

February 2, 2017

PRESENT: Thomas H. Byerly, Chairman
Steven F. Shreckhise, Vice Chairman
Daisy A. Brown
George A. Coyner, II
Justine D. Tilghman
Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 2, 2017, at 9:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **9:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

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

- **KRYSTAL CARR - SPECIAL USE PERMIT**
- **BARBARA PAINTER - SPECIAL USE PERMIT**
- **DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - EXTENSION OF TIME REQUEST**

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.

Chairman

Secretary

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Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 2, 2017, 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 January 5, 2017, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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KRYSTAL CARR - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Krystal Carr, for a Special Use Permit to operate a dog kennel and dog training facility on property owned by Michael Dan Martin, located at 1413 Shenandoah Mountain Drive, West Augusta in the North River District.

Ms. Krystal Carr stated she is requesting to have a Special Use Permit in order for her to operate a dog kennel in West Augusta on property Mr. Martin owns. He also owns the dogs that they will breed.

Mr. Coyner asked if she will breed and raise the puppies?

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Ms. Carr stated yes. She plans on breeding sport prospect and working German Shepherds. She stated the dogs will be used in police departments and sports dogs for people looking to start their own breeding program.

Mr. Coyner asked if the training is done at the site?

Ms. Carr stated they will train the dogs that are under six (6) months of age and any adult dog that needs refining.

Chairman Byerly asked how many make it through the temperament testing?

Ms. Carr stated 60%-70% are used for police training. She noted those dogs that are not suitable for training, are either sold or used as service dogs. She pays close attention to its attributes to see what they are good candidates for.

Mr. Coyner asked if she has had experience in this field?

Ms. Carr stated yes about fifteen (15) years' experience.

Mr. Coyner asked if the dogs will be kept inside the home?

Ms. Carr stated the dogs will not be outside unsupervised. She stated they will be either inside the home or inside the professional kennel. She stated the dogs are worth \$10,000 each. She noted the dogs are never alone. She said they will have to get a permit in order to get heat and air conditioning in the kennel. She has a five (5') foot no climb fence at the site. She said they are at the site 24 hours a day/7 days a week.

Ms. Brown asked how many kennels does the building hold?

Ms. Carr stated they have eight (8) kennels in there now but it can hold twenty-five (25).

Ms. Brown asked how many dogs would you like to have?

Ms. Carr stated she would like to have a total of twelve (12) dogs on the property. She has room for ten (10) dogs but she has two (2) personal dogs of her own.

Ms. Brown asked how many puppies does one (1) dog have?

Ms. Carr stated one (1) dog on average has six (6) to seven (7) puppies. She stated the puppies will leave the property at about eight (8) to nine (9) weeks of age.

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Chairman Byerly asked how many male dogs does the applicant have?

Ms. Carr stated she has two (2) males and five (5) female dogs.

Mr. Coyner asked how many litters a year are you planning on having?

Ms. Carr stated she only breeds each dog one (1) time a year. She would only have five (5) litters a year but sometimes it doesn't take.

Chairman Byerly asked how would the applicant market the service?

Ms. Carr stated through social media, website, and word of mouth.

Mr. Coyner asked if there is a demand?

Ms. Carr stated yes and because she has the dogs go through all of the proper testing for certain diseases and temperament they do have a high demand.

Chairman Byerly asked if the dogs compete amongst each other?

Ms. Carr stated yes.

Ms. Tilghman asked if the pregnant dogs will be kept inside the kennel?

Ms. Carr stated they will have two (2) whelping rooms with cameras, heat, and air conditioning.

Mr. Coyner stated the Board visited the property this morning. He noted there are no close neighbors nearby.

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

Mr. Samuel Clem, 1517 Shenandoah Mountain Drive, West Augusta, stated he is an adjacent neighbor and is glad to have them in the neighborhood. He asked about them being limited to ten (10) dogs.

