

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
APRIL 2, 2009**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, April 2, 2009, 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. Member absent was Mrs. Sonja R. Addison.

MINUTES:

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to approve the March 5, 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 #SPPT09-CR-016, CHARLES A. CARDINE, TRUSTEE
(OWNER)/FATHER PATRICK CARDINE (APPLICANT) – SAINT PATRICK
ORTHODOX CHURCH, INC.**

Applicant is requesting special permit approval 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. (Drew Hushour, Staff)

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

Mr. Meadows continued the public hearing.

James P. Downey, Esquire, representative, requested that action on this application be postponed until the next regularly scheduled meeting.

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

On motion made by Mr. Guerra and seconded by Mr. Van Luven, it was moved to postpone action on this application until the next regularly scheduled meeting, at the applicant's request, with the public hearing left open.

The motion carried unanimously.

SPECIAL PERMIT #SPPT09-CR-025, QUARLES OIL COMPANY, INC./QUARLES TRUCK STOP, INC. (OWNERS)/QUARLES PETROLEUM, INC. (APPLICANT) – LUBE PLANT LOAD RACK

Applicant is requesting special permit approval for petroleum products bulk storage in order to install nine (9) bulk lubricant storage tanks, PIN #6981-23-9887-000 and 6981-23-8454-000, located at 9683 James Madison Highway and 9719 James Madison Highway, 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 minutes.

Mr. Meadows opened the public hearing.

Mr. Craig McBride, representative, expressed agreement with the staff report.

Mr. Meadows noted that there are potholes in the deceleration lane at the site.

Mr. McBride stated that he will have these repaired as soon as possible.

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 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 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. Normal hours of operation shall be 6:00 a.m. until 6:00 p.m. Monday through Sunday, with the exception of emergency deliveries.
3. The installation and construction of the propane tanks shall meet all local, State, and Federal regulations for such containers. All hazardous material shall be stored in accord with all local, State and Federal regulations.
4. Site plan approval is required.
5. All violations on the two properties shall be rectified before the approval of any further permits (including the required site plan).
6. Additional landscaping shall be installed along the front in consultation with Staff and the Virginia Department of Transportation (VDOT) as part of the site plan process.

Mr. Horton clarified that the application is for bulk storage tanks, rather than propane tanks.

On motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to amend Condition #3 of the above motion, as follows:

3. The installation and construction of the bulk storage tanks shall meet all local, State, and Federal regulations for such containers. All hazardous material shall be stored in accord with all local, State and Federal regulations.

The motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT09-LE-028, IAN MARC & SHANNON LEIGH MARQUISE (OWNERS)/SHANNON MARQUISE (APPLICANT) – BUSY BEES PRESCHOOL

Applicant is requesting special permit approval to operate a preschool, PIN #6899-44-9833-000, located at 6125 Olivera Avenue, Lee District, Bealeton, Virginia. (Drew Hushour, Staff)

Mr. Hushour reviewed the staff report, a copy of which is attached to and made a part of these minutes. Mr. Hushour clarified that it was staff's intention to limit the number of students at any one time to ten (10) per class.

Mr. Meadows opened the public hearing.

Mrs. Shannon Marquise, applicant, expressed agreement with the staff report. Mrs. Marquise stated that she had obtained her State certification, but was unaware of the County's requirement for a special permit. Mrs. Marquise apologized for this oversight. Mrs. Marquise further stated that she intends to reduce the preschool's hours next year so that all classes will be done by 1:00 p.m.

Mr. Meadows stated that the Board has not received any letters of opposition regarding this application.

Mr. Guerra asked the large contingent in the audience if they were in support of the approval of this special permit.

Those in attendance regarding the preschool acknowledged that they are in favor of the approval of this application.

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

On motion made by Mr. Van Luven 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. 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 hours of operation of the preschool are limited as follows:
 - Monday: 9:00 a.m. to 3:30 p.m.
 - Tuesday: 9:00 a.m. to 1:00 p.m.
 - Wednesday: 9:00 a.m. to 3:30 p.m.
 - Thursday: 9:00 a.m. to 1:00 p.m.
 - Friday: 9:00 a.m. to 12:00 p.m.
3. The number of students is limited to ten (10) at any one time per class and the number of instructors is limited to the applicant and no more than one (1) additional full-time assistant.
4. The existing driveway shall remain open during the preschool hours of operation in order to ensure available space for the on-site picking up and dropping off of students.
5. Signage associated with the preschool is prohibited on-site.
6. The special permit is granted initially for a period of three (3) years.

The motion carried unanimously.

SPECIAL PERMIT #SPPT09-LE-031, HAROLD L. WILLIAMS, JR. (OWNER)/ARION ARNE (APPLICANT) – ASA TOWING

Applicant is requesting special permit approval to operate a motor vehicle impoundment (maximum of 10 vehicles), towing business, PIN #6888-25-7735-000, located at 11538 James Madison Street, Lee District, Remington, Virginia. (Wally Horton, Staff)

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

Mr. Meadows opened the public hearing.

Mr. Arion Arne, 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. Russell and seconded by Mr. Guerra, 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 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 impoundment area shall be resized in accord with Health Department requirements so as not to endanger the existing septic system.
3. The impoundment area shall be utilized for storage only, with no more than ten (10) vehicles to be stored in the area at any one time.
4. Impounded vehicles shall be picked up during the regular office hours of 8:00 a.m. to 6:00 p.m. Monday through Fridays, except for emergency pickups.
5. On-site employees shall not exceed one (1), excluding the business owner.
6. All existing zoning and building violations on the property shall be addressed before the issuance of any additional permits, including the site plan.
7. Sufficient additional landscaping, as needed based on a determination of the Zoning Administrator to insure that lighting will not produce glare on the abutting property to the southeast, shall be installed as part of the site plan process.
8. A site plan is required for this use.
9. The former dwelling shall be converted to a commercial use in accord with all applicable Building Code requirements. The footprint shall not be increased.

10. A Commercial Entrance shall be installed for the site in accordance with VDOT's Minimum Standard of Entrance to State Highways. The entrance will need to meet minimum sight distance requirements.
11. Physical separation from the highway right-of-way shall be created along the property frontage site in order to clearly delineate entrance and exit points.
12. This Special Permit shall expire in five (5) years.
13. The site will only be used for the storage of passenger cars and pick-up trucks.

After discussion, on motion made by Mr. Russell and seconded by Mr. Tufts, it was moved to amend the above motion to remove Condition #11, as follows:

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 impoundment area shall be resized in accord with Health Department requirements so as not to endanger the existing septic system.
3. The impoundment area shall be utilized for storage only, with no more than ten (10) vehicles to be stored in the area at any one time.

4. Impounded vehicles shall be picked up during the regular office hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, except for emergency pickups.
5. On-site employees shall not exceed one (1), excluding the business owner.
6. All existing zoning and building violations on the property shall be addressed before the issuance of any additional permits, including the site plan.
7. Sufficient additional landscaping, as needed based on a determination of the Zoning Administrator to insure that lighting will not produce glare on the abutting property to the southeast, shall be installed as part of the site plan process.
8. A site plan is required for this use.
9. The former dwelling shall be converted to a commercial use in accord with all applicable Building Code requirements. The footprint shall not be increased.
10. A Commercial Entrance shall be installed for the site in accordance with VDOT's Minimum Standard of Entrance to State Highways. The entrance will need to meet minimum sight distance requirements.
11. This Special Permit shall expire in five (5) years.
12. The site will only be used for the storage of passenger cars and pick-up trucks.

The motion carried unanimously, as amended.

OTHER BUSINESS:

None.

ADJOURNMENT:

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