

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
FEBRUARY 5, 2015**

*Work Session
1:15 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, February 5, 2015, beginning at 1:15 p.m. in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, 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 Ms. Holly Meade, Chief of Planning/Secretary; Mr. Andrew Hopewell, Assistant Chief of Planning; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Adam Shellenberger, Senior Planner/Urban Designer; Mr. Don Del Rosso, Planner II; Ms. Heather Jenkins, Planner II; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT-14-002328, THE BRIDGE COMMUNITY ASSEMBLY OF GOD CHURCH (OWNER/APPLICANT) – THE BRIDGE COMMUNITY ASSEMBLY OF GOD CHURCH

Applicant is requesting Special Permit approval to allow a place of worship, PIN 6982-37-6989-000, 6982-38-9358-000, 6982-47-3844-000, and 6982-47-2625-000, located at 8776 James Madison Highway, 8816 James Madison Highway, and 8826 James Madison Highway, Marshall District, Warrenton, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

SPECIAL PERMIT #SPPT-15-002428, JUNIPER TREE PROPERTIES, LC, A/K/A JUNIPER TREE PROPERTIES, LLC (OWNER/APPLICANT) – OPAL GATEWAY MEDICAL CARE FACILITY AND PROFESSIONAL OFFICE

Applicant is requesting Special Permit approval to allow for a medical care facility and a professional office over 20,000 square feet, PIN 6980-49-5324-000, located at 10171 Marsh Road, Cedar Run District, Bealeton, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

SPECIAL PERMIT #SPPT-14-001735, THE ATOKA PRESERVATION SOCIETY, INC. (OWNER)/THE ATOKA PRESERVATION SOCIETY, INC. & THE MOSBY HERITAGE AREA ASSOCIATION (APPLICANTS) – THE BROWN HOUSE

Applicants are requesting Special Permit approval to operate a professional office with six (6) or less employees, PIN 6073-99-1292-000, located at 7260 Rectors Lane, Scott District, Marshall, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the application.

SPECIAL PERMIT #SPPT-14-002421, JOHN RANDALL MEADOWS (OWNER/APPLICANT) – MEADOWS ELECTRIC, LLC

Applicant is requesting Special Permit approval to allow a small contracting business as a major home occupation, PIN 6889-19-3585-000, located at 7261 Covingtons Corner Road, Lee District, Bealeton, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

Mr. Meadows recused himself from any discussion of this application.

ADJOURNMENT:

The meeting was adjourned at 1:55 p.m.

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

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, February 5, 2015, beginning at 2:00 p.m. in the Warren Green Meeting Room, 10 Hotel Street, 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 Ms. Holly Meade, Chief of Planning/Secretary; Mr. Andrew Hopewell, Assistant Chief of Planning; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Adam Shellenberger, Senior Planner/Urban Designer; Mr. Rob Walton, Senior Planner; Mr. Don Del Rosso, Planner II; Ms. Heather Jenkins, Planner II; Mr. Ben Holt, Planner; and Mrs. Fran Williams, Administrative Manager.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

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. Brown and seconded by Mr. Tufts, it was moved to approve the January 7, 2015 minutes.

The motion carried unanimously.

REGULAR AGENDA:

SPECIAL PERMIT #SPPT-14-002328, THE BRIDGE COMMUNITY ASSEMBLY OF GOD CHURCH (OWNER/APPLICANT) – THE BRIDGE COMMUNITY ASSEMBLY OF GOD CHURCH

Applicant is requesting Special Permit approval to allow a place of worship, PIN 6982-37-6989-000, 6982-38-9358-000, 6982-47-3844-000, and 6982-47-2625-000, located at 8776 James Madison Highway, 8816 James Madison Highway, and 8826 James Madison Highway, Marshall District, Warrenton, Virginia. (Don Del Rosso, Staff)

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

Mr. Meadows re-opened the public hearing.

Pastor Greg Hackett, applicant, expressed agreement with the staff report. Pastor Hackett respectfully requested that proposed Condition #9 be revised as follows: “Phase I and Phase II entrances are subject to VDOT approval. *Upon installation of the “Phase II entrance, the Phase I” entrance shall be closed to all church-related uses.*” He stated that this should alleviate any concerns regarding access to the property and allow them to proceed with acquiring the necessary financing for the project.

Merle W. Fallon, Esquire, representative, reviewed the proposal and concurred with the previous speaker’s comments.

Ms. Amy Pritchard, representative, spoke in support of approving this application. Ms. Pritchard stated that the applicant is ready to move forward with Phase I of the project. She also noted that issues related to the proposed Phase II southern entrance can be resolved during the Site Plan review process.

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

Mr. Brown expressed concern about traffic issues raised by this application.

After discussion, 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 Board of Zoning Appeals (BZA) does not have the authority to grant permission to cross property dedicated to public use in Deed Book 1365, Page 262; additional approval from the Board of Supervisors is needed.

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 and as shown on “Special Use Permit Plat (Category 6) The Bridge Community Church” dated November 21, 2014 prepared by Carson/Ashley, except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The use of the office building and the church facility on-site shall be exclusively limited to church uses and uses incidental thereto.
3. Should the ultimate driveway configuration for “Phase II” not be in general accordance with the Special Permit plat, a Special Permit amendment will be required.
4. The use of the nursery shall be exclusively limited to church attendees during church-related activities.

