

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
OCTOBER 4, 2007**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON OCTOBER 4, 2007 AT 9:00 A.M. IN WARRENTON, VIRGINIA.

Members present were Mr. John Meadows, Chairperson; Mr. James W. Van Luven, Secretary; Mrs. Margaret Mailler, Vice-Chairperson; Mrs. Sonja R. Addison; Mr. Serf Guerra; Mr. Harry R. Russell; and Mr. Maximilian Tufts. Also present was Mr. Wally Horton, Senior Planner.

SITE VISITS:

Mr. Horton reviewed the site visit agenda and stated that there would be eight (8) site visits as follows:

1. L. Henry & Madge Eicher at 9:10 a.m.
2. Anthony S. & Karla J. Seidita at 9:45 a.m.
3. Marvin & Lois Mast at 10:30 a.m.
4. Wat Lao Buddhavongsa Temple, Trustees at 10:42 a.m.
5. The Piedmont Parish of Episcopal Churches, Trustees at 11:20 a.m.
6. Piedmont Station Studio, LLC at 11:33 a.m.
7. Mt. Pisgah Baptist Church, Trustees at 11:50 a.m.
8. James W. & Edel M. Kunkel at 12:15 p.m.

With no further business, the meeting was adjourned at approximately 12:47 p.m. to reconvene at 2:00 p.m. at 10 Hotel Street, Warren Green Meeting Room, Warrenton, Virginia.

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, October 4, 2007, 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. James W. Van Luven, Secretary; Mrs. Margaret Mailler, Vice-Chairperson; Mr. Serf Guerra; Mr. Harry R. Russell; and Mr. Maximilian Tufts. Also present were Mr. Kevin Burke, County Attorney; Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kim Johnson, Zoning Administrator; Mr. Wally Horton, Senior Planner; and Mrs. Fran Williams, Administrative Specialist. Member absent was Mrs. Sonja R. Addison.

MINUTES:

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to approve the September 6, 2007 minutes.

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the Public Hearing protocol. Ms. Johnson stated that, to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners.

**SPECIAL PERMIT #SPPT08-CR-006, L. HENRY & MADGE M. EICHER
(OWNERS)/KIP D. HULL (APPLICANT) – KIP’S EROSION CONTROL, LC**

Applicant is requesting amendment of an existing special permit approval to increase the size of the contractor's storage yard, including additional buildings, PIN #6981-30-0824-000, located at 10041 James Madison Highway, Cedar Run District, Warrenton, Virginia.

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Kip Hull, applicant, expressed agreement with the staff report and acknowledged that there have been some violations on the property. Mr. Hull stated that while there was some disturbance on the Rural Agricultural (RA) portion of the property, there are no buildings in this area, and he is willing to re-establish the grass in order to bring this back into compliance.

Mr. Gary Moyers, representative, reviewed what has been done to address the violations. Mr. Moyers stated that fencing has been installed for screening and a trailer, which was in rear, has been relocated.

Mrs. Madge Eicher, owner, stated that any violations on the property were unintentional and that the applicant is striving to correct these. Mrs. Eicher also stated that several items of concern are beyond their control (i.e., connection to the sewer system and traffic issues).

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

On motion made by Mr. Van Luven 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 Code, 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 and use shall be in general conformance with the application materials submitted as part of this special permit application.
2. Site plan approval is required, at which time the septic disposal system and transportation concerns should be resolved.
3. The special permit is valid for five (5) years from date of approval.

After discussion, on motion made by Mr. Van Luven and seconded by Mr. Tufts, it was moved to amend Condition #3 as follows:

3. The special permit is valid for five (5) years from date of approval unless the site is not brought into full compliance with all regulations within one (1) year, in which case the permit expires in one (1) year.

The amend motion carried unanimously.

SPECIAL PERMIT #SPPT08-MA-007, THE PIEDMONT PARISH OF EPISCOPAL CHURCHES TRUSTEES (OWNERS)/BETTY A. WEST (APPLICANT) – YOUNG EXPLORATIONS PRESCHOOL

Applicant is requesting re-approval of a special permit to operate a preschool, PIN #6051-01-1374-000, located at 9668 Maidstone Road, Marshall District, Delaplane, Virginia.

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Ms. Betty West, 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 Mrs. Mailler, 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 Code, 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 permit is limited to a maximum of twenty (20) children per session.
2. The permit is valid for ten (10) years.

The motion carried unanimously.

