

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

March 1, 2001

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, March 1, 2001, at 2:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman; Mr. William Barr, Vice-Chairman, Mrs. Peg Mailler, Mr. John Meadows, Mr. Eugene Lofdahl, Mr. James VanLuven and Mr. Maximilian A. Tufts, Jr. Also present were Mr. Paul McCulla, County Attorney; Mrs. Carolyn Bowen, Zoning Administrator; Mr. Fred Hodge, Assistant Zoning Administrator; Ms. Holly Meade, Planner; and Mrs. Beverly Pullen, Office Associate.

MINUTES

The minutes of the February 1, 2001 meeting were approved as distributed.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mrs. Bowen 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.

APPEAL #46015 SMITH CATTLEGUARD CO. INC. (OWNER)/ SMITH-MIDLAND CORPORATION (APPELLANT)

Postponed from the September 7, 2000 meeting. Appellant has filed an appeal of a determination made by the Zoning Administrator in a letter dated June 7, 2000 regarding floodplain. The subject property is identified as PIN #7900-75-6202-000, contains approximately 12.50 acres, zoned Industrial-2 (I-2), located at 5127 Catlett Road (State Route 28), in Cedar Run District.

Mrs. Bowen spoke regarding the appeal and stated that this case was postponed from the September 7, 2000 meeting. She explained that the case was continued at the request of Rodney Smith so he may file for a special exception from the Fauquier County Board of Supervisors. She stated that Smith-Midland had attempted to file the special exception twice, but each time his incomplete filing was returned to him. She further stated that a letter had been received from Mr. Smith asking for another continuance in order to allow time for John Schied of John Marshall Soil & Water Conservation District to review new information.

Mr. Meadows stated that due to his business association with Smith-Midland, he would have to withdraw himself from this appeal case.

Mr. Rider stated that it was his opinion that Mr. Smith should not be granted a continuance.

Mr. Smith spoke regarding the appeal. He stated that he was being held in violation of County Ordinances, and the information was based on 1979 FEMA Floodplain Maps. He stated that he felt that since 1979, the map has been dramatically altered. He explained that he had hired an

engineering firm and they have stated that the area of his property within the 100-year floodplain area was minimal. He further explained that the letter in the file from John Schied was based on the 1979 FEMA Floodplain Maps, which was prior to the Germantown Dam. Mr. Smith further stated that he was not aware that the latest special exception filed has not been accepted, and he doesn't know what is missing.

Mr. Rider asked Mr. Smith if he has an update from John Schied, since the February 12, 2001 letter in the file.

Mrs. Bowen stated that the 1979 FEMA Floodplain Maps are the legal Fauquier County Floodplain Maps. She explained that until a revision is approved by FEMA the 1979 maps are the official maps for Fauquier County.

Mr. Rider stated that the neighbor has presented pictures of the most recent flooding at the property.

Mr. Smith stated that he has approximately 5-6 acres of floodplain area and has a study from an engineering firm showing negligible impact during a 100-year flood.

Mr. Rider stated that he felt Mr. Smith has had adequate time for the matter to be addressed. He asked Mr. Smith if he had contacted FEMA.

Mr. Smith replied he has not, and that he thought the County had to submit the revised maps to FEMA for approval.

Mrs. Bowen explained that the County will assist with the filing, but it is the owner's responsibility to file with FEMA.

Mr. Smith asked Mrs. Bowen what information is missing from the special exception filing, and Mrs. Bowen responded that it was indicated the material was being returned, however the Planning Office handles special exception matters and she didn't know.

Mr. Barr asked Mr. Smith if John Schied has made comments to state there has been no fill in the floodplain, and Mr. Smith responded that he had not, but there would still be a negligible area within the floodplain. Mr. Smith explained that he was told floodplain on a FEMA map can vary as much as 100 feet.

Mr. Barr stated that the information still shows fill in the floodplain area as indicated by the FEMA 1979 map.

Mr. Smith stated that he agreed, however he did not feel that the County could hold him in violation, based on a map that has no bearing.

Mr. Rider asked Mr. Knupp, an adjoining property owner, if he wished to speak regarding this appeal.

