



November 9, 2007

Judith C. Wiegand, AICP  
Senior Planner  
County of Albemarle  
Department of Community Development  
401 McIntire Road, Room 227  
Charlottesville VA 22902-4596

Re: SP-2007-044 SPCA Amendment

Dear Ms. Wiegand,

Waiver Request: The Charlottesville-Albemarle SPCA (the "SPCA") hereby request a waiver of 5.1.11a of the County's Zoning Ordinance in its entirety which requires a 500-foot setback for animal confinements and a solid 6-foot high fence made of concrete block, brick or other approved materials.

The SPCA also requests a waiver of the Residential District 20-foot setback requirement solely with respect to the fencing on the front right side of the property which borders the property owned by Foundations LLC.

General Project Description:

The SPCA serves the City of Charlottesville and Albemarle County residents as the only animal care facility for homeless animals and as the City and County pound. The mission of the SPCA is to provide a safe environment for the lost, abandoned, and homeless animals of Charlottesville and Albemarle County and place them in good homes. Our belief is that Charlottesville and Albemarle County should be the number one place not only for people but also for our companion animals.

The SPCA is fortunate to have a supporter in our community that shares the SPCA's values and high standards of care. This donor has pledged certain funds for the purposes of enhancing the lives of the dogs in our care and making our SPCA a more inviting place for the community to volunteer and potential adopters to visit with dogs. As a result, the SPCA is embarking on

the Dog Walking Project (the "Project") to create dog-walking paths and fenced in dog exercise areas on the SPCA's property. The SPCA is working with a landscape professional to design the Project in a way that balances the cost of the project with the following important factors: safety of the animals and people, ongoing maintenance requirements, acceptance from surrounding community, aesthetics and affect on adjacent property, character of the community and the health, safety and general welfare of the community.

#### Description of Dog Exercise Areas:

The Project includes several animal confinement areas that are the subject of this waiver request. These confinement areas include several fenced in dog exercise areas throughout the property, one larger agility confinement area at the front of the property on Berkmar Drive and one larger fenced in area located at the back of the property (collectively, referred to as "Dog Exercise Areas"). The SPCA proposes that the Dog Exercise Areas will be enclosed with at least 6-foot chain-link fencing for the exercise areas throughout the property and for the large enclosed area at the back of the property and 6-foot decorative aluminum fencing for the agility area at the front of the property on Berkmar Drive. The SPCA suggests these materials for several reasons: reasonable cost, materials are non-porous and can be cleaned and sanitized, and with respect to the decorative fencing around the agility area, the aesthetics of the surrounding community.

The purpose of the Dog Exercise Areas is as a venue for dogs to play and get exercise to improve their overall health and well-being. Dogs will be taken into the Dog Exercise Areas by staff and volunteers to play with and train the dogs, thereby making them more adoptable. Dogs in the Dog Exercise Areas will always be under the supervision of staff and volunteers. Dogs in the agility area at the front of the property will be under the direct supervision and training of staff and volunteers running through the agility course. The Dog Exercise Areas may also be used by potential adopters. Adopters will be able to take dogs into the Dog Exercise Areas to play and interact with them to determine whether the dog would make a good addition to their family. On these occasions, the dogs will always be with the potential adopter and may also be accompanied by staff or volunteers.

The Dog Exercise Areas are not to be used for permanent confinement but for temporary exercise outings. The kennels inside of the SPCA facility will continue to be where dogs are permanently confined during their stay at the SPCA.

#### Reasons for Waiver Request of Section 5.1.11a of the County's Zoning Ordinance:

We are requesting a waiver 5.1.11a of the County's Zoning Ordinance which requires a 500-foot setback, as this would prohibit any outdoor Dog Exercise Areas. As set forth above, the noise concerns would not be at issue since the dogs will be outdoors with people for the purpose of exercising. The dogs will not be permanently confined in these areas but will only be there temporarily for play and socialization. These Dog Exercise Areas will not increase any sound levels from the SPCA. Dogs in a shelter or kennel environment bark primarily to satisfy a need, usually a desire for human interaction. The dogs in the Dog

Exercise Areas will be receiving this human companionship, in addition to fulfilling other needs such as exercise and play. We believe these Dog Exercise Areas will, in fact, reduce overall noise levels as dogs that are well exercised and trained will be quieter in their indoor confinement kennels and are generally adopted more quickly.

We are requesting a waiver of the requirement that the Dog Exercise Areas be surrounded (within 50 feet) by a solid fence not less than six (6) feet in height and composed of concrete block, brick or other approved material. We are requesting this waiver for several reasons. This requirement could be cost prohibitive to the Project. To enclose the front agility course, the back exercise area and all of the pens, which are dispersed throughout the property in this manner, would greatly increase the overall cost of the Project. As a nonprofit, the SPCA is dependent primarily on private donations for funding. Although we have a donor for this project, the funding of the donor is not unlimited and this requirement results in the Project cost greatly exceeding budget.

Additionally, we believe for safety reasons, it is important that other staff and volunteers on the property are able to observe the activities inside of the Dog Exercise Areas. If someone in the Dog Exercise Areas requires assistance handling a dog, it is best that others can observe happenings in the Dog Exercise Areas and offer assistance when needed. Enclosing these areas with solid 6-foot concrete or brick would close them off to the view of others. Lastly, we believe it improves the character of the surrounding community to see the activities of the dogs being walked around the property, playing in the agility area and enjoying their temporary stay at the SPCA.

As stated above, due to the proposed use of the Dog Exercise Areas, we do not feel that there are significant noise issues raised by these Dog Exercise Areas. We believe that these Dog Exercise Areas will, in fact, reduce overall noise levels as dogs that are well exercised and trained will be quieter in their indoor confinement kennels and are generally adopted more quickly.

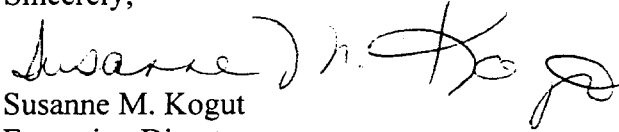
Reasons for limited Waiver Request of Residential District 20-foot setback:

The SPCA also requests a waiver of the Residential District 20-foot setback requirement solely for the fencing on the front right side of the property which borders the property owned by Foundations LLC. The area at this side of the property is very narrow. If the fencing is moved to comply with the setback requirement and to enclose the dog walking paths, the paths would be very narrow leaving little room for separation of dogs while walking. If we remove the fencing and leave the paths where presently located, then the dog walking paths would not be fully enclosed by the fencing. This would leave an open area for escape next to the bordering property and at the front of the property on Berkmar Drive. The SPCA requests the waiver of the 20-foot setback requirement, as this allows the paths and the fencing to be designed in the safest manner for the dogs, the dog walkers and the surrounding community.

Conclusion:

For the reasons set forth above, we respectfully request a waiver of 5.1.11a of the County's Zoning Ordinance in its entirety which requires a 500-foot setback for animal confinements and a solid 6-foot high fence made of concrete block, brick or other approved materials. Additionally, we request a waiver of the Residential District 20-foot setback requirement solely with respect to the fencing bordering the property owned by Foundations LLC. Please feel free to contact me with any questions or should you need additional information.

Sincerely,



Susanne M. Kogut  
Executive Director  
434-973-5959 ext. 254