

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

*Work Session
1:00 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, October 3, 2013, beginning at 1:00 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 Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Don Del Rosso, Planner II; Mr. Adam Shellenberger, Senior Planner/Urban Designer; Mr. Chris Pettit, Planner; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT14-LE-006, MARK R. LIM & MARY B. HOWARD (OWNERS)/MARK R. LIM (APPLICANT) – AUTO RESTORATIONS, LLC

Applicant is requesting special permit approval to allow a major home occupation for the operation of an auto repair garage, PIN 7814-04-2607-000, located at 14333 Snake Castle Road, Lee District, Sumerduck, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

SPECIAL PERMIT #SPPT14-LE-008, DAVID P. WASSENAAR & CHRISTINE RAPP WASSENAAR (OWNERS)/DAVID P. WASSENAAR (APPLICANT) – DAVE THE MOVER, LLC

Applicant is requesting special permit approval to allow a major home occupation for the operation of a moving business, PIN 6888-47-4954-000, located at 11465 Lucky Hill Road, Lee District, Bealeton, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

SPECIAL PERMIT #SPPT14-CR-009, JIMMY L. HALL, SUSAN M. HALL, TRUSTEES & OTHERS (OWNERS)/KEVIN L. & KELLY HALL (APPLICANTS) – ALL REPAIR, LLC

Applicants are requesting special permit approval to allow a major home occupation for the operation of an auto repair garage, PIN 6982-34-9422-000, located at 9115 James Madison Highway, Cedar Run District, Warrenton, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

SPECIAL PERMIT #SPPT14-SC-010, PIEDMONT EQUINE PRACTICE REAL ESTATE, LC (OWNER)/THE PIEDMONT EQUINE PRACTICE, INC. (APPLICANT) – PIEDMONT EQUINE PRACTICE

Applicant is requesting special permit approval to allow the expansion of an existing veterinary clinic, PIN 6070-60-7640-000, located at 4122 Zulla Road, Scott District, The Plains, Virginia. (Chris Pettit, Staff)

Mr. Pettit reviewed the application.

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, October 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 Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Don Del Rosso, Planner II; Mr. Adam Shellenberger, Senior Planner/Urban Designer; Mr. Chris Pettit, Planner; and Mrs. Fran Williams, Administrative Manager.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the public hearing protocol. Mr. Floyd stated that there was an advertising error related to Auto Restorations, LLC (SPPT14-LE-006) and the Board would not be able to act on this item today. Mr. Floyd also stated that, to the best of his knowledge, the other 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. Russell and seconded by Mr. Brown, it was moved to approve the September 5, 2013 minutes.

The motion carried unanimously.

REGULAR AGENDA:

SPECIAL PERMIT #SPPT14-LE-006, MARK R. LIM & MARY B. HOWARD (OWNERS)/MARK R. LIM (APPLICANT) – AUTO RESTORATIONS, LLC

Applicant is requesting special permit approval to allow a major home occupation for the operation of an auto repair garage, PIN 7814-04-2607-000, located at 14333 Snake Castle Road, Lee District, Sumerduck, 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. Mark Lim, applicant, expressed agreement with the staff report.

In that there were no further speakers, Mr. Meadows adjourned the public hearing and noted that no action can be taken during this meeting due to an advertising error.

On motion made by Mr. Brown and seconded by Mr. Russell, 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 #SPPT14-LE-008, DAVID P. WASSENAAR & CHRISTINE RAPP WASSENAAR (OWNERS)/DAVID P. WASSENAAR (APPLICANT) – DAVE THE MOVER, LLC

Applicant is requesting special permit approval to allow a major home occupation for the operation of a moving business, PIN 6888-47-4954-000, located at 11465 Lucky Hill Road, Lee District, Bealeton, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger 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 Wassenaar, 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 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.
7. The type and amount of traffic generated by the use is such that it will not cause an undue impact on the neighbors or adversely affect the safety of road usage.

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 use shall be limited to the existing improvements on-site, or as indicated on the Special Permit Exhibits. Any increase in square footage of structures used in connection with such a use, increase in square footage of outdoor storage area in connection with the use, or increase in impervious surface will require an amendment to the Special Permit.
3. The hours of operation are generally limited to 8:00 a.m. to 4:00 p.m. as specified in the applicant's Statement of Justification.
4. All off-street parking and loading spaces, storage and loading areas, storage and structures which are related to the use shall be located not less than fifty (50) feet from any lot line. Additionally, all parking, loading and open storage shall be effectively screened from view.
5. The storage trailer shall be located outside of the required front yard.
6. No more than five (5) persons shall be engaged in the on-site operation of the business.
7. No more than two (2) vehicles in excess of 1½ tons and/or pieces of equipment shall be operated from the site or stored overnight.

