

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
AUGUST 6, 1998**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, August 6, 1998, 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 W. Barr, Vice-Chairman; Mrs. Barbara Wilson, Secretary; Mrs. Peg Mailler, Mr. John Meadows and Dr. James Branscome. Also present were Mrs. Carolyn G. Bowen, Zoning Administrator; Mr. Paul McCulla, County Attorney; and Mr. Don Margraf, Assistant Zoning Administrator. Mr. Eugene Lofdahl was absent.

MINUTES

The minutes of the July 2, 1998 hearing were approved 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 had been advertised, posted, and letters of notification sent to adjoining property owners.

SPECIAL PERMIT #42794

Chestnut Forks Tennis Club/John T. Maloney (Owner/Applicant)

Chestnut Forks Tennis Club, Owner John T. Maloney, has requested an amendment to special permit issued on April 12, 1979 to allow a fitness center as an accessory use on properties identified as PIN #6995-13-6499, containing 5.00 acres, and PIN #6995-13-4607, containing 3.112 acres, located at 6379 Airlie Road (State Route 605) near Warrenton, in Center District. The properties are zoned R-4 (Residential).

Mr. Margraf stated that this request had been continued from the July 2, 1998 BZA meeting. He also stated that Mr. Maloney had amended his request by adding PIN#6995-13-4607 containing 3.112 acres. This parcel may be used as part of the facility for additional parking. Mr. Margraf read the staff report, a copy of which is attached and becomes a part of these minutes. He stated that the applicant is requesting special permit approval to allow a fitness center as an accessory use within the existing tennis club. Mr. Margraf further stated that Mr. Maloney had been operating a fitness center within the tennis club for two (2) years and that he was unaware that the use required additional zoning approval. He stated that on February 17, 1998, Mr. Maloney received approval from the Fauquier County Board of Supervisors for a zoning ordinance text

amendment to allow a swimming/tennis (racquet) facility, public or private as a permitted use in the R-4 Zoning District, and to amend the standards for such a facility to allow a fitness center as an accessory use.

Mr. Margraf stated that the site had been visited earlier in the day by the Board of Zoning Appeals and staff. He referenced the site plan as provided and indicated that sixteen (16) more parking spaces would be necessary. He also stated that parking would be addressed during the site plan approval process.

Mrs. Bowen stated that the public hearing was re-advertised, as Mr. Maloney added the adjacent parcel to this request to allow for additional parking space.

Mr. John T. Maloney, owner of Chestnut Forks Tennis Club, was present in support of this request. He stated that he would comply with any parking required during site plan review.

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

Mr. Merle Fallon, Attorney for an adjoining residential property owners, George Elmore and Marjorie Huffman et al, spoke regarding this request, he referenced the July 2nd letter given to the BZA at the July hearing (a copy of which is attached to these minutes). He stated that his clients have no objections to the granting of this special permit, however they are requesting that conditions be imposed as part of this request. Mr. Fallon asked that these conditions be imposed at the time that his clients would begin development of their adjacent residential property.

Mr. Fallon stated that this property is used as a commercial operation and his clients feel these conditions are necessary to protect the adjoining residential property, at the time of development of this property.

Mr. Rider stated that he didn't feel the the Board of Zoning Appeals should place future conditions on this permit.

On the motion made by Mrs. Mailler and seconded by Mr. Barr it was moved to grant special permit #42794, 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:

5-903 Additional Standards for Swimming/Tennis (Racquet) Facility, Public or Private

1. The minimum lot size requirement shall be five (5) acres.
2. No building used for or in conjunction with the use shall be located within 100 feet of any adjoining property which is in any Residential District.
3. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity.
4. As an accessory use to the Swimming/Tennis (Racquet) Facility, a fitness center may be located on the site. The fitness center may not exceed twenty-five percent (25%) of the entire facility.

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:

- (a) Site Plan as required.
- (b) Site plan shall be submitted within thirty (30) calendar days.
- (c) Site plan must be executed within ninety (90) days of approval.
- (d) Parking as required.
- (e) All future lighting of the parking area shall be downshielded on the site.
- (f) All proposed parking areas shall be effectively screened (i.e., landscaping) from adjacent property owners.

