

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 1, 2005**

**AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF
ZONING APPEALS WAS HELD SEPTEMBER 1, 2005 AT 11:00 A.M. IN
WARRENTON, VIRGINIA**

Members present were Mr. John Meadows, Chairperson; Mr. James W. Van Luven, Secretary; Mr. Maximilian A. Tufts, Jr.; Mrs. Carolyn Bowen; Mr. Serf Guerra; and Mr. Roger R. Martella, Jr. Also present was Mr. Fred Hodge, Senior Planner.

Mr. Hodge reviewed the site visit agenda. He stated that there would be one site as follows:

1. MCM Corporation property at 11:15a.m.

With no further business, the meeting was adjourned at 11:30a.m., to reconvene at 2:00p.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 1, 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; 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. Kimberley Johnson, Zoning Administrator; Mr. Fred Hodge, Senior Planner; and Mrs. Debbie Dotson, Planning Associate. Absent was Mrs. Margaret Mailler, Vice-Chairperson.

MINUTES: On a motion made by Mr. Van Luven and seconded by Mrs. Bowen, the BZA moved to approve the August 4, 2005 minutes.

The motion carried 6-0, with Mrs. Mailler absent.

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 #SPPT06-SC-005, MCM CORPORATION/MORGAN OIL CORPORATION (OWNER)

Applicant is requesting special permit approval for additional storage and work space for a previously approved petroleum products bulk storage facility, PIN #6979-48-0644-000, located at 4195 Whiting Road, Scott District, Marshall, 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.

Mike Neish, representative, 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 none, the public hearing was closed.

On a motion made by Mrs. Bowen and seconded by Mr. Guerra, 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 dated June 27, 2005 and prepared by DRH Design Group, Inc.

The motion carried 6-0, with Mrs. Mailler absent.

ZONING APPEAL #ZNAP05-CT-006, EC INVESTORS, L.L.C. (OWNER)

Owner is appealing a Zoning Administrator's decision regarding development potential, PIN #7904-66-5674-000 and #7904-56-3583-000, located on Dumfries Road, Center District, Warrenton, Virginia. **NOTE: Not a public hearing.**

Mr. Hodge noted that the appeal was heard last month and that more information was requested by the BZA.

Mrs. Bowen stated that she would recuse herself from any discussion and vote on this application because of her tenure serving as Zoning Administrator for the County. She noted she had not previously recused herself as only the new information provided for this meeting included materials related to her prior administration.

Mr. Meadows asked if the BZA had any questions of the Zoning Administrator or applicant.

Mr. Martella asked Mrs. Johnson for clarification of the chart she had provided and Ms. Johnson explained the meaning of "zero" lots.

On a motion made by Mr. Van Luven and seconded by Mr. Tufts, the BZA moved to affirm the decision of the Fauquier County Zoning Administrator in her June 6, 2005 letter related to subdivision potential for the subject property.

The motion carried 5-0-1, with Mrs. Bowen abstaining and Mrs. Mailler absent.

ADJOURNMENT: There being no further business before the BZA, the meeting was adjourned at 2:16 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.