

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
AUGUST 6, 2020**

*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, August 6, 2020, 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; Mrs. Mary North Cooper; Mr. Benjamin Tissue, Jr.; and Mr. Lawrence G. McDade.

Also present were Mr. Adam Shellenberger, Chief of Planning; Ms. Heather Jenkins, Assistant Chief of Zoning/Development Services; Ms. Mary Catherine Anderson, Senior Assistant County Attorney; and Mrs. Meredith Meixner, Planning Associate.

Staff participating remotely included Ms. Kara Krantz, Planner II and Ms. Lauren Runyan, Planner.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mr. Shellenberger 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. Tissue, it was moved to approve the February 6, 2020 minutes.

The motion carried unanimously.

REGULAR AGENDA:

SPECIAL PERMIT – #SPPT-20-012944 – SALAMANDER GROUP, LLC (OWNER)/DENYA PECORA (APPLICANT) – PECORA DEZINE, INC. – An application for a Category 2 Special Permit to operate a small contracting business as a major

home occupation, PIN 6081-44-1761-000 and 6081-54-1734-000, located at 3140 Zulla Road, Scott District, The Plains, Virginia. (Lauren Runyan, Staff)

Ms. Runyan reviewed the staff report.

Mr. Meadows opened the public hearing.

Ms. Denya Pecora, applicant, expressed agreement with the staff report.

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

After discussion, on motion made by Mr. Tufts and seconded by Mr. McDade, 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 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 hours of on-site operation of the small contracting business shall be generally limited to 8:00 a.m. to 4:30 p.m., Monday through Saturday, with the exception of emergency calls which may occur outside of these hours.
3. There shall not be any public contact on the property associated with the use.

4. A maximum of five (5) employees, including the owner/applicant, shall be permitted to engage in the on-site operation of the business.
5. Not more than five (5) vehicles shall be operated from the site or stored there overnight.
6. Structures used in conjunction with the business shall be clearly indicated on the Site Plan and limited to the storage shop (approximately 240 square feet) and office (approximately 96 square feet) within the residence.
7. Outdoor storage in connection with the small contracting business shall be limited to 3,520 square feet within the existing gravel area and clearly indicated on the Site Plan.
8. All parking and loading spaces, open storage and loading areas, and structures related to the small contracting business shall be located not less than fifty (50) feet from any lot line. Additionally, these areas shall be effectively screened from view.
9. All signage shall be properly permitted and conform to the provisions of Section 8-601.3 of the Fauquier County Zoning Ordinance.
10. No manufacturing, processing or assembly shall occur in conjunction with the small contracting business.
11. All applicable zoning and building permits shall be obtained prior to establishment of the use.
12. A Site Plan shall be required prior to the establishment of the use.
13. 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 the 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 unanimously.

SPECIAL PERMIT – #SPPT-20-012945 – GARY THOMAS WOOD (OWNER/APPLICANT) – WOOD PROPERTY – An application for a Category 2 Special Permit to operate a small contracting business as a major home occupation, PIN 7931-34-6547-000, located at 9746 Elk Run Road, Cedar Run District, Catlett, Virginia. (Kara Krantz, Staff)

Ms. Krantz reviewed the staff report.

Mr. Meadows opened the public hearing.

Jennifer R. Moore, Esq., representative, expressed agreement with the staff report.

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

On motion made by Mrs. Cooper 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 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 hours of on-site operation of the small contracting business shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
3. There shall not be any public contact on the property associated with the use.
4. A maximum of five (5) employees, including the owner/applicant, shall be permitted to engage in the on-site operation of the business at any one time.
5. Not more than five (5) vehicles in excess of 1½ tons and/or pieces of equipment shall be operated from the site or stored there overnight.
6. Indoor storage in connection with the small contracting business shall be limited to the 3,200 square foot existing “Shop” and shall be clearly indicated on the Site Plan.

7. Outdoor storage in connection with the small contracting business shall be limited to 5,000 square feet and shall be clearly indicated on the Site Plan.
8. All parking and loading spaces, open storage and loading areas, and structures related to the small contracting business shall be located not less than fifty (50) feet from any lot line. Additionally, these areas shall be effectively screened from view.
9. No manufacturing, processing or assembly shall occur in conjunction with the small contracting business.
10. All petroleum based products and all non-biodegradable liquids associated with the maintenance of vehicles and equipment shall be properly disposed of off-site.
11. All signage shall be properly permitted and conform to the provisions of Section 8-601.3 of the Fauquier County Zoning Ordinance.
12. A Site Plan shall be approved prior to the establishment of the use.
13. 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 the 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.

