

July 5, 2018

PRESENT: Steven F. Shreckhise, Chairman
George A. Coyner, II, Vice Chairman
Daisy A. Brown
Thomas H. Byerly
Justine D. Tilghman
John R. Wilkinson, Director of Community Development
Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: Sandra K. Bunch, Zoning Administrator and Secretary
James R. Benkahla, County Attorney

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 5, 2018 at 9:30 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at 9:30 a.m. in the Board of Supervisors Conference Room. The staff reports for each request was reviewed 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:

- **WANDA H. CARAWAY - SPECIAL USE PERMIT**
- **DAVID FITZGERALD - SPECIAL USE PERMIT**
- **SANDON KNICELY - 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

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ABSENT: Sandra K. Bunch, Zoning Administrator and Secretary
 James R. Benkahla, County Attorney

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, July 5, 2018, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Vice Chairman Coyner moved that the minutes from the June 7, 2018, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

WANDA H. CARAWAY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Wanda H. Caraway, for a Special Use Permit to have a kennel and be allowed to breed 3-4 litters a year on property she owns, located at 427 Baynes Road, Waynesboro in the Wayne District.

Ms. Wanda Caraway stated she and her daughter, Leslie Johnson, would like a permit to keep their dogs. She did not know there was a limit of only four (4) dogs. She said Animal Control said she had too many dogs. She would like to keep the dogs that she has now because they are all her personal pets. She would like to breed some of the dogs and sell puppies especially around Christmas. She said they have several litters of puppies a year that help provide funds in order to pay the bills. She noted when the

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Animal Control Officer came by they were conducting renovations and putting in a new floor in their kitchen and family room which would have been the worst time to come by and look at the property because they had furniture stacked up all over. She said her house is back in order now. She would like to keep the dogs until they get deceased. She said some of the dogs are ten (10) years old. She would not want to send her dogs to get euthanized. She said they are in a happy home with them. She said they have access to the fenced in yard.

Vice Chairman Coyner asked if there are tags on all of the dogs?

Ms. Caraway said they just got the dogs rabies shots done and are waiting on the veterinarian to get the dog tags. She presented the Board with a letter from the veterinarian as well as their records.

Mr. Wilkinson read the letter from Westwood Animal Hospital.

Ms. Brown asked how many dogs do you have?

Ms. Caraway stated twelve (12) dogs and one (1) puppy.

Vice Chairman Coyner stated this Board has had many kennels over the years. He stated this is an excessive amount of dogs inside the house.

Ms. Caraway stated some people think that and sometimes she does too but, their dogs have been spoiled. She said there is no need to give any of them up. She does agree we have too many, but some of them are older and once they pass she does not intend to replace them.

Ms. Brown asked how many dogs can be bred?

Ms. Caraway stated five (5) dogs can be bred but they are planning on spaying three (3) in the near future. She does not breed all year long. She said they breed closer to Christmas in order to use the money to help pay for extra expenses.

Vice Chairman Coyner asked how do you market the dogs?

Ms. Leslie Johnson stated she markets the dogs on puppyfind.com.

Ms. Tilghman asked what type of dogs are you breeding?

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Ms. Caraway stated Pomeranian and Poodle mixes. She said these are small dogs.

Vice Chairman Coyner asked if the dogs stay inside the home?

Ms. Caraway stated they can go in and out of the house. She said they do not go out at night. She said the dogs have access to the fenced in backyard. She does not want them to stay in kennels and confine them. She has had no problems with the neighbors and she has never had any complaints. She stated the neighbor that lives behind them is here to speak.

Ms. Brown asked if Animal Control gave you any information regarding their comments on the inspection?

Ms. Caraway said the Animal Control Officer was rude and nitpicking at their site and that they would take their dogs away. She said they had this number of dogs for a long time.

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

Ms. Deborah Campbell, 45 Yonder Farm Lane, Waynesboro, stated that Ms. Caraway does care about the animals. She lives behind them. She wanted to be sure that she would not have larger size dogs at the site. She said the number of dogs is too much personally for her in the house and she does not know the condition of the inside of the house. She would have an issue with larger dogs barking outside. She understands the emotions and her concern of holding onto the dogs that they have now.

Chairman Shreckhise asked if there was anyone else wishing to speak regarding the request or if the applicant had any additional comments?

