

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

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 3, 2009, at 9:15 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:

- **Franklin L. and Christine W. Root and Robert L. , III and Leah R. Thomas - Special Use Permit**
- **Dale Earhart, agent for Spottswood Properties, LLC - Special Use Permit**
- **Brooks L. Cushman - Special Use Permit**
- **William E. or Amy M. Mullins - Special Use Permit**

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

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 Chairman

 Secretary

PRESENT: S. F. Shreckhise, Chairman
 J. W. Callison, Jr., Vice Chairman
 D. A. Brown
 G. A. Coyner, II
 C. E. Swortzel
 Pat Morgan, County Attorney
 J. R. Wilkinson, Zoning Administrator & Secretary
 S. K. Shiflett, Zoning Technician I
 J. T. Staples, Administrative Secretary

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 3, 2009, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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MINUTES

Mr. Coyner moved that the minutes from the November 5, 2009 meeting be approved.

Mr. Swortzel seconded the motion, which carried unanimously.

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Mr. Shreckhise stated there are four (4) public hearings and one (1) matter of old business in addition to matters to be presented by the Zoning Administrator on the agenda. Mr. Shreckhise explained the item of old business is a consideration to cancel a Special Use Permit for Kyle N. or Kim H. Brydge to have a kennel on property they own that tabled from the Board of Zoning Appeals' meeting in November. Mr. Shreckhise explained there will be no public hearing at this time, however those in attendance that wish to speak in regards to the consideration for cancellation, will have an opportunity under "Matters to be presented by the public".

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Franklin L. and Christine W. Root and Robert L., III and Leah R. Thomas- SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Franklin L. and Christine W. Root and Robert L., III and Leah R. Thomas, for a Special Use Permit to increase the permitted number of planes and to have family members land on site on property owned by Franklin L. and Christine W. Root, located on the south side of Root Lane,

approximately .5 of a mile southeast of the intersection of Root Lane and Pleasant Grove Road (Route 789) in the Beverley Manor District.

Franklin L. Root, 130 Root Lane, Staunton, stated the Board of Zoning Appeals granted him a Special Use Permit in 1991 for a landing strip on this property. Mr. Root stated he is requesting to have additional family members be permitted to use the landing strip as his son-in-law is taking flying lessons. Mr. Root stated there are currently two (2) planes on site and he is in the process of restoring an old airplane therefore he is requesting to increase the number of planes to three (3) permitted on the site. He stated the plane will be rarely flown when it is completed. He stated the use will only be for hobby, as his serious flying is done at the Waynesboro Airport. Mr. Root submitted letters of support from his neighbors.

Ms. Brown asked height regulations for flying in developed areas.

Mr. Root answered the Federal Aviation Administration (FAA) requires five hundred feet (500') above dwellings and one thousand feet (1,000') above urban areas.

Ms. Brown asked Mr. Root the altitude he flies the planes on average.

Mr. Root answered different airplanes have different performances. He stated he does not go above seven thousand feet (7,000') in the plane he currently flies. With an open cockpit, Mr. Root explained the antique airplane he is restoring will not fly higher than five thousand feet (5,000). He stated he never goes below FAA regulations except during take off and landing.

Mr. Coyner noted the Board has not received any complaints on Mr. Root's current operation.

Mr. Root stated in the time he has had the landing strip, he has received one (1) complaint, but for the most part he tries to be a good neighbor.

Mr. Coyner asked Mr. Root how often he uses the landing strip.

Mr. Root answered his time is limited due to the economy and his work schedule. He estimated approximately ten (10) times this year.

Chairman Shreckhise asked if there was anyone wishing to speak in favor of the request.

Fred D. Wills, P.O. Box 133, Verona, stated he owns property adjacent to Mr. Root. Mr. Wills explained he cuts hay on Mr. Root's property and raises cattle adjacent to the property and neither operation is affected by the landing strip. He stated he is in support of the request.

There being no one else desiring to speak, Chairman Shreckhise declared the public hearing closed.

Mr. Swortzel stated the landing strip has been on site for quite some time with no complaints received by the Board. He moved the request be approved with the following conditions:

Pre-Condition:

1. None

Operating Conditions:

1. One or more of the applicants must reside on the property or adjacent parcels for the permit to remain in effect.
2. Be limited to three (3) planes at this site.
3. Only the applicants may take-off or land at this facility.
4. No night flights or landings.
5. No lights on the airstrip.
6. Applicant to provide the N numbers to Community Development and they be notified if the planes or the numbers change.

