

**FAUQUIER COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT**



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**PLANNING**  
10 Hotel Street, Suite 305  
Warrenton, VA 20186

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April 2, 2014

Mr. Shane O'Connor  
Blackthorne Inn  
10087 John S. Mosby Highway  
Upperville, VA 20187

Re: Special Exceptions – SPEX14-MA-003, SPEX14-MA-004, & SPEX14-MA-005 – Stonecreek Group, LLC (Owner)/Shane O'Connor (Applicant) – Blackthorne Inn & Restaurant

Dear Mr. O'Connor:

On January 9, 2014, the Fauquier County Board of Supervisors voted to approve your Special Exception requests. A copy teste of the resolution of approval is attached.

Please note that a site plan must be approved as the next step and the transportation improvements shall be completed within six months of site plan approval. To proceed with the site plan application, please contact Rob Walton, Senior Planner, at (540) 422-8220.

Sincerely,

Holly Meade  
Assistant Chief of Planning

Attachment

cc: Stone Creek Group, LLC, Owner  
Amy Pritchard, Carson, Ashley & Associates, LLC, Representative



Holly Meade

RESOLUTION

A RESOLUTION TO APPROVE SPEX14-MA-003, SPEX14-MA-004, AND SPEX14-MA-005 – BLACKTHORNE INN & RESTAURANT – AN APPLICATION FOR A CATEGORY 7 SPECIAL EXCEPTION FOR AN ADAPTIVE USE TO CONTINUE THE OPERATION OF A RESTAURANT; A CATEGORY 9 SPECIAL EXCEPTION TO CONTINUE THE OPERATION OF A RESORT; AND A CATEGORY 9 SPECIAL EXCEPTION TO HOLD CLASS “C” EVENTS (PIN 6044-67-8620-000, MARSHALL DISTRICT)

WHEREAS, Shane O’Connor, applicant, has requested Special Exception approval to continue the operation of a restaurant and resort, and to hold various events on the property; and

WHEREAS, on September 26, 2013, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception requests and unanimously postponed action on the applications due to unresolved issues; and

WHEREAS, on November 7, 2013, the Fauquier County Board of Zoning Appeals approved a variance to Zoning Ordinance standard 5-916.3, permitting Class “C” events in a structure within 100 feet of the front property line with approval of a Special Exception; and

WHEREAS, on December 4, 2013, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception requests and unanimously recommended approval of the applications; and

WHEREAS, on January 9, 2014, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Planning Commission and Board of Supervisors find that less restrictive standards related to acreage do not negatively impact any other general or specific standard contained in Article 5 for these uses and will serve the purposes of promoting public health, safety and welfare to an equivalent degree; and

WHEREAS, the Board of Supervisors has determined that the applications satisfy the standards of Zoning Ordinance Sections 5-006, 5-702, 5-906, and 5-916; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of January 2014, That SPEX14-MA-003, SPEX14-MA-004, and SPEX14-MA-005 be, and are hereby, approved, subject to the following conditions:

1. The Special Exception is granted for the purposes(s), structure(s), and/or uses indicated on the Special Exception Plat prepared by Carson Ashley titled “Category 7 & 9 Special Exception Blackthorne Inn” dated July 15, 2013 and the “Entrance Exhibit” dated November 6, 2013, except as specifically modified by the conditions below or as may be necessary to meet Zoning Ordinance and engineering requirements.

2. The transportation improvements shown on the "Entrance Exhibit" prepared by Carson Ashley dated November 6, 2013 shall be completed within six months of Site Plan approval.
3. Class "C" events are limited to a maximum of 30 events per year with a maximum of 120 guests. Events shall be limited to arts and crafts shows; family reunions; wedding ceremonies and receptions and similar receptions; picnics, barbecues, and other similar activities such as corporate retreats; education seminars; and community-related arts, cultural and educational activities.
4. The hours of operation for all Class "C" events shall be limited to the hours of 9:00 a.m. to 11:00 p.m. Class "C" events which start on December 31<sup>st</sup> shall be permitted to operate until 1:00 a.m. January 1<sup>st</sup>. All activities relating to the Class "C" events, including event preparation and breakdowns, shall cease one (1) hour after the scheduled end of the event.
5. Related to Class "C" events, music associated or other amplified sound shall be allowed from 10:00 a.m. until the end of the event. Sound from any event, including events with music (amplified and non-amplified), shall not exceed sixty (60) dB at any property line.
6. All music related to the restaurant and pub shall be acoustic and shall be performed indoors.
7. The total number of guests on-site at any one time shall not exceed 200.
8. No activities or events shall result in more than the authorized occupancy limits under the Health Department septic permit. The applicant shall provide a copy of the approved upgraded Health Department septic permit for the restaurant and events to the Department of Community Development.
9. The applicant shall maintain at all times occupancy permits for all dwelling and guest units, Health Department approvals, and proof that State fire codes are met.
10. The applicant shall submit to the Health Department and the Department of Community Development the results of quarterly water testing as required by the State for bed and breakfast and full food service restaurants.
11. Applicant shall provide for the shielding of lighting located at the property entrance along Route 50 to mitigate off-site impacts. All lighting on-site shall conform to the Fauquier County Zoning Ordinance.
12. Flowering shrubs shall be planted between the existing rock wall and parking lot. All parking lot landscaping shall be maintained, which requires replacement in the result of damage or death.

13. All signage, including temporary signs, shall require appropriate permits from the Department of Community Development.
14. As stated in the Fauquier County Zoning Ordinance 5-916(6), the Zoning Administrator shall be notified no less than 30 days prior to any Class "C" event. This notice shall include the date, time, and type of event and copies of any required permits or licenses from the Sherriff's Office, VDOT, Emergency Services Office, and Health Department. Should the existing Zoning Ordinance be amended, this provision shall conform to the amended Zoning Ordinance.
15. In the event of a fire or other property-related casualty affecting the historic structure for which adaptive use is granted hereunder, the structure must be substantially restored to its condition prior to the casualty in order for the adaptive use to remain legally permissible. If such restoration is not completed within two years of the occurrence of such casualty, then the adaptive use permitted hereunder shall no longer be allowed and the Special Exception therefore shall be null and void.
16. All commercial activities permitted hereunder, and the structure or structures in which they are conducted, shall be subject to all applicable building code regulations, as well as applicable regulations promulgated by the Virginia Departments of Health and Transportation.
17. All alterations and additions to existing historic structures, all additional accessory structures, including signs, shall be designed and constructed in a manner that conforms to the United States Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

*A Copy Teste*



*Paul S. McCulla  
Clerk to the Board of Supervisors*

COPY AS  
APPROVED BY

BOS
PC
BZA

ON 1-9-14

*H Meade*

CERTIFIED

CASE #

~~SPEX14-MA-003~~  
~~SPEX14-MA-004~~  
 SPEX14-MA-005

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