

STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES
August 22, 2017

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Tuesday, August 22, 2017, was called to order with the determination of a quorum at 7:02 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, Dana Brown, Danny Kim, Dean Larson, Heather Stefl, Robert Gibbons

MEMBERS ABSENT: Adela Bertoldi

STAFF PRESENT: Susan Blackburn, Melody Musante, Stacie Stinnette

DETERMINATION OF QUORUM

Mr. Grimes: Good evening ladies and gentlemen. 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 for the case tonight is to hear and decide on a request for a Special Exemption where the Zoning Ordinance allows for Special Exceptions. The Board consists of seven regular members and two alternate members. An alternate member may be called 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 present. The voting members present are Mr. Apicella, Ms. Brown, Dr. Larson, Mr. Kim, Mrs. Stefl, and Dr. Ackermann. Mr. Gibbons is seated at the dais; he's been here for part of these cases before and he'll be just listening in. County staff is represented tonight by Mrs. Blackburn, the Zoning Administrator, Mrs. Musante, the Deputy Zoning Administrator, and Mrs. 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 represent and present their views directly to the Board and 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 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 applicants should be aware that we have seven voting members present, and you must have four affirmative votes to approve an application. If you do not think... strike that. If you do not think that there are enough members present that will enable you to receive a fair hearing, then you have the right to defer the hearing until another meeting. However, you

may defer this hearing for this reason only once in any 12-month period. Deferral requests are granted at the sole discretion of the Board. The applicant may withdraw his or her application at any time prior to a vote to approve or deny the application provided that 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 the 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 our decision. I'll now ask that anyone with 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 your 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 may 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 our recording secretary can have an accurate record of the speakers. Also, please be sure to sign the form at the back of the room. Now the public hearing is still open and it is a continuation from a previous meeting. So for the benefit of the members of the public in attendance tonight, I'd like to note that it is deferred from previous meetings. The public hearing is still open to allow this Board to gather additional information and seek further comments from the public. Since the public hearing is still open, I'd like to limit the speakers tonight, because we do have a large audience, to those who have not spoken at previous meetings. Please understand that if you spoke at a previous meeting, we have your comments, they are on the record, they will be included in the final record of this case. Mrs. Musante, are there any changes or additions to the advertised agenda?

Mrs. Musante: There are no changes.

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

DECLARATIONS OF DISQUALIFICATION

Ms. Brown: Uh, yeah, just a couple. I just wanted to reiterate that, and I've said this before, but I did visit the property at 558 Stefaniga in April before our first hearing. I made arrangements with the Palmers to come out and view the property. They were very accommodating. I also drove by the property and some surrounding streets yesterday, August 21st; took a lot of spins around the neighborhood. I took some pictures. I did not stop and speak with anyone. I also drove around visiting several other wedding venues in the County yesterday and did not speak to anyone. And the last thing was is I did receive many, many emails over the last several days, including today, and I wanted to let everybody know that I think I read every single one of them. Thank you.

Mr. Grimes: Any other comments or declarations?

Mr. Apicella: Mr. Chairman, I too drove by the site this past weekend. I drove north and south on Stefaniga just to get a sense of what it looked like, and I also visited some of the surrounding neighborhoods.

Mr. Grimes: Anyone else?

Dr. Larson: Mr. Chairman, I also drove by the property in question, 558 Stefaniga. I actually drove back and forth several times to get a feel for the roads and the lay of the land. I did not stop or talk to anybody.

Mr. Grimes: Thank you. I'd like to make a declaration myself. There is a consultant for the applicant that's provided a sound study. I need to note that I have worked with this consultant in my other business. It's in commercial projects; they are not contracted through my firm nor am I contracted by them, so I don't believe that this would have any impact on my ability to hear and render an opinion on this case. I'll now ask the Secretary to read the first case and I know Mrs. Musante, I'd like you to read the entire case for the benefit of those that were not here at previous meetings.

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. **(History: April 25, 2017 Public Hearing Continued to May 23, 2017) (May 23, 2017 Public Hearing Deferred to August 22, 2017)**

Mrs. Musante: Yes Mr. Chairman. Case 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. You have the application; application affidavit; plat of the property; diagram of the area used for the business in the barn; email regarding partnership; email from the Health Department; petition; affidavit and map; Sound Study dated July 21, 2017; Commercial Entrance Analysis dated August 11, 2017; alternative parking area; neighborhood meeting letter dated August 9, 2017; map of wedding venues in the County; DUI report dated July 21, 2017; affidavit in favor of the proposed venue; collateral revenue document; crowd control training certificate; responsible servers and sellers certificate; and information submitted by Mr. Valentino. The applicant is requesting a Special Exception for a Rural Home Business to operate a wedding and special events venue on the property. Their plan is to initially utilize tents in the field behind the residence to accommodate these events. This area is 156 feet from the residence and is accessible by foot and vehicles. The estimated attendance is to be no more than 50 cars and/or 100 people. There is a 2,139 square-foot 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) which meets the requirements of a Rural Home Business. In addition, a Bed and Breakfast will be operated out of the house. 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. If the business develops, the applicants wish to upgrade the existing 1,536 square-foot barn to be used as an interior wedding facility. This structure will be renovated in compliance with the Building Code. The band or DJ will be inside the barn and they plan to incorporate a tent outside for additional space. The barn is located 366 feet from the residence, 42 feet from the property line, and 300 feet from 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: office - Monday through Friday 8:00 AM to 5:00 PM; weddings and events - Saturday 10:00 AM to 10:00 PM (vendors on site until 11:00 PM) and Sunday 10:00 AM to 7:00 PM (vendors on site until 8:00 PM). The owners of the property are John and Kim Palmer. Kim's sister, Theresa Thompson,

Board of Zoning Appeals Minutes
August 22, 2017

resides on the premise and will be a partner of the business. After much discussion at the April 25, 2017 meeting, the Board of Zoning Appeals (BZA) deferred this case to May 23, 2017. The BZA wanted to know more about the location of the septic field in relation to the proposed development, if VDOT needed to be involved with a new entrance to the property, and a copy of a petition of opposition by the neighboring property owners. The BZA also requested the list of property owners to be notified of this request be expanded and the vicinity map was marked to reflect this request. The deferral would give staff and the applicant time to provide this information. At the May 23, 2017 meeting, staff presented the requested information concerning the septic field, the entrance to the property, and a copy of the petition of opposition. An email from the Department of Health was included in the staff report as Attachment 6 illustrating the location of the septic field as verified in the field. Staff spoke with Margaret Neiman with the Virginia Department of Transportation. If the applicant wishes to install a new driveway for the purpose of the business, they will need to contact and apply for a permit with VDOT. A copy of the petition is included as Attachment 7, and on May 8, 2017, staff sent notification to 39 adjacent property owners regarding this request. The map and affidavit are included as Attachment 8. At the May 23, 2017 meeting, there were several adjacent property owners in attendance voicing opposition to this request. There were concerns regarding noise, traffic volumes, crowd control, and the abuse of alcohol. After a discussion with the Board as to how to address these issues, the applicant requested to defer this case for 90 days to research and provide the additional information requested by the BZA. The information requested by the Board included a noise study, VDOT entrance requirements, the number of cars permitted, and information regarding renovating the barn, trip generation for weddings, locating the parking lot on the property, and having a community meeting to discuss the concerns. The applicant submitted the following additional information: A noise study was prepared by Hush Acoustics on July 21, 2017 that stated they placed two 15" JBL amplified loudspeakers in the barn and played music featuring a mix of both low frequency and high frequency sounds. The music was played loud enough to approximate a very loud wedding reception environment with the average sound level being approximately 95 dBA. A typical wedding likely would have lower sound levels. While the music played continuously on a loop, we measured the sound level areas around the barn and at one location on the property line. These measurements were conducted with all of the barn doors closed. Figure 1 at the end of this report shows the measurement locations. Note that only locations E and F are at the property line; the other locations B through D are within the property and not at the property line. The study stated based on 60 dBA daytime and 55 dBA nighttime limits established by the noise ordinance, a source level of 95 dBA inside the barn would be compliant at all locations along the property lines to the north and south. No upgrades would be needed to the barn to meet the noise ordinance. The anticipated levels of 42 to 45 dBA at the nearest property lines to the north and south would be louder than the lowest ambient sounds (meaning the sound from the barn would be audible at times), but would be within the range of other common residential sounds such as traffic, aircraft, wind, rain, birds, insects, dogs, and lawn mowing equipment. In conclusion, the study states no upgrades to the barn would be needed to meet the 55/60 dBA noise ordinance but provide suggestions to reduce the noise levels further than the noise ordinance would require (Attachment 9). An analysis prepared by Welford Engineering Associates on August 11, 2017 regarding a commercial entrance concluded a right turn lane, left turn lane, or tapers will not be required. They anticipate a moderate volume commercial entrance will satisfy the proposed use (Attachment 10). The applicant stated they have met with James McGhee, registered architect, and discussed construction planning for the barn and indicated if the barn is used they will have up to 100 people or 50 cars. The applicant submitted an alternative parking area (Attachment 11). The applicant has invited the neighbors to a meeting scheduled on August 15, 2017 from 4:00 PM to 6:30 PM at the Porter Library, 2001 Parkway Boulevard, Stafford, to discuss their concerns regarding the proposed business (Attachment 12). The applicant submitted a map of other wedding venues in the County. They visited each adjacent property owner to each of the venues to inquire about any complaints or issues they have experienced. According to the applicant, there were none. Affidavits are included in the case documents that reflect this

Board of Zoning Appeals Minutes
August 22, 2017

(Attachment 13). The applicant submitted the following additional information but was not requested by the BZA: The applicant submitted a DUI report from the Stafford County Sheriff's Office for calendar year 2016. Only 2 arrests were made on Stefaniga Road. This report also reviewed DUI stops in the vicinity of existing wedding venues and found none. The application also stated they have spoken to the Sheriff's Office personnel and were told no specific DUI or noise enforcement. This has not been confirmed by staff (Attachment 14). The applicant submitted a petition with 60 signatures in support of the request (Attachment 15). The applicant submitted collateral revenue distribution to Stafford County residents, business owners, and county government (Attachment 16). The applicant, Mr. Palmer, completed crowd control training on May 3, 2017 (Attachment 17). The applicant completed a responsible sellers and servers program presented by the Virginia Department of Alcoholic Beverage Control (ABC) on May 16, 2017 and has registered to take TIPS (Training for Intervention Procedures) (Attachment 18). Mr. Roger Valentino (spokesperson for Seven Lakes and The Glens Neighborhoods) submitted a packet with supplemental information in objection of the request. The packet includes a noise study, accident report from the Sheriff's Office, and two petitions (Attachment 19).

Mr. Grimes: Thank you very much. Do we have questions for the staff? I'm sure we do. I'll go ahead and start like I did on the last version. For the record, Mrs. Musante, can you read a list of the by-right uses in this district based on the current Zoning Ordinance?

Mrs. Musante: The property is zoned A-1 and uses permitted by-right are: Accessory Dwelling; Agriculture service establishment on lots greater than or equal to 5 acres; Agriculture; Aquaculture; Automobile Avocation; Bed & Breakfast Inn; Boat Sales; Campground; Cemetery; Club/Lodge/Fraternal Organization; Community Use; Equestrian Use; Farmers Market; Feed Lot; Forestry; Golf Course; Group Family Day Care; Home Business; Home Occupation; Manufactured Home; Noncommercial Kennel; Park & Playground; Parking & Storage of Commercial Vehicles; Place of Worship; Plant & Tree Nursery; Public Facilities; Public Works; Recreational Enterprise; Recreational Facility; Sawmill & Ancillary Products; Secondary Dwelling; Single-Family Dwelling; Slaughter & Animal Processing; Small Family Day Care; Veterinary Clinic; Wayside Stand; and a Wetland Mitigation Bank.

Mr. Grimes: Thank you. In your discussions with the applicant about the entrance modifications, was it agreed that VDOT would inspect this new entrance and would we add it -- I saw that there's been VODT to the site but, did they make any recommendations to actual upgrades?