Mr. Knupp spoke regarding the appeal. He stated that he felt that if the FEMA maps have changed it is due to the filling by Mr. Smith. He explained that rocks, boulders, and concrete have been thrown into the fill area as shown in the pictures he presented. He stated that in the past, 10-15 acres has flooded as a result of this filling.

Mr. Rider asked Mr. Knupp how long he had lived across from Smith-Midland, and Mr. Knupp stated for about 15 years.

Mr. Knupp stated that he feels the Board of Zoning Appeals has given Mr. Smith ample time regarding this matter, and that he felt they should find Mr. Smith in violation.

Mr. Rider stated that all information received indicates filling in the floodplain. He further stated that there has been no contact by Mr. Smith with FEMA. He stated that several hearings had been held on the appeal, and pictures had been received regarding the fill and the flooding of the area. He further stated that Mrs. Bowen has submitted an Affidavit regarding the filling, and the appellant has, by his own admission, stated that there has been fill and material placed in the floodplain area.

Mr. Rider stated that since Mr. Tufts, a new member, has not been on the site visit or reviewed previous material, he would be excused from the vote.

On a motion made by Mr. Van Luven, and seconded by Mr. Barr, it was moved to adopt the following:

RESOLUTION AFFIRMING THE DECISION OF THE FAUQUIER COUNTY ZONING ADMINISTRATOR IN APPEAL #46015 BY SMITH CATTLEGUARD COMPANY/SMITH MIDLAND CORPORATION

WHEREAS, Appellant, Smith Cattleguard Company/Smith Midland Corporation, has appealed the following decisions of the Fauquier County Zoning Administrator:

- a. That the appellant did apply fill material in a 100-year floodplain to construct a parking area, which is prohibited by Part 4, 4-400 (Floodplain District), Section 4-405 4. (Permitted Uses) of the Fauquier County Zoning Ordinance.
- b. That the activity described above did adversely affect the channel or floodway of Licking Run by increasing flood heights and/or velocities in violation of Part 4, 4-400, Section 4-407 3. (Use Limitations) of the Zoning Ordinance.

WHEREAS, Board of Zoning Appeals has conducted appropriate proceedings on the said appeal, and has determined that the decisions of the Zoning Administrator should be affirmed; now, therefore be it

RESOLVED, this 1st day March, 2001 by the Fauquier County Board of Zoning Appeals That after due notice and hearing as required by law and based upon both the written and verbal

records before it in this appeal, the Board of Zoning Appeals does hereby AFFIRM the decisions appealed from.

The motion carried being 5-0 in favor of the Resolution.

Mr. Meadows and Mr. Tufts did not vote on the matter.

SPECIAL PERMIT #46620 RICHARD J. AND KATHERINE R. DAUPHIN (OWNERS)

Applicants are requesting special permit approval to operate a tourist home/boarding house (bed and breakfast) and also for an identification sign of up to two (2) square feet. The property is identified as PIN #6959-34-8387-000, containing approximately 24.111 acres, zoned Rural Agriculture, and is located on Mountain Laurel Lane off of Crest Hill Road (State Route 647), Marshall District.

Mr. Hodge reviewed the staff report and stated that the site was visited earlier in the day.

Mr. and Mrs. Dauphin were present regarding their special permit request. Mrs. Dauphin explained that her husband had recently retired, and they would like to operate a Bed and Breakfast, within their home, for a maximum of six (6) persons/three (3) bedrooms. She explained that they would anticipate 2 couples a weekend during seasonal activities in their area. She further explained that they would not be having any other events associated with the Bed and Breakfast. She presented pictures to the Board of Zoning Appeals of the road that is used to access their property. She stated that the Virginia Department of Transportation have visited the site and asked that the clearing of some brush be removed to improve site distance and make for a safer turn into the property. She further stated that she had just become aware of the neighbors' opposition and specifically with regard to the maintenance of the private road. She stated that she and her husband have paid to have rock and gravel put down to improve the road, and that they also take their tractor and scrape the road as needed.

Mr. Rider inquired as to the status of the private road, and Mrs. Dauphin stated that it is a private road.

Mr. Meadows asked Mrs. Dauphin if there was a Road Maintenance Agreement, and Mrs. Dauphin stated that she remembered seeing one, however could not find it.

