

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

November 4, 1999

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, November 4, 1999, 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; William Barr, Vice Chairman; Ms. Barbara Wilson, Secretary; Mrs. Peg Mailler, Mr Eugene Lofdahl, Dr. James Branscome 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.

MINUTES

It was moved to approve the minutes of the October 7, 1999 hearing as submitted.

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.

VARIANCE #44692

ANTHONY EDWARD BALOGH (OWNER)

Owner is requesting a variance to the side yard to allow the construction of an addition. The addition would be located 21 feet from a side yard, wherein the Zoning Ordinance requires 25 feet. The subject property is located at 4317 South Starcrest Drive, and is identified as PIN #7915-41-7855-000, containing 1.14 acres, is zoned Residential-1 (R-1), in Cedar Run District.

Mr. Margraf stated that this request had been deferred from last month's meeting to allow the applicant the opportunity to locate the drainfield, reserve area, and septic tank on his property. He also stated that a site visit was conducted earlier in the day. He indicated that Mr. Balogh had phoned staff at about 1:20 PM today, and stated that he could not attend today's meeting and requested that the matter be tabled for an additional 30 days.

On the motion made by Ms. Wilson, and seconded by Mr. Lofdahl, it was moved to table variance #44692 for 30 days at the request of the applicant.

The motion carried unanimously.

SPECIAL PERMIT #44798

PAMELA J. GREEN (OWNER)

Owner is requesting special permit approval to locate a barber/beauty shop within the existing dwelling. The applicant is also requesting approval for an identification sign up to two (2) square feet, on property located at 5128 Rock Springs Road (State Route 1301), and is identified as PIN #7904-69-8663-000 and is zoned Residential-1, in Cedar Run District.

Mr. Margraf reviewed the staff report stating that a site visit was conducted earlier today. He also stated that minor site plan approval would be required of the applicant. He indicated that Virginia Department of Transportation, Fauquier County Health Department, and Water and Sanitation Authority have provided comments and the letters are attached.

Ms. Pamela Green, owner was present in support of her request, along with Mr. Bill Gouldthorpe.

Mr. Rider asked the applicant where parking would be provided.

Mr. Gouldthorpe indicated that parking would be provided as indicated on the drawing.

Mr. Rider stated that Virginia Department of Transportation has commented that the entrance to this property does not meet the Department's minimum standards for a private entrance.

Mr. Gouldthorpe stated that the applicant did not plan to widen the driveway at this point.

Ms. Wilson stated that VDOT is recommending the widening of the driveway, as well as indicating concerns with the turning radii.

Mr. Gouldthorpe explained the location of the parking area and how the customers would turn around and he stated he felt there is ample room for, due to the fact that Ms. Green only anticipates having a maximum of two customers at any one time.

Mr. Rider asked if the drainfield was fully functioning, and how much water would be used daily for the business.

Ms. Green indicated that the drainfield is functioning properly, and that she does not know the amount of water that will be used daily.

Mr. Margraf stated that comments had been received from the Fauquier County Health Department and the Water and Sanitation Authority.

Mr. Rider asked if the property is served by public water.

Ms. Green indicated that water services are provided by WSA.

Mr. Rider stated that a letter had been received in opposition to the requested sign.

Ms. Wilson asked what the sign would say and if the applicant would rely on the sign for attracting business.

Ms. Green stated that she would like to have a sign, and the name of the salon would probably be on the sign, but she did not intend for the sign to attract business.

Mr. Rider asked Ms. Green if she would have any objection to signage only on the mailbox.

Ms. Green indicated that would be fine.

Mr. Lofdahl asked Mr. Gouldthorpe if the width of the driveway is sufficient for parking, as well as the passing of customers.

Mr. Gouldthorpe stated he thought it was enough room.

Mr. Lofdahl expressed concerns with the parking area and indicated he felt it should be enlarged.

Ms. Green stated that she would only have one or two persons there at one time and at some point she would like to have a circular drive. She stated she would be willing to comply with requirements for parking and VDOT.

Mr. Rider asked if she would schedule her appointments, to only have one or two people at a time.

Ms. Green indicated that her clients would be by appointment only, with no more than two persons at any one time.

