

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
OCTOBER 4, 2018**

*Site Visit  
10:30 a.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, October 4, 2018, beginning at 10:30 a.m. at the parking lot on the corner of Lee Street and John Marshall Street, Warrenton, Virginia to attend a site visit at the Deming Property, 2494 Kenner Lane, Midland, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian A. Tufts, Jr., Vice-Chairperson; Mr. Bill Chipman, and Mrs. Mary North Cooper. Also present were Mr. Adam Shellenberger, Chief of Planning and Mr. Ben Holt, Planner II. Member absent was Mr. Benjamin Tissue, Jr.

Upon arriving at the site, the group was met by Mr. & Mrs. Brian Deming. The group toured the site and discussed the application.

The meeting was adjourned at approximately 11:50 a.m.

*Work Session  
1:25 p.m.  
Warren Green Building, First Floor Meeting Room  
10 Hotel Street  
Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held a work session on Thursday, October 4, 2018, beginning at approximately 1:25 p.m. in the Warren Green Building, First Floor Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Jr., Vice-Chairperson; Mr. Bill Chipman; and Mrs. Mary North Cooper. Also present were Mr. Adam Shellenberger, Chief of Planning; Ms. Heather Jenkins, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Josh Frederick, Senior Planner; Mr. Ben Holt, Planner II; Ms. Kara Krantz, Planner; and Mrs. Fran Williams, Administrative Manager/Secretary. Member absent was Mr. Benjamin Tissue, Jr.

**INTRODUCTION:**

Mr. Shellenberger introduced Mr. Josh Frederick, who was recently hired as a Senior Planner within the Department of Community Development.

**MINUTES:**

Board members reviewed the September 6, 2018 minutes.

**AGENDA ITEMS:**

**SPECIAL PERMIT #SPPT-18-009740, BRIAN KEITH & CARRIE HELENE DEMING (OWNERS/APPLICANTS) – DEMING LAWN & LANDSCAPE, LLC** – An application for a Category 2 Special Permit to operate a small contracting business as a major home occupation, PIN 7837-58-0310-000, located at 2494 Kenner Lane, Cedar Run District, Midland, Virginia. (Ben Holt, Staff) *Note: Public hearing was closed on September 6, 2018.*

Mr. Holt reviewed the application.

**SPECIAL PERMIT #SPPT-18-009816 – MARSH ROAD, LLC (OWNER/APPLICANT) – NICK'S COUNTRY STORE & U-HAUL DISPATCH SITE** – An application for a Category 14 Special Permit to operate an automobile sales, rental and service facility, PIN 6899-24-9087-000, located at 11127 Marsh Road, Lee District, Bealeton, Virginia. (Kara Krantz, Staff)

Ms. Krantz reviewed the application.

**SPECIAL PERMIT #SPPT-18-009901 – SONNY MADSEN (CONTRACT OWNER/APPLICANT) – FRISKY PAWS BOARDING ACADEMY** – An application for a Category 13 Special Permit to operate a training and boarding kennel, PIN 6980-28-1112-000, located at 10160 Avatar Way, Lee District, Bealeton, Virginia. (Ben Holt, Staff)

Mr. Holt reviewed the application.

Mr. Chipman recused himself from any discussion on this matter.

**SPECIAL PERMIT #SPPT-18-009903 – COMMUNICATION WORKERS OF AMERICA LOCAL 2222 (CONTRACT OWNER/APPLICANT) – COMMUNICATION WORKERS OF AMERICA LOCAL 2222** – An application for a Special Permit to allow an office in the Marshall-Residential zoning district, PIN 6969-78-9016-000, located at 4186 Winchester Road, Marshall District, Marshall, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

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, October 4, 2018, beginning at 2:00 p.m. in the Warren Green Building, First Floor Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Jr., Vice-Chairperson; Mr. Bill Chipman; and Mrs. Mary North Cooper. Also present were Mr. Adam Shellenberger, Chief of Planning; Ms. Holly Meade, Assistant Director of Community Development; Ms. Heather Jenkins, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Josh Frederick, Senior Planner; Mr. Ben Holt, Planner II; Ms. Kara Krantz, Planner; and Mrs. Fran Williams, Administrative Manager/Secretary. Member absent was Mr. Benjamin Tissue, Jr.

