



BOARD OF ZONING APPEALS MEETING

Tuesday, April 04, 2023 at 5:00 PM

AGENDA

CALL TO ORDER.

DETERMINATION OF A QUORUM.

APPROVAL OF MINUTES.

PUBLIC HEARING.

1. Application for a Variance pursuant to Article 2-19.1, fence and wall height limitations within a front yard setback area, of the Town of Warrenton Zoning Ordinance. The request is for a variance to permit a two-foot height increase for a fence, from four feet to six feet in height, within the front yard setback area along Solgrove Road. GPIN 6985-10-5535-000.

UPDATES.

ADJOURN.



TOWN OF WARRENTON

Community Development Department

PO BOX 341
WARRENTON, VIRGINIA 20188
<http://www.warrentonva.gov>
Landdevelopment@warrentonva.gov
(540) 347-2405

STAFF REPORT

April 4, 2023

Property Owner(s) / Applicant:	Lisa Gargiulo
Application #	BZA #2023-1
Location:	545 Solgrove Road
PIN:	6985-10-5535-000
Acreage:	0.708 Acres (30,840.48 Square Feet)
Zoning	Residential R-15
Comprehensive Plan Designation:	Low Density Residential
Land Use:	Residential - Single Family Detached
Request:	The Applicant is seeking approval of a Variance from Zoning Ordinance Articles 2-19.1, to allow the construction of a fence greater than four feet in height within a front setback.
Recommendation:	Staff recommends the Board of Zoning Appeals approve BZA #2023-1 per the pattern motion of approval dated April 4, 2023.

REQUEST

The applicant is requesting a variance from Article 2-19.1 of the Zoning Ordinance to construct a fence greater than four feet in height within the front setback of the subject property. The Zoning Ordinance permits the following with regards to fence height:

Fences and walls may be erected up to a height of six (6) feet in all zoning districts, except for fences or walls that extend within the required front setback, unless otherwise restricted by the ARB within the Historic District. Within the area bounded by the front setback and the side lot lines, fences and walls shall not exceed four (4) feet in height, unless otherwise restricted by the provisions of this Ordinance. Excluded are walls or fences encompassing swimming pools or other uses which are required by law.

The proposed location for the fence is along the Solgrove Road right-of-way, varying from approximately 3 feet to 10 feet from the right-of-way line, as shown on the fence location drawing submitted by the applicant. As fences up to six feet in height are permitted in all zoning districts except within a front setback, approval of the application would grant a variance of up to

22 feet from the required 25-foot front setback for a six-foot fence, which is equivalent to a two-foot height variance for a fence located in the front setback.

The six-foot fence is being requested to increase the safety and security for the property owner and their guests, as protection against intrusion, a visual barrier to increase privacy within the yard area behind the house, and as a safety measure to prevent access to a newly constructed swimming pool. The proposed fence is to consist of 6-foot tall, capped stockade panels constructed of pressure-treated wood, installed between 4 inch by 4 inch wooden posts, as depicted in the photograph submitted by the applicant. The applicant states that the granting of the requested variance would alleviate a hardship due to a physical condition relating to the property.

BACKGROUND

The subject property was created as Lot 9 of the Crestview Estates subdivision via deed dated December 19, 1955, recorded in Deed Book 194, Page 96 in the Land Records of Fauquier County. The single-family home was constructed in 1971 according to Fauquier County Real Estate records. The applicant acquired the subject property on December 22, 2015, via deed recorded in Deed Book 1504, Page 59. Adjacent uses are single-family detached dwellings.

The property is zoned Residential (R-15) and has remained R-15 since at least 1976 (prior zoning maps are unavailable). The lot is 0.708 acres (30,840.48 square feet) in size, and fronts along Solgrove Road for approximately 224.2 feet.

Solgrove Road consists of a 50-foot-wide right-of-way dedicated as a part of the Crestview Estates subdivision in 1955. When the right-of-way for Solgrove Road was originally dedicated in 1955, the right-of-way extended from Foxcroft Road to Broadview Avenue to create a through-street. The portion of Solgrove Road past the subject property that connected to Broadview Avenue was vacated in two separate deeds, recorded on September 5, 2003, and May 10, 2005, in Deed Book 1057, Page 1476 and Deed Book 1155, Page 1327. Since the two deeds were recorded to vacate the portion of Solgrove Road closest to Broadview Avenue, Solgrove Road now exists as a dead-end street, with the constructed and paved portion of the roadway terminating just past the driveway for the subject property.

While the portion of right-of-way past the subject property that connects Solgrove Road to Broadview Avenue has been vacated, the potential for future connection does exist. The Comprehensive Plan, *Figure 5-1: Town of Warrenton Transportation Plan map*, depicts a desired bike and pedestrian trail connecting the end of Solgrove Road to Broadview Avenue as a potential future connection. A public access easement for the purpose of a trail could potentially be acquired to facilitate this desired pedestrian and bike connection in the future. Additionally, an ingress-egress easement over the area of the vacated right-of-way was dedicated to allow the adjoining property, Lot 8 of the Crestview Estates subdivision (PIN 6985-10-7615-000), to access both the end of Solgrove Road and Broadview Avenue, as shown in Deed Book 1155, Page 1327.

ANALYSIS

Staff has reviewed the requested variance against the Virginia State Code and the Town of Warrenton Zoning Ordinance to determine if the request meets the criteria required to grant the variance. Below are the variance criteria with the staff's opinion on how the application meets

each criterion. The BZA will need to determine if the application has provided sufficient proof that the request meets the standards for a variance as defined by Virginia State Code. Virginia State Code and the Zoning Ordinance define a variance as:

Variance – In the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the Ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the Ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

In granting a variance, the BZA may impose such conditions regarding a proposed structure's location, character, and other features or use as it may deem necessary in the public interest. The BZA may require a guarantee or bond to ensure compliance with the imposed conditions. The property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinances. Per the Virginia State Code,

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:

1. Unreasonably restrict utilization of the property, or

The area of the subject property that lies along the undeveloped portion of the right-of-way functions as a side and rear yard for the existing home. Given that Solgrove Road is a dead-end street that does not have the ability to be extended and connected to Broadview Avenue as a public street, the 25-foot wide front-yard setback along the entire frontage length of approximately 224.2 feet imposes a restriction on the utilization of the subject property.

OR

2. that granting the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Ordinance, or

The area of Solgrove Road that extends past the driveway of the subject property is an open, vegetated area that has been used by the owners of the surrounding properties for driveway access, informal parking, and as an extension of residential-use yard areas. Solgrove Road cannot be extended to function as a through-street as the necessary right-of-way to connect to Broadview Avenue was vacated; the undeveloped portion of Solgrove Road has therefore functioned as a side and rear yard to the existing homes along the street for a long period of time and will continue to do so for the foreseeable future. A variance to allow a fence greater than four (4) feet in height within the 25-foot-wide front setback along the undeveloped portion of Solgrove Road would allow the applicant to continue to use the portion of the subject property to the side and rear of the existing home as a side and rear yard area.

OR

3. *alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability."*

The application's justification does not include a request for the variance to alleviate hardship for a person with a disability.

In addition to the three points above, no variance shall be authorized by the BZA unless it is determined that the request meets all five of the following criteria as listed in Zoning Ordinance Section 11-3.11.1 2. - *Standards for Variances*:

- a) *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.*

The property was acquired in good faith by the applicant in 2015, as the beneficiary of the previous property owner John W. Mayhugh, as found in Will Book 267, Page 2045. The hardship would not be considered as created by the applicant, due to the age of the subdivision of the property and the previous vacation of portions of the Solgrove Road right-of-way.

- b) *The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.*

The existing use of the subject property as a single-family detached dwelling will continue. The impact of permitting an increase in the allowable height of the fence from four (4) feet to six (6) feet along the undeveloped portion of the Solgrove Road right-of-way on neighboring residential properties would be limited. The applicant has provided statements of support from neighboring property owners, to include 540, 550, 560 and 576 Solgrove Road, and 587 Foxcroft Road; the statements of support have been included as a part of the application materials attached to this staff report.

- c) *The condition or situation of the property is not of so general or recurring of a nature as to be adopted as an amendment to the Ordinance.*

This property is unique in that Solgrove Road cannot be constructed to function as a through-street as intended in 1955, as the necessary right-of-way has since been vacated. Solgrove Road past the driveway of the subject property exists as a recorded right-of-way in deed records, but functions as an open extension of the residential yard areas with mown grass and trees. The paved terminal turn-around area for Solgrove Road is located at the driveway entrance to the subject property, and roadway surfacing does not extend farther past the turn-around area. The unique nature of the property condition does not lend itself to an amendment of the Ordinance that would apply to all properties located within the Town.

- d) *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.*

Single-family dwellings are a by-right permitted use in the district and would not affect the current Zoning designation for the property. A fence is a permitted accessory use for residential dwellings, and a variance to increase the height of the

fence by two (2) feet would not change the existing residential use or affect the Zoning district.

- e) *The relief or remedy sought by the variance application is not available through a special use permit process that is authorized in the Ordinance or the process for modification to the Zoning Ordinance at the time of the filing of the variance application.*

A Special Use Permit cannot provide relief from the limitation on fence height within the front yard setback.

STAFF RECOMMENDATION

To grant a variance, the BZA must find that the application meets one of the first three criteria listed above regarding unreasonable utilization, alleviating a hardship, or accommodating a person with a disability. In addition, the variance must also meet all five of the remaining criteria noted above regarding good faith acquisition, no substantial detriment, not generally recurring, does not allow an unpermitted use, and is not available by other means.

Staff recommends that the variance application be granted due to the unique condition of the property. Solgrove Road past the existing driveway is an undeveloped, dead-end street, without the ability to be developed as a public through-street. The imposition of a 25-foot wide front-yard setback along the entire length of the property along the undeveloped portion of the right-of-way is a restriction on the reasonable use of the subject property, where this portion of the property has been used as a side and rear yard since construction of the house in 1971. A variance to permit a two (2) foot increase in the permissible fence height to six (6) feet will not be of substantial detriment to adjacent properties, and will not result in a change in the use of the property. Staff recommends approving the Variance request to permit an increase in the allowable height of the fence of two (2) feet, not to exceed a maximum height of six (6) feet, for the portions of the front yard setback that are along the undeveloped portion of the right-of-way.

