

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JUNE 3, 2010**

*Work Session
1:15 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, June 3, 2010, beginning at 1:15 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; Mr. Michael Brown; and Mrs. Mary North Cooper. Also present were Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator; and Mr. Wally Horton, Senior Planner.

SPECIAL PERMIT #SPPT10-SC-023, FAUQUIER LIVESTOCK EXCHANGE, INC. (OWNER/APPLICANT) – FAUQUIER LIVESTOCK EXCHANGE

Applicant is requesting an amendment to a previously approved special permit to allow for the on-site storage of trucks and trailers, PIN #6979-69-6760-000, located at 7404 John Marshall Highway (Route 55), Scott District, Marshall, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

SPECIAL PERMIT #SPPT10-CR-025, CALVIN L. RITCHIE TRUST, JANICE N. RITCHIE, RICKY L. RITCHIE, WILBUR EARLY RITCHIE II, ERIN ANN RITCHIE, JASON C. RITCHIE, SR., THE PADDOCKS AT KASTLE GREEN, LLC, & BRANCH BANKING AND TRUST COMPANY (OWNERS)/CALVIN RITCHIE TRUST AND TFS WORLDWIDE, INC. (APPLICANTS) – “WE THE PEOPLE” TEMPORARY EVENT

Applicants are requesting special permit approval to host a temporary event, PIN #7807-78-3793-000, 7808-81-5996-000, 7807-99-3475-000, 7808-44-5264-000, 7808-70-2628-000, 7808-54-7177-000, and 7808-52-6185-000 located at 5174 Ritchie Road, 5175 Ritchie Road, 5176 Ritchie Road, 5126 Inglewood Farm Lane, and 11738 Ag Industrial Road, Cedar Run District, Bealeton, Virginia. (Wally Horton, Staff)

Mr. Horton reviewed the application.

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, June 3, 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; Mr. Michael Brown; and Mrs. Mary North Cooper. 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.

MINUTES:

On motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to approve the May 6, 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-023, FAUQUIER LIVESTOCK EXCHANGE, INC. (OWNER/APPLICANT) – FAUQUIER LIVESTOCK EXCHANGE

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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. Lindsay Eastham, representative, expressed agreement with the majority of the staff report. Mr. Eastham stated that he anticipates approximately 10 – 12 trucks and trailers and he has met with staff regarding the necessary screening of the property. Mr. Eastham also stated that the majority of the trucks will be traveling toward Interstate 66 rather than The Plains. Mr. Eastham further stated that the trucks are single-stacked and a parking area with a depth of 75' will be adequate.

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.
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 use of loudspeakers associated with the livestock exchange business activity shall be limited to daytime hours.
3. The on-site storage of trucks and trailers shall be located within the existing gravel parking area in the southern end of the parcel and is not to exceed 14,000 square feet in size. The storage of camping trailers and travel trailers on-site is prohibited. Operators of trucks and trailers shall not be permitted to stay overnight in the storage area.
4. The advertising of vehicles and/or trailers on-site is prohibited.

5. Adequate vegetative screening shall be installed along the perimeters of the existing gravel parking area adjacent to John Marshall Highway (Route 55) and Zulla Road (Route 709), as determined by the Zoning Administrator during the site plan process.

After discussion, on motion made by Mr. Tufts and seconded by Mr. Russell, it was moved to amend Condition #4, as follows:

4. The advertising of vehicles and/or trailers for sale and/or for lease on-site is prohibited.

The motion carried unanimously, as amended.

After further discussion, on motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to revise the above wording as follows:

“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~~ *Zoning Ordinance*, based upon the following Board findings...”

The motion carried unanimously, as amended.

After additional discussion, on motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to amend Condition #3, as follows:

3. The on-site storage of trucks and trailers shall be located within the existing gravel parking area in the southern end of the parcel, shall not exceed 14,000 square feet in size, and shall not exceed seventy-five (75) feet in depth. The storage of camping trailers and travel trailers on-site is prohibited. Operators of trucks and trailers shall not be permitted to stay overnight in the storage area.

The motion carried unanimously, as amended.

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

SPECIAL PERMIT #SPPT10-CR-024, ZACHARY J. & HOLLY M. SMITH (OWNERS)/ZACHARY J. SMITH (APPLICANT) – COUNTRY EXCAVATING

Applicant is requesting a special permit to operate a small contracting business as a major home occupation, PIN #7920-78-3529-000, located at 3331 Old Devils Turnpike, Cedar Run District, Catlett, Virginia. (Wally Horton, Staff)

Postponed.

SPECIAL PERMIT #SPPT10-CR-025, CALVIN L. RITCHIE TRUST, JANICE N. RITCHIE, RICKY L. RITCHIE, WILBUR EARLY RITCHIE II, ERIN ANN RITCHIE, JASON C. RITCHIE, SR., THE PADDOCKS AT KASTLE GREEN, LLC, & BRANCH BANKING AND TRUST COMPANY (OWNERS)/CALVIN RITCHIE TRUST AND TFS WORLDWIDE, INC. (APPLICANTS) – “WE THE PEOPLE” TEMPORARY EVENT

Applicants are requesting special permit approval to host a temporary event, PIN #7807-78-3793-000, 7808-81-5996-000, 7807-99-3475-000, 7808-44-5264-000, 7808-70-2628-000, 7808-54-7177-000, and 7808-52-6185-000 located at 5174 Ritchie Road, 5175 Ritchie Road, 5176 Ritchie Road, 5126 Inglewood Farm Lane, and 11738 Ag Industrial Road, Cedar Run District, Bealeton, 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.

