

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JANUARY 6, 2011**

*Work Session
1:30 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, January 6, 2011, beginning at 1:30 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. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary and Mr. Wally Horton, Senior Planner.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT11-MA-013, ORLEAN BAPTIST CHURCH, TRUSTEES, AKA PROVIDENCE BAPTIST CHURCH (OWNERS)/JAMES E. BROOKS & TOUSSAINT E. SUMMERS, JR. (APPLICANTS) – PROVIDENCE BAPTIST CHURCH

Applicants are requesting special permit approval to allow for an expansion of an existing place of worship, PIN #6935-74-0640-000, located at 7111 Leeds Manor Road, Marshall District, Marshall, Virginia. (Wally Horton, Staff)

Mr. Horton reviewed the application.

SPECIAL PERMIT #SPPT11-CR-014, JOSEPH W. & DONNA R. PULLEN (OWNERS)/J. WAYNE & DONNA R. PULLEN (APPLICANTS) – PULLEN'S AUTO REPAIR, LLC

Applicants are requesting an amendment to a previously approved special permit for a major home occupation to allow for an expansion of an auto repair garage, PIN #6981-40-7586-000, located at 10039 Clarkes Road, Cedar Run District, Bealeton, 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, January 6, 2011, 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. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary; Mr. Wally Horton, Senior Planner; and Mrs. Fran Williams, Administrative Specialist.

ELECTION OF OFFICERS:

Ms. Sheridan opened the meeting and initiated the election of officers.

a. Chairperson

On motion made by Mrs. Cooper and seconded by Mr. Tufts, it was moved to nominate Mr. Meadows as Chairperson.

The motion carried unanimously.

b. Vice-Chairperson

On motion made by Mr. Brown and seconded by Mrs. Cooper, it was moved to nominate Mr. Russell as Vice-Chairperson.

The motion carried unanimously.

c. Secretary

On motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to nominate Mr. Hushour as Secretary.

The motion carried unanimously.

MINUTES:

On motion made by Mr. Tufts and seconded by Mr. Russell, it was moved to approve the December 2, 2010 minutes.

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the Public Hearing protocol. Mr. Horton 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.

SPECIAL PERMIT #SPPT11-MA-013, ORLEAN BAPTIST CHURCH, TRUSTEES, AKA PROVIDENCE BAPTIST CHURCH (OWNERS)/JAMES E. BROOKS & TOUSSAINT E. SUMMERS, JR. (APPLICANTS) – PROVIDENCE BAPTIST CHURCH

Applicants are requesting special permit approval to allow for an expansion of an existing place of worship, PIN #6935-74-0640-000, located at 7111 Leeds Manor Road, Marshall District, Marshall, Virginia. (Wally Horton, Staff)

Mr. Horton 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. James Brooks, applicant, expressed agreement with the staff report, and stated that revisions have been made to the special permit plat to address concerns outlined in the Planning Office's comment letter.

Mr. Charles Englehart, architect, submitted a revised special permit plat, a copy of which is attached to and made a part of these official minutes. Board members and staff reviewed this revised submission.

Mr. Toussaint Summers, applicant, spoke in support of the approval of this application.

Dr. Jewel Simmons, pastor, spoke in support of the approval of this application.

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

On motion made by Mr. Tufts 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 addition shall consist of approximately 3,900 square feet and shall be limited to accessory uses for Providence Baptist Church. The expansion area shall not be converted to additional sanctuary area.
3. The Church shall employ the following design change to promote the original church edifice as the focal point, consistent with other rural churches in the County: setting the addition back further from the front wall of the original church edifice.
4. The southernmost proposed parking space shall be removed or relocated in order to comply with the 25 foot setback requirement for all parking and loading areas specified by Section 5-601 of the Zoning Ordinance.
5. A vegetative screen consisting of a row of staggered evergreen trees shall be installed along the perimeter of all parking areas. The plantings must be appropriately spaced at the time of planting to ensure proper screening upon maturity.
6. Evergreen screening shall be provided along the northern side property line of the church property, and the front yard area shall be supplemented with additional trees and evergreen shrubbery as deemed necessary by the Zoning Administrator to ensure proper screening.
7. The existing wooded area in the rear portion of the property shall be preserved and maintained.
8. Any signage on-site must be a monument type sign. Any request for signage on the site must comply with all applicable County regulations and Ordinances.

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

3. ~~The Church shall employ the following design change to promote the original church edifice as the focal point, consistent with other rural churches in the County: setting the addition back further from the front wall of the original church edifice.~~

After further discussion, on motion made by Mr. Tufts and seconded by Mr. Russell, it was moved to amend Condition #7, as follows:

7. The existing wooded area in the rear portion of the property shall be preserved and maintained except as needed for drainfield or reserve drainfield.

The motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT11-CR-014, JOSEPH W. & DONNA R. PULLEN (OWNERS)/J. WAYNE & DONNA R. PULLEN (APPLICANTS) – PULLEN’S AUTO REPAIR, LLC

Applicants are requesting an amendment to a previously approved special permit for a major home occupation to allow for an expansion of an auto repair garage, PIN #6981-40-7586-000, located at 10039 Clarkes Road, Cedar Run District, Bealeton, 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. J. Wayne Pullen, 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. Russell 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 as necessary to meet Zoning Ordinance requirements.
2. The hours of operation of the auto repair garage are limited to Mondays through Saturdays, from 8:00 a.m. to 5:00 p.m.
3. The number of employees permitted to work from the subject property shall be limited to three (3) persons: two (2) residents and one (1) non-resident.
4. No more than six (6) customer vehicles are allowed on-site at any one time.
5. All auto repair activity and associated material storage shall occur indoors within the existing shop building as depicted on the approved special permit plat. The outdoor storage of equipment, tools, auto parts, tires, waste fluid or inoperable vehicles is strictly prohibited on-site.
6. Screening shall be installed to the northwest corner of the shop building in the semi-circular area to the northwest of the driveway and behind the house.
7. All vegetation on-site shall be maintained in order to ensure the proper screening of the auto repair garage from adjacent properties.

After discussion, on motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to amend Condition #6, as follows:

6. The outdoor storage of customer vehicles awaiting service and/or pick up is limited to the driveway area directly adjacent to the shop building. This area must be completely screened from view from all adjacent properties with a vegetative screen, the type and location of which shall be determined by the Zoning Administrator during the site plan review process. Screening shall be installed to the northwest corner of the shop building in the semi-circular area to the northwest of the driveway and behind the house.

The motion carried unanimously, as amended.

OTHER BUSINESS:**SPECIAL PERMIT #SPPT10-CR-022, MICHAEL E. & SANDRA L. GETZ (OWNERS/APPLICANTS) – CREEKSIDE KENNELS, INC.**

Applicants are requesting an amendment to a previously approved special permit for a kennel to allow for a modification in the hours of operation, maximum number of dogs and an expansion of the fenced areas, PIN #6991-93-5470-000, located at 5566 Balls Mill Road, Cedar Run District, Midland, Virginia. (Andrew Hushour, Staff)

Mr. Meadows stated that this application was approved on December 2, 2010, but that the applicants are requesting clarification regarding the intent of Condition #10, which states: *“Privacy fabric consistent with that submitted as part of the application materials shall be installed along the perimeter of all fenced areas adjacent to neighboring properties and between areas within such fenced enclosures.”*

Mr. Meadows stated that it is the Board’s opinion that the applicants are not required to do any screening between the runs.

ADJOURNMENT:

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

John R. Meadows, Chairperson

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.