

PRESENT: T. H. Byerly, Chairman
 S. F. Shreckhise, Vice Chairman
 D. A. Brown
 G. A. Coyner, II
 J. D. Tilghman
 J. R. Wilkinson, Zoning Administrator & Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 2, 2014, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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

VIEWINGS

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

- **CHRISTINE J. AUVILLE AND JESSICA HALL - SPECIAL USE PERMIT**
- **KENNETH B. & JORDAN LONG - SPECIAL USE PERMIT**
- **NORRIS E., JR. & KIMBERLY E. CAMPBELL – SPECIAL USE PERMIT**

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

Chairman

Secretary

PRESENT: S. F. Shreckhise, Chairman
 J. D. Tilghman, Vice Chairman
 D. A. Brown
 T. H. Byerly
 G. A. Coyner, II
 Pat Morgan, County Attorney
 J. R. Wilkinson, Zoning Administrator & Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, January 2, 2014, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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ELECTION OF OFFICERS

Mr. Coyner nominated Mr. Shreckhise as Chairman, Ms. Tilghman as Vice Chairman, and John R. Wilkinson as Secretary.

Ms. Brown seconded the motion, which carried unanimously.

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MINUTES

Ms. Tilghman moved that the minutes from the December 5, 2013, meeting be approved.

Mr. Coyner seconded the motion, which carried unanimously.

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CONSIDERATION OF 2014 RESOLUTION

Mr. Coyner moved that the Board of Zoning Appeals adopt the resolution to establish its schedule for regular meetings during calendar year 2014 and if hazardous weather conditions are such that the members of the Board cannot meet, the meeting shall be continued the next business day.

Ms. Brown seconded the motion, which carried unanimously.

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CHRISTINE J. AUVILLE AND JESSICA HALL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Christine J. Auville and Jessica Hall for a Special Use Permit to have weddings or special events on property owned by Martin K. or Christine J. Auville, located at 201 Little Run Road, Weyers Cave, Staunton, in the Middle River District.

Jessica Hall stated that she lives at 201 Little Run Road and is requesting she be allowed to open her family's farm, Harmony Harvest, as an event venue for rent. The farm began operating a year ago as a cut flower farm for use in the florist trade and offers complete floral design as well as wholesale services. Much of the current business is linked directly to the wedding and event industry making venue rental a complimentary component of their business plan. The location of the farm is ideal for venue purposes as it is within minutes of interstate 81 and a major highway, as well as a local airport. Harmony Harvest Farm is one of five residential homes on Little Run Road and is surrounded on the backside by industrial farms making the overall impact on county residences minimal. They do not intend to be a full-service business but will only be hosting the events and providing floral arrangements and design. All food preparation, including clean-up will need to be done by a third party licensed caterer. They desire to find financial success with their business, but their true desire is to be a sustainable family farm operation. They feel this business will benefit the surrounding community as well as Harmony Harvest Farm as it will generate income for other local businesses.

Ms. Brown asked for confirmation that only 25 events would be held during the year.

Mrs. Hall stated that was correct.

Ms. Brown asked how many employees would be hired for this business.

Mrs. Hall stated that the business would be staffed by family members, other than when outside security would be hired for events where alcohol is served.

Ms. Brown asked if the flowers grown on the property are sold locally.

Mrs. Hall stated for now they are only sold locally, but over time they hope to be able to expand the business.

Ms. Brown asked what types of flowers are grown on the farm.

Mrs. Hall stated they grow 150 different varieties; 50% which are annuals and the remaining are perennials and woody.

Mr. Coyner asked where they intended parking to be for the events being held.

Mrs. Hall stated parking would be in the barn-yard. They plan on using railroad ties to designate parking areas and spaces.

Mr. Coyner asked if the business is for wedding events only.

Mrs. Hall stated that the business would not be limited to weddings. They anticipate hosting reunions and banquets as well.

