

November 5, 2020

PRESENT: George A. Coyner, II, Chairman  
 Justine D. Tilghman, Vice Chair  
 Thomas W. Bailey  
 Daisy A. Brown  
 Thomas V. Thacker  
 James R. Benkahla, County Attorney  
 Sandra K. Bunch, Zoning Administrator and Secretary  
 John R. Wilkinson, Director of Community Development  
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 5, 2020 at 8:30 A.M., in the County Government Center, Verona, Virginia.

\*\*\*\*\*

The staff briefing was held at 8:30 a.m. in the Community Development 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:

- REBECCA F. OR MICHAEL C. BREEDING - SPECIAL USE PERMIT
- TIMOTHY D. OR TRACY L. CUPP - SPECIAL USE PERMIT
- DUANE WITMER - SPECIAL USE PERMIT
- PAUL S. OR JUNE C. TERRY - SPECIAL USE PERMIT
- GARY D. OR REGINA M. MILLER - SPECIAL USE PERMIT
- JOEP PATERNOSTRE - 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.

\*\*\*\*\*

  
 \_\_\_\_\_  
 Chairman

  
 \_\_\_\_\_  
 Secretary

November 5, 2020

PRESENT: George A. Coyner, II, Chairman  
Justine D. Tilghman, Vice Chair  
Thomas W. Bailey  
Daisy A. Brown  
Thomas V. Thacker  
James R. Benkahla, County Attorney  
Sandra K. Bunch, Zoning Administrator and Secretary  
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

\*\*\*\*\*

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, November 5, 2020, at 1:30 P.M., in the County Government Center, Verona, Virginia....

\*\*\*\*\*

**MINUTES**

Ms. Tilghman moved that the minutes from the October 1, 2020, meeting be approved.

Mr. Thacker seconded the motion, which carried unanimously.

\*\*\*\*\*

**REBECCA F. OR MICHAEL C. BREEDING - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Rebecca F. or Michael C. Breeding, for a Special Use Permit to have a contractor office with outdoor storage of business vehicles on property they own, located at 530 Barnhart Road, Fort Defiance in the Middle River District.

Ms. Rebecca Breeding stated she would like to be able to store the vehicles for the business on the property.

Chairman Coyner stated the Board visited the property this morning. He asked if they were in business at a different location?

November 5, 2020

Ms. Breeding stated yes. She stated she just moved and was told she needed the Special Use Permit.

Chairman Coyner asked if the equipment comes to the site every day or is it on the job?

Ms. Breeding stated the equipment will come to the site when it is not on a jobsite.

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

There being none, Chairman Coyner declared the public hearing closed. He said this is a well-cared for piece of property.

Ms. Tilghman stated they have actually been in business but moved. She stated the previous property was neat and clean and I would expect the same at this site. She moved to approve the request with the following conditions:

**Pre-Condition:**

- 1. Obtain a Building Permit for the change of use to the 40' x 60' building and provide a copy to Community Development.

**Operating Conditions:**

- 1. Be limited to two (2) pickup trucks and three (3) sixteen (16') foot trailers.
- 2. All business vehicles to be kept in the designated areas as shown on the site plan.
- 3. No employees or customers come to the site.
- 4. No junk or inoperable vehicles onsite.
- 5. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

\*\*\*\*\*

November 5, 2020

### **TIMOTHY D. OR TRACY L. CUPP - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Timothy D. or Tracy L. Cupp, for a Special Use Permit to construct a 40' x 40' building to store business vehicles and materials for the existing electrical contractor business on property they own, located at 279 Patterson Mill Road, Grottoes in the Middle River District.

Mr. Timothy Cupp stated he would like to construct a 40' x 40' garage, mainly to put vehicles in. He said they have had so much damage from squirrels. He stated he would like to have the building be big enough for about two (2) vehicles plus other stuff.

Chairman Coyner stated he is glad that the business is going well for you. He said the Board visited the site this morning.

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

There being none, Chairman Coyner declared the public hearing closed. He said this is a well-cared for piece of property and it is located in the woods.

Ms. Brown stated the applicant lives at the site and the business has been in existence since 1995 and the building is shielded by trees and not visible from the road. She moved to approve the request with the following conditions:

#### **Pre-Condition:**

1. Obtain all necessary Building Permits and submit a copy to Community Development.

#### **Operating Conditions:**

1. Be permitted to construct a 40' x 40' building for storage of materials and equipment for the electrical contractor business.
2. All existing structures currently used for the business be used for personal storage only.
3. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

November 5, 2020

- 4. Site be kept neat and orderly.
- 5. All operating conditions of SUP#00-18 remain in effect.

