

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JANUARY 7, 2010**

Work Session

1:00 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, January 7, 2010, 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. James W. Van Luven, Vice-Chairperson; Mr. Maximilian Tufts, Secretary; Mrs. Mary North Cooper; Mr. Serf Guerra; and Mr. Harry Russell. Also present were Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator; and Mr. Wally Horton, Senior Planner.

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, January 7, 2010, 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. James W. Van Luven, Vice-Chairperson; Mr. Maximilian Tufts, Secretary; Mrs. Mary North Cooper; Mr. Serf Guerra; and Mr. Harry Russell. Also present were Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator; Mr. Wally Horton, Senior Planner; and Mrs. Fran Williams, Administrative Specialist.

ELECTION OF OFFICERS:

Ms. Sheridan opened the meeting and initiated the election of officers.

a. Chairperson

On motion made by Mr. Van Luven and seconded by Mrs. Cooper, it was moved to nominate Mr. Meadows as Chairperson.

The motion carried unanimously.

b. Vice-Chairperson

On motion made by Mr. Russell and seconded by Mr. Tufts, it was moved to nominate Mr. Van Luven as Vice-Chairperson.

The motion carried unanimously.

c. Secretary

On motion made by Mr. Van Luven and seconded by Mr. Russell, it was moved to nominate Mr. Tufts as Secretary.

The motion carried unanimously.

MINUTES:

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to approve the December 3, 2009 minutes.

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the Public Hearing protocol. Mr. Horton stated that, to the best of his knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners.

SPECIAL PERMIT #SPPT10-SC-010, L. FREDERICK & ALISON J. WORRALL (OWNERS)/ALISON J. WORRALL (APPLICANT) – CHESS, INC.

Applicant is requesting an expansion of a previously approved special permit to allow for non-spectator horse boarding and instruction, PIN #7907-42-4018-000, located at 6105 General Hunton Road, Scott District, Broad Run, Virginia. (Wally Horton, Staff)

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

Mr. Meadows stated that the public hearing was closed at last month's meeting.

Mr. Van Luven stated that the application included several items which are not under the purview of the Board (i.e., allowing children who are being instructed to participate in a "work to ride" program and the use of all-terrain vehicles on the property as well as the private road). Mr. Van Luven requested information on the location of trees that the applicant would like to remove in order to have two acres of pasture and the location of the reserve drainfield.

Mrs. Alison Worrall, applicant, stated that she cannot give an accurate delineation of the drainfield location. Mrs. Worrall also stated that while there are some large trees on the property, she primarily wishes to clear the numerous saplings, mostly 3" to 4" in diameter, on the northeastern side of the house, that make it impossible to walk the horses in this area. Mrs. Worrall further stated that she has made a request to have a Department of Forestry representative come to the property to mark some of the dead and damaged trees that need to come down. Mrs. Worrall clarified that it is not her intent to clear-cut the property.

Mr. Guerra stated that while the applicant has the right to do certain things on her property, he is concerned about the effect this proposal would have on the surrounding property owners.

On motion made by Mr. Guerra, it was moved to deny the special permit.

In that there was no second, the motion failed.

On motion made by Mr. Van Luven 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 Code, 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 use shall be in general compliance with the information and drawings submitted with the special use permit application except as specifically modified by the conditions below or as necessary to meet Zoning Ordinance requirements.

2. No more than five (5) horses shall be boarded on the property at any one time, and the total number of horses on the property at any time shall not exceed ten (10).
3. No more than one (1) student shall be instructed at a time, with a limit of two (2) students per weekday and three (3) students per weekend day.
4. Hours of operation shall be limited to 8:00 a.m. to dusk daily.
5. All activities shall be located on the applicant's property.
6. A landscape buffer shall be planted adjacent to the nearest residential unit, along the western property line starting 90' north of the corner of the property and extending a distance of 120'. The buffer shall be comprised of evergreen trees, a minimum of six (6) feet in height, spaced so as to provide a visual screen of the adjoining riding ring.
7. The NOVEC security lighting located adjacent to the round riding ring shall be removed. No additional lighting is permitted.
8. No more than two (2) trailers other than those owned by the applicant shall be kept on the property at any one time.
9. This permit shall expire in one (1) year.

The motion carried 5 – 1, as follows:

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

NAYS: Mr. Guerra

ABSTENTION: None

ABSENT: None

SPECIAL PERMIT #SPPT10-CR-011, JEFFREY A. & MARIE A. TAYLOR (OWNERS/APPLICANTS) – TAYLOR BOYZ

Applicants are requesting special permit approval to operate a farm equipment sales, rental, and service facility, PIN #7901-62-3355-000, located at 9886 Rogues Road, Cedar Run District, Midland, Virginia. (Wally Horton, Staff)

Mr. Horton 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. Jeffrey Taylor, applicant, expressed agreement with the staff report, but stated that he would prefer to use tar and chip rather than paving.

Ms. Dee Dee Colbert, spoke in support of the approval of this special permit. Ms. Colbert stated that her uncle, the previous property owner, did have a drainfield on the subject property since he constructed a barn, with living quarters above, in 1976 and lived there until his recent death.

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

On motion made by Mr. Russell and seconded by Mr. Van Luven, 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 Code, 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.

