

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

September 6, 2001

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, September 6, 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; Mr. Fred Hodge, Assistant Zoning Administrator; Ms. Holly Meade, Planner; and Mrs. Beverly Pullen, Office Associate.

MINUTES

The minutes of the August 5, 2001 meeting were approved as submitted.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mr. Hodge stated that to the best of his 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 #47764 LEROY E. AND LYNNE C. DICE (OWNERS)

Applicants are requesting special permit approval for a therapeutic massage/professional office from their home. Applicants are also requesting approval for an identification sign up to two (2) square feet. The subject property is identified as PIN #7914-95-0380-000, containing 12.044 acres, located at 4118 Ringwood Road (State Route 669), and is zoned Residential-1, Cedar Run District.

Mr. Hodge reviewed the staff report and stated that the applicants are requesting special permit approval to continue operating a professional office for therapeutic massage, and are also requesting approval for an identification sign. He explained that the applicants received approval to operate the business on October 1, 1998 for a three (3) year time period. He stated that to the best of his knowledge, the zoning office has not received any complaints since the original approval.

Mrs. Lynne C. Dice was present in support of her request. She stated that she currently leases office space in the Town of Warrenton for the majority of her business, and only about 25% of her customers come to her home for therapeutic massage services. She also stated that originally she received approval for an identification sign, but has not installed a sign, and would like to

retain the ability to do so. She asked that the Board of Zoning Appeals consider granting the special permit for a longer period of time.

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. Van Luven, it was moved to grant special permit #47764, 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 five (5) years.
 - (2) An identification sign up to two (2) square feet.

The motion carried unanimously.

SPECIAL PERMIT #47856 MIRIAM R. GLAETTLI, TRUSTEE (OWNER) AND C.L. AND WILBUR RITCHIE (LESSEES)

Applicants are requesting special permit approval to hold a temporary event sponsored by the Cedar Lee Community Center for the Performing Arts. The temporary event will be a fundraiser held on an annual basis to pick your own pumpkins, and haunted tours of a corn maze. The subject property is identified as PIN #7807-59-7220-000, containing 130.50 acres, located on Marsh Road (State Route 17), and is zoned Rural Agricultural, Cedar Run District.

Mr. Hodge reviewed the staff report and stated that approval was given on August 3, 2000 for a fund raising event for a period of one year. He stated that the applicants are requesting a longer period of time for the permit.

Mr. Meadows stated that the decision of the Board of Zoning Appeals is specific to land use and not in advocating for a particular fundraiser.

Mr. Lofdahl asked if the parking for this use is on the same parcel.

Mr. Hodge stated that the parking is on the same parcel, and that there is no parking allowed along Route 17.

Mr. Rider asked if there was anyone present who wished to speak regarding this request.

No one spoke.

On the motion made by Mr. Meadows, and seconded by Mr. Lofdahl, it was moved to grant special permit #47856, 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:

The proposed use will not adversely effect the use or development of neighboring properties.

1. 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.
2. The use will be compatible with the neighborhood in which it is to be located.
3. The application does comply with the specific standards which apply to the use in question, namely:

5-804 Standards and Time Limits for Carnival, Circus, Festival, Fair, Horse Show, Dog Show, Steeplechase, Music Festival, Turkey Shoot, Sale of Christmas Trees and other Seasonal Commodities, and other Similar Activities

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

1. A temporary special permit may be issued for a period not to exceed twenty-one (21) consecutive days in Residential and Rural Zoning Districts and one (1) year in Commercial and Industrial Districts.
2. All permitted activities in a Residential or Rural Zoning District shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, church or religious organization, sports or hunt club, charitable, educational or nonprofit organization or recognized chapter thereof whose principal administrative offices are located within the County.
3. Where the activity is a circus, fair or carnival, and the owner of the circus, fair or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the Zoning Administrator the name and address of the owner or owners of the circus, fair or carnival.
4. The sponsoring organization shall furnish the Health Director information as to

sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.

5. No temporary special permit shall be issued unless adequate provision is made for off-street parking and loading requirements.
 6. In addition to the requirements of this Ordinance, a carnival, circus, sideshow, dog and pony show, trained animal show, menagerie, musical or entertainment festival, or any other show, exhibition or performance similar thereto, shall produce a County license therefore in accordance with the provisions of Chapter 3 of the Code.
 7. No such use shall be permitted except on a lot fronting on, and having 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 five (5) years.
 - (2) Off-street parking shall be designated as shown on plan.

