

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
AUGUST 2, 2012**

*Work Session
12:30 p.m.
Second Floor Conference Room, Warren Green Building
10 Hotel Street, Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held a work session on Thursday, August 2, 2012, beginning at 12:30 p.m. in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Harry Russell, Vice-Chairperson; Mr. Michael Brown; Mrs. Mary North Cooper and Mr. Maximilian Tufts, Jr. Also present were Ms. Holly Meade, Assistant Chief of Planning/Secretary; Ms. Mary Catherine Sheridan, Assistant County Attorney; Ms. Kimberley Johnson, Zoning Administrator; and Mr. Andrew Hushour, Assistant Zoning Administrator.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT12-MA-032, TURNER ASSOCIATES TRUSTEE, ASHBY TRUST (OWNER) – RICK PAULSON (APPLICANT) – MARKHAM MOTORCYCLE WORKS

Applicant is requesting special permit approval to operate a motorcycle detailing business, PIN 6021-73-2035-000, located at 11511 Old Markham Road, Marshall District, Markham, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the application.

SPECIAL PERMIT #SPPT12-MA-037, SULPHUR SPRINGS INVESTMENT CORPORATION (OWNER/APPLICANT) – FAUQUIER SPRINGS COUNTRY CLUB

Applicant is requesting special permit approval to allow for an expansion of the existing facility by adding a restroom structure on the golf course, PIN 6962-23-2064-000, located at 8631 Springs Drive, Marshall District, Warrenton, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the application.

SPECIAL PERMIT #SPPT12-CR-038, JAMES T. WALSH (OWNER/APPLICANT) – OPAL TOW LOT

Applicant is requesting special permit approval to operate a motor vehicle impoundment/towing facility with a maximum of ten (10) vehicles, PIN 6981-20-8598-000,

located at 10049 James Madison Highway, Cedar Run District, Bealeton, Virginia. (Holly Meade, Staff)

Ms. Meade reviewed the application.

CLOSED MEETING:

On motion made by Mr. Tufts and seconded by Mr. Brown, it was moved to go into a closed meeting, pursuant to *Code of Virginia* Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to applications ZNAP12-LE-001 (Sheetz Store #221); SPPT12-MA-032 (Markham Motorcycle Works); ZNAP12-CR-003 (Ortberg Property); ZNAP12-MA-004 (Piedmont Agriculture Academy); and ZNAP12-CR-005 (Hawkins Property).

The motion carried 5 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: None

Upon reconvening from the closed meeting, Mr. Tufts read the following Certification of Closed Meeting:

The Fauquier County Board of Zoning Appeals, having adjourned into a closed meeting this day for the purposes stated in the resolution authorizing such meeting, does hereby certify that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and
2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered in the closed meeting.

This certification shall be recorded in the minutes of the Board of Zoning Appeals on motion of Mr. Tufts and seconded by Mr. Brown.

The motion carried 5 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: None

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

Regularly Scheduled Meeting
2:00 p.m.
Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, August 2, 2012, 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. Harry Russell, Vice-Chairperson; Mr. Michael Brown; Mrs. Mary North Cooper and Mr. Maximilian Tufts, Jr. Also present were Ms. Holly Meade, Assistant Chief of Planning/Secretary; Ms. Mary Catherine Sheridan, Assistant County Attorney; Ms. Tracy Gallehr, Deputy County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator; Ms. Kimberley Johnson, Zoning Administrator; Mrs. Meredith Meixner, Administrative Specialist; Mrs. Rebecca Kellert, Administrative Associate; and Mrs. Fran Williams, Administrative Manager.

ANNOUNCEMENTS

Mr. Tufts announced that Item #3 (SPPT12-MA-027 – Fauquier Storage) has been postponed and the remaining items on the agenda would be considered in the following order:

- ZNAP12-MA-004 (Piedmont Agriculture Academy)
- SPPT12-MA-032 (Markham Motorcycle Works)
- SPPT12-MA-037 (Fauquier Springs Country Club)
- SPPT12-CR-038 (Opal Tow Lot)
- ZNAP12-LE-001 (Sheetz Store #221)
- ZNAP12-CR-003 (Ortberg Property)
- ZNAP12-CR-005 (Hawkins Property)

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 a public hearing have been properly advertised, posted, and letters of notification sent to adjoining property owners.

MINUTES:

Postponed.

SPECIAL PERMIT #SPPT12-MA-027, MIT RAJ, LLC (OWNER/APPLICANT) – FAUQUIER STORAGE (Item #3)

Applicant is requesting special permit approval to allow for a storage establishment, PIN 6981-17-2727-000, located at 9462 James Madison Highway, Marshall District, Warrenton, Virginia. (Andrew Hushour, Staff)

Postponed.

