

BZA Regular Meeting, Thursday, March 6, 2025, 1:30 PM Augusta County Government
Center
Main Board Room
18 Government Center Lane
Verona, VA 24482

Staff Briefing

a. Staff Briefing Memo

1. **Call to Order**

2. **Determination of Quorum**

3. **Minutes**

a. Approval of the February 6, 2025 Minutes

BZA Member Thacker moved, seconded by BZA Member Bailey, that the Board Approve the minutes.

Motion Passed.

4. **Public Hearing**

a. A request by Jeffrey W. and Bridgette G. Showalter, for a Special Use Permit to have a short term rental on property they own, located at 685 Leapport Road, Verona in the North River District.

Mr. Jeffrey Showalter stated I would like to operate a short term rental.

Chair Coyner asked how will the site be marketed?

Mr. Showalter stated Airbnb will be our primary source. I do not have plans for independent marketing.

Chair Coyner stated the Board visited the site this morning. Is someone living there?

Mr. Showalter stated I have guests using the facility.

Chair Coyner asked if you are already in business?

Mr. Showalter stated yes.

Chair Coyner asked how long have you owned the property?

Mr. Showalter stated we purchased the property from my parents last year. I would like to see the property kept in the family.

Chair Coyner asked would the rentals be weekly?

Mr. Showalter stated I have a two (2) night minimum.

Chair Coyner asked if the applicants will be screened?

Mr. Showalter stated if the applicants do not have a certain rating, they will have to personally message me. There is a criteria that I set for the rental. I declined someone last night because they wanted to host a baby shower with twenty (20) to thirty (30) people at the site. I said we were not comfortable hosting that many people.

Chair Coyner asked if they have a lease agreement for someone to look after the site?

Mr. Showalter stated my neighbor, Mr. Harrison, will be there to keep tabs on the site for me. If any issues would occur like parties, he would reach out to me.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning. This is a nice piece of property. The neighbor will look after the property.

Mr. Bailey moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease the entire dwelling for short term vacations.
2. Be limited to a maximum of six (6) persons occupying the dwelling.
3. If the lessee changes, the owner submit subsequent lease agreements within ten (10) days of signature, when the less changes.
4. Site be kept neat and orderly.

Seconded by BZA Member Glover.

- b. A request by Jeffrey W. and Bridgette G. Showalter, for a Special Use Permit to have a short term rental on property they own, located at 765 Dices Spring Road, Weyers Cave in the Middle River District.

Mr. Jeffrey Showalter stated this would be the same process as the previous request. I purchased the property in 2018 with the chicken houses. The house needed cosmetic work done and in the down time we were able to accomplish that. We became aware that we needed to get permitted and I have been working on this process. Mr. Shank is there to keep an eye on the property for us.

Chair Coyner stated the guests should not be allowed to wander around.

Mr. Showalter stated no. They can walk up to the top of the hill. They will not be permitted to go down to the chicken houses which they will be aware of.

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

There being none, Chair Coyner declared the public hearing closed. This is a nice piece of property.

Mr. Thacker moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Applicant be permitted to lease the existing dwelling for short term vacation stays
2. Maximum occupancy of the dwelling not to exceed four (4) persons.
3. If lessee changes, the owner shall submit subsequent lease agreements, within ten (10) days of signature, when the lessee changes.
4. Site be kept neat and orderly.

Seconded by BZA Member Glover.

Motion Passed.

- c. A request by Joshua D. and Jennifer B. Moore, for a Special Use Permit to

have a short term rental on property they own, located at 101 Dabneys Road, Raphine in the Riverheads District.

Mr. Joshua Moore stated I would like to operate a short term rental. Mr. Persinger will be my property manager. I live in Virginia Beach. I intend to come here once the kids are older.

Chair Coyner asked where would you market the property? Airbnb?

Mr. Moore stated no. I use a site that monitors the clients and they also pay the taxes for me.

Chair Coyner stated there is not much of a turnaround at the site. The Board visited the site this morning. It is a beautiful property. Is there anyone wishing to speak in favor, or in opposition to the request?

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

Mr. Glover stated this is a good location. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to lease the entire dwelling for short term vacations.
2. Be limited to a maximum of six (6) persons occupying the dwelling.
3. If the lessee changes, the owner will submit subsequent lease agreements, within ten (10) days of signature, when the lessee changes.
4. Site be kept neat and orderly.

Seconded by BZA Member Bailey.

Motion Passed.

- d. A request by Fredrick K. and Emily M. Helm, for a Special Use Permit to have outdoor storage of equipment and commercial vehicles in conjunction with a landscape business on property they own, located on the north side of

Chestnut Ridge Road (Route 694), east of the intersection of Stingy Hollow Road (Route 693) and Chestnut Ridge Road (Route 694) in the Riverheads District.

Mr. Fredrick Helm stated I purchased the property in October. I do have intentions to build. I always wanted to own my own business. I would like to park my equipment there. I already have a skid steer and a 20' long gooseneck trailer. At my current residence, it is not permissible to store my equipment there. The area of storage was marked by yellow flags.

