

PRESENT: J. W. Callison, Jr., Vice Chairman  
D. A. Brown  
S. F. Shreckhise  
Pat Morgan, County Attorney  
J. R. Wilkinson, Zoning Administrator & Secretary  
Timothy K. Fitzgerald, Director of Community Development

ABSENT: G. A. Coyner, II, Chairman  
C. E. Swortzel  
S. K. Shiflett, Zoning Technician I

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 2, 2010, at 9:15 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:15 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.

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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:

- **Lyall O. Steger, III - Special Use Permit**
- **Craig M. Nargi, agent for Mossy Creek Catering, LLC - Special Use Permit**
- **Gayle M. or Fred E. Cason and Alyssa M. Wilson - Special Use Permit**
- **Larry Allanson - Special Use Permit**
- **Valerie C. or James R. Schwendeman - Special Use Permit**

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

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Chairman

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Secretary

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 Timothy K. Fitzgerald, Director of Community Development  
 B. Cardellicchio-Weber, Administrative Assistant

ABSENT: C. E. Swortzel  
 S. K. Shiflett, Zoning Technician I

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, December 2, 2010, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Vice Chairman Callison moved that the minutes from the November 4, 2010 meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**GAYLE M. OR FRED E. CASON AND ALYSSA M. WILSON - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Gayle M. or Fred E. Cason and Alyssa M. Wilson, for a Special Use Permit to have a day care center on property they own located on the south side of Montrose Drive (Route 1312) just south of the intersection of Montrose Drive (Route 1312) and Antrim Road (Route 1314) in the Wayne District.

Ms. Gayle Cason stated that she is requesting a Special Use Permit to increase the size of the day care center. She stated currently she watches five (5) children and her two (2) grandchildren. She stated that they would like the permit to care for six (6) to twelve (12)

children. She stated that they currently care for a family of five (5) and the family is expecting a sixth child and they would like the sixth child to remain with the same caregiver as the siblings. She stated that her daughter, Alyssa M. Wilson, is going to school to become an elementary school teacher and she is her assistant and she will take over the day care business. She stated that her husband's name is on the permit but he works during the day. She mentioned that her husband is legally blind and when he retires they will not be able to afford the medicine. She is licensed through the Department of Social Services for up to five (5) children currently. She stated that they have also been foster parents. She mentioned that her home inside and out have met all the state standards as well as the criminal background checks. She stated that those records are kept on premise and are available for review anytime. She stated that there is ample parking off street to accommodate up to seven (7) vehicles. She mentioned that there is fencing on the right side of the property as well as in the front of the building which is a privacy fence. She stated on the left of the property is a woven wire fence and it is landscaped. She stated that the Thomases work during the night and they have always tried to be considerate of them sleeping during the day. She stated they installed another fence so that children do not go near the property line. She stated that the Reids have eight (8) to twelve (12) children or people at any given time. She sometimes takes the kids on field trips off the property. She stated that she came from a family of seven (7) and is the oldest girl. She stated that she has been a foster parent and has taken in children to supplement her income. She is a registered foster parent in Augusta County. She mentioned that she is a nursery leader at her church. She has had a day care at her home for the past two (2) years and she has never had any complaints. She stated that most of the neighbors were not aware of the day care operation. She stated that her daughter has five (5) children of her own and despite her husband being legally blind he has successfully raised three (3) children. She mentioned they had a lawn care business for ten (10) years and have never had any complaints. She has a letter of recommendation that she will submit to the Board and they feel day care operations are needed and a necessary part of the community.

Ms. Brown asked if she will have people helping her?

Ms. Cason stated that she is allowed one (1) employee. She stated that if she gets a lot more children Beth Iseman will be helping her along with her daughter.

Ms. Brown asked what the hours of operation would be?

Ms. Cason stated Monday thru Friday 7:15 a.m. until 5:15 – 5:30 p.m. She stated that the weekends and evenings are her family time. She may watch children occasionally on swing shifts or weekends.

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

Mr. Wilkinson stated that the Board has received three (3) letters in favor from Teresa Williams, Debra Masgood, and Valenice Condrey (copies in the Special Use Permit file).

Ms. Beth Iseman stated that she has agreed to help Ms. Cason if needed. She has worked in a day care center, with the cub scouts, and has been a girl scout leader. She mentioned she has known Ms. Cason for ten (10) years. She stated they are caring and do a wonderful job.

Ms. Alyssa Wilson stated that she helps with the day care business. She stated that all of the children are very happy. She is requesting to take care of more children.