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

No one spoke.

On the motion made by Ms. Wilson, and seconded by Mr. Meadows, it was moved to grant special permit #44798, 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:

5-1306 Additional Standards for Barber/Beauty Shop in Residential and Rural Zoning Districts

Such uses shall comply with the use limitations set forth in Section 6-304.

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 two years
- (2) The sign will be limited to the placement of "Green" on the mailbox.
- (3) The permit does not transfer or convey with the sale of the property.

The motion carried unanimously.

SPECIAL PERMIT #44892

KIMMAREN CORPORATION/AIRLIE FOUNDATION (OWNERS)

WARRENTON HUNT, INC. (APPLICANT)

Applicant wishes to renew a special permit for their annual steeplechase event as a Temporary Use on properties identified as PIN #6986-01-8386-000 containing approximately 383 acres and PIN #6986-40-0343-000 containing approximately 142 acres. The subject properties are located on (Blantyre Road) Route 628 and (Airlie Road) Route 605, and are zoned Rural Agriculture (RA), in Center District.

Mr. Don Margraf reviewed the staff report and stated that the applicant had received special permit approval on March 2, 1995, for the annual steeplechase, the permit was granted for a period of five years, copy of the minutes are attached. He stated that this request is for an annual steeplechase event, occurring one day during the month of March of each year. He indicated that comments have been received from Virginia Department of Transportation and Fauquier County Health Department and are attached.

Mrs. Bowen stated that this was the second renewal of the special permit and the applicants are requesting a longer time period on the permit at this time. She further stated that the applicants have met the requirements of the Zoning Ordinance.

Mrs. Sally Tufts was present on behalf of the Warrenton Hunt. She stated that they would like a longer period of term for the permit if possible.

Mr. Rider asked Mrs. Tufts for the requested time period.

Mrs. Tufts stated that she is not sure how long the property will be available for this use, however what ever time period the BZA would be comfortable in granting would be appreciated.

Mr. Rider asked if five years would be enough.

Mrs. Tufts stated that they have already had a five-year period and would like to get more than that if possible.

Mr. Lofdahl, Mr. Meadows and Mrs. Mailler indicated they felt comfortable with a ten-year permit.

Mr. Rider asked if anyone wished to speak.

No one spoke.

Mr. Lofdahl asked Mrs. Tufts, if the entrance/exit to the property is the same on this request as with the previous permit.

Mrs. Tufts stated that no, that the entrance on Route 17 is not used anymore. She further stated that the entrance is located off of Route 628, and the exit is off of Route 605.

On the motion made by Mr. Barr, and seconded by Mrs. Mailler, it was moved to grant special permit #44892, 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 special permit is granted for a period of ten years.

The motion carried unanimously.

SPECIAL PERMIT #44904**JOHN H. AND ALICE M. ECKERT (OWNERS)**

Applicants are requesting special permit approval for a small contracting business on property identified as PIN #6070-42-3434-000, containing 10.019 acres, and located at 4023 Whiting Road (State Route 622), and is zoned Rural Agriculture (RA), in Scott District.

Mr. Margraf reviewed the staff report stating that a site visit was conducted earlier in the day. He stated that staff has received comments from the Virginia Department of Transportation and the Fauquier County Health Department and are attached.

Mr. Lofdahl asked if all the equipment is stored in the building, is screening required?

Mr. McCulla stated that the walls themselves would be ample screening, if all equipment would be stored inside of the building.

Mr. Meadows stated that the applicant has indicated that the equipment for the business would be stored inside.

Mr. Rider stated that the parking area, to be used by the employees, would need to be screened.

Mr. John Eckert, owner was present in support of their request. He stated that he has four employees that would park behind the existing garage and he is trying to blend the parking area between the existing and proposed building.

Mr. Meadows stated that the graveled parking area for the employees would alleviate concerns that VDOT had with the turning radii.

Mrs. Bowen stated that the VDOT concerns with turning radii are at the entrance to the property on Whiting Road, not in the employee parking area. She referenced the standards requiring parking to be screened.

Mr. Meadows asked Mr. Eckert to explain the screening and parking on the plat.

