

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
APRIL 3, 2014**

*Work Session
12:00 p.m.
Warren Green Building, Second Floor Conference Room
10 Hotel Street
Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held a work session on Thursday, April 3, 2014, beginning at 12:00 p.m. in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Michael Brown, Vice-Chairperson; Mr. Bill Chipman; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Ms. Holly Meade, Assistant Chief of Planning; Ms. Kim Johnson, Zoning Administrator; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Tracy Gallehr, Deputy County Attorney; Ms. Marianne Primeau, Senior Assistant County Attorney; Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Don Del Rosso, Planner II; Ms. Marie Scheetz, Transportation Planner; and Mrs. Fran Williams, Administrative Manager.

ZONING APPEALS' PROCESS & PROCEDURES:

Ms. Gallehr reviewed the process and procedures regarding Zoning Appeals.

AGENDA REVIEW:

**SPECIAL PERMIT #SPPT14-CR-018, DONALD LEE & DEBRA L. SHERBEYN
(OWNERS/APPLICANTS) – HEALING HANDS MASSAGE**

Applicants are requesting renewal and amendment of a previously approved Special Permit to allow the operation of a professional office with six or less employees for therapeutic massage, PIN 7816-89-1656-000, located at 13199 Elk Run Road, Cedar Run District, Bealeton, Virginia. (Chris Pettit, Staff)

Ms. Meade reviewed the application.

**SPECIAL PERMIT #SPPT14-CR-022, ALVIN C. & EMMA BRENNEMAN
(OWNERS/APPLICANTS) – HOWLING HILL KENNELS, LLC**

Applicants are requesting Special Permit approval to allow the continued operation of a kennel, PIN 7829-81-1018-000, located at 11347 Eskridges Lane, Cedar Run District, Catlett, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

SPECIAL PERMIT #SPPT14-SC-016 & SPPT14-SC-017, AGB WARRANTY SERVICES, LLC (OWNER/APPLICANT) – AUTO STORAGE & DETAILING FACILITY

Applicant is requesting an amendment to a previously approved Special Permit for the expansion of an existing automobile inventory storage facility; and Special Permit approval to allow a motor vehicle wash, PIN 7906-00-6244-000, located at 5457 Lee Highway, Scott District, Warrenton, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

ADJOURNMENT:

The meeting was adjourned at 1:30 p.m.

*Regularly Scheduled Meeting
2:00 p.m.
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, 2014, 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. Michael Brown, Vice-Chairperson; Mr. Bill Chipman; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Ms. Holly Meade, Assistant Chief of Planning; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Don Del Rosso, Planner II; Ms. Marie Scheetz, Transportation Planner; and Mrs. Fran Williams, Administrative Manager.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the public hearing protocol.

Ms. Meade stated that, to the best of her 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. Brown and seconded by Mr. Tufts, it was moved to approve the March 6, 2014 minutes.

The motion carried unanimously.

REGULAR AGENDA:**SPECIAL PERMIT #SPPT14-SC-016 & SPPT14-SC-017, AGB WARRANTY SERVICES, LLC (OWNER/APPLICANT) – AUTO STORAGE & DETAILING FACILITY**

Applicant is requesting an amendment to a previously approved Special Permit for the expansion of an existing automobile inventory storage facility; and Special Permit approval to allow a motor vehicle wash, PIN 7906-00-6244-000, located at 5457 Lee Highway, Scott District, Warrenton, Virginia. (Don Del Rosso, Staff)

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

Mr. Meadows opened the public hearing.

Mr. Jim Carson, representative, expressed agreement with the staff report.

Mr. Bill Towne, a resident of Snow Hill, expressed concern about traffic, safety, the protection of groundwater, and screening of the proposed use.

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

On motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to grant the Special Permits, 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 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 Permits are 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, Special Permit plat dated January 24, 2014 and revised March 18, 2014 prepared by Carson/Ashley, except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. Automobile Dealer Inventory use shall be limited to the storage of new automobile inventory only. No sales or maintenance shall occur on-site and the public shall not be allowed on-site.
3. The motor vehicle wash use does not authorize the maintenance of vehicles or automobile repair garage.
4. The Site Plan shall accurately depict required setbacks and landscaping in accord with the Zoning Ordinance.
5. The Automobile Dealer Inventory storage lot and uses shall be completely screened from view.
6. The applicant shall be required to fulfill all necessary landscaping requirements pursuant to the Fauquier County Zoning Ordinance. Landscaping requirements shall be reviewed during the Site Plan process.
7. The applicant shall make provisions for maintenance of the required vegetation and trees to ensure its continued existence.
8. The hours of operation of the vehicle inventory storage and motor vehicle wash shall generally be 7:00 a.m. to 7:00 p.m., Monday through Saturday.
9. The motor vehicle wash shall include an oil/water separation system.
10. There shall be a maximum of twenty-five (25) employees on-site at any time.
11. No lighting is permitted on-site except motion-sensor security lighting. All lighting associated with the existing and proposed uses shall conform to the Fauquier County Zoning Ordinance.

