

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
JANUARY 3, 2008**

**AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON JANUARY 3, 2008 AT 9:30 A.M. IN WARRENTON, VIRGINIA.**

Members present were Mr. John Meadows, Chairperson; Mrs. Margaret Mailler, Vice-Chairperson; Mr. James W. Van Luven, Secretary; Mrs. Sonja R. Addison; Mr. Serf Guerra; Mr. Harry R. Russell; and Mr. Maximilian Tufts. Also present were Mr. Wally Horton, Senior Planner; and Ms. Sandra O'Connell, Senior Planner.

**SITE VISITS:**

Mr. Horton reviewed the site visit agenda and stated that there would be four (4) site visits as follows:

1. NAH Partners, Inc. at 9:49 a.m.
2. 6418 Meetze Road, LLC at 10:01 a.m.
3. Jerome & Kerry Homenik at 10:27 a.m.
4. Matthew J. Sheedy at 11:03 a.m.

With no further business, the meeting was adjourned at approximately 11:30 a.m. to reconvene at 2:00 p.m. at 10 Hotel Street, Warren Green Meeting Room, Warrenton, Virginia.

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, January 3, 2008, 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 Elect; Mr. Maximilian Tufts, Secretary Elect; Mrs. Sonja R. Addison; Mr. Serf Guerra; Mrs. Margaret Mailler; and Mr. Harry R. Russell. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kim Johnson, Zoning Administrator; Mr. Wally Horton, Senior Planner; Ms. Sandra O'Connell, Senior Planner; and Mrs. Fran Williams, Administrative Specialist.

**MEETING:**

Mrs. Gallehr opened the meeting and initiated the election of officers.

a. Chairperson

On motion made by Mrs. Addison and seconded by Mr. Russell, it was moved to nominate Mr. Meadows as Chairperson.

The motion carried unanimously.

b. Vice-Chairperson

On motion made by Mrs. Addison and seconded by Mr. Russell, it was moved to nominate Mr. Van Luven as Vice-Chairperson.

The motion carried unanimously.

c. Secretary

On motion made by Mrs. Addison and seconded by Mr. Russell, it was moved to nominate Mr. Tufts as Secretary.

The motion carried unanimously.

**SPECIAL PRESENTATION:**

Mr. Meadows expressed the Board's appreciation to Mrs. Mailler, whose term expires on January 5, 2008, for her many years of dedicated service to the citizens of Fauquier County and presented her with the following Resolution:

**A RESOLUTION TO RECOGNIZE MARGARET H. MAILLER 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, January 3, 2008.

*WHEREAS*, Margaret H. Mailler, has served in an outstanding manner as a member of the Fauquier County Board of Zoning Appeals since October 1, 1988; having served as its Secretary from October 4, 2001 through December 31, 2002; as Chairperson from January 2, 2003 through December 31, 2004; and as Vice-Chairperson from January 6, 2005 through December 31, 2007; 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 Margaret H. Mailler in all future endeavors; and

*BE IT FURTHER RESOLVED*, that this Resolution be placed within the minutes of the Board of Zoning Appeals in recognition of Margaret H. Mailler's distinguished service to Fauquier County.

### **MINUTES:**

On motion made by Mr. Van Luven and seconded by Mr. Tufts, it was moved to approve the December 6, 2007 minutes.

The motion carried unanimously.

### **LETTERS OF NOTIFICATION AND PUBLIC NOTICE:**

Mrs. Williams read the Public Hearing protocol. Ms. Johnson stated that, to the best of her 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 APPEAL #ZNAP07-MA-006, THE SALAHI FAMILY LIMITED PARTNERSHIP/DIRGHAM & CORINNE SALAHI (OWNERS)/THE SALAHI FAMILY LIMITED PARTNERSHIP/TAREQ SALAHI (APPLICANT) – OASIS WINERY & VINEYARD**

Applicant is appealing the Zoning Administrator's determination that they are in violation of Fauquier County Zoning Ordinance Sections 2-102, 2-303, 3-313(10), 12-201 and 13-501 (Operation of a business or professional office without approval of a special permit, zoning permit, or site plan); Sections 2-102 and 2-302(10), (Operation of a limousine service beyond bringing customers to and from the Oasis Winery), PIN #5998-87-0439-000 and 5998-88-4344-000, located at 4709 Oasis Lane and 4702 Oasis Lane, Marshall District, Hume, Virginia. *Note: This is a public meeting, not a public hearing.*

Ms. Johnson stated that the appellant has requested a deferral and staff has no objection.

