

October 4, 2007

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. K. Shiflett, Zoning Technician I

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 4, 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:

- **Tom Snyder, agent for Blossman Propane Gas & Appliance - Special Use Permit and Variance**
- **Laura Pittkin, agent for Kilbride International Leasing - Special Use Permit**
- **Inspection of a Special Use Permit for Bruce F. Cash**
- **Kyle N. or Kim H. Brydge - Special Use Permit**
- **Lewis A. Gray - Variance**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Chairman

Secretary

October 4, 2007

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. Cardelicchio-Weber, Administrative Secretary

Absent: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 4, 2007, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Coyner moved that the minutes from the September 6, 2007 meeting be approved.

Vice Chairman Callison seconded the motion, which carried unanimously.

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KATHLEEN OR RUDY MULLINS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kathleen or Rudy Mullins, for a Special Use Permit to have a construction business on property owned by Thomas R. or Glenda J. Warren, Co-Trustees, located on the south side of George Home Road (Route 796), just west of the intersection of George Home Road (Route 796) and Rockfish Road (Route 865) in the Wayne District.

Mr. Wilkinson stated that this request has been withdrawn from the agenda.

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October 4, 2007

JOSHUA A. BISER OR LAURIE A. SIPE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Joshua A. Biser or Laurie A. Sipe, for a Special Use Permit to have a catering business on property owned by Virginia M. Engleman, located on the south side of Stuarts Draft Highway (Route 340), just east of the intersection of Stuarts Draft Highway (Route 340) and Crummett Lane in the South River District.

Mr. Joshua Biser stated that he is applying for a Special Use Permit for a catering business in Stuarts Draft. He stated that Ms. Engleman is in contact with Barry Lotts on doing a preliminary staff report on changing the property to business as well as tying into the County sewer. He stated that an easement is required by the neighboring property owner and a meeting is already setup with him and Mr. Hamilton in the Service Authority. He stated that the Health Department viewed the site and they have no issues. He stated that VDOT has given their approval on this request.

Ms. Brown asked what type of catering will be done?

Mr. Biser stated that this will be a delivery business.

Mr. Wilkinson asked if the applicant would have any employees?

Mr. Biser stated that his wife will help him cook and deliver. He stated that most of the time the cooking will be done offsite.

Ms. Brown asked if he would be catering for businesses or personal use?

Mr. Biser stated both.

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 there have been all types of businesses on this property over the years.

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

Pre-Conditions:

1. Property must be hooked to the public sewer.

October 4, 2007

2. The operator to obtain a Health Department food permit and provide a copy to the Community Development Department.

Operating Conditions:

1. Site be kept neat and orderly.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Mr. Shreckhise seconded the motion, which carried unanimously.

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LAURA PITTKIN, AGENT FOR KILBRIDE INTERNATIONAL LEASING - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Laura Pittkin, agent for Kilbride International Leasing, for a Special Use Permit to have a haunted walking trail on property it owns, located in the northern quadrant of the intersection of Greenville School Road (Route 662) and Penmerryl Drive in the Riverheads District.

Ms. Laura Pittkin stated that she is applying for a Special Use Permit to have a haunted walking trail for Halloween and a hayride. She stated that she would have the events two weekends before Halloween and on Halloween night.

Mr. Wilkinson asked if she would have staff helping her?

Ms. Pittkin stated that she will have family helping her and employees that work on the farm and various friends that wanted to help out.

Mr. Coyner asked if pedestrians would be walking or riding horses?

Ms. Pittkin stated that they will be walking on foot.

Ms. Brown asked if they will provide flashlights?

Ms. Pittkin stated that the guides will have flashlights.

Mr. Coyner asked how will the public know about this event?

October 4, 2007

Ms. Pittkin stated that they will have flyers and the SPCA is advertising the event.

Mr. Shreckhise stated that the hours that are being recommended are 8:00 p.m. to midnight. He asked if those hours would be sufficient?