Chair Coyner stated you did a nice job cleaning up the property. When the business gets up and going, do you plan to build at this site?

Mr. Helm stated yes. We hope to start building our residence in a year.

Chair Coyner asked if there would be employees?

Mr. Helm stated no employees.

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

There being none, Chair Coyner declared the public hearing closed. The Board visited the site this morning. The applicant has done a tremendous job in cleaning the property up. This is a good location.

Mr. Glover stated this is a good piece of property and the equipment will not be visible from the road. He moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be limited to two (2) commercial trucks, three (3) trailers, and two (2) pieces of equipment associated with the business.
2. All vehicles and equipment be kept within the designated area shown on the BZA sketch plan.
3. All trees and natural vegetation around the storage area remain and be maintained to provide adequate screening.
4. No employees coming to the site.

5. No trees or debris be brought to the site.
6. No junk inoperable vehicles, parts of vehicles or equipment be stored on site.
7. Site be kept neat and orderly.

Seconded by BZA Member Thacker.

Motion Passed.

- e. A request by Jeffrey Snyder, agent for Appalachian Venture, LLC, for a Special Use Permit to have a short term rental within the existing living space above the convenience store on property owned by Appalachian Venture, LLC, located at 2475 Mt. Torrey Road, Lyndhurst in the South River District.

Mr. Jeffrey Snyder stated this location is my primary residence. This location is also the location of B & R the convenience store and gas pumps. There are three (3) bedrooms, two (2) bathrooms, kitchen and a living space on the second floor that I would like to use for a short term rental. I understand that before proceeding I will need to meet building code requirements with the smoke detectors and a fire rated ceiling. I renovated the property and have made a lot of progress. I look forward to serving the local community. I would like to provide a good short term rental for visitors. I am working to reopening the store. I plan on renting the second floor living space through Airbnb and Vrbo. I started renting the site in July – September 2024 but then stopped when I was informed a permit was required. The neighbors were fine with this and I checked with them before I started. The only request was better instruction for parking.

Chair Coyner asked if the applicant is aware of all the recommended pre-conditions from staff?

Mr. Snyder stated yes. I will proceed with both of them before operating.

Chair Coyner asked do you plan on living there while the site is rented?

Mr. Snyder stated I can be in the area. I do not plan on living in the same space as the renters but this is my primary residence.

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

There being none, Chair Coyner declared the public hearing closed. This is a nice spot and I hope you do well. The Board is very familiar with the property and it has been there for years under a Special Use Permit.

Ms. Bunch stated since 1961.

Mr. Bailey moved to approve the request with the following conditions:

Pre-Conditions:

1. Obtain Health Department approval for the convenience store and the short term rental and provide a copy to the Community Development Department.
2. Applicant submit documentation approved by the Building Inspection Department that the store area is separated from the upstairs with fire rated ceiling and a code compliant smoke alarm system is installed.

Operating Conditions:

1. Be permitted to lease the existing dwelling for short term rental.
2. Be limited to a maximum of six (6) persons occupying the dwelling once Health Department approval is obtained and a copy provided to the Community Development Department.
3. Site be kept neat and orderly.

Seconded by BZA Member Glover.

Motion Passed.

- f. A request by Karen J. and Derek S. Hildebrand, for a Special Use Permit to construct a kennel for boarding on property owned by Karen J. Hildebrand, located at 244 Sugar Loaf Road, Staunton in the Riverheads District.

Ms. Karen Hildebrand stated I would like to construct and operate a thirty (30) run dog boarding facility on our property. This is heavily needed in the area. I have lived here for eighteen (18) years now. The property is set back and will not interfere with traffic in and out. There has been mention about dogs barking. There is another kennel in the area across the street from my residence. I worked there for six (6) months and they told me they plan to sell their home and kennel and land in a few years and that is why I planned to open one myself. I have a passion for dogs and to satisfy the need in the area. I did work there to get knowledge of the business and there are some things I want to do different. By the time I get approved and constructed, it will be within the end of when they plan to end their business. He told me he does not want to be in business more than ten (10) years. I do not want to be in competition with him and I discussed that with him. The Board approved his kennel in 2017 and it is coming up on eight (8) years. For me to construct my kennel within two (2) years is fair for me to start and for

him to finish up with the business.

Chair Coyner asked what type of building will this be?

Ms. Hildebrand stated the kennel will consist of two (2) metal buildings - 14' x 70' and an office 24' x 30' connected together. The dogs will be taken back to the kennel through the office.

Chair Coyner asked about the runs for the kennel?

Ms. Hildebrand stated the indoor runs will be 4' wide by 5' deep and the outside will be 4' wide by 8' deep. There will be six (6') foot tall partitions between each run. The concrete block will help with noise. There will be kennel doors on the front partition so the dogs do not see each other across the way. That will eliminate barking there.

Mr. Derek Hildebrand stated we plan to plant trees on either side to eliminate noise.

