

STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES
April 25, 2017

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Tuesday, April 25, 2017, was called to order with the determination of a quorum at 7:00 p.m. by Chairman Robert Grimes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Robert Grimes, Steven Apicella, Ernest Ackermann, Adela Bertoldi, Dana Brown, Danny Kim, Dean Larson, Heather Stefl, Robert Gibbons

MEMBERS ABSENT:

STAFF PRESENT: Susan Blackburn, Melody Musante, Stacie Stinnette

DETERMINATION OF QUORUM

Mr. Grimes: Good evening ladies and gentlemen and welcome to this meeting of the Stafford County Board of Zoning Appeals. The BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator; hear and decide upon requests for Variance from the Zoning Ordinance when a literal enforcement of the Ordinance would result in unnecessary hardship to the owners of a property; hear and decide on Special Exceptions where the Zoning Ordinance allows or Special Exceptions. The Board consists of seven regular members and two alternate members. An alternate may be called upon to participate when a regular member is unable to hear a case. Let the record reflect that we have a quorum tonight with seven voting members. We also have our two alternates sitting in this evening. The members of the Board that are voting tonight are Mr. Steven Apicella, Ms. Dana Brown, Dr. Dean Larson, Mr. Danny Kim, Mrs. Heather Stefl, Dr. Ernest Ackermann, and myself Robert Grimes. Our two alternates sitting in are Mr. Robert Gibbons and Ms. Adela Bertoldi. The alternates will be sitting in to hear the case only tonight and will not ask questions or participate in the discussions or vote on any of the cases tonight unless otherwise directed by the Chair. The County staff tonight is represented by Mrs. Susan Blackburn, the Zoning Administrator, Mrs. Melody Musante, and Deputy Zoning Administrator -- congratulations on your new position -- and Mrs. Stacie Stinnette, the Senior Administrative Associate. The hearings will be conducted in the following order. The Chair will ask the staff to read the case and the members of the Board may ask questions of the staff. The Chair shall ask the applicant or their representative to come forward and state their name and address, and present their case to the Board. The presentation shall not exceed 10 minutes unless additional time is granted by the Board. Members of the Board may ask questions of the applicant to clarify or better understand the case. The Chair will then ask for any member of the public who wishes to speak in support of the application to come forward and speak. There shall be a 3 minute time limit for each individual speaker, and a 5 minute time limit for a speaker who represents a group. After hearing from those in favor of the application, the Chair will ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. After all public comments have been received, the applicant shall have 3 minutes to respond. We ask that each speaker present their views directly to the Board, not to the applicant or other members of the public. After the applicant's final response, the Chair shall close the public hearing. After the public hearing has been closed, there shall be no further public comments. The Board shall review the evidence presented and the Chair shall seek a motion. After discussion of the motion, the Chair shall call for a vote. In order for any motion to be approved, four members of the Board must vote for approval. In order to allow the Board time for appropriate review, the applicant or applicant's representative is required to submit relevant material to the Department of Zoning and Planning 10 business days prior to this hearing, to be included in the staff report. The Board may accept additional relevant material from the applicant or the applicant's representative during the hearing; however, large

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amounts of additional material may require a deferral, at the Board's option, on behalf of the applicant to allow the Board time to consider the additional material. Members of the public and/or staff may also submit relevant material during the hearing. The applicant should be aware tonight that we have seven voting members present, and you must have four affirmative votes to approve an application. You may defer the hearing only once in any 12-month period. Deferral requests are granted at the sole discretion of the Board. The applicant may also withdraw his or her application at any time prior to a vote to approve or deny the application provided the applicant has not withdrawn a substantially similar application within the previous 12 months. Any person, or persons, who do not agree with the decision of this Board shall have 30 days to petition the Stafford County Circuit Court to review our decision. Also, be aware that the Board will not hear any denied application for a Variance or Special Exception that is substantially the same request for at least one year from the date of the decision. I would now ask that anyone who has a cell phone, pager, or other electronic device to please silence it. Thank you. It is the custom of this Board to require that any person who wishes to speak before this Board shall be administered an oath. Therefore, I ask that anyone who wishes to speak tonight to stand and raise their right hand. Do you hereby swear or affirm that all testimony before this Board shall be nothing but the truth?

Members of the audience: I do.

Mr. Grimes: Thank you, you can be seated. The Chair asks that when you come down to the podium to speak, please give your name and address clearly into the microphone so the recording secretary can have an accurate record of the speakers. Also, please be sure to sign the form at the table at the rear of the room. Thank you. Are there any changes or additions to the advertised agenda?

Mrs. Musante: There are no changes.

Mr. Grimes: Thank you very much. Before we hear the first case, does any Board member wish to make any declaration or statement concerning any of the cases to be heard before the Board tonight?
Ms. Brown?

DECLARATIONS OF DISQUALIFICATION

Ms. Brown: Yes. Yesterday I visited the property at 558 Stefaniga. The owners were very accommodating for me and I did go out there and take a couple pictures and take a look around.

Mr. Grimes: Thank you. Any other declarations or statements? Alright, thank you. I'll now ask the secretary to read the first case.

PUBLIC HEARINGS

1. SE17-04/17151729 - John and Kimberly Palmer and Theresa Thompson - Request a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," A-1, Agricultural, to allow a wedding and events venue as a Rural Home Business on Tax Map Parcel Nos. 27-59F and 27-59G. The property is zoned A-1, Agricultural, located at 558 Stefaniga Road.

Mrs. Musante: Case SE17-04/17151729, John and Kimberly Palmer and Theresa Thompson request a Special Exception per Stafford County Code Section 28-35, Table 3.1, District uses and standards, for A-1, Agricultural, to allow a wedding and events venue as a Rural Home Business on Tax Map Parcel Number 27-59F and 27-59G. The property is zoned A-1, Agricultural, located at 558 Stefaniga Road.

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You have the application, application affidavit, plat of the property, diagram of the area used for the business and a barn diagram, and an email regarding partnership. The applicant is requesting a Special Exception for a Rural Home Business to operate a wedding and special events venue on the property. Their initial plan is to utilize tents in the field behind the residence to accommodate those events. This area is 156 feet from the residence and is accessible by foot and vehicles. The estimated attendance is no more than 75 cars or 150 people. There is a single-family dwelling located on the property that will be used for the office, restroom facilities, and a small bridal dressing area (357 square feet total) in addition to a Bed and Breakfast. This use does not affect this application. The entrance driveway is 17 feet in width and is of gravel composition. The adjacent wooded property is vacant and will be left in its natural state for photo opportunities. The applicant states as the business develops, it is their wish to upgrade the existing 1,536 square-foot barn to be used as an interior wedding facility. This structure will be renovated in conformance with the Building Code. The barn is located 366 feet from the residence, 42 feet from the property line, and 300 feet from any other connecting properties. The applicant stated in a phone conversation the bride will be responsible for all outside vendors that are approved by the Health Department. No food will be provided by the applicant. The requested days and hours of operation are: for the office - Monday through Friday 8:00 a.m. to 5:00 p.m.; for weddings and events - Friday and Saturday 10:00 a.m. to 11:00 p.m. and Sunday 10:00 a.m. to 8:00 p.m. The owners of the property are John and Kim Palmer. Kim's sister, Theresa Thompson, resides on the premise and will be a partner of the business. The single-family dwelling was constructed in 1989.

Mr. Grimes: Thank you very much. I'm sure we're going to have questions for staff. I'll go ahead and get started with mine. I have a question that hopefully you can clarify for us. I'm curious why this application is being made as a Special Exception in lieu of a conditional use permit or a special use permit?

Mrs. Musante: Conditional use permits, for situations like this, would be if there was not an applicant that lived on the property, the property was vacant, and the sole purpose of the property was for the business and not a residence. This will have both.

Mr. Grimes: Thank you very much. And can you confirm that through the Zoning Ordinance for A-1, Agricultural, that Bed and Breakfast is allowed by-right?

Mrs. Musante: It is. It is a listed use in the Table 3.1 as a by-right use.

Mr. Grimes: Great, thank you very much. The operating hours that they list for the weekend; do they coincide with the County's noise ordinance for hour restrictions?

Mrs. Musante: The noise ordinance actually starts at 10:00 p.m. I did speak with Lt. Brian Jacobs from the Sheriff's office this morning and yesterday, and they will be required to apply for an amplifier permit for every case, depending on whether it's a band or a DJ. If they have any outdoor music, and there's certain decibels that the noise ordinance states that we don't enforce. But they will be required to apply for those permits. And I also asked him, in the other wedding venues that we have in the County, has he ever had any complaints for noise and they have not.

Mr. Grimes: Great, thank you. In your discussions with the applicant about the entrance modifications, it was agreed that... was it agreed that VDOT will inspect this new entrance? The development conditions only say that it'll be built in compliance.

Mrs. Musante: I spoke with Margaret Niemann from VDOT several times today, and what the applicant is going to be required to do pending the approval of this application is to file an application with

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VDOT. There is a fee of \$150 for that application. They will be required to submit a plan. They won't be required to put in curb and gutter, but one of your handouts is called a moderate volume commercial entrance design. This is what they will be required to comply with if this application is approved.

Mr. Grimes: And there is inspections associated with that, correct?

Mrs. Musante: There are inspections. She pulled up the site today; she didn't have time to go out there. She did not see any issues with the location, she didn't see any issues with sight distance.

Mr. Grimes: Great. And so, as part of the development conditions that you've suggested as part of the staff report, in compliance with VDOT standards is assuming that it's going to be permitted and approved, and that will be required before they can have occupancy.

Mrs. Musante: Correct.

Mr. Grimes: Okay. Has the County received any correspondence from neighbors via email or phone call about this case?

Mrs. Musante: We have not, no.

Mr. Grimes: And the applicant has stated they intend to use the barn after renovations as an indoor event location. The development conditions don't address permitting and code upgrades that may be required. Has this been reviewed with County Code officials?

Mrs. Musante: It has not. When I met with the applicant, they wanted to get through this process first before they discussed anything with the building code officials.

Mr. Grimes: So, by approving... if we were to approve the suggested development conditions as they're presented, they would not allow... be allowed to use the barn.

Mrs. Musante: We would have to... granted these are just suggested development conditions, so we can change those.

Mr. Grimes: But the way they're written, I would say no and then they would have to come back to us...

Mrs. Musante: Oh, no, we would have to change it.

Mr. Grimes: ... for a modification of...

Mrs. Musante: Right.

Mr. Grimes: So they would have to amend the special exception.

Mrs. Musante: If we don't change the suggested development conditions.

Mr. Grimes: Got it. Okay. That's all the questions I have for staff. Anyone else? Yes, Mrs. Stefl.

Mrs. Stefl: Stafford County does require septic fields and a backup field on this large a property, correct?

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Mrs. Musante: Yes. Well, let me rephrase that before I say yes. This property I believe was developed or subdivided prior to the septic ordinance that required the additional drainfield.

Mrs. Stefl: Okay.

Mrs. Musante: I'm not sure whether they have a backup on their property or not. But I did speak... I actually meet with Tommy Thompson from the Health Department today.

Mrs. Stefl: Uh-huh.

Mrs. Musante: They are approved for a 3-bedroom perk which you do have a copy of in your information. He said that as long as the existing bathroom in the house is being used for just the bride and the wedding party, they would not need to upgrade their septic system. If they choose to add bathrooms or in the future add in the barn, they would need to install a new septic system.

Mrs. Stefl: A new septic system in the way of a tank or a field? Or is that up to the applicant?

Mrs. Musante: It's whatever the Health Department would require, and I'm not sure of their requirements.

Mrs. Stefl: Okay, and if my read of the permit, some of the parking and vehicular traffic would occur over the current septic field?

Mrs. Musante: That was not my understanding. And when I met again with Tommy today, I showed him the diagram that they had submitted. He did not have any issues with any traffic in the path that the application shows.

Mrs. Stefl: Okay. But that would be an issue if there were cars or any kind of structure...

Mrs. Musante: You cannot place a structure over the septic.

Mrs. Stefl: Okay.

Mrs. Musante: Minimal traffic for vehicle is allowed. Foot traffic is fine.

Mrs. Stefl: Minimal. So, not a constant daily use, but a event once or twice a weekend?

Mrs. Musante: I don't know; I'd have to check with him.

Mrs. Stefl: I mean...

