

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
NOVEMBER 2, 2017**

*Site Visit
12:00 p.m.
Parking Lot – Corner of Lee Street and John Marshall Street
Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held an adjourned meeting on Thursday, November 2, 2017, beginning at 12:00 p.m. at the parking lot on the corner of Lee Street and John Marshall Street, Warrenton, Virginia to attend a site visit at Teets Kennel, 11065 Harley Drive, Bealeton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian A. Tufts, Jr., Vice-Chairperson; and Mr. Benjamin Tissue, Jr. Also present were Ms. Holly Meade, Chief of Planning/Secretary; and Mr. Ben Holt, Planner II. Members absent were Mr. Bill Chipman and Mrs. Mary North Cooper.

Upon arriving at the site, the group was met by Mr. Frank Reinhardt, representative, and Ms. Devon Settle, Executive Director of the Fauquier SPCA. The group toured the site and discussed the application.

The meeting was adjourned at approximately 12:30 p.m.

*Work Session
12:45 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, November 2, 2017, beginning at approximately 12:45 p.m. in the Warren Green Building, Second Floor Conference Room, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Jr., Vice-Chairperson; Mr. Bill Chipman; Mrs. Mary North Cooper; and Mr. Benjamin Tissue, Jr. Also present were Ms. Holly Meade, Chief of Planning/Secretary; Mr. Rob Walton, Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Ms. Heather Jenkins, Senior Planner; Mr. Ben Holt, Planner II; Mr. Myles Busching, Planner I; Ms. Stephanie Miller, Planning Associate II; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT-17-008064 – MANSOOR AHMED & FAREEHA MANSOOR (OWNERS)/MEHRAJ NOOR (APPLICANT)/MZ AUTO – An application for a Category 14 Special Permit for a motorcycle dealership, PIN 6981-24-5113-000, located at 9654 James Madison Highway, Marshall District, Warrenton, Virginia. (Ben Holt, Staff)

SPECIAL PERMIT #SPPT-17-008090, DIANA L. WEBBER, TRUSTEE/WEBBER LIVING TRUST (OWNER)/THEIR VOICE RESCUE (APPLICANT) – THEIR VOICE RESCUE – An application for a Category 13 Special Permit to operate a rescue and adoption kennel, PIN 6042-52-2679-000, located at 2581 Winchester Road, Marshall District, Delaplane, Virginia. (Myles Busching, Staff)

Mr. Busching reviewed the application.

SPECIAL PERMIT #SPPT-17-008069, JOLEEN REINHARDT (OWNER/APPLICANT) – TEETS KENNEL – An application for a Category 13 Special Permit to allow the continued operation of a breeding kennel, PIN 6889-34-7522-000, located at 11065 Harley Drive, Lee District, Bealeton, Virginia. (Ben Holt, Staff)

Mr. Holt reviewed the application.

ADJOURNMENT:

The meeting was adjourned at approximately 1:40 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, November 2, 2017, 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. Maximilian Tufts, Jr., Vice-Chairperson; Mr. Bill Chipman; Mrs. Mary North Cooper; and Mr. Benjamin Tissue, Jr. Also present were Ms. Holly Meade, Chief of Planning/Secretary; Mr. Rob Walton, Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Ms. Heather Jenkins, Senior Planner; Mr. Ben Holt, Planner II; Mr. Myles Busching, Planner I; Ms. Stephanie Miller, Planning Associate II; and Mrs. Fran Williams, Administrative Manager.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the public hearing protocol.

Ms. Meade stated that, to the best of her 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. Tufts and seconded by Mr. Tissue, it was moved to approve the October 5, 2017 minutes.

The motion carried unanimously.

REGULAR AGENDA:

SPECIAL PERMIT #SPPT-17-008064 – MANSOOR AHMED & FAREEHA MANSOOR (OWNERS)/MEHRAJ NOOR (APPLICANT) MZ AUTO – An application for a Category 14 Special Permit for a vehicle dealership, PIN 6981-24-5113-000, located at 9654 James Madison Highway, Marshall District, Warrenton, Virginia. (Ben Holt, Staff)

SPECIAL PERMIT #SPPT-17-008069, JOLEEN REINHARDT (OWNER/APPLICANT) – TEETS KENNEL – An application for a Category 13 Special Permit to allow the continued operation of a breeding kennel, PIN 6889-34-7522-000, located at 11065 Harley Drive, Lee District, Bealeton, Virginia. (Ben Holt, Staff)

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

Mr. Meadows opened the public hearing.

