

March 1, 2007

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

ABSENT: C. E. Swortzel, Chairman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 1, 2007, at 8:30 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:

- **Leroy F. and Reba S. Rhodes, Co-Trustees, Etal – Variance**
- **David L. or Pamela H. Lilly - Special Use Permit**
- **Auburn and Kari Leach - Special Use Permit**
- **Kevin C. or Patricia L. Snelgrove - Special Use Permit**
- **Daniel P. Hughes - Special Use Permit**
- **Gary Hamilton, agent for SHD, LLC – Variance**

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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Vice Chairman

Secretary

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PRESENT: J. W. Callison, Jr., Vice Chairman
D. A. Brown
G. A. Coyner, II
S. F. Shreckhise
J. R. Wilkinson, Zoning Administrator & Secretary
S. Rosenberg, County Attorney
S. K. Shiflett, Zoning Technician I
B.B. Cardellicchio-Weber, Administrative Secretary

Absent: C. E. Swortzel, Chairman

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, March 1, 2007, 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 February 1, 2007 meeting be approved.

Mr. Shreckhise seconded the motion, which carried unanimously.

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TINA ORTIZ - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Tina Ortiz, for a Special Use Permit to have a pre-school and day care center on property owned by Blue Ridge Chapel Church of Brethren, Trustees, located in the southeast quadrant of the intersection of East Side Highway (Route 340) and Browns Lane (Route 905) in the Wayne District.

Ms. Tina Ortiz stated that she is here to represent Blue Ridge Chapel Church of Brethren. She stated that they would like to have a pre-school and day care operation. She stated that the pre-school will consist of children that are two and a half (2 1/2) to four (4) years old.

Mr. Coyner asked what the hours of operation will be?

Ms. Ortiz stated 7:00 a.m. to 6:00 p.m.

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Mr. Coyner asked if the staff will be from the church?

Ms. Ortiz stated yes. She stated that there will be a variety of teachers and staff from the outside. She stated that they will have people with teaching certificates for the morning sessions because there would be schooling before the day care.

Mr. Coyner asked if they would have expertise in this field?

Ms. Ortiz stated yes.

Ms. Brown asked if they would be open on Saturday?

Ms. Ortiz stated no. She stated that they would only operate Monday thru Friday.

Mr. Wilkinson stated that the applicant can only have fifty (50) children on premise.

Ms. Ortiz stated that they are suited for forty-nine (49) and below.

Mr. Coyner asked if this is something that they would like to start next fall?

Ms. Ortiz stated that they are aiming to start in June.

Ms. Brown asked if the children needed to be potty trained?

Ms. Ortiz stated no. She stated that they would like to see them be trained by three (3) years old but they are flexible.

Vice Chairman Callison asked if there was anyone wishing to speak in favor to the request?

Mr. Lloyd David McDaniel, 112 Anen Town Lane, Waynesboro, stated that he is a trustee of the church and he supports the school. He stated that Ms. Ortiz is a teacher and is qualified to run this operation. He stated that they would like to have this permit.

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

There being none, Vice Chairman Callison declared the public hearing closed.

Vice Chairman Callison stated that this is a good activity for the community.

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Mr. Coyner stated that there have been good experiences with church operated facilities such as this. He moved that the request be approved with the following conditions:

Pre-Conditions:

1. Obtain Social Services approval and provide a copy to Community Development.
2. Obtain Building Inspection approval and provide a copy to Community Development.

Operating Conditions:

1. Be limited to fifty (50) children.
2. Hours be 6:00 a.m. until 7:00 p.m.

Ms. Brown seconded the motion, which carried unanimously.

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JOHN AND RITA PASTORS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by John and Rita Pastors, for a Special Use Permit to continue to have a convenience store and motor vehicle repair shop on property owned by Timothy M. or Kimberly G. Dupree, located in the southeast quadrant of the intersection of Middlebrook Road (Route 252) and Howardsville Road (Route 701) in the Riverheads District.

Mr. John Pastors stated that he is requesting a Special Use Permit to continue the convenience store.

Mr. Coyner asked if they are in operation currently?

Mr. Pastors stated no. He stated that they will be purchasing the property within thirty (30) days.

Mr. Coyner asked if this will be a family business?

Mr. Pastors stated yes.

Ms. Brown asked if they will have other employees besides the family?

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Mr. Pastors stated that they will have two (2) other employees. He stated that his wife and daughter will also help out.

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

Mr. Pastors stated 6:00 a.m. to 7:00 p.m. and 6:00 a.m. to 9:00 p.m. during the summer. He stated that they will operate from noon to 5:00 p.m. on Sunday.

Ms. Brown asked if they will operate the grocery store and then the repair shop?

Mr. Pastors stated that they will start the convenience store first.

Vice Chairman Callison stated that there has been a vehicle repair operation at the site in the past.

Mr. Wilkinson stated that there are limitations from the Health Department on the number of employees because of the existing size of the drainfield.

Mr. Pastors stated that he is aware of that limitation.

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

There being none, Vice Chairman Callison declared the public hearing closed.

Vice Chairman Callison stated that there has been a store at the site for about thirty (30) years.

Mr. Shreckhise stated that this is a needed business for the area. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to three (3) total employees including the auto repair shop.
2. Site be kept neat and orderly.
3. All work, materials, and equipment be confined within the building.

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- 4. No junk vehicles or parts of vehicles be outside at any time.
- 5. No Sunday work for the auto repair shop.

Ms. Brown seconded the motion, which carried unanimously.

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KEVIN C. OR PATRICIA L. SNELGROVE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kevin C. or Patricia L. Snelgrove, for a Special Use Permit to have outside storage of materials in conjunction with rock and stone engraving on property they own, located in the southern quadrant of the intersection of Tinkling Spring Road (Route 608) and Highland Drive (Route 1540) in the South River District.

Mr. Kevin Snelgrove stated that he is here to apply for a Special Use Permit to store rocks on the property that they can use for resell.

Mr. Coyner asked if the rocks would be engraved?

Mr. Snelgrove stated yes. He stated that he will have all different sizes of rocks. He stated that the rocks are kept on pallets. He stated that they are shipped across the country. He stated that they put addresses, names, or logos on the rocks.

Mr. Coyner asked if there is a lot of dust and noise involved when engraving?

Mr. Snelgrove stated that the dust and noise are contained in the trailer.