Mrs. Musante: I mean, I asked him basic questions today just by showing him the diagram that I had.

Mrs. Stefl: Okay, alright, thank you.

Mr. Apicella: Mr. Chairman, just real quick...

Mr. Grimes: Yes.

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Mr. Apicella: ... in response to a previous question about the barn and its use as part of this wedding event use. Help me understand why they would have to come back, because they've applied for a Special Exception for an events venue. The application talks about the barn. I don't see anything in the conditions that precludes the barn. So, why would they need to come back?

Mrs. Musante: I can't answer that. I was answering Mr. Grimes' question regarding if we did not change the development conditions.

Mr. Grimes: Right, I mean, the reason for the question is that the applicant stated that they were not ready to use the barn. They intend to do it in the future.

Mr. Apicella: Right, but there's an application for a use. It's not about the structures on the property; it's for a use.

Mr. Grimes: Right.

Mr. Apicella: So, it doesn't preclude... I don't see anything that precludes them in the future using that barn as part of their operation without having to come back.

Mrs. Musante: If it is not specifically stated in the conditions that they cannot use the barn, then you are correct. They would not need to come back. And I just read over them briefly and I do not see that.

Mr. Apicella: Okay. I just wanted to clarify that point. I'm not agreeing or disagreeing, I think it's just an important point.

Mr. Grimes: Understood. Any other questions? Yes, Ms. Brown.

Ms. Brown: I had a couple. Just real quick, going back to the bathroom issue. You said that it was okay for the bridal party and the bride to use it. What about the guests?

Mrs. Musante: No. The guests are going to be... I'm speaking for the applicant here... but they are going to be providing the nice port-o-potty things that have the handicap accessible.

Ms. Brown: Okay.

Mrs. Musante: Those are what the guests are going to be using, not the inside bathroom.

Ms. Brown: Okay. And then, I'm the one who had the concerns over the septic field only to the effect that it lies in between the parking area and the venue; you know, where the tent would be or the barn. I wouldn't want, you know, people accidentally parking on it because it's hard to tell that it's there. And it would certainly be closer and a shorter walk to go to the tent to park there. Also, I had questions on the barn as well, because it wasn't clear to me because it wasn't listed in the staff portion but it was in the applicant's package. To me that's kind of an issue because how are they going to get the equipment, the port-o-potty's and the DJ equipment and the food back to the barn or to the venue without going through the septic field?

Mrs. Musante: That's a question you'll have to ask the applicant.

Ms. Brown: Okay. So, could they put like a gravel road through that septic field to get back?

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Mrs. Musante: I can't answer that.

Ms. Brown: You don't know...

Mrs. Musante: I only asked Tommy today what was presented to me, and I don't have that answer.

Ms. Brown: So, we don't know if they can lay a road in the septic field or gravel or...?

Mrs. Musante: I do not.

Ms. Brown: Okay. Um, alright, oh, parking. Is there any restrictions on what they can use on a parking lot surface? I mean, do they have to put gravel down? Can they just use dirt? Does it have to be paved?

Mrs. Musante: We don't have any requirements in the Ordinances for the home business on what type of parking they install.

Ms. Brown: Okay, so they can just park 75 cars on the grass every weekend?

Mrs. Musante: Yes.

Ms. Brown: Okay, alright. And I think you answered some of this. My questions were about do we need any kind of, you know, permission from the County or VDOT to widen the driveway?

Mrs. Musante: That's going to be through VDOT. And I did speak with Margaret this morning and he would have to submit a plan to her to make sure that it meets the safety requirements.

Ms. Brown: And maybe this is just me. How come we wouldn't have that information before we decide on this? I'd hate to have them go to, you know, a County agency and say, well, the BZA said we could do it, so, you know, and have the impression that VDOT's going to grant them the same thing as well?

Mr. Grimes: I think that, not to speak for staff, but I think this is again one of those issues where if a suggested development condition is that they're required to get VDOT approval before they can get occupancy on this Special Exception, that takes care of that.

Mrs. Musante: It does.

Ms. Brown: So, do we know if they need like a wider driveway then?

Mrs. Musante: She will not be able to tell that until he submits a plan. They will not get an occupancy from us until all of the conditions are met. And it's the applicant taking the chance that this is... if it's approved and they go to VDOT and may not be able to meet what VDOT says, then that was their chance they took on this.

Mr. Apicella: Can we clarify what we're talking about here? So, I think the one issue is about the actual entrance versus the access road, and I think they're two distinct issues because I don't think VDOT regulates an internal access road. And so that's... to me, it's a separate question about whether or not, you're not going to ask that question in email, do we think the width of the access road, setting aside the entrance/exit portion, is wide enough currently to accommodate two vehicles traveling in the opposite direction at the same time?

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Mrs. Musante: I did not ask her that when I spoke with her today.

Mr. Apicella: Okay, but can we impose a condition that it does have that?

Mrs. Musante: Absolutely.

Mr. Apicella: Okay.

Ms. Brown: Okay. Thank you... very much for helping me out with that.

Mr. Apicella: I've got a couple of questions, some of which may have already been answered, so I'm going to have to look through my notes here. What about the nearest neighbors -- I understand that the property owners own more than one parcel.

Mrs. Musante: Mm-hmm.

Mr. Apicella: So, for any parcels that are contiguous to or close to this parcel, where's the nearest house in relationship in feet? Roughly; you don't have to give a precise. Are we talking 300 feet? A thousand feet?

Mrs. Musante: I have no idea.

Mr. Apicella: Okay. So, you know, it's a concern for me both in terms of noise and in terms of lighting. You have an event 10 o'clock at night, what kind of light... I'll call light pollution is there going to be and how would our ordinance, lighting ordinance, deal with that in terms of if someone had a complaint?

Mrs. Musante: If there's an issue with lighting, what'll happen is, if we received a complaint, we go out with a light meter. But, I mean, by the time the event's over with, we don't... technically we don't have a violation. Now, we do have a lighting ordinance that we can share with the applicant and we can put that as a part of the condition that they comply with the lighting ordinance.

Mr. Apicella: Well, it says they have to comply with local and state rules so that might be redundant. I just want to again get it into the record if there were an issue how that gets addressed. I know when we have a CUP, certain neighbors are required to get notice. In this case, how were the neighbors notified and do we know who was notified?

Mrs. Musante: The adjacent properties, we send them an actual mailed letter to them with a copy of the ad. And then it's also advertised in the newspaper twice, and it's put on the web. So that's how everyone is notified.

Mr. Apicella: Okay.

Mrs. Musante: When the property owner owns contiguous properties, I go outside of that and do the adjacents around. It's front, back, and both sides, and across the street.

Mr. Apicella: And I think you answered this question, but I'm just going to ask one more time because I appreciate the large scale visual that you provided. Again, from the County's perspective, they don't see any issues with the sight distance either from folks making a left or a right turn back onto Stefaniga.

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Mrs. Musante: No.

Mr. Apicella: Okay, thank you.

Mr. Grimes: Do we have any other questions for staff? Hearing none, I'll go ahead and open up the public hearing. Will the applicant or his or her representative please come forward to present their case.

Mr. Palmer: Members of the Board, I'm John Palmer. I am the property owner along with my wife. We've lived in Stafford County for 30-some years. I understand some of your questions that you're asking; I'll address those later on. So, just a quick brief overview of what we're trying to accomplish. We have some large field parcels; we would like to accommodate a wedding and special events area to include small weddings by tent, and my wife would like to perhaps entertain some artists attendants where they can present some of their crafts, let the public enjoy that. We're looking at some minor photograph opportunities involving props. Let's say someone from a wedding wants a Hawaiian theme or something of that sort, we would fabricate a wood-type prop with painting and with some form of decorations, whatnot, to accommodate that as well as pictures. So, that's where it's limited to. The only other thing we would have, we have some farm machinery, we would entertain pictures if someone would like their picture taken in front of farm machinery, we can accommodate that. We're keeping this small because we are aware that we do have neighbors. We would like to keep it quiet. We'd like to maintain hours which would be workable for noise ordinances and whatnot throughout the County which is prescribed by your Zoning Ordinances and your Sheriff's Department noise laws. I am familiar with those laws. I will talk with the Sheriff's Department to find out exactly what those audible decibels are. We will maintain our position below that, and we will also maintain the hours of operation so as not to impede the neighborhood. Our driveway is currently 18 feet, which is the minimum that VDOT is requiring per the handout I was given. It appears to me that the entryway leading to that 18 feet needs to be widened 4½ feet on each side to accommodate an additional 9 feet for 25 feet total. I don't think that's going to be a significant problem. As far as the provisional use of the barn, I know that's an issue for the Building Official. We're asking for the zoning provisions with the idea that we're going to start small. As we accumulate some profit then we'll perhaps look at the barn to have the same amount of people at a wedding venue, and that will all fall within the purview of the Building Official's direction, defined application process with plan submission, and meet all the criteria for the County as far as the Building Code is concerned. The septic field, Mr. Thompson has apparently made an assessment of the septic field. He's told us that's not a problem as far as driving over top of it, so I'm not sure that's an issue. So, if that's something that you want to discuss further, we'll entertain that discussion. The lighting ordinances, I don't think that's going to be an issue. We've got raw woods around us completely. The closest house is probably 500 feet away. And again, it's beyond a buffer of wooded area. That's pretty much all that I would present at this time. If you have any questions, I'll certainly answer those.

Mr. Grimes: Thank you very much Mr. Palmer. Do we have any questions for the applicant? Yes Ms. Brown.

Ms. Brown: Sorry, I didn't get all the questions in yesterday. I thought of some new ones when I went home. If you do decide to use the barn, are you still going to limit your event size to the same size as you're talking about right now for the tent, 50 to 75 cars?

Mr. Palmer: (Inaudible) 75 to 150 people.

Ms. Brown: Okay.

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Mr. Palmer: That's about what we can manage. I think that's accommodable for the barn in that size.

Ms. Brown: Okay. And, um, you mentioned other events, maybe art exhibits; I was wondering, will there be other things like birthday parties, concerts, anything like that that you'll be doing as well?

Mrs. Palmer: It's an event center... I'm sorry, my name's Kim Palmer; I'm his wife. What we wanted to do is do some advertising and I would like to have like artists -- I have a couple of friends that own artists places, galleries, and stuff like that in Old Town Fredericksburg; people that play, you know, violin and things like that is what we were looking for... just to kind of advertise. But, with the event center, my understanding is we could do, you know, it was open to almost anything, you know, within reason. And you can correct me if that's wrong.

Mrs. Musante: That's how we've treated them. As long as there are no retail sales (inaudible).

Mrs. Palmer: Right.

Ms. Brown: Okay. So, we can do concerts, birthday parties, weddings, whatever.

Mr. Grimes: No concerts.

Ms. Brown: The other thing, I was walking around your property; it's beautiful, by the way.

Mrs. Palmer: Thank you.

Ms. Brown: I think you guys have a great concept idea. You said some of them might go into the evening. It is rather dark out there. Were you going to have any kind of lighting in the parking lot area?

Mrs. Palmer: Yes, we have generators.

Ms. Brown: Okay, so they'll be... and that was my other question. How are you going to get power out to the tent, you know, for the DJ?

Mr. Palmer: We have actually vendors we've talked with. They provide the entire setup; the tents, generators, flooring, tables, chairs, everything. And they're noted throughout the County, so they are credible people.

Ms. Brown: So, they'll be doing parking lot lighting as well?

Mrs. Palmer: Mm-hmm.

Ms. Brown: Okay.

Mr. Palmer: If that's needed, yes ma'am.

Ms. Brown: Would you be interested in having like a parking lot attendant to help park cars? Because I mentioned this yesterday, it looked like the area might need to stack cars. You know, meaning cars parked in front of cars and behind the cars to get everybody in. Would you have like a parking guide or an attendant or anything out there?

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Mr. Palmer: What we stated yesterday, people coming on our property, their safety is our responsibility and I think that that's something that's commensurate with making sure that people are getting to and from without a difficult problem, giving enough space between cars. So, yes, we can accommodate that if we need to. Whether that's required or not, I'm not certain where that falls within the zoning ordinances, but it's something that we have thought about. We would like this to be a very nice operation, a professional statue and to make sure that things work properly for our guests.

