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



Tuesday, May 06, 2025 at 5:00 PM

AGENDA

### CALL TO ORDER.

### DETERMINATION OF A QUORUM.

### APPROVAL OF MINUTES.

1. Draft Minutes- March 4, 2025

### PUBLIC HEARING.

2. BZA-25-1-579 Pineview Court

Application for a Variance pursuant Article 2-19.1, Fences and Walls, regulations of the Town of Warrenton 2006 Zoning Ordinance. The request for a variance from the required 18.5' secondary front setback would allow the property owner to install a 6' fence within the required reduced secondary front setback from the property line along Meadowview Lane. The corner lot is 15,201 square feet, located at the intersection of Meadowview Lane and Pineview Court, and zoned Residential (R-15). The Comprehensive Plan identifies the property as Low Density Residential on the Future Land Use Plan. The owners are David and Jennifer George. GPIN 6984-70-6177-000.

UPDATES FROM STAFF.

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 MARCH 4, 2025, AT 5:00 P.M. IN WARRENTON, VIRGINIA

PRESENT Ms. Melea Maybach, Chair; Mr. Van Baggett, Vice Chair; Ms. Susan Helander; Ms. Heather Jenkins, Zoning Administrator; Ms. Amber Heflin, Zoning Official

ABSENT

### CALL TO ORDER AND DETERMINATION OF A QUORUM

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

### **APPROVAL OF MINUTES**

Draft Minutes - February 4, 2025, Meeting

Ms. Helander motioned to approve the minutes as presented, and Mr. Baggett seconded. All in favor. The vote was as follows:

Ayes:

*Ms. Melea Maybach, Chair; Mr. Van Baggett, Vice Chair; Ms. Susan Helander* 

Nays: Absent During Vote:

### **NEW BUSINESS**

### Annual Adoption of By-Laws

Ms. Heflin gave a brief overview of the By-Laws, advising the Board that the By-Laws are required

to be re-adopted annually by the Board. She added no changes have been made since the Board adopted the document last year, but staff was happy to make changes if the Board were to request them.

There were no further questions.

Ms. Maybach asked for a motion.

Mr. Baggett motioned to adopt the By-Laws as presented, and Ms. Helander seconded. The vote was as follows:

Ayes: Ms. Melea Maybach, Chair; Mr. Van Baggett, Vice Chair; Ms. Susan Helander Nays:

Absent During Vote:

Annual Adoption of Remote Participation Policy

Ms. Maybach asked staff if the policy had been revised since the last adoption.

Ms. Heflin stated the policy had not been revised since the adoption of it last year, but added the policy must also be re-adopted each year.

A brief discussion ensued regarding the requirement to be within 60 miles of the meeting location when it is a requirement to live within Town limits to serve on the Board.

Ms. Jenkins advised staff had done research and held discussions with the former Town Attorney regarding this topic, and that the language is directly from the Virginia State Code.

Mr. Baggett stated he remembered the discussion on the topic and it being in the State Code.

There were no further questions.

Ms. Maybach asked for a motion.

Mr. Baggett motioned to adopt the Remote Participation Policy as presented, and Ms. Helander seconded. The vote was as follows:

Ayes:

*Ms. Melea Maybach, Chair; Mr. Van Baggett, Vice Chair; Ms. Susan Helander* 

*Nays: Absent During Vote:* 

### **CLOSED SESSION**

At 5:09 pm, Ms. Maybach moved that the Board of Zoning Appeals convene in closed session to discuss the following:

As permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving:

Discussion, consideration or interviews of prospective candidates for employment or appointment; OR assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town. specifically dealing with Board of Zoning Appeals legal representation

Ms. Helander seconded. All in favor, No discussion. The vote was as follows:

Ayes: Ms. Melea Maybach, Chair; Mr. Van Baggett, Vice Chair; Ms. Susan Helander

# *Nays: Absent During Vote:*

At 5:31 pm, Ms. Helander moved that the Board certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act as cited in that motion.

Mr. Baggett seconded. All in favor, no discussion. The vote was as follows:

Ayes:

### Ms. Melea Maybach, Chair; Mr. Van Baggett, Vice Chair; Ms. Susan Helander

Nays:

### Absent During Vote:

Mr. Baggett motioned to defer the appeal hearing related to application BZA#2024-1 for the approval of Site Development Plan SDP-23-6 until such time as the Circuit Court renders a decision in the legal proceedings relevant to this request.

Ms. Helander seconded. All in favor, no discussion. The vote was as follows:

Ayes:

*Ms. Melea Maybach, Chair; Mr. Van Baggett, Vice Chair; Ms. Susan Helander* 

Nays: Absent During Vote:

### UPDATES FROM STAFF

#### Appointment of a Secretary to the Board

Ms. Jenkins advised the Board this was a letter from the Town Manager officially appointing herself or her designee as the Secretary to the Board of Zoning Appeals as requested at the previous Board meeting and as required by the Town's Zoning Ordinance.

There were no questions from the board.

### **ADJOURNMENT**

Mr. Baggett motioned to adjourn. Ms. Helander seconded, all in favor. No discussion. The vote was as follows:

Ayes:

*Ms. Melea Maybach, Chair; Mr. Van Baggett, Vice Chair; Ms. Susan Helander* 

*Nays: Absent During Vote:* 

The meeting was adjourned at 5:33 pm.

I hereby certify that this is a true and exact record of actions taken by the Board of Zoning Appeals of the Town of Warrenton on March 4, 2025.

Melea Maybach BZA Chair



TOWN OF WARRENTON

Department of Community Development

PO BOX 341 WARRENTON, VIRGINIA 20188 http://www.warrentonva.gov Permittech@warrentonva.gov (540) 347-2465

### **STAFF REPORT**

### April 16, 2025

Property Owner(s) / Applicant(s):	David and Jennfer George
Application #	BZA #2025-1
Location:	579 Pineview Court
PIN:	6984-70-6177-000
Acreage:	0.349 (15,201 square feet)
Zoning	Residential R-15
Comprehensive Plan Designation:	Low Density Residential
Land Use:	Single Family Detached Residential
Request:	The Applicant is seeking approval of a Variance pursuant to Zoning Ordinance Article 2-19.1, to allow the construction of a fence greater than four feet in height within a secondary front setback.

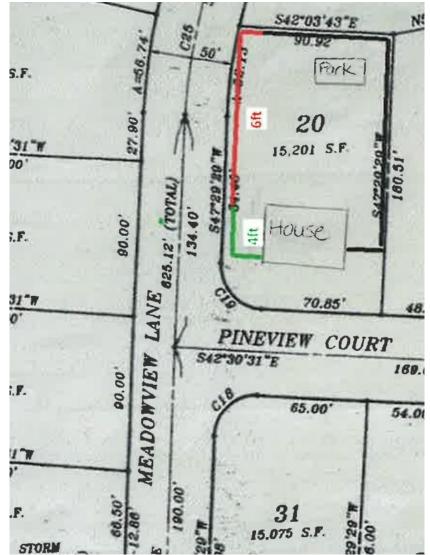
### REQUEST

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

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

The proposed location for the fence is along the front property line along Meadowview Lane and to enclose the rear yard of the property, with a small section of 4' fencing to be located at the front corner of the home at the intersection of Meadowview Lane and Pineview Court. As fences up to six feet in height are permitted in all zoning districts except within a front setback, approval of the application would grant a variance of 18.5 feet from the required 18.5-foot secondary front setback for a six-foot fence or in other words a variance to allow a two-foot height increase for a fence located in the secondary front setback.

The six-foot fence is being requested to provide safety and privacy for the property owner and their two large family dogs. The current 4-foot fencing on the property allows the community to reach over the fencing to interact with the dogs, and the homeowner wishes to prevent potential issues such as dog bites and attacks. The proposed 6-foot fence would be wooden board on batten and approximately 98 feet in length along Meadowview Lane. There will also be approximately 64 feet of 4' board on batten fencing along Pineview Court, the property's primary frontage.



