

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
AUGUST 5, 2010**

*Work Session  
12:00 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, August 5, 2010, beginning at 12:00 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; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary; Mr. Wally Horton, Senior Planner; and Ms. Sandra O'Connell, Senior Planner.

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

Applicant is requesting special permit approval 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)

Mr. Horton reviewed the application.

**SPECIAL PERMIT #SPPT10-LE-029, FRANK M. (JR.) & DIANE M. KALOUSTIAN (OWNERS/APPLICANTS) – FRANK & DIANE'S DAY CARE**

Applicants are requesting special permit approval to operate a day care center, PIN #6879-29-0714-000, located at 10589 Arrington Lane, Lee District, Bealeton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

**SPECIAL PERMIT #SPPT10-MA-030, CHARLES L. BLOUGH (OWNER/APPLICANT) – BLOUGH BED & BREAKFAST**

Applicant is requesting special permit approval to operate a bed and breakfast, PIN #6928-56-3623-000, located at 5024 Leeds Manor Road, Marshall District, Hume, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

**SPECIAL PERMIT #SPPT10-CR-031, RAYMOND (II) & HEATHER BACON (OWNERS/APPLICANTS) – BACON & ASSOCIATES, INC.**

Applicants are requesting special permit approval to operate a nursery/landscaping business as a major home occupation, PIN #7847-52-6699-000, located at 1970 Twin Oak Drive, Cedar Run District, Midland, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

**SPECIAL PERMIT #SPPT10-MA-032, WHITING INDUSTRIAL, LLC (OWNER/APPLICANT) – WHITING ROAD – LOT 2**

Applicant is requesting renewal of an expired special permit to operate an outdoor contractor's office, shop, and material storage yard, PIN #6979-38-0570-000, located on the west side of Whiting Road (Route 622), Marshall District, Marshall, Virginia. (Wally Horton, Staff)

Mr. Horton reviewed the application.

**SPECIAL PERMIT #SPPT11-CR-001, CRISTHIAN R. & GIOVANNA BASCOPE (OWNERS/APPLICANTS) – ANGEL'S DAY CARE**

Applicants are requesting special permit approval to operate a day care center, PIN #6982-58-2112-000, located at 6593 Lynn Drive, Cedar Run District, Warrenton, Virginia. (Wally Horton, Staff)

Mr. Horton reviewed the application.

**SPECIAL PERMIT #SPPT11-MA-002, JUDITH M. HEFLIN (OWNER)/JUDITH M. HEFLIN SMILEY (APPLICANT) – HEFLIN CPA, P.C.**

Applicant is requesting special permit approval to continue the operation of a professional office with six (6) or less employees, PIN #6974-89-2198-000, located at 7353 Iron Bit Drive, Marshall District, Warrenton, Virginia. (Saundra O'Connell, Staff)

Ms. O'Connell reviewed the application.

**ZONING VARIANCE #ZNVA11-LE-001, JOSEPH R. LOGGINS, KENNITH MICHAEL & SUSAN LYNNE STEWARDSON (OWNERS)/SUSAN STEWARDSON (APPLICANT)**

Applicant is requesting variances to Article 6 of the Fauquier County Zoning Ordinance relating to the height and setback of an existing accessory structure, PIN #6889-83-5848-000, located at 6723 Forbes Place West, Lee District, Bealeton, Virginia. (Andrew Hushour, Staff)

Mr. Hushour reviewed the application.

The meeting was adjourned at 1:40 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 5, 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; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Ms. Mary Catherine Sheridan, Assistant County Attorney; Mr. Andrew Hushour, Assistant Zoning Administrator/Secretary; Mr. Wally Horton, Senior Planner; Ms. Sandra O'Connell; and Mrs. Fran Williams, Administrative Specialist.

**MINUTES:**

On motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to approve the July 1, 2010 minutes, as amended below:

Page 5

On motion made by ~~Mrs. Cooper~~ *Mr. Russell* and seconded by ~~Mr. Brown~~ *Mrs. Cooper*, 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.

**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-CR-024, ZACHARY J. & HOLLY M. SMITH (OWNERS)/ZACHARY J. SMITH (APPLICANT) – COUNTRY EXCAVATING, INC.**

Applicant is requesting special permit approval 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)

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. & Mrs. Zachary Smith, applicants, expressed agreement with the staff report.

