

Issue Analysis Form

Date: May 23, 2017 – Board of Supervisors

Item: True2Life Taxidermy, LLC Special Exception

Lead Department: Community Development

Contact Person: Douglas Miles, Planning Manager



Description and Current Status

The applicant is requesting a Special Exception to operate a taxidermy workshop within the attached garage of his home. The business will be conducted by appointment only for drop off and pickup orders placed with the applicant. There will be no animal parts, equipment, or anything associated with the business stored outside or visible to the surrounding neighbors. There have been no issues with the surrounding neighbors with this proposed use to our knowledge nor any building code or zoning violations on record at this property.

Government Path

- | | | |
|---|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Planning Commission action? | <input checked="" type="checkbox"/> Yes | April 27, 2017
Recommended for
Approval by 7-0 vote. |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | May 23, 2017 |
| Does this require a Public Hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If so, before what date? | n/a | |

Fiscal Impact Statement

The proposed Special Exception request will allow for an existing Prince George County business to add additional tax revenues and to offer up to County residents additional taxidermy services and to the surrounding communities and also to their residents.

County Impact

An existing county business would be allowed to provide additional taxidermy services. We have worked with VDOT to ensure that there will not be any traffic issues using the existing access entrance with this proposed zoning land use along Courthouse Road.

Notes

n/a



APPLICATION FOR SPECIAL EXCEPTION - CONDITIONAL USE PERMIT

Department of Community Development and Code Compliance
6602 Courts Drive
Prince George, VA 23875
Planning Division (804) 722-8678
www.princegeorgecountyva.gov

OFFICE USE ONLY
APPLICATION #:
SE-17-01
DATE SUBMITTED:
2-21-17
ZONING ORDINANCE SECTION:

(PLEASE FILL IN ALL BLANKS)

GENERAL PROPERTY INFORMATION

LEGAL OWNER(S) OF PROPERTY REQUESTED FOR PERMIT:

Stefanie & Denis Spagnuolo

ADDRESS:

5555 Courthouse Rd.

CITY:

Prince George

STATE:

VA

ZIP CODE:

23875

PHONE NUMBER:

804-896-3164

E-MAIL ADDRESS:

Spagnol2001@yahoo.com

TAX MAP OF SUBJECT PARCEL:

23B(01)00-002-B

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

DEED BOOK *15* PAGE *1447* Date *5-26-15* DEED RESTRICTIONS:

ACREAGE:

0.41

PARTIAL PARCEL:

YES NO

SUBDIVISION:

Scott

PRESENT USE:

Residential

ZONING CLASSIFICATION

LAND USE CLASSIFICATION:

R-2

PRESENT ZONING:

R-2

OWNER AGENT/REP

AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST):

N/A

NAME:

CHARLES BROWN
 NOTARY PUBLIC
 REG # 182288
 COMMONWEALTH OF VIRGINIA
 MY COMMISSION EXPIRES NOV 30 2018

ADDRESS:

CITY:

STATE:

ZIP CODE:

PHONE NUMBER:

E-MAIL:

PROJECT DESCRIPTION

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (ATTACH A SEPARATE LETTER IF NECESSARY)

See attached letter

AFFIDAVIT

A. The undersigned (1) Property Owner or (7) duly authorized agent or representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

SIGNED: Stefan Spagnola DATE: 2/21/17
MAILING ADDRESS: 5555 Courthouse Rd.
CITY/STATE/ZIP: Prince George, VA 23875
PHONE NUMBER: 804-720-1547
E-MAIL ADDRESS: _____

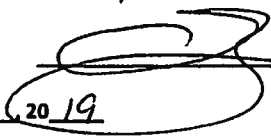
STATE BELOW THE NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) TO BE CONTACTED REGARDING THIS APPLICATION IF OTHER THAN ABOVE PERSON(S):

NAME: Dennis Spagnola
MAILING ADDRESS: 5555 Courthouse Rd.
CITY/STATE/ZIP: Prince George, VA 23875
PHONE NUMBER: 804-896-3164
E-MAIL ADDRESS: Spagnol2001@yahoo.com

STATE OF VIRGINIA

COUNTY OF: PRINCE GEORGE

Subscribed and sworn before me this 21 day of February, 2017.

