

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
FEBRUARY 3, 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, February 3, 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; and Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT11-MA-012, STEVEN ROBERT & KELLEY SUE JENKINS, TRUSTEES (OWNERS/APPLICANTS) – PAINTED KNOLL FARM GOLDEN RETRIEVERS

Applicants are requesting special permit approval to operate a kennel for commercial dog breeding, PIN #6955-95-3718-000, located at 9107 Knoll Run Lane, Marshall District, Marshall, 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, February 3, 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; and Mrs. Fran Williams, Administrative Specialist.

MINUTES:

On motion made by Mr. Brown and seconded by Mr. Russell, it was moved to approve the January 6, 2011 minutes.

The motion carried unanimously.

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.

SPECIAL PERMIT #SPPT11-MA-012, STEVEN ROBERT & KELLEY SUE JENKINS, TRUSTEES (OWNERS/APPLICANTS) – PAINTED KNOLL FARM GOLDEN RETRIEVERS

Applicants are requesting special permit approval to operate a kennel for commercial dog breeding, PIN #6955-95-3718-000, located at 9107 Knoll Run Lane, Marshall District, Marshall, 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. & Mrs. Steven Jenkins, applicants, expressed agreement with the staff report.

Ms. Marcelle Wunderlich, a neighbor, spoke in opposition to the granting of this special permit. Ms. Wunderlich stated that this proposal is not consistent with the goals of the Bellevue Farms' community as defined in their covenants. Ms. Wunderlich presented a statement, a copy of which is attached to and made a part of these official minutes, outlining her additional concerns about noise, possible water pollution, and the Virginia Department of Transportation's requirement for a commercial entrance.

Ms. Kay Hayes, a neighbor, spoke in support of Ms. Wunderlich's statements. Ms. Hayes requested that if the application is approved, that very strict conditions be placed upon it.

Mr. Brown clarified that while covenants may be a legitimate concern, the Board does not enforce these.

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

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 breeding facility may house a maximum number of fifteen (15) *adult dogs*, which is defined as those animals over six (6) months of age as well as any number of dogs that are less than six (6) months of age that are born on-site to the allowed adults.
2. All customer visits to the subject property shall be limited to those hours between 9:00 a.m. and 6:00 p.m. daily, and shall be by appointment only.
3. The housing of all dogs on-site shall be limited to the existing kennel/barn building and/or the existing residence on-site.
4. The use of the outdoor play area located in the southwest portion of the subject property, as shown on the special permit plat, shall be for limited recreation purposes only and is prohibited for use for long term confinement of dogs. The lighting of the outdoor play area is also prohibited.
5. The outdoor play area shall be located a minimum of seventy-five (75) feet from all property lines and sufficiently screened from all adjacent properties and kept in good repair. The final location and optimal method of screening of this area shall be determined by the Zoning Administrator during the site plan review process. Methods of screening may include the siting of the play area so that it is screened by existing vegetation on-site and/or the topography or by the installation of additional landscape planting or privacy fencing.

6. Animal waste generated by the breeding facility shall be bagged and transported from the site, and subsequently disposed of in an authorized facility at least once per month.
7. The installation of any signage related to the breeding facility on-site is prohibited.
8. The special permit is issued for a period of five (5) years.

The motion carried unanimously.

SPECIAL PERMIT #SPPT11-MA-015, JOHN C. & KATHERINE S. WRIGHT (OWNERS)/JOHN C. WRIGHT (APPLICANT) – EARTH & TURF, LLC

Applicant is requesting special permit approval to operate a small contracting business as a major home occupation, PIN #6953-66-4097-000, located at 9327 Lee Highway, Marshall District, Warrenton, Virginia. (Wally Horton, Staff)

Postponed.

OTHER BUSINESS:

None.

ADJOURNMENT:

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