

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
DECEMBER 7, 2017**

*Work Session
1:15 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, December 7, 2017, beginning at approximately 1:15 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, Assistant Director/Secretary; Mr. Rob Walton, Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Ms. Amy Rogers, Senior Planner; Mr. Ben Holt, Planner II; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

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.

SPECIAL PERMIT #SPPT-17-008262 – N & K, LLC (OWNER/APPLICANT) – McMICHAEL'S NEW HOLLAND OF WARRENTON – An application to amend a previously approved Category 14 Special Permit for farm equipment sales, rental and service, PIN 7916-67-0405-000, 7916-67-1596-000, and 7916-67-0647-000, located at 4224, 4232 and 4242 Lee Highway, Scott District, Warrenton, Virginia. (Adam Shellenberger, Staff)

Ms. Meade stated that the applicant has requested a postponement.

SPECIAL PERMIT #SPPT-17-008293 – ZOAR BAPTIST CHURCH/ZOAR BAPTIST CHURCH TRUSTEES (OWNERS/APPLICANTS) – ZOAR BAPTIST CHURCH – An application to amend a previously approved Category 6 Special Permit to add a meeting hall, classrooms, and bathrooms to a place of worship, PIN 7839-66-0973-000 and 7839-57-7280-000, located at 11036 Elk Run Road, Cedar Run District, Catlett, Virginia. (Ben Holt, Staff)

Mr. Holt reviewed the application.

VARIANCE #VARI-17-008274, KHOA DANG DO (OWNER/APPLICANT) – DO PROPERTY – An application for a variance to reduce the required 105 foot minimum front yard setback from James Madison Highway; reduce the required 75 foot minimum front yard setback from Old Culpeper Road; and reduce the required 25 foot minimum side yard setback, PIN 6982-22-6444-000, located at 9232 James Madison Highway, Marshall District, Warrenton, Virginia. (Rob Walton, Staff)

Mr. Walton 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, December 7, 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, Assistant Director/Secretary; Mr. Rob Walton, Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Ms. Amy Rogers, Senior Planner; Mr. Ben Holt, Planner 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 Mrs. Cooper, it was moved to approve the November 2, 2017 minutes.

The motion carried unanimously.

REGULAR AGENDA:

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.

Mr. Meadows opened the public hearing.

Mr. Frank Reinhardt, representative, expressed agreement with the staff report.

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

On motion made by Mr. Tufts and seconded by Mr. Chipman, 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.
7. The extent and character of the use is such that the one hundred (100) foot setback is not needed to protect the health, safety and welfare of neighbors.

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 use 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. A maximum of twenty-five (25) adult dogs shall be housed on-site, which is defined as any dog more than six (6) months of age, inclusive of personal pets.
3. The Applicant shall be limited on-site to the commercial breeding and sale of Labradoodles and Goldendoodles only. There shall be a maximum of eight (8) litters per year.
4. Upon the delivery of each litter, the Applicant shall provide documentation to the Zoning Administrator regarding the number of puppies born and the date of their birth. Upon receiving such documentation, the Zoning Office shall give the Applicant a date stamped copy as proof of receipt.
5. All customer visits to the property shall be limited to the hours between 10:00 a.m. and 5:00 p.m. daily, by appointment only.
6. No structure, including fencing, associated with the use shall be located closer than seventy-five (75) feet from any property line.
7. Animal waste generated by the breeding facility shall be collected daily and disposed of weekly at an authorized facility.
8. No burial of dogs shall be allowed on the subject property.
9. Arriving and departing dogs shall be leashed at all times.
10. The Applicant shall submit a Contingency Plan with the Site Plan to include, but not limited to, plans for disaster response, evacuations, a change in the number of caretakers, and care of the animals in case of overnight absences of the family, as well as points of contact for emergency situations. The Contingency Plan shall be updated no later than November 1st of each year.
11. The Applicant shall obtain all necessary federal, state, and local permits and inspections to include, among others, a permit issued by Fauquier County Animal Control for a dealer in companion animals.
12. Use of the outdoor runs and play area shall be limited to the hours between 6:00 a.m. and 9:00 p.m. and shall require direct supervision.
13. The new indoor kennel shall be constructed and building permits finalized within eighteen (18) months of approval of this Special Permit.
14. The Applicant shall include in the contract of sale a provision which requires that the purchaser must return the dog, at any age, to the Applicant, or deliver it to a suitable home approved by the Applicant, if he or she is unable or unwilling to keep the animal. The Applicant shall provide the Zoning Administrator with a copy of the contract within thirty (30) days of the Board approval of the Special Permit.
15. The Special Permit is issued for a period of ten (10) years.