8. No manufacturing, processing or assembly shall occur in conjunction with the home occupation.
9. All signage associated with the use shall be limited to 2 square feet in area and 4 feet in height, with the content of such sign limited to the name and/or occupation of such use and/or that language indicating that visits shall be by appointment only. A zoning permit is required for all signage.
10. A Site Plan shall be submitted for review and approval by the Fauquier County Department of Community Development.
11. This Special Permit shall be issued for a period of one (1) year. Per Zoning Ordinance Section 5-202.10, the Permittee may apply annually for one (1) year renewals by the Zoning Administrator. The application for renewal shall be received at least sixty (60) days prior to expiration of the Special Permit. If the Permittee does not apply for the renewal, the permit shall expire at the end of the one (1) year period.

The motion carried unanimously.

SPECIAL PERMIT #SPPT14-CR-009, JIMMY L. HALL, SUSAN M. HALL, TRUSTEES & OTHERS (OWNERS)/KEVIN L. & KELLY HALL (APPLICANTS) – ALL REPAIR, LLC

Applicants are requesting special permit approval to allow a major home occupation for the operation of an auto repair garage, PIN 6982-34-9422-000, located at 9115 James Madison Highway, Cedar Run 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. Kevin Hall, applicant, expressed agreement with the staff report.

Ms. Annie Rezelman, a neighbor, spoke in opposition to approval of this special permit. Ms. Rezelman stated that she was also speaking on behalf of Mr. Zane Daily, Mrs. Daniella Hribal, and Mrs. Jennifer Holtslag. Their concerns include the possibility of a reduced water supply, groundwater contamination, a decrease in property values, additional traffic in an already unsafe area, hazardous material storage, additional noise, and aesthetics. Ms. Rezelman presented her comments in writing, a copy of which is attached to and made a part of these official minutes.

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 hours of operation for the auto repair garage are 8:00 a.m. to 5:00 p.m., Monday through Friday, by appointment only.
3. There shall be a maximum of six (6) vehicles for repair on-site at any time.
4. All vehicle repairs associated with the business shall take place only within the freestanding two-bay garage on-site.
5. All fluids that are removed from vehicles for repair shall be properly stored and disposed of.
6. All vehicles for repair shall be effectively screened from view of adjoining properties and the highway or kept in enclosed structures and shall not be located within any required yard.
7. No vehicles for repair shall be stored on the subject property's drainfield.
8. All signs on-site shall conform to Article 8 of the Fauquier County Zoning Ordinance.

9. All lighting on-site shall conform to Article 9 of the Fauquier County Zoning Ordinance.
10. Except for basic maintenance, the applicant shall maintain all vegetation on-site necessary to ensure adequate screening.
11. The highway median crossover northwest of the property's entrance shall not be used by south bound Route 29 traffic to access the property.
12. There shall be no commercial sale of vehicles on the property.
13. The Special Permit shall be granted for a period of five (5) years.
14. A Site Plan shall be required for the use.

On motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to amend Condition #13 as follows:

13. The Special Permit shall be granted for a period of five (5) years. *The Permittee may apply annually for one (1) year renewals by the Zoning Administrator. The application for renewal shall be received at least sixty (60) days prior to expiration of the Special Permit. If the Permittee does not apply for the renewal, the permit shall expire at the end of that current period.*

The motion carried unanimously.

Thereafter, the original motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT14-SC-010, PIEDMONT EQUINE PRACTICE REAL ESTATE, LC (OWNER)/THE PIEDMONT EQUINE PRACTICE, INC. (APPLICANT) – PIEDMONT EQUINE PRACTICE

Applicant is requesting special permit approval to allow the expansion of an existing veterinary clinic, PIN 6070-60-7640-000, located at 4122 Zulla Road, Scott District, The Plains, 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.

Ms. Amy Pritchard, 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. Russell 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 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 August 28, 2013 prepared by Carson/Ashley, except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The kennel operation shall not exceed twenty (20) animals at any one time.
3. The hours of operation of the kennel and small animal clinic shall be as set forth in the Statement of Justification.
4. The area of the structure containing the kennel operation shall be completely enclosed, adequately soundproofed, constructed, and maintained so that there will be no emission of odor or noise detrimental to other properties in the area.
5. All facilities associated with the veterinary clinic shall be within a completely enclosed building, such buildings being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
6. The new stormwater management facility shall be constructed in such a way so as to minimize the impact on the landscaping buffers.

7. Animal waste generated by the kennel shall be disposed of by:
 - a. transporting off-site;
 - b. disposing of it via the public sewer system, complying with all Fauquier County Water and Sanitation Authority requirements; or
 - c. composting the waste 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."
8. All compost generated from animal waste shall be tested to make sure any bacteria or pathogens are removed prior to land application of the compost.
9. A Site Plan shall be required for this use.

The motion carried unanimously.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:50 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.