

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JUNE 3, 2004**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, June 3, 2004, beginning at 2:00 P.M. at the Town of Warrenton Police Department, 333 Carriage House Lane, Warrenton, Virginia. Members present were Mrs. Margaret Mailler, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. James W. Van Luven; Mr. Maximilian A. Tufts, Jr.; Mr. Mark Rohrbaugh; and Mrs. Carolyn Bowen. Also present were Ms. Tracy Gallehr, Assistant County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Mr. Fred Hodge, Assistant Zoning Administrator; and Mrs. Debbie Dotson, Office Associate III. Member absent was Ms. Sonja Addison, Secretary.

MINUTES: On a motion made by Mr. Van Luven and seconded by Mr. Rohrbaugh, the Board of Zoning Appeals voted to approve the minutes of the May 6, 2004, meeting with the following corrections:

- page 4, paragraph 1, delete one “because you”; and
- page 5, paragraph 2, change “could not make a final decision on this application” to “could not hold a public hearing”.

The motion was approved 6 to 0, with Ms. Addison absent.

LETTER OF NOTIFICATIONS 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 #SPPT04-CR-022, BENJAMIN C. GRAVETT (OWNER)
RIVERSIDE MULCH, INC. (CONTRACT OWNER)**

Contract Owner is seeking special permit approval to locate a mulch business on the property and also special permit approval for retail sales in conjunction with this use, PIN #7819-08-5767, located on Midland Road, Cedar Run District, Midland, Virginia.

Mr. Hodge stated that the BZA made a site visit last month and that the public hearing could not take place last month due to posting error. He reviewed the staff report, a copy of which is attached to and made a part of the minutes. He stated a site plan would be required if special permit is approved.

Alice Haase, attorney, appeared representing the application and stated agreement with the staff report. Ms. Haase stated that they would like to have mulch piles as high as 15’. She stated that Riverside Mulch has been in business for 7 years in West Virginia and has only had 2 fires during the first year and none since. She stated that they would be happy to submit a plan for control, monitoring, and extinguishing of any possible fires and to also have an operator within an hour’s time of the site. She stated that the peak season

for this business is March, April, and May; therefore, they would like to amend the hours of grinding from 6am to 8pm during the peak season and the rest of the year from 8am to 5pm. She requested that the hours for truck loading be from 6am to 11pm year round. She stated that this business would be an economic benefit to the County.

Mr. Meadows asked Ms. Haase about the diameter for the piles. Mr. Adam Stump, applicant, stated that the piles are 2-3 acres, sloped, and can be driven on. Mr. Stump stated that there are 2-3 acres of vacant area beside a pile and the piles are turned over completely into the vacant area.

Mrs. Mailler asked if there were any other speakers for or against this application. In that there were no further speakers, the public hearing was closed.

On a motion made by Mr. Van Luven and seconded by Mr. Meadows, the BZA noted that due notice and hearing, as required by the Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, had been provided and voted to grant the special permit based upon the following 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 development shall be generally consistent with the conceptual special permit drawing dated February 13, 2004 and prepared by Frederick Ward Associates and filed with this application.
2. The normal hours of operation shall be limited to 8 A.M. to 5 P.M. Monday through Friday; except during prime season the hours will be extended to 6 A.M.

to 8 P.M. Monday through Friday. Grinding will be allowed during the same time periods.

3. Mulch piles shall be limited to 15 feet in height.
4. An operator shall be available within a one-hour driving radius in case of an emergency on the site.
5. Trucks may be loaded from 6 A.M. to 11 P.M.
6. The owner/operator shall develop a plan for monitoring, controlling and extinguishing spot fires. That plan shall be submitted to staff and forwarded to Fauquier County's Office of Emergency Services for review and approval prior to the release of the required site plan.
7. Site plan approval is required.

Mrs. Mailler stated the motion had been moved and seconded and asked if there was any discussion.

On a motion made by Mr. Van Luven and seconded by Mr. Tufts, the BZA voted to amend the motion to add the following conditions:

8. Riverside Mulch shall comply with the International Fire Code as amended from time to time.
9. Prime season is defined as March, April and May.
10. Mulch piles shall be turned at least once every 90 days.
11. Permit is subject to the Lighting Ordinance and Noise Ordinance, Section 9-705, Table 5, of the Fauquier County Zoning Ordinance.