ATTACHMENTS

- A. Proposed Conditions of Approval / Proposed Motion for Denial
- B. Maps – Location, Zoning, Future Land Use, Aerial Imagery, Comprehensive Plan
- C. Photographs – Existing Conditions
- D. Variance Application Materials
- E. 1955 Deed and Plat of Subdivision for Crestview Estates
- F. 2003 Quitclaim Deed
- G. 2005 Deed of Vacation, Quitclaim and Dedication of Easement
- H. 2015 Deed of Confirmation and Current Ownership

PATTERN MOTION TO APPROVE VARIANCE **VARIANCE**

**BZA #2023-1 LISA
GARGIULO**

**BZA MEETING DATE:
APRIL 4, 2023**

In Application BZA #2023-1, I move to grant the Variance, after due notice and hearing as required by Code of Virginia §15.2-2204 and Article 11-3.11 of the Town of Warrenton Zoning Ordinance, based on upon the following Board findings:

1. The strict application of the Ordinance would unreasonably restrict the utilization of the property, the need for the variance will not be shared generally by other properties, and the variance is not contrary to the purpose of the ordinance.
2. 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; and
3. The granting of the variance will not be of substantial detriment to the adjacent property and nearby properties in the proximity of that geographical area; and
4. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance; and
5. 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; and
6. The relief or remedy sought by the variance application is not available through a Special Exception or Special Permit process that is authorized in the Ordinance or the process for a modification from a provision of the Zoning Ordinance at the time of the filing of the variance application.

The Variance 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 site shall be in substantial conformance with the information and drawings submitted with the variance application except as specifically modified by the conditions below or as necessary to meet Zoning Ordinance requirements.
2. The height of the fence within the 25-foot wide front setback area may be increased by two (2) feet, not to exceed a total fence height of six (6) feet from the ground surface. The increase in fence height is permitted solely within the front setback area that is

immediately adjacent to the undeveloped portion of the Solgrove Road right-of-way, and shall not apply to any other portion of the front yard setback within the subject property.

PATTERN MOTION FOR DENIAL

VARIANCE

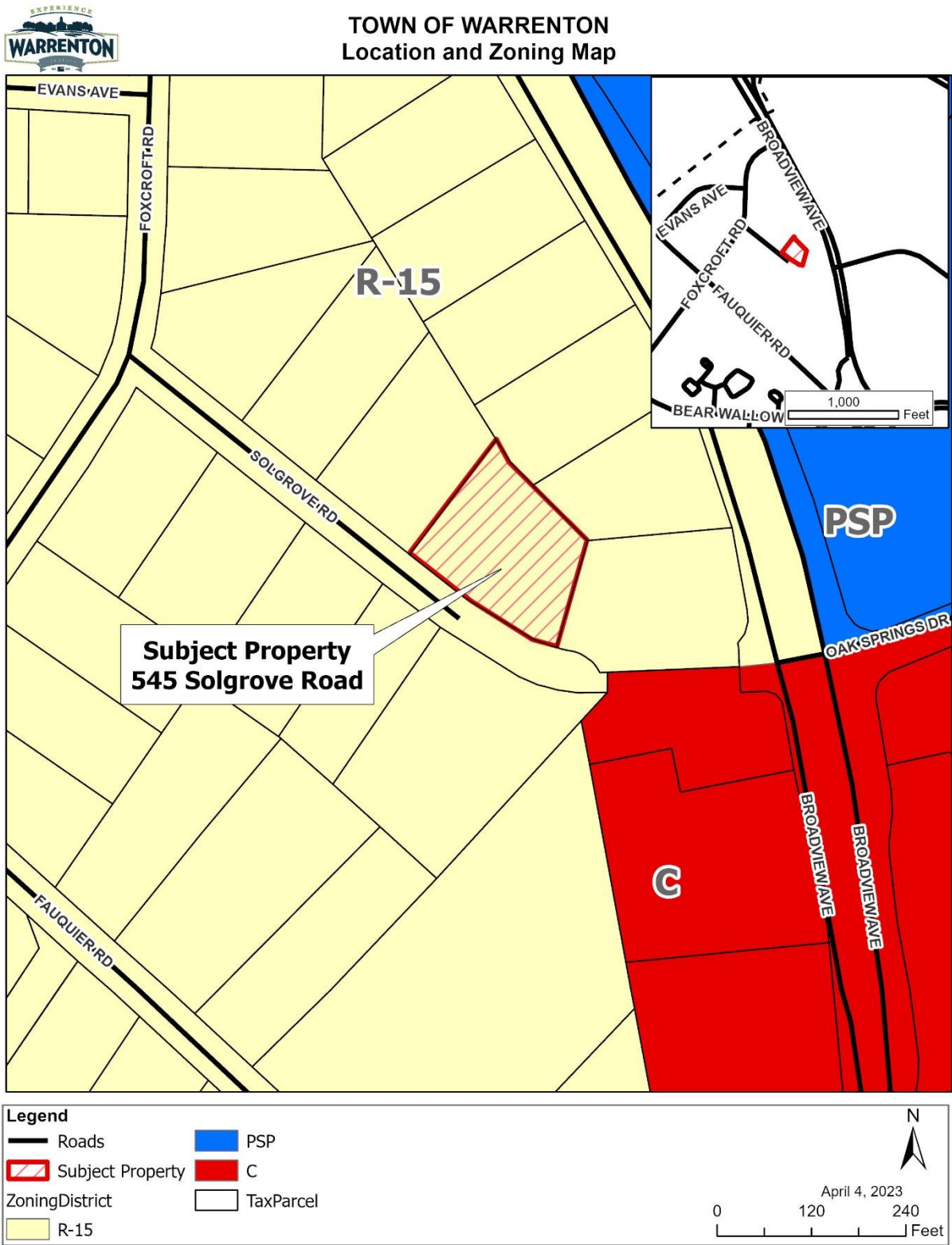
**BZA #2023-1 LISA
GARGIULO**

**BZA MEETING DATE:
APRIL 4, 2023**

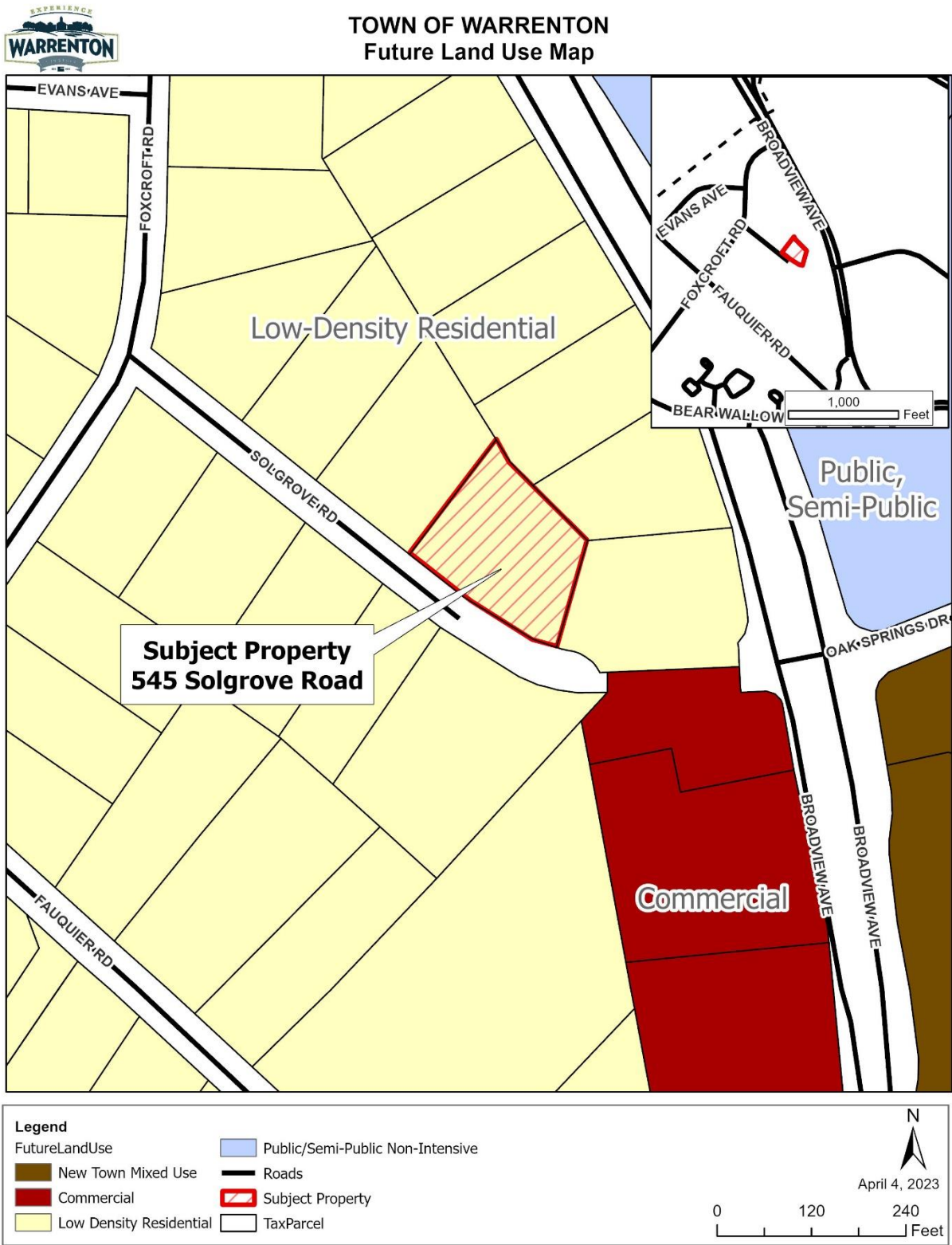
In Application BZA #2023-1, I move to deny the Variance, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Article 11-3.11 of the Town of Warrenton Zoning Ordinance, based on upon the following Board findings:

