

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

July 6, 2000

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, July 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. John Meadows, Dr. James Branscome and Mr. James VanLuven. Also present were Mr. Paul McCulla, County Attorney; Mrs. Carolyn Bowen, Zoning Administrator; Mr. Fred Hodge, Assistant Zoning Administrator, Ms. Holly Meade, Zoning Planner and Mrs. Beverly Pullen, Zoning Office Technician. Mr. Eugene Lofdahl was absent.

MINUTES

The minutes of the June 1, 2000 meeting were approved as distributed.

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 #45830 CHARLES T. MATHESON (OWNER)

Applicant is requesting special permit approval to use a portion of an existing commercial structure for a Residential Use. The subject properties are identified as PIN#6969-58-4299-000, and PIN#6969-58-4246-000, and contains approximately .60 acre, and are located at 8393 W. Main Street (State Route 55), zoned Commercial-1, in Marshall District.

Mr. Hodge reviewed the staff report stating this property is zoned Commercial-1, and until three (3) years ago, a portion of the building was used for residential purposes. He stated that special permit approval is required as the property has lost it's non-conforming status.

Mr. Charles Matheson, Owner, was present in support of his request. He stated that the upstairs portion of the building has been used for residential purposes, and is currently equipped for residential use. He further stated that the downstairs area is used for commercial purposes.

Mrs. Bowen explained that the request before the BZA today is only for the residential use.

Mr. Meadows asked Mr. Matheson if he planned to alter the floor plan, and he stated that he did not.

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. Barr, it was moved to grant special permit #45830, 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:

5-103 Standards for all Residential Uses in C-1 and CV Districts

In addition to the standards set forth in Section 006 above, all residential uses shall satisfy the following standards:

- 1. While the C-1 and CV Zoning Districts are intended to accommodate a mixture of commercial and residential uses, and to recognize the mixed-use character of many village centers in the County, residential uses allowed by special permit in such districts shall be of such scale as to avoid conflict with existing and potential commercial uses in the district where located.
- 2. Such uses shall be subject to the use regulations set forth in Part 4 of Article 3 for conventional developments in the zoning districts indicated:

<u>Dwelling Unit Type</u>	<u>Zoning District</u>
Single Family, Detached	R-4
Single Family, Attached	TH
Multi-Family	GA

The motion carried unanimously.

SPECIAL PERMIT #45838 CATLETT VOLUNTEER FIRE COMPANY (OWNER)

Applicant is requesting special permit approval for a Temporary Use, turkey shoots. The BZA approved the use last year on September 2, 1999 for one year. The subject property is identified as PIN#7922-93-4822-000, located at 3447 Catlett Road (State Route 28), and contains 9.98 acres, is zoned Commercial-1, in Cedar Run District.

Mr. Hodge reviewed the staff report. He stated that the applicants are requesting renewal of their special permit, and are asking for a three (3) year permit.

Mr. Vernon Riley spoke on behalf of the Catlett Volunteer Fire Company, and in support of this request.

Mr. Rider asked if the target would be located in the same area and Mr. Riley indicated that it would.

Dr. Branscome inquired as to the number of participants.

Mr. Riley stated that approximately 35-40 people attend the event.

Mr. Rider asked staff if any complaints had been filed since the granting of the permit.

Mr. Hodge stated there have been no complaints.

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

No one spoke.

On the motion made by Mr. Van Luven and seconded by Mr. Meadows, it was moved to grant special permit #45838, 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:

5-804

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 Supervisors or 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. In no case shall alternative frontage and access be onto less than a rural minor collector or urban local road as designated in the Comprehensive Plan.
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 turkey shoots shall be on Saturdays from 6:00 P.M. to 10:00 P.M.
- (2) The permit is granted from September, 2000 through March, 2001.
- (3) The special permit is granted with two (2) one-year administrative renewals by the Zoning Administrator, if there are no complaints.

The motion carried unanimously.

***4. SPECIAL PERMIT #45858 WESLEY T. BILLSTONE (OWNER)**

Applicant is requesting special permit approval to operate an office, professional (massage therapist). The subject property is identified as PIN #7905-45-0100-000, located 5410 Wemberly Drive (State Route 1350), contains 1.899 acres, and is zoned Residential-1, in Scott District.

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

Mrs. Billstone was present in support of her request. She stated that she recently started her own business, massage therapist, and would like to operate on a part-time basis out of her home. She explained that she would not have any employees, and would not have any signage. She further stated that she plans to have a maximum of four (4) clients per day.

Mr. Rider asked if the clients would be by appointment only, and inquired about the parking accommodations.

Mrs. Billstone stated her clients would be by appointment only, and she would have ample parking for one (1) client at a time.

Mr. Rider asked Mrs. Billstone if she would be offering off-site services, and she indicated that she would not.

Mr. Rider asked Mrs. Billstone if she would have a sign, and she indicated that she would not. She stated that she would advertise in the paper, or distribute flyers.

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

Mr. Richard Ratcliff, an adjacent property owner, spoke in opposition to this request. He cited concerns with parking and the residential area being using for commercial purposes.

