

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS**

February 7, 2002

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, February 7, 2002, beginning at 2:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Barr, Chairman; Mr. John Meadows, Vice Chairman; Mrs. Margaret Mailler, Secretary; Mr. James Van Luven; Mr. Eugene Lofdahl; Mr. Maximilian A. Tufts, Jr.; and Ms. Sonja R. Addison. Also present were Mrs. Carolyn Bowen, Zoning Administrator; Mr. Fred Hodge, Ms. Holly Meade, Planner; and Carole L. Hensley, Office Associate III.

INTRODUCTION: Mr. William Barr opened the meeting by introducing and welcoming Sonja R. Addison as the newest member to the Fauquier Board of Zoning Appeals and congratulated John Meadows on being re-appointed by Judge Parker to the BZA for another five-year term.

MINUTES: On motion made by Mr. Meadows and seconded by Mr. Tufts a motion was made to approve that the January minutes be approved as submitted. Motion carried unanimously.

LETTERS OF NOTIFICATIONS & PUBLIC NOTICE: The Zoning Administrator stated that to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing have been properly advertised, posted, and letters of notification sent to adjoining property owners. Mrs. Bowen asked Ms. Hensley to read the Public Hearing Protocol and it was read.

SPECIAL PERMIT #48621 WRIGHT BOAT SALES, ROY BOATWRIGHT (OWNER) and D & J FOREST BY PRODUCTS, APPLICANTS

This application was deferred from the January 4, 2002 meeting. The applicants had requested special permit approval to recycle wood and green waste from land clearing projects by grinding it into mulch. The property is zoned Industrial-2 and is located at 5457 Lee Highway, Warrenton, VA, Scott District.

Mr. Hodge stated that the Board made a site visit before last month's meeting and the public hearing had been closed. He said no additional material had been submitted.

On the motion made by Mr. Van Luven and seconded by Ms. Mailler, in Application No. 48621, it was moved to deny 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 Board's findings:

1. It is not in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does not conform to

the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.

2. The proposed use will adversely affect the use or development of neighboring properties in violation of Section 5-006(1) of the Zoning Ordinance. Specifically, dust and debris from the proposed mulching operations will adversely affect the use and value of properties located on Telephone Road, the adjacent residential properties, and the nearby place of worship and in the Snow Hill Subdivision.
3. The proposed use will be such that the vehicular traffic generated on U.S. Route 15/29 and Telephone Road will conflict with existing and anticipated traffic in the neighborhood and on the streets serving the site in violation of Section 5-006(2) of the Fauquier County Zoning Ordinance.
4. The proposed use will be such that the dust and run-off generated from the use will negatively affect air quality and surface water to an extent that it will hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof in violation of Section 5-006(8) of the Fauquier County Zoning Ordinance.
5. The application does not comply with the specific standards which apply to the use in question, namely Section 3-317.2 General Industrial (Category 17) which requires that any industrial use which is not contained entirely within a building or completely screened from view, including salvage yards, and contractors offices, shops and material storage yards more than one acre used.
6. The applicant has other reasonable use of his property.

The motion carried unanimously.

**SPECIAL PERMIT #48723 WILLIAM AND KAREN THOMPSON, APPLICANTS
(OWNERS)**

Applicants requested special permit approval to operate a small contracting business with a maximum of four (4) pieces of heavy equipment/machinery on the property at any one time. The property is located on Pine Ridge Road, a private, gravel road off Route 689 (Dudie Road). The property is zoned Rural Conservation and is located at 7166 Pine Ridge Road, Marshall, VA, Marshall District.

Mr. Hodge stated that the Board made a site visit prior to the meeting and then reviewed the staff report stating that the applicants will have a maximum of four pieces of heavy equipment/machinery on the property at any one time. There will be no signs or employees on the property or associated with the business. There is no floodplain on the property. No site plan is required.

