

Mary Leigh McDaniel, Supervisor

19 May 2016

Dear Ms. McDaniel,

Congratulations on your election. I am a resident of the Apple Manor Subdivision where I own two lots. I write to voice opposition to any action by the County with respect to the Payandeh subdivision other than to order it vacated. The subdivision was created over the unanimous opposition of the Planning Commission and in violation of the Fauquier County subdivision ordinance and Apple Manor Covenants, as the Virginia Supreme Court ruled last year after eight years of litigation. I am attaching a 2006 letter objecting to a waiver which began this subdivision and also attaching a memorandum in support of Melanie Fein's 2010 suit (CL10-801) against Payandeh's revised covenants.

The subdivision would result in an overburdening of the roads in Apple Manor which were not designed for the additional traffic that would result. The additional lots would result in houses and other structures along the ridge of mountains which form some of the county's most scenic views along route 17.

This matter is now with Judge Parker. I believe the County should take no action to interfere with the logical conclusion of the litigation—the vacation of the Payandeh subdivision. Not only does the subdivision violate both county zoning laws and the Apple Manor covenants, but Payandeh herself threatened many times to subdivide just so she could gain additional votes to change the covenants. To be co-opted into her scheme will only enshrine, into county law and history, her many flagrant violations against the court and arrogance and deceit against her neighbors. Please do not let this happen.

I will be travelling and unable to attend the meeting that Melanie Fein has scheduled with you, but I want you to know that I am strongly opposed to any action by the County other than to vacate this unlawfully created subdivision.

Thank you.

Don Neese

Department of Community Development
Planning Division
Fauquier County
10 Hotel Street, Suite 305
Warrenton, VA

24 May 2006

SUBJECT: Waiver Submission, Case Number WVRP06-MA-037

The extension of Orchard Hill Lane will further complicate existing questions regarding Ms. Payandeh's current issues regarding access to Apple Manor Road and Orchard Hill Lane. Ms. Payandeh is under a Circuit Court order to open her gates on Apple Manor Road but has refused to obey the order. Will she submit to the order, open her gates, including access to her new road?

Although she uses all of the roads in the subdivision regularly, Ms. Payandeh has not paid any road fees for the maintenance of these roads for over five (5) years. Is she willing to pay those back fees and pay the increased fees for the lots she is creating?

The Apple Manor Covenants require the owners to pay for maintenance for all roads (easements). Will Ms. Payandeh expect the maintenance on her new roads to be paid by the other owners? To what standard?

Ms. Payandeh's amendment to the Covenants was negotiated in 1997, years after some of the other owners bought at Apple Manor with the understanding that there would be 20 parcels. The owners were never given any opportunity to discuss her amendment or register any objection.

I will be happy to discuss all of the above with the Planning Commissioner. Thank you.

Don Neese
Rose Folly Farm
2283 Leeds Manor Road
Markham, VA 22643