Mr. Coyner asked if that was the trailer behind the building?

Mr. Snelgrove yes. He stated that it is a temporary trailer, and hopefully in two (2) years he would like to complete an addition to the building.

Mr. Coyner asked if he operated at another location?

Mr. Snelgrove stated that his other location was in downtown Stuarts Draft.

Mr. Coyner asked if the materials would be screened from public view?

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Mr. Snelgrove stated that he does not see the need to screen the rocks. He stated that he would make less of an impact than the car lot. He stated that he does not feel that they should be screened in because they are hidden by the six (6') foot high hill. He stated that landscapers do not screen the rocks on their property.

Mr. Coyner asked if the inventory that he had on site was the typical amount stored on site?

Mr. Snelgrove stated yes. He stated that occasionally they might get a pallet load of paving bricks.

Ms. Brown asked what is done inside the main building?

Mr. Snelgrove stated that he does the engraving inside the main building. He stated that he also has a showroom for his trophies and plaques that he does.

Ms. Brown asked if that would be where the customers go?

Mr. Snelgrove stated yes.

Ms. Brown asked if they deliver the stones all over the United States?

Mr. Snelgrove stated that they are shipped worldwide.

Ms. Brown asked how the business is advertised?

Mr. Snelgrove stated that he advertises on the internet.

Ms. Brown asked if the inside of the main building is strictly for show?

Mr. Snelgrove stated yes. He stated that he uses the inside for the office and assembly.

Ms. Brown asked how long was the trailer kept out in the back?

Mr. Snelgrove stated about a year. He stated that the trailer holds sand blasting cabinets and the saws.

Ms. Brown asked if he is going to build a building eventually?

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Mr. Snelgrove stated that his business is growing. He stated that he needs to put an addition on the building. He stated that he has already started drawing up the plans for the addition.

Ms. Brown asked how many employees will he have?

Mr. Snelgrove stated seven (7) or eight (8) employees.

Ms. Brown asked what the hours would be?

Mr. Snelgrove stated 8:00 a.m. to 5:00 p.m.

Ms. Brown asked if he would operate five (5) or six (6) days a week?

Mr. Snelgrove stated that he would operate during the week and Saturday morning only.

Mr. Coyner stated that the Board saw several pallets covered with black plastic this morning. He stated that on the site plan the applicant is showing two (2) other areas to be outside storage which would indicate that the applicant is planning on having more.

Mr. Snelgrove that occasionally they will get pallets of bricks being dropped off that they have to store while they are working on them. He stated that the plastic will keep the rocks from getting covered with snow. He stated that they use that pile on a daily basis.

Ms. Brown asked what types of rock will be stored on site?

Mr. Snelgrove stated that there will be smooth rocks, slate, river stone, and granite.

Ms. Brown stated that the Board would like to know what else would be stored on the lot.

Mr. Snelgrove stated that it will be used as an overflow area.

Ms. Brown asked how would the applicant prevent people from taking the rock?

Mr. Snelgrove stated that he is not concerned about someone taking the rocks. He stated that they buy the rock but it is very inexpensive. He stated that if it is a large rock someone would have trouble moving it.

Mr. Coyner stated that the Board prefers outside storage to be screened. He stated that there is a considerable amount of traffic near the property with the subdivision and

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apartments behind the hill. He stated that there needs to be a privacy fence on the property.

Mr. Snelgrove asked the Board where they would suggest that he put a fence. He stated that he would need to take down the trees and the shrubbery.

Mr. Coyner stated that the Board was sitting in the road and the outside storage would be quite visible. He stated that there needs to be a privacy fence.

Ms. Brown asked how much land do you have outside of the trees towards the road?

Mr. Snelgrove stated six (6') or seven (7') feet.

Mr. Coyner asked if the rocks come on a pallet from the quarry?

Mr. Snelgrove stated that the rocks are hand picked and come on a pickup truck.

Mr. Coyner stated that the pallets are never tall pallets?

Mr. Snelgrove stated that the tallest container might be two (2') feet.

Mr. Wilkinson stated that the storage trailer needs to be screened because it is an ordinance requirement under is Section 25-56H.

Mr. Snelgrove asked how would the trailer be screened?

Mr. Wilkinson stated that it is up to the applicant. He stated that the applicant can screen the trailer with a privacy fence or build the addition to accommodate that if the cost of the privacy fence would exceed the cost of the addition.

Mr. Snelgrove stated that the addition will happen.

Vice Chairman Callison asked how long has this business been in operation?

Mr. Snelgrove stated that he has been doing this business for a year and half at this location. He stated that he has been doing sandblasting work for thirteen (13) to fourteen (14) years.

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

There being none, Vice Chairman Callison declared the public hearing closed.

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Vice Chairman Callison stated that it would be to the applicant's advantage to go ahead with the addition.

Mr. Shreckhise stated that he feels the Board does not have much of an option to change staff recommendations. He moved that the request be approved with the following conditions:

Pre-Conditions:

1. The storage trailer be removed or completely screened from view.
2. A six (6') foot high white vinyl privacy fence be installed along Highland Drive and in front of the 10' x 40' storage area at the rear of the lot.

Operating Conditions:

1. All rock, stone, or other materials be kept only on pallets neatly stacked no higher than four (4') feet, in the four (4) areas shown on the site plan.
2. Site be kept neat and orderly.

Mr. Coyner seconded the motion, which carried unanimously.

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JARRETT F., JOSEPH, J., AND DIRK S. GOLD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jarrett F., Joseph, J., and Dirk S. Gold, for a Special Use Permit to construct a motor vehicle garage addition to an existing facility, increase the parking lot, and replace the vehicle storage area on property owned by Barnard Tony or Cynthia A. Edwards, located on the west side of East Side Highway (Route 340), just north of the intersection of East Side Highway (Route 340) and Landes Lane in the Wayne District.

Mr. Jarrett Gold stated that he will be in business with his father and brother. He stated that they are all lifelong residents of Augusta County. He stated that they will be closing on the property this month. He stated that his brother is a mechanic and they would be working on vehicles. He stated that they are requesting to operate the business as is. He stated that they would have repairs on vehicles and have a towing service. He stated that he would like for the permit to be transferable as they were in the past. He stated that

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they would like to have six (6) employees and would like to request two (2) years to complete the addition.

Ms. Brown asked why would the applicant need two (2) years to complete the addition?

