picked up or worked on. He stated that there are ten (10) spaces for overflow of cars. He stated that they are all licensed vehicles.

Ms. Brown asked if the entryway in the back would be fixed so that the customers can come all the way around?

Mr. Sours stated that is all gravel. He stated that it is usually never blocked unless there is a rollback moving a vehicle on and off the truck.

Ms. Brown stated that the Board was there today.

Mr. Coyner stated that there were two (2) rollbacks at the site today.

Mr. Sours stated that the black and grey one is his. He stated that there was one that they were working on today and they changed fuel filters backed it out and the rollback quit right there. He stated that normally that does not happen.

Ms. Brown asked if anything is parked on the reserved drainfield?

Mr. Sours stated that they used to put RVs down at that area on the reserve field but currently nothing is parked at the reserve drainfield area.

Vice Chairman Callison stated that it looks to him that the applicant is doing a good job.



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

Mr. Wilkinson stated that the Board received one (1) letter from an adjacent property owner. He stated that they had written the letter last month and they continued to state that they do not object to adding employees or parking behind the building but they are concerned about the emergency repair. He stated that they are concerned that working on the large RVs might be a disturbance. He stated that working on them over the weekend would be a disturbance. He stated that they are concerned if Mr. Sours utilizes the entire site, even though it is making use of an existing building, the site is being turned into a commercial use than an agricultural use of the property. He stated that this is the same issue that they referred to in the previous letter. He stated that they had no opposition to the automotive repair center.

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

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

Mr. Coyner stated that the Sours family has done well with this piece of property. He stated that the turkey houses have been deteriorating and now they are amounting to something. He stated that traveling on Route 608 nothing can be seen from the road. He moved that the request be approved with the following conditions:

**Operating Conditions:**

1. Obtain Building Permits for all interior renovations for the paint booth, showroom, accessory sales area, and mini-warehouses prior to construction .
2. Any emergency repair to an RV outside will be done between the buildings so as not to be visible from Route 608.
3. No junk or inoperable vehicles or parts of vehicles be outside.
4. Be given two (2) years to complete renovations.

Ms. Brown seconded the motion, which carried unanimously.

\* \* \* \* \*

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**RUSSELL SOURS, AGENT FOR SOURS PROPERTIES - SPECIAL USE PERMIT**

A request by Russell Sours, agent for Sours Properties, LLC, for a Special Use Permit to add an RV storage area, increase the customer vehicle parking area, display a U-Haul vehicle out front, increase the number of employees, and add a towing business with a vehicle storage area on property they own, located on the east side of Tinkling Spring Road (Route 608), approximately .2 of a mile north of the intersection of Tinkling Spring Road (Route 608) and Yoder Circle in the South River District. **TABLED FROM THE APRIL 5, 2007 MEETING**

Mr. Coyner moved that the request be brought forward.

Vice Chairman Callison seconded the motion, which carried unanimously.

Mr. Russell Sours stated that between those two (2) buildings on the right there is already a chain link fence which would be fixed so that it cannot be seen through. He stated that a gentleman that runs a tow service wants to put vehicles in there. He stated that if he ever tows one in he would do the same unless they can be put in the building.

Mr. Coyner asked if the vehicles are from being broken down on the highway?

Mr. Sours stated that these are vehicles that have been involved in an accident. He stated that all of the tow companies need a place to store vehicles so that the customer cannot get to them whether it be inside or outside in a fenced in secured area. He stated that he would like to rent him an area to put vehicles at his site and be able to use it for himself also.

Mr. Coyner stated that these vehicles remain at the site until insurance companies decide what is going on with them.

Mr. Sours stated that is correct.

Mr. Wilkinson asked if the fluids are drained before it is stored or does it leak out before it is brought to the site?

Mr. Sours stated that if the fluids are leaking while they are on the truck they could take care of that before they put the vehicle in the storage area. He stated that it would not be any different than a car sitting in the parking lot.

