MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JULY 1, 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, July 1, 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; Mr. Benjamin Tissue, Jr.; and Mr. Lawrence G. McDade. Member absent was Mrs. Mary North Cooper.

Also present were Mr. Adam Shellenberger, Chief of Planning/Secretary; Ms. Amy Rogers, Chief of Zoning/Development Services; Ms. Heather Jenkins, Assistant Chief of Zoning/Development Services; and Mrs. Meredith Meixner, Planning Associate II.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mr. Shellenberger stated that, to the best of his knowledge, the cases before the Board of Zoning Appeals for a public meeting have been properly advertised and posted.

MINUTES:

On motion made by Mr. Tufts and seconded by Mr. McDade, it was moved to approve the June 3, 2021 minutes.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mrs. Cooper

REGULAR AGENDA:

APPEAL – AZAD-21-014930 – R. CARL FALLER (OWNER/APPELLANT) – 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 opened the public meeting, which is a continuation from the May 6, 2021 Board of Zoning Appeals' meeting.

COUNTY PRESENTATION

Ms. Rogers stated that on May 6, 2021, the Board of Zoning Appeals (BZA) held a public meeting to hear the appeal of a Zoning Administrator's Determination that a 1.9782-acre parcel is a non-buildable lot. At that time, she provided background information on the parcel and presented her basis for determination. The Appellant presented his case and requested additional time to address outstanding issues related to the property. The BZA voted 3-2 to postpone action until July 1, 2021. Ms. Rogers stated that she has exchanged emails with the Appellant since the May 6, 2021 BZA meeting; however, no new information supporting the appeal request has been received for consideration.

A Buildable Lot Determination request is a review of a property in the land records to determine whether a tax parcel is a legal lot of record. Some lots have a Parcel Identification Number (PIN) for the purpose of taxation even though the lot was never legally created and recorded for the purpose of development. In this instance, the lot was created by a right-of-way in 1961. In order to be a legal, buildable lot, it must meet the definition of a "Lot" in the Zoning Ordinance. Section 15-300 (Definitions), defines a "Lot" as: *"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*** *[emphasis added] to the adoption of the County's first Subdivision Ordinance on August 3, 1951, each separate portion of such parcel shall be considered a lot."* Ms. Rogers stated that when the Buildable Lot Determination request was received, she reviewed the land records and relevant Ordinances and issued her determination based on the following:

- The lot does not meet the definition of a "Lot" in Article 15 of the Zoning Ordinance, which requires that it be created prior to 1951 by a right-of-way taking.

- 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 pursuant to Subdivision Ordinance Section 4-1.

- The parcel does not meet all of the criteria in Zoning Ordinance Section 2-403.2. There was a plat for the property; however, it also must have been issued a permit for land development, a drainfield permit or have an existing structure on the

property. This 1.9782-acre parcel does not meet any of these additional requirements.

Ms. Rogers said that the sole issue before the BZA is whether she was correct in determining the 1.9872-acre parcel was not a legal lot and, therefore, is a non-buildable lot. She highlighted *Code of Virginia* § 15.2-2309.1 (Powers and Duties of Boards of Zoning Appeals), which states:

"Boards of Zoning Appeals shall have the following powers and duties: To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. ***The determination of the administrative officer shall be presumed to be correct*** *[emphasis added]. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence.* ***The board shall consider any applicable ordinances, laws, and regulations in making its decision*** *[emphasis added]. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special."*

Ms. Rogers also stated that anything the Appellant presents since the date of the determination is not applicable in this case. She concluded by respectfully requesting the Board to affirm her determination that the subject 1.9782-acre parcel is a non-buildable lot.