Mr. Bailey seconded the motion, which carried unanimously.

\*\*\*\*\*

**DUANE WITMER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Duane Witmer, for a Special Use Permit to have a concrete pumping business on property owned by Lester P. or Mary A. Witmer, located at 188 Coffman Road, Weyers Cave in the North River District.

Mr. Duane Witmer stated he is looking to have concrete pumping trucks at his dad's shop on Coffman Road.

Chairman Coyner asked if he would have the same type of activity?

Mr. Witmer stated yes.

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

There being none, Chairman Coyner declared the public hearing closed. He stated the Board visited the site this morning. He stated they already have an operation going on at the site and we have never had a complaint.

Ms. Tilghman stated the applicant is requesting to have a maximum of three (3) trucks and he would like to hire two (2) employees. She said there is a problem with the permit for the restrooms per Health Department comments.

Chairman Coyner stated the applicant will need to meet all Health Department requirements.

Ms. Tilghman stated they are not asking for employees now but it could be a problem in the future if the Health Department comments are not addressed.

November 5, 2020

Mr. Witmer stated they fixed the sewer. He said they are not hiring more employees right now.

Ms. Bunch stated we will need something from the Health Department before you start operating.

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

**Pre-Conditions:**

1. Submit a complete Erosion and Sediment Control Plan and Stormwater Management Plan to Community Development.
2. Obtain Health Department approval and provide a copy to Community Development.

**Operating Conditions:**

1. Be permitted to have three (3) trucks in the business.
2. All equipment, machinery, and materials for the business be kept inside the existing building used for the concrete pumping business.
3. Be limited to two (2) employees once Health Department approval is obtained.
4. No Sunday work.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
6. Site be kept neat and orderly.
7. No further expansion.

Ms. Brown seconded the motion, which carried unanimously.

\*\*\*\*\*

November 5, 2020

**KENNETH R. OR SHARON B. TROYER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Kenneth R. or Sharon B. Troyer, for a Special Use Permit to have retail sales of farm machinery and equipment on property they own, located at 66 Conner Road, Waynesboro in the South River District.

Mr. Kenneth Troyer stated he would like to sell farm machinery at the site. He said he is a farmer and he sells lots of produce. He said they have thousands of people that come in there during the summer but the winter is his slow time. He said he does his advertising at farm shows and sells there. He said he does not have an outside display, it is all inside. He said if someone wants to purchase something it is by appointment. He stated he is not looking to expand into things like tractors, skid loaders, or hay bales. He stated he will sell only special types of equipment that is unique.

Chairman Coyner asked if he operate with his present staff?

Mr. Troyer stated he does this himself. He stated he does have employees that help with the produce.

Ms. Tilghman asked if he plans on having a sign?

Mr. Troyer stated he has no intentions of having a sign. He goes to trade shows to sell.

Chairman Coyner asked if this is a major business for you?

Mr. Troyer stated no. He said it is a sideline thing and he has found out that he enjoys sales.

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

Mr. Gary Miller, 5 Lilly Farm Lane, Greenville, stated he has known Mr. Troyer for a while. He said he really approves of what he is doing. He said he runs his business very well.

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

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

November 5, 2020

Chairman Coyner stated this is a well-attended piece of property.

Ms. Tilghman moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to have retail sales of farm machinery and equipment.
2. All equipment, machinery, and materials for the business be kept inside the building as shown on the BZA sketch plan.
3. No employees other than family members.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.
6. Applicant must reside on premises.

Mr. Bailey seconded the motion, which carried unanimously.

\*\*\*\*\*

**PAUL S. OR JUNE C. TERRY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Paul S. or June C. Terry, for a Special Use Permit to construct an accessory building in the front yard on property they own, located at 42 McCray Lane, Churchville in the North River District.

Mr. Paul Terry stated he would like to build a 30' x 36' building with a lean to for personal use storage of equipment and vehicles.

Chairman Coyner stated the Board visited the site this morning. He said they noticed the clearing of trees at the site. He said this structure would blend in with the property without any problems.