Mr. Wilkinson stated that the applicant would not want to have fuel leaking next to the buildings.

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Mr. Sours stated that is correct.

Ms. Brown asked once the vehicle is totaled what happens while waiting for the insurance company?

Mr. Sours stated that he had a friend's vehicle inside the building for two (2) or three (3) weeks. He stated that both insurance companies came to look at the vehicle and after that a salvage company came to take the vehicle away.

Ms. Brown asked if the vehicles stay there once the insurance company is finished?

Mr. Sours stated no.

Mr. Rosenberg stated that this request was tabled at his request because he raised some questions about the appropriate applicant for the permit particularly in the event that this area was to be leased to another party for purposes of storage. He stated that this would be used not only by another party but that property owner intends to use it himself for vehicles that he hauls.

Mr. Sours stated that usually he does not do calls for vehicles involved in an accident.

Mr. Rosenberg stated that if it is the Board's pleasure to proceed with this request he would not have any issues with it. He stated that he and Mr. Wilkinson would need to further discuss who the appropriate applicant is where the premises is being leased to another party and are not for use by the specific applicant. He stated that is not a reason to hold up this application any further.

Mr. Shreckhise stated that the letter from the adjacent property owner's main concern is that this does not look like a junkyard. He stated that the applicant has the place looking neat right now. He stated that the operating condition recommended by staff has the site being monitored quarterly to make sure the site stays in compliance.

Mr. Wilkinson stated that Mr. Sours had requested eight (8) employees and the Health Department did approve eight (8) employees.

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

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**Pre-Condition:**

1. Obtain Building Inspection approval to add the office for the towing business and provide a copy of the Certificate of Occupancy to Community Development Department. This office cannot be occupied until Building Inspection has issued a Certificate of Occupancy.

**Operating Conditions:**

1. Increase parking area for vehicles waiting repair or pickup to twenty (20) spaces as shown between the building on the site plan, and the vehicles must have current license and inspection.
2. No junk vehicles or parts of vehicles be kept outside.
3. Six (6) RVs waiting repair or pickup can be parked in the spaces shown on the site plan, and they have current license and inspection.
4. Maximum of eight (8) RVs be stored in the storage area shown on the site plan and they must have current license or inspection.
5. Be allowed one (1) U-Haul displayed out front per site plan.
6. Increase maximum number of employees to eight (8).
7. Be allowed an office for towing business and a vehicle storage area between the two (2) smaller buildings at the southwest end of the property. All towed vehicles be kept only in the storage area between the buildings and a gate be installed with opaque materials and the gates be kept closed except during delivery or removal of vehicles.
8. Vehicle towing and storage business be for one (1) year and inspected quarterly, and renewed if kept in compliance with conditions.
9. Remaining stipulations of SUP#01-50 and SUP#04-33 remain in place.

Vice Chairman Callison seconded the motion, which carried unanimously.

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**AUBURN AND KARI LEACH - SPECIAL USE PERMIT**

A request by Auburn and Kari Leach, for a Special Use Permit to continue dog training and kennel operation and to increase the number of dogs on property owned by Betty L. and Wallace E. Wampler, located on the east side of Mill Creek Lane (Route 855), just south of the intersection of Mill Creek Lane (Route 855) and Howardsville Turnpike (Route 610) in the South River District. **TABLED FROM THE MARCH 1, 2007 MEETING**

Mr. Coyner moved that the request be brought forward.

Mr. Shreckhise seconded the motion, which carried unanimously.

