MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
MAY 6, 2021

Regularly Scheduled Meeting
2:00 p.m.
Warren Green Building, First Floor Meeting Room
10 Hotel Street
Warrenton, Virginia

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, May 6, 2021, beginning at 2:00 p.m. in the Warren Green Building, First Floor Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Maximilian Tufts, Jr., Vice-Chairperson; Mrs. Mary North Cooper; Mr. Benjamin Tissue, Jr.; and Mr. Lawrence G. McDade.

Also present were Mr. Adam Shellenberger, Chief of Planning; Ms. Heather Jenkins, Assistant Chief of Zoning/Development Services; Ms. Mary Catherine Anderson, Deputy County Attorney, who joined the meeting after the Appeal; and Mrs. Meredith Meixner, Planning Associate II.

Staff participating remotely included Ms. Amy Rogers, Chief of Zoning/Development Services; Ms. Kara Krantz, Planner III; and Ms. Lauren Kopishke, Planner.

ANNOUNCEMENT:

Mr. Meadows stated that one Board member would be leaving the meeting early due to a personal matter that could not be rescheduled.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mr. Shellenberger read the public hearing protocol.

Mr. Shellenberger stated that, to the best of his knowledge, the cases before the Board of Zoning Appeals for public hearing have been properly advertised, posted and letters of notification sent to adjoining property owners.

MINUTES:

On motion made by Mr. Tufts and seconded by Mrs. Cooper, it was moved to approve the April 1, 2021 minutes.

The motion carried unanimously.

REGULAR AGENDA:

APPEAL – AZAD-21-014930 – R. CARL FALLER (OWNER/APPLICANT) – FALLER PROPERTY – An appeal of a Zoning Administrator's determination that a 1.9782-acre parcel is a non-buildable lot, PIN 7808-06-8911-000, located on the north side of Marsh Road along Elk Marsh Road, Cedar Run District, Bealeton, Virginia. (Amy Rogers, Staff) ***Note: This is a public meeting, not a public hearing.***

Mr. Meadows reviewed the Rules of Procedure Regarding Appeals and opened the public meeting.

COUNTY PRESENTATION

Ms. Rogers provided background information on the property, stating that it is zoned Rural Residential (RR-2) and Rural Agricultural (RA), consists of 1.9782 acres, and is located on the north side of Marsh Road (Route 17) and the south side of Elk Marsh Road (Route 841) in Bealeton. On January 20, 2021, the Appellant submitted a Buildable Lot Determination request. Subsequently, on March 2, 2021, the Zoning Administrator issued a determination stating that the subject parcel is a non-buildable lot.

The Appellant purchased the property on August 24, 2017. The 1.9872-acre property was provided a Parcel Identification Number (now known as PIN 7808-06-8911-000) by the Commissioner of Revenue on July 26, 2004. The property was conveyed from the Cecelia Smith Teates Revocable Living Trust dated November 1, 1994 to Thomas James Ross, Trustee in Deed Book 1111 at Page 629. The deed described the property as "a portion of and "Part of 7808-06-7962." A plat attached to the deed was entitled "Plat Showing Boundary on a Portion of the Bryan W. Teates, Jr. Property" stamped by John P. Foster and dated July 16, 2004. Notes on the plat indicate it was prepared without the benefit of a title report. The Subdivision Agent signed the 2004 plat, which was explicitly stamped as follows: *"This plat is for the sole purpose of recording an existing lot, and is not an approval of new lots of record under the Fauquier County Subdivision Ordinance. This plat has not been reviewed to verify the existence of the lot or determine compliance with Zoning and Subdivision Ordinance requirements."*

As stated above, the description in Deed Book 1111 at Page 629 describes the property as a portion of another parcel that was conveyed in Deed Book 731 at Page 175. Deed Book 731 at Page 175 describes the property as "Part of a tract containing 28.19 acres…Recorded at Book 164, Page 524…And being the same property containing 17.6404 acres recorded at Book 580, Page 453." PIN 7808-06-7962-000, the ancestor to 7808-06-8911-000, is listed as inactive in the real estate records and was described as a 17.6404-acre parcel located on both sides of Route 17. The parcel was split to straddle Route 17 by the taking of land for right-of-way purposes. The taking was recorded in Deed Book 213 at Page 406 on July 27, 1961. Historic paper tax maps for the property show the parcel as straddling Route 17.