APPELLANT PRESENTATION

Mr. R. Carl Faller, Appellant, stated that he purchased this property in July 2004 as an investment to supplement his retirement. At that time, the parcel had its own unique Parcel Identification Number (PIN), and a plat showing metes and bounds had been prepared and recorded. In addition, the Fauquier County GIS Department showed it as a separate and individual parcel and he has been taxed on this each year since it was purchased. Mr. Faller emphasized that when the property was purchased, he could not have known that it was not properly created under the Fauquier County Subdivision Ordinance as he has since been told by the Zoning Administrator. As previously stated, it was assigned a unique PIN, a plat with metes and bounds was recorded and it was shown on the GIS maps as an individual parcel. While it is possible that this parcel was not formed as a separate parcel in accordance with the Fauquier County Subdivision Ordinance, he should not be penalized because he had no knowledge of how it came to be recorded. After researching the deed books at the Courthouse, he purchased it with full confidence that our local government had accurate records. Mr. Faller requested that the Board exercise its ability and sworn duty, under *Code of Virginia* § 15-2.2309.2 (Powers and Duties of Boards of Zoning Appeals) to grant a Variance. That section states: *"...Boards of zoning appeals shall have the following powers and duties: ...Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would*

alleviate a hardship due to a physical condition relating to the property or improvements…(i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;…(iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property…"

In addition, Zoning Ordinance Section 13-304.1 (Decisions on Appeals) states: *"The BZA may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from. The BZA may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit."* Mr. Faller noted that *Code of Virginia* Section 15.2-2312 (Procedure on Appeal) also states: *"…In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from…"*

Mr. McDade stated that the right-of-way taking occurred in 1961 and asked what representations regarding use of the property were made to the Appellant when it was purchased in 2004.

Mr. Faller responded there was no representation made. There was a clear title with no encumbrances and there was never a discussion as to whether he could farm it, build a house on it or just what could be done.

Mr. McDade asked if the Appellant was represented by an attorney in the purchase of this property and if so, did the attorney advise him of any restrictions in place on the parcel.

Mr. Faller responded that he was represented by an attorney at the time of purchase; however, he was not advised of any restrictions on the property since there was no record of such.

Mr. McDade noted that the property has an odd shape, being long and narrow and asked if this raised any questions as to what uses were allowed.

Mr. Faller stated the configuration of the property did not raise any questions on his part since he has purchased other parcels with unusual dimensions in the past and has been able to construct houses on them. Mr. Faller explained that the Commonwealth of Virginia created this 1.9782-acre parcel when it was preparing to expand Route 17. The property was surveyed and a plat showing metes and bounds was prepared and recorded. He said that he did not know how this occurred without getting the necessary approvals from the County. In addition, he noted that there was some discussion at the May 6, 2021 BZA meeting as to whether he can meet the necessary setback requirements on the property. Since that time, his surveyor has located a portion of the property where a small house can be constructed without the need to request a Variance for the front, rear or side setbacks. He indicated that he has the survey with him should the Board wish to review it. Mr. Faller respectfully asked the Board for relief so that he can move forward and submit the necessary documents to obtain a Building Permit from the County to construct a small single-family dwelling on the property.

Mr. McDade inquired if the Zoning Administrator had advised him of any other potential uses that could occur on the property.

Mr. Faller responded that this question came up at the last meeting and the Zoning Administrator suggested that it could be farmed. He noted that he has tried farming in the past but found that it did not work; however, he jokingly stated that growing marijuana might be a possibility since it has now been legalized.

Mr. McDade asked if the Appellant owns other property near the subject parcel and, if so, has there been any discussion about doing a boundary line adjustment to combine them.

Mr. Faller replied that he also owns the adjacent parcel, but there has been no discussion about combining the two.

Mr. Tissue inquired if the Appellant had checked to see if a drainfield could be located on the property or if he had requested a Buildable Lot Determination from the County as part of his due diligence prior to purchasing the property.

Mr. Faller responded that he had not done either at the time. However, he clarified that he did check the U.S. Geological Survey, which indicated the property contains favorable soils. In addition, the soils are good on the adjacent property that he owns since it has a house with a drainfield.

