

PRESENT: T. H. Byerly, Vice Chairman
 D. A. Brown
 S. F. Shreckhise
 J. D. Tilghman
 J. R. Wilkinson, Zoning Administrator & Secretary
 Timothy K. Fitzgerald, Director of Community Development

ABSENT: G. A. Coyner, II, Chairman
 Pat Morgan, County Attorney
 S. K. Shiflett, Zoning Technician I

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 1, 2012, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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

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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:

- **Stephen Lee, Jr., or Ashley Myers Coffman - Special Use Permit**
- **Daniel A. Holsinger, agent for Holsinger Farms, LLC - Variance**
- **Charles Scott and Cathy F. Balsley - Special Use Permit**
- **Michelle Hurdman, agent for Eagle Ridge Motorsports, LLC - Special Use Permit**
- **Lisa Ann Donkle - 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: G. A. Coyner, II, Chairman
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J. R. Wilkinson, Zoning Administrator & Secretary
Timothy K. Fitzgerald, Director of Community Development
Pat Morgan, County Attorney
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: 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, March 1, 2012, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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Chairman Coyner welcomed Justine Tilghman who is the new member on the Board of Zoning Appeals.

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MINUTES

Vice Chairman Byerly moved that the minutes from the February 2, 2012, meeting be approved.

Mr. Shreckhise seconded the motion, which carried unanimously.

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STEPHEN LEE, JR., OR ASHLEY MYERS COFFMAN - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Stephen Lee, Jr., or Ashley Myers Coffman, for a Special Use Permit to have a landscaping and mowing business with outdoor storage and new structures, on property they own, located at 483 Mt. Pisgah Road, Mt. Sidney, in the North River District.

Mr. Stephen Coffman stated he would like to run a small mowing and landscaping business out of his residence. He mentioned he has three (3) employees currently but would like to ask that four (4) employees be granted to come to the shop, load up, and leave to go to work.

Chairman Coyner asked if the lawn mowers will be kept in a building at the site?

Mr. Coffman stated yes.

Chairman Coyner asked if there would be inventory kept at the site?

Mr. Coffman stated a dump truck will deliver mulch one (1) time a week when he is really busy.

Chairman Coyner asked about the employees?

Mr. Coffman stated that he has three (3) now but would like to have four (4) employees.

Ms. Brown stated the Board visited the site today. She stated there is a circular driveway in the front. She asked if there would be a new driveway to serve the proposed building?

Mr. Coffman stated yes. He stated he will make a driveway to the shed for the employees to park. He will also have handicapped bathrooms for employees.

Ms. Brown asked if trees would be planted?

Mr. Coffman stated Leyland Cypress trees will be planted to block the view of any outside storage. He asked the Board if he could have more time to complete the buildings. He requested that the Board give him at least two (2) years to complete the buildings.

Ms. Brown asked if the applicant would build the 16' x 24' building first?

Mr. Coffman stated yes.

Chairman Coyner asked if the building will take several years to construct?

Mr. Coffman stated yes. He stated it would take several years to generate a profit. He would like to do things as he gets a little savings.

Chairman Coyner asked if there would be any night activity?

Mr. Coffman stated no.

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. Wilkinson stated should the Board decide to go forward with this request the applicant should be required to provide a site plan meeting all of the ordinance requirements as a pre-condition.

Chairman Coyner stated the Board visited the site this morning.

Ms. Brown stated the business will not be seen from the road. She stated the applicant will be putting up trees as a buffer. She moved that the request be approved with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. The 16' x 72' storage area be screened by a double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center and must be maintained at all times.

Operating Conditions:

1. Be limited to three (3) company vehicles, three (3) trailers, one (1) tractor, and one (1) skid loader at the site and they be kept inside the 24' x 72' building or parked in front of the building.
2. All outdoor storage of rock, mulch, and topsoil be kept in the designated 16' x 72' area shown on the site plan.
3. Be limited to four (4) employees.
4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
5. Site be kept neat and orderly.

- 6. No Sunday work.
- 7. The only sign to be permitted for this business is one (1) on premise business sign not to exceed twelve (12) square feet.
- 8. Applicant be given two (2) years to construct the two (2) buildings.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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MICHELLE HURDMAN, AGENT FOR EAGLE RIDGE MOTORSPORTS, LLC - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Michelle Hurdman, agent for Eagle Ridge Motorsports, LLC, for a Special Use Permit to continue to have motorcycle shows and exhibitions, live music events, and rider training on property owned by SHD, LLC, located at 213 Rolling Thunder Lane, Staunton, in the Beverley Manor District.