Auburn and Kari Leach stated that they came before the Board because they had too many dogs. Mr. Leach stated that they narrowed down the number of dogs and they plan not to increase the amount of dogs they have. He stated that he ran his business with his heart and got too involved with the animals. He stated that they are not rescuing or boarding any more dogs. He stated that they put a six (6') foot high fence around the front of the kennel. He stated that he has done everything he could to make the neighbors happy. He stated that they remodeled the kennel to make it more dog friendly. He stated that they put new entrance gates on the front of the property. He stated that they are kept closed just in case a dog happens to run out. He stated that they changed their feeding schedule to during the day instead of in the evening. He stated that when people come home from work they will not hear the dogs barking. He stated that the dogs are outside at 8:00 a.m. and in the evening in by 5:00 p.m. He stated that he has hired older and more reliable staff. He stated that they clean the runs, stalls, and the yards daily. He stated that they had the dumpster removed. He stated that they have fifty (50) gallon trash cans for dog waste that can be rolled inside the kennel. He stated that he is down from thirty-eight (38) dogs to twenty-three (23) dogs. He stated that a couple dogs died but he did not put any asleep. He stated that he has eight (8) dogs that are over ten (10) years old. He stated that he has two (2) dogs that has cancer and one (1) dog only has three (3) legs. He stated that he has six (6) dogs that work for them. He stated that they do demos for protection, a stud for other people to breed with, and some are for sale. He also has six (6) training dogs. He stated that the Board visited the site today. He stated that he is being very strict with the employees and the work schedule. He stated that no dogs are to run outside the fences at all. He stated that he had a really bad year last year and he bounced back from the death of his father and his friend. He stated that everyone has had bad times. He apologized to the community. He stated that he would like to have his kennel always looking neat. He stated that he would like to construct more privacy fences along the main road. He stated that they have new siding for the main kennel coming. He stated that they are starting to replace the fencing. He stated that are

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putting a security system in and they would also like to plant better landscaping. He stated that the kennel is designed for dogs that need more room. He stated that all of the dogs are up on their shots and all of them have regular vet checks. He stated that they have several geriatric dogs that get their medicines and extra vet checks. He stated that any injuries that the dogs have are dealt with by him or his wife or brought to the vet. He stated that the dogs are on a very good diet. He stated that they have fire extinguishers, first aid kits, and surveillance cameras at the site. He stated that he wants to keep the neighbors happy.

Mr. Wilkinson stated that the applicant has changed their waste disposal storage.

Mr. Leach stated that they do not use the dumpster any more. He stated that all of the waste is kept in the kennel until it is ready to be disposed of.

Mr. Wilkinson asked how many dogs does the applicant have currently?

Mr. Leach stated that he has twenty-three (23) dogs currently. He stated that when they get over ten (10) years old you never know what will happen to them.

Ms. Brown stated that the applicant has done a wonderful job at the site. She stated that the site looks very good.

Mr. Coyner stated that he agrees.

Mrs. Leach stated that they put up a petition at Sherando Grocery for one (1) day. She handed the petition to the Board.

Mr. Wilkinson asked if the applicant got in touch with the highway department?

Mrs. Leach stated that the highway department has already sent the paperwork in to the County. She stated that they will have Animal Control come out to inspect the property. She asked if she should contact the highway department?

Mr. Wilkinson stated that they have not received anything from the highway department. He stated that the applicant should contact the highway department and the Board can include that in their motion.

Mr. Shreckhise asked if the applicant has all adult dogs?

Mr. Leach stated yes. He stated that they do not want to have any puppies.

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

Mr. Jeffery Obaugh, 709 Bull Run, Staunton, stated that he has helped out the Leaches. He stated that he feels he can take his kids to their property. He stated that he knows how well the applicant is with the dogs. He stated that they also make sure the dogs get enough exercise. He stated that he has three (3) kids and he is not afraid to walk on their property with his kids. He stated that he does not want his kids to be afraid of dogs.

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

Mr. Wayne Carver stated that he is an employee and friend of the Leaches. He stated that they have made all kinds of improvements. He stated that the dogs are well taken care of.