5. A vegetative screen consisting of a row of staggered evergreen trees shall be installed along the perimeter of all parking areas. The plantings shall be appropriately spaced at the time of planting to ensure proper screening upon maturity.
6. The applicant shall be required to fulfill all necessary landscaping requirements of the Fauquier County Zoning Ordinance.
7. Maintenance of all landscaping on-site is required.
8. The applicant shall consult with the Virginia Department of Transportation (VDOT) regarding the appropriateness of adding a “No U-Turn” sign at the intersection of Lovers Lane and Route 29 and provide the results of that consultation to Zoning staff during Site Plan review.
9. “Phase I” and “Phase II” entrances are subject to VDOT approval.
10. All lighting shall comply with the standards set forth in the Fauquier County Zoning Ordinance.
11. All signage shall comply with the standards set forth in the Fauquier County Zoning Ordinance.
12. The applicant shall obtain all necessary Health Department approvals prior to release of the Site Plan.
13. The proposed use shall be established, or construction authorized shall be diligently pursued, within five (5) years of approval, commencing with the month in which the Board of Zoning Appeals approves it.

The motion carried unanimously.

SPECIAL PERMIT #SPPT-14-001735, THE ATOKA PRESERVATION SOCIETY, INC. (OWNER)/THE ATOKA PRESERVATION SOCIETY, INC. & THE MOSBY HERITAGE AREA ASSOCIATION (APPLICANTS) – THE BROWN HOUSE

Applicants are requesting Special Permit approval to operate a professional office with six (6) or less employees, PIN 6073-99-1292-000, located at 7260 Rectors Lane, Scott District, Marshall, Virginia. (Holly Meade, Staff)

Ms. Meade 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.

Ms. Leslie Van Sant, representative, 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. Chipman 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.
7. The type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect 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 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. Regular office hours shall be limited to the hours between 8:30 a.m. and 6:00 p.m. Monthly Board meetings shall be permitted, concluding no later than 8:00 p.m.
3. Proof of adequate water and septic shall be provided prior to release of the Site Plan.
4. All applicable zoning and building permits shall be obtained prior to release of the Site Plan.
5. No activities shall result in more than the authorized occupancy limits under the Health Department septic permit.
6. The applicant shall monitor the water usage.

7. On-site parking areas shall be screened so that they are not visible from the first story window levels of the adjoining property.
8. The office is limited to a maximum of six (6) paid staff or employees during regular office hours.
9. Any addition or alteration to The Brown House shall be in conformance with Section 10-100 of the Zoning Ordinance, Non-Conforming Uses.
10. Any addition to The Brown House shall require an amendment to the Special Permit.
11. The Applicants shall provide proof of the recorded well easement prior to release of the Site Plan.

The motion carried unanimously.

SPECIAL PERMIT #SPPT-15-002428, JUNIPER TREE PROPERTIES, LC, A/K/A JUNIPER TREE PROPERTIES, LLC (OWNER/APPLICANT) – OPAL GATEWAY MEDICAL CARE FACILITY AND PROFESSIONAL OFFICE

Applicant is requesting Special Permit approval to allow for a medical care facility and a professional office over 20,000 square feet, PIN 6980-49-5324-000, located at 10171 Marsh Road, Cedar Run District, Bealeton, 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.

Mr. Joe Wiltse, representative, expressed partial agreement with the staff report. Mr. Wiltse requested that the application be approved with his suggested revised conditions, which allow additional flexibility regarding the design of the medical center. A copy of the proposed revised conditions is attached to and made a part of these official minutes. Mr. Wiltse stated that if the Board cannot move forward with an approval, he would like to request that action be postponed until the next regularly scheduled meeting to allow time to work through the unresolved issues regarding this proposal.

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

After discussion, on motion made by Mr. Chipman and seconded by Mr. Brown, it was moved to postpone action on this item until the April 2, 2015 regular meeting, at the applicant's request, with the public hearing closed.

After further discussion, the Board decided to conduct a Work Session concerning this application at 1:00 p.m. on Thursday, March 5, 2015.

Mr. Meadows recused himself from any discussion or vote on the next application and turned the meeting over to the Vice-Chairperson, Mr. Brown.

SPECIAL PERMIT #SPPT-14-002421, JOHN RANDALL MEADOWS (OWNER/APPLICANT) – MEADOWS ELECTRIC, LLC

Applicant is requesting Special Permit approval to allow a small contracting business as a major home occupation, PIN 6889-19-3585-000, located at 7261 Covingtons Corner Road, Lee District, Bealeton, 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. Brown opened the public hearing.

Mr. John Meadows, applicant, expressed agreement with the staff report.

In that there were no further speakers, Mr. Brown 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.
7. The type and amount of traffic generated by the use is such that it will not cause an undue impact on the 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 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 shall be limited to 5,000 square feet of the Ag-Use Equipment Shed (Permit #14-2204, issued by Fauquier County on December 23, 2014) as indicated on the Special Permit Exhibits. Any required zoning or building permits, to change the use of the permitted Ag-Use Equipment Shed, shall be obtained prior to re-locating the business to the property.
3. All activity related to the small contracting business shall be generally limited to Mondays through Fridays, between the hours of 6:00 a.m. and 6:00 p.m. The business is permitted to offer on-call emergency service 24 hours a day, seven (7) days a week.
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 five (5) vehicles in excess of 1½ ton and/or pieces of equipment shall be operated from the site or stored there overnight.

After discussion, on motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to amend the above motion to add Condition #6, as follows:

6. *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 to amend carried 4 to 0, as follows:

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

NAYS: None

ABSTENTION: Mr. Meadows

ABSENT: None

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

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

NAYS: None

ABSTENTION: Mr. Meadows

ABSENT: None

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:25 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.