

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
OCTOBER 7, 2021**

*Site Visit
1:00 P.M.
Potomac Ministry Center – Special Permit #SPPT-21-015369
8437 James Madison Highway
Warrenton, Virginia*

Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Jr., Vice-Chairperson; Mr. Dell Ennis; Mr. Benjamin Tissue, Jr.; and Mr. Lawrence McDade. Staff present included Ms. Kara Krantz, Planner III and Mr. Adam Shellenberger, Chief of Planning/Secretary. All arrived independently at the site.

In addition to the above attendees, Mr. Jim Carson, Representative; Mr. Evan Newman, Representative; Mr. Bobby Basham, Potomac Ministry Network; Mr. Benjamin Rainey, Potomac Ministry Network; and Justin Coleman, Esq., Representative, were also in attendance.

The group toured the site and discussed the application. The meeting ended at approximately 1:15 p.m. and all attendees departed independently.

*Regularly Scheduled Meeting
2:00 p.m.
Warren Green Building, First Floor Meeting Room
10 Hotel Street
Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, October 7, 2021, beginning at 2:00 p.m. in the Warren Green Building, First Floor Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Jr., Vice-Chairperson; Mr. Dell Ennis; Mr. Benjamin Tissue, Jr.; and Mr. Lawrence G. McDade.

Also present were Mr. Adam Shellenberger, Chief of Planning/Secretary; Ms. Amy Rogers, Chief of Zoning/Development Services; Ms. Mary Catherine Anderson, Deputy County Attorney; and Mrs. Fran Williams, Administrative Manager. Staff participating remotely included Ms. Kara Krantz, Planner III.

INTRODUCTION:

Mr. Meadows introduced and welcomed Mr. Dell Ennis, who was recently appointed to the Board of Zoning Appeals.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mr. Shellenberger read the public hearing protocol.

Mr. Shellenberger stated that, to the best of his knowledge, the cases before the Board of Zoning Appeals for public hearing have been properly advertised, posted and letters of notification sent to adjoining property owners.

MINUTES:

On motion made by Mr. Tissue and seconded by Mr. Tufts, it was moved to approve the September 2, 2021 minutes.

The motion unanimously.

REGULAR AGENDA:

SPECIAL PERMIT – SPPT-21-015369 – ASSEMBLIES OF GOD, INC. OF THE POTOMAC DISTRICT COUNCIL (OWNER/APPLICANT) – POTOMAC MINISTRY CENTER – An application for a Category 6 Special Permit to allow a place of worship, PIN 6983-65-3190-000 and 6983-66-3096-000, located at 8437 and 8385 James Madison Highway, Cedar Run District, Warrenton, Virginia. (Kara Krantz, Staff) *(The public hearing, which was closed on September 2, 2021, will be reopened.)*

Ms. Krantz reviewed the staff report.

Board members and staff discussed the adequacy of the proposed number of parking spaces and landscaping for the project.

Ms. Rogers stated that, in March 2021, an application for a boundary line adjustment for this property was submitted to the Zoning Office, with a resubmission being received since the last BZA meeting. She noted that, should the boundary line adjustment be approved, the applicant would need to come before the BZA again since the current Special Permit application does not include one of the Parcel Identification Numbers (PINs) involved.

After discussion, Mr. Meadows reopened the public hearing.

Mr. Jim Carson, representative, stated that he does not agree with the staff report, which appears to contain even more reasons for the application to be a Special Exception, which would need to be considered by the Board of Supervisors. He clarified that the boundary line

adjustment application referred to by Ms. Rogers will not be an issue since it will definitely be withdrawn. Mr. Carson noted that this proposed place of worship would be a much quieter and peaceful use of the property than a park or houses. He also explained that the previous approval for a place of worship on this property was for a two story building totaling approximately 16,222 square feet since each level contained about 8,000 square feet. He stated that the building currently being proposed will not be visible from Route 29 since it will be obscured by a hill as well as many of the large canopy trees which will be preserved.

Mr. McDade expressed concern about the proposed scope of the project, stating that it appears to be grossly disproportionate to the anticipated uses. He stated that the size of the previously approved structure appears to be more than adequate for the proposed uses. He also stated that, from a land use perspective, the number of people who will be on the property on a regular basis will greatly impact such things as area traffic, water usage and waste water disposal.

Mr. Carson explained that the goal is not to maximize the entire square footage of the proposed structure for immediate use but to have enough space to spread out in a way to accommodate plenty of common space and to allow room for growth.

Mr. Tissue stated that, should the application be approved, as many of the larger specimen trees as possible should be saved to help with the viewshed. Mr. Tissue also stated that weddings generate a great deal of traffic and suggested that a traffic study should be generated as soon as possible. He also suggested that consideration needs to be given to the drainfield location as well as the proposed community well.

Mr. Ennis inquired if Mr. Carson is authorized to withdraw the boundary line adjustment application which was submitted. He also requested confirmation that the footprint of the proposed structure is actually 15,000 square feet instead of 30,000 square feet.

Mr. Carson stated that, as the agent for the applicant, he is authorized to withdraw the boundary line adjustment application, which should not have been resubmitted. He also confirmed that the proposed footprint of the structure will be approximately 15,000 square feet.