Mr. Lynn Hurdman stated that he and his wife, Michelle, have just recently purchased Shenandoah Harley Davidson. He stated they are looking to continue the functions that were held at the site previously. He stated they have had motorcycle shows, rider training, and outdoor concerts at the site.

Chairman Coyner asked if the Board would see any difference with this permit?

Mr. Hurdman stated no difference than before.

Chairman Coyner stated the facility is very nice. He stated to his knowledge they have never received any complaints. He asked if they would operate the same?

Mr. Hurdman stated yes.

Chairman Coyner asked if the applicant is familiar with this type of business?

Mr. Hurdman stated they owned a GM dealership for twenty (20) years. He stated they are new to the Harley Davidson business.

Ms. Brown asked if they will use a local rescue squad during events?

Mr. Hurdman stated yes. He stated they have already been in contact with them and they are ready to go.

Ms. Brown asked about the overflow parking?

Mr. Hurdman stated that the property is 12.5 acres. He stated they will use their property but in the occasion they need more than that, they may ask the Staunton Mall to utilize their parking area and bus the patrons over. He stated they may ask the adjacent tracts for the overflow parking as well.

Ms. Brown asked if they will have additional help on event days?

Mr. Hurdman stated they will have extra staff on hand as well as the local Harley Owners Group (HOG Chapter) helping with events.

Chairman Coyner stated in the past the events have all been great. He stated the events seem to attract many people. He 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.

Vice Chairman Byerly wanted to extend a warm welcome to the new owners of the business. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Music events be limited to two (2) per month or no more than twelve (12) per year.
2. No event to go past midnight.
3. No music events, festivals, or rider training be held on Sunday.
4. Applicant to obtain an outdoor musical or entertainment festival permit from the Board of Supervisors.
5. Local rescue squads be onsite for all music events.
6. Rider training be limited to a maximum of ten (10) riders at any one time.

7. Site be kept neat and orderly.

Mr. Shreckhise seconded the motion, which carried unanimously.

Chairman Coyner stated the applicant should contact staff regarding the overflow parking.

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CHARLES SCOTT AND CATHY F. BALSLEY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Charles Scott and Cathy F. Balsley, for a Special Use Permit to construct a public accommodation facility and children's camp including cabins, active recreational facilities, and have special events on property owned by Walton C. and Ada M. Thompson, Trustees, located on the north side of Purple Cow Road (Route 619), approximately .1 of a mile east of the intersection of Purple Cow Road and Mountain Stream Lane in the Middle River District.

Mr. Charles Scott Balsley stated they applied for a Special Use Permit with the intent to have a special needs facility. He stated the children will have various illnesses, diseases, and disabilities. He stated they wanted to give the children an opportunity to come to camp for the summer.

Chairman Coyner asked if he has done this type of venture before?

Mr. Balsley stated no. He mentioned they have been doing fundraisers for Relay for Life for the last ten (10) years as well as for Special Olympics and the March of Dimes. He stated that he is a Class A Contractor and his wife is a nurse. He feels them working as a team will make this work.

Chairman Coyner asked if the camp would operate all summer?

Mr. Balsley stated the camp will be approximately ten (10) weeks long operating from June through August.

Chairman Coyner asked if they would have staff all year round?

Mr. Balsley stated they will need ten (10) employees. He stated during the summer it would vary with forty-eight (48) children, they will need about forty (40) volunteers as well as the ten (10) employees.

Chairman Coyner asked if the children will be at the camp all week?

Mr. Balsley stated they would arrive on Friday and stay to the following Sunday. He mentioned camp would last five (5) to six (6) days.

Chairman Coyner asked if the applicant is requesting off season rental of the site?

Mr. Balsley stated that he would rent the site out for reunions, church functions, Christmas parties, and corporate retreats in order to make extra money for the camp.

Chairman Coyner asked if staff would be present during those events?

Mr. Balsley stated yes. He stated he would strongly screen who ever is using the facility.

Chairman Coyner asked if this is something the applicant would like to start soon?

Mr. Balsley stated the special events area he would like to use for Halloween and their Christmas event in order to fund the camp for the children. He stated the children attend camp for free. He stated they will rely on grants and corporate funding to fund the camp.

Chairman Coyner asked if the children would be school age?

Mr. Balsley stated the age of the children attending the camp would be six (6) through sixteen (16). He stated they would have wheelchair access for the children who have illnesses, diseases, or disabilities.

