



TOWN OF OCCOQUAN

Circa 1734 | Chartered 1804 | Incorporated 1874

314 Mill Street
PO BOX 195
Occoquan, VA 22125
(703) 491-1918
occoquanva.gov
info@occoquanva.gov

Board of Zoning Appeals

September 23, 2025 | 5:00 p.m.

- 1. Call to Order**
- 2. Approval of Minutes**
 - a. September 16, 2025 Meeting Minutes
- 3. Action Items**
 - a. Appeal of a Notice of Violation OCV-2025-002 – 125 East Colonial Drive, Occoquan, VA 22125 – Prince William County GPIN 8393-72-0553
- 4. Adjournment**



TOWN OF OCCOQUAN

BOARD OF ZONING APPEALS

Agenda Communication

2. Approval of Minutes	Meeting Date: September 23, 2025
2A: September 16, 2025, Meeting Minutes	

Attachments: a. September 16, 2025, Meeting Minutes

Explanation and Summary:

This is a request to approve the meeting minutes from September 16, 2025, Meeting Minutes for the Board of Zoning Appeals.

Proposed/Suggested Motion:

"I move to approve the meeting minutes as presented."

OR

Other action the Planning Commission deems appropriate.



TOWN OF OCCOQUAN
BOARD OF ZONING APPEALS (BZA)
Meeting Minutes, Working Meeting
Town Hall - 314 Mill Street, Occoquan, VA 22125
Tuesday, September 16, 2025
5:00 p.m.

Present: Board Members Chair Liz Quist, Vice Chair Nick Roper, Secretary Walt Seiberling, Member Vicky Somma

Staff: Adam Linn, Town Manager / Chief of Police; Matt Whitmoyer, Deputy Town Manager; Attorney Tracy A. Gallehr, Esquire; Bruce Reese, Asst Zoning; Jeff Harvey, Asst Zoning, and Caroline Dayton, Architect.

Applicants: Caroline and Andrew Blanco, homeowners.

1. CALL TO ORDER

Ms. Liz Quist, Chair called the meeting to order at 5:00 P.M.

2. APPROVAL OF MINUTES

- a. A motion was made to approve the minutes of the last BZA Meeting on September 9, 2025 by Nick Roper, and seconded by Vicky Somma. The motion was passed by unanimous voice vote.

3. PUBLIC HEARING APPLICATION FOR ZONING VARIANCE- TZP2025-029

- a. Ms. Quist opened the public hearing by describing the process. Each party was given 5 minutes for presentation, followed by a question and answer period, and the Hearing close for deliberation of the BZA.
- b. Town Staff provided the zoning report led by Jeff Harvey. The Applicants presented their appeal. Question and answers followed. The Public Hearing closed at 5:33 PM.

4. BZA DELIBERATION AND DECISION

- a. The Board discussed the relevant issues and added questions were answered by the Town Staff or Applicants as appropriate.
- b. The BZA assessed the variance and whether to necessary and sufficient conditions were met for the requested variance. Draft wording for a potential decision was developed.
- c. A motion to approve the draft decision was made. The vote approved the decision in a majority of 3 yea, and 1 nay. (*Attached decision and checklist*)

5. ADJOURNMENT

Chair Quist adjourned the meeting at 6:03 P.M.

BZA DECISION FOR APPLICATION FOR VARIANCE - TZP2025-029
102 Frayers Farm, Occoquan, VA 22125

In response to the Zoning Administrator's denial of their previous zoning application TZP2025-027

BE IT DECIDED by the Board of Zoning Appeals of Occoquan, Virginia meeting in regular session this 16th day of September, 2025 provided approval consistent with the Variance Requirements worksheet 2 in column 1 and (i) through (v) column 2.

1. That the Town BZA hereby approves the request for variance of zoning for the rear setback no closer than five feet from the rear property line; and allow steps for safety.

and

2. That approval is based on the following condition: Plans, drawings and approval in general conformance with this request be obtained from zoning and the building official for conformance.

BY ORDER OF THE BZA

Meeting Date: September 16, 2025 - Board of Zoning Appeals (BZA)

RE: Approval of Application for variance - TZP2025-029

MOTION: Nick Roper

SECOND: Vicky Somma

ACTION: Approval Granted

Votes:

Ayes: Walt Seiberling, Liz Quist, Nick Roper

Nays: Vicky Somma

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Walter E. Seiberling

Walt Seiberling, Secretary BZA

Application for Zoning Variance- TZP2025-029

VARIANCE REQUIREMENTS WORKSHEET

At least ONE element from this column must be met 	AND	ALL elements from this column must be met 
<p>1. strict application of the terms of the Ordinance would <u>unreasonably restrict the utilization of the property</u></p> <p style="text-align: center;">OR</p> <p>2. granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon <u>at the time of the effective date of the Ordinance</u></p> <p style="text-align: center;">OR</p> <p>3. granting a variance would alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, <u>a person with a disability</u></p> <p style="text-align: center;">OR</p> <p> Conditions met</p>	AND	<p>(i) the property interest for which the variance is being requested was acquired in good faith and any <u>hardship was not created by the applicant</u> for the variance;</p> <p style="text-align: center;">AND</p> <p>(ii) the granting of the variance <u>will not be of substantial detriment to adjacent property</u> and nearby properties in the proximity of that geographical area;</p> <p style="text-align: center;">AND</p> <p>(iii) the condition or situation of the property concerned is <u>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</u>;</p> <p style="text-align: center;">AND</p> <p>(iv) the granting of the variance <u>does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property</u>;</p> <p style="text-align: center;">AND</p> <p>(v) the <u>relief or remedy sought by the variance application is not available through a special exception process that is authorized in the Ordinance</u>.</p>



TOWN OF OCCOQUAN

BOARD OF ZONING APPEALS

Agenda Communication

3. Action Items	Meeting Date: September 23, 2025
3A: OCV-2025-002 Appeal of Notice of Violation	

Attachments:

- a. Notice Ad
- b. Staff Report
- c. Application To Town of Occoquan Board of Zoning Appeals

Explanation and Summary:

On June 27, 2025, the Zoning Administrator issued Notice of Violation (OCV-2025-002) citing non-compliance with Town Code Sec. 157.287(B). The violation was described as the "rear deck light not fully cut off or directionally shielded." The required corrective action was outlined as either the removal or the installation of code-compliant shielding/replacement of the fixture. The notice stipulated that compliance be achieved within 30 days and informed the recipient that an appeal could be made to the Board of Zoning Appeals (BZA) within the same 30-day period.

On July 17, 2025, William D. Wides, Esquire, acting as agent for Roy Ellis Bussey, filed an appeal of the Notice of Violation. The appeal requests that the BZA make a determine that the Notice of Violation was issued in error and was issued unlawfully, and that the Zoning Administrator's decision should be reversed.

TOWN OF OCCOQUAN, VIRGINIA
NOTICE OF PUBLIC HEARING BY BOARD OF ZONING APPEALS
September 23, 2025 @ 5:00 PM

Notice is hereby given in accordance with the Code of Virginia § 15.2-2204 that the Board of Zoning Appeals (BZA) of the Town of Occoquan, Virginia will conduct a public hearing on Tuesday, September 23, 2025, at 5:00 PM at the Occoquan Town Hall located at 314 Mill Street Occoquan, Virginia on the following item:

1. Appeal of NOV OCV-2025-002. The resident seeks to appeal a notice of violation and compliance order sent by the Zoning Administrator on lighting at their house located at 125 East Colonial Drive, Occoquan, VA 22125, (GPIN 8393-72-0553) which is zoned R-3. Appellant and property owner is Roy Ellis Bussey.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above item are invited to attend the public hearing to state their opinions and may submit comments to info@occoquanva.gov. More information can be obtained by contacting the Town Hall Office Staff at 703-491-1918.

The Occoquan Town Hall is an accessible building. If a member of the public wishes to obtain an accommodation for a disability in order to participate in the public hearing, please contact the Town Hall Office Staff at 703-491-1918 to arrange for the accommodation as far in advance as possible.

Note to publisher: Publish on 9/11 and 9/18



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TOWN COUNCIL
Earnest W. Porta, Jr., Mayor
Jenn Loges, Vice Mayor
Cindy Fithian
Eliot Perkins
Theo Daubresse
Robert E. Love

**TOWN MANAGER /
CHIEF OF POLICE**
Adam C. Linn, J.D.

Date: September 16, 2025

Memorandum to: Board of Zoning Appeals

From: Sara Fila, P.E.
Zoning Administrator

*Re: Appeal of a Notice of Violation - 125 East Colonial Drive, Occoquan, VA 22125 -
Prince William County GPIN 8393-72-0553*

APPEAL:

July 17, 2025, William D. Wides, Esquire, agent for Roy Ellis Bussey filed an Appeal of a Notice of Violation issued by the Town of Occoquan on June 27, 2025. The appeal seeks the BZA to make a determination that the Notice of Violation was issued in error and was issued unlawfully, and the decision of the Zoning Administrator should be reversed. The appeal application and addendum are included in Attachment 1.

NOTICE OF VIOLATION:

The Notice of Violation (OCV-2025-002) cited non-compliance with Town Code Sec. 157.287(B) (Attachment 2). The Notice of Violation described the nature of the violation to be "rear deck light not fully cut-off or directionally shielded". The stated corrective action required is "removal or code compliant shielding/replacement of fixture". The notice required compliance within 30 days and cited that an appeal may be made to the Board of Zoning Appeals within thirty days. The appeal application was filed within thirty days, and prior to the cited compliance date. Attachment 3 includes communication between the Town and the Appellant

CODE PROVISIONS APPLICABLE TO THE NOTICE OF VIOLATION:

§ 157.286 DEFINITIONS.

https://codelibrary.amlegal.com/codes/occoquanva/latest/occoquan_va/0-0-0-5680

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FOOT-CANDLE. A quantitative unit of measure referring to the measurement of illumination at a single point. One **FOOT-CANDLE** is equal to one lumen uniformly distributed over an area of one square foot.