Ms. Caraway said that it is not her intent to have large size dogs. She will continue to breed the Pomeranian and Poodle mixes.

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

Chairman Shreckhise stated staff and Animal Control are recommending against this. He asked if they would be allowed to keep the dogs they have? He noted Animal Control's main comment is the conditions of the inside of the house. He said they need verification on the licenses and rabies shots.

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Vice Chairman Coyner stated this is a tremendous amount of dogs for that location. He said Animal Control has a lot of experience in matters like this and this is not a good situation.

Ms. Brown stated the Board went inside the dwelling and there was a large number of dogs going in every direction. She said the site was not clean and kept up and it is not a good condition for the dogs to live in.

Vice Chairman Coyner said some are older and as they pass on, he wondered if the applicant intends on replacing them with other dogs?

Ms. Caraway stated she does not have any intention of getting more dogs. She will not have large size dogs. She has not had any complaints from any of the neighbors or the veterinarian.

Vice Chairman Coyner asked if the applicant has always had this many dogs?

Ms. Caraway stated she has always had between six (6) and seven (7) dogs but currently this is the most they ever had.

Vice Chairman Coyner asked what notifies the Treasurer for kennel tags when a citizen gets the dogs rabies shot?

Mr. Wilkinson stated once the rabies shot is administered, the veterinarian gives the count of the number of rabies injections to the Treasurer's Office. He said if the citizen has more than four (4) dogs, they are directed to the Community Development department to see if they would qualify to apply for a Special Use Permit.

Chairman Shreckhise stated the applicant's dogs did not have the rabies shot in order to obtain dog tags.

Mr. Wilkinson stated the applicant did not have rabies certificates to show Animal Control. He said the veterinarian did not address the rabies shot in their letter.

Vice Chairman Coyner stated this is not an ideal situation. He asked how long would the applicant have timewise to get the number down to four (4) dogs?

Mr. Wilkinson stated the applicant is asking to let the dogs expire naturally.

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Ms. Brown stated she has a problem with the dogs not being vaccinated and then they want to sell puppies to the public.

Ms. Caraway stated all of the dogs are vaccinated. She said the veterinarian checks the puppies before they are sold. She said they are very careful about that. She stated all of her dogs are loved.

Ms. Brown asked how many dogs are over twelve (12) years old?

Ms. Caraway stated none. She said some are ten (10) years old.

Chairman Shreckhise does not understand that the applicant would have that many dogs without any licenses. He would like to reinvestigate this.

Vice Chairman Coyner stated it would be difficult for them to approve this today.

Chairman Shreckhise stated the Board may want to only let them keep the dogs they have and verify all dogs have their necessary shots and licenses.

Ms. Tilghman asked if they received dog tags in the past?

Ms. Caraway stated yes.

Mr. Wilkinson stated staff would be glad to verify with Westwood Animal Hospital.

Ms. Johnson said at the time of the Animal Control visit, they did not have shot records because some were just out of date.

Vice Chairman Coyner moved that the request be tabled to the August meeting in order to speak with Animal Control and obtain shot records.

Ms. Brown seconded the motion.

Ms. Caraway said she is unable to attend the August meeting because she will be out of town and asked that the request be moved to the September agenda.

Vice Chairman Coyner amended his motion that the request be put on the September 6, 2018 agenda.

Ms. Brown seconded the motion, which carried unanimously.

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DAVID FITZGERALD - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by David Fitzgerald, for a Special Use Permit to have motor vehicle repair, body and fender work and painting in an existing 32' x 32' building on property owned by Barbara A. Fitzgerald, located at 1916 Howardsville Turnpike, Stuarts Draft in the South River District.

Mr. David Fitzgerald stated he would like to operate a motor vehicle repair, body and fender work and painting in the existing building.

Vice Chairman Coyner asked if this is a part-time venture?

Mr. Fitzgerald stated yes. He said this is a hobby. He works for Allen Yoho Electric.

Chairman Shreckhise asked if the vehicles will be screened from view?

Mr. Fitzgerald stated the impound area will be in the lower side of the property.

Chairman Shreckhise stated he would not want to see the neighbors disturbed by this operation or look at something unsightly.

Vice Chairman Coyner stated they do not want a collection of vehicles being kept at the site.

