

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
JULY 3, 2014**

*Work Session  
1:15 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, July 3, 2014, 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; and Mrs. Mary North Cooper. 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; Mr. Don Del Rosso, Planner II; Ms. Heather Jenkins, Planner II; and Mrs. Fran Williams, Administrative Manager. Member absent was Mr. Maximilian Tufts, Jr.

**AGENDA REVIEW:**

**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-14-001013, NANCY HOPE LOVE (OWNER/APPLICANT) BROOKLAND LABRADORS**

Applicant is requesting Special Permit approval to operate a kennel, PIN 7908-30-0790-000, located at 5369 Brookland Drive, Scott District, Broad Run, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the application.

**ADJOURNMENT:**

The meeting was adjourned at 1:45 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, July 3, 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; and Mrs. Mary North Cooper. 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; Mr. Don Del Rosso, Planner II; Ms. Heather Jenkins, Planner II; and Mrs. Fran Williams, Administrative Manager. Member absent was Mr. Maximilian Tufts, Jr.

**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.

**REGULAR AGENDA:**

**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, requested that his opportunity to speak be reserved until the end.

Mr. Meadows granted the request.

Mr. Noah Furr, a former volunteer, spoke in support of the proposal, outlining how Spiritual Care Support Ministry (SCSM) has helped him with various issues.

Mr. Shawn Furr spoke in support of approval. Mr. Furr stated that having a facility such as SCSM is needed in the community and it would have been a great help when he faced a family tragedy a number of years ago.

Dr. Debra Coyner, owner, spoke in support of the proposal, stating that the current facility is an asset to the community, but more space is needed.

Ms. Susan Izzie, a client, spoke in support of approval, stating that with the assistance of SCSM she has been helped to see the blessings that have come from the tragedies she has faced in her life.

Chaplain Elizabeth Danielsen, applicant, reviewed the proposal. Chaplain Danielsen stated that SCSM is a non-denominational organization that seeks to bring hope, renewal and purpose to those in our community that are experiencing emotional, physical, and spiritual pain. Many who have been helped through SCSM have later volunteered with them or other agencies.

Ms. Virginia Wright, a previous client and current SCSM board member, spoke in support of approval of this application. Ms. Wright stated that it is their desire to be good neighbors and invited anyone with questions to call her.

Mr. Gray Coyner, owner, spoke in support of approval and requested that all supporters stand, at which time a number of audience members stood.

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

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 and proposed use as a grief counseling support ministry center 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 operation are limited to Monday through Saturday, from 8:30 a.m. to 8:00 p.m.
3. On-site employees associated with the use shall be limited to three (3) with not more than twenty (20) vehicles permitted on-site at any time.
4. The proposed building shall be of similar aesthetic and character to the elevations prepared by Timothy L. Everett, dated October 8, 2001 and November 5, 2001, and stamped received June 19, 2014.
5. The proposed structure shall comply with all necessary Building Code requirements.
6. The applicant shall obtain the required Health Department well and septic permits prior to the release of the Site Plan.
7. The entrance on Airlie Road (Route 605) shall meet all Virginia Department of Transportation (VDOT) requirements. All entrance improvements shall be in place prior to the operation of the use.
8. Landscaping and board-on-board fencing shall be installed and maintained to screen the parking area so that it is not visible from the first story window levels of adjoining property.
9. All signs on-site shall conform to the Fauquier County Zoning Ordinance.
10. All lighting on-site shall conform to the Fauquier County Zoning Ordinance.
11. A Site Plan shall be required for this use.

After discussion, on motion made by Mr. Chipman and seconded by Mrs. Cooper, it was moved to amend Condition #3 of the above motion, as follows:

3. *On-site parking shall be limited to twenty (20) vehicles on-site at any time.*

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tufts

Thereafter, the original motion carried 4 – 0, as amended:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tufts

**SPECIAL PERMIT #SPPT-14-001013, NANCY HOPE LOVE (OWNER/APPLICANT)  
BROOKLAND LABRADORS**

Applicant is requesting Special Permit approval to operate a kennel, PIN 7908-30-0790-000, located at 5369 Brookland Drive, Scott District, Broad Run, 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.

Mrs. Cooper inquired if whelping is done in the residence and if access to the residence was gained during a recent site visit.

Ms. Meade responded that she did not enter the residence during her recent site visit with Mr. Meadows and Mr. Chipman. Ms. Meade also stated that staff from the Zoning Office visited the site approximately two months previously and they did enter the residence.

Mr. Meadows noted that he had previously inquired if the residence is actually part of the application, but was told it is not.

Ms. Meade clarified that, in speaking with the applicant, she learned that whelping is done in the residence; therefore, it now becomes part of the application.

Mr. Meadows opened the public hearing.

