

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
JULY 1, 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, July 1, 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. Harry Russell, Vice-Chairperson; Mr. Michael Brown; and Mrs. Mary North Cooper. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Mary Catherine Sheridan, Assistant County Attorney; Ms. Kim Johnson, Zoning Administrator; Mr. Andrew Hushour, Assistant Zoning Administrator; and Mr. Wally Horton, Senior Planner. Member absent was Mr. Maximilian Tufts, Jr., Secretary.

**LEGISLATIVE UPDATE**

Mrs. Gallehr reviewed recent revisions to the *Code of Virginia*.

**ZONING VARIANCE #ZNVA10-MA-003, JAN SYLVESTER & JANET SUSAN SITTNER (OWNERS)/JAN H. & JANET S. SYLVESTER (APPLICANTS) – SYLVESTER PROPERTY**

Applicants are requesting variances of the required front yard setback of seventy-five (75) feet from the centerline of Oak Hill Road and the required side yard setback of twenty-five (25) feet in order to construct a detached accessory structure, PIN #6050-18-6801-000, located at 3449 Oak Hill Road, Marshall District, Delaplane, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

**SPECIAL PERMIT #SPPT10-CR-027, CHARLES A. CARDINE, TRUSTEE (OWNER)/FATHER PATRICK CARDINE (APPLICANT) – SAINT PATRICK ORTHODOX CHURCH, INC.**

Applicant is requesting renewal of an expired special permit to locate a place of worship in an existing building, PIN #6980-76-1190-000, located at 6588 Balls Mill Road, Cedar Run District, Bealeton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

**SPECIAL PERMIT #SPPT10-CR-028, CHARLES A. CARDINE, TRUSTEE (OWNER)/C. PATRICK CARDINE (APPLICANT) – CARDINE STUDIOS, LLC**

Applicant is requesting special permit approval to operate a blacksmith shop in an existing building, PIN #6980-76-1190-000, located at 6588 Balls Mill Road, Cedar Run District, Bealeton, Virginia. (Wally Horton, Staff)

Mr. Horton reviewed the application.

The meeting was adjourned at 1:55 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, July 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. 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. Member absent was Mr. Maximilian Tufts, Jr., Secretary.

**MINUTES:**

On motion made by Mr. Russell and seconded by Mrs. Cooper, it was moved to approve the June 3, 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.

**ZONING VARIANCE #ZNVA10-MA-003, JAN SYLVESTER & JANET SUSAN SITTNER (OWNERS)/JAN H. & JANET S. SYLVESTER (APPLICANTS) – SYLVESTER PROPERTY**

Applicants are requesting variances of the required front yard setback of seventy-five (75) feet from the centerline of Oak Hill Road and the required side yard setback of twenty-five (25) feet in order to construct a detached accessory structure, PIN #6050-18-6801-000, located at 3449 Oak Hill Road, Marshall District, Delaplane, 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. Jan Sylvester, applicant, expressed agreement with the staff report.

Mrs. Janet Sylvester, applicant, stated that the variance is being requested for the construction of a garage to store their cars because of her husband's age and health issues.

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 deny the variance, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 13-402 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. That the strict application of the Ordinance does not produce unnecessary, unreasonable, or undue hardship to the property owner nor will it unreasonably restrict the use of the subject property.

The motion carried unanimously.

Mr. Meadows stated that both applications (Saint Patrick Orthodox Church, Inc. - SPPT10-CR-027 and Cardine Studios, LLC - SPPT10-CR-028) would be considered concurrently.

**SPECIAL PERMIT #SPPT10-CR-027, CHARLES A. CARDINE, TRUSTEE (OWNER)/FATHER PATRICK CARDINE (APPLICANT) – SAINT PATRICK ORTHODOX CHURCH, INC.**

Applicant is requesting renewal of an expired special permit to locate a place of worship in an existing building, PIN #6980-76-1190-000, located at 6588 Balls Mill Road, Cedar Run District, Bealeton, Virginia. (Andrew Hushour, Staff)

**SPECIAL PERMIT #SPPT10-CR-028, CHARLES A. CARDINE, TRUSTEE (OWNER)/C. PATRICK CARDINE (APPLICANT) – CARDINE STUDIOS, LLC**

Applicant is requesting special permit approval to operate a blacksmith shop in an existing building, PIN #6980-76-1190-000, located at 6588 Balls Mill Road, Cedar Run District, Bealeton, Virginia. (Wally Horton, Staff)

Mr. Hushour reviewed the staff report for SPPT10-CR-027 (Saint Patrick Orthodox Church, Inc.), a copy of which is attached to and made a part of these official minutes.

