

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JUNE 4, 1998**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, June 4, 1998, at 2:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman; Mrs. Barbara Wilson, Secretary; Mrs. Peg Mailler, Mr. Eugene Lofdahl, and Dr. James Branscome. Mr. William Barr, Vice-Chairman, was absent. Also present were Mrs. Carolyn G. Bowen, Zoning Administrator; Mr. Paul McCulla, County Attorney; and Mr. Don Margraf, Assistant Zoning Administrator.

MINUTES The minutes of the May 7, 1998, meeting were deferred until the July 2, 1998 meeting.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mrs. Bowen stated that to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing had been advertised, posted, and letters of notification sent to adjoining property owners.

SPECIAL PERMIT #42429

Jermiah E. and Virginia C. Kearns (Owners) and Joseph and Debbie Stambaugh (Tenants/Applicants)

Joseph and Debbie Stambaugh have requested special permit approval for the location of a kennel and training facility on a 27.25 acre parcel. The property is located at Thompsons Mill Road (Route 615) in Goldvein, Virginia, Cedar Run District. PIN #7825-50-5144-000.

Mr. Margraf read the staff report. He stated that the applicants are requesting special permit approval to operate kennel and training facility located at 3368 Thompsons Mill Road (State Route 615) on 27.25 acres. Mr. Margraf provided key comments about the proposal, specifically, the business will be family owned and operated; there will be a maximum of twelve (12) dogs on the premise; the applicants request special permit approval for three (3) years and conveyance of the special permit with the sale of the property.

Mrs. Bowen stated that the applicant did not show the area on the plat where the gunshots will be fired for training.

Mr. Rider requested that the applicant show the proposed training area on the plat.

Mr. Joseph Stambaugh, applicant, indicated on the plat that the training area will be located near the small creek bisecting the property for starter pistols only. Blank and live ammunition will be used in the western portion of the property.

Mr. Stambaugh provided background history of his experience with dogs. He stated that additional landscaping would be provided around the kennel facility to alleviate noise onto adjacent property owners.

Mr. Rider asked if anyone opposed the request. No one spoke in opposition.

Mr. Rider closed the hearing.

On the motion made by Dr. Branscome, and seconded by Mrs. Mailer, it was moved to approve Special Permit #42734, 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 effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006 (1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-1301 Additional Standards for Kennels

1. The minimum lot size requirement shall be two (2) acres.
2. No structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area
3. All dogs shall be kept in pens designed and maintained for secure confinement.
4. In consideration of an application for a permit, the BZA shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may prescribe conditions with respect thereto.

5. Maximum of ten (10) dogs per acre.
5. 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 (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):
 1. The maximum number of dogs allowed is twelve (12).
 2. Starter pistols may be used for training from 7:00 A.M. to 8:00 P.M., Monday – Friday and 9:00 A.M. to 6:00 P.M., Saturday and Sunday.
 3. Shotguns may be used for training from 7:00 A.M. to 8:00 P.M., Monday – Friday and 9:00 A.M. to 6:00 P.M. on Saturday. Shotguns are not allowed to be used on Sunday.
 4. Blank shotgun ammunition will not be used within twenty-five (25) yards of the property lines and live ammunition will not be used within forty (40) yards of the property lines.
 5. Site plan as required.
 6. Compliance with the Virginia Department of Transportation.
 7. Special Permit is granted for a period of three (3) years.
 8. Special Permit will convey with the sale of the property from the Kearns to the Stambaughs.
 9. Provide screening (pine trees) around the kennel facility.

The motion carried unanimously.

SPECIAL PERMIT #42736

Jesse Jones, Jr. and Beverly Jones (Owners) and Dayspring Mennonite Church (Applicants)

The Dayspring Mennonite Church has requested special permit approval to construct a place of worship and day care center on a 5.72 acre parcel proposed to be subdivided from the original parcel identified as PIN #7900-02-6955-000. The property is located at 5524 Catlett Road (U. S. Highway 28) in Catlett, Virginia, Cedar Run District. In addition, Mr. and Mrs. Jones request to amend Special Permit #41318 issued on June 5, 1997 for retreats, religious meetings and conferences to allow the use on the remaining 32.446 acres.