Ms. Rogers stated that her determination was based on Article 15 of the Fauquier County Zoning Ordinance, which defines a "Lot" as follows: "*A parcel of land legally recorded as a lot of record in the County's land records. In cases where a legally recorded lot was split by a public street prior to the adoption of the County's first Subdivision Ordinance on* ***August 3, 1951*** [emphasis added]*, each separate portion of such parcel shall be considered a lot."*

The definition considers legally recorded parcels split by a public street prior to the adoption of the first Subdivision Ordinance in 1951 to be considered separate parcels. The right-of-way taking for Route 17 in this instance occurred on July 27, 1961 after the adoption of the first Subdivision Ordinance and after the timeframe in the Zoning Ordinance where such an action could be deemed to have legally created a lot. Therefore, the right-of-way taking did not legally create a separate parcel based on the definition in the Zoning Ordinance.

Research of the land records did not reveal a subdivision plat legally creating the 1.9872-acre parcel after the right-of-way taking. The deeds describe the parcel as a portion of a 17.6404 acre tract. A plat provided with Deed Book 1111 at Page 629 stamped by the Subdivision Agent stated it did not create new lots under the Subdivision Ordinance, verify the existence of the lot or determine compliance with Ordinance requirements. Subdivision Ordinance Section 4-1 – Platting Required states: *"No tract of land situated within Fauquier County shall be subdivided unless the subdivider shall cause a plat of subdivision with reference to known or permanent monuments to be made, submitted and approved pursuant to the terms of this Ordinance and recorded among the land records of the Office of the Clerk of the Circuit Court of Fauquier County."*

The plat that was recorded on July 26, 2004 and stamped by the Subdivision Agent stated that it did not create a new lot, verify the existence of the lot, or determine compliance with Ordinance requirements. Based on a search of our records, there has been no application made, submitted or approved for subdivision of this parcel pursuant to the requirements of the Zoning and Subdivision Ordinances to create a legal parcel.

In the instance where there are properties that are existing lots that may or may not be determined to be legal, Zoning Ordinance Section 2-403.2 recognizes these and allows them to be considered separate parcels. This section states:

2-403 Permitted Reduction in Lot Size and Yard Requirements for Certain Existing Lots

2. A lot that was not legally recorded and/or did not meet the requirements of the Zoning Ordinance in effect at the time of recordation may be used for any use permitted in the zoning district in which located under this Ordinance, even though such lot does not meet the minimum district size, lot area and/or lot width requirements of the district, provided that the lot meets each of the provisions set forth below:

   A. The lot is described or depicted:
      (i) In a metes and bounds description;
      (ii) On a subdivision plat not approved by the County; or

(iii) On a plat not approved by the County as a separate building lot which description or plat was recorded among the land records of Fauquier County prior to January 1, 2005.

B. The lot has or can obtain Health Department permits for a well and conventional drainfield or has access to public sewer and water;

C. The lot contains a principal residential structure that:
   (i) Existed at the time the lot was recorded and has been consistently occupied since its recordation;
   (ii) Is built or under construction pursuant to a Building and Zoning Permit issued after the recordation; or
   (iii) Is planned to be constructed and a land disturbance permit was issued for such future construction, and the lot owner detrimentally relied on such land disturbance permit and completed a substantial portion of the work under the permit.

The subject parcel does meet the requirement in Section 2-403.A(iii). However, it does not meet the requirements of Subsection B or C. Therefore, it cannot be considered a separate legal lot under this provision.

The parcel is taxed as an assemblage with a value of $3,200 and is not assessed with a home site. While the parcel does have a separate Parcel Identification Number (PIN), this does not circumvent the Zoning and Subdivision Ordinance requirements. The assignment of a PIN allows for separate taxation of the legal owner of parcel segments, but does not create individual parcels.

Ms. Rogers stated that the issue before the Board is whether the Zoning Administrator was correct in issuing a determination, on March 2, 2021, that the 1.9872-acre parcel is not a separate legal lot and is not buildable for the following reasons:

- The parcel does not meet the definition of a "Lot" in Article 15 of the Zoning Ordinance.

- The parcel was not legally subdivided pursuant to the platting requirements in Section 4 of the Subdivision Ordinance.

- The parcel does not meet all the criteria in Section 2-403 of the Zoning Ordinance for certain existing lots to be considered a separate legal lot.