After discussion, the motion carried unanimously.

SPECIAL PERMIT – #SPPT-20-012645 – OPAL OIL, INC. (OWNER)/ANGELA JRAB (APPLICANT) – A & M PUPPIES, LLC d/b/a THE PUPPY SHOP – An application for a Category 13 Special Permit to operate a kennel offering pet sales in a Commercial district, PIN 7906-83-4511-000, located at 5021-A Lee Highway, Scott District, Warrenton, Virginia. (Lauren Runyan, Staff)

Ms. Runyan reviewed the staff report.

After discussion, Mr. Meadows explained that the Board of Zoning Appeals has the responsibility to consider land use issues only. He noted that if there are additional concerns, these will be addressed by other agencies. Thereafter, Mr. Meadows opened the public hearing.

Ms. Angela Jrab, applicant, expressed agreement with the staff report and reviewed the proposal.

Christian A. Brashear, Esq., representative, clarified that his client has no objection to only purchasing puppies from USDA approved breeders. Mr. Brashear noted that improvements (i.e., soundproofing, the addition of a more secure door, etc.) to the facility have already begun. He also stated that all animal waste will be collected twice a day, double-bagged, and disposed of off-site at the landfill.

After discussion, on motion made by Mr. Tissue and seconded by Mr. McDade, it was moved to postpone action on this item until the next regularly scheduled meeting, with the public hearing left open, which would allow the applicant an opportunity to submit a new diagram to scale showing the layout of the building to ensure there is adequate space for her proposal.

After further discussion, Mr. Tissue rescinded his motion to postpone action on this item until the next regularly scheduled meeting, with the public hearing left open.

On motion made by Mrs. Cooper and seconded by Mr. Tissue, it was moved to close the public hearing.

The motion carried unanimously and the public hearing was, therefore, closed by Mr. Meadows.

After additional discussion, on motion made by Mr. McDade 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 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 pet sales. There shall be no breeding, grooming, training or boarding of dogs on the property. Puppies at the facility shall be secured only from USDA licensed breeders.

3. The applicant shall adhere to all applicable Virginia Code requirements for adequate housing and procurement of the puppies.
4. At no time shall there be more than twenty-four (24) puppies available for sale from the facility.
5. The facility shall be completely enclosed and soundproofed. Additionally, it shall be constructed and maintained so that there will be no emission of odor or noise detrimental to other properties in the area.
6. The use shall be strictly indoors. Dogs are only permitted to be outdoors when arriving or departing the facility. All dogs shall be crated or otherwise controlled while arriving or departing the facility.
7. Animal waste shall be collected daily and disposed of in an authorized facility in accordance with the waste management plan.
8. No on-site burial or composting of animals shall be allowed.
9. A sign permit is required prior to replacing or refacing any existing signage.
10. The Applicant shall obtain all necessary federal, state and local permits and inspections, including but not limited to a permit to operate a pet store pursuant to Section 4-36 of the Fauquier County Code of Ordinances.
11. All applicable building/zoning permits shall be obtained prior to commencement of the use.
12. A Site Plan which demonstrates all applicable provisions of the Zoning Ordinance have been met shall be required prior to the establishment of the use.
13. A security monitoring system shall be installed and maintained during operation of the facility.
14. 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 the 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.

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

14. 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 the 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 amended motion carried unanimously.

After further discussion, on motion made by Mrs. Cooper and seconded by Mr. Tufts, it was moved to amend Condition #13 of the above motion, as follows:

13. ~~A security monitoring system shall be installed and maintained during operation of the facility.~~ *A remotely accessible security video monitoring system shall be installed and maintained during operation of the facility.*

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

2. The kennel shall be limited to pet sales *of puppies ages eight (8) to sixteen (16) weeks.* There shall be no breeding, grooming, training or boarding of dogs on the property. Puppies at the facility shall be secured only from USDA licensed breeders.

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 approximately 3:25 p.m.

John R. Meadows, Chairperson

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.