Mr. Gold stated that they would like to start operating the business first before making an expansion. He stated that the addition will not happen as soon as they close on the property.

Mr. Shreckhise stated that the Special Use Permits are normally issued non-transferable.

Mr. Wilkinson stated that the permits from the previous owner, Mr. Edwards, were issued transferable. He stated that the Board of Supervisors changed the ordinance in 1995 to make the Special Use Permits non-transferable unless the Board of Zoning Appeals deems it transferable. He stated that the Board likes to speak with the new applicants when the permit changes hands.

Mr. Gold stated that if the permit was transferable it would be easier for the ownership to change hands. He stated that they would like it transferable based on the history of the permit.

Mr. Wilkinson asked which site sketch A or B, did the applicant prefer?

Mr. Gold stated that Plan "A" is more desirable because of the depth. He stated that the 40' x 40' would be more desirable. He stated that they would like to include the 1,800 square feet to have more flexibility because the building would need to have final approvals by the County.

Ms. Brown asked if they would be living in the house?

Mr. Gold stated no. He stated that it is currently rented out. He stated that they would like to maintain that relationship.

Mr. Coyner stated that Plan "A" will work better for the applicant but they would like to have it 1,800 square feet instead of the 1,600 square feet that the plan states.

Mr. Gold stated that Plan "A" would be sufficient. He stated that they would like to keep everything behind the building.

Mr. Coyner asked if they would be towing disabled vehicles?

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Mr. Gold stated yes. He stated that the vehicles would be stored on the property until the insurance companies come to pick up the vehicles which would be stored in the fenced in area.

Mr. Shreckhise stated that the Board prefers that the Special Use Permits be issued non-transferable so that the County knows what is going on at the site as far as the applicant staying within the operating conditions.

Vice Chairman Callison asked if there was anyone wishing to speak in favor to the request?

Mr. Barnard Edwards stated that he is the current owner of the repair business on Route 340 in Dooms. He stated that he has been in operation for twenty-two (22) years. He stated that the neighbors that surround the business have no objections to what the Golds want to do. He stated that Mr. Lilly is the closest neighbor and he has no problems with the request. He stated that Mr. Morris has no objections to this either. He stated that the neighbors are in favor of a family business rather than having different owners owning the business. He stated that the neighbors appreciate that this business is a family business and will continue to be. He stated that this type of business is a benefit to the community. He stated that he is much in favor of the Golds taking over his business.

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

There being none, Vice Chairman Callison declared the public hearing closed.

Vice Chairman Callison stated that this is a good operation that has been at the site for a long time.

Mr. Shreckhise stated that the permit will be issued non-transferable. He stated that the Board is fine with six (6) employees. He moved that the request be approved with the following conditions:

Pre-Condition:

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.

Operating Conditions:

1. Be limited to a maximum expansion of 1,800 square feet.

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- 2. All unlicensed or inoperable vehicles or parts of vehicles be confined inside the buildings or the 50' x 100' vehicle storage area shown on the plan.
- 3. The entire 50' x 100' vehicle storage area be screened with opaque material and maintained. The gates shall face to the north side of the property and shall remain closed except when vehicles are moved to and from the enclosed area.
- 4. Be limited to six (6) employees.
- 5. Applicant be given two (2) years to build the new building.

Ms. Brown seconded the motion, which carried unanimously.

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KATHY D. CLIFTON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Kathy D. Clifton, for a Special Use Permit to have a contractors business with outside storage of equipment on property she owns, located on the south side of Berry Farm Road (Route 626), approximately .1 of a mile west of the intersection of Berry Farm Road (Route 626) and Quicks Mill Road (Route 612) in the Beverley Manor District.

Ms. Kathy Clifton stated that she would like to operate a small excavating business with outside storage of equipment in the front of the existing barn.

Mr. Coyner asked if the equipment would be on the jobsite or at kept on the site each evening?

Ms. Clifton stated that the equipment comes back in the evenings unless they are still working on the job the next day.

Vice Chairman Callison asked what type of equipment will be stored on site?

Ms. Clifton stated that she has two (2) trenchers, two (2) pieces of equipment in front of the barn, two (2) trailers, and two (2) that look like lawnmowers. She stated that they have a backhoe for sale.

Mr. Coyner asked if the applicant was anticipating having more trenchers?

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Ms. Clifton stated that they just bought a new trencher. She stated that they are selling the big backhoe. She stated that they may replace that with a smaller backhoe.

Mr. Wilkinson stated that other than the trucks, the equipment can be placed beside the barn.

Ms. Clifton stated that the equipment was parked in the driveway because the yard needs to be fixed up due to the rain. She stated that it typically does not look like that.

Mr. Wilkinson stated that the spools should be kept inside the barn.

Ms. Clifton stated that the small spools are in the barn. She stated that a couple of big ones are empty.

Mr. Coyner asked if she would have employees?

Ms. Clifton stated that she has four (4) employees.

Mr. Coyner asked if four (4) employees would be enough?

Ms. Clifton stated yes.

Vice Chairman Callison asked if there was anyone wishing to speak in favor to the request?

Ms. Peggy Tutwiler, 822 Berry Farm Road, stated that she has no objections to the parking of the equipment or vehicles at the site.

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

There being none, Vice Chairman Callison declared the public hearing closed.

Vice Chairman Callison stated that there are not many pieces of equipment that will be kept at the site.

Ms. Brown moved that the request be approved with the following conditions:

Pre-Conditions:

None

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Operating Conditions:

1. Be limited to two (2) trucks, two (2) trailers, two (2) trenchers, and one (1) bobcat or backhoe and they be only kept in the designated areas shown on the site plan.
2. All other equipment, tools, or materials must be kept inside the existing barn.
3. Be limited to four (4) employees and only two (2) be allowed to come to this site.
4. Site be kept neat and orderly.

Mr. Shreckhise seconded the motion, which carried unanimously.

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DANIEL P. HUGHES - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Daniel P. Hughes, for a Special Use Permit to store dump trucks and excavation equipment on site, and have a dirt sifting operation on property he owns, located on the south side of Kiddsville Road (Route 796), just south of the intersection of Kiddsville Road (Route 796) and Miller Road (Route 797) in the Wayne District.

Mr. Daniel Hughes stated that he would like to have excavation equipment and sift topsoil on his property. He stated that he has lived there for three (3) years. He stated that he appreciates the Special Use Permit that the Board gave him on Mullins Lane. He stated that there was a lot of vandalism at his Mullins Lane property.