### BACKGROUND

The single family detached house was constructed in 2004 according to Fauquier County Real Estate records and acquired by the George's in 2021. The parcel, known as "lot 20" on the subdivision plat, is part of a larger 47-lot subdivision, Monroe Estates, recorded on October 22, 2002, in deed book 982, page 940. The property is zoned residential (R-15) and is 0.349 acres or approximately 15,201 square feet in size. The existing house, constructed between 2003 and 2004, meets all required setbacks, and the lot meets the minimum lot size of 15,000 square feet for the R-15 District as stated within Article 3-4.1.4 of the Zoning Ordinance. There is an existing 4' tall fence installed in 2004 located along both property street frontages that appears to be in conformance with the current Zoning Ordinance. The original fencing was restricted to 4' in height along both frontages when permitted on August 3, 2004.



The image above shows the property in its existing condition with the current 4' fencing.

The property fronts on Pineview Court and Meadowview Lane, which are public roads maintained by the Town. Adjacent to the property are single family detached dwellings to the north, south, and west, which are also zoned R-15. The proposed Warrenton Crossing subdivision, which contains single-family detached dwellings, is located to the North and is zoned Residential (R-6) and Residential (R-15). Other fences along Meadowview Lane appear to meet Zoning Ordinance requirements or have received variances from the Board of Zoning Appeals similar to this request. The adjacent parcel across the street, 580 Pineview Court, was required to relocate their 6' fence outside of the 18.5' secondary front setback along Meadowview Court. Similarly, a property further up the street, 576 Galina Way, received a variance from the BZA in 2023 to allow a 6' fence along their secondary property frontage on Meadowview Lane.



The image above shows the location of the subject property in relation to neighboring properties with 6' fences and the Warrenton Crossing Subdivision that has yet to be constructed.

### ANALYSIS

A variance is defined by State Code Section § 15.2-2201 and Article 12 of the Zoning Ordinance as:

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

Under Virginia State Code Section § 15.2-2309, powers and duties of the Board of Zoning Appeals, In granting a variance, the BZA may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being, and will continue to be, complied with. The property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and

be required.

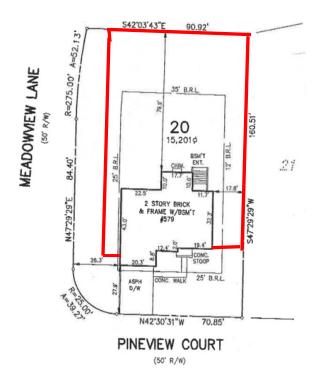
local Ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the Ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would:

1.) Unreasonably restrict the utilization of the property or,

The Vallerie Holdings v. County of Louisa case represented a turning point for how a local government defines a "reasonable utilization of the property". This case law indicated the intent was to expand the availability of a variance to property owners and to "lower the bar". The case law indicated the BZA "shall" issue a variance if the effect of the Zoning Ordinance is to limit the use or enjoyment of the property in a way that is irrational, capricious, or not fair or sensible under the circumstances in which it is presented.

In analyzing this variance request, staff finds that the applicant has "reasonable utilization" of the property as a single-family residence, but the Zoning Ordinance with the reduced secondary front setback allowance under Articles 2-13.10 and 2-19.3, appears to hinder enjoyment of the property due to the secondary front yard setback requirement and limitation on fence heights within a front yard setback. In the image below, staff roughly illustrates the applicant's ability to place a 6' fence on the property meeting the current Zoning Ordinance restrictions. The use of the secondary front yard area.



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

The subject property, known as lot 20 within the Monroe Estates Subdivision, is one of approximately 7 corner lots, also known as lots with two street frontages, within the existing subdivision. These additional corner lots are held to the same standards within the Zoning Ordinance limiting the height of proposed fencing to 4' within the front yard setbacks, which staff is of the opinion does not condone a hardship.

Additionally, Staff finds the property is largely level, with a gentle slope affecting the rear yard, which staff maintains this does not constitute a hardship.



The image above is intended to show the gentle slope on the property.

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

The applicant indicates the requested variance is not being requested by or on behalf of a person with a disability.

Additionally, under Virginia State Code Section § 15.2-2309, no variance shall be authorized by the BZA unless it is determined that the request meets all five of the following criteria:

a) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

The property was purchased in good faith by the owners in 2021, as recorded in deed book 1686, pages 2097-2099.

A variance would have been needed for a six-foot-tall fence within the front setback starting in 1991. The 1991 Zoning Ordinance was in effect at the time the subdivision was created in 2002, as recorded in deed book 982, page 940. This regulation has remained in effect since at least 1991, however, the 1991 Zoning Ordinance further restricted the development of corner lots by requiring the "side yard adjacent to the side street" or, the secondary front yard, to conform to the minimum front yard setback.

The Zoning Ordinance was then updated in 2006 to remove the requirement for the secondary front yard to meet front yard setback requirements, and a reduced setback equivalent to the average between the required front and side yard setbacks was implemented.

Staff feel the hardship is created by the applicants due to the reduction in setback permitted by Articles 2-13.10 and 2-19.2 of the 2006 Zoning Ordinance.

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

The proposed 6' fence would be placed along the property line on Meadowview Lane, with a 4' section of fencing proposed at the intersection of Pineview Court and Meadowview Lane, which the applicants claim will eliminate sight-distance issues. Staff suggest a condition of approval be considered to require this section of fencing to be maintained at 4' in height to maintain a clear sight triangle in an attempt to alleviate any potential visibility issues for pedestrians and vehicular traffic. The remaining fencing along the primary frontage, Pineview Court, is proposed to be 4' in height.

Two properties within the Monroe Estates subdivision have 6' tall fences; 576 Galina Way obtained a variance from the Board of Zoning Appeals in 2023 for the 6' section along Meadowview and 580 Pineview Court was required to move their 6' fence outside of the 18.5' secondary front setback along Meadowview Lane and did not seek a variance from the Board of Zoning Appeals. These properties are two of the seven corner lots within the Monroe Estates subdivision, and are subject to the same secondary front yard setback restrictions as the subject property.

c) The condition or situation of the property is not of so general or recurring of a nature as to be adopted as an amendment to the ordinance;

The Zoning Ordinance requires that fences be limited to four feet in height within the front yard setback on all properties within the Town. The primary reason for the restriction is to maintain line of site. Some fence designs, such as stepped/tiered fences, or open metal material, may alleviate this concern; but the Zoning Ordinance does not require specific fence designs unless they are within the Historic District.

The Board has heard 6 cases for variances to increase the height of a fence over the course of the last two years. The Board may choose to recommend a Zoning Ordinance Text Amendment to alleviate this issue for lots with a primary and secondary front yard.

d) The granting of the variance does not result in a use that is not otherwise permitted on such property, or a change in the zoning classification of the property; and

The permitted use on the property is a single family detached dwelling. Fences are permitted within all zoning districts in the Town and the installation of a six-foot tall fence should the Board choose to grant this variance, would not change the use of the property as a single-family detached dwelling.

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

A Special Use Permit cannot provide relief from the limitation on fence height within front yard setbacks, nor are there any waivers available for fences for this property.

#### CONCLUSION

Should the Board find that this request meets one of the three criteria listed in Section § 15.2-2309 of the State Code, and all five of the standards listed in Section § 15.2-2309 of the State Code, and moves to grant the requested variance, staff recommends the following approval conditions so as to secure the public interest and to minimize potential negative impacts on local residents and adjoining property owners:

- 1.) The site shall be in general conformance with the information and drawings submitted with the variance application except as specifically modified by the conditions below or as necessary to meet Zoning Ordinance requirements.
- 2.) The fencing Along Meadowview Lane shall not exceed 6' in height at any point.
- 3.) The portion of fencing at the intersection of Meadowview Lane and Pineview Court shall be reduced to 4' as shown in the plat submitted with the application materials to maintain a clear sight triangle for vehicles and pedestrians on or entering Meadowview Lane.

