

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
MAY 4, 2017**

*Work Session
1:15 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, May 4, 2017, beginning at 1:15 p.m. in the Warren Green Building, Second Floor Conference Room, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Michael Brown, Vice-Chairperson; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Ms. Holly Meade, Chief of Planning/Secretary; Mr. Rob Walton, Assistant Chief of Zoning/Development Services; Ms. Tracy Gallehr, Deputy County Attorney; Mr. Adam Shellenberger, Senior Planner/Urban Designer; Ms. Heather Jenkins, Senior Planner; Ms. Lucia deCordre, Senior Planner; Mr. Myles Busching, Planner I; and Mrs. Fran Williams, Administrative Manager. Member absent was Mr. Bill Chipman.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT-16-005313, FAUQUIER COUNTY FAIR, INC. & FAUQUIER COUNTY BOARD OF SUPERVISORS (OWNERS)/DAVID J. NEWMAN (APPLICANT) – FAUQUIER COUNTY FAIR, INC.

An application for a Category 11 Special Permit to allow the continued operation of the fairgrounds, PIN 6993-27-9115-000 and a portion of 6993-16-9798-000, located at 6209 and 6237 Old Auburn Road, Cedar Run District, Warrenton, Virginia. (Holly Meade, Staff)
Note: Public hearing was closed on February 2, 2017.

Ms. Meade reviewed the application.

SPECIAL PERMIT #SPPT-17-006893, SHAHZAD ALI (OWNER)/NUZHAT ALI (APPLICANT) – ALI DAY CARE

An application for a Category 2 Special Permit to operate a home day care business, PIN 7915-84-5745-000, located at 4138 Cray Drive, Scott District, Warrenton, Virginia. (Myles Busching, Staff)

Mr. Busching reviewed the application.

SPECIAL PERMIT #SPPT-17-006919, H & F ASSOCIATES (OWNER)/TOM HUGILL (APPLICANT) – TOM’S TRUCK SALES

An application for a Category 14 Special Permit to operate truck and heavy equipment sales, rentals and service, PIN 6888-64-1833-000, located on Remington Road, approximately 500 feet south of Lucky Hill Road, Lee District, Remington, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

ADJOURNMENT:

The meeting was adjourned at approximately 1:40 p.m.

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

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, May 4, 2017, beginning at 2:00 p.m. in the Warren Green Building, First Floor Meeting Room, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Michael Brown, Vice-Chairperson; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Ms. Holly Meade, Chief of Planning/Secretary; Mr. Rob Walton, Assistant Chief of Zoning/Development Services; Ms. Tracy Gallehr, Deputy County Attorney; Mr. Adam Shellenberger, Senior Planner/Urban Designer; Ms. Heather Jenkins, Senior Planner; Mr. Ben Holt, Planner II; Mr. Myles Busching, Planner I; and Mrs. Fran Williams, Administrative Manager. Member absent was Mr. Bill Chipman.

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 April 6, 2017 minutes.

The motion carried 4 – 0, as follows:

AYES: Mr. Meadows, Mr. Brown, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mr. Chipman

REGULAR AGENDA:

SPECIAL PERMIT #SPPT-16-005313, FAUQUIER COUNTY FAIR, INC. & FAUQUIER COUNTY BOARD OF SUPERVISORS (OWNERS)/DAVID J. NEWMAN (APPLICANT) – FAUQUIER COUNTY FAIR, INC.

An application for a Category 11 Special Permit to allow the continued operation of the fairgrounds, PIN 6993-27-9115-000 and a portion of 6993-16-9798-000, located at 6209 and 6237 Old Auburn Road, Cedar Run District, Warrenton, Virginia. (Holly Meade, Staff)

Note: Public hearing was closed on February 2, 2017.

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 meeting.

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

After discussion, on motion made by Mr. Tufts and seconded by Mr. Meadows, 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. The type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
5. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
6. 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.