Ms. Brown asked how far would the children come from?

Mr. Balsley stated possibly all over the country but mostly the east coast. He stated there are similar camps across the country in different places.

Ms. Brown asked what activities would be done at the camp?

Mr. Balsley stated aquatics, high and low rope courses, zip lines, arts and crafts, theater, horse programs, animal care, and horticulture.

Ms. Brown asked about the number of employees?

Mr. Balsley stated they will need ten (10) full-time employees.

Ms. Brown asked if the employees would be skilled?

Mr. Balsley stated yes.

Ms. Brown asked how many children per cabin?

Mr. Balsley stated six (6) cabins with eight (8) to ten (10) children per cabin. He stated there would be four (4) counselors as well as staff housing.

Ms. Brown asked if there would be a bathroom in each cabin?

Mr. Balsley stated yes.

Ms. Brown asked how would someone find out about the camp?

Mr. Balsley stated he is working on setting up a website and email.

Ms. Brown asked if the hospitals will be affiliated?

Mr. Balsley stated they are not affiliated with the hospitals yet but they are planning on approaching them. He stated that is how they will find the children they need.

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

Ms. Joanne Knopp stated that she is a realtor with Valley Realty Associates. She stated that she has been working with Mr. and Mrs. Balsley on finding the perfect place to house their dream. She stated that Mrs. Balsley is a nurse and she needs to be a certain distance from Rockingham Memorial Hospital. She stated they were searching for a place to have a camp and not impact any neighbors adversely but close enough so that area children can participate.

Ms. Kerry Clement stated that she is the Augusta County Community Manager for the American Cancer Society at Neff Avenue in Harrisonburg. She stated the applicants are the top team for fundraising. She stated they are very detailed people. She stated they have always been respectful of neighbors and well to work with. She stated the Halloween event is great.

Mr. Harold Henkel, 1872 Duke Road, Waynesboro, stated that he supports the camp but when the applicant states they are going to have events, it leaves everything wide open. He stated that there will be four-wheelers and hunting on the land. He asked if they will have live music and will people stay overnight. He stated he would like all of the events defined. He asked if some of the events would take place behind the pond, if so they would be on top of his mountain land.

Ms. Betty Wharam, 308 Turk Mountain Lane, Waynesboro, stated her main concern is trash and trucks transporting items into the camp. She wondered about how trash will be

removed. She stated that the traffic in the area is bad. She stated she is not in opposition to the camp.

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

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

Mr. Balsley stated he is requesting to have the public come for the Halloween trail rides in the forest at night as well as a corn maze in the special event area.

Chairman Coyner asked if the events would be in defined places?

Mr. Balsley stated yes. He also would like to sell Christmas trees and ornaments to raise money. He stated they will also have a walk through Christmas Village. He stated they would like to have pumpkins to pick for the kids at school and possibly a corn maze in the fall. He stated there would be no hunting on the property. He stated they would like to have corporate retreat events which would include approximately twenty (20) people over a weekend. He stated they would be able to use the rope courses and teach team building. He stated during family reunions they will use the main pavilion meeting hall which would mostly take place Saturday afternoons. He stated the Christmas parties will be kept within the permitted numbers and fire code for the building. He stated they will monitor the site. He stated there will be no alcohol on the premises.

Mr. Shreckhise stated any restrictions placed on the property would apply to the applicant as well as anyone who rents the site.

Chairman Coyner stated that it takes a neighbor to be a neighbor. He asked about the pond?

Mr. Balsley stated they will be below the pond. He stated this would not be on anyone else's property line. He stated that he will not let anyone trash the site. He stated they want their camp area to be nice.

Chairman Coyner asked if someone would be hauling the trash away?

Mr. Balsley stated Waste Management or someone will be taking the trash away.

Mr. Wilkinson asked if they would have security during the events?

Mr. Balsley stated they will have an off duty officer to do security to keep everything in line.

Mr. Wilkinson asked how many days would the Halloween event last?

Mr. Balsley stated about fifteen (15) days total between Friday and Saturday and a couple of days before Halloween and on Halloween. He stated the Christmas event will last about ten (10) days. He stated schools can come to the site during the weekdays on field trips. He stated he would also like to have gem mining at the site.

Mr. Wilkinson asked if the applicant wants to be limited to corporate retreats, church groups, family reunions, and Christmas parties?

Mr. Balsley asked how the permit would fall as far as weddings?

