

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
AUGUST 3, 2006**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, August 3, 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; and Mr. Maximilian Tufts. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Ms. Sandy McCuin, Administrative Associate; and Mrs. Fran Williams, Administrative Specialist. Member absent was Mr. Roger Martella.

MINUTES:

On motion made by Mrs. Bowen and seconded by Mrs. Mailler, it was moved to approve the July 6, 2006 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-CR-001, LEROY E. & LYNN C. DICE
(OWNERS/APPLICANTS)**

Applicants are requesting a renewal of a previously approved special permit to operate a professional office with six (6) or less employees for therapeutic massage and an identification sign up to two (2) square feet, PIN #7914-95-0380-000, located at 4118 Ringwood Road, Cedar Run District, Nokesville, Virginia.

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

Mr. Meadows opened the public hearing.

Mrs. Lynn Dice, applicant, expressed agreement with the staff report.

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

Mrs. Bowen suggested that, if approved, a time limit should be placed on this special permit in case of changes in the neighborhood.

Mr. Guerra expressed agreement with Mrs. Bowen that a time limit should be placed on this application, if approved. Mr. Guerra noted that the County's growth rate had remained steady at 2% or less until 2002, but since that time we have seen a sharp increase. Mr. Guerra cautioned that if a time limit is not placed on approvals, the Board might be creating non-conforming uses for the future. Mr. Guerra stated that while he would like to see a ten (10) year time limit placed on this approval, he would support the Board's recommendation.

On motion made by Mrs. Bowen 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 as well as the specific standards for the use set forth in Article 5.

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 a single practitioner utilizing a single treatment room/office.
2. No more than one (1) client shall be on the site at any one time, with no more than fifteen (15) clients per week.
3. Hours of operation are limited to 9:00 a.m. to 7:00 p.m.
4. An identification sign up to two (2) square feet is authorized.
5. The special permit shall be granted for a period of fifteen (15) years.

The motion carried unanimously.

SPECIAL PERMIT #SPPT07-SC-002, FAIRVIEW FARM LTD. (OWNER)/FAIRVIEW GOLF PARTNERS (APPLICANTS) – FAIRVIEW GOLF CENTER

Applicants are requesting reapproval of an expired special permit to operate a golf practice facility, PIN #7906-74-8395-000, located at 5020 Lee Highway, Scott District, Warrenton, Virginia.

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

Mr. Meadows opened the public hearing.

Mr. Mike Forsten, representative, 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 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 as well as the specific standards for the use set forth in Article 5.

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 materials submitted with the original 1996 application, and attached to the 2006 reapproval application.

2. Retail shall be limited to patrons of the practice facility.
3. A single trailer may be parked on the site for storage; such trailer shall be located on-site in a manner screened from view to Route 29.
4. Hours of operation are from sunup to sundown.
5. Lighting is to be only on the four corners of the building and is to be aimed down at the ground.
6. The permit shall be granted for a period of twenty (20) years.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Meadows congratulated Mrs. Gallehr on her recent court victory in the Michael Prentiss case.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:20 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.