1. The strict application of the Ordinance inconveniences the Applicant but does not unreasonably restrict the utilization of the property.
2. The strict application of the Ordinance does not alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Ordinance.
3. The strict application of the Ordinance does not alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability.
4. The variance would be contrary to the intent and purpose of the Zoning Ordinance.
5. The granting of the variance would not result in substantial justice being done.
6. The relief requested can be granted only through modification of the zoning ordinance.
7. _____
8. _____

Zoning and Location



Future Land Use



Existing Conditions



TOWN OF WARRENTON
Aerial Imagery



Legend

- Roads
- TaxParcel
- Subject Property

N

April 4, 2023

0 40 80 Feet

Comprehensive Plan

Desired Outcome Map

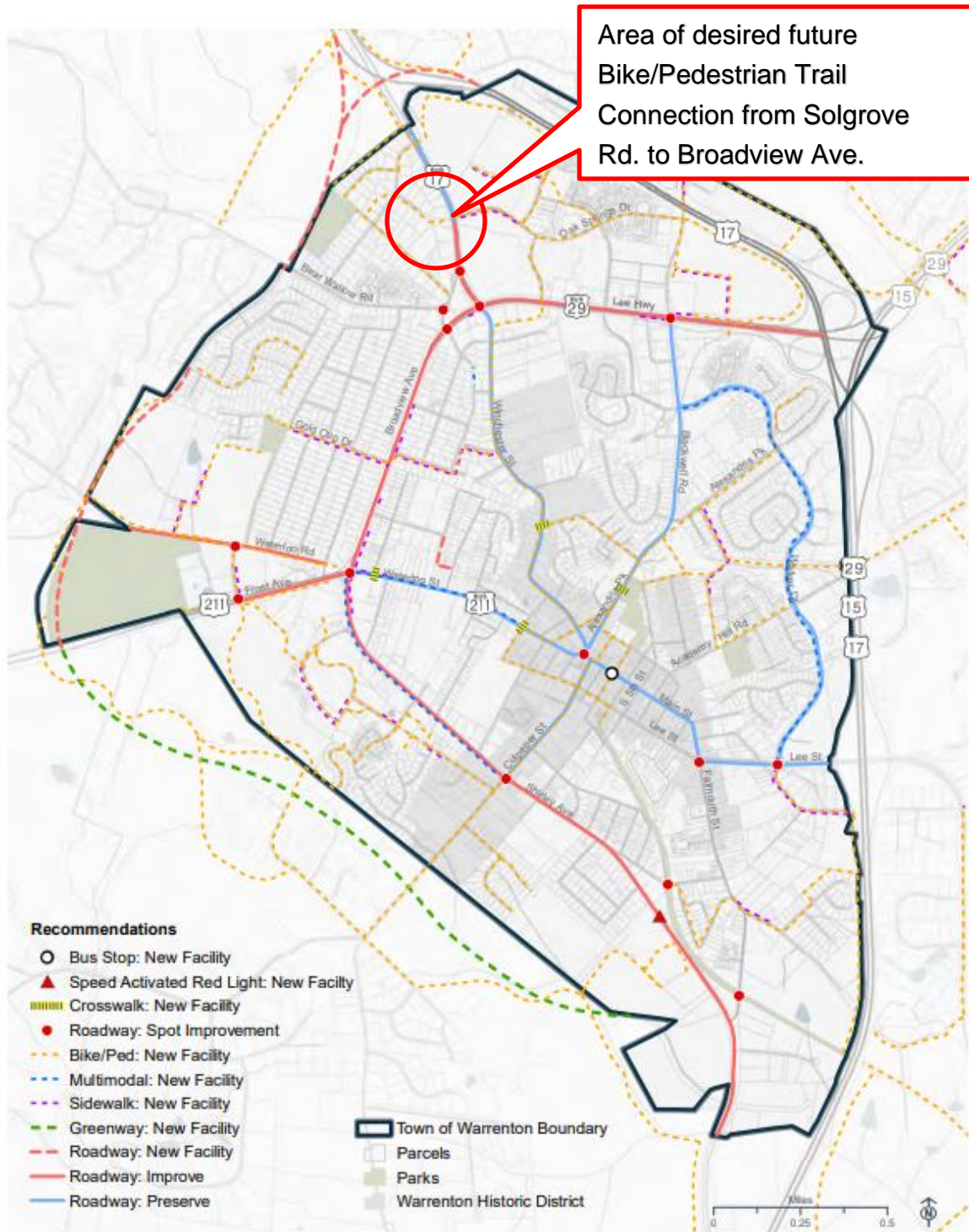
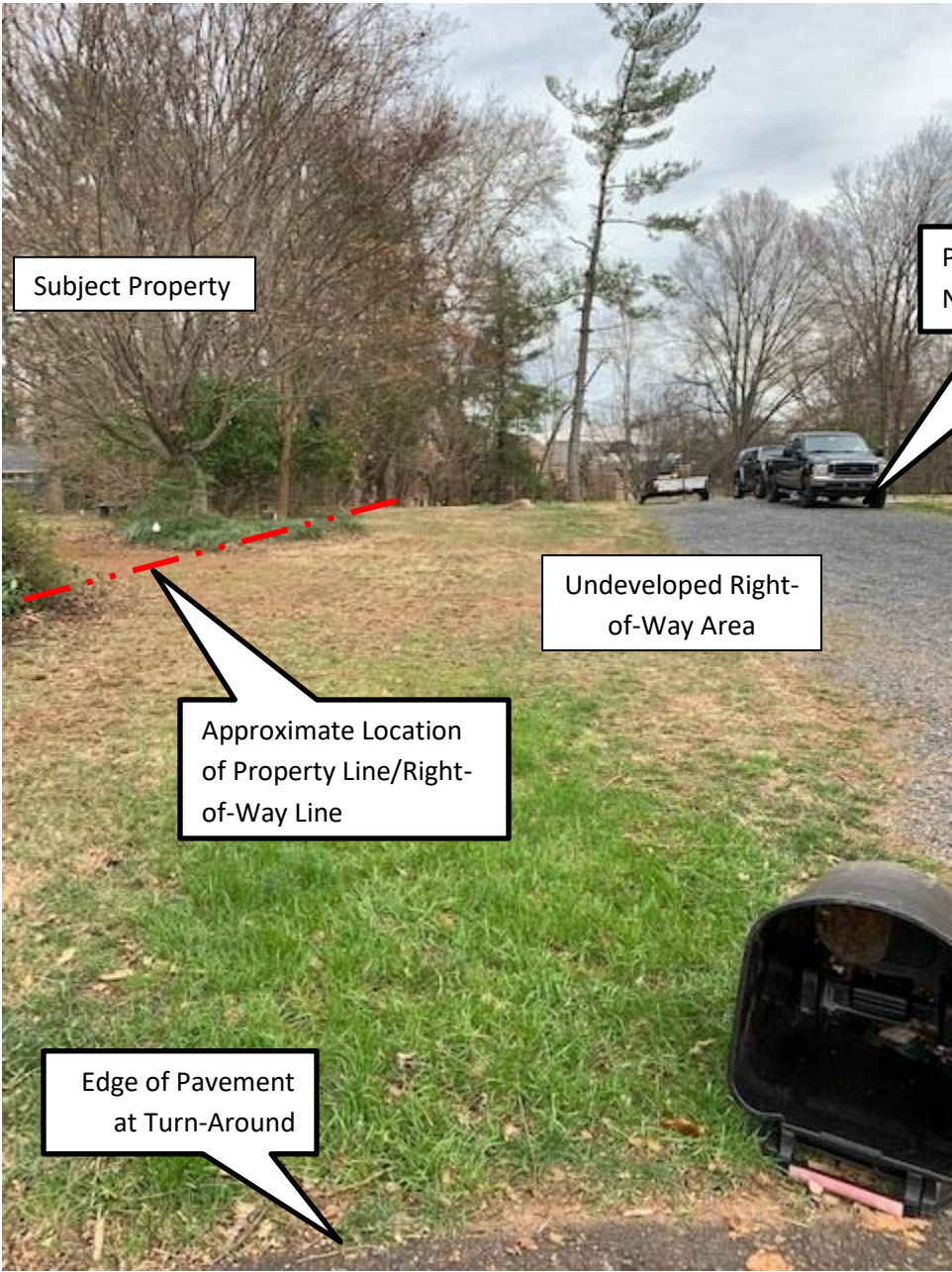
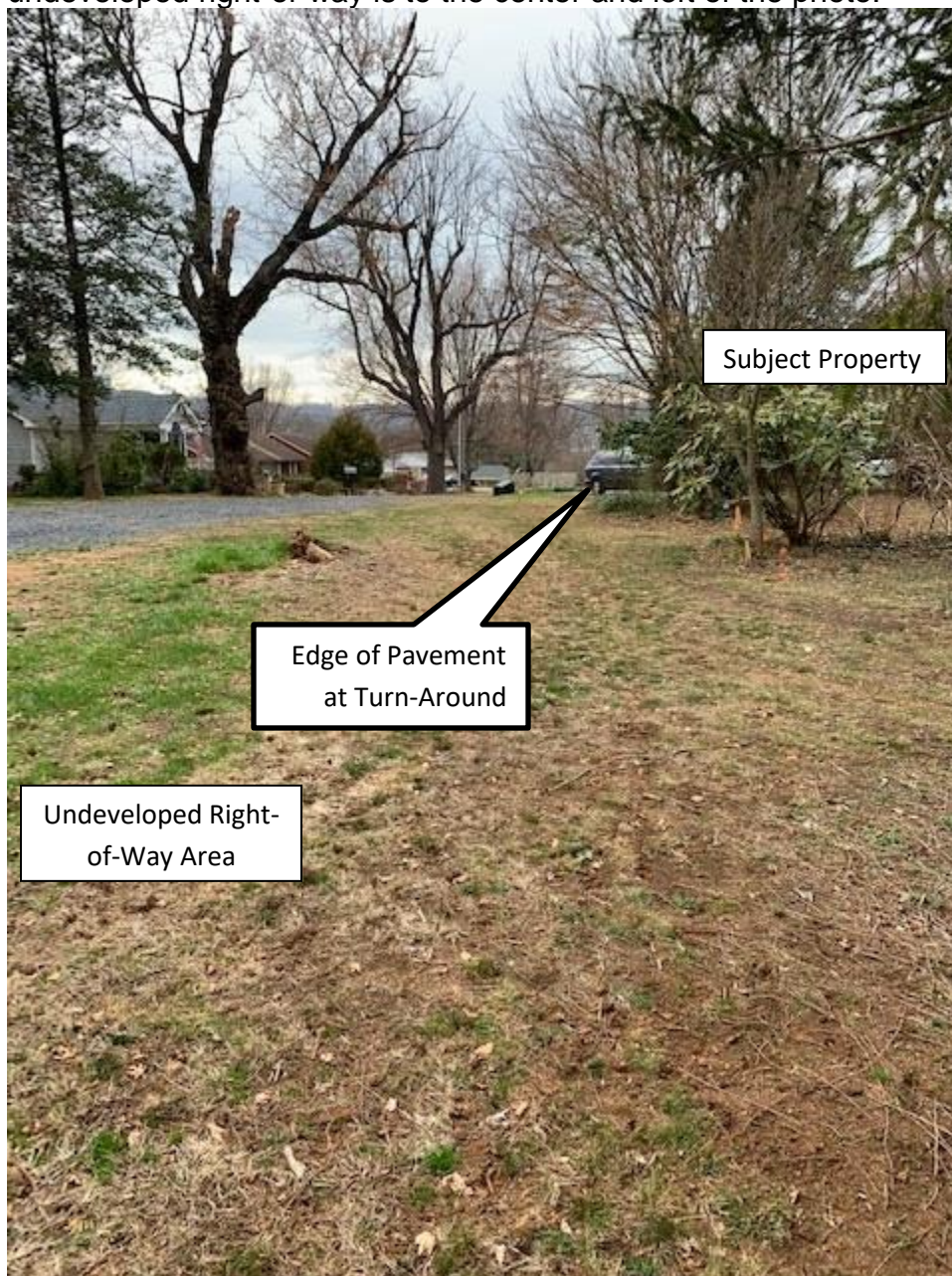


