

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
NOVEMBER 6, 2014**

*Work Session
1:00 p.m.
Warren Green Building, First Floor Meeting Room
10 Hotel Street
Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held a work session on Thursday, November 6, 2014, beginning at 1:00 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, Chief of Planning; Mr. Andrew Hopewell, 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; Ms. Heather Jenkins, Planner II; and Mrs. Fran Williams, Administrative Manager.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT-14-001973, JUNIPER TREE PROPERTIES, LC, A/K/A JUNIPER TREE PROPERTIES, LLC (OWNER/APPLICANT) – OPAL GATEWAY FARMER’S MARKET

Applicant is requesting Special Permit approval to operate a farmer’s market, PIN 6980-47-8903-000, located on the east side of Marsh Road near its intersection with Fayetteville Road, Cedar Run District, Bealeton, Virginia. (Adam Shellenberger, Staff)

Mr. Shellenberger reviewed the application.

SPECIAL PERMIT #SPPT-14-001979, CHARLES A. CARDINE, TRUSTEE OF THE CHARLES A. CARDINE REVOCABLE LIVING TRUST (OWNER)/C. PATRICK CARDINE (APPLICANT) – CARDINE STUDIOS, LLC

Applicant is requesting Special Permit approval to allow a blacksmith shop in an existing building, PIN 6980-76-1190-000, located at 6588 Balls Mill Road, Cedar Run District, Bealeton, Virginia. (Don Del Rosso, Staff)

Mr. Del Rosso reviewed the application.

OTHER BUSINESS:

Board members discussed the need to reschedule the January 2015 meeting because of the holidays. The meeting will be held on Wednesday, January 7, 2015.

ADJOURNMENT:

The meeting was adjourned at 1:45 p.m.

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| <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> |
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The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, November 6, 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, Chief of Planning; Mr. Andrew Hopewell, 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. Rob Walton, Senior Planner; Mr. Don Del Rosso, Planner II; Ms. Heather Jenkins, Planner II; and Mrs. Fran Williams, Administrative Manager.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

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 September 4, 2014 minutes.

The motion carried unanimously.

REGULAR AGENDA:**ZONING APPEAL #AZAD-14-001966, TONY E. & LORI A. BILLER, TRUSTEES OF THE BILLER LIVING TRUST (APPELLANTS) – BILLER APPEAL**

An appeal of a Zoning Administrator's Determination that the appellants have constructed an eight (8) foot tall fence in violation of Zoning Ordinance Section 6-105.8.B, PIN 6928-22-8911-000, located at 12134 McDonalds Lane, Marshall District, Hume, Virginia. (Chuck Floyd, Staff)

Note: This is a public meeting, not a public hearing.

VARIANCE #VARI-14-001963, TONY E. & LORI A. BILLER, TRUSTEES OF THE BILLER LIVING TRUST (OWNERS/APPLICANTS) – BILLER VARIANCE

Applicants are requesting a variance of Zoning Ordinance Section 6-105.8.B to permit the construction of an eight (8) foot tall fence in the required front yard, PIN 6928-22-8911-000, located at 12134 McDonalds Lane, Marshall District, Hume, Virginia. (Chuck Floyd, Staff)

SPECIAL PERMIT #SPPT-14-001973, JUNIPER TREE PROPERTIES, LC, A/K/A JUNIPER TREE PROPERTIES, LLC (OWNER/APPLICANT) – OPAL GATEWAY FARMER'S MARKET

Applicant is requesting Special Permit approval to operate a farmer's market, PIN 6980-47-8903-000, located on the east side of Marsh Road near its intersection with Fayetteville Road, Cedar Run District, Bealeton, 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. Joe Wiltse, representative, expressed agreement with the staff report and reviewed the proposal.

