

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

August 2, 2001

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, August 2, 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

On the motion made by Mr. Meadows, and seconded by Mrs. Mailler, it was moved to approve the July 5, 2001 minutes with amendments to the conditions of Special Permit #47444.

The motion carried unanimously.

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.

SPECIAL PERMIT #47699 MICHAEL E. HORST AND LESBIA KAY GROVES HORST (OWNERS)

Applicants are requesting special permit approval to operate a gunsmithing business from their home, and with no inventory. The subject property is identified as PIN #6889-40-6372-000, containing approximately 1.20 acres, located at 7065 Catlett Road (State Route 28), zoned Rural Agricultural, in Lee District.

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

Mr. Michael E. Horst was present regarding his request. He stated that he is planning to retire this year from the Virginia State Police and is requesting special permit approval to operate a gunsmithing business from his home. He stated that his application for a Federal Firearms License is contingent upon obtaining special permit approval. He explained that his business would be operated by appointment only, and that he does not plan to have any inventory. He stated that as a courtesy to his customers he could assist them with the mounting of scopes, sights, slings, and other minor adjustments. He stated that he is not sure of the number of

customers at this point, but would estimate about six (6) per month.

Mr. Lofdahl asked Mr. Horst about the background check required before he could sell to a customer.

Mr. Horst explained that once he obtains a Federal Firearms License, he will be assigned an identification number that he will use to process verifications for firearms purchases.

Mr. Rider asked if anyone wished to speak in support or opposition.

No one spoke.

On the motion made by Mr. Van Luven, and seconded by Mr. Tufts, it was moved to grant special permit #47699, 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:
 1. Section 6-302 14. Gunsmithing with an inventory for retail sales of not more than ten (10) guns at any one time, none of which can be fully automatic, with no on-site signage or advertising and with special permit approval.
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 special permit does not transfer with the sale of the property.

The motion carried unanimously.

SPECIAL PERMIT #47722 ATOKA PRESERVATION SOCIETY, INC. (OWNER)
BRIAN AND CLARE FERRELL (LESSEE)

Applicants are requesting special permit approval to locate a preschool for twenty-two (22) children. Applicants are also requesting special permit approval for a professional office of six (6) or less employees. The subject property is identified as PIN #6073-89-9285-000, containing approximately 1.644 acres, located at 7274 Rectors Lane (State Route 713), zoned Village, in Scott District.

Mr. Hodge reviewed the staff report and stated that site plan approval will be required. He explained that on July 16, 2001, the Board of Supervisors approved the rezoning of the property from Village Commercial to Village. He stated that the applicants was to use approximately 1,140 square feet of the existing building as a preschool, and the remaining 360 square feet as professional office rental space.

Mr. John Zugschwert of the Atoka Preservation Society was present regarding this request. He explained that the previous use of the site was a beauty shop, but the lessees are requesting special permit approval to locate a preschool/Montessori school, and to lease a portion of the building as a professional office. He stated that he felt these uses are appropriate for the Village of Atoka.

Mr. Lofdahl asked Mr. Zugschwert if he plans to make any changes to the building.

Mr. Zugschwert stated that modifications are necessary for the building to comply with Building Code requirements and to insure handicap access. He also stated that additional lines would need to be added to the existing drainfield as per the Health Department.

Mr. Lofdahl asked if a site plan would be required.

Mrs. Bowen stated that with a change of use, site plan approval would be required.

On the motion made by Mrs. Mailler, and seconded by Mr. Meadows, it was moved to grant special permit #47722, 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:

5-503

Additional Standards for Pre-School/Day Care Center/Nursery School

- 1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
- B. That area outside the limits of the required front yard.
- C. Only that area which is developable for active outdoor recreation purposes.

- 2. All outdoor recreation area shall be fully fenced.

- 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 special permit will convey with the sale of the property to the Ferrells.
- (2) Site plan approval as required.
- (3) Health Department approval as required.

The motion carried unanimously.

On the motion made by Mrs. Mailler, and seconded by Mr. Meadows, it was moved to grant special permit #47722, 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:

5-1305 Additional Standards for Office, Professional (including clinics), Not More Than Six Persons Employed

1. Not more than six (6) persons may be engaged in the operation of the office, including part-time employees and/or professionals.
 2. No retail or wholesale sales or storage conducted on the premises.
 3. The building so used shall have the exterior appearance of a residential structure of a type allowed in the zoning district in which located.
 4. There shall be no lighting of signs or parking areas on the premises in general in any manner not usual in a residential area.
 5. Such uses in multi-family structures shall be located in end units of townhouse structures or on the lowest floor of other multi-family structures.
 6. Office hours shall be limited to the period between 8:30 A.M. and 8:00 P.M., Monday through Saturday. Offices may open at other times only for emergencies.
 7. Off-street parking for the office shall be provided in accordance with the provisions of Article 7 in addition to that required for the dwelling units, unless the office hours are limited to the period between 9:00 A.M. and 4:00 P.M.
 8. In the V, R-1, R-2 and R-4 zoning districts, no off-street parking space shall be located in any required front yard, and all parking spaces accessory to the use shall be screened so that they are not visible from the first story window levels of adjoining property.
 9. 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 facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
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 special permit is granted for a period of three (3) years.
- (2) Site plan approval as required.
- (3) The special permit will convey with the sale of the property to the Ferrells.

The motion carried unanimously.

VARIANCE #47759 RICHARD J. BAYLIFF (OWNER)

Applicant is requesting a variance to a side yard requirement to construct a detached garage 10 feet from a side property line, wherein the Zoning Ordinance requires 15 feet. The subject property is identified as PIN #7904-69-6334-000, containing approximately 30,139 square feet, located at 5129 Rock Springs Road (State Route 1301), zoned Residential-1, in Scott District.

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

Mr. Richard Bayliff was present regarding his request. He stated that his reasons for needing a variance are due to the location of the drainfield, septic tank and reserve area.

Mr. Meadows asked staff for the setback requirements.

Mr. Hodge stated that the parcel is a R-1 substandard lot and the side setback requirements are reduced to 15' feet.

Mrs. Bowen stated that the setback requirement is reduced due to the lot size.

Mr. Meadows asked Mr. Bayliff if he knew the exact location of the sewer line, and the septic system.

Mr. Bayliff stated that he was not sure.

Mr. Meadows stated that he felt the applicant should obtain more information as to the exact location of the septic system, and he felt another site visit would be helpful.

On the motion made by Mr. Meadows, and seconded by Mrs. Mailler, it was moved to table variance #47759 for a period up to 90 days to allow Mr. Bayliff to identify the exact location of the septic system.

The motion carried unanimously.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at approximately 3:05 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.

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