**LETTERS OF NOTIFICATION AND PUBLIC NOTICE:**

Mrs. Williams read the public hearing protocol.

Mr. Shellenberger 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. Tufts and seconded by Mr. Chipman, it was moved to approve the September 6, 2018 minutes.

The motion carried 4 to 0, as follows:

AYES: Mr. Meadows, Mr. Chipman, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tissue

**REGULAR AGENDA:**

**SPECIAL PERMIT #SPPT-18-009740, BRIAN KEITH & CARRIE HELENE DEMING (OWNERS/APPLICANTS) – DEMING LAWN & LANDSCAPE, LLC** – An application for a Category 2 Special Permit to operate a small contracting business as a major home

occupation, PIN 7837-58-0310-000, located at 2494 Kenner Lane, Cedar Run District, Midland, Virginia. (Ben Holt, Staff) *Note: Public hearing was closed on September 6, 2018.*

Mr. Shellenberger introduced the application and noted that the public hearing was closed on September 6, 2018.

Mr. Holt reviewed the staff report and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public meeting.

Mr. Chipman and the applicants, Mr. & Mrs. Brian Deming, reviewed last month's discussion regarding the number of requested employees and vehicles in excess of 1½ tons.

Mr. Meadows closed the public meeting.

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 or 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 type and amount of traffic generated by the use is such that it will not cause an undue impact on neighbors or adversely affect the safety of road usage.

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. Normal hours of operation shall be generally limited to between the hours of 6:30 a.m. and 8:00 p.m., Monday through Saturday.
3. Customers shall not be permitted to visit the property.
4. The number of employees allowed to work from the subject property shall be limited to five (5) persons, including the Applicant.
5. Not more than two (2) vehicles in excess of 1½ tons and/or pieces of equipment shall be operated from the site or stored there overnight.
6. Structures to be used in connection with the business shall be limited to the hoop structure and storage shed. The total area of these structures shall not exceed three thousand five hundred (3,500) square feet.
7. The detached garage shall not be used in connection with the business operation.
8. The area covered by any outdoor storage in connection with the use shall not exceed five thousand (5,000) square feet.
9. All equipment associated with the use shall be stored in an enclosed structure or within the designated outdoor storage area.
10. Any signage shall be properly permitted and conform to the provisions of Section 8-601.3 of the Fauquier County Zoning Ordinance.
11. All parking, loading and storage areas shall be limited to the area indicated on the Special Permit Exhibit. Use areas related to the small contracting business shall be located not less than fifty (50) feet from any lot line.
12. Parking, loading and storage areas shall be effectively screened from view.
13. Intersection sight distance along Bristersburg Road (Route 616) shall be verified prior to release of the Site Plan.
14. The Applicant shall obtain applicable building and zoning permits for all structures on the property.
15. A Site Plan shall be required for the use.
16. This Special Permit shall be issued for a period of one (1) year. Per Zoning Ordinance Section 5-202.10, the permittee may apply annually for one (1) year renewals by the Zoning Administrator. The application for renewal shall be received at least sixty (60) days prior to expiration of the Special Permit. If the permittee does not apply for the renewal, the permit shall expire at the end of the one (1) year period.

The motion carried 4 to 0, as follows:

AYES: Mr. Meadows, Mr. Chipman, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tissue

**SPECIAL PERMIT #SPPT-18-009816 – MARSH ROAD, LLC (OWNER/APPLICANT) NICK'S COUNTRY STORE & U-HAUL DISPATCH SITE** – An application for a Category 14 Special Permit to operate an automobile sales, rental and service facility, PIN 6899-24-9087-000, located at 11127 Marsh Road, Lee District, Bealeton, Virginia. (Kara Krantz, Staff)

Ms. Krantz reviewed the staff report.