Ms. Brown: Okay. Um, let's see, I had a whole bunch here. Let's see. We got the power... We talked yesterday about the septic, because that was just kind of an afterthought when I looked at that, and we agreed we probably didn't want a lot of traffic. We have a lot of people out in Rock Hill in our district that are on pump and haul, and we would hate to see your system fail because we have, you know, delivery trucks or fire trucks or just people parking, you know, trying to get close to the tent in there. When we talked maybe you said you might be interested in putting up maybe some trees, you know, to kind of delineate a separation of the paring area so they knew not to drive back to the tent or something like that, or roping it off; a couple ideas. Have you thought about that anymore?

Mr. Palmer: Well, we can be open-minded about that. It looks to me like the septic field is not encumbered based on this handout that I have from Mr. Thompson's office shared with your staff. My understanding from your staff is this is not a problem.

Ms. Brown: They said you could drive over it?

Mrs. Palmer: Yes.

Mr. Palmer: Yes, I think everyone can drive over it properly. I don't see it as an issue. You know, emergency apparatus, that type of thing, they're probably not going to go back that far anyway. The ambulances might; they do have means by 4-wheel vehicles to transport patients back and forth if that becomes an issue.

Ms. Brown: No, I was thinking more of a barn fire or a tent fire. The fire trucks are going to need to get back there.

Mr. Palmer: (Inaudible) that barn fire, they're probably going to stretch lines to it and they've got water sources at the court behind us and along Stefaniga Road.

Ms. Brown: And the deliveries as well? Like, you know, the beer keg driver and...

Mr. Palmer: My understanding, most delivery trucks now are small in nature; they're not like large tractor-trailers that a lot of us are accustomed with. They're small box trucks basically.

Ms. Brown: So, you mentioned that you had a gravel bed that was a road that was underneath the dirt and the grass.

Mr. Palmer: We do have a gravel bed, yes ma'am.

Ms. Brown: Were you going to try to use that to designate the way back to the tent and the barn for deliveries or...?

Mr. Palmer: That's actually the best way to utilize the property, because the road is in place. We did have a horse barn on the property from 1987 on. The gravel is there because we had to take our vehicles

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to the horse barn to move hay which is heavy. We've had to transport water back to the barn before it had such utilities. And it is a substantial gravel; 57 pea, it goes down about 2½ feet, it's been added to many times. It does have grass over top of it consistent with what I would say is a tread block, if you're familiar with that.

Ms. Brown: I've seen some of the underground roads that they used the plastics, you know, pavers to go in them.

Mr. Palmer: Tread block is pavers basically. It's placed in the ground to support large apparatus such as fire trucks, but used when assessment is made to make sure that whatever you're supporting will support that piece of apparatus.

Ms. Brown: Do you have any like paperwork of when that was put in of what kind of stuff was put in?

Mr. Palmer: Not (inaudible) at one time it was an agricultural institution, so that's all falling under the purview of a horse farm.

Ms. Brown: Do we know how long ago that was?

Mr. Palmer: How long ago? It was 1987; 30 years ago.

Ms. Brown: Okay, so it's been growing over for a lot of years, okay.

Mr. Palmer: Yes. It has substantial base. I've not had anything stuck out there and, as you see, there's no tire marks or whatnot (inaudible) to and from the barn.

Ms. Brown: Yeah, I didn't see any... I couldn't really see the gravel or any tire marks, that's why... but it's been there for 30 years so...

Mrs. Palmer: Right, we've never gotten stuck.

Ms. Brown: ... I don't know what's underneath it anymore.

Mr. Palmer: We have had large vehicles out there. We did have the barn sided at one time. The gentleman that brought the siding did have a large flatbed vehicle, he took it out there. Again, I'm familiar with the fire department operations. They're probably not going to drive all the way out because if the barn does catch fire, it's going to generate a lot of heat and they're not going to position their apparatus as such that it's going to damage it. They're going to pull up a certain amount of distance, they're going to pull off attack lines and they're going to attack the fire.

Mrs. Palmer: May I say something? The barn is not a wooden structure per se. It is actually metal siding; metal roof, metal siding. So it's not like when you think of the hay barns that you see around the County.

Ms. Brown: Yeah, no I was just looking at just the barn and the tent area where all the people are going to be gathered. You know, if a candle tipped over or...

Mrs. Palmer: We don't allow candles.

Ms. Brown: ... a cigarette, you know, the tent went up and, you know, there was a big fire back there.

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Mr. Palmer: (Inaudible) so the surface to mass ratio is probably not going to be an issue for the barn structure itself. The contents could be a little bit different circumstance but we're going to make provisions to take care of that before it becomes a problem. And we'll have emergency action planned that we'll share with the fire department so that they understand their access points and what's available. I'll also ensure they know their water supplies.

Ms. Brown: Okay, thank you.

Mr. Grimes: Do you have questions?

Dr. Larson: Question Mr. Chair?

Mr. Grimes: Yes.

Dr. Larson: Do you intend to have employees to help you out?

Mr. Palmer: We'll have family members that are employees and we'll have vendors beyond that. As I mentioned, we have go-to people that provide the logistics for the tents, the furnishings and that type of thing. They run separate businesses; this is what they do for a living, so that's what we'll utilize.

Dr. Larson: Okay, so the family members, are they living in the house or...?

Mr. Palmer: Yes, all five of us.

Dr. Larson: Okay, so there'll be episodic not employees of yours per se but vendors that come in and support?

Mr. Palmer: Correct. And that would also be the case with anybody we bring in to park vehicles. I will hire them on a contract basis. They will be certified people and they will have a briefing as what needs to be done for traffic. So, that's something that they take care of as their normal jobs.

Dr. Larson: How about the... when the barn becomes available, any additional help with that?

Mr. Palmer: Not at this time. Again, it'll be vendors. We're not planning on putting a full size kitchen in, just a preparation area where the vendors can come in and basically put their prepared foods out and garnish them, that type of thing.

Dr. Larson: So, you're talking about hiring somebody to help with the parking lot. And then, when you say vendors, these are the people that drive trucks with consumables, food and alcohol or whatever, onto the property?

Mr. Palmer: And a lot of that, the bride and the groom and their family, they'll be the ones that approach those individuals and develop that contract. So, we're providing the facilities.

Dr. Larson: Okay. So the vendors you mentioned probably would work for the bride then, is that what you're saying?

Mr. Palmer: Yes. They would be under contract with the bride. I think it would be a very rare case they'd work directly for us. We have made contact with these vendors because that's what they do and it's basically we're subcontracting out to other people. The bride and groom take care of all that.

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Dr. Larson: Okay, so...

Mr. Palmer: We're leading it in the right direction. Maybe that's what I should say.

Dr. Larson: Okay, just to summarize that I think what I've heard is the people from your perspective, your business perspective, will be family members that live in the residence now plus the possibility of a parking attendant.

Mr. Palmer: Correct. And it will probably be a couple of parking attendants because we want to make sure it's done properly. If somebody needs to take a break or something along that line, if there's coordination amongst them, you have to have at least two or three people.

Dr. Larson: Okay. I think the maximum number is three, right, staff, for this zoning for this particular use? Employees other than the people that live at the residence? Just for informational.

Mr. Palmer: I appreciate that, but again, these would be people that we would hire that would be vendors. So it would be like you hiring a contractor to do something at your house. So, they're not direct employees from me; I'm not taking taxes from them, I'm not doing anything other than (inaudible) a check.

Dr. Larson: Understand.

Mrs. Musante: No more than three.

Dr. Larson: Okay. Thank you.

Mr. Grimes: Yes, Mr. Kim.

Mr. Kim: I have one question. The clean-up. I didn't see anything on clean-up. What's your process or your plan on cleaning up after the event? Is it going to be on you guys? Is it going to be on the bride or groom?

Mr. Palmer: I think that would be subject to negotiation with whomever they hire, the contractor for the catering, the contractor for the tents and whatnot. If trash removal's an issue, we can certainly lend a hand with that. But it will be taken care of and won't be something that looms and stays on the property because I don't want to see it.

Mr. Kim: Okay.

Mr. Palmer: I don't have a solid answer for that other than we're going to take care of it.

Mr. Grimes: I have a couple questions for you as well, Mr. Palmer. So, some of these events will have live music, correct?

Mrs. Palmer: Yes sir.

Mr. Palmer: (Inaudible).

Mr. Grimes: So, what is your plan to make sure that you stay in compliance with the County's sound ordinance?

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Mr. Palmer: Well, it sounds to me like the Sheriff's Department has a mandate, how many decibels, whatever that is. I would think that most vendors, if not, then I'll supply some kind of decibel meters so that I understand that we're within compliance; a dry run perhaps during the daytime to make sure it does not annoy the neighbors. And beyond that, I think that if anybody that's a DJ that's had experience in this can probably answer that question as well.

Mrs. Palmer: I already know that; they carry it with them.

Mr. Palmer: Okay, I'll defer to my wife.

Mrs. Palmer: I've already spoken to the DJs in the area and they actually, most of them, carry one with them. So they make sure that they're in compliance.

Mr. Grimes: That's great, thank you.

Mr. Palmer: I think the whole thing comes down to that everyone wants to be within compliance because I think all the vendors and musicians and DJs and the caterers, they all want to do business at other times. So they don't want to be out of compliance and have noise complaints or anything that would cause them grief with the County. And that, again, goes back to I sign the correct people that are professional or pointing the brides and grooms in that right direction as well.

Mr. Grimes: So, can you describe how you're going to address accessibility issues, compliance with ADA to the site for guests?

Mr. Palmer: I think that's something that has to be directed through building. We have to comply with ADA, I understand that. We discussed a ramp on the back of our deck area to give access to the interior say should the bride have ADA requirements. We've talked with Zoning about that. The Building Official governs a lot of that so we'll be speaking with them. As far as the gravel and whatnot, I don't have an immediate answer because that's driven by VDOT. That sounds like that's going to be a conditional approval use for discussion. As far as the rest of it goes, we want people to be able to get in and out without getting stuck in the field. So, something will be there. As far as existing gravel to move emergency vehicles toward the barn and toward the tent area, I think that's sufficient. But if that has to be assessed, we can do that as well.

Mr. Grimes: And then, if you could, just describe how you intend to use the barn in the future, kind of what your vision of that is.

Mr. Palmer: It's going to be a wedding events center. We'll probably have an area where the bride and groom can get married, where other people can observe it. We may have tables on the outside in the patio area. We'll have a small food prep area. And we'll have to address the restroom facilities, whether that's a trailer or actually with the barn with an extension of the septic field. I can't answer that right now. We've been in touch with an architect so all that's projecting in the future.

Mr. Grimes: And so, to follow-up on that, the idea is to get a... you're going to hire a professional to take a look at the barn, see what has to be addressed so it can be used and be occupied for events.

Mr. Palmer: My understanding that's your requirement here in Stafford County, so if that's a requirement we'll meet that requirement.

Mr. Grimes: Great.

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Mr. Palmer: I will have input on that design and I'm sure the architect will also point us in the right direction.

Mr. Grimes: Alright, does any...

Mr. Palmer: (Inaudible) will have input.

Mr. Grimes: Do we have any other questions for the applicant? Hearing none, you can have a seat for the moment.

Mrs. Palmer: Thank you.

Mr. Grimes: Any member of the public who wishes to speak in support of the application please come forward. Any member of the public who wishes to speak in opposition of the application please come forward.

