

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JUNE 1, 2006**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON JUNE 1, 2006 AT 9:45 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; Mr. Roger Martella 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 four (4) site visits as follows:

1. D & T Associates Limited Partnership
2. Wallace F. & Patricia V. Smith
3. Fauquier County Fair, Inc.
4. Opal Storage, LLC

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

MEETING:

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, June 1, 2006, 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. Carolyn Bowen; Mr. Serf Guerra; Mr. Roger Martella; and Mr. Maximilian Tufts. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Mr. Fred Hodge, 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 May 4, 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 #SPPT99-CT-017, FAUQUIER COUNTY FAIR, INC. & FAUQUIER COUNTY BOARD OF SUPERVISORS (OWNERS)/FAUQUIER COUNTY FAIR, INC. (APPLICANT)

Applicant is requesting a special permit amendment to utilize additional land for fairground use and clarify allowed activities, PIN #6993-27-9115-000 and 6993-16-9798-000 (a portion of), located at 6209 Old Auburn Road and 8339 Meetze Road, 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 as well as on May 4, 2006.

Mr. Meadows stated that the public hearing was still open.

Mr. Dave Newman, representative, expressed partial agreement with the staff report, but stated that he has some reservation about the following items:

- Limiting the number of indoor events to two (2) per week.
- Requiring thirty (30) days notice of planned events.
- Requiring traffic control for every event.
- Requiring that no doors or windows be open for “Indoor Events.”

Mr. Newman stated that it is the Fair Board’s intent to provide a much needed service to the community while still being a good neighbor. Therefore, he requested that these proposed stipulations be revised.

The Board discussed Mr. Newman’s concerns.

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

On motion made by Mr. Van Luven and seconded by Mr. Martella, 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 approved site plan for the site, with the additional 4.25 acres being added with this amendment to be utilized for temporary overflow parking.
2. FAIR: The fairgrounds may be utilized for the following fair events:
 - a. Annual Fair
One fair per year up to 4-days in length is authorized, with additional days before and after as necessary for set-up and clean-up; no limit on number of attendees or hours of operation.
 - b. Fair Board and Planning Meetings
Up to twenty (20) per year, indoors, maximum 25 attendees.
 - c. Fair Fundraisers
Up to six (6) per year, with no more than 400 attendees per event and no more than two (2) of the events being held outdoors, with such outdoor events held only on weekends during the day-time. To qualify as a Fair fundraiser, all proceeds of the event must go to the Fair.
3. 4-H: The fairgrounds may also be utilized for the following 4-H events:
 - a. Up to five (5) 4-H club meetings per month, held inside, ending before 10 p.m. and no more than 100 attendees.
 - b. Up to two (2) 4-H events per month, maximum 200 attendees. All events to be held indoors except livestock related shows/exhibitions.
4. OTHER EVENTS
The fairgrounds may be utilized for other events, to include: church and business meetings and luncheons; weddings, funerals, birthday and anniversary receptions and/or celebrations; school events; fundraisers; and auctions; subject to the following limitations:
 - a. Indoor:
No more than four (4) such indoor events per week with no more than 50 attendees plus one (1) additional indoor event per month having no more than 300 attendees.

- b. Outdoor:
No more than ten (10) outdoor events per year, limited to 300 attendees except one of the events may have up to 600 attendees. No outdoor event may have amplified music. All outdoor events must occur during daylight hours.
5. The Fair Board shall provide a listing of projected events to the Zoning Administrator on a quarterly basis, to include no less than 30 days notice of planned events, where practical.
 6. Adequate facilities, emergency services availability and traffic control shall be provided for events with 200 or more attendees. Certification shall be submitted to the Zoning Administrator at least two weeks prior to the event showing that these issues have been coordinated with the County Health Department, Virginia Department of Transportation and Fauquier County Emergency Services.
 7. Any events other than those approved as part of this special permit may be allowed but shall require approval of a separate special use permit by the Board of Zoning Appeals.
 8. For the purposes of this permit “Indoor Events” shall mean that the event occurs entirely within the enclosed multi-purpose building on-site or within any other new, similarly enclosed buildings. No doors or windows shall be open for “Indoor Events” during those periods of amplified music.
 9. This special permit is approved for a time period of ten (10) years.