After a brief recess, the meeting continued with Mr. Burke serving as counsel to the Board.

**SPECIAL PERMIT #SPPT08-MA-008, JAMES W. & EDEL M. KUNKEL
(OWNERS/APPLICANTS) – MOUNTAINSIDE MONTESSORI SCHOOL**

Applicants are requesting an amendment to a previously approved special permit to increase the number of students from twenty (20) to forty (40) utilizing the existing house, PIN #6947-10-8248-000, located at 6089 John Barton Payne Road, Marshall District, Marshall, Virginia.

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mrs. Edel Kunkel, applicant, expressed agreement with the staff report.

Mr. Ben Cooper, a neighbor, spoke in opposition to the granting of this special permit. Mr. Cooper stated that his property, which fronts John Barton Payne Road, is in a permanent conservation easement and expressed concern about the impact changing the applicant's property from a residential use to commercial would have on the area. Mr. Cooper expressed further concern about the increased traffic and the possibility of future expansion. Mr. Cooper presented a statement to the Board, a copy of which is attached to and made a part of these minutes.

Mr. Bob Douglass, a neighbor, spoke in opposition to the granting of this special permit. Mr. Douglass presented the Board with a map, a copy of which is attached to and made a part of these minutes, indicating surrounding neighbors that are also opposed to the granting of this special permit.

Ms. Elena Schlossberg, whose child attends Mountainside Montessori School, spoke in support of the granting of this special permit. Ms. Schlossberg presented a statement to the Board, a copy of which is attached to and made a part of these minutes.

Ms. Diane Harrington, a resident of Marshall and parent of two children attending Mountainside Montessori School, spoke in support of the granting of this special permit. Ms. Harrington stated that the majority of the students attending this school are from the immediate area, which eliminates the need for a 45-minute bus ride to and from school. Ms. Harrington presented a statement to the Board, a copy of which is attached to and made a part of these minutes.

Ms. Doris Simmons, a neighbor, spoke in opposition to the granting of this special permit. Ms. Simmons stated that her children attended a Montessori School in McLean, which occasionally had activities that allowed parents to meet the children their children played with each day. Ms. Simmons expressed concern that the parking is inadequate to accommodate the forty vehicles that could be expected during these activities. Ms. Simmons also expressed concern about safety issues and noise from the playground.

Ms. Stacie Griffin, a neighbor, spoke in support of the granting of this special permit.

Ms. Candace Cortiella, a neighbor, spoke in opposition to the granting of this special permit. Ms. Cortiella expressed concern about the residence being converted into a daycare facility as well as increased traffic on a heavily traveled two-lane road with a number of blind driveways. Ms. Cortiella expressed further concern that the staff report references traffic data from 2001 rather than using more up-to-date information. Ms. Cortiella presented a statement to the Board, a copy of which is attached to and made a part of these minutes.

Mr. Mike Ozburn, a neighbor, spoke in opposition to the granting of this special permit. Mr. Ozburn expressed concern about the residence, which is on a relatively small parcel, being converted into a commercial operation.

Mr. Charlie Coble, a neighbor, spoke in support of the granting of this special permit. Mr. Coble stated that the school has an impeccable safety record and is fully committed to implementing the Virginia Department of Transportation's recommendations. Mr. Coble further stated that the interior modifications will consist solely of the removal of two walls and the structure could be restored to its current condition and marketed as a residence in the future.

Ms. Judith Adams, a neighbor, spoke in opposition to the granting of this special permit due to increased traffic and safety concerns for the children because of adjoining agricultural operations.

Ms. Mary Lou McCullough, a neighbor, spoke in opposition to the granting of this special permit due to concerns about speeding on John Barton Payne Road as well as commuter traffic traveling from Culpeper County to Interstate 66. Ms. McCullough stated that this location is no place for a business.

Ms. Pat Harrington, a County resident, spoke in support of granting this special permit. Ms. Harrington stated that there are other enterprises with profit making events in the Rural Agricultural (RA) zoning districts (i.e., wineries, horse properties that give riding lessons, etc.), which she finds admirable. Ms. Harrington further stated that the traffic impact is negligible.

Ms. Bonnie Barr-Briggs, a neighbor, spoke in support of granting this special permit. Ms. Barr-Briggs stated that local residents deserve local services (i.e., schools, post offices, stores, etc.) and that most of the traffic on John Barton Payne Road is from local residents. Ms. Barr-Briggs emphasized that farms *are* businesses also and that there would be much less noise from a preschool than a farm operation.

