

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
SEPTEMBER 3, 1998**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, September 3, 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; Mr Eugene Lofdahl, 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. Mrs. Peg Mailler was absent.

MINUTES

The minutes of the August 6, 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 #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 stated that a request had been received on August 27, 1998 from Mr. Merle Fallon, Attorney for the applicants, requesting a postponement of this request until the October 1, 1998 meeting to allow for additional information to be provided to the Board of Zoning Appeals.

On the motion made by Mr. William Barr and seconded by Mr. Eugene Lofdahl it was moved to accept the request to postpone this matter until the October 1, 1998 meeting. The motion carried unanimously.

Mrs. Bowen stated that she had requested additional information from the applicant's attorney. The information requested concerned traffic, noise, use of fields, and ages of children using the fields.

Mr. McCulla stated that the Board of Zoning Appeals could receive this information and then decide as to whether to re-open the public hearing.

Mrs. Bowen stated that staff had prepared a map showing the location of existing dwellings on adjoining properties. She also stated that a site visit was conducted earlier in the day.

Mr. Cris Lindsay, Attorney for adjacent property owners, requested a copy of the parcel map indicating the location of the existing dwellings. Mrs. Bowen replied that the map would be available to Mr. Lindsay for review.

Mr. Fallon agreed to provide the additional information to staff by September 18, 1998. He also agreed to forward a copy of this information to Mr. Lindsay. Mr. Lindsay stated he would submit any comments to staff by September 25, 1998.

VARIANCE #44045NF

LEOCADÉ LEIGHTON, NICHOLAS F. AND MICHELE A. GLOWICKI, AND RICHARD H. AND ELEANOR J. BUTLER/OWNERS

Owners are requesting an amendment to the Board of Zoning Appeals variance approval of November 6, 1997. The variance requested by Mr. and Mrs. Glowicki is +.03 feet (3/8 of an inch) to the minimum lot width. The variance requested by Mr. and Mrs. Butler is -.22 feet (2 2/3 inches) also to the minimum lot width. The properties are identified as PIN #7905-86-6547, PIN #7905-86-7609, and Pin #7905-86-7871, each containing 1.0 acres located at 7044 Riley Road, 7036 Riley Road and 7030 Riley Road (State Route 676), respectively, in Scott District.

Mrs. Bowen reviewed the staff report. She stated that the Board of Zoning Appeals approved a variance on November 6, 1997 based on a 1968 survey plat. A recent survey plat updated with a preliminary subdivision plat provides different minimum lot width measurements

Mrs. Leocade Leighton was present in support of this variance request. She explained that the property had been re-surveyed and the new plat shows somewhat different measurements. She stated that due to the requirements of the Subdivision Ordinance, the variance needs to be amended accordingly, even though the changes are small.

On the motion made by Mrs. Wilson and seconded by Mr. Lofdahl, it was moved to approve Variance #44045NF, 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 the variance approved on November 6, 1997 was based on a 1968 survey plat and a recent survey indicates somewhat different measurements and in accordance with the Subdivision Ordinance this amendment is in order.

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

(a) Specify findings to grant what was applied for:

1. No variance is granted with this amendment for Lot 1, PIN #7905-86-6547 owned by Leocade Leighton.
2. Variance granted is +.03 feet or 3/8 of an inch to the minimum lot width for Lot 2, PIN #7905-86-7609 owned by Nicholas F. and Michele A. Glowicki.
3. Variance granted is -.22 feet or 2 & 2/3 inches to the minimum lot width for Lot 3, PIN #7905-86-7871 owned by Richard H. and Eleanor J. Butler.

The motion carried unanimously.

SPECIAL PERMIT #43113

Wilbur W. and Margaret I. Burton/Owners and Kastle Greens, Inc./Lessee

Lessee wishes to locate a directional sign of up to two (2) square feet at the intersection of Catlett Road (State Route 28) and Midland Road (State Route 610). The property is identified as PIN #7900-42-1101, containing 2.551 acres located on Catlett Road (State Route 28) in Cedar Run District.

Mr. Margraf reviewed the staff report. He stated that the applicants wish to locate a directional sign of up to two (2) square feet for the purpose of directing traffic to the Kastle Greens Golf Club located on Rogues Road (State Route 610).

Mr. Jeff Marks, Golf Professional of Kastle Greens, Inc., was present in support of this request. He stated that the sign would be double-faced, directing traffic from the north and south sides of Catlett Road (State Route 28). He also stated that the sign would not be lighted.

Mrs. Bowen stated that the Zoning Ordinance allows the Board of Zoning Appeals to grant a special permit for directional signs of up to two (2) square feet in size and the height cannot exceed six (6) feet in a residential zoning district.

Mrs. Wilson inquired as to the color of the signs. Mrs. Bowen stated that the sign shall be any two (2) colors. The special permit application indicated the sign would probably be pine green and white.

Mr. Marks stated that the sign would have Kastle Greens Golf Club and a directional arrow on it.

On the motion made by Mr. Lofdahl and seconded by Mr. Barr is was moved to grant special permit #43113, 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. The directional sign shall be two (2) square feet in size and a maximum height of six (6) feet.

The motion carried unanimously.

OTHER MATTERS:

Mrs. Bowen stated that it had come to staff's attention that the minutes of December 4, 1997 had an error. Special Permit #41901, approved for Curtis R. and Shelia A. Hansen had a condition omitted from the minutes. Mrs. Pullen had listened to the tape for the December 4, 1997 public hearing and indicated the condition omitted was indeed stated in the motion.

On the motion made by Mrs. Wilson and seconded by Mr. Lofdahl, it was moved to amend the minutes of December 4, 1997 and to add the omitted condition for Special Permit #41901, Curtis R. and Shelia A. Hansen:

- d. Special permit is approved for a maximum of 24 auctions per year, with there being no more than 3 auctions in any one month period.

The motion carried unanimously.

ADJOURNMENT There being no further business before the Board, the meeting adjourned at 2:35 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.