FULL CUTOFF ANGLE. The angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. (See Figure 1 in § 157.288.)

FULLY SHIELDED. Fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a **FULLY SHIELDED** fixture is one used in a way that allows no direct or internally reflected light to shine above the fixture. (See Figure 1 in § 157.288.)

INITIAL LUMENS. The lumens emitted from a lamp as specified by the manufacturer of the lamp.

LAMP. The component of a luminaire that produces light. A **LAMP** is also commonly referred to as a bulb.

LUMEN. A standard unit of measurement referring to the amount of light energy emitted by a light source without regard to the effectiveness of its distribution.

LUMINAIRE. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A **LUMINAIRE** is also commonly referred to as a fixture.

OUTDOOR LIGHT. Outdoor artificial illuminating devices, outdoor fixtures, lamps, or other fixture devices, permanent or portable, used for illumination, direction, or advertisement. Such devices shall include, but are not limited to, search, spot, or floodlights for: buildings and structures including canopies and overhangs; recreational areas; parking lot lighting; landscape lighting; signs, including billboards; and display and service areas.

OUTDOOR LUMINAIRE. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

PHOTOMETRIC PLAN. A point by point plan depicting the intensity and location of lighting on the property. (See Figure 4 in § 157.288.)

TEMPORARY. Not used more than seven consecutive days and not used more than 15 days in any calendar year.

(1998 Code, § 66-351) (Ord. passed 9-5-2017)

§ 157.287 USE AND ZONING DISTRICT SPECIFIC REQUIREMENTS.

https://codelibrary.amlegal.com/codes/occoquanva/latest/occoquan_va/0-0-0-5694

(B) *Outdoor lighting of buildings, parking lots, loading areas, sales areas, display areas, aprons/canopies, landscaping, signs, flags, statues, and other objects.* The following lighting requirements apply to single-family attached, multifamily, educational, institutional, commercial recreation, public, commercial business and retail, motor vehicle related, wholesaling, and industrial uses identified in this chapter.

- (1) Lighting of the aforementioned uses shall consist of fully cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is confined to the object intended to be illuminated.
- (2) Directional control shields shall be used where necessary to limit stray light.
- (3) No light from any illuminated sign shall cause or direct non-reflected light from the fixture to shine onto any adjoining property or public right-of-way.
- (4) Lighting for all parking, display, and loading areas shall not exceed an average horizontal illumination level of two and one-half foot-candles. All lighting fixtures serving these areas shall be fully cut-off fixtures.
- (5) Maximum mounting height is 20 feet for residential uses and 25 feet for nonresidential uses. Height is measured from the ground surface to the bottom of the lighting fixture. (See Figure 3 in § [157.288](#).)
- (6) The lighting fixture bulbs in aprons and canopies shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical.
 - (a) As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.
 - (b) Lights shall not be mounted on the top or sides (facial) of the canopy and the sides of the canopy shall not be illuminated.
- (7) The lighting for pump islands and under canopies shall have a minimum of one foot-candle at grade, and the average horizontal illumination cannot exceed ten foot-candles at grade level, subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than four to one. The standards herein are based on the Illuminating Engineering Society of America (IESNA) RP-33, Lighting for Exterior Environments.
- (8) Lamps shall not exceed 400 watts.

EXAMPLES OF FULL CUT-OFF LIGHT FIXTURES:

Sec. 157.288, Site Plan Requirements of the Town Code provides guidance on what constitutes a full cut-off fixture as shown below in figures 1 and 2 below.

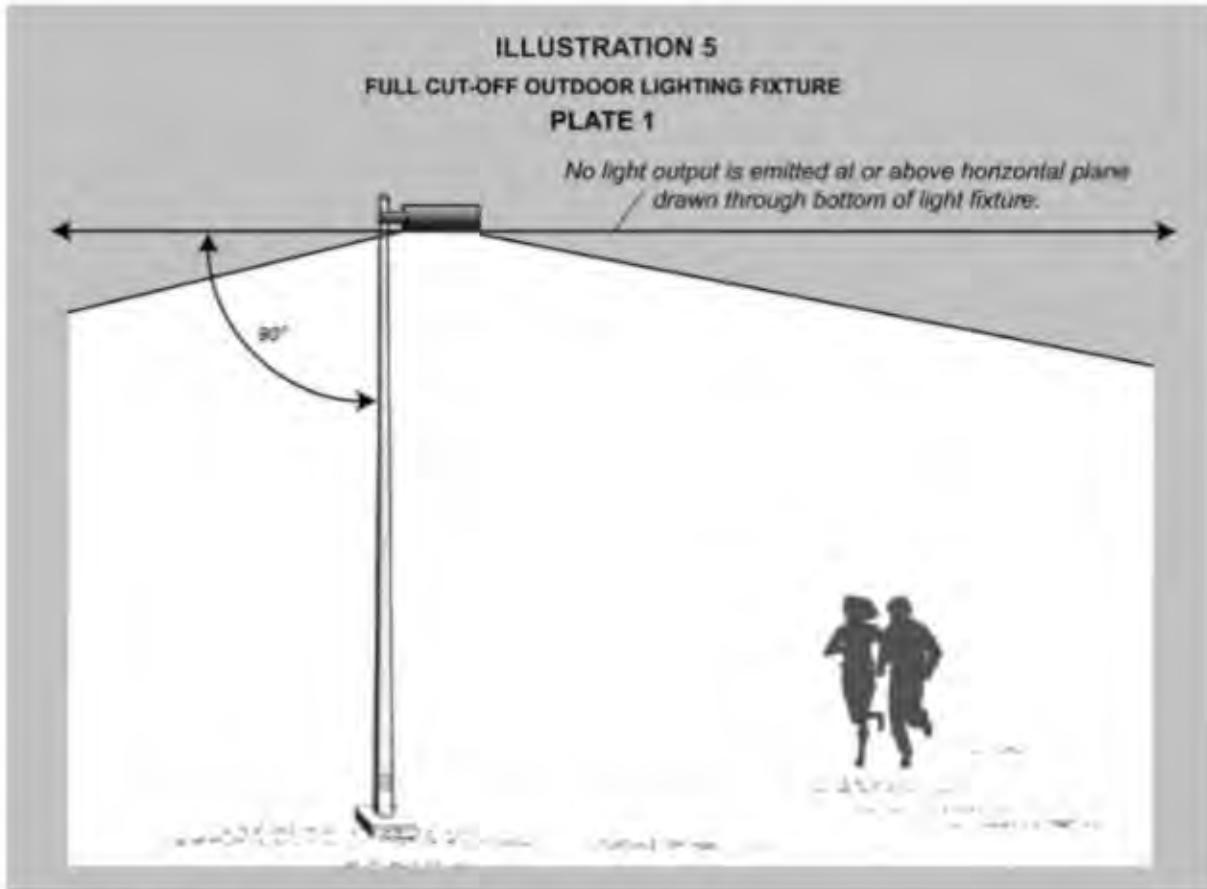
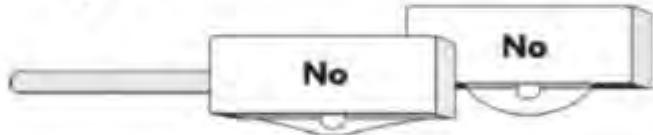
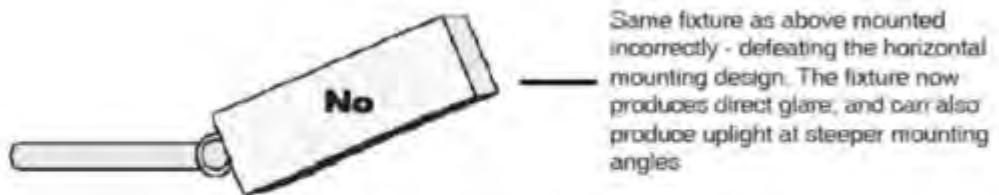
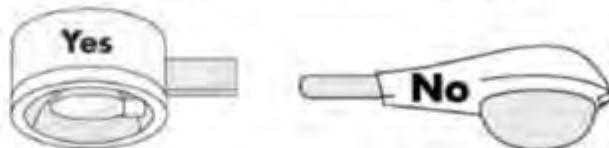


Figure 1: Full Cut-off Lighting Fixture

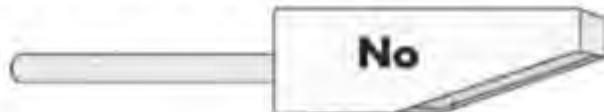
Source: Fairfax County, Virginia Zoning Ordinance - Appendix 2 (Illustrations)



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures is available in many styles.



Known as just "Cutoff". Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.



Forward-Throw Style. Exposed bulb in the forward direction produces some direct glare.

Source: International Dark-Sky Association (IDA Inc.), www.darksky.org.