Ms. Tina Zimmerman stated that her property is directly across the street. She opposes this request because this is an older established neighborhood. She wrote a letter of objection with the Administrative Permit request. She stated that often vehicles are on the front of the property. She mentioned that she has a dually truck and it is hard for her to get in and out of her property when there are vehicles at the site. She stated that other issues have come up since she wrote the objection letter. She stated that there are some safety issues like the above ground pool.

Mr. Mark Allen, 101 Antrim Road, Fishersville, stated that he owns the property behind Antrim Road. He stated that her daughter takes the bus in front of the property and the sheriff has been to the site many times since the objection of the Administrative Permit. He stated that Ms. Cason has had an assault and battery charge in 2004 and a disorderly conduct in 2001. He stated that the other neighbors do not want the day care operation in the neighborhood. He mentioned that he is concerned about the safety of the children. He stated that their granddaughter walked out of their house in 2004-2005 and the police were called in to look for her.

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

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

Ms. Cason stated that she has had background checks on her entire life for the day care license. She stated that she was arrested due to a neighborhood feud. She stated that Mr. Thomas has no objections on the day care. She stated that there was a neighbor dispute but that has nothing to do with the day care. She told Mr. Allen to go home and she was accused of talking to their daughter. She never did speak to her. She stated that her granddaughter did get out of the house. She had pushed the chair and figured out to unlock the door while she was tending to the other children. She mentioned that she was the one that called the police. She mentioned the entire neighborhood was searching for her granddaughter. She was picked up at the lumber yard and the police stated that there

was no negligence in this matter. She stated that the church does cause some issues in the area with parking. She stated that the parking has never been an issue with her day care. She submitted a picture to the Board that showed the Zimmerman's parking and blocking the alleyway and the fire hydrant.

Mr. Shreckhise asked if there is a pool in the backyard?

Ms. Cason stated yes. She stated that the Department of Social Services inspects it. She stated that her son-in-law is an aquatics director at the YMCA and is a paid lifeguard at the site when the kids are in the pool. She has had the pool for thirteen (13) years. She stated that Social Services looks at the deck and pool as well as the play equipment. She stated that Social Services does inspections as well as two (2) unannounced visits a year.

Chairman Coyner declared the public hearing closed.

Mr. Wilkinson stated that Carol Troxell of Social Services has made an inspection and the day care can be increased to twelve (12) children if the zoning permit is approved.

Ms. Brown stated that a day care is a much needed service in a residential neighborhood. She stated that there is ample parking in the driveway. She mentioned that the children are in a home atmosphere, therefore, she would move that the request be approved with the following conditions:

**Pre-Condition:**

1. Provide a copy of the license from the Department of Social Services.

**Operating Conditions:**

1. Be limited to a maximum of twelve (12) children.
2. Site be kept neat and orderly.

Mr. Shreckhise stated his main concern is the safety issues but if Social Services is fine with the permit, he would second that motion, which carried unanimously.

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**CRAIG M. NARGI, AGENT FOR MOSSY CREEK CATERING, LLC - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Craig M. Nargi, agent for Mossy Creek Catering, LLC, for a Special Use Permit to increase the number of social events, to have public accommodation facilities, two equine events, to modify hours of music, and have outdoor music on property they own, located on the south side of Madrid Road (Route 785), approximately .1 of a mile west of the intersection of Madrid Road (Route 785) and Pine Bluff Road (Route 784) in the Middle River District.

Mr. Craig Nargi stated that the outdoor music that he is requesting is for the wedding ceremony or the ceremonial march and not for outdoor concerts, dance music, or anything similar to that nature. He mentioned that he has been advocating agri-tourism in the state of Virginia. He mentioned that having eighteen (18) events economically are not viable with all of the infrastructure that he has put into his facility. He is here today to increase that number. He stated that he is able to operate the farm due to the agri-tourism business. He stated that 80% of his wedding business is from people out of the area. He stated that all of them stay in the County for at least two (2) nights. He stated that they are expanding the farm and leasing acreage all around them. He stated currently he operated until 10:00 p.m. inside the building with music. He stated that there are other public accommodation facilities within the County that have music later. He stated that his facility has thick walls and a band or disc jockey cannot be heard. He needs to modify his permit in order to be competitive with the other facilities in the County. He asks the music limitation be changed to 11:00 p.m. He stated that two (2) facilities have had similar requests and he needs to be competitive with them.

Chairman Coyner asked if the outside music would only be ceremonial?

Mr. Nargi stated yes. He stated that a band for the reception would be inside.