Ms. Pittkin stated yes.

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 the Board visited the site today. He stated that this sounds like it would be a fun event.

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

Pre-Condition:

1. Obtain Health Department approval for a temporary food permit and provide a copy to Community Development.

Operating Conditions:

1. Applicant to provide port-johns during the haunted trail events as directed by the Health Department.
2. Be limited to events only during the two (2) weekends prior to Halloween and on Halloween night.
3. Hours be 8:00 P.M. until midnight.
4. Site be kept neat and orderly.

Vice Chairman Callison seconded the motion, which carried unanimously.

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October 4, 2007

SHIRLEY M. RODEFFER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Shirley M. Rodeffer, for a Special Use Permit to have a residential care facility on property she owns, located on the west side of Keezletown Road (Route 750), just north of the intersection of Keezletown Road (Route 750) and Franklin Street in the Middle River District.

Ms. Shirley Rodeffer stated that she is an LPN nurse and she has been working with the elderly for quite some time. She stated that she is asking for a Special Use Permit to take care of the elderly in her home. She stated that she has a facility large enough to accommodate up to three (3) adults. She stated that most of the time she would take care of two (2) adults. She stated that she has three (3) existing bedrooms and a den/bedroom for clients in her house. She stated that she is permitted three (3) without requiring a state license.

Mr. Coyner asked if the applicant will have help taking care of the elderly?

Ms. Rodeffer stated that she will have other nurses who are CNA that will give her relief and help her out.

Ms. Brown asked how able body will the clients be?

Ms. Rodeffer stated that she would have residents that are capable of walking with a walker because she would like to provide some outings. She stated that she will like to have a more personal touch with the elderly.

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 it is nice to have an open home for the aging to go to with personal attention. He stated that there is a need for this type of business.

Mr. Coyner stated that this is a wonderful service to the community. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

October 4, 2007

Operating Conditions:

1. Be limited to a maximum of three (3) clients in the facility.
2. Site be kept neat and orderly.

Vice Chairman Callison seconded the motion, which carried unanimously.

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KYLE N. OR KIM H. BRYDGE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kyle N. or Kim H. Brydge, for a Special Use Permit to increase the number of dogs in the existing kennel on property they own, located on the east side of China Clay Road (Route 634), just south of the intersection of China Clay Road (Route 634) and Woodbrook Hill Lane in the South River District.

Mr. Kyle Brydge stated that he would like to increase the number of dogs for his kennel. He stated that he had a friend that came down with an illness and he ended up with a number of her dogs. He stated that Animal Control counted ninety (90) dogs but he has one hundred sixty (160) currently. He stated that if her health would get too bad and if she could not handle dog breeding anymore, he would need to take on the rest of his friend's dogs. He stated that he has two (2) veterinarian consultants that he deals with. He stated that he would like to put a privacy fence up on certain parts of the property.

Chairman Swortzel asked what the applicant is permitted under his current permit?

Mr. Brydge stated seventy-five (75) adult dogs. He stated that now he has one hundred sixty (160) and most of them are still under the six (6) months of age.

Chairman Swortzel asked what number do you want to increase the kennel to?

Mr. Brydge stated that he is asking for two hundred fifty (250) dogs.

Mr. Coyner stated that the applicant would like to have two hundred fifty (250) adult dogs.

Ms. Brown asked how would the applicant exercise that many dogs?

Mr. Brydge stated that the State Veterinarian stated that the dogs are adequate and are kept in good condition. He stated that they are hyper dogs so he does not need to exercise them that much.

October 4, 2007

Mr. Coyner asked if the dogs always stay in the kennel?

Mr. Brydge stated yes except when they are getting groomed. He stated that the Great Danes and the Mastiffs do not require exercise.

Ms. Brown asked how long does it take the applicant to take care of all of the dogs?