The vote carried unanimously.

VARIANCE #42881

Robert J. and Debra L. Curry

Applicants have requested a variance to the side yard for the purpose of constructing a detached garage. The proposed garage would be located fifteen and one-half (15.5) feet from the side yard, wherein the Zoning Ordinance requires a setback of twenty-five (25) feet. The requested variance is nine and one-half (9.5) feet on property located at 6079 Pilgrims Rest Road near Broad Run, further identified as PIN #7907-81-2191 containing .93 acre in Scott District.

Don Margraf read the staff report. He indicated that the Board of Zoning Appeals had made a site visit earlier in the day.

Mr. Curry was present in support of his request. He stated that due to the location of his well, septic and reserve area, he is unable to locate his garage within the required setbacks.

No one spoke in opposition.

On the motion made by Mrs. Wilson, and seconded by Mr. Barr is was moved to grant variance #42881, 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 because of the unusual shape and topography of the lot, and the location of the drainfield, well and reserve area.
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:
 - (a) the shape of the property, the location of the well, septic and reserve.
5. The variance will be in harmony with the intended spirit and purpose of the Ordinance, and would result in substantial justice being done.
6. The strict application of the Ordinance will produce undue hardship.
7. 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.
8. 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.
9. The minimum variance that is necessary to afford relief is:
 - a. 9.5 feet to the side yard.

The motion carried unanimously.

SPECIAL PERMIT #42955

Mark E. & Elizabeth A. Checchia (Owners) and Fauquier County Soccer Club Corporation (Contract Owners)

Applicants/Contract Owners wish special permit approval to locate a Parks and Recreational Facility (soccer fields) and locate an identification sign on property identified as PIN# 6992-60-

0615-000 containing 49.253 acres, located on Beach Road (State Route 616) in Cedar Run District.

Don Margraf read the staff report and explained the location of the six (6) proposed soccer fields (150 feet by 210 feet), parking (160 spaces), and porta-john facilities. He stated the proposed use would be seasonal from March to June, and from September until November. He also stated that there is no proposed lighting planned for the site. He further stated that the site had been visited earlier in the day.

Mr. George Muschamp, President of the Fauquier County Soccer Club Corporation was present in support of their request. He stated that the Soccer Club has looked for a suitable site for approximately two (2) years to meet the present and future needs of the soccer youth of Fauquier County. He stated that finding a site that could meet the criteria, such as affordability, central location, accessibility and flat topography had been difficult.

Mr. Rider inquired as to whether Fauquier County Soccer Club Corporation is affiliated with Fauquier County Parks and Recreation. Mr. Muschamp responded that Fauquier County Soccer Club Corporation is a private organization and not affiliated with Fauquier County Parks and Recreation.

Jennifer Kilanski, a licensed, professional Civil Engineer, also spoke in support of this request. She stated that this property can be accessed from Route 29 via Beach or Green Road and from Meetze Road. She distributed a map of Fauquier County indicating, by zip code the addresses of the members of Fauquier County Soccer Club Corporation, showing that the members are spread throughout Fauquier County. She stated that she had spoken with Virginia Department of Transportation and they take no exception to this application. Mrs. Kilanski indicated that they are proposing to screen their site from the adjacent residence by planting evergreen trees, possibly several rows.

Mr. Barr inquired as to the amount of noise generated by the soccer fields. Mrs. Kilanski responded that she does not know the amount of decibels generated by the fields. She also stated that the planned landscaping will help mitigate the noise to the adjacent parcel.

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

Mr. Chris Lindsay, Attorney spoke on behalf of contiguous landowners and neighbors. He stated that this application has not been correctly categorized according to the Zoning Ordinance, Section 3-311 10. Parks & Recreation Facilities (Governmental/Civic), athletic . He further recommended that the appropriate category for this type of request should be Section 3-309 16. Spectator and Non-Spectator Field Events and Activities (Class C), thus requiring Special Exception to be heard by the Planning Commission and the Board of Supervisors. Mr. Lindsay also stated that this request does not comply with the General Standards of Section 5-006 1., as this project does affect the use of neighboring properties and it is not in accordance with the Comprehensive Plan. In Section 5-006 2. The proposed use will be such that pedestrian and vehicular traffic generated will be hazardous and conflicting with the existing anticipated traffic.

