

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
MARCH 6, 2014**

*Work Session
1:00 p.m.
Warrenton Visitor Center
33 North Calhoun Street, Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held a work session on Thursday, March 6, 2014, beginning at 1:00 p.m. at the Warrenton Visitor Center, 33 North Calhoun 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, Assistant Chief of Planning; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Don Del Rosso, Planner II; Mr. Chris Pettit, Planner; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT14-MA-014, D & T ASSOCIATES LIMITED PARTNERSHIP (OWNER/APPLICANT) – MARSHALL FORD CAR WASH ADDITION

Applicant is requesting an amendment to a previously approved Special Permit to allow the expansion of an existing motor vehicle wash, PIN 6969-68-6810-000, located at 8325 West Main Street, Marshall District, Marshall, Virginia. (Chris Pettit, Staff)

Mr. Pettit reviewed the application.

SPECIAL PERMIT #SPPT14-MA-015, DIANA L. WEBBER, SOLE TRUSTEE OF THE WEBBER LIVING TRUST & ANGELIC J. WEBBER, SOLE TRUSTEE OF THE ANGELIC WEBBER LIVING TRUST (OWNERS/APPLICANTS) – WEBBERPACK ANIMAL ADOPTION AND GETAWAY (WAAAG)

Applicant is requesting Special Permit approval to allow an animal shelter, PIN 6042-52-2679-000, located at 2581 Winchester Road, Marshall District, Delaplane, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

SPECIAL PERMIT #SPPT14-SC-016 & SPPT14-SC-017, AGB WARRANTY SERVICES, LLC (OWNER/APPLICANT) – AUTO STORAGE & DETAILING FACILITY

Applicant is requesting an amendment to a previously approved Special Permit for the expansion of an existing automobile inventory storage facility; and Special Permit approval to allow a motor vehicle wash, PIN 7906-00-6244-000, located at 5457 Lee Highway, Scott District, Warrenton, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

FREEDOM OF INFORMATION ACT (FOIA) DISCUSSION:

Ms. Primeau reviewed Freedom of Information Act (FOIA) regulations with the Board.

ADJOURNMENT:

The meeting was adjourned at 1:50 p.m.

*Regularly Scheduled Meeting
2:00 p.m.
Warrenton Visitor Center
33 North Calhoun Street, Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, March 6, 2014, beginning at 2:00 p.m. at the Warrenton Visitor Center, 33 North Calhoun 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, Assistant Chief of Planning; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Don Del Rosso, Planner II; Mr. Chris Pettit, Planner; and Mrs. Fran Williams, Administrative Manager.

INTRODUCTION:

Mr. Meadows introduced and welcomed Mr. Bill Chipman, who was recently appointed to the Board.

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 and posted.

MINUTES:

On motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to approve the February 6, 2014 minutes, as amended. The following language should be added to Page 4:

“Jonathan Shoemaker, Esq., representative, requested permission to submit new material, including a timeline and photographs. The Board declined the request.”

The motion carried unanimously.

REGULAR AGENDA:

SPECIAL PERMIT #SPPT14-MA-014, D & T ASSOCIATES LIMITED PARTNERSHIP (OWNER/APPLICANT) – MARSHALL FORD CAR WASH ADDITION

Applicant is requesting an amendment to a previously approved Special Permit to allow the expansion of an existing motor vehicle wash, PIN 6969-68-6810-000, located at 8325 West Main Street, Marshall District, Marshall, Virginia. (Chris Pettit, Staff)

Mr. Pettit 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. David Baird, applicant, 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 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 and drawings submitted with the Special Permit application, Special Permit plat dated 12/15/13 prepared by Carson/Ashley, except as specifically modified by the conditions below.
2. This Special Permit (SPPT14-MA-014) supersedes the previous Special Permit (SPPT06-MA-034).
3. Should the use of the car dealership (PIN 6969-69-6006-000) cease, the private car wash (labeled "Car Wash Detail Building" on the Special Permit plat) shall no longer be permitted.
4. The proposed private car wash (labeled "Car Wash Detail Building" on the Special Permit plat) shall meet the front setback requirements of the C-1 district found in the Fauquier County Zoning Ordinance, notwithstanding the approximate location as identified in the Special Permit plat dated 12/15/13.
5. The hours of operation for the public car wash (labeled "Existing Carwash" on the Special Permit plat) generally shall be limited to 8:00 a.m. to 8:00 p.m., Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday and Sunday.
6. The hours of operation for the proposed private car wash (labeled "Car Wash Detail Building" on the Special Permit plat) shall be limited to the hours of operation of the Marshall Ford car dealership.
7. All customers shall be required to enter and exit the site from Route 55 via Towne Center Drive.
8. All water for the car wash uses shall be trucked in or supplied by a Fauquier County Water and Sanitation Authority (FCWSA) central water system. Should the applicant connect to FCWSA central water, a written confirmation from FCWSA shall be provided to the Department of Community Development within 30 days of the connection.
9. No well shall be permitted without amendment to this Special Permit.

10. All new lighting on the site shall conform to Article 9 of the Fauquier County Zoning Ordinance.
11. All signage associated with the existing and proposed car washes shall conform to the Fauquier County Zoning Ordinance.
12. All landscaping and buffering on the site shall conform to the Fauquier County Zoning Ordinance.
13. A Site Plan shall be required for this use.