Ms. Cynthia Wheeler-Cox, a County resident and parent of a child attending Mountainside Montessori School, spoke in support of granting this special permit, stating that *all* country roads are dangerous, not just John Barton Payne Road.

Mr. Jerry Prochaska, a neighbor, spoke in opposition to the granting of this special permit. Mr. Prochaska stated that schools generate a terrific amount of traffic and expressed concern about having any more than forty students at the school.

Mr. Leonard Towle, a neighbor, spoke in opposition to the granting of this special permit, citing concerns about increased traffic as well as safety issues because of the hills and blind curves on John Barton Payne Road.

John Crossen, Esquire, spoke in support of the granting of this special permit. Mr. Crossen stated that the proposed changes to the interior of the building are minimal and will not affect the future use of this property as a residence. Mr. Crossen also stated that the applicant has approached the Virginia Department of Transportation for designation as a school zone, which would serve as a traffic calming method, thereby reducing the speed of traffic in the area. Mr. Crossen further stated that this school will reduce the tax load on the public school system. Mr. Crossen concluded by saying that after much research he has been unable to find anything that indicates that the sound of children playing is considered noise pollution.

Ms. Judy McConnell, a neighbor, spoke in opposition to the granting of this special permit. Ms. McConnell stated that many neighbors have their land under a permanent conservation easement and that the school is inconsistent and highly incompatible with the area. Ms. McConnell also expressed concern about the safety of children near farming operations.

Ms. Marjorie Prochaska, a neighbor, spoke in opposition to the granting of this special permit. Ms. Prochaska stated that County officials spent a great deal of time considering land use plans

and zoning codes prior to implementing them and expressed concern about a precedent being set if this application is approved. Ms. Prochaska stated that there are appropriate places for schools, but not in this particular location.

Mr. James Simpson, a former resident of Orlean and parent of a child attending Mountainside Montessori School, spoke in support of the granting of this special permit.

Ms. Jennifer Luetkemeyer, a resident of Marshall, spoke in support of the granting of this special permit.

Ms. Ita Swartwout read a letter, a copy of which is attached to and made a part of these minutes, from Dr. Michael Amster, a local pediatrician, in support of the granting of this special permit.

Mr. Bill Green, a neighbor, spoke in opposition to the granting of this special permit because the proposed expansion is out of character with the area.

Ms. Josephine Jefferson read a letter, a copy of which is attached to and made a part of these minutes, from Mr. & Mrs. Michael Rininger in support of the granting of this special permit. Mr. & Mrs. Rininger's letter stated that any increased water usage will be minimal.

Ms. Josephine Jefferson, a resident of Warrenton and parent of children attending Mountainside Montessori School, also spoke on her own behalf in support of the granting of this special permit.

Mr. Jim Simmons, a neighbor, spoke in opposition to the granting of this special permit due to the increased traffic and safety concerns of having children in the vicinity of farm equipment.

Ms. Valerie Amster, a parent of a child enrolled at Mountainside Montessori School, spoke on behalf of the entire Mountainside Montessori School community, in support of the granting of this special permit. Ms. Amster presented a statement to the Board, a copy of which is attached to and made a part of these minutes.

Mr. Kevin Bosch spoke in support of the granting of this special permit.

Mr. Ken Craig, a resident of Hume and parent of a child attending Mountainside Montessori School, spoke in support of the granting of this special permit.

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

After discussion, on motion made by Mr. Guerra and seconded by Mrs. Mailler, it was moved to postpone action on this application until the next regularly scheduled meeting.

The motion failed 4 – 2, as follows:

AYES: Mr. Guerra, Mrs. Mailler

NAYS: Mr. Meadows, Mr. Russell, Mr. Van Luven, Mr. Tufts

ABSENT: Mrs. Addison

ABSTENTION: None

On motion made by Mr. Tufts and seconded by Mr. Van Luven, 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 Code, 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.

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 generally consistent with the materials submitted with the application for this special permit, except as modified below by a specific condition.
2. The enrollment shall be limited to forty (40) children.
3. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
4. No significant exterior changes shall be made to the dwelling to accommodate the school, except for the conversion of windows to french doors and addition of a deck as shown in the application. Any other minor changes or improvements made to the structure will be done in a manner that maintains the residential character of the building.
5. The driveway entrance shall be relocated to create a safe site distance, as determined by VDOT.
6. The driveway shall be widened the minimum amount necessary to allow two-way traffic, and the parking/turnaround area shall be designed to minimize pavement while accommodating safe drop-off of children.

