

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
NOVEMBER 3, 2005**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON NOVEMBER 3, 2005 AT 11:00 A.M. IN WARRENTON, VIRGINIA.

Members present were Mr. John Meadows, Chairperson; Mrs. Margaret Mailler, Vice-Chairperson; Mr. James W. Van Luven, Secretary; Mrs. Carolyn Bowen; Mr. Serf Guerra and Mr. Maximilian Tufts. Also present was Mr. Fred Hodge, Senior Planner.

Mr. Hodge reviewed the site visit agenda. He stated that there would be two (2) site visits as follows:

1. John and Tammy Slaustas at 11:15 a.m.
2. Crane's Corner, LLC (Liberty Station) at 11:30 a.m.

With no further business, the meeting was adjourned at 11:05 a.m., to reconvene at 2:00 p.m. at 10 Hotel Street, Warren Green Meeting Room, Warrenton, Virginia.

MEETING:

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, November 3, 2005, beginning at 2:00 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mrs. Margaret Mailler, Vice-Chairperson; Mr. James W. Van Luven, Secretary; Mrs. Carolyn Bowen; Mr. Serf Guerra and Mr. Maximilian Tufts. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Mr. Todd Benson, Assistant Zoning Administrator; Mr. Fred Hodge, Senior Planner; Mrs. Debbie Dotson, Planning Associate; and Mrs. Fran Williams, Office Associate III. Absent was Mr. Roger R. Martella, Jr.

MINUTES:

On motion made by Mr. Van Luven and seconded by Mr. Tufts, the BZA moved to approve the October 6, 2005 minutes as amended:

- Page 1, sixth paragraph, change "6-1" to "6-0".

The motion carried unanimously, with Mr. Martella absent.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the Public Hearing protocol. Mr. Hodge stated, that to the best of his knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners.

APPEAL #ZNAP06-MA-001, THE SALAHI FAMILY LIMITED PARTNERSHIP (OWNER/APPLICANT)

Applicants are appealing a decision of the Zoning Administrator regarding a violation of Special Exception conditions approved by the Fauquier County Board of Supervisors. The properties are identified as PIN #5998-87-0439-000 and #5998-88-4344-000, located at 14141 Hume Road, Marshall District, Hume, Virginia. *Note: This is a public meeting not a public hearing.*

Mr. Fred Hodge, Senior Planner, reviewed the staff report, a copy of which is attached to and made a part of these minutes.

Mrs. Bowen disqualified herself from any vote and/or discussion on this application based on her previous position as Zoning Administrator during which time she made a number of decisions related to the property and its use.

Mr. Meadows stated that the applicants have requested a postponement of action on this item until the next regularly scheduled meeting.

On motion made by Mrs. Mailler and seconded by Mr. Van Luven, it was moved to postpone action on this item until the December 2005 meeting.

The motion carried 5-0, with Mrs. Bowen abstaining and Mr. Martella absent.

VARIANCE #ZNVA06-CT-002, ROBERT (SR.) AND PATRICIA DUVALL (OWNERS/APPLICANTS)

Owners are requesting a variance of 7.9 feet from a side property line for a previously constructed attached garage on the property, PIN #6983-89-4786-000, located at 8158 Poplar Grove Drive, Center District, Warrenton, Virginia. *Note: Public Hearing was closed on October 6, 2005.*

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes.

On motion made by Mr. Van Luven and seconded by Mrs. Mailler, the BZA moved to deny the variance based on the Board's finding, after due notice and hearing, as provided by §13-406 of the Fauquier County Zoning Ordinance:

1. The noncompliance was through some fault of the applicant; and

2. The variance will impair the purpose and intent of this Ordinance, and
3. To force compliance with the minimum yard requirements would not cause unreasonable hardship upon the owner.

The motion carried 6-0, with Mr. Martella absent.

SPECIAL PERMIT #SPPT06-LE-009, STEICO, INC. (OWNER/APPLICANT)

Owner is seeking special permit approval to expand an existing Sheetz convenience store, fast food eating establishment and auto service station on the property, PIN #6980-29-9580-000, located at 10101 James Madison Highway, Lee District, Opal, Virginia.