ZONING APPEAL #ZNAP12-MA-004, PIEDMONT AGRICULTURE ACADEMY, LLC (OWNER/APPLICANT) – PIEDMONT AGRICULTURE ACADEMY (Item #6)

Applicant is appealing a Zoning Administrator's determination regarding the operation of a farm sales establishment, including temporary and/or special events, without the required County approvals, PIN 6034-98-2331-000, located at 1037 Gap Run Road, Marshall District, Paris, Virginia. (Andrew Hushour, Staff) *Note: This is a public meeting, not a public hearing.*

Mr. Meadows opened the public meeting.

Mr. Brown stated that he would like to give the appellant an opportunity to address the Board.

Michelle Rosati, Esquire, representative, reviewed what is being sold by the appellant and activities that have taken place at the site. Ms. Rosati stated that other farms in the County are doing many of the same things, but have not been cited. She also expressed concern that the position of the Zoning Administrator has changed over time and respectfully requested that the Board overturn her determination.

Ms. Johnson stated that her office does not actively search for violations, but when a complaint is received, it is investigated. Ms. Johnson also stated that when a Notice of Violation and Corrective Order is sent, usually the property owner comes into her office and they work together to resolve the issue.

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

On motion made by Mr. Brown and seconded by Mrs. Cooper, after due notice and hearing as required by the Fauquier County Zoning Ordinance and *Code of Virginia*, it was moved to affirm the Zoning Administrator's determination in ZNAP12-MA-004 (Piedmont Agriculture Academy), finding that the Zoning Administrator correctly determined that the appellant was using the property in violation of Section 3-318.21 (operating a farm sales establishment without approval of an administrative permit); and Sections 3-308.3 and 3-309.16 (conducting temporary and/or special events on-site in conjunction with a farm sales establishment, without approval of a special permit, special exception or site plan).

The motion carried unanimously.

SPECIAL PERMIT #SPPT12-MA-032, TURNER ASSOCIATES TRUSTEE, ASHBY TRUST (OWNER) – RICK PAULSON (APPLICANT) – MARKHAM MOTORCYCLE WORKS (Item #4)

Applicant is requesting special permit approval to operate a motorcycle detailing business, PIN 6021-73-2035-000, located at 11511 Old Markham Road, Marshall District, Markham, Virginia. (Holly Meade, Staff)

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 hearing.

Mr. Rick Paulson, applicant, expressed agreement with the staff report.

Ms. Cherie Calvert, owner, spoke in support of granting this request.

Mr. Brian Anderson, a friend of the applicant, spoke in support of the proposal.

Mr. Christopher Hines, a friend of the applicant, spoke in support of the proposal.

Mr. Shawn Smith, a friend of the applicant, spoke in support of the proposal.

Mr. Adam Bell, a friend of the applicant, spoke in support of the proposal.

Mr. Charles Matheson, a neighbor, spoke in opposition to the granting of this special permit citing concerns about the lack of a well and drainfield on the property, possible contamination of the watershed, and the entire parcel being located in the floodplain. Mr. Matheson presented the Board with a statement, a copy of which is attached to and made a part of these official minutes.

Ms. Julie Martin, a neighbor, spoke in opposition to the granting of this special permit. Ms. Martin expressed concerns including not all the neighbors were notified of this proposal; a possible impact to wetlands since the entire parcel is located in the floodplain; signage; noise; lighting; parking; and there being no record of a permitted well or drainfield for the site. Ms. Martin presented the Board with a statement, a copy of which is attached to and made a part of these official minutes.

Ms. Lori McGuinness, Goose Creek Association, stated that if the Board grants the special permit, a condition of approval related to adequate monitoring should be placed on it to ensure that Goose Creek is not contaminated.

Mr. Jerry O'Dell, Fairfax County, expressed agreement with the previous speaker, echoing concern that preventive measures should be taken to avoid contaminating Goose Creek.

Mr. Brian Green, a neighbor, spoke in support of the proposal.

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

On motion made by Mr. Brown 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 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 use is such or designed in a manner that grass parking 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 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 hours of operation of the business shall be from 9:00 a.m. to 5:00 p.m. on weekdays and on weekends by appointment only.
3. No after-hours guests or visitors shall be permitted on the property.
4. Occupancy of the property after hours, in connection with the approved use, shall be limited to the applicant only.
5. Use of the bathroom facility on the tenant property immediately in the vicinity of the property shall be limited in connection with this use only to customers of the business.
6. Storage of motorcycles in the premises shall be limited to those motorcycles that are being detailed in connection with the approved use only.

7. The sign presently located on the property shall be modified to reflect that the business is one for detailing motorcycles only.
8. Any and all chemicals, oil, fuels, solvents, or other hazardous materials used in connection with the approved use shall be properly stored on-site and properly disposed of off-site.
9. The special permit shall be valid for one year, expiring on August 2, 2013, with future administrative approvals on an annual basis.