Figure 5-1: Town of Warrenton Transportation Plan map.

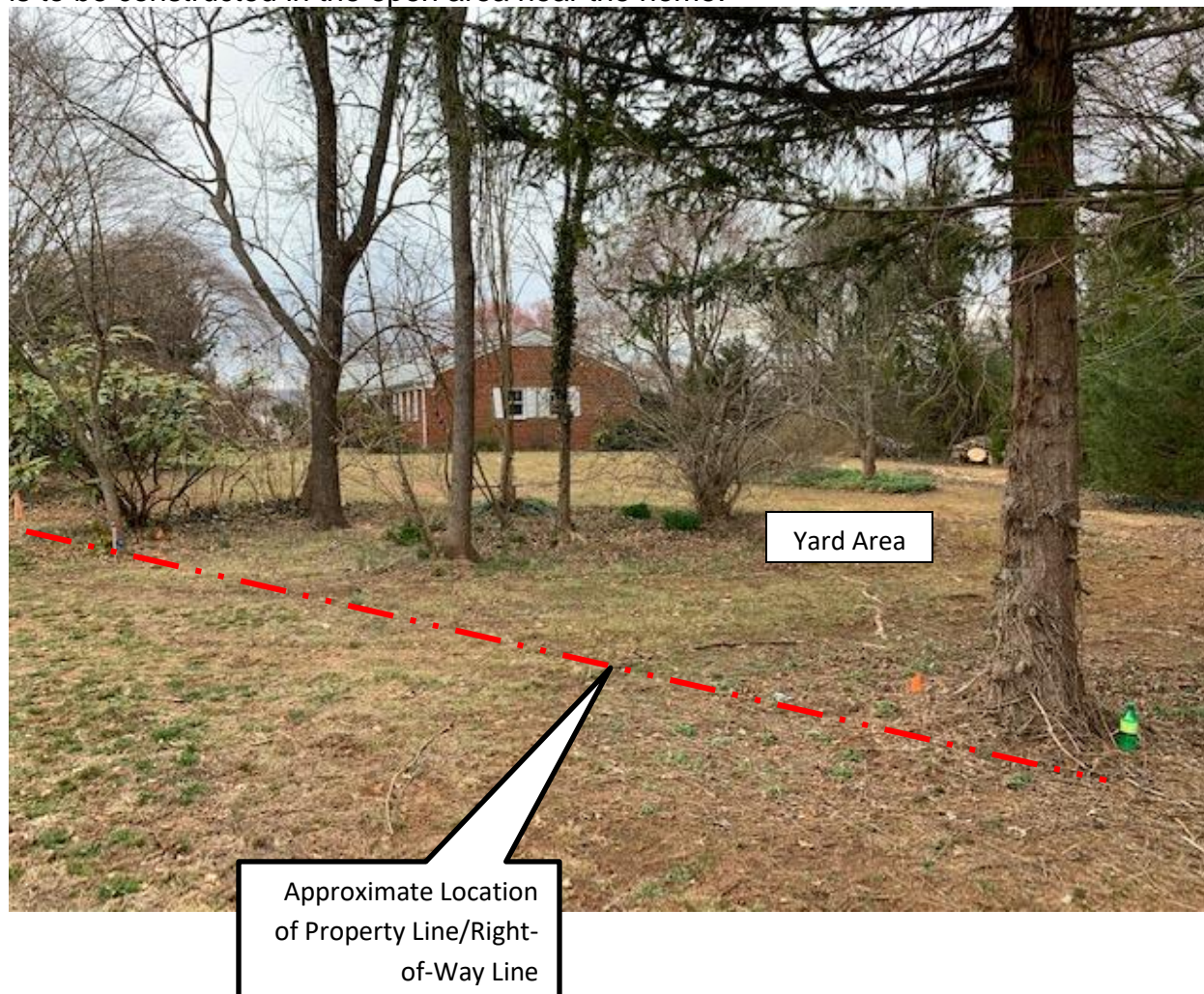
Photograph taken from the edge of the turn-around area at the end of the Solgrove Road pavement area. The edge of the right-of-way and front property line of the subject property is located along the line of trees depicted in the left side of the photo.



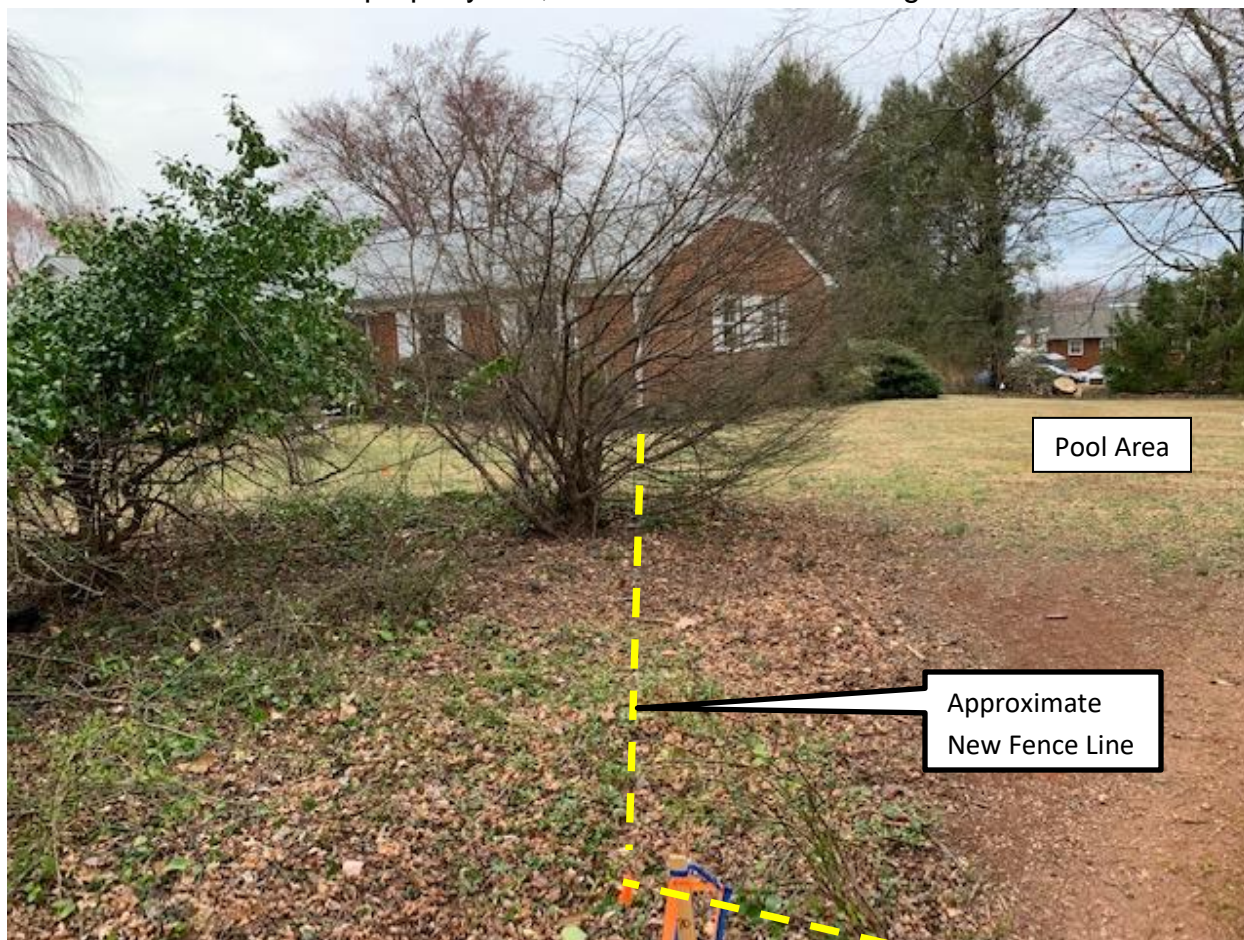
Photograph taken from the area of the far right-front property corner, towards the turn-around at the end of Solgrove Road. The subject property is located to the right, and the undeveloped right-of-way is to the center and left of the photo.



Photograph taken from the approximate far right-front property corner, looking towards the subject property. Photo depicts the rear/side yard of the existing home, where a pool is to be constructed in the open area near the home.