Figure 2: Full Cut-Off Light Fixtures

EXISTING LIGHT FIXTURE:



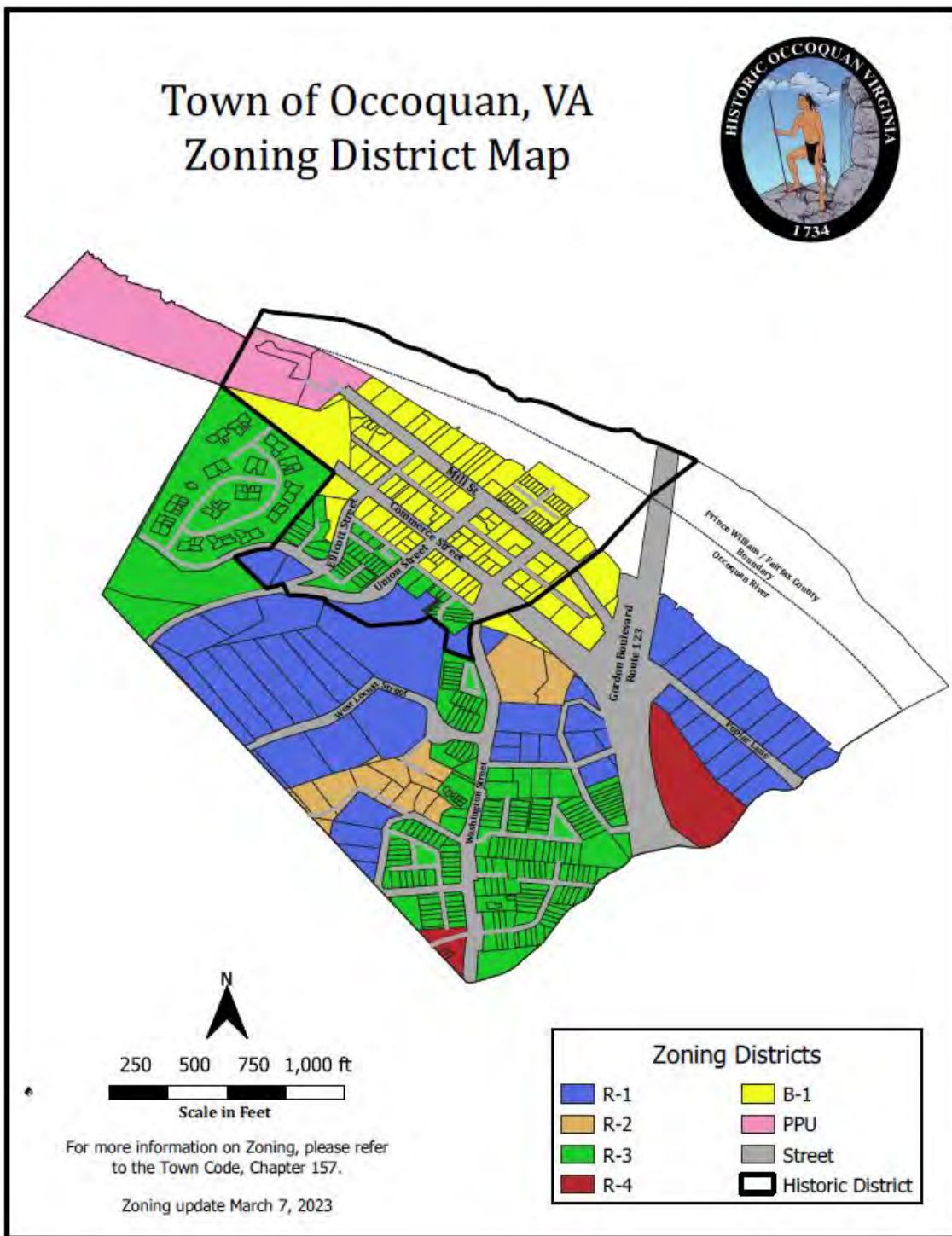
COMPLAINT PHOTOS OF EXISTING LIGHT FEATURE TURNED ON AT NIGHT:

Submitted on 4/24/25



ZONING DISTRICT:

125 East Colonial Avenue is zoned R-3, general residential, high-density zoning. The use of the property is a townhouse dwelling which is a by-right use in the zoning district. The cited light fixture is located at a rear entrance to townhouse dwelling on an elevated deck. Below is the zoning map of the Town.



REQUIREMENTS FOR APPEALS TO THE BOARD OF ZONING APPEALS:

Town Code Sec. 33.30 below describes the requirements and processes for appeals to the Board of Zoning Appeal. A majority of the Board of Zoning Appeals may wholly or partly reverse, affirm or modify the Notice of Violation. The decision of the Board of Zoning Appeals must be based on the evidence cited at the public hearing and must include a finding of fact identifying the evidence as the basis for the decision.

§ 33.30 APPEALS TO BOARD.

https://codelibrary.amlegal.com/codes/occoquanva/latest/occoquan_va/0-0-0-745

(A) *Generally.*

(1) An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the town affected by any decision of the Zoning Administrator or from any order, requirement, decision, or determination made by any other administrative officer (a “decision”) in the administration or enforcement of VA Code §§ 15.2-2280 et seq., or [Chapter 157](#) of this code. Except as provided in division (A)(2) below, any decision shall include a statement informing the recipient that he or she may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given.

(2) A notice of violation concerning a temporary trailer for sales and construction office during construction, temporary seasonal displays, or parking of a marked company vehicle in connection with a home occupancy certificate shall state that the appeal must be brought to the Board of Zoning Appeals (BZA) within ten days from the date of the decision.

(B) *Application and fees.* Any person aggrieved by a decision of the Zoning Administrator may appeal to the Board of Zoning Appeals (BZA) by filing, on the form provided, a notice of appeal with the Zoning Administrator and the Board of Zoning Appeals, which appeal shall specify the grounds of the appeal, together with the fees as established in the current fee schedule. For a notice of violation concerning a temporary trailer for sales and construction office during construction under § [157.014](#); temporary seasonal displays under §§ [157.041](#)(A)(8), [157.061](#)(A)(7), [157.081](#)(A)(9), [157.101](#)(A)(4), or [157.121](#)(A)(21); or parking of a marked company vehicle in connection with a home occupancy certificate under § [157.010](#), the appeal must be filed within ten days from the date of the notice of violation. For all other decisions, the appeal must be filed within 30 days from the date of the decision. The application and accompanying maps, plans, and other documentation constituting the record upon which the action appealed from was taken shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted

by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

(C) *Notice and hearing required; Planning Commission recommendation.* After entering the appeal on the docket, the Secretary of the Board shall advertise a public hearing, give written notice to the parties in interest, and request the Zoning Administrator to transmit a copy of the application and his or her staff report to the Planning Commission; the Planning Commission may send a written recommendation to the Board to appear as a party at the public hearing.

(D) *Burden of proof.* The applicant for a variance has the burden of proving that denial of a variance will result in unnecessary hardship, of proving that his or her hardship is due to [Chapter 157](#) of this code itself, and of proving, to the satisfaction of the Board, requirements for a variance stipulated in the VA Code.

(E) *Findings required.* The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice as well as due notice to the parties in interest, and make its decision within 90 days of the filing of the application or appeal. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under [Chapter 157](#) of this code or to effect any variance from [Chapter 157](#) of this code. The decision of the Board must be based on the evidence adduced at a public hearing and must include findings of fact disclosing the evidence relied upon by the Board and otherwise state the business and grounds for its decision to assure that the provisions of the VA Code and this subchapter have been met.

(F) *Board to issue order.* Whenever the Board shall grant a variance, the Secretary of the Board shall cause an order to be issued evidencing the grant and furnish copies of the order to the applicant, to the Zoning Administrator, to the Town Clerk, and to such other parties as deemed necessary.

(G) *Limitation on change.* In no event shall a written order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer be subject to change, modification, or reversal by any Zoning Administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision, or determination where the person aggrieved has materially changed his or her position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the Town Attorney, modification is required to correct clerical or other nondiscretionary errors.

(1998 Code, § 2-281) (Ord. O-2023-15, passed 9-19-2023; Ord. O-2025-06, passed 5-20-2025)

Attachments

1. Appeal Application
2. Notice of Violation
3. Communication between the Town and the Appellant

CC: William D. Wides, Esquire

Adam Linn, Town Manager

Matt Whitmoyer, Deputy Town Manager

Martin Crim, Town Attorney

APPLICATION TO TOWN OF OCCOQUAN BOARD OF ZONING APPEALS

1. IDENTIFICATION OF REQUEST

Type of Request: Appeal of enforcement determination of the Zoning Ordinance
 Request for variance from Zoning Ordinance
 Interpretation of Zoning District Map
 Request for Special Property Use Exception
 Other: Appeal Notice of Violation and Correction Order Case # OCV-2025-002

2. LOCATION OF PROPERTY

The following information (with the exception of Historic District and Zoning District information) can be obtained from the Office of Real Estate Assessments, 4379 Ridgewood Center Drive, Prince William, Virginia, 22192-5308 or at <https://gisweb.pwcva.gov/webapps/CountyMapper/>.

Tax Map No./GPIN: 8393-72-0553

Subdivision Name: Towns of Occoquan Mill Section No.: _____ Block: _____

3. Lot/Parcel No.: Lot 0025 Acreage: 0.0435 Street Address: 125 East Colonial Drive, Occoquan, Virginia 22125

Located in Flood N/A

Located in Historic District?: Yes No

Zoning District: N/A

4. INDICATE THE FOLLOWING WITH RESPECT TO THE SUBJECT PARCEL:

Existing Land Use(s): Residential

Existing Structure(s): Townhouse

Utilities: _____

(Intended use, i.e., public water/sewer; individual well/septic tank; other source.)

4. APPLICANT, PROPERTY OWNER, AGENT INFORMATION

Name of Applicant: Roy Ellis Bussey c/o William D. Wides, Esquire, Compton & Duling, LC.

If a corporation, name of agent: _____

Mailing Address: 12701 Marblestone Drive, Ste 350, Woodbridge, Virginia 22192

Telephone No. (703) 583-6060

Name of present owner of property for which this request is made: Roy Ellis Bussey

Mailing address: P.O. Box 515, Occoquan, Virginia 22125

Telephone No. (_____) _____

If the applicant is not the owner of the property in question, attach a Power of Attorney from owner, suitable for recordation, in which owner authorizes applicant to act on owner's behalf with regard to this application and consents to imposition of any conditions as authorized by law. A copy of any pending contract or option agreement shall be attached hereto and made a part of this application.

Name of person to be notified in addition to the applicant /property owner: William D.

Wides, Esquire, Compton & Duling LC

Address: 12701 Marblestone Drive, Ste 350, Woodbridge, VA 22192

Telephone No. 703-583-6060

5. REQUEST

Please state the specific request(s) for the BZA's consideration and explain fully the proposed use. Specify the type of development, operational program, etc. and the reason of this request, and attach applicable plans, renderings, elevations, photographs, etc.: Please see the attached Addendum.