Mr. Rider explained to Mr. Ratcliff that there will be no sign on the property. He further explained that the Zoning Ordinance allows certain types of home occupations, on a case by case basis, and if certain conditions are met.

Mr. Charles Phillips, an adjacent property owner, spoke in opposition to this request. He cited concerns with the a business being located in a residential neighborhood, and monitoring the conditions of the permit, if granted. He also read a letter from another neighbor, the Siemens, who are also opposed to the granting of this permit. The Siemens' cited concerns with traffic, and safety of the children in the neighborhood.

Mrs. Ratcliff spoke in opposition stating concerns with allowing a business to locate in their neighborhood and setting a precedent for future request.

Mrs. Bowen explained that each request is individual. She explained that this request is only for part-time, and not as impactive as that of a doctor or dentist.

On the motion made by Mr. Meadows, and seconded by Dr. Branscome, it was moved to grant special permit #45858, 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. Such alternative access shall be to a road designated in the Comprehensive Plan no lower than rural minor collector or urban local.
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 hours shall be limited to 10:00 A.M. to 6:00 P.M., Monday through Saturday, and the appointments shall be scheduled so as to only have one (1) client on site at a time.
 - (2) There shall be no employees.
 - (3) There shall be no sign.
 - (4) The permit does not transfer with the sale or lease of the property.
 - (5) The special permit is granted to Alexis Billstone only, and for a period of five (5) years.

The motion carried unanimously.

SPECIAL PERMIT #45882 RALPH M. AND LINDA L. ROBINSON (OWNERS)

Applicants are requesting special permit approval for a Tourist Home/Bed and Breakfast by adding two bedrooms to the existing Bed and Breakfast. The subject property is identified as PIN #6960-50-0225-000, contains approximately 21.234 acres, and is zoned Rural Agricultural, and is located at 10981 Lees Mill Road (State Route 651), in Lee District.

Mr. Hodge reviewed the staff report.

Mr. Rider stated that he remembered visiting the property when the original permit was issued.

Mr. Paul Groves, spoke on behalf of Dr. and Mrs. Robinson. He read a letter from the owners, and stated that they were presently out of town.

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

No one spoke.

On the motion made by Mr. Meadows, and seconded by Mrs. Mailler, it was moved to grant special permit #45882, 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:

5-302

Additional Standards for Tourist Homes and Boarding Houses

1. Such a use shall provide accommodations for not more than twelve (12) persons.
2. Off-street parking for the use shall be in accordance with the provisions of Article 7, shall not be located in any required front yard, and shall be effectively screened.
3. 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 Supervisors or 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. Such alternative access shall be to a road designated in the Comprehensive Plan no lower than rural minor collector or urban local.
4. In Residential and Rural Zoning Districts, the Building(s) so used shall have the exterior appearance of a single family residence and normal residential accessory structures.

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 subject to approval from the Fauquier County Health Department.
 - (2) The permit does not transfer with the sale or lease of the property.

The motion carried unanimously.

SPECIAL PERMIT #45905 ANDERSON BUILDERS, INC./STILLWELL PLUMBING & HEATING (OWNERS) AND COMMUNITY CHRISTIAN FELLOWSHIP (APPLICANTS)

Applicants wish special permit approval to locate a place of worship. The subject properties are identified as PIN# 7916-66-6137-000 and PIN# 7916-66-5391-000, contain approximately 5 acres, and are zoned Rural Agricultural, located on Vint Hill Road (State Route 215), in Scott District.

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

Mr. Bob Custer spoke on behalf of Community Christian Fellowship. He stated that they have purchased modular buildings from Vint Hill and want to locate the buildings on the subject property. He explained that the congregation is on average about 100 persons. He stated that he has met with Virginia Department of Transportation and Fauquier County Health Department regarding the necessary permits. He stated that VDOT would require a decel lane.

Mr. Rider stated that the BZA had driven by some modular buildings at Vint Hill earlier in the day.

Pastor Dick Wright of Community Christian Fellowship confirmed that these are the same buildings they have purchased.

Mr. Hodge stated that comments have not been received from VDOT or the Health Department. He stated that this case will be subject to approval from these agencies at site plan review.

Mr. Rider asked if both lots front on Vint Hill Road.

Mr. Custer confirmed that they do front on Vint Hill Road and that the plan is to vacate the lot line and make one parcel.

Mr. Rider cited concerns with the buffer requirements to Buckland Farm Road. He further stated that VDOT has not commented on this request, and he feels it necessary to continue the request until the August meeting to allow for additional comments.

Mrs. Mailler asked Mr. Custer if the modular structures would be permanent, or are there plans to build later.

Mr. Custer stated that the modular structures would be used and they would relocate to another property if the need for expansion arises.

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

Mr. David Blake, an adjoining property owner spoke regarding this request. He cited concerns with commercial expansion on the property. He further cited concerns with VDOT's requirements of the entrance, as well as any required buffers to his property.

Pastor Dick Wright spoke regarding Mr. Blake's concerns. He stated that his intention is to make the necessary improvements to the property as required by the BZA.

On the motion made by Mr. Meadows, and seconded by Dr. Branscome, it was moved to continue special permit #45905 until the August meeting, and to leave the public hearing open.

The motion carried unanimously.

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