

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
NOVEMBER 18, 2004**

*The Fauquier County Planning Commission held its Public Hearing on Thursday, November 18, 2004, beginning at 7:00 P.M. in the 2<sup>nd</sup> Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Ms. Kimberley Johnson, Mr. Kevin Burke, Mr. Todd Benson, and Mrs. Rebecca Kauffman.*

1. **THE PLEDGE OF ALLEGIANCE**

2. **CITIZENS' TIME**

No One Spoke.

3. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES**

- Zoning Ordinance Text Amendment to Section 15-1301 in order to add soundproofing and odor requirements for Kennels located in the R-1/Residential district.

Mr. Stone opened the public hearing.

Mr. George Stack, Scott District, stated the language in this text amendment should be strengthened. He said he does not believe commercial businesses should be present in Residential-1 (R-1) neighborhoods, but if they must be, then they should fold in quietly and conform to the community's standards. He continued that this text amendment should address the façade of the buildings involved in commercial ventures located in residential neighborhoods as well as waste disposal at kennel facilities. He said if a kennel were not well kept, odor from animal waste could become a severe problem. He stated the greatest concern is that the noise and odor not go beyond the boundaries of the kennel property. Mr. Stack commented the noise and odor control burden should be on the business owner. He added that an increase in traffic could also be an issue.

Mr. Al Benkelman, Scott District, stated he is an adjoining property owner to Paws Awhile Kennel. He said he would be glad to see Paws Awhile expand as long as the expansion meets all Zoning Ordinance requirements and restrictions. He commented that barking dogs should not be heard beyond the kennel's property lines.

Ms. Karen Riley, Scott District, stated her family lives down the road from the Paws Awhile Kennel. She said her hopes are that this text amendment will create

regulations to ensure the kennel noise is not detrimental to others in the neighborhood as her family is often awakened at 7:00 a.m. by barking dogs.

Mr. Stone called for the staff report as it was an earlier oversight.

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

Mr. Stone asked if according to the Text Amendment there would be no sound allowed to cross property boundaries.

Mr. Benson said some sound would still cross boundaries.

Mr. Stone asked if it was a requirement that zero (0) decibels be heard at property lines.

Mrs. McCarty asked if it was possible to have zero (0) decibels at the property lines.

Ms. Johnson stated it is possible, it is just a matter of how much money it would cost to make that happen.

Mrs. McCarty stated noise levels should not be detrimental to neighbors.

Mr. Trumbo asked what decibel level is acceptable according to the Noise Ordinance.

Mrs. McCarty stated ninety (90) decibels are currently acceptable, which is why the Planning Commission is working to change the Ordinance.

Mr. George Stack stated a kennel owner should be required, no matter the cost, to blend into the community in which it lies.

Mr. Meadows stated citizens are allowed to have up to eight (8) dogs at their homes, and so the Planning Commission needs to take care not to require more of a kennel owner than of a regular homeowner.

Mr. Binkelman stated a resident with several dogs is different than a kennel owner in that a kennel provides shelter for many dogs which are unfamiliar with one another creating a habitat where there is constant barking.

Mr. Trumbo said the County can not selectively apply the Zoning Ordinance. He added we may not want to put a decibel level limitation – a specific number – in this Text Amendment. He said we should take care of that in the Noise Ordinance.

Mr. Meadows said we can not have zero (0) sound passing over boundary lines.

Mrs. McCarty agreed and added that there must be a reasonable allowable level.

Mr. Robison stated the Noise Ordinance amendment should be added to next month's agenda. He also suggested a word be added to this Text Amendment so that where it currently reads "adequately soundproofed and constructed" it would say "adequately soundproofed, constructed and maintained."

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

Mr. Robison, seconded by Mr. Stone, moved to add the word "maintained" to the Text Amendment.

Mr. Benson stated the word could be added to the Zoning Ordinance where it refers to requirements for kennels in non-residential areas as well.

The motion carried unanimously.

Mr. Meadows asked how the County can restrict the types of dogs allowed in a kennel facility. He suggested #4 be removed.

Mr. Stone stated the County would want the Board of Zoning Appeals to take this into consideration.

Mr. Meadows questioned the fairness of only allowing (20) dogs at a properly soundproofed kennel on (2) acres.

Mrs. McCarty stated if they want to expand their business they will simply need more acreage.

Ms. Johnson reminded the Planning Commission that all kennels are not required to be soundproofed, only those in the R-1 Zoning District and those within seventy-five (75) feet of the property lines.

Mr. Meadows reiterated his question of the justness of allowing only twenty (20) dogs on two (2) acres except in the R-1 Zoning District.

Mr. Trumbo questioned how many cats were allowed per acre.

Mrs. Kimberly Johnson stated there is no limit.

Mr. Stone stated he is content with the current standards that have been discussed.

Mr. Trumbo added if someone wants to change the standards they can always ask.

Mr. Meadows suggested they consider the waste issue.

Mr. Trumbo stated odor from waste may not be the only problem resulting from kennels; there could potentially be a run-off issue. He questioned whether DEQ standards took care of this or if it was an issue that needed to be addressed here.

Ms. Johnson stated it would be reasonable to add text regarding cleaning and collecting waste.

Mr. Meadows suggested they take the language from the document provided by Mr. George Slack and add it to the Text Amendment.

Mr. Meadows, seconded by Mr. Robison, moved to add “Waste from operation must be collected and contained so as not to pollute the environment,” as #6 in the Text Amendment.

The motion carried unanimously.

Mr. Trumbo, seconded by Mr. Robison, moved to forward the Text Amendment, as amended, to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

There being no further business, the meeting adjourned at 7:35 p.m.

*A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development’s Planning Office, 10 Hotel Street, Warrenton, Virginia, for a period of one year.*