6. EFFECT ON AREA

State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood, or the town, in general. Include where applicable, information concerning use of public utilities; effect of request on public schools, effect on traffic, to include means of access to the nearest public road; effect on existing and future area development, etc. Please see the attached addendum.

7. ATTACHMENTS:

No such attachments
are required for this
Appeal.

The Appeal Fee
was paid through the
Town's online portal
pursuant to the
Town Clerk's
instructions

- Complete names and addresses (including zip codes) of all owners adjacent to, across the road or highway facing the property, and across any railroad, right-of-way, creek, or river from such property, even if such property lies outside the corporate limits of the Town of Occoquan, must be obtained by the applicant from the county assessor's office, Prince William County. Adjacent property owners' names should not be obtained until the day on which this application is to be submitted to the Town of Occoquan for processing by the BZA.
- Herewith is deposited the fee required. A fee schedule is available from the Town Clerk, Town of Occoquan. Checks or money orders must be made payable to the Town of Occoquan.
- Enclosed with this application is the appropriate county tax map with the property marked and a surveyed plat of the entire parcel, if available.
- Enclosed is any required site plan(s) or tentative plat.

8. CERTIFICATION

I/We hereby certify that to the best of my/our knowledge all of the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of application:

Date: 7/17/25



Signature of Agent

or


Signature of Applicant

William D. Wides, Esquire

Agent
(Please print or type)

Roy Ellis Bussey

Applicant's Name
(Please print or type)

NOTE: Incomplete applications will not be accepted. Any request which requires plans must be accompanied by those plans at the time of submission of the application.

**Appeal of Notice of Violation and Compliance Order
Issued by the Town of Occoquan Zoning Administrator
Issued on June 27, 2025
To Roy Ellis Bussey
Case # OCV-2025-002**

**ADDENDUM TO APPEAL OF THE NOTICE OF VIOLATION AND COMPLIANCE
ORDER ISSUED BY THE TOWN FOR A LIGHT ILLIMINATING THE REAR
DOORWAY OF MR. BUSSEY'S HOME**

COMES NOW the Appellant, Roy Ellis Bussey, by and through counsel, and hereby submits his Addendum to Sections 5 and 6 of the Appeal of the Notice of Violation and Compliance Order issued by the Town on June 27, 2025 (the “NVCO”). The NVCO contains an allegation that Mr. Bussey is in violation of Town of Occoquan Ordinance § 157.287(B) because his “rear deck light not fully cut-off or directionally shielded.” (See the NVCO “nature of violation”). Mr. Bussey respectfully submits that this violation was issued in error, and was issued unlawfully, for the following reasons.

1. The Town has defined an alleged violation of Ordinance § 157.287(B) as a Class 1 Misdemeanor. Any individual who has been accused of violating this Ordinance is entitled to due process pursuant to the Sixth Amendment of the Constitution of the United States of America: i.e. innocent until proven guilty, entitled to a speedy and public trial in a court of law, to be confronted with the witnesses against him, etc. The Town’s attempt to pursue an alleged violation of an ordinance it has defined as a Class 1 Misdemeanor through the Zoning Violation process is a violation of Mr. Bussey’s due process rights¹

The Town of Occoquan has defined a violation of Town Ordinance §157.287 as a Class 1 Misdemeanor. Ordinance § 157.287 ends by stating, “Penalty, see § 10.99. ” There is no further penalty specifically defined within this Ordinance or within this Chapter of Occoquan Code of Ordinances.

¹ Undersigned counsel attempted to resolve this issue with both the Town Attorney and the Town’s misdemeanor/infraction prosecutor, via an email dated July 8, 2025 and attached hereto as Exhibit 1. Neither attorney responded to this inquiry.

Ordinance § 10.99(A) states “... the violation of any such provision of this code or the ordinances of the town shall be deemed to be a misdemeanor...” and § 10.99(B) states “[w]henever punishment for a misdemeanor is prescribed by stating that the misdemeanor is punishable as provided for in this section, or whenever no specific penalty is provided for a misdemeanor, the misdemeanor shall be deemed a class 1 misdemeanor.” “Whenever a misdemeanor is declared to be a class 1 misdemeanor, such misdemeanor shall be punished by confinement in jail for not more than 12 months or a fine of not more than \$2,500, either or both.” Ordinance § 10-99(A)(1). Based on the foregoing statutory definitions, it is clear that the Town of Occoquan has defined a violation of Ordinance § 157.287 solely as a Class 1 misdemeanor offense.²

Any supposed “enforcement” of an alleged violation of Ordinance § 157.287 must be through a criminal prosecution. “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . . and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence [sic].” U.S. Const. amend. VI.

² For comparison, see Prince William County Ordinance § 32-1000.01, which is contained within Chapter 32 of the County’s Ordinances (the Chapter labeled “Zoning”). This Ordinance explicitly states, “[a]n owner of property shall be responsible for; *and subject to civil and criminal liability* for any violation of this chapter found to exist on his property.” PWC Ordinance § 32-1000.01(1) (emphasis added). This language subjects an individual allegedly in violation of a County Zoning Ordinance to civil liability, subjecting them to the civil Violation Notice and Correction Order process, and concurrently subjects the owner to potential criminal liability through proper criminal due process.

The Town of Occoquan has no similar ordinance anywhere in Title XV (“Land Usage”) or Chapter 157 (“Zoning”) of the Town Code. It is clear from the plain language of the Town’s ordinance that the only possible statutory liability for a person alleged to be in violation of Town Ordinance § 157.287 is criminal liability upon a conviction of a Class 1 misdemeanor.

If the Town chooses to proceed against a homeowner who the town alleges is in violation of Ordinance § 157.287, the Town *must* proceed through the criminal process. It cannot subvert Mr. Bussey's Sixth Amendment rights by issuing a NVCO. The current NVCO therefore must be dismissed as being improperly issued in violation of Mr. Bussey's rights to due process.

2. Alternatively, assuming without admitting that the Town has the ability to proceed forward through a NVCO, the rear deck light in question is not in violation of § 157.287(B)

The supposed violation was issued because Mr. Bussey's "rear deck light not fully cut-off or directionally shielded." *See NVCO.* Undersigned counsel can find no definition of "directionally shielded" within the Town's Code of Ordinances. The closest definition of "directionally shielded" that can be found is located in Ordinance § 157.287(B)(1), which states that outdoor lights "shall consist of fully cut-off or directionally shielded lighting fixtures *that are aimed and controlled so that the directed light is confined to the object intended to be illuminated.*" § 157.287(B)(1) (emphasis added).

An enlarged photograph of the light in question is attached hereto as Exhibit 2. This photograph clearly shows that the light will illuminate the back door and immediately adjacent back deck of the property, but *is directionally shielded* so that no light is permitted to shine upwards towards the night sky. Further, approximately 270 degrees of the downward light is surrounded by Mr. Bussey's physical home, demonstrating that the light is directionally shielded by the building itself. Further, the light from this rear deck light is confined to the object intended to be illuminated, i.e. Mr. Bussey's rear deck. A photograph from Mr. Bussey's upstairs window looking down onto his deck during darkness is attached hereto as Exhibit 3. A photograph from Mr. Bussey's next-door neighbor of the view of Mr. Bussey's deck during darkness, with the light in question on, is attached hereto as Exhibit 4.

The purpose of § 157.287 is “to protect dark skies and the general welfare by controlling the spillover of light onto adjacent properties, and to prevent glare from outdoor luminaires and limit the intensity of light on adjacent properties and roadways to further public safety.”

Ordinance §157.285(A). Mr. Bussey’s rear deck light does not infringe upon the dark skies of the town, nor does it create spillover light onto adjacent properties or roadways, as clearly demonstrated by Exhibits 2-4. Based on the foregoing it is obvious that Mr. Bussey’s back deck light is not in violation of Town Ordinance § 157.287(B) and this supposed violation must be dismissed.

3. The Town has waived its ability to enforce Ordinance § 157.287(B).

A cursory review of the lights adorning the homes in the town reveal that the overwhelming majority of homes within the Town have substantially similar lights as the light in supposed violation in this matter. Exhibit 5A is a street photograph of the light adorning the front of Mayor Ernest W. Portio’s residence located at 184 Washington Street, Occoquan, VA 22125, while Exhibit 5B is a zoomed-in image of the front light. Exhibit 6 is the light adorning the front of Councilmember Theo Daubresse’s residence, located at 106 East Colonial Drive, Occoquan, VA 22125. Exhibit 7 is a photograph of the front of 209 Mill Cross Lane, Occoquan, VA 22125, owned by Ms. Samantha Sparks. A close review of each of these photographs will reveal that they share the same directional shielding as Mr. Bussey’s rear light, with the only difference being that these lights are on the front of the properties, i.e. can be seen from public roadways, while Mr. Bussey’s rear light cannot be seen from any public roadway.

Mr. Bussey is in possession of numerous photographs of other similar light fixtures throughout the town that are of a similar quality. He invites the members of this Zoning Appeal Board to drive through streets of Occoquan at night prior to any hearing on this matter. It will

become obvious that the town's zoning administrator has waived the town's ability to enforce ordinance § 157.287 by failing to enforce this provision against any resident since it was passed into law in 2017.

4. Alternatively, even if the light in question is in violation of the current town ordinance, it is exempt from enforcement pursuant to ordinance §157.285(D)(1)

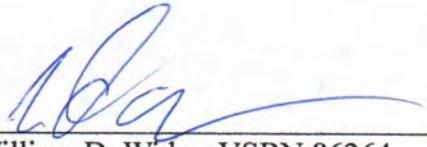
Ordinance §157.287 was passed into law on September 5, 2017. "Outdoor light fixtures installed prior to the effective date of this subchapter are exempt from the provisions of this subchapter, provided, however, that no change in use, increase in lumen output, or structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this subchapter." Ordinance §157.285(D)(1).

Mr. Bussey and his late wife purchased the property on February 26, 1999, and Mr. Bussey has resided in the property at all times since. He has never modified nor altered the rear light in question. As such, it is clear that this light is exempt from the current ordinance, as it was installed prior to September 5, 2017.