Photograph taken from the front property line along the Solgrove Road right-of-way, depicting the proposed location of the fence, where the front corner of the fence will come closest to the front property line, and then extend to the right.





TOWN OF WARRENTON

Department of Community Development

PO BOX 341
 WARRENTON, VIRGINIA 20188
<http://www.warrentonva.gov>
Permittech@warrentonva.gov
 (540) 347-2405

Land Development Application

Type of Development [select type(s) below]

Permit # _____

Planning	Zoning		
<input type="checkbox"/> Commission Permit (\$2232)	<input type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Concept Plan Review	<input type="checkbox"/> Record / Vacate Plat
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> As-Built	<input type="checkbox"/> Easement Plat	<input type="checkbox"/> Site Development Plan
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Bond Release/ Reduction	<input type="checkbox"/> Final Plat	<input checked="" type="checkbox"/> Variance
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Bond Extension	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Waiver, Administrative
	<input type="checkbox"/> Boundary Adjustment	<input type="checkbox"/> Re-approval of Plat	<input type="checkbox"/> Waiver/Exception, Legislative

☐ Amendment to Existing Approved Application? If Yes, List Application _____

Project Description

Project Name: Lisa Gargiulo

Property Address (if no address, give closest cross street): 545 Solgrove Road, Warrenton, VA 20186

 Purpose of Request: I would like to build a 6 ft. fence along my property line facing the town
 throughway on the opposite side of the Solgrove Road cul-de-sac.

Zoning District: Central Magisterial District Total Acres: 0.708 Acres Acres for Proposed Use: Residential

Parcel Identification Number(s): Lot 9 Crestview Estate

Contact Information (Attach separate page if necessary)

All Current Owners

Name & Company: Lisa Gargiulo

Address: 545 Solgrove Road, Warrenton, VA 20186

Phone: 540 878-1802

Email: lisa.gargiulo@yahoo.com

All Current Applicants (if different then owner):

Name & Company:

Address:

Phone:

Email:

Representative (if different then owner/applicant):

Name & Company:

Address:

Phone:

Email:

OWNER(S) AFFIDAVIT (Original Signatures Required)

I have read this application, understand its intent and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission for Town of Warrenton officials and other authorized government agents on official business to enter the property to process this application.

APPLICANT(S) AFFIDAVIT (Original Signatures Required)

The information provided is accurate to the best of my knowledge. I acknowledge that all tests, studies, and other requirements of the Town of Warrenton Zoning Ordinance and Subdivision Ordinance and other requirements of review/approval agencies will be carried out at my expense. I understand that the Town may deny, approve or conditionally approve that for which I am applying.

Owner's Signature & Date: Lisa Gargiulo

Print Owner's Name: Lisa Gargiulo 2/26/23

Applicant's Signature & Date:

Print Applicant's Name:

 Lisa Gargiulo 2/26/23
 Lisa Gargiulo

Board of Zoning Appeals

February 25, 2023

Lisa Gargiulo
545 Solgrove Road
Warrenton, Virginia 20186

Reference: Variance Application for a 6 ft. fence structure within the 25 ft. setback area along the property line located on the left side of residence, 545, Lot 9, which faces the town thoroughway located on the opposite side of the cul-de-sac on Solgrove Road.

I, Lisa Gargiulo, the owner of the above-mentioned property, and lifetime resident of Warrenton, Va, was born in 1961 and raised on Solgrove Road. My father, John W. Mayhugh, who was the Chairman of the Warrenton Town Planning Commission in 1958 purchased the property at 576 Solgrove Road where I lived. In 1985 he later built another home adjacent to 576, located on his property at the corner of Foxcroft and Solgrove Road, 587 Foxcroft Road. In 1971 a relative purchased Lot 9, and built the home at 545 Solgrove Rd. Approximately 20 years later upon his death he willed it to my father. I began living at the 545 residence in 1994 and inherited the property upon my father's death in 2015.

Since 1958 Solgrove Road has always remained a quaint and quiet cul-de-sac. My father and the other neighbors protested the prospect of it ever being open as a continued street to Broadview Avenue. Residents were opposed to changing the tranquility of the neighborhood. The town agreed and we were all advised that the remaining thoroughway could be used for our use to be divided evenly between the two properties on either side of the strip of land past the cul-de-sac (my property and the Morrisons on the opposite side of the thoroughway). We have been mowing and caring for the area since 1994. Once a tree needed to be removed and per request the town did come remove the tree. There is still another very large tree standing in the middle of the land.

Please know the entire front of my house faces the cul-de-sac of Solgrove Road. To the left side of my house which I have always considered my side yard and the area expanding out from the left-hand side of my house does not face the cul-de-sac rather the town right of way on the opposite side of the cul-de-sac which has always been a grassy yard since the neighborhood began. The house side windows face the area where I will be placing a swimming pool. I never imagined the side yard area surrounding the pool would ever be considered my front yard as there is no street, only grassy yard alongside that area. My driveway on the opposite right side of the house connects to Solgrove Road. There is nothing blocking the entire front yard nor the entire front facade of my house.

Now, that being said, the strip of land referred to as the thoroughway is sometimes used as a walkway by the general public to get to the Warrenton Town Shopping center across Broadview Avenue. So, in my planning for an appropriate fence to surround the pool I never considered anything but a 6 foot fence to protect the pool and my family/friends as we gather around the

pool. I would not feel comfortable nor safe in a bathing suit with my young adults (we have 5) and future grandchildren being exposed to anyone particularly along that area. Not to mention, the town does have future plans to create a formal bike/walk path through this area. If there were a 4 ft. fence anyone could just stand on the opposite side and watch us. Since crime, voyeurism, violence, theft, kidnapping, rape, assault etc. are ubiquitous even in Warrenton, a 4 ft. fence would not protect us adequately while we are spending time by the pool. We would feel very vulnerable to predators of any kind.

As a 50 year resident of Solgrove Road, I know the area in variance would not be impacted at all. The only neighbors who live directly across that strip of yard are in agreement with me and have provided a letter in support of a 6 ft. fence along my property line facing the throughway.

Another benefit is it would be great for our dog we will be adopting in the very near future. Our dog of 13 years recently passed away. We have always had large dogs, and know from experience a large dog can easily jump over a 4 ft. fence. Another concern is our dog could easily escape or be taken. Just like dogs, people can easily cross over the fence when we are there or away. A swimming pool is enticing and without a barrier, it too is vulnerable to vandalism. It is also a serious liability to me if someone were to jump the fence and drown.

There is absolutely no hindrance to anyone in our neighborhood to alter the height of the fence from 4 ft to 6 ft along the above-mentioned throughway; however, the benefits for our safety and security are paramount. I respectfully request your approval of the application for variance.

Thank you in advance for your consideration.

Lisa Gargiulo

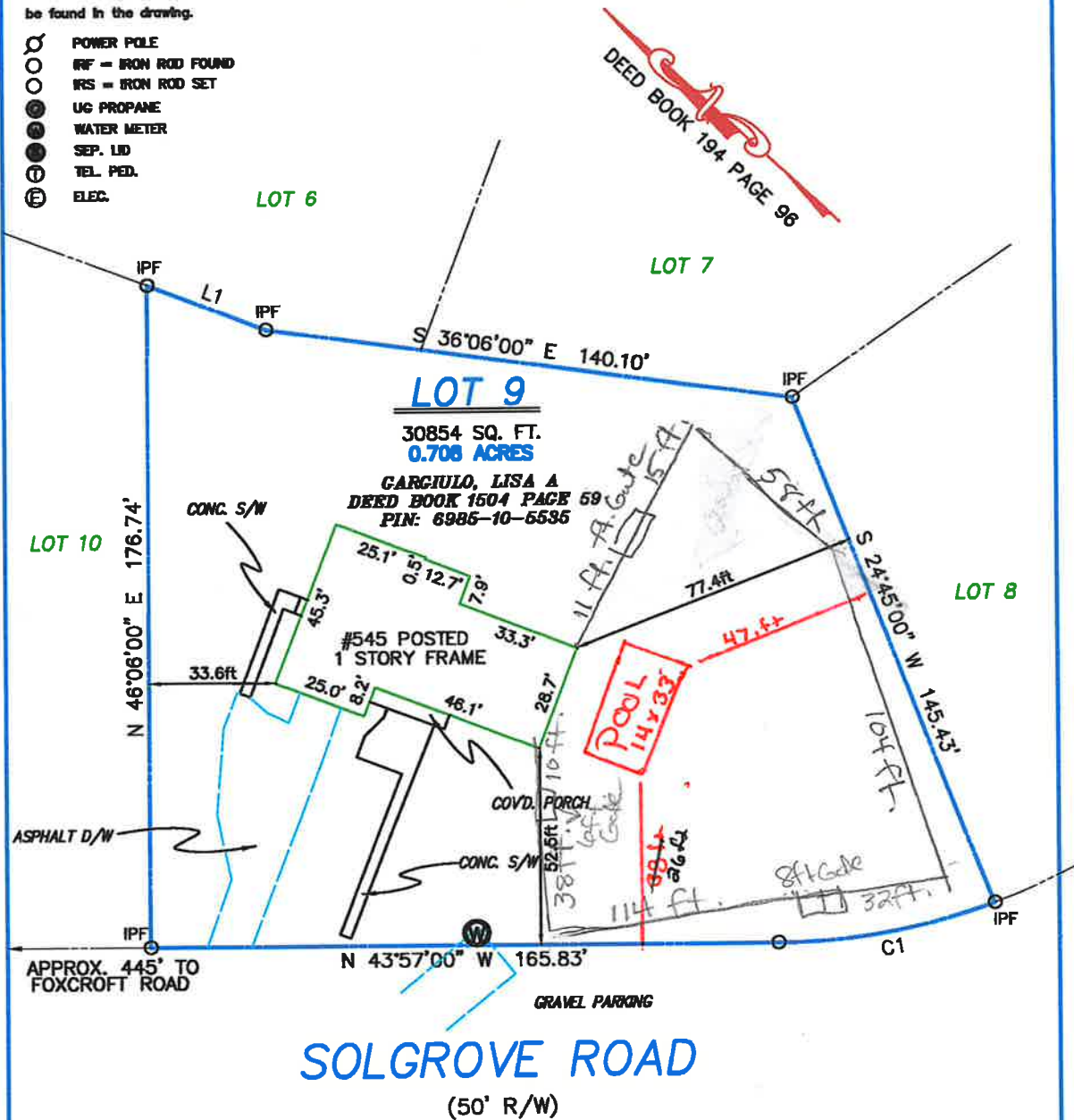
LEGEND

These standard symbols will be found in the drawing.