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. Equipment to be repaired and/or serviced as part of this use shall be limited exclusively to the servicing and repair of horse trailers, farm-related utility trailers, and tow vehicle hitch work. All permitted repair and servicing activity and the storage of any related parts, materials, or equipment shall occur inside of the 2,200 square foot shop building.
3. The repair, service, or sale and/or storage of parts and/or materials related to automobiles, recreational vehicles, or similar motor vehicles on-site are prohibited.
4. All activity related to the approved use shall be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m.

5. No more than three (3) employees, including the applicants, are permitted to work on-site.
6. No hazardous waste materials, such as oil, anti-freeze, or gas shall be generated by the proposed use nor is such allowed for storage on-site.
7. There shall be no more than four (4) trailers parked outside at any given time. No outside storage of additional items shall be allowed.
8. The total amount of disturbance and/or land use conversion for this use shall not exceed ten thousand (10,000) square feet.
9. The applicants shall comply with all applicable regulations as required by the Fauquier County Health Department. Any septic/drainfield installation required shall not interfere with existing landscaping and be clear of any areas designated for the movement or parking of vehicles and trailers.
10. Evergreen plantings, in tandem with strategically placed screening, as needed, to appropriately shield and “soften” the visual impact of the paved area shall be installed by the applicants along the front, north side, and area around the rear of the shop building.
11. The site shall have a commercial entrance in accordance with the VDOT Minimum Standards of Entrances to State Highways, and Road Design Manual Access Management Standards.
12. Signage shall be limited to a maximum of sixteen (16) square feet for the subject property.
13. All building code requirements shall be complied with prior to the use of the subject property for the approved use.
14. A site plan is required.

After discussion, on motion made by Mr. Tufts and seconded by Mr. Van Luven, it was moved to amend Condition #8, as follows:

8. The total amount of disturbance and/or land use conversion for this use shall not exceed ten thousand (10,000) square feet exclusive of drainfield/reserve area.

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

2. Equipment to be repaired and/or serviced as part of this use shall be limited exclusively to the servicing and repair of horse trailers, utility trailers, and tow vehicle hitch work. All permitted repair and servicing activity and the storage of any related parts, materials, or equipment shall occur inside of the 2,200 square foot shop building.

The motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT10-MA-013, WILLIAM T. & AMY E. CANARD (OWNERS/APPLICANTS) – MARSHALL GLASS

Applicants are requesting special permit approval to operate an auto repair garage, PIN #6969-68-4807-000, located at 8339 West Main Street, Marshall District, Marshall, Virginia. (Andrew Hushour, Staff)

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 hearing.

Mr. William T. Canard, 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 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 Code, 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.

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. All activity related to the auto repair garage shall be limited to Mondays through Saturdays, between the hours of 8:00 a.m. and 6:00 p.m.
3. All auto repair activity and associated material storage shall occur indoors within the existing buildings as depicted on the approved special permit plat. The outdoor storage of equipment, tools, auto parts, tires, waste fluid or inoperable vehicles is strictly prohibited on-site.
4. The parking spaces located at the front of the garage building adjacent to West Main Street are exclusively for short term customer parking. All employee parking and the overnight parking of vehicles awaiting service or pick up is prohibited within the front parking area and is limited exclusively to the designated parking spaces at the rear of the garage building as shown on the Special Permit plat.
5. Screening consisting of a six (6) foot privacy fence shall be installed along the rear property line adjacent to all residentially zoned property.

The motion carried unanimously.

SPECIAL PERMIT #SPPT10-SC-014, BRYANT F. SMITH, TRUSTEE, H. DOUGLAS SMITH REVOCABLE TRUST, TRUSTEE OF HAROLD DOUGLAS SMITH (OWNERS)/BRYANT F. SMITH (APPLICANT) – BUCKLAND FARMER’S MARKET

Applicant is requesting an amendment to an approved special permit to allow for outdoor activities and changes to approval related to site layout, parking, signage, and operation in conjunction with a community farmer’s market use, PIN #7916-26-2088-000, 7916-05-6928-000, and 7916-16-0865-000, located at 4462 Lee Highway, 4484 Lee Highway, and 6234 Pilgrims Rest Road East, Scott District, Warrenton, Virginia. (Wally Horton, Staff)

Mr. Horton 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. Charles Floyd, representative, stated that his client is working to remedy the violations on the property and requested a 60-day postponement.

Mr. Bryant Smith, applicant, spoke in support of the special permit, stating that it would be beneficial for the community.

Mrs. Barbara Severin, a neighbor, stated she would like to reserve her comments until there is a complete application before the Board.

Mr. Bill Coffey, owner of Buckland Farmer’s Market, spoke in support of this application and stated that he was unaware that a Special Permit was required for the additional activities being conducted on the property.

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 for up to 60 days at the applicant's request, with the public hearing left open.

The motion carried unanimously.

OTHER BUSINESS:

Ms. Sheridan updated the Board on the status of the Luck Stone and Range 82 petitions.

Ms. Sheridan stated that Mrs. Addison has resigned from the Board.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:45 p.m.

John R. Meadows, Chairperson

Maximilian A. Tufts, Jr., 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.