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WHEREFORE for the foregoing reasons your Appellant respectfully requests that this Board of Zoning Appeals determine that the NVCO issued in Case # OCV-2025-002 was issued in error, overturn this NVCO, and grant to the Appellant any and all such further relief as this Board deems just and proper.

Respectfully submitted,
R. Bussey
By Counsel:



William D. Wides, VSBN 86264
COMPTON & DULING, L.C.
12701 Marblestone Drive, Suite 350
Prince William, Virginia 22192
Tel. (703) 583-6060
Fax (703) 583-6066
wdw@comptonduling.com
Counsel for Appellant

EXHIBIT 1

**Email to Town Attorneys dated
July 8, 2025**

William D. Wides

From: William D. Wides
Sent: Tuesday, July 8, 2025 8:54 AM
Cc: tgwinn@sandsanderson.com; jean@humbrechtlaw.com
Subject: RE: Appeal of Notice of Violation and Compliance Order to Bussey, Roy Ellis: Case Number OCV-2025-02

Mr. Gwinn and Ms. Humbrecht,

Good morning, I hope this email finds you well. I am including Ms. Humbrecht, the attorney responsible for criminal prosecutions on behalf of the Town of Occoquan, for reasons that will become obvious in the subsequent paragraphs. To provide a brief background: On June 27, 2025, the Town of Occoquan issued a Notice of Violation and Correction Order to my client, Mr. Roy Bussey, for an alleged violation of Town Ordinance Section 157.287(B). Were this a simple alleged Zoning Violation this would be a civil matter and I would proceed forward with an appeal to the Board of Zoning Appeals for the Town, an appeal which I am in the midst of preparing. During my review of the statute, however, I have realized that the plain language of the Ordinance in question makes an alleged violation a Class 1 Misdemeanor subjecting any alleged violator to all the constitutional protections any criminal defendant is entitled to.

I say this because Town Ordinance § 157.287 ends by stating, “Penalty, see § 10.99” without defining any further specific penalty. Town Ordinance § 10.99(A) states “... the violation of any such provision of this code or the ordinances of the town shall be deemed to be a misdemeanor...” and § 10.99(B) states “[w]henever punishment for a misdemeanor is prescribed by stating that the misdemeanor is punishable as provided for in this section, or whenever no specific penalty is provided for a misdemeanor, the misdemeanor shall be deemed a class 1 misdemeanor.” Ordinance § 10.99(A)(1) further states “[w]henever a misdemeanor is declared to be a class 1 misdemeanor, such misdemeanor shall be punished by confinement in jail for not more than 12 months or a fine of not more than \$2,500, either or both.”

Based on the foregoing it seems obvious to me that this issue is not a civil Zoning Violation subject to Article 7 of Chapter 22 of the Virginia Code, but rather a criminal prosecution subject to the protections of the Sixth Amendment. In other words, my client is entitled to a trial and a right to confront witnesses and cannot be found to have violated Ordinance 157.287 simply by failing to appeal the alleged violation of Section 157.287 within 30 days.

I kindly ask that you review at the language contained in these ordinances and let me know if you believe the Town has the ability to proceed forward under the current process, i.e. as an alleged zoning violation, or if you agree that the ordinances as written would require a criminal prosecution.

I kindly ask for a response by 5:00 p.m. this Friday, July 11th.

Thank you in advance,

WILLIAM D. WIDES

Partner

703.583.6060

703.583.6066

Direct 703.565.5201

wdw@comptonduling.com

12701 Marblestone Drive, Suite 350 • Prince William, VA 22192

Disclaimer

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From: William D. Wides
Sent: Tuesday, July 1, 2025 8:37 AM
To: 'townclerk@occoquanva.gov' <townclerk@occoquanva.gov>
Cc: 'tgwinn@sandsanderson.com' <tgwinn@sandsanderson.com>
Subject: Appeal of Notice of Violation and Compliance Order to Bussey, Roy Ellis: Case Number OCV-2025-02

Good morning,

My name is William Wides and I represent Mr. Bussey in the abovementioned VNCO. Please direct all future correspondence in this matter directly to me.

The purpose of this email is to inform you that Mr. Bussey will be appealing this supposed violation to the Town's Board of Zoning Appeals. **This email serves as Mr. Bussey's Notice of Appeal.**

I would appreciate it if you would provide me with the information necessary to perfect this appeal at your earliest convenience.

Thank you in advance,



WILLIAM D. WIDES

Partner

703.583.6060

703.583.6066

Direct 703.565.5201

wdw@comptonduling.com

12701 Marblestone Drive, Suite 350 • Prince William, VA 22192

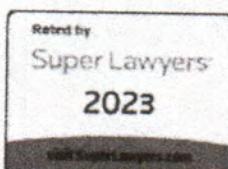


EXHIBIT 2

Photograph of the light at issue



EXHIBIT 3

**Photograph of back porch at
night**



EXHIBIT 4

**Photograph of back porch at
night taken from next-door
neighbor's back porch**



EXHIBIT 5A

**Photograph of the front light of
184 Washington Street, Occoquan**



EXHIBIT 5B

**Zoomed-in photograph of the
front light of 184 Washington
Street, Occoquan**



EXHIBIT 6

**Photograph of the front light of
106 East Colonial Drive,
Occoquan**



EXHIBIT 7

**Photograph of the front light of
209 Mill Cross Lane, Occoquan**





TOWN OF OCCOQUAN

Circa 1734 • Chartered 1804 • Incorporated 1874
314 Mill Street • PO Box 195 • Occoquan, Virginia 22125
(703) 491-1918 • Fax (571) 398-5016 • info@occoquanva.gov
www.occoquanva.gov

TOWN COUNCIL
Earnest W. Porta, Jr., Mayor
Jenn Loges, Vice Mayor
Cindy Fithian
Eliot Perkins
Theo Daubresse
Robert E. Love

TOWN MANAGER / CHIEF OF POLICE
Adam C. Linn, J.D.

NOTICE OF VIOLATION AND COMPLIANCE ORDER

BUSSEY ROY ELLIS TR
PO BOX 515
OCCOQUAN, VA 22125

Case # OCV-2025-002

Date Certified Notice Mailed: 6/27/2025

Date Regular Notice Mailed: 6/27/25

Date(s) of Offense/Inspection: 5/28/2025

Location of Offense: 125 East Colonial Drive, Occoquan, VA 22125

Tax Map: 8393-72-0553

Property Address: 125 East Colonial Drive, Occoquan, VA 22125

VIA CERTIFIED MAIL

Certified Mail Number: 9589 0710 5270 1771 0976 85

Name of Property Owner: BUSSEY ROY ELLIS TR

Property Owner Address: PO BOX 515, OCCOQUAN, VA 22125

You are hereby notified that the Property listed above is in violation of the Town of Occoquan Code. In order to achieve compliance, you must remedy the stated violations by the compliance date as provided below:

CODE SECTION VIOLATED	NATURE OF VIOLATION	CORRECTION ACTION(S) REQUIRED	COMPLIANCE DATE
THE TOWN OF OCCOQUAN § 157.287(B)	REAR DECK LIGHT NOT FULLY CUT-OFF OR DIRECTIONALLY SHIELDED	REMOVAL OR CODE-COMPLIANT SHIELDING/REPLACEMENT OF THE FIXTURE.	WITHIN THIRTY (30) DAYS OF THIS NOTICE.

Corrective action as detailed above must be taken by the compliance date(s) specified in this notice. Town of Occoquan and/or State Code may require that you be given Notice of Violation

or Notice to Comply. This notice is intended to be such notice. Failure to respond as directed may result in legal proceedings against you. The Town of Occoquan is committed to working cooperatively with you by explaining the nature of the violation(s) and code section(s) noted above. If you have any questions and/or concerns regarding the notice of violation or how to come into compliance, we encourage you to please e-mail (preferred) or call the Zoning Administrator from the contact information listed below.

Failure to comply as described above may result in the initiation of appropriate legal action to terminate and/or correct the violation. This violation may also result in fines and each day a violation continues to exist constitutes a separate offense.

This Notice of Violation may be appealed to the Board of Zoning Appeals within thirty (30) days in accordance with Section 15.2-2311 of the Code of Virginia. If not so appealed, this decision shall be final and unappealable. If you wish to submit a notice of appeal to the BZA appeal please contact the Town Clerk at (703) 491-1918 or by email at townclerk@occoquanva.gov. The associated application fee is \$250 plus any contractor review charges.

Sincerely,



Sara Fila, P.E., Zoning Administrator
Sara@legacy-eng.com

Cc: Adam Linn, Town Manager
Matt Whitmoyer, Deputy Town Manager
Martin Crim, Town Attorney

Roy E. Bussey
125 E Colonial Drive
Occoquan, Virginia 22125

May 13, 2025

Town of Occoquan
Matt Whitmoyer
314 Mill Street
Occoquan, Virginia 22125

Subject: Response to Notice of Possible Code Violation – Title XV, Chapter 157.287 (B)(1)

Dear Mr. Whilmoyer,

I am writing in response to your email dated May 5, 2025, concerning the back porch light at my residence and its alleged non-compliance with the Town of Occoquan Code, specifically Section 157.287 (B)(1).

Ordinance 157.287 cited in your correspondence states:

*“Lighting on attached single-family dwellings **shall** consist of fully cut-off **or** directionally shielded lighting fixtures that are aimed at and controlled so that the directed light is confined to the object intended to be illuminated” which in this case is the back door and a portion of the deck. Please note the language does **not** state fully shielded it states directionally shielded.*

Code 157.287 (B) (2) states *“Directional control shields shall be used where necessary to limit stray light. The porch light specifications list the light direction as down. See attached light specifications.*

Code 157.287 (B) (8) Lamps shall not exceed 400 watts. I have one 40 watt bulb in my light fixture.

Code 157.287 (C) – Spillover light, vertical or horizontal, shall not exceed one-half foot-candles at the property line. The porch light is directed to my back door and a portion of the deck.