- ⊗ POWER POLE
- ⊙ IRF - IRON ROD FOUND
- ⊙ IRS - IRON ROD SET
- ⊙ UG PROPANE
- ⊙ WATER METER
- ⊙ SEP. LID
- ⊙ TEL. PED.
- ⊙ ELEC.

CURVE	RADIUS	CHORD LENGTH	CHORD BEARING	
C1	167.44'	58.37'	N 53°53'41" W	
		LINE	BEARING	DISTANCE
		L1	S 23°05'00" E	33.77'

Item 1.



SOLGROVE ROAD

(50' R/W)

PHYSICAL SURVEY OF
0.708 ACRES
KNOWN AS LOT 9
CRESTVIEW ESTATE
CENTER MAGISTERIAL DISTRICT
TOWN OF WARRENTON, VIRGINIA
SCALE 1"=35' DATE 1-4-23



- 1.) NO TITLE REPORT FURNISHED.
- 2.) CURRENT ZONING FOR THIS PARCEL IS R15
- 3.) EASEMENTS & OTHER ENCUMBRANCES NOT SHOWN MAY EXIST.
- 4.) FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
- 5.) BOUNDARY INFORMATION SHOWN HEREON WAS OBTAINED FROM RECORD DEED BOOK 194 PAGE 96
- 6.) SETBACKS IF SHOWN ARE TAKEN FROM THE SURVEY OF RECORD, COUNTY ZONING IS SUBJECT TO CHANGE, VERIFY WITH COUNTY FOR ACCURACY.

CEDAR MOUNTAIN LAND SURVEYING

www.cedarmountainlandsurveying.com

CEDAR MOUNTAIN LAND SURVEYING
 12484 WALNUT CREEK LANE, RIXEYVILLE, VA. 22737
 (540) 718-1775 CMLS@COMCAST.NET

Kristin Morrison – 540 Solgrove Road – Warrenton, VA 20186

February 27, 2023

To whom it may concern;

The purpose of this correspondence is to provide a statement that I have no opposition to my neighbor's, Lisa Gargiulo, application to build a 6-foot fence on her property.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Kristin Morrison", with a long horizontal flourish extending to the right.

Kristin Morrison

March 14, 2023

Warrenton Town Board of Zoning

Re: Variance for 6ft. fence along Warrenton throughway located along 545 Solgrove Rd, Warrenton, Va. on the opposite side of the cul-de-sac.

Dear Members of the Warrenton Town Board of Zoning,

Please be advised that I am a neighbor of Lisa Gargiulo and also live on Solgrove Road. I have no objection to her installing a 6 ft. fence along her property line facing the continuing throughway located on the opposite side of the cul-de-sac on Solgrove Road.

