

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
MARCH 1, 2012**

*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, March 1, 2012, 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. Harry Russell, Vice-Chairperson; Mr. Michael Brown; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary; Ms. Sandra O'Connell, Senior Planner; and Mr. Rob Walton, Senior Planner.

**MINUTES:**

Board members reviewed the February 2, 2012 minutes.

**AGENDA REVIEW:**

**SPECIAL PERMIT #SPPT12-MA-014, JAMES F. & ELEANOR H. LEONARD (OWNERS)/PAM LEONARD & JOHN FLOWER (APPLICANTS) – MING TANG ACADEMY**

Applicants are requesting special permit approval to operate a boarding house to host international students in an existing residence, PIN #6966-39-1454-000 and 6967-20-7454-000, located at 6168 Carter's Run Road, Marshall District, Marshall, Virginia. (Rob Walton, Staff)

Mr. Walton reviewed the application.

**SPECIAL PERMIT #SPPT12-MA-015, JAMES F. & ELEANOR H. LEONARD (OWNERS)/PAM LEONARD & JOHN FLOWER (APPLICANTS) – MING TANG ACADEMY**

Applicants are requesting special permit approval to construct a residence to allow for the operation of a boarding house to host international students, PIN #6966-39-1454-000 and 6967-30-9038-000, located on the west side of Carter's Run Road, Marshall District, Marshall, Virginia. (Saundra O'Connell, Staff)

Ms. O'Connell reviewed the application.

**SPECIAL PERMIT #SPPT12-CT-016, TAMMY ABEL (OWNER/APPLICANT) – ABEL PET GROOMING**

Applicant is requesting renewal of a previously approved special permit to allow for the continued operation of a pet grooming business as a major home occupation, PIN #6994-19-7452-000, located at 7392 Cedar Run Drive, Center District, Warrenton, Virginia. (Saundra O’Connell, Staff)

Ms. O’Connell reviewed the staff report.

**SPECIAL PEPRMIT #SPPT12-SC-018, THE ROPE LAND COMPANY, LLC (OWNER)/KHALID IQBAL (APPLICANT) – ALL DULLES AREA MUSLIM SOCIETY (ADAMS)**

Applicant is requesting special permit approval to locate a place of worship in an existing building, PIN #7906-93-5747-000, located at 6557 Commerce Court, Scott District, Warrenton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the staff report.

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, March 1, 2012, 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. Harry Russell, Vice-Chairperson; Mr. Michael Brown; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary; Ms. Saundra O’Connell, Senior Planner; Mr. Rob Walton, Senior Planner; and Mrs. Fran Williams, Administrative Specialist.

**LETTERS OF NOTIFICATION AND PUBLIC NOTICE:**

Mrs. Williams read the public hearing protocol. Mr. Hushour stated that, to the best of his 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. Russell, it was moved to approve the February 2, 2012 minutes.

The motion carried unanimously.

**CONSIDERATION OF APPLICATIONS:**

On motion made by Mr. Russell and seconded by Mr. Tufts, it was moved to consider Special Permit #SPPT12-MA-014 & SPPT12-MA-015, James F. & Eleanor H. Leonard (Owners)/Pam Leonard & John Flower (Applicants) – Ming Tang Academy, concurrently.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT12-MA-014, JAMES F. & ELEANOR H. LEONARD (OWNERS)/PAM LEONARD & JOHN FLOWER (APPLICANTS) – MING TANG ACADEMY**

Applicants are requesting special permit approval to operate a boarding house to host international students in an existing residence, PIN #6966-39-1454-000 and 6967-20-7454-000, located at 6168 Carter's Run Road, Marshall District, Marshall, Virginia. (Rob Walton, Staff)

**SPECIAL PERMIT #SPPT12-MA-015, JAMES F. & ELEANOR H. LEONARD (OWNERS)/PAM LEONARD & JOHN FLOWER (APPLICANTS) – MING TANG ACADEMY**

Applicants are requesting special permit approval to construct a residence to allow for the operation of a boarding house to host international students, PIN #6966-39-1454-000 and 6967-30-9038-000, located on the west side of Carter's Run Road, Marshall District, Marshall, Virginia. (Saundra O'Connell, Staff)

Mr. Walton reviewed the staff reports, copies of which are attached to and made a part of these official minutes.