Mr. Valentino: Good evening. My name's Roger Valentino and I want to speak in opposition of the plan. Um, the first thing I'd like to mention, I heard a question about how were the neighbors notified. And I don't know if the question was also when were the neighbors notified. Um, we received this in the mail about a week and a half ago. This was the notification as she mentioned. Went to every neighbor that we could find in adjacent properties or further away properties and nobody else had seen this. Um, no one else had received a letter; it was news to them. So, um, just for point of reference, we're the only ones that got a letter. Having received the letter, we thought it was a little unusual and we had some concerns. So, we reached out to our neighbors and, um, I'm representing right now 15, including our household, 15 folks that have signed a petition, um, neighbors in the general area that have strong concerns and would urge the vote to deny... urge the Board to deny the request, okay. I can provide you folks with a copy of this when we're done. Um, the fundamental concerns are I don't know if anyone lives in... I live in Seven Lakes, that's where Rome Dome Court is. The neighborhoods that are impacted by this are Seven Lakes and The Glens. So, if you live in Seven Lakes or The Glens on a Friday night, you hear the high school football band loud and clear. It's pleasant, we all like it, we all enjoy it, we're all happy it only happens once a week in the fall, okay, but it's very nice. Um, and that's Mountain View and that's quite a ways away from our homes. Um, if you can imagine someone being 5, 6, 700 feet away, having a 75... 150 person party with a band twice per weekend up until 11 o'clock, that's the main reason we came out. We have strong concerns about the noise. We have strong concerns about if anybody lives off of Stefaniga, you're unfortunately familiar with the number of accidents we have on Stefaniga. Drivers, some of them young drivers, drivers not familiar with that road come down there in the evening, go around a curve the wrong way and unfortunately there have been a lot of deaths on that road. If you're adding 75 cars twice, two weekend evenings a week, having had alcohol, leaving at 11, 11:30 in the evening, um, that is a recipe for disaster on that road, okay. Um, so, from a noise standpoint, from a safety standpoint, um, the neighborhood's very, very concerned about this. We are... I don't know the distances you were referencing but the gentleman referenced a fire hydrant or a hose that could be hooked up to a court, which is how the firemen would put out a fire in a barn. Um, the court's not that far away. If... I also have a map I'll submit to you that shows where the properties are, and surrounding residential properties. Um,, the property in question that wants to turn into a wedding... a concert or wedding venue, is surrounded by residential, okay. Residential people who bought lots and who, you know, quite honestly don't want the noise or the traffic. You know, the idea of doing photographs and so forth is perfectly fine, but when you start hosting events, which are the most profitable, and I don't begrudge anybody starting a business, but there are certain businesses I can't start in my home. And I can't start 'em for good reasons because they have a negative impact on my neighbors or my neighborhood. And we all feel strongly that this is a business that should

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not be started here because of the nature, the sound, the alcohol, the safety, the hours, um, the disruption to the overall neighborhood. Um, it's not a rural, uh, agricultural piece of land nestled in a hundred other acres of agricultural land. It's a piece of agricultural land that is nestled in... excuse me... in a residential subdivi... surrounded by residential subdivisions which makes a big difference. So, when we use the term agricultural, we're thinking it sounds like a great business model. And if we're out somewhere wrapped by farms, it would be a great business model. But, it's wrapped by a bunch of... a bunch of neighborhoods. So, I was only able to get, as I said, we have 15 signatures, limited in my ability to reach people, but every single person... no one thought this was a good idea. No one declined to sign the petition. Um, so fundamentally that's it. I mean, it could go longer but I don't want to take up more time because I know there's a limit. Um, does anyone have any questions about why we're protesting this?

Mr. Grimes: I was getting ready to prompt that.

Mr. Valentino: I apologize.

Mr. Grimes: No, thank you. Yes, Ms. Brown.

Ms. Brown: Yes, I had a question. I have a map in front of me; where is your property located? Are you across the street?

Mr. Valentino: Yeah, we are directly... may I approach where you are so everyone can see?

Ms. Brown: Okay.

Mr. Valentino: Okay.

Ms. Brown: So, you're on this cul-de-sac right here? Would that be you right there right across the street...?

Mr. Valentino: (Inaudible - not at microphone) straight across the street, directly across the street.

Ms. Brown: So that would be you?

Mr. Valentino: This is our house.

Ms. Brown: Right, okay.

Mr. Valentino: And so the folks that I spoke with are down this way, around this way, around this way, and down here.

Ms. Brown: So, you did speak with the property owners in back of the property owners?

Mr. Valentino: (Inaudible - not at microphone). Those that were home.

Ms. Brown: Okay.

Mr. Valentino: (Inaudible - not at microphone) as far as time.

Ms. Brown: Did anyone back there sign your petition as well?

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Mr. Valentino: Yes, yes. That's Snapdragon Way wraps around (inaudible - not at microphone).

Ms. Brown: Okay, thank you.

Mr. Grimes: Could you bring that petition up? I know that you didn't bring us a copy but I'm sure that the County...

Mr. Valentino: I brought you a copy.

Mr. Grimes: Oh, thank you.

Mr. Valentino: We did make a copy before leaving the house. Let me just... and I can give you a spare map.

Mr. Grimes: Thank you. And while I'm perusing this, are there any other questions for Mr. Valentino?

Dr. Ackermann: I have a question.

Mr. Grimes: Yes.

Dr. Ackermann: What if there were further restrictions on events being held? Different times or fewer events?

Mr. Valentino: So, here's my concern. Um, that makes it less and less of a business model for the applicants, number one. Number two, and what he just explained, um, they are not going to employ the people making the noise. They're going to not even be subcontractors to this entity. The bride and groom, or myself who wants to bring in my kids' band so they can have an audience or for whatever, whomever comes and uses the property is going to employ the folks making the noise. Um, whoever comes and uses the property is going to employ the folks serving the alcohol, okay. So, the venue is, you know, it's kind of hard to enforce things when they're not your employees, they're not even your subcontractors, okay. So, you have the bride and groom want to get married and they go meet with DJ so and so or band x, and they hire such and such caterers who then pay for... you know, go with the open bar. I don't think there's a half-step that's probably a good solution, to be honest with you. Um, I mean, to say, yeah, you can only do it during daylight hours, that would probably destroy the business model honestly. But, sure, it would make people more comfortable. But to be honest with you, the safety thing on Stefaniga is very, very serious. And, you know, when you introduce alcohol with people that don't know that road, um, I don't... I understand your question but I don't have a straightforward answer. I don't think there's a good answer to that question.

Dr. Ackermann: Thank you.

Mr. Kim: So, I definitely... I'm sorry...

Mr. Grimes: Yes, Mr. Kim.

Mr. Kim: So, I definitely understand your concern about alcohol, but I've been to plenty of weddings where there's always a designated drive. I mean, that's kind of on... I wouldn't put this on the business owner or the venue that's serving the alcohol I guess. I guess it would be more... I mean, I'm not sure of ABC Virginia law, but...

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Mr. Valentino: Well, I would imagine part of it would be on whoever served the alcohol, I mean, from a legal standpoint. But I'm just thinking of it from a practical standpoint. So...

Mr. Kim: Well, that could... I mean, I just would hate to put that stipulation saying... Well, I know what happens at weddings because I've been to plenty of weddings where I've had a drink or two and it wasn't that loud and like kind of bachelor type. I mean, if it was like a bachelor party area I could understand that, but...

Mr. Valentino: If it's my people getting married, they're going to be quiet, they're going to be in bed by 10:30. Okay, I know that. But not everybody's like that. I mean, I don't disagree with you, I don't mean to stereotype (inaudible).

Mr. Kim: No, I just want to be fair here. I'm not, I mean, I kind of feel like you're generalizing what's going to happen there and it's kind of hard to do that without... I mean, there are laws in place that Stafford County Sheriff's would have to enforce if there is someone driving over the limit. Or... I mean, I understand your point so please don't think I don't understand your point here. But I just...

Mr. Grimes: Mr. Kim, do you have a question for Mr. Valentino?

Mr. Kim: I guess it was more of a point than a question, so I apologize.

Mr. Grimes: No, that's all right. I mean, I think we can have the discussion on the merits when we come back to the Board.

Mr. Kim: Sure, okay.

Mr. Grimes: Are there any questions for Mr. Valentino? Ms. Brown?

Ms. Brown: I'm sorry, you said you had the letter with you that you received from the County?

Mr. Valentino: Yes ma'am.

Ms. Brown: Do you have the envelope as well? And if so, could I see both of them?

Mr. Valentino: I do not have the envelope, I apologize. I just have the, uh, the letter itself.

Ms. Brown: Okay.

Mr. Valentino: And it does not have a date on it.

Ms. Brown: Okay, that's was my... that's what I wanted to look at. I wanted to look at the postmark and (inaudible).

Mr. Valentino: I want to say... I want to say it came in a week and a half to two weeks ago. The reason I recog... the reason I know it is because it came in an envelope that looked like nothing we've ever gotten from Stafford County. We get a water bill from Stafford County and we get a tax bill from Stafford County; we don't even get a Christmas card. But we... it came... the envelope I think had a logo or it had something on there that said Stafford County that looked unusual, so I opened it immediately.

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Ms. Brown: And then you're going around to door-to-door and no one else but you had received a letter.

Mr. Valentino: Correct. That was my first question to everybody. Have you received it... because I brought it with me, have you received this? Do you know about this?

Ms. Brown: Okay.

Mr. Valentino: And nobody had received it.

Ms. Brown: Okay, thank you.

Mr. Valentino: Sure. So that's why, when you folks said, did you get any emails or calls from neighbors, I'm the only one that... I mean... okay.

Mr. Grimes: Are there any other questions for Mr. Valentino? Thank you very much. You can have a seat. Is there anyone else that wishes to speak in opposition to the applicant? Alright, seeing none, does the applicant wish to respond or add any additional information?

Mr. Palmer: I would. I'd like (inaudible) also. I understand Mr. Valentino's concerns, certainly they are mine as well. The majority of accidents that have occurred on Stefaniga Road are speed in relation. I have checked on this in the past. There are no viable records for the State Police Department or Stafford County Sheriff Department to indicate anything other than speed; that's what I'm told. I've had VDOT out to look at the roadway a couple of times. They reduced the speed limit to 40 miles per hour and 20 on the turns that are (inaudible) to our property. So those concerns were addressed in a separate circumstance, a couple years ago, (inaudible) to the accidents that have occurred. As far as the alcohol goes, my understanding is that bartenders are certified through the ABC and through their training, and that they know not to have someone overindulged, to cut someone off they have a manner to do that. My understanding also is with events like this is that there is a designated person that makes sure the crowd stays sober or they arrange rides, those kinds of things. And Mr. Valentino's question concerning how I'm going to enforce this -- it's our property. So I will make sure that through contracts or whatever means that people will comply with your noise ordinances. I can't account for the high school because they have a different speaker system; it's up in the air, it's above the tree line. I can't answer that one. I can tell you that we've been on the property for 30 years. We've not imposed on our neighbors, and I'm not certain this event will either. So, if we're in compliance with the noise ordinance and we shut down on time, we don't exceed the decibels, I don't see why because our event is different, that it is different than a neighborhood party that has 50 to 70 people in The Glens that are noisy, that are splashing on in a pool and screaming and turn the music up and all that. Because my recourse with that is I have to call the Sheriff's Department, they send two deputies out, and they advise the occupants that they're in violation of the noise ordinance. In this case, you have pretty much a guarantee that we're going to be in compliance.

Mr. Grimes: Thank you Mr. Palmer. Is there any more questions for the applicant now that they've responded to the additional information? Alright. Normally we would close the public hearing, but I think in this case and some of the questions that have come up, we're going to go ahead and leave it open in case there's something else that comes up. So, with that, I'm going to bring this matter back to the Board for discussion.

Dr. Larson: Mr. Chair?

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Mr. Grimes: Yes sir.

Dr. Larson: I assume we're discussing the conditions which is what we traditionally do in these cases?

Mr. Grimes: Absolutely. I thought, based on some of the comments and questions, that we may be discussing some generalities first, but I have no problem starting with the development conditions.

Dr. Larson: Well, generally, I'm a little concerned that the venue might alter the character of the neighborhood under certain circumstances. So, I would like to consider changes to the conditions that would try to minimize that. So, the one thing that I can think of off the top of my head is the one time that goes beyond say about dark is the Saturday that goes to 11:00 p.m. If that could be scaled back a bit, I think that would help.

Mr. Grimes: I think that condition is Friday and Saturday.

Dr. Larson: Um, oh, I see, Friday and Saturday, yes, okay. So, the 11:00 p.m. I think might be something that we could work with, or work to reduce.

Mr. Grimes: Staff has reviewed all these development conditions with the applicant, correct?

Mrs. Musante: Yes.

Mr. Grimes: Okay. Can you read us the suggested development conditions?

Mrs. Musante: Days and hours of operation: office - Monday through Friday 8 a.m. to 5:00 p.m.; the weddings and events - Friday and Saturday 10:00 a.m. to 11:00 p.m., Sunday 10:00 a.m. to 8:00 p.m. All scheduled events and customers by appointment only. Number 2, provide off-street parking. Parking along Stefaniga Road will not be permitted. Number 3, applicant shall construct entrance shown on the plan in compliance with VDOT standards to ensure safety and compliance with site distance. Number 4, no more than 150 guests. Number 5, must comply with all State and local codes. Number 6, outside vendors and sanitary facilities must be approved by the Health Department. Number 7, approval of this Special Exception will expire when this applicant vacates the property and is non-transferable. And number 8, this approval may be revoked for willful noncompliance of the conditions imposed by the Board of Zoning Appeals.

