

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
MAY 1, 2008**

**AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON MAY 1, 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 Addison; Mr. Serf Guerra; and Mr. Harry R. Russell. Also present were Mr. Andrew Hushour, Assistant Zoning Administrator; and Mr. Wally Horton, Senior Planner. Member absent was Mrs. Mary North Cooper.

**SITE VISITS:**

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

1. Bryan L. Ayres at 10:37 a.m.
2. Todd Brackhahn & Deborah L. Carrillo at 11:15 a.m.
3. Fauquier Baptist Church at 11:40 a.m.

With no further business, the meeting was adjourned at approximately 11:47 a.m. to reconvene at 2:00 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia.

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, May 1, 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; and Mr. Harry R. Russell. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kim Johnson, Zoning Administrator; Mr. Andrew Hushour, Assistant Zoning Administrator; Mr. Wally Horton, Senior Planner; and Mrs. Fran Williams, Administrative Specialist. Member absent was Mrs. Mary North Cooper.

**MINUTES:**

On motion made by Mr. Russell and seconded by Mr. Van Luven, it was moved to approve the April 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-LE-034, FAUQUIER BAPTIST CHURCH, TRUSTEES (OWNERS)/BETTY BRANYON, CLERK (APPLICANT) – FAUQUIER BAPTIST CHURCH**

Applicant is requesting special permit approval to construct an addition to an existing place of worship, PIN #6980-20-3550-000, located at 10550 James Madison Highway, Lee District, Bealeton, 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.

Pastor James Branyon, representative, expressed agreement with the staff report. Pastor Branyon clarified that the existing shed, which is used to store pews, was erected prior to the church purchasing the property. Pastor Branyon further stated that the carport sits on gravel and is not mounted on a concrete pad.

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

On motion made by Mr. Van Luven 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 necessary to meet Zoning Ordinance requirements.
2. The 18’ x 28’ foyer shall be only for the purpose of enhancing the appearance of the present worship building and to provide a room for social gathering before and after services. The foyer shall not increase seating for the worship building.
3. No schools (other than Sunday School and Vacation Bible School), day care facilities, or athletic facilities shall operate on-site as part the church without separate approval or amendment to this special permit.
4. This special permit shall not expire unless the applicant has not begun construction of the addition within five (5) years of the approval of this permit.
5. The Applicant shall comply with all Fauquier County Health Department requirements.
6. Site plan approval is required.

The motion carried 5 – 0, as follows:

AYES: Mr. Meadows, Mr. Van Luven, Mrs. Addison, Mr. Guerra, Mr. Russell

NAYS: None

ABSTENTION: None

ABSENT: Mrs. Cooper, Mr. Tufts

**SPECIAL PERMIT #SPPT08-SC-037, N & K, LLC (OWNER)/NEAL McMICHAEL (APPLICANT) – McMICHAEL’S OF WARRENTON**

Applicant is requesting special permit approval to allow for a farm equipment sales, rental, and service establishment, PIN #7916-67-0647-000, located at 4242 Lee Highway, Scott District, Warrenton, Virginia.

Postponed.

**ZONING APPEAL #ZNAP08-MA-004, BRYAN L. AYRES (OWNER/APPLICANT)**

Applicant is appealing the Zoning Administrator’s denial of an administrative modification of the required setback to allow an existing shed to be located twenty (20) feet from the adjacent property line whereas the Zoning Ordinance requires a fifty (50) foot setback, PIN #6958-47-4909-000, located at 9475

Mountjoy Road, Marshall District, Marshall, Virginia. *Note: This is a public meeting, not a public hearing.*

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of these minutes.

Mr. Meadows opened the public meeting.

Mr. Bryan Ayres, applicant, acknowledged that the shed was constructed fifteen years ago without a building permit. Mr. Ayres stated that there is no other suitable location on his property for the shed because of the well and the steep topography.

In that there were no further remarks, Mr. Meadows closed the public meeting.

On motion made by Mrs. Addison and seconded by Mr. Guerra, after due notice and hearing as required by the Fauquier County Code and the *Code of Virginia*, it was moved to overturn the decision of the Zoning Administrator in Appeal #ZNAP08-MA-004, finding that:

1. The strict application of the Ordinance, in this particular instance, would produce undue hardship because of the topography of the parcel.
2. The characteristics of this parcel are distinguishable from other properties in the same zoning district and vicinity.
3. The authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

The motion carried 6 – 0, with Mr. Tufts arriving at 2:15 p.m., as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mrs. Cooper

**SPECIAL PERMIT #SPPT08-MA-038, TODD BRACKHAHN & DEBORAH L. CARRILLO (OWNERS/APPLICANTS)**

Applicants are requesting special permit approval to reduce the required one hundred (100) foot setback for a barn, PIN #6956-68-6029-000, located at 6229 Enon School Road, Marshall District, Marshall, Virginia.

Mr. Hushour 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. Todd Brackhahn, applicant, expressed agreement with the staff report. Mr. Brackhahn stated that once he became aware of the violation he immediately stopped construction of the barn. Mr. Brackhahn further stated that the only other possible location for the barn would be in the direct line of sight of his neighbor, Mrs. Barbara Piercy, which would detract from both properties. Mr. Brackhahn expressed a willingness to resolve this issue and suggested planting additional foliage if he is allowed to leave the barn in its current location.

Mr. Pat Sheedy spoke in opposition to the granting of this special permit on behalf of Mrs. Barbara Piercy, a neighbor. Mr. Sheedy explained that Mrs. Piercy, who is his mother-in-law, has resided in her home since 1974 and does not like the appearance of the barn. She also feels that the applicants should not be rewarded for constructing a barn within the required setbacks. Mr. Sheedy stated that Mrs. Piercy is willing to consider alternatives such as a boundary line adjustment.

Ms. Deborah Carrillo, applicant, spoke in support of the granting of this special permit.

Ms. Lara Rota, a neighbor, spoke in support of the granting of this special permit.

Mr. John Norman, spoke in opposition to the granting of this special permit on behalf of Mrs. Barbara Piercy, a neighbor. Mr. Norman stated that Mrs. Piercy, who is his mother-in-law, is concerned about the future resale value of her property and that approval of this special permit would not be in her best interest.

Mr. Van Luven requested clarification on whether Mrs. Piercy is willing to consider alternatives to this situation or is in complete opposition.

Mr. Norman stated that Mrs. Piercy would be willing to consider various options in order to resolve the matter.

Mrs. Barbara Piercy, a neighbor, expressed concern that the horses and goats do not have enough room to roam.

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

On motion made by Mr. Guerra and seconded by Mr. Russell, it was moved to postpone action on this application until the next regularly scheduled meeting to allow time for the applicants to meet with their neighbor, Mrs. Piercy, as well as Zoning staff in order to come to a resolution.

The motion carried 6 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mrs. Cooper

Mr. Meadows noted that the public hearing would be continued until the next regularly scheduled meeting.

**OTHER BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 2:45 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.*