Sincerely,

Fred Verdi
587 Foxcroft Rd + Solgrove
Warrenton, VA 20186

F Verdi

Brittany Boston & Matthew Boston
5076 Solgrove Rd.
Warrenton, VA 20186

BB

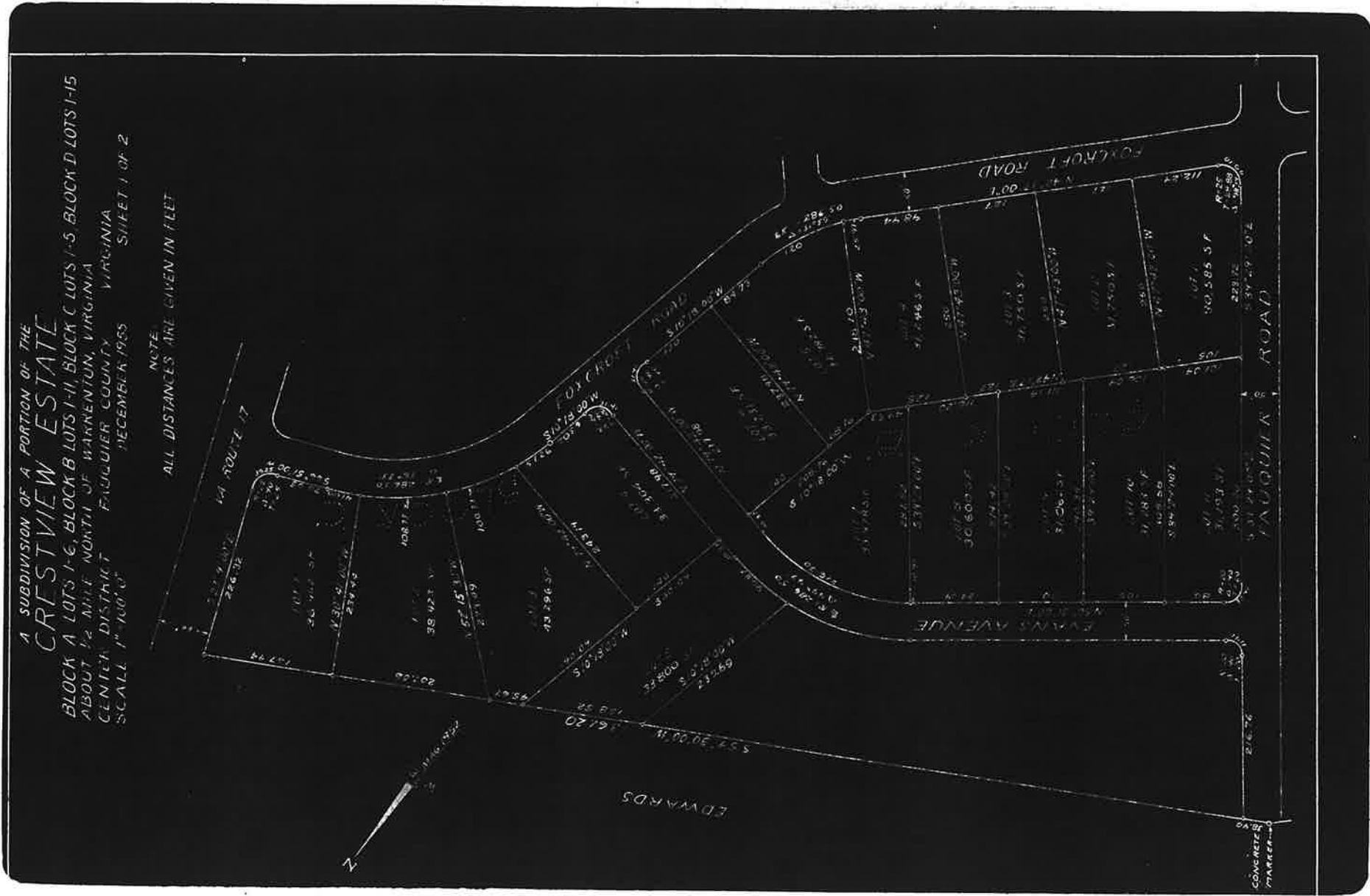
Matthew P

Keith Ellis
560 Solgrove Road
Warrenton Va 20186

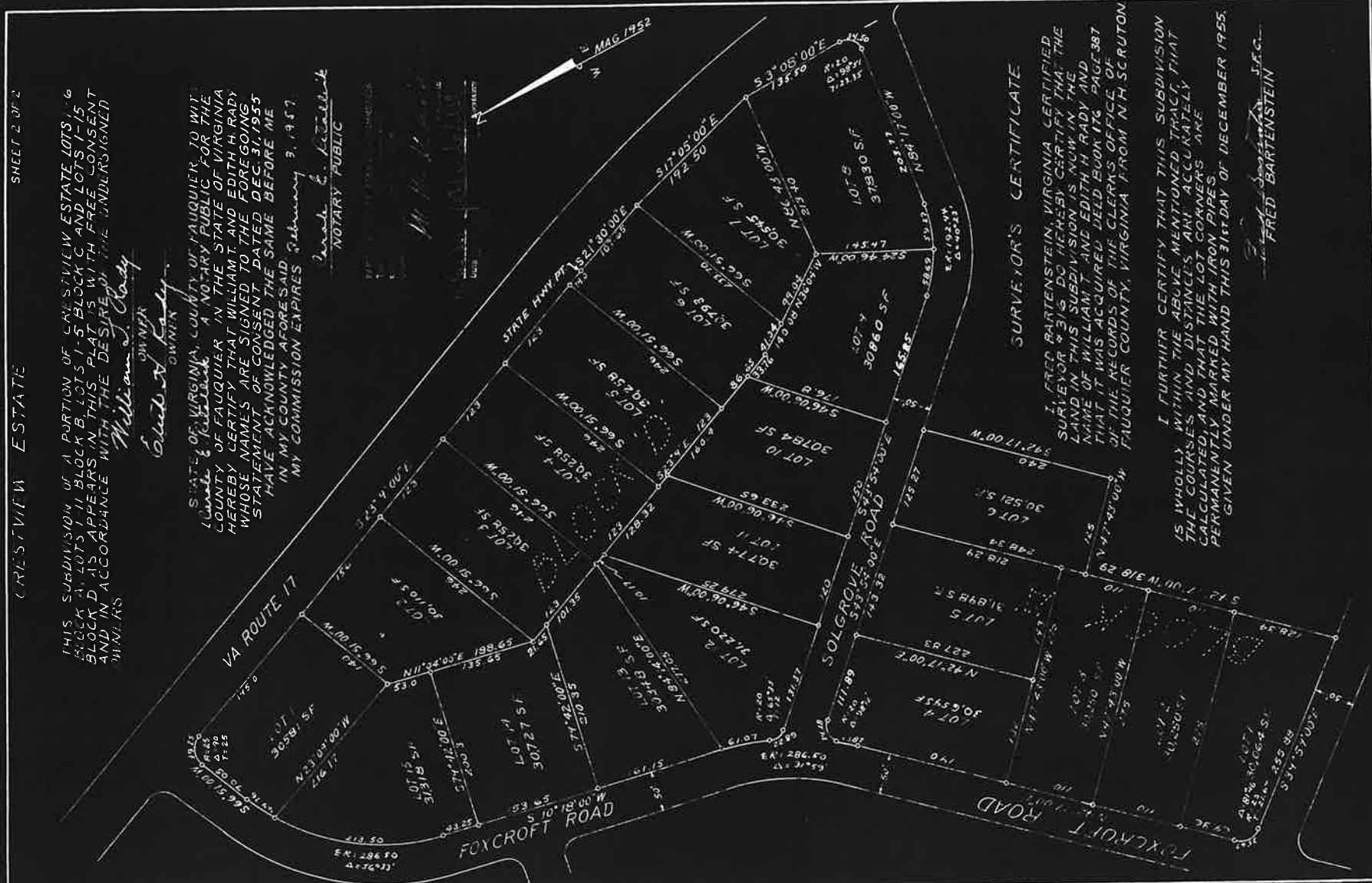
KE

MARCELLA & FRANCO STOCCO
550 SOLGROVE Rd
WARRENTON, VA 20186

Marcella V. Stocco



Plot
51A4
see
OK
3PG
562



CRESTVIEW ESTATE SHEET 2 OF 2

THIS SUBDIVISION OF A PORTION OF CRESTVIEW ESTATE LOTS 1-15 BLOCK A, LOTS 1-11 BLOCK B, LOTS 1-5 BLOCK C AND LOTS 1-15 BLOCK D, IS APPEARS IN THIS PLAT IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS

William J. Rady
OWNER

Charles A. Rady
OWNER

STATE OF VIRGINIA, COUNTY OF FAUQUIER, TO WIT
I, FRED BARTENSTEIN, A NOTARY PUBLIC FOR THE
COUNTY OF FAUQUIER, IN THE STATE OF VIRGINIA
HEREBY CERTIFY THAT WILLIAM J. RADY AND
CHARLES A. RADY, WHOSE NAMES ARE SIGNED TO THE FOREGOING
STATEMENT, OF CONSENT, DATED DEC. 31, 1955
HAVE ACKNOWLEDGED THE SAME BEFORE ME
IN MY COUNTY AFORESAID February 3, 1957.
MY COMMISSION EXPIRES

Fred Bartenstein
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, FRED BARTENSTEIN, VIRGINIA, CERTIFIED
SURVEYOR #315, DO HEREBY CERTIFY THAT THE
LAND IN THIS SUBDIVISION IS NOW IN THE
NAME OF WILLIAM J. RADY AND CHARLES A. RADY
AND THAT IT WAS ACQUIRED DEED BOOK 176 PAGE 387
OF THE RECORDS OF THE CLERK'S OFFICE OF
FAUQUIER COUNTY, VIRGINIA FROM N.H. SCRUTON

I FURTHER CERTIFY THAT THIS SUBDIVISION
IS WHOLLY WITHIN THE ABOVE MENTIONED TRACT THAT
THE COURSES AND DISTANCES ARE ACCURATELY
CALCULATED, AND THAT THE LOT CORNERS ARE
PERMANENTLY MARKED WITH IRON PIPES
GIVEN UNDER MY HAND THIS 31st DAY OF DECEMBER 1955.

Fred Bartenstein
FRED BARTENSTEIN
J.C.

This subdivision of 36 Acres, more or less, of land known as Crestview Estate, lying and being situate in Fauquier County, Virginia, in Center District, about 1/2 mile north of Warrenton, Virginia, is with the free consent and in accordance with the desire of the undersigned owners and according to Section 15-770 et seq. of the Code of Virginia of 1950 and amendments thereto.

William T. Rudy (SEAL)
William T. Rudy
Smith H. Rudy (SEAL)
Smith H. Rudy

STATE OF VIRGINIA
COUNTY OF FAUQUIER

I, CAROL E. RETALLICK, a Notary Public in and for the State and County aforesaid, do hereby certify that William T. Rudy and Smith H. Rudy, whose names are signed to the foregoing writing, have each acknowledged the same before me in my County aforesaid.

My commission expires 3 February 1957.

Given under my hand this 16th day of January, 1956.

Carol E. Retallick
Notary Public

Clerk's Office of Fauquier Circuit Court, 19 January 1956

This plat of the Sub-Division of "Crestview Estate" Subdivision was this day received in said Office and with certificate admitted to record at 11:06 A. M.

Teste: J. D. Pearson Dep. Clerk.

THIS DEED, made this 12th day of August, 1955, by and between JAMES H. SIMMONDS and ALBERT E. SMITH, Administrators of the Estate of R. Conway Smith, deceased, J. DAVENPORT BLACKWELL, surviving and as such, liquidating partner of Blackwell Engineering Company, MAUDE Z. SMITH, widow of R. Conway Smith, ALBERT E. SMITH and ANNE B. SMITH, his wife, ROBERT C. SMITH, JR., unmarried, and PEGGY CONWAY SMITH, unmarried, being all the children and all the heirs at law of said R. Conway Smith, who died intestate, together with their consorts, parties of the first part, and J. DAVENPORT BLACKWELL, party of the second part,

WITNESSETH: THAT:

WHEREAS, J. Davenport Blackwell and R. Conway Smith, prior to the death of said R. Conway Smith on August 28, 1953, conducted a partnership known as Blackwell Engineering Company, whose principal office was in Warrenton, Virginia; and

WHEREAS, said partnership purchased the hereinafter described property from partnership funds in order to store equipment and for other partnership purposes; and

WHEREAS, the said property has always been shown on the partnership books and has always been treated as a partnership asset, although legal title was conveyed to J. Davenport Blackwell and R. Conway Smith as tenants in common; and

WHEREAS, in the inventory of the Estate of said R. Conway Smith the

JAMES H
SIMMONDS
TO (B & S
J DAVENPORT
BLACKWELL

BK 1057PG 1476

03 19852

Consideration: \$ NONE

Item 1.

Assessed value \$1,000
 Grantee
 Lenore H. Plissner
 P.O. Box 171
 Orleans, VA 20128

Lenore H. Plissner

Examined and
 Returned to:

SEP - 5 2003

QUITCLAIM DEED

THIS QUITCLAIM DEED, made and entered into this 2 day of June, 2000, by and between **CHARLES B. CORNWELL, JR.** and **HELEN O. CORNWELL**, husband and wife, Grantors, and **LENORE H. PLISSNER**, married, Grantee.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby quitclaim, unto the Grantee, in fee simple, all of the following described property, to-wit:

All of that certain lot or parcel of land lying and being situate in Town of Warrenton, Fauquier County, Virginia, containing 12,780 square feet, more or less, more particularly shown on that certain plat entitle "Plat Showing that Portion of Solgrove Road Adjacent to Remainder of Lot 8, Section Three, Crestview Estates, prepared by APEX Surveys, Guy H. Brigg, L.S., dated January 20, 2000 recorded in Deed Book 877 at Page 1353 among the land records of Fauquier County Virginia.

AND BEING the same property conveyed to Charles B. Cornwell, Jr. and Helen O. Cornwell, husband and wife as tenants by the entirety with the common law right of survivorship under deed dated February 25, 2000 and recorded in Deed 877, page 1353.

TAX ID#: 6985-10-7420-000

This conveyance is made expressly subject to easements, restrictions and rights-of-way of record.

BK 1057 PG 1477

Item 1.

WITNESS the following signatures and seals:

Charles B. Cornwell, Jr. (SEAL)
Charles B. Cornwell, Jr.

Helen O. Cornwell (SEAL)
Helen O. Cornwell

COMMONWEALTH OF VIRGINIA
COUNTY OF FAUQUIER, to-wit

The foregoing instrument was executed and acknowledged before me this 3 day of June, 2003, by Charles B. Cornwell, Jr. and Helen O. Cornwell.

Jean L. Palleria (SEAL)
Notary Public

My Commission Expires: _____

My Commission Expires July 31, 2004

Prepared by:
Charles B. Cornwell, Jr.



VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT
FOR THE COUNTY OF FAUQUIER, **SEP - 5 2003**

This instrument was this day received in said Office and
with certificate admitted to record at 1:17 p. m.
Tax of \$ 1.00 imposed by §58.1-802 Paid.
Consideration: \$ 1,000.00
Clerk's Fee: \$ 16 (1-10 pg.), \$30 (11-30 pg.), \$50 (over 30 pg.)
(Includes \$1.50 Library Fee) \$3.00 Tech Fee
TOTAL PAID: \$ 33.00

TESTE: Gail Harb, CLERK

Doc ID: 001241990003 Type: DEE
 Recorded: 05/10/2005 at 11:45:40 AM
 Fee Amt: \$35.33 Page 1 of 3
 Fauquier County, VA
 Gail H Barb Clerk of Circuit Court
 File# 2005-00007936

Exempted from recordation taxes under
 Sections 58.1-811 (A) (3), 58.1-811 (C) (4)

BK 1155 PG 1327-1329

THIS DEED OF VACATION, QUITCLAIM AND DEDICATION OF
 EASEMENT made and entered into this 10th day of May, 2005, by and between the
 TOWN OF WARRENTON, VIRGINIA, GRANTOR, and THE WARRENTON
 OFFICE BUILDING II, LLC, GRANTEE, a Virginia limited liability company.

WITNESSETH, pursuant to Title 33.1 of the Code of Virginia, and specifically
 by the authority granted to under the Virginia Code Section 33.1-165, and in the
 consideration of the sum of ONE THOUSAND DOLLARS, (\$1,000), cash in hand paid,
 the receipt of which us hereby acknowledged by GRANTOR. GRANTOR does hereby
 quitclaim, release, and convey unto GRANTEE any and all right, title and interest
 GRANTOR may possess in the fee simple of that certain parcel of real estate located in
 the Town of Warrenton, Fauquier County, Virginia, more particularly described and
 identified as the SOLGROVE ROAD property on Exhibit A attached hereto (hereinafter
 referred to as the "Property").

