

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
APRIL 3, 2008**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON APRIL 3, 2008 AT 10:30 A.M. IN WARRENTON, VIRGINIA.

Members present were Mr. John Meadows, Chairperson; Mr. James W. Van Luven, Vice-Chairperson; Mr. Maximilian Tufts, Secretary; Mrs. Mary North Cooper; Mr. Serf Guerra; and Mr. Harry R. Russell. Also present were Mr. Andrew Hushour, Assistant Zoning Administrator; and Mr. Wally Horton, Senior Planner. Member absent was Mrs. Sonja Addison.

SITE VISITS:

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

1. Liberty Station/Dunkin Donuts at 11:49 a.m.
2. Joleen S. Teets at 11:56 a.m.

With no further business, the meeting was adjourned at approximately 12:18 p.m. to reconvene at 2:00 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia.

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, April 3, 2008, 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. James W. Van Luven, Vice-Chairperson; Mr. Maximilian Tufts, Secretary; Mrs. Sonja R. Addison; Mrs. Mary North Cooper; Mr. Serf Guerra; and Mr. Harry R. Russell. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kim Johnson, Zoning Administrator; Mr. Andrew Hushour, Assistant Zoning Administrator; Mr. Wally Horton, Senior Planner; and Mrs. Fran Williams, Administrative Specialist.

MINUTES:

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to approve the March 6, 2008 minutes.

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the Public Hearing protocol. Ms. Johnson stated that, to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners.

SPECIAL PERMIT #SPPT08-MA-033, MOUNT NEBO BAPTIST CHURCH, TRUSTEES (OWNERS/APPLICANTS) – MOUNT NEBO BAPTIST CHURCH

Applicant is requesting special permit approval to construct a place of worship, PIN #6959-90-6337-000, located at 4679 Freestate Road, Marshall District, Marshall, Virginia.

Postponed.

ZONING APPEAL #ZNAP08-LE-003, COOL LAWN FARMS, LLC (OWNER/APPLICANT)

Applicant is appealing the Zoning Administrator's denial of a Zoning Permit to construct a tenant/caretaker's quarters, PIN #6879-05-8631-000, located on the west size of Saint Paul's Road, Lee District, Remington, Virginia. *Note: This is a public meeting, not a public hearing.*

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of these minutes.

Mr. Meadows opened the public meeting.

Mr. Ken Smith, applicant, stated that this parcel is contiguous to other properties under his ownership, which make up his 400 – 500 acre dairy farm operation. Mr. Smith explained that he currently has ten employees and expects to hire an additional 40 to keep up with his expanding business, which provides valuable revenue for the County. Mr. Smith further stated that he provides affordable housing for a number of his employees and urged the Board to reverse the Zoning Administrator's decision.

Mr. Tufts inquired if the applicant has explored other options, such as contacting the adjacent property owners to see if they would be willing to sell a portion of their property so that a boundary adjustment could be done to increase the size of his parcel to the necessary 50 acres.

Mr. Smith responded that he has approached his neighbors, but they do not wish to sell any of their property at this time.

In that there were no further remarks, Mr. Meadows closed the public meeting.

After discussion, on motion made by Mr. Guerra and seconded by Mr. Tufts, after due notice and hearing as required by the Fauquier County Code and the *Code of Virginia*, it was moved to affirm the decision of the Zoning Administrator in Appeal #ZNAP08-LE-003, finding that the construction of a tenant/caretaker's quarters on a 40.55-acre parcel does not meet Zoning Ordinance requirements.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-LE-034, FAUQUIER BAPTIST CHURCH, TRUSTEES (OWNERS)/BETTY BRANYON (APPLICANT) – FAUQUIER BAPTIST CHURCH

Applicant is requesting special permit approval to construct an addition to an existing place of worship, PIN #6980-20-3550-000, located at 10550 James Madison Highway, Lee District, Bealeton, Virginia.

Postponed.

SPECIAL PERMIT #SPPT08-LE-035, CRANES CORNER, LLC (OWNER/APPLICANT) – LIBERTY STATION/DUNKIN DONUTS

Applicant is requesting special permit approval to allow for a fast food restaurant, PIN #6899-34-0300-000, located on the northeast corner of the intersection of Patrick Henry Boulevard and Marsh Road (Route 17), Lee District, Bealeton, Virginia.

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Chuck Floyd, representative, expressed agreement with the staff report. Mr. Floyd clarified that the proposed hours of operation are 5:00 a.m. to 9:00 p.m., Monday through Saturday, and 6:00 a.m. to 9:00 p.m. on Sunday. Mr. Floyd also stated that the projected traffic counts shown on the plat include traffic generated by the site as well as through traffic from adjoining developments.

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

On motion made by Mr. Van Luven 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 Code, based upon the Board's 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. A grease trap shall be installed in accordance with plumbing and building code requirements.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-LE-036, JOLEEN S. TEETS (OWNER/APPLICANT)

Applicant is requesting special permit approval to allow for a kennel, PIN #6889-34-7522-000, located at 11065 Harley Drive, Lee District, Bealeton, Virginia.

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Frank Reinhardt, representative, expressed agreement with the staff report. Mr. Reinhardt stated that he is willing to bring the property into compliance with all Zoning regulations. Mr. Reinhardt clarified that all duties related to the business are cared for by family members (e.g., children, parents, and in-laws) and that he will not have any employees. Mr. Reinhardt further stated that a representative from the Fauquier County Society for the Prevention of Cruelty to Animals (SPCA) toured his facility and found nothing of concern.

Mr. Richard Kiester, a neighbor, spoke in opposition to the granting of this special permit because of the increased amount of commercial traffic this business would create on a private road.

Ms. Joleen Teets, applicant, stated that while they do have horses on a portion of the property, even if this were not the case, this area would not be utilized for the dogs.

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

After discussion, on motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to postpone action on this application until the June 5, 2008 regularly scheduled meeting to allow

the applicant an opportunity to prepare a business plan, which will include the following information:

- Proposed screening and sound deterrent;
- How the Health Department's concerns will be addressed relating to sewage disposal since the holding tank was not designed for underground storage;
- How the buildings, enclosures, and fencing will be relocated to meet the required 75 foot setback;
- Number of breeding dogs;
- Number of trips per day.

The motion carried unanimously.

Mr. Meadows noted that the public hearing would be continued until the June 5, 2008 regularly scheduled meeting.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:22 p.m.

John R. Meadows, Chairperson

Maximilian A. Tufts, Jr., 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.