

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JUNE 5, 2014**

*Work Session
12:45 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, June 5, 2014, beginning at 12:45 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; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Don Del Rosso, Planner II; Mr. Rob Walton, Senior Planner; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT-14-000567, BUCHANAN HALL (OWNER)/BUCHANAN HALL CORPORATION (APPLICANT) – BUCHANAN HALL

Applicant is requesting Special Permit approval to continue to operate a community hall, PIN 6064-14-7137-000, located at 8549 John S. Mosby Highway, Marshall District, Upperville, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

SPECIAL PERMIT #SPPT-14-000845, GRAY & DEBRA COYNER (OWNERS)/ELIZABETH G. DANIELSEN (APPLICANT) – SPIRITUAL CARE SUPPORT MINISTRY

Applicant is requesting Special Permit approval to operate a business or professional office with six (6) or less employees, PIN 6995-24-0410-000, located at 6394 Airlie Road, Scott District, Warrenton, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

SPECIAL PERMIT #SPPT-14-000849, CARLA DELACROIX NAMMACK (OWNER/APPLICANT) – COUNTRY CLUB KENNELS, LLC

Applicant is requesting Special Permit approval to allow the continued operation and expansion of a kennel/animal shelter, PIN 7930-11-8700-000, located at 10739 Bristersburg Road, Cedar Run District, Catlett, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

SPECIAL PERMIT #SPPT-14-000862, CBCAM, LLC (OWNER/APPLICANT) – LEE HIGHWAY NURSERY & FARM EQUIPMENT SALES/SERVICE

Applicant is seeking Special Permit approval to expand the parking and storage area associated with the existing farmer's market, greenhouse and farm equipment sales and service facility, PIN 6982-10-4663-000, located at 7185 Burke Lane, Marshall District, Warrenton, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the application.

ADJOURNMENT:

The meeting was adjourned at 1:25 p.m.

<p><i>Regularly Scheduled Meeting 2:00 p.m. Warren Green Meeting Room 10 Hotel Street Warrenton, Virginia</i></p>

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, June 5, 2014, 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; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Don Del Rosso, Planner II; and Mrs. Fran Williams, Administrative Manager.

ANNOUNCEMENTS:

Mr. Meadows announced that Ms. Meade has been promoted to Chief of Planning and offered congratulations on behalf of 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, 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 April 3, 2014 and May 1, 2014 minutes.

The motion carried unanimously.

REGULAR AGENDA:

SPECIAL PERMIT #SPPT-14-000567, BUCHANAN HALL (OWNER)/BUCHANAN HALL CORPORATION (APPLICANT) – BUCHANAN HALL

Applicant is requesting Special Permit approval to continue to operate a community hall, PIN 6064-14-7137-000, located at 8549 John S. Mosby Highway, Marshall District, Upperville, 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. Christopher Patusky, representative, expressed agreement with the staff report, with one exception. Mr. Patusky stated that while staff has recommended no time limit be placed on the Special Permit, if granted, he is now requesting a three year approval period to honor an agreement made with the neighbors by previous Buchanan Hall board members.

Mr. Paul Hasse, a neighbor, spoke in support of the request with a three year approval period.

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 except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. All activities shall end no later than 12:00 a.m. midnight, except on New Year's Eve, when the activity shall end no later than 2:00 a.m.
3. The applicant shall install a meter to monitor water use within sixty (60) days of the Board of Zoning Appeals' approval of the Special Permit. This information shall be submitted to the Department of Community Development and the Virginia Health Department monthly for the first year. Following the first year, the water use information shall be submitted quarterly to the Department of Community Development and the Virginia Department of Health. Should there be evidence that the use exceeds the septic capacity, the applicant shall address the exceedence and correct as necessary within thirty (30) days. Following such a determination, the applicant shall begin reporting monthly again for three (3) months, after such time quarterly reporting shall resume.
4. There shall be no outdoor amplified music or sound permitted at any time. All sound shall comply with the applicable standard set forth in the Fauquier County Zoning Ordinance.
5. All signs on-site shall conform to the Fauquier County Zoning Ordinance.
6. All lighting on-site shall conform to the Fauquier County Zoning Ordinance.
7. No activity shall exceed the limits of the Health Department septic permit.

8. No activity shall exceed the occupancy limits as listed on the required Certificate of Occupancy.
9. The Special Permit shall be issued for a period of three (3) years.

The motion carried unanimously.

SPECIAL PERMIT #SPPT-14-000845, GRAY & DEBRA COYNER (OWNERS)/ELIZABETH G. DANIELSEN (APPLICANT) – SPIRITUAL CARE SUPPORT MINISTRY

Applicant is requesting Special Permit approval to operate a business or professional office with six (6) or less employees, PIN 6995-24-0410-000, located at 6394 Airlie Road, 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. Gray Coyner, owner, expressed agreement with the staff report.

Ms. Wanda Dellinger, a neighbor, stated that she would like to see this item postponed to allow additional time to determine possible impacts of this proposal on her neighborhood.