Ms. Bunch stated those are staff's recommendations to the Board. She noted the Board can put any condition that they want on the permit. She said the applicant requested

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twenty (20) dogs but when Animal Control visited the site, they determined that ten (10) dogs would be adequate.

Mr. Clem asked about disposing of the manure?

Mr. Michael Martin, 2660 East Side Highway, Crimora, stated he is the owner of the land. He stated that he does not train the dogs but he loves them. He would like for Ms. Carr to get at least twelve (12) dogs. He noted she does a good job. He said the applicant is there at the site all day and night.

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

There being none, Chairman Byerly asked Ms. Carr to speak in rebuttal.

Ms. Carr stated she will scoop and dispose of the feces through a waste management company. She said their long term plan is for them to have a septic system designed to put the feces in.

Mr. Coyner stated the applicant seems to be knowledgeable. He does not have an issue with the applicant having twelve (12) working dogs and two (2) personal dogs at the site.

Ms. Carr stated that would be great.

Chairman Byerly asked if she plans on expanding?

Ms. Carr stated her focus is a selective breeding program. She stated her program is based on the amount of time she invests in her puppies because she wants to completely train the dogs well which increases the value of the dogs. She wants to produce quality dogs and be able to manage them.

Mr. Clem asked if the individual kennels are fenced in?

Ms. Carr stated yes. She stated the fenced kennels are inside the building and are 200' from the property line.

Chairman Byerly closed the public hearing.

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

Pre-Condition:

- 1. Install the non-climb horse fencing and electrical fencing within **sixty (60) days**.

Operating Conditions:

- 1. Be limited to fifteen (15) adult dogs onsite.
- 2. All dogs be confined within the 22' x 53' building or designated fenced area on the sketch plan unless under direct supervision of the owner.
- 3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
- 4. Animal Control inspect the site every **six (6) months**.
- 5. Permit be reviewed in a year and renewed if all of the conditions are met.

Ms. Brown seconded the motion, which carried unanimously.

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BARBARA PAINTER - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Barbara Painter, for a Special Use Permit to have a residential care facility on property owned by Country Estates Mobile Home Park, LLC, located at 299 Country Estates Boulevard, Crimora in the Middle River District.

Ms. Barbara Painter stated she would like to have private care in her home and provide one on one residential care. She would take care of her clients instead of them going to a nursing home. She deals with Valley Community Services Board on sponsor placement. She is only permitted to take two at a time. She loves to do this type of work and it has touched her heart.

Mr. Coyner stated there is a demand for this type of service.

Vice Chairman Shreckhise asked if she is operating more as an assisted living or nursing type facility?

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Ms. Painter stated she will take care of her clients 24/7 and operate more like an assisted living facility. She has taken a class in order to administer medication to her clients.

Chairman Byerly asked if she would transport her clients to doctor appointments?

Ms. Painter stated yes.

Ms. Tilghman asked if she will have clients that are bedridden?

Ms. Painter stated her clients will need to be able to pivot with some assistance. She will not accept anyone who is bedridden at this time. She noted that Valley Community Services Board will not allow her to have two (2) individuals that are completely bedridden.

Mr. Coyner asked if she has a backup if she became ill and needed some help?

Ms. Painter stated she does have people that can relieve her and are also trained with Valley Community Services Board. She has a copy of her license through Valley Community Services Board.

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

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

Ms. Tilghman stated this is a needed service. She stated the applicant should not be permitted to care for any more than two (2) patients at a time. She moved that the request be approved with the following conditions:

Pre-Condition:

1. Provide a copy of the license from Valley Community Services Board.

Operating Conditions:

1. Be limited to a maximum of four (4) people residing on premise.
2. Site be kept neat and orderly.
3. No employees.

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4. Applicant must reside on premises.
5. No more than two (2) patients at any one time.