Mrs. Musante: They have not to staff. It was recommended to them to discuss this with an engineering firm and then once they do that, they bring it back to VDOT and VDOT will issue them the necessary permits that they need.

Mr. Grimes: So, the Wellford study...

Mrs. Musante: Correct.

Mr. Grimes: ... is what would be given to VDOT...

Mrs. Musante: Correct.

Mr. Grimes: ... and then VDOT would make a recommendation.

Mrs. Musante: Yes.

Mr. Grimes: Is there any definition of neighborhood in the County Zoning Ordinance?

***Board of Zoning Appeals Minutes
August 22, 2017***

Mrs. Musante: There is not.

Mr. Grimes: Since there's no formal definition for neighborhood, do the County tax maps define subdivisions or neighborhoods?

Mrs. Musante: The tax maps, when they're designed or when they're laid out, they take the subdivision and draw... you can distinguish between subdivisions and between separate parcels by thick black lines. And they're also... you can tell subdivisions by like, I'll use Seven Lakes since that's what we're dealing with -- Seven Lakes has 27 and they have the B behind it. That means that it's an actual part of a subdivision.

Mr. Grimes: Okay. And the applicant's property, when I was looking at those tax maps, didn't have any of those designations.

Mrs. Musante: That's correct.

Mr. Grimes: So it's not considered part of a subdivision.

Mrs. Musante: No it is not.

Mr. Grimes: Okay. Has the County received additional correspondence from adjacent properties via mail, email, or phone?

Mrs. Musante: We have received several emails.

Mr. Grimes: I know that it was a steady stream today.

Mrs. Musante: Yes, I do have all of them here. I did not make copies for everyone, but there's 14 in support of and eight in opposition of. And that's just received within the last few days.

Mr. Grimes: And I understand that you've shared those with us all, correct?

Mrs. Musante: I have.

Mr. Grimes: Okay. The applicant has stated they intend to use the barn after renovations for the indoor event. The development conditions don't seem to address permitting or code requirements. Has the County reviewed any of that from a code perspective at this point?

Mrs. Musante: No they have not.

Mr. Grimes: Okay. Does the County allow alcohol at County facilities? Parks? Pavilions?

Mrs. Musante: They do as long as they have an ABC permit.

Mr. Grimes: Okay, but that applies to most of the parks where there's a rentable space.

Mrs. Musante: Correct.

Board of Zoning Appeals Minutes
August 22, 2017

Mr. Grimes: Okay. And from the perspective of the... I'll skip that one; I'll come back to it. To approve a Special Exemption, what standards must be met by the Zoning Ordinance? I think it would benefit everybody if you could read the requirements stated in Section 28-351. I know it's a bit lengthy but I'd like everyone to hear the requirements that the Board has to review in order to, or look at, to grant an exception.

Mrs. Musante: *Granting of Special Exceptions. The board of zoning appeals may grant special exceptions under this chapter upon finding that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purpose and intent of this chapter. An application for a special exception shall be submitted to the zoning administrator, who shall forward the same, along with such information that may be necessary, to the board of zoning appeals. No special exception shall be granted, except after notice and hearings provided in section 15.2-2204 of the Code of Virginia (1950), as amended. If the board of zoning appeals shall find that the use for which a special exception is sought shall be in accord with the following standards, it may grant the exception, provided that all other provisions of law shall be complied with: (1) The use shall not tend to change the character and established pattern of development of the proposed use; (2) The use shall be in harmony with the uses permitted by right under a zoning permit in the zoning district and shall not affect adversely the use of neighboring properties; (3) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; (4) The use shall not affect the health or safety of persons residing or working in the neighborhood of the proposed use; (5) The use shall not be detrimental to the public welfare or injurious to property or to improvements to the neighborhood; j(6) The use shall be in accord with the purposes of this chapter and the comprehensive plan of the county. Any use, building or activity legally in existence on the effective date of this chapter, shall not require a special exception, so long as such existing use, building or activity is not expanded or enlarged. Should an application for a special exception be denied, at least one year shall elapse before another application of the same use on the same land is considered. The one year shall be counted from the date of denial.*

Mr. Grimes: Thank you very much. Those are all my questions. I'm sure there are others. Ms. Brown?

Ms. Brown: I think I just have one so far tonight. Um, rather late this evening, and I apologize, I had called you to see if we could get a copy of the countywide zoning... that land use map. Were you able to find that?

Mrs. Musante: We have this.

Ms. Brown: Can I get that from you?

Mrs. Musante: Sure.

Ms. Brown: That was all I had, I'm sorry.

Mr. Grimes: Any questions for staff?

Mr. Apicella: Mr. Chairman, a few questions.

Mr. Grimes: Yes sir.

*Board of Zoning Appeals Minutes
August 22, 2017*

Mr. Apicella: Melody, were there any previously discussed conditions that didn't make it into the staff report?

Mrs. Musante: There could be. I don't have May's minutes. I think I've added conditions; I don't think I deleted anything.

Mr. Apicella: I do think you've added, but I think there were some that we talked about regarding traffic and the barn that may not have made it in here. So, I'm going to raise one that I've raised a couple times, which is traffic management. I think we talked about it with the applicant and they were willing to add that as a condition based on the size and scope of the event. So I'm just going to kind of throw that out there. I'm also, having driven past the parcel, still concerned about the driveway. It looks like it's just barely big enough for one car, so I raise the concern about whether or not it's big enough for two-way traffic. It does not seem like it does support two-way traffic irrespective of the entrance itself. And my concern was and is vehicle stacking. I don't think that's been addressed. Is that correct?

Mrs. Musante: That is correct.

Mr. Apicella: The other thing I would ask is, again, VDOT and the traffic study that was provided by the applicant, what I noticed when I drove in both directions were dips just before and just after you reached the parcel. Did anybody look at that in terms of site distance issues? I think one of the pictures shows the dip.

Mrs. Musante: That would be discussed as a part of the entrance requirements. So, when they submit this information to VDOT, that's when Margaret Neiman will go out and inspect it and see if there's any structural changes that will need to be made at that time.

Mr. Apicella: Structural issues to the entry?

Mrs. Musante: Mm-hmm.

Mr. Apicella: And the driveway?

Mrs. Musante: Correct.

Mr. Apicella: Well, again, it may not be a requirement to expand the driveway; it still seems to be an issue. Again, my concern is, you've got two cars on Stefaniga Road, both going in a different direction, and cars wanting to get out of the driveway at the same time, and potentially you've got a stacking issue. It doesn't seem to me that anybody's looked at that. I know it's a problem elsewhere; I can't see where it wouldn't be a problem here. And to me the dips in the road only kind of magnify the potential problem there, especially since, you know, weddings and events can happen at night and distances or site issues become more magnified at night. So, as you're coming over the hill -- it's not really a hill, but there's a dip -- at Stefaniga going north, it seems to be a little bit of a downward slope there. I'm concerned about people not being able to see cars' lights sitting there waiting to turn into the parcel. So, I'm just going to raise that as an issue. What subdivisions are within 1 mile of the site?

Mrs. Musante: I can only tell you, with the map I have here is, without pulling something up and looking at it which I don't have access to. But you've got Seven Lakes across the street, you've got The Glens, then there's one called Stefaniga Road Subdivision which I'd never heard of before. Those are what I can see based off of this map. And what I know.

Board of Zoning Appeals Minutes
August 22, 2017

Mr. Apicella: Do we have a sense of how many homes are within a 1-mile radius of the site?

Mrs. Musante: No.

Mr. Apicella: Dozens? Hundreds? When we looked at the request to go back out to people who live close by, there was a big map that was provided. Can you take a look at that and just kind of give me a projection of what you think that number might look like?

Mrs. Musante: This is a map we printed off today.

Mr. Apicella: Okay.

Mrs. Musante: And I'm going to say 50 to 75 based on this map.

Mr. Apicella: Okay, and within a mile or within that map radius?

Mrs. Musante: Within this map.

Mr. Apicella: And how far out does that go?

Mrs. Blackburn: About half a mile.

Mr. Apicella: Half mile, okay. The sound study; when I looked at it, it appeared to be based on, and I think I heard you say, that it was based on the doors in the barn being closed. Is that correct? Was there any other...

Mrs. Musante: That is correct.

Mr. Apicella: ... study done outside of the barn?

Mrs. Musante: You'll have to ask them that, I'm not familiar with the noise study.

Mr. Apicella: Okay, so it doesn't address music outside or in the tents?

Mrs. Musante: I wouldn't know without going back and reading the entire thing.

Mr. Apicella: And is there any condition that requires the applicant to limit their music to a closed barn?

Mrs. Musante: No, but we can certainly make one.

Mr. Apicella: Okay. I hope you're kind of keeping a list of potential additional conditions.

Mrs. Musante: Okay.

Mr. Apicella: Thanks.

Mr. Grimes: Any other questions for staff? Ms. Brown?

Board of Zoning Appeals Minutes
August 22, 2017

Ms. Brown: I'm sorry, I'm having a little trouble pulling up our County website; it's a little slow. For expedience, I can't read this really well. Can you tell me what the property is, if it's in an agricultural area, suburban area, or I don't know what that says. Is that mining? I don't know what the brown is. What is that? Where on this map is the property that we're talking about?

Mr. Grimes: Are there any other questions for staff? Hearing none, will the applicant, or his or her representative, please come forward and present their case? I'll remind you to understand that there's a presentation associated with this and you have 10 minutes to present your case.

Mr. Payne: Thank you Mr. Chairman and other members of the Board of Zoning Appeals, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. It's a pleasure to be here this evening. I want to thank you for your time on this matter. And just for the record, I have not spoken at prior hearings so this is the first time that I've been before you on this matter. I appreciate staff's comments as well and presentation. I have a PowerPoint, but basically I'm going to do an overview, if you will, of the application, clarify a few questions that were raised, and then take some questions obviously if necessary from the BZA. So, with that, can I have the computer? And I will try not to mess this up. Make sure I go the right way. Here we go. This request is obviously a Special Exception for a Rural Home Business. The property is zoned A-1. The future land use of this site is A-1 as well, Agricultural. This affects two tax map parcels, 27-59F and 27-59G. This is not a rezoning. I've seen quite a bit of literature out there and emails, etcetera, that have questioned whether or not or alleged that this is a rezoning. It is not a rezoning. The Chairman had asked earlier, what can you do by-right on this site? It includes over 10 acres, and I'll get to that in just a second in another slide, but you can see there's some fairly intense uses that could occur by-right, including agricultural uses, a Bed and Breakfast, a boat sales, a campground, a cemetery, a farmer's market, a group day care home, a non-commercial kennel, parking and storage of commercial vehicles, slaughter and animal processing site, a small family day care, a veterinary clinic, and wayside stand just to name a few. Here is the location of the site and its proximity to Stefaniga Road. As you can see the circle there, and I've got some more detailed photos to show you, including where the proposed activities are going to occur, access, parking, etcetera. But I thought this was a nice overview to show fairly wooded around us. There are three parcels owned by the client and I'll get to those in just a second as well. Again, the parcel size in total for this permit is 10.2597 acres and includes two parcels, as I stated earlier. This is in the Rock Hill District. The property is zoned A-1 as I stated earlier; it's Agricultural and located at 558 Stefaniga Road. Surrounding abutting properties are also zoned A-1 and are characterized as Residential Agricultural/Rural land use plan, to answer Ms. Brown's question. The proposed use is consistent with the County's Comprehensive Plan in my opinion. Here's a quick business overview: creating this venue will be a positive economic and tax revenue benefit to the County. Currently the County's earning... I'm sorry, not earning but gaining just a limited amount of tax dollars from the site. This venture will increase that tax revenue number. It will also have a ripple effect, including encouraging greater lodging in our area, food and beverage sales, event industry growth in our area -- I think some of you got some emails from wineries and other businesses in the area -- vending businesses, food businesses, etcetera, who are encouraging you to approve this proposed application. And again, my clients are small business owners, so this will support small business and job growth in the County. We're always promoting folks to get off the road and to employ here in Stafford County, and this is one way to do it. And you'll see in a later slide this is not unique to Stafford County; it has many rural businesses and has throughout its history. The days and hours of operation are proposed as follows: limited Monday through Friday from 8 to 5; wedding and events -- and that's just office, no wedding events during the week -- wedding events on Saturday will be open from 10 a.m. to 10 p.m., vendors will be onsite till 11 to clean up; on Sunday from 10 a.m. to 7 p.m. with vendors onsite till 8 o'clock to clean up. The estimated attendance for any events, no more than 50 cars or 95 people. I know at one time this application was at 150 or more, 100, etcetera. Based on our analysis of how many we can get