In conclusion, Ms. Rogers stated that the Zoning Administrator's determination is presumed, on appeal, to be correct, per Section 15.2-2309 of the *Code of Virginia*, and she respectfully requested that the Board uphold her determination.

QUESTIONS FROM THE BOARD

Mr. McDade asked if there is anything the Appellant can do to make this a usable piece of property.

Ms. Rogers stated the Appellant also owns the adjacent parcel, which the current tenant appears to be using for parking. He could combine the subject property into this adjacent parcel. She noted that there is a required dedication of right-of-way, so once this is done, the acreage will be less than the current 1.9872 acres.

Mr. Tissue asked if the property owner was compensated when the right-of-way was taken by the Virginia Department of Transportation (VDOT).

Ms. Rogers responded that approximately six acres was acquired by VDOT in 1961 for the right-of-way; however, she does not know how much, if anything, the property owner was paid.

Mr. Tissue inquired about the minimum lot size and if there is currently a drainfield on the property.

Ms. Rogers stated that the majority of the parcel is zoned Rural Residential (RR-2) and the minimum lot size is 2.0 acres. Based on the setback requirements, there appears to be a buildable area of only approximately 208 square feet, which would not be enough area to construct a house. She also stated that there is no drainfield on the property.

APPELLANT PRESENTATION

Mr. Meadows inquired if the Appellant had received and read a copy of the Rules of Procedure Regarding Appeals.

Mr. Faller confirmed that he had received and read a copy of the Rules of Procedure Regarding Appeals.

Mr. Faller, a County resident since 1944, stated that it has been difficult to carry on business in a timely manner due to the COVID-19 pandemic. Mr. Faller respectfully requested a 60 day extension for this matter to be decided upon. This extension would give him enough time to address all of the Zoning Administrator's concerns and to provide evidence that the subject parcel is an approved buildable lot. Allowing him to construct a single-family dwelling on the property would not adversely affect the current zoning nor would it cause harm to the health, safety and welfare of the surrounding community.

The subject property is currently zoned Rural Residential (RR-2) and Rural Agriculture (RA). Luck Stone Corporation, a Commercial use, is located to the north of the property. Agricultural and residential uses are located to the east and west. The property to the south includes the Virginia Department of Transportation (VDOT) maintenance shop, a slaughterhouse, sludge pit, Payne's Parking Designs, Inc. and other businesses.

Mr. Faller stated that the Commonwealth of Virginia created the division of the property in 1961. However, it appears to have been an oversight by the County not to require a subdivision plat. He noted that a subdivision is the division of land into two or more parcels. The County recognized this parcel as being a separate lot by assigning it a Parcel Identification Number (PIN) and issuing separate tax bills. Mr. Faller stated that it is his opinion that the Zoning Administrator simply erred on the side of caution in issuing her determination that the property is a non-buildable lot. Mr. Faller further noted that he has owned the adjacent property with a small house on it for many years. The subject property was purchased in good faith to supplement his retirement and future financial needs. Mr. Faller emphasized that the plat was stamped by Ms. Elizabeth A. Cook, Chief of Planning on July 21, 2004 and the fact that the County has issued the parcel a separate PIN number and separate tax bills should constitute it as being a separate lot.

In conclusion, Mr. Faller respectfully requested that a 60 day postponement be granted to allow him time to address the outstanding issues related to this property.

Mr. Meadows read Item E (Requests for Deferral of Appeals) from the Rules of Procedure Regarding Appeals, which states:

1. A request for a deferral of an appeal shall be in writing, shall be addressed to the BZA, and delivered to the Secretary of the BZA. The party requesting the deferral shall transmit a copy of the request for a deferral to the opposing party or its representative by hand delivery, facsimile, or email so that the opposing party receives its copy by 4:30 p.m. the same day the request for deferral is delivered to the Secretary of the BZA.

2. A request shall include the reason(s) why deferral is necessary.

3. A decision regarding a deferral shall be made by the BZA at the public meeting at which the case is scheduled to be considered.

4. The parties shall be prepared to proceed with argument of the appeal in the event the request for deferral is denied.

Mr. Meadows asked the Appellant if written notice had been submitted or if he is verbally requesting a deferral today.

Mr. Faller stated that no written request was submitted and acknowledged that he is verbally requesting a 60 day deferral.

