

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
MARCH 3, 2005**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, March 3, 2005, beginning at 2:00 P.M. at 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; Mr. Maximilian A. Tufts, Jr.; Mrs. Carolyn Bowen; Mr. Roger R. Martella, Jr.; and Mr. Serf Guerra. Also present were Ms. Tracy Gallehr, Acting Deputy County Attorney; Ms. Kimberly Johnson, Zoning Administrator; Mr. Todd Benson, Assistant Zoning Administrator; Mr. Fred Hodge, Senior Planner; Mrs. Debbie Dotson, Office Associate III; and Mrs. Darla Doyle, Office Associate.

MINUTES: On a motion made by Mrs. Bowen and seconded by Mr. Van Luven, the BZA moved to approve the February 3, 2005, minutes as amended:

- page 1, add "Secretary" after Mr. James W. Van Luven;

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE: Mrs. Dotson 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-021, WILLIAM D. AND JOYCE L. BARBER/BILL'S FARM MARKET (OWNERS)

Owners are seeking special permit renewal and to amend a condition of special permit #49024 approved on April 4, 2002, for a retail sales establishment on the property, PIN #7924-10-3184-000, located at 8109 Greenwich Road, Cedar Run District, Catlett, Virginia.

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

William Barber, owner, appeared representing the application and noted agreement with the staff report.

Mr. Meadows asked if there were any speakers for or against the application. In that there were no speakers, the public hearing was closed.

On a motion made by Mr. Guerra (read by Mr. Van Luven) and seconded by Mrs. Bowen, the BZA 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. Continue to meet the Health Department's limitation of a maximum septic flow capacity of 250 gallons per day with a limitation of 16 occupants on the site as stated in Health Department permit SD-02-238 as part of the site plan approval dated July 10, 2002.
2. The hours of operation shall be 8 a.m. until 7 p.m. Sunday through Saturday.
3. No sales of pesticides.
4. No festival type events with amplified noise.

The motion carried unanimously.

SPECIAL PERMIT #SPPT05-MA-022, JAMES W. AND EDEL M. KUNKEL/MOUNTAINSIDE MONTESSORI SCHOOL (OWNER)

Owners are requesting special permit approval to amend a condition of special permit #51307 approved on May 1, 2003 for a preschool on the property, PIN #6947-10-8248-000, located at 6089 John Barton Payne Road, Marshall District, Marshall, Virginia.

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

Edel Kunkel, owner, appeared representing the application and noted agreement with the staff report.

Mr. Martella asked Mrs. Kunkel if more employees would be needed to accommodate children being dropped off earlier. Mrs. Kunkel stated that not all the children would be dropped off early and no additional employees would be needed. She also noted that the number of children would remain at twenty.

Mr. Meadows asked if there were any speakers for or against the application. In that there were no speakers, the public hearing was closed.

On a motion made by Mr. Tufts and seconded by Mrs. Mailler, the BZA 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 enrollment shall be limited to twenty (20) children.
2. The hours of operation shall be 7 a.m. until 6 p.m. Monday through Friday.

The motion carried unanimously.

SPECIAL PERMIT #SPPT05-CR-023, TRENIS, INC. (OWNER) / STEVEN BRYANT (APPLICANT)

Applicant is seeking special permit approval to locate a contractor's office on the property, PIN #7922-85-9592-000, located at 3400 Catlett Road, Cedar Run District, Catlett, Virginia.

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

Steven Bryant, applicant, appeared representing the application and noted agreement with the staff report.

Mr. Meadows stated that there was some discussion about this site and asked Mrs. Johnson to elaborate on the screening requirement. Mrs. Johnson stated that one of the conditions proposed for this application was that the vehicles be screened from view. She stated that she was of the opinion that the zoning ordinance provisions for the use required the screening of materials but not of vehicles; therefore it was at the Board's discretion as to whether or not the vehicles should be screened. She noted that some landscaping might be required at site plan approval, but that it was unlikely as the improvements are existing.

Mr. Meadows stated that only tagged motorized vehicles were exempted from the screening requirement, and that any equipment would have to be screened. He noted that the vehicles would be parked on the sides of the building.

Mrs. Bowen stated that the hours of operation shouldn't be limited because it is located in a commercial zone.

Mr. Meadows asked if there were any speakers for or against the application. In that there were no speakers, the public hearing was closed.

On a motion made by Mr. Guerra and seconded by Mrs. Mailler, the BZA 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 plat submitted with the application.

The motion carried unanimously.

OTHER BUSINESS:

By-Laws:

Mrs. Johnson stated that a copy of the Board of Zoning Appeals By-Laws was provided and that the BZA could not adopt them today but would need to make any additions or corrections to them at this meeting and they could be adopted next month.

Mr. Meadows asked the Members if there were any changes or additions to the proposed By-Laws. The BZA discussed Robert's Rules of Order, in particular the rules governing small assemblies. Ms. Gallehr assured the BZA that by adopting Robert's Rules of Order excluding the small body rules that they would be able to continue to act as the Board has in previous years.

Change of April BZA Meeting Date:

Mr. Meadows stated that the BZA members were requested to attend a transportation summit on the Thursday of the April meeting. He stated that he called each member and asked to move the meeting date to Wednesday, April 6, 2005 at 2:00pm. Mr. Meadows called for a vote.

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

NAYS: None

ABSENT: None

The meeting date of the April BZA Hearing will be moved to Wednesday, April 6, 2005, at 2:00pm.

ADJOURNMENT: There being no further business before the BZA, the meeting was adjourned at 2:46 P.M.

Mr. John 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.