



Board of Zoning Appeals Meeting Agenda

October 12, 2022

Department of Community Development's Community Room at 5:00 p.m.

1. Call to Order– Chairman Harvey
2. Pledge of Allegiance and Invocation– Chairman Harvey
3. Approval of Minutes from June 1, 2021, meeting
4. Public Hearing– *None.*
5. Unfinished Business– *None.*
6. New Business– *None.*
7. Adjournment

Board of Zoning Appeals

Minutes

December 6th, 2021

The Rockingham County Board of Zoning Appeals met on Tuesday, September 1, 2021, in the Board of Supervisors Room in the Rockingham County Administration Center. Members present were Mike Harvey, Keith Hurst, Randy Whitmore, and Charles Dean. Staff members present were Zoning Administrator, Kelly Getz, Code compliance office Carley Stackpole and Secretary Jessica Diaz.

At 6:00 p.m., Chairman Mike Harvey called the meeting to order.

Mr. Harvey offered the Pledge of Allegiance and the Invocation.

MINUTES

On motion by Mr. Hurst and seconded by Mr. Dean, the September 6th, 2021, minutes were approved with a roll call vote of 4-0.

Zoning Appeal

ZAP21-249 Stephanie L. Yager, 456 Ronna Place, McGaheysville, VA 22840 appealing a determination of violation of 17-106.01 of the Rockingham County Code for keeping more animal units/acre than allowed by ordinance on property located on the south side of McGayhesville Road (Route #996) approximately 710' west of Three Leagues Road (Route #1090), Election District 5, zoned A-2. Tax Map# 142B-(14)- LA.

Mr. Getz presented the appeal of 17-106.01, *prohibited uses*, to the Board of Zoning appeals. He stated that on July 30th, 2021, the property was visited, and two donkeys were being housed there. Although it is zoned A2, General Agriculture, the zoning ordinance allows for only one donkey (equine) per acre. Since this parcel is approximately 20,000 sq ft which is not even half an acre, the property isn't large enough to allow any livestock by code.

Charles Dean asked for clarification on the zoning of the property since there was a home built there & the surrounding parcels are zoning residential. Kelly stated the parcel was zoned agricultural and it is not uncommon for parcels zoned agricultural to be next to residential zoning.

At 6:08 p.m., Mr. Harvey opened the public hearing.

Speaking in favor of the appeal was Stephanie Yager who stated that when she purchased the property in 2017, she spoke to Diana who was the zoning administrator at the time. She stated that Diana allowed her to keep a donkey she was looking to adopt. She then proceeded to put up a fence

and adopt two donkeys. She also stated there had been no issues with the donkeys until she had a disagreement with her neighbor. She now feels like she's stuck between a rock and a hard place.

Mr. Hurst asked if she had something in writing. Ms. Yager's answer was no.

Speaking in opposition of the appeal was Stephanie's neighbor Tom Brumiller at 465 Surrey Pl. who stated that he knew the Donkeys were there & they he even thought they were cute but as time went on the flies, the smell, & the manure coming into their yard became a problem. He showed the committee a fly trap he used to trap the flies and let them know he replaces it about every two weeks.

Tom Miller, County Attorney, also spoke to remind the Board that is a zoning appeal & their job was to determine if the zoning administrator made the correct interpretation of the Zoning Code.

At 6:17 p.m., Mr. Harvey closed the public hearing.

Mr. Dean motioned for the Board of Zoning Appeals to uphold the Zoning Administrator's decision and deny the appeal; Mr. Hurst seconded the motion.

On a roll call vote of 4-0 the Board of Zoning Appeals denied the appeal.

UNFINISHED BUSINESS

There was no Unfinished Business.

MISCELLANEOUS

There were no miscellaneous items.

ADJOURNMENT

At 6:19 p.m., having no further business, the Board of Zoning Appeals adjourned.

Kelly Getz, Agent for BZA