Vice Chairman Shreckhise seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

DIRK GOLD, AGENT FOR GOLDWRENCH ENTERPRISES, LLC - EXTENSION OF TIME REQUEST

A request by Dirk Gold, agent for Goldwrench Enterprises, LLC, for a Special Use Permit to construct a larger fenced vehicle storage on property they own, located at 588 East Side Highway, Waynesboro in the Wayne District.

Mr. Dirk Gold stated he is requesting a one (1) year Extension of Time in order for him to get financing and plans ready to extend the building.

Chairman Byerly asked how large of an expansion are you proposing?

Mr. Gold stated he would like to have four (4) additional bays away from the road. He said once he does that, he can reduce the size of the front storage area. He stated business is good but they just need to work on the vehicles quicker.

Mr. Coyner asked what is in the fenced vehicle storage area?

Mr. Gold stated the fenced impound area is required. He noted they are wrecked vehicles. He has the licensed vehicles outside.

Mr. Coyner stated he noticed vehicles with Florida and Montana plates at the site.

Mr. Gold stated they service vehicles from all over. He stated some of his clients are employed doing long distance construction type work.

Mr. Coyner asked how long the vehicles stay in the impound lot?

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Mr. Gold stated vehicles with insurance they get paid right away but the others there is a dwell time of a couple of months. He stated the vehicles that do not have insurance, the owner usually abandons. He then will need to get the vehicles auctioned or scrapped and obtain titles from the Department of Motor Vehicle.

Mr. Coyner stated this is a time consuming process.

Mr. Gold stated it takes about four (4) months or more by the time he goes through the process.

Ms. Tilghman stated the applicant needs to hold the vehicle for a certain amount of days. She stated once the addition is built, the applicant should be able to reduce the size of the impound area.

Chairman Byerly asked if one (1) year is adequate?

Mr. Gold stated he wants to push himself to get this done before the year is up. He first needs to be sure that his finances get approved.

Mr. Coyner stated the property looks good in the back and it is good to see that your business is successful.

Mr. Coyner moved to approve the one (1) year Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

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RICK SHUFFIELD, AGENT FOR LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC. - EXTENSION OF TIME REQUEST

A request by Rick Shuffield, agent for Love's Travel Stops and Country Stores, Inc., for a Special Use Permit to have a travel plaza and truck stop, tire shop, convenience store, and restaurant on property owned by Augusta County Company, LLC, c/o Ramsey Enterprises, located on the north side of Pilot Truck Drive, in the northwest quadrant of the intersection of Pilot Truck Drive and Lee Jackson Highway (Route 11), in the Riverheads District.

Ms. Bunch stated Love's Travel Stops and Country Stores was approved for a Special Use Permit. She said they are working on their site plan submittal. She noted they have

submitted a portion of the site plan. She noted they are asking for a one (1) year Extension of Time.

Ms. Brown moved to approve the one (1) year Extension of Time.

Mr. Coyner seconded the motion, which carried unanimously.

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STAFF REPORT

- 16-12 Garland D. or Diane Coffey
- 16-13 David P. or Pamela D. Ramsey
- 16-14 George Anen, Sr. or Denise D. Campbell
- 16-15 Michael A. and Jennifer A. Barrett
- 16-16 Larry A. Skillman
- 16-17 Jeanette T. Gunther
- 16-18 Curtis E. Reed
- 16-19 Fishersville Realty, LLC

Ms. Bunch stated SUP#16-12, SUP#16-13, and SUP#16-14 are all in compliance. She noted the applicant is working on removing the vehicle for SUP#16-15. She stated the large storage container will be removed within thirty (30) days for SUP#16-16. She noted the building placed at the site is not part of Mr. Skillman’s Special Use Permit. She stated SUP#16-17 and SUP#16-18 are in compliance. She noted the crusher is not onsite yet for SUP#16-19. She said staff sent the applicant a letter notifying them that the permit will expire on April 7, 2017. She has not heard anything back from them yet.

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Mr. Benkahla discussed the court cases with the Board.

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

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Chairman

Secretary