Mr. Shreckhise asked how many pieces of equipment does the applicant have?

Mr. Hughes stated that when they have jobs, nothing will be stored on site. He stated that he stores a lot of them at his shop on Mullins Lane. He stated that he will have six (6) to ten (10) pieces of equipment.

Vice Chairman Callison stated that the Board saw the trucks and loaders today.

Mr. Shreckhise asked if the dirt sifter would be placed at the site as well?

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Mr. Hughes stated yes. He stated that he would like to build a pond at his site in the future.

Mr. Coyner asked if the applicant was going to bring in dirt?

Mr. Hughes stated that he will not be bringing in any outside materials. He stated that he will use the dirt that is on his own property.

Mr. Wilkinson asked once the pond is complete would the applicant be bringing in dirt from other locations?

Mr. Hughes stated no.

Mr. Coyner asked if the dirt would be delivered to the clients?

Mr. Hughes stated yes. He stated that he does not want anyone coming to his site. He stated that he put up gates on his property.

Vice Chairman Callison asked if the sifter is on the site currently?

Mr. Hughes stated no.

Mr. Coyner stated that the applicant should understand that he needs a Special Use Permit to operate this business.

Mr. Hughes stated that some of the equipment is used on his farm operation.

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

There being none, Vice Chairman Callison declared the public hearing closed.

Mr. Shreckhise stated that this is a nice looking farm. He stated that this does not sound like a large operation. He stated that it would not take place all year long. He stated that there will not be a lot of noise associated with the business. He stated that the applicant may not want to be limited to one (1) day a week.

Mr. Hughes stated that he would mostly be doing the sifting in the summertime.

Mr. Coyner stated that the sifting equipment sounds like a normal farm operation. He stated that the Board has had good experience with the applicant at his previous operation.

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Mr. Coyner stated that the Board may want to review this permit in a year.

Mr. Shreckhise stated that he feels that the screening would not be necessary. He moved that the request be approved with the following conditions:

Pre-Condition:

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

Operating Conditions:

- 1. All equipment and dirt sifting equipment must be kept inside the 200' x 200' area shown on the site plan.
- 2. No dirt sifting, deliveries, or pickup of dirt be permitted on Sunday.
- 3. No expansion of the site.
- 4. No more than five (5) employees to come to the site.
- 5. Permit be issued for one (1) year and renewed if all conditions are met.

Mr. Coyner seconded the motion, which carried unanimously.

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DAVID L. OR PAMELA H. LILLY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David L. or Pamela H. Lilly, for a Special Use Permit to have a dry goods and convenience store on property they own, located on the east side of Hotchkiss Road (Route 835), approximately .2 of a mile north of the intersection of Hotchkiss Road (Route 835) and Churchville Avenue (Route 250) in the North River District.

David and Pamela Lilly stated that they would like to have a Special Use Permit for a small retail shop on their property. They stated that the structure they are proposing to build is compatible with their home and the neighborhood. They will not have any outdoor lighting. They stated that the hours will be 9:00 a.m. to 8:00 p.m. in the summer. They stated that they will have shorter hours in the winter. They stated that they will not be

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open on Sunday. They stated that their operation would be similar to the Cheese Shop in Stuarts Draft.

Mr. Coyner stated that this is a nice spot. He asked when the creek gets up does water go everywhere?

Ms. Lilly stated that it goes down toward the field.

Mr. Lilly stated that there used to be an old mill on the property but it was in the floodplain. He stated that staff requested that they move the building where the Board saw it today.

Mr. Coyner asked if this would be a family business?

Ms. Lilly stated yes. She stated that they would have one (1) employee.

Mr. Coyner asked if this is something that they would like to start on soon?

Mr. Lilly stated yes. He stated that they have spoken with the Health Department. He stated that his brother-in-law can build the building for him.

Mr. Coyner asked how long have they been at this property?

Ms. Lilly stated since 1990. She stated that they have lived in the County all of their life.

Vice Chairman Callison stated that this is a nice area. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Vice Chairman Callison declared the public hearing closed.

Mr. Coyner stated that entrepreneurship is a wonderful thing. He stated that this is a nice spot for the business. He 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. Obtain Health Department approval and provide a copy to Community Development.

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- 3. Obtain VDOT approval and provide a copy to Community Development.

Operating Conditions:

- 1. Be limited to the 20' x 40' building shown on the site plan.
- 2. Be limited to one (1) employee with Health Department approval.
- 3. Site be kept neat and orderly.
- 4. No further expansions of this site.

Ms. Brown seconded the motion, which carried unanimously.

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JONATHAN KERN OR CAROL TURRENTINE - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jonathan Kern or Carol Turrentine, for a Special Use Permit to have a dog kennel on property they own, located on the south side of Middlebrook Road (Route 252), approximately .1 of a mile east of the intersection of Middlebrook Road (Route 252) and McKinley Road (Route 682) in the Riverheads District.

Ms. Carol Turrentine stated that she is applying for a Special Use Permit for a kennel for her personal dogs. She stated that she rescued and adopted most of her dogs. She stated that she will not be operating a business or breeding. She stated that she spays and neuters all of her dogs.

Vice Chairman Callison asked how many dogs does the applicant have currently?

Ms. Turrentine stated that she has eight (8) dogs currently.

Mr. Coyner asked if she gathers the dogs and keep them until they pass away?

Ms. Turrentine stated that she volunteers at the SPCA. She stated that she has taken the older dogs that may not have been adopted and often dogs get dropped off onto her property. She stated that she will not have any more than ten (10) dogs. She stated that the dogs live in the house with her and her husband. She stated that they are her personal pets.

Ms. Brown asked how close the neighbors are to the property?

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Ms. Turrentine stated that they have three (3) acres. She stated that the closest neighbor is about 1/8 of a mile away. She stated that this is a very rural area.

Ms. Brown asked if any of the dogs have ever gotten out?

Ms. Turrentine stated that they have gotten out of the electric fence because the battery had gone bad. She stated that she did not realize there was a limit on the number of dogs permitted. She stated that the entire area is fenced in by two (2) fences. She stated that they have an electric fence and a cattle fence.

Mr. Wilkinson asked if the cattle fence is around the entire acre?

Ms. Turrentine stated yes.