Mr. Ennis asked if the applicant has pursued requesting the Town of Warrenton to provide utilities (i.e., water and sewer) to the property. He also asked if a Hydro-Geological Study has been requested.

Mr. Carson responded that an initial inquiry was made but no interest was shown in allowing Town water and sewer for the project. He also noted that a Hydro-Geological Study is not necessary because, while there will be occasional large gatherings, the day-to-day water and sewer usage will average less than that of a single-family home.

Justin Coleman, Esq., representative, also confirmed that the proposed footprint of the structure will be approximately 15,000 square feet. Mr. Coleman stated that the proposed Special Exception was withdrawn, in part, because the applicant realized that much of the education and training can be done remotely.

A discussion ensued regarding the number of people that would be on-site for such events as weddings, possible dinners and other activities since this would impact area traffic, water usage and waste water disposal.

Mr. Coleman stated that since these uses will be incidental and will not occur on a regular basis, he is unable to give an exact number.

Mr. Ennis asked if it is Mr. Coleman's opinion that, should this application be approved, an accredited school use would require the applicant to seek additional approvals from the County.

Mr. Coleman acknowledged that an accredited school use would require additional approvals. He assured the Board that this use is not currently being considered.

Mr. Evan Newman, representative, stated that he is confident the proposed screening will prevent the building from being visible from the road. He also responded to the question about the size of the proposed structure by using the analogy of a person who builds a house. The person would consider the amount of money he has and then build the best house possible. It is the same with this project since the majority of the proposed floor plan will allow the building to be open and spacious.

Mr. Benjamin Rainey, who works from the Gainesville location of the Potomac Ministry Network, stated that the proposed building has been designed to be both functional and attractive. Mr. Rainey also confirmed there will not be an accredited school use on the property.

Mr. Meadows noted that The Bridge Community Church is also part of the Potomac Ministry Network and asked if there is anything in the organizational documents that would preclude having two of its churches in such close proximity.

Mr. Rainey replied that since his church ministry is not a competing congregation, there would be no issue with having the two churches close to each other.

After requesting that Mr. Carson return to the podium, Mr. Ennis inquired about what has taken place regarding the property since the original approval and if consideration has been given to consulting a landscape architect as part of the review process.

Mr. Carson responded that additional parcels have been acquired and are part of the application. He also indicated that his advice to his client would be to consult a landscape architect.

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

On motion made by Mr. McDade and seconded by Mr. Tufts, it was moved to deny 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 Applicant has other reasonable use of the property.
2. The proposed use may adversely affect the use or development of neighboring properties or may impair the value of nearby land.
3. Vehicular traffic generated by the proposed use may be hazardous and conflict with existing patterns in the neighborhood.
4. Availability of potable water, stormwater run-off control, erosion control, sediment control, drainage control, loading and other facilities may not be adequate to serve the proposed use.
5. Surface and groundwater quality and quantity may be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. Without additional information regarding road access and surrounding grading, the applicant has not demonstrated that Fire and Rescue will have adequate access to the proposed facility nor have they demonstrated a plan for fire suppression or the availability of an alternative water supply.

The motion carried 3 to 2, as follows:

AYES: Mr. Meadows, Mr. McDade, Mr. Tufts

NAYS: Mr. Ennis; Mr. Tissue

ABSTENTION: None

ABSENT: None

VARIANCE – VARI-21-015761 – PETER D. & LINDA D. RICH (OWNERS/APPLICANTS) – RICH PROPERTY – An application for a variance of Zoning Ordinance Section 3-404 to reduce the minimum required front yard setback, PIN 6091-80-3984-000, located at 3381 Halfway Road, Scott District, The Plains, Virginia. (Amy Rogers, Staff)

Ms. Rogers reviewed the staff report.

Mr. Meadows opened the public hearing.

John Foote, Esq., representative, expressed agreement with the staff report and reviewed the proposal.

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

On motion made by Mr. Tufts and seconded by Mr. Tissue, it was moved to grant the Variance, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 13-402 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The property interest for which the Variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; and
2. The granting of the Variance will not be of substantial detriment to the adjacent property and nearby properties in the proximity of that geographical area; and
3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance; and
4. The granting of the Variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
5. The relief or remedy sought by the Variance application is not available through a Special Exception or Special Permit process that is authorized in the Ordinance or the process for modification to the Zoning Ordinance at the time of the filing of the Variance application.

The Variance 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 Variance application except as specifically modified by the conditions below or as necessary to meet Zoning Ordinance requirements.
2. The front setback for the agricultural structure shall be reduced by 29.9 feet, reducing the required front yard to 45.1 feet from the centerline of Turner Mountain Road (Route 773).
3. A Zoning Permit shall be acquired for the agricultural structure.

The motion carried unanimously.

OTHER BUSINESS:

Ms. Anderson stated that she is continuing to revise the Rules of Procedure Regarding Appeals and will soon have a final version ready for the Board's consideration.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 3:45 p.m.

John R. Meadows, Chairperson

Adam Shellenberger, Secretary

Copies of all files and materials presented to the BZA are attached to and become part of these minutes. A recording of the meeting is on file for one (1) year.