

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
OCTOBER 1, 2009**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, October 1, 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; Ms. Kimberley Johnson, Zoning Administrator; Mr. Andrew Hushour, Assistant Zoning Administrator; Mr. Wally Horton, Senior Planner; and Mrs. Fran Williams, Administrative Specialist. Member absent was Mrs. Sonja Addison.

ANNOUNCEMENTS:

Mr. Meadows announced that Item #3 (Bryant's Powerwashing) would be considered as Item #2 on the agenda.

MINUTES:

On motion made by Mr. Russell and seconded by Mr. Tufts, it was moved to approve the September 3, 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 #SPPT10-CR-006, STEVEN BRYANT
(OWNER/APPLICANT) – BRYANT'S POWERWASHING**

Applicant is requesting an amendment to a previously approved special permit for a small contracting business as a major home occupation, PIN #7931-17-2097-000, 7931-16-1895-000, and 7931-16-0895-000, located at 9529 Elk Run Road, Cedar Run District, Catlett, 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. Steve Bryant, applicant, expressed agreement with the staff report. Mr. Bryant explained that after he purchased the subject property, he discovered that the tree roots had damaged the foundation of the dwelling. Mr. Bryant stated that while the contractor was removing the trees, one accidentally fell on the house, which will now need to be demolished and rebuilt. Mr. Bryant further stated that the new dwelling will be much nicer than what was there and that he plans to increase the screening of the property.

Mr. Meadows inquired if the applicant was aware of the previously approved special permit condition prohibiting removal of the trees and if he thought to ask staff what should be his next step once he discovered the damage to the foundation.

Mr. Bryant responded that once he discovered the damage, he just wanted to have it repaired and it did not occur to him to contact staff.

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 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 Code, based upon the following Board findings:

1. The applicant has other reasonable use of the property.
2. Adequate utility, drainage, parking, loading, and other facilities are not provided to serve the proposed use.

Mr. Van Luven further stated that he would prefer that the application be denied or delayed until such time as the house is built or at least through the approval process and issuance of the building permit. Mr. Van Luven noted that you cannot have a home occupation without a home.

After discussion, the motion failed 5 – 1, as follows:

AYES: Mr. Tufts

NAYS: Mr. Meadows, Mr. Van Luven, Mrs. Cooper; Mr. Guerra; Mr. Russell

ABSTENTION: None

ABSENT: Mrs. Addison

Mr. Steve Bryant, applicant, requested a postponement until the house is constructed.

On motion made by Mr. Guerra and seconded by Mrs. Cooper, it was moved to postpone action on this item, at the applicant's request, until the Certificate of Occupancy for the new dwelling has been issued.

The motion carried unanimously.

Mrs. Cooper left the meeting.

ZONING APPEAL #ZNAP09-CR-005, RANGE 82, LLC (OWNER/APPLICANT) – RANGE 82

Applicant is appealing a determination by the Zoning Administrator that they are in violation of an approved special permit for a recreational shooting range, PIN #7819-66-3353-000, located at 4818 Midland Road, Cedar Run District, Midland, Virginia. (Drew Hushour, Staff) *Note: This is a public meeting, not a public hearing.*

After a brief recess, Mr. Merle Fallon, Esquire, representative, requested a postponement on this item until the next regularly scheduled meeting so that a full Board could be present.

On motion made by Mr. Russell and seconded by Mr. Van Luven, it was moved to postpone action on this item, at the applicant’s request, until the next regularly scheduled meeting.

The motion carried unanimously.

OTHER BUSINESS:

Ms. Sheridan stated that a training session will be held for the BZA during next month’s work session.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:35 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.