

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
MARCH 6, 2008**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON MARCH 6, 2008 AT 10:00 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; Mrs. Mary North Cooper; and Mr. Harry R. Russell. Also present were Mr. Wally Horton, Senior Planner; and Ms. Sandra O'Connell, Senior Planner. Member absent was Mr. Serf Guerra.

SITE VISITS:

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

1. Montessori School of Middleburg at 10:30 a.m.
2. Fresta Valley Christian School at 10:59 a.m.
3. Heartline Alpaca Farm at 11:19 a.m.

With no further business, the meeting was adjourned at approximately 11:25 a.m. to reconvene at 2:00 p.m. at the John Barton Payne Building, 2 Courthouse Square, Warrenton, Virginia.

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, March 6, 2008, beginning at 2:00 p.m. in the John Barton Payne Building, 2 Courthouse Square, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Secretary; Mrs. Sonja R. Addison; Mrs. Mary North Cooper; Mr. Serf Guerra; 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. Member absent was Mr. James W. Van Luven, Vice-Chairperson.

MINUTES:

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to approve the February 7, 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.

Mr. Meadows welcomed and introduced a new Board member, Mrs. Mary North Cooper.

SPECIAL PERMIT #SPPT08-MA-022, FRESTA VALLEY CHRISTIAN SCHOOL, LTD. (OWNER/APPLICANT) – FRESTA VALLEY CHRISTIAN SCHOOL

Applicant is requesting special permit approval to operate a preschool, PIN #6956-1534-000 and 6956-25-6041-000, located at 6392 Wilson Road and 6428 Wilson Road, Marshall District, Marshall District, Marshall, 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.

Mark Hyson, Esquire, representative, expressed agreement with the staff report. Mr. Hyson stated that the private residence was previously used as the main school building and the septic system was built and installed to accommodate that use. Mr. Hyson clarified that the total number of teachers and children proposed for the preschool is included in the conditions of the special exception application, which was approved by the Board of Supervisors. Mr. Hyson noted that when the addition to the school is completed, the preschool use will move there.

Mr. Kevin Worsham, representative, clarified that it is his intention to move the preschool into the new addition in time, but not immediately. This temporary use of the dwelling will allow time for the school's remodeling as well as the completion of the new addition. Once the addition and remodeling are completed, the preschool use will be permanently moved into the new facility.

Mrs. Susan Feeley, a neighbor, spoke in opposition to the granting of this special permit. Mrs. Feeley expressed great concern about operating a preschool/daycare in a private residence, which is not equipped to hold 30 – 40 children in the basement. Mrs. Feeley expressed further concern about the increased noise levels associated with this use. Mrs. Feeley further stated that the preschool has been operating for a number of years without the necessary County approvals and that its operation should cease or be moved into the main building.

Ms. Linda Lawler, a neighbor, spoke in opposition to 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. 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.

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 preschool use shall be subject to the special exception conditions approved for Fresta Valley Christian School (SEAM07-MA-008), with the preschool use located either in the basement of the single-family dwelling or in the main school buildings. Up to thirty (30) of the four hundred (400) students authorized by the special exception may be preschoolers.
2. Prior to approval of the Certificate of Occupancy to allow the preschool in the single-family home, the applicant shall provide Health Department approval of the septic system for preschool use.
3. On the west side of the school sound dampening foliage (i.e., trees or shrubs) shall be planted to screen the play area for children.

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.*

Ms. O’Connell reviewed the staff report and stated that a site visit was made earlier in the day as well as on January 3, 2008.

Mr. Meadows stated that the public hearing was closed on January 3, 2008.

Mr. Geoff Whiting, applicant, expressed agreement with the staff report.

Mr. Daniel McGrath, a neighbor, spoke in opposition to the granting of this special permit if the additional wording "*By Appointment Only*" cannot be added to it. Mr. McGrath expressed concern about the amount of traffic that would be generated on this private road.

Ms. Cindy Cantrell, a neighbor, spoke in opposition to the granting of this special permit.

Mr. Ben Tissue, a neighbor, spoke in support of the granting of this special permit.

After discussion, on motion made by Mrs. Addison 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. One directional sign shall be allowed at the proposed location with a size no greater than six (6) square feet and height no greater than six (6) feet.
2. The sign shall be perpendicular to Leeds Manor Road (Route 688) with a straight arrow on the sign.

After further discussion, on motion made by Mrs. Addison and seconded by Mr. Tufts, it was moved to amend the previous motion as follows:

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. One directional sign shall be allowed at the proposed location with a size no greater than six (6) square feet and height no greater than five (5) feet.
2. The sign shall be perpendicular to Leeds Manor Road (Route 688) with a straight arrow on the sign.

The amended motion carried unanimously.

SPECIAL PERMIT #SPPT08-SC-030, BRIAN E. & CLARE R. FERRELL (OWNERS), BETH ANN SLATER (APPLICANT) – MONTESSORRI SCHOOL OF MIDDLEBURG
Applicant is requesting special permit approval to operate a preschool, PN #6073-89-9285-000, located at 7274 Rectors Lane, Scott 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.

Mr. Meadows opened the public hearing.

Ms. Beth Ann Slater, applicant, expressed agreement with the staff report.

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

On motion made by Mr. Russell 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 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. Site plan approval is required.
2. Health Department approval is required. The enrollment shall be limited to twenty-eight (28) children until such time as permanent approval notification for a maximum of thirty-five (35) children is received from the Health Department.
3. 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.
4. Hours of operation shall be limited to Monday through Friday 8:30 a.m. until 2:30 p.m. from September through May.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-SC-031, JAMES A. KENT, SR. & JAMES A. KENT, JR. (OWNERS)/STANLEY J. & DAISY Y. WOOD (APPLICANTS) – GAINESVILLE TOWING & RECOVERY

Applicants are requesting special permit approval to operate a motor vehicle impoundment (maximum of 10 vehicles), towing business, PIN #7916-03-0070-000, located on the corner of Business Boulevard and Merchant Place, Scott District, Warrenton, Virginia.

Postponed.

OTHER BUSINESS:

Mr. Meadows stated that, beginning on April 3, 2008, the Board of Zoning Appeals will hold a Work Session at 12:30 p.m. in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:12 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.