Mr. Josh Harder, a neighbor, expressed concern about increased traffic and other possible impacts this proposal would have on the area. Mr. Harder also suggested that action on this item be postponed to allow more time for the neighbors to get answers to their questions.

Chaplain Elizabeth Danielsen, applicant, reviewed the proposal. Chaplain Danielsen stated that there is a growing need for more long term support and education for individuals suffering emotionally, physically, and spiritually from chronic illness and personal losses. Chaplain Danielsen noted that her non-profit organization provides all services free of charge and has actively been offering support to individuals in Fauquier County and the surrounding area for the past 10 years. The services provided by her organization help individuals of all ages return to their families and the community with renewed hope and healing.

Ms. Amy Furr, a volunteer and former client, spoke in support of the proposal, saying that Spiritual Care Support Ministry (SCSM) saved her life and she is now able to offer this same hope to others. Ms. Furr stated that this organization is an integral and necessary part of our community.

Ms. Karen Duby, a volunteer and former client, spoke in support of the application, stating that she received emotional support after several personal losses, including the death of her husband, her parents, and a student in her elementary school classroom.

Ms. Susan Izzie, a client, spoke in support of the proposal, stating that she has received support and care from this organization after multiple losses. She stated that her parents were

involved in what was thought to be a minor automobile accident, but two days later they were both on life support, leaving her to make a heart-wrenching decision.

Pastor Jeff Light, an SCSM board member, spoke in support of approval of this application, stating that this ministry is quiet in nature and it would not have a negative impact on the community.

Ms. Elisha Tindle, a neighbor, stated that while she appreciates the services provided by this organization, she does have concerns about the number of on-site employees and possible increased traffic in the area.

Ms. Kelly Kern, a previous volunteer and the first paid employee, spoke in support of approving this application. Ms. Kern stated that the amount of traffic would be minimal and would not be a hindrance on the lives of neighbors.

Ms. Virginia Wright, a previous client and current SCSM board member, spoke in support of approval of this application. Ms. Wright stated that she received the necessary emotional support when she lost her husband after a long illness.

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

On motion made by Mr. Chipman and seconded by Mrs. Cooper, 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.

SPECIAL PERMIT #SPPT-14-000849, CARLA DELACROIX NAMMACK (OWNER/APPLICANT) – COUNTRY CLUB KENNELS, LLC

Applicant is requesting Special Permit approval to allow the continued operation and expansion of a kennel/animal shelter, PIN 7930-11-8700-000, located at 10739 Bristersburg Road, Cedar Run District, Catlett, 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. Carla Nammack, applicant, expressed agreement with the staff report. Ms. Nammack reviewed her proposal and stated that she has an excellent reputation and provides a much needed service to the community. Ms. Nammack distributed photos, copies of which are attached to and made an official part of these minutes, of some of the special needs dogs that have been taken in through her Chance Foundation.

Mr. Matt Slaughter, an employee, spoke in support of approval, stating that this facility is unique and that many clients arrange their vacations around its availability to board their pets.

Ms. Peggy Evans, a client and volunteer, spoke in support of approval, stating that the animals are well taken care of. Ms. Evans stated that this facility is beneficial for the entire community.

Mr. Russ Atanasio, a client, spoke in support of approval, stating that this facility has an excellent reputation. Mr. Atanasio further stated that he previously lived on the premises for several months and there is minimal noise. He also noted that the facility provides an economic benefit to the County.

Mr. Lamar Boone, a neighbor, stated that while he is not against this facility, he does not want to see an increase in the number of animals allowed. Mr. Boone stated that the dogs do not bark all the time, but during feeding times there is a lot of barking which affects his family's quality of life if they want to sit on their front porch or have the windows open.

Mr. Chuck Vernon, a client, spoke in support of approval. Mr. Vernon stated that he owns a special needs dog and frequently uses this facility.

Mr. Joseph Ganley, a client and volunteer, spoke in support of approval. Mr. Ganley stated that Ms. Nammack is a savior to many unwanted and unloved dogs and that noise at the facility is minimal.

Ms. Gail Babcock, a client, spoke in support of approval and noted that she has been a loyal customer since 2004.

Ms. Paula Triantafell, a client, spoke in support of approval. Ms. Triantafell stated that this facility is very tranquil and well run. She also noted that it is located in the country, where you would expect to hear the sounds of dogs, chickens, cows, and other animals.

Mr. Austin Nammack, brother of the applicant, spoke in support of approval. Mr. Nammack stated that he operates a similar facility on 24 acres in Orange County and has not received any noise complaints. Mr. Nammack noted that this facility is on 48 acres, with someone always present, and the noise is minimal.

Ms. Madison Ross, an employee, spoke in support of approval.

Ms. Peggy Swalve, a client, spoke in support of approval, highlighting the excellent care that her pets have received at this facility. Ms. Swalve also noted the economic benefits the County receives because of this well run place of business.

Mr. Jeff Gross, a client, spoke in support of approval.

Ms. Stephanie Toth, an employee, spoke in support of approval. Ms. Toth stated that she lives on the property and the noise is minimal, noting that she hears more frogs at night than dogs.

