

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JULY 3, 2013**

*Site Visit
11:30 a.m.
Parking Lot – Corner of Lee Street and Marshall Street
Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held an adjourned meeting on Wednesday, July 3, 2013, beginning at 11:30 a.m. at the parking lot on the corner of Lee Street and Marshall Street, Warrenton, Virginia to attend a site visit at Canine College, LLC, 11051 Lockhart Lane, Marshall, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Michael Brown, Vice-Chairperson; Mrs. Mary North Cooper; Mr. Harry Russell; and Mr. Maximilian Tufts, Jr. Also present were Ms. Holly Meade, Assistant Chief of Planning/Secretary; and Mr. Don Del Rosso, Planner II.

The meeting was adjourned at 11:55 a.m.

*Work Session
1:15 p.m.
Second Floor Conference Room, Warren Green Building
10 Hotel Street, Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held a work session on Wednesday, July 3, 2013, 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; Mrs. Mary North Cooper; Mr. Harry Russell; and Mr. Maximilian Tufts, Jr. Also present were Ms. Holly Meade, Assistant Chief of Planning/Secretary; Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Mr. Don Del Rosso, Planner II; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT13-MA-023, KEVIN & TRACY TWENTEY (OWNERS)/TRACY TWENTEY (APPLICANT) – CANINE COLLEGE, LLC

Applicant is requesting special permit approval to allow for a kennel, PIN 6936-64-1810-000, located at 11051 Lockhart Lane, Marshall District, Marshall, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

SPECIAL PERMIT #SPPT13-SC-022, STAGECOACH AT BUCKLAND, LLC (OWNER/APPLICANT) – STAGECOACH AT BUCKLAND, LLC (FORMERLY TED’S TACK SHACK)

Applicant is requesting special permit approval to allow for a place of worship, PIN 7916-67-3029-000, located at 6175 Vint Hill Road, Scott District, Warrenton, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the application.

SPECIAL PERMIT #SPPT13-SC-010, JEFFREY L. LEHEW FAMILY, LLC X (OWNER/APPLICANT) – LEHEW PROPERTY

– Applicant is requesting reconsideration of a previously approved special permit to allow for automobile sales in order to amend Condition #16, which states: “The special permit is issued for a period of three (3) years,” PIN 7906-00-6859-000, located at 5459 Old Alexandria Turnpike, Warrenton, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the request.

The meeting was adjourned at 1:40 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 Wednesday, July 3, 2013, 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; Mrs. Mary North Cooper; Mr. Harry Russell; and Mr. Maximilian Tufts, Jr. Also present were Ms. Holly Meade, Assistant Chief of Planning/Secretary; Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Mr. Don Del Rosso, Planner II; and Mrs. Fran Williams, Administrative Manager.

MINUTES:

On motion made by Mr. Russell and seconded by Mr. Tufts, it was moved to approve the June 6, 2013 minutes.

The motion carried unanimously.

REGULAR AGENDA:**SPECIAL PERMIT #SPPT13-SC-022, STAGECOACH AT BUCKLAND, LLC (OWNER/APPLICANT) – STAGECOACH AT BUCKLAND, LLC (FORMERLY TED’S TACK SHACK)**

Applicant is requesting special permit approval to allow for a place of worship, PIN 7916-67-3029-000, located at 6175 Vint Hill Road, Scott 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. Wes Kennedy, representative, 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 except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.

2. The hours of operation for the place of worship are generally limited to Sundays and weekday evenings as specified in the applicant's Statement of Justification.
3. No activities shall exceed the limits of the Virginia Department of Health septic permit.
4. The use shall be limited to the existing improvements on-site. Any increase in septic capacity, square footage, or impervious surface will require an amendment to the Special Permit.
5. The applicant shall obtain authorization from the Virginia Department of Health that the septic system is adequate for the use prior to approval of the site plan.
6. The applicant shall provide landscaping necessary to meet Zoning Ordinance requirements, unless modified as outlined in Section 7-600 of the Zoning Ordinance. The proposed landscaping shall be reviewed during the site plan process.
7. All signage shall conform to Article 8 of the Fauquier County Zoning Ordinance and be properly permitted.
8. An approved site plan shall be required prior to occupancy of the building. The structure cannot be occupied until a Certificate of Occupancy has been issued by the Fauquier County Building Official.
9. The special permit is issued for a period of five (5) years.
10. Bottled water shall be provided for consumption on-site at all times until a public water system, as defined by the Office of Drinking Water, is permitted and installed. Signage notifying patrons that the water is non-potable shall be posted until the public water system is installed.

