

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JULY 5, 2007**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON JULY 5, 2007 AT 10:30 A.M. IN WARRENTON, VIRGINIA.

Members present were Mr. John Meadows, Chairperson; Mrs. Margaret Mailler, Vice-Chairperson; Mr. James W. Van Luven, Secretary; Mr. Serf Guerra; and Mr. Maximilian Tufts. Also present was Mr. Doug Morgan, Senior Planner.

SITE VISITS:

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

1. Opal Storage, LLC at 10:45 a.m.
2. Family Worship Center at 11:05 a.m.
3. Meetze Road Warehouse, LLC at 11:20 a.m.

With no further business, the meeting was adjourned at approximately 11:30 a.m., to reconvene at 2:00 p.m. at 10 Hotel Street, Warren Green Meeting Room, Warrenton, Virginia.

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, July 5, 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; and Mr. Maximilian Tufts. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Mr. Doug Morgan, Senior Planner; and Mrs. Fran Williams, Administrative Specialist.

MINUTES:

On motion made by Mr. Van Luven and seconded by Mrs. Mailler, it was moved to approve the June 7, 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.

**SPECIAL PERMIT #SPPT07-CT-028, MEETZE ROAD WAREHOUSE, LLC
(OWNER)/MICHAEL L. FLAMMIA (APPLICANT) – BC CHOPPERS, LLC**

Applicant is requesting special permit approval to operate a vehicle sales, rental, and service business, PIN #6983-88-6090-000, located at 6418 Old Meetze Road, Center District, Warrenton, Virginia.

Mr. Morgan 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. Michael Flammia, applicant, expressed agreement with the staff report.

Mark Moorstein, Esquire, representative, stated that it is his client's intent to be a good neighbor and that he has attempted to address the concerns that were brought to his attention at last month's meeting.

Ms. Denise Haugsdahl, a neighbor, spoke in opposition to the granting of this special permit. Ms. Haugsdahl expressed concern about noise, increased traffic, excessive speed, and the impact this will have on those using the greenway. Ms. Haugsdahl presented the Board with a written statement, a copy of which is attached to and made a part of these official minutes.

Mr. Douglas Darling, owner, stated that the applicant will make sure his patrons are aware of the need to be considerate of the neighbors.

Mr. John Kehoe, a neighbor, spoke in opposition to the granting of this special permit because of the noise level. Mr. Kehoe related two incidents that occurred in June – one in which he was able to hear motorcycles revving their engines at midnight; and another that occurred in the afternoon when he was unable to hear a conversation with his son while in his house with the windows closed and the air conditioner running, because of the noise from the motorcycles.

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

Mrs. Mailler also voiced concern about the noise in the neighborhood, but stated that since these are public roads, there is nothing the Board can do about it.

On motion made by Mrs. Mailler 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 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. The business shall be consistent with the application materials submitted with this special permit.
2. All activities related to the business shall occur indoors, and there shall be no outside storage of vehicles for repair or service.
3. All service work will be conducted with the shop bay overhead doors closed.
4. Any alterations, additions, or modifications to the site shall require an amendment to the special permit and site plan.
5. Hours of operation shall be Monday through Friday (10:00 a.m. – 6:00 p.m.); Saturday (10:00 a.m. – 4:00 p.m.); and Sunday (10:00 a.m. – 2:00 p.m.) with retail sales only.
6. The special permit shall be granted for a period of one (1) year.
7. Site plan approval is required.

The motion carried unanimously.

SPECIAL PERMIT #SPPT07-CR-032, TRINITY BAPTIST CHURCH OF WARRENTON TRUSTEES (OWNER/APPLICANT) – TRINITY BAPTIST CHURCH

Applicant is requesting special permit approval to construct a two (2) story addition to an existing place of worship, PIN #6982-47-9527-000 and 6982-47-9866-000, located at 8803 James Madison Highway, Cedar Run District, Warrenton, Virginia.

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

Ms. Johnson noted that a special permit for this project was originally approved in 2005, but expired because the applicant did not commence construction.

Mr. Meadows opened the public hearing.

Dr. Vinton Williams, pastor, expressed agreement with the staff report.

Ms. Ann Null, representative, spoke in support of approving this application and stated that the applicant is hoping to begin construction soon.

