

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
AUGUST 1, 2013**

*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 Thursday, August 1, 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; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Don Del Rosso, Planner II; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

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 for automobile sales, PIN 7906-00-6859-000, located at 5459 Old Alexandria Turnpike, Warrenton, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the request.

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.

The meeting was adjourned at 1:50 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, August 1, 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; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Don Del Rosso, Planner II; and Mrs. Fran Williams, Administrative Manager.

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 a 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 July 3, 2013 minutes, with the following amendment on Page 6:

“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, ~~at the applicant’s request.~~”

The motion carried unanimously.

REGULAR AGENDA:

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 for automobile sales, PIN 7906-00-6859-000, located at 5459 Old Alexandria Turnpike, 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.

Joe Silek, Esq., representative, expressed agreement with the staff report. Mr. Silek stated that the applicant is requesting that the time limit be extended. This would make it more feasible for a person to make a significant investment in a used car dealership without the fear that the Special Permit may not be renewed after three years.

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 delete Condition #15, which states: "The Special Permit is issued for a period of three (3) years."

After discussion, on motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to amend the above motion so that Condition #15 states: "*The Special Permit is issued for a period of fifteen (15) years with the option of one five (5) year Administrative renewal.*"

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.

Mr. Meadows opened the public hearing.

Ms. Tracy Twentey, applicant, expressed agreement with the staff report. Ms. Twentey reviewed her proposal, including the following options to alleviate the neighbors' concerns regarding safety and traffic: 1) meet new clients at the intersection of John Barton Payne Road and Ernest Robinson Road and have them follow the applicant to the property, or 2) meet all clients at the intersection of John Barton Payne Road and Ernest Robinson Road to transfer the dogs to the applicant's vehicle and she would drive them to the property.

Mr. Mark Lucas, a neighbor, spoke in opposition to the granting of this special permit, citing concerns about noise, safety, road width, and increased traffic on Ernest Robinson Road. Mr. Lucas distributed photos of the road and additional information, copies of which are attached to and made a part of these official minutes.

Ms. Kay McClure, a neighbor, spoke in opposition to the granting of this special permit, citing concerns about noise, the possible negative impact the proposed facility would have on property values and the quality of life that she and her neighbors currently enjoy.

Mr. Marion Long, a neighbor, suggested that, if approved, bonding be required to ensure that any conditions imposed are adhered to.

Ms. Sherry Shaw, a neighbor, spoke in opposition to the granting of this special permit because of concerns about safety and noise. Ms. Shaw also stated that her deed includes a prohibition against commercial ventures.

Mr. Meadows clarified that if this language is included in a deed, it would be considered a civil matter.

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

After discussion, on motion made by Mrs. Cooper and seconded by Mr. Tufts, 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 commercial kennel shall be located at least seventy-five (75) feet from all property lines.
4. The boarding kennel shall be limited to dogs only.

5. No more than twenty-nine (29) dogs may be kept on the property, twenty-eight (28) in the kennel and one (1) for personal use.
6. Arriving and departing dogs shall be leashed at all times.
7. All dogs shall have supervision when using the play area.
8. All customer visits to the subject property shall be limited to those hours between 8:00 a.m. to 6:00 p.m. daily, and shall be by appointment only.
9. All new lighting on the site shall conform to Article 9 of the Fauquier County Zoning Ordinance.
- ~~10. The applicant shall be required to maintain Lockhart Lane from the intersection of Ernest Robinson Road to the entrance of PIN 6936 64 1810 000 by grading the road a minimum of twice per year and replenishing gravel as necessary.~~
11. The applicant shall state in all materials associated with the kennel and online that customers must abide by a 10 mph speed limit on Lockhart Lane and Ernest Robinson Road.
12. Any signs associated with the kennel shall conform to Article 8 the Fauquier County Zoning Ordinance.
13. 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.
14. 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 (NRCS) publication titled "Composting Dog Waste." The applicant shall consult with the local NRCS office regarding the design, operation, and maintenance of the composting system.
15. The applicant shall be required to locate the composting facility a minimum of one hundred (100) feet from the stream and pond on-site.
16. There shall be no land application of composted animal waste associated with the use within one hundred (100) feet of the stream and pond on-site.
17. With the exception of minor maintenance, the applicant shall maintain the existing vegetation within one hundred (100) feet of the stream and pond on-site.
18. A Site Plan shall be required for this use.

19. The applicant shall obtain appropriate building permits for the structures associated with the kennel.

20. This permit shall be issued for a period of five (5) years.

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

6. Arriving and departing dogs shall be leashed at all times *and confined in a separate containment area during arrival and departure.*

The motion carried unanimously.

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

3. All outdoor fenced areas and structures associated with the commercial kennel shall be located at least seventy-five (75) feet from all property lines. *The applicant shall install sight-obscuring material on the section of fence that separates the fenced area from Lockhart Lane.*

The motion carried unanimously.

After further discussion, on motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to amend Condition #8 of the above motion, as follows:

8. All customer visits to the subject property shall be limited to those hours between 8:00 a.m. to 6:00 p.m. daily, ~~and~~ shall be by appointment only, *and shall be staggered so that only one customer arrives or departs at one time.*

The motion carried unanimously.

Thereafter, the original motion, as amended, carried 3 – 2, as follows:

AYES: Mrs. Cooper, Mr. Tufts, Mr. Meadows

NAYS: Mr. Brown, Mr. Russell

ABSTENTION: None

ABSENT: None

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:30 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.