

Staff Briefing

- #### 4. Public Hearing

- Ms. Wagner stated yes, my husband and I.

Chair Coyner stated the Board visited the site this morning. Will this be for large or small dogs?

Ms. Wagner stated our personal dogs are small. I will train any size dog. I offer obedience training and agility training for pet dogs.

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

Mr. Seth Hoilman, 363 Varner Road, Churchville, stated this property was rezoned to allow an Airbnb. I did not oppose that at the time. Since then there has been strangers going in and out and noise issues. Boarding dogs especially with hunting dogs there could be noise issues. My family is across the road. I bought the property and I would like to leave it rural.

Chair Coyner asked if your property is across the paved road?

Mr. Hoilman stated yes.

There being no one else wishing to speak, Chair Coyner asked the applicant to speak in rebuttal.

Ms. Wagner stated I understand that noise could be an issue but I do not have any issues at my current location. The dogs will be housed in a building that is fully enclosed and has soundproofing. When dogs are outside they will be supervised. Our job is to make sure the noise is kept at a minimum. Barking is kept at a minimum when training. The maximum number of cars would be 3-4 times a week. I have border terriers and they are in the home with us. I breed them as well.

Chair Coyner asked if the dogs are inside all of the time?

Ms. Wagner stated yes.

Chair Coyner asked how many litters would you like to have?

Ms. Wagner stated the border terriers normally have 1-5 puppies per litter. They are smaller dogs. I would like to be able to breed 2-3 times a year.

Chair Coyner declared the public hearing closed. The Board visited the site this morning. This is a good place for this operation.

BZA Member Thacker moved, seconded by BZA Member Rutledge, that the Board Approve the request with the following conditions:

Pre-Conditions:

- Operating Conditions:

- Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey,
Monica Rutledge, Thomas Thacker
Nays: None

c. A request by Chadwick B. Bazzrea, for a Special Use Permit to have an excavating business with outdoor storage of commercial vehicles and equipment on property he owns, located at 107 C-BO-G Lane, Staunton in the Pastures District.

Chair Coyner stated the Board visited the site this morning. This is a nice piece of property. Is the road maintained by an HOA?

Chair Coyner asked if employees will come to the site?

Mr. Bazzrea stated two (2) employees will come here to pick up their trucks. My administrative employee will come to the house for 2-3 hours a day about 2-3 days a

week.

Chair Coyner asked if the equipment stays at the job site?

Mr. Bazzrea stated yes. They will go from job to job because it costs more money to come back to the house.

Chair Coyner stated an Erosion and Sediment Control Plan will need to be done.

Ms. Bunch stated in the Pre-Conditions it notes that an Erosion and Sediment Control Plan/Stormwater Management Plan be completed before you operate the business from this site. You will need an engineer to complete this.

Mr. Bazzrea stated can Balzer do this?

Ms. Bunch stated yes.

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

Mr. Curtis Smith, 517 Smoky Row Road, Staunton, stated I adjoin the property and I have no problem with him getting a Special Use Permit. Whatever Chadwick says, he will do.

There being no one else wishing to speak.

Chair Coyner declared the public hearing closed. The Board visited the site this morning. The concern was the road but they own it, so that would not be an issue.

Mr. Glover stated it appears that the administrative staff will be working onsite. The recommended Operating Condition #1 should be changed to accommodate that.

BZA Member Glover moved, seconded by BZA Member Bailey, that the Board Approve the request with the following conditions:

Pre-Condition:

1. Applicant submit a complete Erosion & Sediment Control Plan and Stormwater Management Plan to Community Development for approval.

Operating Conditions:

1. Be permitted one (1) administrative employee working onsite.
2. No more than three (3) employees to come to the site to pick up commercial vehicles and equipment only.

- Vote was as follows:
- | | |
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| Yeas: | George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker |
| Nays: | None |

d. A request by Ray Eppard, agent for Victory Worship Center and World Outreach, for a Special Use Permit to have a day care center and preschool and outdoor storage of playground equipment on property owned by Victory Worship Center and World Outreach, located at 200 Hammond Lane, Staunton in the Beverley Manor District.