Mr. Eckert explained the proposed area he would like to screen, the employee parking area, and the positioning of the new proposed building.

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

Mrs. Judy Curtis, an adjoining property owner, spoke in support of this request. She stated that there has been no problem with traffic due to the business.

On the motion made by Mr. Meadows, and seconded by Mr. Lofdahl, it was moved to grant Special Permit #44904, 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:

5-203 Additional Standards for Small Contracting Businesses

1. The minimum lot size requirement shall be five (5) acres.
2. All off-street parking and loading spaces, storage and loading areas, storage and structures which are related to such use shall be located not less than fifty (50) feet from any lot line.
3. Not more than five (5) persons shall be engaged in the on-site operation of the business.
4. Not more than five (5) vehicles in excess of 3/4 ton and/or pieces of equipment shall be operated from the site or stored there overnight.
5. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the BZA finds that the type and amount of traffic generated by the particular use is such that it will not cause an undue impact on the neighbors or adversely effect safety of road usage.
6. The area covered by all structures used in connection with such a use shall not exceed a total of five thousand (5,000) square feet.
7. The area covered by any outdoor storage in connection with such a use shall not exceed a total of five thousand (5,000) square feet.
8. All parking, loading and open storage shall be effectively screened from view.
9. A special permit may be issued for a period not to exceed one year, and each permittee shall apply annually to the Zoning Administrator for a renewal of his permit, should he so desire. If the Zoning Administrator determines that all of the conditions under which the permit was issued have continued to be complied with, and that there have been no changed conditions, the Administrator shall renew said permit for an additional period of one year. If, however, the permittee has not complied with each and every one of the conditions imposed upon him, or in the event of changed conditions, the

Zoning Administrator shall revoke the temporary special permit in accordance with the provisions of Section 015.

10. Small Contracting Businesses include the following uses and those uses determined by the Zoning Administrator to be sufficiently similar thereto in terms of type, scale and impact.
 - A. Construction and/or repair of building, roads, fencing and utility lines.
 - B. Installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling.
 - C. Excavating.
 - D. Custom farming not in conjunction with a farming operation.

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 not to exceed one year, and permittee shall apply annually to the Zoning Administrator for a renewal of this permit.

(2) The hours of operation shall be 7:00 A.M. to 5:00 P.M. Monday through Friday, and 7:00 A.M. to 1:00 P.M. on Saturday.

(3) The screening required for the employee parking lot area shall be one single row of white pines as shown on the applicant's drawing, and shall be completed within six months of the special permit approval date.

The motion carried unanimously.

SPECIAL PERMIT #44905

REID S. AND STEPHANIE M. ALTAVILLA (OWNERS)

Applicants are requesting special permit approval for a preschool/day care center/nursery school, and have also requested an identification sign of 4.5 square feet, on property identified as PIN #7916-14-2562-000, containing 1.23 acres, and located at 4513 Lee Hwy. (State Route 15 & 29), near New Baltimore, and is zoned R-1 (Residential), in Scott District.

Mr. Margraf reviewed the staff report stating that a site visit was conducted earlier today. He stated that site plan approval is required. He indicated that comments have been received from Virginia Department of Transportation (VDOT), Water and Sanitation Authority, and the

Fauquier County Health Department. He referenced the BZA to the letter received from VDOT and their concerns.

Mr. and Mrs. Reid Altavilla were present in support of their request. Mr. Jim Carson of Carson, Harris & Associates was also present to represent the Altavilla's. Mr. Carson spoke regarding the request.

Mr. Rider asked the applicants the status of the well and septic.

Mr. Carson stated the current drainfield will support 600 gallons per day, which is sufficient for this use. He further stated that the drainfield has not been officially approved and the Fauquier County Health Department needs more information. Mr. Carson indicated that Mr. Earl Frazier, a Soil Consultant, is working on the soil testing and information, in coordination with the Health Department.

Mr. Rider stated that the Route 29 access to the property is of concern to VDOT and to the BZA. The entrance may need improvements and/or a continued turn/decel lane.

Mr. Carson explained that the applicants are willing to work with the VDOT. He further explained that the applicants are exploring options to deal with this concern, an extension of the turn lane from Route 676 would be one such option. Another option, would be a contract with the parents on exiting and entering the property, and addressing drop-off and pick-off procedures.

