

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
FEBRUARY 7, 2008**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON FEBRUARY 7, 2008 AT 10:30 A.M. IN WARRENTON, VIRGINIA.

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

SITE VISITS:

Mr. Horton reviewed the site visit agenda and stated that there would be three (3) site visits as follows:

1. Brookside Communities, LLC at 10:49 a.m.
2. Buckland Farmers' Market at 11:05 a.m.
3. Piedmont Investment, LC at 11:23 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, February 7, 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; Mr. Maximilian Tufts, Secretary; 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; and Mrs. Fran Williams, Administrative Specialist.

MINUTES:

On motion made by Mrs. Mailler and seconded by Mrs. Addison, it was moved to approve the January 3, 2008 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.

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.

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 as well as on December 6, 2007.

Mr. Meadows opened the public hearing.

Mr. Chuck Floyd, representative, expressed agreement with the staff report.

Mr. Jim Carson, representative, spoke in favor of the approval of this special permit.

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

After discussion, on motion made by Mr. Tufts and seconded by Mr. Van Luven, 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.
7. A reduction in the front yard setback is approved based on the following findings:

- a. The setback provided is consistent with older, established buildings in the immediate area;
- b. The setback is consistent with any design guidelines or requirements established by the Comprehensive Plan, if any such guidelines or requirements exist;
- c. Sufficient area is provided to accommodate construction requirements, including drainage; and
- d. Sufficient area is provided to accommodate a full streetscape along the street, to include sidewalks and street trees, where appropriate.

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 building is authorized for use as Contractor's Offices and Retail (maximum of 14,100 square feet). Other by-right uses, such as Office, are also allowed. No equipment or materials shall be stored outside.
3. A sidewalk shall be provided along Old Stockyard Road with a connection to the building.
4. Landscaping shall include large canopy street trees (minimum 2 ½" caliper) planted no less than 30 feet on center along Old Stockyard Road.
5. Both parking areas shall be screened from the street with a solid evergreen hedge or low masonry wall.
6. Signage shall be in the form of a monument sign composed of traditional design and materials and shall be limited to one hundred fifty (150) square feet in size.
7. A Major Site Plan is required for this use.

The motion carried unanimously.

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. *Note: Public hearing was closed on January 3, 2008.*

Postponed.

SPECIAL PERMIT #SPPT08-SC-027, H. DOUGLAS SMITH REVOCABLE TRUST, BRYANT F. SMITH, TRUSTEE (OWNER)/BRYANT F. SMITH (APPLICANT) – BUCKLAND FARMERS’ MARKET

Applicant is requesting special permit approval to operate a Community Farmers’ Market, PIN #7916-16-0865-000 and 7916-05-6928-000, located on the northwest side of Routes 15/29/211 near the intersection with Riley Road, Scott 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 as to whether the individuals performing the metal detector sweep would be professionals and suggested that a time limit be imposed on having this done so that the project is not delayed.

Mr. Horton stated that the volunteers would be professionals associated with local preservation groups.

Mr. Chuck Floyd, representative, expressed agreement with the staff report.

Mr. Meadows requested clarification on the total acreage for the proposed farmers’ market.

Mr. Floyd responded that the farmers’ market would encompass 3 – 4 acres, while the 5 – 6 acres includes the drainfield site.

Mr. Jim Green, a resident of Markham, spoke in favor of the granting of this special permit, stating that this project will benefit local farmers.

Mr. Bill Swick, a neighbor, spoke in favor of the granting of this special permit.

Mrs. Barbara Severin, a neighbor, spoke in favor of the granting of this special permit, stating that the project is compatible with the community. Mrs. Severin further stated that, if approved, the conditions should address issues such as permeable surfaces as well as lighting.

Mr. Floyd stated that the handicapped portion of the parking lot will need to be paved to meet the Americans with Disabilities Act (ADA) requirements. Mr. Floyd also stated that all security lighting will be shielded down.

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

On motion made by Mrs. Mailler 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 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 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. Additional landscaping shall be provided to meet Zoning Ordinance requirements and to buffer the parking area from view from Route 29. This landscaping should incorporate clustering of trees and shrubs rather than a linear type planting alignment.
3. Outdoor storage and/or display shall be limited to seasonal agricultural products that enhance the agricultural character of the property, such as pumpkin displays, apple crates, watermelon piles or similar items.
4. The proposed entrance to the site shall be located on the adjoining parcel owned by John C. Pierce Farm, Inc. unless an amendment to this special permit is granted.
5. The use shall have no more than one free standing sign, a maximum of 12 square feet in size and 6 feet in height.
6. The applicant shall contact local preservation groups prior to commencement of construction to allow for a volunteer professional metal detector sweep of this area to recover any remaining artifacts associated with the battlefield. This shall be limited to the six (6) acre site.
7. A Major Site Plan is required for this use. The applicant shall request a dustless surface waiver in conjunction with the site plan to utilize gravel rather than pavement for the parking area and driveway. The applicant shall also seek a parking reduction in order to minimize the parking provided.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT08-SC-028, BROOKSIDE COMMUNITIES, LLC
(OWNER)/FAUQUIER COUNTY LIBRARY BOARD OF TRUSTEES (APPLICANTS) –
FAUQUIER COUNTY LIBRARY (NEW BALTIMORE BRANCH)**

Applicants are requesting special permit approval for a library, PIN #7905-61-6837-000, located on the northwest side of Riley Road, Scott 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.

Mrs. Barbara Severin, representative, expressed agreement with the staff report. However, Mrs. Severin stated that the hours of operation would be set to match the other County library facilities and requested clarification on whether the hours can be changed, if necessary. Mrs. Severin further stated that the site is contiguous to Auburn Middle School and will be used for overflow parking for special events, if necessary.

Mrs. Gallehr stated that the application would be approved in conformance with the information submitted in the application packet. If, at any time, the Zoning Administrator felt that a violation existed, an amendment to the special permit could be requested.

Mr. Ed Moore, representative, spoke in favor of the granting of this special permit.

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 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.

- 7. The type and amount of traffic generated by the library 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 necessary to meet Zoning Ordinance requirements.
- 2. The maximum square footage authorized by this Special Permit is 21,000 square feet.
- 3. To effectively screen the parking areas, shrubbery shall be installed to fill in gaps between trees depicted on the special permit plan. In addition, evergreen trees shall be added to accomplish the objective of screening the parking areas.
- 4. A trail along Riley Road shall be provided in accord with the New Baltimore Service District Plan.
- 5. A Major Site Plan is required for this use.

After discussion, on motion made by Mr. Van Luven and seconded by Mr. Tufts, it was moved to amend the previous motion to include Item #8 under Board findings, as follows:

- 8. The proposed location of the library is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

The amended motion carried 6 – 1, as follows:

AYES: Mr. Meadows, Mr. Van Luven, Mr. Tufts, Mrs. Addison, Mrs. Mailler, Mr. Russell

NAYS: Mr. Guerra

ABSENT: None

ABSTENTION: None

OTHER BUSINESS:

Ms. Johnson stated that the March 6, 2008 BZA meeting will be held at the John Barton Payne Building, 2 Courthouse Square, Warrenton, Virginia.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:58 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.