Ms. Hildebrand stated maybe even a privacy fence.

Chair Coyner asked what will you do about the waste?

Ms. Hildebrand stated we will pick it up and bag it. Augusta County Disposal will pick up the regular trash and they will pick up the bagged waste also from the kennel. We will mop and disinfect the kennels every day.

Chair Coyner asked what type of dogs will be at the site?

Ms. Hildebrand stated we will not accept vicious dogs. If a dog comes in and seems standoffish we would not keep the dog.

Chair Coyner asked will the two of you operate the business?

Ms. Hildebrand stated yes and my seventeen (17) year old son. He lives with us. This will be a family business.

Chair Coyner stated Animal Control felt that thirty (30) dogs are a little excessive.

Ms. Hildebrand stated this is not a day care facility. I will not turn all of the dogs out together. I feel that their concern would be all the dogs being out together but we would not consider that. Each dog will be out individually at a time.

Chair Coyner asked if this would be for weekends?

Ms. Hildebrand stated yes, vacation, long term, either of those because traffic will not be that much. I will be onsite. We are only open about twelve (12) hours a week to the public for customers to drop off and pickup. We are open less than 52 hours in a

month. There is not a lot of traffic.

Chair Coyner asked when will customers drop off their pets?

Ms. Hildebrand stated by appointment only Monday, Thursday, and Friday 8-12 and 4-6 and Tuesday, Wednesday, and Saturday only 8-12 and Sundays from 4-6. They can only plan to be there during those times.

Mr. Bailey asked about the Health Department concerns about waste?

Ms. Hildebrand stated we will not connect the kennel to the septic system. We will mop and clean daily. The Health Department was fine with them hooking the existing drains and bathroom into our existing septic because it is just our current household members at the kennel using those facilities.

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

Mr. Mark Carty, 70 Rainbow Springs Lane, Staunton, stated I have lived here for the last 33 years. I am 250 yards away. There is not a need for a kennel at this location.

We already have one in the area. The proposed location is poor. The elevation of where it is, the dogs barking will be heard all over. I can hear her dogs barking now.

There are no forest buffers. The entrance location is state approved and 100 yards below the curb. When my son's kennel was built an egress was required to ensure traffic can get in and out. I do not see that in any of these plans. This will be very dangerous. With our kennel, it was a requirement to have the septic system for the kennel to operate. Now they are saying they do not need it. We were required to have handicapped bathrooms in the office for the customers as a requirement in 1996. I do not see that anywhere in this request. The request is not compatible and would not be compatible with the neighborhood. This will diminish property values and increase traffic on Sugar Loaf Road. I can hear the dogs barking when she leaves hers out.

Mr. Sam Rowe, 301 Sugar Loaf Road, Staunton, stated I have lived here for the last 40 years. I am adjacent to this. I am across from the proposed kennel. I ask that the Board deny this request. The community already has a kennel .10 of a mile away.

Rainbow Springs has been operating for 29 years. It is located a mile down the road and along a private lane. This location is on higher ground without any trees or topo that will inhibit sound. I just found out today that it will be a metal building. The kennel will have indoor and outdoor runs. The recommended conditions state all dogs be confined inside the kennel between 10:00 p.m. and 6:00 a.m. What about the other 16 hours a day? This has to be at least 500' from Sugar Loaf Road. Can I ask that you mandate that this needs to be 1,000' from my property line and Sugar Loaf Road.

There are no proffers to control noise. They are already advertising on Facebook thirty (30) dog runs and six (6) cat condos. A second dog can be in the same run if they are in the same household. She could have sixty (60) dogs at a time. Would you want to have this in your neighborhood? Some neighbors do not have air conditioning and they

keep their windows open in the summer. This will be difficult to sell if this kennel is approved and the property values devalued. This will be detrimental to the area. We have to look at future consequences with this request in the community. This is for a boarding facility only. She is advertising that grooming services will be offered as well. This will create more traffic. There are many pedestrians and if the traffic is frequent it will not be safe for the residents. Sight distance is tricky. Please protect our property and please deny the request. I have proof of this from the social media post.

Ms. Louise Morgan, 61 Sugar Loaf Road, Staunton, stated when I retired we moved to Augusta County for this nice, quiet neighborhood. We are concerned because there is already a kennel in business in the area. There are no sidewalks on the road.

Pedestrians go up and down the road. I totaled my vehicle coming off Sugar Loaf Road. The community does not need this kennel. This is a rural farming area. Small family dogs could be together in one run so there could be 40-50 dogs on the property at one time. This is across the lane from my property. I would hope you consider not approving this request.

Mr. Paul Parish, 186 Mill Lane, Staunton, stated I agree with Mr. Rowe. I have my windows open and if there are a bunch of dogs there and one starts barking and the rest of them will join in, they are singing 24 hours at a clip. Now they are wanting to add 30-60 dogs. This is not a needed facility. We can hear the dogs on the Hildebrand property and the rest of them join in. They say they are not going to bark a lot but what if they do. The best thing to do is to not allow them. It is not right to keep your windows shut in the summertime.