Mr. Spencer Dean, a neighbor, spoke in opposition to the granting of this special permit. Mr. Dean expressed concern about road safety, litter, a possible decrease in property values, and damage that heavy equipment could cause to a fiber optic cable, which is located in the area.

Ms. Lisa Booth, a neighbor, spoke in support of the granting of this special permit. Ms. Booth noted that the homeowners on Old Devil's Turnpike maintain the road and she expressed appreciation for the applicants' snow removal efforts during this past winter, which was extremely harsh.

Mr. James Wood, a neighbor, spoke in support of the granting of this special permit. Mr. Wood stated that he and his wife ride horses along this road and they have never experienced any problems while the applicants' business has been in operation.

Mr. Mike Jenkins, a neighbor, spoke in opposition to the granting of this special permit. Mr. Jenkins expressed concern about the alleged dumping and burying of construction debris as well as the increased cost of road maintenance because of the heavy equipment.

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 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 particular use 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 proposed hours of operation are limited to 7:00 a.m. until 9:00 p.m., Monday through Saturday.
3. On-site employees associated with the small contracting business shall be limited to the applicants, Zachary and Holly Smith.
4. A copy of the lease agreement indicating the off-site location for the storage of excessive vehicles and related equipment associated with the small contracting business shall be provided to the Zoning Administrator prior to site plan approval.
5. As part of the required site plan, the 5,000 square foot outdoor storage area shall be located directly adjacent to the proposed commercial building that will be used in conjunction with the small contracting business.
6. The 5,000 square foot outdoor storage area associated with the business shall be enclosed with a four (4) foot high chain link fence.
7. Mixed evergreens in the form of evergreen trees and shrubs shall be planted adjacent to the gravel parking area as depicted on the approved Special Permit Plat.
8. As part of the site plan for the use, the applicants shall demonstrate that no more than sixteen (16) percent of the total area of the subject property is covered in buildings or graveled area.
9. Compliance with all Virginia Department of Transportation (VDOT) requirements is required and shall be demonstrated prior to site plan approval.
10. The Applicant shall comply with all Fauquier County Health Department requirements prior to site plan approval.
11. Prior to site plan approval, all structures currently located on the subject property shall be properly permitted.
12. A site plan is required.

Mr. Brown clarified that even though the above conditions of approval do not explicitly include a maximum number of vehicles allowed on-site, Section 5-202 (Additional Standards for Small Contracting Businesses) of the Zoning Ordinance states: *“Not more than five (5) vehicles in excess of 1½ ton and/or pieces of equipment shall be operated from the site or stored there overnight.”* Mr. Brown stated that this is a Zoning Ordinance requirement that cannot be waived.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT10-LE-029, FRANK M. (JR.) & DIANE M. KALOUSTIAN (OWNERS/APPLICANTS) – FRANK & DIANE’S DAY CARE**

Applicants are requesting special permit approval to operate a day care center, PIN #6879-29-0714-000, located at 10589 Arrington Lane, Lee District, Bealeton, 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. Frank Kaloustian, applicant, expressed agreement with the staff report.

Ms. Darlene Williamson, a neighbor, spoke in opposition to the granting of this special permit. Ms. Williamson stated that the majority of the property owners along this privately maintained road object to this proposed use. Ms. Williamson further stated that the Brook Wood Subdivision covenants do not allow fences.

Mr. Bob Williamson, a neighbor, spoke in opposition to the granting of this special permit. Mr. Williamson expressed concern about road maintenance, safety, and a possible decrease in property values.

Mr. Russell requested clarification on fencing requirements.

Mr. Meadows stated that while the enforcement of covenants is a civil matter, Section 5-503.2 (Additional Standards for Pre-School/Day Care Center/Nursery School) of the Zoning Ordinance requires that “*All outdoor recreation areas shall be fully fenced.*”

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 Board’s 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 submitted with the special permit application except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The year round hours of operation of the day care are limited to Monday through Friday, from 5:00 a.m. to 8:00 p.m.
3. The number of students is limited to twelve (12) at any one time and the instructors are limited to the applicants, Frank and Diane Kaloustian.
4. The applicant shall submit a staggered pick-up/drop-off schedule with the required site plan demonstrating that no more than four (4) vehicles will arrive on-site at any one time.
5. The existing driveway shall remain open during the day care hours of operation in order to ensure available space for the on-site picking up and dropping off of students.
6. The required outdoor play area shall be enclosed with a six (6) foot board-on-board privacy fence.
7. Signage associated with the day care is prohibited on-site.
8. No exterior lighting shall be allowed beyond that which is already established on the site.
9. The special permit is granted initially for a period of one (1) year.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT10-MA-030, CHARLES L. BLOUGH (OWNER/APPLICANT)**  
**- BLOUGH BED & BREAKFAST**