Mr. Willie Washington spoke in opposition of this request. He cited concerns with the traffic impact and safety of residents along Beach Road.

Ms. Debbie Ready spoke in favor of this special permit request. She stated that although this corporation is private, it is a private non-profit organization (501-C-3).

Ms. Linda Boaz spoke in opposition. She cited concerns with traffic, and thought a traffic impact study should be performed. She also stated that this use is not compatible with the surrounding properties.

Ms. Lisa O'Bannon spoke in support. She lives at 9578 Green Road (off of Beach Road) and feels that the traffic will not be impacted along this road.

Mr. Bill Danner spoke in opposition. He cited concerns with the traffic along Beach Road and potential parking along the road.

Mr. Gaylord Hoisington spoke in opposition. He cited environmental concerns. He felt that an Environmental Study should be performed.

Dr. Carmen Gonzalez spoke in opposition. She stated that she owns two (2) of the adjoining nine (9) parcels and that her house is located approximately 190 feet from two of the proposed fields. She stated that the noise and traffic would not be acceptable and would decrease the value of her property.

Mr. Mike Atkins, spoke in support of this request. He stated that this facility is needed in Fauquier County.

Mr. Lee Smith spoke in opposition. He stated that he lives at 6179 Beach Road, four lots from the proposed soccer fields. He cited concerns with traffic.

Mr. Don Drayer spoke in support of this request. He stated that no matter where the Soccer club purchases property, it will result in the same type of opposition.

Mrs. Patty Soyar, spoke in support. She stated that finding a central and suitable location for these soccer fields is very difficult. She also stated that each potential site will have opposition.

Mr. Frank Hellwig spoke in opposition. He lives on Meetze Road and cited concerns with the traffic.

Mr. John Hood spoke in support. He stated that the impact would be less at this site than in other areas.

Mr. Gregorio Gonzalez spoke in opposition. He stated that he lives on the adjacent residential parcel and is concerned that he will not be able to enjoy his property if this special permit request is approved.

Mrs. Susan Huff spoke in support. She stated that the tournaments the Soccer Club hosts each year, bring revenue to Fauquier County.

Mr. Joe Winkleman spoke in support of this special permit request. He submitted a letter of support. He stated that this request is a reasonable use of the property. He further stated that the noise and traffic impact could be mitigated with conditions of this permit.

Mrs. Betsy Checchia, current owner of the subject property, spoke in support of this request. She stated that the proposed use (soccer fields) has very little environmental impact.

Mrs. Dorothy Drayer spoke in support of this request. She stated that more soccer fields are needed for the youth of the county.

Mrs. Chris Briner spoke in support of this request. She cited concerns with not enough facilities in Fauquier County.

On the motion made by Ms. Wilson, and seconded by Mrs. Mailler, it was moved to defer action on this request until the September 3rd meeting to allow for a site visit with the applicants. The public hearing was closed.

The vote was 5-1, Dr. Branscome opposed.

VARIANCE #42974

PAUL W. AND TAMMY C. WEIDENHAEFFER/OWNERS

Applicants are requesting two variances, one to the front yard requirement of 41.8 feet from the centerline of Lerner Lane for an existing detached garage, and the second to the side yard of 6.2 feet for an existing barn, believed to have been built on the property in 1989. The property is identified as PIN #6996-88-4569-000, containing 4.5708 acres, located at 6195 Lerner Lane (private) off Snow Mountain Road (Route 829) near Broad Run in Scott District.

Don Margraf read the staff report stating that according to staff's records, the previous property owner obtained permits for the garage, but never obtained a permit for the barn. He further indicated that the garage was constructed too close to Lerner Lane. He also stated that a site visit was conducted earlier in the day by the Board of Zoning Appeals and staff.

Mr. Ben Jones, Attorney, along with Mr. and Mrs. Weidenhaeffer, was present in support of their request. Mr. Jones stated that the garage was constructed too close to Lerner Lane by Mr. Wright, as he may have thought the property line to be a side yard requirement. He referenced letters that had been received from adjacent property owners in support of this request. He stated that his clients do not intend to have an apartment above the garage.