Mr. Brydge stated that he starts at 6:00 a.m. with giving the dogs water and checking for feed. He stated that he goes to work and when he gets home around 3:00 p.m. he cleans out the kennels. He stated that he used to clean the kennel every three (3) days but now he tries to clean the kennels every other day. He stated that if he is allowed to keep the other dogs, he will stay home with the dogs full-time. He stated that his wife, daughter, and son also help him with the kennel. He stated that right now he takes care of the dogs while working a full-time job.

Chairman Swortzel asked what is being done with the waste?

Mr. Brydge stated that he puts the waste in the dog food bags and brings the bags to the landfill.

Mr. Coyner asked if any of the dogs have gotten out when the kennels are being cleaned?

Mr. Brydge stated that if a dog happens to get out, they come right to him when they are called. He stated that if the dogs get out, they will come to the front door of the house.

Mr. Coyner stated that there was quite a commotion today when the Board visited the site.

Mr. Brydge stated that the dogs only bark for a reason. He stated that they saw the van and they started to bark.

Ms. Brown asked if the dogs get excited when the applicant goes outside?

Mr. Brydge stated that they get excited and then they will bark for a little bit.

Mr. Coyner stated that the dogs were barking the entire time the Board was at the site today.

Mr. Brydge stated that they calmed down the day Animal Control was there. He stated that they bark when strangers come around.

October 4, 2007

Ms. Brown asked what the applicant was planning on doing with the trailer?

Mr. Brydge stated that he planned on keeping the little dogs in the trailer.

Mr. Rosenberg stated that the staff report lists three hundred (300) dogs.

Mr. Brydge stated that would be the highest amount of dogs that he would have. He stated that he would need a minimum of two hundred forty (240) dogs.

Ms. Brown asked how old are the children that help out with the kennels?

Mr. Brydge stated twelve (12) and eighteen (18).

Ms. Brown asked how long is a dog and a puppy kept at the site?

Mr. Brydge stated that 90% of the puppies are sold even before they are weaned. He stated that the adult dogs are sold when they are about six (6) years old after they are done breeding them. He stated that sometimes the special ones stay on the property the entire time. He stated that the adults are not sold, they are given away.

Mr. Coyner asked if the dogs are delivered or picked up by his clients?

Mr. Brydge stated that the customer picks up the English Mastiffs. He stated that the customer is interviewed and he will choose if they get to buy the dogs. He stated that the majority of the dogs are sold to the broker because he cannot sell to the pet stores because he will need a USDA license.

Ms. Brown asked if all of the bigger dogs are kept together in the kennel?

Mr. Brydge stated that he has two Mastiffs and they are in 20 x 10 kennel and the Great Danes are mostly in the 30 x 10 kennels.

Mr. Coyner asked if the mature dogs are in their own cage or run?

Mr. Brydge stated that there are two (2) to three (3) dogs in a kennel. He stated that he keeps one (1) male to a couple females. He stated that the kennels are separated by sex of the dog.

Mr. Coyner asked how often would the applicant breed the dogs?

October 4, 2007

Mr. Brydge stated that he breeds a dog one time a year. He stated that he needs to skip a heat cycle. He stated that puppies are born year-round. He stated that the puppies are sold well before they are ready to leave his property.

Ms. Brown asked how many puppies does the applicant have overall at any one time?

Mr. Brydge stated the he also has another location that the puppies are whelped at. He stated that the most he has ever had was sixty (60) puppies.

Ms. Brown asked if the other location is at a home?

Mr. Brydge stated that he has a partner in Staunton and they are kept at his house.

Mr. Wilkinson stated that if the applicant is granted the permit with three hundred (300) dogs, he could possibly have at least five hundred (500) to six hundred (600) dogs total with the puppies.

Mr. Brydge stated that he is counting the puppies in the total dogs of one hundred sixty (160). He stated that he does not go by the age of the dog.

Mr. Wilkinson stated that once a dog gets to be six (6) months of age, the applicant will double what their permit allows them to keep.

Mr. Coyner asked if any of the neighbors have complained?