After discussion, on motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to amend Condition #10 of the above motion, as follows:

10. Bottled water shall be provided for consumption on-site at all times until a public water system, as defined by the Office of Drinking Water, is permitted and installed. ~~Signage notifying patrons that the water is non-potable shall be posted until the public water system is installed.~~ *All points of water available to the public shall have signage posted notifying patrons that the water is non-potable.*

The motion carried unanimously, as amended.

After additional discussion, on motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to further amend Condition #10, as follows:

10. Bottled water shall be provided for consumption on-site at all times until a public water system, as defined by the Office of Drinking Water, is permitted and installed. *All points of water available to ~~the public~~ occupants shall have signage posted notifying patrons that the water is non-potable.*

The motion carried unanimously, as amended.

Thereafter, the original motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT13-MA-023, KEVIN & TRACY TWENTEY (OWNERS)/TRACY TWENTEY (APPLICANT) – CANINE COLLEGE, LLC

Applicant is requesting special permit approval to allow for a kennel, PIN 6936-64-1810-000, located at 11051 Lockhart Lane, Marshall District, Marshall, 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, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Ms. Tracy Twentey, applicant, expressed agreement with the staff report. Ms. Twentey stated that she has reached out to her neighbors so that they could work together to address any concerns regarding the proposed use. Ms. Twentey also stated that she is willing to bear the full expense of maintaining Lockhart Lane from the mailboxes to her driveway.

Mr. Mark Lucas, a neighbor, spoke in opposition to the granting of this special permit, citing concerns about safety and increased traffic on Ernest Robinson Road. Mr. Lucas stated that the Board should postpone action on this item to allow the Virginia Department of Transportation (VDOT) to further study the impact this proposal would have on roads in the area.

Mr. Robert Menuet, a neighbor, spoke in opposition to the granting of this special permit due to concerns about noise, increased traffic, water usage, and the impact that waste from the facility will have on the nearby Thumb Run stream and tributary.

Mr. Danny Shaw, a neighbor, spoke in opposition to the granting of this special permit, citing concerns about safety, increased traffic, and noise.

Mr. Marion Long, a neighbor, spoke in opposition to the granting of this special permit, stating that he is concerned about safety, increased traffic, and noise.

Mr. Joe McClure, a neighbor, spoke in opposition to the granting of this special permit, citing concerns about the impact the proposed facility would have on the quality of life that he and his neighbors currently enjoy. Mr. McClure also stated that a commercial operation is incompatible with this area since his property was recently added to the Orlean/Hume Agricultural & Forestal District.

Mr. Danny Graves, representing neighbors Elmer and Denise Woltering, read a letter in opposition to the proposal. The letter cited concerns about increased traffic and an undue burden the facility would place upon all of the neighbors who use and maintain Lockhart Lane.

Ms. Kathleen Huftalen, a neighbor, spoke in opposition to the granting of this special permit because of concerns about safety and noise.

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

Mr. Brown stated that there may be a need for directional signage.

After discussion, Mr. Meadows asked the applicant if she would like to request a postponement to allow additional time to address concerns that have been raised.

Ms. Tracy Twentey, applicant, requested that action be postponed until the next regularly scheduled meeting.

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

The motion carried unanimously.

OTHER BUSINESS:

SPECIAL PERMIT #SPPT13-SC-010, JEFFREY L. LEHEW FAMILY, LLC X (OWNER/APPLICANT) – LEHEW PROPERTY – Applicant is requesting reconsideration of a previously approved special permit to allow for automobile sales in order to amend Condition #16, which states: "The special permit is issued for a period of three (3) years," PIN 7906-00-6859-000, located at 5459 Old Alexandria Turnpike, Warrenton, Virginia. (Holly Meade, Staff)

Mr. Meadows stated that the applicant has requested reconsideration of his previously approved special permit to increase the time limit.

Joe Silek, Esquire, representative, spoke in support of the request.

After discussion, on motion made by Mr. Brown and seconded by Mrs. Cooper, it was moved to reconsider the previous motion of June 6, 2013 regarding Special Permit #SPPT13-SC-010 at the next regularly scheduled meeting.

The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:40 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.