- 7. Well and septic permits shall be approved by the Health Department prior to any renovation to expand the school.
- 8. The applicant shall not ask for any additional expansion to increase the number of children beyond forty (40).
- 9. This special permit shall be valid for ten (10) years from the date of approval.

After discussion, on motion made by Mr. Tufts and seconded by Mr. Van Luven, the motion was amended to include the following:

- 10. The house shall be restored to a residence prior to any resale.
- 11. The applicant shall not ask to expand or add to the building for the school other than what is covered in Condition #4.

The amended motion carried 5 – 1, as follows:

AYES: Mrs. Mailler, Mr. Meadows, Mr. Russell, Mr. Van Luven, Mr. Tufts

NAYS: None

ABSENT: Mrs. Addison

ABSTENTION: Mr. Guerra

After a brief recess, Mrs. Gallehr resumed her duties as counsel to the Board.

SPECIAL PERMIT #SPPT08-LE-009, ANTHONY S. & KARLA J. SEIDITA (OWNERS/APPLICANTS) – CHEESECAKE FARMS BED & BREAKFAST

Applicants are requesting special permit approval to operate a bed and breakfast, PIN #7824-07-2967-000, located at 4085 Sumerduck Road, Lee District, Sumerduck, Virginia.

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. & Mrs. Anthony Seidita, applicants, 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 Mrs. Mailler, 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 Code, 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.
7. The Board of Zoning Appeals finds the type and quantity of traffic generated by the use will not adversely affect the safety of road usage on Route 651 (Sumerduck Road) or adversely affect the neighborhood.

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. A maximum of nine (9) rooms will be allowed.
2. A maximum of twelve (12) guests will be allowed.
3. The existing entrance shall meet, or be improved to meet, all Virginia Department of Transportation requirements.
4. The business shall meet all Health Department regulations.
5. The business is subject to site plan approval.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT08-MA-010, PIEDMONT STATION STUDIO, LLC
(OWNER)/KENNETH C. RIETZ & URSULA J. LANDSRATH (APPLICANTS) –
WESTMINSTER PRESBYTERIAN CHURCH**

Applicants are requesting re-approval of a special permit to allow for a professional office, less than six (6) people, PIN #6041-87-2746-000, located at 2851 Delaplane Grade Road, Marshall District, Delaplane, Virginia.

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Kenneth Rietz and Ms. Ursula Landsrath, applicants, expressed agreement with the staff report.

Mr. Gene Rae, a neighbor, spoke in opposition to any revision to the existing terms of the special permit.

Ms. Margot Blattmann, a neighbor, spoke in opposition to the granting of this special permit due to concerns about increased traffic, a sign that has been erected, and the number of people meeting at the facility.

Ms. Laura Dietrich, a resident of Delaplane, spoke in support of the granting of this special permit.

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

After discussion, on motion made by Mrs. Mailler 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 Code, 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. No more than three (3) professionals may use the building.

2. The special permit shall be limited to a period of three (3) years.
3. The vegetation at the driveway entrance shall be maintained to improve site distance.
4. The hours of operation shall be limited to 8:30 a.m. to 8:00 p.m., Monday through Saturday.
5. The use is limited to six (6) clients visiting the site per day.

After discussion, on motion made by Mrs. Mailler and seconded by Mr. Tufts, the motion was amended to include the following:

6. The sign shall be limited in size to what is currently on-site.

The amended motion carried unanimously.

SPECIAL PERMIT #SPPT08-MA-011, MT. PISGAH BAPTIST CHURCH TRUSTEES (OWNERS/APPLICANTS) – MT. PISGAH BAPTIST CHURCH

Applicants are requesting special permit approval to expand an existing place of worship, PIN #6054-74-6430-000 and 6054-74-8453-000, located at 1175 Delaplane Grade Road, Marshall District, Upperville, Virginia.

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Bob Counts, representative, expressed agreement with the staff report. Mr. Counts presented the Board with a letter of support from Mildred F. Slater, Esquire, on behalf of her client, Shelby Bonnie.