7. The proposed use is consistent with the general standards for Special Permits.
8. The Event Building identified as “60 x 200 Pole Barn” on the Site Layout prepared by Tri-Tek Engineering dated June 5, 2014 does not cause an undue impact on neighboring properties and may remain

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. The referenced drawings shall include the Site Layout prepared by Tri-Tek Engineering dated June 5, 2014 with parking on the 3.25-acre portion of the adjoining Central Park property owned by the Board of Supervisors of Fauquier County as shown on Attachment A of the Lease Agreement dated June 27, 2007.
2. Parking for events other than the annual fair shall be on the Fair Board property with the exception of up to five times per year wherein events may use the grass area adjacent to the Fair, subject to the above referenced Lease Agreement.
3. A Site Plan shall be required.
4. There shall be no fair related use of the property until such time as all County approvals have been obtained.
5. The Applicant shall submit all necessary building and zoning permits for structures located on the property, prior to Site Plan approval.
6. All structures, unless otherwise authorized under this approval, shall meet the required 100 foot setbacks. This includes, but is not limited to, the ticket booth, sheds, and the temporary livestock fencing.
7. Once the Meetze Road entrance to the Central Sports Complex is constructed and open to the public, the Auburn Road entrance shall be closed to the general public during the annual four day fair event.
8. Should stormwater management facilities not be able to be located on the Fair Board property, an easement shall be recorded over the adjoining pond located on PIN 6993-16-9798-000 for stormwater management purposes.
9. Following completion of the 2017 annual fair, tractor pulls shall not be permitted as part of the fairground use.
10. Evidence of all local, state and federal permits shall be provided prior to Site Plan approval.

11. The fairgrounds shall be permitted to be used for the annual fair, Fair Board and planning meetings, fair fundraisers, and 4-H events. Other accessory events shall be limited to church and business meetings, weddings, wedding receptions, funerals, birthday and anniversary receptions, school events, auctions, activities related to field sports, cultural activities, art and craft shows, community-related arts and activities.
12. With the exception of the annual fair, all events shall be limited to one day.
13. Indoor activities shall be limited to no more than one hundred twenty (120) attendees until such time as verification is provided to the Health Department and Department of Community Development that the septic system has been modified to handle a larger capacity. Following modification to the septic, attendance shall be limited as defined in Condition 14. Indoor events authorized under this permit, for which there are executed contracts in the year 2017, that exceed one hundred twenty (120) persons shall be required to utilize temporary facilities at the ratio required by the Health Department.
14. The following activities shall be authorized with this permit:
 - a) Annual Fair: One fair per year up to four (4) days in length, with additional days before and after as necessary for set-up and clean-up; no limit on number of attendees.
 - b) Fair Board Meetings: A maximum of fifteen (15) per year, indoors, with a maximum of thirty (30) attendees per meeting.
 - c) Fair Fundraisers: A maximum of six (6) per year, with up to 400 attendees, with no more than two (2) outdoors. To qualify as a fair fundraiser, all proceeds of the event must go to Fauquier County Fair, Inc.
 - d) 4-H activities: A maximum of five (5) per month, held inside, ending before 10:00 p.m. and no more than one hundred (100) attendees.
 - e) 4-H activities: A maximum of two (2) per month, held inside, except livestock related shows/exhibits, with up to two hundred (200) attendees.
 - f) Other events: A maximum of twenty (20) events per year with up to three hundred (300) attendees and sixteen (16) events with up to one hundred (100) attendees. No more than six (6) of these events shall be permitted in any one (1) month.
15. For the purposes of this permit "Indoor Events" shall mean that the event occurs entirely within the enclosed multi-purpose building on-site or within any other similarly enclosed buildings.
16. The Fair Board shall provide a listing of projected events to the Zoning Administrator on a quarterly basis, to include no less than thirty (30) days' notice of planned events, where practical.
17. Adequate facilities, emergency services availability and traffic control shall be provided for events with two hundred (200) or more attendees. The Zoning Administrator shall be notified no less than thirty (30) days prior to any event with two hundred (200) or more attendees. This notice shall include the date, time, and type of event and copies of any required permits or licenses from the

Sheriff's Office, VDOT, Emergency Services Office, and Health Department. Should the existing Zoning Ordinance be amended, this provision shall conform to the amended Zoning Ordinance.