### **ATTACHMENTS**

- A. Proposed Conditions of Approval / Proposed Motion for Denial
- B. Maps
- C. Variance Application Materials
- D. Deed of Purchase- George- Db 1686 Pg 2097-2099
  E. Deed of Subdivision- Monroe Estates- Db 982 Pg 940
- F. Certificate of Occupancy- 579 Pineview Court
- G. Plat of 576 Pineview Court

Item 2.

### PATTERN MOTION TO APPROVE VARIANCE

VARIANCE DAVID AND JENNIFER GEORGE BZA #2025-1

BZA MEETING DATE: MAY 6, 2025

In Application BZA #2025-1, I move to grant the Variance, after due notice and hearing as required by Code of Virginia §15.2-2204 and Article 11-3.11 of the Town of Warrenton Zoning Ordinance, based on upon the following Board findings:

- 1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; and
- 2. The granting of the variance will not be of substantial detriment to the adjacent property and nearby properties in the proximity of that geographical area; and
- 3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance; and
- 4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- 5. The relief or remedy sought by the variance application is not available through a Special Exception or Special Permit process that is authorized in the Ordinance or the process for modification to the Zoning Ordinance at the time of the filing of the variance application.

The Variance is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance and to minimize potential negative impacts on local residents and adjoining property owners:

- 1. The site shall be in general conformance with the information and drawings submitted with the variance application except as specifically modified by the conditions below or as necessary to meet Zoning Ordinance requirements.
- 2. The fencing Along Meadowview Lane shall not exceed 6' in height at any point.
- 3. The portion of fencing at the intersection of Meadowview Lane and Pineview Court shall be reduced to 4' as shown in the plat submitted with the application materials to maintain a clear sight triangle for vehicles and pedestrians on or entering Meadowview Lane.

Item 2.

### PATTERN MOTION FOR DENIAL

VARIANCE DAVID AND JENNIFER GEORGE BZA #2025-1

### BZA MEETING DATE: MAY 6, 2025

In Application BZA #2025-1, I move to deny the Variance, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Article 11-3.11 of the Town of Warrenton Zoning Ordinance, based on upon the following Board findings:

- 1. That the property interest for which the variance is being requested was not acquired in good faith and any hardship was created by the applicant for the variance; and
- 2. That the granting of the variance will be of substantial detriment to the adjacent property and nearby properties in the proximity of that geographical area; and
- 3. That the character of the district will be changed by the granting of the variance; and
- 4. That the variance is contrary to the intent and purpose of the Zoning Ordinance; and
- 5. That the granting of the variance does not result in substantial justice being done.
- 6. The strict application of the Ordinance does not unreasonably restrict the utilization of the property or alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Ordinance.
- 7. The existing single family detached dwelling may continue to remain and be used as such. The additional fence height in the front setback is denied; however, the applicant may install a fence as permitted under the Zoning Ordinance Article 2-19.1.
- 8.

Attachment B Maps May 6, 2025 ltem 2.

## **Aerial/Contours**



Attachment B Maps May 6, 2025

# Zoning





### 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)	and the second s		Concept Plan Review		Record / Vacate Plat
Comprehensive Plan	As-Built		Easement Plat		Site Development Plan
Amendment	Bond Release/ Reduction		Final Plat	$\nabla$	Variance
Special Use Permit	Bond Extension		Preliminary Plat		Waiver, Administrative
Rezoning	Boundary Adjustment		Re-approval of Plat		Waiver/Exception, Legislative
Amendment to Existing Ap	proved Application? If Yes, Lis	st A	pplication		
Project Description					
Project Name: 579 Pineview C	ourt Fence				
Property Address (if no addres					
Purpose of Request: Would li	ke to request to replace r	ny	4ft fence with a 6ft	fer	nce
Zoning District: R-15	Total Acres:		Acres	for	Proposed Use:
Parcel Identification Number(s)	: 6984-70-6177-000				
Contact Information (Attach se	eparate page if necessary)				
All Current Owners					
Name & Company: David and	I Jennifer George				
Address: 579 Pineview Cou					
Phone:703-946-9842	Email:jepper20@ho	otma	ail.com		
All Current Applicants (if differ	rent then owner):				
Name &Company:					
Address:				_	
Phone:	Email:			_	
Representative (if different th	en owner/applicant):				
Name & Company:					
Address:					
Phone:	Email:				
OWNER(S) AFFIDAVIT (Original	Signatures Required)				

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

#### APPLICANT(S) AFFIDAVIT (Original Signatures Required)

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

fanger stalle	vicant's Signature & Date: Shnukin Merge
Print Owner's Name: David and Jennifer George	Print Applicant's Name: David and Jennifer George

### EXTERNAL HOUSE / LOT MODIFICATION ("ARB") APPLICATION

#### INSTRUCTIONS

1)	Submit completed ARB Application (3 pages) and all required attachments (plat, drawing, material/color samples) to
	Monroe Estates HOA, Inc. by:

- a. Email: admin@FVCmanagement.com
- b. Mail: PO Box 3672, Warrenton, VA 20188
- c. Drop-off: FVCmanagement, 85 Garrett Street, Warrenton, VA 20186 during posted office hours.
- 2) Use this form for any permanent external modification to the property or as required by the Association's Guidelines.
- 3) Use one form per modification. More than one modification may be submitted simultaneously.
- 4) Attach a plat (house location survey) showing the location of the proposed modification.
- 5) Attach a schematic drawing of the project showing accurate dimensions of the modification.
- 6) Atlach a sample of any materials and color(s) to be used (color swatch/material chip).
- 7) Have affected residents (i.e. those adjacent to your lot on all sides) acknowledge their awareness of the proposed modification (their signature does not imply approval or disapproval of the proposed modification).
- Please allow up to 45 days from submittal of complete application (including all supporting materials) for processing.
   We recommend calling shortly after submittal to confirm receipt thus ensuring no delays.
- 9) Direct questions to FVC management office at (540) 349-8220

OWNERNAME(S) David + Jennifer George	DATE 3151825
PROPERTY ADDRESS 579 PINENCE Ct	LOT #
HOME PHONE	
EMAILADDRESS Jepper 20 @ hotmail.com	
I. GENERAL DESCRIPTION OF PROPOSED MODIFICATION Provide detailed description of the change including type of change, rea property, and all other pertinent information that may be required to eval specific when describing the change.	ison for the change, location(s) on the luate the proposed change. Please be
Replace fence w 6' fence	
II. SPECIFIC PROJECT DETAILS	
Materials Ward	
Colors	
Contractor(s)	
Estimated Start Date Estimated Comp	Netion Date
(Estimated start date must be at <u>least 30 days</u> from the a	pplication date.)

Monroe Estates Homeowners Association, Inc.

P.O. Box 3672, Warrenton, VA 20188 (540) 349-8220 Page 1 Item 2.



MONROE ESTATES HOMEOWNERS ASSOCIATION, INC.

EXTERNAL HOUSE / LOT MODIFICATION ("ARB") APPLICATION

### NOTIFICATION OF ADJACENT LOT OWNERS

An Owner submitting an ARB application is required to provide notice of the application to all owners whose lots immediately abut to the applicant's lot or are separated from the applicant's lot by a street or common area and for whom the proposed improvement will be visible from the adjacent lots.

### Notification does not imply neighbor's consent, only awareness.

Proof of notice is required through the signing of the design review application by the adjacent lot owners. In the event applicant is unable to obtain any signature after repeated attempts, please list at least three (3) notice attempts in the signature blank (dates/times). If notice attempts are listed instead of a signature, the applicant acknowledges and confirms that a COPY of this complete application (including attachments) was left with the adjacent owner.

Owner understands that the authority to perform an alteration granted by this application will automatically expire if the work is not commenced within 180 days following approval and completed within 360 days, or other time frame authorized by the Architectural Review Board (ARB).