Mr. Brydge stated no one has called. He stated that at the driveway the little dogs can barely be heard. He stated that sometimes the large dogs can be heard but the privacy fence should take care of any noise. He stated that he is in the middle of seventeen (17) acres.

Ms. Brown asked how are the dogs kept warm in the winter?

Mr. Brydge stated that they each have plastic containers and blankets in their kennel. He stated that the dogs get a flap over the doors. He stated that the dogs that need heat get heat sources.

Ms. Brown stated that she noticed that some of the kennels have wood floors and some have dirt floors.

Mr. Brydge stated the floors are mulch. He stated that it gets changed every two (2) weeks.

October 4, 2007

Ms. Brown asked how often are the dogs taken to the vet?

Mr. Brydge stated that the veterinarian comes twice a year to administer the rabies vaccination. He stated that he can call Dr. Bowman if he needs him. He stated that the dogs go to the veterinarian whenever needed. He stated that he administers some of the other shots himself.

Ms. Brown asked if the applicant had up to date paperwork on the dogs?

Mr. Brydge stated yes.

Mr. Coyner asked if the dogs are AKC registered?

Mr. Brydge stated that some are CKC registered but majority of the dogs are all AKC registered.

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

Christopher and Michelle Painter, 504 China Clay Road, Stuarts Draft, stated that they own the property to the right.

Mr. Coyner asked if they own the house in the woods?

Mr. Painter stated yes. He stated that they are concerned with the increase in noise. He stated that the smaller dogs tend to be noisier than larger dogs. He stated that the permit would not limit him to just small dogs. He stated that they have three (3) young children. He stated that a dog could get out and bite his child. He stated that they can hear the dogs barking when they go outside. He stated that when he starts his truck, he can hear dogs barking.

Mrs. Painter stated that she believes that Mr. Brydge cares for the dogs. She stated that she does not want the noise to exceed what it is now.

Mr. Coyner asked if they lived at the site?

Mrs. Painter stated that they have been there since July. She stated that they inherited the land and remodeled the house.

Vice Chairman Callison asked if they have experienced the dogs running loose?

Mrs. Painter stated no.

October 4, 2007

Chairman Swortzel asked if the dogs bark endlessly?

Mrs. Painter stated that sometimes the dogs bark for a short time and sometimes they bark for awhile. She stated that if the applicant would be allowed to keep more than what they currently have the barking will be even worse.

Mr. Coyner asked if the dogs bark in the middle of the night?

Mrs. Painter stated that the distance is not an overbearing noise as long as the windows are shut. She stated that they cannot go to sleep with the windows open. She stated that they do come in at 10:00 p.m. and they can hear the dogs barking. She stated that more dogs will increase the noise and make it louder than what it is currently. She stated that when one dog barks they all will bark.

Mr. Painter stated that their bedroom is on the back side of the house. He stated that all three (3) bedrooms are on the front side of the house. He stated that they cannot keep their windows open in the spring.

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. Brydge would like to speak in rebuttal?

Mr. Brydge stated that he wants to be respectful of his neighbors and that is why he would like to put up the privacy fence. He stated that the small dogs sound louder but their noise does not carry as much as the larger dogs. He stated that he has five (5) grandchildren and he would not own a mean dog. He stated that none of his grandchildren are over four (4) years old. He stated that he does sleep with the windows open. He stated that he believes the solid corrugated metal privacy fence will decrease the noise from the dogs.

Chairman Swortzel declared the public hearing closed. He stated that the neighbors are concerned because the applicant does have a number of dogs. He stated that there are a lot of dogs on the property.

Mr. Coyner stated that if the applicant has two hundred fifty (250) dogs and each one has one (1) or two (2) puppies, there will be a lot of dogs at the site. He stated that the applicant takes good care of his animals but the number of dogs that the applicant is requesting would cause a great deal of commotion.

October 4, 2007

Mr. Shreckhise stated that it is not fair to the neighbors to allow more dogs at the site. He stated that there will be more residential development in that area.