My Commission expires: Nov 30, 2019  Notary Public

CHARLES BROWN
NOTARY PUBLIC
REG. #7622966
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES NOV. 30, 2019

AFFIDAVIT

County of Prince George

Planning and Community Development

Attn: Douglas Miles, Planning Manager

Date: 02/16/2017

Dear Mr. Miles:

This letter is in regards to a special exemption request with the planning and zoning office in Prince George County. I request to occupy an existing structure on my property for a taxidermy business at 5555 Courthouse Rd, Prince George, VA. I do not wish to own a retail business. My taxidermy business will be used for drop off and pick up of orders placed with me only. No animal parts, equipment, or anything associated with the business will be stored outside or visible to the surrounding neighbors. In regards to excess animal parts that will not be used for taxidermy, the customer will dispose this of themselves.

The existing building is attached to the home (garage). This is a two and a half car garage that is converted to a workshop. This is made of vinyl siding with a large garage door and a side entrance. There is a private driveway. I only have one customer at a time. Customers will make appointments for drop off and pick up. Hours of operation are Monday-Thursday 7am- 5pm and the weekend on special request only.

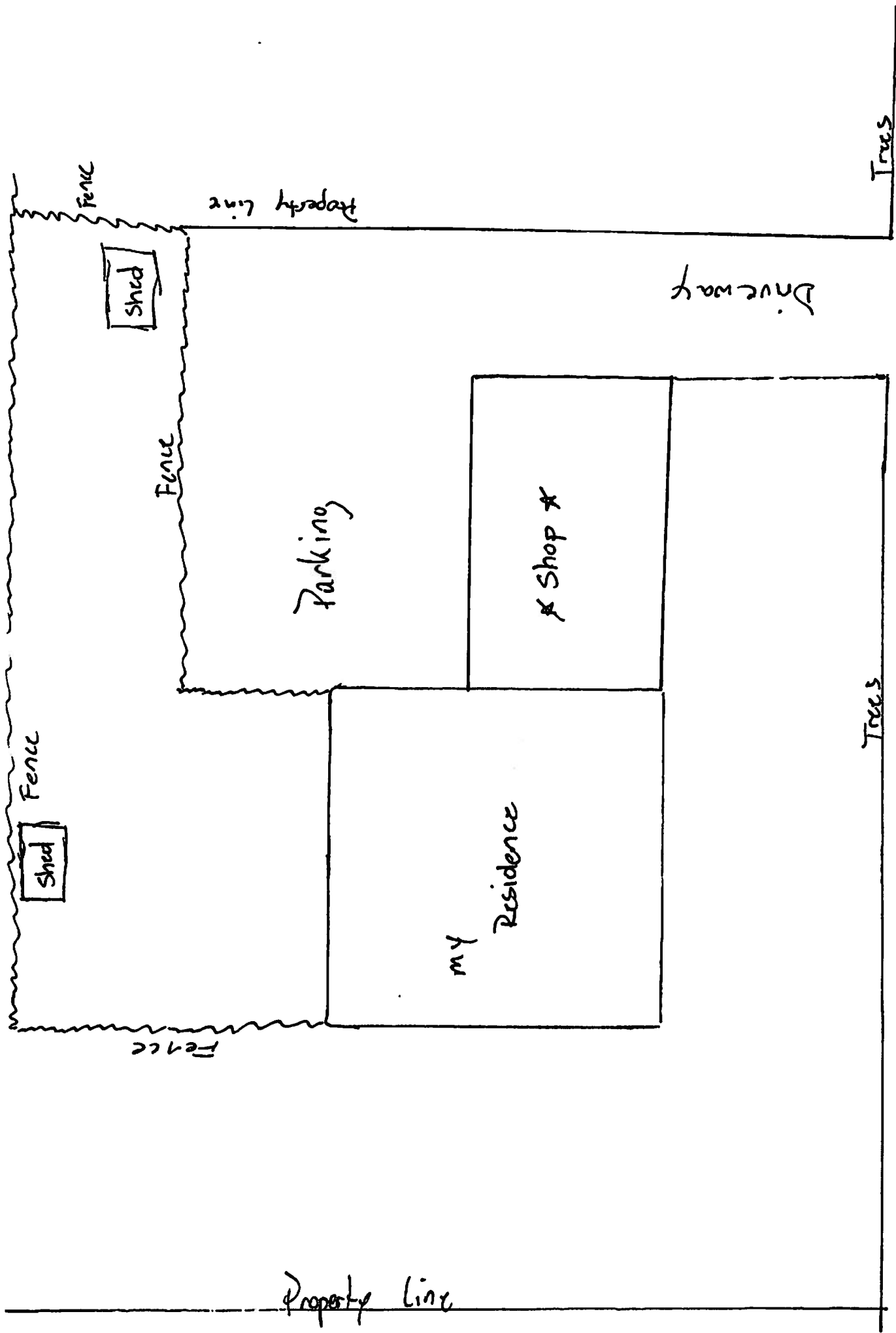
I am self-employed and the only one that will be working in this structure and at this time have no future plans for another employee. I am also requesting to place a business sign at the entrance of my driveway. This will read True2Life Taxidermy with my phone number. This sign will be non-illuminated.