Mr. Larry Damico, 87 Rolling Green Drive, Staunton, stated I am not adjacent but I live off of Middlebrook Road near Rainbow Springs. The dogs are heard during feeding time. I have been at this property since 2002 and when we cleared the property to get ready to build, I heard the dogs at Rainbow Springs. I questioned whether we made a mistake buying the property. I can tolerate what we have now but do we need a second kennel ¼ mile away. If Rainbow Springs decided to move, would the next buyer get to keep operating or do they need to apply for the permit also? If Ms. Hildebrand continues to operate they could have 60-90 dogs. Does the County have requirements for climate control for the winter and summer months? The dogs will be loud inside the metal building. Block will cut down on noise but the open metal building will be loud. There are a lot of concerns from the residents nearby.

Ms. Elissa Parish, 186 Mill Lane, Staunton, stated I moved here six (6) years ago for the peace and quiet and fresh air. I walk a lot and I go passed the Hildebrand property.

The dogs do bark continuously and no one ever came out to quiet the dogs. I do not hear the dogs at Rainbow Springs but I did not go down far enough to their kennel. I like to open my windows in the summer and I want to get a good night sleep and do not want to hear a bunch of dogs barking.

Mr. Jamie Butler, 1935 Middlebrook Road, Staunton, stated I have an issue with the noise and traffic. If they plant trees they will take a long time to grow. The noise will

carry. There is not much of a road there and it is not wide enough. That location is not the best place to come out on Middlebrook Road. The added traffic is asking for trouble. The noise will be the biggest concern. The metal building is not going to cancel the noise but amplify it.

Ms. Melissa Ruth, 118 Rolling Green Drive, Staunton, stated I hope this is not passed. There will be noise from the dog kennel. We have accepted Rainbow Springs. They do a good job with the noise. We are probably the closest house. The sound does carry. They start early in the morning and the dogs start barking when they see the people. When people come and go there is barking and during feedings. We have one and we live with it. We do not need another kennel less than ¼ of a mile away. We could not have our windows open. We do not need another one. If they build it we will hear it and see it. Middlebrook Road is dangerous.

Ms. Linda Atchison, 136 Mill Lane, Staunton, stated I live behind the Hildebrands. The sound will be an issue. Her building will be closer to me than anyone else. This will cause major issues. On this they say they have a yard for dog waste which is a health issue. The traffic will be an issue because there is a hill there and Middlebrook Road does have issues and that it is a bad intersection. I ask the Board to consider all issues.

Chair Coyner asked if there was anyone else wishing to speak regarding the request? There being none, Chair Coyner asked the applicant to speak in rebuttal.

Ms. Hildebrand stated Mark Carty is the father of the current owner of Rainbow Springs. In August 2024, when they hired me, Chris and Jason Carty said that they plan on selling the place in a few years. This would be a great opportunity for you and your husband to purchase the property and kennel. I am interested in kennel boarding and running a facility. On January 24, 2025, I decided to attempt to build a kennel on my property and I let them know. He said he did not have a problem with that. I worked there for three weeks. After the County zoning sign went up, they fired me. I did not expect that. I have been neighbors for some time. I wanted to have a nice working relationship. I worked at their kennel by myself every day. I ran the kennel and met customers in an eight hour shift. At times they were over capacity with the 35 dog runs. Often he has had two (2) dogs in a run during peak season and holidays. My request is for thirty (30) runs. Our kennel will be fully insulated. It will reduce the barking sound. We will have kennel gates to reduce barking. His building has no barriers for sound. The block walls in between will help with sound. I will have the dogs out three (3) times a day to use the bathroom and play (15-20 minutes each time). I will not be a nuisance. I want to provide a service to the community. There is definitely a need for this business in the area. I had 150 reactions for people who are excited for the kennel. There is a need in this area. I reached out to Beth Rowe to let her know about my plans. I tried to be neighborly. I did not have any discussions because no one approached me with concerns. We will reduce the noise level. It is an agricultural area. I am situated on an 180 acre farm and I want to keep the farm owned by my parents. My dad has since passed and my mother is on her death bed. I need to have plans to

keep the farm. It is Arbor Hill Farm and it abuts up to Sugar Loaf Farm and they have no problem with this. There is a need in the community and I am capable and willing to help the community and the dogs with this. This will be a new facility and I want to do this right. I want to treat the dogs right and the customers. The intersection has been there for years. That is an issue for everyone. There are three other ways to get to the farm. Customers do not need to use Sugar Loaf Road. Customers would only come to the site about twelve (12) hours a week. There will not be much traffic. Every person that comes to us will pass his kennel. That traffic will be eliminated once he sells. I will fully comply with all of the requirements. Please approve this and I will not disappoint with the noise and traffic issues. I want this to be right.

Mr. Glover stated the staff and Animal Control recommend a maximum of twenty (20) dogs.

