

**RECESSED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING
APPEALS**

January 6, 2000

The Fauquier County Board of Zoning Appeals held a closed meeting on Thursday, January 6, 2000, at 1:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman; William Barr, Vice Chairman; Mrs. Peg Mailler, Mr. Eugene Lofdahl, and Mr. John Meadows. Also present were Mrs. Carolyn G. Bowen, Zoning Administrator; Mr. Paul McCulla, County Attorney; and Mrs. Beverly Pullen, Zoning Office Technician. Dr. James Branscome and Ms. Barbara Wilson were absent.

CLOSED MEETING

Mr. Meadows stated that he felt it necessary to disclose his association with Virginia Power and felt it necessary to disqualify himself from this case.

On the motion made by Mrs. Mailler, and seconded by Mr. Lofdahl, and pursuant to §2.1-344 (a)(7) of the Code of Virginia, it was moved to go into Closed Meeting for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to Appeal #44910 Robert Frederick Dorkey.

The motion carried unanimously.

The following persons were excused from the Closed Meeting and left the meeting: Mr. John Meadows, Mrs. Carolyn G. Bowen, Zoning Administrator, and Mrs. Beverly A. Pullen, Zoning Office Technician.

Mr. Rider asked Mrs. Pullen to read the motion to bring the Board of Zoning Appeals out of Closed Meeting.

The Fauquier County Board of Zoning Appeals, having adjourned into Closed Meeting this day for the purposes stated in the resolution authorizing such Meeting, does hereby certify that to the best of each member's knowledge (I) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (II) only such public business matters as were identified in the motion by which the Closed Meeting was convened, were heard, discussed or considered in the Closed Meeting.

AYES: Mr. Barr, Mr. Rider, Mrs. Mailler, and Mr. Lofdahl.

NAYS: None

ABSTENTION: Mr. Meadows.

ABSENT: Dr. Branscome, Ms. Wilson.

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

January 6, 2000

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, January 6, 2000, 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. Eugene Lofdahl, and Mr. John Meadows. Also present were Mrs. Carolyn G. Bowen, Zoning Administrator; Mr. Paul McCulla, County Attorney; Mr. Don Margraf, Assistant Zoning Administrator, and Mrs. Beverly Pullen, Zoning Office Technician. Members absent were Dr. Branscome and Ms. Wilson.

MINUTES

Mr. Rider stated that since the December meeting was recessed, the motion to approve the December minutes would be carried over to the February meeting.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mrs. Bowen stated that there were no cases before the Board of Zoning Appeals for a public hearing this month

APPEAL #44910

ROBERT FREDERICK DORKEY (OWNER/APPLICANT)

Owner has filed an appeal to certain determinations made by the Zoning Administrator in a letter dated September 14, 1999 related to SE #98-L-12 granting Virginia Power the authority to construct and operate a peak generation facility on PIN #6888-83-3857-000, PIN #6898-10-8862-000, and PIN #6898-10-1550-000, which is located adjacent to property owned by Robert Frederick Dorkey, identified as PIN #6898-51-3857-000, containing 87 acres, located at 12034 Morgansburg Road (State Route 653), in Lee District.

Mrs. Bowen stated that the appeal was continued from the December meeting. She stated that new material in the form of an addendum had been received from Mr. Dorkey and was included in the materials provided to the BZA members.

Mr. Rider asked the members for a motion regarding this case.

On the motion made by Mrs. Mailler, and seconded by Mr. Lofdahl, it was moved to adopt the following resolution:

A RESOLUTION AFFIRMING THE DECISIONS OF THE FAUQUIER COUNTY ZONING ADMINISTRATOR IN APPEAL #44910 FILED BY ROBERT FREDERICK DORKEY

WHEREAS, Appellant, Robert Frederick Dorkey, has appealed the decision of the Zoning Administrator made in her September 14, 1999 letter that:

- a. The general standards #7 and #8 for approving or denying a special exception found in Section 5-006 of the Fauquier County Zoning Ordinance fall within the authority of the Fauquier County Board of Supervisors at the time of its legislative decision on the special exception request and do not fall with purview of the Fauquier County Zoning Administrator after the Board of Supervisors makes its decision; and
- b. Conditions #11 and #12 have been satisfied in so far as they require the special exception holder, Virginia Power, to install monitoring wells but that the other requirements of those conditions do not become effective until the facility has become operational;

and

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

RESOLVED this 6th day of January, 2000 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 record before it in this appeal, the Board of Zoning Appeals does hereby AFFIRM the decisions appealed from.

The motion carried unanimously.

SPECIAL PERMIT #44960

VINT HILL ECONOMIC DEVELOPMENT AUTHORITY (OWNER/APPLICANT)

Applicant is requesting special permit approval for the location of a golf course/public and an identification sign of 32 square feet, on approximately 171 acres. The property is identified as PIN #7915-86-0060-000 and PIN #7915-75-9953-000, located on Kennedy Road (State Route 652), Vint Hill Road (State Route 215) and Rogues Road (State Route 602), zoned RA (Rural Agriculture), in Cedar Run District.

Mrs. Bowen stated that on December 20, 1999, the Fauquier County Board of Supervisors voted to re-zone the Vint Hill property, and therefore this application is void and removed from the agenda.

Mr. Rider stated that Mr. McCulla confirmed that no action is necessary for this item.

VARIANCE #45118

ERNEST M. OARE (OWNER)

Applicant is requesting a variance of fifty (50') feet to side property line for a proposed barn, wherein the Zoning Ordinance requires a setback requirement of one-hundred (100') feet. The subject property is located on Lees Ridge Road (State Route 744), and is identified as Pin #6973-96-6849-000, containing 17.636 acres, and is zoned Rural Agricultural and R-1 (Residential), in Marshall District.

Mrs. Bowen stated that a fax had been received from Mr. Oare that he wished to withdraw his application for a variance.

OTHER MATTERS

Mrs. Bowen distributed to the BZA members a copy of the By-Laws. She asked that the BZA consider an amendment to Article IV – Meetings, to allow the BZA the ability to change the meeting day when necessary. She further explained that the By-Laws requires thirty (30) days prior notice to consider an amendment.

Mr. Meadows made a motion to consider amending Article IV, and requested the item be placed on the February agenda. Mr. Lofdahl seconded the motion.

The motion carried unanimously.

Mr. Rider asked Mr. McCulla to prepare a draft of the amendment.

Mr. Lofdahl and Mr. Meadows discussed appointing Mrs. Pullen as Secretary, in that they did not think that the *Code of Virginia* required that the position of Secretary be a Board member.

Mr. McCulla stated that he would like to review the *Code of Virginia* to be sure that the statute would allow such.

Mr. McCulla suggested that a motion be made for the election of Chairman and Vice-Chairman, and in the draft of the changes to the By-Laws, a change will be drafted to indicate the Secretary as the Zoning Administrator, or her designee.

Mr. Meadows made a motion to reelect Mr. Rider as Chairman, and Mr. Barr as Vice-Chairman. Mr. Lofdahl seconded the motion. The motion carried unanimously.

ADJOURNMENT There being no further business before the Board, the meeting adjourned
at
2:15 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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