#### **BOARD OF ZONING APPEALS MEETING**



Tuesday, November 01, 2022 at 5:00 PM

#### **AGENDA**

**ELECTION OF OFFICERS.** 

CALL TO ORDER.

DETERMINATION OF A QUORUM.

APPROVAL OF MINUTES.

1. July 5, 2022 Meeting Minutes

#### PUBLIC HEARING.

2. <u>BZA 22-3 - 61</u>: Application for an Appeal pursuant Article 11-3.12 of the Town of Warrenton 2006 Zoning Ordinance, to a Zoning Determination made by the Zoning Administrator rendered on August 9, 2022, as to the official zoning district for 61 Winchester Street. The Zoning Determination noted the zoning district for the subject parcel as Residential (R-6) and the applicant contends the zoning district is Central Business District (CBD) or split zoned CBD/R-6. The Comprehensive Plan identifies the property as Old Town Mixed Use/Old Town District. The applicant is Keith Macdonald. The property owner is 61 Winchester Street LLC. GPIN: 6984-34-7492-000.

UPDATES.

ADJOURN.



# BOARD OF ZONING APPEALS OF THE TOWN OF WARRENTON TOWN HALL 21 MAIN STREET WARRENTON, VIRGINIA 20186

#### **MINUTES**

## A REGULAR MEETING OF THE BOARD OF ZONING APPEALS WAS HELD ON JULY 5, 2022 AT 5:00 P.M. IN WARRENTON, VIRGINIA

PRESENT Mr. Larry Kovalik; Ms. Melea Maybach; Ms. Betsy Sullivan; Mr. Rob

Walton, Director of Community Development; Ms. Kelly Machen,

Zoning Administrator

ABSENT Mr. Amos Crosgrove

#### CALL TO ORDER AND DETERMINATION OF A QUORUM

The meeting was called to order at 5:00pm. There was a quorum of members present.

#### **ELECTION OF OFFICERS**

Mr. Walton briefly discussed Mr. Kovalik stepping down as chair of BZA which will necessitate electing a new board chair. He suggested discussion at the next board meeting with all board members present. The board was in agreement.

#### APPROVAL OF MINUTES

Draft Minutes- May 2021 & July 2021

Mr. Kovalik asked if both sets of minutes could be approved with a single vote.

Mr. Walton confirmed that if the board was in consensus a single vote could be used for approval.

Ms. Maybach motioned to approve minutes for May and July 2021 as presented. Ms. Sullivan Seconded. All in favor.

Ayes: Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Ms. Betsy

Sullivan

Nays:

Absent During Vote: Mr. Amos Crosgrove

#### **PUBLIC HEARING**

#### BZA 2022-1- Zoning Variance for 379 Willow Court

Ms. Machen gave a brief presentation on the requested variance of setback requirement to enclose a portion of an existing uncovered deck in the rear yard. Uncovered decks are permitted to encroach by not more than half of the required setback and the request is to allow an approximate 7 ft variance of the rear setback. This would allow the setback to be 28' from the property line versus the 35' required by the Zoning Ordinance.

Mr. Kovalik asked for clarification of measurements presented in presentation and setbacks for lot and specific R-15 zoning ordinances.

Ms. Maybach asked for clarification of criteria for covered versus. uncovered decks.

Ms. Machen discussed setback requirements listed in Article 3 of the Zoning Ordinance and Article 2, which allows for uncovered decks to encroach within the setback.

There were no further questions from the board.

Mr. Kovalik opened the public hearing at 5:16pm.

Ms. Maria Hyson of 357 Willow Court- Spoke in favor of the screened in deck stating that it would enhance the ability to utilize the property.

Mr. Steve Kim with Blackwood Construction- Spoke in favor of the screened in deck stating that the homeowner wished to screen in their deck so they can utilize it despite insects or weather events.

Mr. Kovalik asked if alternative options had been discussed with the homeowners.

Mr. Kim stated other options had not been discussed with the homeowners.

There were no further questions from the board or the applicant.

Mr. Kovalik closed the public hearing at 5:20pm.

Mr. Kovalik motioned 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 utilization of the property.
- 2. The strict application of the Ordinance does not alleviate a hardship due to 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 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.

Ms. Maybach seconded.

The vote was as follows:

Ayes: Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair

Nays: Ms. Betsy Sullivan

Abstention:

Absent During Vote: Mr. Amos Crosgrove

### **UPDATES**

Ms. Machen advised applications may be coming forward with new properties being built in Town.

#### **ADJOURNMENT**

Mr. Kovalik motioned to adjourn. Ms. Maybach seconded, all in favor.

Meeting Adjourned at 5:24pm.



### TOWN OF WARRENTON WARRENTON, VIRGINIA 20188

Community Development Department

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

#### STAFF REPORT

October 18, 2022

**Property Owner:** 61 Winchester Street LLC

Applicant: Keith Macdonald

Application # BZA #2022-3

**Location:** 61 Winchester Street

**PIN:** 6985-34-7492-000

Acreage: 0.32

**Zoning** Residential R-16

**Comprehensive Plan** 

**Designation:** 

Central Business District / Old Town Mixed Use

Land Use: Single Family Detached Residential

**Request:** The Applicant is seeking to appeal a Zoning Determination

made by the Zoning Administrator, rendered on August 9, 2022, as to the official zoning district for 61 Winchester

Street.

**Recommendation:** Staff recommends the Board of Zoning Appeals (BZA)

deny BZA #2022-3 per the pattern motion for approval

dated October 4, 2022.

#### **REQUEST**

The Applicant, Keith Macdonald, is requesting an appeal of a Zoning Administrator's letter of determination rendered on August 9, 2022, on the zoning district for 61 Winchester Street. The appeal is requesting that the BZA overturn the Zoning Administrator's decision and determine that the official zoning district for 61 Winchester Street be shown as Central Business District (CBD) on the entirety of the lot or as split-zoned Residential R-6/CBD, with the CBD line running diagonally across the lot from the centerline of Smith Street to the western corner of the Applicant's lot (GPIN: 6984-44-0404) adjacent to 71 Winchester Street. Both options presented by the Applicant are depicted on the plat submitted by the Applicant and attached herein. The letter of determination rendered by the Zoning Administrator noted the zoning district for 61 Winchester Street as R-6. The property owner of 61 Winchester Street is not a party to this appeal application.

#### **BACKGROUND**

The Applicant, Keith Macdonald, submitted a request for a zoning determination on 61 Winchester Street on June 21, 2022. The request included supporting documents with bullet

points to support the Applicant's request that the zoning district for 61Winchester Street is incorrectly identified on official zoning maps. The Applicant requested that the zoning district for the subject property should be shown as entirely CBD or as split-zoned CBD/R-6. After reviewing the Applicant's request and Town records, the Zoning Administrator issued a letter of determination on August 9, 2022, noting that the official zoning district for 61 Winchester Street is R-6. The Applicant appealed this decision on September 7, 2022.

Under Article 11-1.1 of the Town of Warrenton Zoning Ordinance and §15.2-2286/§15.2-2299 of the Code of Virginia, the Zoning Administrator is responsible for administering and enforcing the Zoning Ordinance. Zoning Determinations made under these regulations may be appealed to the BZA under Article 11-3.12 of the Zoning Ordinance and §15.2-2309 of the Code of Virginia. This application is subject to the duties and powers of the BZA to hear/decide appeals and interpret the district map where there is uncertainty, as noted in the state code sections (15.2-2309) below.

- 1. 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. 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. 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.
- 4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the Ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by Ordinance.

The BZA does not have the power to substantially change the locations of district boundaries as that is a function of the governing body requiring review by the Planning Commission, public notice, and at least one public hearing.

#### **ANALYSIS**

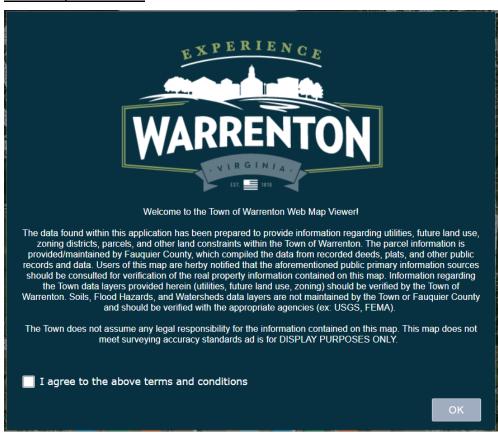
Under question is the official zoning district for 61 Winchester Street. The establishment of zoning district boundaries is guided by Article 3 of the Town of Warrenton Zoning Ordinance. Article 3-1 establishes the zoning districts, Article 3-2 incorporates the official zoning map, and Article 3-3 provides detailed rules for determining district boundaries where their location is uncertain on the official zoning map. The Applicant offered several reasons why the zoning district boundary is incorrect, detailed and analyzed below.

1. "On and before April 28, 2016, the county and town records correctly Identified 61 Winchester PIN 6984-34-7492-000 as CBD Central Business District; this is supported by the screenshot of the record taken on that date."

As noted in the zoning determination, Fauquier County Real Estate Online Records are not to be utilized for determining zoning district boundaries for parcels in the Town as they are not considered official per the Town's Zoning Ordinance. Article 3 of the Town of Warrenton Zoning Ordinance establishes the official zoning districts for properties within the Town. It states that the boundaries of the districts are delineated on the Zoning Map. Fauquier County has no jurisdiction over the Town's Zoning Ordinance or Zoning Map. Nor does the Town of Warrenton maintain any of the Fauquier County Real Estate Records as it is a function of the county.

In addition, the Town and County both have disclaimers regarding the accuracy of the information contained in online maps and records. The Town and County do not assume any legal responsibility for decisions based on the information contained in said maps/records. These disclaimers are present because: these databases are known to have geographic errors due to projections, digitization errors, etc.; they are based on generalized information that is not always accurate on a fine-grain scale, and they are updated at different times. For example, there is a parcel in Town with the Zoning listed as Industrial/Limited in the Real Estate Online Records. However, the Industrial/Limited district has not existed since the adoption of the 2006 Zoning Ordinance (see below).

#### Town Map Disclaimer



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#### County Map Disclaimer



County Real Estate Online Records Disclaimer

## Real Estate Online Records

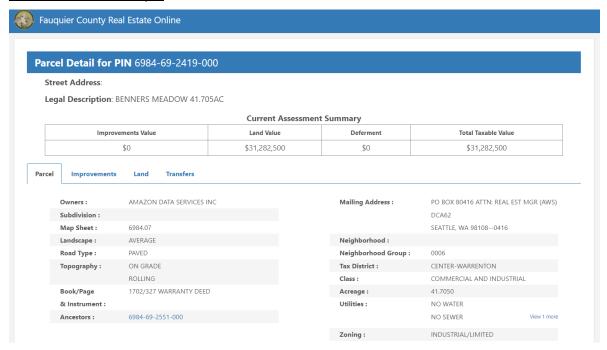
#### ON LINE RECORDS DISCLAIMER

The information displayed on the Real Estate on-line pages are prepared from the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats, other public records and data.

Users of this service are hereby notified that the aforementioned public record information sources should be consulted for verification of the information contained on the associated screens. Due to production timing and other circumstances, this information may not necessarily reflect the current taxable record.

The county does not assume any legal responsibility for the information contained herein and makes no warranty as to the absolute accuracy of the elements displayed.

#### Online Record Example



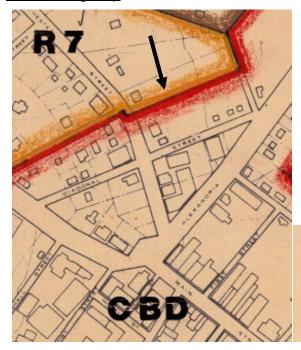
2. "61 Winchester is a sub-divide of the original larger lot of Britton Hall – The Britton Hall lot dates to the first layout of the Town of Warrenton. (File: DB 18 – PG468), The entire Britton Hall lot has had the same Zoning since Zoning was implemented in the Town."

61 Winchester Street was subdivided off the lot known at Britton Hall in 1954, before the adoption of the first Zoning Ordinance within the Town of Warrenton in 1955. The exact district boundaries under the 1955 and 1959 Zoning Ordinances cannot be verified as those maps are unavailable. Neither the 1955 nor 1959 Zoning Ordinances contained a CBD District.

The oldest Zoning Map on file is from 1976 and was adopted with the 1976 Zoning Ordinance after the subdivision of 61 Winchester Street into two lots in 1970. This Zoning Map shows 61 Winchester Street and the lot referenced in DB 262-135 as within the R-7 Zoning District, with the remainder of Britton Hall within the CBD District. The 1986 Zoning Map did not affect any changes to 61 Winchester Street (shown as R-7)

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#### 1976 Zoning Map

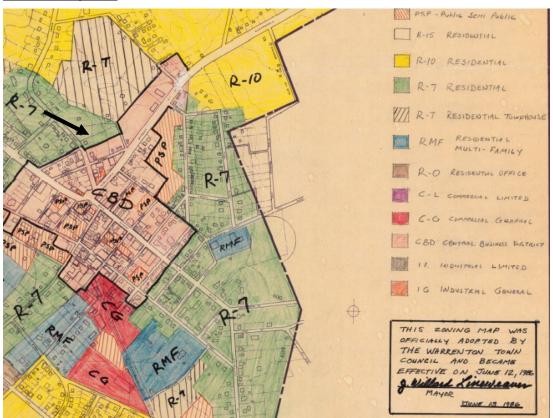


ZONING PREPARED BY
HAYES, SEAY, MATTERN & MATTERN
MAY, 1976

ADOPTED NOVEMBER 2,1976

EFFECTIVE NOVEMBER 15,1976

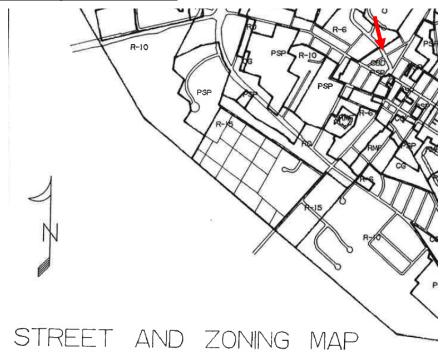
#### 1986 Zoning Map

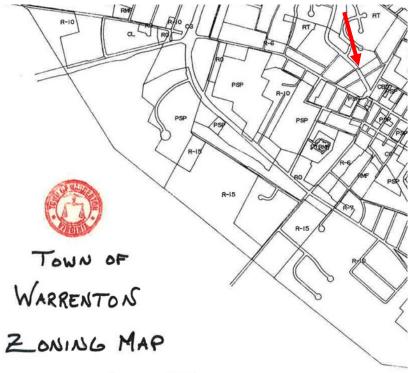


3. The Applicant states: "I verified the Zoning of the Britton and adjacent properties before I purchased Britton Hall in 1998; at the time, both 61 Winchester Street and the lot to the rear DB 262/PG 135 were zoned CBD. The Zoning was further confirmed by a conversation with the then Town's Director of Development."

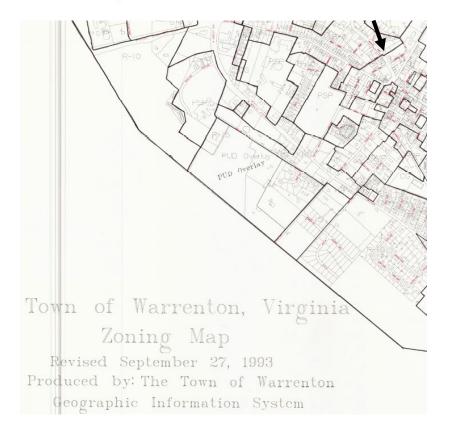
Staff has not found any Zoning Determinations specifically regarding 61 Winchester Street. In addition, the only Zoning Map change seen in the record that altered the Zoning for 61 Winchester Street appears on the 1991 Zoning Map. The 1991 Zoning Ordinance/Zoning Map changed the R-7 zoning district classification to R-6, resulting in the reclassification of 61 Winchester Street to R-6. Each subsequent Zoning Map under the 1991 Ordinance shows 61 Winchester as within the R-6 zoning district, including maps dated 1991, 1992, 1993, 1994, 1996, 1998, and 2000. No Zoning Map Amendments on file include a change on 61 Winchester Street after adopting the 1991 Zoning Ordinance.

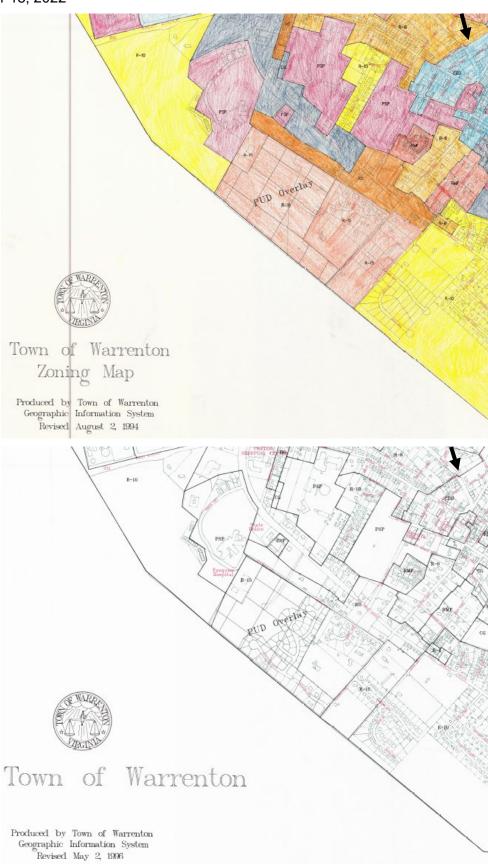






Pre-BOUNDARY ADJUSTMENT CORPORATE LIMITS (July 1, 1992)

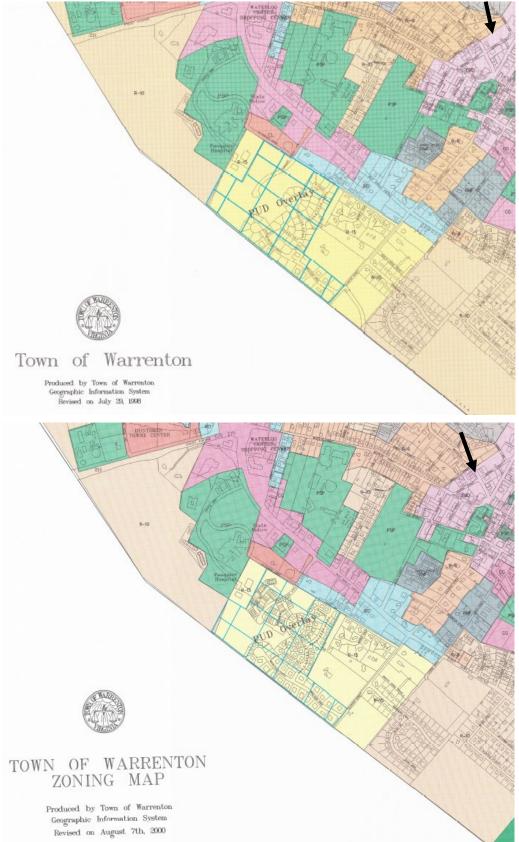




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BZA #2022-1 October 18, 2022



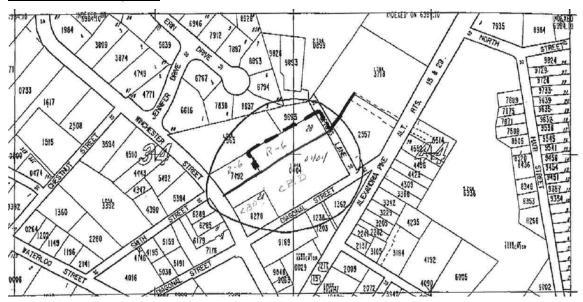
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4. Sometime between 1998 and 2006, Mayor Fitch and his henchman McLawhon had the Zoning illegally changed in the Town and country records to show the portion of the Britton Hall lot that sits behind 61 Winchester Street to R6 Zoning and not the CBD Zoning as it was when purchased in 1998. After raising hell with the zoning board, which denied my appeal /argument at the time, they then "changed" it back quietly (to save face). What the map Proposed Zoning Map Revisions February 14, 2006 File: (2006.02.04 Proposed Map Changes) documents is the changing back to the original Zoning and the undoing of the mayor and Town's manager's illegal actions.

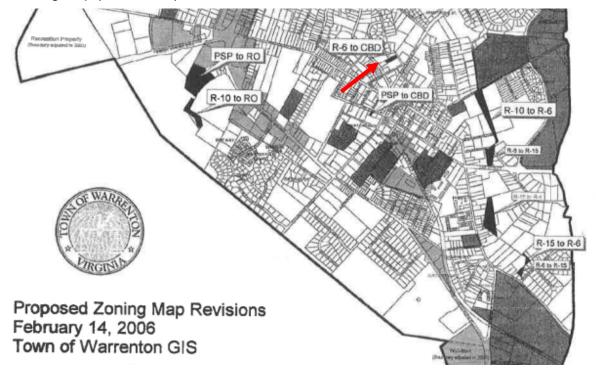
A Zoning Determination dated January 27, 2003, is on file for GPIN: 6984-44-0404, which includes the portion of Britton Hall behind 61 Winchester Street. This determination noted Mr. Macdonald's property as split-zoned CBD/R-6, with the part of the lot behind 61 Winchester Street as R-6. This determination describes the CBD District Boundary as following the centerline of Smith Street, then turning south along the centerline of Winchester Street to the shared property line between 61 Winchester Street and GPIN: 6984-44-0404. The district boundary then follows the southern property line of 61 Winchester Street and continues straight across GPIN: 6984-44-0404 to Spring Lane. This determination was appealed (BZA #03-04), and the BZA voted to deny the appeal on April 1, 2003, upholding the decision made by Mr. Mothersead. The staff report for the appeal described GPIN 6984-44-0404 as having split Zoning for over 25 years [in 2003]. It does not appear that the BZA's decision was appealed to the circuit court.

On February 14, 2006, the Zoning Map was updated with the adoption of Zoning Map Amendment #05-02 (ZMA) and Zoning Ordinance Text Amendment #05-02 (ZOTA), adopting the 2006 Zoning Ordinance and Map. This ZMA removed split Zoning on several parcels and realigned zoning districts to reflect existing development. This ZMA changed the Zoning District on the portion of GPIN 6984-44-0404-000 located behind 61 Winchester Street from R-6 to CBD to match the Zoning on the other half of the lot. This rezoning is shown on the map dated February 14, 2006, included in the determination request. ZMA #05-02 did not affect any changes to 61 Winchester Street.

#### BZA 03-04 Zoning Map



#### 2006 Zoning Map (ZMA 05-02)



5. A critical reading 3-3 Zone District Boundaries clearly shows 61 Winchester falls into the CBD and not R6. A) Running a line from the intersecting - center lines of Winchester & Smith to the nearest endpoint of the nearest boundary (CBD) bisects about 7/8 of the 61 Winchester Lot (see: Out-Lot Plat Topo - 01 - Showing 61 Winchester Zoning Boundaries). B) The center of Smith Street is beyond the middle of the 61 Winchester lot

Per Article 3-2 of the Zoning Ordinance, district boundaries are delineated on the Zoning Map. Where uncertainty exists regarding the exact location of district boundaries shown on the Zoning Map, Article 3-3 provides rules to help interpret the Zoning Map. On the Town's official Zoning Maps, 61 Winchester Street appears to be R-7 or R-6, depending on the age of the map. None of the official Zoning Maps show the entirety of 61 Winchester Street as CBD. As such, there does not appear to be uncertainty regarding the zoning district for 61 Winchester Street. However, due to geographic errors in the GIS data, staff reviewed the original Zoning Maps and Article 3-3 to verify the district boundaries conform with the boundary location rules.