November 5, 2020

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

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

Mr. Bailey stated the building is setback 288' from the road and it is a wooded lot. He moved to approve the request with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to build the 30' x 36' with the 9' x 36' attached lean to in the front yard as shown on the BZA sketch.
2. Applicant obtain all Building Permits and necessary inspections.
3. No junk or inoperable vehicles to be kept outside.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

\*\*\*\*\*

**GARY D. OR REGINA M. MILLER - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Gary D. or Regina M. Miller, for a Special Use Permit to have a dog kennel and breeding facility on property they own, located at 5 Lilly Farm Lane, Greenville in the Riverheads District.

Mr. Gary Miller stated he has two girls and two boys. He said they decided they would like to start a family business. He stated the kids love dogs and they thought we could give them something to do and teach them work ethics and responsibility as they grow up.

Chairman Coyner asked if you have done this type of business before?

November 5, 2020

Mr. Miller stated no.

Chairman Coyner asked if they would be AKC registered?

Mr. Miller stated yes.

Chairman Coyner asked if there is a certain criteria for being AKC registered?

Mr. Miller stated yes.

Chairman Coyner asked how long have you been in Augusta County?

Mr. Miller stated he has lived here all his life but he moved to this location about a month ago. He said they tried to do this at the place where they were living at previously, but the place was not big enough, and so we decided to move out to Raphine because this site is bigger, and we can abide by the guidelines for a kennel.

Chairman Coyner stated the Board saw the shed in the field today. He asked if that is where you anticipate operating from?

Mr. Miller stated yes.

Chairman Coyner stated there will be a large number of puppies in the litter.

Mr. Miller stated yes, there should be anywhere from eight (8) to ten (10) on average.

Chairman Coyner stated the Board noticed the proximity of some houses pretty close to where the shed is. He said with a concentration of adults dogs there will be noisy.

Mr. Miller stated he does not like barking dogs. He said they have come up with a system that if they bark too much there are some things out there that you can control the barking with. He said as of now, the dogs are very quiet. He knows that the neighbors would have a problem with barking dogs but we are willing to work on that.

Chairman Coyner asked if the dogs will be inside this building?

Mr. Miller stated yes at night. He stated during the daytime the dogs will be out running around in the fenced area.

November 5, 2020

Ms. Tilghman stated she saw at least one (1) dog out there. She asked do you have more right now?

Mr. Miller stated they have two (2) dogs now and one that is five (5) months old.

Chairman Coyner asked if you would intend to have two (2) litters per year?

Mr. Miller stated they will probably offset the litters. He said one time it would be twice a year and then the next one a year.

Chairman Coyner asked how do you market the dogs?

Mr. Miller stated there are all kinds of sites out there like Puppy Find, Craigslist, and Facebook.

Chairman Coyner stated with a kennel license there is a number of adult dogs that you can have. He said after four (4) months they are considered an adult. He said they would need to be sold prior to them being an adult.

Mr. Miller stated they are sold at eight (8) weeks old.

Ms. Tilghman asked if they have sold any before?

Mr. Miller stated yes. He said the kids loved it.

Chairman Coyner stated the applicant has a couple of dogs now. He asked if they plan to gradually go into it? He said they would not want to see a crowding of dogs at the site.

Mr. Miller stated they plan to gradually go into this and start with six (6) or seven (7) females and just see how it goes, he does not want to get too big, too quick because then you may not sell them that quick. He said they gradually want to get their name out there.

Chairman Coyner asked if the applicant spoke with the neighbors?

Mr. Miller stated yes and for most of the neighbors that he talked to, all actually are fine with it being approved.

November 5, 2020

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

Mr. Kenneth Troyer, 66 Conner Road, Waynesboro, stated he has known Gary Miller his whole life. He said he is a great guy and he will treat his animals correctly. He said if one gets sick, he will take care of it. He said any dogs barking can be an issue at times anywhere.