On motion made by Mrs. Cooper and seconded by Mr. Brown, it was moved to amend the above motion to add Condition #10, as follows:

10. No food and/or liquor sales are allowed on the premises.

The motion carried unanimously.

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

2. The hours of operation of the business shall be from 9:00 a.m. to 5:00 p.m. on weekdays and on weekends by appointment only, *also between the hours of 9:00 a.m. to 5:00 p.m.*

The motion carried unanimously.

On motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to amend Condition #8 of the above motion, as follows:

8. ~~Any and all chemicals, oil, fuels, solvents, or other hazardous materials used in connection with the approved use shall be properly stored on-site and properly disposed of off-site.~~ *No chemicals, solvents or fuels shall be stored or used on-site in connection with the proposed use.*

The motion carried unanimously.

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

SPECIAL PERMIT #SPPT12-MA-037, SULPHUR SPRINGS INVESTMENT CORPORATION (OWNER/APPLICANT) – FAUQUIER SPRINGS COUNTRY CLUB (Item #8)

Applicant is requesting special permit approval to allow for an expansion of the existing facility by adding a restroom structure on the golf course, PIN 6962-23-2064-000, located at 8631 Springs Drive, Marshall District, Warrenton, Virginia. (Holly Meade, Staff)

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 hearing.

Ms. Angela Smith, representative, expressed agreement with the staff report.

Mr. Jerry O'Dell, Fairfax County, spoke in support of the facility having a permanent restroom structure.

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

On motion made by Mr. Tufts 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 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.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT12-CR-038, JAMES T. WALSH (OWNER/APPLICANT) –
OPAL TOW LOT (Item #9)**

Applicant is requesting special permit approval to operate a motor vehicle impoundment/towing facility with a maximum of ten (10) vehicles, PIN 6981-20-8598-000, located at 10049 James Madison Highway, Cedar Run District, Bealeton, Virginia. (Holly Meade, Staff)

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 hearing.

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

Mr. Jerry O'Dell, Fairfax County, stated that two rows of evergreens would be appropriate screening for the use.

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

On motion made by Mr. Russell 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 use of gravel travelways and impoundment area 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 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 of the impound yards as identified on the special permit plat shall be exclusively for the storage of no more than ten (10) vehicles.
3. The impound lot shall be entirely screened from view from adjacent properties and street.
4. Pans shall be placed under all vehicles brought to the impound lot to catch any leaking fluids. The pans shall be checked daily and all fluids shall be properly disposed.
5. Signage for the impoundment area shall be limited to one sign as currently posted on the fence.

After discussion, on motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to amend Condition #5 of the above motion, as follows:

5. Signage for the impoundment area shall be limited to one sign. ~~as currently posted on the fence.~~

The motion carried unanimously.

After further discussion, on motion made by Mr. Meadows and seconded by Mr. Tufts, it was moved to amend Condition #3 of the above motion, as follows:

3. The impound lot shall be screened on the east, north, and west sides and the opening for the gate on the west side need not be screened.

The motion carried unanimously.

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

ZONING APPEAL #ZNAP12-LE-001, STEICO, INC. (OWNER/APPLICANT) – SHEETZ STORE #221 (Item #2)

Applicant is appealing a Zoning Administrator's determination that a gasoline canopy and illuminated diesel price signs are in violation of the Fauquier County Zoning Ordinance, PIN 6980-29-9580-000, located at 10101 James Madison Highway, Lee District, Bealeton, Virginia. (Andrew Hushour, Staff) *Note: This is a public meeting, not a public hearing.*

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

Mark Hyson, Esquire, representative, stated that the appellant wishes to withdraw the portion of their appeal related to illumination of the diesel price signs.

Mr. Hyson reviewed information contained in applications for the site from 1996 as well as correspondence between his office and Carolyn Bowen, former Zoning Administrator. Mr. Hyson also presented the Board with additional material, including a February 19, 2004 Fauquier Citizen newspaper article that contains a photograph of the canopy lights, copies of which are attached to and made a part of these official minutes. Mr. Hyson respectfully requested that the Board overturn the determination of the Zoning Administrator.

After discussion, on motion made by Mrs. Cooper and seconded by Mr. Russell, after due notice and hearing as required by the Fauquier County Zoning Ordinance and *Code of Virginia*, it was moved to affirm the Zoning Administrator's determination in ZNAP12-LE-001 (Sheetz Store #221), finding that the appellant is in violation of the Zoning Ordinance provisions cited in the October 7, 2011 Official Notice of Zoning Violation and Corrective Order, namely Sections 8-604 and 8-700 (permanent signs without permits and in violation of general sign regulations).