Vice Chairman Byerly stated the applicant should list all potential possible events.

Mr. Wilkinson stated the Board can table the request to allow the applicant time to present a list of events or they can add to the motion to furnish a list of events to staff.

Ms. Tilghman asked how many people would the building house?

Mr. Balsley stated one hundred (100) people.

Ms. Tilghman stated if this venture is very successful they may outgrow the site or could come back asking for more very quickly. She stated most weddings have more than one hundred (100) people attending. She asked if the applicant would have people staying overnight?

Mr. Balsley stated no.

Ms. Tilghman asked if they would have one hundred (100) attendees for the Halloween event?

Mr. Balsley stated it is different for that event because they are not using a building for the Halloween event.

Mr. Wilkinson asked what would be the maximum number of people at the site?

Mr. Balsley stated with the Halloween event they would have over five hundred (500) and they come to the event and drive away. He stated they will have extra porta-potties to handle the use of the facility. He stated the customers will not use the same facilities as the camp. He explained the site sketch to the Board.

Chairman Coyner stated that the Board would need to have a number on special events. He stated this sounds like it would be a quality operation.

Ms. Brown asked how far are the cabins from the road?

Mr. Balsley stated nine hundred (900') feet. He mentioned the front pond is reserved for the fire department. He stated the land is really wet and the children will not be using that area.

Ms. Brown asked out of the one hundred sixty (160) acres, how many of that does the applicant plan on using?

Mr. Balsley stated about twenty-five (25) acres have buildings on them.

Chairman Coyner asked if they would have events going on in the summer months?

Mr. Balsley stated no. He mentioned they will not have large inside events while camp is going on.

Chairman Coyner asked if there would be music with the camp?

Mr. Balsley stated they would have a guitar playing near the campfire. He mentioned no live music.

Chairman Coyner asked if there would be an amplifier?

Mr. Balsley stated no. He stated he does not know if they really need the outdoor music festival permit.

Ms. Brown asked when would the camp be open?

Mr. Balsley stated June through August.

Ms. Brown asked when would the public be at the site?

Mr. Balsley stated through the middle of September to the end of October and again in December.

Chairman Coyner stated weddings start taking place early spring.

Mr. Balsley stated if they do those it would be early spring. He stated during the months of camp there will be no other events taking place at the same time.

Ms. Brown asked if the camp would run on donations, grants, and fundraisers?

Mr. Balsley stated yes. He stated they are in the process of developing a non-profit corporation.

Ms. Brown asked if the parking spaces would be marked?

Mr. Wilkinson stated not for special events such as this. He stated when the applicant submits the full plans, the overflow parking would be shown.

Chairman Coyner declared the public hearing closed.

Mr. Shreckhise stated that it is necessary to get the type of events as well as the number of participants expected. He moved that the request be tabled until the April 5, 2012 meeting.

Ms. Brown seconded the motion, which carried unanimously.

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DANIEL A. HOLSINGER, AGENT FOR HOLSINGER FARMS, LLC - VARIANCE

This being the date and time advertised to consider a request by Daniel A. Holsinger, agent for Holsinger Farms, LLC, for a Variance from the Floodplain Overlay District regulations in order to reconstruct and enlarge an existing structure located in the Floodplain on property it owns, located at 656 East Side Highway, Waynesboro, in the Wayne District.

Mr. Daniel Holsinger stated they need more storage at the site for feed. He mentioned he does realize the property is in a floodplain area and there has been new laws that have come into effect but he is already established there. He stated he would like to replace approximately one half of an existing 35' x 45' building with a twenty-five (25') foot diameter silo. He stated he would like to construct a new silo several feet above the floodplain. He stated they have never had any floodwaters in the area.

Mr. Wilkinson explained the reason for the Variance is due to the fact that the value of the new silo is more than fifty percent (50%) of the existing farm building and the Floodplain Ordinance requires the entire dairy facility be brought up to FEMA Floodplain standards, which would result in the entire dairy facility being moved out of the floodplain and rebuilt. He stated the applicant can meet Section "B" for replacement structures less than 50% of the value of the existing structure because they only need to meet the Building Code and be elevated one (1') foot above the floodplain. He mentioned the applicant is requesting a

Variance of Section "D" that requires the entire facility to be brought up to code because the new structure is more than 50% of the value of the old building.

Chairman Coyner asked if the applicant is planning on starting within a year?

Mr. Holsinger stated yes.

Ms. Brown stated the feed in bags are more of a hazard.

