

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

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON NOVEMBER 1, 2007 AT 10:00 A.M. IN WARRENTON, VIRGINIA.

Members present were Mr. John Meadows, Chairperson; Mr. James W. Van Luven, Secretary; Mrs. Margaret Mailler, Vice-Chairperson; Mrs. Sonja R. Addison; Mr. Serf Guerra; Mr. Harry R. Russell; and Mr. Maximilian Tufts. Also present was Mr. Wally Horton, Senior Planner.

SITE VISITS:

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

1. Lawrence R. Fellenz, Jr. & Frances Florio-Fellenz at 10:33 a.m.
2. Capital Management Group, LLC at 11:18 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, November 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; Mr. James W. Van Luven, Secretary; Mrs. Margaret Mailler, Vice-Chairperson; Mrs. Sonja R. Addison; Mr. Serf Guerra; Mr. Harry R. Russell; and Mr. Maximilian Tufts. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kim Johnson, 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 October 4, 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 #SPPT08-CR-013, WAT LAO BUDDHAVONGSA TEMPLE TRUSTEES (OWNERS/APPLICANTS) – WAT LAO BUDDHAVONGSA TEMPLE

Applicants are requesting an amendment to a previously approved special permit to allow for the expansion of an existing place of worship, PIN #7933-31-4068-000 and 7933-51-1023-000, located at 3043 Catlett Road, Cedar Run District, Catlett, Virginia.

Postponed.

SPECIAL PERMIT #SPPT08-CR-014, LAWRENCE R. FELLEENZ, JR. & FRANCES FLORIO-FELLEENZ (OWNERS)/LAWRENCE R. FELLEENZ, JR. (APPLICANT) – ACE CONTRACTING SERVICES, INC.

Applicant is requesting special permit approval to operate a small contracting business as a home occupation, PIN #7847-56-9265-000, located at 1585 Aquia Road, Cedar Run District, Midland, 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.

Mr. Lawrence Fellenz, Jr., applicant, expressed agreement with the staff report. Mr. Fellenz stated that his excavating equipment usually remains at the job site. Mr. Fellenz further stated that there are already a number of trucks using Aquia Road (Route 610) and that his two trucks will not cause an undue impact on his neighbors or adversely affect the safety of road usage.

Mr. Gregg Poe, a neighbor, spoke in opposition to the granting of this special permit. Mr. Poe voiced concern about the effect of having a business in a residential area and how this might affect property values.

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

On motion made by Mrs. Addison 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.
7. The type and amount of traffic generated by the particular use is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

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 use shall be limited to that described in the application and materials submitted for this case, with a maximum of 5,000 square feet of outdoor parking/storage area.
2. No more than four (4) employees, including the applicant, shall work in the business.
3. No more than two (2) trucks and three (3) pieces of equipment shall be stored on-site and such vehicles and equipment shall only be parked/stored in the designated 5,000 square foot storage area. Materials such as septic tank lids, distribution boxes and other concrete items may also be stored within the designated 5,000 square foot area.
4. This special permit expires one (1) year from date of approval, and may be renewed administratively consistent with the provisions set forth in Section 5-204.10 of the Zoning Ordinance.
5. Site plan approval is required.
6. Vegetation shall be planted on the berm within three (3) months from the date of approval of the special permit.
7. As the dirt that the BZA saw on its site visit is removed, vegetation shall be planted.
8. Additional screening and landscaping shall be provided in front of the property.
9. No more than the five (5) trucks over 1 ½ ton shall be stored on the property.

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

Amend Condition #8 to read:

8. Screening, including fencing, shall be provided along the road to completely screen the use from view.

Delete Condition #9.

The amended motion carried unanimously.

**SPECIAL PERMIT #SPPT08-CT-016, CAPITAL MANAGEMENT GROUP, LLC
(OWNER/APPLICANT) – LOT 6, WARRENTON LAKES SUBDIVISION**

Applicant is requesting special permit approval to operate a business office with six (6) or less employees, PIN #6985-90-9832-000, located on Lee Highway Access Road, Center District, Warrenton, 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.

Mr. Aron Newby, applicant, expressed agreement with the staff report. Mr. Newby stated that he has reached an agreement with the Warrenton Lakes Homeowners' Association that alleviates their drainage concerns. Mr. Newby further stated that he is requesting a sign that is visible yet does not create an undue impact on the residential character of the neighborhood.

Mr. Pat Nutz, representing the Warrenton Lakes Homeowners' Association, spoke in support of the granting of this special permit. Mr. Nutz stated that he and the applicant have met together and come to an agreement regarding the drainage concerns.

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. 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 proposed use shall be generally consistent with the materials submitted with the special permit application, with the building designed with the exterior appearance of a residential structure.
2. A maximum of six (6) persons may work at the site including part-time employees.
3. No retail or wholesale sales or storage shall occur on the property. The property shall not be utilized for the storage of equipment or materials associated with the business, or for the staging of construction workers.
4. Office hours shall be limited to the period between 8:30 a.m. and 8:00 p.m., Monday through Saturday.
5. No parking shall be located in front of the building, except within the driveway.
6. All parking spaces shall be screened so that they are not visible from the first story window levels of the adjoining property.
7. Any lighting shall be consistent with that typically found in a residential area, as determined by the Zoning Administrator.
8. The maximum sign allowed shall not exceed twelve (12) square feet, with a six foot height limit and no lighting.
9. The finished floor elevation of the building shall be higher than the 10-year elevation of the creek water surface.
10. A site plan is required for this use.
11. The building must be higher than the dam breach analysis level, as defined by the Warrenton Lakes Homeowners' Association.
12. The special permit shall be limited to a period of five (5) years.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-LE-019, VERNON R. & ANN E. WILHELM (OWNERS)/VERNON R. WILHELM (APPLICANT) – VERN'S PLUMBING, INC.

Applicant is requesting special permit approval to operate a contractor's office, PIN #6899-32-2851-000, located at 11182 Remington Road, Lee District, Bealeton, Virginia.

Postponed.

OTHER BUSINESS:

None.

ADJOURNMENT:

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