12. All signs associated with the existing and proposed uses shall conform to the Fauquier County Zoning Ordinance and require the appropriate permits.
13. The motor vehicle wash shall be connected to the Fauquier County Water and Sanitation Authority (FCWSA) central water and sewer systems.
14. A Site Plan shall be required for this use.

After discussion, on motion made by Mr. Brown and seconded by Mrs. Cooper, it was moved to amend Condition #3 of the above motion, as follows:

3. The motor vehicle wash use does not authorize the maintenance of vehicles or automobile repair garage. *Should the applicant desire to pursue an auto body/painting establishment use in the future, a Site Plan application is required.*

The motion carried unanimously.

Thereafter, the original motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT14-CR-018, DONALD LEE & DEBRA L. SHERBEYN (OWNERS/APPLICANTS) – HEALING HANDS MASSAGE

Applicants are requesting renewal and amendment of a previously approved Special Permit to allow the operation of a professional office with six or less employees for therapeutic massage, PIN 7816-89-1656-000, located at 13199 Elk Run Road, Cedar Run District, Bealeton, Virginia. (Chris Pettit, Staff)

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

Mr. Meadows opened the public hearing.

Ms. Debra Sherbeyn, applicant, expressed agreement with the staff report.

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

On motion made by Mrs. Cooper 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 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. Office hours shall be limited to the period between 8:30 a.m. and 8:00 p.m., Monday through Saturday.
3. A maximum of three (3) employees, including the owner/applicant, shall be allowed.
4. No more than eight (8) clients shall be seen on any given day.
5. All signage shall be properly permitted and conform to the provisions of the Fauquier County Zoning Ordinance.

The motion carried unanimously.

SPECIAL PERMIT #SPPT14-CR-022, ALVIN C. & EMMA BRENNEMAN (OWNERS/APPLICANTS) – HOWLING HILL KENNELS, LLC

Applicants are requesting Special Permit approval to allow the continued operation of a kennel, PIN 7829-81-1018-000, located at 11347 Eskridges Lane, Cedar Run District, Catlett, Virginia. (Don Del Rosso, Staff)

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

Mr. Meadows opened the public hearing.

Mrs. Emma Brenneman, applicant, expressed agreement with the staff report. Mrs. Brenneman stated that she and her husband have proven themselves to be responsible breeders

and that they take proper care of their animals. Mrs. Brenneman also stated that they will hire additional employees, as necessary, to care for an increased number of litters.

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

Mrs. Cooper expressed concern regarding the number of litters being requested.

Mrs. Brenneman stated that she appreciates the concern, but noted that she is hoping to gradually increase the number of litters.

Mr. Chipman noted that the applicants have received two letters of support from neighbors and suggested that a compromise on the number of litters be reached.

On motion made by Mr. Tufts and seconded by Mr. Chipman, 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 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. The applicants shall house a maximum of seventy-five (75) adult dogs on-site, which is further defined as any dog more than six (6) months of age, regardless if it is used in conjunction with the business or is a personal pet.

3. The applicants are limited on-site to the commercial breeding and sale of only Boston Terriers, French Bull Dogs and Pugs. There shall be a limit of fifty (50) litters per year.
4. Upon the delivery of each litter, the applicants shall provide documentation to the Zoning Administrator regarding the number of puppies born and the date of their birth. Upon receiving such documentation, the Zoning Office shall give the applicant a date stamped copy as proof of receipt.
5. All customer visits to the subject property shall be limited to those hours between 8:00 a.m. to 6:00 p.m. daily, and by appointment only.
6. All outdoor fenced areas and structures associated with the commercial kennel shall be located at least seventy-five (75) feet from all property lines.
7. Any lighting on-site associated with the kennel shall comply with the Fauquier County Zoning Ordinance.
8. Any signs on-site associated with the kennel shall comply with the Fauquier County Zoning Ordinance.
9. Upon reasonable notice by Fauquier County, the applicants shall grant the County access to the subject property, including access to the interior of all structures on the property, to determine compliance with the Fauquier County Zoning Ordinance and this Special Permit.
10. Animal waste generated by the kennel and the applicants' pets shall be contained and disposed of in conformance with those standards set forth in the United States Department of Agriculture and Natural Resource Conservation Service's publication titled "Composting Dog Waste."
11. A Site Plan shall be required for this use.
12. This permit shall be issued for a period of five (5) years.