Mr. Meadows opened the public hearing on both applications.

Ms. Pam Leonard, applicant, expressed agreement with the staff report. Ms. Leonard clarified that this will not be a teaching facility and no independent drivers will be staying as guests.

Mr. William Skinker, a neighbor, spoke in opposition to the granting of these special permits, citing concerns about increased traffic and safety due to the speed of motorists along Carter's Run Road and the vast deer population in the area.

Mr. Mike Boike, a neighbor, spoke in opposition to the granting of these special permits, stating that the applicants are proposing to move a 19<sup>th</sup> century bank barn to the site and convert it to a dwelling, but this would not meet the criteria of resembling a single-family dwelling. Mr. Boike also stated that the sample plat showing the new lot, which was provided by the applicants, has not been approved by the County. Mr. Boike expressed

further concern about traffic and safety issues since Carter's Run Road is classified as a local collector and was not designed for this type of use.

Ms. Shelesa Brew, a neighbor, spoke in opposition to the granting of these special permits, expressing concern about safety, increased traffic, and oversight of the program during the summer months when the applicants will be out of the country.

Mr. Stanley Owens, a neighbor, spoke in opposition to the granting of these special permits, stating that this location is not appropriate for the proposed use.

Mr. Michael MacQuilliam, a neighbor, spoke in opposition to the granting of these special permits, echoing the concerns of the previous speakers.

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

On motion made by Mr. Russell and seconded by Mrs. Cooper, it was moved to grant the special permit (SPPT12-MA-014), 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 particular use is such that it will not cause an undue impact on the neighbors or adversely affect 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 occupants of the boarding house shall consist of no more than eight (8) students and no more than four (4) individuals associated with the support of the students, during the school year. In no case shall the number of residents exceed fifteen (15).
3. The applicants shall be required to maintain the wooded area of the subject property adjacent to Carter's Run Road, so as to provide appropriate screening of the use on-site and its associated parking.
4. Signage associated with the approved use shall be limited to no more than two (2) square feet and shall be non-illuminated.
5. The boarding house associated with this application, approved for the existing dwelling, will cease once the new facility, proposed with Special Permit application #SPPT12-MA-015, has received a Certificate of Occupancy.
6. Development and use of this parcel shall be in substantial conformance with the special permit drawing submitted with this application. This condition shall not preclude the ability to subdivide or otherwise alter parcel lines in substantial conformance with the Morton Land Survey exhibit submitted with this application.
7. The students will not be permitted to drive vehicles while living at this boarding house.
8. The applicants shall not be permitted to continue operation of the boarding house during the summer break of the scholastic year.
9. All students are to be accepted to Highland School prior to arrival at the boarding house.
10. This application shall expire on June 30, 2014.

After discussion, on motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to amend Condition #2 of the above motion, as follows:

2. The occupants of the boarding house shall consist of no more than eight (8) students and no more than four (4) individuals associated with the support of the students, during the school year. In no case shall the number of residents *or overnight occupants* exceed fifteen (15).

The motion carried unanimously, as amended.

On motion made by Mr. Tufts and seconded by Mr. Russell, it was moved to grant the special permit (SPPT12-MA-015), 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 particular use is such that it will not cause an undue impact on the neighbors or adversely affect 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 occupants of the boarding house shall consist of no more than eight (8) students and no more than four (4) individuals associated with the support of the students during the school year. In no case shall the number of residents or overnight occupants exceed fifteen (15).
3. The land area associated with this special permit approval, the subject property, will be approximately 10.9 acres, as generally shown on the Special Permit Plat.
4. The applicants shall be required to maintain the wooded area of the subject property adjacent to Carter's Run Road, so as to provide appropriate screening of the use on-site and its associated parking.
5. Signage associated with the approved use shall be limited to no more than two (2) square feet and shall be non-illuminated.

