

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
MAY 5, 2011**

*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, May 5, 2011, 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. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary; and Mr. Wally Horton, Senior Planner.

**AGENDA REVIEW:**

**ZONING VARIANCE #ZNVA11-LE-005, DWAYNE H. & KELLEY S. BROOKS (OWNERS/APPLICANTS) – BROOKS PROPERTY**

Applicants are requesting a variance of the fifteen (15) foot side and rear yard setback requirement for the R-2 zoning district, to accommodate two existing accessory structures, PIN #6889-94-6272-000, located at 6627 Lancia Court, Lee District, Bealeton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

**SPECIAL PERMIT #SPPT11-CR-018, THOMAS B. & PAMELA S. HUGILL AND FAMILY WORSHIP CENTER, TRUSTEES (OWNERS/APPLICANTS) – FAMILY WORSHIP CENTER**

Applicants are requesting special permit approval to locate a place of worship in an existing building, PIN #7807-39-7512-000, located at 12067 Marsh Road, Cedar Run District, Bealeton, Virginia. (Wally Horton, Staff)

Mr. Horton reviewed the application.

**SPECIAL PERMIT #SPPT11-CR-019, ALAN DAVID & BONNIE L. EARLY (OWNERS/APPLICANTS) – EARLY IMPOUNDMENT YARD**

Applicants are requesting special permit approval to operate a motor vehicle impoundment/towing business with more than thirty (30) vehicles, PIN #6981-12-7566-000, located at 9736 James Madison Highway, Cedar Run District, Warrenton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

**SPECIAL PERMIT #SPPT11-CR-021, GREGORY R. & GWENDA A. PLUSH (OWNERS)/ANGELA L. LLOYD (APPLICANT)**

Applicant is requesting a special permit to allow for a dog kennel, PIN #6982-47-9089-000, located at 8751 Trinity Lane, Cedar Run District, Warrenton, 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, May 5, 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.

**MINUTES:**

On motion made by Mr. Russell and seconded by Mr. Tufts, it was moved to approve the March 3, 2011 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.

**ZONING VARIANCE #ZNVA11-LE-005, DWAYNE H. & KELLEY S. BROOKS (OWNERS/APPLICANTS) – BROOKS PROPERTY**

Applicants are requesting a variance of the fifteen (15) foot side and rear yard setback requirement for the R-2 zoning district, to accommodate two existing accessory structures,

PIN #6889-94-6272-000, located at 6627 Lancia Court, Lee 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. & Mrs. Dwayne Brooks, applicants, 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 Mrs. Cooper, 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 two sheds associated with this application shall be located no closer than five (5) feet to the western side property line and no closer than two (2) feet to the rear property line.
3. The addition made to the rear shed in 2002 is to be removed to comply with the variance setbacks as authorized in this motion.

4. All applicable permits for the sheds shall be submitted for review within ninety (90) days following approval of this variance.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT11-CR-018, THOMAS B. & PAMELA S. HUGILL AND FAMILY WORSHIP CENTER, TRUSTEES (OWNERS/APPLICANTS) – FAMILY WORSHIP CENTER**

Applicants are requesting special permit approval to locate a place of worship in an existing building, PIN #7807-39-7512-000, located at 12067 Marsh Road, Cedar Run District, Bealeton, 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. Steven Tees, representative, expressed agreement with the staff report.

Mr. Tom Hugill, owner, stated that enhancements will be made to the appearance of the building and requested a reduction in the front screening requirement. Mr. Hugill also stated that he would prefer not having to relocate a portion of the parking area to the rear of the building to accommodate the front setback requirement.

Mr. Horton clarified that tree buffers were required along Marsh Road (Route 17) as part of a previously approved minor site plan. Mr. Horton also stated that the parking requirement is a special permit standard, which cannot be waived, but the exact location of the parking area will be determined during the site plan review process.

Mrs. Cooper stated that the required front screening would provide a measure of safety for any children who may be at the site since Marsh Road (Route 17) is so heavily travelled.

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. In order to screen the site from surrounding properties, a vegetative screen meeting Zoning Ordinance requirements shall be installed along Marsh Road/Route 17 and along the C-2/RA Zoning District line abutting the baseball field to the south.
3. The existing wooded area in the rear portion of the property shall be preserved and maintained.
4. All existing signage shall be reviewed for conformance with Zoning Ordinance requirements as part of the site plan review process. Any future request for signage on the site must comply with all applicable County regulations and codes.
5. All issues with the property that come under the Fauquier County Health Department authority shall be addressed prior to the commencement of the church use on-site.
6. All applicable building permits shall be obtained for any renovations of the building relating to the place of worship, all required inspections must be conducted and a Certificate of Occupancy shall be obtained prior to the commencement of the church use on-site.