Chairman Swortzel stated that the Board saw at least one hundred sixty (160) dogs.

Mr. Wilkinson stated that the original permit allowed seventy-five (75) adult dogs. He stated that under that permit they do not regulate how many puppies could be onsite. He stated that once the dogs hit six (6) months of age, the applicant is permitted only seventy-five (75) dogs under the current permit.

Chairman Swortzel stated that if the applicant has one hundred fifty (150) adult dogs, they could end up having at least three hundred (300) total dogs at the site.

Mr. Rosenberg asked how many adult dogs (over six months) are on the site today?

Mr. Brydge stated one hundred six (106) adult dogs.

Mr. Coyner stated that he is concerned that the applicant has not been able to adhere to the limits that are in place already.

Ms. Brown asked if something were to happen to the applicant, where would the dogs go?

Mr. Brydge stated that his wife and kids would take care of the dogs.

Mr. Wilkinson stated that if he exceeds the limit on the permit the applicant would be in violation and if it is not quickly reduced the applicant risks losing the entire permit.

Chairman Swortzel stated that one hundred fifty (150) dogs are a lot of dogs.

Mr. Coyner asked was there any thought to putting these animals in a structure so that the neighbors could not hear them barking?

Mr. Brydge stated that if he were to do that the dogs will get cramped up and not be able to get any fresh air. He stated that if he hears the dogs barking he does go outside to see what is going on.

Mr. Coyner asked how long has the applicant had his friend's dogs at the site?

Mr. Brydge stated that he started taking in her dogs in February.

October 4, 2007

Mr. Shreckhise stated that he feels the Board should not give the applicant any more dogs. He stated that maybe the Board should grant the applicant the one hundred six (106) dogs because that is what he has currently instead of the seventy-five (75) adult dogs.

Mr. Coyner stated that the Board may want to make the permit conditional to a year. He stated that the bottom line is that the applicant needs to adhere to the conditions of the permit.

Mr. Wilkinson asked if the Board would propose a total number of dogs?

Mr. Shreckhise stated that there was not a limitation on the previous permit for the total number of dogs.

Vice Chairman Callison stated that he admires Mr. Brydge for being able to care for that many dogs. He stated that the neighbors are very tolerant of Mr. Brydge. He stated that the neighbors knew the dogs were there when they remodeled the home.

Mr. Coyner stated that the fence should be put up within ninety (90) days.

Mr. Brydge stated that he will put a privacy fence at the end of the large dog kennel to extend to the corner of the house straight to the woods.

Mr. Wilkinson asked if he would have a seven (7') foot high fence?

Mr. Brydge stated that it could be as low as six (6') feet.

Mr. Rosenberg stated that the applicant needs to take the copy of the site sketch and mark up where the privacy fence will be so that it can be kept as part of the record in his Special Use Permit file.

Chairman Swortzel asked Mr. Brydge to draw the privacy fence on the site sketch.

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

Pre-Conditions:

1. Applicant provide an updated BZA sketch plan showing the location of all kennels.
2. A six (6') foot minimum height privacy fence be installed within ninety (90) days.

October 4, 2007

Operating Conditions:

1. Be limited to a **maximum of one hundred six (106) adult dogs**.
2. Kennel be inspected by Animal Control every six (6) months.
3. All other operating conditions of Special Use Permit #05-66 remain in effect.
4. Permit be reviewed in a year and renewed if all of the conditions are met.

Mr. Coyner seconded the motion, which carried unanimously.

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TOM SNYDER, AGENT FOR BLOSSMAN PROPANE GAS & APPLIANCE - SPECIAL USE PERMIT AND VARIANCE

This being the date and time advertised to consider a request by Tom Snyder, agent for Blossman Propane Gas & Appliance, for a Special Use Permit to have bulk storage of propane and a request for a Variance from the required one hundred (100') foot setback from all property lines on property owned by Gerald D. and Deborah J. Dhayer c/o Eddie's Tire, located on the north side of Expo Road (Route 935), approximately .1 of a mile east of the intersection of Expo Road (Route 935) and Construction Lane in the Beverley Manor District.