3-3.1 Where a district boundary is indicated as approximately following the center line of a lake or watercourse, or the right-of-way of a street, lane, power line or other public utility, the center line or right-of-way boundary shall be construed to be the district boundary.

Per Article 3-1.1, the official district boundary for the CBD District follows the centerline of Smith Street to the centerline of Winchester Street. It then follows the centerline of Winchester Street south.

3-3.2 Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be considered the district boundary.

Per Article 3-3.2, from the centerline of Winchester Street, the district boundary turns and follows the property lines for 61 Winchester Street and GPIN: 6984-44-0404-000 west and north to the corner of 71 Winchester Street, 61 Winchester Street, and GPIN: 6984-44-0404-000. The district boundary then follows the property line between 71 Winchester Street and GPIN: 6984-44-0404-000 to the corner of GPIN 6984-34-9683-00 and thence along the property line between GPIN: 6984-44-0404-000 and GPIN: 6984-44-0404-000 to the centerline of Spring Lane.

3-3.3 Where a district boundary divides a lot or runs through individual property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on the Zoning Map.

Per Article 3-3.3, if the Zoning Map shows split-zoning dividing a lot, the scale on the Zoning Map would be utilized to measure the approximate distance of the districts. The Zoning Map does not show 61 Winchester Street as split-zoned in the plat provided by Mr. Macdonald. As such, this section is not required to interpret the district boundary for 61 Winchester Street.

3-3.4 Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. In the event scale distances do not agree with such figures, the figures shall control.

Article 3-3.4 would not apply to 61 Winchester Street as the district boundary already meets the requirements noted under Articles 3-3.1 and 3-3.2.

Both district boundaries proposed by the Applicant appear to show significant changes to the district boundary on 61 Winchester Street, rezoning in Zoning Map Amendment. A Zoning Map Amendment cannot be done without due process as required by state code and local law. Nor can the BZA substantially change a district boundary under state code. Only Town Council has the authority to affect a Zoning Map Amendment for the Town of Warrenton.

#### Current Zoning



#### 61 Winchester Street Zoning

#### STAFF RECOMMENDATION

The letter of determination on 61 Winchester Street is attached as provided to Mr. Macdonald. It coincides with the official Zoning Map and is in accordance with the ordinance provisions for district delineation and interpretation. This staff report also provides an analysis of the information provided by the Applicant.

The Zoning Map is the source of delineation of zoning district boundaries per the Zoning Ordinance. The visual depiction of the boundaries as they relate to the subject property is quite clear, making it easy to determine that the parcel is not zoned CBD or split-zoned CBD/R-6. Any deviation from the lines depicted on the map would therefore constitute a rezoning of the district boundary. Rezonings can only be accomplished by proper application to the Town, including property owner's permission for said application, review by the Planning Commission, public notices, public hearings, and Town Council approval.

Staff recommended that the Board of Zoning Appeals affirm the Zoning Administrator's decision regarding the official zoning district designation on 61 Winchester Street as R-6.

#### **ATTACHMENTS**

Item 2.

Staff Report, Board of Zoning Appeals BZA #2022-1 October 18, 2022

- A. Proposed Motion of Approval / Proposed Motion for Denial
- B. August 9, 2022, Zoning DeterminationC. Appeal Application Materials
- D. BZA #03-05
- E. REO Disclaimer

Item 2.

## Attachment A Pattern Motions to Overturn/Affirm Appeal October 20, 2022

### **PATTERN MOTION TO OVERTURN**

**APPEAL** 

BZA #2022-3 Keith Macdonald

BZA MEETING DATE: November 1, 2022

In Application BZA #2022-3, I move to overturn the decision of the Town of Warrenton Zoning Administrator, after due notice and hearing as required by Code of Virginia §15.2-2204 and Article 11-3.12 of the Town of Warrenton Zoning Ordinance, based on upon the following Board findings:

1.	The Zoning District for 61 Winchester Street (PIN 6985-34-7492-000) is, in accordance with Article 3-3 of the Zoning Ordinance and §15.2-			
	2309 (4) of the Code of Virginia, and is described as follows:			
	a			
2.	2. This determination by the Board of Zoning Appeals does not constitute a substantial change to the location of district boundaries as established by Article 3-2 of the Zoning Ordinance and the Zoning Map: Town of Warrenton, VA, and §15.2-2309 (4) of the Conference of Virginia.			
3.				
4.				

Item 2.

## Attachment A Pattern Motions to Overturn/Affirm Appeal October 20, 2022

**APPEAL** 

BZA #2022-3 Keith Macdonald

BZA MEETING DATE: November 1, 2022

In Application BZA #2022-3, I move to affirm the decision of the Town of Warrenton Zoning Administrator, 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 Zoning District for 61 Winchester Street (PIN 6985-34-7492-000) is R-6, as shown on the Zoning Map.
2.	
3.	



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

August 9, 2022

Keith MacDonald 92 Winchester Street Warrenton, VA 20186

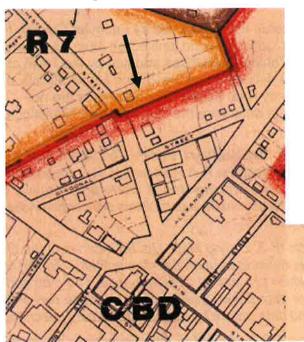
RE: Zoning Determination Letter for 61 Winchester Street (6984-34-7492-000)

Dear Mr. MacDonald:

You have requested a Zoning Determination regarding the official zoning district for 61 Winchester Street. Specifically, the concern is that the currently shown zoning district for the lot in question is incorrectly established as R-6 (residential) instead of CBD (Central Business District). In response to your request for a Zoning Determination Letter for the above-referenced property within the Town of Warrenton, please note the following:

- Fauquier County Real Estate Office lists the current property owner for 61 Winchester Street as 61 Winchester Street LLC, with Robert deT. Lawrence IV as the manager on deed/book page 1728/1667-1668. Keeley A. Franklin, the property owner noted on the Zoning Determination Application, sold the property to 61 Winchester Street LLC on May 2, 2022, per deed/book page 1726/239-240.
- Fauquier County Real Estate Online Records are maintained by Fauquier County, not the Town of Warrenton. In addition, Fauquier County has no jurisdiction over the Town of Warrenton's Zoning Ordinance. Per the Zoning Ordinances adopted by the Town of Warrenton, zoning district boundaries are delineated on the Zoning Maps officially adopted by Town Council. As such, Fauquier County Real Estate Online Records are not considered official and cannot be utilized to determine the official zoning district of a given parcel.
  - 1955 & 1959 Zoning Ordinances. Sub-section I. Zones. The Town of Warrenton is herby divided into four (4) zones as follows: R-A Residential, R-B Residential, C-1 Business, M-1 Industrial. The map title "Zoning Map of Warrenton, Virginia" on which these zones are shown is hereby made a part of this ordinance and is on file in the Office of the Town Manager.
  - 1976 Zoning Ordinance. Article III-2. Zoning Map. The boundaries of the districts listed in Section III-2 shall be as delineated upon the map entitled, "Zoning Map: Town of Warrenton, Virginia" which is a part of this Ordinance. The map and all notations, references, and other data shown thereon shall be made part of this Ordinance, as if the matters and data shown by the map were fully described herein.
  - 1991 Zoning Ordinance. Article 6-2. Zoning Map. The boundaries of the districts listed in Section 6-1 shall be as delineated upon the map entitled, "Zoning Map: Town of Warrenton, Virginia" which is a part of this Ordinance. The map and all

- notations, references, and other data shown thereon shall be made part of this Ordinance, as if the matters and data shown by the map were fully described herein.
- 2006 Zoning Ordinance. Article 3-2. Zoning Map. The boundaries of the districts listed in Section 3-1 shall be as delineated upon the map entitled, "Zoning Map: Town of Warrenton, Virginia" which is a part of this Ordinance. The map and all notations, references, and other data shown thereon shall be made part of this Ordinance, as if the matters and data shown by the map were fully described herein.
- The first Zoning Ordinance for the Town was established in 1955. Unfortunately, staff cannot verify the Zoning District for the parcel in question under the 1995 Zoning Ordinance as the referenced Zoning Map is unavailable. The zones established at the time included R-A Residential, R-B Residential, C-1 Business, and M-1 Industrial.
- The 1955 Zoning Ordinance was amended effective October 19, 1959. Unfortunately, staff cannot verify the Zoning District for the parcel in question under the 1995 Zoning Ordinance as the referenced Zoning Map is unavailable. The zones established at the time included R-A Residential, R-B Residential, C-1 Business, and M-1 Industrial.
- On September 3, 1970, the parcel was subdivided, creating 61 Winchester Street (6984-34-7492-000) and a 0.5021-acre lot fronting on Jefferson Street (now known as Spring Lane). The subdivision does not refer to any Zoning Districts.
- The CBD and R-7 zoning districts were first established with the 1976 Zoning Ordinance. The minutes from the Town Council meeting included the adoption of the zoning and setback maps with the 1976 Zoning Ordinance. The 1976 zoning map has a date of 1970, with an adopted date of November 2, 1976, and an effective date of November 15, 1976. Per this map, the parcel in question and the 0.5021-acre lot in the back are shown within the R-7 zoning district.

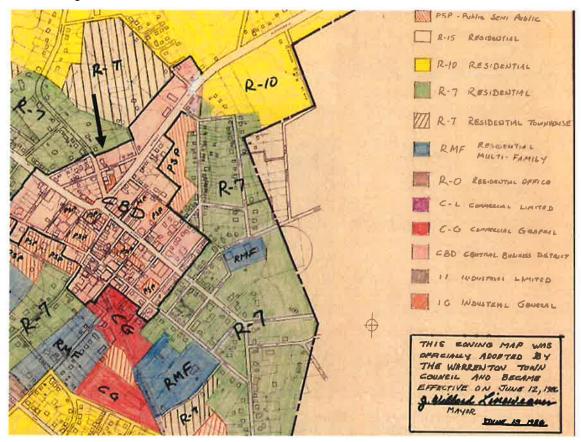


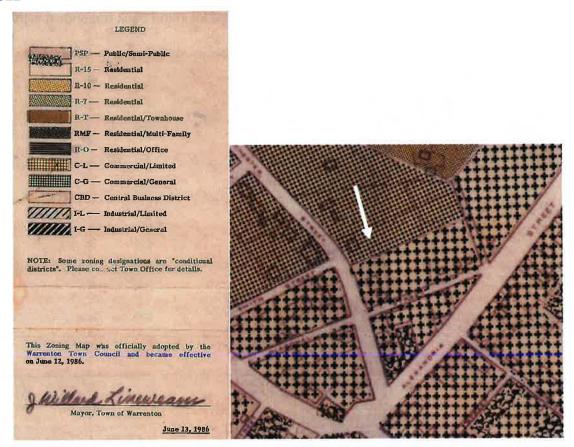
ZONING PREPARED BY Hayes, Seay, Mattern & Mattern May, 1976

ADOPTED NOVEMBER 2.1976 EFFECTIVE NOVEMBER 15, 1976

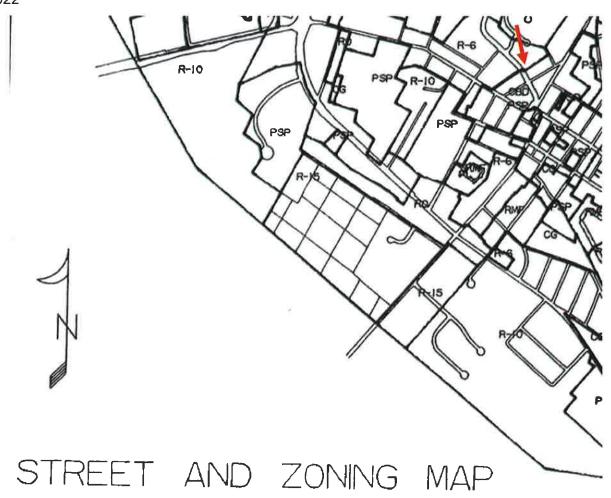
 On June 12, 1986, the Town of Warrenton adopted a new Zoning Map, incorporating the Public-Semi-Public District (PSP). This map did not affect any changes to the parcel in

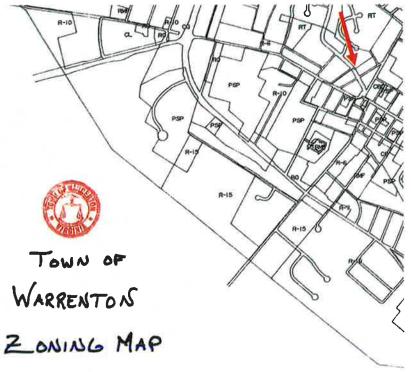
question. The parcel in question and the 0.5021-acre lot in the back are shown within the R-7 zoning district.



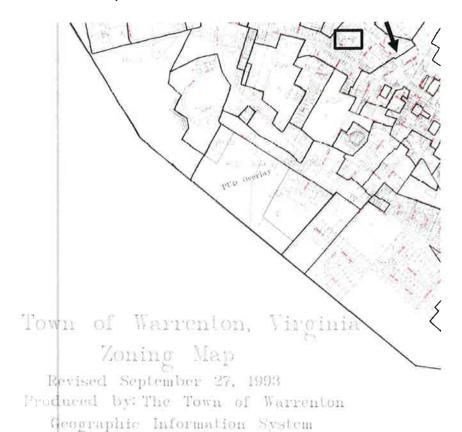


• With the adoption of the 1991 Zoning Ordinance, the R-7 zoning district classification was changed from "R-7 to R-6 because of the way zoning districts are classified, i.e., R-15 is 15,000 sqft, and R-10 was 10,000 sqft, and R-7 was changed to R-6 to indicate the 6,000 sqft requirement for the district" (Per January 8, 1991, Town Council Minutes). With the adoption of the 1991 Zoning Ordinance and Zoning Map, 61 Winchester Street and the 0.5021-acre lot behind it were reclassified to R-6 from R-7. Each subsequent zoning map under the 1991 Zoning shows the parcel as within the R-6 zoning district. The maps below dated 1991, 1992, 1993, 1994, 1996, 1998, and 2000 all show 61 Winchester Street as within the R-6 Zoning District.

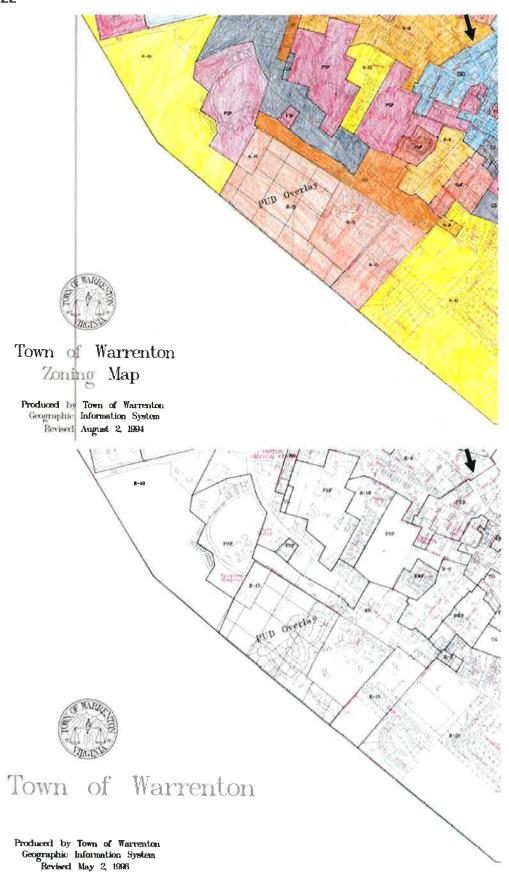


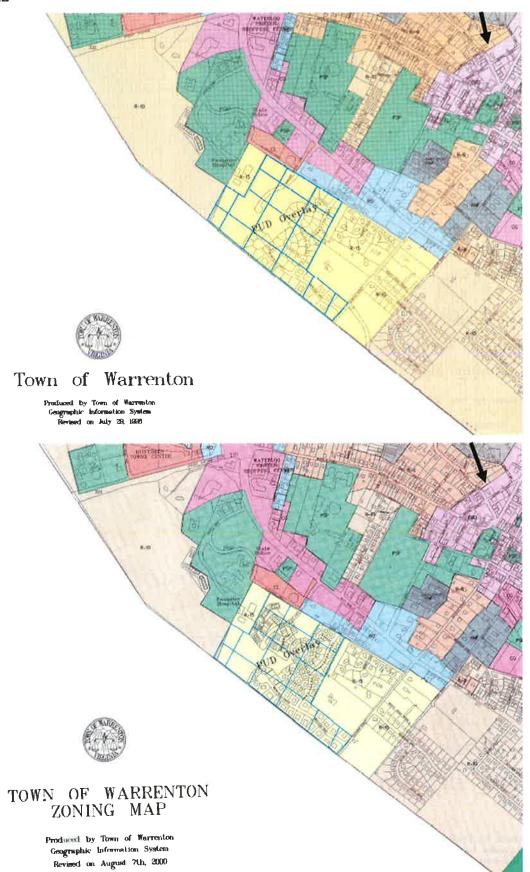


Pre-BOUNDARY ADJUSTMENT CORPORATE LIMITS (July 1, 1992)



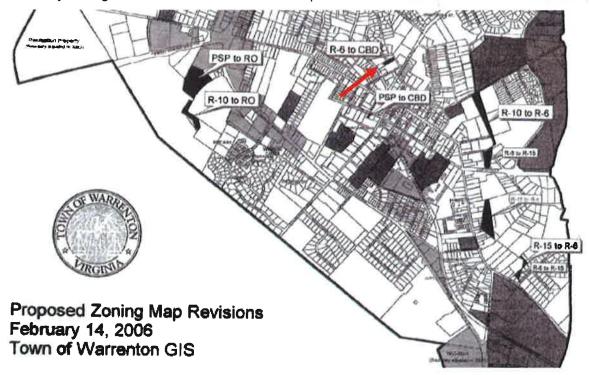
27





- A 1997 Boundary Line Adjustment (deed/book page 784/165) merged the 0.5021-acre lot (Tract 1) into GPIN 6984-34-9493-000 (Tract 2) and established a new lot line, creating 45 Winchester Street (GPIN 6984-34-8278-000/Tract 2A) and GPIN 6984-44-0404-000 (Tract 2B). This boundary line adjustment resulted in split zoning on parcel GPIN 6984-44-0404-000 (CBD and R-6).
- On February 14, 2006, Town Council approved Zoning Map Amendment #05-02 (ZMA) and Zoning Ordinance Text Amendment #05-02 (ZOTA), adopting the 2006 Zoning Ordinance and Map. Per the Town Council December 5, 2005 minutes, ZMA #05-02 is described as:
  - A number of adjustments to the zoning districts of the Warrenton Zoning Map are considered to correct previous errors and reduce the number of properties that contain split zoning (two or more districts on the same property). A few map amendments are proposed to re-align the zoning districts to reflect the existing development of the property for consistency. The map amendments affect more than 25 parcels in the Town of Warrenton.

One of the parcels rezoned with ZMA #05-02 was GPIN 6984-44-0404-000. A 0.5021-acre portion GPIN 6984-44-0404-000, located behind 61 Winchester Street, was rezoned from R-6 to CBD to match the zoning on the other half of the lot. This rezoning is shown on the map dated February 14, 2006, included in the determination request. ZMA #05-02 did not affect any changes to the 61 Winchester Street parcel.



- Staff did not find any earlier Zoning Determinations regarding 61 Winchester in our records.
   If one was obtained, as mentioned under point three of this determination request, please provide staff with a copy that we may review.
- No rezoning applications are on file with the Town of Warrenton that only include the parcel in question.
- Based on the information and records held by the Town of Warrenton, the current Zoning District for the subject parcel (61 Winchester Street) is Residential R-6. This district is outlined

in the 2006 Zoning Ordinance under Article 3-4.10. This parcel is located within the Historic District overlay.

This Zoning Confirmation Letter only applies to the subject property noted above. This is a formal decision by the Zoning Administrator of the Town of Warrenton, Virginia. Any person aggrieved by any decision of the Zoning Administrator may appeal to the Board of Zoning Appeals. Appeals shall be made within thirty (30) days of the date of this letter by filing with the Zoning Administrator a notice of such appeal specifying the grounds thereof. The decision shall be final and unappealable if not appealed within thirty (30) days. The fees for filing an appeal are \$400.00 plus the cost of advertising and property notice mailings. Classified advertising is placed in the local paper for two consecutive weeks prior to the meeting, with costs averaging around \$700.00. The price for property notice mailings varies and depends on the number of adjacent owners. The adjacent property notices are sent via certified letter with return receipt at the current postage rate. The Zoning Office is located at 21 Main Street within Town Hall. Hours of operation are from 8 AM until 4:30 PM Monday through Friday. If you have any questions regarding this notice or would like additional information about the appeal process, please contact me at (540) 347-1101.