Mrs. Bowen stated that according to our records, a permit had been received for a barn in the 1970's. The size of the barn was unknown at the time of this hearing.

No one was present to speak in opposition.

On the motion made by Mr. Barr and seconded by Ms. Wilson, it was moved to grant variance #42974, 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 because of the setback violations.
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 strict application of the Ordinance will produce undue hardship.
5. 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.
6. 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.
7. The minimum variance that is necessary to afford relief is:
 - (a) 41.8 feet to the front yard requirement for the existing garage and 6.2 feet to the front yard requirement for an existing barn.
 - (b) Subject to the following conditions, which are necessary or desirable in furtherance of the intend and purpose of the Ordinance:
 1. In the event that the garage or stable is destroyed, the re-construction of the structure(s) shall conform to the current Zoning Ordinance requirements.
 2. No living quarters permitted in the existing garage or stable.

The motion carried unanimously.

VARIANCE #42975

DONALD R. CARPENTER AND STEPHANIE A. MATTHEWS/OWNERS

Applicants are requesting a variance to the side yard requirement of 20.1 feet for an existing shed, believed to have been built on the property in 1983. The property is identified as PIN #6040-72-8849, containing 10.2831 acres, located at 10046 Cobbler View Drive (private) off Cobbler Mountain Road (State Route 731) in Marshall District.

Mr. Margraf read the staff report and stated that there is no record of a permit being granted for the shed.

Mr. Ben Jones, Attorney, was present along with Mr. Carpenter and Ms. Matthews, in support of their request. Mr. Jones explained that his clients recently purchased the subject property and several days prior to settlement, it was discovered that the existing shed on the property violated setback requirements. His clients are requesting a variance to the side yard of 20.1 feet, as the existing shed is located 4.9 feet from the side property line.

Mr. Rider inquired as to the size and type of structure. Mr. Jones replied that the shed is a wood, 12.2 x 20.2 foot structure on a cement floor.

On the motion made by Mr. Barr and seconded by Mrs. Mailler, it was moved to deny Variance #42975 based on the Board's findings, after due notice and hearing, as provided by §15.2-2204 of the Code of Virginia:

1. The granting of the variance will not alleviate a clearly demonstrable hardship approaching confiscation, and is not distinguished from a special privilege or convenience sought by the applicant.
2. The variance will not be in harmony with the intended spirit and purpose of the ordinance, and would not result in substantial justice being done.
3. The strict application of the Ordinance will not produce undue hardship.

The motion carried unanimously.

SPECIAL PERMIT AND VARIANCE #42976
SHELIA A. TREACY (OWNER)

Owner is requesting special permit approval to locate a dog kennel, and a variance to the setback requirement for the kennel. The Zoning Ordinance requires a 75' setback, and the applicant wishes to locate the kennel 25' from the rear property line and 50' from a side property line. The owner also wishes to construct a barn 70' from one side property line, wherein the Zoning Ordinance requires 100'. The property is identified as PIN #7907-10-3262, containing 5.5285 acres located at 6115 Georgetown Road (State Route 674) in Scott District.

Mr. Margraf read the staff report, which is attached and becomes a part of these minutes. He stated that the owner is requesting variances of the side and rear yard setbacks for the proposed

kennel and barn/stable due to the topography, the existing drainfield location and that more than one-half of property is within the 100 year floodplain of South Run.

Mr. William Ferrar, Attorney, was present to represent his client, Ms. Shelia Treacy. He stated that he is also a homeowner in Mount Hope Estates. He indicated that a previous barn that was destroyed by fire was located at the same spot where the proposed barn/stable. He also stated that due to the location of the 100 year floodplain and drainfield, his clients are requesting the variance for the kennel and barn. Mr. Ferrar established that his clients train and breed Labrador Retrievers. He also stated that there is already a kennel in the neighborhood.

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

Mr. Jim Gardner spoke in opposition to the kennel variance and special permit request. He stated that he does not oppose the granting of the variance for construction of the barn. He further stated that he lives on Valley Green Drive and he cited concerns with the noise.