Mr. Eppard stated as soon as possible. I am hoping to have all of the Pre-Conditions completed by the end of the month. I hope to be open in the summer and we will also

e. A request by David D'Arcy, agent for Bluestar Property Management, LLC, for a Special Use Permit to have four (4) apartments within a pre-1980 structure

on property owned by Bluestar Property Management, LLC, located at 922 Cold Springs Road, Stuarts Draft in the Riverheads District.

Mr. Luke Trainum, 1100 Rockfish Road, Waynesboro, stated I work for Bluestar Property Management. We purchased the property in April of 2024 as a four (4) unit multi-family dwelling. We checked the GIS and it had it listed as a multi-family/agriculture use. There are five (5) electrical meters and five (5) panels at the site – one for each apartment and a shared common laundry area. There is a firewall throughout the building. It has been operated as an apartment since 2001. There were three (3) tenants in the four (4) apartments. After I finished the renovations as tenants moved out, the assessor said it is an illegal use since 2001 and as soon as I saw that we immediately called the Zoning office. I would like to resolve this matter to get the property into compliance. It has been used like this previously. We did not change anything about the apartments besides updating the apartments.

Chair Coyner asked if you would like to operate as it once was?

Mr. Trainum stated yes. This has been updated but I have not changed the number of rooms.

Chair Coyner stated there are two (2) apartments in the front and two (2) in the rear.

Mr. Trainum stated yes.

Mr. Bailey asked if you had a chance to speak with Building Inspection?

Mr. Trainum stated they have not found any issues so far. We will speak with the Health Department about the septic.

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 site is well kept. The applicant would like to get the site into compliance.

BZA Member Rutledge moved, seconded by BZA Member Glover, that the Board Approve the request with the following conditions:

Pre-Conditions:

1. Applicant obtain Building Inspection approval and provide a copy to Community Development.
2. Obtain VDOT entrance permit and provide a copy to Community Development.

Operating Condition:

Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker
Nays: None

f. A request by Christopher Scott, agent for Shenandoah Mountain Touring, LLC, for a Special Use Permit to continue to have a bicycle touring business, bicycle rental, training, mountain bike riding events, trail running events, and equestrian events and to be allowed to utilize a portion of the public highway for mountain bike riding events on property owned by Stokesville Owners Group, LLC, located at 464 Stokesville Road, Mount Solon in the North River District.

Chair Coyner stated your permit expires tomorrow.

Mr. Scott stated yes.

Chair Coyner asked do you have activities planned between now and June 5th?

Mr. Scott stated yes but none of them are to use the roads or highways. I would like the Board to permit me to operate for two (2) months under the current operating conditions so that we would not expire. I do not even know if that is even a possibility.

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

Mr. James Burris stated I own the bicycle shop in Staunton. I attend the events. I noticed the number of attendance has dropped due to not being able to use the roads. Leaving the campground and going immediately in the woods is difficult because it is going uphill. People are scared of that and it makes it more difficult. I am in favor of this.

Mr. Richard Sturges, 877 Bunker Hill Road, Mount Solon, stated I do not participate in the bike events. This is a benefit to the community and the County. This will help keep the trails clear for hiking and other things.

Ms. Virginia Mays, 1378 George Waltons Road, Mount Solon, stated the Stokesville Community Church owns property that adjoins this site. We share the property line. We support his vision. Please do everything you can to help him open up the possibilities for recreation in our area. He is a wonderful man. I hope you give him your support.