OWNER NAME(S) David + Jennifer	<b>U</b>
PROPERTY ADDRESS 579 PINEVIEW	Cf MODIFICATION replace fence
SIGNATURES OF AT LEAST TWO (2) ADJACENT LO	TOWNERS:
1. NAME(S) Wesley McCare. Ih (Please Print)	Signature
196 Mcaclowy.xw Lu Street Address	
2 NAME(S), LODI EBAWKS	ME
2. NAME(S) <u>JODI EBANKS</u> (Please Print) 539 Pineview CT, botancofon, VA	Signature 3/14/25 Lot Date
3. NAME(S) KEVIN Robbins	- 14 mm
(Please Print) 215 MENDOWVIEW LN, WARRENTOW VA	Signature 3/16/25
Street Address 20186	Lot Date

Item 2.

**EXTERNAL HOUSE / LOT MODIFICATION ("ARB") APPLICATION** 

### STIPULATIONS AND CONDITIONS FOR ALL APPROVALS

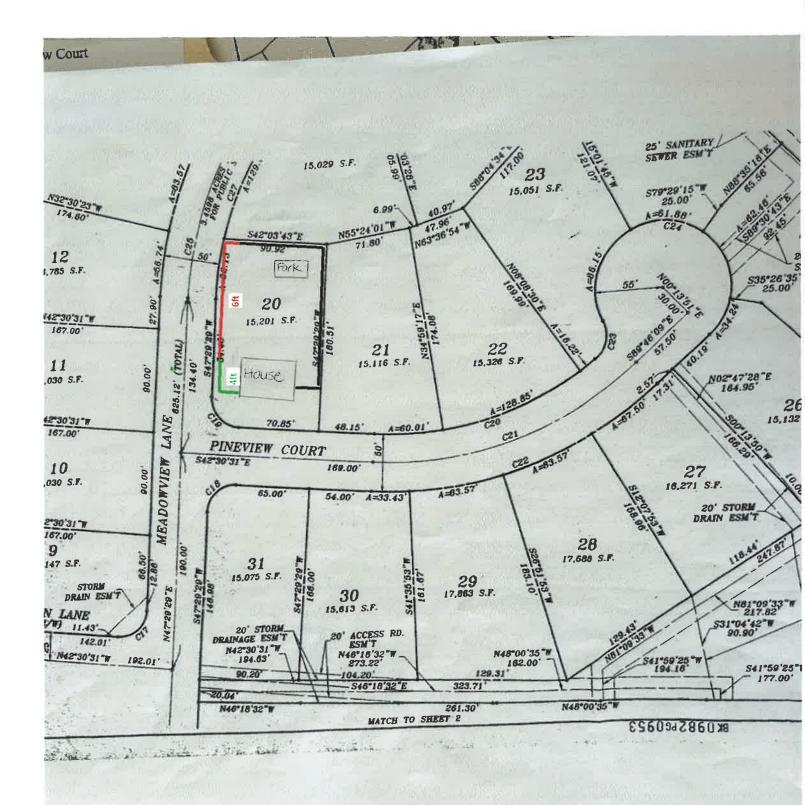
- All exterior modifications must meet the requirements of The Town of Warrenton Zoning & Building Codes, as well as all other applicable codes to which the property is subject. Further permits from the town may be required.
- All exterior modifications must meet the requirements of the Monroe Estates HOA's Governing Documents & Guidelines and all other association documents.
- The proposed modifications must be constructed according to the approved plans, schedule, and specifications.
- 4) The proposed modifications must be completed in a professional manner. Any modification that is not finished in such a manner; even if in accordance with an approval, may be required to be removed or repaired at the Owner's sole risk and expense, including legal fees required to enforce this acknowledgement.
- 5) No work on this request will commence until written approval has been obtained from the Architectural Review Board (ARB). Every effort will be made to readily act on all requests, but a request may take as long as 45 days to receive a response.
- 6) The proposed modifications must not interfere with storm water drainage or other restrictions on adjoining properties, either during or subsequent to, project completion. Any damage to adjoining properties or injury to third persons will be the responsibility of the applicant.
- 7) Members of the ARB, Board or management company may make routine inspections.
- Approval, if granted, is not meant to comment or advice on the fitness or safety of any proposed alternation or modification.
- 9) Disapproval requires the Owner to initiate a new request form to resubmit for consideration.

#### **ACKNOWLEDGEMENTS**

I/We acknowledge, understand and agree to the above conditions and instructions and that I/we will be solely liable for any claims, including but not limited to, claims for property damage or personal injury which result from the requested addition or modification, cost or expense to return the property to its former condition at my/our expense, including legal expenses incurred by others. I/we hereby indemnify the Association, the Board, the Committee and the management company from and against any and all such claims. Moreover, I/we accept responsibility for all installation, maintenance, repair and upkeep of said additions or modifications.

PROPERTY ADDRESS: <u>579 PINEMEW CF.</u> MODIFICATION: <u>replace fence</u>
SIGNATURE OF OWNER: Jehnulu Mange DATE: 3/15/25
COMMITTEE / MANAGEMENT COMPANY USE ONLY
Date Received 31725 Action Date 32125
Action Taken (check one) MB UApproved Der Disapproved Der Approved with Conditions
Signature of ARB Chairman (given on behalf of the entire Committee articliformal vote) Monroe Estates Homeowners Association, Inc. P.O. Box 3672, Warrenton, VA 20186 (540) 349-8220

Minulain	Class A BLD #2705-068210 1- 7 - 2/2
	Class A BLD #2705-066210 MHIC# 135435 Date: 3 2 8 25
	Anassas, VA 20110
	w.armorfenceco.com
	info@armorfenceco.com Jamily Owned Since 1992
CUSTOMER: DENNEPEN GEDNGE	
Address: 579 Prog VIDV Ct	- Cell Phone:
INAPARATON	- Email: jepper 26 & HOTMATL. Com
Phone: 703 QUI QQY2	_ Job Address:
delet	
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Remunder of the second s	5
Clearing done by:	98- 118-5
	S I I
Wire Mesh Type: NA	16
	номе
230	
SUMMARY:	641
	ance is not responsible for any demage to underground sprinklers or private utilities
ENSTALL APPROXIMATORY 92F	MHIC# 135435 The contractor herby reserves the right to specify details of the project by
DP YPOOR HELL SOLED BOARD	drawings, sketches or other means of pleaning the details in specified
Cap BONNO. (1)48" (1)96" DOUBUR	flux contract and the costomer's signature terent shall us evidence of their information
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6POOT SOLED BOARD WITH CAPBO	
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ALL PRESSURE THEATED WOOD. C.	EDAN A PRAME POR GADES.
TEAN DOWN & HAULAMAY.	
-12888-1020FF 12881 5	\$13,400 BOARD & BATTEN
10% Discount Applied	THE SECOND PAGE AND WHICH ARE MADE A PART HEROF BY THIS CONTRACT
The second s	Customer TO SHOW FOREMAN LOCATION
Contract Price: \$11,600	OF FENCE AND GATES
Deposit: S < SD D	Misc. Notes
Balance Due Upon Completion:	Philipped Press, March & Barrison, March & Stranger, March & Stranger, and Stranger, S
5,800	Contraction of the second of t
Note: Credit Cards add 3% to Price	""NO REFUNDS OR RETURNS ON SPECIAL ORDER MATERIALS"
All material is guaranteed to be specified. All work to be completed in a workmanilke manner according to standards practices. Any alterations or deviation	ARMOR FENCE LLC is not responsible for property lines or underground utilities. This embodies the entire understanding between the parties and there are no vorbal agreements or representations in in
from above specifications involving axira cost will be executed only upon written	connection therewith All material shell tamain the property of ARMOR FIRCE LLC until paid in full. All treated structurel lumber is to comply with grading rules of S.P.I.B. Gate framing to be non-treated
contingent upon strikes, accidents or delays beyond our control. Owner to carry	STE HUMDER II DALANCE IS NOT DAID UDOR COMPANIES DUTCHASET POTENTS to DAIL DALANCE IN THE
fire, tornado and other necessary insurance.	emount of 2% monthly, plus purchaser aggress to all cost of collection including court cost and utionary's face.
Armor Fence Sales Person	Annaly Old in
DEIN Athe EDIDENZIO	Acceptance Of Proposal (Buyer) (s)
OFAN AREAS 571.330.3607	
	Signature Date The Above Prices specification and conditions are satisfactory and hereby accupied. You The Ic do the work are satisfactory and hereby accupied. You
- 0 -11	are to do the work as specified. Payment will be made as outlined above.
Approved by Armor Fence LLC: 3/28/2	T
Signal Date	





David and Jennifer George 579 Pineview Court Warrenton, VA 20186 703-946-9842

March 28, 2025

Board of Zoning Appeals Town of Warrenton PO Box 341 Warrenton, VA 20186

Dear Board of Zoning Appeals,

We, David and Jennifer George, are writing to formally request a variance for the fencing associated with the secondary frontage on Meadowview Lane, to increase the height from 4 feet to 6 feet for the referenced property above.

