

At a regular meeting of the Southampton County Board of Zoning Appeals (BZA) held in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive, Courtland, Virginia on May 20, 2008 at 7:30 PM.

COMMISSIONERS PRESENT

Peter F. Copeland  
David M. Holland  
James E. "Jeb" Bradshaw  
Elma A. Brown  
Douglas A. Chesson  
Thomas Daisey

COMMISSIONERS ABSENT

Marie Sykes

OTHERS PRESENT

Robert L. Barnett, Director of Community Development (Secretary)  
Richard E. Railey, Jr., County Attorney  
Susan H. Wright, County Administration Executive Secretary

Chairman Copeland called the meeting to order. He indicated that there was a quorum, as 6 commissioners were present.

The Commissioners welcomed James E. "Jeb" Bradshaw. Mr. Jeb Bradshaw replaced Mr. James N. "Jim" Bradshaw who resigned after relocating to North Carolina. Mr. Jeb Bradshaw indicated that he looked forward to serving.

Chairman Copeland sought approval of the minutes of the January 22, 2008 meeting. **Commissioner Daisy moved, seconded by Commissioner Holland, to approve the minutes as presented. All were in favor.**

Mr. Robert Barnett, Secretary, distributed copies of a new ordinance adopted by the Board of Supervisors as it related to dog kennels. He explained that requests for dog kennels previously required a conditional use permit and were heard by both the Planning Commission and Board of Supervisors. Due to the number of requests and time spent on each request, the Board of Supervisors recently adopted an ordinance to streamline the process. Standards were created, which included the number of acres, distance from neighboring property lines, etc. for the number of dogs being requested. If an applicant could meet those standards, staff would send out a letter informing the adjacent property owners of the request. If no written complaints were received within 30 days, staff could simply grant the request administratively. If written complaints were received, the request would become the subject of a public hearing to be heard by the BZA as a special use exception. The request would no longer be heard as a conditional use permit and the Planning Commission and Board of Supervisors would no longer be involved. He noted that a request for 50 or more dogs could not be issued administratively and would automatically become the subject of a public hearing

Chairman Copeland announced that the first public hearing was to consider the following:

The application of Robert Pope (owner) requesting a Special Use Exception of Section 18-482 of the Southampton County Zoning Ordinance to have a Seventy-five (75) dog kennel. Said Special Use is requested on property identified as Tax Map 43, Parcel 19, of the Southampton County Zoning Map and located on Route 647, River Road, South of the intersection of Route 35, Plank Road, Courtland, Virginia, Jerusalem Magisterial District.

Chairman Copeland asked Mr. Robert Barnett, Secretary, if he wished to speak to this application?

Mr. Barnett advised that Mr. Pope's application for a seventy-five (75) dog kennel was before them tonight due to the number of dogs being requested, and not because of complaints.

Chairman Copeland opened the public hearing.

Mr. Bobby Pope, owner/applicant, addressed the BZA. He advised that his initial application was for 90 dogs but they had reduced that number to 75. The pens would be located in the middle of 850 acres.

Mr. Pope clarified for Commissioner Chesson that the pens would be 20x20.

Mr. Pope shared a survey and clarified for Commissioner Chesson where the pens would be located.

Mr. Richard E. Railey, Jr., County Attorney, clarified for Commissioner Holland that the applicant could not have more than 75 dogs without coming back and making another request.

Chairman Copeland closed the public hearing.

**Commissioner Chesson made a motion to approve the special use exception and to include the survey with the application. Commissioner Bradshaw seconded the motion. All were in favor.**

Chairman Copeland announced that the second and final public hearing was to consider the following:

The application of Ronald Kropewnicki, owner, requesting a Special Use Exception of Section 18-482 of the Southampton County Zoning Ordinance to have a ten (10) dog kennel. Said Special Use is requested on property identified as Tax Map 24, (7) Parcel 2, of the Southampton County Zoning Map and located at 35437 Seacock Chapel Road, Zuni, Virginia, Berlin-Ivor Magisterial District.

Chairman Copeland asked Mr. Barnett if he wished to speak to this application?