Please feel free to forward this information and request to all the necessary parties required. Please contact me with any questions or concerns. Thank you for your time.

Sincerely,



Dennis Spagnoulo (Owner of Tru2Life Taxidermy)



Courthouse Rd.



Virginia Department of Game and Inland Fisheries

7870 Villa Park Drive, P.O. Box 90778, Henrico, VA 23228-0778
(804) 367-1000 (V/TDD)

Under Authority of Title 29.1, Chapter 4, Code of Virginia



Taxidermy Permit

Permit Type: **Renewal**

Fee Paid: **\$40.00**

VADGIF Permit No. **057697**

Permittee: **Dennis R. Spagnuolo, Jr.**
Address: **5555 Courthouse Road**
Prince George, VA 23875
Email: **spagnd2001@yahoo.com**

Birth Date: **2/28/1975**

Sex: **Male**

Home: **(804) 896-3164**

Office:

City/County: **Prince George**

Business: **True2Life Taxidermy LLC**

Other Permits Held

USFWS - Taxidermist **MB131168-0**

Individuals Dealing with Migratory Waterfowl Must Possess a Current Federal Taxidermy Permit.

This permit does not absolve the permittee of any responsibilities or conditions of any other federal, state, or local laws and regulations, including those that apply to threatened/endangered species.

A holder of a permit to stuff and mount birds and animals or parts of them for compensation or for sale, as provided for in § 29.1-415 of the Code of Virginia may have in possession for such purpose only birds and animals which were legally taken.

A holder of a permit to stuff or mount birds and animals shall keep a complete record of all transactions. Such records shall include the species to be mounted or tanned; the date of receipt; the name, address and telephone number of the person for whom the work is being performed; the name of the person who killed the specimen (if different from above); the hunting license or Virginia driving license number of such person; the county where the specimen was taken, or, if taken out-of-state, the state in which it was taken; and the date the completed work was returned to the customer. Such records shall be retained for three years. These records, and the premises where such business is conducted, shall be open to inspection by representatives of the department during normal business hours.

Upon receipt of any specimen of wildlife, a holder of a permit shall immediately affix to such specimen a tag bearing the designation of the species, the name and address of the customer and the date the specimen was killed. Such tag shall remain affixed to the specimen, except when the specimen is actually in the process of being worked on, until it is delivered to the customer. A numbered tag, with numbers corresponding to the number of the line entry of the records required in the section above, may be used in lieu of that.

Approved by: 

Applicants may appeal permit decisions within 60 days of issuance. The appeal must be in writing to the Director, Department of Game and Inland Fisheries.

Title: **James E. Husband - Permits Manager**

Date: **8/8/2016**

20

Permit Effective **8/8/2016** through **7/31/2017**

17



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

DENNIS R. SPAGNOULO JR.
11419 WILLOW LANE
DISPUTANTA, VA 23842
U.S.A.