Chairman Coyner asked what is a typical event?

Mr. Nargi stated that they have had high school reunions but everything else has been weddings.

Mr. Shreckhise asked if the applicant is satisfied with the staff recommendations?

Mr. Nargi stated that the recommendations are a far cry better than what he has now.

Chairman Coyner asked if the applicant is fine with the number of events?

Mr. Nargi stated yes but he may have to come back before the Board in the future. He stated in this economy he does not see that in the near future though.

Chairman Coyner asked if this is a family operation?

Mr. Nargi stated yes. He mentioned that he does not do the catering and he is not selling the food. He mentioned that he does not own Mossy Creek the restaurant as of 2007.

Mr. Wilkinson asked if the caterer brings the food to the site?

Mr. Nargi stated yes. He stated that an ABC permit is required if trying to sell alcohol or selling tickets for alcohol. He stated that if the guests are invited then an abc permit is not required for an event. He mentioned that when he rents out his facility the Special Use Permit requirements are all outlined to the customer. He stated they do not have anything to do with alcohol. He stated that in the contract it states that they are welcome to use outside vendors.

Chairman Coyner stated that the Board has not heard a complaint on this use. He stated that the applicant would like to continue to do what they have been doing just more of it.

Mr. Nargi stated yes so that he can be competitive.

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

Ms. Linda Hershey stated that she is the President and CEO of the Chamber of Commerce. She stated that this is a fine example of agri-tourism. She stated that Mr. Nargi wants to give back to the community. She stated that in October he hosted an agri-tourism breakfast at his facility. She stated that Congressman Goodlatte mentioned that he had no idea of the magnitude of the farm. She mentioned that he is in complete support of the project. She stated that her nephew is having a wedding and reception there this spring.

Ms. Janet Bevins stated that she is Mr. Nargi's neighbor. She stated that he is considerate to her and her husband. She is happy that he is so successful. She stated that they used to own the farm. She mentioned that her property adjoins his.

Mr. Roger Shifflett, 2236 East Side Highway, Crimora, stated that he was involved with the breakfast and it is important to keep food coming in locally instead of it being shipped in from other countries. He appreciates all Mr. Nargi has done for them.

Mr. Dwight Mongold, 364 Madrid Road, Waynesboro, stated that he was one of the most critical people of all for the first permit request. He stated that Mr. Nargi kept up with what he said he was going to do. He stated that there has not been a problem with trash or cars parked along the road. He stated that the property has been well maintained. He has not had one issue and he hopes the Board considers what the applicant is asking for. He is a

great neighbor. He mentioned that he was concerned about the outdoor music but since Mr. Nargi has clarified that it would only be for the ceremonial march then he is fine with that. He mentioned that he could not ask for a better neighbor and he is glad that the horse business is still in operation.

Ms. Barbara McSweeney, 443 Coleytown Road, Waynesboro, stated that her property borders on the south side. She owns the wooded area with fourteen (14) acres. She has not had any complaints because they have been quiet. She has some questions about a few things that are being requested. She mentioned that she is glad to hear that the outdoor music would be the ceremonial wedding march because other music outside would be a frightening idea. She is concerned about the sewage treatment system with the number of events being increased. She stated that she has not heard of what is meant by the equine events and if it would be competitive. She asked if the public will be attending and the number of attendees. She asked if there would be loudspeakers used and she also questioned the nature of the business. She mentioned they live at the bottom of the watershed and are concerned with the septic system. She mentioned that staff is not recommending a pre-condition to get the Health Department approval. She stated any increases of the permit should go back before the Health Department. She stated that the system is a flow equalization system.

Mr. Wilkinson stated that as long as the number of people are not exceeded the request would not go before the Health Department. He stated that the Health Department approved the site for up to 250 people.

Ms. McSweeney feels that the Health Department should look at the request again due to the additional use of the system.

Mr. Dan McSweeney, 443 Coleytown Road, Waynesboro, stated that he has a problem with the outdoor music. He stated that if all that they are going to do is the wedding march and as long as it was not too loud he would not have an objection to that. He mentioned it needs to be something that is moderate and quiet. He stated that by allowing outdoor music it is going to set a precedent and he wants to make it clear that it will not and there be no outdoor music in the future. He stated that the applicant only requested two (2) equine events but staff is recommending six (6) events.

Mr. Wilkinson stated that staff looks at each request and the character of the area but it is all up to the Board for their consideration.

Mr. McSweeney stated that Mr. Nargi has done a wonderful job thus far. He feels this request should go back to the Health Department for their investigation.