Board of Zoning Appeals Minutes
August 22, 2017

in the barn, that number is 95. We're also limited to 50 cars to address traffic concerns and questions. If you think about other wedding venues in Stafford County, this is a small wedding venue, very small; a half to one-third the size of other venues in the County. The adjacent wooded property owned by the applicant is vacant. You'll see a picture of that in just a second. It'll be left in its natural state which will also mitigate any sound that permeates from the site. There will be an approved vendor list by my client. They will obviously be approved by the Health Department pursuant to whatever applicable licenses and certifications that are required there. All vendors will be required to obtain ABC banquet license. And there will be no alcohol served at the B&B. As staff had stated, our client has taken the ABC and crowd control training classes that I think were recommended in prior hearings. All wedding receptions will occur within the barn located on the property. I heard staff stated earlier that initially it will be tents... tents would only be used for staging to support the vendors and the wedding party. The reception activities will occur in the barn and I'll get to a little more details on that. The barn will be renovated to accommodate wedding events. There was a question as to whether or not that it would be built to code or improved to code; it will, and I'll get to some of those details. We've retained James McGhee, a local architect, to assist us with that. There was some questions about parking and whether it would impact the drainfield. We have located the parking between the back of the house and the barn. It'll be fenced off and there will be no impacts to the drainfields as stated. The single-family dwelling located on the property will be used for office, restroom facilities, etcetera, a small bridal dressing area in addition to the B&B, and only used by the wedding parties. The first floor half bathroom of the residence and/or portable facilities will be used to accommodate ADA requirements for our guests. And here's a very good picture overview of the site. I think you've seen this. There's a tent next to the barn. As you see there, parking location towards the middle of the property, driveway, septic field as you can see is up front. And the Palmers own all three of these parcels. You've heard staff's recommendations; we concur with all of them. And obviously include this as part of our application. A sound study was prepared by Hush Acoustics as staff had noted. And as staff noted, there were two 15-inch JBL amplified speakers -- if you know JBL, it's pretty loud stuff -- at 95 decibels which, in the opinion of our expert, is a very loud weddings. The consultant measured the sound level around the barn as well, with the doors closed. The study concluded that the music with the barn in place would be in compliance with the County's noise standards, which are 60 dBA at daytime and 55 at night. The professional consultant determined that the north and south property lines, which are the relevant impact areas, the dBA, the decibel levels would be at 42 to 45, and I've got a slide for that. So, in conclusion, the weddings activities and the noise activities occurring on the site would be in accordance with County requirements. And here is, as part of our analysis, shows you the location of the barn as A with a 95 decibel level inside the barn, B being I think that's to our west or east a property line, C being to our believe north or south, we don't have a north or south on here but you can see it on there, D again to the property line all in accordance with County requirements, F near Stefaniga Road and near the Seven Lakes Subdivision at 45 dBA, well within the requirements of the County Ordinance which again are 55 at night and 60 decibels during the day. And this is part of your packet. The opposition did perform a sound study. We had a chance to look at it and, again, our consultant is here if you have any questions. They use an assertion of 113 decibels which measured from one meter would likely be deafening to folks and guests who are at the wedding. A more reasonable A-weighted sound would be 95. Two errors were made in that analysis and certainly we didn't see this analysis done. One, the distance from the site including the mitigation of the barn and the music inside the barn was not taken into account to reduce noise levels, and also basic things like trees, ground, forest, vegetation, weather, etcetera, that would mitigate sound even further. None of those were taken into account. Further recommendations from that noise analysis, which we're willing to include as part of the conditions in this application, would be for our vendors must stop at a specific time under a contract; the speakers must be placed indoors; the speakers not be placed within 10 feet of the door; and the windows must be closed when loud music is being played. Transportation - the driveway is 17 feet. We have talked to our engineer; we think we can expand the driveway to 22 to 25 feet. We're willing to entertain that as a condition as

Board of Zoning Appeals Minutes
August 22, 2017

well. We've looked at the entrance. We believe what's going to be required for the entrance is the widening of its shoulders; however, the important part of this in talking to the engineer is no offsite improvements. No turn lane improvements would be required, either left or right. And again, this would be a moderate commercial entrance analysis for purposes of VDOT. And we have to go to VDOT at the site plan level, the site plan stage before we would be able to get a final site plan approved. So VDOT would need to review this. The barn, pretty much again as I've stated, we've retained James McGhee. No more than 95 persons will be allowed to use the area. We're going to improve the electrical, remote exiting, emergency lighting, exit signage, upgraded concrete flooring and patio, and 20-foot dedicated emergency access. As I stated earlier, there are other weddings events nearby and in Stafford County; Glasgow Farm and their times and hours from 8 to 11 Friday, Saturday, and Sunday, all weekend, and the barn can hold up to 200 guests and 400 guests are welcome on the site. Rock Hill Plantation is another, up to 120, and Angelwood Inn. And here's some other rural businesses that are in the area. Again, this is not unique to Stafford County. Support, as staff has noted, you have a petition of over 60 people. I'm sure you got a flurry of emails today. And I know, Mr. Chairman, my time has gone over and I'll be very quick. I got one I thought was really interesting for you to listen to. This is from Marcel Thevoz, I'm sorry if I messed their name up, and Edith Thevoz, and they're located at 190 Rock Hill Church Road in Stafford County: "We were unable to attend the 7 p.m. meeting. We would like you to know that as a direct neighbor to a wedding venue, the Rock Hill Plantation, we can certify that we are no way in conveyance by this type of business activity. On the contrary, we appreciate the fact that people can enjoy a beautiful environment at one of the most important days of their lives." In closing, the proposal is consistent, in my opinion, with the inclusion of County conditions, Section 28-351, and in harmony with the purpose and intent of the County's Zoning Ordinance and Comprehensive Plan. Here's a view from Stefaniga. I'm happy to answer any questions you have. And I apologize, Mr. Chairman, for going over.

Mr. Grimes: Thank you. I appreciate you minding the time; we've got a lot of folks to speak tonight. Are there any questions for the applicant? Yes sir, Mr. Ackermann.

Dr. Ackermann: I have... correct me if I'm wrong. You said, I think, that the trees on the undeveloped property, lots adjacent to where the event place would be held, would mitigate the sound.

Mr. Payne: Yes.

Dr. Ackermann: So, would it be reasonable to have that as a condition that the property adjacent to this cannot be developed, must be left in its natural state.

Mr. Payne: The applicants agree to it.

Dr. Ackermann: And the other thing is...

Mr. Payne: Left undeveloped during the purposes of the permits in place.

Dr. Ackermann: Yeah, while it's a wedding venue.

Mr. Payne: Right, exactly.

Dr. Ackermann: And the other thing is the... let's see... so a live rock band plays at 110 or louder decibels. Now, I don't want to say that you can't have a live rock band in the event, but maybe it might be reasonable to, and I know it's the people who are having the event who hire the musicians or the

Board of Zoning Appeals Minutes
August 22, 2017

music. Could we put some sort of limit on how many decibels that could be without having to... because a study was done, right, on what decibel level, 95?

Mr. Payne: Ninety-five.

Dr. Ackermann: Ninety-five, okay. And that's a study they've done and that showed that things were reasonable according to that study. The other study was done at 113 which is, if you look it up, a drill hammer, it's also a live rock band. My son has a live rock band and he plays at that level and people love it. But the neighbors don't always love it. So I just wanted to make that point. I mean, it's entirely possible I think to have music at an event which is higher than the 95 decibels and it might even be 110 decibels. I just wanted to say.

Mr. Payne: Well, I think they're acceptable to the 95 decibel cap, but also, as we had mentioned in the PowerPoint, the additional condition of keeping the doors closed when music is being played, loud music is being played, that's the big mitigating factor.

Dr. Ackermann: Yeah, but I was at a wedding a few weeks ago and it was extremely hot and humid and when the doors were closed on the barn we just about all died. And which means that if you're doing this in our area, you have to have a good air conditioning system within the barn to be able to have the doors closed on even a hot night like tonight.

Mr. Payne: There will be proper utilities for sure, including air condition.

Dr. Ackermann: Thank you.

Mr. Grimes: Questions for the applicant? Yes Ms. Brown.

Ms. Brown: Hi Mr. Payne. I have a couple for you. One of them, and I hope you don't mind approaching, this parking lot has shifted I think a couple of times and I'm not clear where it's going to be right now. The applicants provided a map. Do you mind showing me on here where it's going to be proposed currently?

Mr. Payne: Can I get the computer back up? I believe it's shown on the plat here, right John? Let's make sure everybody can see where you're going with it. Thank you. John, is this the correct location here, that's shown here?

Mr. Palmer: Yes sir.

Mr. Payne: Can you see that Ms. Brown? Towards the middle of the site, behind the house.

Ms. Brown: Yeah, okay, alright...

Mr. Payne: So it's between the house and the barn.

Ms. Brown: Okay. Because I was looking at the letter that we did get from Tommy Thompson from the Department of Health, and he had said, because we were trying to find out where the drainfields and the septic tank and everything were, and we had an as-built and he said as long as the parking area, and I'm quoting, "as long as the parking area out in front of the house does not encroach any further back from the road than the front of the house, the parking lot should have no impact on the existing drainfield."

Board of Zoning Appeals Minutes
August 22, 2017

And he has said he advised that the proposed parking area is out in front of the house toward the road. Just... I wanted to point that out. The next question I had was...

Mr. Payne: I think they addressed... I'm sorry, I think they addressed an issue that came up in a prior hearing, I was not here, that moved the parking. But the septic is fairly close in front of the house.

Ms. Brown: No, actually it wasn't. The well is in front of the house; the septic... I have an as-built that shows the septic...

Mr. Payne: Putting it behind the house gets it away from the well.

Ms. Brown: Well, the as-built that they provided us from the Department of Health shows the septic tank behind the house right here. Did you want to look at this? We got this... we got this from Tommy Thompson.

Mr. Payne: Yeah, there's a... I think the distance that you're seeing on this right here is the appropriate distance between the septic and the parking.

Ms. Brown: Okay, I don't know what the appropriate distance is, all I know is that Mr. Thompson said it needed to be parking in the front and not in the back.

Mr. Payne: Yeah, and I can see where the confusion is because this just only shows really close to the house, out behind the house. You're looking at this, right?

Ms. Brown: Uh, I think so.

Dr. Larson: I think that's a lot better version. Would you mind showing that to us?

Mr. Payne: And this was submitted with the application.

Ms. Brown: Hmm, okay.

Mr. Grimes: Can you identify what attachment that was because...

Mr. Payne: I don't have the attachment; hold on.

Discussion of map; not at microphone.

Ms. Brown: Like I said, everybody has the letter from Mr. Thompson about not putting the parking in the back? Okay, that's all I wanted to check. Okay, moving on... your application states in the application part that you will not have any outside storage. I was wondering, we talked about this a little bit last time. How do you plan to handle the port-o-potties? Will they be picked up each evening after each event or will you store them outside for the weekend or during the week between events? How will those be stored?

Mr. Palmer: My apologies; John Palmer, the applicant. We talked initially about using port-o-potties. That didn't seem like that quite fit a lot of the group so we looked at the barn and what we would place inside the barn is facilities. And a lot of this is commensurate with what the Health Department is going to allow, so that would be the code that drives what we utilize for the allowance of the port-o-potties if that comes into effect or temporarily. As far as being them picked up in the evenings or the daytime,

Board of Zoning Appeals Minutes
August 22, 2017

we'll work out a plan to mitigate that so that it won't be an impact on the traffic nor the property. As far as the storage goes, I'm not certain what we are looking at is storing a port-o-potty facility, if that's where this is going.