Mr. Meadows opened the public hearing.

Mr. Joe Sarsour, 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 or 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. There shall be no more than ten (10) moving truck rentals (10 foot cargo trucks, cargo vans, pick-up trucks), cargo trailers, utility trailers, car/motorcycle trailers and/or similar vehicles less than 1½ tons available for rent from the property.
3. The hours of operation for the U-Haul Dispatch Site shall be limited to the period of 7:00 a.m. to 8:00 p.m.
4. The proposed vehicle storage area for the use shall be located behind the building and shall be screened.
5. Existing vegetation along the rear property line shall be preserved.
6. All signage shall be properly permitted and conform to the provisions of Article 8 in the Zoning Ordinance or removed.
7. All rental vehicles must be in operating condition and located within the designated storage area.
8. A Site Plan is required to be approved and released prior to commencement of the use.

The motion carried 4 to 0, as follows:

AYES: Mr. Meadows, Mr. Chipman, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tissue

**SPECIAL PERMIT #SPPT-18-009901 – SONNY MADSEN (CONTRACT OWNER/APPLICANT) – FRISKY PAWS BOARDING ACADEMY** – An application for a Category 13 Special Permit to operate a training and boarding kennel, PIN 6980-28-1112-000, located at 10160 Avatar Way, Lee District, Bealeton, Virginia. (Ben Holt, Staff)

Mr. Holt reviewed the staff report.

Mr. Chipman recused himself from any discussion and/or vote on this matter.

Mr. Meadows opened the public hearing.

Ms. Sonny Madsen, applicant, expressed agreement with the staff report.

Mr. Mike Wintermyer, who owns the property immediately to the south, spoke in opposition citing his concern about noise, which will cause a diminished quality of life once his home is constructed. Mr. Wintermyer stated that another location may be more appropriate because of the size of the subject parcel. He also stated that another neighbor, Ms. Sheila Madison, has written a letter in opposition due to noise concerns.

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

Mr. Tufts stated that while he respects the neighbors' concerns, a kennel previously operated from this location and it is his belief that with the proposed new design and soundproofing, noise will not be an issue.

Mr. Meadows noted that the applicant could have 12 personal pets on the property by-right.

After additional discussion, 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 or 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 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. The kennel shall be limited to a maximum of thirty (30) dogs for boarding and/or training; no commercial breeding shall take place on the property.
3. There shall be no more than five (5) employees on-site at any time. Additionally, the kennel shall be properly monitored at all times by at least one (1) employee on-site.
4. Customer visits to the property shall be generally limited to between 9:00 a.m. and 6:00 p.m. When arriving and departing, all dogs shall be leashed or kept in carriers.
5. Animal waste shall be collected daily and transported, at least weekly, from the site for deposit in an authorized facility.
6. No on-site burial of dogs shall be allowed.
7. All structures, outdoor fenced areas and parking areas associated with the kennel shall be located at least fifty (50) feet from all property lines and one hundred (100) feet from the southern property line. Additionally, the kennel building shall be air conditioned and soundproofed.
8. Use of the outdoor play area shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. Supervision shall be provided at all times that the outdoor play area is in use. The play area shall be located on the north side of the kennel.
9. Use of the outdoor dog runs attached to the kennel building shall be limited to between the hours of 7:00 a.m. and 8:00 p.m.
10. The Applicant shall obtain applicable building and zoning permits for all structures on the property.
11. Signage shall be in compliance with Article 8 of the Zoning Ordinance, and all applicable permits shall be obtained.
12. The Applicant shall obtain all local, state, and federal permits necessary for kennel operation.
13. A Site Plan shall be required for the use.
14. An Emergency Plan shall be given to the Zoning Administrator.
15. Additional screening on the south side of the kennel with six (6) foot evergreens shall be installed.

