

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
MAY 1, 2014**

*Work Session
1:30 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 1, 2014, beginning at 1:30 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; Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services; Ms. Marianne Primeau, Senior Assistant County Attorney; Mr. Adam Shellenberger, Senior Planner/Urban Designer; Mr. Don Del Rosso, Planner II; and Mrs. Meredith Meixner, Administrative Specialist.

MINUTES:

Board members discussed the April 3, 2014 minutes.

AGENDA REVIEW:

PERMIT #SPPT14-MA-023, JOHN C. & KATHERINE S. WRIGHT (OWNERS)/JOHN C. WRIGHT (APPLICANT) – EARTH AND TURF, LLC

Applicant is requesting renewal of an approved Special Permit to allow the continued operation of a small contracting business as a major home occupation, PIN 6953-66-4097-000, located at 9327 Lee Highway, Marshall District, Warrenton, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

CITIZENS FOR FAUQUIER COUNTY (CFFC) NEWSLETTER:

Board members discussed a recent Citizens For Fauquier County (CFFC) newsletter, which featured an article entitled “*Regulating Waste Disposal at Animal Shelters and Dog Kennels: One Size Does Not Fit All.*”

ADJOURNMENT:

The meeting was adjourned at 1:50 p.m.

<p><i>Regularly Scheduled Meeting</i> <i>2:00 p.m.</i> <i>Warren Green 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 1, 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. Adam Shellenberger, Senior Planner/Urban Designer; and Mrs. Meredith Meixner, Administrative Specialist.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Ms. Meade 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.

REGULAR AGENDA:**ZONING APPEAL #ZNAP14-SC-002, TRAVIS W. & TRACY L. KEY (OWNERS/APPLICANTS) – KEY PROPERTY**

Applicants are appealing a Zoning Administrator's determination that they are operating a junk yard and a contractor's storage yard without the necessary approvals and that they are storing material and equipment within the floodplain without the necessary approvals. The property is described as PIN 6979-48-7937-000 and is located at 7505 John Marshall Highway, Scott District, Marshall, Virginia. (Chuck Floyd, Staff) *Note: This is a public meeting, not a public hearing.*

Mr. Meadows opened the public meeting.

APPELLANT PRESENTATION

Mr. Travis Key, appellant, stated that he previously allowed several acquaintances to store junk vehicles and other material on his property. Mr. Key also stated that he is in the process of cleaning the property and the majority of the vehicles have been removed. Mr. Key noted that, while he does not wish to operate a junk yard on the property, he would like to proceed with getting the necessary approvals to operate a contractor's storage yard.

Mr. Key further stated that he does not believe the majority (75%) of his property is in the floodplain, as alleged by the County. A plat that he received when he purchased the property in 2007 indicates that only 25% of the property is in the floodplain.

Mr. Key concluded by stating that he would like to work with the County to resolve the outstanding issues and bring his property into compliance with the Zoning Ordinance.

COUNTY PRESENTATION

Mr. Chuck Floyd, Assistant Chief of Zoning/Development Services, stated that no approvals have been issued to allow any of the uses that were taking place on the appellant's property. Mr. Floyd displayed photographs of the property that were taken in October 2012 and June 2013, which clearly indicate the operation of a junk yard, contractor's storage yard, and the storage of material and equipment within the floodplain. Mr. Floyd confirmed that, according to a recent site visit made by a Zoning inspector, the appellant has been cleaning the property and the majority of the vehicles have been removed. However, he noted that the violations were occurring at the time the Notice of Violation was issued on July 1, 2013.

Mr. Floyd further stated that, subsequent to the purchase of the property by the appellant, detailed floodplain studies were done on surrounding properties. Also, in 2008, the Federal Emergency Management Agency (FEMA) revised the floodplain maps for the entire country. These updated floodplain maps indicate that 75% of the property is in the floodplain.

Mr. Floyd concluded by respectfully requesting the Board to affirm the Zoning Administrator's determination.

ACTION

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

On motion made by Mr. Brown and seconded by Mrs. Cooper, it was moved to affirm the decision of the Zoning Administrator, after due notice and hearing as required by the Fauquier County Zoning Ordinance and *Code of Virginia* in Appeal #ZNAP14-SC-002, finding that the Zoning Administrator correctly determined that the appellant, as of the date of the Notice of Violation, was: (1) Operating a junk yard without Special Exception and Site Plan approval and a Zoning Permit in violation of the Fauquier County Zoning Ordinance; (2) Was operating a contractor's storage yard without Site Plan approval and a Zoning Permit in violation of the Fauquier County Zoning Ordinance; and (3) Was in violation of the Fauquier

County Zoning Ordinance by storing material and equipment within the floodplain district without Special Exception and Site Plan approval and a Zoning Permit.

The motion carried unanimously.

SPECIAL PERMIT #SPPT14-MA-023, JOHN C. & KATHERINE S. WRIGHT (OWNERS)/JOHN C. WRIGHT (APPLICANT) – EARTH AND TURF, LLC

Applicant is requesting renewal of an approved Special Permit to allow the continued operation of a small contracting business as a major home occupation, PIN 6953-66-4097-000, located at 9327 Lee Highway, Marshall District, Warrenton, 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. John Wright, applicant, expressed agreement with the staff report.

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

On motion made by Mr. Tufts and seconded by Mr. 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 use shall be limited to the existing improvements on-site, or as indicated on the Special Permit Exhibits. Any increase in square footage of structures used in connection with such a use, increase in square footage of outdoor storage area in connection with the use, or increase in impervious surface will require an amendment to the Special Permit.
3. All activity related to the small contracting business shall be limited to Mondays through Fridays, between the hours of 8:00 a.m. and 6:00 p.m. and Saturdays between the hours of 8:00 a.m. and 1:00 p.m.
4. The number of employees allowed to work from the subject property shall be limited to five (5) persons, including the applicant, John C. Wright.
5. No trucks or equipment other than that specified in the application materials shall be stored on-site in conjunction with the business operations.
6. The outdoor storage area for the parking of vehicles and equipment associated with the business, as well as employee parking, shall not exceed 5,000 square feet in area and shall be located in the general area identified on the Special Permit plat, which shall be maintained in a gravel surface.
7. A thirty (30) foot wide dense evergreen buffer shall be maintained along the southwest side of the outdoor storage area to adequately screen the use from the adjacent residence, in accordance with Zoning Ordinance requirements. Such landscaping shall consist of a double row of evergreen trees spaced ten (10) to fifteen (15) feet apart. In addition, sight obscuring board-on-board privacy fencing shall also be maintained along the southwest side of the outdoor storage area to ensure adequate screening.
8. The lighting of the outdoor storage area is prohibited.
9. No additional land clearing or improvements shall be made to the site for business purposes.
10. This Special Permit shall be issued for a period of one (1) year. Per Zoning Ordinance Section 5-202.10, the permittee may apply annually for one (1) year renewals by the Zoning Administrator. The application for renewal shall be received at least 60 days prior to expiration of the Special Permit. If the permittee does not apply for the renewal, the permit shall expire at the end of the one year period.

The motion carried unanimously.

MINUTES:

After discussion, on motion made by Mrs. Cooper and seconded by Mr. Brown, it was moved to postpone action on the minutes until the next regularly scheduled meeting.

The motion carried unanimously.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:30 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.