Chairman Coyner asked since the applicant has lived there were there any problems with the events?

Mr. McSweeney stated no problems with the events. He stated thus far they have been quiet and not invasive. He stated that he is fine with the request as long as it does not affect the value of his property or quality of life.

Mr. Joe Herral, 495 Coleytown Road, Waynesboro, stated that the applicant has been a good neighbor and they have done a good job operating the business. He asked what time will the hours of music be changed to?

Mr. Wilkinson stated Mr. Nargi would like to change the hours from 10:30 p.m. to 11:00 p.m. He stated that the applicant is asking for 11:00 p.m. which would be similar to other permits that have music inside.

Mr. Herral stated that outdoor music of the wedding march is fine with him as long as the rest of the music is inside. He stated he has no objection.

Ms. Joyce White, 469 Coleytown Road, Waynesboro, stated that she is adjacent to Mr. Nargi. She stated that the applicant has done a wonderful job with his business. She stated that the only objection was the outdoor music. She stated that her husband has Parkinson's Disease and has hallucinations and if there is outdoor music playing it would make him have hallucinations. She stated that she does not object to inside music lasting until 11:00 p.m. She stated that the applicant has a lovely home. She commends Mr. Nargi on his endeavor. She does want to ask that the only music is the "Wedding March of Here Comes the Bride". She stated that every horse show that she has been to has had a loudspeaker outside and she would object to that due to the illness of her husband. She enjoys having him as a neighbor so far. She requests the Board not allow outdoor music except "Here Comes the Bride".

Ms. Betty Putney, 311 Madrid Road, Waynesboro, stated that she would like to congratulate Mr. Nargi on all the work he has done. She would like to make sure that there will not be any music outside and asked not to let things happen outside of the barn.

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

There being none, Chairman Coyner asked Mr. Nargi to speak in rebuttal.

Mr. Shreckhise asked about the septic permit?

Mr. Wilkinson stated that the applicant put in a septic system that permitted him up to 250 guests. He stated that the Health Department would regulate the maintenance and the systems.

Mr. Nargi stated that the system is regulated by the Health Department by the number of persons per day which is 250. He stated that he could have three (3) consecutive events and still handle the flow capacity because the system was over designed. He stated that he has worked with his geologist and Becky Wood from the Health Department and there is nothing else that he needs to do with the septic system. He looked into it before he made application.

Mr. Shreckhise stated that he is within the requirements of 250 people per day.

Mr. Wilkinson stated originally the applicant requested 400 guests but it was reduced to 250 when the septic system was installed.

Mr. Nargi stated that he does not want to have outdoor music. He cannot promise that there will be the traditional "Here Comes the Bride" but it would be processional type music. He stated that it will not be dance music. He stated that the equine events are pretty straightforward and it would not be a fair type event. He stated that typically the events do not go into the late night and he would not violate any noise ordinance. He stated that his facility in Augusta County would rival with the facility in Lexington.

Mr. Shreckhise asked if the applicant can accomplish the equine events without the loudspeakers?

Mr. Nargi stated yes.

Chairman Coyner stated that the Board has not received one complaint on this request. He closed the public hearing.

Mr. Wilkinson stated that the Board received five (5) letters in support from Emmett Hanger, Dickie Bell, Steve Landes, Matthew Lohr, and Dennis Burnett regarding the agri-tourism events and the operation of the farm (copies are on file in the Special Use Permit file).

Chairman Coyner stated that there was a neighbor that had concerns regarding the previous permit and now they spoke in favor. He stated where else would there be equine events except for at a horse farm. He stated that the applicant would need to adhere to all Health Department requirements.

Mr. Wilkinson stated that one of the standards is that applicants must adhere to all state and local regulations.

Ms. Brown stated that the Board visited the site this morning. She mentioned her first impression was that the site was very beautiful. She mentioned that the applicant is doing a good job.

Mr. Shreckhise stated the applicant has done a good job so far and this is a needed service in the agricultural community, therefore, he would move that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to have public accommodations in the existing apartment within the barn and the existing doublewide.
2. Be limited to seventy two (72) social events per year and six (6) equine events per year.
3. No indoor music to be permitted after 11:00 pm.
4. No outdoor amplified music with the exception of the processional type music ("Ceremonial Wedding March").
5. No loudspeaker or amplified music at the equine events.
6. Events will cease by 11:30 pm.
7. All other conditions of SUP#05-69 to remain in effect.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Coyner stated that it is good to have a facility in Augusta County and not have to travel to Rockbridge for equine events.