Mr. Rider asked if this building would be used as a permanent residence.

Mr. Carson stated that it would not, only as a day care center.

Ms. Wilson asked if the large tree would be preserved.

Ms. Altavilla stated that yes it would be preserved.

Mrs. Mailler stated concerns with parking in the front, the number of U-turns, and the volume of traffic in general.

Mr. Carson explained that the owners are trying to come up with a contract to be signed by the parents to address these concerns. He stated that he felt the morning drop-off is not as much of an issue as the afternoon pick-up, with regard to U-turns, etc. He indicated that he felt a traffic signal at the Route 676/Route 29 intersection could be helpful, due to the amount of traffic.

Mr. Lofdahl asked if there are enough gaps in traffic on Route 29 to allow for crossing over the highway.

Mr. Carson stated that he felt the traffic light at Route 600/Route 29 helps to provide the necessary gaps in traffic for crossover. He stated that he is aware of the concerns of VDOT and

the applicants have suggested they have a contract with the parents regarding appropriate entrance/exit information.

Mr. Rider suggested to Mr. Carson, that the applicants move the parking area toward the rear of the property. Mr. Rider asked the ages of the children.

Mr. Carson indicated that the children are between the ages of two and five years old, with some before and after school age children.

Ms. Wilson asked how the bus would enter the school.

Ms. Altavilla explained that the school bus would come from Rt. 600 and turn into the property, and pick up the children and then exit by turning right onto Route 29, and then turning right onto Route 676, toward C. Hunter Ritchie Elementary School.

Mr. Meadows asked where the parking area would be.

Mr. Carson stated that the parking would be moved to the side and rear, along with the play area in the rear of the property.

Mrs. Bowen stated that the site plan would address site plan issues and maybe the applicants need additional time to consider all the requests and come back with a revised drawing.

Mr. Rider suggested additional time for VDOT consultation, Health Department concerns and explained that it is a very critical situation due to traffic and health concerns.

Mr. Carson stated that his clients would be willing to defer for 30 days

Mr. Meadows reiterated to Mr. Carson, the BZA's concerns with safety of the children, parking area, frontage/entrance improvements, drainfields/soil concerns, drop off and pick up concerns, school bus transportation/and the possibility of a letter from the School Board Transportation Office.

Ms. Altavilla stated that if the Transportation Department does not feel that it is safe for the school bus to load and unload at the property, then she may not offer the before/after school age program.

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

No one spoke.

Ms. Wilson asked the applicants for the age group and the ratios.

Ms. Altavilla stated that the children would be between the ages of two through five years old. She stated that the ratio for two-year olds is one (1) Adult to every ten (10) children, and varies with the age of the child. The school age summer program would be offered to help parents, if

possible, as well as the before/after school program. She further stated that the maximum number of children is sixty (60), which includes before and after school age children.

On the motion made by Ms. Mailler, and seconded by Mr. Meadows, it was moved to carry over the request for 30 days, until the December meeting.

The motion carried unanimously.

SPECIAL PERMIT #44906

CHARLES G. TURNER, III (OWNER)

Applicant is requesting special permit approval to construct mini-storage warehousing units on property identified as PIN #6979-05-8683-000, containing .77 acre, and located on Winchester Road (State Route 17), near the intersection of I-66, and is zoned C-2 (Commercial), in Marshall District.

Mr. Margraf reviewed the staff report and stated that a site visit was conducted earlier today. He stated that the request is for two (2) mini-storage warehouse units. He indicated that there will not be water or sewer on site. He further stated that site plan approval will be required, and that the applicant's have indicated that they will be requesting a Landscape Modification Buffer. He stated that comments have been received from Fauquier County Health Department and Virginia Department of Transportation.

Mr. Charles G. Turner, III, owner, and Mr. Jim Carson of Carson, Harris & Associates were present regarding this request. Mr. Carson stated that the applicant had owned property for some time and had concerns with viable use for property due to lack of drainfield and well services. He stated that his client felt mini-storage warehouses would be a good use for the property. He indicated that a commercial entrance would be installed, as required by Virginia Department of Transportation.

