

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
DECEMBER 2, 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, December 2, 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; 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 #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.*

Mr. Horton reviewed the application.

**SPECIAL PERMIT #SPPT11-LE-009, THOMAS J. & LINDA D. OLIVER (OWNERS/APPLICANTS) – OLIVER PROPERTY**

Applicants are requesting an amendment to a previously approved special permit to reduce the lot area for a family transfer, PIN #6971-80-5467-000, located at 7313 Opal Road, Lee 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, December 2, 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; 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 November 4, 2010 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 #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. (Andrew Hushour, Staff) *Note: Public hearing was closed on May 6, 2010.*

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Meadows stated that even though the public hearing was previously closed, he would allow any in attendance who would like to speak regarding this proposal to do so.

James Downey, Esquire, representative, expressed agreement with the staff report in conjunction with the minor refinements that were discussed at the work session.

Ms. Lori Shipe, a neighbor, spoke in opposition to the granting of this special permit due to concerns about noise, an increase in the number of dogs, and the possible decrease in property values.

Mr. Jim Read, a neighbor, spoke in opposition to the granting of this special permit, stating that since the applicant is in violation of a number of the previously approved conditions, she should not be allowed to expand her business.

After discussion, on motion made by Mr. Russell 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. The delivery and pick up of animals shall be allowed between the hours of 7:00 a.m. to 7:00 p.m. daily, and by appointment only.
3. The confinement of all dogs on-site shall be limited to the existing kennel building and/or the existing residence on-site.
4. Irrespective of that shown on the submitted special permit plat, all outdoor fenced areas for use in conjunction with the kennel shall be located at least seventy-five (75)

feet from all property lines, and are limited for use no more than four (4) times per day for a maximum of sixty (60) minutes per session.

5. No more than fifty-three (53) dogs may be kept on the property.
6. Animal waste shall be bagged and transported from the site for deposit in an authorized facility at least once a week. At the request of the Zoning Administrator, documents shall be submitted by the applicants in order to determine compliance.
7. Parking facilities shall be in accord with requirements of the Zoning Ordinance.
8. No additional lighting beyond what already serves the kennel building shall be installed.
9. All necessary land disturbance permits, as may be needed, must be obtained for the relocation of the driveway as depicted on the special permit plat.
10. Privacy fabric consistent with that submitted as part of the application materials shall be installed along the perimeter of all fenced areas adjacent to neighboring properties and between areas within such fenced enclosures.
11. Additional landscaping sufficient to screen and soften the appearance of the fenced areas from the view of adjacent properties shall be installed, consisting of a minimum of a solid row of evergreen plantings planted no more than ten (10) feet apart and equivalent to Zoning Ordinance landscape requirements. Landscaping on-site shall be maintained so as to continue to screen the kennel from adjacent properties.
12. All necessary permits must be secured for all structures on-site prior to site plan approval.
13. The special permit is issued for an indefinite period of time.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT11-LE-009, THOMAS J. & LINDA D. OLIVER (OWNERS/APPLICANTS) – OLIVER PROPERTY**

Applicants are requesting an amendment to a previously approved special permit to reduce the lot area for a family transfer, PIN #6971-80-5467-000, located at 7313 Opal Road, Lee 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.

In that there were no 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.
7. The type and amount of traffic generated by the particular use is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

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 as necessary to meet Zoning Ordinance requirements.
2. The area encumbered by this Special Permit is limited to approximately 39 acres, which includes the proposed residue of 40.63 acres (the SUBJECT PROPERTY) as shown on the Special Permit Plat, less an approximately 1.46-acre parcel that will be subdivided from the subject property at a later date, also shown on the Special Permit Plat.
3. The number of employees allowed to work from the subject property shall be limited to five (5) persons, including the applicants, Thomas J. and Linda D. Oliver.
4. No equipment other than three (3) commercial trucks and one (1) forklift shall be stored on-site in conjunction with business operations.

5. The parking area utilized for the commercial vehicle/employee parking shall not exceed 1,000 square feet, and shall be generally located along the western side of the existing barn structure.
6. Any materials stored on-site in conjunction with the business shall be stored within the existing barn structure.

The motion carried unanimously.

**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.*