18. Any events other than those approved as part of this Special Permit may be allowed but shall require approval of a separate application by the Board of Zoning Appeals or Board of Supervisors, as applicable.
19. With the exception of the annual fair, all outdoor events shall conclude by 10:00 p.m. and all indoor events shall conclude by 11:00 p.m.
20. Outdoor amplified music shall only be permitted during the annual four day fair. Amplified sound shall not exceed 65dB at any property line.
21. If using portable toilets for outdoor events, they shall be required to meet Health Department Standards. The Applicant shall obtain temporary privy permits approved by the local Health Department for each event. These facilities shall not be placed on the property more than seventy-two (72) hours before a scheduled event, and shall be removed from the property no later than seventy-two (72) hours after the scheduled end of the event. All portable toilets shall be located no closer than one hundred (100) feet to any property line.
22. The Applicant shall provide a water meter on its well to track water usage. This information shall be submitted to the Virginia Department of Health and the Department of Community Development monthly for the first year. Following the first year, the water usage information shall be submitted quarterly to the Virginia Department of Health and the Department of Community Development. Should there be evidence that the usage is exceeding design capacity, the applicant shall address the exceedance and correct as necessary within thirty (30) days. Following such a determination, the applicant shall begin reporting monthly again for three (3) months, after such time quarterly reporting shall resume.
23. Any building meeting the required setbacks and constructed for agricultural purposes shall only be used for such until a zoning and building permit is issued allowing them to be used for public purposes.
24. A thirty (30) foot dense evergreen tree screen shall be established along the shared property line with PIN 6993-36-3947-000. Existing trees qualifying as evergreen can be substituted and meet the stated requirements as long as they are located within the designated buffer area.
25. This permit shall be granted for five (5) years from the date of the previous expiration, and shall expire on June 1, 2021.
26. This permit shall be null and void if a Site Plan has not been approved within one (1) year of the granting of the Special Permit.

The motion carried 4 – 0, as follows:

AYES: Mr. Meadows, Mr. Brown, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mr. Chipman

On behalf of the Fauquier County Fair Board, Robin Gulick, Esq., expressed appreciation to the Board of Zoning Appeals and Ms. Holly Meade for their efforts during this arduous process.

SPECIAL PERMIT #SPPT-17-006893, SHAHZAD ALI (OWNER)/NUZHAT ALI (APPLICANT) – ALI DAY CARE

An application for a Category 2 Special Permit to operate a home day care business, PIN 7915-84-5745-000, located at 4138 Cray Drive, Scott District, Warrenton, Virginia. (Myles Busching, Staff)

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

Mr. Meadows inquired about traffic counts and the speed limit on Cray Drive.

Mr. Busching replied that the speed limit on Cray Drive is 25 mph and the average daily traffic count is 200 trips per day. He stated that, should this application be approved, the estimated average daily traffic count is 220 trips per day. Mr. Busching further noted that Staff does not feel this will present an issue since the Virginia Department of Transportation (VDOT) has given a standard of 1,000 vehicles per day for livability on residential streets.

Mr. Meadows opened the public hearing.

Ms. Nuzhat Ali, applicant, expressed agreement with the staff report.

Mr. Meadows inquired about the type of fence the applicant is proposing to install.

Mr. Ahmed Ali, applicant's son, stated that they are planning to install a split rail fence with wire, which the children would not be able to climb.