Mr. Frank Reinhardt, representative, expressed agreement with the staff report. Mr. Reinhardt stated that, if the application is approved, he would prefer not to have a spay/neuter requirement included since his dogs are not AKC registered and the vast majority are sold as pets. In addition, Mr. Reinhardt noted that it is his intent to construct a new facility to house the dogs within the next year.

Mr. Meadows expressed appreciation that a new facility will be constructed within the next year, but stated the Board would like to see drawings of the proposed building.

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

After discussion, on motion made by Mr. Chipman and seconded by Mr. Tufts, it was moved to postpone action on this item until the next regularly scheduled meeting, with the public

hearing left open, to allow time for the representative to obtain drawings of the proposed kennel structure.

The motion carried unanimously.

SPECIAL PERMIT #SPPT-17-008090, DIANA L. WEBBER, TRUSTEE/WEBBER LIVING TRUST (OWNER)/THEIR VOICE RESCUE (APPLICANT) – THEIR VOICE RESCUE – An application for a Category 13 Special Permit to operate a rescue and adoption kennel, PIN 6042-52-2679-000, located at 2581 Winchester Road, Marshall District, Delaplane, Virginia. (Myles Busching, Staff)

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

Mr. Meadows opened the public hearing.

Mildred F. Slater, Esq., representative, expressed agreement with the staff report.

Ms. Ursula Landsrath, Animal Rescue Fund (ARF) of Virginia president and neighbor, spoke in support of granting approval of this application.

Ms. Diana Webber, owner, spoke in support of approval.

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

On motion made by Mr. Tufts and seconded by Mrs. Cooper, 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 submitted with the Special Permit application except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The kennel shall be limited to the rescue kennel use. No commercial breeding, boarding, training, or grooming shall take place on the property.
3. The rescue kennel shall be limited to dogs only.
4. All dogs shall be spayed or neutered prior to adoption if medically possible.
5. The kennel shall have a maximum of seven (7) employees and volunteers on-site at any time.
6. A maximum of thirty (30) dogs shall be permitted on the property at any time, including pets.
7. Customer visits to the property shall be limited to the hours between 9:00 a.m. and 5:00 p.m., daily, and shall occur by appointment only.
8. Arriving and departing dogs shall be leashed at all times.
9. All kennels and fenced areas shall be set back at least 100 feet from the property line.
10. The kennel shall be properly monitored at all times by someone on-site to ensure the safety of the animals and a quiet environment.
11. Use of the outdoor runs and play area shall be limited to the hours between 6:00 a.m. and 10:00 p.m. Direct supervision shall be provided at all times that the group play area is in use.
12. The indoor kennels shall be ventilated and soundproofed so that there will be no emission of odor or noise detrimental to other properties in the area.
13. Animal waste shall be collected daily and transported, at least weekly, from the site for deposit in an authorized facility.
14. The kennel drains shall be connected to a septic system to ensure proper disposal of all wastewater.
15. No signage shall be permitted in conjunction with this use.
16. The Applicant shall obtain all local, state, and federal permits necessary for kennel operation.

17. The Applicant shall submit a Contingency Plan with the Site Plan to include, but not limited to, plans for disaster response and evacuations, as well as points of contact for emergency situations. The Contingency Plan shall be updated no later than December 1st of each year.

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

11. Use of the outdoor runs and play area shall be limited to the hours between 6:00 a.m. and ~~10:00~~ 9:00 p.m. Direct supervision shall be provided at all times that the group play area is in use.

The motion carried unanimously, as amended.

Thereafter, the original motion carried unanimously, as amended.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 2:40 p.m.

John R. Meadows, Chairperson

Holly Meade, Secretary

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