Mr. Grimes: Thank you very much. So, Dr. Larson, you're proposing a potential change to development condition number 1?

Dr. Larson: That's correct. To change the 11:00 p.m. to say 8:00 p.m.

Mr. Grimes: I have a bit of concern that limiting them to 8:00 p.m. on a Friday and Saturday could severely affect their business, but...

Dr. Larson: How about we ask the applicant what his opinion is?

Mr. Grimes: I have no problem with that.

Dr. Larson: Sir? Would you like to comment on that proposal?

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Mr. Palmer: I would just remind the panel that we area A-1, not a neighborhood, just so that you understand. I understand what's around us, but again, that was zoning that was authorized through the County. Certainly I wasn't happy about that either but we are still A-1. What we will do, if it's alright with you all, is we will go to 10 o'clock. Is that acceptable?

Mr. Grimes: I think we can take that under consideration. Yes sir?

Dr. Ackermann: I think, and this is not really a concern about this in particular, but I think I'm uneasy about this because of the concerns presented by the neighbors in the neighborhood. I could see how that would, the way this has been developed, the way the houses are around here, this would be a concern to them. It would be a concern to me if I lived in that neighborhood. So I feel a little uneasy because of the concerns raised by the neighbors.

Mr. Apicella: Mr. Chairman?

Mr. Palmer: Sir, could you clarify your concern? I'm not certain what you're saying.

Dr. Ackermann: I'm uneasy approving this knowing that the neighbors are concerned about changing the neighborhood, the nature of the neighborhood.

Mr. Palmer: Would it be possible I could see the petition with the names on it? I'm assuming those people, for whatever reason, didn't come down and speak for themselves tonight. I don't really understand why. If there was that many people concerned, I would think we would have those people speaking to us.

Mrs. Stefl: I have a question of the staff then. How far... I just don't have my measurements in front of me, but how far are we talking from the residence to the closest homes? To the closest home?

Mrs. Musante: It's literally either touching, adjacent, across the street, or directly behind. And I have them here if you would like me to read off the list.

Mrs. Stefl: But if I recall, the list was mostly the across the street neighbors, or is it the ones that are right next... touching?

Mr. Palmer: It's Seven Lakes and The Glens. They're in front of us or behind us, so that would be the developed neighborhoods where people have parties that we hear.

Mrs. Palmer: Right.

Mrs. Stefl: Right, but parties not every single weekend.

Mr. Palmer: Well, I think often enough.

Mr. Kim: So, Mr. Chairman, when we go... are we back into discussion for the Board or are we still asking questions?

Mr. Grimes: We asked one question and it turned into several. Mr. Palmer and Mrs. Palmer, if you could have a seat while we discuss this further. We may...

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Mr. Palmer: (Inaudible) one thing, are you asking what the physical distance is to the houses? Is that what you're asking?

Mrs. Stefl: I guess what I'm just... I guess I'm trying to understand from my colleagues the 10 o'clock with the noise ordinance is also get a clarification of the event would end by 10? Because vendors would still be cleaning up till maybe 11, 11:30 before they clear out which also creates some type of a noise or possible noise. Is that your understanding with your...?

Mr. Palmer: The distance is what you're asking; how far is the closest house that's going to be annoyed by the noise, that's what you're asking?

Mrs. Stefl: Right, well, and I'm trying to understand you're... you said you'd be willing to work with us on the 10 o'clock.

Mr. Palmer: Yes.

Mrs. Stefl: So, does that include...

Mr. Palmer: My wife said 10 o'clock is fine.

Mrs. Stefl: Does that include when the wedding ends or are we talking like 10 o'clock would be when vendors have to be off the property?

Mr. Palmer: I think 10 o'clock would be when the wedding ends. The vendors cleaning up is a different circumstance. There's no entertainment, they're picking up their stuff. I don't think that's any more noise commensurate with anything else (inaudible).

Mrs. Stefl: Okay, I'm trying to understand for the record here. Thank you.

Mr. Palmer: For the record, we would end the wedding at 10 o'clock; the vendors would clean up and everybody would be secured by 11 o'clock.

Mrs. Stefl: Alright, thank you sir.

Mr. Palmer: Okay, and 500 feet is probably your distance between houses, just so you know.

Mr. Grimes: Alright, thank you.

Mr. Kim: Oh, go ahead.

Mr. Apicella: I'm not sure what action, if any, we're going to take tonight. I am concerned about notice, that's why I brought it up. Maybe people got the notice and they didn't pay attention to it, who knows. What we do know is we've got some members of the public who live in some proximity to the neighbor... to the proposed use that have some issues. I don't know if we'd want to consider reaching back out to the neighborhood or not, so I'll just put that out there. But I do have some other potential condition changes. On number 2, just to be clear, I would add the word sufficient where it says provide off-street parking; provide sufficient off-street parking, based on the size of the event. And while we've got some great information from VDOT about the entrance, I think the requirement about the 18 feet is specific to the entrance itself; it does not speak to the actual access road. So, I think we need another

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condition that clarifies the access road shall be wide enough to accommodate two vehicles traveling in opposite directions, because I think that's a separate and distinct pattern from the actual entrance.

Mr. Palmer: May I ask a question?

Mr. Grimes: If you could just hold, we'll come back to you in a few moments. So, Mr. Apicella, you're proposing another development condition for the access road itself, which is the road on the property.

Mr. Apicella: Right.

Mr. Grimes: So, it's actually an access drive, it's not a road.

Mr. Apicella: Whatever it's called. Access road. Access drive. However people are going to get from the entrance to the... where they're going to be parking.

Mr. Grimes: Right, I just want to clarify that it's on the property.

Mr. Apicella: Right.

Mr. Grimes: And you were simply stating that it be wide enough for two cars to pass, or did you have an actual width?

Mr. Apicella: No, just wide enough for two cars to pass travelling in opposite directions.

Ms. Brown: And I want to support that because when I did look at the property, if you've got vendors coming out or anybody leaving the property and cars try to come in from Stefaniga, they're not going to be able to get in. So they're going to stack out on Stefaniga and there's no left-turn lane, there's no place for them to go.

Mr. Apicella: Right. And that's my issue, stacking on Stefaniga Road.

Ms. Brown: Yeah. And that could definitely happen as conditions are right now. You would not be able to get a car coming out and cars coming in. So, they would have to wait. So, you've got three cars trying to come out, the people on the street are going to have to wait till all the cars have come out before they can go in.

Mr. Grimes: Okay. I would also like to make a small change to development condition number 3; applicant shall construct an entrance shown on the plan in accordance with and permitted by VDOT to ensure safety and comply with the site distance. We obviously received this information that they're probably going to review it, make a change to this moderate volume entrance design, and I'd like to see the word permitted actually put in there, because there could be a significant debate on whether it's in compliance or not. They have a permit, we know what it is. And then I also have a concern about the development conditions only because of some experience on some recent past cases. The issue with the barn and the barn being in compliance with code for use in the future. I think adding a development condition that the barn, prior to use for any event function, would have to be approved by the County for that use.

Dr. Larson: Isn't that already a part of the ordinance?

Mr. Palmer: It's stated in our plan sir.

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Mr. Grimes: I would say that...

Dr. Larson: Occupancy permit?

Mr. Grimes: ... an occupancy permit would be... well, occupancy is granted for this Special Exception which, in theory, they could use the barn day 1, but it might not be code compliant for 150 people.

Dr. Larson: A question for staff. Question for staff? If... when they decide to use the barn for activities, don't they need an occupancy permit for the barn?

Mrs. Musante: They will be required...

Dr. Larson: At that time?

Mrs. Musante: I'm sorry?

Dr. Larson: At that time.

Mrs. Musante: Yes, they will be required to apply for a commercial change permit because these are treated differently than a residential property, which will generate an occupancy permit once all inspections have been completed.

Dr. Larson: Thank you.

Ms. Brown: Is that separate for the barn? Or just...?

Mrs. Musante: It is. They will be required to have an occupancy permit for the business and then one for the barn.

Ms. Brown: I have two questions for staff, too. I might not have heard you right so I just needed to clarify. You said that the signatures that you saw that he brought in, you said none of them were touching? Is that what you said?

Mrs. Musante: I did not say that.

Ms. Brown: No? Okay, okay, thank you; I misunderstood that. And then back to the septic field; I will have concerns on that. When you spoke to the Department of Health, did they understand that there was going to be traffic driving over it and possibly cars parking on it? Was that part of the discussion? Or was it just they can have a... you know, did they know they were going to be using the septic field for access?

Mrs. Musante: I showed him the plan that was submitted to us and he brought an as-built of what was actually installed on the septic system.

Ms. Brown: Right, which is this, right?

Mrs. Musante: He said that there was not a conflict with the two.

Ms. Brown: Um, but he didn't... there's no road on the plan that they've submitted, any access points going back to the tent or the barn. So that's not on the plan. My concern is I've been sitting here

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researching, you know, parking and driving on septic fields. I've been looking up a lot of inspectors and they recommend nothing heavier than a child's bike. Let's see... go over that... they're worried about it compacting and collapsing. And again, Rock Hill has such a bad problem with pump and haul, I would hate to see their... this is already 30 years old. This was dated 1992... or 25 years old.

Mrs. Musante: This is the actual as-built.

Ms. Brown: Okay, so it's not this one?

Mrs. Musante: It's not that one.

Ms. Brown: Okay.

Mrs. Musante: And he brought this specifically because it was not installed in the location that the permit was issued for.

Ms. Brown: Okay. On this one... this is where I think the applicant showed me it was. This looks about right.

Mrs. Musante: This is the application for his septic permit, the one that you're showing me.

Ms. Brown: And you're saying the septic field is not there? Where is it?

Mrs. Musante: This is what was installed. They did an as-built.

Ms. Brown: Okay, I'm still looking. This... this is the as-built?

Mrs. Musante: That is an as-built.

Ms. Brown: Made by the applicant?

Mrs. Musante: No. That's when the inspector from the Health Department went out to inspect its installation and for their actual occupational permit, that's what he drew. This is exactly where it's installed.

Ms. Brown: Huh.

Mr. Apicella: I'm still not clear how that addresses your issue, because they don't... whoever reviewed it, did they know that there was a potential that somebody might be driving over it and/or parking on the septic? I have the same concern about a septic field because I've been told by people who manage my septic field to even keep the vegetation down. So, if you have to keep the vegetation down, you certainly can't park on a septic field.

Ms. Brown: Yeah, I'm trying to find out where it talks about compacting it and not letting the gases vent and pipes, you know... Again, if this was built in '92, it's 25 years old already. And if we're going to, you know...

Mrs. Musante: I can only tell you what Mr. Thompson said to me today, that he did not see any issues. If you... I mean, all I can tell you at this point is to call and talk to him. I can only tell you what he said to me.

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Ms. Brown: Okay. I have a comment. At this time, due to my questions on the septic field, because I don't know that they understood because there's no plan on there that there was going to be parking possibly and driving way over there. I would like to maybe delay this. And I want to look into the... do you need a motion for that?

Mr. Palmer: I have a question before you do that ma'am.

Mr. Grimes: We'll come back to you Mr. Palmer.

Mr. Palmer: Well, before you delay it, I just have a better answer.

Mr. Grimes: I don't know that we need a motion to delay or to defer...

Ms. Brown: Defer, I'm sorry.

Mr. Grimes: ... it's just a matter of whether or not we think we need additional information based on what we received tonight and what we've heard. Sorry, I'll turn my microphone on. I'm hearing a lot of questions that are going unanswered, so we could definitely see how the Board feels about deferring this case to gather additional information. I know that you have a question about the septic field; I think, Mr. Apicella, you do too.

Mr. Apicella: I do, and again I... maybe another issue about notice, just making sure that the neighbors were properly noticed and have an opportunity to provide comments beyond the petition that was circulated.

Mr. Grimes: Right, and to verify the accuracy of this petition as well.

Mrs. Musante: We did check our records and... with the tax map while you all were discussing, and we did notify all of the abutting property owners. Whether they received it or not, we don't know because we don't send out by certified mail.

Mr. Grimes: Right.