Mr. Meadows stated that the Board members have heard from both the Zoning Administrator as well as the Appellant and asked if they would like to proceed with a decision at this meeting or defer action for 60 days.

Mr. McDade noted that taxes have been relatively low on this property. He asked the Appellant if compensation for the reduced value of the property had been paid to the owner in 1961 when the Commonwealth of Virginia took the property for right-of-way purposes.

Mr. Faller responded that he does not know if any compensation was paid to the previous owners at that time.

After further discussion, on motion made by Mrs. Cooper and seconded by Mr. Tissue, it was moved to postpone action on this item until the July 1, 2021 Board of Zoning Appeals' meeting, at the request of the Appellant.

The motion carried 3 – 2, as follows:

AYES: Mr. Meadows, Mrs. Cooper, Mr. Tissue

NAYS: Mr. McDade and Mr. Tufts

ABSTENTION: None

ABSENT: None

Ms. Anderson returned to the meeting.

SPECIAL PERMIT – SPPT-21-014912 – FAUQUIER COUNTY FAIR, INC. & BOARD OF SUPERVISORS OF FAUQUIER COUNTY (OWNERS)/FAUQUIER COUNTY FAIR, INC. (APPLICANT) – FAUQUIER COUNTY FAIR – An application for a Category 11 Special Permit to allow the continued operation of the fairgrounds, PIN 6993-27-9115-000 and a Portion of 6993-16-9798-000, located at 6209 Old Auburn Road and 5405 Rodgers Drive, Cedar Run District, Warrenton, Virginia. (Kara Krantz, Staff)

Ms. Krantz reviewed the staff report.

Mr. Tissue inquired if the bond required with the previous approval had been posted.

Ms. Jenkins stated that the bond has not yet been posted.

Mr. Meadows opened the public hearing.

Mr. C.Q. Ritchie, representative, expressed agreement with the staff report. However, he stated that the requested number of events should be 15 instead of 10.

After further discussion, Mr. Meadows closed the public hearing since there were no additional speakers.

On motion made by Mr. McDade and seconded by Mr. Tufts, it was moved to grant the Special Permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties or will not impair the value of nearby land.

2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.

3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.

4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.

5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.

6. The proposed use is consistent with the general standards for Special Permits.

7. The type and amount of traffic generated by the use is such that it will not cause an undue impact on neighbors or adversely affect the safety of road usage.

8. The Event Building identified as "1-Story Metal Building" on the Special Permit Plat prepared by Tri-Tek Engineering dated May 21, 2018, does not cause an undue impact on neighboring properties and may remain.

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:

1. The Special Permit is granted only for PIN 6993-27-9115-000 and the 3.25-acre portion of PIN 6993-16-9798-000, subject to the referenced Lease Agreement, runs with the land as indicated in the application, and shall not be transferred to other land.

2. The Special Permit is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Special Permit Plat, prepared by Tri-Tek Engineering dated May 21, 2018 and received by the Department of Community Development on March 29, 2021, except as qualified by these development conditions.

3. Parking for events other than the annual fair shall be on the Fair Board property with the exception of up to five (5) times per year wherein events may use the grass area adjacent to the Fair, subject to the referenced Lease Agreement.

4. A Site Plan shall be required.

5. There shall be no fair related use of the property until such time as all County approvals have been obtained. This includes, but is not limited to, release of the

approved Site Plan, recordation of all required easements and agreements, and Building and Zoning permits for all structures associated with the use.

6. The Applicant shall obtain all necessary Building and Zoning permits for structures located on the property.

7. All structures, unless otherwise authorized under this approval, shall meet the required 100-foot setbacks. This includes, but is not limited to, the ticket booth, sheds, storage structures and temporary livestock fencing.

8. The Old Auburn Road entrance with a dedicated right turn lane for incoming traffic and the Meetze Road entrance for exiting traffic would result in the majority of turning movements being right hand turns, which are safer and should be included. During the annual four day event, all fair activity shall be entered from Old Auburn Road and exit to Meetze Road through the Central Sports Complex.

9. The stormwater management pond shall be constructed as shown on SITP-20-013231, or as amended.

10. Tractor pulls shall not be permitted as part of the fairground use.

11. The fairgrounds shall be permitted to be used for the annual fair and associated uses described in Condition 14 below. Other accessory events shall be limited to church and business meetings, weddings, wedding receptions, funerals, birthday and anniversary receptions, school events, auctions, activities related to field sports, cultural activities, art and craft shows, community-related arts and activities.