Ms. Taylor Fix, 42 Maggie Lane, Mount Solon, stated my property is adjacent to the campground. I spoke in opposition last year. I was able to engage with Mr. Scott this year and figure out how things looked from his perspective as well as reaching out to some of the other organizations that host biking events. I attended the meeting last night as well as a number of folks in the community. The consensus that we came to again is that if you would be willing to table the decision of them being allowed to use the road until June. I am willing to work with the community and be a liaison to try and bridge the gap of communication to address these issues that the community has brought up. I was the only adjoining neighbor present. Mr. Slaven also attended and a few folks from the community. I would like to help Mr. Scott to implement some of these things that he said that he is trying to do. I think it would go a long way with some of the community members. Still the majority of the adjoining neighbors are very much still in opposition. Mr. Scott has tried to address the concerns of the area behind the scenes so that is why we came to the consensus to allow him to operate so that it does not affect the events that he has in the next two months. There should be better communication with the community to address some of these broader issues and address the bigger issues so that we do not have to do this every single year. There are still a lot of safety concerns of using the road. There has been a lot of apprehension among the neighbors. We should look at a plan to address them. That is why we would ask for additional time to work with everyone.

Chair Coyner declared the public hearing closed. The current permit expires tomorrow.

Mr. Benkahla stated the Board can grant the permit today with the existing conditions and the applicant can come back to amend those conditions when he is ready to use the public road. The applicant will still need to come back to reapply to amend those conditions.

Chair Coyner stated if the Board approves the permit with the existing conditions for two (2) months, the applicant will need to come back to amend them when they are ready either way.

Mr. Benkahla stated yes. You can do it for two (2) months or a year. At least those conditions will be in place so that he can operate. If the Board grants the Special Use Permit under the old conditions then that will be in place.

Mr. Scott asked will I be able to come back as soon as June to amend it?

Ms. Bunch stated if you want to amend your permit for the June agenda, you would have to make application by May 2nd.

Chair Coyner stated the Board should leave the limit to one (1) year and approve the request with the current Operating Conditions of the previous permit.

BZA Member Rutledge moved, seconded by BZA Member Thacker, that the Board Approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

1. Be permitted to have bicycle rental, training and trail riding.
2. Be limited to thirteen (13) Mountain Bike events not utilizing state maintained highways per year but no more than one (1) per weekend.
3. No other bicycle events utilizing the state maintained highways.
4. Be limited to three (3) trail running events and three (3) equestrian events.
5. Be limited to a maximum of three hundred thirty (330) people for Mountain Bike events, trail running events, and equestrian events.

6. All events to cease by 10:00 p.m. and all persons not renting designated campsites to be off the property by 11:00 p.m.
7. Emergency Medical Services be on site during all Mountain Bike events.
8. Site be kept neat and orderly.
9. Permit be issued for one (1) year.

Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey,
Monica Rutledge, Thomas Thacker
Nays: None

Motion Passed.

- g. An Appeal of the Zoning Administrator's decision that the operation of a rabbit rescue and adoption center with sales of rabbit supplies and merchandise in a Single Family Residential zoned area is prohibited on property owned by Mary Ellen Whitehouse, located at 11 Aero Drive, Waynesboro in the Wayne District.

Mr. Benkahla stated our office was involved early on in the same matter with the Zoning Administrator so we obtained outside council to represent the Board's interest in this matter.

Mr. Jim Guynn stated I am here to represent the BZA in this matter. I am sure the audience has noted the previous hearings involved Special Use Permits and whether or not it is an issue, this is a different type of hearing. This hearing is strictly and specifically to determine whether or not the Zoning Administrator's decision was correct under the ordinances and whether it should be upheld. Because this is that type of hearing, this is not an open public hearing in the nature of the Special Use Permit whether anyone can say it is a good idea or not. In order to be heard at this type of hearing you would have to be aggrieved by the decision of the Zoning Administrator or aggrieved if it were to be reversed. The Virginia Supreme Court has described and ruled that aggrieved means that you own property in close proximity to the property that is the subject of the appeal or that the decision has injury or potential injury that is not shared by the general public again which means that you are in proximity to the subject property. From that standpoint it is a little different than the previous actions.