Ms. Brown: Well, no, I'm worried about the port-o-potties, you know, being stored that all weekend long, Friday, Saturday, Sunday, or possibly from Sunday to the next Friday wedding. You know, I don't know. I don't know how often they pick them up or how often they need to be emptied. Do you know how many facilities, restrooms, you're going to have in the barn?

Mr. Palmer: Well, we have 100 people, 95 people now is what we plan so I would probably say two. Probably the upscale models, ADA compliant, two of one male and one female in a trailer. I don't know if you've seen those types of facilities before.

Ms. Brown: So, it'll be in a trailer, two restrooms?

Mr. Payne: (Inaudible) question, it's going to be temporary, just for the events. It'll be taken off, depending on the events... for each event, the vendor (inaudible).

Ms. Brown: Okay, so I'm confused. Is there going to be restrooms in the barn? Will there be restrooms in the barn?

Mr. Payne: The only restrooms that they have proposed will be in the house for the wedding party. The other restrooms will be temporary, so they'll be...

Ms. Brown: So they're going to have to be carted off back and forth.

Mr. Payne: Yes, that's right.

Ms. Brown: And you don't know how often you're going to do that?

Mrs. Palmer: No.

Ms. Brown: Okay. We already asked about the...

Mr. Payne: I think it will be per event.

Ms. Brown: If you have a Friday night wedding, are they going to be picked up Friday night and brought back for Saturday?

Mr. Payne: Probably keep them for the two... for the weekend and then...

Ms. Brown: So, they'll be stored there on the weekend.

Mr. Payne: Right, yeah.

Ms. Brown: So, three days. Okay. I asked... I think Ernie asked about the air conditioning. There is none, correct? In the barn?

Mr. Payne: Not right now, right?

***Board of Zoning Appeals Minutes
August 22, 2017***

Ms. Brown: Okay. Yeah, that would be an issue for keeping the doors closed. You also stated you will still use, in your packet, some outside tents. And I was just going to ask what those would be for and do you still need the generators?

Mr. Palmer: (Not at the microphone). We mentioned staging for the tents. We would utilize the barn as we upgrade the electric. And I don't see a need for generators because I just don't if we would need them for the tents.

Ms. Brown: Okay. What are you going to have under the tents? You said for staging; what kind of things?

Mrs. Musante: Excuse me, sorry.

Mr. Payne: You need to speak in here.

Mr. Palmer: I'm certain that there's different equipment, there's different avenues that the brides and the grooms need for staging. Whatever we determine to do, that's what we would use the tents for.

Ms. Brown: So, will there be food served? Music? What... I mean... so it could be anything...

Mr. Palmer: (Inaudible) we discussed the music staying in the barn, so that's what the sound survey is based on. As far as any of the ancillary equipment and whatnot that we would use the stage and the tents, that's to be determined. If there's any issues that we need electric for, we will make sure it's provided to in a code manner.

Ms. Brown: Okay. And what percentage of time does the owner, Theresa Thompson, spend on this site? I know she travels, your wife said quite a bit and I just wondered how often she spent here.

Mr. Palmer: She travels.

Ms. Brown: How much time does she spend on the property? Ten percent? Fifty percent?

Mr. Palmer: That's to be determined.

Mr. Payne: But you're on the site.

Mr. Palmer: We are.

Ms. Brown: Okay, I saw that you had an invitation for a community meeting at the library but there was no information with it. How many fliers did you hand out? Did you mail them out, drop them off, and how many people came?

Mr. Palmer: We had seven people present. We sent out 6 letters to our abutting property owners, and some individuals that I think have concern about our facility. We put signs on our property, we put signage on the neighbor's property that indicated the time and location for the event for the meeting.

Ms. Brown: Okay. So six letters went out and seven showed up; you got an extra one, okay. Let's see...

Mr. Palmer: Well, ma'am, it was advertised very clearly so that both subdivisions could see it.

*Board of Zoning Appeals Minutes
August 22, 2017*

Ms. Brown: Okay.

Mr. Payne: They did post the meeting time and place outside on the property.

Mr. Palmer: Yes, we did.

Ms. Brown: For the library? And this might be a question more for Mrs. Palmer perhaps. How much will you be charging for your weddings? I looked on the websites for some of the other weddings in town and they all kind of had different prices for what a wedding package would be. And I know that you offered your property as kind of a lower cost alternative. And I just wondered what your wedding packages would run.

Mrs. Palmer: We have different packages (inaudible - not at microphone).

Ms. Brown: So we don't have a range of a low and a high? Okay. And then the noise ordinance, I did want to address that. Because I read Chapter 16 of Stafford County's noise ordinance and one of the first things that jumped out at me in 16-1, which is the first part of it, it said that Stafford County is to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property in order to promote the public health, safety and welfare, the peace and quiet of the inhabitants of the County. And then it gives methodology on how to measure. And I was reading your study and we... our code is very specific. It says that all the sound will be measured with a type 2 sound level meter and it would be ANC standards, which is the American National Standards Institute. It also said that it would be minimum needed of three boundary measurements, and then they would take the average of the three. And they needed to be property boundaries and a boundary is an imaginary line from the ground surface up vertically. And I noticed in your study, even though it had a section that talked about how you did the study, you didn't use three points. The only boundary points you used were two and it didn't say what type of device that you used. So I'm not clear that the study was done properly per County code.

Mr. Payne: We're going to have our consultant address that question if we could.

Ms. Brown: Oh, is he here?

Mr. Payne: Yeah.

Ms. Brown: Oh, great.

Mr. Payne: Gary Ehrlich's here.

Ms. Brown: Hi.

Mr. Palmer: (Inaudible - not at microphone).

Ms. Brown: If somebody made a noise complaint, the officers would come down and they would follow Chapter 16, yes.

Mr. Ehrlich: Hello, Gary Ehrlich with Hush Acoustics. As far as the equipment, we used a type 1 sound level meter which is a more precise one than the type 2 that's required. And as far as the locations, my

Board of Zoning Appeals Minutes
August 22, 2017

understanding is that's how you enforce the noise ordinance after the fact. So we were kind of trying to project out what it will be in the future, so (inaudible).

Ms. Brown: Well, that's how you... that's how, according to code, that's how you would determine if it was exceeding the noise level. You could take three... it had to be three boundary line, or one of the three could be from an adjacent property who was complaining, but it had to be three and then you would take the average of the three to determine if it met the 60 or the 55. Okay, so I just wanted to point out you didn't do that and just wondered if you knew that. Okay. And then, too, Mr. Palmer... I'm sorry, I'm trying to get all mine at one time... Mr. Palmer, have you had frequent contact with the staff regarding your project over the last several months? I mean, have you been able to freely meet with them when you've had questions?

Mr. Palmer: (Not at the microphone) -- We have turned in materials, we have had some discussion with them regarding what the BZA requires... We have met with them on a basis and turned in materials to have discussion with them to see exactly what you're looking for and requirements, questions that you have, because we haven't had any text to print out in copies of what you want. So we have met with them and talked with them. They have been very helpful.

Ms. Brown: Okay. Did you recently install a new road sign advertising your property... business in front on the road?

Mrs. Palmer: Yes.

Ms. Brown: Yes? Did you know that required County permits?

Mrs. Palmer: No.

Ms. Brown: And you are in violation because you did not get one?

Mrs. Palmer: (Inaudible - not at microphone) a sign on the front of our property?

Ms. Brown: Yes.

Mrs. Palmer: No.

Ms. Brown: I just... since you met with staff, I just thought maybe you would have had an opportunity to talk to them about that. I'm going to research it. I know that, Mr. Palmer, you have said that you were very familiar with a lot of code, and I just wondered if you were aware of that. I'm a little concerned because it shows a willingness to disregard the rules and not comply with our code. I was just... wanted to make sure. And that's all I have for right now.

Mr. Palmer: Well, let me answer that question by saying, ma'am, that we put a point of contact for this meeting that we were to have according to Mr. Gibbons' requirement. The point of contact has a phone number and a email account that my wife put up with the sign saying Nature's Whisperer, much like the signs that are put elsewhere to advertise for Mr. Valentino's meetings. So, that was the point of contact, that was the sign that we had, and that was in advertisement of the meeting. We did leave it up, it is the name of our farm. So I'm not certain how that's in violation of the County code.

Ms. Brown: I'm talking about the wood sign.

Board of Zoning Appeals Minutes
August 22, 2017

Mr. Palmer: I understand that. But how is that an occlusion to the traffic? It's not on the County right-of-way.

Ms. Brown: It's an ordinance.

Mr. Palmer: It's not illuminated.

Ms. Brown: It's an ordinance. It's a requirement to get a permit.

Mr. Palmer: (Inaudible). Okay.

Mr. Grimes: I think that it would be best that that was left to a offline discussion and I think Ms. Brown simply wanted to point out that you might have an issue, that you can contact the County and deal with that.

Mr. Payne: And again, I think it was in all innocence, it was just to address the public hearing and some of the opposition they have been getting. But, if I can go back to your question about the acoustic analysis. There were more than just two sites that were analyzed. And, of course, property lines to the east and west are owned by the application. But, Gary, do you want to address the various different locations? It's on this...

Ms. Brown: There were, but it clearly states in the report, it says on page 2 of 4, it says note that only locations E and F are at a property line. The other locations, B through D, are within your property and not at the property line.

Mr. Payne: Well, there's three parcels there, as you probably know.

Ms. Brown: Well, there's a map of where you guys did it and it doesn't... that's not how the Sheriff's Department would measure it when they come out to measure the sound. I just wanted to point that out because your study is not how we would do it if somebody complained. So, I question the accuracy of your results.

Mr. Payne: Well, they would measure from the... the generation of the sound to the property line that's adjacent to the site which is owned by the applicant. North and south are not, right?

Ms. Brown: Let's see, I actually have it here. I think it's under 16... 16-4(b)3, I think. And it says, unless otherwise specified, the measurement shall be made at the property boundary on which noise is generated or at any point within the receiving property affected by the noise. And before that, on number 1, it says a minimum of three sound level readings shall be taken. The average of these readings will be used as the average sound level if the background noise is equal to blah, blah, blah, blah, blah. But then it talks about how you take them and they're from the boundary line.

Mr. Payne: Let Gary... Gary, can you address that please?

Mr. Ehrlich: Yeah, that sort of noise ordinance goes way back years when people had a simple sound level meter that just tells you the sound level at one instant in time. But modern equipment will tell you the sound level every second. So, we measured sound levels for a long period of time and we waited for a car to pass, so we looked at the average sound levels at times when nothing was occurring. So, because we were averaging over a period of time, it's not necessary to look at the meter, note it again, look at it again. You follow what I'm saying?

*Board of Zoning Appeals Minutes
August 22, 2017*

Ms. Brown: No, I actually don't. Because if I'm a neighbor calling with a noise complaint, they're going to call the Sheriff's Department and the Sheriff is going to come out and they're going to use our ordinance as how to measure it. So, since your study did not use that, I don't think that I can say that it passes code muster.

Mr. Ehrlich: I don't think I'm articulating well what I'm trying to get across. The ordinance is talking about three points in time, not three places.

Ms. Brown: Well, it says you measured at three... at three places.

Mr. Ehrlich: Three... multiple times. Yeah, I measured at multiple locations but the ordinance talks about different points in time, and I measure the sound level averaged over a period of time.

Ms. Brown: No, it just says three points. So, when they come out there and the music's blaring, they're going to go to three points on the boundary, or one point on the adjacent property.

Mr. Ehrlich: But either case, when we were predicting, the sound level was 42 or 45 decibels, it's orders of magnitude below the code minimum of 60. So, it doesn't matter whether or not it's 42 or 43 or 44, if you average these numbers it's all going to be in the low 40's. So its orders of magnitude below 60.

Ms. Brown: That wasn't clear in your report and, again, I don't know if you took these, you know, measurements, you know, where the noise was occurring. I'm just simply stating that per our code that's not how they would measure it and you didn't measure it per our code. But that's all. It wasn't an argument, it was just I wanted to point that out and ask if you knew that.

