

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JUNE 6, 2019**

*Work Session
1:45 p.m.
Warren Green Building
10 Hotel Street
Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held a work session on Thursday, June 6, 2019, beginning at approximately 1:45 p.m. in the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Jr., Vice-Chairperson; Mrs. Mary North Cooper; Mr. Lawrence G. McDade; and Mr. Benjamin Tissue, Jr. Also present were Mr. Adam Shellenberger, Chief of Planning; Ms. Heather Jenkins, Assistant Chief of Zoning/Development Services; Ms. Mary Catherine Anderson, Senior Assistant County Attorney; Mr. Ben Holt, Planner II; Ms. Kara Krantz, Planner; and Mrs. Fran Williams, Administrative Manager.

MINUTES:

Board members reviewed the May 2, 2019 minutes and discussed a proposed amendment.

AGENDA ITEMS:

VARIANCE #VARI-19-010500 – WARRENTON ENTERPRISES, LLC (OWNER/APPLICANT) – WARRENTON ENTERPRISES – An application for a variance of Zoning Ordinance Section 3-404 to reduce the 75' setback requirement to allow the construction of an industrial structure, PIN 6983-98-1007-000, located at 6406 Old Meetze Road, Cedar Run District, Warrenton, Virginia. (Heather Jenkins, Staff) *Note: Public hearing was closed on February 7, 2019.*

Ms. Jenkins reviewed the application.

SPECIAL PERMIT #SPPT-19-010886 – SHEFFIELD EDWARDS III (OWNER/APPLICANT) – EDWARDS CUSTOM POOLS, LLC – An application for a Category 2 Special Permit to operate a small contracting business as a major home occupation, PIN 7806-51-3382-000, located at 13256 Golden Drive, Lee District, Sumerduck, Virginia. (Ben Holt, Staff)

Mr. Meadows stated that a postponement request has been received from the applicant. However, the public hearing must be held since it has been advertised.

SPECIAL PERMIT #SPPT-19-011018 – JAMES A. & CATHERINE M. HEWITT (OWNERS)/JAMES A. HEWITT (APPLICANT) – MILL CREEK ARMS, LLC – An application for a Category 2 Special Permit to operate a gunsmithing business as a major home occupation, PIN 6995-64-8936-000, located at 7232 Freemont Hill Court, Scott District, Warrenton, Virginia. (Ben Holt, Staff)

Mr. Holt reviewed the application.

The meeting was adjourned at approximately 1:55 p.m.

<p><i>Regularly Scheduled Meeting</i> <i>2:00 p.m.</i> <i>Warren Green Building</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, June 6, 2019, beginning at 2:00 p.m. in the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Jr., Vice-Chairperson; Mrs. Mary North Cooper; Mr. Lawrence G. McDade; and Mr. Benjamin Tissue, Jr. Also present were Ms. Holly Meade, Director of Community Development; Mr. Adam Shellenberger, Chief of Planning; Ms. Heather Jenkins, Assistant Chief of Zoning/Development Services; Ms. Mary Catherine Anderson, Senior Assistant County Attorney; Mr. Ben Holt, Planner II; Ms. Kara Krantz, Planner; and Mrs. Fran Williams, Administrative Manager.

SPECIAL PRESENTATION:

Mr. Meadows expressed the Board's appreciation to Mr. A. William "Bill" Chipman III, who was in attendance, thanked him for his dedicated service to the citizens of Fauquier County and presented him with the following Resolution:

**A RESOLUTION TO RECOGNIZE A. WILLIAM "BILL" CHIPMAN III
FOR HIS SERVICE TO THE FAUQUIER COUNTY BOARD OF
ZONING APPEALS AND THE CITIZENS OF FAUQUIER COUNTY**

This resolution was adopted at a regular meeting of the Fauquier County Board of Zoning Appeals, held in the Warren Green Building Meeting Room, 10 Hotel Street, Warrenton, Virginia, on Thursday, June 6, 2019.

WHEREAS, A. William "Bill" Chipman III, served as a member of the Fauquier County Board of Zoning Appeals from March 1, 2014 through March 28, 2019; and

WHEREAS, his concern for the citizens and knowledge of Fauquier County

contributed significantly to the Board of Zoning Appeals' efforts to apply the zoning regulations of this County in a fair and impartial manner to the benefit of all who came before the Board of Zoning Appeals; and

WHEREAS, the Board of Zoning Appeals, on behalf of all the citizens of Fauquier County, wishes to express its appreciation for his service to the citizens of Fauquier County and his devotion and dedication to the betterment of the County; now, therefore, be it

RESOLVED, That the Fauquier County Board of Zoning Appeals does hereby offer its highest appreciation and extends its best wishes to A. William "Bill" Chipman III in all future endeavors; and, be it

FURTHER RESOLVED, That this Resolution be placed within the minutes of the Board of Zoning Appeals in recognition of A. William "Bill" Chipman III's distinguished service to Fauquier County.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams 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. Tissue, it was moved to approve the May 2, 2019 minutes, as amended.

The motion carried unanimously.

REGULAR AGENDA:

VARIANCE #VARI-19-010500 – WARRENTON ENTERPRISES, LLC (OWNER/APPLICANT) – WARRENTON ENTERPRISES – An application for a variance of Zoning Ordinance Section 3-404 to reduce the 75' setback requirement to allow the construction of an industrial structure, PIN 6983-98-1007-000, located at 6406 Old Meetze Road, Cedar Run District, Warrenton, Virginia. (Heather Jenkins, Staff) *Note: Public hearing was closed on February 7, 2019.*

Ms. Jenkins reviewed the staff report.

Mr. Meadows noted that the public hearing was closed on February 7, 2019 and opened the public meeting.

After discussion, Mr. Meadows closed the public meeting.