After discussion, it was moved by Mr. Van Luven and seconded by Mr. Martella to amend the previous motion as follows:

1. The site shall be in general conformance with the approved site plan for the site, with the additional 4.25 acres being added with this amendment to be utilized for temporary overflow parking. Temporary overflow parking area shall not be paved until developed by the County as part of the recreation complex.
2. FAIR: The fairgrounds may be utilized for the following fair events:
 - a. Annual Fair
One fair per year up to 4-days in length is authorized, with additional days before and after as necessary for set-up and clean-up; no limit on number of attendees or hours of operation.
 - b. Fair Board and Planning Meetings
Up to twenty (20) per year, indoors, maximum 25 attendees.
 - c. Fair Fundraisers
Up to six (6) per year, with no more than 400 attendees per event and no more than two (2) of the events being held outdoors, with such outdoor events held only on weekends during the day-time. To qualify as a Fair fundraiser, all proceeds of the event must go to the Fair.

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 - a. Up to five (5) 4-H club meetings per month, held inside, ending before 10 p.m. and no more than 100 attendees.
 - b. Up to two (2) 4-H events per month, maximum 200 attendees. All events to be held indoors except livestock related shows/exhibitions.

4. OTHER EVENTS
 The fairgrounds may be utilized for other events, to include: church and business meetings and luncheons; weddings, funerals, birthday and anniversary receptions and/or celebrations; school events; fundraisers; and auctions; subject to the following limitations:
 - a. Indoor:
 No more than four (4) such indoor events per week with two (2) having no more than 50 attendees plus two (2) additional indoor events per week having no more than 300 attendees.
 - b. Outdoor:
 No more than ten (10) outdoor events per year, limited to 300 attendees except one of the events may have up to 600 attendees. No outdoor event may have amplified music. All outdoor events must occur during daylight hours.

5. The Fair Board shall provide a listing of projected events to the Zoning Administrator on a quarterly basis, to include no less than 30 days notice of planned events, where practical.

6. Adequate facilities, emergency services availability and traffic control shall be provided for events with 200 or more attendees. Certification shall be submitted to the Zoning Administrator at least two weeks prior to the event showing that these issues have been coordinated with the County Health Department, Virginia Department of Transportation and Fauquier County Emergency Services.

7. Any events other than those approved as part of this special permit may be allowed but shall require approval of a separate special use permit by the Board of Zoning Appeals.

8. For the purposes of this permit “Indoor Events” shall mean that the event occurs entirely within the enclosed multi-purpose building on-site or within any other new, similarly enclosed buildings. No doors or windows shall be open for “Indoor Events” during those periods of amplified music.

9. This special permit shall be granted for a period of ten (10) years.

The motion carried unanimously, as amended.

SPECIAL PERMIT #SPPT06-LE-033, OPAL STORAGE, LLC (OWNER)/JANET BAGGETTE (APPLICANT) – FAUQUIER ACTIVITY SERVICES

Applicant is requesting special permit approval to operate an indoor technical school, PIN #6980-47-0627-000, located at 10210 Marsh Road, Lee District, Bealeton, 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. Guerra inquired about the definition of an “indoor technical school.”

Mr. Hodge responded that the Zoning Ordinance defines an “indoor technical school” as “a technical school in which all instruction, practice, demonstration and other related activities are conducted within a building(s); includes automobile driving schools where all practice and demonstration is conducted on VDH&T maintenance highways.”

Mr. Michael Munson, representative, expressed agreement with the staff report. Mr. Munson stated that Fauquier Activity Services provides a much needed service for the County’s youth by offering instruction in tumbling, gymnastics, dance, karate, and competition cheerleading.

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

Mrs. Bowen inquired about the designated parking spaces for this facility. Ms. Johnson responded that this issue would be considered during the site plan approval process.

On motion made by Mrs. Mailler 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 use shall be generally consistent with the drawings and information submitted with the special permit application except that the outdoor recreational areas shown on the plan are not approved with this permit.
2. Hours of operation shall be 8:00 a.m. until 10:00 p.m. Sunday through Saturday.
3. There shall be a maximum of eight full-time/part-time employees and 15 volunteer employees.
4. Site plan approval is required.
5. The special permit shall be granted for a period of five (5) years.

The motion carried unanimously.

SPECIAL PERMIT #SPPT06-MA-034, D & T ASSOCIATES LIMITED PARTNERSHIP (OWNER/APPLICANT) – MARSHALL CAR WASH

Applicant is requesting special permit approval to operate a car wash, PIN #6969-68-6810-000, located off West Main Street, Marshall District, Marshall, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of the minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. David Baird, applicant, expressed agreement with the staff report, but requested clarification on the number of parking spaces required. Mr. Baird stated that according to his understanding of the Zoning Ordinance, a total of fifteen (15) parking spaces are required.