Ms. Brown seconded the motion, which carried unanimously.

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Spottswood Properties, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider request by Dale Earhart, agent for Spottswood Properties, LLC, for a Special Use Permit to extend the existing non-conforming porch on property it owns, located on the west side of Lee Jackson Highway (Route 11), just southwest of the intersection of Lee Jackson Highway and Shultz Lane (Route 1203) in the Riverheads District.

Dale Earhart, 76 William McClure Lane, Greenville, agent for Spottswood Properties, LLC, stated he purchased the property approximately two (2) years ago at which time it was rezoned to Limited Business. Mr. Earhart stated the property is being used for an accounting business. He explained he would like to remodel and extend the porch in order to cover the entrance to the building.

There being no one wishing to speak in favor or opposition to the request, Chairman Shreckhise declared the public hearing closed.

Vice-chairman Callison stated remodeling the porch and covering the entrance to the business would be an ideal option for the business. He moved the request be approved with the following conditions:

Pre-Conditions:

1. None

Operating Conditions:

1. The porch extension be constructed per the submitted site plan.

Mr. Swortzel seconded the motion, which carried unanimously.

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Brooks L. Cushman- SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Brooks L. Cushman, for a Special Use Permit to have a kennel on property she owns, located on the northwest side of Dutch Hollow Road (Route 726), approximately .6 of a mile north of the intersection of Dutch Hollow Road (Route 726) and Newport Road (Route 620) in the Riverheads District.

Vice Chairman Callison stated that he will be abstaining from the discussion and voting on the Cushman request.

Brooks L. Cushman, 1683 Dutch Hollow Road, Middlebrook, explained all of her dogs are rescued. She stated the dogs are all spayed and neutered and well cared for. Ms. Cushman also explained the dogs are kept either in her house or in a barn when she is not at home, and when outside, they are confined on approximately five (5) acres by an underground fence. She stated the reason for her request is she would like the ability to rescue more dogs if necessary.

Mr. Coyner asked Ms. Cushman if she had any intent for breeding the dogs.

Ms. Cushman answered no. She stated all of the dogs are either sprayed or neutered.

Mr. Coyner stated Ms. Cushman has an ideal situation for the kennel.

Mr. Swortzel asked Ms. Cushman if she keeps all the dogs she rescues.

December 3, 2009

Ms. Cushman stated she has found homes for some of the dogs she rescues. She stated the dogs she has now are her personal pets.

Ms. Brown asked the total number of dogs on site.

Ms. Cushman answered fourteen (14). She stated currently she has no intent to replace the dogs if they pass on, but she would like the option to foster or rescue additional dogs. She stated she owns two (2) parcels totaling approximately four hundred-eight (408) acres. She listed the age and breed of the dogs she currently has on her property. Ms. Cushman stated the veterinarian visits the property regularly.

Chairman Shreckhise asked if there was anyone wishing to speak in favor of the request.

Henley Gabo, 155 McCray Lane, Middlebrook, stated she has submitted a letter of support to the request. Ms. Gabo stated Ms. Cushman is very compassionate for animals and deserves the request to be approved.

Chairman Shreckhise asked if there was anyone wishing speaking in opposition of the request. There being no one else wishing to speak, Chairman Shreckhise declared the public hearing close.

Mr. Coyner stated the property is large in size, rural in character, and there are no neighbors in close proximity that would be impacted by the kennel. He moved the request be approved with the following conditions:

Pre-Conditions:

1. None

Operating Conditions:

1. Maximum of Twenty (20) total dogs kept at this site at any time.
2. Dogs be kept inside from 10:00 p.m. until 7:00 a.m.
3. All dogs be confined within the property boundaries at all times.
4. Site be kept neat and orderly.

Ms. Brown seconded the request which carried a 4-0 vote with Vice Chairman Callison abstaining from the vote.

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William E. or Amy M. Mullins- SPECIAL USE PERMIT

This being the date and time advertised to consider a request William E. or Amy M. Mullins, for a Special Use Permit to have a kennel on property they own, located on the west side of Scenic Highway (Route 42), approximately .25 of a mile north of the intersection of Scenic Highway (Route 42) and Moseys Mill Lane in the North River District.