On motion made by Mrs. Mailler and seconded by Mr. Tufts, it was moved to defer action until further notice from the appellant.

**SPECIAL PERMIT #SPPT08-CT-015, WARRENTON MANAGEMENT ASSOCIATES, INC. (OWNERS)/GENCO OLIVE OIL COMPANY, LLC (APPLICANT) – THE GODDARD SCHOOL**

Applicant is requesting special permit approval to operate a preschool, PIN #6984-84-6403-000 and 6984-84-4741-000, located on Millfield Drive, Center District, Warrenton, Virginia.

Ms. Johnson reviewed the staff report as well as information received from the Virginia Department of Transportation (VDOT), a copy of which is attached to and made a part of these minutes, and stated that a site visit was made on December 6, 2007.

Mr. Meadows noted that the public hearing was closed at the previous meeting.

Mrs. Kristen McAuliffe, a neighbor who spoke at the previous meeting, was also present at this meeting. Mrs. McAuliffe had previously requested the Board to consider requiring the installation of a stop sign as well as speed limit, *School Zone* and *Children at Play* signs in the neighborhood.

Mr. Meadows stated that according to information received from the Virginia Department of Transportation (VDOT), the installation of these signs would not be an option at this time.

On motion made by Mr. Tufts and seconded by Mrs. Mailler, 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 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.

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 daycare/preschool use shall be generally consistent with the materials submitted with the application for this special permit, with minor adjustments allowed as necessary to meet zoning and other site plan requirements.
2. Enrollment shall be limited to one hundred thirty-four (134) children.
3. Hours of operation shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday.
4. Existing wooded areas outside the planned building area shall be preserved.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT08-MA-017 & SPPT08-MA-018, PIEDMONT INVESTMENT, LC (OWNER/APPLICANT) – PIEDMONT INVESTMENT LOT 3R**

Applicant is requesting special permit approval to construct a new building to be utilized for a contractor's office with storage, and retail sales, PIN #6969-78-8867-000, located at 4178 Old Stockyard Road, Marshall District, Marshall, Virginia.

Ms. Johnson stated that the applicant has requested a thirty (30) day postponement so that the layout can be redesigned.

**SPECIAL PERMIT #SPPT08-CR-023, NAH PARTNERS, INC. (OWNERS)/MIKLOS TAKACS, JR. (APPLICANT) – NICK'S TOWING & RECOVERY**

Applicant is requesting special permit approval for a motor vehicle impoundment lot (maximum of 10 vehicles)/towing business, PIN #6981-17-3455-000, located at 9486 James Madison Highway, Cedar Run District, Warrenton, Virginia.

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Miklos Takacs, 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. Van Luven and seconded by Mrs. Mailler, 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 drawings except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. 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.
3. The applicant shall utilize sight-obscuring fencing materials that will blend in with existing trees and ground cover on the abutting property to the south.
4. A row of evergreen trees shall be planted by the applicant on the west end to screen the commercial area from the residential area.
5. A row of evergreen trees shall be planted by the applicant along the impoundment area if such plantings are desired by the adjoining property owners. The Applicant shall submit documentation regarding the abutting property owner's preference with the required site plan.
6. Additional evergreen plantings shall be planted on-site, as determined necessary by the Zoning Administrator in order to screen the use from view of adjoining properties and the street.
7. Additional fencing or evergreens shall be planted to separate the grass area from the asphalt within the proposed impoundment area.
8. There shall be no additional lighting installed as part of this use.
9. A site plan is required for this use.

After discussion, on motion made by Mr. Van Luven and seconded by Mr. Russell, it was moved amend the previous motion as follows:

10. The Zoning Administrator will follow-up to ensure there are no zoning violations on the property.

The motion carried unanimously, as amended.

**SPECIAL PERMIT #SPPT08-MA-024, JEROME & KERRY HOMENIK (OWNERS)/GEOFF & PAM WHITING (APPLICANTS) – HEARTLINE ALPACA FARM**

Applicants are requesting special permit approval for an off-site directional sign six (6) square feet in size, PIN #6934-99-7694-000, located at 7398 Leeds Manor Road, Marshall District, Marshall, Virginia.

Ms. O’Connell reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Geoff Whiting, applicant, expressed agreement with the staff report. Mr. Whiting stated that it is not his intention to impose on the privacy of his neighbors and that during the past twelve (12) months his business generated a total of twenty-four (24) additional vehicles to his property.

Mr. Meadows submitted photos, a copy of which are attached to and made a part of these minutes, which were taken during the site visit of the proposed location of the sign. Mr. Meadows stated that it appears that the fence and several trees will obscure the visibility of the proposed sign; therefore, the exact location needs to be determined.