Ms. Sheri Laubach, 104 Lanchester Court, Waynesboro, stated she is the sixth congressional district volunteer with the Humane Society of the United States and on the Board of Directors for the Friends of Shenandoah Valley Animal Services Center (SVASC) which is the municipal shelter you guys help support. She said the County has a lot of good manufacturing facilities and unfortunately, puppy breeding is not a good manufacturing thing for our environment. She noted one of the things that Mr. Miller brought up was the fact that you can devalue the area through just the environment of the dogs barking. She said there is a lot of barking that would happen here and his own statement of the attempts to control this as we found with investigations from the Humane Society is that those do not always work. She said this is not something that he can actually control readily so if that is going to be a concern for that neighborhood then that is a big deal. She said this ends up devaluing the neighborhood in areas because this is a very expensive thing and he is talking about up to 225 puppies per year, and to maximize profits for that they are going to have to cut costs such as veterinary care and often they expand into wire cage confinement in the shed that he has proposed. She said it is not going to be a nice facility as he is probably trying to do. She noted it does not sound like he has done a lot of research on what this really does entail from a commercial prospect. She said the other thing that concerns her is from working with the Shenandoah Valley Animal Services Center is that our County is very overwhelmed right now and we have an over surplus of dogs in the area just from the local hunting dogs that are bred. She said if you look at any of our shelters between the SPCA and the SVASC is over flooded with pets. She said they also get pets from the local hunting dogs that are turned loose and let go but also from commercial breeders where people get the puppies because they do not want them anymore. She said some have either veterinary issues or medical issues from lack of veterinary care from the breeders not understanding that this is going to cost them a lot of money to take care of the dogs. She noted they end up at the shelters and then we as taxpayers are responsible for them. She said he does not even know how he is going to market them. She said he mentioned Craigslist but Craigslist is a perfect example of how dogs get out there for dog fighting and that sort of thing, it shows he has not done his research and those dogs are very likely the ones that end up in the shelter. She said

November 5, 2020

between those two things, along with the shelters being overrun she is asking the Board to vote no against his request for a commercial breeding facility.

Ms. Tilghman stated we received a stack of emails and letters but only twelve (12) are Augusta County residents. She said obviously there are people who breed dogs for a living, and I am sure that your organization does not say they are all bad.

Ms. Laubach stated that is correct.

Ms. Tilghman said if someone comes to you and says they want to start breeding, what steps should they take?

Ms. Laubach stated if someone is a reputable breeder that is one thing but this is someone who is talking about kids having the responsibility. She said he has not done research, probably does not know anything about the pedigree lines, who could easily fall into a genetics soup of craziness, because they do not know what they are breeding and they do not know how to keep the animals strictly segregated. She said these make to stock type facilities end up with a surplus of dogs because these puppies are only cute for a certain amount of time. She said he does not know how he is even going to market them. She asked what is he going to do when they have outgrown their profitability and then he will probably go dump him at the shelter or he would have to start selling them off cheaply. She said he is not even talking about improving the breed, he is talking about giving his kids, something to do and making money. She said even our hunters locally do a better job than that of making sure that they are creating a good line. She did not hear a word about creating a good Labrador Retriever line in any of what he said. She noted all she heard was profit and to give his kids responsibility.

Mr. Steve Morelli, 104 Fall Ridge Drive, Stuarts Draft, stated for example if he was going to start a kennel, which he does not plan on but if he came to you for guidance and said what would make a safe kennel operation and an ideal business. He asked if Ms. Laubach would be open to talking to the citizens on how you would like to see a breeder come in business.

Ms. Laubach stated if you are a reputable breeder and you are looking at improving a dog breed line and it is not just for a business, you would have done your research and you would know how to do that and you would have worked with the right people for that. She does not think that is the question here today. She said if you want to start a business and really have done no research, that will potentially overload this County's workload, as well as overpopulate our local shelters and that is what she is here about today. She stated those two things do not need to occur in this County.

November 5, 2020

Mr. Danny Link, 270 Newport Road, Mount Sidney, stated upon retirement he got into the dog rescue business and started volunteering at the SPCA. He said it is an emotional thing that he noticed a perfectly good dog that they just have no space for and then they have to make the choice to euthanize the dog in order to make space for other dogs that are coming in. He said it is a sad situation really and we have more dogs in this area than we can possibly find homes for and to add this gentleman's 200 and some more puppies to the equation. He said he guarantees they will end up in a shelter because people will go and buy these dogs from this gentleman and they are cute but then the dog grows up and the fact that the kids do not like them or lose interest in the dogs and then they become neglected and then get rid of the dogs. He said they will go to the shelter which helps to overpopulate the shelter. He said he heard him say three times that the reason he is doing this is for the kids that he wants to give the kids something to do and give them responsibility and make some money. He would encourage Mr. Miller to take the kids to the pound and let them volunteer there and they can play with all the puppies they want as well as the other dogs. He said he would encourage the Board to vote no on this proposal.