Mr. Tom Snyder stated that he is the Branch Manger for Blossman at the Staunton location. He stated that he has been at Blossman for five (5) years and in the propane industry for twenty-eight (28) years. He stated that he has built plants in Augusta County in the past. He stated that the reason that they are interested in this facility because they can have their retail and bulk storage at the property and it is zoned already. He stated that they have made an effort to locate properties in Augusta County for this purpose but it is hard to find industrial property so they can have both the retail and propane storage. He stated that there are industrial parks but most of them will not allow propane storage in the park. He stated that when they install the bulk plants they use the liquefied petroleum gas code for the storage and they require a fifty (50') foot setback from property lines and buildings. He stated that VDOT indicated they have no additional setbacks. He stated that they also do fire analysis for any bulk storage plant which is approved by the State Fire Marshall and they distribute them to the local fire departments that will respond to that area. He stated that they also do a start-up training for local fire departments showing them the valves and emergency shut downs and they also do an annual checklist for the fire departments. He stated that they feel that this Variance will not be a substantial detriment to the adjacent properties and the district will not be changed with

October 4, 2007

the granting of this Variance. He stated that he contacted all of the businesses on Expo Road and he has signed support from all but two companies. He stated that UPS had to send it to their home office so he has not heard back from them. He stated that no one was against them doing this type of operation at this site.

Ms. Brown asked if the businesses are all in the industrial park or across the road?

Mr. Snyder stated that they are all on Expo Road. He stated that there are twenty-two (22) businesses and he has twenty (20) signatures.

Ms. Brown stated that every year the applicant gets a checklist for the fire department.

Mr. Snyder stated that they do an annual checklist as far as training and updates. He stated that they send letters to the surrounding fire departments stating the date of the training.

Mr. Coyner asked what percentage of business would be the retail end of the business?

Mr. Snyder stated that the walk-in sale would be approximately 30%. He stated that most of the business is the bulk part of the business.

Mr. Coyner asked if they furnish propane for home usage?

Mr. Snyder stated home, commercial, and industrial uses.

Mr. Coyner stated that the applicant will have trucks coming out of the site every day.

Chairman Swortzel asked if they are operating in this area currently?

Mr. Snyder stated that they have an office in Staunton. He stated that the bulk facility is hauled out from Gordonsville or Troutville.

Ms. Brown asked how long has the business been in this area?

Mr. Snyder stated that Blossman has been around for three (3) years.

Ms. Brown asked if there would be an office with a display at the site?

Mr. Snyder stated that is correct. He stated that they are proposing to remodel the building as well.

October 4, 2007

Chairman Swortzel stated that the applicant will have appliances and grills. He stated that they will have whatever goes with propane.

Mr. Coyner asked if the applicant tried to acquire more property to adhere to the setback?

Mr. Snyder stated that they have spoken with Mr. Shields and he has none available on the east side. He stated that Mr. Nethken stated that he would lease them the property he but did not want to sell the property.

Chairman Swortzel asked if there was other lots in that park that they could buy to meet the requirements?

Mr. Snyder stated that there are two (2) lots. He stated that one of the lots is an acre and it would not because of the power lines that run across the property. He stated that the other one he does not know what the size of the property is. He stated that the reason why they looked at this is because they already have a building already at the site that was in good shape which would only need some remodeling.

Ms. Brown stated that the applicant has not checked into the second lot to see if that would be available.

Mr. Snyder stated that they have not checked into the second lot. He stated that they have checked in Augusta County and around. He stated that either the value was out of line for them or the industrial park would not allow propane in them.

Ms. Brown asked if the applicant knew if the second lot is bigger than the lot that the applicant is looking at right now?

Mr. Snyder stated no.