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

Mr. Robert Pendergraft, 78 Gra Mar Lane, Stuarts Draft, stated that the applicants are very good people. He stated that they love their animals and they are well taken care of. He stated that they have made a tremendous improvement in the last two (2) months. He stated that they made a diligent effort to comply with the Board's wishes. He stated that part of their problem initially is that they had too many dogs. He stated that they will try to find homes for dogs. He stated that they will try to keep the number of dogs down, but he would hope that the Board give them some cushion so that they can be in compliance. He stated that the Board should approve the request and allow them a permit with a few more dogs.

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

Ms. Betty Wampler stated that they have done a fantastic job to get everything in compliance and do what is best for the dogs and them.

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

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

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Vice Chairman Callison stated that the applicants have made a tremendous improvement with the property. He stated that he does agree that the applicant needs a little flexibility.

Mr. Shreckhise stated that staff's comments recommend twenty (20) dogs. He stated that the Board should increase the amount of dogs to twenty-five (25) which will allow the applicants some flexibility. He stated that staff also recommended some other conditions that included an inspection of the permit. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. Obtain VDOT approval and provide a copy to Community Development.
2. Provide a copy of an inspection of the new kennels by Animal Control.

**Operating Conditions:**

1. Maximum of twenty-five (25) adult dogs kept at this site at any time.
2. All dogs be confined within the 66' x 120' exercise area or in individual stalls at all times.
3. Site be kept neat and orderly.
4. No dogs allowed running at large at any time.
5. Permit be issued for one (1) year and inspected quarterly for compliance of all conditions. Board will review permit at the end of one (1) year to consider continuation of the permit.

Ms. Brown seconded the motion, which carried unanimously.

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**MICKEY BRITT, AGENT FOR AUGUSTA UTILITIES, LLC - SPECIAL USE PERMIT**

A request by Mickey Britt, agent for Augusta Utilities, LLC, for a Special Use Permit to have outdoor storage of equipment and materials on property it owns, located at the southern quadrant of the intersection of Earhart Lane (Route 1916) and the Shenandoah Valley Railway Tracks in the North River District. **TABLED FROM THE SEPTEMBER 7, 2006 MEETING**



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Mr. Coyner moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Mr. Wilkinson stated that staff has received a letter and has personally contacted Ms. Britt. He stated that the applicant has had a site plan approved and next week the contractor is supposed to start construction of the building. He stated that their letter asks that the Board give them a sixty (60) day extension on the tabling to make sure that the building is diligently underway and at that time they may withdraw the request. He stated that the applicant would like to leave the permit active to make sure the building is well under way.

Mr. Shreckhise moved that the request be tabled to the July 5, 2007 meeting.

Mr. Coyner seconded the motion, which carried unanimously.

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**CURTIS E. OR BEVERLEY J. REED - ONE YEAR EXTENSION OF TIME REQUEST**

A request by Curtis E. or Beverley J. Reed, for a Special Use Permit to construct a garage to operate a commercial cleaning business on property they own, located on the north side of Parkersburg Turnpike (Route 254), just west of the intersection of Parkersburg Turnpike (Route 254) and Ol-Country Lane in the Pastures District.

Mr. Curtis Reed stated that he would like to have another one (1) year Extension of Time. He stated that he has had the footers dug. He stated that the reason it did not get done was because of marital problems last year. He stated that his brother and his friends are helping him.

Mr. Wilkinson stated that staff has gone by this property a number of times and the property is kept neat and orderly.

Mr. Coyner moved that the one (1) year Extension of Time be granted.

Vice Chairman Callison seconded the motion, which carried unanimously.

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**KYLE OLSON, AGENT FOR RUTHERFORD CONSTRUCTION - CONSIDER LANDSCAPE PLAN**

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A request by Kyle Olson, agent for Rutherford Construction, for a Special Use Permit to have outdoor storage of portable storage containers and motor vehicles on property owned by Staunton Self Storage, LLC, located on the east side of Lee Highway (Route 11), just north of the intersection of Lee Highway (Route 11) and Shaner Lane in the Beverley Manor District.