Mr. Susan Mansfield, 5077 East Timber Ridge, Mount Crawford, stated you already have a commercial dog breeder kennel here in town. She asked if the Board went inside the building. She said the dogs will live there 365 days a year and will never see the sunshine, never get held and get limited veterinary care. She said many places do not care. She said these dogs are not livestock, to be held in a kennel 24 hours a day/seven days a week. She said we do not need this in the County.

Ms. Beverly Giesecke, 41 Lilly Farm Lane, Raphine, stated they did not say anything to her about raising dogs. She said almost all her adult life she worked in dog rescue. She showed the Board a picture of a dog that is nowhere near the standard of the breed. She said this is her second surgery. She said dogs that are female dogs that are not spayed and repeatedly have puppies develop gland tumors and these can either be benign or malignant. She said when people do not try to keep the breed standard, the dogs have issues. She said with puppies from the puppy mills, many of the breeders did not have grass and the dogs were afraid to step in the grass and it would take us several days to get them out there on the grass instead of running right back to concrete. She likes him and his family but she opposes this.

Ms. Carol Adams from Deerfield stated she started a nonprofit called the Mosby Foundation and we help with non-routine veterinary care for dogs. She does not think this family has really given any of this much consideration at all. She said puppies need shots. She stated she does not know if they have checked into it or not, but by law, you cannot get rid of a puppy before eight (8) weeks. She said a lot of people will do it at

November 5, 2020

six (6) weeks. She stated that she does not know what these people plan on doing when they cannot sell 225 puppies a year. She stated if they put them on Craigslist, Craigslist is notorious for selling dogs or giving dogs away that do end up in dog fighting facilities. She said once these people cannot sell any of these dogs they are going to release them to the local pound and they are so overwhelmed right now with full grown dogs and puppies and the adoptable healthy dogs have to be put down to make room for new dogs. She asked each and every Board member to go to Lyndhurst and see what she is talking about. She said it is loud and overcrowded and it smells. She stated that they did not think this out. She said that she loves the idea of this being done for the children and they should take the children to the local pound and let them take care of those puppies and see what it is like. She said who is going to clean up all of the mess. She said how much do they plan on spending for food, what kind of food are they going to buy, how much money do they plan on spending on inoculations, are they going to go and see the place that these puppies go to, are they going to do a home inspection, or are they just going to turn the dog over to whoever wants one which could potentially end up as a bait dog. She said she is against the Board allowing this to happen.

Ms. Gina Zimmerman, 41 Lilly Farm Lane, Raphine, stated she has worked in dog rescue and volunteering in shelters. She said she has five kids and knows about raising kids and it is wonderful for kids to be responsible for animals but she agrees with working in a shelter and it is a kinder way to teach them. She said that there are approximately 10,000 breeding facilities in the United States now. She said many have not had proper veterinary care and the puppy dies. She said that she does not believe that breeding dogs is a benefit for our County or for this neighborhood. She said this is a beautiful family and she does not want to have bad relations with neighbors but she is 100% against a breeding facility based on the facts and based on her life experiences.

Ms. Becci Harmon, Morris Mill Road, Swoope, stated there were 74 dogs that were taken in for October. She said the pound does a fantastic job and she does volunteer there. She said she submitted an email to the Board.

Mr. Michael Giesecke, 41 Lilly Farm Lane, Raphine, stated a lot of the puppy mills will trade or auction off dogs and a lot of them are in very poor condition. He said when you get shots it becomes a very expensive operation to go and take care of these dogs and many dogs have poor nutrition with minimal vet care. He said many dogs get abandoned in the woods or street. He said millions of dogs have to be put down every year and this is not necessary. He said this is not a good idea.

November 5, 2020

Chairman Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Coyner asked the applicant to speak in rebuttal.

Mr. Miller stated this is not a puppy mill. He said they have done quite a bit of research talking to other people and other breeders that are breeding this particular breed. He said this particular breed is a breed that a lot of people are looking for. He said the litters that we found homes for, people are constantly asking us if we have more. He noted they want to make the breed better. He said that was one thing that he wanted to say that he did not say the first time that he wants to make the breed better. He said we will not be big, we only want to provide what people are asking. He said if we have an interest in breeding more puppies, then he would like to get another female, so we can provide the demand that is out there. He said there would not be a problem of having dogs tied up out back because they do not know what to do with them. He said that would not be an issue. He stated we love our labs and we want to take care of them the best that we can.