Mr. Holsinger stated it is not a good image keeping the feed in bags. He stated they are trying to make that change. He stated it is a mess but they are trying to make it look better.

Vice Chairman Byerly stated that he appreciates the applicant moving forward with the vertical structure which would be the safest route.

Chairman Coyner asked if the applicant had water in the barn before?

Mr. Holsinger stated no. He stated the base of the silo is just a couple inches of being out of the floodplain.

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.

Mr. Shreckhise outlined the ordinance standards for Variances in the floodplain and stated this request would be acceptable because it does meet the requirements that we need to consider before granting this Variance. He moved that the Variance be approved with the following condition:

Pre-Condition:

1. Submit site plan showing the materials storage area of the silo to be at least one (1') foot above the floodplain and meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.

Vice Chairman Byerly seconded the motion, which carried unanimously.

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OLD BUSINESS**LISA ANN DONKLE - SPECIAL USE PERMIT**

A request by Lisa Ann Donkle, for a Special Use Permit, to have a day care home occupation on property owned by Donald Ray II and Lisa Ann Donkle, located at 152 Heather Lane, Staunton, in the Beverley Manor District. - TABLED FROM THE FEBRUARY 2, 2012 MEETING

Vice Chairman Byerly moved to bring the item forward.

Ms. Brown seconded the motion, which carried unanimously.

Chairman Coyner asked if staff has received any new developments?

Mr. Wilkinson stated they received thirty-three (33) additional letters in opposition.

Chairman Coyner stated the Board visited the site last month. He stated that it is one of the best operations that he has ever seen. He asked if there is a spokesperson for the group in favor and in opposition?

Ms. Jennifer Ayers, 22 Vista View Lane, Staunton, stated she lives in Spring Lakes in the townhouse section. She stated she has lived there for six (6) years and she has never known the day care even existed. She stated Ms. Donkle has opened her house for the neighbors to see her operation. She stated Ms. Donkle is preparing children for school. She stated that this is a learning center not a day care operation. She stated with her oldest son they made a big mistake and put him in private care and academically it shows. She stated that Ms. Donkle has many children on the waiting list. She stated there is no place in Staunton that is appropriate or clean to put her children in. She stated the Spring Lakes Board and developers do not have a problem with this place. She cannot understand why two (2) more children would be a problem. She stated Spring Lakes is not a retired community. She stated this is a growing neighborhood and the children are what makes this neighborhood grow.

Ms. Jane Pogany, 161 Heather Lane, Staunton, stated that she has lived in the area for seven and a half years. She appreciates all of Ms. Ayers' comments but they are irrelevant to the question at hand. She stated no one is questioning the clean house, wonderful school, or the applicant's ethic. She stated the Board has received more than forty (40) emails and several letters in opposition. She stated many of the neighbors are here today to demonstrate their opposition which was shown by more than twenty-five (25) people raising their hands. She stated the objection is based on the Spring Lakes covenants which

she read. She stated a business was never mentioned in the covenants. She noted when the applicant adds a sixth child it will be considered a business. She heard many people say last month that this proposal should not have an undo and adverse impact but it will and the Board heard all of the reasons last month. She mentioned that on Ms. Donkle's website it states full-time day care from 7:00 a.m. to 6:00 p.m. and part-time program from 8:00 a.m. to 1:00 p.m. as well as after school care. She stated the prices for the after school care would be handled per request. She noted that Ms. Donkle will be providing three (3) levels of service. She asked whom will she provide the after school care for. She stated the after school care will bring in more buses and cars on a regular basis. She stated the children that come from other schools will be older than her other students. She asked if that would be allowed with her license. She stated if the permit is approved how will we hold the applicant to only having eight (8) children with the mentioned categories. She stated the applicant could have a variety of scenarios which would probably result in more than eight (8) children. She stated the approved permit will create an undo and adverse impact on the neighborhood for all of the reasons mentioned. She stated she prefers not to take the chance of approving the permit.

Chairman Coyner asked the applicant to speak in rebuttal.