This request is made to safeguard our family's privacy, as our backyard is exposed to the expanding community, and to prevent potential issues related to caring for our two large dogs. The current fencing allows people in the community to reach through or over it, potentially interacting with the dogs.

As part of this request, we plan to replace the current 4-foot fence with new materials. We propose installing approximately 98 feet of 6-foot Board on Batten pressure-treated pine privacy fence along the front setback on Meadowview Lane, and 64 feet of 4-foot Board on Batten pressure-treated pine privacy fence along the primary frontage facing Pineview Court for the referenced property. Additionally, we will include a 4-foot walk gate and an 8-foot double gate to provide multiple access points to the property.

In compliance with **Article 11, Administration, Procedures and Enforcement, Section 11-3.11 Variances**, we address the following standards for variances:

- 1. **Costs and Maintenance**: We assume all costs associated with the installation and future maintenance of the proposed fencing variance. No expansions are planned for the near future. Should any future expansions be required, a new application will be submitted.
- 2. Detriment to Adjacent Property: The proposed fencing variance will not result in substantial detriment to any adjacent property. Please see attached Notification of Adjacent Lot Owners.
- 3. Non-Formal Change: This request does not constitute a formal change to any regulation within the current Ordinance, as only one remaining house with a secondary frontage on Meadowview Lane does not have a fence.
- 4. **Zoning Classification**: This request does not require a change in the zoning classification of the referenced property.
- 5. Special Use Permit: This request does not require a special use permit.

We respectfully ask for your consideration and approval of this variance request to ensure the safety, privacy, and wellbeing of our family and property.

Thank you for your time and attention to this matter.

Sincerely,

David & Jennifer George

Type: DEEDS Recorded: 5/21/2021 12:19:00 PM Fee Amt: \$2,697.67 Page 1 of 3 Fauquier County, VA Gail H Barb Clerk of Circuit Court File# 2021-00007012

## DEED BK 1686 PG 2097 - 2099

This Deed, made this 20th day of May, 2021, by and between John T. FINEGAN and Terilyn BOWERS, husband and wife, GRANTORS, and David C. George and Jennifer M. George, husband and wife, GRANTEES;

#### WITNESSETH

That for and in consideration of the conveyance made hereby, the consideration received by the GRANTORS and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the GRANTORS subject to the matters described herein, hereby grant and convey to the GRANTEES with General Warranty and English Covenants of Title, in fee simple unto the GRANTEES, **David C. George and Jennifer M. George**, as tenants by the entirety with common law right of survivorship, the following described real estate, situate, lying and being in Fauquier County, Commonwealth of Virginia, (the "Real Estate"), to wit:

#### SEE LEGAL DESCRIPTION ON EXHIBIT A ATTACHED HERETO

**AND BEING** the same property conveyed by Richmond American Homes of Virginia, Inc., a Virginia Corporation unto Terilyn Bowers and John T. Finegan by virtue of a deed dated June 9, 2004 and recorded June 10, 2004 in Deed Book 1104, page 210 among the land records of the Clerk's Office of the Circuit Court of Fauquier County, Virginia.

The Real Estate is conveyed subject to all recorded easements, conditions, restrictions, and agreements that lawfully apply to the Real Estate or any part thereof.

The GRANTORS covenant that said GRANTORS have the right to convey the Real Estate, that the GRANTORS have done no act to encumber the Real Estate; that the said GRANTEES shall have quiet possession of the Real Estate; and that the GRANTORS will execute such further assurances as may be requisite.

PREPARED BY LAW OFFICES

SHREVES, SCHUDEL, SAUNDERS, PARELLO & CLARKE, PLLC

492 Blackwell Road Warrenton, VA 20186

P:540-316-6206

Tax Map Number: 6984-70-6177-000 Property Address: 579 Pineview Court, Warrenton, VA 20186 Grantee's Mailing Address: 579 Pineview Court, Warrenton, VA 20186 Consideration:\$611,579.00 Assessed Value:\$ 501,500.00 Underwriter: First American Title Insurance Company VSB#: 74235 - Donald W. Tomlinson

> Deed Page 1 Case No. 324852WAR

		Item 2	2.
	Witness the following signatures and seals:		
-	John T. FINEGAN		
$\subset$	Terilyn BOWERS		
	Commonwealth of Virginia, City/County of: Fauquier to wit:		
	I, the undersigned, a Notary Public for the jurisdiction aforesaid, do certify that John T. FINEGAN and Terilyn BOWERS,, whose names are signed to the foregoing document, acknowledged the same before me in my jurisdiction aforesaid, this day of May, 2021. Notary Public Notary Public Notary Public My Commission Expires: My Commission Expires:		
	Deed Pag Case No. 324852W/	e 2 AR	

Exhibit A

Legal Description

Lot 20, MONROE ESTATES, as the same appears duly dedicated, platted and recorded in Deed Book 982 at page 940, among the land records of Fauquier County, Virginia.

RECORDED IN CLERK'S OFFICE OF FAUQUIER ON May 21, 2021 AT 12: 19:00 PM \$612.00 GRANTOR TAX PD AS REQUIRED BY VA CODE § 58.1-802 STATE: \$306.00 LOCAL: \$306.00 FAUQUIER COUNTY, VA GAIL H BARB CLERK OF CIRCUIT COURT

Bail HBarb

Deed Page 3 Case No. 324852WAR

Item 2.

#### DEED OF DEDICATION, SUBDIVISION AND EASEMENT

THIS DEED OF DEDICATION, SUBDIVISION, AND EASEMENT is made this <u>22</u> day of <u>October</u>, 2002, by and between <u>RICHMOND</u> AMERICAN HOMES OF VIRGINIA, INC., a Virginia corporation (hereinafter referred to as "Owner"); and the <u>TOWN</u> OF WARRENTON, VIRGINIA, a municipal corporation (hereinafter referred to as "Town").

#### WITNESSETH:

WHEREAS, the Owner is the owner and proprietor of certain real property ("Property") as shown on Subdivision Plat, dated October 4, 2002, entitled "MONROE ESTATES", and prepared by Richard D. Townsend of Schools & Townsend, P.C., certified land surveyors ("Plat"), which Plat is attached hereto and made a part hereof; and

WHEREAS, the Property is situated in the Town of Warrenton, Fauquier County, Virginia; Owner having acquired the Property by deed recorded in Deed Book 976, at Page 227, among the land records of Fauquier County, Virginia; and

WHEREAS, it is the desire and intent of Owner to subdivide the Property into lots and parcels, and to dedicate, grant, and convey to the Town, its successors and assigns for public use, the streets and thoroughfares in accordance with this Deed of Dedication, Subdivision, and Easement and the Plat; and

WHEREAS, it is the desire and intent of Owner to grant and convey unto the Town the easements in the locations as shown on the Plat by separate instruments of conveyance to be recorded among the County land records.

age 1 of 16

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### BK 0982PG 0941

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, Owner, together with the consent of the Trustees, does hereby subdivide the Property containing 22.50 acres, more or less, into lots and parcels, to be known as Lots One (1) through Forty-seven (47), inclusive, Monroe Estates, in accordance with the Plat which is expressly incorporated herein and made a part of this Deed of Dedication, Subdivision, and Easement; and

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, receipt of which is hereby acknowledged, Owner does hereby grant, dedicate, and convey to the Town, in fee simple, the 3.4598 acres for public street purposes as shown on the Plat. This dedication is made in accordance with the statutes made and provided therefor.

