

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
DECEMBER 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, December 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. Don Del Rosso, Planner II; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT13-LE-007, JOLEEN S. TEETS (OWNER/APPLICANT) – TEETS KENNEL

Applicant is requesting special permit approval to allow for the continued operation of a kennel, PIN 6889-34-7522-000, located at 11065 Harley Drive, Lee District, Bealeton, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the application.

SPECIAL PERMIT #SPPT13-CR-008, CHARLES A. CARDINE, TRUSTEE – CHARLES A. CARDINE REVOCABLE LIVING TRUST (OWNER)/FATHER CHARLES PATRICK CARDINE (APPLICANT) – SAINT PATRICK ORTHODOX CHURCH

Applicant is requesting special permit approval to allow for the construction of a place of worship, PIN 6980-76-1190-000, located at 6588 Balls Mill Road, Cedar Run District, Bealeton, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

RULES OF PROCEDURE REGARDING APPEALS:

Ms. Sheridan led a discussion regarding the proposed procedures related to Zoning Appeals.

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 Thursday, December 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. 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. Russell, it was moved to approve the October 4, 2012 minutes.

The motion carried unanimously.

REGULAR AGENDA:

SPECIAL PERMIT #SPPT13-LE-007, JOLEEN S. TEETS (OWNER/APPLICANT) – TEETS KENNEL

Applicant is requesting special permit approval to allow for the continued operation of a kennel, PIN 6889-34-7522-000, located at 11065 Harley Drive, Lee District, Bealeton, 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. Frank Reinhardt, 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 applicant may house a maximum of twenty-five (25) *adult dogs* on-site, which is further defined as any dog that is over six (6) months of age regardless if it is used in conjunction with the business activity on-site.
3. The applicant is limited on-site to the commercial breeding and sale of only labradoodles and goldendoodles. There shall be a maximum of eight (8) litters per year. Upon delivery of each litter, the applicant shall provide documentation to the Zoning Administrator regarding the number of puppies born and the date of their birth.
4. All customer visits to the subject property shall be limited to those hours between 10:00 a.m. and 5:00 p.m. daily, and shall be by appointment only.
5. The housing of all dogs on-site shall be limited to the existing kennel buildings on-site.
6. The lighting of any outdoor area associated with the commercial kennel is prohibited.

7. Regardless of that shown on the special permit plat, no structure that is to be partially or exclusively used for the confinement of any allowed dogs on-site shall be located any closer than seventy-five (75) feet to any property line. Fences are also considered structures.
8. Animal waste generated by the breeding facility shall be contained and disposed of off-site as prescribed by the Fauquier County Health Department during the site plan review process.
9. The installation of any signage related to the breeding facility on-site is prohibited.
10. Upon reasonable notice by Fauquier County, the applicant 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.
11. The special permit is issued for a period of five (5) years.

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

3. The applicant is limited on-site to the commercial breeding and sale of only labradoodles and goldendoodles. There shall be a maximum of eight (8) litters per year. Upon delivery of each litter, the applicant shall provide documentation to the Zoning Administrator regarding the number of puppies born and the date of their birth. *Upon receiving such documentation, the Zoning Office shall give the applicant a date stamped copy as proof of receipt.*

The motion carried unanimously.

Thereafter, the original motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT13-CR-008, CHARLES A. CARDINE, TRUSTEE – CHARLES A. CARDINE REVOCABLE LIVING TRUST (OWNER)/FATHER CHARLES PATRICK CARDINE (APPLICANT) – SAINT PATRICK ORTHODOX CHURCH

Applicant is requesting special permit approval to allow for the construction of a place of worship, PIN 6980-76-1190-000, located at 6588 Balls Mill Road, Cedar Run District, Bealeton, Virginia. (Don Del Rosso, 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. Angus MacDonald, 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. 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 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 Zoning Ordinance. This shall include installation of landscaping as shown on the previously approved Minor Site Plan dated February 14, 2012.
3. No activities shall result in more people being on-site than the authorized occupancy limits under the Virginia Health Department septic permit SD-12-393, or any other applicable statute, ordinance or regulation.
4. The hours of operation for the place of worship are limited to Saturday, Sunday and weekdays as specified in the applicant's Statement of Justification.
5. No activity associated with the place of worship may be commenced on the subject property prior to Site Plan approval. The church building cannot be occupied until a Certificate of Occupancy has been issued by the Fauquier County Building Official.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Meadows stated that Mrs. Cooper and Mr. Brown have been re-appointed to the Board of Zoning Appeals.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:30 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.