Ms. Bunch stated I am the Zoning Administrator for Augusta County. I have been the Zoning Administrator since 2016. Ms. Whitehouse is appealing the decision that her rabbit rescue is not permitted in a Single Family Residential zone. The County was contacted on November 12, 2024, by the Health Department stating they received a complaint regarding the operation of a rabbit rescue that was dumping rabbit waste on the property. Before contacting Ms. Whitehouse, County staff found a website for Bunny Lu Adoptions confirming the rescue is operating from Ms. Whitehouse's home located at 11 Aero Drive, Waynesboro. The website states they rescue bunnies and

foster and provide care until they are adopted. The website also states they offer bunny sitting services (boarding for a fee) and sales of bunny supplies and furniture. After reviewing the website and the Zoning Ordinance, it was determined the operation of a private animal shelter or bunny rescue/adoption facility housing up to 150 to 200 rabbits as her website indicated and sales of bunny supplies and furniture is not a permitted use in a Single Family Residential zoned area. On November 13, 2024, the County Zoning Inspector, Jared Watson, inspected the site and photographed several mounds of rabbit waste along the property. On November 18, 2024, the Zoning office received a letter from the Health Department stating that after an inspection of the property, it was deemed that the practice of dumping uncontained animal waste could represent a health concern by attracting rodents and other disease carrying pests. On November 21, 2024, I sent a 1st notice of violation letter advising Ms. Whitehouse to contact our office by December 5, 2024 to discuss this matter. On December 3, 2024, I received a call from Ms. Whitehouse stating she does take in bunnies and foster until they are adopted from this location. I explained to Ms. Whitehouse that the operation of an animal care facility with boarding and sales of products and supplies is not permitted in a Single Family Residential zoned area and would require a Special Use Permit if it was in an Agriculture zoned area. Unfortunately, a Special Use Permit cannot be obtained in a residentially zoned area for this type of use. We also discussed the storage of animal waste and that the Health Department had deemed it a health concern and would need to be removed. She stated she was composting to improve the soil. I advised her that outdoor storage of large piles of animal waste is not considered a normal customary accessory use to a single family residence. Ms. Whitehouse called back later that afternoon and stated she will be moving the rabbits and selling her home. She asked for something in writing showing the code sections in the ordinance she was violating. She also stated that Officer Wilkins with Animal Control had inspected the site and said it was neat and clean and she had no issues. After speaking with Ms. Whitehouse, I contacted Officer Wilkins who stated she did in fact inspect the property and it is well run and clean. Officer Wilkins stated that she told Ms. Whitehouse to contact the Zoning office to make sure that she is in compliance with Augusta County Zoning. On December 9, 2024, I received another letter from Ms. Whitehouse stating the outdoor storage of rabbit waste had ceased. Due to our conversation December 3, 2024, where she stated she would be moving the rabbits and the letter regarding the removal of the waste, our office provided Ms. Whitehouse with extra time by waiting to send any further violation letters to give her time to bring the property into compliance. We went back to inspect the property for compliance on January 28, 2025. During that inspection, we noted that there was still mounds of rabbit waste that had been bagged but remained outside on the property and the Bunny Lu Adoption website was still up for this animal care facility. On February 12, 2025, I sent a 2nd notice of violation letter listing Section 25-132 "Permitted Uses" and 25-135 "Prohibited Uses" of the Augusta County Zoning Ordinance advising her that the operation of a rabbit rescue with sales of rabbit supplies is not a permitted use listed in the ordinance and is, therefore, prohibited. I included copies of these ordinances in your packets and I sent them to Ms. Whitehouse. On February 26, 2025, I received a response letter from Ms. Whitehouse stating she intended to file an appeal. In that letter, she does not provide evidence that she was not in violation of the Zoning Ordinance on the date of my Notice of Violation.