Grantor covenants that it is seized of and has right to make such dedication and to grant rights and privileges appurtenant thereto, that Town shall have quiet and peaceable possession, use and enjoyment of the aforesaid property and that Grantor shall execute such further assurances thereof as may be required.

This Deed of Dedication, Subdivision, and Easement is made in accordance with the statutes made and provided in such cases including Section 15.1-465 et seq. and including Section 15.1-477 et seq. of the Code of Virginia 1950 as amended; with the approval of the proper authorities of the Town of Warrenton, Virginia, as shown by the signatures affixed to the Plat, and is with the free consent and in accordance with the desire of Owner, the owner and proprietor of the land embraced within the bounds of said subdivision.

IN WITNESS WHEREOF, Owner has caused this Deed of Dedication, Subdivision, and Easement to be signed by its duly authorized representative.

#### FURTHER WITNESS the following signatures and seals:

RICHMOND AMERICAN HOMES OF VIRGINIA, INC., a Virginia comporation, (OWNER)

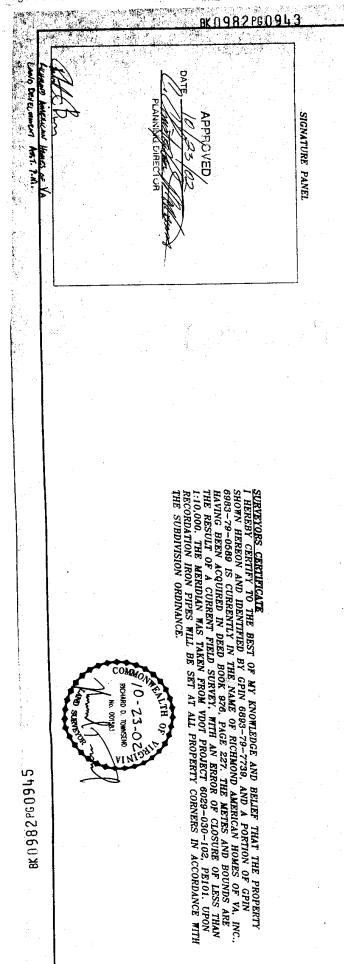
ani By: Steven M. Maseie

Title: Vice President of Land Development

COMMONWEALTH OF VIRGINIA COUNTY OF <u>Prince Willia</u>, to-wit:

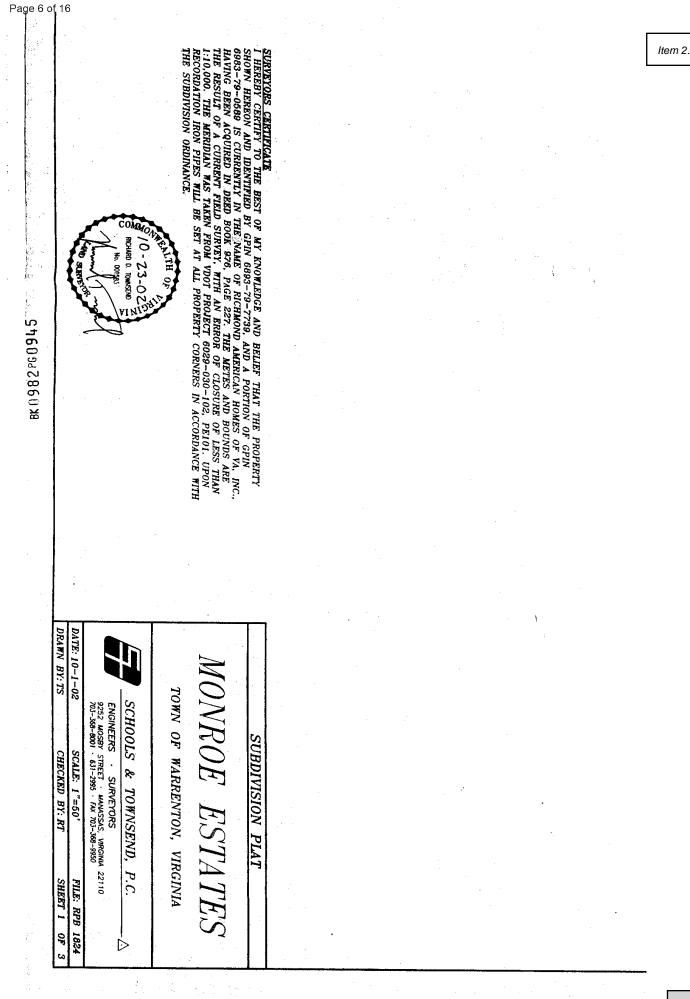
I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that <u>Steven M. Massie</u> of <u>Long Richmond Dimonce Homes of Virginics</u>, <u>Inc.</u>, whose name is signed to the foregoing Deed of Dedication, Subdivision and Easement, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this	day of October	, 2002.
	GOLLHORINU	SON J
My Commission expires: <u>31May 2003</u>		HA PARA
F/deods/monroeest.ra.doc		



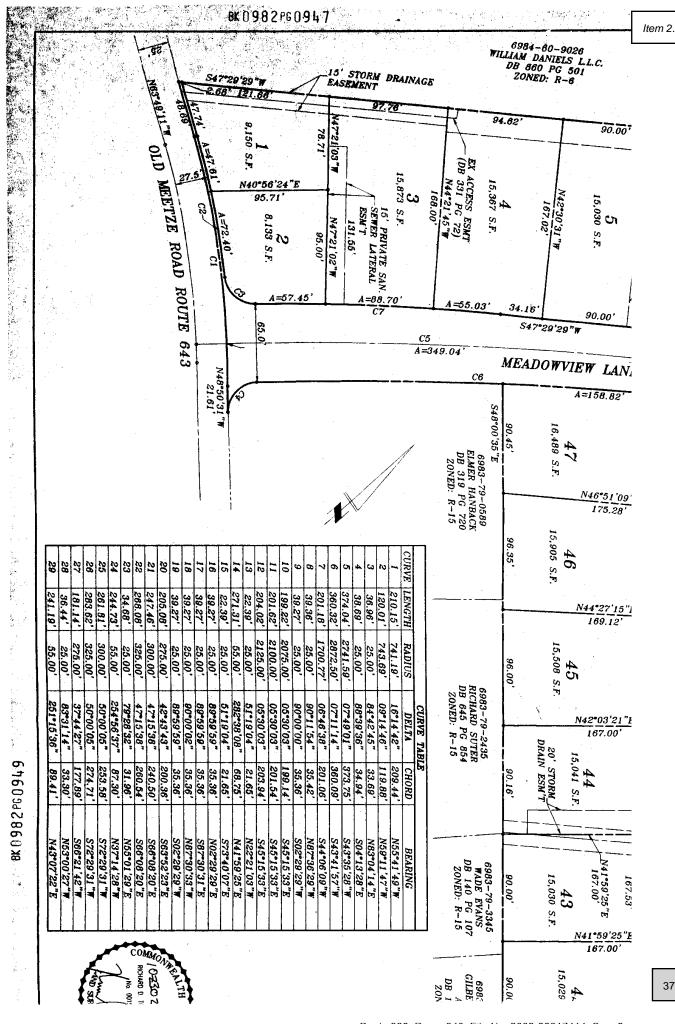
Item 2.