Mr. Coyner stated that he was concerned about the volume of any music that would be played at the events and how it would affect neighboring properties.

Mrs. Hall stated they have the utmost respect for their neighbors and they will not allow music to be played into the late evening hours and the noise level would be contained.

Mr. Coyner stated that he did not feel they should have events for several consecutive weeks.

Mrs. Hall stated they are open to however many events the BZA would allow each month.

Mr. Coyner asked how long the family has owned the property.

Mrs. Hall stated for two years.

Mr. Byerly asked if Mrs. Hall had a copy of the operating conditions.

Mrs. Hall stated that she has received the operating conditions and is satisfied with the requirements and the limitations to the number of events per month.

Mr. Coyner addressed the issue of bathroom facilities and stated the Board is usually willing to work with new businesses and allow porta-potties for a limited time.

Mrs. Hall stated that they would like to operate on a temporary basis using porta-potties until they can determine the success of the business.

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

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

Mr. Coyner stated he felt this was a reasonable request and the business would be in a good location. He moved that the request be approved with the condition that the bathroom facilities be updated within three years.

Pre-Conditions:

- 1. Obtain Health Department approval and provide a copy to Community Development.
- 2. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Conditions:

- 1. Applicant will install a sewage treatment system approved by the Health Department within three (3) years.
- 2. Be permitted to operate for three (3) years using porta-potties until the septic system is installed.
- 3. Be limited to twenty-four (24) events per year but no more than three (3) per month.
- 4. Be limited to a maximum of one hundred fifty (150) people per event.
- 5. No amplified music after 10:00 P.M.
- 6. Events to cease by 11:00 P.M. and all persons off the property before midnight.
- 7. One of the applicants must reside on the premises.
- 8. Site be kept neat and orderly.
- 9. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 10. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the Ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Byerly seconded the motion, which carried unanimously.

KENNETH B. AND JORDAN LONG - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kenneth B. Long and Jordan Long for a Special Use Permit to have a construction business and a real estate and development office on property owned by Kenneth B. Long, located at 211 Tribbetts Mill Road, Swoope, in the Pastures District.

Kenneth Long stated he is the owner of KBL construction located at 211 Tribbetts Mill Road and is requesting to have a construction business there.

Chairman Shreckhise stated that the BZA viewed the site and everything seemed to be in order.

Mr. Coyner stated that because of the seclusion of the property, it was an ideal place for a construction business.

Ms. Tilghman asked for confirmation that Mrs. Long would like to have her real estate office at the property.

Mr. Long stated that currently Mrs. Long works for Better Homes and Gardens Real Estate but in the future would like to obtain her broker's license and operate from the home. He stated he and Mrs. Long currently build spec houses under her LLC license.

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

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

Ms. Brown moved that the request be approved with the operating conditions set forth:

Pre-Conditions:

1. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Conditions:

1. Be permitted to have three (3) trucks or company vehicles, two (2) trailers, a boom truck, and two (2) pieces of equipment on site.
2. Be limited to two (2) employees who come to this property.
3. All outdoor storage be kept in the designated areas shown on the site plan and the existing woods be kept and maintained as a screen.
4. Hours of operation be 6:30 a.m. to 8:00 p.m. Monday thru Saturday.
5. No Sunday work.

6. Site be kept neat and orderly
7. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
8. Applicant must reside on premises.

Mr. Coyner seconded the motion, which carried unanimously.

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NORRIS E., JR. AND KIMBERLY E. CAMPBELL – SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Norris E., Jr. and Kimberly E. Campbell for a Special Use Permit to have a personal kennel on the property owned by Norris E., Jr. and Kimberly E. Campbell, located at 2094 Troxell Gap Road, Craigsville, in the Pastures District.

Kimberly Campbell stated she and her husband are requesting to be allowed to keep the kennel they have had for 17 years at 2094 Troxell Gap Road. They have purchased the required kennel license for 17 years and they currently have eight dogs on the property.