She does state a variety of reasons why she believes the Zoning Ordinance is wrong. On March 7, 2025, I received an appeal letter and a check for \$250.00. In that letter, she does not provide evidence that she was not in violation of the Zoning Ordinance on the date of my Notice of Violation. She does state a variety of reasons why she believes the Zoning Ordinance is wrong. On March 7, 2025, I emailed Ms. Whitehouse advising she would be heard at the April 3, 2025, public hearing and our office would be placing a sign on her property on March 10, 2025, as we normally do to provide notice to all hearings. While staff agrees Ms. Whitehouse is providing a service to the community, the use is not permitted in a Single Family Residential zoned area per the Zoning Ordinance. Therefore, I ask that you uphold by decision that the property remains in violation of the Zoning Ordinance.

Ms. Mary Ellen Whitehouse stated I am the founder and President of Bunny Lu Adoptions, Inc. An organization dedicated to and rehabbing rabbits. I am here to respectfully appeal the zoning decision of asking them to cease the rabbit sales and boarding. On November 21, 2024, I received a notice informing me that the Community Development Department received a complaint of outdoor storage of rabbit compost and it also stated that a rescue is not a permitted use. I wrote a letter on December 9th that I rectified the problem by ceasing the outdoor storage of compost/rabbit waste. I wrote that letter in good faith that we had stopped composting and that I had made arrangements with our volunteers to have that pile removed. Unfortunately, that plan fell through. It was not until mid to late February when the compost pile was removed by our volunteers. I want to be clear, I have ceased composting and no longer have any outdoor storage on my property so this issue has been completed and resolved. I am here to present an argument contesting the information outlined in the Zoning Administrator's letter on February 12, 2025, that inaccurately classified Bunny Lu Adoptions as a rabbit rescue/sales business and repeatedly misrepresented services to include sales of rabbits. I am not currently being represented by an attorney nor have I been at any time throughout this process. Any positions or arguments provided today are not provided by an attorney. I feel that Bunny Lu should not be required to comply with the Zoning Administrator directing me to stop rabbit sales as we are a 501c3 non-profit home base rescue who cares for and rehabilitates and places bunnies in safe homes that are able to provide adequate care. We do not sell rabbits. Our mission is to save animals particularly those that are at risk of euthanasia or those with special needs and find them loving homes. The misunderstanding of this letter has lead us to turning away rabbits. The letter also stated that we must cease boarding of rabbits but we are not a boarding establishment. According to Virginia Code Section 3.2-6500 – private homes caring for fewer than five companion animals are excluded from being classified as boarding establishments. Instead we provide not for profit bunny siting services for fewer than five rabbits at a time. Most often those that are adopted by our rescue while their families are temporarily unable to care for them. There are very few places in our area that can provide adequate temporary care for rabbits. The specialty services helps bunnies from being abandoned by people who need temporary care for various reasons. This falls within the scope of what is permitted as a 501c3 non-profit home based rescue as defined by Virginia Code. The letter demands that I cease sales of rabbits and boarding within thirty (30) days. This is based on a lack of awareness and

