

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
NOVEMBER 4, 2010**

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, November 4, 2010, 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; and Mr. Maximilian Tufts, Jr. Also present were Ms. Mary Catherine Sheridan, Assistant County Attorney; and Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary. Member absent was Mrs. Mary North Cooper.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT11-MA-008, THE BRIDGE COMMUNITY ASSEMBLY OF GOD CHURCH (OWNER/APPLICANT) – THE BRIDGE COMMUNITY ASSEMBLY OF GOD CHURCH

Applicant is requesting special permit approval to construct a place of worship, PIN #6982-38-6064-000 and 6982-48-4066-000, located at 8776 James Madison Highway and 8802 James Madison Highway, Marshall 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, November 4, 2010, 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; 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. Member absent was Mrs. Mary North Cooper.

MINUTES:

On motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to approve the October 7, 2010 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 #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. (Wally Horton, Staff) *Note: Public hearing was closed on May 6, 2010.*

Postponed.

ZONING APPEAL #ZNAP11-SC-002, WILSHIRE LIMITED PARTNERSHIP (OWNER)/CHARLES JENKINS (APPLICANT)

Applicant is appealing a Zoning Administrator's determination regarding display, a produce vendor, located in a required front yard, PIN #6995-88-5503-000, located at 5599 Lee Highway, Scott District, Warrenton, Virginia. (Andrew Hushour, Staff) *Note: This is a public meeting, not a public hearing.*

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 meeting.

Frank Reynolds, Esquire, representative, stated that the April 12, 1993 letter from the previous Zoning Administrator, Mrs. Carolyn Bowen, establishes that the sale of fruits and vegetables from the back of a pickup truck is a valid non-conforming use on the property. Mr. Reynolds did, however, concede that the structures (i.e., produce stands) may need to be removed from the property.

Mr. Meadows closed the public meeting.

After discussion, on motion made by Mr. Brown and seconded by Mr. Russell, it was moved to affirm the decision of the Fauquier County Zoning Administrator, after due notice and hearing as required by the Fauquier County Zoning Ordinance and *Code of Virginia*, in Zoning Appeal #ZNAP11-SC-002, finding that the decision of the Zoning Administrator is correct as stated in the Notice of Violation and Corrective Order dated June 7, 2010.

The motion carried 4 – 0, as follows:

AYES: Mr. Brown, Mr. Russell, Mr. Meadows, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mrs. Cooper

SPECIAL PERMIT #SPPT11-MA-008, THE BRIDGE COMMUNITY ASSEMBLY OF GOD CHURCH (OWNER/APPLICANT) – THE BRIDGE COMMUNITY ASSEMBLY OF GOD CHURCH

Applicant is requesting special permit approval to construct a place of worship, PIN #6982-38-6064-000 and 6982-48-4066-000, located at 8776 James Madison Highway and 8802 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.

Mr. Charles Floyd, representative, stated that the proposed size represents the ultimate goals and objective of this growing church and will alleviate the need for future special permit amendments. Mr. Floyd also discussed the design and orientation of the building; hours of operation; lighting; signage; and the proposed landscaping.

Mr. John Wood, Associate Pastor, spoke in support of the granting of this special permit.

Mr. Tom Bankert, a church member, spoke in support of the granting of this special permit. Mr. Bankert presented a petition, a copy of which is attached to and made a part of these official minutes, with 234 signatures supporting this request.

Mr. Mahmood Pasha Monajemi, previous owner of one of the parcels, spoke in opposition to the granting of this special permit. Mr. Monajemi expressed concerns about safety since the property is located on a very sharp curve in a high traffic area.

Ms. Meredith Smith, a neighbor, spoke in opposition to the granting of this special permit. Ms. Smith expressed concerns about the impact this proposed use would have on the rural

area, conservation easements, hours of operation, lighting, noise, and safety along James Madison Highway (Route 29).

Ms. Helen Cornwell, a church member, spoke in support of the granting of this special permit.

Ms. Carol Schefer, a church member, spoke in support of the granting of this special permit.

Ms. Regine Roger, a church member, spoke in support of the granting of this special permit.

Mr. Charles Cornwell, a church member, spoke in support of the granting of this special permit. Mr. Cornwell stated that church representatives have consulted with the Virginia Department of Transportation (VDOT) regarding traffic impacts and they are satisfied that they can meet all of VDOT's requirements.

Mr. Tom Rodgers, a church member, spoke in support of the granting of this special permit.

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

After discussion, 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. The use of the office building and the church facility on-site shall be exclusively limited to church uses and uses incidental thereto.
3. 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.
4. The applicant shall be required to fulfill all necessary landscaping requirements pursuant to Article 7 of the Zoning Ordinance. This shall include the twenty (20) foot front yard buffer along James Madison Highway (Route 29) to include three (3) canopy trees, three (3) understory trees and twenty-four (24) shrubs per one hundred (100) linear feet of frontage.
5. Prior to the issuance of a Certificate of Occupancy for the church, the applicant shall close the driveway entrance associated with the residence located on PIN #6982-48-4066.
6. The applicant shall obtain all applicable permits from the Fauquier County Building and Health Departments, prior to the demolition of the structures located on PIN #6982-48-4066.

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

7. Maintenance of landscape screening on-site is required.

After additional discussion regarding traffic concerns, on motion made by Mr. Tufts and seconded by Mr. Russell, it was moved to further amend the above motion, as follows:

8. The applicant shall consult with the Virginia Department of Transportation (VDOT) regarding the appropriateness of adding a “No U-Turn” sign at the intersection of Lovers Lane and Route 29 and provide the results of that consultation to Zoning staff during site plan review.

The amended motion carried 4 – 0, as follows:

AYES: Mr. Brown, Mr. Russell, Mr. Meadows, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mrs. Cooper

ADJOURNMENT:

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