

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 1, 2016**

Work Session

1:30 p.m.

Warren Green Building, Second Floor Conference Room

10 Hotel Street

Warrenton, Virginia

The Fauquier County Board of Zoning Appeals held a work session on Thursday, September 1, 2016, beginning at 1:30 p.m. in the Warren Green Building, Second Floor Conference Room, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Michael Brown, Vice-Chairperson; Mr. Bill Chipman; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Mr. Andrew Hopewell, Assistant Chief of Planning; Mr. Rob Walton, Assistant Chief of Zoning/Development Services; Mr. Darren Stevens, Chief of Department of Fire, Rescue and Emergency Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Adam Shellenberger, Senior Planner/Urban Designer; and Mrs. Fran Williams, Administrative Manager. Staff absent was Ms. Holly Meade, Chief of Planning/Secretary.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT-16-005548, KATHLEEN KATZ & SHELLEY LAUREN KATZ (OWNERS/APPLICANTS) – ST. ANNE’S TUTORING PROGRAM

Applicants are requesting Special Permit approval to allow a major home occupation to operate a tutoring/early literacy program, PIN 6990-00-3667-000, located at 6342 Mintbrook Lane, Lee District, Bealeton, Virginia. (Holly Meade, Staff)

Mr. Shellenberger reviewed the application.

SPECIAL PERMIT #SPPT-16-005568, EDWARD BROCK & BETSY K. (a/k/a BETSY L.) PRICE (OWNERS)/D. MACK BASS (APPLICANT) – AN AMERICAN EVENT

Applicant is requesting Special Permit approval to allow a temporary event with approximately 20,000 attendees, PIN 7809-11-4782-000, 6898-89-8463-000, 6898-88-5725-000, 7809-00-4794-000, and 7809-33-5717-000, located at 11527 Marsh Road, Cedar Run District, Bealeton, Virginia and 11176 Rogues Road and 11158 Rogues Road, Cedar Run District, Midland, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

ADJOURNMENT:

The meeting was adjourned at approximately 1:50 p.m.

Regularly Scheduled Meeting
2:00 p.m.
Warren Green Building, First Floor Meeting Room
10 Hotel Street
Warrenton, Virginia

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, September 1, 2016, beginning at 2:00 p.m. in the Warren Green Building, First Floor Meeting Room, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Michael Brown, Vice-Chairperson; Mr. Bill Chipman; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Mr. Andrew Hopewell, Assistant Chief of Planning; Mr. Rob Walton, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Adam Shellenberger, Senior Planner/Urban Designer; Mr. Ben Holt, Planner; and Mrs. Fran Williams, Administrative Manager. Staff absent was Ms. Holly Meade, Chief of Planning/Secretary.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the public hearing protocol.

Mr. Hopewell stated that, to the best of his knowledge, the cases before the Board of Zoning Appeals for public hearing have been properly advertised, posted and letters of notification sent to adjoining property owners.

MINUTES:

On motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to approve the August 4, 2016 minutes.

The motion carried 4 – 0, as follows:

AYES: Mr. Meadows, Mr. Brown, Mr. Chipman, Mr. Tufts

NAYS: None

ABSTENTION: Mrs. Cooper [*Absent on August 4, 2016*]

ABSENT: None

REGULAR AGENDA:**SPECIAL PERMIT #SPPT-16-005245, EMMANUEL & CORRIE WARREN AND TAPSCOTT FAMILY CEMETERY ASSOCIATION (OWNERS/EMMANUEL & CORRIE WARREN (APPLICANTS) – ECOG – FAUQUIER COUNTY**

Applicants are requesting Special Permit approval to operate a home based therapy and service center, PIN 03-4-989-74-49-0 and 905-49-8738-000, located at 2100 and 2100 Communic Farm Lane, Clear Run District, Warrenton, Virginia. (Ben Holt, Staff) *No Public Hearing was closed on August 4, 2016.*

SPECIAL PERMIT #SPPT-16-005548, KATHLEEN KATZ & SHELLEY LAUREN KATZ (OWNERS/APPLICANTS) – ST. ANNE’S TUTORING PROGRAM

Applicants are requesting Special Permit approval to allow a major home occupation to operate a tutoring/early literacy program, PIN 6990-00-3667-000, located at 6342 Mintbrook Lane, Lee District, Bealeton, Virginia. (Holly Meade, Staff)

Mr. Shellenberger reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Brown requested verification that Zoning staff has reviewed the approved Mintbrook proffers to determine if this proposal is consistent with the proffer restricting the use of the farm house.