After discussion, on motion made by Mr. Meadows and seconded by Mr. Brown, it was moved to amend Condition #3 as follows:

3. Should the use of the car dealership (PIN 6969-69-6006-000) cease, the private car wash *use* (labeled “Car Wash Detail Building” on the Special Permit plat) shall no longer be permitted.

The motion carried unanimously.

Thereafter, the original motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT14-MA-015, DIANA L. WEBBER, SOLE TRUSTEE OF THE WEBBER LIVING TRUST & ANGELIC J. WEBBER, SOLE TRUSTEE OF THE ANGELIC WEBBER LIVING TRUST (OWNERS/APPLICANTS) – WEBBERPACK ANIMAL ADOPTION AND GETAWAY (WAAAG)

Applicant is requesting Special Permit approval to allow an animal shelter, PIN 6042-52-2679-000, located at 2581 Winchester Road, Marshall District, Delaplane, 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 opened the public hearing.

Ms. Angelic Webber, 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. Brown 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 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 applicant shall be required to fulfill all necessary landscaping requirements pursuant to Article 7 of the Fauquier County Zoning Ordinance. Landscaping requirements shall be reviewed during the Site Plan process.
3. All outdoor fenced areas and structures associated with the kennel shall be located a minimum of seventy-five (75) feet from all property lines.
4. The barn shall be located a minimum of one hundred (100) feet from all property lines.
5. No more than twenty-five (25) dogs shall be kept on the property, including personal pets.
6. In addition to the permitted dogs, no more than ten (10) additional animal units shall be kept on the property. Article 15 of the Fauquier County Zoning Ordinance defines an animal unit as “the equivalent of 1,000 pounds of live animal weight.”
7. Arriving and departing dogs shall be leashed at all times.
8. Except for the proposed paddocks, all uses associated with the kennel/shelter shall be enclosed by a board fence. The board shall include no-climb fencing and shall be a minimum of four (4) feet in height.
9. The kennel/shelter and livestock shall be properly monitored at all times.

10. All dogs shall have supervision when using the play areas.
11. All visits to the property related to the kennel/animal shelter shall be limited to Tuesday through Sunday between 10:00 a.m. to 5:00 p.m., and shall be by appointment only.
12. All lighting on the site shall conform to Article 9 of the Fauquier County Zoning Ordinance.
13. The use shall be limited to one (1) sign on-site not to exceed nine (9) square feet in area and eight (8) feet in height.
14. Upon reasonable notice by Fauquier County, the applicants shall grant the County access to the subject property, including access to the interior of all structures on the property, to determine compliance with the Fauquier County Zoning Ordinance and this Special Permit.
15. Animal waste generated by the kennel and the applicants' pets shall be contained and disposed of in conformance with those standards set forth in the United States Department of Agriculture and Natural Resource Conservation Service's publication titled "Composting Dog Waste."
16. The applicants shall be required to locate the composting facility a minimum of one hundred (100) feet from the floodplain, streams and all property lines.
17. There shall be no land application of composted animal waste associated with the use within one hundred (100) feet of the floodplain, streams and all property lines.
18. With the exception of minor maintenance, the applicants shall maintain the existing vegetation within one hundred (100) feet of the floodplain and all property lines.
19. The applicants shall obtain appropriate building/zoning permits for the structures associated with the kennel.
20. A Site Plan shall be required for this use.

The motion carried unanimously.

SPECIAL PERMIT #SPPT14-SC-016 & SPPT14-SC-017, AGB WARRANTY SERVICES, LLC (OWNER/APPLICANT) – AUTO STORAGE & DETAILING FACILITY

Applicant is requesting an amendment to a previously approved Special Permit for the expansion of an existing automobile inventory storage facility; and Special Permit approval to

allow a motor vehicle wash, PIN 7906-00-6244-000, located at 5457 Lee Highway, Scott 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 opened the public hearing.

Mr. Jim Carson, representative, expressed agreement with the staff report. Mr. Carson stated that his client was unable to get the Fauquier County Water and Sanitation Authority (WSA) to provide a letter regarding the water and sewer issue in time to submit the application, which he would like to have expedited. Mr. Carson noted that it is the intent of his client to connect to WSA's central water and sewer systems. Mr. Carson also stated that the proposed facility will use a maximum of 950 gallons of water per day, which is less than the equivalent of three residential connections. Mr. Carson further stated that, due to a misunderstanding, the previously required landscaping was not completed by his client.

Mr. Bill Towne, a resident of Snow Hill, stated that while he is not completely opposed to approval of the request, he does have three areas of concern: (1) all requirements regarding stormwater management and wastewater discharge should be adhered to, including permitting and monitoring; (2) adequate screening and landscaping of the proposed use; and (3) traffic and safety.

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

Mrs. Cooper expressed concern that the applicant has not fully complied with the landscaping requirement in the previously approved Special Permit.

Mr. Andrew Budd, applicant, stated that the previously required landscaping, which he has no objection to completing, was not done due to a misunderstanding. Mr. Budd further stated that it is his wish to be a good corporate citizen and that this facility will be good for the community.

After discussion, on motion made by Mr. Brown 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.

The motion carried unanimously.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:15 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.