

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 1, 2011**

*Work Session
12:30 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, September 1, 2011, beginning at 12:30 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-LE-028, JOLEEN TEETS (OWNER/APPLICANT) – TEETS KENNEL

Applicant is requesting special permit approval to operate a commercial kennel for dog breeding, PIN #6889-34-7522-000, located at 11065 Harley Drive, Lee District, Bealeton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

SPECIAL PERMIT #SPPT12-CR-001, WARRENTON INVESTMENTS, INC. & JAMES MADISON BUSINESS PARK, LLC (OWNERS)/CALVARY CHAPEL WARRENTON (APPLICANT) – CALVARY CHAPEL WARRENTON

Applicant is requesting an amendment to a previously approved special permit to allow for the expansion of an existing place of worship, PIN #6981-16-6330-000 and 6981-16-6568-000, located at 9550 James Madison Highway and 9552 James Madison Highway, Cedar Run District, Warrenton, Virginia. (Wally Horton, Staff)

Mr. Horton reviewed the application.

ZONING VARIANCE #ZNVA12-MA-001 – CECELIA H. MILLER (OWNER)/CECELIA H. CATO (APPLICANT) – MILLER PROPERTY

Applicant is requesting a variance of the one hundred fifty (150) foot front yard setback requirement from James Madison Highway (Routes 15/17/29) and the seventy-five (75) foot front yard setback requirement from Old Culpeper Road (Route 800), for the RR-2 Zoning District. The purpose of the request is to accommodate the construction of a new single-

family detached dwelling, PIN #6982-22-6444-000, located at 9232 James Madison Highway, Marshall District, Warrenton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

SPECIAL PERMIT #SPPT12-MA-003, MOUNT NEBO BAPTIST CHURCH, TRUSTEES (OWNERS/APPLICANTS) – MOUNT NEBO BAPTIST CHURCH

Applicants are requesting special permit approval to construct an addition to an existing place of worship, PIN #6959-90-5297-000, located at 4679 Free State Road, Marshall District, Marshall, Virginia. (Wally Horton, Staff)

Mr. Horton reviewed the application.

The meeting was adjourned at 1:45 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 1, 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 August 4, 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.

SPECIAL PERMIT #SPPT11-LE-028, JOLEEN TEETS (OWNER/APPLICANT) – TEETS KENNEL

Applicant is requesting special permit approval to operate a commercial kennel for dog breeding, PIN #6889-34-7522-000, located at 11065 Harley Drive, 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 and asked staff why no photographs of the facility were included in the staff report.

Mr. Hushour responded that when he and the Zoning Inspector visited the site, the applicant's representative, Mr. Frank Reinhardt, requested that no photographs be taken, on advice of legal counsel.

Mr. Meadows noted that there is a pending legal case regarding this property and asked Mr. Frank Reinhardt, representative, if he has a legal representative present and if not, if he feels comfortable continuing without such.

Mr. Reinhardt stated that while he does not have legal counsel present, he would like to continue with the public hearing and expressed agreement with the staff report. Mr. Reinhardt further stated that he was under the impression that the entire Board would make a site visit prior to the public hearing; therefore, he did not think photographs were necessary.

Mr. Meadows inquired if Mr. Reinhardt would agree to a postponement until the next regularly scheduled meeting.

Mr. Reinhardt stated that, while he is not requesting the postponement, he would agree to it.

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

On motion made by Mr. Brown and seconded by Mr. Russell, it was moved to postpone action on this item until the next regularly scheduled meeting, with the public hearing left open, to allow for a site visit.

The motion carried unanimously.