Mr. Horton reviewed the staff report for SPPT10-CR-028 (Cardine Studios, LLC), a copy of which is attached to and made a part of these official minutes.

Mr. Meadows opened the public hearing on both applications (SPPT10-CR-027 and SPPT10-CR-028).

Mr. Steven Kyhl, representative, expressed agreement with both staff reports. Mr. Kyhl stated that they are diligently working to resolve any remaining violations on the property.

Mr. Brown inquired if outdoor storage will be necessary for the blacksmith shop.

Mr. Kyhl stated that no outdoor storage is necessary since all materials and finished products will be stored inside the building.

In that there were no further speakers, Mr. Meadows closed the public hearing on SPPT10-CR-028 (Cardine Studios, LLC) and adjourned the public hearing on SPPT10-CR-027 (Saint Patrick Orthodox Church, Inc.).

On motion made by Mr. Russell 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 SPPT10-CR-028 (Cardine Studios, LLC) and SPPT10-CR-027 (Saint Patrick Orthodox Church, Inc.).

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tufts

Upon reconvening from the closed meeting, Mr. Russell 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. Russell and seconded by Mrs. Cooper.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Tufts

After discussion, Mr. Steven Kyhl requested that action on SPPT10-CR-027 (Saint Patrick Orthodox Church, Inc.) be postponed until the September 2, 2010 meeting to allow time for some of the violations on the property to be rectified and to address water and sewer issues.

On motion made by Mrs. Cooper and seconded by Mr. Brown, it was moved to postpone action on SPPT10-CR-027 (Saint Patrick Orthodox Church, Inc.), at the applicant's request, until the September 2, 2010 meeting, with the public hearing left open.

The motion carried unanimously.

On motion made by Mr. Brown and seconded by Mrs. Cooper, it was moved to grant the special permit for SPPT10-CR-028 (Cardine Studios, LLC), 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 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 plans submitted with the special permit application except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The blacksmith use shall be confined exclusively to the existing blacksmith shop and the associated office located in the adjacent building, as described in the application materials.
3. Signage for the blacksmith shop shall be limited to not more than thirty-two (32) square feet.
4. The applicant shall submit additional documents and materials with the required site plan indicating uses that are intended to be continued on-site and the structures allotted for such uses.
5. Health Department approval for on-site water and sewage disposal in connection with the use is required prior to site plan approval.
6. The hours of operation for the blacksmith shop are limited to Monday through Saturday, from 7:00 a.m. to 5:00 p.m.
7. The number of employees for the blacksmith shop shall not exceed seven (7) in number.
8. No additional lighting associated with the blacksmith shop shall be allowed on-site.
9. This Special Permit is approved for a period of three (3) years following the issuance of a Certificate of Occupancy by the Fauquier County Building Official.

The motion carried unanimously.

**OTHER BUSINESS:**

- On motion made by Mr. Russell and seconded by Mrs. Cooper, it was moved to amend the May 6, 2010 minutes (Page 1 – Closed Meeting) as follows:

On motion made by Mr. Tufts 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 ~~and anticipated~~ litigation, *Conboy v. BZA*, and applications ZNVA10-LE-001 (*John H. Anderson*), ZNVA10-MA-002 (*Terry Kave*), and SPPT10-CR-006 (*Bryant's Powerwashing*).

The motion carried unanimously.

- Mr. Russell read the following Resolution of Appreciation:

**A RESOLUTION TO RECOGNIZE SONJA R. ADDISON FOR HER  
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, July 1, 2010.

*WHEREAS*, Sonja R. Addison served in an outstanding manner as a member of the Fauquier County Board of Zoning Appeals from January 5, 2002 through August 31, 2004 and from August 2, 2007 through January 5, 2010. She served as Secretary from January 8, 2004 through August 31, 2004; and

*WHEREAS* her 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*, her 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 her significant and outstanding service to the citizens of Fauquier County and her 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 Sonja R. Addison in all her future endeavors; and

*BE IT FURTHER RESOLVED*, That this Resolution be placed within the minutes of the Board of Zoning Appeals in recognition of Sonja R. Addison's distinguished service to Fauquier County.

- The Board appointed Andrew Hushour, Assistant Zoning Administrator, to be Secretary of the Board of Zoning Appeals.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 3:05 p.m.

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John R. Meadows, Chairperson

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Andrew B. Hushour, Secretary-Elect

*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.*