Code 157.287 (D) (1) Exemptions:

Outdoor light fixtures installed prior to the effective date of this subchapter are exempt from the provision of this subchapter, provided, however, that no change in use, increase in lumen output, or structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this subchapter.

I purchased my house in 1999 and should be exempt from this code violation.

There are homes that have been constructed in Occoquan after 2017 that have similar light fixtures as mine. I noticed the Mayor and a few Town Council members homes also have similar light fixtures as well.

In summary, my porch light is a standard outdoor fixture widely sold at major retailers in Prince William County, Virginia, including Costco, Lowe's and Home Depot. Given its availability and common use, I was surprised to receive a notice of violation. I have included photos of some of the porch lights sold by retailers in our community to emphasize my porch light is similar to standard porch lights for sale in Prince William County. Also, I also called the manufacturer of the light regarding the allegedly code violation, customer service indicated they have never received a complaint regarding directional shielding or fully cut-off issues regarding their light fixture.

In light of this, I believe my back porch light complies with Occoquan's lighting code. The fixture is designed to illuminate only the immediate area of the back door and a small portion of my deck for safety and security purposes. It uses a single 40-watt bulb and emits no light above the horizontal plane. Also, the light specifications indicate the light direction is pointed down and has hammered glass to avoid glare. The Fountain Hills Dark Sky Associated indicated hammered glass, also known as textured glass, can be used on porch lights to reduce the amount of directed light. I have included photos showing there are no homes directly behind my house and there are privacy trees between my house the next row of townhouses.

To support my position, I have enclosed a photograph of my light fixture itself, along with comparative photos of similar lighting in use at other residences within the Town of Occoquan. These examples illustrate that my lighting is similar with neighbor's light fixtures.

Unless the Town of Occoquan is going to request the entire community change their porch lights to comply with code, I don't know why my light is being targeted especially when I can see neighbors porch lights lit three to our streets from my house.

I have lived in my home since 1999 and have consistently adhered to the Town's codes and ordinances. Based on the wording of Section 157.287 and the characteristics of my back porch light I don't see how forcing me to purchase another porch light similar to the one installed will solve anything but waste time and money. I respectfully believe I am in compliance and ask that this matter be reconsidered. I'm 85 years old and feel this situation is causing undue stress.

Thank you for your time and attention.

Sincerely

Roy E. Bussey

Town of Occoquan

May 19, 2925

1. Code 157.287 (B) (1)

Language indicated "Directionally shield not Full Shielded"

The Directionally shielded light fixtures that are aimed and controlled so that the directed light is confined to the object intended to be illuminated.

2. Manufacture Specifications: Light Direction is pointed down.

3. Hammered glass – Fountain Hills Dark Sky Association indicated Hammered glass, also known as textured glass, can be used on porch lights to reduce the amount of directed light.

4. Light has a 40 watt bulb

5. Outdoor fixtures for Single Family homes shall be installed so that light does not spill onto an adjoining property.

6. Exemption - Purchased his home in 1999

7. The light fixture is sold in Prince William County as Lowes, Home Depot and Cosco

8. Manufacture of the light has not reported any Code violations

9. Mayor and Town Council have Similar lighting

10. New homes have been constructed in Occoquan after 2017 and have similar lighting

11. I can see 3 to 4 blocks away and see porch lights.

12. Neighbors have -

- a. Some neighbors have no shielding on their light fixtures
- b. Spot lights are on several houses in Occoquan

13. Photos of Occoquan light fixtures

14. I have no neighbors behind my house. There are privacy trees separating my house from the next row of townhouses.

OUTDOOR LIGHTING REQUIREMENTS

§ 157.285 GENERAL REQUIREMENTS AND EXEMPTIONS.

(A) *Purpose and intent.* The purposes of the outdoor lighting regulations are to protect dark skies and the general welfare by controlling the spillover of light onto adjacent properties, and to prevent glare from outdoor luminaires and limit the intensity of light on adjacent properties and roadways to further public safety.

(B) *Conformance with applicable codes and ordinances.* All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this subchapter, and applicable provisions of this chapter. The most restrictive shall govern.

(C) *General requirements.*

(1) All outdoor light fixtures except those exempted by division (D) below and those otherwise regulated by § 157.287 shall be fully shielded. A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and defined as an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture. The light source visibility shall be shielded from the adjoining property (See Figures 1 and 2 in § 157.288).

(2) Spillover light, vertical or horizontal, shall not exceed one-half foot-candles at the property line.

(3) Building- and pole-mounted luminaires shall not have adjustable features.

(D) *Exemptions.* Exemptions include:

(1) Outdoor light fixtures installed prior to the effective date of this subchapter are exempt from the provisions of this subchapter, provided, however, that no change in use, increase in lumen output, or structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this subchapter. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of a fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, and other similar components shall not constitute replacement and shall be permitted provided such changes do not result in a higher lumen output. Changing of housing or lenses in a fixture shall not constitute an exemption to the requirements of this subchapter;

(2) Lighting required by state or federal law, to the extent that compliance with state or federal law is inconsistent with compliance with this subchapter;

(3) Roadway lighting and security lighting controlled and activated by motion sensor devices for a duration of 15 minutes of less;

(4) Lighting of the U.S. or state flags and other noncommercial flags expressing constitutionally-protected speech;

(5) Temporary circus, fair, carnival, or civic uses; and/or

(6) Construction and emergency lighting provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

(1998 Code, § 66-350) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.286 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FOOT-CANDLE. A quantitative unit of measure referring to the measurement of illumination at a single point. One **FOOT-CANDLE** is equal to one lumen uniformly distributed over an area of one square foot.

FULL CUTOFF ANGLE. The angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. (See Figure 1 in § 157.288.)

FULLY SHIELDED. Fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a **FULLY SHIELDED** fixture is one used in a way that allows no direct or internally reflected light to shine above the fixture. (See Figure 1 in § 157.288.)

INITIAL LUMENS. The lumens emitted from a lamp as specified by the manufacturer of the lamp.

LAMP. The component of a luminaire that produces light. A **LAMP** is also commonly referred to as a bulb.

LUMEN. A standard unit of measurement referring to the amount of light energy emitted by a light source without regard to the effectiveness of its distribution.

LUMINAIRE. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A **LUMINAIRE** is also commonly referred to as a fixture.

OUTDOOR LIGHT. Outdoor artificial illuminating devices, outdoor fixtures, lamps, or other fixture devices, permanent or portable, used for illumination, direction, or advertisement. Such devices shall include, but are not limited to, search, spot, or floodlights for: buildings and structures including canopies and overhangs; recreational areas; parking lot lighting; landscape lighting; signs, including billboards; and display and service areas.

OUTDOOR LUMINAIRE. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

PHOTOMETRIC PLAN. A point by point plan depicting the intensity and location of lighting on the property. (See Figure 4 in § 157.288.)

TEMPORARY. Not used more than seven consecutive days and not used more than 15 days in any calendar year.

(1998 Code, § 66-351) (Ord. passed 9-5-2017)

§ 157.287 USE AND ZONING DISTRICT SPECIFIC REQUIREMENTS.

(A) *Public or private outdoor recreational facilities.* Outdoor night-time recreational events have unique and site specific lighting needs. This section is intended to permit adequate illumination for such events, while minimizing sky-glow and reducing glare and lighting spillover onto surrounding streets and properties.

(1) *Primary playing areas with the exception of residential accessory uses.* Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area. Direct illumination shall be confined to within the property lines of the recreational use. External shields may be required in order to reduce spillover light.

(2) *Lighting plans.* Lighting plans shall comply with special provisions listed in § 157.288.

(3) *Event hours.* Under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude an event that was reasonably scheduled to conclude prior to 11:00 p.m. All newly lighted fields, or existing fields being upgraded or refitted (public or private) shall be equipped with override timing devices which will automatically cut off the lights to ensure curfew compliance.

(B) *Outdoor lighting of buildings, parking lots, loading areas, sales areas, display areas, aprons/canopies, landscaping, signs, flags, statues, and other objects.* The following lighting requirements apply to single-family attached, multifamily, educational, institutional, commercial recreation, public, commercial business and retail, motor vehicle related, wholesaling, and industrial uses identified in this chapter.

(1) Lighting of the aforementioned uses shall consist of fully cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is confined to the object intended to be illuminated.

(2) Directional control shields shall be used where necessary to limit stray light.

(3) No light from any illuminated sign shall cause or direct non-reflected light from the fixture to shine onto any adjoining property or public right-of-way.

(4) Lighting for all parking, display, and loading areas shall not exceed an average horizontal illumination level of two and one-half foot-candles. All lighting fixtures serving these areas shall be fully cut-off fixtures.

(5) Maximum mounting height is 20 feet for residential uses and 25 feet for nonresidential uses. Height is measured from the ground surface to the bottom of the lighting fixture. (See Figure 3 in § 157.288.)

(6) The lighting fixture bulbs in aprons and canopies shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical.

(a) As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.

(b) Lights shall not be mounted on the top or sides (facial) of the canopy and the sides of the canopy shall not be illuminated.

(7) The lighting for pump islands and under canopies shall have a minimum of one foot-candle at grade, and the average horizontal illumination cannot exceed ten foot-candles at grade level, subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than four to one. The standards herein are based on the Illuminating Engineering Society of America (IESNA) RP-33, Lighting for Exterior Environments.

(8) Lamps shall not exceed 400 watts.

(C) *Outdoor fixtures for single-family detached residential structures.* Outdoor fixtures for single-family detached residential structures shall be limited to lamps with a maximum of 180 watts per fixture and shall be installed so that light does not spill onto an adjoining property.

(1998 Code, § 66-352) (Ord. passed 9-5-2017) Penalty, see § 10.99

§ 157.288 SITE PLAN REQUIREMENTS.

(A) *Application requirements.*

(1) Any person applying for a site plan in accordance with Chapter 155 of this code or applying for a building, electrical, or sign permit to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with this subchapter.