Dr. Morton Kalus, a neighbor, stated that he is in opposition to the granting of this special permit and expressed concern about the size and appearance of the proposed sign.

Mr. Lawrence Cantrell, a neighbor, stated that while he does not want to jeopardize the applicant’s business, he would like to have the sign include the phrase “*By Appointment Only*” and a phone number. Mr. Cantrell also expressed concern about unwanted traffic and stated that the number of vehicles mentioned by the applicant does not include those that came down the driveway but turned around prior to reaching the applicant’s property.

Mr. Daniel McGrath, a neighbor, presented the Board with a letter, a copy of which is attached to and made a part of these minutes, expressing his concern about the potential for increased traffic. Mr. McGrath stated that he, too, would like to see a phone number and “*By Appointment Only*” included on the sign to alleviate this potential problem.

Mr. Ben Tissue, a neighbor, stated that he is in support of the granting of this special permit since the applicant is conducting an agricultural business and needs a sign to promote it.

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

After discussion, on motion made by Mr. Russell and seconded by Mrs. Addison, it was moved to postpone action on this application until the next regularly scheduled meeting to allow time for the applicant to determine the exact location of the proposed sign.

The motion carried unanimously.

**ZONING APPEAL #ZNAP08-CR-002, HAWK INVESTMENTS, LLC**

**(OWNER/APPLICANT)**

Applicant is appealing the Zoning Administrator's determination that the tax parcel located in Fauquier County is not a separate legal lot of record, has no division rights, and cannot be divided under the Fauquier County Zoning Ordinance from the portion of the lot located in Prince William County unless so authorized by the Prince William County Zoning Ordinance, PIN #7924-93-6151-000, located off Burwell Road, Cedar Run District, Nokesville, Virginia. *Note: This is a public meeting, not a public hearing.*

Postponed.

**SPECIAL PERMIT #SPPT08-CT-025, 6418 MEETZE ROAD, LLC**

**(OWNER)/JASON & APRIL KEZELE (APPLICANTS) – THE FAUQUIER SANDLOT ACADEMY**

Applicants are requesting special permit approval to operate an indoor sports/activity complex 25,000 square feet or less, PIN #6983-88-6090-000, located at 6418-E Old Meetze Road, Center District, Warrenton, Virginia.

Mr. Horton reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Van Luven requested clarification on the extent to which food would be available on-site.

Mr. & Mrs. Jason Kazele, applicants, expressed agreement with the staff report. Mr. Kezele stated that he is not proposing a restaurant and there will be no cooking on-site nor would prepared food be brought in. Mr. Kezele stated that he would like to have snacks such as drinks and power bars, etc. Mr. Kezele presented the Board with two letters of support, copies of which are attached to and made a part of these minutes.

Mr. Bill Chipman, representative of the owner, expressed support of the applicant's proposal.

Mr. Pat Smith, a softball coach, stated that he is in support of the granting of this special permit and that this facility is greatly needed in the community.

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

After discussion, on motion made by Mr. Tufts and seconded by Mrs. Mailler, 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 drawings except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. Accessory uses and facilities shall be limited to those identified on the submission: a small pro-shop for equipment sales, a small breakroom and snack area, conference room, lounge, and offices within.
3. The use shall not open prior to 9:00 a.m. and must close by 9:00 p.m.
4. A site plan is required for this use.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT08-MA-026, MATTHEW J. SHEEDY  
(OWNER/APPLICANT)**

Applicant is requesting special permit approval to reduce the required 100-foot setback to allow for the construction of a barn, PIN #6042-88-9867-000, located at 2306 Delaplane Grade Road, Marshall District, Delaplane, Virginia.

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Matthew Sheedy, applicant, expressed agreement with the staff report.

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

On motion made by Mrs. Mailler 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.
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 permit is approved for a horse barn on an enclosed area of no greater than 36 feet by 48 feet, to be built in a traditional style with board and batten siding and standing seam metal roof.
2. Evergreens shall be planted to screen the back and side of the barn from the view of the neighbors.

3. The setback required is sixty (60) feet.

The motion carried unanimously.

**OTHER BUSINESS:**

Ms. Johnson asked the Board if it would like to see the initiation of a text amendment that would allow more flexibility in what is allowed on a directional sign. The Board asked Ms. Johnson to proceed with this initiation.

Mrs. Gallehr stated that Mrs. Mailler has agreed to continue serving on the Board until a replacement has been appointed.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 3:26 p.m.

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John R. Meadows, Chairperson

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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.*