Ms. Tilghman asked how many vehicles do you think you will service?

Mr. Fitzgerald stated he has a two-bay garage. He will only service vehicles for oil changes and routine maintenance. He said the auto body and painting is on the other side of the garage. He said this is not a full time venture for him.

Vice Chairman Coyner asked if he would have any employees?

Mr. Fitzgerald stated no.

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

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

Ms. Brown stated the Board visited the site today. She said the site was neat and orderly. She moved to approve the request with the following conditions:

Pre-Conditions:

1. Obtain letter of approval from Building Inspection.
2. Applicant install a 30' x 30' impound area, screened by an eight (8') foot high opaque privacy fence adjacent to the garage within **ninety (90) days**.

Operating Conditions:

1. Be allowed to use the existing 32' x 32' garage for motor vehicle repair, painting, and body and fender work.
2. All vehicles waiting repair and all inoperable vehicles and vehicle parts be kept inside the building or the screened impound area as shown on the BZA sketch.
3. Hours of operation be 4:00 p.m. to 8:00 p.m., Monday-Friday and 8:00 a.m. to 5:00 p.m. on Saturday.
4. No Sunday work.
5. No employees.
6. No junk or inoperable vehicles or parts of vehicles be kept outside.
7. Site be kept neat and orderly.

Mr. Byerly seconded the motion, which carried unanimously.

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SANDON KNICELY - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Sandon Knicely, for a Special Use Permit to have apartments in a pre-1980 structure on property owned by Deborah Simmons 1/4, Etal, located at 23 Buttermilk Road, Mount Sidney in the North River District.

Mr. Sandon Knicely stated he will be purchasing the property and would like to spruce up the building. He is asking the Board to permit him to have the apartments. He would like to rent out the downstairs apartment and live upstairs. He said there is ample parking spaces. He said the site has water and sewer. He stated the water meter sizing form provided to the Service Authority is adequate.

Vice Chairman Coyner stated the applicant seems to have a good plan in place for the site.

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

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

Vice Chairman Coyner stated the Board visited the site this morning. He said this will be a good use of the building. He moved to approve the request with the following conditions:

Pre-Condition:

1. Applicant obtain all necessary building permits and provide a copy to Community Development.

Operating Condition:

1. Be permitted to have two (2) apartments in the pre-1980 structure.

Mr. Byerly seconded the motion, which carried unanimously.

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PHILIP KHNOPP - SPECIAL USE PERMIT - REQUEST TO CANCEL

A request by Philip Khnopp, for a Special Use Permit to have weddings, birthday parties, reunions or similar social functions, and to have guided nature walks on property owned by Trustees James M. and Jayne Ann L. Knopp, located at 603 Green Hill Lane, Churchville in the Pastures District.

Mr. Wilkinson said the applicant cannot meet the pre-conditions in order for his permit to be issued.

Vice Chairman Coyner moved to cancel the permit.

Ms. Brown seconded the motion, which carried unanimously.

STAFF REPORT

- 17-33 Plecker Brothers, Inc.
- 17-34 Marty P. or Margaret A. Carty
- 17-35 Jackie D. or Sue M. Burgess
- 17-36 Shen Acres Realty, LLC
- 17-37 David W. or Billie Jo Smiley
- 17-38 William C., Jr. or Sharon B. Woodland
- 17-39 Jamie DeWayne Stickley
- 17-40 Woodlawn Village, LLC
- 17-41 David I. McCaskey
- 17-42 Gary D. or Crystal Bradley
- 17-43 Joan M. Byrne
- 17-44 Glenn Shenk and Michelle Lesensky

Mr. Wilkinson stated SUP#17-33 is diligently working on their site plan. He said SUP#17-34, SUP#17-35, SUP#17-36, SUP#17-37 and SUP#17-38 are all in compliance. He stated SUP#17-39 has not been issued, therefore, staff will send a letter requesting the permit be cancelled and to mow the property. He said the applicant is working on dismantling the old home for SUP#17-40. He stated staff sent a letter asking if the applicant needs an Extension of Time for SUP#17-41. He noted SUP#17-42, SUP#17-43 and SUP#17-44 are all in compliance.

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Mr. Wilkinson discussed the court cases with the Board.

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



Chairman



Secretary