Ms. Brown: Any reason we didn't date the letter?

Mrs. Musante: It's a generic letter that we use. There is a date on the ad that's the second page to that letter.

Mr. Apicella: Do we have a copy of the letter?

Mrs. Musante: I don't have it with me, no.

Mr. Apicella: Can you bring it up sir?

Mr. Kim: But before we... Mr. Chairman, before we go to any of the changes of the conditions, can we... I don't recall any cases where we had opposition like this. What is our... can we have that discussion before continuing? I don't know if that's correct to ask or if it's proper to ask, but I would like to address the issue of the residents having opposition to this venue.

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Mrs. Stefl: At one time, I thought I recalled it, we used to post a sign whenever, like on the property. Is that not the case anymore?

Ms. Brown: The sign was out there when I went yesterday. I don't know how long it's been there but it was out there yesterday.

Mrs. Stefl: So, and that was most likely then placed on Stefaniga for any neighbors to be aware of.

Mrs. Musante: That sign is posted... it would have been two weeks from yesterday that it's been out there.

Mrs. Stefl: Okay.

Mrs. Musante: And that's the same time that the notice is sent to the adjacent property owners.

Mrs. Stefl: And it's a bright yellow sign, if I recall...

Mrs. Musante: Yes it is.

Mrs. Stefl: ... so, it's not even like a white that would blend in or anything like that.

Mrs. Musante: Correct.

Mrs. Stefl: Okay, thank you very much.

Mr. Grimes: Mr. Kim, I apologize. I was distracted while you were speaking. Could you come back to the point you were trying to make?

Mr. Kim: It was more of a question. Since we never I can recall a case where there was opposition for approval of a venue like this, what is our... what guidelines do we follow? I mean, I don't know if that's a discussion we should have or...

Mr. Grimes: Well, again, we need to take all the information and evidence that's presented to us from both the applicant and those opposed, and discuss and make a decision. Now, if we don't feel that we have enough information or we're concerned that there's opposition that we need to get more information from, then we can defer the case for another 30 days to obtain that information.

Dr. Ackermann: I've been on this Board when there has been opposition from neighbors on cases, and we... our practice has been that we take that into account but we make a determination based on the Ordinance and based on the definition of what it means to grant a Special Exception. And one of those is just say that you shall not intend to change the character and established pattern of development of the proposed use.

Dr. Larson: That's why I brought it up a while ago is that I'm wondering if this... you know, if this is applied for under the rubric of rural home business which can be a lot of things. I mean, it's up to us to figure out what that means. And part of that is, you know, how much does this rural home business impact the character of the neighborhood. You know, how... what people brought into when they got into the neighborhood and what they expect to have. So that... I think that's... and I also have had witnessed opposition, plenty of it in some cases, and that's part of what you weigh in the decision.

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Mr. Apicella: Right, but that does not necessarily preclude us from deferring the action to get more information and/or to reach out to the neighbors here.

Dr. Larson: If we think we need more information, we can defer to get more information.

Ms. Brown: I am interested in deferring for more information on the septic field and the neighbors and the notification process.

Mr. Grimes: Do I have other members of the Board that believe that we still need additional information to make a decision on this case?

Mr. Kim: I would really like to hear from the neighbors a little more. Sorry.

Dr. Ackermann: And in fact, that maybe we hear from neighbors on both sides of the issue.

Mr. Grimes: That is quite possible.

Dr. Ackermann: (Inaudible) could be the situation and that's something that, since it seems to be a neighborhood concern, it would be good to know what the feeling... I mean, if I were going to make a decision going through the six conditions that we have for Special Exceptions, and it says the use shall not be detrimental to the public welfare or injurious to property or to improvements to the neighborhood. For me to really think about that, if I know there are people who have concerns about it one way or the other, I would like to hear that.

Mr. Grimes: I'll ask the staff in the case of one of the questions we're having with this discussion is, how do we obtain... can we expand where the letters are sent? Can we request that to expand to a certain distance from the address in question?

Mrs. Musante: She's telling me yes.

Mr. Grimes: Okay, I thought that's what you'd say, but I wanted to make sure we had that as a viable option.

Mrs. Musante: But it's not a state requirement.

Mr. Grimes: Understand, but we can make that request.

Mrs. Blackburn: We can always expand the notification area. We have a minimum of what is required by the State Code and it is...

Mr. Grimes: Which is typically what you do, correct?

Mrs. Blackburn: It is typically what we do with placing the sign on properties, that tends to always get additional people. The purpose of that is that additional people going by, who may not have been adjacent property owners to actually get a letter, will then have the information. There's a phone number on there; they can call us. So, it is considered an outreach trying to notify people. But, to expand the notice area is not unusual.

Mr. Grimes: Well, and I appreciate that the sign is placed, but given that road, driving up and down that road, I doubt you're slowing down to read it. It's tight enough as it is driving down that road, so it may

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have been difficult for people to realize what was going on, especially in neighborhoods that don't connect necessarily off that road. Yes, Ms. Brown, it looks like you...

Ms. Brown: Yeah, just again, I forgot. How many letters did we send out notifying? And do we send those out like certified?

Mrs. Musante: They are not certified.

Ms. Brown: Do we ever send them out certified?

Mrs. Musante: No.

Mr. Grimes: That is not a requirement of the Code, correct?

Mrs. Blackburn: Correct.

Mrs. Musante: Eight. Eight letters went out.

Mr. Grimes: I'm hearing a lot of concerns and... I'm sorry, Mr. Larson, did you have something?

Dr. Larson: I think I was probably going to say why don't you go ahead and say it because I think I'm going to say the same thing. Go ahead.

Mr. Grimes: Given the feedback that we received, I think that we're... I'm definitely leaning towards deferring this case to next month to acquire some additional information. Mr. Palmer, I would like you to be able to come up because you did have some responses you'd like to make, and I'd like you to share those with us before we make a final decision on what we'd like to do. So, if you could, please.

Mr. Palmer: Ladies and gentlemen of the Board, I would like to bring up a few things. One, we are quasi-judicial circumstance here under the Circuit Court, is that correct?

Mr. Grimes: Yes.

Mr. Palmer: So I think that the (inaudible) of due process applies here. So, what I'm hearing from staff personnel, those letters went out to the property owners of the adjoining property, they were notified, at least the attempt was made, the letters were set up as confirmed. Is that correct?

Mrs. Musante: Correct.

Mr. Palmer: You did place a sign for a two week period, that is correct, right?

Mrs. Musante: Correct.

Mr. Palmer: You have 15 petitioners under due process. I do not see those people here other than Mr. Valentino being their spokesman. I appreciate his concern. Certainly they are things I thought about. But I don't see 15 people sitting here. I see what you tell me is a petition which I haven't seen yet either. As far as the septic field goes, ma'am, we talked about this yesterday. I pointed out possible areas that we would park. The application has an area. Can I approach? Would that be okay?

Mr. Grimes: Yes.

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Mr. Palmer: Thank you. Ms. Brown, this is Stefaniga Road. This is the driveway you went down. This is the area that that we've listed in our application. I'll show the other gentleman also. This is the area we've discerned for parking. This would be the location of any event which with tents would be in a separate field according to Mr. Thompson's presentations from this point of the building, so there would be no traffic across that septic field. That's not an issue ma'am.

Ms. Brown: You said that was Stefaniga right there?

Mr. Palmer: This is Stefaniga Road here ma'am. This is where you came in the driveway. This is our parking area. This is what we submitted to you in the application.

Ms. Brown: Okay, because yesterday you said it was to the right of the driveway.

Mr. Palmer: No ma'am. We discussed several locations. This is the area we submitted in the application. (Inaudible).

Ms. Brown: I thought I remember standing there with you while I took some pictures and we talked about possibly putting in some leland...

Mr. Palmer: (Inaudible) septic issue to me. If that's an issue, then we're going with the application.

Ms. Brown: And the application says different things?

Mr. Palmer: I'll step back.

Mr. Grimes: No, I want to share with you what's in the actual application. Turn it this way; this is Stefaniga. This is the drive. You're showing the parking on... if you're coming off the road on the right side. Now you're saying it's on the left side.

Mr. Palmer: This is what I have different than my submission.

Mr. Grimes: This is what's in our application.

Mr. Palmer: Well, again, there's different areas we've identified (inaudible) driving over top of the septic area. This is the designated area and that's where the vehicles will go.

Mr. Grimes: But, and I think that where Ms. Brown's going... if you could return to the podium so we can get you on record... that a potential development condition would simply be that there would be no parking allowed on the septic field.

Mrs. Palmer: Right.

Mr. Palmer: Yes, we agree with that.

Mr. Grimes: How you manage that is not up to us.

Ms. Brown: Or a road... or a road. That's my other, you know, access road for equipment, port-o-potties, anything like that.

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Mr. Grimes: And I think that would be, you know, a worthy development condition to place on this application.

Mr. Apicella: And/or additionally, Mr. Chairman, they can submit a site plan, okay, and it specifically says here is where the driving is, here is where the access road is...

Mr. Grimes: Absolutely.

Mr. Apicella: ... and they're going to comply with both those two pieces. (Inaudible) to see that here but.

Ms. Brown: Yeah, and I'd like to get it straightened out with the Health Department where the septic field actually is, since it's not where they thought it was and I guess not where you thought it was either.

Mr. Palmer: Well, your question is whether we're driving over it and that's not an issue. Obviously, you designate areas where they're not parking, driving, sitting, standing, or anything else. They're not walking over it's a different story.

Ms. Brown: I'm not as concerned about the walking; I'm more concerned about like where the gravel underground road we think might be. That would be through the drainfield. That's... maybe the Health Department would be better to talk about this.

Mr. Palmer: You have their submission. You have Mr. Thompson telling you it's not an issue.

Ms. Brown: Well, Mr. Thompson didn't see that we had a plan that might put a road or anything through there. So, and I'm not sure that...

Mr. Palmer: We're not going to put a road through there.

Ms. Brown: ... I'm not sure where the actual drainfield is now, so, I just want to clarify that with them.

Mr. Palmer: Well, we can make that an addendum to our submission that it would be in a specific area, not subsequent to traffic over the drainfield. Is that acceptable?

Ms. Brown: I can't speak for the Board.

Mr. Palmer: Well, it's your concern ma'am. I'm asking (inaudible).

Mr. Grimes: I think that what we're proposing is if we offered up a development condition that you had to present a revised plan identifying that there was going to be no road or parking over the septic field, would that be acceptable?

Mr. Palmer: Yes.

Mr. Grimes: Wonderful. So that's... I think that's where that would head. Again, it doesn't mean all the Board agrees with what I'm stating, but it might alleviate some of the concerns of at least one question that's still open. Did you have anything else to add?

Mr. Palmer: That's pretty much it. I think I've outlined the requirements that you placed upon us for noise ordinances and shut down time and all that. I think we've to a concession of 10 o'clock; I'm good

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with that. I'm not certain of the barn. We'll address the barn. The barn, we understand, will not be occupied because you have to go through a provision with the Building Official for that. That's a safety issue. That's why we're developing the tent first. We would be in compliance with that. You know, we don't any use of the barn until we submit plans, it's brought up to code, and it's acceptable by the County. So that's not a nebula out there for discussion.

Mr. Grimes: Appreciate that. And again, that may be a potential development condition that's written in there so that it's at least codified for the record.

Mr. Palmer: That's where we're going with this.

Mr. Grimes: Okay. I appreciate that. You can have a seat. Thank you very much. Alright...

Mr. Palmer: (Inaudible) your attendance to our application process and your patience in working with us.

Mr. Grimes: Thank you. Alright, I'd like to go ahead and see if we can get a formal motion to defer.

Ms. Brown: I'd like to make a motion to defer till next month so we can get some more information on the neighbors, when the letters were mailed and some more information on the septic from the Department of Health.

Dr. Ackermann: I would agree with that except that it's less important for us to know when the letters were mailed as to know what the neighbors' feelings are about all this.

Ms. Brown: Well my concern was that did they get them in a timely manner (inaudible).

Dr. Ackermann: I mean, you know, if it did and it went to 8 people and they didn't pay a lot of attention to it but then it becomes an issue for the neighborhood when people know more about it then I think that's something, you know, we need to know both sides of that.

Ms. Brown: That's fine, I can...

Dr. Ackermann: Thank you.