Mr. Rider asked if there are other homes that use the private road, and Mrs. Dauphin stated that the road currently serves four (4) other residences, and has the potential for serving six (6).

Mr. Rider asked Mrs. Dauphin if she knew what work had been done to the road, and Mrs. Dauphin explained that Mr. Hauber grades the road and removes snow.

Mr. Rider asked Mrs. Dauphin if there was a written agreement on maintaining the road, and Mrs. Dauphin stated that she and the neighbors thought there was an agreement.

Mr. Rider asked Mrs. Dauphin how long she had lived at the property, and Mrs. Dauphin stated approximately five (5) years.

Mrs. Mailler asked Mrs. Dauphin if they planned to have an identification sign, and Mrs. Dauphin indicated that they did plan to have a sign at the entrance to their driveway.

Mr. Barr asked what maximum amount of traffic would be, Mrs. Dauphin indicated that she is only interested in a maximum of 3-4 days per week having customers, and that she is not looking to have a large commercial establishment.

Mr. Barr explained to Mrs. Dauphin the nature of the concerns as indicated in the letters from the neighbor, specifically road safety, traffic, and use of the easement.

Mrs. Dauphin stated that she had seen the letters and felt that she was doing the right thing to try and obtain the special permit for her small business. She stated that one of the neighbors has heavy equipment that is used for moving cattle, and farming. She stated that she felt this use would be less impactful to the easement.

Mr. Rider asked Mrs. Dauphin if she would be willing to maintain the easement up to her property entrance, and Mrs. Dauphin stated that she would not be willing to maintain the easement, due to other neighbors and their continued use.

Mr. Rider stated that the easement has drainage problems that need to be corrected, as well as the need for improved grading for proper runoff into ditches.

Mr. Meadows asked Mrs. Dauphin if she felt the current conditions of the road were adequate for a Bed and Breakfast, and Mrs. Dauphin replied that she did.

Mr. Lofdahl asked Mrs. Dauphin the number of vehicles that she owns that use the easement.

Mrs. Dauphin stated that they own four vehicles, and a horse trailer.

Mr. Rider asked if anyone wished to speak regarding this request.

Mrs. Sylvia Mainville, an adjoining property owner, spoke in opposition to the request. She cited concerns with state road usage, safety regarding use of the easement, and additional traffic and strangers on the private road due to the children in the neighborhood.

Mr. Rider stated that he felt the road would be adequate for the bed and breakfast if the improvements were made. He further stated and he felt the sight distance was adequate for use of the easement.

Mrs. Debra Britt, who lives directly across from the Dauphin's, spoke in opposition to the request, citing concerns with decreased property values, peaceful enjoyment of their property. She stated that she signed the road maintenance agreement, however no one else was willing to sign.

Mr. Van Luven asked Mrs. Britt who owns the easement, and Mrs. Britt stated that she thought those property owners who use the easement own it.

Mr. Stefan Mainville, an adjoining property owner, spoke in opposition to the request. He cited concerns with the condition of the easement, safety of the state road, and adequate access for fire and emergency vehicles.

Mr. David Shorts, an adjoining property owner, spoke in opposition to the request and cited concerns with traffic, safety of private road, and privacy. He also stated that he was concerned about locating a bed and breakfast in an agricultural area.

Mr. Rider asked Mr. Shorts how much land he owned and farmed, and Mr. Shorts responded he owned approximately 40 acres that he farmed.

Mr. Lofdahl asked Mr. Shorts if he had difficulty maneuvering the farm equipment on the road.

Mr. Shorts stated that he felt the easement is dangerous and presents challenges to maneuvering the equipment. He thought that if the easement were widened and upgraded it would improve usage.

Mr. Ed Kiehl, a neighbor, spoke in opposition to the request. He cited conditions he felt should be imposed if the special permit is granted such as limiting the conveyance of the property, restricting the term of the permit to one year, the lighting of the site, events, noise levels, and the required improvements to the easement.

Mr. Meadows asked Mr. Kiehl if there is a problem with the present lighting of the site, and Mr. Keihl replied there was not.