Applicant is requesting special permit approval to operate a bed and breakfast, PIN #6928-56-3623-000, located at 5024 Leeds Manor Road, Marshall District, Hume, 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. Charles Blough, 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. Brown 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.
2. The bed and breakfast is limited to five (5) rooms in the existing residence, to include the primary residence and the efficiency apartment above the existing pool house, and the maximum occupancy of the bed and breakfast shall be limited to twelve (12) persons.
3. All signage on-site shall be limited to six (6) square feet and illumination of such shall be prohibited.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT10-CR-031, RAYMOND (II) & HEATHER BACON (OWNERS/APPLICANTS) – BACON & ASSOCIATES, INC.**

Applicants are requesting special permit approval to operate a nursery/landscaping business as a major home occupation, PIN #7847-52-6699-000, located at 1970 Twin Oak Drive, Cedar Run District, Midland, 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. & Mrs. Raymond Bacon, applicants, expressed agreement with the staff report. Mr. Bacon stated that he has leased a storage facility in Stafford County and has moved most of his equipment to that location. Mr. Bacon submitted a copy of the signed month-to-month lease, a copy of which is attached to and made a part of these official minutes.

Mr. Raymond Ritter, a neighbor, spoke in opposition to the granting of this special permit due to concerns about noise and possible decreased property values.

Mr. Frank Finn, a neighbor, spoke in opposition to the granting of this special permit, stating that the size and scale of this use is inconsistent with the rural character of the area.

Ms. Ann Maurice, a neighbor, spoke in opposition to the granting of this special permit. Ms. Maurice expressed concern about noise and possible decreased property values.

Mr. Joe Kucera, a neighbor, spoke in opposition to the granting of this special permit and stated that this use should not be in a residential area.

Ms. Camille Swain, a neighbor, spoke in opposition to the granting of this special permit. Ms. Swain expressed concerns about safety as well as the size of the operation.

After discussion, Mr. Raymond Bacon, applicant, requested a postponement on this item.

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

On motion made by Mr. Brown and seconded by Mr. Russell, it was moved to deny 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 applicant has other reasonable use of the property.
2. The proposed use will adversely affect the use or development of neighboring properties and will impair the value of nearby land.
3. The proposed use is not in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.

The motion carried 4 – 1, as follows:

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

NAYS: Mrs. Cooper

ABSTENTION: None

ABSENT: None

**SPECIAL PERMIT #SPPT10-MA-032, WHITING INDUSTRIAL, LLC  
(OWNER/APPLICANT) – WHITING ROAD – LOT 2**

Applicant is requesting renewal of an expired special permit to operate an outdoor contractor's office, shop, and material storage yard, PIN #6979-38-0570-000, located on the west side of Whiting Road (Route 622), Marshall District, Marshall, Virginia. (Wally Horton, 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. Charles Floyd, representative, expressed agreement with the staff report. Mr. Floyd stated that the applicant is revising his request and would like to ask for a ten (10) year approval.

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.
2. The daily hours of operation at the site will be from dawn until dusk and activity is limited to the storage of shipping containers, commercial vehicles, trailers, construction equipment and related construction materials.
3. The advertising for sale of trucks, equipment, trailers and/or any materials stored on-site as authorized by this special permit is prohibited.
4. The special permit shall expire in ten (10) years from the date of approval of the special permit.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT11-CR-001, CRISTHIAN R. & GIOVANNA BASCOPE (OWNERS/APPLICANTS) – ANGEL’S DAY CARE**

Applicants are requesting special permit approval to operate a day care center, PIN #6982-58-2112-000, located at 6593 Lynn Drive, Cedar Run 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.

Ms. Giovanna Basope, applicant, speaking through a translator, expressed agreement with the staff report. Ms. Basope asked if a fence is necessary for this use.

Mr. Meadows stated that Section 5-503.2 (Additional Standards for Pre-School/Day Care Center/Nursery School) of the Zoning Ordinance requires that *“All outdoor recreation areas shall be fully fenced.”*

Mr. Lance Edwards, a neighbor, stated that he is not opposed to the applicants having a day care center, but asked that care be taken so that his driveway is not blocked.