Note: Public Hearing was closed on October 6, 2005.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made on October 6, 2005.

Mr. Steve Augustine, Sheetz representative, expressed agreement with the staff report. Mr. Augustine stated that the Sheetz store was built ten (10) years ago and it is their intent to modernize both the exterior and interior of their current facility. Mr. Augustine stated that features such as marble bathrooms and a gourmet coffee bar are planned.

Mr. Meadows asked the representative if the current water usage of 3,500 gallons per day is an accurate figure.

Mr. Ron Mislowsky, an engineer representing Sheetz, stated that this figure is accurate and they are proposing an increased usage of approximately 4,500 gallons per day.

Mr. Mislowsky further stated that their primary reason for requesting the special permit is to accommodate their current customers and that a large increase in the number of persons using the store is not anticipated. Therefore, they are not expecting a large increase in water usage.

Mr. Meadows asked about the water storage tank shown on the site plan, which was submitted with the application.

Mr. Mislowsky stated that the proposed 10,000 gallon water storage tank, which would be designed by a consultant and approved by both the State and Local Health Departments, is intended to provide adequate water during peak periods, such as holidays and the summer travel months.

Mr. Meadows asked if there would be any objection to having the BZA impose a condition stipulating that meters be installed to monitor water usage and anything in excess of 3,500 gallons per day be hauled in and not taken from the groundwater in order to alleviate the concerns of neighboring businesses and homeowners.

Mr. Guerra expressed concern about the adequacy of the water supply in the Opal area and particularly the fact that Pete's Park-N-Eat is on their fourth well.

Mr. Mislowsky stated that their facility has been at its current location for approximately ten (10) years and they are still using their original well. Mr. Mislowsky further stated that according to their geotechnical engineers, wells tend to close up or lose capacity over a long period of time.

Mrs. Bowen stated that she can appreciate the fact that Sheetz is not looking for a large number of new customers since they are usually very busy. Mrs. Bowen asked if any water is currently trucked in today.

Mr. Mislowsky responded that no water is currently trucked in.

Mrs. Bowen noted that a proposal is being sent to the Board of Supervisors for the Fauquier County Water and Sanitation Authority's first phase of the Opal water system which includes Sheetz and other existing businesses along Route 29. Mrs. Bowen stated that there is no way to determine how Sheetz's water usage effects Pete's Park-N-Eat.

Mr. Meadows stated that the proposed 30% increase in water usage is significant and the BZA must be concerned with the quality and quantity of surface and groundwater.

Mr. Guerra stated that it is his understanding that the Virginia Department of Transportation's (VDOT) proposed traffic counts for 2010 have already been reached.

Mr. Meadows asked if there is any proposed parking for tractor trailers.

Mr. Mislowsky stated that there are no parking spaces for tractor trailers because they do not sell truck diesel fuel nor do they encourage large trucks to come to Sheetz.

Ms. Johnson stated that while there are no specific requirements in the Zoning Ordinance for trucks, the BZA can require that areas be planned to accommodate truck parking or that trucks be prohibited from entering the site as part of the site plan process.

Mrs. Bowen stated that proper signage may help discourage tractor trailers from entering the site.

Mr. Mislowsky stated that they do not want to make it easier for trucks to come to their facility, but if trucks do enter the Sheetz parking lot they would like to make it safe for them to do so, preferably by directing them to use the Route 29 entrance.

Mr. Allen Stevens, Sheetz representative, stated that signage installed with the approval of the Virginia Department of Transportation (VDOT) at their Ruckersville store, has alleviated the problem of truck traffic at that location. Mr. Stevens distributed pictures showing the signage.

On motion made by Mrs. Bowen and seconded by Mrs. Mailler, 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 Code, based upon the Board's 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.

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 project shall be in general conformance with the special permit plat prepared by Patton Harris Rust and Associates and dated August 23, 2005.
2. All water pumped from the on-site well will be done between the hours of 12:00 midnight to 6:00 a.m.
3. Tractor trailers will be discouraged from entering the site and directed to the entrance on Route 29 by appropriate signage similar to that shown to the BZA from the Ruckersville site. Signage shall be installed on Route 15/29, as permitted by the Virginia Department of Transportation (VDOT) and Fauquier County, notifying truckers of the change. A sign shall also be placed on Route 17 at the entrance internally on the property citing the change.