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

After 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. All activity related to the Farmer's Market shall generally be limited to the hours of 7:00 a.m. and 10:00 p.m.
3. A private drainfield and well, appropriate for the use, shall be approved by the Virginia Department of Health prior to the release of site plan.
4. No portion of the subject property shall be dedicated or used as right-of-way for the future alignments of Heart Drive or Opal Gateway Drive, as shown on the previously approved Concept Development Plan for Opal Gateway.
5. At no time shall the subject property be less than 5.00 acres in size.
6. Sales shall be limited to agricultural products, value added agricultural products, and accessory goods directly related to the culture, care, use of, or processing of agricultural products, such as pottery, baskets, garden accessories, baked goods, and floral supplies. Products using electrical or combustion power such as lights, lawn trimmers, and tractors shall not be allowed. No more than ten percent (10%) of products for sale (based on display area) shall be accessory goods.
7. The serving of ice cream for on or off-site consumption is not permitted.
8. At least seventy-five percent (75%) of the products for sale (based on display area) shall be produced within the Potomac and Chesapeake (upper and lower) watershed areas. The remainder of products for sale shall be produced within the U.S. Any products produced outside of Fauquier County shall display their location of origin.
9. Additional activities may include a pumpkin patch, corn maze, Christmas tree lot and/or related facilities and activities. These activity areas shall be located a minimum of twenty-five (25) feet from all property lines, AND either a minimum of one hundred (100) feet from any existing or future right-of-way OR

a minimum of fifty (50) feet from any existing or future right-of-way and enclosed with a temporary barrier.

10. A Farmer's Market, not to exceed 2,500 square feet on the property, shall be designed with an agricultural character, being in substantial conformance with the proposed elevation shown on the Special Permit Plat, and include all proffered design elements.
11. No parking or loading area shall be located within twenty-five (25) feet of any lot line.
12. The Farmer's Market use shall be established, or construction authorized shall be diligently pursued, within five (5) years of approval, commencing with the month in which the Board of Zoning Appeals approves it.

After further discussion, on motion made by Mr. Meadows and seconded by Mr. Brown, it was moved to amend Condition #2 of the above motion, as follows:

2. All activity related to the Farmer's Market shall generally be limited to the hours ~~of~~ *between 7:00 a.m. and 10:00 p.m., seven days per week.*

The motion carried unanimously, as amended.

After additional discussion, on motion made by Mr. Chipman and seconded by Mr. Brown, it was moved to amend Condition #6 of the above motion, as follows:

6. Sales shall be limited to agricultural products, value added agricultural products, and accessory goods directly related to the culture, care, use of, or processing of agricultural products, such as pottery, baskets, garden accessories, baked goods, and floral supplies. Products using electrical or combustion power such as lights, lawn trimmers, and tractors shall not be allowed *for sale*. No more than ten percent (10%) of products for sale (based on display area) shall be accessory goods.

The motion carried unanimously, as amended.

Thereafter, the original motion, as amended, carried unanimously.

SPECIAL PERMIT #SPPT-14-001979, CHARLES A. CARDINE, TRUSTEE OF THE CHARLES A. CARDINE REVOCABLE LIVING TRUST (OWNER)/C. PATRICK CARDINE (APPLICANT) – CARDINE STUDIOS, LLC

Applicant is requesting Special Permit approval to allow a blacksmith shop in an existing building, PIN 6980-76-1190-000, located at 6588 Balls Mill Road, Cedar Run District, Bealeton, 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. Patrick Cardine, applicant, expressed agreement with the staff report. Mr. Cardine stated that he believes all of the zoning violations, which were inherited from the previous owners, have been resolved. Mr. Cardine also stated that he has scheduled an appointment with a soil scientist so that all Health Department requirements can be satisfied. Mr. Cardine further stated that he recently met on-site with the Building Official to review outstanding issues so that the building can be brought into compliance, hopefully within a year.

Mrs. Cooper inquired about the nature of the necessary upgrades to comply with all applicable building codes.

Mr. Cardine stated that the upgrades include reinforcing sagging supports above two doorways; the identification of a pedestrian exit; verification that the fire extinguishers are up-to-date; and the proper installation of an electrical wire.

Ms. Cooper expressed concern that the business has been in operation since 2010 with these building code deficiencies, jeopardizing the safety and welfare of employees.

Ms. Meade noted that while the non-common open space concerns were thought to have been resolved, there now appear to be issues with these calculations.

After further discussion, Mr. Cardine requested that action on this item be postponed until the next regularly scheduled meeting.

Mr. Meadows requested that the Board and applicant be provided with a detailed list of all building code violations that need to be addressed.

Mr. Floyd stated that he will meet with the Building Official to get this information and provide this list to the Board and applicant as soon as possible.

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

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

The motion carried unanimously.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:00 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.