Ms. Hildebrand stated I am aware of that. I would like to request thirty (30) dogs. I spoke with Mr. Strickler but we did not discuss the actual operation of the kennel. I think he thought we were going to run a day care facility. I will not have the dogs outside all at one time. There was about 45 dogs there during peak season. I will also have cameras 24/7 to keep an eye on the dogs. We can take care of thirty (30) dogs.

Mr. Glover asked if she would groom the dogs as well?

Ms. Hildebrand stated no. I will bath the dogs that are at the facility, I will not groom them. Jason's facility also baths the dogs. I do not know how to groom.

Chair Coyner declared the public hearing closed. The Board visited the site today. We looked at the intersection and the road.

Mr. Bailey stated Animal Control is recommending twenty (20) dogs.

Chair Coyner stated twenty (20) dogs would be a good number.

Mr. Glover stated Animal Control will inspect the site annually.

Chair Coyner stated if the building is not in place within a year, the applicant can ask for an Extension of Time. When will the applicant plan on having a building at the site?

Ms. Hildebrand stated probably within a year.

Mr. Glover moved to approve the request with the following conditions:

Pre-Conditions:

1. Applicant submit a boundary line adjustment plat for approval for the additional 5.33 acres.

2. Obtain Health Department approval and submit a copy to the Community Development Department.
3. Applicant submit a copy of the VDOT land use permit to the Community Development.
4. Applicant obtain all building permits and inspections.

Operating Conditions:

1. Be permitted to construct a 36' X 70' kennel for boarding and a 24' X 30' attached office area.
2. All dogs be kept inside the 36' X 70' kennel or the four (4) fenced exercise areas at all times.
3. Maximum of twenty (20) adult dogs be kept at this site at any time.
4. All dogs be confined inside the 36' X 70' kennel between 10:00 p.m. and 6:00 a.m.
5. Animal Control inspect annually.

Seconded by BZA Member Thacker.

Motion Passed.

- g. An Appeal of the Zoning Administrator's decision that using a recreational vehicle as a dwelling is prohibited on property owned by Donald L. and Nancy G. Howdysshell, located at 1164 Union Church Road, Churchville in the North River District.

Ms. Bunch stated I am the Zoning Administrator for Augusta County. I have been the Zoning Administrator since 2016 and with the County since 1998. The Howdysshells are appealing a decision of the letter I sent them regarding someone residing in a camper on their property. Our office, Community Development, originally received a complaint regarding this violation on November 18, 2024. Our office inspected the property on November 22, 2024, and observed a recreational vehicle and porch structure giving the appearance the recreational vehicle was being used as a separate dwelling. As you can see in the pictures, it looks like a porch section is off to the left and it does look like it is a stationary principal structure by the pictures that we have. On November 26, 2024, a Notice of Violation letter was sent regarding the vehicle being used as a dwelling. On December 9, 2024, I received a call from Dustin Howdysshell, who is Donald and Nancy Howdysshell's son, Mr. Howdysshell stated he and his wife sold their home in Waynesboro and purchased the RV to live in so they can take care of his

elderly parents. At that time, I advised him that the ordinance prohibits using a recreational vehicle as a dwelling and gave him thirty (30) days to come up with a plan to bring the property into compliance. On January 9, 2025, our inspector inspected the property and the camper and porch enclosure remain in the same location still giving the appearance that it is being lived in or as a stationary structure. On January 13, 2025, I sent a 2nd Notice of Violation and I did include the sections of the ordinance that they were in violation of including Section 25-54.1E Uses Accessory to Single Family Residences where:

1. Such vehicles or equipment may be parked or stored on a public street or right-of-way or in front yards except on the driveway; and
2. Such vehicles and equipment shall not be used for living, housekeeping or business purposes when parked or stored on a lot subject to the requirements of the Virginia Uniform Statewide Building Code (USBC);

Including Section 25-12 where it states that vans, trucks, recreational vehicles, or similar vehicles cannot be used as stationary structures for any principal use. All of these were included in Mr. Howdyshell's letter. On January 27, 2025, I received another phone call from Dustin Howdyshell stating they were going to appeal the decision. I explained the process to Mr. Howdyshell and advised him there was a \$250.00 fee to file the appeal. On February 12, 2025, the Howdyshells submitted an appeal letter to our office and paid the \$250.00 fee. On February 14, 2025, our office placed a sign for the hearing on the property and the recreational vehicle and porch enclosure remain in the same location giving the appearance it is still being used as a dwelling. While placing the sign on the property, Donald Howdyshell spoke to myself and my assistant, Sara Terry, and he pointed out the recreational vehicle and stated his son Dustin and his wife Marleen reside in the recreational vehicle, therefore, I ask that you uphold my decision that the property is in violation of the Zoning Ordinance.

Chair Coyner stated the Zoning Administrator followed the ordinance to the letter. Correct?

Ms. Bunch stated yes.

Mr. Bailey stated it would take a complete change in the ordinance to allow them to do this.