Mr. Grimes: Do you have any questions... Mr. Kim?

Mr. Kim: Yes, I just have one question. So, looking over the packets this month and last month, it seems like you guys really did a lot of work, put a lot of effort into it. All these concerns that... all these changes, getting the sound guy to getting an attorney, is there anything that you guys, I don't know if this is a question for the attorney or you, Mr. or Mrs. Palmer, did not address that your neighbors are expressing to you that why they are against this venue at your location? Is there a specific concern? I mean, it seems like you got everything covered, but I just want to know what I'm missing here.

Mr. Payne: Well, from what I can tell, and again the Palmers can add to this, I wasn't here at the prior hearings. I have read minutes, I have read some of the literature that's come from the opposition. It seems the biggest concerns were noise and traffic. And it appears that those issues have been addressed in regards to mitigating the noise onsite and, of course, they retained a traffic engineer to see if any offsite improvements would be necessary.

Mr. Kim: I have one more question. Is there any other possible thing you guys can do for noise or traffic that could make your neighbors happier? I mean, is there... I don't know this answer, I'm asking. I mean, it seems like you guys definitely did your due diligence here. I just wanted to know is there maybe another study, is there something else? I don't think so but I'm just asking and maybe one of you guys can answer.

Mr. Payne: Well, I think what our analysis shows and what we presented, there are additional steps that we could take to ensure that the conclusions of the sound study are consistent with our analysis. But the key was, how do you mitigate that sound and the barn was the key to that. So that was part of the

Board of Zoning Appeals Minutes
August 22, 2017

requirements -- well, we're not saying requirements -- part of the proposal back to the County staff or to the County was the barn will be the area where the music will be played, where the reception will be held, where the greatest noise will occur. In regards to offsite improvements or transportation, I mean, there needs to be sort of a fair analysis here. This is a small footprint, this is a small footprint use. And if the traffic engineer and VDOT concur that no offsite improvements are necessary, then, you know, that should be the rule. And VDOT's not going to give us a free pass...

Mr. Kim: I actually agree with you, so I'm just putting this out there.

Mr. Payne: I think taking it away from the tents where a lot of the major activity would occur and utilizing the barn and mitigate that impact, you know, this is a fairly large site, you know, 10+ acres, it's a fairly long distance from the Seven Lakes Subdivision and The Glens. Again, we own, my client owns three of the parcels and the site's kind of in the middle of those three parcels which helps kind of mitigate folks to the east and west. We've got lots of support on folks on Stefaniga Road so it's just not people in adjoining subdivisions are again us; it's actually people who support us as well for this. But anyways, from what I can tell, it appears that they did address those issues.

Mr. Kim: Okay, great, thank you. That's all I had.

Mr. Grimes: Dr. Larson?

Dr. Larson: Yes, thank you. While you have the sound diagram up, could I ask your sound engineer some questions?

Mr. Payne: Sure. Gary?

Dr. Larson: Okay, so why did you settle on 95 db?

Mr. Ehrlich: Because it seemed like what a loud wedding would be based on our experience.

Dr. Larson: Okay. I mean, it's not... it's not contradicted by what I found on the internet for just randomly... 90 db equates to a loud club... a loud pub; 110 is a noisy nightclub, and this says 110 is a plane taking off but they don't tell you where you're standing and how far away you are. That's probably not a very good data point. But anyway, so on your diagram here, you show several measurements under... 60 or under. I'm going to ask you to explain some things that I know but I want you to explain to the crowd, okay. When I decrease a measurement by 10 db, what does that mean?

Mr. Ehrlich: It sounds half as loud to the human ear, but it's 1/10 of the sound energy.

Dr. Larson: Okay. Half as loud to the human hear but 1/10 the energy. Okay. So, you measured these measurements, it looks like they were sort of inside the trees. Are they sort of inside the trees?

Mr. Ehrlich: No, they're at the tree line.

Dr. Larson: At the tree line. So, would you expect sound to be attenuated as you go further into the trees?

Mr. Ehrlich: Yeah, trees provide a little bit of attenuation.

Dr. Larson: And at what rate would you expect that?

*Board of Zoning Appeals Minutes
August 22, 2017*

Mr. Ehrlich: Well, distance is the big thing. So, you get around 7½ decibels for each doubling of distance. So, for instance, location B was 73 feet from the barn, so at 146 feet it'd be around 7½ decibels quieter.

Dr. Larson: So how tree attenuation? Is that... can you quantify?

Mr. Ehrlich: Trees provide a little bit but not a huge amount. Distance is the big issue and the ground surface also helps a little bit. So, distance gives you around 6 decibels per doubling of distance, trees gives you around 1½ so that's where that 7½... I'm sorry, the grass gives you, or the ground, you know, non-paved grounds give you 1 ½ decibels, so that's the 7½, and trees will give you a little bit beyond that when there's leaves on the trees and, when there's not leaves on the trees they don't really help too much.

Dr. Larson: And what was the distance between the source and say D and C, sort of average data points here?

Mr. Ehrlich: Umm, I can't remember exactly but in the ballpark of a hundred feet.

Dr. Larson: Okay. Um, thank you, that's all I have for you. I have another question though. The... could you bring up the map of the parcels, the three parcels side by side? Okay. There's a house on 27-59C; is that where Theresa Thompson lives? I'm just guessing. It's the other parcel you own.

Mr. Payne: That's the Palmers' house.

Dr. Larson: Oh, that's your house. Who owns the house on 59F? The middle house?

Mr. Payne: They own it.

Dr. Larson: You own both houses.

Mr. Palmer: We own all three parcels.

Dr. Larson: Who... where do you live?

Mr. Payne: C; 59C.

Dr. Larson: Okay, you live in C. Who lives in F?

Mr. Palmer: Right now we have a tenant temporarily.

Dr. Larson: Okay, okay. So that's your Bed & Breakfast or something?

Mrs. Palmer: Yes.

Dr. Larson: Okay, now I understand; thank you. And this one I think is for Mrs. Palmer. You went to and you did a lot of work examining other wedding venues and you surveyed people. Just out of curiosity, one of the venues was I guess Diamond Park? Is that right?

Mrs. Palmer: No, that's a subdivision.

*Board of Zoning Appeals Minutes
August 22, 2017*

Dr. Larson: Oh. Glasgow Farm?

Mrs. Palmer: Yes sir.

Dr. Larson: Do they play music there?

Mrs. Palmer: Yes sir.

Dr. Larson: And what... do they use a DJ?

Mrs. Palmer: Yes sir.

Dr. Larson: And do they do it inside a building or outside or...?

Mrs. Palmer: Both.

Dr. Larson: Both.

Mrs. Palmer: Yes sir.

Dr. Larson: Okay, and the other one, Rock Hill?

Mrs. Palmer: Yes sir.

Dr. Larson: Same questions. Do they play music? Do they play it inside or outside?

Mrs. Palmer: For Mr. Green, he does the louder music within... he has to do 65 decibels just like the rest of us. And he also has the music on the outside when they do... if they want to have a violin or something like that while the bride is, you know, coming down the aisle or to entertain them. But it's not amplified because everybody can hear it right there.

Dr. Larson: So, when you play... the DJ plays the music, I'm assuming you'll have your own amplifier set up.

Mrs. Palmer: Yes sir.

Dr. Larson: Are you going to change... do you plan on changing setups or do you think you'll be using the same amplifier for each venue... each function?

Mrs. Palmer: We have approved vendors for the music and they have to sign a contract. They will not go over County Ordinance. And I'll be honest with you, that's how they stay in business because if they go over, they're not going to stay in business.

Dr. Larson: So, they can set their amplifier at the setting that corresponds to 95 dB inside the barn with the doors closed.

Mrs. Palmer: Well, actually 95... and he can verify it... 95 is very loud. The average person in the barn would not want that that way.

*Board of Zoning Appeals Minutes
August 22, 2017*

Dr. Larson: Okay. So, but he will... this vendor will know where 95 is on his equipment...

Mrs. Palmer: Yes sir.

Dr. Larson: ... so he doesn't exceed that.

Mrs. Palmer: Yes sir, that's their job.

Dr. Larson: Okay.

Mrs. Palmer: And I also have a sound monitor as well.

Dr. Larson: Did you compare your results with his results?

Mrs. Palmer: He's the engineer. I'm going to let him do that.

Dr. Larson: I know, I know. But... okay, but that would be helpful because that could calibrate your instrument to something that's maybe a little more precise.

Mrs. Palmer: Yes, yes, that's a good idea.

Dr. Larson: Okay, thank you.

Mrs. Palmer: Thank you.

Dr. Larson: I think that's the questions I have for the witness.

Mr. Grimes: Mr. Apicella.

Mr. Apicella: I'm going to springboard off of Danny's question. So, you had a public meeting, you had seven people show up. Was there anything that came up that... in terms of specific things folks wanted you to do in terms of mitigation measures that you did not address or accommodate?

Mrs. Palmer: No sir. We had one, two, three people come. One gal asked very intelligent questions and we addressed them. Another couple came in that was previous opposition and basically apologized for the way that they had treated us this last time and saw all of our information and basically said, you guys did a good job. And I appreciated that because that meant a lot.

Mr. Apicella: Thanks. So, as it stands now on its face, and anybody can answer this question, potentially -- I know it's not going to happen this way -- but every weekend there could be two events, more than two events, but hypothetically speaking two events every weekend throughout the year. That's a hundred events. What's the max number of events that you really expect to happen on your site?

Mrs. Palmer: First of all, different months will dictate whether you have one or two weddings. Most of the time it's usually in the... it's getting to be where it's Saturday... I'm sorry, September, October are like the predominant times that people will have weddings. I guess there's no such thing as a June bride anymore, so we're going to do what is asked, what they... Say the question again please.

***Board of Zoning Appeals Minutes
August 22, 2017***

Mr. Apicella: I'm just looking at the number and frequency of events. And it's not just weddings, because this is a weddings and events venue.

Mrs. Palmer: Right.

Mr. Apicella: So, the last time we talked, potentially you could have a jazz band or violinist or whatever, some kind of music event or other event that might cause noise and/or traffic. So, I'm just trying to get to a concern that I think neighbors have about the frequency of events. You know, you certainly want to maintain your business and be successful and your neighbors also want to maintain the enjoyment of their property and, you know, I'm just thinking a hundred events might be somewhat impactful to your neighbors. So I'm just trying to get to what's in your minds to be successful, what's kind of the upper cap in terms of number of events that you might expect to have on your property over a given year?

Mrs. Palmer: Two to eight a month.

Mr. Apicella: Two to eight a month.

Mrs. Palmer: Yes sir. And that's if we're lucky.

Mr. Palmer: There will be no jazz loud bands. We discussed that about concerts and whatnot and we said we would have violin, harpist, violins, nothing that's going to be in excessive amounts of the noise ordinance and nothing that's a rock band or concert, especially events consistent with a concert as a definition.

Mr. Apicella: Right, so I'm going back... so I'm going back to...

Mr. Grimes: Please make sure you speak into the microphone. The audience is having trouble hearing.

Mr. Apicella: I'm just going to throw it out there as a potential concern that you'll probably hear tonight that eight events a month is equivalent to I think a hundred events, right, in a year.

Mr. Palmer: I also think we mentioned a certain period of time which we talked, we looked at probably an 8-month period as our time period that we would be doing this because of inclement weather other parts of the year.

Mrs. Palmer: It's not all year long.

Mr. Palmer: Right. So, I'm thinking probably a total of 64 events per year.

Mr. Apicella: Sixty-four events? Okay. So, Mr. Chairman, again, and if you guys could stay up there because I think it probably involves both of you, we talked about conditions and I'm not saying whether this Board's going to approve or disapprove this request, but I think it's worthwhile to at least kind of bounce some of these conditions that aren't on here with the applicants. Again, just to understand, you don't necessarily have to agree to those conditions; the Board can still impose those conditions. But I want to get a sense from you if you have any issues or concerns. So, one thing I heard your agent say, your wonderful attorney Mr. Payne, you'd be willing to expand the driveway to accommodate two-way traffic, is that correct?