Mr. and Mrs. Thompson were present to support their application. Mr. Barr asked how long the building and equipment had been on site. Mr. Thompson replied 15 years. Mrs. Bowen stated that the Thompsons had a home occupation permit for their business office and didn't realize that they needed additional approval. Mr. Loftdahl commented that Mr. Thompson's neighbors had stated in correspondence that they appreciated him maintaining the road.

Mr. Barr asked if anyone wanted to speak in favor of the application. Mr. Keith Fletcher spoke on behalf of the Thompsons. He said he has known Mr. Thompson for 26 years and lives just north of the property. He stated that Mr. Thompson is appreciated by all neighbors and in the community.

No one else spoke.

On the motion made by Mr. Meadows and seconded by Mr. Tufts, in Application No. 48723, 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 Board's findings:

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-203

Additional Standards for Small Contracting Businesses

1. The minimum lot size requirement shall be five (5) acres.
2. All off-street parking and loading spaces, storage and loading areas, storage and structures which are related to such use shall be located not less than fifty (50) feet from any lot line.
3. Not more than five (5) persons shall be engaged in the on-site operation of the business.
4. Not more than five (5) vehicles in excess of 3/4 ton and/or pieces of equipment shall be operated from the site or stored there overnight.

5. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the particular use is such that it will not cause an undue impact on the neighbors or adversely effect safety of road usage.
6. The area covered by all structures used in connection with such a use shall not exceed a total of five thousand (5,000) square feet.
7. The area covered by any outdoor storage in connection with such a use shall not exceed a total of five thousand (5,000) square feet.
8. All parking, loading and open storage shall be effectively screened from view.
9. A special permit may be issued for a period not to exceed one year, and each permittee shall apply annually to the Zoning Administrator for a renewal of his permit, should he so desire. If the Zoning Administrator determines that all of the conditions under which the permit was issued have continued to be complied with, and that there have been no changed conditions, the Administrator shall renew said permit for an additional period of one year. If, however, the permittee has not complied with each and every one of the conditions imposed upon him, or in the event of changed conditions, the Zoning Administrator shall revoke the temporary special permit in accordance with the provisions of Section 015.
10. Small Contracting Businesses include the following uses and those uses determined by the Zoning Administrator to be sufficiently similar thereto in terms of type, scale and impact.
 - A. Construction and/or repair of building, roads, fencing and utility lines.
 - B. Installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling.
 - C. Excavating.
 - D. Custom farming not in conjunction with a farming operation.

The motion carried unanimously.

**SPECIAL PERMIT #48730 FAUQUIER COUNTY BOARD OF SUPERVISORS,
(CONTRACT OWNERS) BEALETON LANDMARKS, L.L.C., c/o MARKSWRIGHT
CO. (OWNERS)**

Applicants requested special permit approval to locate a library on a two (2) acre parcel in a Residential - 4 (R-4) zoning district. The property is zoned R-4 and is located at Library Lane, Bealeton Station, Bealeton, VA, Lee District.

Mr. Hodge reviewed the staff report and stated that the proposed facility will contain approximately 10,000 square feet and will replace the existing library that is housed in the Bealeton Shopping Center. The new facility will provide increased services for one of the fastest growing areas of the county. The hours of operation will be 10 a.m. until 5 p.m. Monday through Wednesday 9 a.m. until 5 p.m., Thursdays through Saturdays 1-5 p.m. and 1-5 p.m. on Sundays. These hours will mirror the hours at the library in Warrenton. The parcel is served by central water and sewer utilities. There is no floodplain on property and the facility will be subject to site plan approval.

Mr. Barr asked if anyone was going to speak on behalf of the Library.

Virginia Dorkey, member of the Library Board, spoke in favor of the conceptual plan of the library. She stated the County had received a proffer at the time of rezoning to locate the library on that proposed site. The library would require a special permit to do so. She asked the Board to grant the special permit.

Mr. Barr asked if anyone opposed and no one spoke.