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

On motion made by Mr. Tufts and seconded by Mr. Meadows, 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 submitted with the Special Permit application except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. Operations for the home day care business shall be limited to the hours between 6:00 a.m. and 6:00 p.m., Monday through Friday, except in an emergency situation.
3. All children shall be accompanied to and from the house by an adult during drop-offs and pick-ups.
4. No more than two (2) employees other than members of the household residing on the premises shall be allowed on-site for business purposes.
5. The Applicant shall install a fence around the backyard recreation area prior to commencing operations of the family day home. The fence shall be non-scalable.
6. The Applicant shall obtain and maintain all necessary state licensure or permits associated with the use.

The motion failed 3 – 1, as follows:

AYES: Mr. Tufts

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

ABSTENTION: None

ABSENT: Mr. Chipman

Mr. Brown stated that it is his opinion this use is not appropriate for this property due to the smaller lot sizes in the area, the number of children being requested, the amount of traffic on the street, his concern for pedestrian safety, and the fact that the applicant did not originally see the need to consider including a fence in the application.

Mr. Meadows expressed concern about individuals who may not be familiar with the neighborhood and in a hurry backing their vehicles out of the applicant's driveway into the road.

Mrs. Cooper stated that her main concerns are about parking and the property being on a thoroughfare where people are frequently coming and going.

Mr. Tufts suggested additional signage and a reduction in the number of children may be viable options to reduce concerns.

On motion made by Mr. Brown and seconded by Mrs. Cooper, 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 will adversely affect the use of neighboring properties and will impair the value of nearby land.
3. Adequate parking, loading and other facilities are not provided to serve the proposed use.

The motion carried 3 – 1, as follows:

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

NAYS: Mr. Tufts

ABSTENTION: None

ABSENT: Mr. Chipman

SPECIAL PERMIT #SPPT-17-006919, H & F ASSOCIATES (OWNER)/TOM HUGILL (APPLICANT) – TOM'S TRUCK SALES

An application for a Category 14 Special Permit to operate truck and heavy equipment sales, rentals and service, PIN 6888-64-1833-000, located on Remington Road, approximately 500 feet south of Lucky Hill Road, Lee District, Remington, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger 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. Marvin Hinchey, representative, expressed agreement with the staff report.

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

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.
7. The proposed gravel surface in the sales and storage areas will not cause an undue impact on neighboring properties.

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 general hours of operation shall be 7:00 a.m. to 6:00 p.m., Monday through Saturday.
3. The sales office and service building shall be entirely enclosed on all sides. Additionally, all garage bays shall only be accessible from the rear of the building.

4. The outdoor area devoted to storage, loading, parking and display of automobiles shall be limited to that area so designated on an approved Site Plan. Such areas shall not be used for the storage or display of vehicles that are not in operating condition.
5. Only trucks and heavy equipment which are available for sale may be displayed or stored on the front portion of the property, approximately two (2) acres. Any trucks and/or heavy equipment which are displayed for sale shall be placed in an organized and orderly fashion.
6. Trucks and heavy equipment which are not available for sale, or are awaiting service, shall only be stored in the rear of the property or within the building. Catch-pans shall be provided for all vehicles stored in the rear of the property.
7. The property shall connect to the Fauquier County Water and Sanitation Authority (FCWSA) sewer line. Additionally, an oil/water separator, which is owned and maintained by the property owner at the property owner's expense, shall be installed on the gravity sewer lateral line prior to discharge into the FCWSA sanitary sewer system.
8. The facilities shall not be lighted at any time other than during the same hours that the facility is open for business, except for necessary security lighting.
9. The existing entrance shall be removed and restored prior to the commencement of the use.
10. Landscaping shall meet the requirements of the Zoning Ordinance, as found in Article 7.
11. The Applicant shall record a Well Agreement prior to the release of the Site Plan.
12. A Major Site Plan shall be required.

The motion carried 4 – 0, as follows:

AYES: Mr. Meadows, Mr. Brown, Mrs. Cooper, Mr. Tufts

NAYS: None

ABSTENTION: None

ABSENT: Mr. Chipman

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 2:45 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.