

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
MARCH 1, 2007**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, March 1, 2007, beginning at 2:00 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mrs. Margaret Mailler, Vice-Chairperson; Mr. James W. Van Luven, Secretary; Mr. Serf Guerra; Mr. Maximilian Tufts; and Mr. Roger R. Martella, Jr. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Mr. Todd Benson, Assistant Zoning Administrator; Mr. Wally Horton, Senior Planner; and Mrs. Fran Williams, Administrative Specialist. Member absent was Mrs. Carolyn G. Bowen.

MINUTES:

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to approve the February 1, 2007 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-SC-003, SUFFIELD MEADOWS, LLC/SUFFIELD
CONDOMINIUM (OWNERS/APPLICANTS)**

Applicants are appealing the Zoning Administrator's determination that a condition imposed upon an approved Special Exception for the construction of an age-restricted community requires the commencement of an assisted living facility prior to the issuance of the 85th residential building permit; PIN #6995-89-2285-000 (Former), located at Lee Highway (U.S. Route 29) and Suffield Lane, Scott District, Warrenton, 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. In summary, Ms. Johnson stated that her interpretation is the only one that gives meaning to the language of the special exception condition and clearly reflects the intent of the Board of Supervisors in approving the special exception. Therefore, Ms. Johnson requested that her interpretation be upheld.

Mr. Meadows opened the public meeting.

Michael Coughlin, Esquire, representative, expressed agreement with the staff report as it relates to background information on this issue. However, Mr. Coughlin stated that his client maintains that since the conditions, which were written by the County, explicitly uses the term "residential building permits," this can only mean building permits for residential development of new structures and that it is unavoidable that two condominium units only require one residential building permit. Mr. Coughlin further stated that his client has complied with the requirements of Condition #6 by entering into a developer's agreement and posting an \$850,000 performance bond. Mr. Coughlin summarized by asking the Board to interpret this condition as it is written, rather than its supposed intent, and reverse the Zoning Administrator's decision.

Mr. Martella expressed concern about possibly disregarding an issue that the Board of Supervisors intended to address. Mr. Martella asked Mr. Coughlin if he feels this was a drafting error by the Board of Supervisors.

Mr. Coughlin responded that this is a possibility. Mr. Coughlin further stated that his client is making progress toward having this facility built.

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

On motion made by Mr. Van Luven and seconded by Mr. Guerra, it was moved to uphold the December 19, 2006 Zoning Administrator's opinion that Condition #6 of the Suffield Meadows special exception triggers the obligation to begin building the assisted living facility prior to the issuance of a building permit for the 85th residential unit in the project.

The motion carried unanimously.

SPECIAL PERMIT #SPPT07-MA-016, ARROWOOD, LLC (OWNER/APPLICANT)

Applicant is requesting an amendment to a previously approved special permit to construct an additional six (6) holes on a private golf course, which would bring the total number of holes to eighteen (18), PIN #6064-62-7167-000 and 6063-69-7741-000, located at 1342 Rokeby Road and 1518 Rokeby Road, Marshall District, Upperville, 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.

Mr. Ben Rogers, representative, expressed agreement with the staff report.

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

On motion made by Mr. Tufts and seconded by Mrs. Mailler, 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 drawings and information submitted with this special permit application.
2. The facility will be for the use of the owners and their guests. No public golf events will be allowed.
3. No groundwater will be used to irrigate any portion of the golf facility.
4. Site plan approval is necessary.

The motion carried unanimously.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:30 p.m.

John R. Meadows, Chairperson

James W. Van Luven, 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.