

**MINUTES OF  
FAUQUIER COUNTY BOARD OF ZONING APPEALS  
AUGUST 5, 2004**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, August 5, 2004, beginning at 2:00 P.M. at the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mrs. Margaret Mailler, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. James W. Van Luven; and Mrs. Carolyn Bowen. Also present were Ms. Kimberley Johnson, Zoning Administrator; Mr. Fred Hodge, Senior Planner and Mrs. Debbie Dotson, Office Associate III. Members absent were Ms. Sonja Addison, Secretary; Mr. Maximilian A. Tufts, Jr.; and Mr. J. Mark Rohrbaugh, Jr. Also absent was Ms. Tracy Gallehr, Assistant County Attorney.

**MINUTES:** On a motion made by Mr. Van Luven and seconded by Mrs. Bowen, the Board of Zoning Appeals voted to approve the minutes of the July 1, 2004, meeting.

The motion carried 4-0, with Ms. Addison, Mr. Tufts, and Mr. Rohrbaugh 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-SC-040, LEO J. SCOLFORO (OWNER)**

Owner is seeking special permit approval to locate a home occupation (artist) on the property and with retail sales, PIN #7909-97-6264-000, located at 4281 Highpoint Lane, Scott District, The Plains, Virginia.

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

Mr. Scolforo, owner, appeared representing the application and stated agreement with the staff report.

Mrs. Mailler asked if there were any speakers for or against the application.

Mr. Leigh Hauter, neighbor, stated that he was in favor of the application.

Mrs. Mailler asked if there were any other speakers. In that there were no more 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 Section 15.2-2204 and Fauquier County Code Section 5-009, had been provided and voted to grant the special permit, with the following finding and conditions:

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. No more than one (1) person other than a member of the household may be employed.
2. Parking area will be as shown in the submission materials.

The motion carried 4-0, with Ms. Addison, Mr. Tufts, and Mr. Rohrbaugh absent.

**SPECIAL PERMIT #SPPT05-LE-001, ADEL & SUSAN WAHDAN (OWNERS) / KATHERINE E. TAX (APPLICANT)**

Applicant is seeking re-approval of an expired special permit for a professional office with 3 or less employees on the property, PIN #6878-97-0832-000, located at 11409 Wahdan Farm Road, Lee District, Bealeton, 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.

Katherine Tax, applicant, appeared representing the application and stated agreement with the staff report.

Susan Wahdan, owner, appeared representing the application. Mr. Meadows asked Ms. Wahdan about the overgrowth and shrubbery located in the line of sight to the east exiting the driveway, expressing concern about visibility exiting the driveway. Ms. Wahdan stated that she had recently purchased that property and is in the process of clearing the overgrowth.

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 Mrs. Bowen, the BZA noted that due notice and hearing, as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009, had been provided and voted to grant the special permit, with the following findings and conditions:

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 not exceed a maximum of three (3) employees.
2. Routine appointments shall be limited to 12:00p.m. to 5:00p.m. Saturday and Sunday and 7:30p.m. to 9:00 p.m. Monday through Friday.
3. Upon exiting Wahdan Road onto Kings Mill Road, the line of sight to the east will be kept clean of shrubbery and overgrowth.
4. Health Department approval is required.
5. The special permit shall be limited to a period of five (5) years.

The motion carried 4-0, with Ms. Addison, Mr. Tufts, and Mr. Rohrbaugh absent.

**SPECIAL PERMIT #SPPT05-MA-002, MARSHALL SHOPPING CENTER, LLC, (OWNER) / DR. EBALINNA M. & RONALD VAUGHN (APPLICANTS)**

Applicants are seeking special permit approval to locate a veterinary clinic within the existing shopping center building on the property, PIN #6969-88-1253-000, located at 4197 A-2/A-3 Winchester Road, Marshall 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.

Dr. Ebalinna Vaughn and Ronald Vaughn, applicants, appeared representing the application and stated agreement with the staff report.

Mrs. Bowen asked Dr. Vaughn how emergencies would be handled. Dr. Vaughn stated that there would be an answering service and patients would be referred to other clinics that are open 24 hours a day.

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. Van Luven and seconded by Mr. Meadows, the BZA noted that due notice and hearing, as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009, had been provided and voted to grant the special permit, with the following findings and conditions:

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 eight (8) employees.
2. Normal hours of operation will be 8:00a.m. until 6:00p.m. Monday through Friday and 9:00a.m. until 1:00p.m. on Saturday.
3. No routine boarding services shall be offered.
4. All animal waste shall be disposed at least daily and in a sanitary manner.

The motion carried 4-0, with Ms. Addison, Mr. Tufts, and Mr. Rohrbaugh absent.

**SPECIAL PERMIT #SPPT05-SC-003, JAMES A. KENT, SR. & JAMES A. KENT, JR. (OWNERS)**

Owners are seeking special permit approval to locate a contractor's storage yard on the property, PIN #7916-03-0070-000, located on Lot 11/Phase II, New Baltimore Business Park, Scott District, Warrenton, 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.

James Kent, Sr., and James Kent, Jr., owners, appeared representing the application and stated 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.

Ms. Bowen asked the applicant to clarify on the lot the proposed screening, and noted that the site plan will require that the materials and equipment be screened from view.

Mr. Kent indicated that fencing would be constructed around the storage yard.

On a motion made by Mrs. Bowen and seconded by Mr. Meadows, the BZA noted that due notice and hearing, as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009, had been provided and voted to grant the special permit, with the following findings and conditions:

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. Normal hours of operation shall be 6:00a.m. until 6:00p.m. Monday through Saturday.
2. All vehicles and materials shall be completely screened from view or stored entirely within a building.
3. Site plan approval is required.

The motion carried 4-0, with Ms. Addison, Mr. Tufts, and Mr. Rohrbaugh absent.

**ADJOURNMENT:** There being no further business before the BZA, the meeting was adjourned at 2:39 P.M.

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Margaret Mailler, Chairperson

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James W. Van Luven, 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.