12. With the exception of the annual fair, all events shall be limited to one day.

13. Indoor activities shall not exceed the permitted capacity of the drainfield.

14. The following activities shall be authorized with this permit:
    a. Annual Fair: One fair per year up to four (4) days in length, with additional days before and after as necessary for set-up and clean-up; no limit on number of attendees.
    b. 2021 Calendar of Events: Fifteen (15) events with a maximum of two hundred (200) attendees, submitted to the Department of Community Development.
    c. Fair Board Meetings: A maximum of fifteen (15) per year, indoors, with a maximum of thirty (30) attendees per meeting.
    d. Fair Fundraisers: A maximum of six (6) per year, with up to 400 attendees, with no more than two (2) outdoors. To qualify as a fair fundraiser, all proceeds of the event must go to Fauquier County Fair, Inc.
    e. 4-H Activities: A maximum of five (5) per month, held inside, ending before 10:00 p.m. and no more than one hundred (100) attendees.
    f. 4-H Activities: A maximum of two (2) per month, held inside, except livestock related show/exhibits, with up to two hundred (200) attendees.

g. Other Indoor Events: A maximum of twenty (20) events per year with up to three hundred (300) attendees and sixteen (16) events with up to one hundred (100) attendees. No more than six (6) of these events shall be permitted in any one (1) month.

15. The Fair Board shall provide a listing of projected events to the Zoning Administrator on a quarterly basis, to include no less than thirty (30) days' notice of planned events, where practical.

16. Adequate facilities, emergency services availability and traffic control shall be provided for events with two hundred (200) or more attendees. The Zoning Administrator shall be notified no less than thirty (30) days prior to any event with two hundred (200) or more attendees. This notice shall include the date, time, and type of event and copies of any required permits or licenses from the Sheriff's Office, VDOT, Emergency Services Office and Health Department. Should the existing Zoning Ordinance be amended, this provision shall conform to the amended Zoning Ordinance.

17. With the exception of the annual fair, all outdoor events shall conclude by 10:00 p.m. and all indoor events shall conclude by 11:00 p.m.

18. Outdoor amplified music shall only be permitted during the annual four day fair. Amplified sound shall not exceed 65dB at any property line.

19. If using portable toilets for outdoor events, they shall be required to meet Health Department Standards. The Applicant shall obtain temporary privy applications approved by the local Health Department for each event. These facilities shall not be placed on the property more than twenty-four (24) hours before a scheduled event, and shall be removed from the property no later than twenty-four (24) hours after the scheduled end of event. All portable toilets shall be located no closer than one hundred (100) feet to any property line.

20. The Applicant shall provide a water meter on its well to track water usage. Water usage information shall be submitted quarterly to the Virginia Department of Health and the Department of Community Development. Should there be evidence that the usage is exceeding design capacity, the Applicant shall address the exceedance and correct as necessary within thirty (30) days. Following such a determination, the Applicant shall begin reporting monthly again for three (3) months, after such time quarterly reporting shall resume.

21. Any building meeting the required setbacks and constructed for agricultural purposes shall only be used for such until a zoning and building permit is issued allowing them to be used for public purposes.

22. A thirty (30) foot dense evergreen tree screen shall be established and maintained along the shared property line with PIN 6993-36-3947-000. Existing trees qualifying

as evergreen can be substituted and meet the stated requirements as long as they are located within the designated buffer area.

23. Payment of any required bonds shall be required.

24. This permit shall expire on December 31, 2021.

After discussion, on motion made by Mrs. Cooper and seconded by Mr. Tufts, it was moved to amend Condition #14, striking "c," "d," "e," "f," and "g," as follows:

14. The following activities shall be authorized with this permit:
    a. Annual Fair: One fair per year up to four (4) days in length, with additional days before and after as necessary for set-up and clean-up; no limit on number of attendees.
    b. 2021 Calendar of Events: Fifteen (15) events with a maximum of two hundred (200) attendees, submitted to the Department of Community Development.
    ~~*c. Fair Board Meetings: A maximum of fifteen (15) per year, indoors, with a maximum of thirty (30) attendees per meeting.*~~
    ~~*d. Fair Fundraisers: A maximum of six (6) per year, with up to 400 attendees, with no more than two (2) outdoors. To qualify as a fair fundraiser, all proceeds of the event must go to Fauquier County Fair, Inc.*~~
    ~~*e. 4-H Activities: A maximum of five (5) per month, held inside, ending before 10:00 p.m. and no more than one hundred (100) attendees.*~~
    ~~*f. 4-H Activities: A maximum of two (2) per month, held inside, except livestock related show/exhibits, with up to two hundred (200) attendees.*~~
    ~~*g. Other Indoor Events: A maximum of twenty (20) events per year with up to three hundred (300) attendees and sixteen (16) events with up to one hundred (100) attendees. No more than six (6) of these events shall be permitted in any one (1) month.*~~

