

MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
APRIL 2, 1998

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, April 2, 1998, at 2:00 P.M. in the Warren Green Building located at 10 Hotel Street, Warrenton, Virginia. Members present were Mr. William Rider, Chairman; Mr. William Barr, Vice-Chairman; Mrs. Barbara Wilson, Secretary; Mrs. Peg Mailler and Mr. Eugene Lofdahl. Mr. Leon Williams and Dr. James Branscome were absent. 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.

The minutes of the March 5, 1998 meetings were approved as submitted.

LETTERS OF NOTIFICATIONS

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

VARIANCE #42429

Special Permit and Variance #42429 - Joseph S. Leggett, Inc.(Owner) Robbins Development Corporation (Contract Owner)

Robbins Development Corporation is requesting special permit approval to locate mini-storage warehouse units in a Commercial-2 Zoning District. In addition, the applicant is requesting a variance to increase the lot coverage to 50% in a Commercial-2 Zoning District, whereas the Fauquier County Zoning Ordinance only allows 30%. The subject property is located on Comfort Inn Drive on the southeast side of State Route 15 & 29 north of Warrenton, Virginia and contains approximately 3.305 acres, Center District. PIN #6984-99-8855-000.

Mr. Don Margraf read the staff report. He stated that the applicant is requesting special permit approval to locate mini-storage warehouses on a 3.3 acre site located on the southeast side of Comfort Inn Drive (State Route F973) , a service road parallel to Lee Highway (State Routes 15 & 29) in the C-2 Zoning District. In addition, the contract owner seeks a variance to increase the lot coverage to 50%, whereas the Zoning Ordinance only allows 30%. Mr. Margraf referenced the site development plan that Mr. Robbins had provided as part of his application. He stated that a site visit was made. The plan as shown indicated parking, the entrance, landscaping and individual mini-storage buildings.

Mr. Margraf stated that the actual lot coverage as shown on the provided plan appears to only be 31% versus the 50% variance to lot coverage as applied for by the applicant. He also stated that a covenant of the property requires a 100' foot setback requirement. The Town of Warrenton has commented on this application and has indicated that they will provide public water and sewer to the site.

Mr. Walter Robbins, Contract Owner, was present in support of his request. He stated that the title report has identified a water line easement, as well as an overhead Virginia Power easement on the site. He stated that Mr. Guy Farley had placed a covenant on this property in the form of a 100' foot setback requirement to benefit the restaurant and hotel properties owned by Mr. Farley's company.

Ms. Wilson inquired about the height of the rear storage buildings. Mr. Robbins stated that the height on the back side of the buildings would be approximately eighteen (18) feet.

Mr. Rider stated that the site appeared to be four to five feet higher in grade than Comfort Inn Drive. Ms. Wilson also inquired about the amount of grading that would be required to accommodate the storage warehouses. Mr. Robbins stated that the entire site would probably need to be graded.

Mr. Rider stated that the BZA is not empowered to change the density of the lot, by granting the proposed variance. Mr. McCulla stated that only the Board of Supervisors can approve a Zoning Ordinance Text Amendment, which would be necessary before the lot coverage could be increased. Mrs. Bowen stated that Mr. Robbins could make application for this text amendment. The next deadline for filing is June 1, 1998.

Based on this information, Mr. Robbins withdrew his request for a variance at this time.

Ms. Wilson asked Mr. Robbins if the site development plan as presented, was the actual plan that is being considered. Mr. Robbins stated that an architect had prepared this plan and it is a reasonable and approximate plan. He plans to have an engineer prepare the actual proposed site plan. Mr. Margraf indicated that based on the plan presented, 30% lot coverage could be met by reducing the number of units in order to meet the requirement of the current Zoning Ordinance.

Mr. Rider stated that due to the fact that there was no one present other than the applicants, he assumed that there were no opposing parties to this request. Mrs. Bowen stated that no correspondence had been received regarding this application.

On the motion made by Ms. Wilson and seconded by Mr. Barr is was moved to approve special permit #42429, 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:
 - (a) Site Plan approval as required.
 - (b) All lighting of the site shall be downshielded and constructed in a manner to prevent glare to adjacent parcels.
 - (c) Color of the units shall be followed as presented in the application.

The motion carried unanimously.

OTHER MATTERS:

Mrs. Bowen informed the BZA Members that Leon Williams has submitted a letter of resignation from the Board of Zoning Appeals, due to the fact that he is no longer a resident of Fauquier County . Ms. Wilson read the letter and a copy is attached to these minutes. Mrs. Bowen stated that the vacancy will be advertised by Judge Robertson. Mr. Rider thanked Mr. Williams for his support and his valuable contribution to the Board of Zoning Appeals.

Mrs. Bowen also asked the BZA for clarification on the request from Fauquier County Health Department regarding the previous Jorgensen request for special permit for a kennel. The Health Department Sanitarian wanted to know if the BZA wanted clarification on well and septic for the residence or the kennel facility. Mr. Rider stated that the BZA needs clarification on the well and septic capacity for the kennel operation.

ADJOURNMENT There being no further business before the Board, the meeting was recessed at 2:30 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.