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 Variance is granted to reduce the minimum front yard setback along the northern and eastern property lines abutting the unimproved right-of-way area to a minimum of twenty (20) feet in width, or the height of a constructed building, whichever is greater.

The motion carried unanimously.

SPECIAL PERMIT #SPPT-19-010886 – SHEFFIELD EDWARDS III (OWNER/APPLICANT) – EDWARDS CUSTOM POOLS, LLC – An application for a Category 2 Special Permit to operate a small contracting business as a major home occupation, PIN 7806-51-3382-000, located at 13256 Golden Drive, Lee District, Sumerduck, Virginia. (Ben Holt, Staff)

Mr. Holt stated that the applicant has obtained legal counsel and is requesting a postponement until the next regularly scheduled meeting to address concerns raised by the neighbors. He also stated that staff has received four letters and one text message of support. Two of the letters were from property owners requesting that their signatures be withdrawn from the petition submitted at last month's meeting, stating that they were under the mistaken impression that a second business was being applied for.

Mr. Meadows opened the public hearing.

Michael T. Brown, Esq., representative, asked the Board to review the favorable comments received since the last meeting. Mr. Brown stated that there may have been a misunderstanding with some property owners thinking that a second business would be operating from the property when the applicant is requesting renewal of a prior approval. He also noted that the applicant is requesting a postponement until the next regularly scheduled meeting.

Ms. Kristy Fraser, a neighbor, spoke in opposition to granting approval. Ms. Fraser expressed concerns about noise, dust, the condition of Golden Drive, and large trucks traveling at a high rate of speed, sometimes early in the morning, along the road. She stated that the applicant has widened the road in such a way that she is unable to mow her property in this area because of the excess gravel. She also noted that water frequently sits in the ditch line. Ms. Fraser submitted photographs showing her concerns about how the road has been graded.

Ms. Ann Handwork, a neighbor, spoke in opposition to granting the request, citing concerns about the condition of the road, dust and noise from the large trucks, some of which travel during early morning hours. Ms. Handwork submitted photographs showing the road condition.

Ms. Judy Brewster, a neighbor, spoke in opposition to granting approval. She stated that she has recently experienced some health issues and is concerned about the noise from early morning truck traffic, which disrupts her sleep.

Ms. Robyn Fraser-Cornell, a neighbor, spoke in opposition to granting the request due to safety concerns.

Mr. Tissue requested additional information (i.e., the number of individuals using the road, if there is a road maintenance agreement, if there was ever a homeowners' association that collected dues for road maintenance, etc.) from staff.

Mr. McDade stated that the applicant has done significant work on the road, but he would like to know if it was for the benefit of those living there or for his own business interests so that large trucks could travel the road. He also stated that action was postponed at the previous meeting to allow the applicant time to meet with residents of the community to determine if there was anything he could do to minimize the impact of his business on the enjoyment of their property.

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

After discussion, on motion made by Mr. McDade and seconded by Mrs. Cooper, it was moved to postpone action on this item, at the applicant's request, until the next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

SPECIAL PERMIT #SPPT-19-011018 – JAMES A. & CATHERINE M. HEWITT (OWNERS)/JAMES A. HEWITT (APPLICANT) – MILL CREEK ARMS, LLC – An application for a Category 2 Special Permit to operate a gunsmithing business as a major home occupation, PIN 6995-64-8936-000, located at 7232 Freemont Hill Court, Scott District, Warrenton, Virginia. (Ben Holt, Staff)

Mr. Holt reviewed the staff report.

Mr. Meadows opened the public hearing.

Mr. James Hewitt, applicant, expressed agreement with the staff report.

Ms. Jeanna Squif, a neighbor, spoke in opposition to granting the request due to safety concerns, possible decreased property values and the negative effect of having a business located in a residential area.

Ms. Willette Trevis, a neighbor, spoke in opposition to approval, citing concerns about safety, a possible decrease in property values and other unintended consequences.

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

After discussion, on motion made by Mr. Tissue 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.

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. All gunsmith client visits to the site shall be by appointment only and limited to a maximum of five (5) client visits per week. No more than one (1) client shall be permitted to visit the property at any one time.
3. Client visits to the property shall be limited to the hours between 10:00 a.m. and 5:00 p.m., Monday through Friday.
4. No vehicle parking associated with the business shall be permitted on Freemont Hill Court.
5. Non-resident employees shall not be permitted.
6. There shall be no on-site advertising or signage associated with the use.
7. All liquids associated with the use shall be properly disposed of off-site.
8. The inventory of firearms being serviced or sold shall not exceed fifteen (15) guns at any given time.
9. All firearms inventory stored on-site shall be stored in a safe or similar lockable container, approved for such purpose by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.
10. No firearms associated with the commercial activity shall be fired on the subject property.
11. All applicable Zoning and Building Permits shall be obtained prior to establishment of the use.
12. This Special Permit is conditional upon the applicant obtaining and maintaining all federal, state and local permits applicable to this use.
13. This Special Permit shall be approved for a period of one (1) year with the option of an Administrative renewal.

After further discussion, on motion made by Mr. Tissue and seconded by Mr. Tufts, it was moved to amend Condition #13 of the above motion, as follows:

13. This Special Permit shall be issued for a period of one (1) year. Following the initial one (1) year period, the permittee may apply for four (4) one (1) year renewals by the Zoning Administrator. The application for renewal shall be received at least sixty (60) days prior to the expiration of the Special Permit.

The motion carried unanimously, as amended.

Thereafter, the original motion carried unanimously, as amended.

OTHER BUSINESS:

- Mr. Shellenberger stated that our next meeting will be held on Wednesday, July 3, 2019 because of the holiday.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 3:05 p.m.

John R. Meadows, Chairperson

Fran Williams, 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.