(2) The lighting plan application shall include the following:

(a) A site plan drawn to scale showing building(s), landscaping, parking areas, and proposed exterior lighting fixtures;

(b) Location of all post, canopy, supports, and light fixtures, including the height of each fixture, relative to the buildings, structures, parking, and display and loading areas;

(c) Specifications of the illuminating devices, lamps, supports, and other devices including designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures. This description may include, but is not limited to, manufacturers catalog cuts, and drawings including sections where required; and

(d) A photometric plan indicating the minimum and maximum foot-candle levels within the lighted area of the site. Such plan shall show locations of all pole mounted and building mounted fixtures and a numerical 25 foot by 25 foot grid of lighting levels, in foot-candles, that the fixtures will produce on the ground. (See Figure 4 below.)

(3) The required plans and descriptions shall be sufficiently complete to enable the Planning Commission, Zoning Administrator, Building Official, or their designee to readily determine compliance with the requirements of this subchapter. If such plans and descriptions cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance by test reports performed by a testing lab certifying that the tests were conducted according to the standards of the Illuminating Engineering Society of North America (IESNA).

(B) *Conformance with this subchapter.*

(1) Prior to issuance of a building, electrical, or sign permit, the Zoning Administrator or designee shall determine that the submitted plans and details for said permit are in conformance with this subchapter.

(2) The stamping of the plans and the signature of the Building Official or designated representative and the date of the signature shall indicate that the plans are in conformance.

(C) *Changes after approval.* Should the applicant desire to substitute outdoor light fixtures or lamps to be installed on private property after a lighting plan has been approved, the applicant shall submit said changes to the Zoning Administrator or designee for approval, with adequate information to assure compliance with this subchapter.

(D) *Special requirements for public or private outdoor recreational facilities.*

(1) For each athletic field or complex to be illuminated, a lighting plan shall be submitted detailing the property lighting installation. The plan shall include the lighting requirements for each sports field, the lighting specifications, and technical measures showing how those requirements will be achieved. Special tree planting and/or buffering to assist in light control and protection of adjacent properties and roadways may be required.

(2) All applications for lighted outdoor recreational facilities shall include an accurate photometric plan in conjunction with a site plan for the proposed field and associated facilities.

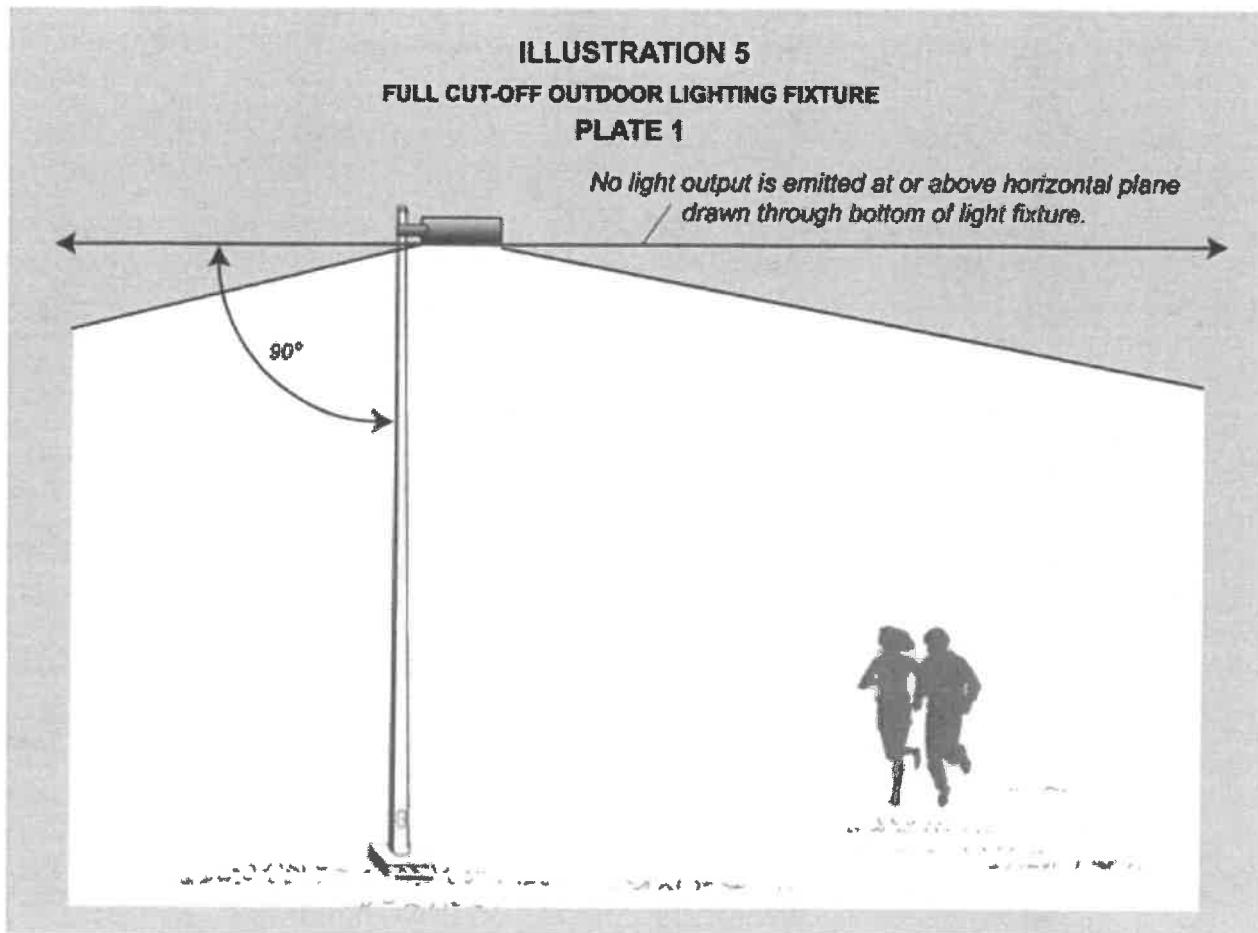
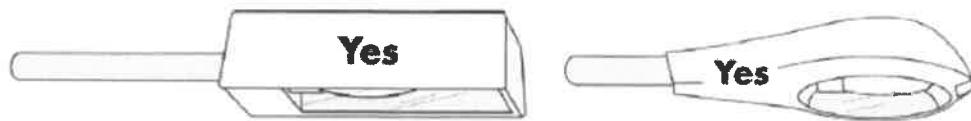
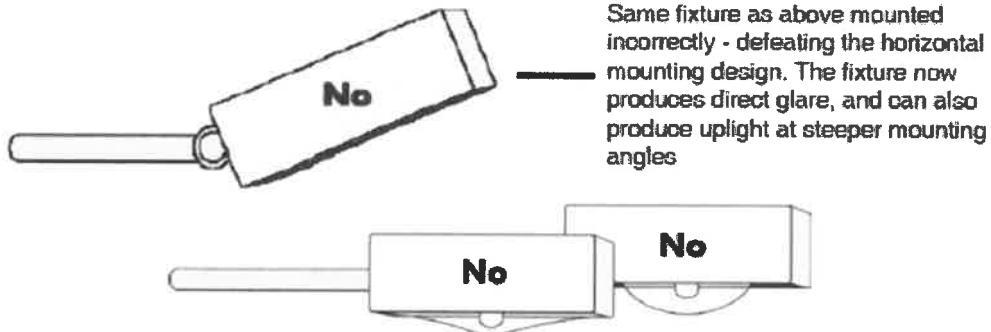
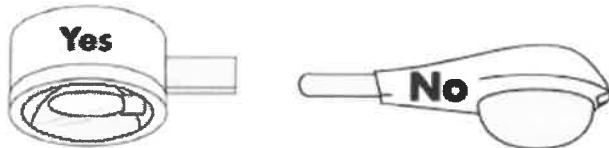


Figure 1: Full Cut-off Lighting Fixture

Source: Fairfax County, Virginia Zoning Ordinance - Appendix 2 (Illustrations)



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures is available in many styles.



Known as just "Cutoff". Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.



Forward-Throw Style. Exposed bulb in the forward direction produces some direct glare.

Source: International Dark-Sky Association (IDA Inc.), www.darksky.org.

Figure 2: Full Cut-Off Light Fixtures

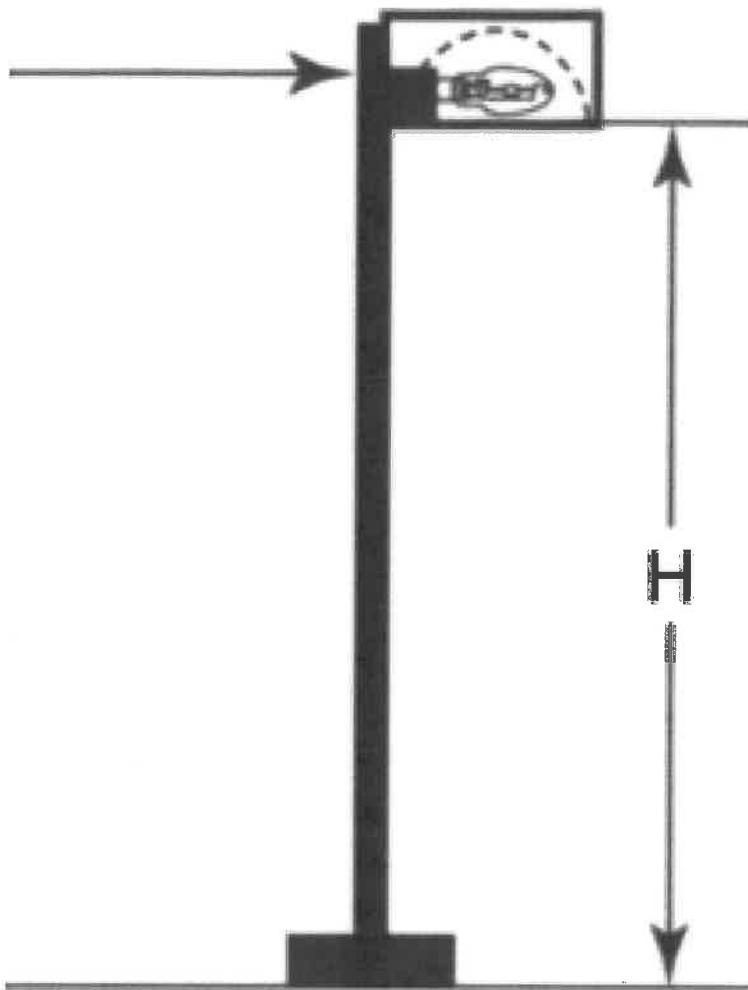


Figure 3: Mounting Height

Source: Fairfax County, Virginia Zoning Ordinance - Appendix 2 (Illustrations)