AYES: Mrs. Bowen, Mrs. Mailler, Mr. Tufts

NAYS: Mr. Guerra, Mr. Meadows, Mr. Van Luven

ABSENT: Mr. Martella

The motion did not carry.

On motion made by Mrs. Bowen and seconded by Mrs. Mailler, it was moved to postpone action on this item until the December 2005 meeting.

The motion carried 6-0, with Mr. Martella absent.

**SPECIAL PERMIT #SPPT06-LE-007, CRANE'S CORNER, LLC
(OWNER)/ANGLER DEVELOPMENT (APPLICANT)**

Applicant is requesting special permit approval to locate two buildings totaling 17,050 square feet as a shopping center in the Commercial (C-1) Zoning District, PIN #6899-24-9873-000, located at Marsh Road and Village Center Drive, Lee District, Bealeton, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier during the day.

Mr. Steve Vento, representative, expressed agreement with the staff report.

Mr. Meadows asked if there were any speakers for or against the application. In that there were none, the public hearing was closed.

On motion made by Mr. Van Luven and seconded by Mrs. Bowen, 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 Code, 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 use shall be in general conformity with the concept development plat prepared by Rickmond Engineering, Inc. and dated April 21, 2004.

The motion carried 6-0, with Mr. Martella absent.

ZONING VARIANCE #ZNVA06-MA-003, MALCOLM G. AND GERTRUDE V.L. STEWART (OWNERS)

Owners are requesting a variance of nine (9) feet from a required front yard setback to construct an addition to an existing single family home on the property, PIN #6958-06-2799-000, located at 5046 Stablefield Road, Marshall District, Marshall, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier during the day.

Mrs. Gertrude Stewart, owner, expressed agreement with the staff report. Mrs. Stewart requested that this application be postponed indefinitely so that a proposed text amendment could be considered that would eliminate the need for this special permit.

On motion made by Mr. Guerra and seconded by Mr. Van Luven, it was moved to postpone this application indefinitely.

The motion carried 6-0, with Mr. Martella absent.

SPECIAL PERMIT #SPPT06-LE-011, JOHN AND TAMMY SLAUSTAS (OWNERS)

Owners are requesting special permit approval to keep livestock on a lot of 1.1 acres located in the R-2 Zoning District, PIN #6887-57-5554-000, located at 12413 Lucky Hill Road, Lee District, Remington, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier during the day.

Mr. Hodge stated that the owners, who were unable to be present due to a death in the family, have requested that action on this request be postponed until the December 2005 meeting date.

Mr. Meadows stated that it is his intention to move for a postponement of action on this item until the December 2005 meeting date. However, Mr. Meadows opened the public hearing since it had already been advertised.

Mr. Wayne Preston, an adjacent property owner, read a statement opposing the granting of this special permit.

On motion made by Mrs. Bowen and seconded by Mr. Van Luven, it was moved to postpone action on this item until the December 2005 meeting date.

The motion carried 6-0, with Mr. Martella absent.

OTHER BUSINESS:

Mrs. Bowen had requested that the issue of BZA book delivery be placed on the agenda for discussion. The issue raised involved whether an earlier delivery of the agenda items is possible and desirable.

After discussion of this matter, it was decided that the current procedure would remain in place.

Ms. Johnson stated that the Board of Supervisors has moved their February 2006 meeting to the same day as the regularly scheduled BZA meeting.

Mr. Meadows asked that the scheduled meeting date of February 2, 2006 be kept and that staff find an alternative location.

Mr. Van Luven and Mr. Guerra asked about the possibility of the BZA having a 1:00 p.m. Work Session prior to its regularly scheduled public hearing.

Mrs. Gallehr suggested that it would be more feasible for Mr. Van Luven and Mr. Guerra to meet with her at approximately 1:30 p.m. on the day of the BZA meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:55 p.m.

John R. Meadows, Chairperson

James W. Van Luven, 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 year.