William E. Mullins, 480 Scenic Highway, Churchville, stated he has submitted letters of support from his neighbors. He explained the location of the kennel was decided due to the location of the water supply. Mr. Mullins stated at the time the kennel was constructed, the adjacent lot was vacant. He explained there are two (2) buildings between his property and his adjoining neighbor. He stated he has been purchasing kennel tags from the Treasurer's Office for several years, and not once has he been told he would be required to obtain a Special Use Permit. Mr. Mullins explained not until a complaint was received for barking by the Community Development Department did he become aware he was required to have a Special Use Permit. Since the complaint, Mr. Mullins stated the dogs now wear shock collars for their barking. Mr. Mullins asked the Board to grant the Special Use Permit as the dogs are family pets. He stated he does not wish to increase the number of dogs. He stated he would be willing to enclose and insulate the kennel in order to soundproof the kennel.

Mr. Coyner asked the breed of the dogs.

Mr. Mullins answered the dogs are several breeds of hounds including Plott Hound, Blue Tick, and Red Tick. He stated he uses the dogs for bear and raccoon hunting.

Mr. Coyner stated he observed the kennel to be in close proximity to the property line.

Mr. Mullins stated the kennel is eight feet (8') off the rear property line and twelve feet (12') from the side property line. He explained he constructed the kennel approximately ten (10) years ago and at that time, the adjacent lot was vacant.

Mr. Swortzel noted the letters Mr. Mullins has submitted. He asked Mr. Mullins if the any of the letters were from adjacent property owners.

Mr. Mullins stated the letters of support were not from adjacent property owners, but neighbors in the surrounding area.

Mr. Swortzel asked if any of the neighbors had dogs.

December 3, 2009

Mr. Mullins answered all of the adjoining neighbors have dogs expect for the parcel behind the kennel. With the concern of barking, Mr. Mullins stated it would be hard to determine if the noise was from his property.

Mr. Coyner asked if the dogs were used for hunting or pets.

Mr. Mullins stated he uses the dogs for both.

Mr. Coyner asked if Mr. Mullins intends on breeding the dogs.

Mr. Mullins stated he has raised two (2) litters in the past ten (10) years. He stated if he has a litter, he usually keeps one (1) puppy.

Ms. Brown asked how many acres is the parcel.

Mr. Mullins stated he has six (6) dogs on 2.5 acres. He stated he was not aware there was a restriction on the number of dogs as he was able to purchase kennel tags each year.

Chairman Shreckhise asked if there was anyone wishing to speak in favor of the request.

James Skinner, 78 Bradford Street, Swoope, stated Mr. Mullins keeps the kennel very clean. He explained at the time the kennel was built, the adjacent lot behind Mr. Mullins' property was vacant. He stated the dogs have been there long before there were any neighbors.

Mr. Coyner asked Mr. Skinner if he lived close to Mr. Mullins.

Mr. Skinner answered no.

Mr. Shreckhise asked if there was anyone wishing to speak in opposition to the request. There being no one else desiring to speak, Mr. Shreckhise declared the public hearing closed.

Vice-Chairman Callison stated the Board of Zoning Appeals has inspected the site. He stated the kennel is kept very clean and nice with no problem, except for now a complaint has been received. Vice-Chairman Callison stated now that Mr. Mullins is aware a Special Use Permit is required, the situation needs to be rectified. He suggested the easiest way to rectify the situation would be to reduce the number of dogs to four (4). Vice-Chairman questioned how Mr. Mullins could obtain a kennel license up until now, without ever being questioned.

Mr. Coyner understands the dogs have been there a long time, but Mr. Mullins is currently in violation of the Zoning Ordinance. He asked Mr. Mullins if he would consider getting rid of two (2) dogs in order to be in compliance.

Mr. Mullins stated he would prefer not to get rid of any dogs if he had another option. He explained at the time the complaint was filed he had seven (7) dogs, but one died. He asked the Board to grant him approval to have six (6) dogs.

Mr. Coyner asked Mr. Mullins if he would agree to have six (6) dogs until two (2) die and then leave the number at four (4).

Mr. Mullins stated he would prefer to be allowed to have six (6), but he would agree. Mr. Mullins stated the 10' x 10' kennel houses one (1) dog and he would be willing to get rid of that kennel when the dog passes. Mr. Mullins asked if the Board would grant him a Special Use Permit to have five (5) dogs once the sixth (6) dog passes. He explained he would be willing to enclose the five (5) bay kennel in order to be allowed to have five (5) dogs and to be able to leave the kennel where it is located.