SPECIAL PERMIT #SPPT12-CR-001, WARRENTON INVESTMENTS, INC. & JAMES MADISON BUSINESS PARK, LLC (OWNERS)/CALVARY CHAPEL WARRENTON (APPLICANT) – CALVARY CHAPEL WARRENTON

Applicant is requesting an amendment to a previously approved special permit to allow for the expansion of an existing place of worship, PIN #6981-16-6330-000 and 6981-16-6568-000, located at 9550 James Madison Highway and 9552 James Madison Highway, Cedar Run District, Warrenton, 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. Matthew Mozeleski, 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 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. Other than church office activities, no church services or related activities shall occur during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) unless a site plan amendment is approved demonstrating adequacy of parking for such activities.
3. The number of worshippers on-site shall not exceed one hundred and twenty (120) persons at any one time.

4. No schools (other than Sunday School and Vacation Bible School), day care facilities or athletic facilities shall operate on-site as part of the church without separate approval or amendment to this special permit.
5. The applicant shall satisfy all requirements of the Fauquier County Health Department prior to approval of the site plan amendment for the church.

The motion carried unanimously.

ZONING VARIANCE #ZNVA12-MA-001 – CECELIA H. MILLER (OWNER)/CECELIA H. CATO (APPLICANT) – MILLER PROPERTY

Applicant is requesting a variance of the one hundred fifty (150) foot front yard setback requirement from James Madison Highway (Routes 15/17/29) and the seventy-five (75) foot front yard setback requirement from Old Culpeper Road (Route 800), for the RR-2 Zoning District. The purpose of the request is to accommodate the construction of a new single-family detached dwelling, PIN #6982-22-6444-000, located at 9232 James Madison Highway, Marshall 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.

Ms. Cecelia Cato, applicant, expressed agreement with the staff report.

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

Mr. Brown stated that the unusual shape of the property is an excellent example of a special condition or uniqueness that the variance provision is designed to address.

On motion made by Mr. Tufts 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 front yard setback of any residence on the subject property shall be located no closer than sixty-six (66) feet from the eastern property line adjacent to Route 29/James Madison Highway, no closer than twenty-five (25) feet from the western property line adjacent to Old Culpeper Road, and a minimum of twenty-five (25) feet from the northern property line.

The motion carried unanimously.

SPECIAL PERMIT #SPPT12-MA-003, MOUNT NEBO BAPTIST CHURCH, TRUSTEES (OWNERS/APPLICANTS) – MOUNT NEBO BAPTIST CHURCH

Applicants are requesting special permit approval to construct an addition to an existing place of worship, PIN #6959-90-5297-000, located at 4679 Free State 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. Dennis Reitz, 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. 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. Total impervious conversion on-site, including all parking added since 2006 and any conversion proposed as part of this application, shall not exceed 10,000 square feet in total area.
3. Evergreen plantings shall be required in a staggered double row around the large parking area and new building addition. These plantings shall be planted closer around the improvements on top of the hill adjacent to the eastern property line, in order to better shield the adjacent residential properties in this area.
4. No additional outdoor lighting is allowed on-site, beyond that which already exists on-site for the church.
5. The applicant shall satisfy all requirements of the Fauquier County Health Department prior to approval of the site plan for the Church expansion.
6. The applicant shall satisfy all requirements of the Virginia Department of Transportation prior to approval of the site plan for the expansion of the church on-site.

The motion carried unanimously.

OTHER BUSINESS:

- On motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to reconsider Special Permit #SPPT12-LE-002, Morrisville United Methodist Church, Trustees (Owners/Applicants) – His Little Light at Morrisville United Methodist Church at the next regularly scheduled meeting.

The motion carried unanimously.

- On motion made by Mr. Tufts and seconded by Mr. Brown, it was moved to reopen Special Permit #SPPT12-CR-001, Warrenton Investments, Inc. & James Madison Business Park, LLC (Owners)/Calvary Chapel Warrenton (Applicant) – Calvary Chapel Warrenton.

The motion carried unanimously.

After discussion, it was moved to amend Condition #3 of the previously approved motion as follows:

3. The number of ~~worshippers~~ *occupants* on-site shall not exceed one hundred and twenty (120) persons at any one time.

The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:36 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.