On the motion made by Ms. Mailler and seconded by Mr. Meadows in Application No. 48730, 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 Board's findings:

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-1102 Standards for All Category 11 Uses

In addition to the standards set forth in Section 006 above, the following standards shall apply:

1. For public uses, it shall be concluded that the proposed location of the special permit/special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

2. In or abutting the Rural and Residential District, all open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.

5-1105 Additional Standards for Libraries and Public Safety Facilities

The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

The motion carried unanimously.

SPECIAL PERMIT #48733 ST. STEPHEN'S EPISCOPAL CHURCH, TRUSTEES, (APPLICANTS)

Applicants requested special permit approval to construct an addition to an existing place of worship for additional Sunday School classrooms. Applicants also requested a variance to the front setback requirement for the addition, which is proposed to be located 60 feet from the centerline of Route 603 (Greenwich Road) wherein the Zoning Ordinance requires 75 feet. A variance of 15 feet was requested. The property is zoned Rural Agriculture and is located at 8536 Greenwich Road, Catlett, VA, Cedar Run District.

Mr. Hodge reviewed the staff report and stated that the applicants wish to seek a special permit to add approximately 2,016 sq. ft. to the existing church building for Sunday School classrooms, at teachers' station and storage. A portion of the area also will be constructed for a multi-purpose room. Restrooms will be remodeled/reconfigured. The proposed addition to the existing place of worship is located on 2.71 acres. He stated that the applicants also seek a variance approval to the front setback requirement of the Zoning Ordinance. The proposed addition will be located 60 feet from the centerline of Route 603 wherein the Zoning Ordinance requires a minimum of 75 feet. The project will be subject to site plan requirements.

Mr. Alvin Benkelman spoke on behalf of the church and stated that they were in need of more space for their own congregation and future members. He stated that additional space is needed in order for the church to provide more rooms for Sunday School, nursery and community uses. As for the variance request, he stated that it would be more convenient to because of the alignment of the current basement facility where the mechanical systems are located. Current utilization is more adoptable to the design.

Mr. Barr reminded him of their conversation at the site and asked him to present to the Board what hardship would be incurred if a variance of 15 feet was not granted.

Mr. Benkelman stated it would be a financial hardship. He stated that he felt the proposal would be a better design for children to get to the playground.

No one spoke in opposition to the application.

Mr. Lofdahl stated that there was a letter from Health Department stated that the existing drainfield had been in place since 1954 and limited to 50 patrons. He asked if the church was planning on expanding the septic system and the location the existing septic system.

Mr. Benkelman showed the Board a plat delineating the existing septic system, noting the addition would not affect the drainfield area.

Mr. Meadows asked about usage and increase of patrons.

Mr. Benkelman stated that the church needed the additional space for current attendance. He stated that more space doesn't automatically increase the patrons immediately, but he did expect some increased attendance as the area's population grows and that the Church would increase the drainfield if needed.

Mr. Barr asked if anyone else wanted to speak.

Reverend Roma Maycock, Rector at St. Stephen's, spoke in favor and stated that the church was much in need of the five classrooms with a basement. The new design makes for better flow of people the facility that already use the facility. She said that land is available for playground and parking.

No one else appeared to speak.

Mr. Barr reminded the Board that there were two applications to consider, special permit and variance.

Mr. Benkelman was questioned concerning the variance, and stated that he would withdraw the request.

On the motion made by Mr. Lofdahl and seconded by Mr. Meadows in Application No. 48733, it was move 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 Board's findings:

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.

3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question, namely:

5-602 Additional Standards for Places of Worship

Uses proposed in conjunction with places of worship shall be subject to regulations applicable to such use (e.g., schools, athletic facilities).

The motion carried unanimously.

Mr. Benkelman said that the church would withdraw the variance application.

SPECIAL PERMIT, PURCHASE ORDER #4247 DEBBIE EMBREY, FAUQUIER HIGH SCHOOL (APPLICANTS); BRENDA SUE ALEXANDER, (OWNER)

The application for this permit was withdrawn and was considered at the meeting.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at approximately 2:00 P.M.

William W. Barr, Chairman

Mrs. Margaret Mailler, Secretary

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

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