Ms. Brown asked if you do not sell them and they reach four (4) months, what do you do then?

Mr. Miller stated they have never had that problem yet. He said if we did, we try to at least give them away to a good home that wants a lab but that cannot really afford it.

Ms. Brown asked how many puppies per litter?

Mr. Miller stated eight (8) to ten (10) is the average.

Ms. Brown asked if there is a waiting list?

Mr. Miller stated yes.

Ms. Brown asked how do you make your dogs better?

Mr. Miller stated he will breed them like show dogs. He said there is a certain look that they like. He said they will be really careful with expanding the gene pool.

Mr. Bailey asked how would you start off small?

Mr. Miller stated they will start off with four (4) females.



November 5, 2020

Mr. Bailey asked how many males?

Mr. Miller stated one (1) male to start off with but he would like to have at least two (2) males.

Ms. Tilghman asked how many times a year will you breed the dogs?

Mr. Miller stated every six (6) months for a cycle but the best thing to do is to cycle off and on.

Ms. Tilghman asked how many litters have you had?

Mr. Miller stated two (2) litters.

Ms. Brown asked if you have a veterinarian that you confer with about the dogs?

Mr. Miller stated yes in Raphine.

Ms. Brown asked how old are the children that will be helping?

Mr. Miller stated twelve, thirteen, two, and a five year old.

Chairman Coyner declared the public hearing closed. He said the Board heard from the opposition and there is a packet of one hundred (100) emails with seventeen (17) being from the County. He said a lot of the emails talked about puppy mills but today the Board needs to look at proper land use and how it relates with barking dogs disturbing the neighborhood. He said the Board visited the site this morning and it looks like the sound will carry pretty good.

Ms. Brown stated there are a lot of homes in the area.

Ms. Bunch stated typically when they have a litter here and there, that is not really considered a business but if you regularly breed, then you are going to need a business license and you are considered a business.

Chairman Coyner stated with a heavy concentration of barking dogs in an area where there are lots of houses, it can create a little bit of a concern for him.

Ms. Tilghman stated a lot of people spoke in opposition. She said they have all visited the pound. She said there should be laws enacted to prevent puppy mills but we can only deny permits for certain things.

November 5, 2020

Mr. Benkahla stated this Board is not a regulatory Board. He said this Board's sole function is to make land use decisions and they need to be made based on land use issues. He said there is a neighborhood that is surrounded by houses and it is in a hollow where sound does carry. He stated there has been statements to the affect that the dogs are noisy.

Chairman Coyner stated there is a noise factor for the neighbors.

Ms. Brown stated the location makes a difference and in this instance you are surrounded by a very large neighborhood. She said the dogs make noise and on this property it is going to be more than one. She said what happens if he breeds them and he has no buyers, then what do you do, drop them off somewhere for someone else or they may even keep breeding. She moved to deny the request based on the reasons stated.

Ms. Tilghman seconded the motion, which carried unanimously.

\*\*\*\*\*

**JOEP PATERNOSTRE - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Joep Paternostre, for a Special Use Permit to have a helipad for private use on property owned by Blue Ridge Flower Crops, LLC, located in the northeast corner of the intersection of Kindig Road and Stuarts Draft Highway in the South River District.

Mr. Brian Riddle stated Mr. Paternostre is out of the country for a family matter. He stated Mr. Paternostre currently resides over at Eagle's Nest Airport and owns a helicopter. He stated he would like to be able to fly to his business and land the helicopter on the property.

Chairman Coyner asked if he wants to commute to work by helicopter?

Mr. Riddle stated yes but it is not a daily commute.

Chairman Coyner asked if this would be for his personal use only?

Mr. Riddle stated Mr. Paternostre would like the opportunity to land this helicopter on the property for his personal use. He noted since they have started this permit application the Augusta County Fire Rescue Chief gave us a letter in favor of it on a

November 5, 2020

safety aspect of a landing zone in this area. He stated they have also met with Air Care Five, and they basically said, what a benefit this could be to actually have a landing zone permitted on this side of Augusta County.

Ms. Tilghman asked if you have talked to any of the neighbors?

Mr. Riddle stated no.

Ms. Tilghman stated there are neighbors with homes that are in behind the property.

Mr. Riddle stated they have sixty (60) acres of this property surrounding other property we own. He said there is a line of houses but they have not spoken to them.

Ms. Tilghman asked if he will come to work at five or six in the morning?