Mr. Rider stated that Ms. Treacy could have up to twelve (12) dogs according to the Fauquier County Zoning Ordinance.

Mr. Greg Pinelli, President of the Homeowners Association and resides at 6019 Georgetown Road, spoke in opposition to this request. He stated that the bridle trail adjacent to Ms. Treacy's proposed kennel, would be a danger to the horseback riding along this trail.

Mr. Al Bryant, also a property owner in this subdivision, spoke in opposition. He cited concerns with additional traffic in the neighborhood, noise from the kennel and potential decrease in property values.

Ms. Jodi Willbex spoke in opposition to the granting of this request. She lives at 5207 Colt Drive. She cited concerns with the noise and is opposed to commercial breeding kennels.

Ms. Marjorie Newman, spoke in opposition of the kennel special permit and variance, as well as the variance for the barn. She cited concerns that the barn would be used as part of the kennel operation.

Mr. Charlie Moon, spoke in opposition to this request. He stated that he resides at 5334 Colt Drive. He has no objection to the variance for the barn, however, he is opposed to the kennel.

Mr. Ferrar, Attorney for the owner, Ms. Shelia Treacy, stated that he wished to withdraw the Special Permit for the kennel as well as the variance for the kennel structure.

On the motion made by Ms. Wilson and seconded by Mrs. Mailler, it was moved to accept the withdrawal. The motion carried unanimously.

On the motion made by Ms. Wilson and seconded by Mr. Barr, it was moved to grant variance #42976 in part, for the construction of a barn, 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 because of the location of the floodplain, the well and septic and the reserve septic area.
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 the location the floodplain, well and septic and reserve septic area.
5. The variance will be in harmony with the intended spirit and purpose of the Ordinance, and would result in substantial justice being done.
6. The strict application of the Ordinance will produce undue hardship.
7. 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.
8. 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.
9. The minimum variance that is necessary to afford relief is 30' feet from the side property line.

The motion carried unanimously.

VARIANCE #42994
LARY LINEWEAVER/OWNER

Owner wishes to subdivide an existing parcel containing two (2) principal buildings. The proposed lots do not contain the minimum required lot width of 135 feet. The variance requested to the minimum lot width is 33.52 feet for one lot and 2.59 feet for the second proposed lot. The proposed division will locate the buildings 15.1 and 15.2 feet from a side property line, wherein the Zoning Ordinance requires 25 feet. The property is identified as PIN #6979-59-3096, located at 7459 John Marshall Highway (State Route 55), containing 4.2 acres in Scott District.

Mr. Margraf read the staff report.

Ms. Barbara Elgin was present to represent her client, Mr. Lary Lineweaver. She stated that her client is a retired machinist and has lived at the property for over twenty (20) years and is legally deaf. He is seeking to subdivide the parcel, and to sell 3.2 acres along with the dwelling, to lessen his financial obligations.

Mr. Andrews Orleans, contract owner of the (proposed 3.2 acre) property was also present in support of this request.

Mr. Corder, spoke on behalf of his grandfather, Mr. George Corder, in opposition. He cited concerns with adequate sewage disposal and sufficient water.

Mrs. Bowen stated that both properties would be connected to the Fauquier County Water and Sanitation Authority for sewage disposal and the Fauquier County Health Department will require a new well for the parcel adjacent to Mr. George Corder.

Mr. Michael Shipley spoke in support of this request. He stated that Mr. Lineweaver is no longer able to maintain the entire property.

Mrs. Denise Porter, spoke in opposition of this request. She cited concerns that the owner did not obtain the proper permits for the dwelling, the machine shop or the apartment in the shop.

On the motion made by Mr. Barr and seconded by Mrs. Mailler, it was moved to grant variance #42994 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 because of the exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of the Ordinance.
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 variance will be in harmony with the intended spirit and purpose of the Ordinance, and would result in substantial justice being done.
5. The strict application of the Ordinance will produce undue hardship.
6. 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.