This conveyance is made subject to an easement for ingress and egress across the
 Property for the benefit of the parcel of real estate not owned by GRANTEE abutting the
 Property (as identified as Lot 8, Crestview Estates, on Exhibit A attached hereto). Said
 easement shall run with the land.

WITNESS the following signature and seal:

TOWN OF WARRENTON, VIRGINIA

By: [Signature] (SEAL)

Name: Kenneth L. McLawhon

Title: Town Manager

State of Virginia, County of Fauquier, to wit:

The foregoing instrument was acknowledged before me this 10th day of May,
 2005, by Kenneth McLawhon, Manager of the Town of Warrenton, on behalf of the
 Town of Warrenton.

[Signature]
 Notary Public

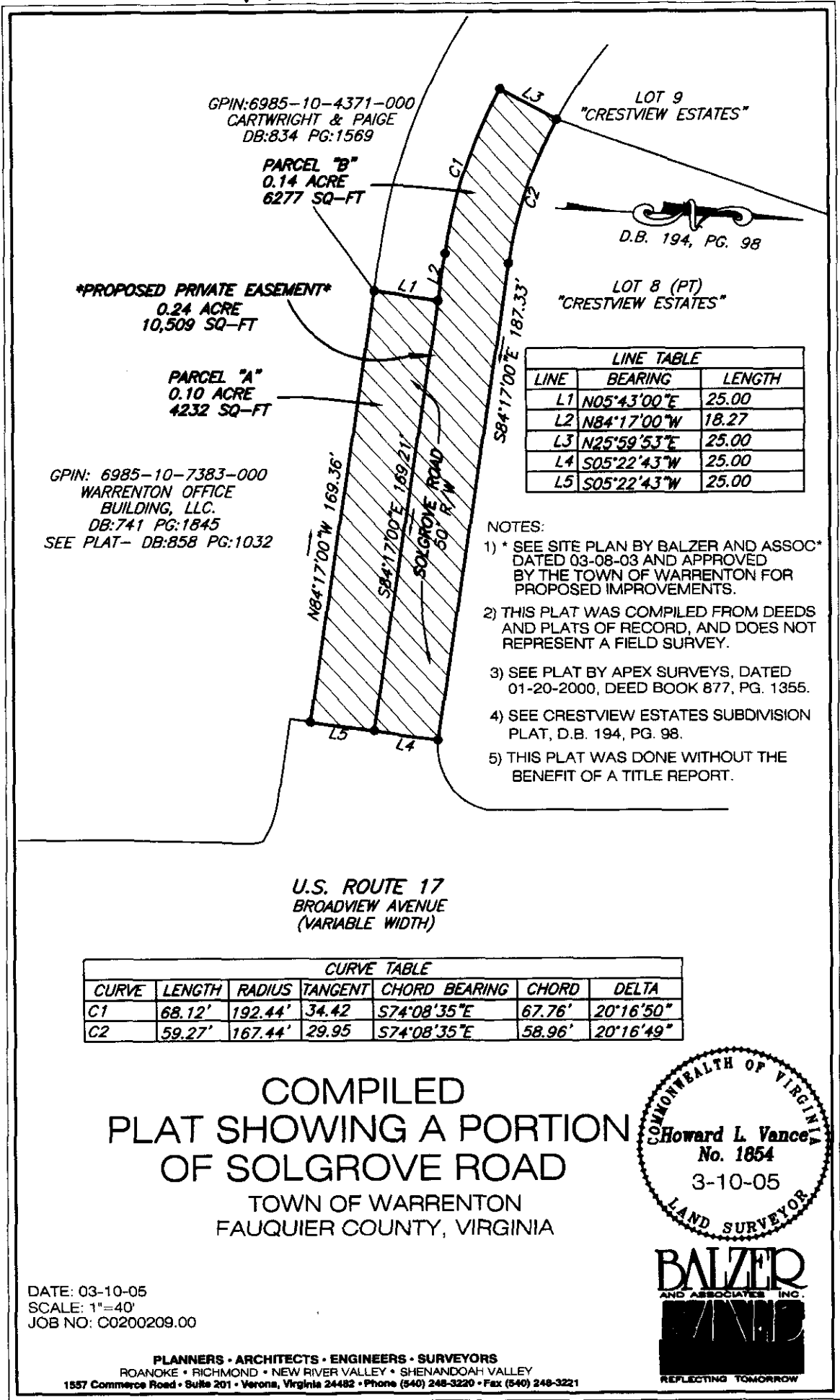
My Commission Expires: 9-30-06

(Grantee Address:
 1522 Sycamore Dr
 Midlothian, Va 23113)

Return to: James Yelgin
 5250 Old Alexandria Turnpike
 Warrenton, Va. 20189

EXHIBIT "A"

Item 1.



RECORDED IN CLERKS OFFICE OF
FAUQUIER ON
May 10, 2005 AT 11:45:40 AM
\$0.00 GRANTOR TAX PD
AS REQUIRED BY VA CODE §58.1-802
STATE: \$0.00 LOCAL: \$0.00
FAUQUIER COUNTY, VA
GAIL H BARB CLERK OF CIRCUIT COURT

Gail H Barb, clerk

3

Doc ID: 007690660002 Type: DEE
Recorded: 12/22/2015 at 12:14:00 PM
Fee Amt: \$23.00 Page 1 of 2
Fauquier County, VA
Gail H Barb Clerk of Circuit Court
File# 2015-00011721
BK 1504 PG 59-60

PIN#6985-10-5535-000
Exempt: Va. Code 58.1-810 (1)
Beneficiary address:
Lisa A. Gargiulo
545 Solgrove Road
Warrenton, VA 20186-2020

THIS DEED OF CONFIRMATION

made and entered into this 21st day of December, 2015 by and between Douglas L. Mayhugh, Co-Executor and Lisa A. Gargiulo, Co-Executor for the Estate of John W. Mayhugh, (hereinafter "Executors"); and Lisa A. Gargiulo, (hereinafter "Beneficiary").

WITNESSETH:

that for and in consideration of the premises, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Executor does hereby CONFIRM AND RELEASE unto Beneficiary, all the following described property, to-wit:

All that certain lot or parcel of land designated as Lot #9, Block D, in the Subdivision known as Crestview Estates, Fauquier County, Virginia, according to plat of Fred Bartenstein dated December 19, 1955, to be found of record in the Clerk's office of Fauquier County, Virginia, in Deed Book 194 at page 96. And being the same land conveyed to Hattie J. Floyd at Deed Book 249 at Page 351.

By her Will probated in Will Book 129 at Page 240 Hattie J. Floyd devised this property to her husband Walter H. Floyd as a part of her rest and residue.

And being the same property devised by Walter H. Floyd by his Will probated in Will Book 171 at Page 1279 to John W. Mayhugh described there in as "my residence located at 545 Solgrove Road, being Lot 9, Crestwood Estates, Fauquier County, Warrenton, Virginia...."

And being the same property devised by John W. Mayhugh to his daughter Lisa A. Gargiulo by his Will probated in Will Book 267 at Page 2045, wherein the property is described as 545 Solgrove Road, Warrenton, Virginia, PIN 6985-10-5535-000.

Title Insurance: None

EXAMINED &
RETURNED

WALKER JONES, PC
ATTORNEYS AT LAW
CARTER HALL
31 WINCHESTER STREET
WARRENTON, VIRGINIA 20186

WITNESS the following signatures and seals:

Douglas L. Mayhugh Executor
Douglas L. Mayhugh, Executor
of the Estate of John W. Mayhugh

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

The foregoing instrument was acknowledged before me this 21st day of December 2015, by Douglas L. Mayhugh, Executor of the Estate of John W. Mayhugh, Deceased.

Mary Lisa Fisher
Notary Public
#4665178

My Commission Expires: 12/31/16

MARY LISA FISHER
NOTARY PUBLIC
REGISTRATION # 7665178
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES

Lisa A. Gargiulo Executor
Lisa A. Gargiulo, Executor
of the Estate of John W. Mayhugh

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

The foregoing instrument was acknowledged before me this 21st day of December 2015, by Lisa A. Gargiulo, Executor of the Estate of John W. Mayhugh, Deceased.

Mary Lisa Fisher
Notary Public
#7665178

My Commission Expires: 12/31/16

MARY LISA FISHER
NOTARY PUBLIC
REGISTRATION # 7665178
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES

Document Prepared By:
Robert deT. Lawrence, IV VSB#03779
Walker Jones, P.C., 31 Winchester Street, Warrenton, Virginia 20186

H:\Estates_and_Equity\Mayhugh John p 2015\Deed of Confirmation.wpd

RECORDED IN CLERK'S OFFICE OF
FAUQUIER ON
DECEMBER 22, 2015 at 12:14:00 PM
AS REQUIRED BY VA CODE §58.1-802
STATE: \$0.00 LOCAL: \$0.00
FAUQUIER COUNTY, VA
GAIL H BARB CLERK OF CIRCUIT COURT
Gail H Barb

Kristin Morrison – 540 Solgrove Road – Warrenton, VA 20186

February 27, 2023

To whom it may concern;

The purpose of this correspondence is to provide a statement that I have no opposition to my neighbor's, Lisa Gargiulo, application to build a 6-foot fence on her property.

Respectfully Submitted,



Kristin Morrison

March 14, 2023

Warrenton Town Board of Zoning

Re: Variance for 6ft. fence along Warrenton throughway located along 545 Solgrove Rd, Warrenton, Va. on the opposite side of the cul-de-sac.

Dear Members of the Warrenton Town Board of Zoning,

Please be advised that I am a neighbor of Lisa Gargiulo and also live on Solgrove Road. I have no objection to her installing a 6 ft. fence along her property line facing the continuing throughway located on the opposite side of the cul-de-sac on Solgrove Road.

Sincerely,

Fred Verdi
587 Foxcroft Rd + Solgrove
Warrenton, VA 20186

F Verdi

Brittany Boston & Matthew Boston
5076 Solgrove Rd.
Warrenton, VA 20186

BB

Matthew Boston

Keith Ellis
560 Solgrove Road
Warrenton Va 20186

KE

MARCELLA & FRANCO STOCCO
550 SOLGROVE Rd
WARRENTON, VA 20186

Marcella V. Stocco