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**LARRY ALLANSON - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Larry Allanson, for a Special Use Permit to have a wood processing operation on property owned by Ralph S. Bright located in the east quadrant of the intersection of Churchville Avenue (Route 250) and Frank's Mill Road (Route 732) in the Beverley Manor District.

Mr. Larry Allanson stated that he would like to request a wood processing operation at the corner of Route 250 and Frank's Mill Road (Route 732).

Chairman Coyner asked if the logs would be delivered or picked up?

Mr. Allanson stated just for delivery.

Chairman Coyner stated that the only traffic would be from employees or deliveries.

Mr. Allanson stated yes.

Chairman Coyner asked if this would be a full time operation?

Mr. Allanson stated no. He mentioned that this is a hobby that he and his children would like to do.

Chairman Coyner asked if the workload is heavy in the winter?

Mr. Allanson stated the workload is more early fall and throughout the winter. He stated that it is slow during the spring and summer months.

Chairman Coyner asked if the applicant would have log inventory year round?

Mr. Allanson stated that he should be depleted by spring and build up his supply by the summer and fall.

Chairman Coyner asked if the machine is noisy?

Mr. Allanson stated it is not even as loud as a chainsaw. He stated it is more like a lawn mower.

Ms. Brown asked how does the machine work?

Mr. Allanson stated that the logs are loaded onto the machine, brought down to the conveyor, cut up, and the splitter splits the logs up.

Ms. Brown asked if the machine does it all?

Mr. Allanson 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.

Chairman Coyner stated that this is a neat operation. He stated that there will not be many customers coming and going to the site.

Ms. Brown stated that this is a much needed use for the County. She stated that the Board visited the site today. She stated that the site is very neat, therefore, she moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. All equipment and materials to be kept in the 300' x 300' area as depicted on the site plan.
2. All wood and equipment to be kept at least one hundred feet (100') from Franks Mill Road (Rt. 732) and fifty feet (50') from all property lines.
3. No employees other than family members.
4. Wood processing operation be permitted Monday through Saturday, and all operations to cease by dark.
5. No Sunday operation.
6. No customer traffic coming to site.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**LYALL O. STEGER, III - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Lyall O. Steger, III, for a Special Use Permit to have vehicle sales on property he owns, located on the south side of Circle Lane (Route 902) at the intersection of Circle Lane (Route 902) and Exit Farm Road (Route 668) in the Middle River District.

Mr. Lyall Steger stated that he would like to add vehicle sales to his motorcycle business. He stated that he would have sales on the internet by appointment only. He stated that they will have ten (10) spaces and everything will be inside. He stated that it is his home and he will not want to junk it up.

Chairman Coyner asked if this is a family enterprise?

Mr. Steger stated yes.

Ms. Brown asked if the applicant will still sell the motorcycles?

Mr. Allanson stated yes. He stated that motorcycle sales will still be the main thing that he is selling but the vehicle sales will help supplement his business. He stated that motorcycle sales are slower in the winter.

Chairman Coyner stated that the Board is always concerned that a site does not become a junkyard. He stated that the applicant should continue to keep the site neat and orderly. He stated that the applicant has been successful with keeping the site neat.

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

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

Chairman Coyner stated that the applicant has kept the site neat and orderly and all items are inside.

Mr. Shreckhise stated that this is a good clean operation. He stated that he has not received any complaints from anyone, therefore, he moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be limited to a maximum of five (5) vehicles displayed outside and they be kept in the designated area depicted on the site plan.
2. No employees other than family members.
3. No junk or inoperable vehicles, equipment, or parts of vehicles, or equipment to be kept outside.
4. Site to be kept neat and orderly.

Vice Chairman Callison seconded the motion, which carried unanimously.

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**VALERIE C. OR JAMES R. SCHWENDEMAN - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Valerie C. or James R. Schwendeman, for a Special Use Permit to have a kennel on property they own, located in the northern quadrant of the intersection of Frank's Mill Road (Route 732) and Luck Stone Road (Route 728) in the North River District.

Ms. Valerie Schwendeman stated that she has had the kennel at her site for awhile. She did not know that she needed a Special Use Permit.

Chairman Coyner asked what type of dog does the applicant breed?

Ms. Schwendeman stated golden doodles which is a golden retriever and poodle mix.

Chairman Coyner stated that staff is recommending a maximum of twenty (20) dogs.

Ms. Schwendeman stated that she only has twenty (20) adult breeding dogs that she breeds but it takes two (2) years to decide if they are candidates to breed. She stated that she does have additional dogs.