Mr. Tissue asked if a proposed drainfield would encompass the portion of the property his surveyor has indicated a house could be constructed on.

Mr. Faller stated that the proposed drainfield is not in the location where the proposed house would be constructed.

Mr. Meadows, referring to the Appellant's previous comments, clarified that the current application before the Board is an Appeal of the Zoning Administrator's Determination and not for a Variance.

Mr. Faller requested that a decision by the Board be postponed for approximately 120 days to allow time for him to obtain the necessary drainfield permit and other necessary documentation to proceed.

Mr. Meadows stated that there is a 90 day timeline for the Board to act on an Appeal; therefore, an additional postponement would not be possible.

Mr. McDade asked the Zoning Administrator what the Appellant would need to submit in order to request a Variance.

Ms. Rogers stated that the Appellant would not be able to seek a Variance in this case since he does not have a legal lot to build a house on. However, the Appellant also owns the adjacent parcel which was created prior to 1968; therefore, an Administrative Subdivision would be allowed. The Appellant could do a boundary line adjustment to create one lot and then re-subdivide the property so that there is a separate building lot.

In that there was no further discussion, Mr. Meadows closed the public meeting.

BOARD ACTION

On motion made by Mr. McDade and seconded by Mr. Tissue, it was moved to affirm the decision of the Zoning Administrator, after due notice and hearing as required by the Fauquier County Zoning Ordinance and *Code of Virginia*, in Appeal #AZAD-21-014930, finding that:

- Based on the status of this Appeal, we lack the authority to grant a Variance and that the Zoning Administrator's decision is supported by the facts and is consistent with the applicable Zoning laws and regulations.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mrs. Cooper

APPEAL – AZAD-21-015301 – CIDER LABS, LLC (OWNER/APPELLANT) – CIDER LABS, LLC – An appeal of a Zoning Administrator's issuance of a Notice of Violation and Corrective Order for the operation of a Mobile Eating Establishment on the property without the required Administrative Permit; events held in a district where the use is not permitted; expansion of the use beyond the conditions permitted by the approved Site Plan; the commencement of a use prior to the issuance of a Zoning Permit; and construction completed without the required Zoning Permit, PIN 7804-49-4961-000, located at 5344 Sumerduck Road, Lee District, Sumerduck, Virginia. (Heather Jenkins, Staff) ***Note: This is a public meeting, not a public hearing.***

Mr. Meadows opened the public meeting.

COUNTY PRESENTATION

Ms. Jenkins stated that the property, which is zoned Commercial-Village (CV) and Village (V), consists of a 1.6-acre parcel located off Sumerduck Road. An existing commercial-use structure with a gravel parking area is situated in the Commercial-Village zoned portion of the property. The structure was previously used as a country convenience store, with a gravel parking area of approximately 6,000 square feet to the southern side of the building.

The current owner and Appellant, Cider Labs, LLC, purchased the property on March 6, 2020. In December of 2019, three months before the Appellant purchased the property, Mr. James "Timmy" Walsh of Heritage Real Estate applied for a Zoning Permit to change the use of the existing building to a Cottage Industry for cider processing. The permit application contained a plat showing the existing conditions on the property to include the commercial-use structure and gravel parking area just to the south of the building. The application materials specified

there would be no interior renovations, and no physical changes to the property such as changes to the existing parking area or entrance, and no clearing or landscaping.

On January 14, 2020, a Site Plan Waiver was issued to permit use of the property as a Cottage Industry, specifically for Cider Processing with Accessory Retail Sales. Approval of the change in use was based on the application materials which specified there would be no changes to the building or the property and no increase in intensity that would trigger site improvements and the need for submission of an engineered Site Plan application. After purchasing the property on March 6, 2020, the Appellant began operating a cider processing business with accessory retail sales in July 2020.

