

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
FEBRUARY 2, 2006**

**AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON FEBRUARY 2, 2006 AT 10:45 A.M. IN WARRENTON, VIRGINIA.**

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

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

1. Dennis G. & Mary L. Hite
2. James M. Showalter and Sherry L. Johnson
3. Mary Beth Williams

With no further business, the meeting was adjourned at approximately 11:45 a.m., to reconvene at 2:00 p.m. at the Warrenton Police Department's Community Room, 333 Carriage House Lane, Warrenton, Virginia.

**MEETING:**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, February 2, 2006, beginning at 2:00 p.m. in the Warrenton Police Department's Community Room, 333 Carriage House Lane, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mrs. Margaret Mailler, Vice-Chairperson; Mr. James W. Van Luven, Secretary; Mrs. Carolyn Bowen; Mr. Serf Guerra; Mr. Roger R. Martella, Jr. and Mr. Maximilian Tufts. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Mr. Fred Hodge, Senior Planner; Mrs. Debbie Dotson, Planning Associate and Mrs. Fran Williams, Administrative Specialist.

**MINUTES:**

On motion made by Mr. Van Luven and seconded by Mr. Tufts, the BZA moved to approve the January 5, 2006 minutes.

The motion carried unanimously.

**LETTERS OF NOTIFICATION AND PUBLIC NOTICE:**

Mrs. Williams read the Public Hearing protocol. Mr. Hodge 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 #SPPT05-CR-032, DENNIS G. & MARY L. HITE (OWNERS)**

Owners are requesting special permit approval to operate a small contracting business as a home occupation, PIN #7923-39-1149-000, located at 4115 Dumfries Road, Cedar Run District, Catlett, Virginia. *Note: Public Hearing was re-opened on February 2, 2006.*

Mr. Hodge 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. Dennis Hite, applicant, expressed agreement with the staff report.

Mrs. Mailler congratulated the applicant on the amount of work he has done at the site. Mrs. Mailler stated that on the site visit she did notice the remains of an oil leak.

Mr. Hite acknowledged that he had recently repaired a truck with an oil leak, but stated that after being in business for a period of approximately twenty-five (25) years he has never had more than a minor spill.

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

Mrs. Bowen suggested that a time limit of three (3) years be placed on this special permit if it is approved so that a re-evaluation could be made. Mrs. Bowen asked about the type of petroleum containment area that would be required.

Ms. Johnson stated that she would confer with the County Engineer and Building Official in order to make that determination.

On motion made by Mr. Van Luven and seconded by Mrs. Bowen 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 special permit application drawing and information provided by the applicant in the special permit application, except as may be specifically modified by these conditions.
2. The use shall be limited to:
  - a.) Collecting used oil off-site into a tanker truck and delivery of that oil to off-site construction locations. No oil may be stored on-site except within the tanker truck itself, and no oil may be transferred on-site from one vehicle or tank to another.
  - b.) Resale of used oil tanks to the oil customers, as an accessory use. No more than three (3) empty oil tanks shall be kept on the site at one time.
3. No more than one (1) person proposed by the applicant (the applicant) shall be engaged in the on-site conduct of business.
4. The equipment/vehicles to be located and stored on the site related to the business shall be limited to:
  - a.) Two (2) tanker trucks;
  - b.) One (1) flatbed truck;
  - c.) Three (3) oil tanks.
5. The applicant shall design and install a petroleum containment area that will hold a minimum of 3,500 gallons. The design for the facility shall be approved by the Fauquier County Zoning Administrator. The oil tanker trucks shall be parked on this impervious surface. The containment area shall be installed within 120 days of the date of special permit approval.
6. The special permit is granted for a period of three (3) years, with the Zoning Administrator authorized to grant two (2) additional annual renewals.
7. Access to the subject property shall be granted to the Zoning Administrator and Zoning staff to ensure compliance with the conditions of the special permit.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT06-CT-018, JAMES M. SHOWALTER AND SHERRY L. JOHNSON (OWNERS)/SHERRY L. JOHNSON (APPLICANT)**

Applicant is requesting special permit approval to operate a beauty salon as a home occupation, PIN #7904-09-2751-000, located at 5713 Marigold Lane, Center District, Warrenton, Virginia.

Mr. Hodge 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.

Ms. Sherry Johnson, applicant, expressed agreement with the staff report.

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

On motion made by Mrs. Mailler 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 use shall be generally consistent with the information submitted with the special permit application.

2. Routine appointments generally shall be limited to 8:30 a.m. to 7:30 p.m. on Monday and Wednesday, 8:30 a.m. to 5:00 p.m. on Tuesday, Thursday, and Friday and 8:00 a.m. to 1:00 p.m. on Saturday.
3. No client vehicles shall be parked on the public street.
4. No more than one (1) client shall be scheduled at any time, and each client shall be scheduled at least two (2) hours apart.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT06-SC-019, MARY BETH WILLIAMS  
(OWNER/APPLICANT)**

Applicant is requesting special permit approval for a professional office with three (3) or less employees for counseling services, PIN #6996-55-8972-000, located at 6317 Fosters Fork Road, Scott District, Warrenton, Virginia.

Mr. Hodge 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. Fred Gosney, applicant's representative, expressed agreement with the staff report.

Mr. Brian McMullen, a neighbor, spoke in opposition to granting the special permit. Mr. McMullen expressed concern about having individuals with a post-traumatic stress disorder driving on Fosters Fork Road (Route 673) and Old Bust Head Road (Route 694), which are single-lane, dirt roads to reach the applicant's home, especially since there are a number of school bus stops in the area. Mr. McMullen expressed further concern about the possibility of patients gaining access to firearms that may be kept in the applicant's home.

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

The Board discussed limiting the hours to 10:00 a.m. until 2:00 p.m. in order to avoid any traffic during bus times.

On motion made by Mrs. Bowen 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 applicant shall be the lone employee of the business.
2. Routine appointments generally shall be limited to 10:00 a.m. until 2:00 p.m., Monday through Saturday.
3. No parking will be permitted on the public streets.
4. The special permit is approved for a period of three (3) years.
5. Appointments shall be staggered so that there will be only one (1) client on the property at a time.

The motion carried unanimously.

#### **OTHER BUSINESS:**

Mrs. Gallehr presented an update to the Board on litigation issues. Mrs. Gallehr stated that she had misspoken when she said that Bob Mitchell, Esquire, had been retained by the County, on behalf of the BZA, in the Michael Prentiss case. Mr. Mitchell has been retained in the E. C. Investors, LLC case.

Mrs. Gallehr stated that a trial date in the Michael Prentiss case has been scheduled for June 2006 and more information will be provided closer to that date.

Mrs. Gallehr updated the Board on the Ray Pennington case, stating that a policy has been issued by a Title Insurance Company and evidence is to be presented in the near future concerning when the parcel was created.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 2:40 p.m.

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John R. Meadows, Chairperson

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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. However, due to an equipment malfunction, there is no recording of the meeting.*