

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

Site Visits

11:00 a.m.

*Parking Lot – Corner of Lee Street and Marshall Street
Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held an adjourned meeting on December 1, 2011 at 11:00 a.m. at the parking lot on the corner of Lee Street and Marshall Street to determine which properties that are the subject matter of a public hearing will be the subject of a site visit and the order of such site visits. 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 was Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary.

Mr. Meadows reviewed the agenda and stated that there would be two (2) site visits as follows:

1. Landers' Kennel at 11:15 a.m.
2. Doores Property at 11:40 a.m.

With no further business, the meeting was adjourned at approximately 12:00 p.m. to reconvene at 1:00 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia.

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 1, 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; and Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT12-CR-008, BRIAN T. & LAURIE A. LANDERS ET AL (OWNERS/APPLICANTS) – LANDERS’ KENNEL

Applicants are requesting special permit approval to allow for a commercial kennel for boarding and an animal shelter, PIN #7925-10-7761-000, located at 7335 Compton Lane, Cedar Run District, Nokesville, Virginia. (Andrew Hushour, Staff) *Note: Public hearing was closed on November 3, 2011.*

Mr. Hushour reviewed the application.

ZONING VARIANCE #ZNVA12-SC-005, JACKIE & LORA DOORES (OWNERS/APPLICANTS) – DOORES PROPERTY

Applicants are requesting a variance of the twenty-five (25) foot side yard setback requirement for the RA (Rural Agriculture) Zoning District to allow for the construction of an addition onto an existing dwelling, PIN #7915-47-6936-000, located at 6747 Shepherdstown Road, Scott District, Warrenton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

The meeting was adjourned at 1:30 p.m.

<p style="text-align: center;"><i>Regularly Scheduled Meeting</i> 2:00 p.m. <i>Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia</i></p>
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The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, December 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; and Mrs. Fran Williams, Administrative Specialist.

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.

MINUTES:

On motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to approve the November 3, 2011 minutes.

The motion carried unanimously.

SPECIAL PERMIT #SPPT12-CR-008, BRIAN T. & LAURIE A. LANDERS, ET AL (OWNERS/APPLICANTS) – LANDERS’ KENNEL

Applicants are requesting special permit approval to allow for a commercial kennel for boarding and an animal shelter, PIN #7925-10-7761-000, located at 7335 Compton Lane, Cedar Run District, Nokesville, Virginia. (Andrew Hushour, Staff) *Note: Public hearing was closed on November 3, 2011.*

Mr. Hushour stated that a site visit was made earlier in the day.

Mr. Meadows stated that the public hearing was closed on November 3, 2011, but asked the Board if they would like any additional information from anyone present.

Mr. Brown stated that an aerial photo, a copy of which is attached to and made a part of these official minutes, was submitted to the Board just prior to the meeting and requested clarification on what it depicts.

Mr. Gordon McCuin, a neighbor, stated that the aerial photo shows the subject property and the surrounding neighbors who are opposed to the granting of this special permit. Mr. McCuin stated that a petition with the neighbors’ signatures was previously submitted.

Board members inquired about access to the applicants’ property and the responsibility for its maintenance.

Mr. Billy Hash, a neighbor, stated that he purchased his property, which included the road, approximately 36 years ago and that the applicants have an easement to use this road.

Mrs. Laurie Landers, applicant, stated that she and her husband have shared in the maintenance (e.g., plowing snow, supplying, dumping, and spreading gravel) of the easement during the past nine years they have lived on the property.

After further discussion regarding access to the property and a brief recess, 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 applicants may house a maximum of twenty-five (25) dogs on-site.
2. The applicants are limited to the commercial boarding of dogs and the sheltering of rescue dogs on-site; the commercial breeding of any animals housed on-site is prohibited.
3. The indoor kennel facility is limited to a maximum of twenty-five (25) separate kennel pens, for which no more than fourteen (14) shall be allowed for use for the commercial boarding of dogs.
4. All customer visits to the subject property shall be limited to those hours between 7:00 a.m. and 7:00 p.m. daily, and shall be by appointment only.
5. The number of persons working on-site in conjunction with the approved kennel facility shall be limited to no more than five (5) individuals, including the applicants and any immediate family members.
6. Regardless of that shown on the special permit plat, the kennel building and outdoor play area shall be located directly adjacent to the existing residence on-site, at its northeast corner, a minimum of 75 feet from all property lines.
7. Use of the outdoor play area by more than one (1) dog shall be limited to the hours of 8:00 a.m. until 6:00 p.m. daily. The outdoor lighting of this area shall be prohibited.
8. Individual kennel pen access to their adjacent outdoor runs shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m., except that one (1) dog at a time may be allowed into its outside run during these hours.
9. The outdoor run areas are allowed to be externally lit, pursuant to the performance standards found in Article 9 of the Fauquier County Zoning Ordinance. All lighting

shall only be activated for the duration that any dogs are outdoors and shall be turned off once the animals have been put back indoors.

10. The applicants shall keep and maintain health records for all dogs that are housed on-site. Such records shall be made available to the Zoning Administrator upon reasonable request.
11. Animal waste generated by the facility shall be contained and disposed of as prescribed by the Fauquier County Health Department during the site plan review process.
12. The installation of any signage related to the facility on-site is limited to no more than four (4) square feet, with a maximum height of six (6) feet, and shall not be illuminated.
13. 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.
14. The applicants shall be required to fill the potholes and replenish the gravel on Compton Lane from the intersection of Kennedy Road to the entrance to the applicants' property prior to site plan approval. Thereafter, the applicants are required to maintain Compton Lane from the intersection of Kennedy Road to the entrance of their parcel by grading the road twice per year and replenishing gravel as necessary. The applicants, workers, and visitors in connection with this special permit are required to abide by a 10 mph speed limit and the applicants shall install a speed limit sign on Compton Lane.
15. The special permit is issued for a period of ten (10) years with unlimited administrative renewals by the Zoning Administrator.

The motion carried unanimously.

ZONING VARIANCE #ZNVA12-SC-005, JACKIE & LORA DOORES (OWNERS/APPLICANTS) – DOORES PROPERTY

Applicants are requesting a variance of the twenty-five (25) foot side yard setback requirement for the RA (Rural Agriculture) Zoning District to allow for the construction of an addition onto an existing dwelling, PIN #7915-47-6936-000, located at 6747 Shepherdstown Road, Scott 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, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. & Mrs. Jackie Doores, 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. 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 addition to the existing residence on-site shall be located no closer than five (5) feet from the western side property line adjacent to the existing cemetery parcel, identified as PIN #7915-47-5836-000, as shown on the approved variance plat.

The motion carried unanimously.

OTHER BUSINESS:

SPECIAL PERMIT #SPPT12-SC-006, BOB & JULIE COONCE (OWNERS/APPLICANTS) – BETTY’S CHIPS & SALSA

Applicants are requesting special permit approval to allow for a food processing and catering business as a major home occupation, PIN #6083-97-1172-000, located at 6340 John S. Mosby Highway, Scott District, Middleburg, Virginia. (Andrew Hushour, Staff)

Mr. Meadows stated that a letter dated November 10, 2011 has been received from James P. Downey, Esquire, representing Mr. & Mrs. Brian Fitzgerald, requesting that the Board reopen the public hearing and reconsider the decision regarding Betty's Chips & Salsa.

In that there was no motion to do so, this item was not reconsidered.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:50 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.