

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
JULY 7, 2011**

*Work Session
1:30 p.m.
Second Floor Conference Room, Warren Green Building,
10 Hotel Street, Warrenton, Virginia*

The Fauquier County Board of Zoning Appeals held a work session on Thursday, July 7, 2011, beginning at 1:30 p.m. in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Harry Russell, Vice-Chairperson; Mr. Michael Brown; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Ms. Mary Catherine Sheridan, Assistant County Attorney; Ms. Kimberley Johnson, Zoning Administrator; and Mrs. Fran Williams, Administrative Specialist.

AGENDA REVIEW:

SPECIAL PERMIT #SPPT11-MA-024 & SPPT11-MA-025, UPPERVILLE BUSINESS PARK, LLC (OWNER/APPLICANT) – UPPERVILLE BUSINESS PARK

Applicant is requesting special permit approval for a retail sales establishment between 5,000 and 20,000 square feet and a carpentry shop less than 5,000 square feet, PIN #6054-75-1855-000, 6054-75-1744-000, 6054-75-0680-000, 6054-75-0404-000, 6054-75-1399-000, and 6054-65-8611-000, located at 9183 John S. Mosby Highway and 9197 John S. Mosby Highway, Marshall District, Upperville, Virginia. (Andrew Hushour, Staff)

Ms. Johnson reviewed the application.

MINUTES:

Board members discussed the June 2, 2011 minutes.

On motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to go into a closed meeting, pursuant to *Code of Virginia* Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to Zoning Appeal #ZNAP11-MA-003 (Upperville Volunteer Fire Company, Inc. (Owner/Applicant) – Upperville Volunteer Fire Company).

The motion carried 5 – 0, as follows:

AYES: Mr. Meadows, Mr. Russell, Mr. Tufts, Mr. Brown, Mrs. Cooper

NAYS: None

ABSTENTION: None

ABSENT: None

Upon reconvening from the closed meeting, Mr. Meadows read the following Certification of Closed Meeting:

The Fauquier County Board of Zoning Appeals, having adjourned into a closed meeting this day for the purposes stated in the resolution authorizing such meeting, does hereby certify that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and
2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered in the closed meeting.

This certification shall be recorded in the minutes of the Board of Zoning Appeals on motion of Mr. Brown and seconded by Mr. Tufts.

The motion carried 5 – 0, as follows:

AYES: Mr. Meadows, Mr. Russell, Mr. Tufts, Mr. Brown, Mrs. Cooper

NAYS: None

ABSTENTION: None

ABSENT: None

The meeting was adjourned at 1:55 p.m.

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

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, July 7, 2011, beginning at 2:00 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mr. Harry Russell, Vice-Chairperson; Mr. Michael Brown; Mrs. Mary North Cooper; and Mr. Maximilian Tufts, Jr. Also present were Ms. Mary Catherine Sheridan, Assistant County Attorney; Ms. Kimberley Johnson, Zoning Administrator; and Mrs. Fran Williams, Administrative Specialist.

MINUTES:

On motion made by Mr. Brown and seconded by Mr. Tufts, it was moved to approve the June 2, 2011 minutes, as amended below:

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On motion made by Mr. Brown and seconded by Mr. Tufts, after due notice and hearing as required by the Fauquier County Zoning Ordinance and *Code of Virginia*, it was moved to overturn the decision of the Fauquier County Zoning Administrator in Appeal #ZNAP11-MA-003, finding that while the sign ~~*in question*~~ *for which the Appellant was cited on January 25, 2011* is an animated sign as defined in Zoning Ordinance Section 8-201.1, it fits within the exception of signs indicating time and/or temperature.

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

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

SPECIAL PERMIT #SPPT11-MA-024 & SPPT11-MA-025, UPPERVILLE BUSINESS PARK, LLC (OWNER/APPLICANT) – UPPERVILLE BUSINESS PARK

Applicant is requesting special permit approval for a retail sales establishment between 5,000 and 20,000 square feet and a carpentry shop less than 5,000 square feet, PIN #6054-75-1855-000, 6054-75-1744-000, 6054-75-0680-000, 6054-75-0404-000, 6054-75-1399-000, and 6054-65-8611-000, located at 9183 John S. Mosby Highway and 9197 John S. Mosby Highway, Marshall District, Upperville, Virginia. (Andrew Hushour, Staff)

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Meadows opened the public hearing.

Mr. Charles Floyd, representative, expressed agreement with the staff report.

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

On motion made by Mr. Tufts and seconded by Mr. Russell, it was moved to grant **Category 12 Special Permit #SPPT11-MA-024**, 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.

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 outdoor retail display area is limited to that area identified for such purpose on the special permit plat entitled "Upperville Business Park," as prepared by Carson-Ashley & Associates and dated June 14, 2011.
2. A landscape screen shall be installed in the northeast corner of the subject property in order to screen the outdoor display areas from both John S. Mosby Highway/Route 50 to the north and the adjacent Upperville Volunteer Fire Company property to the east. The type and size of plantings and their overall appropriateness shall be determined by the Zoning Administrator during the site plan review process and are in addition to any landscaping requirements set forth in the Zoning Ordinance for site plans. Once installed, this landscaping shall be maintained in order to ensure proper screening of the use on-site.

The motion carried unanimously.

On motion made by Mr. Russell and seconded by Mr. Tufts, it was moved to grant **Category 13 Special Permit #SPPT11-MA-025**, 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.

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. Regardless of that shown on the special permit plat entitled "Upperville Business Park," as prepared by Carson-Ashley & Associates and dated June 14, 2011, the carpentry shop is limited in size to no more than 4,900 square feet.
2. A buffer consisting of a vegetative screen, privacy fencing or a combination of both shall be installed along the western side of the subject property in order to screen the width of the carpentry shop building and its associated parking from the adjacent property to the west. The type of screening, the size of any plantings and their overall appropriateness shall be determined by the Zoning Administrator during the site plan review process and are in addition to any landscaping requirements set forth in the Zoning Ordinance for site plans. Once installed, this buffer shall be maintained in order to ensure proper screening of the use on-site.
3. The hours of operation of this carpentry shop shall be Monday through Saturday from 6:00 a.m. to 7:00 p.m. and Sundays from 1:00 p.m. to 6:00 p.m.

After discussion, on motion made by Mr. Brown and seconded by Mr. Russell, it was moved to amend the above motion, as follows:

4. The special permit shall expire after a period of one (1) year from the date of issuance of the Certificate of Occupancy permit.

The motion carried unanimously, as amended.

OTHER BUSINESS:

Mr. Meadows stated that after concerns were raised on November 4, 2010 about northbound traffic accessing Bridge Community Church (SPPT11-MA-008), a condition was imposed which stated: *"The applicant shall consult with the Virginia Department of Transportation (VDOT) regarding the appropriateness of adding a "No U-Turn" sign at the intersection of Lover's Lane and Route 29 and provide the results of that consultation to Zoning staff during site plan review."*

Mr. Meadows informed the Board that an application has been submitted on the Arrington property and, if approved, Lover's Lane will become a right-in/right-out turn with no crossover. Mr. Meadows stated that Carson-Ashley & Associates is the representative on both projects and will address any issues that arise regarding this matter.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:30 p.m.

John R. Meadows, Chairperson

Andrew B. Hushour, Secretary

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