Sincerely,

Kelly Machen, AICR, CZA

Zoning Administrator
Town of Warrenton

Community Development Department

CC: 61 Winchester Street, LLC

File



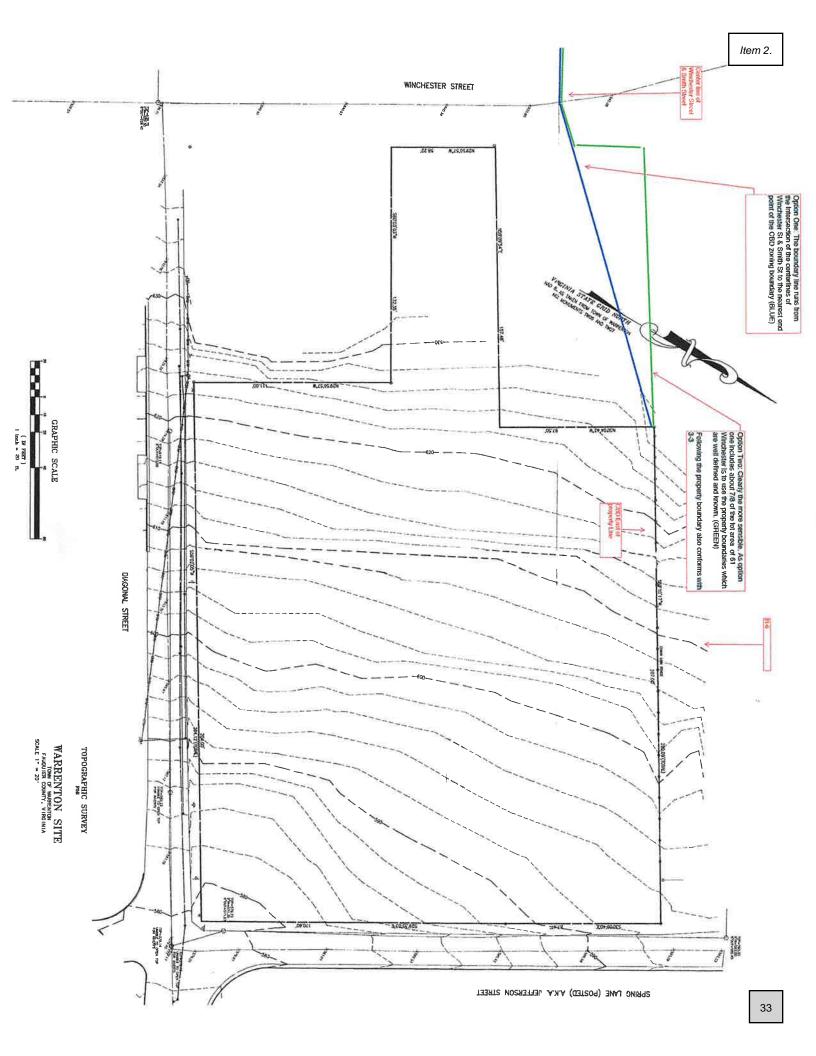
#### **TOWN OF WARRENTON**

**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	——————————————————————————————————————	
Commission Permit (§2232)		Concept Plan Review Record / Vacate Plat	
Comprehensive Plan	As-Built	Easement Plat Site Development Plan	
Amendment	Bond Release/ Reduction	Final Plat Variance	
Special Use Permit	Bond Extension	Preliminary Plat Waiver, Administrative	
Rezoning	Boundary Adjustment	Re-approval of Plat Waiver/Exception, Legislative	
Amendment to Existing Ap	oproved Application? If Yes, Lis	st Application	
Project Description			
Project Name: Error in Zoning	*		
		CENTER LINE OF SMITH STREET	
Purpose of Request: THE ZC	NING BOUNDRY BETW	EEN THE CBD & R6 FAILS TO FOLLOW THE ED BY Article 3 Zoning District	
Zoning District: CBD	Total Acres:		
		ester Street & 45-49 Winchester Street	
Parcel Identification Number (s	). 6984-34-7492-000 AKA 61 WINCH	aster Street & 45-49 Windriester Street	
Contact Information (Attach s	eparate page if necessary)		
All Current Owners			
Name & Company:			
Address:			
Phone:	Email:		
All Current Applicants (if diffe	rent then owner):		
Name & Company: Michael K	eith Macdonald		
Address: 92 Winchester St	reet		
Phone: 703-869-0096	Email: october12149	2@icloud.com	
Representative (if different th	en owner/applicant):		
Name & Company:			
Address:			
Phone:	Email:		
	s intent and freely consent to its filing. Fu	rthermore, I have the power to authorize and hereby grant permission for Town or enter the property to process this application.	
•	ne best of my knowledge. I acknowledge to other requirements of review/approval a	that all tests, studies, and other requirements of the Town of Warrenton Zoning agencies will be carried out at my expense. I understand that the Town may deny,	
Owner's Signature & Date:	Applic	ant's Signature & Date:	
Print Owner's Name:	F	Print Applicant's Name:	



From: Keith Macdonald

To: Land Development

Subject: Place me on your calinder

Date: Wednesday, September 7, 2022 4:08:32 PM

Attachments: 61 Winchester ZD 22.8.9 Tue Aug 9 2022 12-30-27.pdf

Out-Lot Plat Topo - 01 - Showing 61 Winchester Zoning Boundaries.pdf

2006.02.04 Proposed Map Changes[5].pdf

61 Winchester Street - PIN 6984-34-7492-000 - 2016 - CBD Zoning.pdf

Argument For CBD Zoning - 01.docx

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

#### Dear Chairperson,

On June 17th I sent the attached application to have my issue reviewed by the Zoning Board. I paid the \$400.00 fee. Instead the nits (Kelly Machen, et al) in the town administration gave me their opinion. Also Attached. I don't need nor care for Kelly's or the towns opinion on the matter I want a decision from the boad.

In the towns response to my zoning determination at 61 Winchester Street (Attached) the town fails to and has refused to address any of the elements in Article 3 Zoning District that should apply to the proper zoning boundary at 61 Winchester & 45-49 Winchester. My survey plat which clearly illiterates the lay of the lines and the proper route needed to be taken by the boundary for a corect reading of Article 3 is shown.

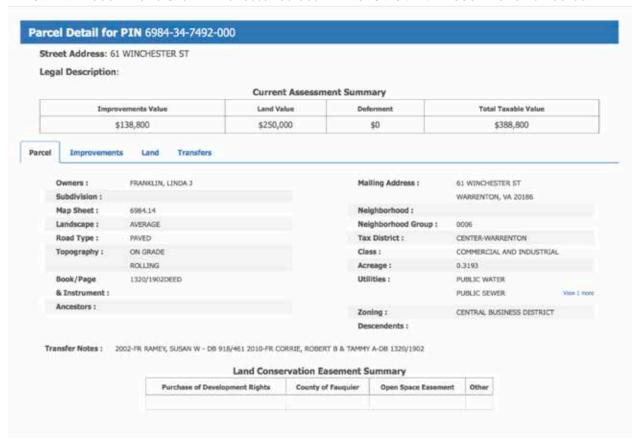
That is the issue at hand. I want it resolved without further diddling about by Kelly & town staff.

Please place me on you calendar at the earliest date and email & write to me as to when. Thank you.

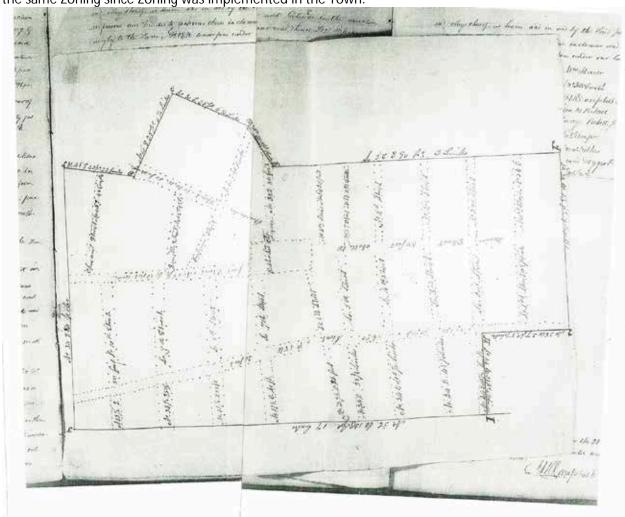
Regards,

Keith Macdonald

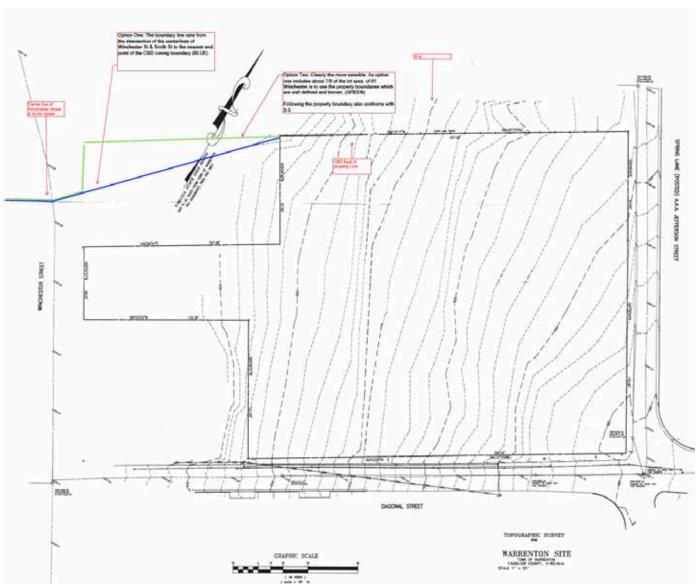
1. On and before April 28, 2016, the county and town records correctly Identified 61 Winchester PIN 6984-34-7492-000 as CBD Central Business District; this is supported by the screenshot of the record taken on that date. Attached File: 61 Winchester Street - PIN 6984-34-7492-000 – 2016 & 61 Winchester Street - PIN 6984-34-7492-000 - 2016 Full Screen.



2. 61 Winchester is a sub-divide of the original larger lot of Britton Hall – The Britton Hall lot dates to the first layout of the Town of Warrenton. (File: DB 18 – PG468), The entire Britton Hall lot has had the same Zoning since Zoning was implemented in the Town.

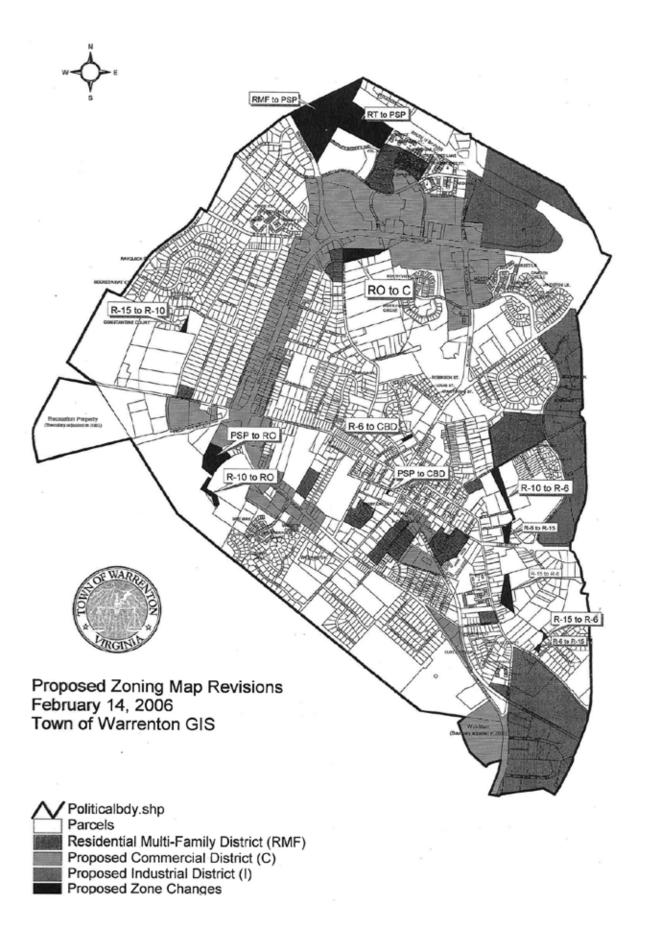


- 3. I verified the Zoning of the Britton and adjacent properties before I purchased Britton Hall in 1998; at the time, both 61 Winchester Street and the lot to the rear DB262-PG135 were zoned CBD. The Zoning was further confirmed by a conversation with the then Town's Director of Development (name escapes me now works in Loudoun County)
- 4. A critical reading 3-3 Zone District Boundaries clearly shows 61 Winchester falls into the CBD and not R6.
  - a. Running a line from the intersecting center lines of Winchester & Smith to the nearest endpoint of the nearest boundary (CBD) bisects about 7/8 of the 61 Winchester Lot (see: Out-Lot Plat Topo 01 Showing 61 Winchester Zoning Boundaries)
  - b. The center of Smith Street is beyond the middle of the 61 Winchester lot

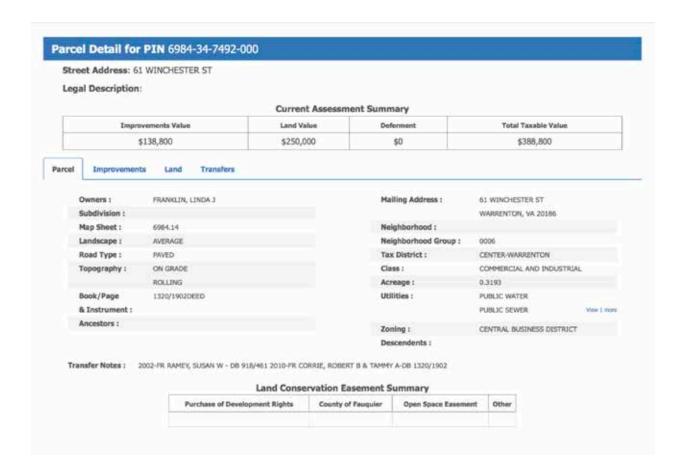


C.

5. Sometime between 1998 and 2006, Mayor Fitch and his henchman McLawhon had the Zoning illegally changed in the Town's Town's & country's country's records to show the portion of the Britton Hall lot that sits behind 61 Winchester Street to R6 Zoning and not the CBD Zoning as it was when purchased in 1998. After raising hell with the zoning board, which denied my appeal /argument at the time, they then ""changed"" it back quietly (to save face). What the map Proposed Zoning Map Revisions February 14, 2006 File: (2006.02.04 Proposed Map Changes) documents is the changing back to the original Zoning and the undoing of the mayor and town's manager illegal actions.

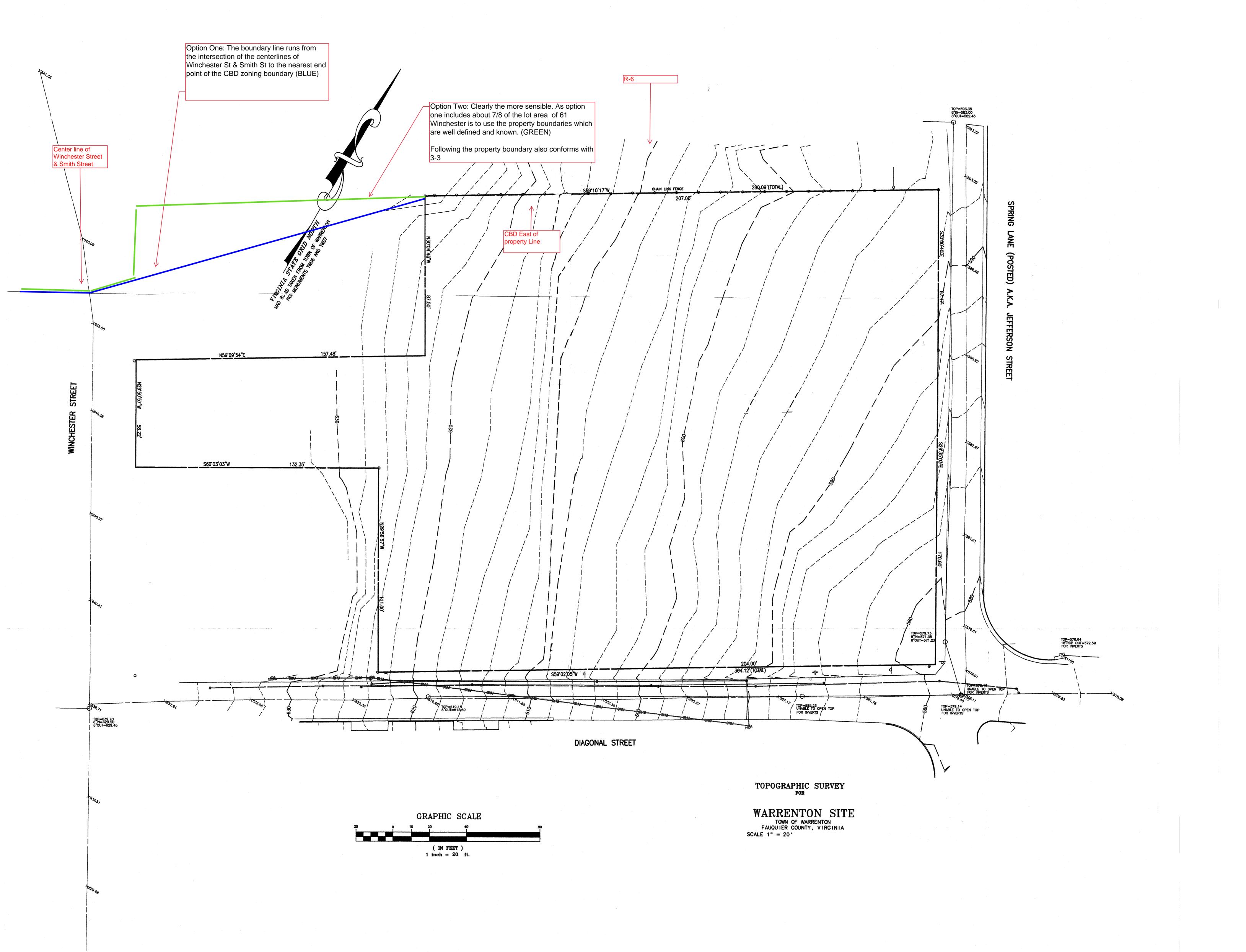


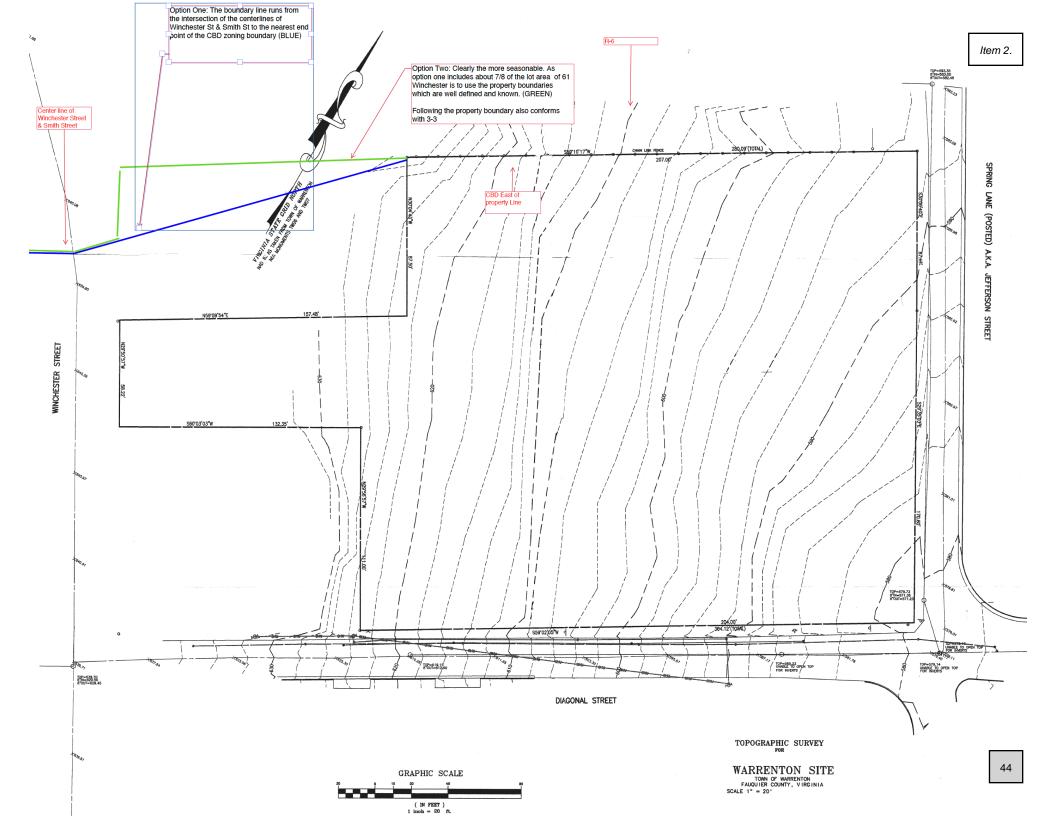
- 6. Again around 2014, while in a meeting with the Town (Brandie Shafer, Whit Robinson, Robert Hale, others) regarding Hotel street, while documents were being sourced, I brought up the zoning error in the Towns current zoning map showing 61 Winchester as R6. As brandy Shafer was telling me I was wrong etc. I directed them to bring the county records up on screen, and there before them clear as day a record that showed the lot as CBD. See file: 61 Winchester Street PIN 6984-34-7492-000 2016 CBD Zoning.pdf
  - a. The Town & others noticed the side setback when reviewing my Library 2,0 proposal and then decided to alter the Zoning to change the setbacks. After this ""discovery"" the Town yet again set about to t diminish (steal) my property rights.
  - b. The Town then changed the Zoning on 61 Winchester to reflect R6
  - c. The Town overlooked the county records and after I told them about the issue they then quietly had that changed as well.
  - d. The Town never responded to my repeated request to address the improper zoning change from CBD to R6



7. I now have had so many illegal actions taken against me by the Town that I am looking into the RICO statues as a means of redress.

The lot known as 61 Winchester PIN 6984-34-7492-000 needs to be changed back to CBD and I need compensation for the time & damages caused by the repeated illegal actions of the Town of Warrenton compelling me to waste my time & resources defending what should not need to be defended.