The amended motion carried unanimously.

Thereafter, the original motion was approved, as amended.

After additional discussion, on motion made by Mr. Tissue and seconded by Mrs. Cooper, it was moved to amend Condition #8 of the above motion as follows:

8. ~~The Old Auburn Road entrance with a dedicated right turn lane for incoming traffic and the Meetze Road entrance for exiting traffic would result in the majority of turning movements being right hand turns, which are safer and should be included. During the annual four day event, all fair activity shall be entered from Old Auburn Road and exit to Meetze Road through the Central Sports Complex.~~ *The Virginia Department of Transportation's recommendation regarding incoming and exiting traffic, as stated in its April 21, 2021 letter, shall be followed.*

Mr. Shellenberger stated that the language in the original staff motion is basically the same as is being proposed.

On motion made by Mrs. Cooper and seconded by Mr. Tufts, it was moved to restore the original staff motion regarding traffic flow, as follows:

8. *During the annual four day fair event, all fair activity shall enter from Old Auburn Road and exit to Meetze Road through the Central Sports Complex.*

The amended motion carried unanimously.

Thereafter, the original motion was approved, as amended.

Mrs. Cooper left the meeting.

SPECIAL PERMIT – SPPT-21-014917 – BRUCE A. JENKINS (OWNER)/ERVIN JENKINS (APPLICANT) – MIDLAND OUTLAWS – An application for a Category 8 Special Permit to host a temporary event, PIN 7809-41-5259-000 and 7809-41-3330-000, located at 11264 Rogues Road, Cedar Run District, Midland, Virginia. (Lauren Kopishke, Staff)

Ms. Kopishke reviewed the staff report.

Mr. Meadows opened the public hearing.

Mr. Ervin Jenkins, applicant, expressed agreement with the staff report and thanked staff for their hard work.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. Tufts and seconded by Mr. McDade, it was moved to grant the Special Permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Zoning Ordinance, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.

2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.

3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.

4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.

5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.

6. The proposed use is consistent with the general standards for Special Permits.

7. The type and amount of traffic generated by the use is such that it will not cause an undue impact on neighbors or adversely affect the safety of road usage.

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:

1. The temporary event shall be in general conformance with the information and drawings submitted with the Special Permit application except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.

2. The event shall be authorized for June 11, 12 and 13, 2021.

3. To ensure that adequate services are maintained on-site at all times, the event shall be approved in advance by the Fauquier County Department of Fire, Rescue and Emergency Management (DFREM), Sheriff's Office, Health Department and VDOT. Copies of these approvals, including the type and number of security personnel, rescue or safety equipment and personnel, traffic control, and on-site sanitary and refreshment facilities required for the event shall be provided to the Zoning Administrator no later than May 28, 2021 at 1:00 p.m.

4. All parking areas shall be mowed and maintained prior to the event to minimize the risk of fire and prevent erosion.

5. There shall be no event parking or loading on Rogues Road (Route 602).

6. There shall be no amplified sound or music before 9:00 a.m. or after 11:00 p.m.

The motion carried 4 – 0, as follows:

AYES: Mr. Meadows, Mr. Tufts, Mr. McDade, Mr. Tissue

NAYS: None

ABSTENTION: None

ABSENT: Mrs. Cooper

OTHER BUSINESS:

- Ms. Anderson distributed copies outlining the proposed revisions to the Rules of Procedure Regarding Appeals, which will be discussed at the next Board meeting.

- Mr. Shellenberger reviewed the applications that will be considered at next month's meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 3:20 p.m.

_____ _____

John R. Meadows, Chairperson Fran Williams, Secretary

Copies of all files and materials presented to the BZA are attached to and become part of these minutes. A recording of the meeting is on file for one (1) year.