Mr. Apicella: Mr. Chairman, I thought what I heard was that we were considering expanding to beyond the 8. So, the 8-plus...

Mr. Grimes: That's correct.

Mr. Apicella: ... again, for the next meeting, that's what I think we should do. I think the question is how far should that go. I don't know...

Ms. Brown: Would you like to amend my motion?

Mrs. Stefl: Point of order Mr. Chairman. There was no second on that amendment.

Mr. Grimes: That is correct.

Ms. Brown: Can I restate my motion?

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Mr. Grimes: Feel free.

Ms. Brown: I'd like to motion to defer it till next month.

Mr. Grimes: Is there a second to that deferral?

Dr. Ackermann: I'll second that at that point. And if I could just speak to that saying...

Mr. Grimes: Absolutely, that's what I was hoping for.

Dr. Ackermann: ... I mean, that I support it because I feel I would like to have some more information on a number of the issues that we've raised here, and would also like to see the letters go out to perhaps more neighbors. Thinking back again, immediately before the issue was raised about the neighborhood, I hadn't thought so much about where this sits in relationship to these other houses. And I'm sure it's an issue for some and not an issue for others, but I'd like to hear what they have to say, or get some opinion.

Mr. Grimes: I appreciate that. Ms. Brown, I think you've stated your case. Would you like to restate why you want to defer?

Ms. Brown: For more information.

Mr. Grimes: Okay. Yes, Mrs. Stefl?

Mrs. Stefl: I'm going to be voting in the negative. One, because we have a full docket next month with our previous case that we deferred last month, which will be a lengthy, and also the fact that I feel that we are showing an undue favoritism to the neighbors who were duly notified of this hearing, were made aware, the applicant was, you know, he was here, he was prepared, and I'm sorry but the County... I feel like we are playing favorites here and I will not be voting in the affirmative.

Mr. Grimes: I appreciate that.

Mr. Kim: I would agree with that, if I could make a statement Mr. Chairman.

Mr. Grimes: Yes Mr. Kim.

Mr. Kim: I would agree with that if the petition wasn't there. And that's my... unless I'm putting too much weight or not enough weight on the petition.

Dr. Larson: My... Mr. Chair?

Mr. Grimes: Yes sir.

Dr. Larson: My concern isn't really the petition or the numbers. I've opposed things like this in the past when there was a room full of people speaking in one direction and I voted the other. My concern in this case is I have a feeling that this is... people think this is going to alter the character of their neighborhood. And I also get... I'm hearing that there may not have been ample notification to have people... give people a chance to come and talk about that. So, I think I'm going to support the motion.

Mr. Grimes: Thank you. Mr. Apicella?

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Mr. Apicella: Mr. Chairman, I'm going to support the motion as well. And again, in part because as I look at this, you know, expanded view of the area, I see a lot more than eight houses that are in close proximity to what would occur here. And I'm not saying it will definitely change my mind one way or another, but I think it's a responsibility of this Board to get... give folks a fair and adequate opportunity to speak their mind in favor of or in opposition to this proposed use. And I still think the septic field is still kind of a pending issue although I think we have a resolution to it. So, between now the next meeting...

Ms. Brown: Yeah, if we can get a plan back...

Mr. Apicella: ... I think we can get there, so that's another reason to defer to make sure the applicant has an opportunity to develop his site plan, and he's good with that site plan because he doesn't want to give us something that he's going to have some reservation about downstream that, oh, really I wanted the parking to be over here instead of over here even though I presented you that site plan.

Ms. Brown: Yeah, because it is in here both ways so I would like to have a plan from him on where he's going to put his access road and everything.

Mr. Apicella: Thanks Mr. Chairman.

Mr. Grimes: I appreciate the comments. I'll be honest, I'm very torn on this. I am not a fan of deferring any case. I feel like we're presented with a lot of information. There's a lot of notification that happens. Whether it extends far enough or not could be debated and is being debated right now. So, I understand the Board members that have expressed concerns with not having enough information. I feel like there's enough information here for this Board to make a decision but, given the feedback from the other Board members, I will agree with the motion to go ahead and defer this. So, I think I was the last member to speak on this so I'll bring Ms. Brown's motion up to a vote. All those in favor of deferring this case till next month say aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Brown: Aye.

Mr. Kim: Aye.

Dr. Larson: Aye.

Mr. Grimes: Aye. All those opposed?

Mrs. Stefl: Nay.

Mr. Grimes: Thank you very much Mr. and Mrs. Palmer. We're going to be deferring this, gathering some additional information. I'm sure you will be contacted by Melody's office for some additional information that we may or may not need from you.

Mr. Palmer: You will have a listing of why you're deferring it specifically?

Mr. Grimes: Absolutely. It'll be included in a letter that will be issued by the Zoning Administrator.

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Mr. Palmer: Okay.

Mr. Grimes: Thank you very much. I think we can close the public hearing now... or, well, we won't close it, we'll leave it open until next month, sorry. Moving down the agenda...

Mrs. Blackburn: Mr. Chair?

Dr. Ackermann: Mr. Chair, there's a question out there.

Mr. Grimes: Oh, I'm sorry. Yes, Mr. Valentino.

Mr. Valentino: When you defer it, do you folks have a date for that meeting, or...?

Mr. Grimes: It is typically the fourth Tuesday of the following month. We meet the fourth Tuesday of every month. So, the plan, not formally worked out, but the plan would be for the fourth Tuesday of next month.

Ms. Brown: I think that's the 23rd.

Mr. Grimes: May 23rd I believe, according to our agenda for our next case.

Mrs. Palmer: Thank you

Mr. Grimes: Thank you very much.

Mr. Apicella: Mr. Chairman, to that end are we able to instruct staff as to the order of business? Because I think...

Mr. Grimes: That's where I'm going next.

Mr. Apicella: ... we might want to do this one first because I think the FSED is still potentially a bit even more controversial. So, we might put that on the back end and this one on the front end.

Mr. Grimes: A couple things I think that we need to address in this case particularly first, before we move on to the order of business for next month, I would like to get a formal request from all the Board members of the additional information that they are requesting. For example, if we're asking for additional letters of notification to be sent, I think that it would be appropriate to have it identified on this map as to what properties they are. Would that be sufficient for me to circle on this map and then you can pull up the addresses and properties from the tax maps for notification?

Mrs. Blackburn: That would be fine. We do have a deadline for notification, so I would like it that you could make your decisions on...

Mr. Grimes: I plan on doing this right now. Or tonight.

Mrs. Blackburn: Okay good, perfect.

Mr. Grimes: So that notification can be sent out.

Mrs. Blackburn: Excellent, thank you.

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Mr. Grimes: I would also like to see if we can, or I'm going to make this suggestion for the rest of the Board, can we pursue any information, send a letter to the folks that have signed this petition, to verify that those are in fact...? I've got a petition, right, that somebody's presented as information to the Board. I have no way of knowing if any of that information is correct. At least verify the names go along with the properties.

Mrs. Blackburn: Sure.

Ms. Brown: Or that they signed it.

Mr. Grimes: Or a letter sent to them saying...

Mrs. Blackburn: Oh, we can surely verify the addresses.

Mr. Grimes: I mean, we might find out if I circle all these that they're on there, so I'm hoping that's the case.

Mrs. Blackburn: Exactly. We can also mark them on a map to show where they're actually located.

Mr. Apicella: I would recommend that that be part of the group of people who are notified.

Mr. Grimes: Absolutely.

Mr. Apicella: So, you know, in case you might miss them in your circle, they would also be included.

Mr. Grimes: Well, my original thought was to send them all a letter.

Ms. Brown: I agree with that.

Mr. Grimes: They should be notified as well.

Ms. Brown: I'd like to know if they actually signed it.

Ms. Bertoldi: Do you mind if I say something?

Ms. Brown: I mean, did you sign a petition, you know.

Ms. Bertoldi: It's important. I heard him say something.

Ms. Brown: Because from that is saying from that address signed a petition, so.

Mr. Grimes: Okay.

Ms. Brown: If they didn't, then somebody's, you know, filling that in. So I would just like to verify.

Ms. Bertoldi: I heard something so I just want it to be... I'm 99% certain that I heard our applicant say to the guy who came in with the petition as he walked out saying, watch your head. He said watch your head. I'm just saying for the record because to be that sounds like he might try to do some intimidation. I did not like hearing that and I just want the other Board members to know I heard it.

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Mr. Grimes: I appreciate that, thank you. Any other additional information? Ms. Brown, you were very adamant about getting information on the septic field. We have an as-built diagram from the County's Health Department?

Mrs. Musante: That is correct.

Mr. Grimes: We have the applicant's permit of their septic field which is apparently not how it was installed.

Ms. Brown: Well, the applicant thinks it's there because that's where he showed me that it was.

Mr. Grimes: I understand and you'd be surprised at how many homeowners don't know where utilities are on their properties. Is there any way to formalize this as-built document into something that is more legible and official? Like, can...

Mrs. Musante: I can try.

Mr. Grimes: ... the Health Department issue a letter saying please find attached the as-built of the septic system located at?

Mrs. Musante: I can try. I have no authority over the Health Department.

Mr. Grimes: I understand.

Mrs. Musante: I can only ask them.

Mr. Grimes: If we can make that request as a fellow department of the County?

Mrs. Blackburn: Yes.

Mr. Grimes: That would be fantastic.

Mr. Apicella: And I think what I heard -- I'm sorry if I'm speaking for you Ms. Brown -- is some indication from the, you know, technical experts what can or cannot go on top of that.

Ms. Brown: Right. And a plan from him. If the Health Department says it's okay, but we don't see a plan, you know, there needs to know that there could be parking...

Mr. Apicella: Well, he's indicated he was probably going to do a plan. But if he doesn't do a plan, I would still like to know, you know, what can or cannot go on top of that septic field.

Ms. Brown: Okay, yes.

Mr. Grimes: So, Mrs. Musante, the discussion was to also see if the Health Department would provide some technical information based on their expertise of what is allowed and not allowed to occur on top of a septic field, i.e., parking, driving, walking, jumping, trampolining, whatever it happens to be. I think that it's going to be a moot point by the time the plan is re-presented, but just in case. Is there other additional information requested by anyone?

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Ms. Brown: Yeah. In light of what Ms. Bertoldi enlightened us about, I really feel it's important to reach out to these people that did sign this petition, because I am concerned about intimidation as well.

Mr. Grimes: Well, we've already stated that they're going to receive the letters of notification as well.

Ms. Brown: Are we going to verify at all that they actually signed the petition for that address or no?

Mr. Grimes: I don't know how we would do that but we can send them a letter simply...

Ms. Brown: We recently... we are in receipt of a petition that you signed on April 25th, whatever the dates were; could you verify this and...

Mr. Grimes: But you're asking them to provide an action. I don't know that we can do that. We can simply notify them. But I can ask the County for clarification on that.

Mrs. Musante: I would not feel comfortable doing that but I will let the Zoning Administrator answer that.

Mr. Grimes: I know I wouldn't.

Mr. Kim: I wouldn't either.

Mr. Apicella: I think it potentially sets a bad precedent. What if we got a petition with 200 people, you know, or 500 people. Are we going to verify...

Ms. Brown: Can we just say that we are, when we send out the letter, you know, to them notifying that we are in receipt of a petition signed by them, or...? I just have no way of knowing if these people actually signed it, you know.

Mr. Apicella: Well, you've got to... I mean, he took an oath, right?

Ms. Brown: Right.

Mr. Apicella: That the information he would be providing would be truthful. So, you know, how far beyond that do you go?

Ms. Brown: Well, people may have thought by signing the petition they didn't need to appear. That's my only... I don't know.

Mr. Kim: Well, see, and that's why I asked about the petition. Maybe that's why I wanted clarification of the petition. I mean, I maybe, if someone came to me I could have said no, I'll sign it and thought that would have been good enough. I don't know this.

Mr. Grimes: Again, the reason for notification, because we don't know how Mr. Valentino presented the petition, right?

Mr. Kim: That's true, too.

Mr. Grimes: I mean, I could hand it to you and go, they're going to build a concert hall next door.

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Ms. Brown: Well, actually the petition states it at the top, what they signed. It had a little two sentence thing.

Mr. Grimes: Well, understand, but we don't know what was said. So, let's go through the formal normal communication and notification process. If those individuals, I would like to think, knowing that the case is deferred and we're seeking additional information, would show up for the next meeting.