Mrs. Dauphin spoke in response to a neighbors' concern. She stated that with regard to access for fire/emergency vehicles, they had a fire and the vehicles were able to reach their property.

Mr. Rider stated that with regard to the maintenance of the road and Mrs. Dauphin's previous statement that she would not be willing to accept the responsibility of improving and maintaining the easement, he felt the special permit should be denied.

Mrs. Dauphin requested to withdraw the special permit application due to the neighbors' opposition.

Mr. Van Luven made a motion to accept the withdrawal of case #46620, and Mr. Lofdahl seconded the motion. The motion carried unanimously.

SPECIAL PERMIT #46775 MICHAEL E. AND PHOEBE H. LYONS (OWNERS)

Applicants are requesting special permit approval to operate a residential business as a transportation/courier business on property identified as PIN #6962-12-9262-000 containing

1.118 acres. The subject property is zoned Village, and is located on Springs Drive off of Springs Road (State Route 802), Marshall District.

Mr. Hodge reviewed the staff report and stated that the Fauquier County Board of Supervisors approved a Zoning Ordinance Text Amendment on December 4, 2000 to allow a Transportation/Courier Business as a Residential Business.

Mr. Lofdahl asked Mr. Hodge if they would be dispatching from home, and Mr. Hodge responded they would not, as their customers are required to make appointments for the service.

Mrs. Phoebe Lyon was present in support of her request.

Mr. Rider asked Mrs. Lyons how many vehicles are used for this business, and Mrs. Lyons stated two (2) vehicles.

Mrs. Lyons explained that her home office is used to schedule appointments for the courier business and airport delivery service. She stated that no clients will be coming to the home, as it is a telephone based business.

Mr. Rider asked if her property is located adjacent to Fauquier Springs Country Club, and Mrs. Lyons indicated that it is.

Mr. Rider asked if anyone wished to speak regarding this request.

No one spoke.

On the motion made by Mrs. Mailler, and seconded by Mr. Meadows, it was moved to grant Special Permit #46775, 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 effect 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:

5-206

Additional Standards for Transportation/Courier Businesses

1. No more than two (2) employees shall be permitted, and both shall be bona fide residents of the property.

2. No commercial sign/advertising shall be allowed on vehicles when parked on the site. No signs will be permitted on the property.
 3. Vehicle size may not exceed a standard passenger van.
 4. No dispatching will be allowed from the site.
5. 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: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):

None.

The motion carried unanimously.

VARIANCE #46789 JOHN AND CARINA KOESAR (OWNERS)

Applicants are requesting a variance for a proposed porch addition that would be located 41.3 feet from Crooked Run Road and 17 feet from Jacksontown Road, wherein the Zoning Ordinance requires 60 feet from the centerline of both Crooked Run Road and Jacksontown Road. The applicants are also requesting a variance to locate a storage shed 7 feet from the side property line, wherein the Zoning Ordinance requires 25 feet. The subject property is identified as PIN #6041-68-1220-000 containing .64 acre, zoned Rural Agriculture, and is located at 2720 Crooked Run Road (State Route 831), Marshall District.

Mr. Hodge reviewed staff report and stated that the site was visited earlier. He explained that the lot is non-conforming and half of the property lies within a floodplain. He also stated that the lot is very narrow, and due to the location of the drainfield, reserve area, and well, the applicant is requesting the variance.

Mr. Koesar was present on behalf of this request. He presented the Board of Zoning Appeals with pictures of the existing house, and stated that one shed has been removed.

Mr. Meadows asked which shed was removed, as shown on the plat, and Mr. Koesar stated that the shed closest to Jacksontown Road was removed.

Mr. Rider stated his concerns with the potential widening of Jacksontown Road, if they granted the variance.

Mr. Koesar stated that if Virginia Department of Transportation (VDOT) would widen the road, he would be willing to remove the deck.

Mr. Meadows read VDOT's letter in the file.

Mr. Barr asked staff what the letter meant, and Mr. Hodge replied that VDOT has no objections to the request, as long as the addition is outside the thirty (30') foot Prescriptive Easement.