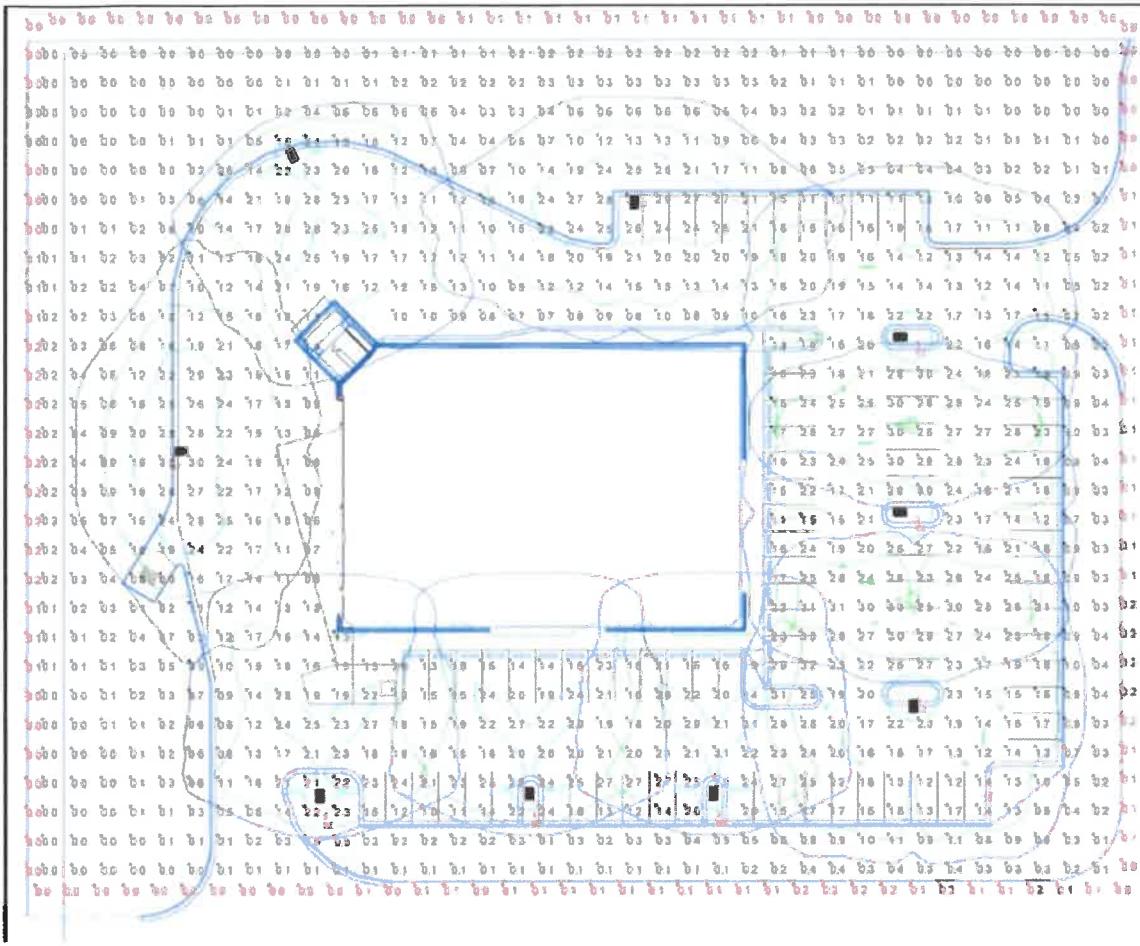


Figure 4: Photometric Plan

Source: Hubbell Outdoor Lighting

(1998 Code, § 66-353) (Ord. passed 9-5-2017)

Roy E. Bussey
125 E Colonial Drive
Occoquan, VA 22125

May 1, 2025

Town of Occoquan
Matt Whitmoyer
314 Mill Street
Occoquan, VA 22125

Subject: Response to Notice of Possible Code Violation – Title XV, Chapter 157

Dear Mr. Whitmoyer,

I am writing in response to the notice I received regarding a possible code violation related to outdoor lighting, as specified in Title XV, chapter 157, Section 157.287(B)(1) of the Town Code.

The back light fixture in question is a standard outdoor light purchased five years ago. This model is within the guidelines outlined by the Prince William County ordinance for residential outdoor lighting. It is also equipped with a built-in sensor that automatically turns the light on at dusk and off at dawn, providing both energy efficiency and security.

As an 85-year-old Occoquan resident living alone, I keep this backdoor light on during nighttime hours strictly for personal safety. Also, the back of my house is surrounded by woods and can be particularly concerning at night. The fixture is fully shielded and aimed to illuminate only the area immediately surrounding the rear entrance of my home and does not project unnecessary light beyond my back deck.

Thank you for your attention and understanding.

Sincerely,

Roy E. Bussey

(703) 625-9014



From: [Matt Whitmoyer](#)
To: [Michele Scott](#)
Cc: rbussey879@verizon.net
Subject: RE: Roy Bussey - 125 E Colonial Drive, Occoquan, VA
Date: Thursday, June 12, 2025 4:22:00 PM
Attachments: [image001.png](#)
[image002.jpg](#)

Hello Michele,

Thank you for coming in and meeting with me the other week. The Town Zoning Administrator has reviewed the case and collected information at the property. They have determined that the light is still in violation of the code as it is unshielded. Per [§ 157.287\(B\)](#), outdoor lighting for single family attached homes must be fully cut off or directionally shielded.

In order to abate the code violation, the fixture must be removed or altered with shielding to comply with the Town Code. You have until Monday, June 23rd, 2025 (10 days from the sending of this email) to abate the violation or a formal notice of violation may be sent.

You can find examples of fully cut off lighting in the Code at this link:

https://codelibrary.amlegal.com/codes/occoquanva/latest/occoquan_va/0-0-0-5712

Please let me know if you have any questions about abatement measures.

Best,

Matt Whitmoyer
Deputy Town Manager
he.him.his

Town of Occoquan
314 Mill Street, PO Box 195
Occoquan, VA 22125
(703) 491-1918 ext. 101
www.occoquanva.gov
mwhitmoyer@occoquanva.gov



From: Matt Whitmoyer
Sent: Monday, May 12, 2025 3:22 PM
To: Michele Scott <mbussey14@gmail.com>
Cc: rbussey879@verizon.net
Subject: RE: Roy Bussey - 125 E Colonial Drive, Occoquan, VA

Hello Michele,

Unfortunately, after reviewing your case for compliance with the Town Code, it has been found that the fixture in the image does not comply with the Code. Per [§ 157.287\(B\)](#), outdoor lighting for single family attached homes must be fully cut off or directionally shielded.

In order to abate the code violation, **the fixture must be removed or altered to comply with the Town Code. You have until Thursday, May 22nd, 2025 (10 days from the sending of this email) to abate the violation** or a formal notice of violation may be sent.

You can find examples of fully cut off lighting in the Code at this link:

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Please let me know if you have any questions about abatement measures.

Sincerely,

Matt Whitmoyer
Deputy Town Manager
he.him.his

Town of Occoquan
314 Mill Street, PO Box 195
Occoquan, VA 22125
(703) 491-1918 ext. 101
www.occoquanva.gov
mwhitmoyer@occoquanva.gov



From: Matt Whitmoyer <MWhitmoyer@occoquanva.gov>
Sent: Monday, May 5, 2025 1:14 PM
To: Michele Scott <mbussey14@gmail.com>
Subject: RE: Roy Bussey - 125 E Colonial Drive, Occoquan, VA

Hello Michele,

Thank you for your prompt response and submission. Staff will review and I will get back to you this week.

All the best,

Matt Whitmoyer
Deputy Town Manager
he.him.his

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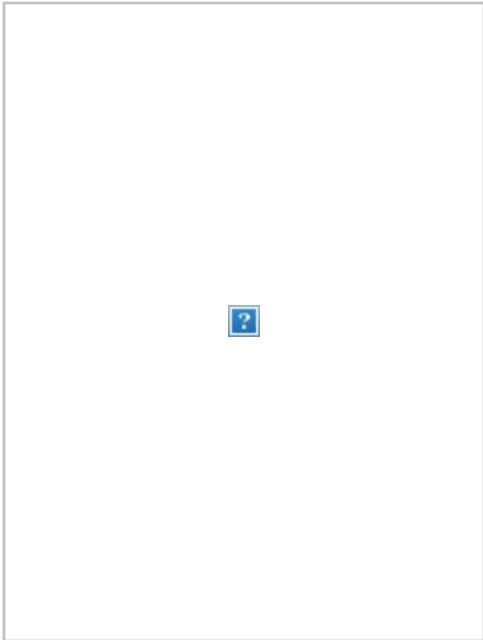


From: Michele Scott <mbussey14@gmail.com>
Sent: Friday, May 2, 2025 1:29 PM
To: Matt Whitmoyer <MWhitmoyer@occoquanva.gov>
Subject: Roy Bussey - 125 E Colonial Drive, Occoquan, VA

Hello Mr. Whitmoyer,

Attached is a picture of my father's back porch light.

Best Regards
Michele L. Scott



Sent from my iPhone