2. AUTHORITY-STATUTES
16 USC 703-712

REGULATIONS
50 CFR Part 13
50 CFR 21.24

3. NUMBER
MB13115B-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
08/07/2013

7. EXPIRES
07/31/2018

8. NAME AND TITLE OF PRINCIPAL OFFICER (if not a business)

9. TYPE OF PERMIT
TAXIDERMY

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

11419 Willow Lane, Disputanta, VA
TEL: 804-896-3164

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET FORTH IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY OR RENEWAL OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAME ONLY

D. You and any subpermittees are authorized to:
(1) receive and temporarily possess for taxidermy purposes, properly tagged migratory birds, their parts, nests, or nonviable eggs lawfully possessed by others and
(2) sell captive-reared, properly marked waterfowl which have been lawfully acquired and mounted.

E. You must maintain chronological records in ledger form, as outlined in 50 CFR 13.46 and 50 CFR 21.24(d)(1). All records relating to the permitted activities must be kept at the location identified in writing by you to the migratory bird permit issuing office.

F. You must display this permit on the premises where taxidermy operations are conducted.

G. Except as authorized in Condition D above, you may not receive money or other compensation in exchange for a migratory bird other than from the person who originally provided the bird and requested taxidermy services.

H. You are not authorized to possess unused migratory non-game birds or migratory bird parts. All unused non-game birds must be returned to the person and/or institution that originally provided the birds or donated to a public scientific or educational institution as defined in 50 CFR 21.12(b). All unused migratory bird parts must be destroyed by burial or incineration.

I. You may not conduct the activities authorized by this permit if doing so would violate the laws of the applicable State, county, municipal or tribal government or any other applicable law.

J. Any person who is
(1) employed by or under contract to you for the activities specified in this permit, or
(2) otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

No annual report.

ISSUED BY

TITLE

CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 5

DATE

08/07/2013

**Community Development &
Code Compliance**



*Julie C. Walton, Director
Jeff Brown, Building Official
Douglas Miles, Planning Manager*

County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

May 8, 2017

BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel involved that is abutting property and property immediately across the street or the road from the property affected:

This is notification that the Prince George County Board of Supervisors will hold a public hearing on **May 23, 2017, beginning at 7:30 p.m.** in the Board Meeting Room, on the third floor of the County Administration Building, 6602 Courts Drive, Prince George, VA, to consider the following request that involves the Prince George County Zoning Ordinance:

SPECIAL EXCEPTION SE-17-01 Request of True2Life Taxidermy, LLC pursuant to § 90-243 (5) to permit a home professional and trade office to operate a taxidermy shop in an attached garage located at 5555 Courthouse Road and Tax Map 23B(01)00-002-B in an R-2, Limited Residential District and the Comprehensive Plan calls for residential use.

A copy of the related materials may be examined in Planning and Zoning within the County Administration Building, (804) 722-8678. The department is open from 8:30 am to 5:00 pm, Monday - Friday. All interested persons shall have the opportunity to be heard at said public hearing. I have attached a copy of the general location of the request property for your use.

Sincerely,

Douglas Miles

Douglas Miles, CZA
Planning Manager / Zoning Administrator

**BOARD OF SUPERVISORS
SPECIAL EXCEPTION SUMMARY REPORT**

CASE NUMBER: SE-17-01

APPLICANT: True2Life Taxidermy, LLC – Dennis Spagnoulo

LOCATION: 5555 Courthouse Road, Prince George, VA 23875

TAX MAP: 23B(01)00-002-B

REQUEST: Special Exception to permit a home based taxidermy shop

EXISTING ZONING: R-2, Limited Residential Zoning District

EXISTING USE: Single family dwelling use

PROPOSED USE: Home professional and trade office – taxidermy shop

UTILITIES: County water and sewer

REAL ESTATE TAXES: Delinquent taxes are not owed to the County

TAXIDERMY LICENSES: Current State and Federal Taxidermy Licenses

MEETING INFORMATION:

Planning Commission: Thursday, March 23, 2017 at 6:30 p.m. Deferred for 30 Days
Public Hearing was held and closed with persons in favor
of Special Exception request – The Applicant was absent.