Mr. Rider asked about the existing driveway that passes over through the property and whether the adjacent property owners have a right-of-way agreement with Mr. Turner.

Mr. Turner stated that there is not an agreement, and they have this gravel drive since he purchased the property in 1974.

Ms Wilson asked for clarification of the adjacent house, the driveway that serves the dwelling.

Mrs. Bowen stated that the use of the driveway across Mr. Turner's property is a civil matter between Mr. Turner and the neighbors.

Ms. Wilson asked about lighting and if the property would be used 24 hours a day.

Ms. Carson stated that the lighting would be downshielded around the building perimeter so as not to affect the adjoining parcels.

Mr. Meadows asked Mrs. Bowen if the lighting ordinance had been passed.

Mrs. Bowen stated no, but that the current ordinance addresses lighting regulations.

Mr. Carson explained that there would be a modest amount of light to come on at dusk for security and safety reasons.

Mr. Barr stated concerns with the residential use of the adjoining property.

Mrs. Bowen stated that the existing dwelling was built in the 1950's, and is a non-conforming use due to the rezoning of the property to Commercial-2, when I-66 was constructed.

Mr. Rider stated that he was satisfied about the location and proposed use for the property, and felt comfortable proceeding with the request.

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

Ms. Ursula Baxley, an adjacent property owner spoke in support of this request. She stated that she felt the proposed use was appropriate for this property. She further stated that Mr. Turner has reassured her that the lighting will not be an issue, based on the proposal.

On the motion made by Dr. Branscome, and seconded by Mr. Meadows, it was moved to grant Special Permit #44906, 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 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) Site Plan approval as required.
 - (2) Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners and to be no higher than 15 feet.

The motion carried unanimously.

OTHER MATTERS

Mr. McCulla explained that there are two (2) appeals filed with the Circuit Court against the Board of Zoning Appeals, the Hansen special permit and the Salahi Family Limited Partnership/Oasis appeal. He explained that the return to the court will be filed when the materials are received from the Zoning Office.

With regard to Oasis, Mr. McCulla explained that he would clearly inform the court that Oasis is not restricted to off-site sales, and there is nothing that prohibits them from applying to the Board of Supervisors, he could request a ZOTA that would permit a winery to sell a greater amount on site.

Mr. Rider expressed concern with several cases that Mr. Foote has referenced.

Mr. McCulla stated that he does not read the cases the same way that Mr. Foote has interpreted them. Specifically, to the adult bar case. He stated that in his response to the court, he will explain that the applicants could apply for zoning approval as a bar/restaurant, in order to sell more on site. Mr. McCulla stated that he felt the BZA has a strong position, the matter will probably be a non-judicial resolution.

Mr. McCulla informed the BZA that the Board's Agricultural Committee has formed a winery sub-committee, the issue of the amount that the wineries can sell, will be discussed and may result in a recommendation to the Board of Supervisors in the form of a Zoning Ordinance Text Amendment.

Mr. Rider was concerned that the BZA decision didn't amount to anything.

Mr. McCulla explained that he felt the BZA ruled based on current Zoning Ordinance, however if changes are made to the Zoning Ordinance, the BZA could not be held responsible. He further stated that the judge would be made aware of the farm affidavit, for storage, and tasting/sale of the product.

Mr. Lofdahl asked if any BZA member would be required to attend the court hearing.

Mr. McCulla stated that the BZA members will not be required, but we will notify each member of the date.

Mr. Lofdahl asked with regard to the Hansen permit, if the auctions are continuing.

Mr. McCulla explained that the auctions can continue, and that once an answer has been filed, the court will then set a hearing date.

Mrs. Bowen stated that the members have been given the list of meeting dates proposed for calendar year 2000 meetings. She informed Mr. Rider that she would be out of town for the February 3, 2000 meeting, and asked if he wanted to move the meeting to February 10, 2000. On the motion made by Mr. Meadows and seconded by Dr. Branscome, it was moved to change the date of the February meeting from the 3rd to the 10th.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at 3:50 P.M.

William Rider, Chairman

Barbara Wilson, Secretary

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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