Ms. Brown stated that when the BZA visited the site the dogs did not bark. They seemed to be well mannered and she was impressed with them.

Mr. Coyner asked if the dogs are used for hunting.

Mrs. Campbell stated they are used for rabbit hunting.

Mr. Coyner asked if the dogs are let out to get exercise each day.

Mrs. Campbell stated they let them out to run every day. They have permission from a neighbor for the dogs to run on his property.

Mr. Coyner stated that it appeared there were accommodations for 12 dogs. He asked if there has ever been more than eight dogs on the property.

Mrs. Campbell stated they have never had more than 12 dogs at a time with the exception of when they had two litters of puppies.

Mr. Coyner asked for confirmation that the kennel is not used as a breeding facility.

Mrs. Campbell stated they have no intentions of breeding the dogs. They only wish to maintain what they currently have.

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

Don Bosserman of 2134 Troxell Gap Road, Craigsville, stated he has lived there since 1979 and opposes the kennel increase. The dogs bark constantly through the day and he cannot open his windows during the summer because of the barking. He doesn't have a problem with the dogs or even the dogs barking, if the owners would correct them. The owners have 10 to 15 dogs on the property on a regular basis. They do not obey the County's regulations on the number of dogs allowed.

Mr. Bosserman asked the BZA how many dogs the Campbell's have asked to have on the property.

Mr. Wilkinson stated they have asked to be allowed to have 10 dogs.

Chairman Shreckhise reminded Mr. Bosserman that the number of dogs requested also included house dogs.

Norris Campbell stated that he has lived at the property for 17 years and has never had more than 10 dogs on the property. Currently and over the past year, he has not exceeded 8 dogs outside. He also has one house dog.

Mr. Coyner asked if it was possible to lower the door and keep the dogs closed off during the day.

Mrs. Campbell explained that the kennel is divided into two sections; one for feeding and one for sleeping. The dogs need to come out to drink and use the bathroom. She feels it would be cruelty to the dogs to keep them enclosed in such a small area during the day. Mrs. Campbell stated that Mr. Bosserman's property does not adjoin her property and they have not received any complaints from the adjoining property owners.

Mr. Byerly stated that the kennel is 625' from Mr. Bosserman's property.

Ms. Brown stated the closest property was 165' away from the kennel and other properties were over 200' away and some 300' – 400' away. There are other properties closer than Mr. Bosserman's, yet those owners did not file any opposition. She reiterated the fact that the dogs did not bark or come out of the kennel when the BZA arrived at the property.

Mr. Coyner asked for confirmation that the Campbell's are not dog breeders.

Mr. Campbell stated that they do not breed the dogs. If they do happen to have a litter of puppies, they are usually given away.

Mr. Coyner asked how long a dog usually lives.

Mr. Campbell said it varies, but usually eight to ten years.

Ms. Tilghman asked if they used the dogs to hunt turkeys.

Mr. Campbell stated they do not.

There being no further questions from the members, Chairman Shreckhise declared the public hearing closed.

Mr. Coyner asked Mr. Wilkinson if he looked inside the kennel.

Mr. Wilkinson stated that he did not.

Ms. Brown stated that what she noticed is that the building within the kennel looked like a large building, but from the side it looked to be divided and appeared to be a small space.

Mr. Bosserman asked to be allowed to make a comment.

Chairman Shreckhise reminded Mr. Bosserman that the public hearing was closed, but since he was the only one at the hearing in opposition of the request he would reopen the public hearing.

Mr. Bosserman stated that he talked with the neighbors adjoining the Campbell's property and they are not in favor of the request but do not wish to cause hard feelings between the Campbell's. Mr. Campbell has illegally kept more than the allowed number of dogs on the property and that is why he is in opposition of the request.

Mr. Coyner asked if there had been any other complaints filed on this property.

Mr. Wilkinson stated there was a complaint in 2007 and a letter was sent from the Zoning office regarding too many dogs on the property.