Dr. Ackermann: That's Mr. Valentino's job.

Mr. Apicella: Mr. Chairman, I would think two other things would be helpful in the staff report, to include a copy of the petition that we were provided, and also, so the public knows, you gave the criteria that should be used in adjudicating a special exception to include that in the staff report as well. So, folks who look online who are interested in this matter can say okay, these are issues that I'm either supportive of or, you know, have a problem with because x, y, or z.

Mr. Grimes: Right. Okay.

Mr. Kim: Can I ask a staff question? Did you guys get any emails of concern?

Mrs. Musante: None.

Mr. Grimes: That's why I had asked the question at the very beginning. There was no phone calls, no emails. So, just a little bit of caution. When that was presented that's why I asked the question.

Mr. Kim: No, and that's good. Okay.

Mr. Grimes: Alright, so I think we have that. So, let's discuss the order of business for next month. Obviously, we've got the Leming case with the FSED, and then this Special Exception which will be coming back. Obviously, I am recused on the FSED case and, I think that given what I saw during the last meeting, that that one's going to go long. So I would suggest that we put this Special Exception first for next meeting, and then hear the FSED case for the appeal second. Anybody have any concerns/comments?

Ms. Bertoldi: No, I just have for point of clarification. Since I was on the FSED case, am I going to be on that one because I think I took over for you and then I would be, if everyone's here for this case tonight, I wouldn't be on for that, right? We'll be doing some body switching?

Mr. Grimes: That is correct.

Ms. Brown: Yeah, our by-laws state if you sat on it before, you will sit on it again.

Mr. Grimes: You should continue to sit on it.

Dr. Larson: If you're available.

Mr. Grimes: Yep.

Dr. Larson: So, one other point of clarification. I know we're going to notify by letter the signatures on the petition. Who else are we sending notification to?

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Mr. Grimes: I'm going to take this map...

Dr. Larson: You're going to draw a big circle?

Mr. Grimes: ... and I'm going to circle all the properties to be notified and/or...

Dr. Larson: Thank you Mr. Chairman.

Mr. Grimes: Yep. A big loop on there. So, it's going to be limited to what we see on this picture, but I think that's probably appropriate. There's some properties page south that may need to be included but I think we'll get quite a few by just doing this.

Mrs. Stefl: (Inaudible - microphone not on).

Mr. Grimes: No. No, no, no. I'm going to put a circle on it.

Mrs. Stefl: (Inaudible - microphone not on).

Mr. Grimes: No, I was going to use my discretion to make that circle, but everybody is more than willing to come over here after we're done and hold my hand and help me draw what they would like to see.

Ms. Brown: I'm fine with what you pick.

Mr. Grimes: So, I will be generous in my circle, just so that we can... the more we get, the more chances we have of a response.

Mr. Gibbons: (Inaudible - microphone not on).

Mr. Grimes: Yes sir.

Mr. Gibbons: I'd like to have a copy of the Needs statement that was filed with the...

Mr. Grimes: Certificate of Need that was filed with... for Spotsylvania? Is that available? I thought they... again, I'm just going to make comments about what I saw, not the case itself. But they were filing for a CON for the CT. They were not filing for a CON for the FSED. So you should be able to obtain a copy of the CON for the CT.

Ms. Brown: Was it a CON or a COPN?

Mr. Grimes: COPN.

Ms. Brown: Okay.

Mr. Apicella: Certificate of Public Need.

Mr. Gibbons: And then when would we get the minutes or anything? I imagine it's about this thick.

Mr. Grimes: Yeah, I'm not sure if... are they...?

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Mrs. Musante: Not finished.

Mr. Grimes: Not finished. I heard you say you were going to be typing some day this week. Do you intend to have those meeting minutes ready prior to next month? Okay, so...

Ms. Bertoldi: Can I ask one question?

Mr. Grimes: Yes.

Ms. Bertoldi: With respect to this case, how do you determine who gets notice? Like, who the affected houses are? No, I'm talking about before us. I mean, like, the people on this list, were they ever sent letters?

Mrs. Musante: Yes.

Ms. Bertoldi: Oh, okay, so they're just saying...

Mrs. Musante: Oh, you mean the...

Ms. Bertoldi: Yeah, on the petition. Like, were they even... they weren't even because why, they weren't in the...

Mrs. Blackburn: Well, I don't know because I don't have a map with the expanded parcel numbers on there, or addresses.

Ms. Bertoldi: Is there a guideline like within a thousand feet?

Mrs. Blackburn: The State Code requires adjacent property owners, which is defined as common property line or across the street or alleyway.

Ms. Bertoldi: Okay, so, alright.

Mr. Kim: I'm sorry, Mr. Chairman, can we take a five minute recess for a restroom break. Sorry.

Mr. Grimes: Sure. I think we've had a request for a 3-minute bio-break. I'm going to grant that. So, we'll come back in here at 8:51.

Recess 8:48 - 8:53.

Mr. Grimes: Alright, ladies and gentlemen, let's resume this so we can get out of here by 9 o'clock.

2. A17-02/17151682 - H. Clark Leming Agent for Redus Virginia Commercial, LLC - Per Stafford County Code, Sec. 28-349, "Appeals to board generally," the applicant is appealing a Zoning Administrator's determination letter dated January 18, 2017, to confirm whether the use of a freestanding emergency department (FSED) proposed for Tax Map Parcel No. 44Y-15C is a by-right use in the B-2, Urban Commercial Zoning District. **(History: March 28, 2017 Public Hearing Continued to April 25, 2017) (Public Hearing Continued to May 23, 2017)**

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Mr. Apicella: Mr. Chairman, may I offer just, again on the FSED case, just so that we give all parties reasonable time and notice, if folks have questions or information that they want to probably get it to Melody as soon as possible so that she can share it with...

Mr. Grimes: In the next week.

Mr. Apicella: In the next week.

Mrs. Musante: Yes, please.

Mr. Apicella: And I think it would be helpful if you socialize that with us as well, so everybody sees here's the 10, 20 questions and pieces of information that we think everybody wants and needs.

UNFINISHED BUSINESS

NONE

Mr. Grimes: Alright, so Unfinished Business. Ladies, gentlemen. Any Unfinished Business? There was none, correct?

Mrs. Musante: Correct.

ZONING ADMINISTRATOR'S REPORT

Mr. Grimes: Zoning Administrator's Report?

Mrs. Blackburn: The only report I have today is I think Melody sent copies to you of the court order for the Newton case.

Mr. Grimes: Yes, I was going to bring that up.

Mrs. Blackburn: As far as further litigation on that case, that has not been decided.

Mr. Grimes: Can you tell the rest of the Board what the ruling was in case they didn't...

Mrs. Blackburn: The ruling was that they upheld Mr. Newton as a junkyard. They did not declare that the notes in the computer were determinations. So, that was how that was. As I said, there will be discussions concerning further litigation on the case and we have not heard word on that yet. But we will keep you posted.

Mr. Grimes: Okay.

Mr. Apicella: And who makes that decision, the Board?

Mrs. Blackburn: The legal and Board, yes.

Mr. Apicella: Thank you.

Dr. Larson: The way I read it was... some of our concerns was that the junkyard had expanded over time and the way I read the court reading was that that, in their opinion, had not been the case. That

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what we saw in the photos looked like it had expanded, but there were fewer trees and the trees were hiding the junk that was already there. So, that's the way I read it.

Mr. Grimes: That and the testimony from folks that the junkyard had been there for years.

Dr. Larson: Right. Well, nobody here ever disputed that.

Mr. Grimes: Right. Also, I'd ask all the Board members, and I think that I saw a really nice job of it this time on this case, where we can, with Special Exceptions specifically, please provide all the questions to staff before the meeting. It helps us so much that they know the answers, that we might avoid deferrals in the future for that. And I know that staff would appreciate that.

Mrs. Musante: I appreciate that. If I could go a little further...

Mr. Grimes: Sure.

Mrs. Musante: And not the night before. Because today I had meetings and then I started scrambling trying to get the information. And I was fortunate enough that I was able to get ahold of the Sheriff's Department, the Health Department, and VDOT. That's not always going to be the case.

Mr. Grimes: I appreciate the extra effort by staff to get those answers, so thank you very much.

Mrs. Musante: Sure.

Mr. Grimes: An update on the firearm's transfer. Ms. Brown and myself will be attending a meeting with the County on the 28th.

Ms. Brown: This Friday.

Mr. Grimes: Yes, this Friday. To discuss that matter further. I don't know where it's going to go, where it's leading. Obviously, my goal is to try to get some recommendations to the County to get some updates to our code that would address firearm's transfers in a broader sense so that we don't see those cases here. But we'll see what happens with that. And then, Ms. Brown, you had one more... one question you wanted to bring up; it was I think something about the code or the...

Ms. Brown: Yeah, and you actually brought it up yourself during our hearing; it was how fortuitous. When I was looking, researching the case for tonight about the Bed & Breakfast, I did look under, you know, what was allowed in an A-1. And we had some conflicting code maybe, as seen to me. If you look in... I know we just got a new packet tonight, but based on the one that we had before tonight, on page 44 of our Zoning Code, it says that a Bed & Breakfast under agriculture is permitted by-right. However, two pages later, on page 46 it says Rural Home Business is done by Special Exception. So, those seem to be in conflict with each other, because a Bed & Breakfast is a business. So I just wanted to point that out. If we're going to be setting up maybe language for another time to get looked at, that just seems like we need to clear one or the other. I mean, I don't know where it needs to go, but it's under by-right under... Yeah, but then it says Special Exception under Rural Home Business.

Dr. Larson: I think if it's called out specifically that it is specifically allowed. The Rural Home Business is a general category that gives us leeway to decide what constitutes a Rural Home Business and then part of that, as Dr. Ackermann and I have been pointing out, is that part of that is how well it's in (inaudible) with the rest of the neighborhood and does it change the character and that kind of thing.

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Ms. Brown: Okay. Just, like I said, this seemed conflicted. I just wanted to bring it up, that's all. It wasn't a thing. I want to make that clear; it was not a thing. I just... because I was looking that up because I noticed the Bed & Breakfast was listed in his application but it wasn't in the staff summary. And I thought well I better just look that up and just see. So, that was why.

Mr. Grimes: Thank you. Next item, adoption of the meeting minutes from February 28, 2017. I have no changes.

ADOPTION OF MINUTES

February 28, 2017

Mr. Apicella: I move for adoption Mr. Chairman.

Mr. Grimes: Second anyone?

Dr. Ackermann: Second.

Mr. Grimes: Those all in favor of approving the meeting minutes from February 28, 2017 say aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Brown: Aye.

Dr. Larson: Aye.

Mrs. Stefl: Aye.

Mr. Grimes: Aye. Opposed? Great, thank you, they're passed (*the motion passed 6-0-1; Mr. Kim abstained*). And then one final thing. Again, Mrs. Musante, congratulations on your new position.

Mrs. Musante: Thank you.

Mr. Grimes: Deputy Zoning Administrator...

Mrs. Musante: Yes.

Mr. Grimes: ... I believe is the title. Congratulations. Motion to adjourn? Oh, sorry.

Mr. Apicella: Can we just confirm the training session date and time?

Ms. Brown: June 3rd, Saturday morning, 9:30... no wait, 8:30.

Mrs. Musante: 8:30 to 1:00.

Ms. Brown: 8:30, yes, I'm sorry, 8:30 to 1:00.

Mr. Grimes: Can you send an invite out to us?

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Ms. Brown: Yes, I can send one, sure.

Mr. Grimes: Because I'll forget if it's just in an email.

Ms. Brown: Did we decide... I know that you're going to have like coffee and bagels in the morning. Since Dr. Chandler requested that it go till 1 o'clock, conveniently over the lunch hour, were we going to... we had talked about doing pizza or something. What were we going to do, if anything, in case he asks me?

Mrs. Musante: I have not confirmed that yet on what we're going to do, even if we're going to do anything for lunch since it is adjourning at 1:00.

Ms. Brown: Okay.

Mr. Grimes: Mojitos and appetizers?

Mr. Kim: Bloody Mary's at least.

Mr. Grimes: Alright, motion to adjourn?

Ms. Brown: Motion to adjourn.

Mr. Grimes: Second?

Mr. Kim: Second.

Mr. Grimes: Say in favor aye. Thank you all.

OTHER BUSINESS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:00 p.m.