Ms. Brown asked the age of the dogs.

Mr. Mullins stated the dogs range in age from 1.5 years to ten (10) years old.

Mr. Coyner stated Mr. Mullins has been cooperative during this process. He stated he realizes the lot is only 2.5 acres, but he also realizes the dogs have been there before there were any neighbors adjacent to the kennel.

Chairman Shreckhise read staff's recommendation. He stated staff's first suggestion was to deny the permit. Chairman Shreckhise explained staff's other recommendation was to grant the request, to allow the six (6) dogs, but to allow no more than four (4) as the dogs expire. Chairman Shreckhise stated if the request is granted and the number of dogs is limited to six (6) and then four (4) as two (2) expire, the Board would have more control over the noise and inconveniences of the neighbors as they could require the kennel to be sound proffered, etc. then if they were to just deny the request, as Mr. Mullins would still be able to have four (4) dogs and be in compliance with the Zoning Ordinance.

Mr. Coyner agreed with Mr. Shreckhise. He stated if the Board were to grant the request, they could require certain stipulations that they could not if they were to deny the request.

Ms. Brown stated some sort of soundproofing needs to be a stipulation.

Mr. Swortzel stated if the kennel were enclosed, it could be sound proofed.

Mr. Coyner stated the kennel is a nice facility that is well maintained. He stated he does understand the kennel was there before the adjacent house was built and was sympathetic to the fact that Mr. Mullins has been purchasing kennel tags from the Treasurer's Office for many years, but he stated ignorance of the law is no excuse. Mr. Coyner stated he agrees with Mr. Shreckhise recommendation.

December 3, 2009

Mr. Swortzel stated Mr. Mullins has an excellent operation and has made many concessions. In order to compromise with the neighbors, he moved the request be approved with the following conditions:

Pre-Conditions:

1. Kennels be fully enclosed and soundproofed as directed by the Board.

Operating Conditions:

1. All dogs be confined within the enclosed kennel at all times except when being exercised by the owners.
2. Dogs be kept inside from 7:00 p.m. until 7:00 a.m.
3. Maximum of six (6) adult dogs kept at this site at any time and no more than one (1) litter of puppies on site at any one time.
4. Applicant must reside on premises.
5. When dogs expire they not be replaced so the number will naturally reduce to four (4).

Ms. Brown seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE PUBLIC

KYLE N. OR KIM H. BRYDGE - CONSIDERATION TO CANCEL SPECIAL USE PERMITS

This being the date and time advertised to consider **cancellation** of the Special Use Permits for Kyle N. or Kim H. Brydge to have a 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. - TABLED AT THE 11/05/09 MEETING

Chairman Shreckhise explained the consideration to cancel the request was tabled in order to obtain further information from the Augusta County Circuit and General District Courts, veterinarian reports, as well as other documentation. He stated the Board has also requested a representative from the Augusta County SPCA to speak. Chairman Shreckhise noted this is not a public hearing, but invited anyone who would like to speak regarding the above matter the opportunity to do so.

Beverly Faulkenberry stated the conditions of the kennel and dogs have been documented. She stated the Human Society, citizens, and the courts have all spoken, and the most responsible action for the Board to take would be to cancel the permit.

Molly McCurdy stated she is a retired Humane Investigator from Fairfax and Loudon Counties. She stated in her line of work, puppy mills are at the top of the list for the worst cruelties. Ms. McCurdy stated Mr. Brydge's operation is an embarrassment to Augusta County and should never be allowed to happen again. Ms. McCurdy stated neither Mr. Brydge nor his wife should be permitted to ever breed again. She stated the statements show the animals had minimal veterinarian care.

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OLD BUSINESS

KYLE N. OR KIM H. BRYDGE - CONSIDERATION TO CANCEL SPECIAL USE PERMITS

This being the date and time advertised to consider **cancellation** of the Special Use Permits for Kyle N. or Kim H. Brydge to have a 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. - TABLED AT THE 11/05/09 MEETING

Mr. Swortzel moved that the request be brought forward.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Shreckhise again explained the consideration to cancel the permit was tabled from the November 5, 2009 meeting in order to obtain appropriate information. Chairman Shreckhise stated documentation has been received the court orders, a letter from the veterinarian, a letter from the Assistant Commonwealth Attorney, as well as other written letters from the public.