# Parcel Detail for PIN 6984-34-7492-000

Street Address: 61 WINCHESTER ST

Legal Description:

### **Current Assessment Summary**

Improvements Value	Land Value	Deferment	Total Taxable Value
\$138,800	\$250,000	\$0	\$388,800

Parcel

**Improvements** 

Land

**Transfers** 

Owners:

FRANKLIN, LINDA J

Subdivision:

Map Sheet:

6984.14

Landscape:

AVERAGE PAVED

Road Type : Topography :

ON GRADE

ROLLING

Book/Page

1320/1902DEED

& Instrument:

Ancestors:

Mailing Address:

**61 WINCHESTER ST** 

WARRENTON, VA 20186

Neighborhood:

Neighborhood Group:

0006

Tax District : CENTER-WARRENTON

Class:

COMMERCIAL AND INDUSTRIAL

Acreage:

0.3193

Utilities:

PUBLIC WATER

PUBLIC SEWER

View 1 more

Zoning:

CENTRAL BUSINESS DISTRICT

Descendents:

Transfer Notes: 2002-FR RAMEY, SUSAN W - DB 918/461 2010-FR CORRIE, ROBERT B & TAMMY A-DB 1320/1902

## **Land Conservation Easement Summary**

Purchase of Development Rights	County of Fauquier	Open Space Easement	Other

# Parcel Detail for PIN 6984-34-7492-000

Street Address: 61 WINCHESTER ST

**Legal Description:** 

# **Current Assessment Summary**

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Parcel

**Improvements** 

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**Transfers** 

Owners:

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Subdivision:

Map Sheet:

6984.14

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Road Type :

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1320/1902DEED

Book/Page

Ancestors :

& Instrument:

Mailing Address:

61 WINCHESTER ST

WARRENTON, VA 20186

Neighborhood:

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Tax District:

CENTER-WARRENTON

Class:

COMMERCIAL AND INDUSTRIAL

Acreage:

0.3193

0006

**Utilities:** 

PUBLIC WATER

PUBLIC SEWER

View 1 more

Zoning:

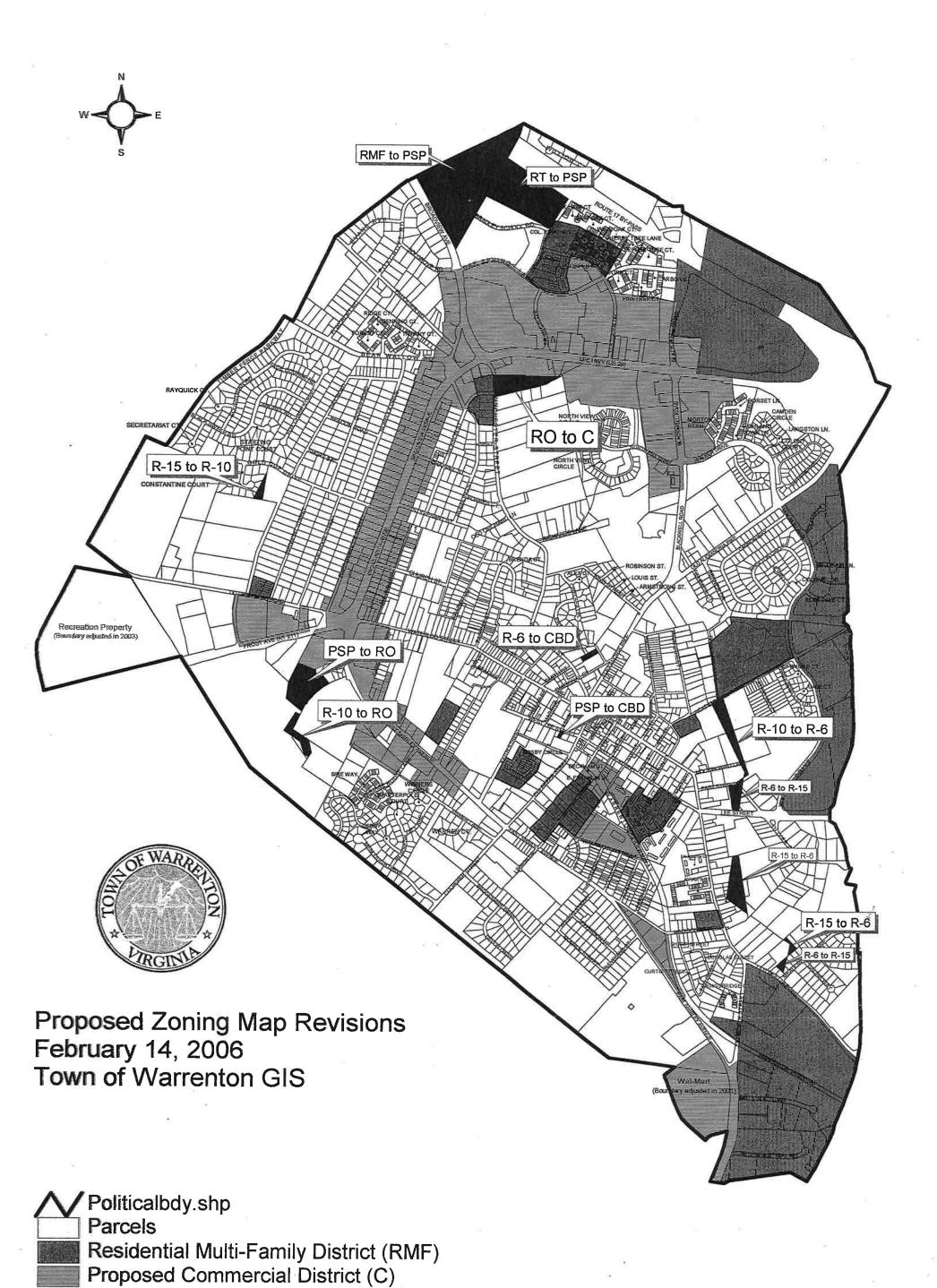
CENTRAL BUSINESS DISTRICT

Descendents:

Transfer Notes: 2002-FR RAMEY, SUSAN W - DB 918/461 2010-FR CORRIE, ROBERT B & TAMMY A-DB 1320/1902

# **Land Conservation Easement Summary**

Purchase of Development Rights	County of Fauquier	Open Space Easement	Other



Proposed Industrial District (I)

**Proposed Zone Changes** 

## Notes on the Deed Chain for 61 Winchester / Britton Family property

## Deed DB262-135 – (1970)

Shows the original 61 Winchester Street lot being divided into two parcels. The parcel fronting onto Jefferson Street was conjoined back into the original Britton Hall parcel by sale. In 1970 the two parcels enjoyed the same zoning which was CBD.

## Deed DB188-PG227 - (1954)

Shows that the 61 Winchester Street plat was draw from the larger Britton Hall property of 6  $\frac{3}{4}$  acers

## Deed DB60-PG336 - (1867)

Shows that the Horner property (later known as Britton Hall) as being 6 ¾ acers and includes the area that later became 61 Winchester Street

11

Return To: Stonewall Tittle \* Escrous Inc. 9300 Grant Avenue, Suite 103 Advois vA 20110

, !

Assembly 4-10,000,00 Consideration: \$535,000.00 Grantees address: Ol Winchesterst. Thomaston YA & BCO Tax Map #6984-34-7492-000 Doc To: 005514770002 Type: DEE Recorded: 06/09/2009 at 09:27:49 At Fee Amt: \$2,351.33 Page 1 of 2 Fauguler County, VA Gail H Barb Clerk of Circuit Court File# 2009-00005394

DEED

THIS DEED, made this \_\_\_\_\_\_\_, day of \_\_\_\_\_\_\_\_, 2009, by and between ROBERT B. CORRIE and TAMMY A. CORRIE, husband and wife, GRANTORS, and, LINDA J. FRANKLIN, GRANTEE.

WITNESSETH: That in consideration of the sum of TEN DOLLARS (\$10.00) cash and other valuable consideration moving from the Grantee to the Grantors, receipt of all of which at the sealing and delivery of this deed is hereby acknowledged, the Grantors do hereby bargain, sell, grant and convey unto, LINDA J. FRANKLIN, the Grantee, all of the following described real estate, to-wit:

ALL THAT certain lot or parcel of land lying and being situate in the Town of Warrenton, County of Fauquier, Virginia, and fronting on Winchester Street, and containing 39,395 square feet, more or less, according to plat and survey of R. M. Bartenstein, C. C. E., CLS, dated August 30, 1954, attached to Deed recorded in Deed Book 188, Page 227, in the Clerk's Office of the Circuit Court of Fauquier County, Virginia.

Less and except 0.5021 acre conveyed to Vincent O. Jacobs and P. Nelson Brittle as recorded in Deed Book 262, Page 135, in the aforesaid Clerk's Office.

And being the same property conveyed to Robert B. Corrie and Tammy A. Corrie, husband and wife, as tenants by the entirety with the common law right of survivorship, by Deed from Susan W. Ramey, divorced and not remarried, dated October 1, 2001, recorded October 1, 2001 in Deed Book 918 at Page 461 among the land records of Fauquier County, Virginia.

Reference may be had to the foregoing plat and deed and references therein contained for a further and more particular description of the real property herewith conveyed.

EXCEPT as to covenants, easements and restrictions of record, if any, the Grantors covenant that they will WARRANT GENERALLY the property hereby conveyed, that they have the right to convey the said land to the Grantee, that the Grantee shall have quiet possession of said land, free from all encumbrances, and that they, the Grantors, will execute such further assurances of the said land as may be requisite.

GULICK, CARSON & THORPE, P.C. Attorneys at Law 70 Main Street Warrenton, Virginia 20186 Phone: Area Code 540 347-3022

-1-

TO HAVE AND TO HOLD the above described real estate, together with all rights, ways, easements and appurtenances thereunto belonging, unto the Grantee, in fee simple.

WITNESS the following signature and seal of the Grantors herein, the day, month and year first hereinabove written.

ROBERT B. CORRIE

TAMMY A. CORRIE

STATE OF VIRGINIA COUNTY OF FAUQUIER, to-wit:

I, Lindo L. His hay, a Notary Public in and for the said state and county aforesaid, whose commission expires on the 30th day of Coul , 2010, do hereby certify that ROBERT B. CORRIE, whose name is signed to the foregoing deed bearing date on the day of \_\_\_\_\_\_\_, 2009 has acknowledged the same before me in my county aforesaid.

GIVEN under my hand this (think day of ), 2209.

Notary Registration # REG#15

STATE OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

I, January Public in and for the said state and county aforesaid whose commission expires on the 3th day of 1001, do hereby certify that TAMMY A. CORRIE, whose name is signed to the foregoing deed bearing date on the 5th day of 1001, 1001 has acknowledged the same before me in my county aforesaid.

-2-

GIVEN under my hand this  $\underline{\mathfrak{H}}^{\mathsf{H}}$  day of  $\underline{\hspace{1cm}}$ , 2009.

Notary Registration # ... 276844

JESSICA L. SCHNEIDER

Notary Public

Commonwealth of Virginia 276844 My Commission Expires Jun 30, 2011 Notary Public

Notary Public

Lucus comprussioned a p

fishica f schrider)

RECORDED IN CLERKS OFFICE OF FAUGUIER ON June 09,2009 AT 9:27:49 AM \$535.00 GRANTOR TAX PD AS REQUIRED BY VA CODE \$58.1-802 STATE: \$287.50 LOCAL: \$287.50 FAUGUIER COUNTY, VA GAIL H BARB CLERK OF CIRCUIT COURT

Bail HBarb

50

2

## BK0918PG0461

\*35.00°.0°

of Grantee: Street 20186 Mailing Address 61 Winchester Warrenton, VA



# Examined and Returned to:

WALKER JONES LAWRENCE DUOGAN & SAVAGE, P.C. ATTORNEYS AT LAW CARTER HALL 31 WINCHESTER STREET WARRENTON, VIRUINIA 20186

#### THIS DEED

made and entered into this 15th day of Octo by and between SUSAN W. RAMEY, divorced and not remarried, Grantor; and Robert B. Corrie and Tammy A. Corrie husband and wife, as tenants by the entirety with the common law right of survivorship, Grantees;

### 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 BARGAIN, SELL, GRANT and CONVEY with GENERAL WARRANTY OF TITLE, unto the Grantees, as tenants by the entirety with the common law right of survivorship expressly retained, that is, in case of death of either of the Grantees, the property hereby conveyed shall vest in the survivor, all the following described property, to-wit:

### PIN: 6984-34-7492-000

ALL THAT certain lot or parcel of land lying and being situate in the Town of Warrenton, Fauquier County, Virginia, and fronting on Winchester Street, and containing 39,395 square feet, more or less, according to plat and survey of R. M. Bartenstein, C.C.E., CLS, dated August 30, 1954, attached to Deed recorded in Deed Book 188, page 227, in the Clerk's Office of the Circuit Court of Fauquier County, Virginia.

LESS AND EXCEPT 0.5021 acre conveyed to Vincent O. Jacobs and P. Nelson Brittle as recorded in Deed Book 262, page 135, in the aforesaid Clerk's Office.

AND BEING the same property conveyed to Susan W. Ramey, femme sole, as and for her sole and separate equitable estate, by Deed from John M. Ramey, Jr. and Susan W. Ramey, husband and wife, dated March 25, 1981, and recorded in Deed book 413, page 318

BK 09 | 8 PG 0462

in the Clerk's Office of the Circuit Court of Fauquier County, Virginia.

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

TO HAVE AND TO HOLD the said land and premises, together with all rights, ways, appurtenances and easements thereto belonging, or in anywise appertaining unto the said Grantees and their successors in fee simple, forever.

The Grantor covenants that she is seised of the aforesaid land, that she has the right to convey said land, that the Grantees will have quiet possession of the same, free from all encumbrances, that the Grantor will execute such further assurances as may be deemed requisite, and that she has done no act to encumber the said land.

WITNESS the following signature and seal:

Susm & Farry (SEAL)

STATE OF VIRGINIA COUNTY OF FAUQUIER, to-wit:

The foregoing instrument was acknowledged before me this 1st day of 1st day, 2001, by Susan W. Rameyo divorced and not remarried.

Notary Publ

My Commission Expires:

Prepared by: Walker, Jones, Lawrence, Duggan & Savage, P.C.

C:\Forms\Daily\Ramey.ded

2

# BK0918PG0463

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF FAUQUIER, OCT - 1 2001 OCT - 1 2001

TESTE: Bail HBarb, CLERK

413. PAGE 318

1146

### THIS DEED

made and entered into this 25 and ay of M by and between JOHN M. RAMEY, JR. and SUSAN W. RAMEY, husband and wife, Grantors; and SUSAN W. RAMEY, femme sole, as and for her sole and separate equitable estate, Grantee;

Examined and Returned To:

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ADDRESS

MAILING

Windreston

WITNESSETH:

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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 Grantors do hereby BARGAIN, SELL, GRANT and CONVEY with GENERAL WARRANTY OF TITLE, unto the Grantee as and for her sole and separate equitable estate, all their right, title and interest in and 198 to the following described property, to-wit:

> ALL THAT certain lot or parcel of land containing 0.3193 acres and fronting on Winchester Street in the Town of Warrenton, Fauquier County, Virginia.

AND BEING the same property conveyed to John M. Ramey, Jr. and Susan W. Ramey, by deed from Anne H. Moore, widow, and Mariana S. Hamilton, unmarried, dated March 12, 1976, and recorded March 12, 1976, in Deed Book 326 at page 162 in the Office of the Clerk of the Circuit Court, Pauquier County, Virginia.

This conveyance is made expressly subject to easements. restrictions and rights-of-way of record or visible upon the premises constituting constructive notice.

It is distinctly understood that this conveyance is made to said Susan W. Ramey as her sole and separate estate, free and clear from the debts and controls or marital rights, including curtesy, of any present or future husband that she may have; she may encumber said property or convey same by her sole act without union of her husband in any deed that she may make

transfer of o a written separation

of 58-57 this tunt to Pursuant to Section 58 Code of Virginia, this property is pursuant tinstrument incident to or divorce.

MARTIN WALKER, JONES. LAWRENCE & LYNK, F.C. ATTORNEYS AT LAW CARTER KALL WARRENTON, VA 221 84

MOOK 413 PAGE 319

with reference thereto; and she will in all respects hold or dispose of said property just as though she were a femme sole.

This property is conveyed subject to a deed of trust against same made by John M. Ramey, Jr. and Susan W. Ramey, the Grantors herein, dated March 12, 1976, to W. N. Tiffany, Jr. and Daniel M. O'Connell, Jr., Trustees, to secure Anne H. Moore and Mariana S. Hamilton the sum of \$35,000.00 with a current unpaid principal balance of approximately \$28,865.65, recorded in Deed Book 326 at page 166. The Grantee agrees to assume and pay the same as part of the consideration of this conveyance as evidenced by her signature hereto.

TO HAVE AND TO HOLD the said land and premises, together with all rights, ways, appurtenances and easements thereto belonging, or in anywise appertaining unto the said Grantee and her successors in fee simple, forever.

The Grantors covenant that they have the right to convey said land, that the Grantee will have quiet possession of the same, free from all encumbrances, except as aforesaid, and that they, the Grantors, will execute such further assurances as may be deemed requisite.

WITNESS the following signatures and seals:

JOHN M. RAMEY, JR., Grantor (SEAL)

SUSAN W. RAMEY, Grantor (SEAL)

fram W. Ramey (SEAL)
SUSAN W. RAMEY, Grantee

890% 413 PAGE 320	
STATE OF VIRGINIA	
COUNTY OF Fauguier , to-w	dt:
The foregoing instrum	ent was acknowledged before me
this 25th day of March	, 1981, by JOHN M. RAMEY, Jr
Hon	NOTARY PUBLIC
My Commission Expires:	
2/26/84	•
STATE OF VIRGINIA	
COUNTY OF FAUQUIER, to-wit:	·
The foregoing instrum	ent was acknowledged before me
this 25th day of March	, 1981, by Susan W. RAMEY.
(ho	val Poll
My Commission Expires:	NOTARY PUBLIC
Virginia in the Clerk's Office of Fauquie	r Circuit Court APR 7 1981
This instrument was this day rec	
certificate admitted to record at	:46 P.M

Tax of \$ \_\_\_\_\_imposed by Section 58-54(b) Paid

Clerk's fee 10.00 Total 11.50 Teste:

State Tax 0, 50 County Tax \_\_\_\_\_ Transfer fee \(\(\ldot\)00

. Gyd. a Maeld

Just Litell sole undan, va

in 18 Sypher.

# Deed Book 262 to DBBD

THIS DEED made this 3rd day of September, 1970, by and between LAVINIA D. HAMILTON, party of the first part, and VINCENT O. JACOBS and P. NELSON BRITTLE, as tenants in common, share and share alike, parties of the second part.

IT. P.W. BLUCL WITNESSETH: That for and in consideration of the sum of TEN Marilya Blom DOLLARS (\$10.00), cash in hand paid by the parties of the second part. and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, at and before the signing, sealing, and delivery of this deed, the said party of the first part does hereby grant, bargain, sell and convey with GENERAL WARRANTY OF TITLE unto the said VINCENT O. JACOBS and P. NELSON BRITTLE, as tenants in common, share and share alike, parties of the second part, the following described real estate, to-wit:

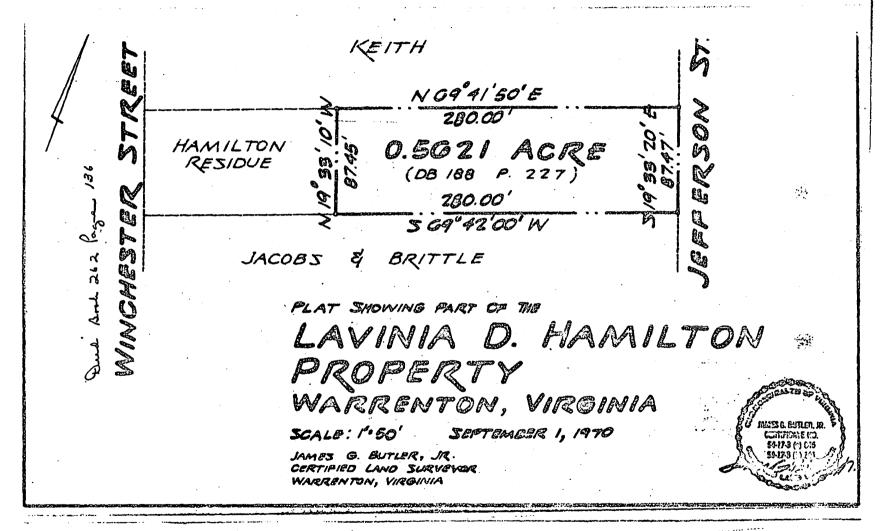
All that certain lot or parcel of land, lying and being situate in the Town of Warrenton, Fauquier County, Virginia, and containing, according to plat and survey of James G. Butler, Jr., Certified Land Surveyor, 0.5021 of an acre, which is hereto attached and hereby made a part of this deed; and the same being a portion of a larger tract of land which was conveyed to the grantor herein by deed of William R. Robins, Jr. and Lucille Robins, his wife, dated I September, 1954 and recorded in the Clerk's Office of the Circuit Court of Fauquier County, Virginia on 18 September, 1954 in Deed Book 188 at Page 229. Reference may be had to aforesaid deed, plat and survey and references therein contained for a further and more particular description of the real property herein conveyed.

TO HAVE AND TO HOLD the above granted lands and premises, together with all rights, ways, easements and appurtenances thereunto belonging, or in anywise appertaining, unto the said VINCENT O. JACOBS and P. NBLSON BRITTLB, as tenants in common, share and share alike, parties of the second part, in fee simple forever.

WITNESS the following signature and seal, the day, month and year first hereinabove written.

avinia D. Hamilton

57



Page 2 of 3

Due Book 262 Page 137

STATE OF VIRGINIA

COUNTY OF FAUQUIBR, to-wit:

IVEN under my hand this 4th day of September, 1970

Mary Fublic Koberts

Virginia: In the Clerk's Office of Fauquier Circuit Court, Scr.

This instrument was this day received in said Office and with certificate admitted to record at 10:12.

Tax of \$ 2,500 imposed by Section 58-54(b) Paid

Texte: House Clerk

00x 326 the 162

6 79 DEED

Etd + mailed 20: Diffany Diffar - Lewis Culpeper It. Warrenton, U. This March

30,197(

Sail I Barb

THIS DEED, made this 12th day of March, 1976, by and between ANNE H. MOORE, widow, and MARIANA S. HAMILTON, unmarried, hereinafter referred to as Grantors, and JOHN M. RAMEY, JR. and SUSAN W. RAMEY, husband and wife, hereinafter referred to as Grantees:

#### WITNESSETH

THAT FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantors do hereby grant, bargain, sell and convey, with GENERAL WARRANTY OF TITLE AND ENGLISH COVENANTS OF TITLE unto the Grantees as tenants by the entirety with common law right of survivorship all of the following described real estate, to-wit:

All of that certain lot or parcel of land containing 0.3193 acres and fronting on Winchester Street in the Town of Warrenton, Pauquier County, Virginia.

And being the same property conveyed to Lavinia D. Hamilton by William R. Robbins, Jr. and Lucille Robbins, his wife, recorded the eighteenth day of September, 1954 in Deed Book 188, Page 227. Lavinia D. Hamilton died intestate on the first day of February,1971 leaving as her sole heirs a brother, Hugh S. Hamilton and two sisters, Anne H. Moore and Mariana S. Hamilton, each acquiring a 1/3 undivided interest in said property. The 1/3 interest of Hugh S. Hamilton was conveyed to Anne H. Moore and Mariana S. Hamilton, as tenants in common, share and share alike, by deed dated the tenth day of July, 1972 and recorded the seventeenth day of July, 1972 in Deed Book 279, Page 143, among the land records of Fauquier County, Virginia.

BY Jaylor Schillen (SEAL her Attorney-in-Fact

Mariana S. Hamilton (SEAL)

60

#### POWER OF ATTORNEY

EDDK 326 FALE 153

KNOW ALL MEN BY THESE PRESENTS, that I, Anne H. Moore, of the city of Fredericksburg, Virginia. have made, constituted and appointed, and by these presents do make, constitute, and appoint TAYLOR S. CHILTON, of Remington, Virginia, my true and lawful attorney, for me and in my name, place, and stead, to ask, demand, sue for, recover, and receive, of and from all corporations, associations, and persons whatsoever, all and every sum or sums of money due and owing, or that may become due and owing to me on any and every account, whether due or to become due, and give receipts for the same, or at his discretion, to compound or compromise for the same, and give discharges; to release any deeds of trust securing payment of promissory notes payable to my order: to sign any bond, deed, obligation, contract, or other paper; to endorse, transfer and negotiate any certificates of corporate stock, or corporate bonds or debentures, to sell or transfer said certificates of stock or bonds; to draw upon any bank or banks or corporations, associations or individuals for sum or sums of money that may be to my credit, or which I may be entitled to receive, as I might or could do: to enter any safe deposit box at any bank which may be leased to me: to sell any part or parts of my real or personal estate, or any interests which I may have in any real or personal estate, wheresoever situated to make all necessary deeds and conveyances thereof, with all necessary covenants, warranties and assurances, and to sign, seal, acknowledge, and deliver the same; and to do all such other acts, matters, and things in relation to or any part of or interest in my property, estate, affairs, or business, of any kind or description, in . the the state of Virginia, or elsewhere, as I myself might or could do if acting personally. And I hereby ratify and confirm all lawful acts done by my said attorney by virtue hereof.

This power of attorney shall not terminate on disability, either mental or physical, of the undersigned.

Witness the following signature and seal this gid day of Much, 1976.

Anne H Moore (SEAL)

800x 326 ALE 154

STATE OF VIRGINIA

CITY OF PREDERICKSBURG, to wit;

I. Mandle, a Notary Public of and for the state and city aforesaid hereby certify that

Anne H. Moore, whose name is signed to the writing above, bearing date on the Mandle day of Market, 1976, has this day acknowledged the same before me in the city aforesaid.

My commission as notary public expires on the Mandle day of Market, 1976.

Given under my hand and notarial seal this Mandle day of Market, 1976.