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

On motion made by Mr. Van Luven 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 Code, 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 application materials submitted as part of this special permit application.
2. No schools (other than Sunday School and Vacation Bible School), daycare facilities or athletic facilities shall operate on-site as part of the church without separate approval or amendment to this special permit.
3. This special permit shall not expire unless the applicant has not begun construction of the church within five (5) years of the approval of this permit.
4. Site plan approval is required.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-CR-012, MARVIN & LOIS MAST (OWNERS)/DONALD H. & LINDA P. LECHER (APPLICANTS) – TOP DOG RESORT, INC.

Applicants are requesting special permit approval to operate a dog boarding facility, PIN #7931-45-2390-000, located at 2591 Carriage Ford Road, Cedar Run District, Catlett, Virginia.

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mrs. Linda Lecher, applicant, expressed agreement with the staff report and elaborated on the types of dogs accepted as guests as well as how the facility is run.

Ms. Jan Wilcox, Realtor, spoke in support of the granting of this special permit and stated that her clients have gone to great lengths to find a property suitable for this business.

Ms. Sylvia McDevitt, a neighbor, spoke in support of the granting of this special permit.

Ms. Veve Eldridge, a neighbor, spoke in support of the granting of this special permit.

Mr. Marvin Mast, owner, spoke in support of the granting of this special permit.

Mr. Don Lecher, applicant, spoke in support of the granting of this special permit. Mr. Lecher stated that the location is ideal for this business since the property is well buffered and screened from the adjoining neighbors. Mr. Lecher further stated that any noise and traffic levels associated with this business will be minimal.

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

On motion made by Mrs. Mailler and seconded by Mr. Russell, 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 Code, based upon the Board's 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.

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 consistent with the application submitted for this special permit.
2. No more than twenty-nine (29) guest dogs shall be allowed on the property at any time, with four (4) additional dogs allowed as pets.
3. All dogs kept at Top Dog Resort shall weigh twenty-five (25) pounds or less.
4. Arrivals to Top Dog Resort shall be by appointment only.
5. Arriving and departing dogs shall be leashed at all times.
6. The applicant shall make provisions for maintenance of the vegetation and trees.
7. All animal waste shall be properly disposed of at the County landfill.
8. The fenced area for dogs shall be reduced so that it does not extend beyond the existing tree line; alternatively, the larger fenced area shown may be provided with an evergreen buffer

planted along the driveway to the front of the house sufficient in nature so as to visually screen the dog boarding use from adjoining property owners.

9. No employees other than the applicants, Mr. and Mrs. Lecher, shall be allowed.
10. No sign larger than two (2) square feet shall be allowed for the use.
11. A site plan is required for this use.
12. This special permit shall be granted for a period of three (3) years.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-CR-013, WAT LAO BUDDHAVONGSA TEMPLE TRUSTEES (OWNERS/APPLICANTS) – WAT LAO BUDDHAVONGSA TEMPLE

Applicants are requesting an amendment to a previously approved special permit to allow for the expansion of an existing place of worship, PIN #7933-31-4068-000 and 7933-51-1023-000, located at 3043 Catlett Road, Cedar Run District, Catlett, Virginia.

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Ilene Tognini, Esquire, representative, expressed agreement with the staff report. Ms. Tognini stated that a local company has offered to donate several trailers, which will be used for cultural and meditation classes, religious instruction, and general meetings. Ms. Tognini stated that the other storage buildings on the property can be removed to come into compliance with Zoning regulations. Ms. Tognini also stated that applicant wishes to replace the current sign with one that is marble.

Mr. Meadows requested clarification about the number and size of the special events held at the temple.

Ms. Tognini stated that in addition to the monthly worship services with 50 in attendance, there are also larger gatherings, which are held quarterly and special gatherings, which are held twice a year. Ms. Tognini further stated that, while no counts have actually been taken at these quarterly events, she agrees with the approximate amount of 1,000 people.

Ms. Johnson stated that these events are considered an extension of worship service just like a church holding a revival. Ms. Johnson further stated that while the original special permit did not limit the number of attendees at these events, this matter can be addressed if this application is approved.

Ms. Janice Sanford, a neighbor, spoke in opposition to the granting of this special permit. Ms. Sanford expressed concern about the increased traffic and noise during events held at the facility.

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

On motion made by Mrs. Mailler and seconded by Mr. Van Luven, it was moved to postpone action on this application until the next regularly scheduled meeting.

The motion carried unanimously.

Mr. Meadows stated that the public hearing would be continued until the next regularly scheduled meeting.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 5:25 p.m.

John R. Meadows, Chairperson

James W. Van Luven, 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.