Mr. Coyner asked when the applicant is away, where are the dogs?

Ms. Turrentine stated that they are in the house. She stated that they also have a dog door so that they can go in and out of the acre that is fenced in with the electric fence.

Mr. Coyner asked if the dogs roam the area?

Ms. Turrentine stated no.

Ms. Brown asked if the fence was an invisible fence?

Ms. Turrentine stated that it is an underground fence.

Mr. Wilkinson asked if it is along the inside of the cattle fence?

Ms. Turrentine stated yes.

Ms. Brown stated that the two (2) fences offer double the protection.

Ms. Turrentine stated that most of the dogs are older and will not get out of the fence. She stated that the puppies managed to get out from under the fence.

Ms. Brown asked what happens if the applicant gets more than ten (10) dogs?

Ms. Turrentine stated that she will not be able to handle any more than ten (10) dogs. She stated that she will refuse to take in the dogs if she already has ten (10) dogs at the

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site. She stated that she would have to take them to the shelter. She stated that they do try and reunite them with their owners if the dog is lost.

Mr. Wilkinson asked if all of the dogs have electric collars?

Ms. Turrentine stated yes.

Ms. Brown asked how many people are there at the house?

Ms. Turrentine stated her and her husband.

Ms. Brown asked if they both work outside of the home?

Ms. Turrentine stated that her husband is a teacher and she is a freelance photographer. She stated that it is rare that someone is not home.

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

There being none, Vice Chairman Callison declared the public hearing closed.

Vice Chairman Callison stated that he is familiar with the property. He stated that this property is far away from any neighboring homes.

Mr. Coyner stated that he agrees. He stated that this is a rural area. He stated that the Board has not heard from any opposition. He moved that the request be approved with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to maximum of ten (10) dogs.
2. All dogs be kept within the one (1) acre area fenced area or inside the house.
3. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.

Ms. Brown seconded the motion, which carried unanimously.

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AUBURN AND KARI LEACH - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Auburn and Kari Leach, for a Special Use Permit to continue dog training and kennel operation and to increase the number of dogs on property owned by Betty L. and Wallace E. Wampler, located on the east side of Mill Creek Lane (Route 855), just south of the intersection of Mill Creek Lane (Route 855) and Howardsville Turnpike (Route 610) in the South River District.

Mr. Auburn Leach stated that he does not want to expand his kennel operation. He stated that he wants to work on keeping the dogs on his property. He stated that many of the dogs are aging and he does not want to take in any more dogs. He stated that his biggest problem is dogs running at large because of improper fencing. He stated that he upgraded the fence. He stated that he has no problem with keeping the training business the way it is. He stated that he is going to make sure that the puppies do not run off. He stated that he is not doing any breeding or taking in any more dogs. He stated that they have the dogs inside all the time. He does not want to make any changes to the business. He stated that they do not want to breed or take any more in.

Mr. Coyner asked where did he get the dogs from?

Mr. Leach stated that he got the dogs from all over the east coast. He stated that if someone passes away they will take the dog. He stated that if a couple breaks up they are asked to take the dog. He stated that when the grocery stores find a dog they call him. He stated that hunters find dogs and bring it by to his property. He stated that he knows that this has been a burden to the neighbors and he would like to amend that right now.

Mr. Coyner stated that this morning it looked like the applicant had six (6) or eight (8) different breeds.

Mr. Leach stated that the majority of the dogs are up for adoption now. He stated that most of the dogs have been trained for obedience. He stated that most of the puppies are not trained for obedience. He stated that he does have some dogs for protection but do not have any available right now. He stated that they deal with aggressive dogs. He stated that he let his operation get out of control.

Mr. Coyner stated that if he had a dog that needed training and had a problem then you would try to fix the problem.

Mr. Leach stated yes.

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Ms. Brown asked if he has any employees?

Mr. Leach stated that there are two (2) full time and one (1) part time person helping them with the business.

Mr. Coyner asked if the dogs in front of the house are part of the kennel?

Mr. Leach stated that the personal dogs are kept in the house. He stated that some of his employees also bring their own dogs.

Ms. Brown asked if the fence will keep the dogs in?

Mr. Leach stated that the fence is around the entire piece of property. He stated that there is a horse fence. He stated that they keep the dogs near the house in a fenced in area. He stated that he does not allow the dogs to run around at all.

Ms. Brown asked if the fence was a privacy fence?

Mrs. Leach stated that they did put up a privacy fence as a sound barrier.

Ms. Brown asked if the horse fence was the one with the openings?

Mr. Leach stated yes. He stated that the other fence is five (5') foot tall.

Mr. Coyner asked where are the dogs kept at night?

Mr. Leach stated that they have thirty (30) separate runs and the dogs are kept in them at night. He stated that they are closed in at night.

Mr. Coyner stated that they need to be compatible with the neighborhood.

Mr. Wilkinson stated that the applicant has some big shepherds and Dobermans. He asked if the training would be guard dog or police dog?

Mr. Leach stated that some of them they train for a personal guard dog. He stated that they used to train a lot of them for protection.

Mr. Wilkinson stated that if the large dogs are trained like that, it could be dangerous if they get out, especially around children.

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Mr. Leach stated that some dogs will bite without being told. He stated that they want to train dogs to only bite on command.

Mr. Wilkinson stated that they have received letters from neighbors that it has happened in the past.

Mr. Leach stated that they needed to put some additional money in their fencing on the property. He stated that incident was an employee accident.

Ms. Brown stated that they have been in operation for ten (10) years.

Mr. Leach stated that he did not have much money back then to install a better fence.

Vice Chairman Callison asked if the applicant was interested in maintaining the number of dogs on the existing permit?

Mr. Leach stated that he would like to maintain the number but even right now they would like to decrease the number of dogs to a safer number.

Mr. Wilkinson stated that the current permit allows sixteen (16) dogs.

Mr. Leach stated that some of the dogs are older. He stated that they are trying to adopt out some of the dogs.

Mr. Wilkinson stated that the applicant currently has two (2) times the amount of dogs that the existing permit allows. He stated that this could be grounds for termination of the permit because the property is in violation.

Mr. Leach stated that he does not want to be in violation. He stated that any business will grow in ten (10) years.

Mr. Coyner stated that the applicant runs the risk of the Board canceling the permit.