6. Development and use of this parcel shall be in substantial conformance with the special permit drawing submitted with this application. This condition shall not preclude the ability to subdivide or otherwise alter parcel lines in substantial conformance with the Morton Land Survey exhibit submitted with this application.
7. The students will not be permitted to drive vehicles while living at this boarding house.
8. The applicants shall not be permitted to continue operation of the boarding house during the summer break of the scholastic year.
9. All students are to be accepted to Highland School prior to arrival at the boarding house.
10. The time period granted to establish or construct the use will expire on September 1, 2014.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT12-CT-016, TAMMY ABEL (OWNER/APPLICANT) – ABEL PET GROOMING**

Applicant is requesting renewal of a previously approved special permit to allow for the continued operation of a pet grooming business as a major home occupation, PIN #6994-19-7452-000, located at 7392 Cedar Run Drive, Center District, Warrenton, Virginia. (Sandra O’Connell, Staff)

Ms. O’Connell 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. Tammy Abel, 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. Brown and seconded by Mr. Russell, 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 delivery and pick up area and parking for the pet grooming business shall remain off Cedar Run Drive. Employees and owner will continue to use the entrance off Ghadban Court, which is to remain a graveled area not T-shaped. It is to remain double wide, adequate for two vehicles to park. Screening and landscaping is to be maintained.
2. The entrance off Cedar Run Drive is to be used for customers only with only one (1) vehicle at a time. The front turnaround off Cedar Run Drive may be asphalted and adequate landscaping and screenings are to be maintained.
3. The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m., Monday through Saturday.
4. No more than two (2) non-residents shall be employed at the site in connection with the use.
5. No sign shall be posted for the business.
6. The special permit does not convey with the sale or other transfer of the property.

The motion carried unanimously.

**SPECIAL PEPRMIT #SPPT12-SC-018, THE ROPE LAND COMPANY, LLC (OWNER)/KHALID IQBAL (APPLICANT) – ALL DULLES AREA MUSLIM SOCIETY (ADAMS)**

Applicant is requesting special permit approval to locate a place of worship in an existing building, PIN #7906-93-5747-000, located at 6557 Commerce Court, Scott District, Warrenton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour 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. Rizwan Jaka, representative, expressed agreement with the staff report and reviewed the proposal. Mr. Jaka read a letter of support from the Interfaith Conference of Metropolitan Washington (IFC) dated March 1, 2012, a copy of which is attached to and made a part of these official minutes.

Mr. Brown inquired about specific uses planned for the site.

Mr. Faroq Syed, representative, stated that the applicant would like to hold prayer services, educational seminars, and community outreach activities, but is willing to comply with any conditions imposed by the Board.

Mr. David Bierlein, a business owner, spoke in opposition to the granting of this special permit. Mr. Bierlein questioned if the structure is compliant with the Building Code and also expressed concern about increased traffic, the location of the drainfield, and the lack of a reserve drainfield on the property.

Mr. Stephen Sergek, Scott District, spoke in opposition to the granting of this special permit, citing concerns about increased traffic and parking. Mr. Sergek also stated that a commercial area is not the appropriate location for this proposed use.

Georgia Herbert, Esquire, Scott District, spoke in support of the approval of this special permit and stated that all valid concerns which have been raised have been addressed.

Mr. Scott Maichak, a business owner, spoke in opposition to the granting of this special permit. Mr. Maichak expressed concern about traffic, parking, safety, and a possible expansion. Mr. Maichak also questioned if the structure can meet the Building Code for assembly use.

Ms. Kay Young, Marshall District, spoke in opposition to the granting of this special permit, citing concerns about traffic, water usage, the adequacy of the drainfield, and questioned the appropriateness of this use in a commercially zoned area.