Mr. Riddle stated no. He stated to be honest with you he shows up to that office about four (4) times a month.

Ms. Brown asked how far is the drive from his house to the office?

Mr. Riddle stated Eagle's Nest Airport is about seven (7) miles away.

Chairman Coyner stated the applicant is close to an existing airport.

Mr. Riddle stated he has always flown airplanes and now he has a helicopter that he would like to be able to land on this property for personal use. He said it just happens to be where our business is close to where he actually lives. He said he has always flown his entire life.

Ms. Brown stated Route 340 is beside this company and it is a very busy highway that has school buses and school children up and down the highway. She said they mentioned it would be nice to have this for EMS but they can basically land anywhere.

Mr. Riddle stated it does involve a lot of people to land in an emergency situation without the helicopter pad.

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

November 5, 2020

Mr. Steve Morelli, 104 Fall Ridge Drive, Stuarts Draft, stated he is the Board of Supervisor of the South River District. He stated he received one email in opposition from one of the neighbors. He said that he reached out to Sheriff Donald Smith and he said they did land a helicopter there a couple of times. He said they are willing to take the Sheriff in the helicopter to help with missing people or other investigations. He said the pad will be used by Medic Five and Pegasus. He said the Fire Chief also sent a letter in support on this request. He said this would be a great thing for Stuarts Draft.

Mr. Kenneth Troyer, 66 Conner Road, Waynesboro, stated he is one of the neighbors to Bloomaker. He said every time he flies over he knows who it is just by the sound of the helicopter. He said it is not a very loud helicopter. He said that he actually landed in his front yard in the spring and gave him a ride. He stated he would be happy to see it there especially for Medic Five or Pegasus. He said it is nice to have a facility like this in case of emergencies. He noted the noise does not bother him.

Ms. Paula Stump, 513 Kindig Road, Waynesboro, stated she lives just across the road and they have never had a problem.

Ms. Tilghman stated she was concerned because often people are very opposed to any type of aircraft.

Ms. Stump stated we have cattle on our land and have not had any problems at all.

Chairman Coyner asked if there was anyone else wishing to speak regarding the request?

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

Chairman Coyner stated it is a concern that the applicant is three to four miles away from an existing airport. He said were we to approve this, I would think there should be a limitation on landings. He said that he does not think that you need a helicopter airport. He stated that he understands the safety aspects of having this.

Mr. Thacker stated according to Mr. Riddle, he comes in a few times a month to the facility. He moved to approve the request with the following conditions:

**Pre-Condition:**

- 1. Submit a revised Stormwater Management Plan to factor in the additional impervious area.

**Operating Conditions:**

- 1. The helipad be used only by the applicant or family members and EMS operation.
- 2. Take off and landings during daylight hours only unless for EMS operations.
- 3. No commercial operations, training, aircraft repair or sales onsite.
- 4. No Sunday flights.
- 5. Applicant be limited to six (6) take offs and landings per month (does not include EMS operations).
- 6. Applicant keep a record of all take off and landings.

M. Tilghman seconded the motion, which carried unanimously.

\*\*\*\*\*

**MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**CHARLES SCOTT AND CATHY F. BALSLEY - CREATIVE WORKS FARM, INC. -  
EXTENSION OF TIME REQUEST**

A request by Charles Scott and Cathy F. Balsley, agent for Creative Works Farm, Inc., for a Special Use Permit to add four (4) new structures including a windmill classroom, police station, pavilion and reflection hall, and a plane fuselage and train caboose for recreational use and have three (3) years to complete on property they own, located at 107 Creative Works Lane, Waynesboro in the Middle River District.

Ms. Tilghman moved to approve the six (6) month Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

\*\*\*\*\*

November 5, 2020

**STAFF REPORT**

- 20-1 James Lee Kindig and Lucy K. Coyner
- 20-2 Vickie Parson
- 20-3 Belle Vista Farm, LLC
- 20-4 Creative Works Farm, Inc.

Ms. Bunch stated SUP#20-1 and SUP#20-2 are both in compliance. She stated staff sent a letter on SUP#20-3. She noted the Board just approved an Extension of Time for SUP#20-4.

\*\*\*\*\*

Mr. Benkahla discussed the court cases with the Board.

\*\*\*\*\*

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

\*\*\*\*\*

  
 \_\_\_\_\_  
 Chairman

  
 \_\_\_\_\_  
 Secretary