

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
OCTOBER 2, 2008**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON OCTOBER 2, 2008 AT 11:00 A.M. IN WARRENTON, VIRGINIA.

Members present were Mr. John Meadows, Chairperson; Mr. James W. Van Luven, Vice-Chairperson; Mr. Maximilian Tufts, Secretary; Mrs. Mary North Cooper; Mr. Serf Guerra; and Mr. Harry Russell. Also present were Mr. Andrew Hushour, Assistant Zoning Administrator; and Mr. Wally Horton, Senior Planner. Member absent was Mrs. Sonja Addison.

SITE VISITS:

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

1. Calvary Fellowship of Warrenton at 11:17 a.m.
2. Peter A. & Elaheh Barthelson at 11:30 a.m.

With no further business, the meeting was adjourned at approximately 11:38 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, October 2, 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 Russell. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kimberley 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 Mrs. Addison and seconded by Mr. Russell, it was moved to approve the September 4, 2008 minutes.

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the Public Hearing protocol. Mr. Horton stated that, to the best of his 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 #SPPT09-CR-008 & SPPT09-CR-009, PETER A. & ELAHEH BARTHELSON (OWNERS/APPLICANTS) – VIRGINIA GREEN GROCER

Applicants are requesting renewal of a special permit to allow for commercial processing and storage of agricultural products and to sell agricultural products at retail, PIN #6982-70-6727-000 and 6992-02-9264-000, located at 9317 Green Meadows Road and 9243 Green Road, Cedar Run District, Warrenton, Virginia (Wally Horton, Staff)

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. Peter Barthelson, applicant, expressed agreement with the staff report.

Ms. Joanne Duncan, speaking on behalf of several neighbors (Leslie Jordan, Avery King, and Jessie Doyle), requested that the approval be limited to a one year period due to the potential for expansion as well as the applicant's compliance history. Ms. Duncan presented a statement to the Board, a copy of which is attached to and made a part of these minutes.

Mr. Jessie Doyle, a neighbor, also requested that the approval of these applications be limited to a period of one year. Mr. Doyle expressed concern about wildlife that may come on the property in search of food and suggested that they be relocated, if possible. Mr. Doyle presented a statement to the Board, a copy of which is attached to and made a part of these minutes.

Mr. Guerra asked Mr. Doyle if he had noticed an increase in traffic since this application was approved last year.

Mr. Doyle responded that he has not seen an increase in traffic.

Ms. Sandra Stammler, a neighbor, expressed concern about the amount of litter on the road.

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. 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 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. The type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
5. Adequate utility, drainage, parking, loading, and other facilities are provided to serve the proposed use.
6. 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.
7. 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 generally consistent with the information and drawings submitted with the special permit application.
2. Commercial processing and storage pursuant to Section 3-315.3 is authorized to occur only with the Kitchen on the Green Road farm. The Kitchen shall only be utilized for processing crops grown on-site or on the Green Meadows Road properties.
3. Farmers Market use pursuant to Section 3-318.21 is authorized only to allow for the retail sale of products grown and processed at the farm off-site via delivery. A by-right "Wayside Stand" for the sale of produce grown on-site pursuant to Section 6-102.23 of the Zoning Ordinance is not prohibited by this condition.
4. The applicant shall adhere to the Fauquier County Lighting and Noise Ordinances as they apply to commercial operations.
5. The applicant shall continue to use a water meter to monitor water usage on a daily basis so that it does not exceed 7,000 gallons per day. A report on water usage shall be submitted to the Zoning Administrator on a monthly basis.
6. No growing lights shall be utilized in a greenhouse during non-daylight hours unless the light is completely screened so that no uplighting occurs and the light is not visible beyond property lines.

7. Dead trees shall be replaced where necessary along the southern property line adjacent to the driveway and all buildings in order to screen the use from the adjoining property. Minimum planting height shall be eight (8) feet. Zoning staff shall verify that the plantings are completed and provide an adequate screen.
8. No additional land on the Green Road site shall be cleared.
9. All water used for rinsing vegetables in the kitchen shall be recycled for drip-irrigation usage for crops grown on-site.
10. The maximum size identification sign allowed shall be two (2) square feet at the Green Road site.
11. The applicant shall continue to conduct activities in accord with the approved Conservation Plan on file with the John Marshall Soil and Water Conservation District.
12. The special permit shall expire in three (3) years.
13. Truck traffic supporting the operation shall be limited to the hours of 8:00 a.m. to 5:00 p.m.
14. Permits shall be obtained from the Virginia Department of Transportation (VDOT) to upgrade the existing entrances to Commercial Entrance standards for the Green Road site.

After discussion, on motion made by Mr. Van Luven and seconded by Mr. Russell, it was moved to amend Condition #14 as follows:

14. The applicant shall coordinate with the Virginia Department of Transportation (VDOT) to determine the requirement to upgrade the existing entrances to Commercial Entrance standards for the Green Road site.

The motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT09-CR-010, JAMES MADISON BUSINESS PARK, LLC (OWNER)/MATTHEW T. MOZELESKI (APPLICANT) – CALVARY FELLOWSHIP OF WARRENTON

Applicant is requesting special permit approval to locate a place of worship in an existing building, PIN #6981-16-6330-000 and 6981-16-6568-000, located at 9552 James Madison Highway and 9550 James Madison Highway, Cedar Run District, Warrenton, Virginia. (Wally Horton, Staff)

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. Matthew Mozeleski, applicant, expressed agreement with the staff report and stated that he is working with the Health Department to meet their requirements.

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

On motion made by Mr. Russell 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.

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 applicant shall satisfy all requirements of the Health Department prior to approval of the site plan amendment for the church.
3. Other than church office activities, no church services or related activities shall occur during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) unless a site plan amendment is approved demonstrating adequacy of parking for such activities.
4. No schools (other than Sunday School and Vacation Bible School), day care facilities or athletic facilities shall operate on-site as part of the church without separate approval or amendment to this special permit.
5. A site plan amendment is required for this use.

The motion carried unanimously.

OTHER BUSINESS:

- Discussion regarding proposed amendments to the General Provisions for Special Permits.

Mr. Meadows noted that this item was considered during the Work Session.

- Mrs. Addison left the meeting.
- Mr. Hushour stated that the January 1, 2009 meeting date falls on a holiday.

On motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to cancel the January 1, 2009 Board of Zoning Appeals' meeting.

The motion carried 6 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mrs. Addison

ADJOURNMENT:

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