800x 326 FALE 155

STATE OF VIRGINIA, COUNTY OF FAUQUIER, to-wit:
I, Xandre Sennes Selvey, a Notary Public in and for the
County of Fauquier, State of Virginia, whose commission expires on the
day of April , 1979, do hereby certify that Taylor S. Chilton
, whose name is signed as Attorney-in-Fact for Anne H. Moore,
Widow, to the foregoing Deed bearing date of March 12, 1976, has acknowledged
the same before me in my County and State aforesaid.
Given under my hand and seal this 1274 day of March, 1976.
Lander Venus Silvey
Notary Public
STATE OF VIRGINIA, COUNTY OF FAUQUIER, to-wit:
I, Landen Vennis Alvey, a Notary Public in and for
the County of Fauquier, State of Virginia, whose commission expires on the 2/4
day of April , 1979, do hereby certify that MARIANA S. HAMILTON,
whose name is signed to the foregoing Deed bearing date of March 12, 1976, has
acknowledged the same before me in my County and State aforesaid.
Given under my hand and occit this 12 to day of March, 1976.
$\mathcal{L}_{\mathcal{L}}}}}}}}}}$
Landra Oceans Selvey Notary Public
Virginia: In the Clark's Office of Venner Co.
Virginia: In the Clerk's Office of Fauguler Circuit Court, Thank 12,1976 This instrument was this day received in said Office
and with certificate admitted to record at 2:48p.m.
Tax of \$ 50,00 imposed by Section 58-54(b) Paid
Texto: HEconomy

BOOK 279 PAGE 143

1482

THIS DEBD OF GIFT, made this 10th day of July, 1972, between HUGH S. HAMILTON and LOUISE BALL HAMILTON, his wife, GRANTORS, and ANNE H. MOORE and MARIANA S. HAMILTON, as tenants in common, share and share alike, GRANTEBS, WITNESSETH:

WHERBAS, the late Lavinia D. Hamilton died intestate on the first day of February, 1971, owning the lot or parcel of land hereinafter described, and left surviving her as her sole heirs-at-law a brother, the said Hugh S. Hamilton, and two sisters, the said Anne H. Moore and Mariana S. Hamilton, said brother and the said two sisters thereby each inheriting a one-third undivided interest in said lot or parcel of land; and

WEREAS, the Grantors desire to give and convey unto the Grantees all of the said Hugh S. Hamilton's one-third undivided interest in said lot or parcel of land;

NOW, THEREFORE, in consideration of the premises, the Grantors do hereby give, grant and convey, with SPBCIAL WARRANTY OF TITLE, unto the Grantees, as tenants in common, share and share alike, all of the following described real estate, to-wit:

All of the right, title and interest of the said Hugh S. Hamilton, the same being a one-third undivided interest, in and to that certain lot or parcel of land, together with improvements thereon, situate in the Town of Warrenton, in Centre Magisterial District, Fauquier County, Virginia, fronting on Winchester Street, and being a portion of a 38,395 square foot parcel of land which was conveyed to the said late Lavinia D. Hamilton by deed of William R. Robins, Jr., and wife dated September 1, 1954, recorded September 18, 1954, in Deed Book 188, Page 227, in the Clerk's Office of the Circuit Court of Fauquier County, Virginia, and being that portion of said 38,395 square foot parcel of land remaining after deducting therefrom that part of said 38,395 square foot parcel of land which was conveyed to Vincent O. Jacobs and P. Nelson Brittle by deed of said Lavinia D. Hamiltom dated September 3, 1970, recorded September 4, 1970, in Deed Book 262, Page 135, in said Clerk's Office.

o: Taylor S Chitar RtliBox 75 Remington Va 22734 End a Marked

5:

Gylos 1.

Chietm

Rt 1 Buy 75

Raming Ton, Va

32734

this 2 Aug. 197

Marilyn Baan

0-C

BOOK 279 PAGE 144

TO HAVE AND TO HOLD the above mentioned one-third undivided interest in said parcel of land, together with all rights, ways, easements and appurtenances thereunto belonging, unto the Grantees, as tenants in common, share and share alike, in fee simple.

WITNESS the following signatures and seals.

bitnessi Beatrie Lee Brook Jayfablalla HUGH S. HAMILTON

Louise Ball Hamilton

her Mack (SBAL)

STATE OF VIRGINIA

CITY OF FREDERICKSBURG, to-wit:

I, <u>Sertice Lee Brook</u>, a Notary Public in and for the City of Fredericksburg, State of Virginia, do certify that Hugh S. Hamilton and Louise Ball Hamilton, whose names are signed to the foregoing deed of gift dated the 10th day of July, 1972, have each acknowledged the same before me in my City and State aforesaid.

My commission expires the 27th day of January, 1973.

Given under my hand and NOTARIAL SBAL this 12th day of 144 1972.

Beatric Le Scort

Virginia: In the Clerk's Cifice of Fauquier Circuit Court, 17 July 1972.

This instrument was this day received in said Office and with certificate admitted to record at 11:07 Am.

Tax of \$ \_\_\_\_\_ imposed by Section 58-54(b) Paid

Tosto: H. L. Pears on Clork By Wom Do Harris, Dep. Clark ment of insurance premiums or taxes, as hereinafter provided, then, and at any time thereafter, as soon as requested by the holder of the debt or of any part thereof, herein secured, whether the whole of the debt be then due or not. (it being fully understood and agreed that default being made in the payment of any part of said debt, or of any renewal, or part thereof or of the interest, or of the insurance premiums, or taxes, or any part of either, the whole of said debt including insurance premiums and taxes, shall then be taken as due and payable); said part ies of the second part shall proceed to sell the said described land and premises, at public auction, to the highest bidder,—said sale to be in conformity with, and upon the terms as set forth in Secs. 55-59 and 55-60 of the Code of Virginia, 1950, and amendments thereto, provisions of which said sections are hereby referred to and made a part of this said deed of trust, except the commission to the trustee shall be five per cent upon the gross amount of said sale and except that should said property be offered or advertised for sale by the trustee acting under this trust and be withdrawn from sale by reason of any agreement between the parties hereto, or by reason of the compliance of said part ies of the first part or any one for them with the terms of the obligation secured then the trustee so acting shall be entitled to a commission of two per centum upon the total amount of the debt secured hereby for services in that behalf which con mission, together with the costs of advertising, shall be paid by the said part ies of the first part do a commission of the contract of the said part.

AND THE SAID PART TES of the first part do a beauty agreement the taxes.

per centum upon the total amount of the debt secured hereby for services in that behalf of the first part.

AND THE SAID PART IES of the first part do hereby agree at their own costs, during the continuance of this loan, and until the same is full paid and satisfied, to reep all buildings and improvements thereon finsured against loss by fire or lightning, for their full insurable value, and to have said insurance endorsed for the benefit of the said party—of the third part, who shall, at its option in case of loss by fire, apply the money so received, to the payment of the debt herein secured, whether due or not, or in rebuilding upon the same property,—said new buildings to be likewise insured, and also to pay all taxes that may become due or be assessed against said land and buildings, during the continuance of this trust; and that upon any neglect to so insure, or pay taxes, any party secured hereby may have said buildings insured, pay the premiums thereon, and pay said taxes, and the expense so paid shall be added to and be a charge hereby secured and bear interest from the time of said payments.

It is stipulated, covenanted and agreed by and on behalf of the parties hereto that no standing timber shall be cut from said premises nor removed therefrom except for necessary repairs of buildings and fences located on said premises and/or for the use of fivewood without the consent in writing of the trustee herein named and that no sod or topsoil shall be sold off of the premises. It is hereby further mutually understood and agreed that any violation of this particular covenant and agreement by the said parties of the first part or agents or employees shall constitute a default on the part of and by the parties of the first part or agents or employees shall constitute a default on the part of and by the parties of the first part and thet upon said default the whole of said default and the part ies of the second part shall have the right to proceed to sell the said described land and premises in the manner and

Mary ann Schwab (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF VIRGINIA,
COUNTY OF FAUQUIER, TO-WIT:

I,

in and for the county and state aforesaid, whose commission expires on the
of Leplander 1950 do hereby certify that Erne a Notary Public 1950 do hereby certify that Ernest C. Schwab and

Mary Ann Schwab, husband and wife,

whose name s are signed to the foregoing DEED OF TRUST, bearing date on the 17th day of September 1954, have acknowledged the same before me, in my county aforesaid.

GIVEN UNDER MY HAND, this the day of September, 1954.

Jork's Office of Fauquier Circuit Court. 17 205 1954

This deed of Trust was this day received in as Office and with certificate admitted to record at 18:45A.M.

Teste. A. L. Clarson Sychest day of September, 1954. Notary Public.

The foregoing Deed of Trust has been fully paid and satisfied.
The Peoples National Bank of Wanenton, Vo.
Vofacots asst-Our Bresident

Signature attested and Bond

secured herein exhibited to me cancelled, this 16 april 1964

Clerk William D. Harris, Deputy

948 THIS DEED made this 1st day of September, 1954, between William R.

and delivery of this deed is hereby acknowledged, the parties of the first part all of the following described real estate, to-wit:

All of that certain lot or parcel of land lying and being situate in the Town of Warrenton, Fauquier County, Virginia, and fronting on Winchester Street, and containing 38,395 square feet according to plat and survey of R. M. Bartenstein,

WM R ROBINS JR

TO (B & S

LAVINIA D HAMILTON

Exat mailed To Lavinia II. Hamilton ally Warrenton, Va law 80 J 1954

T.E.B. COMS By MPH

66

C.C.E., C.L.S., dated August 30, 1954, which plat and survey are attached hereto and made a part of this deed. Said real estate hereby conveyed is a portion of the property which Fanny Baylor Britton, by her last will and testament dated January 5, 1925, probated and recorded May 28, 1929 in Will Book 50, Page 199, in the Clerk's Office of the Circuit Court of Fauquier County, Virginia, devised to her "niece Josephine Knox Robins and at her death to her son Willie Randolph Robins" with a provision that testatrix's sister, Natillie Hurxthal, should also have a life estate in said property. The said life estates have terminated by the death of Natillie Hurxthal several years ago and by the death of Josephine Knox Robins on May 19, 1954. The said William R. Robins, Jr., is the same person designated in the aforesaid will as Willie Randolph Robins. The real estate hereby conveyed is a portion of the property which was conveyed to Anne B. Horner, Mary J. Horner, Fanny B. Horner and Natillie Horner by deed of Joseph Horner dated August 16, 1867, of record in Deed Book 60, Page 336, in said Clerk's Office, the interests of Natillie Horner (who intermarried with John A. Harrington) having been acquired by John Elodget Britton (who intermarried with the said Fanny B. Horner) by deeds of record in Deed Book 68, Page 385 and Deed Book 68, Page 502, in said Clerk's Office, the said John Blodget Britton having thereafter, by his will dated November 19, 1898, probated and recorded April 25, 1899, in Will Book 12, Page 350, in said Clerk's Office, having devised his interest in said real estate to his wife, the said Fanny Baylor Britton, and the said Fanny Baylor Britton having thereafter acquired the outstanding interest of the said Anne B. Horner by deed dated May 28, 1910, recorded in Deed Book 104, Page 7, in said Clerk's Office.

# ROBINS PROPERTY

SURVEY BY R.M. Bortenstein Va. CCE, CLS \$549

DATE Augus/ 30,1954 SCALE / "60'0"

Wind State 1: 600

Wind State 1: 600

Reith

38, 395 Sq. Ft.

At the request of Wallace N. Tiffany I made a survey of a portion of the property acquired Will Book 50, page 499, Fauquier County Virginia Records; said survey being based on a description found in Deed Book 60, page 336, Fauquier County Virginia Records. The said tract lying within the town of Warrenton, Virginia is described as follows:

Beginning at (A) an iron pipe corner to Robins and in a fence line bordering Winchester Street, thence generally with said fence, along Winchester Street, N19°46'00"W 87.83 feet to (B) an iron pipe set at the base of a fence post corner to Keith, thence leaving Winchester Street and with Keith, generally with a fence, N69°29'30"E 438.26 feet to (C) an iron pipe corner to Keith and in the fence line on the edge of Jefferson Street, thence along Jefferson Street generally with said fence S19°33'20"E 87.47 feet to (D) an iron pipe corner to Robins, thence leaving Jefferson Street and with Robins, this line not being fenced, S69°26'40"W 437.95 feet to (A) the point of beginning, said tract containing 38,395 Square Feet.

SURVEYOR'S NOTE: Street lines are subject to revision, due to inadequacy of present town of Warrenton surveys and markings.

DB 188, Pg 228

229

Except as to public utility company easements and rights of way of record, if any, the parties of the first part covenant that they will WARRANT GENERALLY the aforesaid lot or parcel of land hereby conveyed.









William R. Robins Tr. William R. Robins, Jr.

STATE OF OKLAHOMA OKLAHOMA, to-wit:

I, Carolyn Hanson, a Notary Public in and for the County (tity) of Oklahoma, State of Oklahoma, whose commission expires the 24 day of april, 1955, do hereby certify that William R. same before me in my County (tity) aforesaid.

Given under my hand and notarial seal this 7 day of September,

Carolyn Hausen

terk's Office of Fauguier Circuit Court, 18 Sept 1954 This deed Set downway was this day received in said office and with certificate admitted to record at 10:55 A.M.

Teste: T. E. R. Wlinden

949

THIS DEED made and entered into this the 18th day of September, 1954, between Mary Louise Russell, (widow), party of the first part, and Aaron C. Gaskins and Mildred A. Gaskins, husband and wife, as joint tenants, with the common law right of survivorship, and not as tenants in common, parties of the second part.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10,00), and other valuable consideration moving between the parties hereto, and paid by the parties of the second part, to the party of the first part, the receipt whereof, at and before the sealing and delivery of this deed is hereby acknowledged, the said party of the first part has bargained and sold, and by this deed does hereby bargain, sell, grant and convey with GENERAL WARRANTY OF TITLE unto them, the said parties of the second part, as stated, the following described real estate, to-wit:

All of that certain lot or parcel of land, lying and being situate in Marshall Magisterial District, Fauquier County, Virginia, on the Road leading from Markham to Front Royal, and located at or near Petersburg, and containing by plat and survey made by Fred Bartenstein, S. F. C., and hereto attached and made a part of this deed, 2.164 acres; it being a part of Lot No. 2, in the Smith Subdivision, which was conveyed to the said Mary Louise Russell, by R. L. Cutright and Eva Louise Cutright, his wife, by deed dated the 24th day of August, 1938, and recorded in the Clerk's Office of the Circuit Court of Fauquier County, Virginia, in Deed Book 146, at page 323; and to which said deed and plat above referred to reference is hereby had for a more particular description of the property hereby conveyed.

TO HAVE AND TO HOLD the above granted lands and premises, together with all rights, ways, easements and appurtenances thereto belonging or in anywise appertaining, unto them, the said Aaron C. Gaskins and Mildred A. Gaskins, husband and wife, as joint tenants, with the common law right of survivorship, and not as tenants in common, their heirs or assigns, in fee simple forever. WITNESS the following signature and seal.

Many Louises Bush (SEAL)

MARY L RUSSELL TO (B & S AARON C GASKINS Edde + delinered to garan Hasking R. H. Hidden This By 1963 Johnson For Plat + Survey see Deed Book

491 19

477

DB188, 68 eed. Payne Wergenia his wife of the one part and Henry Welliams, Charles Hughes & Sant. morung to gan, trustees for the freedmen of Warrenton of the other hart, all of the Country of Franquise recomen & State of Virginia. Witnesses that the parties of the first part for and in Consideration of the sum of Four hundred dollars to them in hund paid the receipt of which is hereby acknowledged do by these presents grant burgain and sell alien, release and convey unto the parties of the second part a certain dot of land fronting fifty feel on Calhour Street in said town and running buck one hundred feet and bounded as follows, commencing at a stone fourteen feet from the South eastern corner of mr. Richardson's lot on Calhoune Street + running thence in southern direction fifty feet along the line of said street to another stone, thereo by a straight line across, towards South first street at right angles with bachoun street, a distance of one hundred feet, to a third stone, thereo north, in a line parallel with the line bronting on Cathour Street, a distance of fifty feet to a fourth stone, thereo along the Southern boundary line of a fourteen boot ally sep-- arating the above granted Lot from the Late of mr. Richardson + mr. menifes to the beginning corner. To have and to hold the above granted property with all the privileges and appurlenances thereunto appertaining unto the parties of the seams part their survivors and successors forever in fee simple. And the said Rice It Payno for himself this heirs and for his said wife and her heirs covenants with the parties of the sec-- one part that he will warrant generally the premises hereby conveyed. As witness the following signatures obseals.

Revenue Stamp 50 cents >

Rico M. Payne State

Verginia Payne Sial

Courts Office of Fauguer County Court August 12 ch. 1867

This Dud, stamped with fifty cents Internal Revenue Stamps, properly cancelled, was acknowledged before me with paid Office by R. M. Payne and Virginia, wife of said RH. Payne being examined by me in the said Office, privily and apart from her said husband and having the deed aforesaid fully explained to her acknowledged the same to be her act and deed, and deel and that she had willingly executed the same and wished not to retrack it, whereupon the paid deed was admitted to record.

mus A. Jennings, Clut.

This deed made this 16th day of Angush (867 between Joseph Horner of the ced. first part and Anne B. Horner many J. Aformer Panny B. Horner and nottle a Horner me Bot of the second part. Notnesseth, that for and in consideration of the sum of Four Phous and Dollars in hand paid by the said Anne, many, Fanny + "Nattilian Horner to the said South Horner the said party of the first, doth grant buying archive the top presents unto the said parties of the second part are of that lot of land lying archive the Corporate limits of the town of Namenton County of Fauguier State of Verginia, or which the said Joseph Horner now recedes, and bounded as pollows. Deginning at the intersection of Ninchester and deargonal streets, near the South corner of the Law Office themse with the last named Street 533 feet to the Fauguier and Alexandrice Termpho Road - thense with the said rad 552 best to a proposed Street to be cause Boundary Street - Thense along the same about west 276 bt to the Corner of lot now owned by More Brands - thense with her line 438 feet to an original corner between Edmonds and Horner - thense with the line 438 feet to lot, 45 best on Jeffers if these and 456 feet to Weinchester These and thense along

Wenchester Street to the beginning, 262 feet; supposed to contain 63/4 acres, be the same more or less - The said Horner grants unto the parties of the second part, the right of conduc ting the water from the spring branch near the n. E. corner of said lot, into said corner, for the purpose of using the water whenever the parties of the second part may desire. The eard Joseph Horner warrants to the said parties of the second part, generally, the aforesaid bargains premises, except the contingent interest of mr? Sources Horner in the two acres on which the mansion house is situated, and covenants that he will execute such further assurances of the same to their heirs or assigns as may be requierte.

Witness the following segnatures and seals

Witness - G. M. Knop

{ Revenue Stamps \$4.00}

Freph Homer Deal

E. B. Horner.

Clark's Office of Fanquier County Court August 16th 1867.

This deed, stamped with Four dollars Internal Revenue Stamps properly cancelled was acknowledged in the said office by Joseph Homer and admitted to record.

Im A Jannings Clark

Ino. H.

This Indenture executed this 17th day of August 1867 between for the Hinks of 3 Trust the one part, Rice M. Payne trustee of the second part, and alex D. Payne quardian of Charles e R.M. Robert F. Edward b., many B, Eliza and Longhborough Turner, infant children of Edward lo. Turner & his late wife Saral, all of the Country of Fauguier & State of Virginia. Whereas the party of the Chird hart has this day loaned to the harty of the first part the sum of seven hundred + twenty one Dollars + thirty three cents, evidenced by his note under seal bearing even date with this Indenture payable twelve months after date with interest from date paya - ble annually: and whereas it is hereby distinctly, and positively understood by and between the parties of the first and there part, that the further sum of Six hundred Dollars shall be loaned by the party of the there part to the party of the first part within the space of six months from the date of this Indenturo, whon a credit of eighteen months or two years brow the date of this Indenture, to be evidenced in like manner as above by the note under seal of the party of the first part, and to bear interest and date on the day and year of the said second loan, to be recognized by said truster, and secured as hereinoften provided for in respeat to the aforesaid loan of seven hundred and twenty one Dollars and thurly three cents; that is to say that the said second loan of six hundred dollars, hereafter by this agreement to be made by the party of the third to the party of the first part is and is hereby provided to be secured in the same and as ample a manner as the final loan before described is hereby secured whom the real estate hereinafter described and conveyed for these purposes. and whereas it is the wish of the party of the first part to secure alike the Land loan now made and the second loan afores and hereafter to be made, and the interest accumulating thereon: Now therefore this Indenture witnesses that for and in consider enalism of the premises and for the further consideration of ten dollars to the party of the first part by the party of the second part in hand paid, the receipt of which is hereby as-Knowledges, he the party of the first part doth hereby grant, burgain there, alien, releases and convey unto the said trustee a certain House & Sol in the said town of Warrenton County Atalo aforesaid, Known as the residence of the party of the first part, situated 1018 60, on mith Street & nearly ophosite the residence recently purchased by Gen. Eppa Hunton from M. H. Jaines, it being the same conveyed by deed of bargain Isale from James m In Leaven twife dated August 1st 1842, duly recorded in Clarke Office of Frange

Pa337

any whose names are organicated the writing above bearing date on the tenth day of October 1870, personally appeared before us in the County afore said and being examined by us privily and apart from her husband and having the writing aforesaid fully explained to her. One, the said Emma 6. acknow. led ged the said writing to be her ack and declared that she had willingly executed the same and does not wish to reliast it given under my hand this 10" October 1870.

A.f. Pan J. P. Jas: D. Thomsen J. P.

Clerk's Office of D'auquier County Court- 29" June 1877-Blis Deed was this day received in said Office and with the cer-tificates thereto ordered to be recorded.

teste: R. D. Downmancel.

Hurs thall geo: 1 nex. This Deed of Conveyance made the Iwenty Fifth day of June A.D. 1877- between George albert Herr that and nattilianis wife afthe town of Warrentonin the County of Frauguier and State of Virginia afthe first part and John Blodget Britton afthe City of Philadelphia and Dtate of Pennsylvania of the Second park It itrepeth that for and in consideration of the sum of One Thousand dollars in hand paid by the party of the second part the receipt whereof is hereby acknowledged they the said no: B. Britton parties of the first part do by these presents grant, bargain, well and convey to the said party of the Second bart his heirs and apigns one undivided fourth part of all of that lot or siece of ground now occupied by Joseph Homer Eage and lying within the Corporate limits of said town of Karrenton, and described and bounded as follows: Beginning at the Dew 1877 - Downma intersection of Kinchester and diagonal streets near the South corner afthe law Office Clark of said Homes, thence with the last named street 553 feet to the Danguier and alex andria Jumpike Road - thence with said road 562 feet to a proposed street to be called Boundary Otreck, thence along the same about West 296 feet to the corner aga laknow or lately owned by Mrs Brandt, thence with her line 438 feet to an original corner between Edmonds and Homer, thence with the line of R. Faylor Scotts lot 45 feet on Jefferson Street and 456 feet to Kinchester Street and thence along Kinchester Street to the beginning 262 feet and Supposed to contain 6 % acres be the same more or lep. Fogether with the right of Conducting the water from the spring branch near the north East corner, for the of using the said water whenever the said party of the Second part his heres and apigns may desire. And together with all other rights and privi-

leges thereto belonging or appertaining. The gaid premises being subject to the contingent interest of Mrs donisa Horner in the two acres on which the mansion house is erected. Being the same premises and rights subject as aforesaid, which Joseph Horner by deed dated the 16 day of August 1867 and admitted to record on that day in the blacks of fice of Dauguier County bourt in the State of Virginia granted and Conveyed in fee unto his four daughters Anne B., Hary J., Franny B., and the and Mattilia - The said Kattilia having since become the wife of g. A. Hursthally and the said parties of the first part Covenant that they and each of them will execute such further apmances of the same to the party afthe Second part his heirs and apiens as man be requisite. In witness whereof they have here unto set their hands and seals the day and year first above willen Witnespes present. Note-the words and hattilia Geo. A. Hurrtha ges A Hunthal weal his wife" over 3 line from the top interlined Nattilia Hursthal seal before Digning. R.A. Downman Cel. Virginia - Fauguier County - Det:

I. R. H. Downmance of the bounty bourt for Fauguier bounty in the Dtate of Virginia, certify that G. A. Hurthall whose name is signed to the foregoing writing dated June 25 1877, has acknowledged the same before me in my said bounty - and I further certify that Nattilia Hursthal the wife off. Acknowledged the same before me in my said bounty - and I to the foregoing uniting dated June 25 1877, this day came personally before me in my said bounty, and being by me examined privily and abart from her said husband, she the said Nattilia Hursthal after having said writing fully explained to her, acknowledged the same as her acknowledged the same declared she had willingly executed the same, and wished not to retract it. Given under my hand this 25 June 1877.