		NOTARY PUBLIC HOMAISM 31464 2003 MY COMMISSION EXPIRES	ACTACK CARLELIA, COUNTY OF PAMELANIA. STATE OF VIRGUNIA, COUNTY OF PAMELANIA. TO NTT: SUBSCRIBED AND ACKNOWLEDGED BEFORE ME THIS 2001 DATY OF OCHO-, 20002, BY Sheen H. Hassi, the Preside Londbaught a burlow to Colomond Dimance these of Wagna, Inc.	BY Itan W Kap a	OWNER BICHNOND MERSICAN HOMES OF VIRGINIA INC	<b>QHAVERS CONSENT:</b> THE SUBDIVISION OF THE 22.50 ACRES OF LAND. IDENTIFIED AS GPIN 6893-79-7739 AND 6983-79-0569 (PORTION OF), AS SHOWN HEREON, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER. THE OWNER HEREBY DEDICATES TO THE TOWN OF WARRENTON, THE RIGHT OF WAY SHOWN HEREON FOR PUBLIC STREET PURPOSES. FUTHER, THE OWNER GRANTS TO THE TOWN, EASEMENTS SHOWN HEREON FOR SANITARY SEWER, WATERLINE, STORM DRAINAGE, ACCESS, AND STORM WATER MANAGEMENT FOR THE DENIFIT OF LOTS 1. 15. AND 18. AN ACCESS EASEMENT IS ALSO GRAVTED TO THE MONROR ESTATES H.O.A.	4. THERE IS NO F.E.M.A. FLOODPLAIN ON THE PROPERTY.	3. SETTER LATERALS LOCATED OUTSIDE OF THE ROAD RIGHT-OF-WAY ARE THE RESPONSIBILITY OF THE PROPERTY OWNER.	2. THE OPEN SPACE PARCELS ARE TO BE CONVEYED TO A HOME OWNERS ASSOCIATION FORMED BY THE SUBDIVISION PROPERTY OWNERS. THE MAINTENANCE OF THESE PARCELS WILL BE THE RESPONSIBILITY OF THE ASSOCIATION.	NOTES: I. THIS PROPERTY IS IDENTIFIED BY THE FOLLOWING G.P.I.N. : 6893-79-7739 AND 6983-79-0589 (PORTION OF).
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х. Х. 	- - -	· ·			1				2.0801 ACRES	AREA TABULATION OPEN SPACE
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									22.5032 AC.	TOTAL

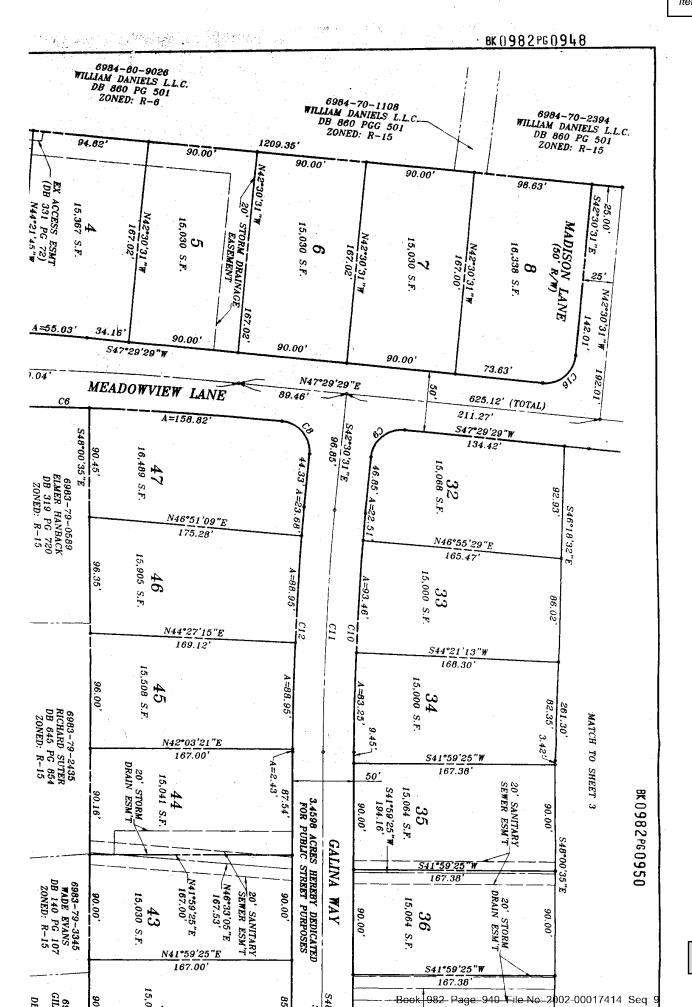


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			BK () 982 PG () 946	ATION LOTS 16.9633 ACRES
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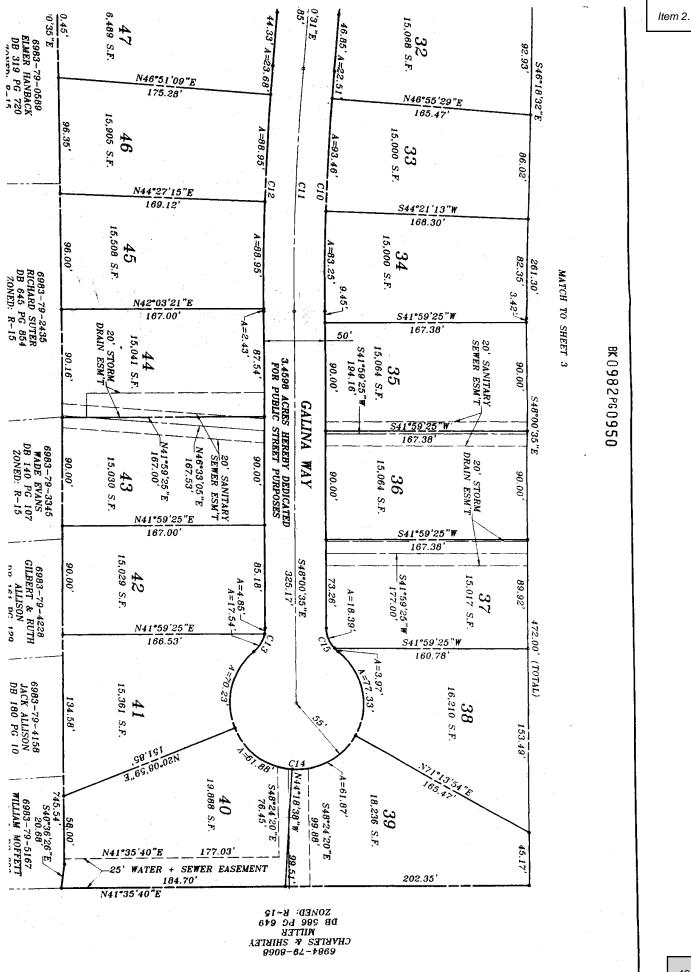
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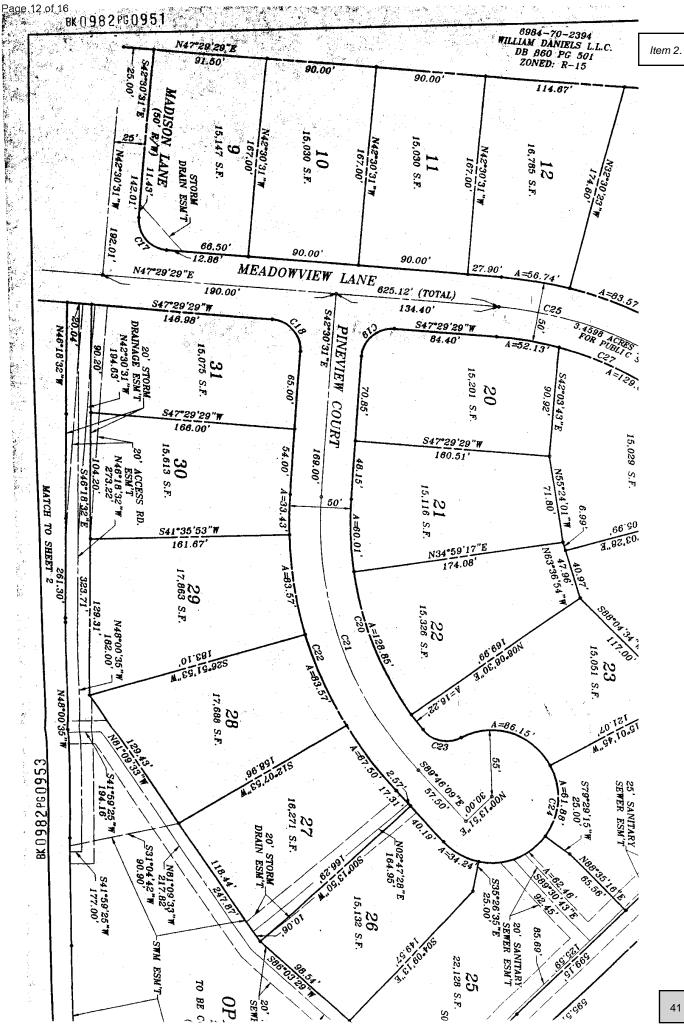