Mr. Leach stated that he wants to correct this matter with his neighbors. He stated that he does not want to cause a nuisance for the neighborhood.

Mr. Coyner stated that the applicant has not been successful so far. He asked what would make the applicant be successful now?

Mr. Leach stated that he will try harder. He stated experience will help. He stated that he will tell people that he will not take in any more dogs. He stated that he has great neighbors and they want to be a good part of the community.

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Ms. Kari Leach handed the Board a letter stating how the feces are disposed of.

Vice Chairman Callison asked if there was anyone wishing to speak in favor to the request?

Mr. G.O. Pendergraft, 78 Gray Mar Lane, Stuarts Draft, stated they adopted a dog from the applicants. He stated that the dog was not adoptable by the SPCA. He stated that the applicant's trained the dog that they got from them. He stated that they are not a neighbor but they are at the site on a regular basis. He stated that they know that they have a lot of dogs. He stated that the applicants have kept a lot of dogs alive. He stated that they know that they are guilty for taking in the dogs but he believes that they can handle and maintain taking care of thirty (30) dogs.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor to the request?

Ms. Jane Pendergraft, 78 Gra Mar Lane, Stuarts Draft, stated that they are extremely wonderful people. She stated that they try to go the extra mile to help someone with their animals. She stated that Mr. Leach is a good dog trainer. She stated that they can easily handle thirty (30) dogs. She stated that they have done a lot to improve their property.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor to the request?

Ms. Gayle Beard, 1739 Howardsville Turnpike, stated that they have lived there for a long time. She stated that they are her niece and nephew. She stated that she is not an animal lover. She stated that the dogs bark when they are getting fed. She stated that her daughter wrote a letter stating that they are highly in favor of the Board granting this permit. She stated that there has been about two (2) times that the dogs have gotten out of the fence but the applicants were there to get the dogs off of the property.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor to the request?

Ms. Betty Wampler, stated that she is the property owner. She stated that the applicants do an excellent job. She stated that Mr. Leach is a professional dog trainer. She stated that they are an asset to have in the community.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor to the request?

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Mr. Wallace Wampler stated that Mr. Leach is a good dog trainer. He stated that he was in a restaurant in Richmond and overheard two men talking and one of them was a policeman. He stated that they were talking about someone that trained their dogs. He stated that he would highly recommend this particular dog trainer in Waynesboro. He asked the officer who trained his dog and he said that Mr. Leach trained their dogs.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor to the request?

Ms. Amanda Dawson, 37 Mill Creek Lane, stated that she helps the applicants with the business. She stated that she agrees to have the Leaches keep their operation.

Vice Chairman Callison asked if there was anyone else wishing to speak in favor to the request?

There being none, Vice Chairman Callison asked if there was anyone wishing to speak in opposition to the request?

Mr. Larry Keith Thompson, 58 Hawkins Pond Road, stated that his property is south of the kennel. He stated that he does not object to the operating of a business under the permit but he does not want the number of dogs increased at this time. He stated that he has had to call several times in the evenings to quiet the dogs down. He stated that the response time was adequate but if you have to do that a number of times it can get a little aggravating. He stated that there has been several improvements to the site already.

Vice Chairman Callison asked if there was anyone else wishing to speak in opposition to the request?

Mr. Calvin Hewitt, Jr. 170 Mill Creek Lane, stated that he agrees with Mr. Thompson. He stated that the number should not be increased. He stated that he has submitted a letter to the Board. He stated that the dogs are running at large. He stated that the dogs are chasing the children. He stated that this should not be tolerated. He stated that his property borders their property. He stated that he is concerned about the safety of the children. He stated that the feces container in the summer is intolerable. He stated that entrepreneurship is wonderful but must be carried out in a safe manner. He stated that they have dogs that a full grown man would have a hard time taking care of.

Vice Chairman Callison asked if there was anyone else wishing to speak in opposition to the request?

Ms. Andrea Berry, 1949 Howardsville Turnpike, stated that she is getting ready to buy some property behind the Thompsons. She stated that there has been many times that

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the dogs have been barking during all hours of the night. She stated that she has even heard the dogs barking during the day.

Vice Chairman Callison asked if there was anyone else wishing to speak in opposition to the request?

Ms. Jane Glenn, 1717 Howardsville Turnpike, stated that she is concerned with the noise all night long. She stated that she does not open the windows in the spring because of the noise. She stated that she has a petition signed from the neighbors and their biggest concerns are the amount of noise from the dogs all hours of the night and morning. She stated that she likes to sit on her deck and is concerned about the amount of noise. She stated that they used to walk their dog down Mill Creek Lane and they do not do that anymore because of the concern that the dogs would get loose.

Mr. Wilkinson stated that staff received three (3) letters in opposition. He stated that the neighbors are concerned about the noise and dogs getting out of the fence and chasing children and other pets.

Vice Chairman Callison asked if there was anyone else wishing to speak in opposition to the request?

There was none.

Mr. Rosenberg stated that the applicant's intention is to reduce the number of dogs to sixteen (16) which is permitted on the existing permit that the Board approved years ago. He stated that if that is the case, he is unsure if the Board needs to act on this permit.

Vice Chairman Callison asked if the applicant's goal was to get back to the existing permit number?

Mr. Leach stated that he needs a time to safely get rid of the dogs. He stated that he expanded the kennel and has room for more dogs and if the Board gives them time to get rid of the dogs, they will not have any more than sixteen (16) dogs.

Vice Chairman Callison stated that if the applicant does not want any more dogs then the applicant needs to get in compliance with the existing permit. He stated that the applicant needs to decrease the number of dogs on site and confine the dogs which the existing permit addresses. He stated that the Board needs to decide on a timeframe to get the permit in compliance.

Mr. Wilkinson asked what is a reasonable amount of time to bring the property in compliance?

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Mr. Leach stated that possibly a month but he would like to have more time.

Mr. Wilkinson stated that years ago there were very few stipulations put on the permit. He stated that the Board can add additional stipulations on the new permit. He stated that staff has never received a letter from the Department of Environmental Quality. He stated that the permit was never signed off on by staff.

Vice Chairman Callison stated that the dogs should be confined in the exercise area and be maintained at all times. He stated that the dogs should not be allowed to run at large. He stated that the Board may want to table the request for sixty (60) days to see if Mr. Leach can reduce the number of dogs.

Mr. Wilkinson stated that staff can inspect the property in thirty (30) days to give the Board progress of the property.