Chairman Coyner stated that Animal Control is recommending reducing the number to twenty (20) dogs.

Ms. Schwendeman stated that she has many young dogs that are growing up. She stated that she does not breed that frequently. She stated that she has no problem with having the twenty (20) dogs but she is asking for some leeway to have puppies grow up in order to replace the dogs that retire. She stated the young ones which are one year old will not be ready for breeding until this time next year.

Chairman Coyner asked what the definition of an adult dog is?

Mr. Wilkinson stated that an adult dog is over six (6) months of age as defined by the Augusta County Zoning Ordinance definition.

Ms. Schwendeman stated that a dog that size does not reach adulthood until two (2) years old.

Mr. Wilkinson stated that once the dog is over six (6) months they are considered an adult. He stated that all dogs over six (6) months of age or older would be counted in the number that the Board puts on the permit.

Ms. Schwendeman stated that she currently has twenty-seven (27) dogs. She stated that three (3) dogs she is about to retire in six (6) months, three (3) dogs are not quite six (6) months of age yet, and three (3) just turned one (1) year old. She stated that she keeps the kennels clean. She has a privacy fence which keeps the noise down. She stated that she puts the dogs in the kennel in the evening early. She stated that she does not let the dogs out until 8:30 a.m. She collects the debris in a wagon. She stated that she is very meticulous on how her property is kept. She stated that she has been keeping the dogs there for years. She has maintained that number of dogs at the site for years without an issue.

Chairman Coyner asked how many dogs does she have now?

Ms. Schwendeman stated that she has twenty-six (26) dogs at the site over six (6) months. She stated that twenty (20) of them are of breeding age. She stated that she lets the dogs grow up two (2) years before she breeds so that she can check the breeding quality of the dog.

Mr. Shreckhise stated that he is hesitant to go against what Animal Control is recommending.

Ms. Brown stated that the kennel area was amazing. She stated that there have never been any complaints from this site. She stated that each Special Use Permit is looked at on a case by case basis.



Chairman Coyner stated that this kennel is no way comparable to what this Board has experienced in the past.

Ms. Schwendeman stated that she is not looking to increase the number of dogs that she has currently.

Chairman Coyner asked if the applicant advertises?

Ms. Schwendeman stated within the state of Virginia. She does not ship dogs.

Mr. Wilkinson asked what does the applicant do when a dog retires?

Ms. Schwendeman stated that she always likes to find a home and verify that the dog will be in a fenced in yard and that the dog is being placed with a family that she likes.

Chairman Coyner asked when does the applicant retire a dog?

Ms. Schwendeman stated before the age of six (6). She stated that her dogs have only two (2) to three (3) litters in their lifetime.

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.

Chairman Coyner stated that the facility is very nice. He stated that the applicant looks to be an excellent operator of this kennel.

Ms. Brown stated that the Board visited the site today and she did not even know that there was a kennel on the property. She moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Applicant be limited to a maximum of twenty-six (26) adult dogs.
2. Dogs be kept inside from 9:00 pm until 6:00 am.

- 3. Applicant must reside on premises.
- 4. Animal Control to inspect the site every year.
- 5. Site be kept neat and orderly.

Vice Chairman Callison seconded the motion, which carried unanimously.

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**WALTER V., JR. OR KENNALYN EGGLESTON - ONE YEAR EXTENSION OF TIME REQUEST**

A request by Walter V., Jr. or Kennalyn Eggleston, for a Special Use Permit to have a motor vehicle repair operation within an existing building and to have a vehicle storage area on property they own, located on the north side of Spottswood Road (Route 620), approximately .3 of a mile northwest of the intersection of Spottswood Road (Route 620) and Taylor Lane in the Riverheads District.

Mr. Wilkinson stated that Mr. Eggleston will need to surface the front part of the entrance. He stated that the applicant may be waiting until spring to finish the entrance. He stated the applicant is requesting an extension for a year.

Vice Chairman Callison moved that the one year Extension of Time be approved.

Ms. Brown seconded the motion, which carried unanimously.

\* \* \* \* \*

**STAFF REPORT**

10-8	Mint Spring Medical Park, LLC
10-9	Meade, O. Randall

Mr. Wilkinson stated that SUP#10-8 and SUP#10-9 are both in compliance.

\* \* \* \* \*

Mr. Wilkinson passed out the court cases for the Board to review.

\* \* \* \* \*

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

\* \* \* \* \*

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Chairman

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Secretary