Mr. Wilkinson stated that Ivy Ridge across the street has some industrial property.

Mr. Snyder stated that they have two (2) lots left. He stated that one of them is not deep enough even though it is four (4) acres they would not be able to meet the one hundred (100') foot setback. He stated that the other back property is four (4) acres but it has residential property on the backside which requires a thousand (1,000') foot setback so they would not be able to meet that requirement.

Mr. Wilkinson asked if the applicant has checked in the Weyers Cave industrial area?

Mr. Snyder stated that they want to stay within Augusta County. He stated that they would like to stay next to the interstate.

October 4, 2007

Mr. Wilkinson stated that there is industrial property at the exit in Weyers Cave adjacent to Interstate 81. He stated that the ordinance does require the one hundred (100') foot setback for this type of use on the property.

Chairman Swortzel stated that the County ordinance requires one hundred (100') feet and the gas line regulations require fifty (50') feet.

Mr. Wilkinson stated that the County is taking into consideration the health, safety, and welfare of the public for bulk storage of explosive materials.

Ms. Brown asked how much space is from the interstate to the fence line?

Mr. Wilkinson stated that is in the VDOT right of way. He stated that he is not sure how much that is. He stated that the applicant's setback would be from their right of way.

Mr. Coyner asked where is the lot here in town?

Mr. Snyder stated that they do not have a bulk facility in town. He stated that the retail facility is in the City of Staunton on Statler Boulevard.

Chairman Swortzel asked how many trucks would the applicant run out of there?

Mr. Snyder stated that currently they have two (2) trucks. He stated that one of those trucks is kept for emergencies.

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

Mr. Kenneth Nethken stated that he has the property west on Expo Road. He stated that he has known Mr. Snyder for twenty-eight (28) years. He stated that he has no problems with the tanks.

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 it does sound like there are some limitations on where he can and can't operate. He stated that he checked most of his options but maybe not all of them.

October 4, 2007

Mr. Coyner stated that an economic hardship is not a criteria for granting a Variance. He stated that the local leadership established the buffer zone for public safety. He stated that the population will be growing in this area. He moved that the Special Use Permit and Variance be denied.

Vice Chairman Callison seconded the motion, which carried unanimously.

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LEWIS A. GRAY - VARIANCE

This being the date and time advertised to consider a request by Lewis A. Gray, for a Variance from the lot area and lot width requirements in order to separate two existing dwellings on property he owns, located on the north side of Sandy Ridge Road (Route 621), just west of the intersection of Sandy Ridge Road (Route 621) and Hutchinson Lane in the Wayne District.

Mr. Lewis Gray stated that the reason why he wants this separated is so that his daughter and grandson will have a place to live when he is gone.

Chairman Swortzel stated that the main reason for this Variance is because the ordinance changed from the time the dwelling was put there and now it cannot be separated legally.

Mr. Coyner asked when the other dwelling was placed on the site?

Mr. Gray stated 1982.

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 dwellings were on the site prior to the ordinance change. He moved that the request be approved.

Ms. Brown seconded the motion, which carried unanimously.

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October 4, 2007

OLD BUSINESS**JOHN C. LEAVELL - SPECIAL USE PERMIT**

A request by John C. Leavell, for a Special Use Permit to construct a building for a machine shop on property he owns, located on the south side of Sanger's Lane (Route 794), just east of the intersection of Sanger's Lane (Route 794) and Balsley Road (Route 792) in the Beverley Manor District. - **TABLED FROM THE SEPTEMBER 6, 2007 MEETING**

Mr. Coyner moved to bring the item forward.

Mr. Shreckhise seconded the motion, which carried unanimously.

Chairman Swortzel stated that this item was tabled last month so that the applicant can workout some issues with the entrance to the property.