Ms. Anna Kestner, representative, expressed agreement with the staff report.

Mr. Brown stated that sufficient lighting is necessary so that pedestrians can safely return to their vehicles after sundown. Mr. Brown also stated that care should be taken so that spectators, particularly children, do not fall into the lake.

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 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 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 as necessary to meet Zoning Ordinance requirements.
2. The event is authorized for July 3, 2010.
3. Hours for the event shall be limited to 1:00 p.m. until the end of the fireworks display, which begins at 9:00 p.m., with early arrivals allowed as early as 11:30 a.m.
4. The parking areas shall be mowed and maintained prior to and following the event to minimize danger of fire, damage or erosion.
5. An access/parking management plan for the event shall be approved by the Virginia Department of Transportation prior to the event. The applicant shall utilize Fauquier County Sheriff and Virginia State Police officers to manage the access and parking on-site during the event.
6. The Applicant shall coordinate with Fauquier County emergency personnel to establish first aid services on-site.
7. All requirements for vendor permits shall be complied with and such permits shall be obtained from the Fauquier County Health Department and provided to the Zoning Administrator in advance of the event.
8. Temporary privies (port-a-johns) shall be provided at the required rate of 1 per 100 attendees and permits for such facilities shall be obtained from the Fauquier County Health Department and provided to the Zoning Administrator in advance of the event.
9. A fireworks permit shall be obtained from Fauquier County Emergency Services and provided to the Zoning Administrator in advance of the event.
10. The following sewage disposal sites shall be protected in advance of the event by fencing or other means satisfactory to the Fauquier County Health Department:
 - a. the area approved on PIN #7808-44-5264 for the installation of a mound type sewage disposal system;

- b. the sewage disposal site on PIN #7808-54-7177.

After discussion, on motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to amend Condition #5, as follows:

- 5. An access/parking management plan for the event shall be approved by the Virginia Department of Transportation prior to the event. The applicant shall utilize Fauquier County Sheriff and Virginia State Police officers to manage the access and parking on-site during the event. The Applicant shall provide adequate lighting to and from the parking area at the conclusion of the event.

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

- 8. Temporary privies (port-a-johns) shall be provided as required by the Fauquier County Health Department and permits for such facilities shall be obtained from the Fauquier County Health Department and provided to the Zoning Administrator in advance of the event.

After further discussion, on motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to amend Condition #6, as follows:

- 6. The Applicant shall coordinate with Fauquier County emergency personnel to establish first aid services on-site and to generate a storm emergency plan.

After additional discussion, on motion made by Mrs. Cooper and seconded by Mr. Tufts, it was moved to make the last sentence in amended Condition #5, new Condition #11, and add Condition #12, as follows:

- 11. The Applicant shall provide adequate lighting to and from the parking area at the conclusion of the event for anything after dark.
- 12. Use of the lake during the event shall be prohibited except to water livestock during the event. Applicant shall provide adequate security personnel around the perimeter of the lake throughout the event.

All of the foregoing motions to amend carried unanimously.

Thereafter, the original motion carried unanimously, as amended.

For clarification purposes, the following conditions were approved for the “We the People” Temporary Event (SPPT10-CR-025):

- 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 as necessary to meet Zoning Ordinance requirements.

2. The event is authorized for July 3, 2010.
3. Hours for the event shall be limited to 1:00 p.m. until the end of the fireworks display, which begins at 9:00 p.m., with early arrivals allowed as early as 11:30 a.m.
4. The parking areas shall be mowed and maintained prior to and following the event to minimize danger of fire, damage or erosion.
5. An access/parking management plan for the event shall be approved by the Virginia Department of Transportation (VDOT) prior to the event. The applicant shall utilize Fauquier County Sheriff and Virginia State Police officers to manage the access and parking on-site during the event.
6. The Applicant shall coordinate with Fauquier County emergency personnel to establish first aid services on-site and to generate a storm emergency plan.
7. All requirements for vendor permits shall be complied with and such permits shall be obtained from the Fauquier County Health Department and provided to the Zoning Administrator in advance of the event.
8. Temporary privies (port-a-johns) shall be provided as required by the Fauquier County Health Department and permits for such facilities shall be obtained from the Fauquier County Health Department and provided to the Zoning Administrator in advance of the event.
9. A fireworks permit shall be obtained from Fauquier County Emergency Services and provided to the Zoning Administrator in advance of the event.
10. The following sewage disposal sites shall be protected in advance of the event by fencing or other means satisfactory to the Fauquier County Health Department:
 - a. the area approved on PIN #7808-44-5264 for the installation of a mound type sewage disposal system;
 - b. the sewage disposal site on PIN #7808-54-7177.
11. The applicant shall provide lighting along designated travelways between the parking areas and the event areas beginning at dusk and lasting until the conclusion of the event.
12. Use of the lake during the event shall be prohibited except to water livestock during the event. Applicant shall provide adequate security personnel around the perimeter of the lake throughout the event.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:55 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.