Thursday, April 27, 2017 at 6:30 p.m.

Planning Commission Recommended Approval 7-0

Board of Supervisors: Tuesday, May 23, 2016 at 7:00 p.m.

Recommendation: Recommend Approval with the recommended conditions

Attachments:

Special Exception Application and Proposed Site Layout
Staff Report and GIS Map of the Surrounding Properties

PRINCE GEORGE COUNTY, VIRGINIA
BOARD OF SUPERVISORS STAFF REPORT
SPECIAL EXCEPTION SE-17-01 TRUE2LIFE TAXIDERMISTRY LLC
PUBLIC HEARING DATE: MAY 23, 2017

Request:

A Special Exception to permit a home professional and trade office to operate a taxidermy shop within an attached garage in an R-2, Limited Residential Zoning District.

Case Summary:

The applicant is proposing to operate a taxidermy workshop within the attached garage of his home. The business will be conducted by appointment only for drop off and pickup orders placed with the applicant. There will be no animal parts, equipment, or anything associated with the business stored outside or be visible to the surrounding neighbors. There have been no issues with the surrounding neighbors with this proposed use to our knowledge nor any building code or zoning violations on record at this property. This request was brought forward during his 2017 Business License renewal by the Commissioner of the Revenue's Office.

Comprehensive Plan:

The 2014 Comprehensive Plan Update identifies this area as appropriate for residential uses. The Special Exception request would permit the use provided that the applicant maintains the residential home as his primary residence and the residential dwelling as a residential land use.

Existing Use and Surrounding Zoning:

The subject property is located on Courthouse Road (SR 106) is zoned R-2, Limited Residential and is identified as 5555 Courthouse Road. The surrounding properties are zoned R-2, Limited Residential and R-A, Residential Agricultural and they either contain single-family dwellings or are vacant.

Community Development - Inspections Division:

A business use within a dwelling is limited to ten (10) percent of the floor area of the dwelling to be considered an accessory use. If a business office exceeds ten (10) percent of the floor area of the building, it will be considered a change of use. If customers will enter the building or outside employees will work in the building, it will be considered a change of use. In accordance with Virginia Uniform Statewide Building Code (VUSBC) section 103.3, a building permit would be required to change the use of the building over to business occupancy.

Prior to any occupancy approval, the space would be required to comply with the VUSBC requirements applicable to a business use. The required modifications of the space may include: increased ventilation, increased sanitation facilities, installation of accessibility features, additional fire protection and separation, and door hardware changes.

Public Comments:

As of the writing of this report, County Staff has not received any letters, telephone calls, social media postings or any e-mails in support or in opposition to this Special Exception request. A Zoning Sign has been posted on the subject property as a courtesy for any public comments.

There were adjacent property owners and other citizens who spoke in favor of this request at the March 23, 2017 Planning Commission Public Hearing. The Public Hearing was closed with the case being deferred for 30 days as the Applicant was absent by not representing his case.

The applicant appeared before the Planning Commission on April 27th to represent his case and accepted the recommended case conditions. The Commission forwarded his case to the Board of Supervisors with a recommendation for approval with these zoning case conditions.

Virginia Department of Transportation (VDOT):