Mr. John Leavell stated that Bob Tait from VDOT came out to look at another spot for an entrance. He stated that Mr. Tait would send it through to have that entrance approved. He stated that he checked with Mr. Wilkinson to see if he received the approval of the entrance from VDOT yet. He stated that Mr. Wilkinson did not have the approval yet. He spoke with Mr. Tait and he went back again to the site with Mr. Sandridge. He stated that Mr. Sandridge had some concerns about some limbs that were in front of the adjacent property. He stated that Mr. Tait said that if the trees were removed, he would be almost confident that the entrance would work. He stated that he spoke with his neighbor and they were thinking about clearing that fence line out anyway. He stated that he is unsure if the Board can vote on this request today or table it until the limbs are taken care of.

Chairman Swortzel stated that the permit will not be issued until the state criteria is met.

Mr. Wilkinson stated that he spoke with Mr. Tait yesterday evening. He stated that they are not ready to give an official decision until the trees and brush are removed. He stated that they are not willing to give staff anything specific until they make sure they have sufficient site distance to give a commercial entrance to the site.

Mr. Coyner stated that it might be better off to table the request.

Mr. Wilkinson asked if thirty (30) days would be enough time to get the improvements done?

Mr. Leavell stated yes.

October 4, 2007

Mr. Shreckhise stated that the Health Department is limiting the employees and the Planning Commission stated that it is not compatible with neighborhood.

Mr. Coyner stated that the Board explained last month that if this were to be approved, future expansion is not an option.

Mr. Leavell stated that this building would serve his purpose for quite a few years. He stated that he had three (3) letters in support from his neighbors.

Mr. Wilkinson stated that the Health Department would permit three (3) people involved in the business with the existing drainfield.

Ms. Brown asked if the building would be visible from the road?

Mr. Leavell stated that the top part could possibly be visible.

Ms. Brown asked if the applicant is going to have a sign?

Mr. Leavell stated that he does not need a sign because he does not deal with the general public.

Mr. Coyner moved that the request be tabled until the November 1, 2007 meeting.

Ms. Brown seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

STEPHEN CAMPBELL - 60 DAY EXTENSION OF TIME REQUEST

A request by Stephen Campbell, for a Special Use Permit to have an investment office within an existing dwelling on property he owns, located on the north side of Jefferson Highway (Route 250), approximately .1 of a mile west of the intersection of Jefferson Highway (Route 250) and Maple Road in the Wayne District. - **60 DAY EXTENSION OF TIME REQUEST**

Mr. Wilkinson stated that the site plan has been submitted this week. He stated that the applicant is in diligent pursuit of the permit.

Mr. Coyner moved that the sixty (60) day Extension of Time be approved.

October 4, 2007

Ms. Brown seconded the motion, which carried unanimously.

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INSPECTION OF A SPECIAL USE PERMIT FOR BRUCE F. CASH

An inspection of a Special Use Permit for Bruce F. Cash to operate and expand a small engine repair shop, located on the southwest side of Cold Springs Road (Route 608), just southwest of the intersection of Cold Springs Road (Route 608) and Wilda Road (Route 652) in the Riverheads District. – REVIEW IN A YEAR

Mr. Wilkinson stated that the Board asked that they review the permit for Mr. Cash in a year. He stated that the Board visited the site today and the site is in compliance. He stated that staff will continue to monitor the site for compliance.

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STAFF REPORT

- 06-63 Ramsey, Mattie G.
- 06-64 Nesselrodt, Russell, Jr. or Velma R.
- 06-65 Giampieto, Frederick L. and Kathryn N.
- 06-66 Higgs, John R. and Shelby S.
- 06-67 Jimco, LLC – On Hold

Mr. Wilkinson stated that SUP#06-63 and SUP#06-64 are both in compliance. He stated that SUP#06-65 has not started building the dwelling but they have applied for their permit. He stated that construction is under way and the site plan has been approved for SUP#06-66.

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Mr. Rosenberg handed out the zoning report to the Board. He stated that they continue to move forward with the zoning cases. He stated that he has a set of complaints ready to file default judgment motions on and another set to file the initial complaints.

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

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Chairman

Secretary