Ms. Alexis Contreras, a neighbor, asked if a speed limit sign could be installed on this road.

Mr. Meadows suggested that she contact the Sheriff's Department about this request.

Mr. Raul Martinez, a neighbor, spoke in support of the granting of this special permit.

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

On motion made by Mrs. Cooper 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 Board's 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 submitted with the special permit application except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. The year round hours of operation of the day care are limited to Monday through Friday, from 6:30 a.m. to 5:30 p.m.
3. The number of students is limited to twelve (12) at any one time and the number of instructors is limited to the applicant and no more than one (1) additional full-time assistant.
4. The applicant shall submit a staggered pick-up/drop-off schedule with the required site plan demonstrating that no more than three (3) vehicles will arrive on-site at any one time.

5. The existing driveway shall remain open during the day care hours of operation in order to ensure available space for the on-site picking up and dropping off of students.
6. The required outdoor play area shall be enclosed with a six (6) foot board-on-board privacy fence.
7. A vegetative screen consisting of a row of staggered evergreen trees shall be established along the western property line in the area of the driveway and along the eastern property line in the area of the outdoor play area.
8. Signage associated with the day care is prohibited on-site.
9. No exterior lighting shall be allowed beyond that which is already established on the site.
10. The special permit is granted initially for a period of one (1) year.

Mr. Meadows asked the applicant if she understood the above conditions of approval or if a translator was needed.

Ms. Bascope, applicant, stated that she understands the conditions of approval.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT11-MA-002, JUDITH M. HEFLIN (OWNER)/JUDITH M. HEFLIN SMILEY (APPLICANT) – HEFLIN CPA, P.C.**

Applicant is requesting special permit approval to continue the operation of a professional office with six (6) or less employees, PIN #6974-89-2198-000, located at 7353 Iron Bit Drive, Marshall 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.

Mrs. Judith Smiley, 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 Zoning Ordinance, based upon the Board’s 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 operate in general compliance with the descriptive material submitted with the special permit application, and as may be modified by these conditions.
2. The hours of operation shall be limited to Monday through Friday, from 8:30 a.m. until 7:00 p.m., and Saturdays from 8:30 a.m. to 12:00 p.m.
3. A maximum of three (3) employees are allowed on-site at any one time.
4. Client parking associated with the business shall be restricted to use of the existing driveway on-site and is not permitted on subdivision streets.
5. Any client appointments to the site will be staggered to ensure adequate parking is available in the existing driveway.
6. Signage shall be limited to two (2) square feet.
7. This permit is granted for a period of ten (10) years.

The motion carried unanimously.

**ZONING VARIANCE #ZNVA11-LE-001, JOSEPH R. LOGGINS, KENNITH MICHAEL & SUSAN LYNNE STEWARDSON (OWNERS)/SUSAN STEWARDSON (APPLICANT)**

Applicant is requesting variances to Article 6 of the Fauquier County Zoning Ordinance relating to the height and setback of an existing accessory structure, PIN #6889-83-5848-000, located at 6723 Forbes Place West, Lee District, Bealeton, 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.

Jennifer Moore, Esquire, representative, reviewed the applicant's request.

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

On motion made by Mr. Brown and seconded by Mrs. Cooper, it was moved to grant 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 Zoning Ordinance would result in unnecessary, unreasonable, or undue hardship relating to this property; and
2. That the need for the variance is not shared generally by other properties in the same zoning district and the same vicinity and is not of so general or recurring a nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the Ordinance; and
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and
4. That such variance is necessary in order to afford relief, is not contrary to the intent and purpose of the Ordinance, and results in substantial justice being done by alleviating a clearly demonstrable hardship on the applicant, who acquired this property in good faith, and without notice of the violation.

The variance 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 variance application except as specifically modified by the conditions below or as are necessary to meet Zoning Ordinance requirements.
2. The detached shed shall be located no closer than four (4) feet to the eastern side property line.
3. All applicable permits for the shed shall be obtained within ninety (90) days following approval of this variance.
4. The shed will be used for storage purposes only and not for any residential use.

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

5. No water or sewer, other than a frost-free hydrant, shall be allowed in the shed.

The motion carried unanimously, as amended.

**OTHER BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 4:15 p.m.

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John R. Meadows, Chairperson

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Andrew B. Hushour, 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.*