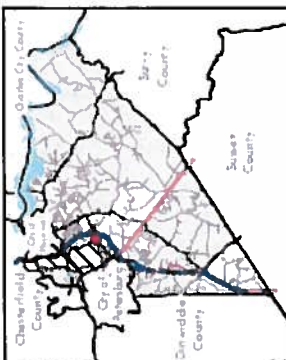
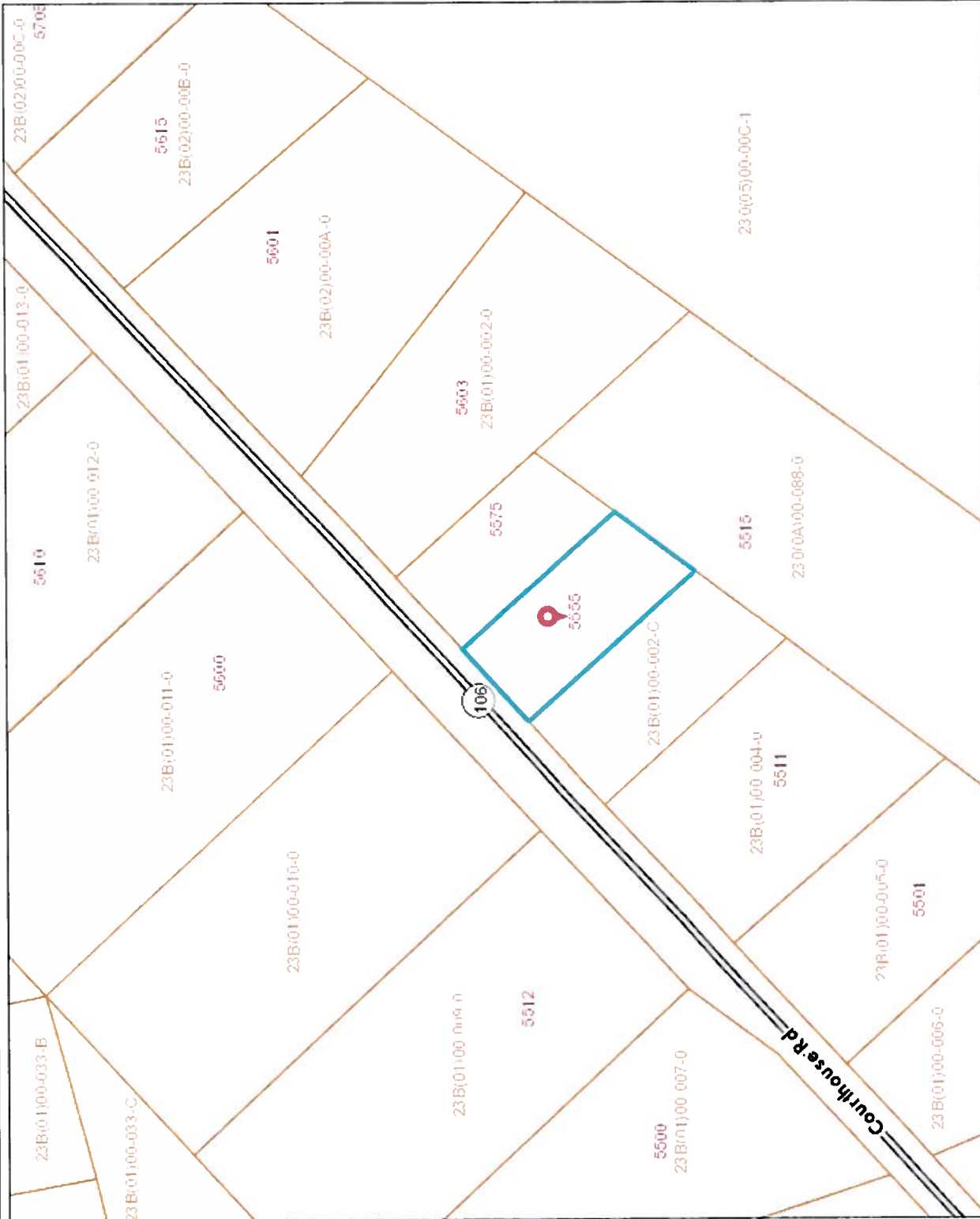
The proposed use requires that the site's access from SR 106, Courthouse Road, meet VDOT's requirements for a low volume commercial entrance. The acquisition of a Land Use Permit is required before any work can be done in the VDOT right of way.

