

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
DECEMBER 6, 2007**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON DECEMBER 6, 2007 AT 9:30 A.M. IN WARRENTON, VIRGINIA.

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

SITE VISITS:

Mr. Horton reviewed the site visit agenda and stated that there would be five (5) site visits as follows:

1. Vernon R. & Ann E. Wilhelm at 9:52 a.m.
2. Shawn J. Noel at 10:19 a.m.
3. Living Acres, Inc. at 10:45 a.m.
4. Warrenton Management Associates, Inc. at 11:03 a.m.
5. Piedmont Investment, LC at 11:24 a.m.

With no further business, the meeting was adjourned at approximately 11:43 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, December 6, 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; Mrs. Sonja R. Addison; 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. Member absent was Mr. Serf Guerra.

MINUTES:

On motion made by Mr. Tufts and seconded by Mrs. Addison, it was moved to approve the November 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.

SPECIAL PERMIT #SPPT08-CT-015, WARRENTON MANAGEMENT ASSOCIATES, INC. (OWNERS)/GENCO OLIVE OIL COMPANY, LLC (APPLICANT) – THE GODDARD SCHOOL

Applicant is requesting special permit approval to operate a preschool, PIN #6984-84-6403-000 and 6984-84-4741-000, located on Millfield Drive, Center District, Warrenton, Virginia.

Ms. Johnson 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. Walter Hitchcock, representative, expressed agreement with the staff report. Mr. Hitchcock stated that after numerous conversations with members of the community, he noticed that there is a great need for daycare centers in this area. Mr. Hitchcock also stated that having the proposed daycare center in this location would eliminate three potential home sites, thereby easing the burden on the school system. Mr. Hitchcock further stated that this site is ideal because of its easy accessibility to a number of subdivisions.

Mr. Bill Chipman, representative, stated that his firm will be constructing the building. Mr. Chipman also emphasized that while this proposed site is not within a subdivision, it is easily accessible to a number of developments.

Ms. Kristen McAuliffe, a neighbor, stated that she is not for or against approval of the special permit. However, Ms. McAuliffe expressed concern about the safety of the neighborhood, stating that the preschool has the potential to drastically change the traffic flow in the area with a potential for 400 – 500 cars per day. Ms. McAuliffe asked the Board to consider requiring the installation of a stop sign as well as speed limit, *School Zone* and *Children at Play* signs in the neighborhood.

Thomas J. Ross, II, Esquire, representative, expressed concern about the suggestion of having a time limit placed on this special permit because of the significant commitment that would be made on the part of the property owners, financial institutions, as well as the families who have enrolled in the preschool.

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

After discussion regarding signs (speed limit, stop sign, *Children at Play* and *School Zone*), on motion made by Mr. Van Luven and seconded by Mr. Russell it was moved to postpone action on this item for up to ninety (90) days pending additional information being provided by the applicant.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-MA-017 & SPPT08-MA-018, PIEDMONT INVESTMENT, LC (OWNER/APPLICANT) – PIEDMONT INVESTMENT LOT 3R

Applicant is requesting special permit approval to construct a new building to be utilized for a contractor's office with storage, and retail sales, PIN #6969-78-8867-000, located at 4178 Old Stockyard Road, Marshall District, Marshall, Virginia.

Ms. Johnson stated that the applicant has requested a thirty (30) day postponement.

Mr. Meadows opened the public hearing.

Mr. Jim Carson, representative, stated that the applicant is requesting a thirty (30) day postponement after speaking with Mr. Peter Schwartz, incoming Board of Supervisors' member (Marshall District), regarding the layout of the proposed building.

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

On motion made by Mrs. Mailler and seconded by Mr. Tufts, it was moved to postpone consideration of this application until the next regularly scheduled meeting.

The motion carried unanimously.

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

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 in the existing building and to construct an additional building for the use, PIN #6899-32-2851-000, located at 11182 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, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Vernon Wilhelm, applicant, expressed agreement with the staff report.

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

After discussion, 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 information and drawings submitted with the special permit application drawings, except as specifically modified by the conditions below or to meet Zoning Ordinance requirements.
2. Additional parking shall be provided to meet Zoning Ordinance requirements, as determined during the site plan process.
3. Evergreen buffering, sufficient to screen the addition and associated improvements from adjoining properties shall be provided along the southern and western property lines.
4. No equipment and/or materials shall be stored on-site, except for the indoor warehousing of plumbing supplies within the proposed addition.
5. The addition shall be designed to resemble a dwelling to the satisfaction of the Zoning Administrator.
6. A Site Plan is required for this use.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-MA-020, SHAWN J. NOEL (OWNER/APPLICANT)

Applicant is requesting special permit approval for an increase in the maximum building height beyond thirty-five (35) feet, PIN #6962-54-6676-000, located on Oxford Way, Marshall 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. Shawn Noel, 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. Tufts 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 maximum height allowed shall be 38 feet, with a minimum setback of 400 feet for the house as shown on the plat submitted with the application.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-MA-021, LIVING ACRES, INC. (OWNER)/CECIL & REBECCA CAMPBELL (APPLICANTS) – LIVING ACRES NURSERY

Applicants are requesting an amendment to an approved special permit for a plant nursery and greenhouse with retail sales to add farm equipment, sales, rental, and service, PIN #6982-10-4663-000, located at 7185 Burke Lane, Marshall 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. Cecil Campbell, applicant, expressed agreement with the staff report and clarified that it is his intent to sell farm equipment as well as riding mowers.

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 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 property is approved for use as a Greenhouse/Nursery with Retail Sales and as Farm Equipment Sales, Rental and Service, consistent with the materials submitted with this application including the special permit plat. Adjustments to the layout shown on the plat may be made to comply with the following conditions or to meet Zoning Ordinance requirements.
2. No sales of power tools, garden vehicles or machinery shall be conducted in association with the Nursery/Greenhouse business. The greenhouse and the new business will be separate entities.
3. Parking spaces depicted in the front yard on the Special Permit plans shall be relocated outside of the required front yard.
4. Outdoor display of equipment and materials shall be limited to the area identified on the special permit application drawings.

5. Access to both uses shall be from Route 1013 (Burke Lane) only.
6. A Site Plan is required for this use.

The motion carried unanimously.

SPECIAL PERMIT #SPPT08-MA-022, FRESTA VALLEY CHRISTIAN SCHOOL, LTD. (OWNER/APPLICANT) – FRESTA VALLEY CHRISTIAN SCHOOL

Applicant is requesting special permit approval to operate a preschool, PIN #6956-24-1534-000 and 6956-25-6041-000, located at 6392 Wilson Road and 6428 Wilson Road, Marshall District, Marshall, Virginia.

Postponed.

OTHER BUSINESS:

Mrs. Gallehr stated that the pending Zoning Appeal related to Oasis Winery will come back before the Board at its next regularly scheduled meeting for consideration of a request for deferral.

Ms. Johnson informed the Board that a Text Amendment to change the way building height is measured as well as authorizing the Zoning Administrator to approve an increase in building height up to 40 feet is currently being considered.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:02 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.