R. H. Downmancek.

Clerk's Office of Fauguier County Court - 5" July 1877 -This Deed was this day received in said Office, and with the certific= cate thereto admitted to record.

teste: R. H. Douman Celle

This Deed made and entered into this 30° day of June 1877-between G. M. A. Heedon and Anna his wife, Parties of the first part and Mrs Virginia 2. O. Green of the Decond part all of the County of Prince William and State of Virginia, Wiknepeth that for and in consideration of the Dum of One Thousand Dallais cash in hand to them, paid the receipt abwhich is hereby acknowledged the said parties of the first part have bargained bald aliened and conveyed and by these presents do have first part have bargained bald aliened and conveyed and by these presents do 3. bargain, bell, alien and convey to the oxid Virginia 3: 3. Green with general warranty a certain lot of Sand in the Country of Faceguier and Olate of Virginia lying on both sides of the road from Domersel Mills to Markham and in the Village of M. Channsville containing there acres more or less and adjoining the lands affer D. Sterndon J. P. Thomas and others and being the same land conveyed to the said & A. A. Keedon by I P Thomas which conveyance is recorded among the land records of mangier bounty bourk. Witness the following signatures and seed the day regean first above mentioned.

Virginia

C. A. S. Keedow Exall Anna Weedow Teal

Bounty of Prince William to wit:

Sounty of Prince William to wit:

of Virginia do certify that & M. & Keedow, whose name is signed to the deed herewato annexed bearing date of June 30, 1877, has acknowledged the same before me in my bounty aforesaid. And & further certify that Anna Keedow, wife of B. M. A. Weedow whose names are signed to the deed hereunts annexed bearing date of June 30, 1877

as the said Clopton shall designate or the said Payre shall think proper and from the proceeds of said sale after first paying the costs and expense of this trust, the said trusted shall pay to said Latham his Exon admis or assigns, the amt in full of said bond principal & int due and impaid, and the balance if any, he shall pay to said Clopton his Exois admi or assigns but if there be no default in the payment of either principal or interest of said bond then this Indentine shall be null and void otherwise of full force and effect - Witness the following signatures & seals - N.A. Clopton sessions

Virginia Fangerei County to wit;

2 a. R. Bartenstein Deputy Clerks of Fangere County
Count. do certify that A. a. Colopton and a. D. Payne whose names are
signed to the foregoing writing dated 23" Octo 1877 have acknowledged
the same before me in my said County - Given inoder my hand this
23" day of Octo 1877 - a. R. Bartenstein D.C.
Celerks Office of Pangerei County Court Octo 23" 1877-

With certificate thereto admitted to record.

ito R. D. Downman Clk.

asus this deed of conveyance made the third day of July a.D. 1877 - between Ino a. Harrington and Many Josephine his wife of the Down of Groesbeek Limistone Country, in the State of Texas of the first part and John Bladget Button of the City of Philadelphia in the State of Pennsylvania of the second part - Witnesseth that for and in consideration of the sim of one thousand dollars in hand paid by the party of the second part, the receipt is where of is hereby acknowledged, they the said parties of the first part do by second part his heris and assigns, one undivided fourth part of all of Out that lot or prece of ground now occupied by Joseph Horner Esq and lying within the corporate limits of the town of Warrenton Country of Fanguir and State of Virginia and described and bounded as follows Beginning at of the law Office of said Horner, thence with the last named street 553 feet to the langue & alexandra turngike, thence with the said road 562 feet to a proposed street to be called Boundary Street, thence along the same about west 296 feet to the corner of a lot now or lately owned to Mrs Brandt, thence with her line 438 feet to an original corner between Edmonds and Horner thence with the line of R. Paylor Scott lot 45 feet on Jegferson Street and 456 feet to Winchester Street and thence along Winchester Street to the place of beginning 262 feet and supposed to contain 6 % acres be the same more or less Together with the right of conducting the water from the spring brane near the north each corner of each lot into and within the said corner for the purpose of using the said water, whenever the said party of the second part his heris or assigns may desire and together with all other rights and privileges there ento belonging or appertaining. The said premises being subject to the contingent interest of this Louisa Horner in the two acres on which the mansion house is exected - Bern's the same premises and rights, subject as aforesaid which Joseph Horner by dead dated the 16th day of august 1867 and admitted to record on that day in the Clerks Office of Fanguein County Court in the State of Virginia granted and conveyed in fee unto his four daughters anna B. Many J. Farmy B. and hattilia Harner The said many J. having since become the wife of John a. Harrington aforesaid and the said parties of the first part covenant that they and each of them will execute such further as sur ances

PB 68,

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of the same to the party of the second part his heris and assigns as may be required. In witness whereof they have hereinth set their hands one seals the day and year first above written -

nitueses present

man J. Harrington (sent)

J. D. Walker

County of Simulatione ? State of Pexas 3

Im. T. Johnson Clerk of District Court in the Comby and State afreeward do hereby certify that John a. Havington and Many J. his wife, parties to the foregoing deed dated the third day of July 1811 personally appeared before me in the Country afree aid and aerenally acknowledged the same to be their act and deed and desired me to certify the said acknowledgments to the Clerk of Tangerie County and in the State of Verginia - and I do further certify that the said thay for being examined by me privily and apart from her husban a cird often having the deed aforesand fully explained to her, she the said thay I acknowledged the same to be her act and deed and declared that she had willingly evigned realed and delivered the same and she wished not to wheat it when withen the third day of July 1871-

Notarial Seal

Clerk Destrict Comb Similar County Texas

Colorko Office of Fangerin Country Court Och 24"1877.

This Deed was this day received in

said Office and with certificate there to admitted to recorde Vesto. R. H. Downman

Clark -

M. O.

Male to V

M. Oler at

Decr. 1177 C

سئل

This Deed made the 22° day of October in the year one thousand light hundred and seventy seven. Retiren Samuel Grant of Fangueir Country and State of Virginia party of the Just part and A. O. Chaughtow of Washington I. E. party, of the second part, thetheseth that the Raid party of the property to wit; two lots membered 11th and 11 B. containing cach ten acres being the came premises convend on Commercian Pollock & Mitchell in the wint of Tasket & Fox legaters or densies of John Tox decess to austin Chay man and others. Also dot humber 22 a. containing an acres which lot is derived in same way as above. Also lot to 21 a containing ten acres which lot was derived in warm name in advise set porth. And also lot to 11 C. containing ten acres which lot was derived in warm names in allow set from Fox acres which lot was derived in warm names in allow set forth. And also lot to 11 C. containing ten acres said lot being derived through some source as others; all of said lots are situated in the County of Fangueir and State of Ving inia on what is known as the Home Pract of and form Fox acres and for more particular description of rules and bounds of said lots required is hereby made to the deads of commence to said lots require is hereby made to the deads of commence to said lots require of the Club of the County County of Fangueir County. Calso a certain lot of lond lying and situate in the County of Fangueir on known as lot to 22 6. Norme tract lumit the same premises conveyed to lead bearing by Collock & Mitchell Commissions in the enit of Packet to For by deed bearing date. 2nd of December 1875 and of record in the Offici of the Club of Fangueir County falls.

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## MINUTES OF THE BOARD OF ZONING APPEALS OF THE TOWN OF WARRENTON HELD ON APRIL 1, 2003

The regular meeting of the Board of Zoning Appeals of the Town of Warrenton was held on April 1, 2003 at 5:00 p.m. in the Municipal Building.

The following members were present W. Hunt Cheatwood, Chair; Kenneth R. Harmon, Vice Chair; A. William Chipman, III; Ralph Monaco, Jr.; Keith Selbo; C. Christopher Mothersead, Director of Planning and Community Development.

Mr. Cheatwood called the meeting to order and a quorum was established.

### Approval of the December 3, 2002 Minutes

On a motion by Mr. Monaco and second by Mr. Selbo the minutes of the December 3, 2002 meeting were approved as presented.

### Public Hearings:

### BZA #03-03

Application for a variance to Section 8-2 of the Town of Warrenton Zoning Ordinance to authorize a rear yard setback of 15.8 feet for a single-family dwelling, where a minimum twenty (20) foot setback is required. The property is located at 750 Race Course Road (Lot 166) in Olde Gold Cup Subdivision (GPIN 6974-98-1833).

Mr. Mothersead gave a brief history of the property. Mr. Mothersead advised that it was discovered upon application of the Certificate of Occupancy that the setbacks for the property were misinterpreted at the time of issuance of the building permit. Mr. Mothersead commented that due to the orientation of the lot it was difficult to determine the front from the side yard designations. The original determination was that the lot possessed one continuous front yard with two side yards and no rear yard. However, the lot clearly had frontage on two streets and contained a rear lot line opposite the frontage that required a rear yard setback. The Planning Staff recommended that the variance be approved based on the misinterpretation of the orientation of the setback delineations of the lot.

Mr. Mothersead advised that the Applicant had made every effort to find other means of resolving the situation without a variance - to no avail. The Applicant had talked to the adjacent property owners and they did not have a problem with the variance request as long as it did not alter or affect their property, even with reasonable compensation.

Mr. Cheatwood opened the public hearing at 5:07 p.m. and inquired if anyone desired to speak.

Mr. Merle Fallon, Attorney for the builder/owner, submitted for record a copy of a letter to Mr. Mothersead regarding the property with his interpretation of the situation. Mr. Fallon recommended approval of the variance as not being self-imposed and having no other remedy.

Mr. Fred Gosain, builder advised that a permit was submitted for the construction of the home in good faith and inspections were made. Had the Town advised them sooner, the house could have been engineered and sited differently.

Mr. Mark William Oemler, contract owner, asked for approval of the variance. His prior house was sold and his family was living in a motel.

Hearing no further comments, Mr. Cheatwood closed the public hearing at 5:13 p.m.

Mr. Harmon made a motion to approve the variance as a unique lot configuration and without option. Mr. Selbo seconded the motion. The motion passed by a vote of 4-0, with one abstention (Mr. Chipman requested recusal).

#### BZA #03-04

An appeal of an administrative determination by the Town of Warrenton Zoning Administrator in accordance with Section 6-3.3 delineating the boundary of the zoning district between the Central Business District and the R-6 Residential District as applied to the property at 47 Winchester Street, corner of Diagonal Street (GPIN 6984-44-0404). The property owners, Keith Macdonald and Ceres Artico, request a clarification of the boundary as applied to their parcel as provided for in Article 29, Section 29-7 of the Zoning Ordinance.

Mr. Mothersead briefed the Board regarding his staff report and plat of the property. He referred to the Official Town Zoning Map as clearly and plainly demonstrating the route and easily determined location of the zoning boundaries that affect the subject parcel. A determination by the Board is requested as to whether the map supports that the property is split between R-6 Residential District and CBD, Central Business District or is wholly CBD to the property line as claimed by the Applicant.

Mr. Cheatwood opened the public hearing at 5:22 p.m. and inquired if anyone desired to speak.

Mr. Keith Macdonald gave a brief history of the property and advised that for the last 15 years that his property was interpreted as being in the Central Business District. He cited numerous conversations between Town Officials and representatives of the property that the CBD district line followed the property line and did not split the parcel with two zoning classifications. He offered a copy of the county GIS map showing the Town zoning designations. Mr. Macdonald cited Section 6-3.2 of the Zoning Ordinance as evidence that the zoning boundary interpretation should follow the lot line, not the line shown on the zoning map.

Hearing no further comments, Mr. Cheatwood closed the public hearing at 5:35 p.m.

Mr. Chipman questioned the use of Section 6-3.2 in this circumstance and Mr. Harmon asked Mr. Macdonald why he did not use Section 6-3.3, which is directly related to the question at hand. Mr. Macdonald indicated that the map scale did not allow for proper interpretation of the boundary.

The members rose to inspect the zoning map. Mr. Cheatwood identified that the adjacent lot on Winchester is R-6 as is the adjacent lot on Spring Lane. This was determined 10 years ago clearly placing the connecting line through the Macdonald property. Mr. Chipman stated that the zoning lines are not arbitrary and that the zoning map clearly shows the R-6 line going through the Macdonald property.

Mr. Chipman made a motion to uphold the decision of Mr. Mothersead in accordance with the Town Zoning Map and that portions of the subject property are within both the CBD and R-6 Residential Districts. Mr. Selbo seconded the motion, which was approved by a vote of 5-0.

Mr. Cheatwood informed Mr. Macdonald that he could appeal the decision of the Board of Zoning Appeals to the Fauquier County Circuit Court.

Discussion of issues and schedule for the revision of the Zoning and Subdivision Ordinances.

Mr. Mothersead informed the Board that Mr. Milton Herd would be present at the next scheduled meeting to discuss issues of concern regarding revisions to the Zoning and Subdivision Ordinances.

There, being no further business the meeting was adjourned.

Respectfully submitted, Joan G. Collins, Secretary



## TOWN OF WARRENTON

POST OFFICE DRAWER 341
WARRENTON, VIRGINIA 20188-0341
http://ci.warrenton.va.us
TELEPHONE (540) 347-1101
FAX (540) 349-2414
TDD 1-800-828-1120

### **STAFF REPORT**

TO:

Chairman Cheatwood and Members of the Board of Zoning Appeals

FROM:

C. Christopher Mothersead, AICP

Director of Planning and Community Development

DATE:

March 27, 2003

**SUBJECT:** 

BZA #03-04. An appeal of an administrative determination by the Town of Warrenton Zoning Administrator in accordance with Section 6-3.3 delineating the boundary of the zoning district between the Central Business District and the R-6 Residential District as applied to the property at 47 Winchester Street, corner of Diagonal Street (GPIN 6984-44-0404). The property owners, Keith MacDonald and Ceres Artico, request a

clarification of the boundary as applied to their parcel as provided for in Article 29,

Section 29-7 of the Zoning Ordinance.

### **BACKGROUND**

This is a request by Mr. Keith Macdonald and Dr. Ceres Artico to appeal the determination of the Zoning Administrator that the property located at 47 Winchester Street (corner with Diagonal Street) is divided into two (2) zoning districts which affect its potential development. The property is split between the Central Business District (CBD) and the R-6 Residential District near the northern property boundary.

The establishment of zoning district boundaries is guided by the provisions of the Town of Warrenton Zoning Ordinance dealing with the identification and delineation of the zoning districts. This is Article 6 which was specifically created to define the zoning classifications that apply to all Town property and the interpretation of the boundaries of each district in accordance with the provisions of the Article. Section 6-3 of the Ordinance establishes detailed rules for the determination of district boundaries where their location is unclear or there is any dispute regarding the exact meaning of the boundary location.

The Applicant has submitted a request for interpretation of the zoning district boundary as it applies to their property. They have included a map of the property and the zoning district boundaries taken from the Fauquier County GIS mapping system. This identifies a split zoning for the property with less are of division than shown on the Town Zoning Map.

### **ANALYSIS**

The district lines shown on the Town of Warrenton Zoning Map are the official delineation of the district boundaries in accordance with zoning ordinance. Section 6-3.3 confirms that the Map shall govern and the scalar measure of the district lines is the basis of district determination. Mr. Macdonald has submitted a county property map that is not the official zoning map of the Town and suggested that a different interpretation is possible. However, even the county map clearly identifies a split zoning classification for the subject property. The Town map does not show a zoning district line that even closely coincides with the property boundary and cannot be interpreted as the same without moving the zoning district boundary. This action would be rezoning without due process as required by state statute and local law.

An investigation of prior zoning maps revealed that the subject property has been divided in zoning districts for a long time. The 1986 and 1976 zoning maps identified a split between the commercial (CBD) and residential districts that transcends over 25 years. The location of the district boundary seems to be aligned with 61 Winchester Street which is a residential use. This likely placed the district divide between residential and commercial zoning districts exactly where the land use divide occurs along the street. This confirms that the location of the zoning district line reinforced the actual land use of the area and protected the property investments – a crucial function of zoning. The uses today are not substantially different along the street.

### STAFF RECOMMENDATION

The staff analysis and interpretation of the zoning district boundary for the property is attached as provided to Mr. Macdonald. It coincides with the Official Zoning Map and is in accordance with the ordinance provisions for district delineation and interpretation. In addition, this issue has been previously raised with each of the last three Planning Directors and each has concurred that the property contains two (2) zoning district that split the property in the same manner.

The zoning map is the source of delineation of zoning district boundaries. The visual depiction of the boundaries as they relate to the subject property is quite clear and easy to determine that they do not coincide with the property line. Any deviation from the lines depicted on that map, therefore, would constitute a rezoning of the district boundary and should only be accomplished by proper application to the Town and public review of the Planning Commission and Town Council as required by Ordinance.

The Planning Staff recommends that the administrative appeal be denied.

### **ATTACHMENTS**

- 1. Application
- 2. Letter of Interpretation from Zoning Administrator
- 3. Article 6 of the Town of Warrenton Zoning Ordinance
- 4. Advertisement for the Hearing

### Application for the Board of Zoning Appeals Town of Warrenton, Virginia

APPLICANT INFO:				
Name M	. Keit	h Macdonald // Cores J. Atti Date 1/5/2003		
Mailing A	ddress _	17 Winchester ST		
WARR	المد آكدي.	Va 20186		
Telephone	Number	(day) 703 869-0096 (evening) 703-869-0096		
PROPER				
Street Add	dress 🛶	n Number 6984-44 -0404		
Zoning Di	strict	Overlay District		
[]	a. b. c.	a Variance to Article, Section of the Zoning Ordinance, a Special Exception to Article, Section of the Zoning Ordinance, an Appeal to a decision made by Chris Motherscal in reference to the 6984-44-0404 Reinorgase.  application: Please See Attachment		
Applicant S				
. T .				

Notes:

- 1. A non-refundable fee of \$100.00 must accompany this application.
- 2. The owner/contract owner must be present or represented at the meeting.
- 3. All relevant information (i.e. plans, pictures, etc.) must be included with the application.

Date Received 2-14-03	Meeting Date
Public Notice Advertised in the Newspape	r on
Date Property Posted	Take this is a set when it is not get in
-	Mency proversion of a large sent
Action by Board of Zoning Appeals	
-	

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**Σ0.9** 

61:41





## TOWN OF WARRENTON

POST OFFICE DRAWER 341
WARRENTON, VIRGINIA 20188-03-41
http://ci.warrenton.va.us
TELEPHONE (540) 347-1101
FAX (540) 349-2414
TDD 1-800-828-1120

January 27, 2003

M. Keith Macdonald 47 Winchester Street Warrenton, Virginia 20186

Re: Parcel #6984-44-0404, Winchester Street

### Dear Mr. Macdonald:

Thank you for your inquiry of January 22, 2003 requesting the interpretation of the zoning boundary that traverses the above property. The parcel is divided between the Central Business District (CBD) and the R-6 Residential zoning classifications. Article 6, Section 6-3 of the Warrenton Zoning Ordinance provides guidelines for the interpretation of district boundaries and they apply in this case.

The boundary separating the districts (CBD and R-6) follows the centerline of Smith Street as it approaches your property as defined by Section 6-3.1 of the ordinance. It then turns south for a short distance following the centerline of Winchester Street to the common property line of the parcel adjacent with your to the north. It follows the south line of that parcel and continues straight across your property and easterly to Spring Lane at a distance from your north property line equal to the width of the adjacent parcel to the north (approximately 87 feet from the north line based on the county tax records).

The result is that your property is divided into two different zoning districts and any development would be allocated accordingly based on the location of a future structure or use. The greater portion of the property is in the CBD District and this classification would govern most uses that would be proposed. The R-6 District represents a small portion of the north part of the site and any structures located there would be subject to the bulk regulations (height, setback, etc.) of the R-6 District. In actuality, the setbacks for the CBD District would be the similar (20 feet for R-6, 25 feet for CBD) to the R-6 District because of the adjacent residential zoning which requires a setback greater than normal. As a result, the location of a small portion of the R-6 on the property or the adjacent location of the district produces nearly the same setback for development.

You are welcomed to apply for an adjustment to the district boundary as a zoning application and request unification of the property. This would require a survey, completion of an application and associated documentation and appropriate fees. Please feel free to contact me further for clarification of any of these or other options.

Sincerely,

C. Christopher Mothersead

Director of Planning and Community Development

## ARTICLE 6 ZONING DISTRICTS AND MAPS

- **6-1 Districts**. For the purpose of this Ordinance, the incorporated area of Warrenton, Virginia, is divided into the following districts:
  - R-15 Residential District
  - R-10 Residential District
  - R-6 Residential District
  - RT Residential Townhouse District
  - RMF Residential Multifamily District
  - MHP Mobile Home Park District
  - PSP Public-Semi-Public Institutional District
  - PUD Planned Unit Development
  - RO Residential Office District
  - CL Commercial Limited District
  - CG Commercial-General District
  - **CBD** Central Business District
  - IL Industrial Limited District
  - IG Industrial General District
  - FD Flood Plain District
  - **HD** Historic District
- 6-2 Zoning Map. The boundaries of the districts listed in Section 6-1 shall be as delineated upon the map entitled, "Zoning Map: Town of Warrenton, Virginia" which is a part of this Ordinance. The map and all notations, references, and other data shown thereon shall be made part of this Ordinance, as if the matters and data shown by the map were fully described herein.
- 6-3 District Boundaries. The boundaries between districts are, unless otherwise indicated, either the center line of streets, lanes, alleys, or railroads; shorelines of streams, watercourses, reservoirs, or other bodies of water; property lines; and the center line of right-of-ways of power lines and other public utilities.

Where uncertainly exists as to the location of any district boundaries as shown on the Zoning Map, the following rules shall apply:

- 6-3.1 Where a district boundary is indicated as approximately following the center line of a lake or watercourse, or the right-of-way of a street, lane, power line or other public utility, the center line or right-of-way boundary shall be construed to be the district boundary.
- 6-3.2 Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be considered the district boundary.