Ms. Barbara Bromley, Volunteer Coordinator and Events Planner for the Fauquier County Society for the Prevention of Cruelty to Animals (SPCA), spoke in support of approval. Ms. Bromley stated that this facility is state-of-the-art and run in an extremely professional manner.

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. 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.

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. No more than one hundred twenty (120) dogs shall be kept on the property, including rescue dogs and personal pets.
5. Arriving and departing dogs shall be leashed at all times.
6. All dogs shall have supervision when using the play areas.

7. The Special Permit authorizes grooming services as part of the kennel operation.
8. The Special Permit authorizes private group obedience classes of no more than fifteen (15) dogs at a time and private individual classes. No more than six (6) such training classes shall be held on-site per week.
9. All visits to the property related to the kennel/animal shelter shall be limited to the hours between 8:30 a.m. and 6:30 p.m. Emergency exceptions are allowed.
10. All lighting on-site shall conform to the Fauquier County Zoning Ordinance.
11. All signs on-site shall conform to the Fauquier County Zoning Ordinance.
12. Upon reasonable notice by Fauquier County, the applicant 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.
13. Animal waste generated by the kennel and the applicant's 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."

Or:

Animal waste shall be bagged and transported from the site for deposit in an authorized facility on a weekly basis.

14. Should there be composting on-site, the applicant shall be required to locate the composting facility a minimum of one hundred (100) feet from the stream, ponds and all property lines.
15. Should there be composting on-site, there shall be no land application of composted animal waste associated with the use within one hundred (100) feet of the stream, ponds and all property lines.
16. The applicant shall install a meter to monitor water usage associated with the two (2) kennel structures within sixty (60) days of the Board of Zoning Appeals' approval of the Special Permit. This information shall be submitted to the Department of Community Development and the Virginia Health Department monthly for the first year. Following the first year, the water use information shall be submitted quarterly to the Department of Community Development and the Virginia Department of Health. Should there be evidence that the use exceeds the septic capacity, the applicant shall address the exceedence and correct as necessary within thirty (30) days. Following such a determination, the applicant shall begin reporting monthly again for three months, after such time quarterly reporting shall resume.

17. With the exception of minor maintenance, the applicant shall maintain the existing vegetation within one hundred (100) feet of all property lines.
18. The applicant shall obtain Site Plan approval and all necessary permits prior to the construction of the planned indoor training facility.
19. The planned indoor training facility authorized by this approval shall be permitted to be phased over the lifetime of the project. The activities are not subject to commencement requirements within the Fauquier County Zoning Ordinance.

The motion carried unanimously.

SPECIAL PERMIT #SPPT-14-000862, CBCAM, LLC (OWNER/APPLICANT) – LEE HIGHWAY NURSERY & FARM EQUIPMENT SALES/SERVICE

Applicant is seeking Special Permit approval to expand the parking and storage area associated with the existing farmer's market, greenhouse and farm equipment sales and service facility, PIN 6982-10-4663-000, located at 7185 Burke Lane, Marshall District, Warrenton, 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.

Mr. Cecil Campbell, applicant, 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. 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.

The Special Permits are 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. Outdoor recreational activities are permitted year round on-site. Permitted activities shall be dependent on agricultural products that are produced on-site, with a determination made in this regard by the Zoning Administrator prior to the holding of such activities on-site.
3. Access shall be from Route 1012 (Burke Lane) only.
4. The Farmer's Market is limited to 2,500 square feet within the existing building.
5. Greenhouse/Nursery sales shall be limited to plants, shrubs, trees and other materials used in indoor or outdoor planting, as well as accessory items directly related to their care, maintenance, or aesthetic enhancement. In no case shall power tools, motorized garden vehicles or machinery be sold as part of the Greenhouse. Hand tools, wheelbarrows, and retail sales associated with the greenhouse shall be permitted.
6. Farmer's Market sales shall be limited to agricultural products, value added agricultural products, and accessory products directly related to the culture, care, use of or processing of agricultural products, to include pottery, baskets, baked goods, floral supplies and similar type items. At least 75% of the products shall be produced within the Potomac and Chesapeake watershed areas.
7. All permitted signage requires the appropriate County permits. Signs shall not be displayed in the public right-of-way.
8. Minor mechanical service and body work of automobiles, trucks and heavy equipment may be allowed as an accessory use, subject to the Additional Standards for Farm Equipment Sales, Rental and Service Establishments located in the Zoning Ordinance.
9. Any outdoor storage for automobiles, trucks and heavy equipment awaiting repair is limited to the existing paved area of the site as depicted on the approved Site Plan. Vehicles associated with the Farm Equipment Sales, Rental and Service establishment shall not be located in the proposed parking/storage expansion area depicted on the Special Permit Plat.

10. The expanded parking/storage area depicted on the Special Permit Plat shall only be used in conjunction with the approved uses on the site. Any storage of vehicles or materials, not associated with the current uses on the site, shall be prohibited.
11. The expanded parking/storage area depicted on the Special Permit Plat shall be effectively screened and subject to applicable setbacks.
12. Approval of a Site Plan shall be required for the expanded parking/storage area.

The motion carried unanimously.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:45 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.