Mr. Donald Howdyshell, 1164 Union Church Road, Churchville, stated what she said about me is not true. When they came to put up the sign the only thing we talked about is the lady had a brace on her arm and I had my brace on. They took that picture that day. The reason I am here is to ask for a Special Use Permit. We want to leave the vehicle parked there. I turned 85 last week and I cannot work or climb. Dustin and Marleen do most of the work here including mowing. On November 18, 2018, I had a kidney removed. I am restricted to not lift, etc. I cannot mow. Dustin fixed my roof leak. Marleen takes me to my appointments. Dustin does work around the house. They do

things to help us. I am requesting a Special Use Permit to keep the camper on the property. They are right on the property if we need them in case of an emergency.

Right now we pick up the phone and they are right there. I was not aware of the County ordinance prohibiting the use of the camper on the property. There are very few roads that people do not live in campers. There are campers all over the County. I had no idea there was a restriction because we have seen them. Horse trailers have to be in the driveway and I know where they are parked along the road. We pay the taxes on the camper the County has to know they are there. I know someone complained and that is when we got the notice. None of the neighbors complained. We went to 25 houses. Seventeen (17) people have signed a petition that had no problem with it.

Others did not know it was there because you do not see it unless you are looking for it. Construction sites have campers on site when houses are being built. These things are going on all over the County. I was pointed out because someone complained. I am pointing out the others around that are living in campers. I am asking for a Special Use Permit to stay there in order for them to help us. At our age, we can be gone at any time.

Mr. Benkahla stated Donald Howdyshell and Nancy Howdyshell unless someone else is living on the property or has a property interest of the property in which case they would have standing to speak. They are the proper parties to the appeal but it does not matter who signed the appeal they are the proper parties. If there is someone who lives on the property or is adjacent to the property or has an interest in the property, then they would be a proper party to the appeal. They can present their case and it is perfectly acceptable if they want to present witnesses if they like.

Ms. Price stated the Chair can of course administer an oath and they can call witnesses on their behalf if they would like to do that and I think that is what Mr. Benkahla is speaking in order to allow them to fully present the case.

Chair Coyner stated we can allow the folks present to speak.

Mr. Benkahla stated they can state their case, it is not a public hearing. If Mr. and Mrs. Howdyshell have people that they want to present evidence in their case, they can do that.

Chair Coyner asked if Mr. Howdyshell had people that he wanted to speak on their behalf?

Mr. Howdyshell stated yes, we have plenty of them.

Ms. Price stated the Chair can administer an oath.

Mr. Benkahla stated you do not have to but you can.

Chair Coyner asked for the next speaker.

Ms. Marleen Howdyshell, 1164 Union Church Road, Churchville, stated I am the proud wife of Dustin and blessed daughter-in-law of Donald and Nancy Howdyshell. My husband and I live in the RV on the property. On the surface, you may just see that living in an RV is a Zoning Ordinance violation but my hope is that by my sharing my heart with you today that you may understand how and why Dustin and I came to this decision. A few years ago, our daughter broke her neck in a farm accident and while recovering the doctors discovered a large mass that was cancer. At one point we were told she only had a few weeks to live but she survived. That painful and difficult journey impacted our entire family and it changed our perspective on what mattered most like the people we love and our possessions. We sold our home in Waynesboro (45 minutes away) so that we can live more simply with the intention of being closer and available to help our recovering daughter and aging parents who will now be within minutes from us. We want to make the most of time with the people we love. Life is precious and it is important to be there for loved ones. Dustin and I wanted to help our family and be a blessing to them as they have been such a blessing to us. We want to help with the upkeep of the property in the woods. That is truly our goal when we purchased the RV. It is a sad day when you do the right thing like helping our parents and for us living on our parents property in a RV for it to be considered such an awful offense to society. We are all in agreement and we try and mind our own business. Is there leniency or a Special Use Permit? We know now that this is a zoning violation. We want to live in the RV and for the purpose to do what is right for our family. To not be there for them would be a hardship on them and our daughter and us. Please work with us. We have seventeen (17) of the closest neighbors who are fine and support them if they live in the RV on the parents property. Could the Zoning Ordinance be amended to allow for this exception in order to grant a Special Use Permit to stay or at least a sufficient amount of time to find another place close to my family. This would be a mutual benefit to us all. The letter of the law without some leniency is harsh.

Ms. Nancy Howdyshell stated if someone needed to live in my RV, I would still give it to them today if needed even though I would be breaking the law.

Mr. Dustin Howdyshell, 1164 Union Church Road, Churchville, stated you have heard the story from our family and I hope that you show compassion towards us. There is confusion on why we appealed. I am not denying we are in violation. I am asking that you consider how to handle these things. She followed the letter of the law but I would strongly disagree with that. What did Ms. Bunch read from?

Ms. Bunch stated I read from the staff report. You should have received a copy of the staff report in the mail.