Ms. Johnson stated that the Zoning Ordinance requires a total of nineteen (19) parking spaces.

After discussion, Mr. Baird requested a postponement of action on this application for a period of up to ninety (90) days.

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

On motion made by Mr. Van Luven and seconded by Mr. Tufts, it was moved to grant a postponement of action on this application for a period of up to ninety (90) days.

The motion carried unanimously.

SPECIAL PERMIT #SPPT06-LE-035, WENDELL P. & BEVERLY L. ENNIS (OWNERS/APPLICANTS) – ENNIS DEVELOPMENT

Applicant is requesting an amendment to a previously approved special permit to allow vehicle part sales and installation, PIN #6899-24-3818-000, located at 11084 Marsh Road, Lee District, Bealeton, Virginia.

Mr. Meadows recused himself from any vote and/or discussion on this application and turned the meeting over to Mrs. Mailler.

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

Mrs. Mailler opened the public hearing.

Mr. Dell Ennis, applicant, expressed agreement with the staff report, but clarified that he is requesting that the proposed vehicle parts store be located in the two (2) vacant northernmost store fronts (space A and B) on the existing building located at 11084 Marsh Road, Bealeton, Virginia.

In that there were no further speakers, Mrs. Mailler closed the public hearing.

On motion made by Mr. Van Luven 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 previously approved site plan issued for the site.
2. This approval is for the expansion of permitted uses to include vehicle part sales, supplies, and accessories.

3. No installation of parts will be allowed on-site.

The motion carried 6-0, with Mr. Meadows abstaining.

AYES: Mrs. Mailler, Mr. Van Luven, Mrs. Bowen, Mr. Guerra, Mr. Martella,
Mr. Tufts

NAYS: None

ABSTENTION: Mr. Meadows

ABSENT: None

**SPECIAL PERMIT #SPPT06-LE-036, F & J PROPERTIES, LC (OWNER)/THREE
FLAGS ASSOCIATES, LLC (APPLICANT) – ASHLEY GLEN DAY CARE CENTER**

Applicant is requesting special permit approval to operate a preschool and day care center, PIN #6889-50-5884-000, located at the intersection of Catlett Road (Route 28) and Whipkey Drive, Lee District, Bealeton, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of the minutes. Mr. Hodge stated that the applicant has requested a thirty (30) day postponement of action on this item so that issues regarding the required open space can be resolved.

Mr. Meadows opened the public hearing.

Ms. Carol Holtslander, representing property owners in the Ashley Glen Subdivision, stated that one of her neighbors was told there would be no development on this parcel since it is in the floodplain. Ms. Holtslander expressed concern about increased traffic, night lighting as well as a buffer zone since the parcel contains a stream that frequently floods.

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

On motion made by Mr. Van Luven and seconded by Mr. Tufts, it was moved to postpone action on this item for thirty (30) days.

After discussion, it was moved by Mr. Van Luven and seconded by Mr. Tufts to amend the previous motion and postpone action on this item until the next regularly scheduled meeting.

The motion carried unanimously, as amended.

**SPECIAL PERMIT #SPPT06-CT-037, WALLACE F. & PATRICIA V. SMITH
(OWNERS/APPLICANTS) – HIDDEN HOLLOW STABLES**

Applicant is requesting special permit approval to operate an equestrian facility for boarding and instruction (non-spectator), PIN #6985-61-9622-000, located at 6535 Hidden Hollow Lane, Center District, Warrenton, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of the minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Wallace Smith, applicant, expressed agreement with the staff report, but clarified that he is requesting that horse trailers be allowed on the site for loading and unloading, but not be parked there. Mr. Smith further stated that while they are not proposing an instructional facility at this time, they would like those who board horses there to be able to bring in instructors for their children or others.

Ms. Patricia Smith, applicant, stated that they are further requesting that they be allowed to “field board” horses in their pasture.

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 use shall be generally consistent with the information and drawing submitted with the special permit application.

The motion carried unanimously.

OTHER BUSINESS:

Mrs. Gallehr updated the Board on litigation issues, stating that a hearing will be held in mid-June on the Michael Prentiss case.

Mrs. Gallehr further stated that a Zoning Ordinance Text Amendment is being proposed to resolve title defects, which may resolve the Ray Pennington case.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:50 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 year.