Mrs. Palmer: Yes sir.

***Board of Zoning Appeals Minutes
August 22, 2017***

Mr. Palmer: Yes.

Mr. Apicella: Up to, what is it, 25... the width...?

Mr. Palmer: We're going to assume it's 22 to 25 feet. Stefaniga Road is 19 feet 6 inches, just so that you understand that, pavement to pavement. So, that's kind of what we're looking at. You want cars to pass each other on our property; that, I think, is the objective? And you were not able to make any determinations of what that width needs to be because I don't think anybody has something they could clarify.

Mr. Payne: Twenty-two to twenty-five would be acceptable.

Mr. Apicella: And what would the surface be made of for that driveway?

Mr. Palmer: It's going to have to be something that would sustain the vehicles, it would get them off the roadway. I'm thinking gravel... gravel at this point?

Mr. Apicella: Okay, so a gravel driveway large enough to accommodate two-way traffic.

Mr. Palmer: Yes, per your request.

Mr. Apicella: With regard to the barn upgrades, I saw in some mentioned in the PowerPoint... can we go back to that? So I saw some other ones mentioned in the sound study, and I'm going to go to it, possible barn upgrades under Part 4. It talked about barn floor upgrade, barn walls upgrade, I'm not even going to try to pronounce that word...

Mr. Palmer: Clearstory?

Mr. Apicella: Yes, upgrade, and barn doors. Are those other improvements... I don't see those here, that you'd be willing to make?

Mr. Palmer: We agreed to that. The survey, the engineering sound survey was done based on the barn as it is now with the sound emanating the distances we discovered with the decibel ratings that we did. So, in order to enhance the barn, so to speak, and make that a little more soundproof, the engineer's recommending a quarter inch to one inch glass in the clearstory on top, upgrading the flooring to concrete, possibly installing some sound battening, but the sound battening actually has to be something approved by the Building Official, making sure it doesn't have a flame rating that's detrimental to the building. So we need to make that determination, and that all has to be submitted along with these other items to the Building Official commensurate with submitting plans for enhancing the building and being reviewed by the Building Official and their plans reviewers, recommendations made, and then brought back out approved by the architect and the construction personnel to install these things to bring the barn up to code. Each point being inspected as it's completed. So, again...

Mr. Apicella: I appreciate that. Again, some of these things may or may not be consistent with the Building Official. I'm just trying to understand, again, for the ones that I don't see mentioned, because I'm thinking of potentially a barn upgrade as sort of a condition, I just want to be sure that if we go there, that you don't necessarily see any issues as long as the Building Official would have no issues or concerns with it.

***Board of Zoning Appeals Minutes
August 22, 2017***

Mr. Palmer: It's acceptable, yes.

Mr. Apicella: Okay. And I'm just thinking, what is... there would be windows obviously in the barn. Would they also have some kind of, you know, sound...

Mr. Palmer: Insulation? Yes.

Mr. Apicella: Well, not insulation, but you can get windows that have some attenuation based on the way they're, you know, manufactured.

Mr. Palmer: Yes.

Mr. Payne: There's a recommendation for that.

Mr. Palmer: Which we've agreed to.

Mr. Apicella: Again, the traffic management condition we talked about previously, and my words were traffic management commensurate with the size and scope of the event. That would be something you'd be okay with?

Mr. Palmer: Yes, and I think that included bringing people in to get people off of Stefaniga Road and get them parked. I think we determined that would be no more than 3 people.

Mr. Apicella: I'm not going to... because again, each event is going to be different so.

Mr. Palmer: I understand. I'm just trying to answer your question accordingly.

Mr. Apicella: I appreciate that. I wasn't clear... I kinda heard there might be air conditioning in the barn? You mentioned utilities but, as you well know, unless it's specifically mentioned in a condition, we can't hold you to it. So, if part of the mitigation is keeping the barn doors closed as Dr. Ackermann mentioned, you're going to need to have air conditioning in there. So, I just want to make sure that's going to be something we can also hold you to.

Mr. Payne: And I've got clients with similar facilities, actually larger than what's proposed here, and they have the electric air conditioned inside and several of them (inaudible).

Mr. Apicella: Right, I'm just again thinking of that as a potential condition.

Mr. Payne: If they don't have it, they're not going to get any customers. That's for sure in the summertime.

Mr. Apicella: I gotcha. And I think I heard some concern about the port-o-johns, so the port-o-johns would be removed within two or three days after the event? Three days after the event?

Mr. Payne: He believes they'll be removed fast than three days. They'll be used for the events for the weekend, you know, obviously and they'll all be subject to applicable to Department of Health and County requirements as to the sanitary conditions of those and the removal of the same. There is a requirement by the County and the Department of Health that must be filed for temporary facilities like that.

Board of Zoning Appeals Minutes
August 22, 2017

Mr. Apicella: Do we know what those are, just so... I mean, can we put a condition in that says by Tuesday? I mean, that would seem reasonable.

Mr. Payne: Well, if you're renting them, you know, typically the vendor would have the responsibility for the control of that, if you're renting it from them. If they own it, they have the same responsibilities... applicable code, I don't have it with me but there is an applicable ordinance.

Mr. Apicella: We can be more restrictive than the code though, right, in terms of setting conditions? Is that correct?

Mr. Payne: If you want the temporary facilities moved each weekend, I don't think that's a problem, after the weekend events, sure.

Mr. Apicella: Right. I would just suggest, Mr. Chairman, maybe after you ask your questions, if folks have other conditions that they're thinking of since we have the applicant and their agent up this might be a good time to kinda bring those up.

Mr. Grimes: I would agree, and we've been keeping a list as we've been running along. Is there any other development conditions that any of the other Board members might suggest if this were to move forward?

Dr. Larson: Mr. Chairman?

Mr. Grimes: Yes sir.

Dr. Larson: Excuse me. I believe it was the sound engineer sent an email with recommendations and I think one of those was that the speakers must be placed greater than 10 feet from the door? Which probably isn't an issue but am I correct in that?

Mr. Payne: Yes.

Dr. Larson: And then I think we, I'll just say it explicitly, and then all barn doors and windows would be closed during the event. Those are the only two that haven't already been discussed, or one clarification there.

Mr. Grimes: So, Mr. Palmer, in the Hush report, the possible upgrades, am I hearing correctly that you would agree to comply with and actually execute all of the upgrades noted?

Mr. Palmer: We would. That's a recommendation from our sound study engineers. We will comply with those and we will comply with bringing the building up to code for the architect's recommendations and plan submission.

Mr. Grimes: Okay. Any other...

Mr. Palmer: And we will widen the driveway if that's (inaudible).

Mr. Grimes: Yeah, I mean, there's been a whole list of possible development conditions and really what we're trying to do is take your temperature on yes or no if we added those.

Board of Zoning Appeals Minutes
August 22, 2017

Mr. Palmer: I think we're in agreement with all those conditions. We good? Okay, we're in agreement with all those conditions.

Mr. Grimes: Ms. Brown?

Ms. Brown: Yeah, one that I would like to add and I don't remember if we discussed this at a previous meeting, but fireworks? Um, I would like to have a condition of no fireworks. I'd hate to have, you know, Friday, Saturday, and Sunday night every weekend we're having fireworks going off in that quiet subdivision.

Mr. Palmer: Did you say firewood or fireworks?

Ms. Brown: Fireworks, I'm sorry.

Mr. Payne: I think fireworks are already illegal in Stafford County as it is.

Ms. Brown: Well, it depends on what kind; not all of them are. You know, rockets, yes, but, you know...

Mr. Palmer: Well, let me answer that question. We have to stay within the noise ordinance, which we've agreed to. And as far as fireworks go, those types of fireworks require a permit and a permitted shooter in this County. So no, that will not occur. We will not have fireworks. That was a discussion we had in the second meeting and I think I dispelled that discussion at that time.

Ms. Brown: Okay, so you would agree to no fireworks as a condition.

Mr. Palmer: Right.

Ms. Brown: Okay. Well, not all of them are. Just the rockets... the rockets are.

Mr. Palmer: You're concerned about noise and downrange safety and that's something that we agreed that we wouldn't have. It's something the County does not allow.

Ms. Brown: And I just have another quick question. Mrs. Palmer mentioned this and it brought to mind. So, you're not planning on having weddings in the winter? Because I noticed when I was, you know, going through websites of the other venues in the County, it was Glen Gardens or Glasgow, I'm not sure, they were having winter weddings. They had a lot of pictures of the bride and groom out in the snow and so that is not your intention.

Mr. Payne: Well, I think they stated that certain times of the year there's less of an interest for weddings; I think that's what they've stated.

Ms. Brown: But you would offer though if somebody requested?

Mr. Payne: They didn't specifically exclude any period of time.

Ms. Brown: Okay, so you're not going to exclude winter weddings then? So you'll be doing weddings year round if asked, is that...?

Mr. Payne: If the market's available, sure.

*Board of Zoning Appeals Minutes
August 22, 2017*

Ms. Brown: Okay, thank you.

Mr. Grimes: Any other questions for the applicant, comments? Yes sir.

Dr. Ackermann: (Inaudible) that condition that I was asking about, about that the adjacent (inaudible) property will not be developed?

Mr. Grimes: I did have that on the list and I think that Mr. Palmer said that he was amenable to that.

Mr. Palmer: That was a reasonable submittal, that is correct, in reference to the wedding venue.

Mr. Grimes: Alright, are there any other questions for the applicant before we move on to public comments? Hearing none, thank you all. Thank you for your patience everyone. Any member of the public who wishes to speak in support of this application please come forward. Seeing none... oop, I'm sorry. Nobody wanted to speak first; I should have waited. Come down the middle and line up and just que up and we'll get you in order. Be sure to state your name and address clearly in the microphone.

Ms. Dittman: Good evening. My name is Judy Dittman. And I've been there at that address for 33 years, so I've been there basically since before Stefaniga Road became Stefaniga Road. I was there when it was a route, a rural route number. And I was there before Seven Lakes and I was there before The Glens and I was there before The Ridings, and all the other subdivisions around us. And I have seen more changes than probably most of the people in here, except for a few... Mr. Gibbons. And I think this is a wonderful thing that Mr. and Mrs. Palmer are trying to do. They're trying to bring in a small business and keep it local, keep the money local, help out young people who are just getting started with little funding and... because some of those venues... and I know because my daughter just got married at the Glasgow Farm two years ago and that was before they had a concrete floor in it. And for her wedding, that was part of a wedding gift from an uncle was putting a concrete floor in the barn so they could dance. And so it was a wonderful venue. We did have a fancy outhouse and it was better than mine in my home. It was marble and smelled great. It was very costly because they do bring it in on a trailer and it's very nice. It's air conditioned. It's music. And they tow it away the day after the venue... or the ceremony. And it was a wonderful event. It was comfortable and I've received more compliments on how easy and fun it was because it wasn't a stuffy place, it was out in the country, it was, you know, on their beautiful farm. I don't know if you've all been there. In fact, I don't know how many weddings you all have been to, recent weddings, because the venues we looked at, the driveways to get into these country venues are much smaller than Mrs. Palmer's. And all of it, all of it, it's just... if you're going to pay for something a little bit better, it's going to cost you a lot. And I commend the Palmers for trying to do a startup like this and bring something new to the County. And I'm sorry that the neighbors around us aren't supporting this, this small business. You know, it's a local family, they've been here almost as long as we have. In fact, my in-laws have been here since the 60's, so they saw Stefaniga Road get blacktopped for the first time. So, I think that the locals should come together and embrace this thing that they're trying to do, not push it away and say, oh, you can't do that because if had said that when they started taking out trees for Seven Lakes and for The Glens, then they might not even be here. And I think that's fair in saying that it should be embraced. That's all I'm saying. It should be welcomed into our community and into Stefaniga Road. It can't get any worse, that's for sure, you know. And it's a weekend thing and that's what's nice about it. It's not going to be Monday through Friday; it's the weekends where there is very little traffic on the roads. So, that's all I have to say. Thank you.