After discussion, on motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to amend Condition #9 of the previous motion, as follows:

9. Use of the outdoor dog runs attached to the kennel building shall be limited to between the hours of 7:00 a.m. and 8:00 p.m. *and be located on the north side of the kennel.*

The amended motion carried 3 to 0, as follows:

AYES: Mr. Meadows, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: Mr. Chipman

ABSENT: Mr. Tissue

After further discussion, on motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to amend Condition #8 of the previous motion, as follows:

8. Use of the outdoor play area shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. Supervision shall be provided at all times that the outdoor play area is in use. The play area shall be located on the north side of the kennel *and a minimum of one hundred (100) feet from the western property line.*

The amended motion carried 3 to 0, as follows:

AYES: Mr. Meadows, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: Mr. Chipman

ABSENT: Mr. Tissue

After additional discussion, on motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to amend Condition #14 of the previous motion, as follows:

14. An Emergency Plan shall be given to the Zoning Administrator *annually.*

The amended motion carried 3 to 0, as follows:

AYES: Mr. Meadows, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: Mr. Chipman

ABSENT: Mr. Tissue

Thereafter, the original motion carried 3 to 0, as amended, as follows:

AYES: Mr. Meadows, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: Mr. Chipman

ABSENT: Mr. Tissue

**SPECIAL PERMIT #SPPT-18-009903 – COMMUNICATION WORKERS OF AMERICA LOCAL 2222 (CONTRACT OWNER/APPLICANT) – COMMUNICATION WORKERS OF AMERICA LOCAL 2222** – An application for a Special Permit to allow an office in the Marshall-Residential zoning district, PIN 6969-78-9016-000, located at 4186 Winchester Road, Marshall District, Marshall, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the staff report.

Mr. Meadows opened the public hearing.

Mr. Jeremy French, representative, expressed agreement with the staff report.

Ms. Courtney Marshall, a neighbor, stated that she is not opposed to the current proposal, but inquired if a commercial business would be allowed to operate on the site should the owners decide to sell the property. She also asked about construction hours and if there is any possibility of neon signage.

Mr. Shellenberger responded that the use would be limited to office facilities and the Zoning Ordinance does not allow neon signage.

Ms. Jenkins stated that both the Zoning Ordinance and County Code limit the hours of construction noise, with the County Code allowing construction to begin at 7:00 a.m.

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

On motion made by Mr. Chipman 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 or 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. Hours of operation shall be generally limited to between 7:30 a.m. and 5:30 p.m., Monday through Friday.
3. The office shall not employ more than six (6) persons at any one time.
4. All applicable building permits shall be issued prior to commencement of the use.
5. A Certificate of Appropriateness, as required by Zoning Ordinance Section 4-1003, shall be obtained prior to additions or alterations to the existing structure that are visible from adjoining public streets and/or construction of the new building.
6. All signage shall comply with the standards set forth in Article 8 of the Fauquier County Zoning Ordinance, and all appropriate permits shall be obtained prior to installation.
7. A Site Plan shall be required to establish the use.
8. The proposed building shall be constructed prior to June 1, 2019 or the existing parking shall be completely screened from Winchester Road.

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

8. *The proposed use construction shall start prior to June 1, 2019 or the existing parking shall be completely screened from Winchester Road.*

The amended motion carried 4 to 0, as follows:

AYES: Mr. Meadows, Mr. Chipman, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tissue

Thereafter, the original motion carried 4 to 0, as amended, as follows:

AYES: Mr. Meadows, Mr. Chipman, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tissue

**OTHER BUSINESS:**

- Mr. Meadows announced that the Board has received a "Certificate of Imminent Peril" from the Zoning Administrator related to property owned by Thomas & Jody A. Schottler (PIN 7847-88-1968-000).
- Mr. Meadows acknowledged a thank you card received from Ms. Holly Meade.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at approximately 3:00 p.m.

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John R. Meadows, Chairperson

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Fran Williams, 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.*