Recommendation:

The Planning Commission and Staff recommends Approval of the Special Exception to permit a home professional and trade office to operate a taxidermy shop use provided that there is no impact on the surrounding property owners. Staff has proposed recommended conditions to ensure that this land use complies with all Federal, State and County Code requirements:

1. This Special Exception is granted for a taxidermy shop as licensed by the State of Virginia issued to Dennis Spagnoulo of True2Life Taxidermy LLC and is not transferable and does not run with the land.
2. The hours of operation will be Monday through Thursday from 7:00 a.m. until 5:00 p.m. by appointment and Saturday and Sunday 9:00 a.m. until 5:00 p.m. by appointment. There will be a four (4) square foot non-illuminated sign posted out at the driveway entrance stating: True2Life Taxidermy with a phone number and with a website address.
3. There will be no outside storage permitted nor a trash dumpster or trash cans containing animal parts only normal household waste stored onsite for regular trash service pick-up. The customers will be required to dispose of excess animal parts or waste themselves.
4. This Special Exception shall become null and void if the use of a taxidermy shop is abandoned for a period of twenty-four (24) consecutive months.
5. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

County of Prince George



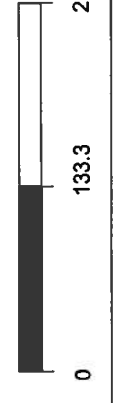
Legend

-  Taxparcels

Notes



The information contained in this data should not be used as a "legal description". Map information is believed to be accurate, but accuracy is not guaranteed.
Copyright, 2014 County of Prince George, VA



Map Scale 1: 1,600
3/9/2017



Board of Supervisors
County of Prince George, Virginia

Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 23th day of May, 2017:

Present:

Vote:

William A. Robertson, Jr., Chairman
Donald Hunter, Vice Chairman
Jerry J. Skalsky
Alan C. Carmichael
T. J. Webb

SPECIAL EXCEPTION SE-17-01 Request of True2Life Taxidermy, LLC pursuant to § 90-243 (5) to permit a home professional and trade office to operate a taxidermy shop in an attached garage located at 5555 Courthouse Road and Tax Map 23B(01)00-002-B in an R-2, Limited Residential District and the Comprehensive Plan calls for residential use.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-17-01 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted for a taxidermy shop as licensed by the State of Virginia issued to Dennis Spagnoulo of True2Life Taxidermy LLC and is not transferable and does not run with the land.
2. The hours of operation will be Monday through Thursday from 7:00 a.m. until 5:00 p.m. by appointment and Saturday and Sunday 9:00 am to 5:00 pm by appointment only. There will be a four (4) square foot non-illuminated sign posted out at the driveway entrance stating: True2Life Taxidermy with a phone number and website address.
3. There will be no outside storage permitted nor a trash dumpster or trash cans containing animal parts only normal household waste stored onsite for regular trash service pick-up. The customers will be required to dispose of excess animal parts or waste themselves.
4. This Special Exception shall become null and void if the use of a taxidermy shop is abandoned for a period of twenty-four (24) consecutive months.

5. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

Adopted on May 23, 2017 and becoming effective immediately.

**PUBLIC NOTICE
COUNTY OF PRINCE GEORGE**

Public Notice is hereby given to all interested persons regarding the following public meeting:

The Prince George County Board of Supervisors will hold public hearings on Tuesday, May 23, 2017 beginning at 7:30 p.m. concerning the following requests:

SPECIAL EXCEPTION SE-17-01 Request of True2Life Taxidermy, LLC pursuant to § 90-243 (5) to permit a home professional and trade office to operate a taxidermy shop in an attached garage located at 5555 Courthouse Road and Tax Map 23B(01)00-002-B in an R-2, Limited Residential District and the Comprehensive Plan calls for residential use.

SPECIAL EXCEPTION SE-17-03 Request of Ambrusta Development LLC pursuant to § 90-103 (9) to permit an assembly hall use located at 5503 Ruffin Road and is known as Tax Map 240(0A)00-115-0 in an R-A, Residential – Agricultural District. The Comprehensive Plan calls for both commercial and village center land uses.

The meeting will be held in the Board of Supervisors Meeting Room, third floor, County Administration Building, pursuant to §15.2-2204, §15.2-2225 and §15.2-2285, The Code of Virginia (1950, as amended). A copy of the related material may be examined in Planning and Zoning in the County Administration Building and is open from 8:30 a.m. to 5:00 p.m., Monday – Friday, (804) 722-8678. All interested persons shall have the opportunity to be heard at said public hearings.

Percy C. Ashcraft
County Administrator