

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
DECEMBER 2, 2021**

*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, December 2, 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; and Mr. Lawrence G. McDade. Member absent was Mr. Benjamin Tissue, Jr.

Also present were Mr. Adam Shellenberger, Chief of Planning/Secretary; Ms. Heather Jenkins, Assistant Chief of Zoning/Development Services; Ms. Mary Catherine Anderson, Deputy County Attorney; Ms. Rebecca Acland, Planner; and Mrs. Fran Williams, Administrative Manager.

**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. Tufts and seconded by Mr. Ennis, it was moved to approve the November 4, 2021 minutes.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tissue

**REGULAR AGENDA:**

**SPECIAL PERMIT – SPPT-21-016194 – JOHN W. & SHANNON L. CHERICHELLA (OWNERS)/STEPHANIE DAVIS (APPLICANT) – VIRGINIA EQUINE REHABILITATION AND PERFORMANCE CENTER** – An application for a Category 13 Special Permit to allow an equine veterinary clinic. The property is located at 8520 Cannonball Gate Road, Marshall District, Warrenton, Virginia. (PIN 6965-34-7554-000) (Rebecca Acland, Staff) (*Note: Public hearing was left open on November 4, 2021.*)

Ms. Acland reviewed the staff report.

After discussion, Mr. Meadows opened the public hearing.

Dr. Stephanie Davis, applicant, expressed agreement with the staff report.

James Downey, Esq., representing the owner, also expressed agreement with the staff report.

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

After discussion, on motion made by Mr. Ennis 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 Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties or 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 use is such that it will not cause an undue impact on neighbors or adversely affect the 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 use 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 use shall be limited to equine therapy and rehabilitation services. Surgical or emergency services shall not be permitted.
3. The hours of operation shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Sunday. Business traffic shall be limited to the hours of operation.
4. The use shall be limited to the existing nine (9) stall barn and indoor arena.
5. There shall be no more than fifteen (15) horses associated with the vet clinic on the property at any given time, and no more than nine (9) shall be permitted to be on the property overnight. Additionally, there shall be no more than ten (10) horses arriving and/or departing the property on any one day.
6. Waste water from equine treadmills shall be released into a stable outfall that does not contribute to or cause erosion.
7. All parking, service and loading areas shall be screened from view from public streets and adjacent properties.
8. Prior to Site Plan approval the Applicant shall demonstrate that there are adequate restroom and septic facilities to serve the use.
9. All applicable Zoning and Building Permits shall be obtained prior to establishment of the use.
10. A Site Plan shall be required prior to establishment of the use.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tissue

Mr. Meadows clarified Condition #3, stating that services should be concluded so that all traffic is gone by 5:00 p.m. and that there would be no arrivals prior to 8:00 a.m.

**SPECIAL PERMIT – SPPT-21-016360 – MORRISVILLE METHODIST EPISCOPAL CHURCH TRUSTEES/MORRISVILLE METHODIST CHURCH TRUSTEES (OWNERS)/EDWARD L. FOX, JR., TRUSTEE & ASHLEIGH A. HART, TRUSTEE (APPLICANTS) – MORRISVILLE PAVILION** – An application for a Category 6 Special Permit to allow the construction of a picnic pavilion at an existing place of worship. The property is located at 4432 Morrisville Road, Lee District, Bealeton, Virginia. (PIN 7816-36-1500-000) (Rebecca Acland, Staff)

Ms. Acland reviewed the staff report.

Mr. Meadows opened the public hearing.

Mr. Ed Fox, applicant, expressed agreement with the staff report.

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

On motion made by Mr. Tufts and seconded by Mr. Ennis, 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 or 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 use 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 use of the Place of Worship and pavilion shall be limited to worship uses and activities that are ancillary to and customarily associated with a religious institution.

3. The use may occur between 8:00 a.m. and 6:00 p.m. except for special occasions such as Christmas, Easter, other holy days and holidays.
4. The pavilion shall meet all setbacks between structures, as required by the Building Code or Fire Code.
5. All applicable zoning, building and land disturbance permits shall be obtained.
6. A Site Plan shall be required.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tissue

**OTHER BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at approximately 2:25 p.m.

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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.*