On the motion made by Mr. Lofdahl and seconded by Mrs. Mailler, it was moved to grant variance #46789, based on the Board's findings, after due notice and hearing, as provided by §15.2-2204 of the Code of Virginia:

1. The property was acquired in good faith; and
2. Strict application of the Ordinance would effectively prohibit or unreasonably restrict use of the property because of the topography of the lot, the narrowness of the lot, and the non-conformity of the lot.
3. The granting of the variance will alleviate a clearly demonstrable hardship approaching confiscating, and is distinguished from a special privilege or convenience sought by the applicant.
4. The hardship or restrictions on the use of the property are by reason of:
 - (a) the exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of the Ordinance; and
 - (b) exceptional topographic conditions or other extraordinary situation or condition of the property;
5. The size or shape, exceptional conditions, or extraordinary situation which result in the hardship or restrictions on the use of the applicant's property are:
 - (a) the exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of the Ordinance; and
 - (b) exceptional topographic conditions or other extraordinary situation or condition of the property;
6. The variance will be in harmony with the intended spirit and purpose of the Ordinance, and would result in substantial justice being done.
7. The strict application of the Ordinance will produce undue hardship.
8. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity and is not of so general or recurring a nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the Ordinance.
9. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
10. The minimum variance that is necessary to afford relief is:

18.7' feet from the centerline of Crooked Run Road.

43' feet from the centerline of Jacksontown Road.
18' to the side property line for shed.

The motion carried unanimously.

SPECIAL PERMIT #46870 MORGAN OIL COPORATION AND MCM CORPORATION (OWNERS) AND SMITH & SONS EQUIPMENT (LESSEE)

Applicants are requesting special permit approval to operate a farm equipment sales, rental and service business in a Commercial 1 zoning district located on West Main Street (State Route 55), Marshall District. The properties are identified as PIN #6969-68-3834-000, PIN #6969-68-3756-000, PIN #6969-69-2068-000, PIN #6969-69-3111-000 and PIN #6969-69-3154-000.

Mr. Fred Hodge reviewed the staff report and noted a site visit had been conducted earlier in the day.

Mr. Robin Gulick, Attorney for Morgan Oil Corporation and MCM Corporation, was present along with Mr. and Mrs. Morgan. Mr. Gulick stated that this request is for farm equipment sales, service and rental. He stated that the property has been vacant for some time and the use of this property as requested would enhance the property and provide a need to the farming community, as well as create synergy of commercial use on Main Street in Marshall. He further stated that he felt this was a compatible use for the property.

Mr. Rider referenced the letter in the file from Virginia Department of Transportation with regard to the entrance requirements.

Mrs. Bowen stated that the commercial entrance would be addressed during the site plan process.

Mr. Rider asked for clarification of the special permit request.

Mrs. Bowen explained that a special permit for farm equipment sales, service and rental is required on the property located on the south side of Route 55, as the zoning of the parcel is Commercial-1. She further explained that the property on the north side of Route 55 is zoned Commercial-2, and requires a special permit for retail sales.

Mr. Meadows inquired as to the lighting of the site.

Mrs. Bowen stated that lighting, landscaping, and other issues will be addressed at site plan review.

Mr. John Wayne, Secretary for the Marshall Business Association spoke in support of this request. He stated that the community needs this service and would help to revitalize Main Street in Marshall.

Mr. Bryant Smith, co-owner of Smith Equipment spoke in support of this request. He stated that their business is a family operated business committed to their customers and he looks forward to serving the community with their service.

On the motion made by Mr. Meadows, and seconded by Mr. Van Luven, it was moved to grant special permit #46870, 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 effect 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 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: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):
 1. Site plan approval as required.

The motion carried unanimously.

On the motion made by Mr. Meadows, and seconded by Mr. Barr, it was moved to grant special permit #46870, 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 effect 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 5-1404 Additional Standards for Farm Equipment Sales, Rental and Service Establishments

Such uses shall satisfy the same standards as set forth in Section 1403 above, except that in Residential and Rural Zoning Districts no parking, storage, loading or display shall be conducted in any required front yard or within fifty (50) feet of any side or rear lot line.

5. 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: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):

1. Site plan approval as required.

The motion carried unanimously.