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 application materials submitted as part of this Special Permit application except:
 - a. If costs of an attached structure become prohibitive, the new structure may be a detached building in lieu of being attached, subject to Site Plan approval.
2. No off-street parking or loading area shall be located within any required yard or within twenty-five (25) feet of any lot line in or adjoining a Residential or Rural District.

3. Uses as part of the expansion building are limited to offices, a fellowship hall, and Sunday School. No schools (other than Sunday School and Vacation Bible School), day care facilities or athletic facilities shall operate on-site as part of the expansion.
4. The Applicants shall vacate the property line between the two five acre lots in order to create one ten acre lot prior to the release of the site plan for the addition.
5. This special permit shall not expire unless the applicant has not begun construction of the church within two (2) years of the approval of this permit.
6. Site plan approval is required.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT07-CR-033, FAMILY WORSHIP CENTER TRUSTEES
(OWNER/APPLICANT) – FAMILY WORSHIP CENTER**

Applicant is requesting renewal of a previously approved special permit to construct a place of worship, PIN #7900-52-2655-000, located on Dowell Road, Cedar Run District, Midland, Virginia.

Mr. Morgan 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. Harold Byler, 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. Guerra 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 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 application materials submitted as part of this Special Permit application, with adjustments to the layout made as necessary to accommodate landscaping requirements.
2. No off-street parking or loading area shall be located within any required yard or within twenty-five (25) feet of any lot line in or adjoining a Residential or Rural District.
3. 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.
4. This special permit shall not expire unless the applicant has not begun construction of the church within two (2) years of the approval of this permit.
5. Site plan approval is required.

The motion carried unanimously.

ZONING APPEAL #ZNAP07-MA-006, THE SALAHI FAMILY LIMITED PARTNERSHIP/DIRGHAM & CORINNE SALAHI (OWNERS)/THE SALAHI FAMILY LIMITED PARTNERSHIP/TAREQ SALAHI (APPLICANT) – OASIS WINERY & VINEYARD

Applicant is appealing the Zoning Administrator's determination that they are in violation of Fauquier County Zoning Ordinance Sections 2-102, 2-303, 3-313(10), 12-201 and 13-501 (Operation of a business or professional office without approval of a special permit, zoning permit, or site plan); Sections 2-102 and 2-302(10), (Operation of a limousine service beyond bringing customers to and from the Oasis Winery), PIN #5998-87-0439-000 and 5998-88-4344-000, located at 4709 Oasis Lane and 4702 Oasis Lane, Marshall District, Hume, Virginia.

Note: This is a public meeting, not a public hearing.

Ms. Johnson stated that the applicant has requested a six (6) month deferral and staff has no objection.

SPECIAL PERMIT #SPPT07-LE-034, OPAL STORAGE, LLC (OWNER)/E. SCOTT & SANDRA F. MERRIMAN (APPLICANTS) – SCENIC AMERICA, INC.

Applicants are requesting special permit approval to locate a bus touring company on the site, PIN #6980-47-0627-000, located at 10210 Marsh Road, Lee District, Bealeton, Virginia.

Mr. Morgan 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. Meadows asked if the size of the vehicles was taken into consideration when making the parking calculations.

Mr. Morgan responded that, while the size of the vehicles has not been taken into consideration, the existing gravel area does provide sufficient space for the buses to be parked.

Mr. Scott Merriman, 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. Van Luven 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. All bus parking shall be designated on-site and provided on a site plan as provided on the concept plan and approved by the county.
2. In the event that any changes, construction or alterations are proposed to the existing site, an amendment to the special permit and the site plan will be required. This includes any

new construction under the approved Major Site Plan for Opal Storage (SPMA05-LE-010).

3. Additional trees shall be planted south of the existing entrance consistent with the landscaping along the northern front property line that currently faces along Route 17.
4. All repair, maintenance, and routine service shall be conducted completely within the enclosed building.
5. The special permit shall be granted for a period of ten (10) years.

The motion carried unanimously.

OTHER BUSINESS:

Ms. Johnson stated that Mr. Harry Russell, who has been appointed to the BZA, will be starting in August.

Mrs. Gallehr stated that Kevin Burke will fill in for her at the August meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:37 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.