Mr. Wilkinson stated that this request is to consider the landscape plan which is one of the pre-conditions of the Special Use Permit. He stated that the proposal is included in the Board's packet. He stated that the applicant is proposing twenty (20') foot center Leyland Cypress trees in a three (3) gallon container.

Ms. Brown asked how tall would they be?

Mr. Kyle Olson stated that they do grow three (3') feet to five (5') feet a year. He stated that they get rather big in a short period of time.

Mr. Coyner asked if the picture presented to the Board would be on twenty (20') foot center?

Mr. Olson stated that he is unsure because he took the picture off of the internet.

Chairman Swortzel stated that it looks like they are planted four (4') feet or five (5') feet on center.

Mr. Shreckhise asked if there is any standard for the screening?

Mr. Wilkinson stated that they normally address this type of screening for cell phone towers. He stated that the Board in the past has consistently required trees to be planted ten (10') foot on center with a minimum of six (6') foot high trees. He stated that some people have used white pine and in the past couple of years they have gone to the Leyland Cypress. He stated that a three (3) gallon seems like it would only be three (3') feet or four (4') feet high. He stated that a seven (7) gallon size would give a five (5') feet or six (6') feet tree which is what the County is used to seeing.

Mr. Coyner asked who indicates that the twenty (20') foot on center would work out properly?

Mr. Olson stated that when they grow out they become twenty (20') feet wide. He stated that he can reduce the centers if the Board likes.

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Mr. Shreckhise stated that the County needs to have consistency in what the Board requires from this applicant as they did with others. He stated that he does not see any problem with the white pines or Leyland Cypress. He stated that the size and spacing requirements need to be the same for everyone.

Mr. Wilkinson stated that they have consistently used a ten (10') foot on center and a six (6') foot high tree. He stated that originally they have always used white pine but someone recommended the Leyland Cypress because they were sturdier.

Mr. Shreckhise stated that the Board should be consistent with what was done over the years. He stated that instead of saying white pine the Board may want to state six (6') foot high evergreens, that way the applicant can have cedars or Leyland Cypress. He stated that six (6') feet would provide adequate screening.

Mr. Wilkinson stated that the County has had experience with folks having planted a three (3') foot tall white pine and five (5) years later there were still no screening.

Mr. Olson stated that is why he chose the Leyland Cypress. He stated that they can buy a small tree and they do grow faster. He stated that the front screening on Route 11 they would have the Juniper shrubs.

Mr. Coyner stated that it should be closer than twenty (20') feet on center. He moved that the plan be approved with the following modification:

- A revised plan be submitted to Community Development that shows the Leyland Cypress trees shall be a minimum of six (6') foot high and planted ten (10') foot on center.

Ms. Brown seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 06-37 Brown, Charles W.
- 06-38 Botkin, Christopher A. or Suzanne J.
- 06-39 Rosenthal, Ronald L. or Susan P.

Mr. Wilkinson stated that SUP#06-37 is in compliance. He stated that SUP#06-38 for Mr. and Mrs. Botkin have not completed their garage but it is almost finished. He stated that there was no equipment outside. He stated that SUP#06-39 has not submitted a

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site plan for the business. He stated that they sent them a letter reminding them that the Board requested a site plan.

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Mr. Rosenberg passed out the court case report. He stated that they have not been moving very quickly in filing some of these new cases due to workload in the office. He stated that there was an enforcement action with Perry Mace. He stated that Mr. Mace failed to meet the April 9<sup>th</sup> deadline. He stated that Mr. Wilkinson made arrangements with a demolition contractor to go to the property to bring the accessory structure into compliance. He stated that Mr. Mace took matters into his own hands and under the observation of Tom Bailey took care of the demolition himself. He stated that the accessory structure is now in compliance. He stated that they hope to file cases on some of the other matters over the course of the next month.

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

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Chairman

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Secretary