7. 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.
8. The minimum variance that is necessary to afford relief is 9.9 feet to the side property line, 9.8 feet to the side property line, 2.59 feet to the minimum lot width and 33.52 feet to the minimum lot width.
 - (a) Subject to the following conditions, which are necessary or desirable in furtherance of the intend and purpose of the Ordinance:
 1. Compliance with the Fauquier County Health Department prior to issuance of an occupancy permit.
 2. Compliance with the Fauquier County Water and Sanitation Authority prior to issuance of an occupancy permit.

The motion carried unanimously.

SPECIAL PERMIT #42998

ROY F. AND KATHLEEN E. WEBER/OWNERS AND STEPHEN M. AND JEAN R. BURNS/CONTRACT OWNERS

Applicants/Contract Owners are requesting special permit approval to locate a small contracting business on property identified as PIN#7824-59-0861, containing 17.6789 acres located off Blackwells Mill Road (State Route 617) in Cedar Run District.

Mr. Margraf read the staff report and stated that a site visit was conducted earlier. He also stated that Mr. Burns is a Class A General Contractor, specializing in masonry. He further stated that a site plan is not required for the proposed use.

Mr. Stephen Burns, Applicant and Contract Owners, was present in support of his request. He explained that they will have a home office solely for bookkeeping purposes. Clients do not come to the home and only occasionally will the employees come to the site. He indicated that the employees only come to the home when there is equipment to be loaded or unloaded. Mr. Burns stated that he has three (3) pickup trucks and (one) 1 stakebody truck. He stated that he is proposing to place a storage facility of approximately 30' x 30' for the storage of mixers, scaffolding and hand tools. This area will be screened by a stockade fence. Mr. Burns indicated that he would access the property via a fifty (50) foot ingress and egress easement.

Mr. Phil Parrish spoke in opposition. He stated that his property borders the easement that allows access to the subject property and is concerned about the noise generated by contractor traffic coming in and out on this easement.

Mr. Carey Inman spoke in opposition. He cited concerns with the noise related to a construction business.

Mrs. Kathleen Parrish spoke in opposition. She cited concerns with sufficient water supply and strangers coming in and out of the property.

Mrs. Paula Inman spoke in opposition. She cited concerns with water usage in cleaning of the masonry equipment.

On the motion made by Mr. Meadows and seconded by Mr. Barr is was moved to grant special permit #42998, 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:

Section 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. No more than five (5) vehicles in excess of ¾ 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, the Zoning Administrator shall revoke the temporary special permit in accordance with the provisions of Section 015.
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:
- (a) Special Permit is granted for one (1) year from the date of occupancy in accord with the Zoning Ordinance.
 - (b) Special Permit will convey with the sale of the subject property from the current property owners, Roy F. and Kathleen E. Weber, to the Burns, but does not convey to subsequent property owners.
 - (c) The proposed road/driveway into the subject property shall be constructed at least twenty-five (25) feet from the adjacent property to the north. This twenty-five (25) shall remain undisturbed or in a natural state.
 - (d) No masonry materials shall be delivered to the subject property.

The motion carried unanimously.

SPECIAL PERMIT #42997

FRANKLIN & MARSHALL COLLEGE/OWNERS AND RECTORTOWN UNITED METHODIST CHURCH/SPONSOR

The Rectortown United Methodist Church wishes special permit approval to sponsor a temporary event on an annual basis, the Rectortown Fall Festival. The property is identified as PIN#6061-78-5189, containing 107.759 acres on Rectortown Road (State Route 710) in Scott District.

Mr. Margraf read the staff report, stating that the proposed event would be a one (1) day family festival. The event will occur on September 12th from 10:00 A.M. to 7:00 P.M., with a rain date to be September 13th. He also stated that site plan approval is not required for the proposed use. The Fauquier County Health Department has no objection to this request, however if approved the church would need to obtain appropriate portable privy and temporary food permits.

Pastor Marc Roberson was present to support this request. He stated that the Virginia Department of Transportation has indicated that site distance is adequate along the State Route 710 at this point and they would place appropriate signs.

Mr. Rider asked if anyone wished to speak.

No one spoke.

On the motion made by Ms. Wilson and seconded by Mrs. Mailler, it was moved to grant special permit # 42997, 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) Special Permit is granted for two (2) years.

The motion carried unanimously.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at 6:35 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.