Ms. Jenkins stated that attached to the Appeal Response is a 2018 aerial image, which shows the condition of the property prior to the Appellant purchasing it. The commercial structure is in the northwestern corner of the property with an approximately 450 square foot concrete pad located on the east side of the building. The gravel parking area, consisting of approximately 6,000 square feet, is to the south of the building. Access to the building is provided by an open-cut along the pavement edge of Sumerduck Road, as well as a gravel entrance about 12 feet in width, which is also the primary access to two single-family homes to the east of the subject property. Hatched in blue lines on the aerial image is an ingress/egress easement, which extends off Sumerduck Road to the east and southeast, and provides access to two homes. This area is also the Village zoned portion of the property, and the zoning district boundary is shown in the aerial image as a cyan colored line. The existing building and parking area are both located in the portion of the property zoned Commercial-Village. This Commercial-Village zoned area was established over this portion of the property as a part of the overall zoning of the County, as this specific area had been historically used as a small commercial business. The Village zoned area of the property marked in the blue hatching was later added through a boundary line adjustment, which did not change the underlying zoning district boundaries.

The approved Site Plan Waiver authorized use of the property for a "Cottage Industry," which Article 15 of the Zoning Ordinance defines as a *"small, low-intensity manufacturing or processing business… that operates without altering the rural or residential character of the neighborhood."*

After the Appellant purchased the property and began operating the Cider Lab business, Zoning staff began receiving complaints of increased traffic and vehicles being parked on neighboring properties and in the public roadway; noise from outdoor gatherings of people and music; food purchased from food trucks and consumed on-site; changes to the exterior of the property such as the addition of an outdoor seating area with picnic tables; chairs; fire pits; new gravel surfacing installed on the property to create outdoor gathering areas; additional parking; changes to the residential driveway; and the installation of a large tent with lighting and propane heating units.

In response to the complaints, Mr. Keith Broyles, the Zoning Inspector, visited the property in December 2020 and documented the exterior changes. Further research by staff revealed social media posts from the business with regular, advertised musical entertainment and food trucks, as well as events such as a Halloween Karaoke night. Photographs and social media posts documenting these activities and changes to the property are also included in the Appeal

Response. These changes to the site and impermissible uses were determined to be violations of the Zoning Ordinance. A letter was sent to the Appellant on December 17, 2020 notifying them of the violations of the Ordinance, as well as how to resolve the violations.

Further communications by phone, email and in person were conducted with Mr. James Rasure, the operator of the Cider Lab business, discussing the violations and the process to address them, to include an email exchange on December 31, 2020. During these exchanges Mr. Rasure indicated his willingness to come into compliance; however, after these discussions no applications were submitted and there were no discernable changes to the operation of the business.

On March 31, 2021, Mr. Broyles and the County Building Official, Mr. Jeff Morrow, inspected the property and spoke with Mr. Rasure. A copy of the inspection report prepared by Mr. Broyles is also included with the Appeal Response.

The Building Official, Mr. Morrow, noted as a part of his inspection of the interior and exterior of the building, that renovations had been completed to the restroom without the required permits; the outdoor tent had been installed without the required permits; and impermissible propane heating units had been placed inside the unpermitted tent. Interior renovations and the large tent require the issuance of both a Building Permit and a Zoning Permit.

Mr. Broyles spoke to Mr. Rasure during the inspection, and explained that food trucks must have a permit issued before they can operate on the property, that customer and employee parking for the business must be restricted to the gravel parking area approved as a part of the Site Plan Waiver and, in no case, is parking permitted in the ingress/egress easement area or road right-of-way; that no entertainment such as live musical events are permitted on the property; and that a Site Plan must be approved to permit all changes to the property such as the outdoor seating area. Mr. Rasure indicated his willingness to come into compliance to both Mr. Broyles and Mr. Morrow. As mentioned previously, following the March 31, 2021 inspection and discussion, no Building or Zoning Permit applications were submitted, and there was no discernable change in the day-to-day business operations.