misunderstanding of the legal definitions of Virginia Code 3.2-6500. I have never sold a rabbit nor is Bunny Lu Adoptions, Inc. a boarding establishment. According to my understanding of the code, 1) Home based rescue means an animal welfare organization that takes custody of companion animals for the purpose of facilitating adoption and houses such companion animals in a foster home or a system of foster homes. Bunny Lu is a 501c3 home based rescue. 2) Foster home is a private residential dwelling and surrounding grounds for any facility other than a for private animal shelter site through an affiliation with a public or private animal shelter home based rescue releasing agency for other welfare organizations where care or rehabilitations is provided for companion animals. Bunny Lu as a home based rescue places bunnies temporarily in foster homes. 3) A private animal shelter is a facility operated for the purpose of finding permanent adoptive homes for animals. It is similar to the mission of home based rescue except for the use of the word facility which is also defined under Virginia Code which excludes it as a private residential dwelling. One critical distinction is that it excludes Section 3.2-6548I which states that private animal shelters shall not be operated in violation of any local Zoning Ordinance. Virginia Code does not include this requirement for home based rescues which are often zoned private residential. 4) The pet shop definition is a little different, selling or exchanging animals for profit which is not what Bunny Lu is engaged in. Bunny Lu does not sell bunnies and is not for profit. 5) Boarding establishment refers to businesses sheltering five or more animals for a fee. Bunny Lu Adoptions, Inc. only offer bunny sitting for a few rabbits at a time below the legal threshold of one of the few trusted places in Virginia to receive expert care. This classification of Bunny Lu has been devastating our mission of providing animal rescue, applying zoning laws meant for commercial. Operations for a 501c3 non-profit home based rescue could undermine the vision of animal welfare organizations across the Commonwealth. Virginia Code provides legal definitions that clearly distinguish home based rescues, business that may sell or breed or board animals. I fully request that the Board review these definitions to clarify that our activities were lawful and fall into the scope of our non-profit mission. The service this rescue provides is vital to our community. I trust that the Board will help protect that. Now I would like to respectfully address how the zoning letter incorrectly described Bunny Lu as operating a bunny rescue/sales business. Under Virginia Code 3.2-6500 a dealer is defined as someone who in the regular course of business for compensation or profit buys, sells, transfers, exchanges or barter companion animals. It clearly states that any person who's primary purpose is to find adoptive homes for companion animals shall not be considered a dealer. As a 501c3 non-profit home based rescue, Bunny Lu does not sell rabbits for profit. Our purpose is to facilitate adoption which aligns with this section of Virginia Code. The Zoning Administrator's assertion of a sales business with rabbit sales is inconsistent with our activity of our adoption service. Under Virginia Code 3.2-6500 adoption is defined as the transfer of ownership of a dog or a cat or any other companion animal from a releasing agency to an individual. Additionally, rabbits are explicitly listed as companion animals and it falls within the code. Therefore, Bunny Lu's work rescuing and rehoming rabbits falls clearly within the legal definition of adoption and companion animals. The classification of Bunny Lu as a sales business with rabbit sales is inaccurate. Bunny Lu is a home based rescue and we are focused on adoption and short term care for rabbits and our practice complies

with Virginia Code. The assertions and directions contained with the certified letter dated February 12, 2025, conflict with definitions listed in Section 32-3.2-6500 of Virginia Code and the actual operations of the organization. The certified letter I received from the Zoning Administrator dated February 12, 2025, cited 25-135 of the Augusta County Zoning Ordinance stated uses except those specifically listed in these sections are specifically prohibited unless permitted by overlay district regulations. This language contained in this section is intentionally vague because it would be impractical to list every type of business that would be allowed to operate in a single family zoned area. The Section 25-132 which lists permitted uses does not mention anything pertaining to a 501c3 home based rescue. In the letter dated February 12, 2025, Bunny Lu has been inaccurately described as a business that sells rabbits. Whether or not their current operations as a home based rescue are allowed under the Zoning Ordinance or if it may be permissible under Administrative or Special Use Permit is an important part of what is being discussed this evening. The Board of Supervisors have been and continues to be very supportive and I greatly appreciate their help. I want to acknowledge the efforts of Wayne District Board of Supervisor, Dr. Scott Seaton, who has been working to actively seek solutions to the problems we are facing. We are an asset to the community and we have an extremely positive reputation statewide and even on a national level. Bunny Lu provides a vital service to the community and the zoning action is hindering their ability to continue this service. When the Board reviews the relevant sections of Virginia Code as presented today it defines Bunny Lu as a home based rescue. I believe you will find we are a non-profit organization. We do not engage in sales of rabbits as stated in the certified zoning letter on February 12, 2025. We are not a boarding establishment. Instead we care for, rehabilitate, secure veterinary care and offer bunnies for adoption. We provide interim care through a network of foster homes or through our bunny sitting services which falls under the scope of what is permissible under Virginia Code. I urge the Board to carefully examine and review the legal arguments presented here along with all the context surrounding the situation. In summary, I respectfully ask the Board of Zoning Appeals to carefully evaluate all the legalities that concern this situation.

Chair Coyner asked when you purchased the property, did you not check on the zoning County codes?