- 6-3.3 Where a district boundary divides a lot or runs through individual property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on the Zoning Map.
- 6-3.4 Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. In the event scale distances do not agree with such figures, the figures shall control.
- 6-4 Roadway Setbacks. Whenever there shall be plans in existence, approved by either the governing body or by the Virginia Department of Transportation for the future improvement or widening of any street or highway, the Commission shall recommend additional setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the use or improvement from possible adverse effects related to such construction.
- 6-5 Uses Not Provided For. If in any district established under this Ordinance a use is not specifically permitted and an application is made by a property owner to the Planning Director or Zoning Administrator for such use, and the Planning Director or Zoning Administrator is unable to classify the use under the provisions of this Ordinance, the Planning Director or Zoning Administrator shall refer the application to the Planning Commission which shall, at its next regular meeting, review the characteristics of the use and shall make a recommendation to the Planning Director or Zoning Administrator regarding classification of the use and his action thereon, or the Commission shall, within a reasonable period of time, recommend to the governing body that the Ordinance be amended to clarify its application to such use.

6.3,3 Low Item 2.

Mr. John Walvius Vice President Norman Realty 9317 Grant Avenue Manassas, Virginia 20110-5095 703 368 2186

Re: Tax Map No. 6984-44-0404-000

Dear Mr. Walvius:

The property referenced above is located within the Town of Warrenton Historic District and is zoned both Central Business District and R-6 Residential as depicted on the attached illustration.

Please call me if you need additional information or have questions.

Sincerely:

Charles Carrington, AICP

86



9317 Grant Avenue • Manassas, Virginia 20110-5095 TEL: 703-368-2186 • Metro 631-1865 • FAX: 703-368-0628

Via fax: (540) 349-2414

October 17, 2002

Mr. Charles Carrington Zoning Administrator Town of Warrenton 18 Court Street Warrenton, VA 20188

Re:

Ceres Artico Property

1.9378 acres

Tax Map: 6984-44-0404-000

Dear Mr. Carrington:

We represent the owners of the referenced property and would appreciate a determination of the zoning for the site.

The property is located within the Town and has frontage on Winchester Street, Diagonal Street and Spring Lane. The zoning maps appear to designate the land as being zoned CBD and subject to requirements of the Historic District.

We would appreciate your review of this request and confirm our analysis.

Sincerely,

NORMAN REALTY, INC.

John Walvius Vice President

Attachment: plat of the site

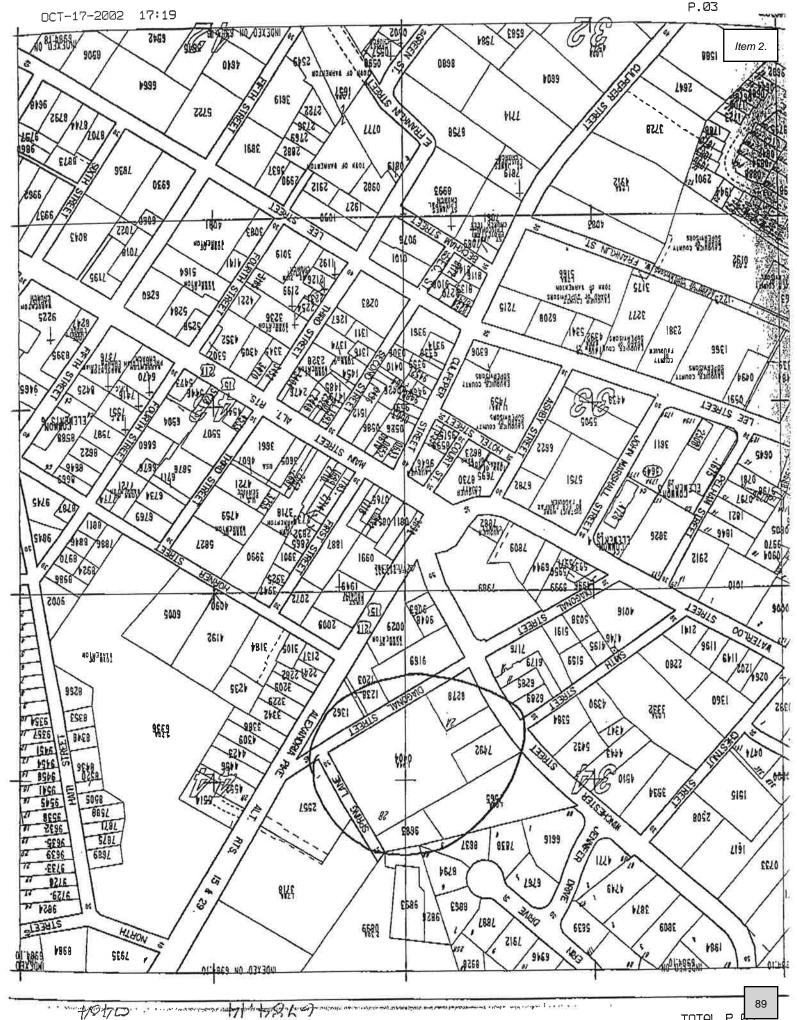




# NORMAN REALTY, INC.

<u> </u>
Facsimile Transmittal Cover Sheet
Date: 10 17
Page(s) from JOHN WALVIUS (Including This Page)
FAX # (703) 368-0628 Phone # (703) 368-2186
To: Charles Carrington
Fax #: 540-349-2414
Company: Jour of Warrenton
The information contained in this facsimile is intended for the use of the addressee only. If you have received this facsimile in error, please notify the sender by telephone; this communication should not be copied or distributed and the original should be destroyed. Thank you.  NOTES:
The state of the s

Norman Realty, Inc.
9317 Grant Avenue, Manassas, Va 20110-5095
(703) 368-2186 or (703) 631-1865





# TOWN OF WARRENTON POST OFFICE DRAWER 341 WARRENTON, VIRGINIA 20

POST OFFICE DRAWER 341 WARRENTON, VIRGINIA 20188-0341 http://ci.warrenton.va.us TELEPHONE (540) 347-1101 FAX (540) 349-2414 TDD 1-800-828-1120

### **FAX MESSAGE**

Date: 10 - 18-02	Time:
PLEASE DELIVER THE FO	LLOWING PAGES(s) TO:
NAME:	John Walvius
TELEPHONE NUMBER:	703-368-2186
FAX NUMBER:	703-368.0628
COMPANY:	Norman Realty
CITY/STATE:	Manassas, VA 20110
FROM:	Charles Carrington
FAX NUMBER:	(540) 349-2414
	PAGE(s) INCLUDING THIS COVER SHEET. ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE
	540-347-2405
rvame	Phone Number

Comments

### TRANSMISSION VERIFICATION REPORT

TIME : 10/18/2002 09:36 NAME : TOWN OF WARRENTON TH FAX : 5403492414 TEL : 5403492414

DATE, TIME FAX NO. /NAME DURATION PAGE(S) RESULT MODE

10/18 09:34 17033680628 00:01:17 03 OK STANDARD ECM

- When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of specific piece of property at the time of effective date of the Ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance.
- No such variance shall be authorized by the Board unless it finds:
  - That the strict application of the Ordinance would produce undue hardship;
  - That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
  - That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the <u>Code of Virginia</u> 1950, as amended; and
  - That the condition or situation of the property concerned or the intended use of the property 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. In authorizing a variance the Board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest.

To receive formal interpretation of the zoning boundary either as item A or B as marked on the map provided. Article 6-3.2 requires: "Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be considered the district boundary."

The placing of the boundary line as either A or B would bring the boundary into compliance with 6-3.2 and would again be consistence with the interpretation given to the seller, purchaser and their agents at the time of sale in 1996 by Mr. Ray Ocel.

People's National Bank of Warrenton C/O Carter Hall Properties LLC 31 Winchester Street Warrenton, VA 20186

Marion Maggiolo 60 Alexandria Pike Warrenton, VA 20186

Mr. Thomas Greenland 1621 N. Colonial Terrace Arlington, VA 22209

SGF Brothers Corp. C/O Austin Realty P.O. Box 606 Warrenton, VA 20188

Mr. Arthur C. Gunn 37 Spring Lane Warrenton, VA 20186

Mr. Charles E. Shepherd III Ms. Lynne S. Koval C/O Fauquier Bank Trust P.O. Box 561 Warrenton, VA 20188

Mr. Roger D. Barton 66 Winchester Street Warrenton, VA 20186

Warrenton Bible Fellowship 44 Winchester Street Warrenton, VA 20186

Ms. Claire Lamborne 58 Winchester Street Warrenton, VA 20186

Ms. Susan H. Petty C/O Ms. Susan Lewis 54 Winchester Street Warrenton, VA 20186

Mr. Thomas M. Moore 101 Winchester Street Warrenton, VA 20186

Mr. Robert B. Corrie 61 Winchester Street Warrenton, VA 20186

Mr. Robert Lawrence IV 71 Winchester Street Warrenton, VA 20186

### Smooth Feed Sheets™

Use template for 5162®

Item 2.

The Fauquier Bank P.O. Drawer 561 Warrenton, VA 20188

H. Lynn Hopewell 82 Erin Drive Warrenton, VA 20186

Mr. Jyothi Gadde 72 Erin Drive Warrenton, VA 20186

Mr. Robert M. Marino 73 Erin Drive Warrenton, VA 20186

Mr. Orvis Thorpe 38 Spring Lane Warrenton, VA 20186

Mr. Michael F. Gunn 42 Spring Lane Warrenton, VA 20186 6984-34-5384: Roger D. Barton Mary W. Barton 66 Winchesterst

C984-34-6179: Warrenton Bible Fellowship 6984-34-7116: Same as

6984-34-6269: Claire Lamborne 58 Winchester St 6984-34-8794: Robert M. Marino Drâna Chalmetta 73 ERIN Dr.

6984-34-6285: Susan H. Petty Go Susan Lewis 54 Winchester St

6984-34-9683: Robert Lawrence IV Blair Lawrence 71 Winchester St

6984-34-6616: Thomas M. Moore 101 Winchester St

6984-34-9826: Orvis Thorpe Thorpe

Mary Thorpe 38 Spring Lane Warrenton - 20186

6984-34-7492: Robert B. Corrie Tormy A. Corrie 61 Winchester St

6984-34 \_9893: Michael F. Gunn 42 Springhame -20186

6984-34-7565: Robert Lawrence F Blair Lawrence 71 Winchester St

6984-34-7638: H. Lynn Hopewell Leslie L. Hopewell 82 Erin Dr.

6984-34-8278: Michael Keith Mac Donald 47 Winchester St

6984-34-8637: Jyothi Gadde Prasad L. Gadde 72 Erin Dr. 6984-33-7989 & Fanguier Bank PD Drawer 561 20188

People's National Bank of Warrentin yo Carter Hall Properties UC 31 Winchester St 6984-34-9169:

100 Marion Maggiolo 6984-84-1203: 60 Alexandria Pike

Marion Maggiolo 6484-44-1238:

Marion Maggiolo 6984-44-1362:

Thomas Greenland 4984-44-2557:

Christine Greenland 1621 N. Colonial Ter. Arlington, VA 22209

SGF Brothers Corp-6984-44-3718: clo Dustin Realty po Box 606-20188

Arthur C. GUNN 6984-44-0899: 37 Spring Lane Warrenton, VA 20186

6984-34-4443: Charles E. Shepherd III Lynne S. Koval Clo Fauguer Bunk Trust PO BOX 561 - 20188 5

6984-34-5432: Charles F. Shepherd III Same as



### TOWN OF WARRENTON

POST OFFICE DRAWER 341
WARRENTON, VIRGINIA 20188-0341
http://ci.warrenton.va.us
TELEPHONE (540) 347-1101
FAX (540) 349-2414
TDD 1-800-828-1120

March 26, 2003

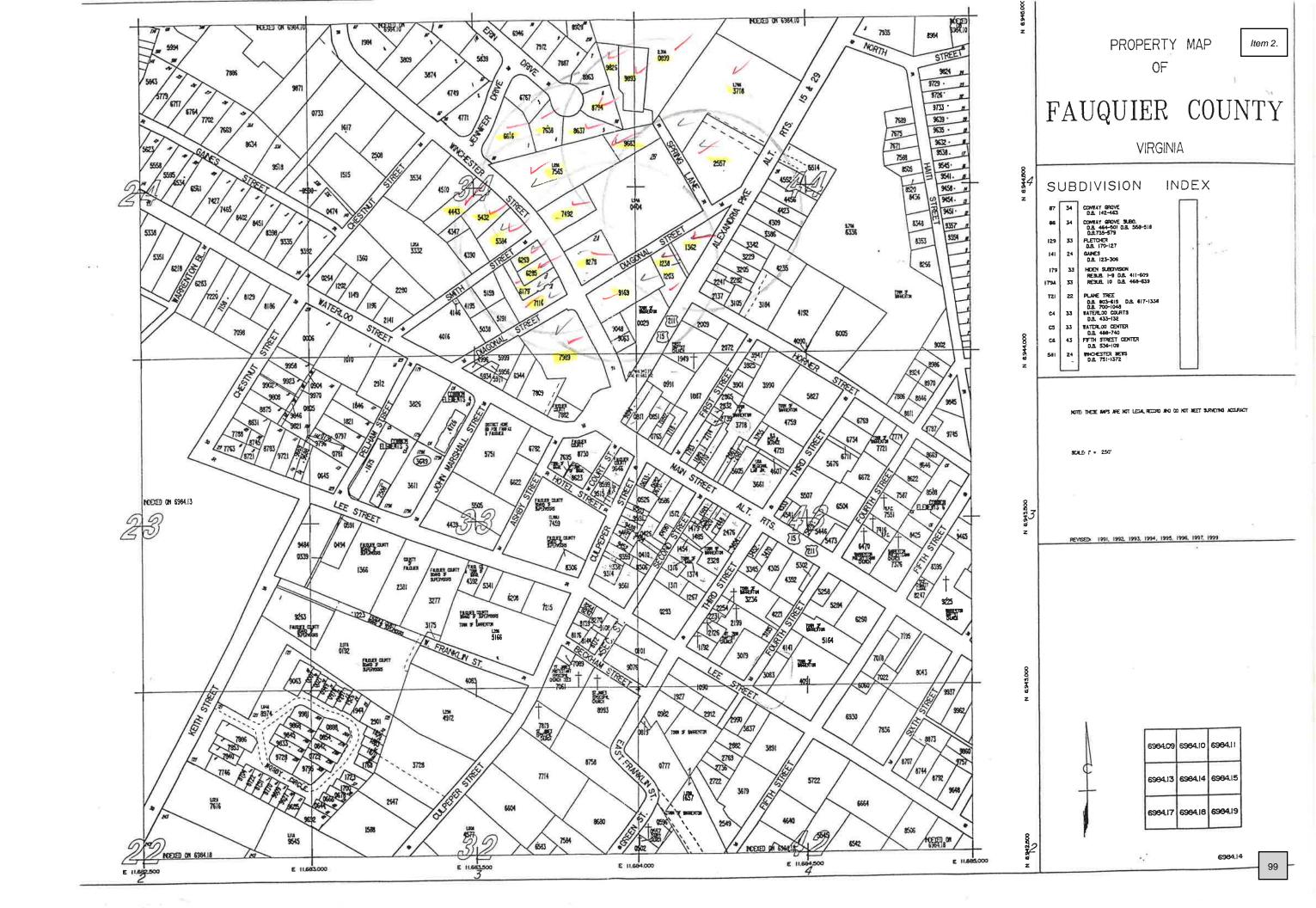
Dear Property Owner:

The Town of Warrenton Board of Zoning Appeals will hold a public hearing on Tuesday, April 1, 2003 at 5:00 P.M. to consider an appeal of an administrative determination by the Town of Warrenton Zoning Administrator in accordance with Article 6, Section 6-3.3, delineating the boundary of the zoning district between the CBD, Central Business District, and the R-6 Residential District as applied to the property located at 47 Winchester Street (GPIN#: 6984-44-0404). The property owners, Mr. Keith Macdonald and Dr. Ceres Artico, are requesting a clarification of the boundary as applied to their parcel, as provided for in Article 29, Section 29-7 of the Zoning Ordinance.

Inasmuch as your property is adjacent to or in close proximity to this property, you are invited to appear and address the Board on this matter. The application is available for review in the Planning & Community Development Department, Town Hall, 18 Court Street, Warrenton, Virginia. In addition, if you have any questions concerning the application, please call 347-2405 between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday.

Respectfully,

C. Christopher Mothersead Zoning Administrator



 From:
 Compton, Corinne

 To:
 Kelly Machen

 Subject:
 REO disclaimer

Date: Thursday, October 13, 2022 1:13:18 PM

### [EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Kelly,

Here is a screenshot of the disclaimer on the REO webpage.

#### ONLINE RECORDS DISCLAIMER:

The information displayed on the Real Estate on-line pages are prepared from the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats, other public records and data.

Users of this service are hereby notified that the aforementioned public record information sources should be consulted for verification of the information contained on the associated screens. Due to production timing and other circumstances, this information may not necessarily reflect the current taxable record.

The county does not assume any legal responsibility for the information contained herein and makes no warranty as to the absolute accuracy of the elements displayed.

You can see it by going to <a href="http://reo.fauquiercounty.gov/">http://reo.fauquiercounty.gov/</a> then on the upper right side, under Search and Advanced Search, you will see a link "Disclaimer and Search Tips". Click that and the screen will expand to show this information.

Thanks,

Corinne Compton GIS/Parcel Mapping Specialist Fauquier County Government Commissioner of the Revenue Office 10 Hotel Street, 1<sup>St</sup> Floor Warrenton, VA 20186 540-422-8144



VIRGINIA.

Board of Zoning Appeals (BZA)
BZA 2022-3
61 Winchester Street
November 1, 2022

# **Property Information**

- > Applicant: Keith Macdonald
- ➤ Owners: 61 Winchester Street LLC
- ➤ Location: 61 Winchester Street
- ➤ Property: 0.32 acres
- ➤ House: Circa 1910
- Surrounded by residential dwellings/vacant lot

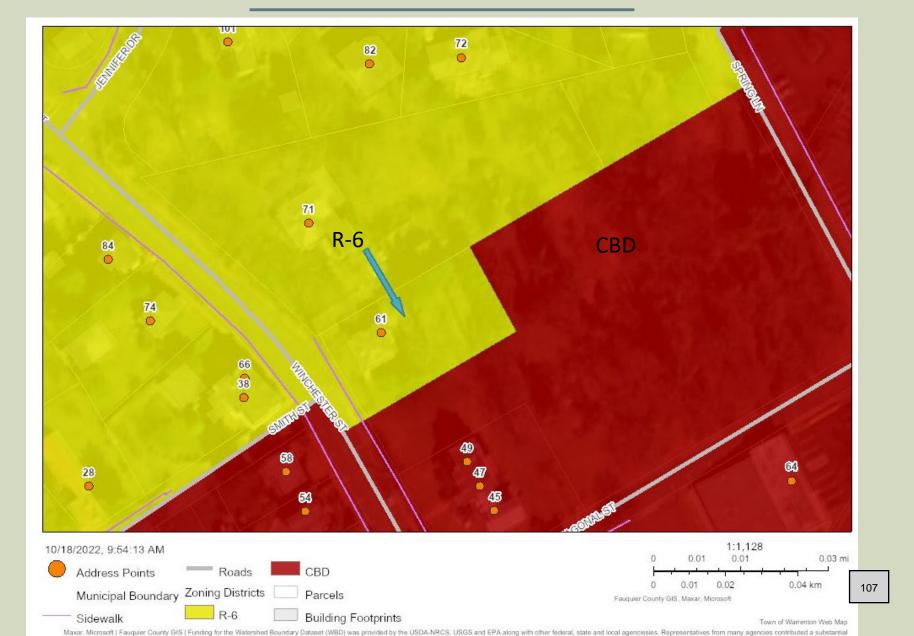
# Request

- ➤ Applicant is appealing a Zoning Administrator's letter of determination rendered on August 9, 2022:
  - ➤ Letter determined the zoning district for 61 Winchester Street is R-6
- ➤ Applicant is requesting that the BZA determine that the zoning for 61 Winchester Street be:
  - ➤ Central Business District (CBD) on the entirety of the lot, or
  - ➤ Split-zoned Residential R-6/CBD
    - ➤ With the CBD line running diagonally across the lot from the centerline of Smith Street to the western corner of the Applicant's lot adjacent to 71 Winchester Street

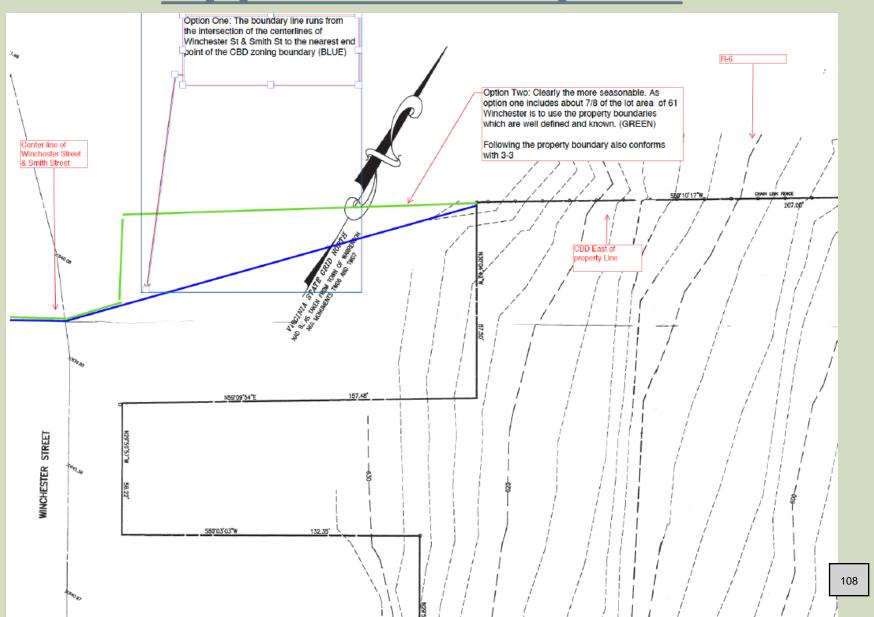




# **Determination**



# **Applicant's Request**



### Request (split visual)

**Option 1: Area in Orange be CBD** 

R-6 71 **CBD** 74 58 54 29 46

**Option 2: Area in Orange be CBD** 



### **State Code Authority**

- Per State Code and Zoning Ordinance, the Zoning Administrator is responsible for administering and enforcing the ordinance
  - ➤ Determinations by the Zoning Administrator may be appealed to the BZA
- ➤ BZA is authorized under state code to hear/decide appeals and interpret the district map where there is uncertainty
- ➤ BZA does not have the power to substantially change the locations of district boundaries
  - ➤ A function of the governing body requiring review by the Planning Commission, public notice, and at least one public hearing

### **State Code Authority**

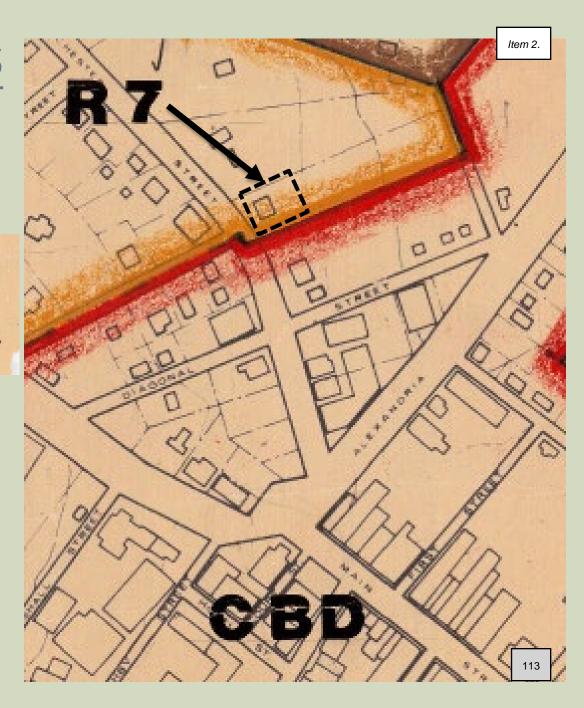
- 1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. 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. 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.
- 4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the Ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by Ordinance.

