

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
DECEMBER 3, 2009**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, December 3, 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; 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; Mrs. Jan Nelsen, Administrative/Accounting Manager; and Mrs. Stacey Pell, Administrative Associate. Members absent were Mrs. Sonja Addison and Mrs. Mary North Cooper.

MINUTES:

On motion made by Mr. Tufts and seconded by Mr. Van Luven, it was moved to approve the November 5, 2009 minutes.

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Pell 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-010, L. FREDERICK & ALISON J. WORRALL (OWNERS)/ALISON J. WORRALL (APPLICANT) – CHESS, INC.

Applicant is requesting an expansion of a previously approved special permit to allow for non-spectator horse boarding and instruction, PIN #7907-42-4018-000, located at 6105 General Hunton Road, Scott District, Broad Run, 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. Van Luven stated that the applicant's operation appears to be a commercial activity and expressed concern about increased traffic (i.e., large trucks and horse trailers) on a private road.

Mr. Russell requested clarification about there not being a setback requirement because the riding arena is not classified as a "structure." Mr. Russell also noted that landscaping and/or screening would be difficult if the riding arena goes up to the fence line.

Mr. Horton confirmed that the Zoning Administrator does not consider the riding arena to be a “structure” and, therefore, is not required to meet the 100 foot setback requirement. Mr. Horton also stated that there would be some challenges locating trees in the area, but site obscuring fencing may be an alternative.

Mr. Meadows opened the public hearing.

Mrs. Alison Worrall, applicant, expressed agreement with the staff report.

Ms. Maurisa Payne, a neighbor, expressed opposition to the granting of this special permit. Ms. Payne presented the Board with the following handouts, copies of which are attached to and made a part of these official minutes: 1) a subdivision plat showing the private road, which ends at the applicant’s property; 2) a GIS map showing that the majority of the applicant’s property is zoned Rural Conservation (RC); 3) the applicant’s hand drawn map showing the location of what is on the property. Ms. Payne stated that a scale drawing should be required to clearly show where everything on the property is located in relation to the property lines; 4) a technical memorandum dated March 18, 2008 from Deirdre Clark, former Community Development Senior Planner, which refers to the riding ring as an “earthen structure”; 5) Zoning Ordinance Section 15-300 which defines a “structure” as being “...*any object...including but not limited to...earth formations.*” and 6) Zoning Ordinance Section 5-910.3, which states, “*No structure, riding ring, or course, spectator facility or parking area shall be located closer than 100 feet to any lot line.*” Ms. Payne stated that the letter from Mrs. Clark and Section 15-300 of the Zoning Ordinance clearly indicate that the riding ring meets the definition of a “structure” and, therefore, should be required to meet the 100 foot setback. Ms. Payne also noted that the applicant had an ad in the *Bull Run Observer*, which clearly indicates that this facility is a commercial activity. Ms. Payne concluded by expressing concern about the increased traffic and the cost of maintaining this private road.

Mr. Colley Siciliano, a neighbor, expressed opposition to the granting of this special permit because of the topography, tree removal, and lights. Mr. Siciliano asked the Board to consider the surrounding neighbors when making a decision regarding this application.

Ms. Beth Connell spoke in support of the granting of this special permit. Ms. Connell stated that her daughter has benefited greatly from her riding lessons. Ms. Connell stated that it would be detrimental to her daughter and others for the applicant’s business to close. Ms. Connell also expressed appreciation to the applicant for her willingness to accept the challenge of providing services for children with emotional disabilities.

Mr. Ray Petersen, a neighbor, spoke in opposition to the granting of this special permit. Mr. Petersen expressed concern about the security lighting, increased traffic, maintenance of the right-of-way, and that the applicant’s horse operation has changed the flow of water (sometimes mud), causing it to come through his property. Mr. Petersen stated that if the application is granted, he would like to see the following conditions imposed on the applicant: 1) the hours of operation are limited to 8:00 a.m. to 5:00 p.m. 2) installation of a silt fence and hay bales so that the flow of water does not come through his property. 3) the installation of a living screen (i.e., ten white pines or Leland Cypress planted

approximately six feet apart to alleviate the dust) around the riding ring; 4) removal of the security light, which is very offensive, and perhaps installing a porch light on the shed. 5) a contribution of 1/3 of the cost of maintaining the right-of-way.

Ms. Jaclyn Butler, a client, spoke in support of the granting of this special permit, stating that her daughter has benefited greatly from her riding lessons with the applicant.

Mr. Steve MacMahon, a neighbor, spoke in opposition to the granting of this special permit, citing the applicant's history of non-compliance, particularly as it relates to the security lights and the landscaping requirement.

Ms. Camille Bacenet, a client, spoke in support of the granting of this special permit because of the calm and tranquil atmosphere she enjoys while taking lessons as well as the benefit this facility provides to children with disabilities.

Lt. Colonel Clifford Francis (Retired), a neighbor, spoke in support of the granting of this special permit, stating that he has not experienced any adverse impacts from the applicant's operation.

Mr. Paul Borzellino, a neighbor, spoke in opposition to the granting of this special permit and also requested the revocation of the applicant's original special permit approval, stating that a residential area is not the appropriate location for this activity. Mr. Borzellino also read an e-mail, a copy of which is attached to and made a part of these official minutes, from Mr. Carl Gaddis, who rescinded his offer to purchase the property next door to this facility because of concerns about the negative impacts of living next door to a commercial boarding and training operation.

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

After a brief recess, Mrs. Worrall requested that action on this item be postponed until the next regularly scheduled meeting.

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

The motion carried unanimously.

OTHER BUSINESS:

Ms. Sheridan advised the Board that appeals have been filed with the Circuit Court regarding the Range 82, LLC (ZNAP10-09-CR-005) and Brian & Lucy S. Conboy (ZNAP10-MA-002) decisions.

Ms. Sheridan stated that the Board of Supervisors is considering a Zoning Ordinance Text Amendment to Section 14-203.1 to reduce the number of Board of Zoning Appeals members from seven to five and Section 14-205.2 to reduce the quorum requirement to

three members. Ms. Sheridan provided the Board with a copy of this proposed text amendment as well as a letter, copies of which is attached to and made a part of these official minutes, from Mrs. Tracy Gallehr, Deputy County Attorney, to Judge Jeffrey W. Parker outlining this proposal.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:00 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.