

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 6, 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, September 6, 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 Ms. Holly Meade, Assistant Chief of Planning/Secretary; Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Chief of Zoning and Development Services; and Mr. Adam Shellenberger, Senior Planner/Urban Designer.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT13-MA-001, SPPT13-MA-002, & SPPT13-MA-003, CBCAM, LLC (OWNER/APPLICANT) – LEE HIGHWAY NURSERY & FARM EQUIPMENT SALES/SERVICE

Applicant is requesting special permit approval to allow for the operation of a farm equipment sales and service establishment; a farmer's market; and a greenhouse, PIN 6982-10-4663-000, located at 7185 Burke Lane, Marshall District, Warrenton, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the application.

SPECIAL PERMIT #SPPT13-CR-004, RAYMOND L. (III) & HOLLY B. HATCHER (OWNERS/APPLICANTS) – KYMRIC KENNELS

Applicants are requesting special permit approval to allow for a kennel, PIN 7847-15-7806-000, located at 2220 Towles Road, Cedar Run District, Midland, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

ZONING VARIANCE #ZNVA13-SC-001, WILLIAM M. KING, SANDRA L. KING ET AL, TRUSTEES (OWNERS/APPLICANTS) – SCATTERED PINES/KING PROPERTY

Applicants are requesting a variance of the twenty-five (25) foot side yard setback requirement to allow for an existing residence, PIN 6996-66-4606-000, located at 6285 Snowfox Lane, Scott District, Broad Run, Virginia. (Andrew Hushour, Staff)

Mr. Hushour 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, September 6, 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 Ms. Holly Meade, Assistant Chief of Planning/Secretary; Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Chief of Zoning and Development Services; Mr. Adam Shellenberger, Senior Planner/Urban Designer; 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. Meadows and seconded by Mr. Tufts, it was moved to consider the July 5, 2012 and August 2, 2012 minutes at the end of the meeting.

The motion carried unanimously.

REGULAR AGENDA:**SPECIAL PERMIT #SPPT13-MA-001, SPPT13-MA-002, & SPPT13-MA-003, CBCAM, LLC (OWNER/APPLICANT) – LEE HIGHWAY NURSERY & FARM EQUIPMENT SALES/SERVICE**

Applicant is requesting special permit approval to allow for the operation of a farm equipment sales and service establishment; a farmer's market; and a greenhouse, PIN 6982-10-4663-000, located at 7185 Burke Lane, Marshall 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. Cecil Campbell, applicant, expressed agreement with the staff report.

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

On motion made by Mrs. Cooper and seconded by Mr. Brown, it was moved to grant the special permits, 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 permits are 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. Activities dependent on agricultural products such as corn mazes, hayrides, and pumpkin patches are permitted, with a determination made in this regard by the Zoning Administrator prior to the holding of such activities on-site.
3. Access shall be from Route 1013 (Burke Lane) only.
4. The Farmer's Market is limited to 2,500 square feet within the existing building.
5. Greenhouse/Nursery sales shall be limited to plants, shrubs, trees and other materials used in indoor or outdoor planting, as well as accessory items directly related to their care, maintenance, or aesthetic enhancement. In no case shall power tools, motorized garden vehicles or machinery be sold as part of the Greenhouse. Hand tools, wheelbarrows, and retail sales associated with the greenhouse shall be permitted.
6. Farmer's Market sales shall be limited to agricultural products, value added agricultural products, and accessory products directly related to the culture, care, use of, or processing of agricultural products, to include pottery, baskets, baked goods, floral supplies and similar type items. At least 75% of the products shall be produced within the Potomac and Chesapeake watershed areas.
7. All permitted signage requires the appropriate County permits. Signs shall not be displayed in the public right-of-way.
8. The term shall be for five (5) years.

The motion carried unanimously.

SPECIAL PERMIT #SPPT13-CR-004, RAYMOND L. (III) & HOLLY B. HATCHER (OWNERS/APPLICANTS) – KYMRIC KENNELS

Applicants are requesting special permit approval to allow for a kennel, PIN 7847-15-7806-000, located at 2220 Towles Road, Cedar Run District, Midland, 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.

Ms. Holly Hatcher, applicant, expressed agreement with the staff report.

Mr. Everett Alcorn, a neighbor, spoke in opposition to the granting of this special permit, due to concerns that the approval would transfer with any future sale of the property; no time limit being proposed; and about supervision of the animals during the day.

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

After discussion and a brief recess, on motion made by Mr. Russell 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 applicants shall house a maximum of twelve (12) dogs on-site.
3. All customer visits to the subject property shall be limited to the hours between 7:00 a.m. and 7:00 p.m. daily, and shall be by appointment only.
4. Regardless of that shown on the Special Permit plat, the outdoor play area shall be located a minimum of seventy-five (75) feet from all property lines.
5. The applicants shall keep and maintain health records for all dogs that are housed on-site. Such records shall be made available to the Zoning Administrator upon reasonable request.

6. Animal waste generated by the facility shall be contained and disposed of as prescribed by the Fauquier County Health Department during the site plan review process.
7. The dogs shall be contained in a fenced area which runs from the existing basement door to the existing outdoor dog runs/pet play areas.

After 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 customer visits to the subject property shall be limited to the hours between 7:00 a.m. and 7:00 p.m. daily, and shall be by appointment only, *one customer at a time*.

The motion carried unanimously.

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

ZONING VARIANCE #ZNVA13-SC-001, WILLIAM M. KING, SANDRA L. KING ET AL, TRUSTEES (OWNERS/APPLICANTS) – SCATTERED PINES/KING PROPERTY

Applicants are requesting a variance of the twenty-five (25) foot side yard setback requirement to allow for an existing residence, PIN 6996-66-4606-000, located at 6285 Snowfox Lane, Scott District, Broad Run, 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. William King, applicant, expressed agreement with the staff report.

Mr. Sami Sharikas, a real estate agent, spoke in support of the granting of this variance.

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

On motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to grant the variance, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 13-402 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. That the strict application of the Zoning Ordinance would result in unnecessary, unreasonable, or undue hardship to the property owner; and
2. That the need for the variance is not shared generally by other properties in the same zoning district and the same vicinity and is not of so general or recurring a

nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the Ordinance; and

3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and
4. That such variance is necessary in order to afford relief, is not contrary to the intent and purpose of the Ordinance, and results in substantial justice being done.

The variance 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 variance application except as specifically modified by the conditions below or as necessary to meet Zoning Ordinance requirements.
2. The side yard setback of the existing residence shall be no closer than twenty (20) feet to the eastern side property line. Any future addition(s) to the residence shall be required to meet all setbacks for the R-1 Zoning District.

The motion carried unanimously.

MINUTES:

After discussion, on motion made by Mr. Russell and seconded by Mrs. Cooper, it was moved to postpone consideration of the July 5, 2012 and August 2, 2012 minutes until the next regularly scheduled meeting.

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.