After being sworn in, Ms. Nancy Love, applicant, expressed agreement with the staff report. Ms. Love requested that her opportunity to speak be reserved until the end.

Mr. Meadows granted the request.

Ms. Michelle Hazel, a neighbor, spoke in support of the proposal.

Mr. Dave Railing, a neighbor, spoke in support of the application.

Mr. Jack Hazel, a neighbor, spoke in support of approval.

Mr. James Percival, a Fairfax County resident, spoke in support of approval. Mr. Percival stated that he has known the applicant since 2007, when he and his family adopted a dog named Helena from her. Helena is now elderly and his family would like to adopt another pet from the applicant.

Mr. Pat Barker, a Fairfax County resident, spoke in support of the proposal. Mr. Barker also read an email in support of approval on behalf of his daughter, Chelsea Barker, who is away at college.

Ms. Alexandra Hazel, a neighbor, spoke in support of the proposal, stating that the applicant breeds healthy, lovable dogs.

Ms. Gerda Garrett, a neighbor, spoke in support of the proposal, stating that she has known the applicant for 16 years.

Ms. Nancy Love, still under oath, reviewed the proposal. In addition, Ms. Love displayed a map showing parcels that are adjacent to her property and stated that she has complete support from all of the owners.

Mr. Marcus Bach, Senior Executive Field Agent with the American Kennel Club (AKC), stated that he has inspected the subject property at least four times during the past ten years and has never found an issue with the care and condition of the dogs. Mr. Bach also stated that the AKC now requires that all breeders have a written emergency plan in place to address what should take place in the event of a natural disaster, incapacitation of the breeder, etc.

Mr. Meadows inquired if the applicant had this required emergency plan in place when she suffered a health crisis in early 2012.

Mr. Bach responded that the applicant did not have an emergency plan in place since the requirement did not come into effect until the latter part of 2012. Mr. Bach also noted that most breeders do not have an emergency plan in place and only become aware of the new requirement during an AKC site visit.

Mr. Chipman stated that he is uncomfortable with not having seen all areas of the property involved in the application.

Mr. Brown stated that, in light of the applicant's health issues, he would like to have more detailed information regarding the proposed emergency plan and the proposal to board dogs.

Mr. Meadows asked what is different from the previously denied application.

Mrs. Cooper stated that the conditions at the kennel are now different. Previously, there were mounds of fecal matter, which is unacceptable.

Mr. Meadows stated that during his recent site visit the property was freshly bushhogged, the pile of fecal matter was gone, and the kennels appeared to be more organized. Mr. Meadows also asked the AKC representative how he would rate the site on a scale of one to ten, with “1” being not very good and “10” being excellent.

Mr. Bach responded that he would give a rating of “7,” noting that while there is room for improvement, it is adequate.

Mr. Meadows stated that the Board’s material contains a letter from a gentleman alleging that one of the applicant’s female dogs was bred by a 14-month-old male dog that he left in her care. Mr. Meadows asked the applicant how a responsible breeder allows this to happen.

Ms. Love stated that, unfortunately, both dogs were in the lower kennel and she did not realize the female was in season.

Mr. Meadows asked the applicant if she would like to request a postponement since several Board members feel they need additional information (i.e., emergency plan and proposal to board dogs) to make a decision.

Ms. Love replied that she sometimes boards dogs that she has bred, and perhaps their companions, when their owners go out of town. Ms. Love also stated that, in the event of an emergency, her neighbors have volunteered to provide the necessary care for her dogs.

**CLOSED MEETING:**

On motion made by Mrs. Cooper and seconded by Mr. Meadows, it was moved to go into a closed meeting, pursuant to *Code of Virginia* Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to Special Permit SPPT-14-001013 (Nancy Hope Love, Owner/Applicant – Brookland Labradors).

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tufts

Upon reconvening from the closed meeting, Mr. Meadows read the following Certification of Closed Meeting:

The Fauquier County Board of Zoning Appeals, having adjourned into a closed meeting this day for the purpose stated in the resolution authorizing such meeting, does hereby certify that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and
2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered in the closed meeting.

This certification shall be recorded in the minutes of the Board of Zoning Appeals on motion of Mrs. Cooper and seconded by Mr. Meadows.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tufts

Mr. Meadows requested that the applicant come forward.

Ms. Nancy Love, applicant, requested that action on this item be postponed until the next regularly scheduled meeting because of questions the Board still has regarding the proposal.

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

After discussion, on motion made by Mr. Brown and seconded by Mrs. Cooper, it was moved to postpone action on this item until the next regularly scheduled meeting, at the applicant's request, with the public hearing left open.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tufts

**OTHER BUSINESS:**

• **MINUTES**

On motion made by Mr. Brown and seconded by Mrs. Cooper, it was moved to approve the June 5, 2014 minutes.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tufts

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 3:55 p.m.

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John R. Meadows, Chairperson

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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.*