Board of Zoning Appeals Minutes
August 22, 2017

Mr. Grimes: Great, thank you. Stacie, are you getting that? Do we need to move the microphone a little closer to the middle? Are you getting that? Okay, I just want to make sure.

Mrs. Bruge: We're actually Mark and Katie Bruge. We're actually small business owners here in Stafford; we own a florist, so we have a definite... we would love to see them come into the community. There are not a lot of wedding venues around in the Stafford area. You usually have to go down towards Fredericksburg or up towards Prince William County. And in the North Stafford area, we have the Glasgow Farms, we have Potomac Point Winery, and you have Rock Hill Church Plantation. And if you've been out to these venues, you can see that, especially with Rock Hill, they have a... it's a one-lane road into their plantation. The driveway flares out a little bit to allow a car to come in and go out, but it's a one-lane in and out of there.

Mr. Bruge: You're not only benefitting them, you're benefitting us, you're benefitting your hotels, you're benefitting your DJs, your caterers. This is bringing more revenue...

Mrs. Bruge: Your nail salons, your hair dressers...

Mr. Bruge: ... are all benefitting from this service, okay. And so you're bringing that revenue into the County which is where you want it. So, this is only going to help the County more than anything and hurting. As another point, just as some of your concerns, one of them was fireworks. I would...

Mrs. Bruge: Sparklers are a big thing with a lot of the venues.

Mr. Bruge: Sparklers are a big thing now. I agree on the whole shooting of fireworks, but if you're saying fireworks, sparklers are included. That means they couldn't do sparklers. So you may want to at least specify what can and cannot because a lot are doing sparklers now instead of throwing rice because throwing rice the birds eat them and then that causes problems. So, you know, they're doing those things. So, just some of those things to think about as you're going through those things. This is a great opportunity for Stafford. This is a great opportunity for your other businesses in Stafford. And this is something that should move forward.

Mrs. Bruge: And a lot of the people may not know also is a lot of the hotels in the area, they offer shuttle services for the families who are having the wedding at the venues, no matter what venue it is in the area. So, there may be even less cars that will be parked on the premises because the shuttle services run to the wedding and then after the wedding to get the guests back to the hotel. So that cuts down a lot on your having somebody behind the wheel of a car that may have been drinking.

Mr. Bruge: Or in traffic in general. Thank you.

Mrs. Bruge: Thank you.

Mr. Grimes: Thank you.

Mr. Maston: Hi, my name is Charles Maston and I live in Seven Lakes. I've been there since 1992. One of the first persons to buy in after it was taken over by the ROTC when it went bankrupt. So, I agree with everything Ms. Dittman, I have never met her before, but she's been here a very long time, I've been in Seven Lakes a very long time, and there were some concerns that I had about this venue. And when I went and talked to the Palmers at the library, they had addressed everything that I had heard negative about the venue. And I cannot emphasize what has already been said about the value of having this in Stafford County, the value that it would bring to the tax board, and bring in other people into

Board of Zoning Appeals Minutes
August 22, 2017

Stafford County. It's a plus. I don't see the negative part about it. As far as traffic, the traffic is not going to get any better. It's not going to be an everyday deal, it's going to be on the weekends. And I do not have any objections to it and I live in Seven Lakes.

Mr. Grimes: Thank you. Anyone else who wishes to speak in support? Seeing none, and any members of the public who wish to speak in opposition of the application, please come forward.

Dr. Ackermann: Mr. Chairman, he raised his hand for in support.

Mr. Grimes: Oh, I'm sorry. Give me a moment. Yes sir?

(From the audience): I was just wondering if it would be in order, since those of us who spoke the last time cannot speak this time. In order to get a sense of the meeting here tonight, would it be possible maybe to have a vote of everybody here tonight, one way or the other, on the project just so you know how the majority feels since those of us who spoke last time cannot speak tonight.

Mr. Grimes: It's quite possible that we may ask for, at the end of all the speakers, for just a quick hands up/hands down. I will take that under consideration. Alright, yes sir?

Mr. Valentino: My name is Roger Valentino. I'm here representing a group of concerned citizens from four neighborhoods; Seven Lakes, The Glens, Hunters Pond, and Christy Estates. So we have residents of all four neighborhoods that have voiced concern. If I may take a moment, I'd like to just hand this over to staff. I have one for each Board member. So the document that I just handed out was, the second page is a photograph and the first page is a photocopy of the applicant's petition that they went around to gather support. You folks already have a copy of that petition. I have to put my glasses on. And I'm going to address that in just a minute, why I'm asking you to hand it out, okay. Um, we're obviously opposed to this special exemption called out in the document... as called out in the document we've already submitted, and I assume all of you have had a chance to read the document that we've submitted along with the petitions. And I assume if you have any questions, you'll bring them up in a minute. I do want to point out that the document was submitted with 102 signature petition, the GIS map showing what we understood per the last meeting the wedding venue plans which was an outdoor tent with music, and that's what we focused our attention on for the last meeting. Um, and a traffic accident report on Stefaniga basically outlining that, you know... showing that it's already a very dangerous road. Um, the first thing I need to point out, is the document I just handed out goes to the core. There are two significant issues here. Obviously we're concerned with the noise and the safety. But the two significant issues here that the neighbors are very, very concerned about is, um, the lack of preparation of a viable presentation to the Board in a timely manner. Um, when we came here 90 days ago, the Board in my opinion gave the application and everyone in the room very clear marching orders. Not orders, but a very clear direction; an opportunity to come back with a plan. Um, a clear plan, um, this is what we're going to do, this is how we're going to do it. Um, and so my docu... my speech tonight is really addressing many of the questions that are still remaining unanswered. Um, appreciate the unanswered questions... you'll have to excuse me because I don't have a list of the conditions that you folks have been keeping track of. So, as the public, we don't really know that so we're... some of my comments may have been addressed earlier in the presentation. But they were only addressed this evening or earlier today when I was able to get copies from staff of what was being presented to the Board by the applicant and by the applicant's attorney, okay. Um, when you started the meeting, sir, you specifically said, we ask to be able to review documents ten days in advance so if we have any questions or any issues, we can be well prepared. Well, those documents would have been useful for us to review as well. But they weren't provided. The applicant had 90 days to prepare something of substance. And my argument this evening is, we don't have anything of substance, thus the Board does

Board of Zoning Appeals Minutes
August 22, 2017

not have enough information to base a positive decision for the application on. Um, as I said, the first document I passed out speaks to one of our concerns. Um, the applicant did not know to apply for a permit to put a permanent sign with their business name in the front of their yard. The sign does not say come to a group meeting; that's a separate sign. That was put in a different place. In that photo, you see the sign simply advertises a business that is currently not legal to operate on that property, and there was no... no permit pulled. I checked this last week. I've been checking it every day. Many of the applicant's answers to the questions that have been posed over the last three meetings have been, we will do what the code requires. We will follow those rules when we find out what they are. We will check into that. We'll talk to VDOT, we'll talk to this, we'll talk to that, and we will do what is required. Step one, day one, they're exhibiting behavior that says they're not going to do what's required, regardless of how many conditions you put in the document. And, um, I just wanted to bring that to your attention. So, I went through the transcript of the last meeting and, um, as I said, we feel very strongly that a lack of details in planning will translate into a lack of control in operating the business, okay. We've talked about... we've heard about a lot of other people are going to be responsible for things. Are you going to have an amplifier? Is the DJ going to have an amplifier? Who's going to monitor the sound? All these things. You know, with about 10 minutes worth of research I found out that it's very easy to buy some hardware and software that cuts off the sound when it goes over a certain level. And if I were an applicant and I was standing in front of the Board trying to sell my idea, that would have been included in my package, okay. I'm getting off my notes but... and I apologize. Um, another example is we've talked about the barn this evening. It's the first time we've really talked about the barn. The applicant submitted a package that said this is what we propose as the barn upgrades, okay. Ninety days ago we talked about the barn and they said they would come back with barn upgrades. These are soundproofing upgrades that they've proposed for the barn. It's not a... it's not an architectural study. It's not a big building. It's 1,500 square feet. To do a layout from an architect for 1,500 square feet, if you tell them we're going to have 90 people in there max, you're going to have a layout that shows you how many restrooms you need, what your air conditioning capacity is, what the BTU's are going to generate. You know, all... none of these... none of these have been addressed. All of these are we'll figure out when we get there. And that makes our neighbors, all of us neighbors, very, very nervous, okay. You know, we've talked about parking. And then... you know, I went through this and I documented the minute... the hour and the minute that things were asked for and things were never delivered. And I'm just going to go through a few of them. Um, you know, we talked about the following examples of information requested by the Board, not prepared... not provided or clarified by the applicant, again, excluding what was brought here tonight. The barn upgrade. Again, we have no evidence was submitted on this to suggest the applicants have researched applicable building codes, let alone to plan to upgrade what are the existing conditions that they plan to upgrade. Response to ADA... questions about ADA accessibility. The response last meeting was maybe mulch, maybe pavers or ramps. Um, no further information about this has been provided to the Board that the public has been able to see. The applicant stated that three parking attendants would be provided in the event. Maybe this isn't part of the new conditions, but as far as we could see, the applicant has not addressed this in any documents to the Board. If I were the applicant, I would have come back with a bullet by bullet, everything you asked for, this is how we're going to do it, this is the diagram, this is what it's going to cost, and this is our business model. Um, I'm trying not to run out of time trying to go quickly; I have a lot of information. Um, applicant stated that three parking attendants would be... okay, we've covered that. They've stated that's part of the conditions. Applicant stated not intend to have concerts. Again, there's been no documentation put back to the Board that the applicant says we're not going to have concerts. Applicant stated the middle lot would only be used for wedding activities. Again, as of this morning, applicant had not addressed this document... or documented this to the Board. And we've talked about it tonight, so this is all new news that the neighbors have not been able to review before this evening's, um, meeting. Um, applicant did obviously reduce the number of guests and we understand they've done that this evening. And they've reduced the operating hours. Applicant stated that no cars would be... Oh, here

Board of Zoning Appeals Minutes
August 22, 2017

we go. Applicant stated no cars would drive over the septic tank or well. Then they stated they would construct a fence to prevent this from happening. As of right now, this moment, no plan for a fence was submitted to the Board nor has a fence been mentioned in any documentation submitted to the Board, okay. This was a fence to prevent people from driving over the septic system. Speaking of the septic system, does the land perk for the additional restrooms needed in the barn? That's not a small question. These are all basic questions that someone starting a business and presenting a business plan to someone, you would have these answers. We feel that, and I'm not trying to say this in a disrespectful way, but we feel that this plan is way too much seat of the pants and too much unknowns and we'll abide by the rules whatever they are. Just let us get past this meeting and approve us and then we'll go along and abide by the rules. That's what concerns us as neighbors. There's so many out there. I addressed the sound mitigation and tracking the sound and being able to cut things off. Um, again, same thing for trash pickup. Trash pickup was asked about at the last meeting. Applicant has not given any significant answer to that. They said, we'll take care of it. What I would have done? Show industry standards from local catering companies. How do they handle it? This is ABC catering company and part of their contract is they take away the trash, that's how it's going to be handled. Nothing like that has been presented to the Board so you can make an educated decision. This one's kind of interesting. Applicant submitted... I'll wrap up quickly, I know I'm over... Applicant submitted to the BZA a document called a Collateral Revenue Distribution, which I've never heard of in my life. In that Collateral Revenue Distribution, um, it states... excuse me, at last meeting the applicant stated that they do not expect to have two to four... more than two to four events per month, at best, we'll see. All these are quotes from the last meeting. This speaks... this speaks to the applicant, we'll figure it out as it goes approach to this business. But in this revenue forecast that they're saying, County, this is how much money you're going to make, the applicants bases their figures on eight events per month for eight months. So all of these tax forecasts that the applicant says this is how much the County's going to get, well that's based on a number larger than what they're saying when pressed, well what we're really going to do is a different number. So when you present numbers to someone as a forecast to say how much money they're going to make, you kind of want to be on target and you don't want to have two different stories. Um, again, I'm going to wrap up and I appreciate you indulging my time and everyone's patience. But the applicant had 90 days to get something back to the Board, 76 days to get a comprehensive plan clear business model back to the Board so you can make an evaluation. Aside from the sound, aside from the traffic, aside from a lot of things that other people are going to discuss, um, we don't see... there... there... there... there isn't a plan. And my concern is if they check this box, pass go, get their \$200, that many of the other things that need to be adhered to will not be adhered to. And that will fundamentally change the nature of our community and... and... and it's going to put the policing on us. It's going to put... I'm going to have to go buy the sound meter and mounted on a tree on my property line. We're going to be the bad guys. It's going to put the policing on us. So, respectfully, thank you very much for the time. Does anyone have any questions? Okay, thank you.