Ms. Whitehouse stated at the time I bought the house I knew there was a church in there. We never had an issue with any of the other properties that I owned. When I started the rescue I was living in the City of Manassas. I received the business license and we were fine. Any residence that I owned, there has never been an issue. We never had problems.

Chair Coyner asked do you have folks that want to speak?

Ms. Whitehouse stated there is a number of them that want to speak.

Chair Coyner stated they would need to meet the criteria.

Ms. Whitehouse stated he would need to repeat the criteria.

Mr. Guynn stated the privilege to speak at a hearing by the Board of Zoning Appeals that is challenging a Zoning Administrator's decision is granted to those who are aggrieved by the decision, within close proximity, those that have a specific issue called into question as a result of it. This is not a hearing on whether to talk about whether the bunnies are good, bad or indifferent. This is a hearing on a specific issue.

Ms. Whitehouse stated probably not.

Chair Coyner stated there will be a four (4) minute time limit for each speaker.

Cassidy Vaughn and Emily Anderson stated they are on the Board of Directors for Hobby Homes for Bunnies in Richmond. We are here because we have a stake in this.

Ms. Vaughn stated if Bunny Lu is forced to close their doors it will cause a huge strain on the rabbit rescue community which will directly impact us. There is a great, great need for rabbit rescue and rehab and adoptions in Virginia and other surrounding states. They provide a big service here in this community. Having her having to close her doors will provide a tremendous strain on other rescues in Virginia and one being us and will intern affect other rescues not just rabbit rescues.

Ms. Jessica Camacho with Hanover County Animal Control stated this directly affects me. I can only speak on what Hanover does.

Chair Coyner stated I do not think you fit the criteria.

Ms. Camacho stated if Bunny Lu shuts down our euthanasia rates are going to have to go up. We are managed by the state.

Mr. Guynn stated the only question is if it is allowed by the Zoning Ordinance.

Ms. Camacho stated I wanted to mention that to you because the euthanasia rates are very important to the State of Virginia.

Mr. Guynn stated that does not have anything to do with zoning.

Ms. Camacho stated the basis for zoning is explicitly vague as far as what is prohibited.

Mr. Bill Albertson, 29 Westover Drive, Waynesboro, stated I am here with my mom and she lives at 13 Aero Drive. We are animal lovers and we even have a bunny. I appreciate what they are trying to do and I appreciate all of their efforts to help with these animals. The issue is when Ms. Whitehouse moved in and brought the animals in and she had her supplies that faced my mom's house. My mom did not complain of this and we have no idea who did. There was no waste put along her property line that we saw. We feel people should do what they want with the homes. We did not have any

issue with it at all. However, at some point a 6' tall chain link fence was installed. It was not very pleasing. After the fence appeared, a canvas was installed over the fence.

This is something you see around junkyards. We do not care if the bunny rescue continues on (I have no opinion on that) but the fence looks like crap. If she maintained things the way she did before the fence went up, I would be fine with that. I did not know anything about the waste when this issue came up.

Mr. Steven Moneypenny stated I run a rabbit rescue in West Virginia. I have brought bunnies over to Bunny Lu. I also do enforcement for my County in West Virginia. I do not feel that the code in your County meets the criteria that the decision was based upon. They are not running a business. This is someone who is providing a service to the community. Being a non-profit, sales are not affected by this. This would fit under the zoning code and I would appreciate it if you could look at that and update things.

This is an amazing service to the community. The facility is very clean and no one around has such a clean facility.

Ms. Desiree Hurley stated I am a part of a rescue. If they were not in operation they would greatly affect us. We are a small rescue operation.

Mr. William Painter, 2553 Jefferson Highway, Waynesboro, stated I am adjacent to the property. I do not have an objection to the operation except for the disposal of the rabbit feces and compost. It became a real problem last summer. The eastern side of the yard was covered up but now it has been cleaned up.