Mr. Shellenberger confirmed that Zoning staff has determined the proposed use is in compliance with the approved proffers.

Mr. Meadows opened the public hearing.

Ms. Kathleen Katz, applicant, expressed agreement with the staff report.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to grant the Special Permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.

5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for Special Permits.

The Special Permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The site shall be in general conformance with the information and drawings submitted with the Special Permit application except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The use authorized with this Special Permit approval shall be limited to a tutoring/early literacy program. A school, as defined by the Zoning Ordinance, shall not be authorized with this Special Permit.
3. At no time shall the occupancy of the building, including students and teachers, exceed fourteen (14) individuals.
4. The early literacy program shall be limited to children ages three (3) and four (4) and shall be permitted two (2) mornings per week between the hours of 8:00 a.m. and noon.
5. The tutoring program shall be limited to children age's five (5) to eight (8) and shall be permitted between the hours of 8:00 a.m. to noon and 1:00 p.m. to 6:00 p.m.
6. Classes shall be restricted to a maximum of five (5) children.
7. A maximum of three (3) employees shall be permitted, in addition to the two (2) residents of the home.
8. No food or drink, other than bottled water, shall be served.
9. Any outdoor recreation or study area associated with the use shall be fully fenced provided that no mature vegetation shall be removed. The outdoor recreation area shall be supervised by at least one (1) staff member at all times while being used by students.
10. Parking associated with the use shall be located outside the floodplain.
11. The driveway apron shall be paved a minimum of fifteen (15) feet in length, starting from the edge of pavement.
12. The applicants shall comply with all conditions of the state fire code applicable to the proposed use.

The motion carried unanimously.

SPECIAL PERMIT #SPPT-16-005568, EDWARD BROCK & BETSY K. (a/k/a BETSY L.) PRICE (OWNERS)/D. MACK BASS (APPLICANT) – AN AMERICAN EVENT

Applicant is requesting Special Permit approval to allow a temporary event with approximately 20,000 attendees, PIN 7809-11-4782-000, 6898-89-8463-000, 6898-88-5725-000, 7809-00-4794-000, and 7809-33-5717-000, located at 11527 Marsh Road, Cedar Run District, Bealeton, Virginia and 11176 Rogues Road and 11158 Rogues Road, Cedar Run District, Midland, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Meadows opened the public hearing.

Dr. E. Brock Price, owner, expressed agreement with the staff report.

Mr. Nick Burhans stated that he will be holding an annual function at Lake Ritchie on the same weekend of this planned event. Mr. Burhans noted that his only concern is related to traffic flow along Route 17 because of the need to use crossovers to access the property.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. Tufts and seconded by Mr. Brown, it was moved to grant the Special Permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for Special Permits.

The Special Permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The temporary event shall be in general conformance with the information and drawings submitted with the Special Permit application except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The event shall be authorized for October 1, 2016 between the hours of 8:00 a.m. and 7:00 p.m.
3. To ensure that adequate services are maintained on-site at all times, the event shall be approved in advance by the Fauquier County Department of Fire and Emergency Management (DFREM), Sheriff's Office, Health Department and Virginia Department of Transportation (VDOT). Copies of these approvals, including the type and number of security personnel, rescue or safety equipment and personnel, traffic control, and on-site sanitary and refreshment facilities required for the event shall be provided to the Zoning Administrator no later than September 23, 2016 at 1:00 p.m.
4. The following rescue or safety equipment and personnel shall be provided on-site for the event: one (1) Advance Life Support (ALS) Ambulance, one (1) Basic Life Support (BLS) Ambulance, one (1) EMS Gator (BLS), an EMS First Aid Station with 2 persons one of which shall be ALS, and one (1) Incident Commander.
5. A minimum of two hundred (200) portable toilets shall be provided for the event. The application for the permitting and inspection of each privy shall be submitted to the local Health Department at least ten (10) business days in advance of the start of the event, and a copy of the approved permit shall be provided to the Zoning Administrator no later than September 23, 2016 at 1:00 p.m.
6. Food vendors shall be food establishments properly permitted by the Department of Health. This may be: permitted Caterers, Mobile Units or Temporary Food Establishments. The organizers of the event shall submit a Temporary Event, Coordinators Checklist to the Fauquier County Health Department. Food vendors not holding a Caterer's Permit or a Mobile Food Permit shall be required to submit an application for a Temporary Food Establishment Permit. Copies of the approved permits shall be provided to the Zoning Administrator no later than September 23, 2016 at 1:00 p.m.
7. Water for human consumption shall be from an approved supply. This shall be:
1) A water supply regulated by the Virginia Department of Health, Office of Drinking Water, or 2) A private water supply which has been evaluated by the local Health Department and has a satisfactory water test for coliform bacteria within the last 12 months, or 3) From bottled water sources. Individual water coolers used to dispense water shall be properly washed, rinsed and sanitized

before filling. Common drinking cups shall not be permitted. Ice shall be from an approved source.