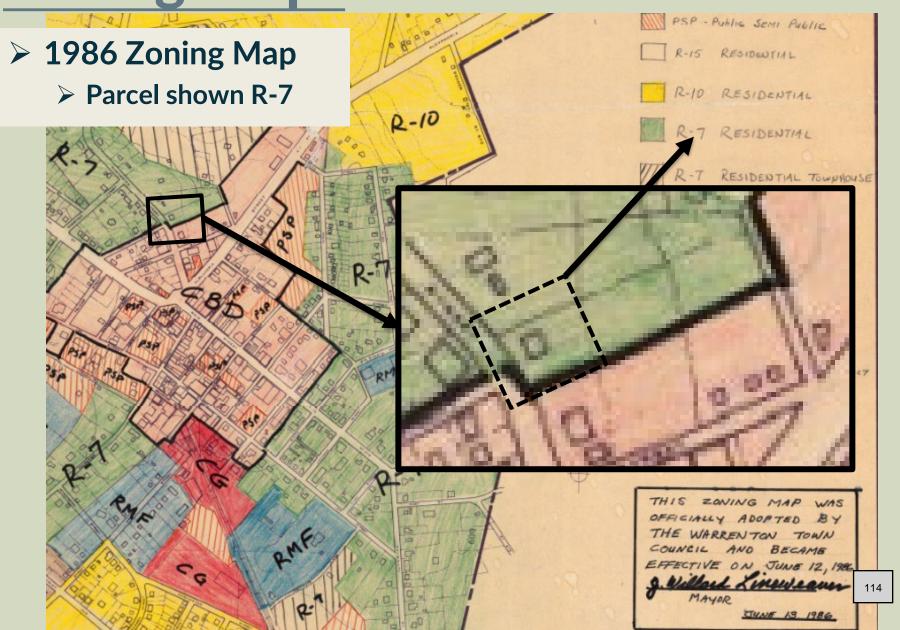
- ➤ The Zoning Determination utilized existing Zoning Map records to verify the Zoning District applicable to 61 Winchester Street
  - > Previous maps show the parcel as R-7/R-6, not CBD
- Previous Town Council/Planning Commission minutes were reviewed to see if the parcel was discussed in previous map amendments
  - ➤ Included in 1991 Zoning Map update, changing the parcel from R-7 to R-6
  - ➤ Included in 1976 Zoning Map update, which changed the name of all zoning districts in Town (older maps not available)
- > Previous determinations were reviewed to see if the parcel in question had a previous determination
  - One exists for an adjacent parcel
- Applicant's points were reviewed and addressed as appropriate

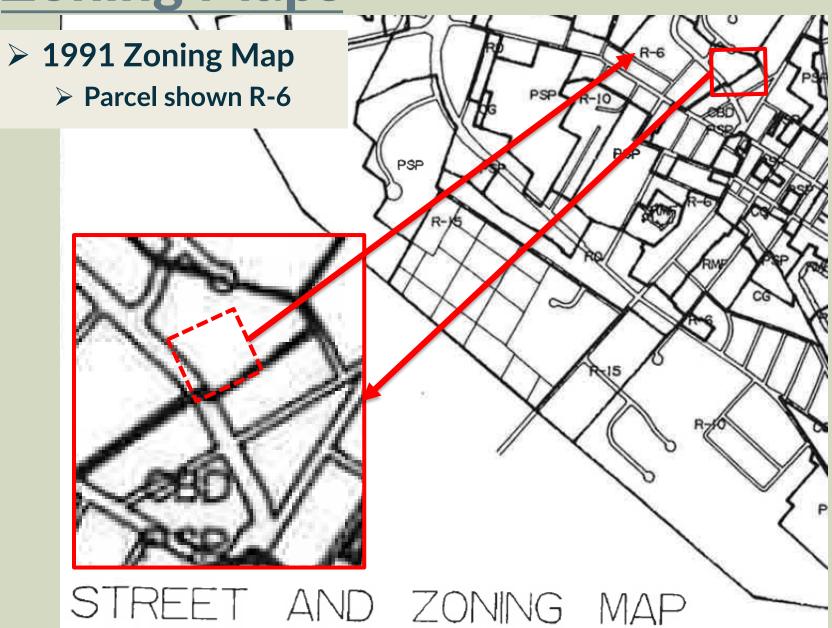
- > 1976 Zoning Map
  - Parcel shown R-7

ZONING PREPAGED BY HAYES, SEAY, MATTERN & MATTERN MAY, 1976

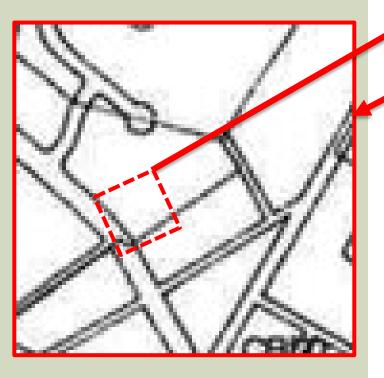
ADOPTED NOVEMBER 2.1976 EFFECTIVE NOVEMBER 15, 1976

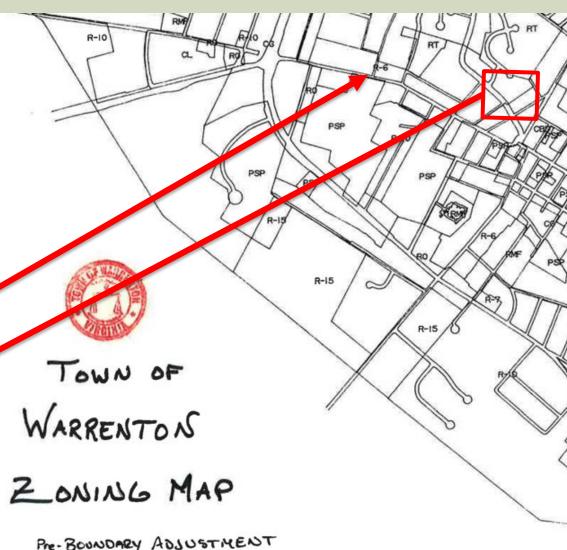






- > 1992 Zoning Map
  - > Parcel shown R-6

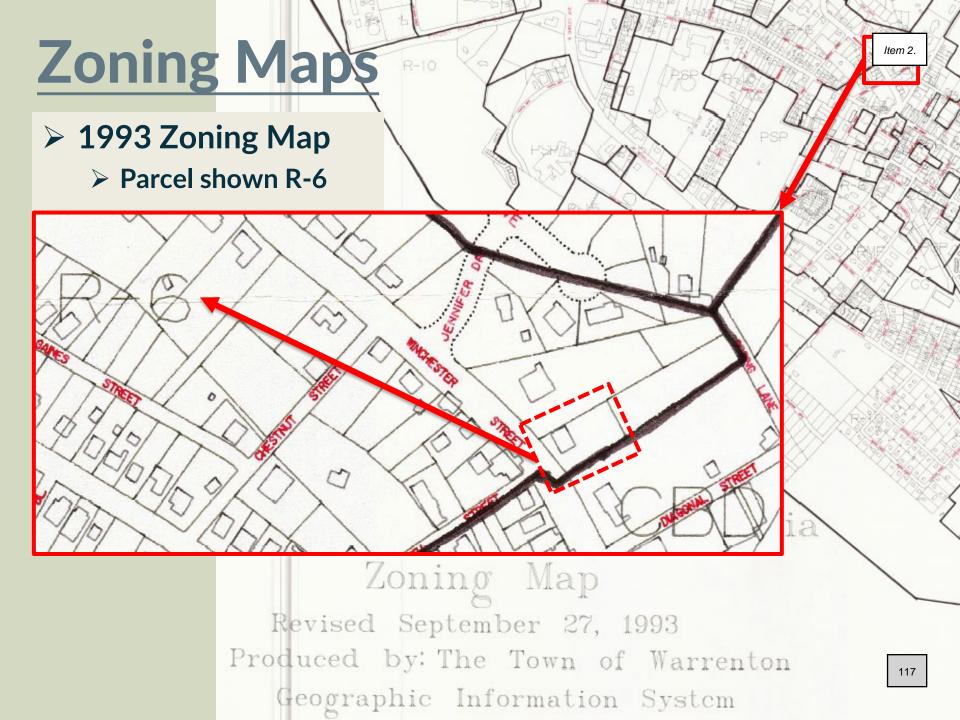




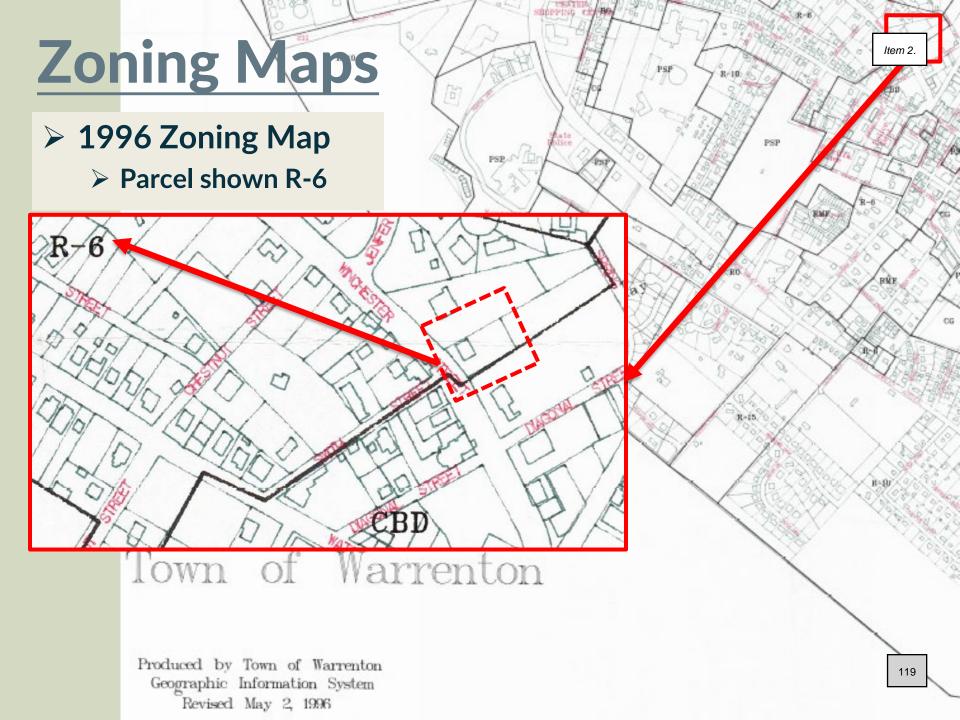
CORPORATE LIMITS

(July 1, 1992)

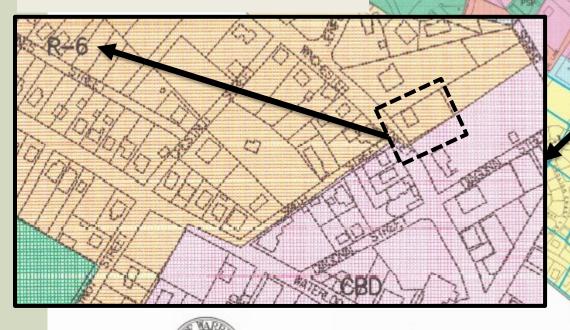
116



# **Zoning Maps** Item 2. > 1994 Zoning Map > Parcel shown R-6 Zoning Map Produced by Town of Warrenton Geographic Information System Revised August 2, 1994



- > 1998 Zoning Map
  - > Parcel shown R-6

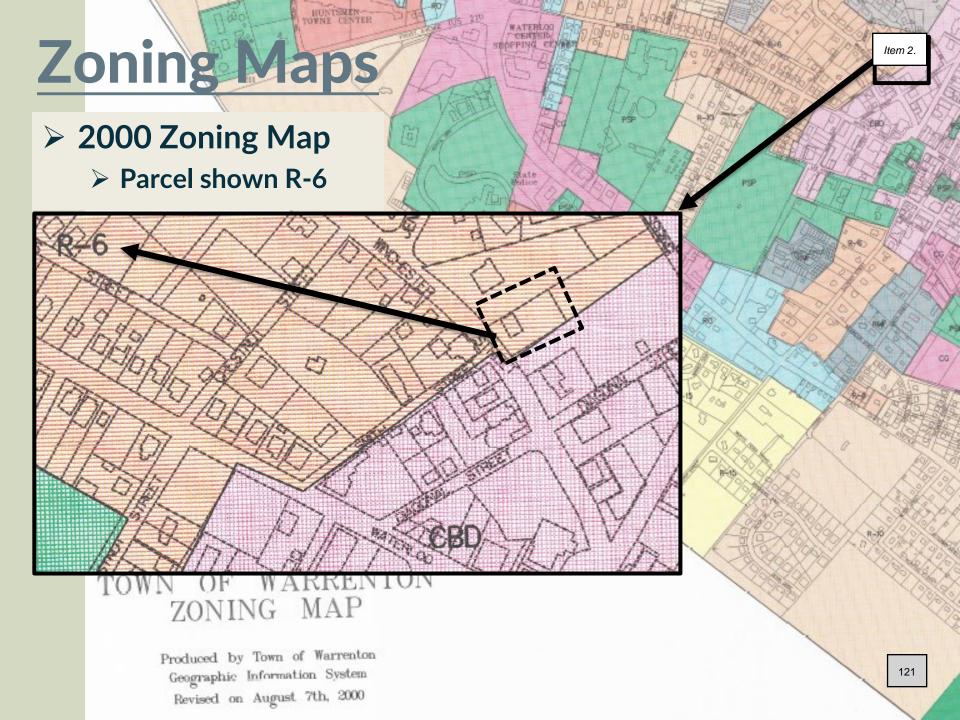


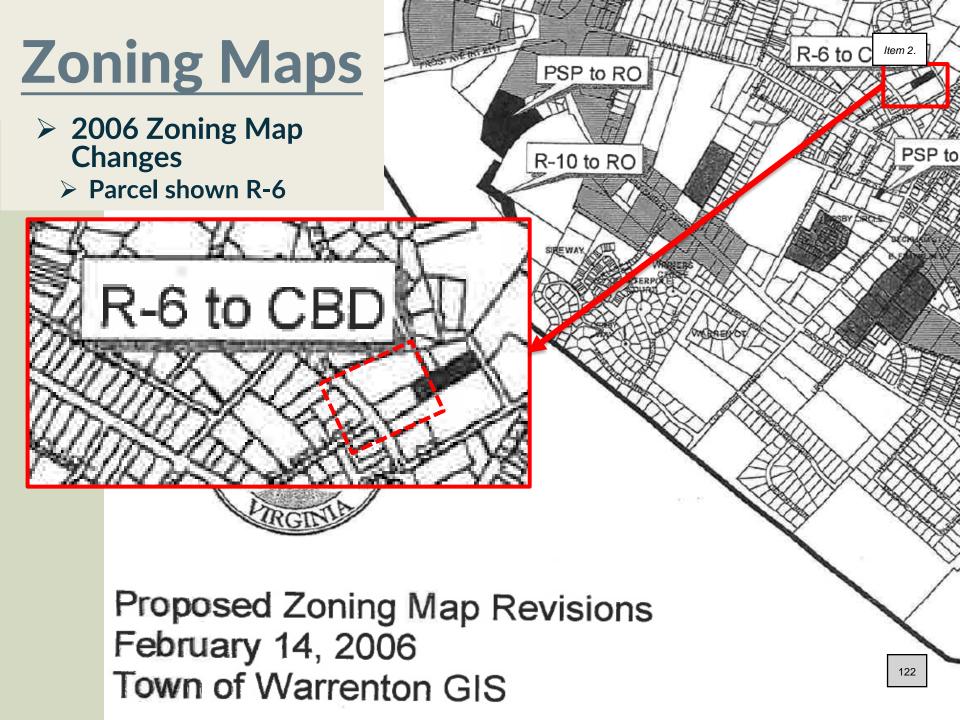


### Town of Warrenton

Produced by Town of Warrenton Geographic Information System Revised on July 29, 1998 120

Item 2.







- Other concerns brought up by the Applicant:
  - 1. Fauquier County Real Estate Records had CBD listed as the zoning district
    - > County records are not official for Town Zoning
      - Zoning Map is official per Zoning Ordinance
      - > Errors in online records is common (ex: old districts still noted online)
    - Disclaimers exist on Town/County sites

#### Real Estate Online Records

#### ON LINE RECORDS DISCLAIMER

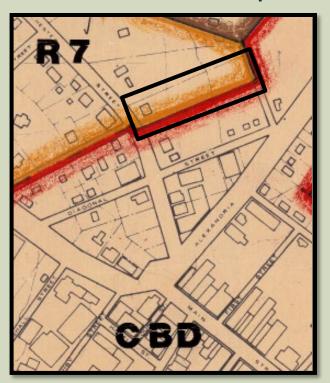
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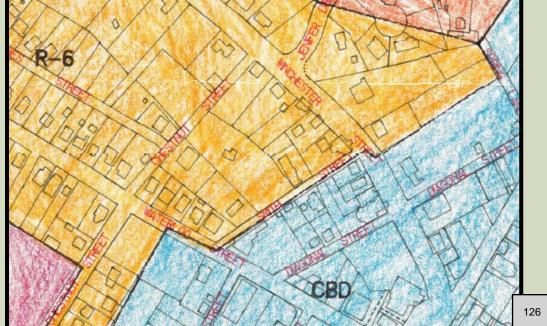
- > Other concerns brought up by the Applicant:
  - 2. Subject parcel would have same zoning as historical lot area
    - > 1954 61 Winchester and back portion of adjacent lot subdivided off Britton Hall
    - > 1955 First Zoning Ordinance (CBD did not exist)
    - > 1970 61 Winchester subdivided into own parcel
    - > 1976 First Zoning Map available showed R-7 for the subject parcel
    - > 2006 Back portion was same zoning as 61 Winchester until 2006



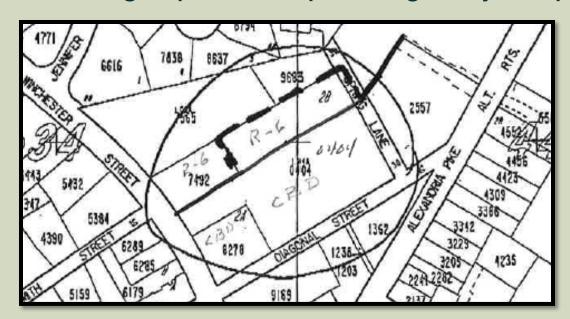


- > Other concerns brought up by the Applicant:
  - 3. Applicant contends they verify zoning prior to purchase
    - ➤ No previous determinations on 61 Winchester provided or found
    - > 61 Winchester's Zoning District changed to R-6 in 1991 from R-7
      - ➤ Also changed in 1976 from the 1959 Ordinance Districts, but no map is on file for 1955/1959
      - ➤ Not included in any other rezoning applications





- > Other concerns brought up by the Applicant:
  - 4. Back portion of adjacent lot 'illegally' changed from CBD to R-6
    - > This Zoning Determination/Appeal is ONLY for 61 Winchester Street
    - > 2003 Zoning Determination for the adjacent lot owned by the Applicant (did indirectly note 61 Winchester as R-6)
      - > Determination noted the adjacent property as split zoned R-6/CBD
      - ➤ Applicant appealed to the BZA and BZA upheld the Determination on April 1, 2003
    - > 2006 Zoning Map removed split zoning on adjacent parcel



- > Other concerns brought up by the Applicant:
  - 5. 61 Winchester should be CBD, not R-6 per Article 3-3
    - ➤ Article 3-2 Delineates official Zoning Districts per the Zoning Map
      - boundaries of the districts listed in Section 3-1 shall be as delineated upon the map entitled, "Zoning Map: Town of Warrenton, Virginia" which is a part of this Ordinance.
    - ➤ Article 3-3 Applies where there is uncertainty
      - The boundaries between districts are, unless otherwise indicated, either the center line of streets, lanes, alleys, or railroads; shorelines of streams, watercourses, reservoirs, or other bodies of water; property lines; and the center line of right-of-ways of power lines and other public utilities.
      - Where uncertainly exists as to the location of any district boundaries as shown on the Zoning Map, the following rules shall apply (next slide)
      - ➤ Staff contends, the official Zoning Maps clearly show 61 Winchester Street as having never been within the CBD District, and so there is no uncertainty to trigger Article 3-3

- > Article 3-3 Where uncertainly exists as to the location of any district boundaries as shown on the Zoning Map, the following rules shall apply:
  - > 3-3.1 Where a district boundary is indicated as approximately following the center line of a lake or watercourse, or the right-of-way of a street, lane, power line or other public utility, the center line or right-of-way boundary shall be construed to be the district boundary.
    - > The district line runs down the center line of Smith Street and turns down the center line of Winchester Street
  - > 3-3.2 Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be considered the district boundary.
    - > From Winchester Street the district line runs along the property line for 61 Winchester Street
  - > 3-3.3 Where a district boundary divides a lot or runs through individual property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on the Zoning Map.
    - > The district boundary does not appear to clearly split 61 Winchester Street
  - > 3-3.4 Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. In the event scale distances do not agree with such figures, the figures shall control.
    - Does not apply for 61 Winchester Street



#### Item 2.

### **Pattern Motion of Approval**

In Application BZA #2022-3, I move to overturn the decision of the Town of Warrenton Zoning Administrator, after due notice and hearing as required by Code of Virginia §15.2-2204 and Article 11-3.12 of the Town of Warrenton Zoning Ordinance, based on upon the following Board findings:

- 1. The Zoning District for 61 Winchester Street (PIN 6985-34-7492-000) is \_\_\_\_\_\_, in accordance with Article 3-3 of the Zoning Ordinance and §15.2-2309 (4) of the Code of Virginia, and is described as follows:

  a. \_\_\_\_\_\_
- 2. This determination by the Board of Zoning Appeals does not constitute a substantial change to the location of district boundaries as established by Article 3-2 of the Zoning Ordinance and the Zoning Map: Town of Warrenton, VA, and §15.2-2309 (4) of the Code of Virginia.
- 3. \_\_\_\_\_\_

Item 2.

### **Pattern Motion of Denial**

In Application BZA #2022-3, I move to affirm the decision of the Town of Warrenton Zoning Administrator, 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 Zoning District for 61 Winchester Street (PIN 6985-34-7492-000) is R-6, as shown on the Zoning Map.

2

### Discussion.....

Item 2.



EST. \_\_\_\_\_ 1810

Board of Zoning Appeals (BZA)
BZA 2022-3
61 Winchester Street
November 1, 2022