

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JUNE 5, 2008**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON JUNE 5, 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 Addison; Mrs. Mary North Cooper; Mr. Serf Guerra; and Mr. Harry R. Russell. Also present were Mr. Andrew Hushour, Assistant Zoning Administrator; and Mr. Wally Horton, Senior Planner.

SITE VISITS:

Mr. Meadows reviewed the site visit agenda and stated that there would be two (2) site visits as follows:

1. Todd Brackhahn & Deborah L. Carrillo at 11:16 a.m.
2. AIC Properties, LLC at 11:50 a.m.

With no further business, the meeting was adjourned at approximately 11:57 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, June 5, 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; Mrs. Mary North Cooper; Mr. Serf Guerra; and Mr. Harry R. Russell. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Mary Catherine Sheridan, Assistant County Attorney; Ms. Kim Johnson, Zoning Administrator; Mr. Andrew Hushour, Assistant Zoning Administrator; Mr. Wally Horton, Senior Planner; and Mrs. Fran Williams, Administrative Specialist.

MINUTES:

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to approve the May 1, 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.

ZONING APPEAL #ZNAP07-LE-005, JAMES W. OTT (OWNER/APPLICANT)

Applicant is appealing a determination by the Zoning Administrator that he is in violation of Fauquier County Zoning Ordinance Section 2-508.3 (limit of two junk vehicles); Section 2-508.4 (requirement to store junk vehicles in an upright position and outside of all required yards); Section 3-314.7 (junkyard/automobile graveyard); and Section 6-102.19 (limit of 100 square feet of outside storage), PIN #6878-61-5079-000, located at 12207 Freemans Ford Road, Lee District, Remington, Virginia. *Note: This is a public meeting, not a public hearing.*

Postponed.

SPECIAL PERMIT #SPPT08-LE-036, JOLEEN S. TEETS (OWNER/APPLICANT)

Applicant is requesting special permit approval to allow for a kennel, PIN #6889-34-7522-000, located at 11065 Harley Drive, Lee District, Bealeton, Virginia.

Postponed.

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 as well as on May 1, 2008.

Mr. Meadows opened the public hearing.

Ms. Deborah Carrillo, applicant, expressed agreement with the staff report. However, Ms. Carrillo stated that erecting a 6' 4" privacy fence extending 142 feet would not only be expensive, but would also be an eyesore and require continued maintenance. Ms. Carrillo stated that she and her husband would be willing to plant a screen of evergreen trees to maintain the natural beauty of the mountains. Ms. Carrillo presented the Board with a statement, which she read, a copy of which is attached to and made a part of these minutes.

Mr. Pat Sheedy spoke in opposition to the granting of this special permit on behalf of Mrs. Barbara Piercy, who is his mother-in law and an adjacent property owner.

Mr. Edwin Smith, a neighbor, spoke in support of the granting of this special permit.

Mr. Todd Brackhahn, applicant, spoke in support of the granting of this special permit. Mr. Brackhahn also presented the Board with information on the proposed evergreen tree screen, a copy of which is attached to and made a part of these minutes.

Mr. John Norman spoke in opposition to the granting of this special permit on behalf of Mrs. Barbara Piercy, who is his mother-in law and an adjacent property owner. Mr. Norman expressed reservations about whether a screen of evergreen trees would survive since the horses may destroy them.

Mr. Carl Cox, contractor, stated that he has been retained by the applicants to remove the manure pile, but he has been unable to do so because of the wet weather. Mr. Cox suggested that, in the future, the manure could be spread every two to three months.

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. Russell, it was moved to deny 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 applicant has other reasonable use of the property.
2. The proposed use will adversely affect the use or development of neighboring properties and will impair the value of nearby land.
3. The proposed setback is not in accordance with the applicable zoning district regulations and reducing the setback from one hundred (100) feet to eleven (11) feet would have an adverse impact on the owners of the adjoining property.

After further discussion, the motion failed 5 – 2, as follows:

AYES: Mr. Van Luven, Mr. Russell

NAYS: Mr. Meadows, Mr. Tufts, Mrs. Addison, Mrs. Cooper, Mr. Guerra

ABSTENTION: None

ABSENT: None

On motion made by Mrs. Cooper and seconded by Mrs. Addison, 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 barn setback shall be reduced from one hundred (100) feet to eleven (11) feet. This reduction is limited to the barn as identified in the special permit application, and no additions to the barn shall be permitted.
2. A fence of seventy-two (72) feet shall be established with the set posts starting at Enon School Road. The fence shall be pressure treated, with off-set slats, 6' 4" concrete footing secured.
3. The manure shall be spread or taken off-site every two (2) weeks; there shall be no storage stockpile of manure; and the existing manure stockpile will be removed.

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

4. Construction of the improvements shall begin within a period of three (3) months.

The amended motion carried 5 – 2, as follows:

AYES: Mr. Meadows, Mr. Tufts, Mrs. Addison, Mrs. Cooper; Mr. Guerra

NAYS: Mr. Van Luven, Mr. Russell

ABSTENTION: None

ABSENT: None

SPECIAL PERMIT #SPPT08-LE-039, BEALETON BAPTIST CHURCH, TRUSTEES (OWNERS/APPLICANTS) – BEALETON BAPTIST CHURCH

Applicants are requesting special permit approval to construct an addition to an existing place of worship, PIN #6899-32-0968-000, located at 11172 Remington Road, Lee District, Bealeton, Virginia.

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

Mr. Meadows opened the public hearing.

Pastor Bob Gordon, representative, expressed agreement with the staff report.

Mr. Ray Boley, a church member, spoke in favor of the granting of this special permit.

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 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 except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.

2. Additional parking, as may be required, may not be located closer than twenty-five (25) feet to any lot line and must be located a minimum of fifty (50) feet from the centerline of Schoolhouse and Remington Roads.
3. The Applicant shall apply for an administrative modification from setback requirements for the existing church and education building in order to bring them into compliance with the Zoning Ordinance prior to approval of any site plan for the addition.
4. A site plan is required for this use.

Ms. Johnson stated that she has determined that an administrative modification is not necessary.

On motion made by Mr. Van Luven and seconded by Mr. Tufts, it was moved to amend the previous motion to delete Condition #3.

The amended motion carried unanimously.

SPECIAL PERMIT #SPPT08-CR-040, AIC PROPERTIES, LLC (OWNERS)/CHARLES MOSS (APPLICANT) – AIRPORT INDUSTRIAL CENTER

Applicant is requesting an amendment of a previously approved special permit to allow for the addition of a second office trailer, PIN #7809-89-8037-000, located at 5029 Airport Road, Cedar Run District, Midland, 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. Charles Moss, applicant, expressed agreement with the staff report.

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

After discussion, on motion made by Mr. Van Luven and seconded by Mr. Tufts, it was moved to postpone action on this application until the next regularly scheduled meeting to allow time for the applicant to meet with staff and submit additional information to clarify some discrepancies regarding what is shown on the plan and what is actually on-site (i.e., landscaping).

The motion carried unanimously.

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

OTHER BUSINESS:

Ms. Johnson stated that she is preparing draft information concerning additional application submission requirements and will present this to the Board at next month's meeting.

Mrs. Gallehr introduced and welcomed Ms. Mary Catherine Sheridan, Assistant County Attorney, who will now be providing legal advice for the Board of Zoning Appeals.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:04 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.