After discussion, on motion made by Mrs. Cooper and seconded by Mr. Meadows, it was moved to amend Conditions #2, #3 and #12 of the above motion, as follows:

2. The applicants shall house a maximum of *sixty-five (65)* adult dogs on-site, which is further defined as any dog more than six (6) months of age, regardless if it is used in conjunction with the business or is a personal pet.
3. The applicants are limited on-site to the commercial breeding and sale of only Boston Terriers, French Bull Dogs and Pugs. There shall be a limit of *forty (40)* litters per year.

12. This permit shall be issued for a period of *three (3) years*.

The motion failed 3 – 2, as follows:

AYES: Mrs. Cooper, Mr. Meadows

NAYS: Mr. Brown, Mr. Chipman, Mr. Tufts

ABSTENTION: None

ABSENT: None

After further discussion, on motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to amend Conditions #3 and #12, as follows:

3. The applicants are limited on-site to the commercial breeding and sale of only Boston Terriers, French Bull Dogs and Pugs. There shall be a limit of *thirty (30) litters during the first year of the permit; forty (40) litters during the second year of the permit; and fifty (50) litters during the final year of the permit.*

12. This permit shall be issued for a period of *three (3) years*.

The motion failed 3 – 2, as follows:

AYES: Mr. Brown, Mr. Chipman

NAYS: Mrs. Cooper, Mr. Meadows, Mr. Tufts

ABSTENTION: None

ABSENT: None

After further discussion, on motion made by Mr. Brown and seconded by Mr. Meadows, it was moved to add Condition #13 to the original motion, as follows:

13. *There shall be no public access to the kennel buildings on the property.*

The motion carried unanimously.

After further discussion, on motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to amend Condition #12 of the original motion, as follows:

12. This permit shall be issued for a period of *three (3) years*.

The motion carried unanimously.

After additional discussion, on motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to add Condition #14 to the original motion, as follows:

14. *The kennels shall be properly monitored at all times.*

The motion carried 4 – 1, as follows:

AYES: Mr. Meadows, Mr. Tufts, Mr. Brown, Mr. Chipman

NAYS: Mrs. Cooper

ABSTENTION: None

ABSENT: None

After discussion, the original motion, as amended, failed 3 – 2, as follows:

AYES: Mr. Chipman, Mr. Tufts

NAYS: Mr. Brown, Mr. Meadows, Mrs. Cooper

ABSTENTION: None

ABSENT: None

After further discussion, on motion made by Mr. Brown and seconded by Mrs. Cooper, 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 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. The applicants shall house a maximum of seventy-five (75) adult dogs on-site, which is further defined as any dog more than six (6) months of age, regardless if it is used in conjunction with the business or is a personal pet.
3. The applicants are limited on-site to the commercial breeding and sale of only Boston Terriers, French Bull Dogs and Pugs. There shall be a limit of *thirty (30) litters during the first year of the permit; forty (40) litters during the second year of the permit; and fifty (50) litters during the final year of the permit.*
4. Upon the delivery of each litter, the applicants shall provide documentation to the Zoning Administrator regarding the number of puppies born and the date of their birth. Upon receiving such documentation, the Zoning Office shall give the applicant a date stamped copy as proof of receipt.
5. All customer visits to the subject property shall be limited to those hours between 8:00 a.m. to 6:00 p.m. daily, and by appointment only.
6. All outdoor fenced areas and structures associated with the commercial kennel shall be located at least seventy-five (75) feet from all property lines.
7. Any lighting on-site associated with the kennel shall comply with the Fauquier County Zoning Ordinance.
8. Any signs on-site associated with the kennel shall comply with the Fauquier County Zoning Ordinance.

9. Upon reasonable notice by Fauquier County, the applicants shall grant the County access to the subject property, including access to the interior of all structures on the property, to determine compliance with the Fauquier County Zoning Ordinance and this Special Permit.
10. Animal waste generated by the kennel and the applicants' pets shall be contained and disposed of in conformance with those standards set forth in the United States Department of Agriculture and Natural Resource Conservation Service's publication titled "Composting Dog Waste."
11. A Site Plan shall be required for this use.
12. This permit shall be issued for a period of *three (3) years*.
13. *There shall be no public access to the kennel buildings on the property.*
14. *The kennels shall be properly monitored at all times.*

The motion carried unanimously.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:20 p.m.

John R. Meadows, Chairperson

Holly Meade, 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.