SPECIAL PERMIT #46865 GARY T. AND DEBRA A. WOOD (OWNERS)

Owners are requesting special permit approval for a small contracting business on property identified as PIN #7931-34-6547-000. The property is zoned Rural Agriculture, containing 10.3 acres, located at 9720 Elk Run Road (State Route 806), Cedar Run District.

Mr. Hodge reviewed the staff report and stated that a site visit was made earlier.

Mrs. Bowen stated that this request is for a small contracting business as a residential business and therefore the owners must reside at the property, as well as meet the additional standards for a small contracting business.

Mr. Meadows asked Mrs. Bowen if the permit is granted, if during the renewal process the same standards would apply, and Mrs. Bowen responded that the owners would still be required to meet the standards, including residing at the property.

Mr. and Mrs. Wood were present in support of their request.

Mr. Rider asked Mr. Wood how much area they proposed to use for the business, and Mr. Wood responded not more than a half-acre.

Mr. Rider stated that during the site visit, he thought the area being used exceeded a half-acre.

Mr. Wood stated that it was probably more like an acre.

Mr. Rider stated that a newly constructed entrance had been made, and that the garage is already there. Mr. Rider asked Mr. Wood if he understood that he must reside at the property to conduct the business, and Mr. Wood replied that he understood, and that he does live there now.

Mr. Rider asked Mr. Wood if he has plans to have a loader or bulldozer stored at the property.

Mr. Wood stated that he has approximately 23 employees and that majority of the employees, as well as the equipment are moved from job site to the next job, and they do not come to the Woods' property. He further explained that he has 3-4 employees that do work at the site.

Mr. Rider stated that the maximum number of persons that can come to the site is five (5). He asked Mr. Wood if he was familiar with the screening requirements, other than the hardwoods, and Mr. Wood responded that he did.

Mr. Meadows stated that the maximum number of vehicles/equipment over ¾ ton is five (5), and Mr. Wood stated that he understood and would comply with the standards.

Mr. Hodge stated that Virginia Department of Transportation has suggested upgrading the entrance, and a site plan will not be required for this permit.

Mr. Lofdahl asked if the use was already established there.

Mrs. Bowen responded that permits were obtained for personal use only of the barn and garage.

Mr. Wood stated that he had parked his labor trucks there during the last couple of years, and did not realize a special permit was required.

Mr. Rider stated that if the permit is granted, the standards as set forth will be rigidly inspected.

Mr. Rider asked if anyone wished to speak regarding this request.

Mrs. Marie Beckett, an adjoining property owner, was present. She stated that she has some concerns with screening, fencing, noise and her privacy.

Mr. Lofdahl asked Mrs. Beckett what time of day she is hearing the excessive noise, and Mrs. Beckett stated that there was not a lot of excessive noise.

Mr. Rider asked Mrs. Beckett if she would be willing to share in the cost of a fence with Mr. Wood along the adjoining property line.

Mrs. Beckett stated that she would be willing to share the cost, but only thought the fence needed to be ½ way down the property line.

Mr. Rider asked Mr. Wood if he would be willing to share the cost of a fence approximately 400-500 feet, and Mr. Wood stated that he would and that he wants to be a good neighbor.

Mr. Meadows showed Mr. Wood and Mrs. Beckett where the fence would be required to be located.

Mrs. Bowen suggested that the lighting and hours of operation be addressed.

Mr. Koesar stated that he would operate the business Monday through Friday 7:00 A.M. until 6:00 P.M.

On the motion made by Mr. Meadows, and seconded by Mr. Van Luven, it was moved to grant special permit #46865, 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 effect 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 BZA 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.

5. 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: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):

1. The permit is granted for a period of one (1) year.
2. Applicants are to share in the cost of fencing the common property line shared by the Woods and the Becketts. The type of fencing to be agreed upon by both parties.
3. The hours of operation shall be Monday through Friday 7:00 A.M. until 6:00 P.M. There shall be no hours of operation on Saturday or Sunday.
4. The entrance to the property must comply with Virginia Department of Transportation standards.
5. Lighting of the site shall conform to the Fauquier County Lighting Ordinance.
6. Screening on the property as proposed in the application.

The motion carried unanimously.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at approximately 5:20 P.M.

William Rider, Chairman

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.

C:\bza files\2001 minutes\3-1-01.doc