Deborah Haywood, Director of the Augusta County SPCA, explained she helped transport the animals the day of the seizure. At that time, Ms. Haywood stated the condition of the kennel was deplorable. She explained the kennel was dirty and the conditions were unsatisfactory for any animal. Ms. Haywood explained the smaller long haired dogs were matted and the larger breed dogs were malnourished. She stated the overall situation of the dogs and the kennel was one of the worst she has seen in her career at the SPCA with regards to companion animals. She explained all ninety-nine (99)

December 3, 2009

animals were transported to Augusta Valley Animal Hospital where they were cleaned and fed. She stated the next morning the animals were transported to other humane societies. Ms. Haywood stated Augusta County SPCA housed thirty six (36) animals that were all adopted out. She stated the seizure was a joint effort of the County, Cities of Staunton and Waynesboro, and other localities.

Ms. Brown asked if there was food and water available to the animals at the time of the seizure.

Ms. Haywood answered she came on site after the seizure of the animals, but reports document that water was given during the time of the seizure because there was no water at the time of the investigation. Ms. Haywood stated once the animals were brought to Augusta Valley Animal Hospital they were given food and water. She stated it was a positive outcome for a very bad situation.

Bill Hobgood, Augusta County Animal Control, explained during the seizure, there were numerous violations of the county ordinance and state code. He explained some of the animals had water, but the bowls were molded. He stated four (4) samples were sent to the state lab and the results came back with e coli and other bacteria. Mr. Hobgood stated according the state veterinarian almost every dog suffered some form of dehydration.

Mr. Swortzel asked Mr. Hobgood how often Animal Control was required to inspect the conditions of the kennel.

Mr. Hobgood answered every six (6) months.

Mr. Wilkinson stated himself and Gary Webb, Animal Control, inspected the site approximately six (6) months prior to the seizure. Mr. Wilkinson explained at the time of inspection, Mr. Webb informed Mr. Brydger the food and water bowls needed to be cleaned. Mr. Webb also informed Mr. Brydger the animals were dirty. Mr. Wilkinson stated at that time there was no violation to warrant seizure.

Mr. Swortzel asked Mr. Wilkinson the date of when the Board of Zoning Appeals inspected the site.

Mr. Wilkinson answered October 2007.

Mr. Hobgood stated the charges were derived from the conditions the kennel and animals were in at the time of seizure.

Ms. Brown asked what type of flooring and/or matting was provided to the animals.

Mr. Hobgood stated the flooring consisted of wood and dirt. He stated there was a lot of feces on the ground that was covered by shredded paper. He explained state code requires for the kennels to be cleaned and the feces to be disposed of at a proper

location; not covered with shredded paper. Mr. Hobgood stated one hundred two charges (102) were processed.

Chairman Shreckhise stated the Board has received a letter from Mr. Brydge's veterinarian. According to the letter, he stated the last time the veterinarian was on site was in August 2008. He further stated the Board has received the court orders, and every indication received shows the kennel has operated in violation of state and county codes.

Mr. Swortzel questioned the court order's stipulations for Mrs. Brydge.

Mr. Morgan stated there were two (2) separate court proceedings that took place. He explained the first was a civil suit which covered the removal of the dogs. Mr. Morgan stated the civil suit was then appealed to the Circuit Court. Mr. Morgan explained the ruling from the Circuit Court was the Board of Zoning Appeals consider either amending the existing Special Use Permit or to issue a new Special Use Permit to allow up to six (6) dogs, to include the companion animals that were left on the property. Mr. Morgan stated the General District Court handled the criminal charges. In that case, Mr. Brydge was ordered not to have any companion animals.

Chairman Shreckhise stated the original Special Use Permit was issued in both Mr. and Mrs. Brydge's names which would put both parties responsible for adhering to the state and county regulations.

Mr. Swortzel commented on the amount of print that has been published claiming the Board did not act diligently in cancelling the permit, etc. He stated for the record he would like to comment the reason why the Board of Zoning Appeals did not act on the cancellation of the permit at the November meeting, is because they wished to gather all necessary information. Mr. Swortzel stated it would not have made a difference at that time as the animals had already been seized.

Mr. Coyner also noted the Board had received conflicting information and by postponing a decision, it allowed them to gather more accurate information.

Chairman Shreckhise asked Mr. Brydge if he would like to make any comments regarding the permit prior to the Board rendering their decision.