Subsequently, on April 19, 2021, a Notice of Violation and Corrective Order was issued to the Appellant following staff inspections, research into the business operations, and continued citizen complaints which showed violations of the Ordinance were ongoing and there had been no applications submitted by the Appellant or business operator after the March inspection and discussion. The Notice of Violation cited the Appellant with the following violations of the Ordinance:

- Food trucks require a permit before operating on a property;
- Events are not permitted in the Commercial-Village or Village zoning districts;
- The use of the property increased in intensity beyond the conditions approved with the Site Plan Waiver; and
- A Zoning Permit was not issued to allow renovations to the building, changes to the property conditions, or installation of the tent.

On April 27, 2021, after the Notice of Violation was issued, Mr. Rasure submitted a Building and Zoning Permit application for interior remodeling work which had been completed on the restroom facility. This application remains on hold as it did not contain enough information to be processed and for Building staff to complete the review. To date, no further information or plans have been submitted to complete the application for the interior renovations.

On May 5, 2021, Zoning staff held a virtual meeting with Mr. Rasure, his engineer and his architect to discuss the process to address the violations and come into compliance, to include submitting a Site Plan application for all exterior changes and expansion of the use area, a Zoning and Building Permit application for interior renovations to the restroom, and the requirement that all food trucks have an Administrative Permit issued prior to operating on the property. Ms. Jenkins stated that during this meeting, she stressed to Mr. Rasure that in order to comply with the Ordinance, he must operate his business in conformance with the approved Site Plan Waiver until all required approvals were issued. This would include parking only in the gravel area along the south wall of the building, and not having food trucks or musical entertainment on the property.

Following the issuance of the Notice of Violation and the May 5, 2021 meeting, Mr. Rasure continued to operate his business in violation of the Zoning Ordinance and approved Site Plan Waiver. These continued violations included parking in the Village-zoned ingress/egress easement area; parking on neighboring properties; parking along the edge of Sumerduck Road; use of the seating and gathering area installed to the rear of the building; amplified music provided by a speaker; and operation of food trucks on Fridays, Saturdays and Sundays. No Site Plan application has been submitted for review; no additional information was submitted for the permit application for the interior renovations; and no permits have been applied for or issued to permit food trucks to operate on the property.

Ms. Jenkins concluded by respectfully requesting that the Board uphold her determination based upon the evidence she has presented and to deny any request to defer action. She noted that, according to *Code of Virginia* § 15.2-2309.1 (Powers and Duties of Boards of Zoning Appeals), her determination is presumed to be correct during an appeal, and the Appellant has the burden of proof to show that they were not in violation.

APPELLANT PRESENTATION

J. Gregory Ashwell, Esq., representative, stated that the Appellant, Cider Labs, LLC makes extremely good cider; therefore, its business has been very successful even though they purchased the property at a very bad time – the outbreak of a pandemic. Mr. Ashwell conceded that there have been complaints, many of which are well founded, from the neighbors.

The business owner consulted a Zoning staff member and discussed having food trucks on-site. From this discussion, the County communicated to the Appellant that the presence of food trucks on the subject property complied with the Site Plan Waiver approval previously obtained on January 14, 2020. He was unaware that, according to Zoning Ordinance Section 3-308.8, Mobile Eating Establishments or "food trucks" in the Commercial-Village and Village districts are only allowed with the issuance of an Administrative Permit.

According to the Notice of Violation, "Events" are not allowed in the Commercial-Village and Village districts. The Appellant invited local musicians to perform at the subject establishment and did not realize this is considered an "Event." Zoning Ordinance Section 3-309.16 states: *"Spectator and Non-Spectator Field Events and Activities (Class C): equestrian events and field sports, rodeos, scholastic athletic contests, festivals, arts and craft shows, and related fundraising for charitable or non-profit activities, family reunions, wedding receptions and similar receptions, picnics, educational seminars, and community related arts, cultural, agricultural, and educational activities."* Mr. Ashwell stated that this language is vague and ambiguous as to the establishment's ability to invite local artists onto the premises to perform with or without compensation.