The motion carried unanimously.

SPECIAL PERMIT #47885 OAK GROVE MEADOWS, LLC (OWNER) AND RICK WITSCHER (APPLICANT)

Applicant is requesting special permit approval to locate a cottage industry (organic bakery) in an existing structure. The subject property is identified as Pin #6073-41-3252-000, containing 515.8315 acres, located at 7434 Oak Grove Road off of Atoka Road (State Route 713) and is zoned Rural Agricultural, Scott District.

Mr. Hodge reviewed the staff report and stated that a site visit was conducted earlier. He stated that Oak Grove Meadows, LLC and Rick Witscher are requesting special permit approval to locate an organic bakery in an existing structure.

Mr. Rick Witscher was present on behalf of his request. He stated that the proposed organic bakery will be micro size, with emphasis on whole grain products. He explained that with the help of Peter Mitchell, Agricultural Development Officer with Fauquier County, this is a conceptual pilot program to see if it will be economically beneficial for his location, as well as other farms in the county. He further explained that he understood the standards for this use limiting the size of the operation, the number of employees, no retail sales on site, etc. He stated that the sale of his product would be wholesale only.

Mr. Meadows asked Mr. Witscher how the product would be delivered to customers and by what type of vehicle.

Mr. Witscher stated that the goods would be delivered by a mini-van to local restaurants/bakeries.

Mr. Lofdahl asked when the goods would be delivered and the approximate number of loads/trips.

Mr. Witscher stated that typically the baking would take place on Tuesday, Wednesday and Thursday, and the product would be delivered on Wednesday, Thursday, and Friday, with several trips each day.

Mr. Rider asked the size of the proposed bakery, and Mr. Witscher stated that it would be about 900 square feet.

Mr. Rider asked if Oak Grove Road is public or privately maintained, and Mr. Witscher stated that it is a self-maintained/private road.

Mr. Barr asked about the amount of noise that would be generated by the grinding machine.

Mr. Witscher explained that the noise would be inside the building, and sound similar to that of a vacuum cleaner. He further explained that there is an attached bag to collect any dust generated during the grinding process.

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

Mr. Peter Spreadbury spoke in opposition to the request. He cited concerns with traffic, and stated that he felt this is a commercial operation in an agricultural environment.

Ms. Maureen Brennan spoke in opposition to the request. She cited concerns with traffic.

Mr. Peter Mitchell, Agricultural Development Officer for Fauquier County spoke regarding the request. He explained that he has worked with Mr. Witscher on this project and felt there is a niche in the market for this type of product.

Mr. Jack Bartenstein spoke in support of this request. He felt that this a good use for agricultural land.

Mr. Meadows asked Mr. Witscher about the hours of operation.

Mr. Witscher explained that the grinding of the product would be done in the daylight hours. He stated that the baking would take place between the hours of 3:00 and 10:00 A.M. He further stated that he has not completely developed his business plan and would be willing to conform to any criteria.

On the motion made by Mr. Tufts, and seconded by Mr. Lofdahl, it was moved to grant special permit #47885, 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:

5-204 Additional Standards for Cottage Industries

1. Such uses shall be permitted as a home occupation in accordance with Section 6-302 and shall not be listed in Section 6-303 or similar thereto. Such use may also include production of products requiring trade skills such as carpentry, plumbing, electrical and printing.
2. A cottage industry shall be conducted on the same lot as contains the bona fide residence of the proprietor of same business.
3. Not more than two (2) persons, other than bona fide residents of the site, shall be engaged in the operation of the business, including part-time employees.
4. Such a use shall be conducted within the dwelling of the proprietor or within a separate structure not exceeding one story or 1,000 square feet in gross area and shall be located to the rear of the proprietor's dwelling.
5. Except for articles produced or substantially repaired on the premises, no stock in trade shall be displayed, stored or sold on the premises.

"Substantially repaired" shall be deemed to include only repairs adding 100% to the value of an article.

6. No outside storage, display or sales of equipment, materials or stock in trade related to the business shall be allowed.
 7. Signs shall be limited to those allowed for home occupations in the zoning district where located.
 8. Off-street parking and loading for the use shall be in accordance with the provisions of Article 7 in addition to that required for the dwelling unit and shall not be located on any required yard.
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.

The motion carried unanimously.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at approximately 3:35 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\8-2-01.doc