Mr. Rosenberg stated that the existing permit has never been issued.

Mr. Wilkinson stated that it was not issued. He stated that the Board can set a new amount of dogs on the current permit.

Mr. Rosenberg stated that if the request is tabled the Board can approve a permit with whatever number of dogs that the Board deems to be appropriate.

Vice Chairman Callison stated that Mr. Leach stated that he would like to get back to the situation that is on the existing permit.

Mr. Wilkinson stated that the sixteen (16) dogs would include personal dogs, training, and boarding dogs.

Mr. Coyner stated that the Board would be disappointed if the applicant does not decrease the number of dogs on the property.

Mr. Shreckhise moved to table the request for sixty (60) days.

Ms. Brown seconded the motion, which carried unanimously.

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GARY HAMILTON, AGENT FOR SHD, LLC – VARIANCE

This being the date and time advertised to consider a request by Gary Hamilton, agent for SHD, LLC, for a Variance to install a pylon advertising sign closer than fifteen hundred feet from an existing business sign on property owned by Raybilron, Inc. c/o Rule, Inc., located in the eastern quadrant of the intersection of Rolling Thunder Lane and Lee Highway (Route 11) in the Beverley Manor District.

Mr. Gary Hamilton, 802 Richmond Avenue, stated that he has been helping the land occupant with the request to install an advertising sign within 1,500 feet from an existing business sign.

Mr. Bob Ladd, stated that he is the owner of SHD, LLC and he is here to answer any questions.

Mr. Wilkinson stated that there has been a lot of concern that businesses on Rolling Thunder are difficult for customers to find. He stated that the applicant would like to have a pylon sign.

Mr. Ladd stated that they had the idea since 1999. He stated that he worked with Mr. Rule on developing the sign and creating the easement. He stated that they have gone so far as to have a sign built and they have erected it for Mr. Rule to see exactly where it was going to go. He stated that the original sign that will go up will be just the single pole sign. He stated that they will not do any marquis work until there are other businesses there. He stated that he is negotiating with a hotel firm to do a hotel on two acres. He stated that Mr. Obaugh is trying to do something on lot 1 and 2.

Mr. Wilkinson stated that advertising signs such as this is a typical thing with the permission of the owner. He stated that the Augusta County ordinance has a regulation that you cannot put an advertising sign on a property if there is another business or advertising sign already within 1,500 feet. He stated that Rule Honda has signs on their property so they are running into conflict with the rule that you cannot put an advertising sign within the 1,500 feet. He stated that this has happened on Orchard Hill, where the properties are located back from the intersection. He stated that the Variance would allow businesses to place the sign closer than 1,500 feet.

Mr. Shreckhise stated that it is a bad thing that you cannot do this but there is a lot of other businesses in the same situation. He stated that the Board cannot legally grant this Variance without the applicant proving a hardship.

Mr. Wilkinson stated that there are businesses in the County where the frontage lots are already developed and if someone wants to develop a parcel behind the existing

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business, there will not be any road frontage to place a sign. He stated that staff cannot recommend it. He stated that he wrote his staff report based on the ordinance. He stated that staff feels that the Board of Supervisors needs to look at the sign ordinance to do some revisions which is not a quick fix. He stated that this will take six (6) months to a year to accomplish. He stated that the sign ordinance has not been changed for twenty-five (25) years. He stated that until the ordinance is changed Mr. Ladd cannot put a sign up for any businesses on Rolling Thunder Lane.

Mr. Ladd stated that everyday they have customers complaining about not being able to find that entrance. He stated that they have 750,000 visitors a year. He stated that a lot of them have trouble finding that entrance.

Mr. Wilkinson stated that about five (5) years ago, when they were developing the Route 262 ramp and the highway department moved the road, it ended between the Rule parking lot. He stated that it makes it a little more difficult to find the entrance. He stated that Mr. Rule would have to take down his Rule Honda sign in order for them to put up a sign.

Mr. Shreckhise stated that the applicant cannot move their sign because it would be out of sight.

Mr. Wilkinson stated that they sign would be on the Interstate property and they would not allow you to do that.

Ms. Brown asked if the road is paved?

Mr. Ladd stated yes. He stated that there is an easement on the property exactly where the sign will go.

Mr. Wilkinson stated that the ordinance does not allow you to place a sign within 1,500 feet of the existing sign.

Mr. Ladd stated that he has ten (10) one (1) acre lots left. He stated that he would like to use some of those for businesses that he would like to be involved in.

Mr. Wilkinson stated that the ordinance was written in 1972.

Mr. Hamilton asked about Orchard Hill?

Mr. Wilkinson stated that the Board granted a Variance for a sign for Orchard Hill.

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Mr. Coyner stated that if the Variance gets approved the applicant should make the sign large enough so that this is the only sign that they would need to have.

Mr. Ladd stated that the maximum that Mr. Rule agreed to is ten (10') feet in height and eight (8') feet of width. He stated that the divider line gives you four (4') feet on either side. He stated that they may not even have the divider line if they only have six (6) businesses on the property. He stated that they did that so that they did not block Mr. Rule's signage.

Mr. Shreckhise stated that not being able to advertise your business on the sign is a hardship.

Ms. Shiflett stated that the business is hard to find especially at night.

Mr. Ladd stated that they have a sign when you come off the Interstate that states next right and two (2) lefts because people cannot find the business.

Ms. Brown asked if that has helped?

Mr. Ladd stated yes.

Ms. Brown asked if there are lights at the entrance at night?

Mr. Ladd stated that Mr. Rule has a lot of lights at night.

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

Mr. William Rule, stated that he is the owner of Raybilron, Inc. and he would like to speak in favor of the single sign. He stated that he does not want to have other spaces because there is only one business at the site. He stated that Paul Obaugh is not going to build back there. He stated that only one (1) business needs to be identified.

Mr. Wilkinson asked as the other businesses come are you fine with them adding to the sign?

Mr. Rule stated that they would like that request to come before the Board as needed. He stated that they would not be agreeable with a 8' x 10' pylon if there is only two (2) businesses. He stated that they would like to see this as they progress. He stated that there is no hardship there except for the Harley-Davidson shop.

Mr. Coyner stated that Mr. Rule would like for the signs to be requested as needed.

