

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
APRIL 1, 2010**

*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, April 1, 2010, 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. Maximilian Tufts, Jr., Secretary; Mrs. Mary North Cooper; and Mr. Serf Guerra. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator; Mr. Wally Horton, Senior Planner; and Ms. Sandra O'Connell, Senior Planner.

SPECIAL PERMIT #SPPT10-SC-016, REID S. & STEPHANIE M. ALTAVILLA (OWNERS/APPLICANTS) – MAPLEWOOD CHILDCARE CENTER

Applicants are requesting an amendment to a previously approved special permit to increase the signage condition, PIN #7916-14-2552-000, located at 4513 Lee Highway, Scott District, Warrenton, Virginia. (Sandra O'Connell, Staff)

Ms. O'Connell reviewed the application.

SPECIAL PERMIT #SPPT10-CR-018, JAMES MADISON BUSINESS PARK, LLC (OWNER)/NANCY L. ADAMS (APPLICANT) – WISE DRIVING SCHOOL, LLC

Applicant is requesting special permit approval to operate an indoor technical school, PIN #6981-16-6568-000, located at 9550 James Madison Highway, Suite C, Cedar Run District, Warrenton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

OTHER BUSINESS:

On motion made by Mr. Meadows and seconded by Mrs. Cooper, 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 pending litigation issues.

The motion carried 5 – 0, as follows:

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

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. Meadows and seconded by Mrs. Cooper.

The motion carried 5 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: None

<p><i>Regularly Scheduled Meeting</i> <i>2:00 p.m.</i> <i>Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia</i></p>
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The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, April 1, 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. Harry Russell, Vice-Chairperson; Mr. Maximilian Tufts, Jr., Secretary; Mrs. Mary North Cooper; and Mr. Serf Guerra. Also present were Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning

Administrator; Mr. Wally Horton, Senior Planner; Ms. Sandra O'Connell, Senior Planner; and Mrs. Fran Williams, Administrative Specialist.

MINUTES:

On motion made by Mrs. Cooper and seconded by Mr. Tufts, it was moved to approve the March 4, 2010 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-016, REID S. & STEPHANIE M. ALTAVILLA (OWNERS/APPLICANTS) – MAPLEWOOD CHILDCARE CENTER

Applicants are requesting an amendment to a previously approved special permit to increase the signage condition, PIN #7916-14-2552-000, located at 4513 Lee Highway, Scott District, Warrenton, Virginia. (Saundra O'Connell, Staff)

Ms. O'Connell 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. Reid Altavilla, 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. Russell 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 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. Clients leaving the site, wishing to travel south on Lee Highway, shall make an immediate right turn onto Riley Road and continue back to Route 15 & 29. This condition shall be stated in the Maplewood Childcare Center contract.
2. Signage on-site shall be limited to thirty-two (32) square feet.
3. No sign on the site shall be illuminated.

The motion carried unanimously.

SPECIAL PERMIT #SPPT10-SC-017, L. FREDERICK & ALISON J. WORRALL (OWNERS)/ALISON J. WORRALL (APPLICANT) – CHESS, INC.

Applicant is requesting an amendment to a previously approved special permit condition to allow for an increase in the number of students and individual or group instruction on Saturdays or Sundays, PIN #7907-42-4018-000, located at 6105 General Hunton Road, Scott District, Broad Run, Virginia. (Wally Horton, Staff)

Withdrawn.

SPECIAL PERMIT #SPPT10-CR-018, JAMES MADISON BUSINESS PARK, LLC (OWNER)/NANCY L. ADAMS (APPLICANT) – WISE DRIVING SCHOOL, LLC

Applicant is requesting special permit approval to operate an indoor technical school, PIN #6981-16-6568-000, located at 9550 James Madison Highway, Suite C, Cedar Run District, Warrenton, 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.

Ms. Nancy Adams, applicant, expressed agreement with the staff report.

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

After discussion, 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.
6. The proposed use is consistent with the general standards for special permits.
7. The type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

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 proposed hours of operation are limited to: **Walk-in Service** – Saturdays – 7:45 a.m. to 11:45 a.m. and Sundays – 12:30 p.m. to 4:30 p.m.; **Defensive Driving Clinic** – Saturdays – 7:00 a.m. to 4:00 p.m. and Sundays – 12:30 p.m. to 9:30 p.m.; **Driver's Education Clinic** – Mondays, Tuesdays, Thursdays, and Fridays from 5:00 p.m. to 9:00 p.m.
3. A site plan is required for this use.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Meadows stated that Mr. Guerra has resigned from the Board effective April 30, 2010. On behalf of the Board of Zoning Appeals, Mr. Meadows thanked Mr. Guerra for his many years of dedicated service and read the following Resolution of Appreciation:

**A RESOLUTION TO RECOGNIZE SERF GUERRA 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 Meeting Room, 10 Hotel Street, Warrenton, Virginia, on Thursday, April 1, 2010.

WHEREAS, Serf Guerra, has served in an outstanding manner as a member of the Fauquier County Board of Zoning Appeals since October 8, 2004; and

WHEREAS, his many exemplary years of leadership and service contributed significantly to both County staff and Board of Zoning Appeals' knowledge, and helped to protect, through the application and interpretation of the Fauquier County Zoning Ordinance, the unique quality, vision, and sense of place felt by citizens of this County; 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 profound appreciation for his significant and outstanding 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 heartfelt appreciation and extends its best wishes to Serf Guerra 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 Serf Guerra's distinguished service to Fauquier County.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:25 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.