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October 6, 2016

The Hon. Mary Leigh McDaniel
Board of Supervisors
COUNTY OF FAUQUIER
40 Culpeper Street
Warrenton, Virginia 20186

Re: Apple Manor Waiver **WAIV-16-005690**

Dear Supervisor McDaniel:

I am writing you as Chairman of the Land Trust of Virginia which holds conservation easements on over 14,400 acres of land in Virginia and 3,633 acres in Fauquier County. Our board of directors wants to express its strong opposition to the granting of a waiver that would relieve Zand 78 LLC and Demavand 9 LLC from the necessity of complying with all requirements of the Fauquier zoning ordinance.

The Virginia Supreme Court held that the re-division of three lots owned by these companies was illegal, and that they must either be brought into compliance with both the subdivision's restrictive covenants and Fauquier's regulations, or be vacated. The proposed private roads cannot comply with the zoning requirement that new subdivision roads must connect directly to Leeds Manor Road, and therefore, a waiver of this requirement is being sought.

This eight lot subdivision should not be allowed to stand and it should revert to its original three lots. This land is wooded and mountainous, with extremely steep slopes. As a result, extreme cutting and filling will be necessary to construct buildings on these lots and in order to insure that the grade of the private roads is 10% or less. Such intensive development of these lots will scar this beautiful mountainside, increase the likelihood of erosion and provides no benefit to Fauquier County and its existing residents. We note that the staff observed in its July 25, 2016 comment letter that "construction of the private street to Type I standards as shown has significant impacts to the subject parcels, and does not conform to the rural character of the area." Construction of any type of functional road to safely serve the eight illegally created lots would imperil this environmentally sensitive land.

We urge you to oppose this application and trust that the Board will vote to deny the applicant's request for a waiver.

Sincerely,

Christopher C. Dematatis
Chairman

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