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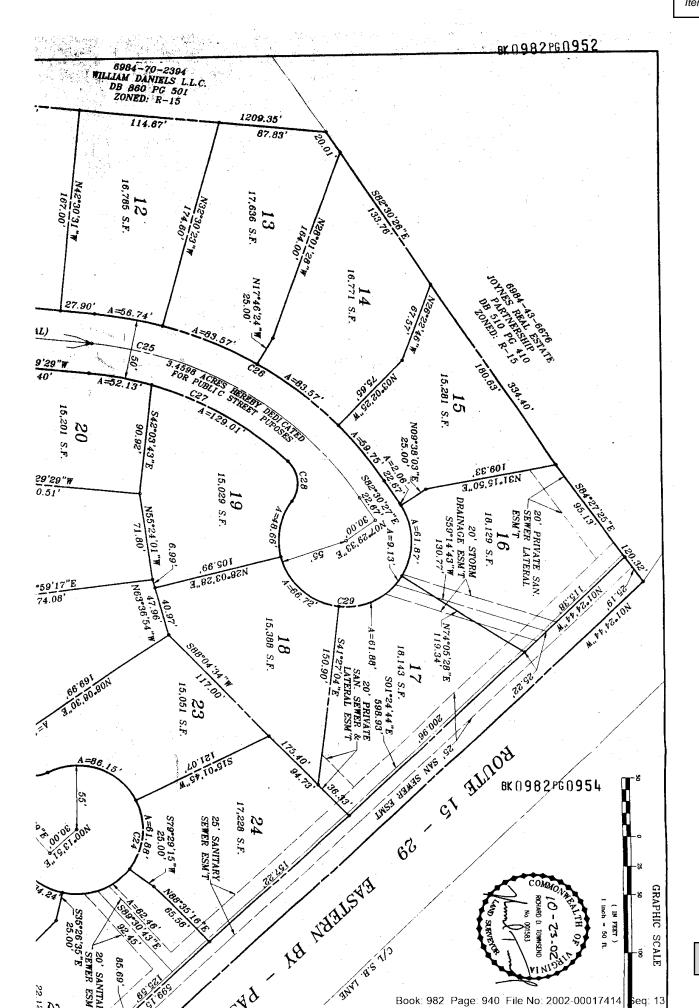


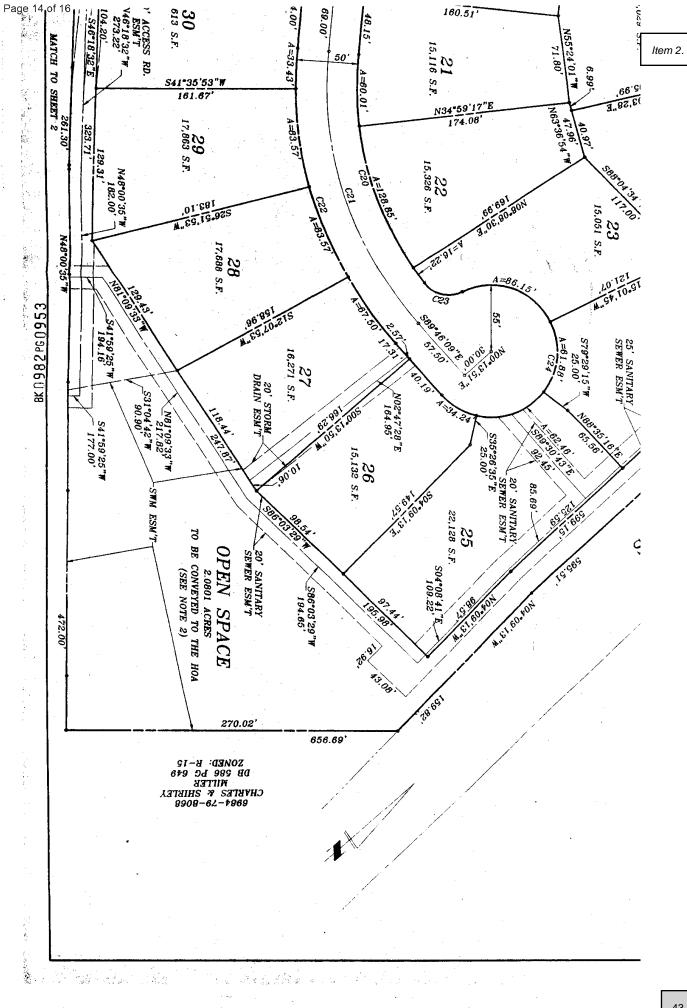
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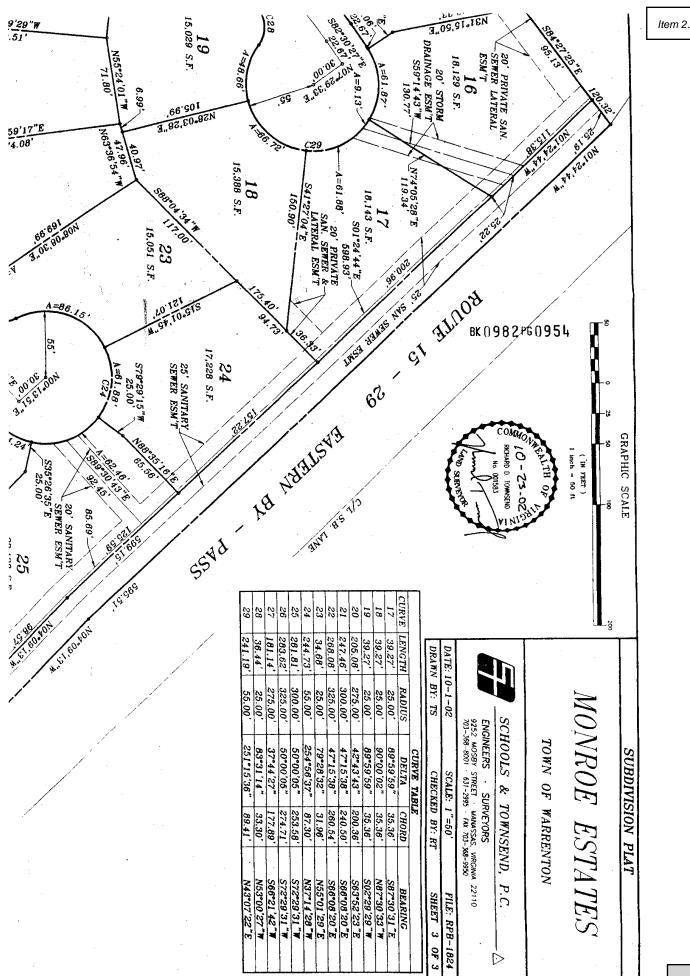


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Page 15 of 16



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VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE COUNTY OF FAUQUIER, OCT 2 3 2002 This instrument was this day received in said Office and with certificate admitted to record at 2:43 P. m. \$3.5 Teck for Exempt \$\$ 30, 20 TESTE: Sail Start, CLERK \$\$

### OFFICE OF THE BUILDING OFFICIAL TOWN OF WARRENTON CERTIFICATE OF USE AND OCCUPANCY

RICHMOND AMERICAN HOMES located at PINEVIEW COURT

Unit # 579

Lot # 20 the Town of Warrenton, complies with the Building Code in effect on this date and is suitable for occupancy and use as a type <u>SINGLE FAMILY DWELLING</u> building. Use \_\_\_\_\_ Occupancy Load \_\_\_\_\_

Zoning/Administrator

**Building Official** 

Date 10

Remarks: 4 BDRM SFD, GARAGE, FIN/UNFIN BSMNT, FRONT STOOP

Item 2.