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Mr. Rule stated that is in the exchange of property that as other businesses come, they can be identified as signage. He stated that they would object to the larger pylon. He stated that they would be in favor to the one sign. He stated that they do not want to have the sign up without any businesses there. He hopes that ten (10) businesses go back there. He stated that it would be premature to put the pylon up at this point.

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

There being none, Vice Chairman Callison asked if Mr. Ladd would like to speak.

Mr. Ladd stated that he is totally in favor of what Mr. Rule would like to do. He stated that it is not a problem putting up one area at a time if they have to.

Vice Chairman Callison declared the public hearing closed.

Mr. Coyner stated that if you are running a business and customers cannot get to you that would be a hardship. He moved that the Board approve only the 38" x 50" Harley-Davidson sign, ten (10') foot high, as shown on the plan. He stated that the businesses that locate later need to come back before this Board or hopefully the ordinance may change. He stated that this sign would only be for the Harley-Davidson sign.

Mr. Shreckhise stated that he agrees with Mr. Coyner. He seconded the motion, which carried unanimously.

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LEROY F. AND REBA S. RHODES, CO-TRUSTEES, ETAL - VARIANCE

This being the date and time advertised to consider a request by Leroy F. and Reba S. Rhodes, Co-Trustees, Etal, for a Variance from the lot area requirement in order to create a parcel that is separated from the main tract by a street on property they own, located in the northeast quadrant of the intersection of Miller's Sawmill Road (Route 727) and Miller Road (Route 821) in the North River District.

Mr. Leroy Rhodes stated that his neighbor submitted a letter in favor to his request. He stated that he bought the property in 1990 and built a new dwelling on the same side of the road as the barn and have rented it since then and have had a bad experierence with renting. He stated that he has a potential buyer. He stated that they are lacking .83 acres. He stated that financial loss is a factor and should not be ignored. He stated that if he could sell the property, he would receive reasonable return. He stated that if he

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cannot sell, it he would remove the log portion of the house and it would be a liability maintaining the lot. He stated that he did nothing to create this isolation. He stated that this is not a self-inflicted hardship situation. He stated that he does not feel that this would establish a precedent that would have a negative affect on the County.

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

There being none, Vice Chairman Callison declared the public hearing closed.

Mr. Coyner stated that in this case there is a public road that divides the property that creates the hardship. He stated that the house is very close to the road. He stated that it would appear to him that this would be a logical thing to do. He moved that the Variance be granted.

Mr. Shreckhise seconded the motion, which carried unanimously.

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FREDERICK V. OR SUSETTE L. JOHNSON - SPECIAL USE PERMIT

A request by Frederick V. or Susette L. Johnson, for a Special Use Permit to use an existing building for business offices, storage, and weddings or social functions on property they own, located at the southern quadrant of the intersection of Arrow Lane and Stuarts Draft Highway (Route 340) in the Riverheads District. (APPROVED ONLY THE BUSINESS OFFICES AND STORAGE BUT NOT THE WEDDINGS OR SOCIAL FUNCTIONS) – **ONE YEAR EXTENSION OF TIME REQUEST**

Mr. Frederick Johnson stated that he gave staff a sheet from Sean Comer showing the drainfield layout. He stated that he assumed this has been taken care of. He stated that he thought that Mr. Comer was going to meet with Troy Austin and get it resolved. He stated that he assumed that Mr. Comer gave staff that drawing.

Mr. Wilkinson asked if they contacted Mr. Austin to evaluate the drainfield system?

Mr. Johnson stated that he contacted Mr. Austin several times and he was going to get with Mr. Comer and answer the questions.

Mr. Wilkinson asked if he has hired Lotts and Austin to evaluate the system?

Mr. Johnson stated that he did not hire him. He stated that he just talked with him on the phone.

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Mr. Wilkinson stated that the permit was issued with the pre-condition to obtain Health Department approval and provide a copy to the Community Development office before the applicant can start any activity on the site.

Mr. Johnson asked if it was wrong to assume when you are talking about a 1,500 gallon septic system that it would not support five (5) people?

Mr. Wilkinson stated yes. He stated that Mr. Comer did not give staff a letter stating that the drainfield is acceptable. He stated that staff has to have documentation from the Health Department in order to release the permit. He stated that staff has not received anything from Mr. Austin or Mr. Comer.

Ms. Susette Johnson asked if staff needed a letter from both?

Mr. Wilkinson stated that they need documentation from the Health Department in a letter form for the file. He stated that if they fax it to him that would be fine. He stated that the Health Department needs to approve it for a certain amount of employees or if Mr. Austin would like to send staff a letter. He stated that the permit will expire in April if an Extension of Time is not approved by the Board. He stated that the applicant may want sixty (60) days to get the Health Department approval to staff so that the permit can be issued.

Mr. Coyner moved that the Board approve the sixty (60) day Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

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STAFF REPORT

06-24	Roadcap, Henry L. or Anita L.
06-25	Trayer, Robert W. or Patricia E.
06-26	Jerman, Paul B.
06-27	Howdyshell, Larry C. and Marsha S.
06-28	Leach, Milford M.
06-29	Swann, Philip L., Jr. and Jolene M.
06-30	Syptak, John Michael or Deborah N. – Withdrawn
06-31	Beaver, Rodger L.
06-32	Hash, Joseph W.

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Mr. Wilkinson stated that SUP#06-24 and SUP#06-25 are both in compliance. He stated that Mr. Jerman, SUP#06-26, has not completed the pre-conditions and staff has sent the applicant a letter asking if they would need an Extension of Time. He stated that SUP#06-27 for Mr. Howdyshell has two (2) years to build the dwelling at the site. He stated that SUP#06-28, SUP#06-29, SUP#06-31, and SUP#06-32 are all in compliance with the stipulations of their permits.

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Mr. Wilkinson stated that Mr. Rosenberg had to leave to attend another meeting but he did leave copies of the court cases. He stated that Stuart Cash, Wilbur Johnson, and Priscilla Kirksey cases are all filed. He stated that Perry Mace will be re-inspected on April 21, 2007. He stated that they have a consent order for Ira Nissley. He stated that Ethel Nuckoles, Larry Robinson, and Kenneth Shifflett were all filed. He stated that Arthur Stokes site has been cleaned up. He stated that Mr. Washington has been also filed with the Augusta County Circuit Court. He stated that they are filing another injunction order on Mr. Gochenour to cease his operation.

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

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Vice Chairman

Secretary