The motion to amend the motion was approved by a vote of 6 to 0, with Ms. Addison absent.

The motion to approve the special permit, as amended, was approved 6 to 0, with Ms. Addison absent.

SPECIAL PERMIT #SPPT04-CR-027, DAVID C. DILLEN (OWNER) / DONALD R. REUWER, JR. (CONTRACT OWNER)

Contract Owner is seeking special permit approval to locate a bed and breakfast with a maximum of ten (10) guests on the property, PIN #7902-89-5059, located at 8871 Rogues Road, Cedar Run District, Warrenton, Virginia.

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

Donald R. Reuwer, Jr., applicant, appeared representing the application and noted agreement with the staff report.

Mrs. Mailler 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. Rohrbaugh and seconded by Mr. Meadows, the BZA noted that due notice and hearing, as required by the Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, had been provided and voted to grant the special permit based upon the following 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 the road usage on Route 602 (Rogues 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. A maximum of 10 guests will be allowed.
2. The bed and breakfast will operate six (6) days a week and will be closed on Mondays.

3. The existing entrance will be widened to allow simultaneous ingress and egress from the property.
4. Paved turn-in and turn-out areas shall be constructed to facilitate entry and exit from the property (or other improvements as required by the Virginia Department of Transportation).
5. The business shall meet all Health Department regulations for such facilities.
6. One sign of nine (9) square feet and 10 feet in height is permitted.
7. The business is subject to site plan approval.

Mrs. Mailler stated that the motion had been moved and seconded and asked if there was any discussion by the BZA.

On a motion made by Mr. Rohrbaugh and seconded by Mrs. Bowen, the BZA amended the motion to delete condition #3.

The amended motion was approved, as follows, by a vote of 6 to 0, with Ms. Addison absent:

1. A maximum of 10 guests will be allowed.
2. The bed and breakfast will operate six (6) days a week and will be closed on Mondays.
3. Paved turn-in and turn-out areas shall be constructed to facilitate entry and exit from the property (or other improvements as required by the Virginia Department of Transportation).
4. The business shall meet all Health Department regulations for such facilities.
5. One sign of nine (9) square feet and 10 feet in height is permitted.
6. The business is subject to site plan approval.

The motion to approve the special permit, as amended, was approved 6 to 0, with Ms. Addison absent.

SPECIAL PERMIT #SPPT04-LE-039, JAMES H., III, & MARY C. WEEKS (OWNERS)

Owners are seeking renewal of Special Permit #41818 and amendments to increase the maximum number of vehicles and the time limitation on the permit, PIN #7808-16-6253, located at 11744 Marsh Road, Lee District, Bealeton, Virginia.

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

James Weeks, IV, owner, appeared representing the application and noted agreement with the staff report.

Mrs. Mailler 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. Meadows and seconded by Mr. Van Luven, the BZA noted that due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, had been provided and voted to grant the special permit based upon the following 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 business may have a maximum of six (6) vehicles for repair located on the parcel at any time.
2. All outside storage must meet the minimum 105-foot setback from the centerline of the nearest set of lanes of Route 17 (Marsh Road).
3. All vehicles awaiting repair in excess of two shall be located in a completely screened area.
4. The special permit shall be limited to a period of 10 years.

Mrs. Mailler stated that the motion had been approved and seconded and asked if the BZA had any further discussion.

On a motion made by Mr. Van Luven and seconded by Mr. Tufts, voted to amend the motion to add the following conditions:

5. The time limit on the special permit was removed.
6. The special permit does not convey with the sale of the property.

The motion to amend the motion was approved by a vote of 5 to 1, with Ms. Addison absent and Mrs. Bowen voting against.

The motion to approve the special permit, as amended, was approved 6 to 0, with Ms. Addison absent.

OTHER BUSINESS

On a motion made by Mr. Tufts and seconded by Mr. Rohrbaugh, the BZA voted to move the July 1, 2004, meeting to the Warren Green Building, 10 Hotel Street, Warrenton, Virginia.

The motion passed 6 to 0, with Ms. Addison absent.

Ms. Gallehr stated that she would have information for the BZA about a court case regarding variances at the next meeting.

ADJOURNMENT: There being no further business before the BZA, the meeting was adjourned at 3:08 P.M.

Margaret Mailler, Chairperson

Sonja Addison, Secretary

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A recording of the meeting is on file for one year.