Mr. Dustin Howdyshell stated I received it two (2) days ago along with a letter. The letter said comment sheet. I did not understand what it was and I never requested a staff sheet. I sent a FOIA in for all information. Ms. Bunch was working with the Assistant County Attorney. They said they gave me everything they had. I guess the FOIA only lasts for so long. I did receive some information from that but the next day it said the FOIA case got closed. Yesterday another FOIA request got opened but I do

not know how that got initiated. She went on to inform me that the other documents were found. This is what she gave me as evidence that we are living in the RV basically it is a timeline. What she read today is not what is on here. I do want to ask for more time to make arrangements. I did not have any other options because I would be homeless other than to appeal it. I checked the campgrounds and the RV is larger than what they can have. I am not opposed to comply but there is not a Special Use Permit or Variance option. I would ask that you look at the circumstances and make an exception. In the folder that I gave you it shows the first four pages of examples of the same violation that we are being accused of and are guilty of. All of those examples are here in Verona and can be seen from the road. I know where most of you live because it is public information and on the website. There are these types of violations within a mile of some of your residences. To say that you do not know of other violations and I did not know we were in violation because this is going on all around us. I travel a lot for my job and see this all around. Most places look like dumps. When we were in conversation the first time and I brought up these violations that were going on all around us, you said you were not aware of them.

Ms. Bunch stated we work on a complaint basis. If you know of a violation, you can let our office know and we will send our inspector out.

Mr. Dustin Howdyshell said that when I spoke with Ms. Bunch you noted that you do not go out looking for violations.

Ms. Bunch stated you never gave me specific addresses on violations.

Mr. Dustin Howdyshell stated you told me I was welcome to give you that information but I am not going to do that. I asked if people are allowed to live in a RV while constructing a house. You said that was not a permitted use either. We just finished a construction project in Churchville where the owner was living on the jobsite during the construction of his home. I was on his property a lot during a six month period. He lived on that property for 1 ½ years. I find it hard to believe this when there are inspections going on. The RV was in the driveway and you had to drive by it. It is gone now. How many times are the inspectors out inspecting a house? The violation was there in plain sight. The one time I was there one of the inspectors was there. This is happening all around us and it is hard to believe that no one from the County knew about it. When you are on a job site, are you supposed to be proactive on enforcements and look for these things?

Ms. Bunch stated the zoning inspector does not do building inspections. The building inspectors do not know the zoning laws. That has nothing to do with zoning.

Mr. Dustin Howdyshell stated are you not supposed to be a proactive agency? What is your responsibility? Do you wait until someone calls or complains? Are you not obligated to see violations in the County?

Ms. Bunch stated our zoning inspector does bring back violations if it is obvious.

Mr. Dustin Howdysshell stated the first four pages are violations. Have they been dealt with?

Ms. Bunch stated yes. She said the one across the street, no one is living in the camper. The one parcel is zoned General Business.

Mr. Dustin Howdysshell stated most of them are in Verona and for people to say they do not see them, it is hard to accept that. Some are setup on business property right beside them. The letter of the law and ordinance is the ordinance. There is a need here. When I got the first notice, I was in the hospital. We did not do this openly at the beginning to defy anyone. We truly did not know that we were doing anything wrong because it is not enforced. We want to comply but we also need to do what is best for my mom and dad and my daughter. Financially this is a very expensive RV. We do plan on selling it. We have our money tied up into that. We put offers in on two homes but the market is horrible now. We have to be 10-15 minutes from them and my daughter. We cannot be 30-40 minutes away. If we had known this, we would not have sold our house. We need more time and some leniency. Maybe it is time to look at this. Even Nelson County, they have tiny house communities and down south there are RV parks. People need alternatives. We will comply but we would like more time. I cannot put myself or my family in financial jeopardy.

Ms. Bunch stated we never had this discussion on the phone but the property is 2.26 acres and we do have an Administrative Permit that you can apply for that you can have an accessory dwelling unit attached to an accessory building with a \$25 permit or you can finish a portion in an already existing building for an apartment.

Mr. Dustin Howdysshell asked about the septic?

Ms. Bunch stated the Health Department would look at the septic. What are you doing with the septic now? Those are options for you. Depending on what you want to do, you should contact the Health Department. You can possibly have an apartment area next to the home. What you are doing is great but in order to live in a camper, it would take an ordinance change by the Board of Supervisors until then it is a zoning violation. These are all options that we never discussed because you never said you needed extra time.

Mr. Joel Salatin, 43 Pure Meadows Lane, Swoope, stated I am not a neighbor of this property but I am a friend. This is not a legal issue but a moral issue. You have the power to hurt or you have the power to help. I speak on behalf of Dustin Howdysshell and I have only been privy to his side of the argument. This is immoral to require this situation. No ordinance should criminalize an act that is charitable. They are trying to care for aging parents and keep them out of an institution. They should be able to care for their aging parents. This is unjust and anti-human. This will make it difficult for them to care for their family. Ordinances should provide leeway for common sense and kindness. The reason why you are here is to mitigate hardship cases. This is the local

representation of why people despise government. It is a terror and evil to throw the Howdysshells on the street and deny the family of this opportunity. Not a jury in the world that would put them out. This is no different than a tiny house. This is an example of overbearing government on the local scale.