Kyle Brydge, 468 China Clay Road, Stuarts Draft, stated he does not wish to breed. Mr. Brydge stated of all the puppies he has sold, not once has one been returned. With regards to the comment that the animals did not have any water, Mr. Brydge explained he did not have time to do his "chores" before they came and the conditions would be the same at the SPCA before they open. With regards to medical care, Mr. Brydge stated he knows just as much as any veterinarian. He explained the dogs were not malnourished as he spends \$840.00 every three (3) weeks on dog food. He explained one dog food bowl

December 3, 2009

did have mold in it because of the rain that was received the night prior. He stated he cleans the feces three (3) times per week and once on the weekend. Mr. Brydge stated shredded paper was put in the pens to keep the dogs from the mud. Mr. Brydge noted Animal Control stated three (3) dogs may have been malnourished. He explained of the three (3), one (1) dog he has documentation from the veterinarian that blood work has been done, but nothing was able to be determined why the dog cannot gain weight. Mr. Brydge stated his main objective is to keep the twelve (12) dogs for his wife because they are her pets. Mr. Brydge stated he requests the Board to allow his wife to have the amount of dogs she was told she could have at the day of the seizure. Mr. Brydge noted the order stated he had inadequate housing. Mr. Brydge argued there were four (4) dogs in the pen and only three (3) houses. Mr. Brydge stated it did not matter if there were enough houses for each dog, because they all slept in the same house. Also noted on the order was that a Great Dane was emaciated. Mr. Brydge stated she appeared to be emaciated because she was pregnant and many dogs look that way when the puppies drop. Mr. Brydge stated his veterinarian was scheduled to inspect the site the following week. Mr. Brydge stated he bleached the water bowls at least once per week. Mr. Brydge concluded by stating he is requesting his wife be able to have the amount of dogs she was told she could have for her companion pets.

Chairman Shreckhise stated two (2) separate courts ruled on Mr. Brydge's case. He stated one (1) court ruled Mr. Brydge could have six (6) dogs and the other court ruled he could not have any dogs. Chairman Shreckhise stated the order that would allow Mr. Brydge to keep six (6) dogs does not supersede the order that does not permit Mr. Brydge to have any dogs. Chairman Shreckhise stated the court orders are not prudent on the Board's decision. He explained the Board's decision needs to be based on the fact that state and county codes were violated. Chairman Shreckhise stated if the Board were to cancel the permit, Ms. Brydge would still have the ability to have four (4) dogs as well as the opportunity to apply for a Special Use Permit for any additional dogs. He suggested the Board needs to cancel the permit.

Mr. Coyner stated the information received is factual. He moved to recommend the Board cancel the Special Use Permit.

Mr. Swortzel seconded the motion which carried unanimously.

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MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

Allen Dahl – SIX MONTH EXTENSION OF TIME REQUEST

A request by Allen Dahl, for a Special Use Permit to use an existing building to store and maintain equipment for a construction business, to have outdoor storage of equipment,

and to have an inoperable motor vehicle storage lot on property owned by Nancy P. Dahl, c/o Triangle Realty, located in the eastern quadrant of the intersection of State Highway Route 262 and Old Greenville Road (Route 613) in the Beverley Manor District.

Mr. Wilkinson stated Mr. Dahl is asking for a six (6) month Extension of Time for his permit. He stated the request was approved with the pre-condition the applicant submit a plan for approval. Mr. Wilkinson stated there was a time limit of one (1) year that was given to Mr. Dahl. He explained Mr. Dahl submitted a plan during the site plan process that was objected because it did not meet the requirements. He stated if the Board grants a decision, that the time limit be for no more than six (6) months.

Mr. Swortzel moved that the six (6) month Extension of Time be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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STAFF REPORT

- 09-4 Glenna and Brianna Harlow
- 09-5 Ag Venture, LLC
- 09-6 Randy and Patricia Miller
- 09-7 Perry Mace
- 09-8 Warehouses, Ltd.

Mr. Wilkinson stated that SUP#09-4 and SUP#09-5 are both in compliance. With regards to SUP#09-6, Mr. Wilkinson stated the request was to construct a cell tower. He explained the request is to expire in February 2010 and at this time, a site plan has not been submitted. Mr. Wilkinson stated for SUP#09-7, Mr. Mace has submitted a site plan at which time it is currently being reviewed by staff. With regards to SUP#09-8 Mr. Wilkinson stated the request was to have outdoor boat and rv storage, but at this time, there is only one (1) boat on site.

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

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Chairman

Secretary