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

2. In order to screen the ~~site~~ *use* from surrounding properties, a vegetative screen meeting Zoning Ordinance requirements shall be installed along Marsh Road/Route 17 and along the C-2/RA Zoning District line abutting the baseball field to the south.

The motion carried unanimously, as amended.

**SPECIAL PERMIT #SPPT11-CR-019, ALAN DAVID & BONNIE L. EARLY (OWNERS/APPLICANTS – EARLY IMPOUNDMENT YARD)**

Applicants are requesting special permit approval to operate a motor vehicle impoundment/towing business with more than thirty (30) vehicles, PIN #6981-12-7566-000, located at 9736 James Madison Highway, Cedar Run 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. Charles Floyd, representative, expressed agreement with the staff report. Mr. Floyd stated that the applicants have reduced the number of violations on the property to one. Mr. Floyd also requested that no time limit be placed on this proposal.

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

On motion made by Mr. Russell and seconded by Mr. Brown, 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.
7. The proposed use is designed in such a manner that it will not cause an undue impact on neighboring properties.

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 use of the impound yards as identified on the special permit plat shall be exclusively for the storage of no more than fifty (50) vehicles. The on-site sale of impounded vehicles is prohibited.
2. A landscape screen consisting of evergreen trees shall be installed along the perimeter of the impound yards as shown on the special permit plat. The type and size of plantings shall be determined by the Zoning Administrator during the site plan review process and are in addition to any landscaping requirements set forth in the Zoning Ordinance for site plans. Once installed, the landscape screen shall be maintained in order to ensure proper screening of the vehicle impoundment business on-site.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT11-CR-021, GREGORY R. & GWENDA A. PLUSH (OWNERS)/ANGELA L. LLOYD (APPLICANT)**

Applicant is requesting a special permit to allow for a dog kennel, PIN #6982-47-9089-000, located at 8751 Trinity Lane, Cedar Run 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.

Jennifer Moore, Esquire, representative, expressed agreement with the staff report. Ms. Moore requested that the applicant's pets not be included in the number of dogs allowed on-site.

Ms. Angela Lloyd, applicant, spoke in support of the approval of this special permit.

Mr. Mark Semerad, a neighbor, stated that while he is not opposed to the applicant's request, he is concerned about possible well contamination from animal waste.

Mr. Hushour clarified that solid waste is collected on a daily basis, bagged and stored until it is disposed of via a regular trash pick-up service due to the low volume of waste associated with small kennels. Mr. Hushour stated that with the small number of dogs, the limited amount of time that they are outside, and the distance from the subject property, there is very little possibility of contamination.

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

On motion made by Mrs. Cooper 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. No more than twenty-four (24) dogs shall be housed on-site at any one time, including those that are the property of the applicant, Angela L. Lloyd.
2. All client visits to the subject property for the purpose of dropping off or picking up dogs shall be limited to those hours between 8:00 a.m. and 7:00 p.m. daily, and shall be by appointment only.
3. The housing of all dogs on-site shall be limited to the existing garage/kennel building that is attached to the existing residence and/or the existing residence itself.
4. The outdoor kennel runs shall be located a minimum of seventy-five (75) feet from all property lines. The final location of this feature shall be determined by the Zoning Administrator during the site plan review process.
5. The use of the outdoor kennel runs on the subject property is for limited recreation purposes only and is prohibited for use for long term confinement of any dogs. In addition, the runs shall only be illuminated when in use during evening hours.
6. Animal waste generated by dogs housed on-site 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 commercial activity on-site is prohibited.

After discussion, on motion made by Mr. Tufts and seconded by Mr. Brown, it was moved to amend Condition #1 of the above motion, as follows:

1. No more than twenty-four (24) dogs shall be housed on-site at any one time, of which no more than twenty (20) may be associated with the kennel use.

The motion carried unanimously, as amended.

**OTHER BUSINESS:**

- Mr. Hushour stated that additional information has been received regarding the Carolyn A. Calarco variance request (ZNVA11-MA-002), which will be reconsidered at the June meeting, and suggested that a site visit would be appropriate to observe any topography and drainage constraints. Mr. Hushour also stated that a large number of applications will be considered at the June meeting and suggested starting the work session earlier in the day.

Board members agreed that the June 2, 2011 meeting will begin at 10:30 a.m. to allow for a site visit to the Calarco property.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 3:15 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.*