After discussion, on motion made by Mr. Tufts and seconded by Mr. Tissue, it was moved to amend Condition 8 of the above motion, as follows:

8. No burial of dogs shall be allowed on the subject property, *except personal pets*.

The motion carried unanimously, as amended.

Thereafter, the original motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT-17-008262 – N & K, LLC (OWNER/APPLICANT) – McMICHAEL'S NEW HOLLAND OF WARRENTON – An application to amend a previously approved Category 14 Special Permit for farm equipment sales, rental and service, PIN 7916-67-0405-000, 7916-67-1596-000, and 7916-67-0647-000, located at 4224, 4232 and 4242 Lee Highway, Scott District, Warrenton, Virginia. (Adam Shellenberger, Staff)

Ms. Meade stated that the applicant has requested a postponement.

Mr. Meadows opened the public hearing.

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

On motion made by Mr. Tissue and seconded by Mr. Tufts, it was moved to postpone action on this item, at the applicant's request, until the second next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

VARIANCE #VARI-17-008274, KHOA DANG DO (OWNER/APPLICANT) – DO PROPERTY – An application for a variance to reduce the required 105 foot minimum front yard setback from James Madison Highway; reduce the required 75 foot minimum front yard setback from Old Culpeper Road; and reduce the required 25 foot minimum side yard setback, PIN 6982-22-6444-000, located at 9232 James Madison Highway, Marshall District, Warrenton, Virginia. (Rob Walton, Staff)

Mr. Walton reviewed the staff report.

Mr. Meadows opened the public hearing.

Mr. Dan Clark, representative, expressed agreement with the staff report. Mr. Clark stated that his client was unaware of the previous Variance approval until the current application was submitted.

A discussion ensued regarding the number of wells currently on the property, their location, and if there is enough area for a drainfield and reserve drainfield.

Mr. Roger Cordani, representative, stated that a second capped well is located on the property.

Mr. Clark stated that he was not aware of this second well until the property owner mentioned it to him. He acknowledged that he had not done any field work on this project, but had relied on information from a surveyor the applicant had hired previously.

Mr. Meadows expressed concern that not enough is known about exactly what is located on the property.

Mr. Tissue stated that it is important to know the exact location of the wells to determine the distance from the proposed house and drainfield on such a small parcel.

Mr. Clark requested a postponement until the next regularly scheduled meeting so that additional information can be submitted.

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

On motion made by Mr. Tufts and seconded by Mr. Tissue, it was moved to postpone action on this item, at the applicant's request, until the next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

SPECIAL PERMIT #SPPT-17-008293 – ZOAR BAPTIST CHURCH/ZOAR BAPTIST CHURCH TRUSTEES (OWNERS/APPLICANTS) – ZOAR BAPTIST CHURCH – An application to amend a previously approved Category 6 Special Permit to add a meeting hall, classrooms, and bathrooms to a place of worship, PIN 7839-66-0973-000 and 7839-57-7280-000, located at 11036 Elk Run Road, Cedar Run District, Catlett, Virginia. (Ben Holt, Staff)

Mr. Holt reviewed the staff report.

Mr. Meadows opened the public hearing.

Mr. Mark Jenkins, representative, expressed agreement with the staff report.

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

On motion made by Mr. Chipman 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 use 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. A Site Plan shall be required for the use.
3. The setback between the edge of the proposed addition and any septic tank shall be a minimum of ten (10) feet. The Applicant shall obtain a permit from the Health Department prior to any septic tank relocation.
4. Any development encroaching upon existing stormwater management facilities shall require modification to the impacted stormwater facilities to ensure that drainage capacity is not reduced.
5. The proposed addition shall be a minimum of fifteen (15) feet from side and rear property lines.
6. Any well serving the place of worship shall be located on the same lot as the worship hall facilities.
7. Parking and loading areas shall not be located within any required yard area.
8. Any new lighting or changes to the existing lighting fixtures shall meet the requirements of Article 9 of the Zoning Ordinance.

The motion carried unanimously.

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.