The Notice of Violation indicated that the use has increased in intensity beyond the conditions approved in the Site Plan Waiver. The Appellant obtained a Site Plan Waiver amending the use from Retail to Cottage Industry with Accessory Retail Sales under Zoning Ordinance Section 3-316.3. Section 12-301.2 of the Zoning Ordinance states: *"The proposal will not involve an increase in the intensity of the existing use with respect to entrances, travelways, parking or impact on neighboring lands."* The change in use at the property does not involve an increase in intensity. The approved parking spaces were always subject to additional patronage at the property, depending on the number of vehicle occupants and those individuals parking at adjacent properties or other locations. There is no increased impact on neighboring lands outside the permitted use.

In addition, it was the Appellant's belief that the improvements made at the property did not necessitate a Building Permit which would trigger the language and restrictions in Zoning Ordinance Section 13-501 (Permit Required), which states: *"Except for permitted agriculture, floodplain crossing as permitted in Section 4-405.1.a of this Ordinance, horticulture or forestry uses, no use permitted by right, by Special Permit or Special Exception shall be begun on a parcel prior to the issuance of a Zoning Permit by the Zoning Administrator. No excavation or grading of a parcel shall be begun before the issuance of a Zoning Permit therefore by the Zoning Administrator. No Building Permit shall be issued prior to the issuance of a Zoning Permit."* He reiterated that none of the Appellant's actions were done in bad faith. It is simply that he was unaware that making minor repairs to a wall and bathroom and replacing light fixtures would be considered an increase in the capacity of the building. The Appellant is currently waiting on his architect to provide the necessary drawings so that they can be submitted to the County.

Mr. McDade stated that the Notice of Violation was not issued until April 19, 2021. However, it was well before that, in December 2020, that the County had explained what needed to be done to bring the property into compliance. In addition, there were subsequent communications by phone, email and in person. Despite this, the tent was still up and the food trucks continued coming to the property until just a few weeks ago.

Mr. Ashwell noted that the tent was removed almost immediately after the Appellant discovered it was not allowed in December 2020. He once again stated that, due to the vagueness of the Ordinance on what is considered "Events," the Appellant did not know that a person playing a guitar is considered such. Nor was he aware that if a particular section of the Ordinance is vague, that it is up to him to contact the Zoning Office for clarification.

Mr. McDade again remarked that the Appellant was told what was required a number of times. Another example of his not complying relates to the imposition that has been placed on neighboring property owners by continuing to allow patrons to park in the right-of-way.

Mr. Ashwell stated that parking in the right-of-way has been discontinued as well.

Mr. McDade clarified that the Board is here to decide if the Notice of Violation issued on April 19, 2021 was supported by the facts. However, this does not preclude the Appellant from submitting the necessary documentation to get the appropriate permits to bring the business into compliance with County regulations.

Mr. Meadows reiterated that the Board's decision will be based solely on whether the Zoning Administrator appropriately issued the Notice of Violation and Corrective Order on April 19, 2021. He emphasized that it is not the Board's intent to put the Appellant out of business. Rather, it is to bring the property into compliance with Zoning regulations by getting the necessary Administrative Permits, which can be issued by the Zoning Administrator without the need for a public hearing.

In that there was no further discussion, Mr. Meadows closed the public meeting.

BOARD ACTION

On motion made by Mr. McDade and seconded by Mr. Tissue, it was moved to affirm the decision of the Zoning Administrator, after due notice and hearing as required by the Fauquier County Zoning Ordinance and *Code of Virginia*, in Appeal #AZAD-21-015301, finding that:

- The decision of the Zoning Administrator to issue the Notice of Violation on April 19, 2021 is supported by the facts and is consistent with the applicable Zoning laws and regulations.

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:

- None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 3:00 p.m.

_____ _____

John R. Meadows, Chairperson Adam Shellenberger, 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.