

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

February 10, 2000

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, February 10, 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; Dr. James Branscome, Mrs. Peg Mailler, Mr. Eugene Lofdahl, Mr. John Meadows, and Mr. James VanLuven. 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.

LETTERS OF NOTIFICATIONS

PUBLIC NOTICE Mrs. Bowen stated that to the best of her knowledge, the case before the Board of Zoning Appeals for a public hearing has been properly advertised, posted, and letters of notification sent to adjoining property owners.

MINUTES

The minutes of the December 2, 1999 and January 6, 2000 meetings were approved as distributed.

APPEAL #45132

SALAHY FAMILY LIMITED PARTNERSHIP, THE OASIS WINERY, DIRGHAM AND CORINE SALAHY (OWNERS)

The owners have filed an appeal to certain determinations made by the Zoning Administrator in
a

letter dated December 8, 1999. The owners are appealing decisions regarding qualifying a wine tasting dinner held on December 17, 1999 as a Class C Event, and specifically, subject to the thirty day (30) notice provision and the limit on the hours of operation. The subject property is identified as PIN #5998-87-0439 & PIN #5998-88-4344, located at 14141 Hume Road (State Route 635) near Hume, Virginia, containing approximately 99.72 acres and is zoned RA (Rural Agriculture) in Marshall District.

Mrs. Bowen stated that at the request of the owners' attorney, John Foote, via a faxed letter that is attached to and becomes a part of these minutes, they have requested that the appeal be postponed until the March 2, 2000 meeting.

On the motion made by Dr. Branscome and seconded by Mr. Meadows, it was moved to carry over the appeal until the March 2, 2000 meeting.

The motion carried unanimously.

VARIANCE #45231**EDWARD S. PEARSON, JR. & ARLENE V. RAMSEY & OTHERS (OWNERS)**

The applicant has requested a variance to the setback requirements from an Interstate Highway. Applicant wishes to build a dwelling on each parcel fifty (50') feet from the property line, wherein the Zoning Ordinance requires two hundred (200') feet. The subject properties are identified as PIN #6001-84-5575-000 containing 2.17 acres, and PIN #6001-84-3502-000 containing 1.83 acres, located on John Marshall Highway (State Route 55) and Interstate Highway Route 66, near Linden, Virginia, and are zoned Village, in Marshall District.

Mr. Margraf reviewed the staff report and stated that a site visit was conducted earlier in the day. He stated that the Board of Zoning Appeals approved two variances for dwellings in the same area and similar to this request, and also on January 2, 1997, the BZA granted a variance for a proposed detached garage on the adjacent property.

Mr. Edward Pearson was present on behalf of this request. He stated that the variance is needed due to the proposed location of the effluent pump system required, and the gravity fed sewer system for the dwellings on each property.

On the motion made by Mr. Meadows and seconded by Mr. Barr, it was moved to grant variance #45231, 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 due to the construction of Interstate Highway Route 66 reducing the size of the lots, and due to the required location of the drainfield system for the dwellings on each property.
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: (*select a, b or c*):
 - (a) the exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of the Ordinance;
 - (b) exceptional topographic conditions or other extraordinary situation or condition of the property;
 - (c) exceptional topographic conditions or other extraordinary situation or condition of property immediately adjacent thereto;
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: (*specific findings as to a, b, or c above*):

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 one hundred fifty (150) feet.

The motion carried unanimously.

Mr. Rider asked Mrs. Pullen to read the Resolution of Appreciation recognizing the service of Ms. Barbara Wilson as a member of the Board of Zoning Appeals.

Resolution Of Appreciation

Adopted at a regular meeting of the Fauquier County Board of Zoning Appeals, held in the Warren Green Building Meeting Room, 10 Hotel Street, Warrenton, Virginia, on Thursday, February 10, 2000.

WHEREAS, Barbara H. Wilson, has served as a member of the Fauquier County Board of Zoning Appeals from September 30, 1978 until December 31, 1999; and served in an outstanding manner as Secretary of the Board of Zoning Appeals from May 1, 1980 through December 31, 1999; and

WHEREAS, her many exemplary years of leadership and service contributed significantly to both County staff and Board of Zoning Appeals knowledge, and helped to protect, through the application and interpretation of the Fauquier County Zoning Ordinance, the unique quality, vision, and sense of place felt by citizens of this County; and

WHEREAS, her concern for the citizens and knowledge of Fauquier County contributed significantly to the Board of Zoning Appeals' efforts to apply the zoning regulations of this County in a fair and impartial manner to the benefit of all who came before the Board of Zoning Appeals; and

WHEREAS, the Board of Zoning Appeals, on behalf of all the citizens of Fauquier County, wishes to express its profound appreciation for her devotion and dedication to the betterment of the county;

NOW, THEREFORE, BE IT RESOLVED, that the Fauquier County Board of Zoning Appeals, by this Resolution, does hereby express its highest appreciation to Barbara H. Wilson, for her significant and outstanding contributions and years of service as the member of the Board of Zoning Appeals; and

BE IT FURTHER RESOLVED, that this Resolution be placed within the minutes of the Board of Zoning Appeals in recognition of Barbara H. Wilson's distinguished service to Fauquier County.

AMENDMENTS TO BY-LAWS

Mr. McCulla stated that attached is a draft of the amendments as requested at last month's meeting. He stated that the amendments could be amended or adopted as drafted.

On the motion made by Dr. Branscome and seconded by Mr. Barr it was moved to adopt the amendments to the By-Laws as drafted. The adopted By-Laws are attached to these minutes and become part of the record.

The motion carried unanimously.

OTHER MATTERS

On a motion made by Mr. Meadows and seconded by Mr. Lofdahl it was moved to elect Mrs. Pullen as Secretary to the Board of Zoning Appeals.

The motion carried unanimously.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at 2:25 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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