Mr. Ed Lehman, 3229 Amberly Road, Rockingham, stated I am a friend of the Howdysshells. I have been friends with them for twenty-five (25) years. I would like to read a letter of support to the Board from Debbie O'Neil. I lived next door to this site since 2014. They have always kept the home clean and well kept. Their son and daughter-in-law have been living in an RV. I feel it is important for them to stay there. I am a Senior Construction Project Manager. As a leader, I am called to do hard things and make hard decisions and look beyond the box. I would ask that you consider what is the best thing to do.

Mr. Eric Rishell, 7925 Tall Cedars Lane, Bridgewater, stated I have known the Howdysshells for a couple decades. I have a small business to help the elderly. They are good people. I know you want to protect the beautiful County. The current ordinance does not allow for RVs. AARP did a study that 85% of elderly do not want to go into a facility. They want to live at home. The Board should consider making changes so that a family caregiver can be there onsite. This could be a valuable exception to put into the zoning laws. Granny pods should be addressed which is another alternative for a tiny home.

Ms. Bunch stated that is basically why we added the Attached and Detached Accessory Dwelling Unit Administrative Permits.

Mr. Rishell stated they need other options than what is in the Zoning Ordinance.

Chair Coyner asked if there was anyone else wishing to speak?

Ms. Brenda Mullins, 706 Humbert Road, Crimora, stated I have known the family for 50 years. The picture does not do it justice because it is hard to see the camper from the road. This is a beautiful place. They need them there in order to take care of them. I hope they will be allowed to stay there and I hope you will create a Special Use Permit.

Mr. Donald Howdysshell said that is all that is here to speak today.

Chair Coyner stated the Board does feel this is commendable. The zoning laws are what they are. Is there some way legally, they can work with staff on more time to sort things out.

Mr. Benkahla stated the only item on the agenda today is whether this Board will uphold the decision of the Zoning Administrator. You do not decide when and how. The only thing you decide today is whether to uphold the Zoning Administrator's decision.

Chair Coyner stated if we were to make a change that is a different situation.

Mr. Benkahla stated you cannot. The Board of Supervisors can make a change whether or not to change the Zoning Ordinance. You are not an enforcement mechanism. Only decision is whether to uphold the decision or not. You cannot tell them to leave.

Ms. Bunch stated the enforcement and time given all go through our office. I have files really thick before we actually go to court. That is why I brought up other options. As far as living in the RV, the Board of Supervisors would need to decide to change the ordinance, not me.

Mr. Benkahla stated I empathize with your problem. There is not a one size fits all when it comes to ordinances. This is an unfortunate circumstance but it happens.

Chair Coyner stated that being said it is cut and dry.

Ms. Bunch stated this is in violation of the sections of the ordinance. We wish we could help you but there is not an option in the ordinance right now. That is why I mentioned the other Administrative Permits options. Living in a RV is not a permitted use. If you tell me that I am trying to find a place then I do give people 30, 60, 90 days all the time. When I do not hear that you are working on getting the issue resolved, I continue with the letter process.

Ms. Nancy Howdyshell stated they did try and find a place but anything that is affordable is a dump.

Mr. Glover stated the purpose of today's meeting is to decide whether to uphold the decision of the Zoning Administrator. We do empathize with what is going on and what they are doing. We do not have the liberty to pick and choose. We need to answer the question, is this a violation of the Zoning Ordinance or not. Under the current Zoning Ordinance it is. The Board unanimously upheld the decision of the Zoning Administrator.

5. **Old Business**

6. **Matters to Be Presented by the Public**

7. **Matters to Be Presented by the Zoning Administrator**

- a. A request by Sue Hart, agent for Virginia Headwaters Council, Inc., for a Special Use Permit to continue the existing operation, and to add six (6) new shelters, ADA compliance paths, six (6) electric hook-ups, shower house, water flushed and waterless toilets, extend an existing patio, relocate the maintenance building and the multi-purpose building, and to have special events on property owned by Stonewall Jackson Area Council of Boy Scouts of America, Inc., located at 222 Boy Scout Lane, Swoope in the Riverheads District. - **One Year Extension of Time Request**

BZA Member Glover moved, seconded by BZA Member Thacker.

Motion Passed.

- b. A request by Andrey V. and Larisa D. Lukashuk, for a Special Use Permit to have two (2) tent sites for primitive camping on property they own, located at 4701 Spring Hill Road, Mount Solon in the North River District. - **One Year Extension of Time Request**

BZA Member Glover moved, seconded by BZA Member Thacker.

Motion Passed.

8. **Staff Reports**

- a. Staff Report

Ms. Bunch stated SUP#24-27 – SUP#24-29 are all in compliance. SUP#24-30 was denied. SUP#24-31 and SUP#24-32 are in compliance. The applicant has two (2) years to complete the site plan for SUP#24-33.

9. **Adjournment**