Ms. Karol Bierlein, a business owner, spoke in opposition to the granting of this special permit. Ms. Bierlein stated that a previous Traffic Impact Analysis (TIA), which was done in 2007 indicated that Route 29 cannot handle an increased amount of traffic. Ms. Bierlein suggested that if this proposal is allowed, a traffic light would be needed at the intersection of Commerce Court and Route 29.

Dr. Robert Grant, Center District, spoke in opposition to the granting of this special permit, citing concerns about safety.

Ms. Rhonda Reese, a member of ADAMS, spoke in support of the approval of this application.

Ms. Louise Achor, Center District, spoke in opposition to the approval of this special permit. Ms. Achor stated that this privately owned well should be tested to make sure it can accommodate this proposed use. Ms. Achor further stated that a commercial area is not the appropriate location for a place of worship.

Ms. Madge Eicher, Marshall District, spoke in opposition to the approval of this special permit, citing concerns about the drainfield, water usage, and traffic impacts. Ms. Eicher presented a statement, a copy of which is attached to and made a part of these official minutes, to the Board.

Ms. Crystal Liebenow, owner, spoke in support of the granting of this special permit, stating that she has met all County requirements, including the installation of a meter on this privately owned well to monitor water usage.

Ms. Dori Domerese, Cedar Run District, spoke in opposition to the granting of this special permit, citing concerns about traffic and having a place of worship located in a commercial area. Ms. Domerese presented the Board a statement, a copy of which is attached to and made a part of these official minutes.

Mr. Nassir Khan, representative, spoke in support of the approval of this application.

Mr. Neil Swanson, Scott District, spoke in support of the approval of this special permit.

Dr. Donna Andes, Cedar Run District, spoke in opposition to the granting of this special permit due to concerns about noise.

Mr. Al Bryant spoke in opposition to the granting of this special permit because of traffic concerns. Mr. Bryant also stated that a commercial area is not an appropriate location for a place of worship.

Mr. Mohammad Ikram Ali, a member of ADAMS, spoke in support of granting this request.

Mr. Sharif Ahmad, a member of ADAMS, spoke in support of the granting of this special permit.

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

After thorough 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. Prayer services are permitted on a daily basis between the hours of 5:30 a.m. and 10:30 p.m. and the maximum number of attendants allowed for the place of worship at any one time is limited to fifty (50) persons.
3. Small scale ancillary activities such as business meetings or educational seminars are limited to the hours between 7:00 a.m. and 8:00 p.m. and shall not exceed more than one (1) such event per week.
4. The use of the facility shall be in conformance with the fire code, building code and all regulations of the Virginia Department of Health.
5. The use is approved for a period of one (1) year and shall expire on February 28, 2013.

After discussion, on motion made by Mr. Tufts and seconded by Mr. Brown, it was moved to amend Condition #5 of the above motion, as follows:

5. The use is approved for a period of one (1) year *from the date of Certificate of Occupancy permit approval.*

The motion carried unanimously.

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

6. There shall be no outside amplification of sound by any means associated with this special permit.

The motion carried unanimously, as amended.

After further discussion, on motion made by Mr. Meadows and seconded by Mrs. Cooper, it was moved to amend the above motion to add Conditions #7 and 8, as follows:

7. The drainfield location shall be clearly delineated on the site plan and parking shall be restricted from the parking area.
8. All parking shall be within the designated parking area.

The motion carried unanimously.

Thereafter, the original motion, as amended, carried unanimously.

**OTHER BUSINESS:**

- Mrs. Gallehr reviewed the legal requirements regarding the Freedom of Information Act (FOIA) and the recording of work sessions and regular meetings.

On motion made by Mr. Russell and seconded by Mr. Tufts, it was moved to discontinue recording the Board of Zoning Appeals (BZA) work sessions but to continue recording the regular meetings.

The motion carried unanimously.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 4:25 p.m.

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John R. Meadows, Chairperson

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Andrew B. Hushour, 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.*