Mr. Margraf read the staff report. He stated that the Dayspring Mennonite Church is requesting special permit approval to construct a church and day care center on 5.72 acre parcel to be subdivided from 38.166 acres, owned by Mr. and Mrs. Jones and located at 5524 Catlett Road (U. S. Highway 28). Mr. Margraf provided key comments about the proposal, specifically, the church membership will consist of approximately 400 members, the day care will have a maximum of forty (40) children, the applicant will have to address Fauquier County Health Department comments, and a commercial entrance will be required by Virginia Department of Transportation.

Mr. Ryder asked Mr. McCulla if separate action were required for the different requests. He indicated yes. The first action would involve the church and day care. The second action would involve the retreat.

Mr. Tom Basham, representative, spoke on behalf of the applicant, Pastor Bob Yoder of Dayspring Mennonite Church. Mr. Basham provided an overview of the proposals.

Mr. Rider asked if anyone opposed the request. No one spoke in opposition.

Mr. Rider closed the hearing.

On the motion made by Mrs. Wilson, and seconded by Mrs. Mailler, it was moved to approve the amendment for Special Permit #42736, 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 effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-603, Additional Standards for Monastery, Retreat or Similar Religious Facilities

1. No structure used for or in conjunction with use shall be located within 100 feet of any lot line.
2. All parking and loading areas, swimming pools and tennis courts shall be effectively screened.
3. The minimum lot size requirement shall be ten (10) acres.
5. 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 (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):

1. Special Permit #41318 issued on June 5, 1997, for 38.166 acres is amended to allow the subject property to be 32.446 acres.

The motion carried unanimously.

On the motion made by Mrs. Wilson and seconded by Mrs. Mailer it was moved to approve Special Permit #42736, 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 effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-503 - Additional Standards for Pre-School/Day Care Center/Nursery School

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
- B. That area outside the limits of the required front yard.

- C. Only that area which is developable for active outdoor recreation purposes.
- 2. All outdoor recreation area shall be fully fenced.

5-602 Additional Standards for Places of Worship

Uses proposed in conjunction with places of worship shall be subject to regulations applicable to such use (e.g., schools, athletic facilities).

- 5. 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 (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):
 - 1. The hours of operation for the day care center will be 6:00 A.M. to 7:00 P.M.
 - 2. All lighting shall be downshielded on the site.
 - 3. The recreational area is for baseball, soccer, volleyball and other activities.
 - 4. The proposed sign can be thirty-two (32) square foot.
 - 5. Site plan as required.
 - 6. All conditions that were granted for Special Permit #41318 will remain unchanged.
 - 7. Compliance with the Fauquier County Health Department.
 - 8. Compliance with the Virginia Department of Transportation.

The motion carried unanimously.

SPECIAL PERMIT #42741

Gary D. Cooper, Trustee and William W. Costello, Trustee/Community Christian Church (Owners)

The Community Christian Church has requested special permit approval to construct a place of worship on a 3.00 acre parcel. The property is located at Shipps Store Road (State Route 637) in the village of Morrisville, Virginia, Lee District. PIN #7806-88-8083-000.

Mr. Margraf read the staff report. He stated that the Community Christian Church is requesting special permit approval to construct a church on 3.00 acre parcel. Mr. Margraf provided key comments about the proposal, specifically, the church membership will consist of approximately 70-100 members with an ultimate membership consisting of 200 members, the applicant will have to address Fauquier County Health Department comments, and a commercial entrance will be required by Virginia Department of Transportation.

Mr. Larry Ervin, a member of the Community Christian Church, provided an overview of the proposal.

Mr. Rider asked if anyone opposed the request.

Ms. Sharon McCamy, the adjoining property owner, stated her concerns about the tree buffer along the western boundary of the property. She believed that there are a scarcity of trees in the tree buffer, especially visible during the winter.

Mr. Ervin indicated that the church will provide additional landscaping to create a dense tree buffer.

Mr. Rider closed the hearing.

On the motion made by Mrs. Mailler, and seconded by Mr. Lofdahl, it was moved to approve Special Permit #42741, 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 effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-602 Additional Standards for Places of Worship

Uses proposed in conjunction with places of worship shall be subject to regulations applicable to such use (e.g., schools, athletic facilities).

5. 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 (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):

1. Provide additional evergreen plantings within the 40' wide wooded buffer (State of Nature Easement) to effectively screen the parking lot from the adjacent property owners.
2. All lighting shall be downshielded on the site.
3. Compliance with the Fauquier County Health Department.
4. Compliance with the Virginia Department of Transportation.
5. Site plan as required.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at 3:15 P.M.

William Rider, Chairman

Barbara Wilson, Secretary

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.