

Mitch and Melissa Gelman
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October 8, 2016

Dear Members of the Fauquier County Board of Supervisors:

We are writing to you as new homeowners of a farm at the foot of Brushy Mountain in the Crooked Run Valley historic district. We urge you deny the waiver sought by the developers seeking to build a road to facilitate development of unlawful subdivisions on Brushy Mountain. The road is excessive in length and impact on the surrounding environment.

If the developers Zand78 and Demavand9 are allowed to move ahead with this road project, it will undermine the shared agricultural, ecological and preservation values and defame the character of the area. It would be antithetical to the very reasons we have chosen to live and invest in Fauquier County. The County should not grant a waiver for a subdivision that was created in violation of the County's ordinances and restrictive covenants. Nothing in the zoning ordinance entitles the developers to a waiver of the applicable requirements, which should be applied equally for any organization or individual who seeks to subdivide in our county. If it is correct, as we understand, that the developers have not filed a site plan, subdivision plan or request for a special exception, then they do not appear to be even eligible for a waiver.

Further, one of the key criteria that must be met for a waiver is that denial of the waiver "would place an unreasonable restriction on the use of the property." That criterion is not met here where the land in question is located in a rural conservation district where the ordinance provides that agriculture and forestry are the preferred uses, even over residential uses. Denial of the waiver would not impose an unreasonable restriction on the use of the property. Denial would only prevent the land from being subdivided—it could still be used for permissible agricultural, forestry, and residential uses. A recent study has indicated that the County is better served tax-wise by agricultural activities than by residential development.

Moreover, another waiver criteria is that “properties through which access is planned will not be unreasonably affected.” Here, the properties through which access is planned will be unreasonably affected by the massive destruction of heavily forested area and steep slopes. Also, access will be through the existing roads in Apple Manor and neighbors there have said they would be unreasonably affected by the additional traffic on the narrow and steep gravel roads.

We join our neighbors in encouraging the Board to be guided in this matter by the rural land use plan set forth in chapter 8 of the County’s Comprehensive Plan, the guiding principles of which are: “1. Encourage Farming; 2. Direct growth to designated Service Districts; 3. Protect environmental, cultural and visual resources; and 4. Provide strict controls over all new development in rural areas.” The Plan states that undesirable residential development “will change the agricultural environment and the valued rural nature of our community” if not effectively managed through zoning and subdivision regulations and voluntary initiatives. The Plan addresses precisely the issue before the Board in this case:

The problem currently being experienced is that the traditional development patterns of our villages, estates and rural neighborhoods, which have resulted in the visual landscape that the County currently enjoys, are slowly being supplanted by a new pattern of development. That development is showing tendencies to occur within our valued mountain areas and in open fields once productive for agricultural pursuits.

The Comprehensive Plan notes that “Fauquier County has been a state and national leader in planning and implementing rural area protection.” It is for this reason that we have chosen to move to the area and to commit to the long term sustainability of the County’s unique commitment to a rural environment.

Construction of a road to serve the unlawful subdivisions would be antithetical to this set of values. Development of the lots would degrade the view shed of Brushy Mountain from public lands and by-ways and risk destruction of a land rich in agricultural heritage. It would threaten to turn it into yet another suburban extension of the Dulles corridor.

The County should deny the waiver and allow the unlawful subdivisions to be vacated in accordance with the order of the Fauquier County Circuit Court.

We note and fully agree with the submissions of our neighbors in Apple Manor, in particular Melanie Fein, Esq., expressing concern that the existing gravel roads are inadequate to handle the additional traffic that would result if the waiver is granted. We

also fully support the submissions of our Scuffleburg neighbors, including John Richardson Esq., on behalf of the Friends of Pleasant Vale Church, Andrea and Dendy Young, of Hidden Creek Farm, William and Sharon Clinton of Josiah Adams Place, and Laurie and Chris Ambrose.

Respectfully submitted,

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