The motion carried 4 – 1, as follows:

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

NAYS: Mr. Brown

ABSTENTION: None

ABSENT: None

ZONING APPEAL #ZNAP12-CR-003, KENNETH L. & NATALIE J. ORTBERG (OWNERS/APPLICANTS) – ORTBERG PROPERTY (Item #5)

Applicant is appealing a Zoning Administrator's determination that the subject property is not a legal lot of record, PIN 6993-30-5414-000, located on the southeast side of Green Road, Cedar Run District, Warrenton, Virginia. (Andrew Hushour, Staff) *Note: This is a public meeting, not a public hearing.*

Mr. Hushour 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.

Ms. Natalie Ortberg, appellant, stated that the subject property has been recognized by the County as a legal lot of record since 1977 and reviewed a PowerPoint presentation, a copy of which is attached to and made a part of these official minutes, outlining her arguments. Ms. Ortberg respectfully requested that the Zoning Administrator's determination be overturned.

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

On motion made by Mr. Brown and seconded by Mrs. Cooper, after due notice and hearing as required by the Fauquier County Zoning Ordinance and *Code of Virginia*, it was moved to affirm the Zoning Administrator's determination in ZNAP12-CR-003 (Ortberg Property), finding that the Zoning Administrator correctly determined that the subject lot is not a legal lot of record as it was created by boundary line adjustment.

The motion carried unanimously.

ZONING APPEAL #ZNAP12-CR-005, MALCOLM W. COOK TRUSTEE, MICHAEL SHAWN HAWKINS TRUST (OWNER)/MICHAEL SHAWN HAWKINS (APPLICANT) – HAWKINS PROPERTY (Item #7)

Applicant is appealing a Zoning Administrator's determination that a non-conforming use has been expanded, uses have been added, and construction of buildings without permits have occurred in violation of the Fauquier County Zoning Ordinance, PIN 7922-96-4463-000, located at 3328 Catlett Road, Cedar Run District, Catlett, Virginia. (Kimberley Johnson, Staff) *Note: This is a public meeting, not a public hearing.*

Ms. Johnson 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.

Merle Fallon, Esquire, representative, stated that the determination of the Zoning Administrator is flawed and that there has been no expansion of the approved use. Mr. Fallon also submitted additional material including photographs, copies of which are attached to and made a part of these official minutes. Mr. Fallon concluded by respectfully requesting that the Board overturn the Zoning Administrator's determination.

Mr. Fallon presented the Board with letters from neighbors of the subject property, a signed and notarized Affidavit of Use, and Virginia Department of Transportation (VDOT) aerial photos dated February 26, 1970 and November 20, 1996, copies of which are attached to and made a part of these official minutes.

Mr. Michael Hawkins, appellant, acknowledged that he does make mulch on-site, but stated that this is accessory to the approved use.

Mr. Meadows asked Mr. George Hoenigmann, a neighbor, to come forward.

Mr. Hoenigmann stated that the business has a negative impact on his quality of life because of the seepage from the mulch, odor, and noise.

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

On motion made by Mr. Tufts and seconded by Mr. Meadows, it was moved to go into a closed meeting, pursuant to *Code of Virginia* Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to ZNAP12-CR-005 (Hawkins Property).

The motion carried 5 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: None

Upon reconvening from the closed meeting, Mr. Tufts read the following Certification of Closed Meeting:

The Fauquier County Board of Zoning Appeals, having adjourned into a closed meeting this day for the purposes stated in the resolution authorizing such meeting, does hereby certify that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and
2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered in the closed meeting.

This certification shall be recorded in the minutes of the Board of Zoning Appeals on motion of Mr. Tufts and seconded by Mr. Meadows.

The motion carried 5 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: None

On motion made by Mr. Brown and seconded by Mrs. Cooper, after due notice and hearing as required by the Fauquier County Zoning Ordinance and *Code of Virginia*, it was moved to affirm, in part, and overturn, in part, the decision of the Fauquier County Zoning Administrator in Appeal #ZNAP12-CR-005 (Hawkins Property), finding the following:

- The Zoning Administrator incorrectly determined that the appellant violated Sections 10-103.1 and 10-103.2 (violation of the non-conforming provisions of the Zoning Ordinance by expanding a non-conforming Contractor's Storage

yard to occupy additional land area and by constructing additional structures) of the Fauquier County Zoning Ordinance;

- The Zoning Administrator correctly determined that the appellant violated Section 3-317 (General and Heavy Industrial uses started on a property where not allowed in the R-1 zoning district [composting, making of mulch, grading of stone]) of the Fauquier County Zoning Ordinance; and
- The Zoning Administrator correctly determined that the appellant violated Section 13-501 (construction of buildings and structures and grading of the property without required zoning permits) of the Fauquier County Zoning Ordinance.

The motion carried unanimously.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:45 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.