Mr. Barnett advised that he mailed out letters on March 4, 2008 to the adjacent property owners informing them of the request. He received 3 written responses within the 30-day period objecting to the request.

Chairman Copeland opened the public hearing.

Mr. Ronald Kropewnicki, owner/applicant, addressed the BZA. He advised that they owned a horse farm and had been there for 7 years. They built their house in the middle of the field. They currently had 5 dogs but wanted to increase that number to 10 because his son wanted to start breeding dogs. The kennel was 250 ft. from the road and their house was approximately 350 feet from the dog kennel. The kennel had concrete floors and they cleaned it twice daily.

Commissioner Holland asked if they would breed to sell? Mr. Kropewnicki replied no – for personal use.

Mr. Kropewnicki shared pictures of the existing kennel.

Mrs. Diane Kropewnicki, wife of Ronald Kropewnicki, further clarified the location of the existing kennel and shared photographs depicting the location of the neighbors.

Mrs. Kropewnicki clarified for Commissioner Holland that they planned to give away the puppies once they reached 4 months of age.

Commissioner Daisy asked Mr. Kropewnicki if he had received any complaints? He replied no, not personally.

Mr. William Kirk spoke. He advised that he lived behind Mr. and Mrs. Kropewnicki. He shared some aerial photographs which he thought may be a little more recent than those shown by Mrs. Kropewnicki. The pens were only 200 yards from his house and he sometimes slept during the day due to his work schedule.

Commissioner Copeland asked Mr. Kirk if there were any problems with the dogs that were there now? Mr. Kirk replied no, other than once in a while they would get rowdy.

Mr. Kirk was confused as to whether or not Mr. Kropewnicki was applying for 10 dogs or 6-20 dogs. Mr. Kropewnicki as well as the BZA clarified that Mr. Kropewnicki was applying for a maximum of 10 dogs.

Ms. Linda Collona spoke. She advised that they moved near Mr. and Mrs. Kropewnicki 4 years ago. Her biggest concern was that Mr. and Mrs. Kropewnicki had been opposed to everything that other neighbors wanted to do regarding noise, but now they wanted an exception for themselves. She was concerned about the noise the dogs may make.

Ms. Collona pointed out on an aerial photograph the location of her house for Chairman Copeland.

Mr. Kropewnicki clarified that they were not going to build another pen – they planned to build on to their existing one.

Mrs. Kropewnicki advised that they did not allow their dogs to bark. Yes, she was opposed to noise. Someone built an illegal motorcycle track behind her house, which Mr. Barnett and Attorney Railey were aware of. She was also against the OLF (outlying landing field).

Commissioner Daisey asked if there were coyotes in her area? Mrs. Kropewnicki replied yes.

Commissioner Brown stated that she was not clear as to what the neighbors wanted.

Mr. Kirk stated that 10 dogs may fight. He had not complained about the 5 dogs, but he thought 10 dogs would be too many.

Commissioner Bradshaw advised that he visited the site. The dogs were complacent and the pens were located where Mr. Kropewnicki had indicated.

Commissioner Chesson stated that he thought the neighborly thing to do would be to put up a stockade fence.

Mrs. Kropewnicki advised that they had no problem with that and would amend their application accordingly.

Commissioner Brown commented that she wanted everyone to be content.

Commissioner Holland advised that it was a fairly big parcel and he did not think 10 dogs was asking too much. He did, however, sympathize with Mr. Kirk.

Mrs. Kropewnicki clarified for Commissioner Chesson that they would put up a stockade fence on the back of the kennel, as the other 3 sides were already buffered.

**Commissioner Chesson moved, seconded by Commissioner Brown to approve the special use exception with the amendment to include a stockade fence.**

Secretary Barnett advised that the fence would need to be 6 ft. high. Mrs. Kropewnicki advised that the width would be 32 ft.

**All were in favor of the motion.**

Commissioner Brown read aloud a condolence letter she had prepared on behalf of the BZA to send to Commissioner Sykes who lost her husband. She asked that each member sign the letter.

There being no further business, the meeting was adjourned at 8:45 PM.

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Peter F. Copeland, Chairman

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Robert L. Barnett, Secretary