8. A special events permit shall be obtained from the Virginia Department of Transportation, and a copy of the approved permit shall be provided to the Zoning Administrator no later than September 23, 2016 at 1:00 p.m.
9. All parking areas shall be mowed and maintained prior to and following the event to minimize the risk of fire and prevent erosion.
10. There shall be no event parking or loading on Marsh Road (Route 17), Rogues Road (Route 602) or within fifty (50) feet of an adjoining property.
11. No exhibit or event area shall be located closer than one hundred (100) feet to any lot line.
12. A land disturbance permit shall be obtained for any disturbance over 10,000 square feet. Should this disturbance occur at or near a stream crossing, engineering calculations may be required.
13. No activity or use of the land which would harm the viability of the property for future agricultural production shall be permitted.
14. Information on the agricultural heritage of Fauquier County shall be presented and/or made available at the event.

After discussion, on motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to amend Conditions 3, 5, 6, and 8 of the above motion, as follows:

3. To ensure that adequate services are maintained on-site at all times, the event shall be approved in advance by the Fauquier County Department of Fire and Emergency Management (DFREM), Sheriff's Office, Health Department and Virginia Department of Transportation (VDOT). Copies of these approvals, including the type and number of security personnel, rescue or safety equipment and personnel, traffic control, and on-site sanitary and refreshment facilities required for the event shall be provided to the Zoning Administrator no later than September 23, 2016 ~~at 1:00 p.m.~~ *unless such deadline is extended by the Zoning Administrator.*
5. A minimum of two hundred (200) portable toilets shall be provided for the event. The application for the permitting and inspection of each privy shall be submitted to the local Health Department at least ten (10) business days in advance of the start of the event, and a copy of the approved permit shall be provided to the Zoning Administrator no later than September 23, 2016 ~~at 1:00 p.m.~~ *unless such deadline is extended by the Zoning Administrator.*
6. Food vendors shall be food establishments properly permitted by the Department of Health. This may be: permitted Caterers, Mobile Units or Temporary Food

Establishments. The organizers of the event shall submit a Temporary Event, Coordinators Checklist to the Fauquier County Health Department. Food vendors not holding a Caterer's Permit or a Mobile Food Permit shall be required to submit an application for a Temporary Food Establishment Permit. Copies of the approved permits shall be provided to the Zoning Administrator no later than September 23, 2016 ~~at 1:00 p.m.~~ *unless such deadline is extended by the Zoning Administrator.*

8. A special events permit shall be obtained from the Virginia Department of Transportation, and a copy of the approved permit shall be provided to the Zoning Administrator no later than September 23, 2016 ~~at 1:00 p.m.~~ *unless such deadline is extended by the Zoning Administrator.*

The amended motion carried unanimously.

After additional discussion, on motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to amend Condition 4 of the above motion, as follows:

4. The following rescue or safety equipment and personnel shall be provided on-site for the event: *a fire truck*, one (1) Advance Life Support (ALS) Ambulance, one (1) Basic Life Support (BLS) Ambulance, one (1) EMS Gator (BLS), an EMS First Aid Station with 2 persons one of which shall be ALS, and one (1) Incident Commander.

The amended motion carried unanimously.

After further discussion, on motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to amend Condition 11 of the above motion, as follows:

11. No exhibit or event area shall be located closer than one hundred (100) feet to any ~~lot line~~ *adjoining property.*

The amended motion carried unanimously.

After additional discussion, on motion made by Mr. Chipman and seconded by Mrs. Cooper, it was moved to amend Condition 2 of the above motion, as follows:

2. The event shall be authorized for October 1, 2016 between the hours of 8:00 a.m. and ~~7:00~~ *5:00 p.m.*

The amended motion carried unanimously.

Thereafter, the original motion carried unanimously, as amended.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:35 p.m.

John R. Meadows, Chairperson

Holly Meade, Secretary

Copies of all files and materials presented to the BZA are attached to and become a part of these minutes. A recording of the meeting is on file for one (1) year.