Mr. Byerly stated that he visited a Beagle farm in North Carolina that kept 30 dogs. Not one of the dogs barked and he was told that the dogs were trained not to bark. He asked Mr. Campbell if he could train his dogs not to bark.

Mr. Campbell said that he has worked with the dogs some but may not have what is needed to train the dogs properly. He stated that if the dogs bark and he is home, he gets after the dogs to stop them from barking.

Mrs. Campbell referred to pictures that an unknown individual had taken of the dogs from the Campbell's property. The picture shows the dogs laying down and being still and quiet.

Mr. Campbell stated that even though Mr. Bosserman accused him of illegally having too many dogs, he purchased kennel tags every year, not realizing he needed a Special Use Permit.

Mr. Coyner asked if anyone was home during the day at the Campbell's.

Mrs. Campbell stated that she and her husband work during the day from 6:00 a.m. to 2:30 p.m.

Chairman Shreckhise declared the public hearing closed.

Mr. Byerly stated that he does not have a problem with the request. He is concerned about the spacing and the requirement in the operating conditions that states the dogs have to be secured during the night.

Mr. Wilkinson stated that is a requirement.

Ms. Tilghman stated that the Campbell's have been purchasing a kennel license for 17 years and feels the County has been remiss about not letting them know they needed a Special Use Permit.

Mr. Wilkinson stated had the Campbell's come forward in 2007 when they received the violation notice and applied for a Special Use Permit then, it would have been prior to the new regulations.

Mr. Byerly moved to approve the request and eliminate # 2 of the operating conditions and to have a one year review of the property.

Mr. Coyner seconded the motion, which carried unanimously.

Pre-Conditions:

None

Operating Conditions:

1. Doors be installed on each kennel box **within thirty (30) days** so that the animals can be secured inside the building from 10:00 p.m. until 6:00 a.m.
2. Be permitted to have a maximum of ten (10) dogs on this property at any time.
3. Site to be kept neat and orderly.
4. Applicant must reside on premises.

- 5. Permit be issued for one (1) year and renewed if all conditions are followed.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

A request by Dean and Tamara Pitsenbarger, for a Special Use Permit to have an agricultural hauling operation on property owned by James H. or Margaret Bowden, located at 350 Hotchkiss Road, Churchville, in the North River District. Requesting a six (6) month extension of time.

Mr. Wilkinson explained that VDOT asked that the Special Use Permit not be issued until the driveway issues were resolved. The Pitsenbarger's have been working with VDOT and have been trying to meet with the new regional manager, but due to the holidays they have not been able to meet with him.

Mr. Coyner moved that the extension of time requested be approved.

Ms. Brown seconded the motion, which carried unanimously.

BOARD OF ZONING APPEALS ANNUAL REPORT 2013

Mr. Wilkinson presented the Board of Zoning Appeals Annual Report for the year 2013.

Mr. Coyner moved that the report be approved.

Ms. Brown seconded the motion, which carried unanimously.

STAFF REPORT

- 13-07 – Basic City, LLC
- 13-08 – Beverage, Charles, Jr.
- 13-09 – Nolt, Ivan M. or Luella W.
- 13-10 – Broome, Spencer A., Jr. and Frances C.
- 13-11 – Pomphrey, Jerry F. or Michelle D.
- 13-12 – Marks, Christopher A. or Wanda C.
- 13-13 – Terrell, Barbara M.
- 13-14 – Pirkey, Larry E. or Carolyn W.
- 13-15 – Knicely, Ronnie L. or Debra S.

Mr. Wilkinson stated SUP#13-10 is keeping the site clean. He stated the site plan has been approved for SUP#13-11. He stated SUP #13-13 has improved immensely.

January 2, 2014

Mr. Morgan passed out the court cases for the Board to review. He noted that Ms. Christmas has appealed the denial of her Special Use Permit from the December meeting.

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

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Chairman

Secretary