Ms. Sandra Morris from Manassas stated I purchased bunny supplies for my personal rabbits that I have from the rescue. They provide good homes to these rabbits. The sales support the rescue. When she was located in Manassas no one ever gave her an issue. It was always very well kept.

Ms. Whitehouse stated any issues, the neighbors should come over and talk to me.

Chair Coyner asked if rabbit supplies are being sold?

Ms. Whitehouse stated Ms. Morris buys supplies from a company and all that does is brings money back to us. It provides necessary things for the rabbits that they cannot get other places. We get high quality rabbit food, better than what you can get at a pet store. This helps bring money back into the organization.

Chair Coyner asked if supplies are sold?

Ms. Whitehouse stated it is considered donations to the rescue. We do not sell. It is considered donations.

Ms. Price stated I would like to correct something that was stated to the Board earlier and on behalf of Ms. Bunch. Ms. Whitehouse cited Virginia Code and the definitions contained in 3.2-6500 and I want to correct something that she said which is only if she

was a private animal shelter would she have to comply with the Zoning Ordinance. The Virginia State Code 3.2-6549 (the very next code section and the chapter) which she refers outlines the requirement for releasing agencies and if she is a home based rescue she is a releasing agency. A releasing agency pursuant to Subsection H: No releasing agency other than a public or private animal shelter shall be operated in violation of any local Zoning Ordinances. So the very code sections that she is citing to the Board do require her to be into compliance and so I wanted to correct that because I know she said it did not. Further, there has not been any allegation that she is selling the rabbits. It is the rabbit related sales from the property that even a home based business could not sell products if it were not produced on the property. I wanted to correct those items for the Board and Ms. Bunch.

Ms. Shirley Jasmine, 206 Northview Drive, Fredericksburg stated I adopted rabbits from her. We sign papers telling us how to care for them and how long they live. I have known her for twenty years. The site is clean. Please give her a chance.

Ms. Whitehouse stated I ask the Board to carefully review the February 12, 2025, letter as it does ask us to cease sales.

Chair Coyner declared the public hearing closed. This hearing is not to determine whether or not bunnies are good or not. This hearing is to determine if the Board should uphold the Zoning Administrator's decision. The request is pretty straight forward.

Mr. Thacker asked can we have a five minute recess and discussion with our attorney?

Mr. Guynn stated you would have to move for a closed meeting under the Freedom of Information Act pursuant to Virginia Code § 2.2-3711(A)(7) .

Mr. Thacker moved that the Board of Zoning Appeals convene in closed session pursuant to:

The legal counsel exemption under Virginia Code § 2.2-3711(A)(7)
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

Regarding the hearing on the appeal of the Mary Ellen Whitehouse Zoning violation at 11 Aero Drive in Augusta County.

Mr. Bailey seconded the motion, which carried unanimously.

The Board of Zoning Appeals re-convened and after the closed session, Mr. Bailey certified that this was the only thing that was discussed in closed session.

Mr. Thacker seconded the motion, which carried unanimously.

Mr. Glover stated based on the evidence presented today, I would move to uphold the Zoning Administrator's decision.

Seconded by BZA Member Thacker.

Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker
Nays: None

Motion Passed.

5. Old Business

6. Matters to Be Presented by the Public

7. Matters to Be Presented by the Zoning Administrator

A request by Michael and Emma Gutzler, agents for Prospect Village, LLC, for a Special Use Permit to have apartments in two (2) pre-1980 structures on property owned by William E. and Sara Frances Brubeck, Trustees, located at 38 and 40 Cherry Grove Road, Middlebrook in the Riverheads District. – **ONE YEAR EXTENSION OF TIME REQUEST**

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

Vote was as follows: Yeas: George Coyner, II, Mark Glover, Thomas Bailey, Monica Rutledge, Thomas Thacker
Nays: None

Motion Passed.

8. Staff Reports

a. Inspection Reports

Ms. Bunch stated the Board just approved an Extension of Time for SUP#24-35 and the rest of the other permits were all in compliance.

9. Adjournment