

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 7, 2006**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON SEPTEMBER 7, 2006 AT 9:30 A.M. IN WARRENTON, VIRGINIA.

Members present were Mr. John Meadows, Chairperson; Mr. James W. Van Luven, Secretary; Mrs. Carolyn Bowen; Mr. Serf Guerra; and Mr. Maximilian Tufts. Also present was Mr. Doug Morgan, Senior Planner.

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

1. Roberta Rust Jeffries
2. Dan S. & Cheryl S. Mortland
3. Kathleen W. Taylor

With no further business, the meeting was adjourned at approximately 12:00 p.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, September 7, 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; 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; and Mrs. Fran Williams, Administrative Specialist. Members absent were Mrs. Margaret Mailler, Vice-Chairperson and Mr. Roger Martella.

MINUTES:

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to approve the August 3, 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-LE-003, CRANES CORNER, LLC (OWNER)/ANGLER DEVELOPMENT (APPLICANT) – LIBERTY STATION PHASE 5

Applicant is requesting special permit approval for the construction of six (6) buildings with 46,200 square feet as a shopping center, PIN #6899-24-9873-000, located on Route 17 just south of its intersection with Village Center Drive, Lee District, Bealeton, 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. David Repass, representative, expressed agreement with the staff report.

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

Mrs. Bowen stated that the applicant has done a wonderful job with this project and that she is pleased about the work force housing component above the shops.

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 and further in accordance with town center concept and design.
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 and further restricts the proposed shopping center to a maximum of 50,000 square feet.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT07-MA-004, DAN S. & CHERYL S. MORTLAND
(OWNERS/APPLICANTS) – FOX MEADOW WINERY**

Applicants are requesting special permit approval for a winery with minor events, PIN #6012-13-2349-000, located at 3310 Freezeland Road, Marshall District, Linden, 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. Dan Mortland, applicant, expressed agreement with the staff report. Mr. Mortland clarified that the winery was established in 2005, instead of 1995 as stated in the staff report, and further stated that their application is for two (2) picnics per year and twelve (12) receptions or private parties rather than weddings only.

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

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.
7. The Board of Zoning Appeals finds the type and quantity of traffic generated by the use will not adversely affect the safety of road usage on Freezeland Road or adversely affect the neighborhood.

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. Events shall be limited to two (2) picnics and twelve (12) receptions per year, as requested.
3. No more than seventy-five (75) attendees shall be permitted at any reception, and no more than one hundred twenty (120) attendees shall be permitted at any picnic, as requested.
4. Events shall end prior to 11:00 p.m.
5. No amplified music shall be audible beyond the property boundary.
6. The special permit is issued for a period of three (3) years.
7. At least thirty (30) days prior to each event, the applicants shall provide the Zoning Administrator:
 - A. Proof of coordination with the following agencies:
 1. Fauquier County Sheriff's Office
 2. Virginia Department of Transportation
 3. Fauquier County Emergency Services Coordinator
 4. Fauquier County Health Department; and
 - B. The name, address and a contact person for each individual, group, association, partnership or corporation which is expected to conduct retail sales at the event.
8. Site plan approval shall be secured prior to any events being held.

The motion carried unanimously.

SPECIAL PERMIT #SPPT07-MA-005, KATHLEEN W. TAYLOR
(OWNER/APPLICANT)

Applicant is requesting special permit approval to reduce the required 100' setback for a barn in order to convert a shed into a barn, PIN #6946-51-2358-000, located at 6685 Bull Moose Court, Marshall District, Marshall, 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.

Ms. Kathleen Taylor, applicant, expressed agreement with the staff report.

Mrs. Bowen asked the applicant if she built the shed that appears to be a barn and, if so, when the structure was built. Ms. Taylor responded that she has owned the property since 2001 and built the shed last year.

Ms. Robin Hirst-Moore, a neighbor, spoke in favor of granting the special permit and presented a statement to the Board, a copy of which is attached to and made a part of these minutes.

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 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 special permit is granted permitting the reduction of the side yard requirements for the existing 24 x 24 shed to be utilized as a barn for a single miniature horse.

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

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 special permit is granted permitting the reduction of the side yard requirements for the existing 24 x 24 shed to be utilized as a barn for a single animal.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT07-SC-006, ROBERTA RUST JEFFRIES
(OWNER/APPLICANT)**

Applicant is requesting special permit approval to reduce the required 100' setback for a barn to build a new barn on an existing footprint, PIN #6988-17-4439-000, located on Old Tavern Road (Route 245), Scott District, The Plains, 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.

Ms. Roberta Jeffries, applicant, expressed agreement with the staff report.

Mrs. Bowen asked the applicant if the new barn will be on the same footprint as the existing barn. Ms. Jeffries stated that the new structure will be on the same footprint.

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

On motion made by Mr. Tufts and seconded by Mr. Guerra, 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 new barn shall be generally the same size and height as the demolished barn.

The motion carried unanimously.

**ZONING APPEAL #ZNAP07-SC-001, SHANNON H. & TERRI T. SMITH
(OWNERS/APPLICANTS)**

Applicants are appealing the Zoning Administrator's decision that a parcel is not a separate buildable lot, PIN #6060-56-5504-000, located off Chestnut Forks Road (Route 717), Scott District, Marshall, Virginia. *Note: This is a public meeting, not a public hearing.*

Ms. Johnson stated that the appellants' attorney, Mr. J. William Gilliam, has requested that the appeal be deferred and held in abeyance while his clients pursue an administrative subdivision to address the issue. Ms. Johnson further stated that Staff supports a deferral of this item until such time as the appellant requests the item be brought forward for consideration by the Board of Zoning Appeals.

On motion made by Mr. Guerra and seconded by Mr. Tufts, it was moved to defer this item until such time as the appellants request that it be brought back for consideration.

The motion carried unanimously.

SPECIAL PERMIT #SPPT07-SC-007, THE PLAINS REDEVELOPMENT CORPORATION (OWNER)/HUB KNOTT (APPLICANT) – CORN MAZE IN THE PLAINS

Applicant is requesting an amendment to a previously approved special permit to extend the hours of operation, PIN #6989-73-8911-000, located on Old Tavern Road (Route 245), Scott District, The Plains, 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. Hub Knott, 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. 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.
7. The Board of Zoning Appeals finds the proposal is consistent with surrounding agricultural uses.

8. The Board of Zoning Appeals finds the type and quantity of traffic generated by the use will not adversely affect the safety of road usage on Route 245 (Old Tavern Road) or adversely affect the neighborhood.

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 in general conformance with the drawings, information, and events included in the current and prior special permit application.
2. Dustless surface waiver to be secured.
3. Hours of operation limited to daylight hours except that the corn maze may operate until 10:00 p.m. on Friday and Saturday nights from September through November.
4. Corn maze to have eight (8) employees maximum.

OTHER BUSINESS

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:33 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.