Ms. Lisa Donkle stated that her website was made before she even went into business. She stated that once it was created it was never touched again because she got flooded with clients. She has a lease with Vista Print for two (2) years when she originally created the website. She stated that her license does not even permit her to have after school children. She mentioned she cannot have a six (6) year old or a two (2) year old. She mentioned her license would only be for three (3) to five (5) year old children. She stated that she does not have a part-time program. She needs to have the children all day in order for them to learn the curriculum. She stated when she created the website she was not sure what type of operation she was going to have. She stated she already has six (6) children and would like to have two (2) more. She mentioned so many questions and concerns could have been alleviated if she was asked. She stated as neighbors everyone should have worked together as neighbors. She stated that you cannot even tell that she is operating a day care out of her home. She stated she only has one piece of play equipment and they bring in their bucket of toys everyday. She also put up a fence. She stated the new POA manager cannot be in opposition or in favor to her request. She stated they need to remain neutral but she did talk with the new POA manager and she did not have a problem with the day care and it would not adversely affect the area. She stated they felt that two (2) more children would not create any problems. She stated she does not want to rent a commercial site because she would like to provide an affordable, Christian education to the children. She stated there are three (3) choices in the County for day care. She stated the options for citizens are a part-time church, day care, or private care. She stated she wanted to provide something different and if she has to rent a building her rates would need to go up. She stated she helped run a huge day care center

in Richmond and she witnessed all the dynamics of running a commercial day care operation. She stated with budget cuts they needed to make cuts and combine classes which may not have been in the best interest of the children. She mentioned some of the letters stated that this is a money making venture for her. She stated so far she has lost money every month. She stated that she does not want to go into debt but she has not received a profit yet. She stated she will not be setting a precedent because there are other businesses in the neighborhood already. She has a business that was started two (2) years ago. She stated Special Use Permits are handled on a case by case basis. She mentioned just because she is approved does not mean that the citizen two doors down would get approved too. She stated there is a computer business, massage in the home, and a landscaping business in the subdivision already. She mentioned the landscaping business parks their vehicles in the cul de sac. She stated there is already business traffic coming through the subdivision. She stated she has added Spring Lakes to her insurance. She stated Lester Development in Martinsville is not opposed to her request. She stated she has been in contact with the Spring Lakes Board and they looked at the covenants and they had no issues with the business. She stated the covenants read that it is at the sole discretion of the owner, Lester Development. She stated that she has operated for almost two (2) years and has never received a complaint except for the toys being outside. She stated no one has ever complained at them being at the pool. She stated that now she is under the radar but people did not even know that the day care was even there. She stated it will not have a huge impact. She showed the Board the Spring Lakes neighborhood which displayed all of the property owners in favor and in opposition to the request. She stated that she sent a letter out to the neighbors and had an open house but it is sad to say not many came out. She stated the people that support her are working citizens who cannot take the day off of work. She mentioned she has had several people in opposition retract their letter since the last meeting. She stated that she has a waiting list of children for her day care but she will give precedent to the children in the neighborhood. She stated that it is against the law for her to take after school children.

Chairman Coyner stated the Board has not received much new information with regard to this request.

Vice Chairman Byerly stated he has read the letters and emails from the neighbors. He stated he has twenty (20) years experience in the appraisal business and he does not know how you could substantiate that this type of business would be a detriment to property values. He noted these are amenities to subdivisions and he wished every subdivision would have a program such as this.

Mr. Shreckhise stated that this has been the best facility that he has seen but there are many neighbors opposed to it in the community. He stated he is not sure that this is the right thing for the community.

Chairman Coyner stated he feels most of the neighbors that are in opposition are not next door to the applicant, therefore, they will not be impacted by the request or the traffic.

Vice Chairman Byerly moved 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 eight (8) children in the day care operation.
- 2. All parking associated with the business shall be off-street.
- 3. There be no further expansion of this facility at this location.

Ms. Brown stated that the applicant explained that she would not have part-time children. She mentioned the age groups would be from three (3) to five (5) years old. She stated the applicant does not have a sign advertising the business and she has put up a fence at her property. She mentioned the applicant can park approximately six (6) cars in the driveway at one time. She stated there are two ways in and two ways out of the property, therefore, she felt there would be no traffic issues. She seconded the motion, which carried with a 4-1 vote with Mr. Shreckhise being in opposition to the motion.

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STAFF REPORT

- 11-25 William E. Halterman, Jr.
- 11-26 French M. Croft
- 11-27 Rodney S. and Carolyn S. Knight
- 11-28 James and Magdalene F. Brenneman
- 11-29 Derek W. Woods – **Denied**

Mr. Wilkinson stated that SUP#11-25 is in compliance. He mentioned the pre-condition has not been met for SUP#11-26. He stated that SUP#11-27 is in compliance. He stated he has sent a letter to Verizon for SUP#11-28.

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

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

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Chairman

Secretary