Mr. Grimes: Thank you.

Mr. Darling: Hello Mr. Chairman, Board, we are Bob and Angela Darling. We are literally 1,000 feet behind the property in question this evening.

Mrs. Darling: We are very concerned with the sound and the noise, but I think the safety of Stefaniga Road, I think that piece, that parcel is right in front, happens to present a lot of challenges and blind dips and blind spots. And I think that if there were to be a backup in that area, it would be pretty detrimental. There are a lot of already dangerous spots in Stefaniga and I think it would just worsen the problem and worsen the issue. One item I wanted to bring up, some of the speakers have brought up the need for a wedding venue; how this will be beneficial. That might be the case, but I don't think that this particular piece of land is the right location for it. The other properties, the other wedding venues might have

*Board of Zoning Appeals Minutes
August 22, 2017*

more rural setting. I happened to pull up Glasgow and it's surrounded by other large farms, not a densely populated residential area. So I think we feel that it would change the nature of the surrounding area. We are, um, if you can see, and one of the Board members asked about other neighborhoods, as you know, Stefaniga is a major thoroughfare between Mountain View and Poplar Road, and on the way to Route 17. But it is not just The Glens and Seven Lakes and Hunter's Pond; there's Millstone at the Glens, the Ridings, and all the other neighborhoods that would be leading off of 17, Poplar Road I know. People that are on... in Poplar Estates, Christy Estates, they are also using that strip. So...

Mr. Darling: And I would just like to say that we are both business owners. We are very pro-business. This has nothing to do with the entrepreneurial spirit of the Palmers. But I will say, Mr. Kim, when we were here last time, you said do your due diligence. We don't think that was done again this time. Mr. Ackermann, when you talk about having a rock band in your family, you know firsthand that noise. The doors were closed. There's no heating. There's no air conditioning. They didn't take into account the foliage. Now they want to have winter weddings if available? Well, what happens if the trees have no leaves? Where's that measurement? The sign wasn't done according to ordinance. We didn't do the sound test correctly according to Stafford County Code. We just don't know so much about this business and we don't think it's the right business for an A-1 zone surrounded by hundreds of people that live in this area. Thank you.

Mrs. Darling: Thank you.

Mr. Grimes: Thank you.

Mr. Kim: Mr. Chairman, can I just mention one thing about the signs? Since I looked it up? Temporary signs that are 32 square feet and 60 days don't need permits. And if it's a 6 square-foot sign, you don't need a permit at all. If you have anything bigger than that, you can apply for a permit. Just so we know about permits. It is, it is.

Mr. Grimes: Again, I think that's better left for the...

Mr. Kim: I know, I know, but they're throwing that in as what they're not doing. And I just want to throw that out there.

Mr. Grimes: We can discuss that when it comes back to the Board. Go ahead, I'm sorry.

Ms. Albritten: Hi, I'm Yoland and this is Algen Albritten. And I just want to say I'm concerned about the safety. I drive down Stefaniga every day and usually, and probably some of you know, there's always somebody on the opposite side of the road. The road normally it's almost accidents so I'm concerned for that safety. Also, as the noise. As a homeowner here, I do work up north but I came to Stafford because I'm a Tennessee girl by heart, from Nashville, and I tell everyone the reason why I'm in Stafford County is because when coming back here, I have the advantage of things on the main road on 610. But when I turn down the road down Stefaniga, I have that country feel. I like to sit on my porch, on my back porch, and listen to the crickets. With something going on 64 weekends, let's say, out of a year, I'm not going to have the peace that I have now. And it maybe sound a little selfish, but this what Stafford... that's why we came to Stafford in 2000, because of the country feel. And I just want to keep it that way. We know that there are expansions out there with the subdivisions, but that was for growth. But we're talking about a venue that can be placed elsewhere. The entrepreneurial spirit is great, but on Stefaniga with the noise, you have a population of three or four subdivisions out there, I just don't think is a good idea for the feel of Stafford and for the peace of all people in the subdivisions around.

Mr. Grimes: Thank you.

Mr. Goodrich: Mr. Chairman, my name is Dale Goodrich. My wife, Susan, and I live in Seven Lakes. And at the beginning of our conversation tonight, sir, you asked Mrs. Musante to review for us what the BZA is here to do. And what we heard her say to us is that no special exception shall be authorized by the BZA unless it finds that -- and then a laundry list of things. And one of the things that jumped out at me was the last bullet, and I'm reading from your website here, the use shall not tend to change the character or established pattern of development, quote unquote. We've been talking about a lot of things tonight that are quantifiable or at least you're making an attempt to quantify the aspects of this application. And you need things to measure so that you can make an informed decision. But, intent, character, you know, established pattern of development, to echo what the last couple said, that's why we moved here. We kind of wanted to get off the beaten path and this is bringing the beaten path to our door. And I'm concerned not only about what the affect is going to have on the overall intent that I attempted to capture when I bought my home, but I've got to sell my home someday. Probably pretty soon; my wife and I are so close to being empty-nesters we can taste it. So, I am interested in the property value with a business now plopped in my backyard. And again, I'm not opposed to small business; I'm very pro-business, in the right place. And that is the basis for our objection to this application. Thank you.

Mr. Grimes: Thank you.

Mr. Smolinsky: Evening Board, thank you. Frank Smolinsky. Several of you have mentioned that you have driven Stefaniga over the last few days. I hope you did it at night and not in the daytime. I can testify to being personally jarred off my sofa several times at night to the crushing of metal as cars have collided head-on and into the tree which is now cut down, but the base is still there, at the corner of Ruffian Drive and Stefaniga, and rushed out there in the dark in the middle of the night and found injured people lying on the road. It's not a pretty sight. It is a dangerous road. It's a dangerous road in dry weather, never mind the winter and the rain. And that needs to be considered when you bring people to that road who are not familiar with it, maybe drinking, maybe not, but still have to drive it at night at 10 o'clock on their way home. And I think that should be considered. And I finish with one question to you, which is, if we approve this tonight, for 95 people, how long do they have to wait before they can come ask for a larger number and get a waiver to expand after you approve it?

Mr. Grimes: Thank you.

Mr. Maher: Hi. Mike and Barbara Maher. Two points for the Board to consider, and then a closing point that addresses Mr. Kim's earlier comment. The first point is with regard to the noise. There has been a lot of focus on the bands, but clearly in the information that's been provided tonight we've heard a lot about generators, we've heard a lot about portable lavatories and restrooms, that are going to require generators most likely. We heard about, you know, air conditioned facilities that are in large trailers. Those weren't necessarily provided to you in any way. You didn't hear any information that indicated how much information and how much noise that would be generated. So, I think it's important to recognize that. The second thing I think we have to recognize here in terms of noise is with regard to the large trucks. We're going to have a lot of vendors that are going to be coming in there. Those are at the bride's discretion I think the Palmers have indicated. So with that large volume of trucks that are going to be coming in there, it's unreasonable -- c'mon, let's be reasonable here -- it's unreasonable to think that 50 cars is what we're going to be seeing every single weekend. Because you're going to be talking about a lot of traffic and a lot of large trucks. To the gentleman's point about widening the drive... the access to the driveway, I think that's a really good point about the stacking of

Board of Zoning Appeals Minutes
August 22, 2017

traffic. Even if you widen it, turning left off of Stefaniga into that... into that facility is going to stack traffic. So, I think that that's an exceptionally, um, point... important point. Further to that is the narrow time window that we're going to have that you're going to see this traffic that's going to be focused here. You're not talking just between 8 and 10, although there will be an increase in volume of traffic. But the narrowing of time, probably between, what, 5 and 10, when the guests start to arrive, vendors start to show up, businesses that are anxious, very anxious we've heard, to get a piece of this puzzle, it's unreasonable to consider that we would have just 50 cars added to that point. Final two points on the traffic. Um, one, Mountain View High School is right around the corner. Anybody that has tried to leave Stefaniga and turn left onto Mountain View on a Friday night after a football game or after a basketball game, will certainly appreciate the dangers that a decision like this could... in favor of this could create for the County, for all of us. I think we have to seriously, seriously consider the volume of traffic in a very narrow, narrow window. Um, and then kind of the last thing that I wanted to address. Mr. Kim kind of hit this up front when he asked the Palmers, and I think it was a really good point. He said, so, why do we have so many people here? What's going on? What's... what... why is this? And you've heard a couple people talk about this. You're talking about putting a business into... sandwiched in between two very large neighborhoods where people went so that they could enjoy the 3-acre sites, so that they could enjoy the secluded woods, so that they could appreciate the reasonable facility of their homes. It certainly would change that. It would certainly change their ability to enjoy that. And I think a gentleman even mentioned the cost... the home values of home. We don't know where that would be. But it would change the reasonableness of those two neighborhoods. And I think we ought to seriously consider that. Thank you for the time.

Mr. Grimes: Thank you.

Mr. Colon: My name is Samuel Colon. This is my wife, Maria Fernanda. The first time I came to Stafford was in 1982. And one day I said I would like to come to Stafford and retire. I apologize for not being at your meetings. I struggled to get to this meeting and I apologize to all of you for arriving late. I heard some things about a sound study. I'm assuming that was done with a lot of leaves.

Mr. Grimes: If you could speak into the microphone.

Mr. Colon: I'm assuming the sound study was done recently and not when the leaves are down. I didn't hear anything about a traffic survey done by VDOT or Stafford County Sheriffs. I heard about stuff being in a barn, but then I also heard about port-o-potty. Have you ever been outside a barn and when the door opens somebody go to port-o-potty and music playing inside? I have two daughters; I'm here representing my wife, my two daughters that live with me. One's 17 years old and going to be a senior in Stafford... I mean in Mountain View High School. And I am concerned about the traffic. I drive that road at night. I hope you all drove that road at night to see what it's like. It's a very dangerous road. It's more dangerous when it rains and ice. There's no lights there, okay. So I am concerned about my daughter's welfare. I'm concerned about traffic. I'm concerned about noise. And I live on a 3-acre... 3.1 acre and I apologize, I don't pay as much taxes as other people do. I pay very little taxes for my property. In 2004-2005 I spent 13 months in Iraq, a place called Fallujah. After that I came and moved to Stafford. Halfway through a year in Afghanistan I asked my wife to look for a place that the neighbors weren't so close, okay. I remember telling her to take a look at The Glens. I remember going by there one time and saying I would love to live here one day. And it was a dream of mine and my family's. We met that dream and we have our home, and then I come here tonight and I see... and I apologize for not keeping up with everything, but I saw that map and how close my property is to where your property is, okay. I'm at the end of a cul-de-sac. You can see where my home is. And I have no problems telling this, but my main concerns is, number one... that's not my number... my main concerns are traffic, noise, but my number one concern is the health and safety of my family and my

Board of Zoning Appeals Minutes
August 22, 2017

own health and safety. I am 100% (inaudible). And the reason I bought that home because I like quiet. I like neighbors being (inaudible). And I didn't hear nothing here tonight that's going to guarantee that somebody's not going to walk through those woods and end up at my front door, okay. I don't think every Sheriff in the County can stop that. And the noise mitigation -- put up a wall like you see on 95 to mitigate walls, okay. Put security there. You're not going to guarantee you're going to keep somebody from, um, walking onto my property. You're not going to guarantee me that a drunk driver's not going to hit my daughter when she's coming back from a football game or an event at her school. So that's why I'm strongly against it. I'm for you doing a business, but not so close. And I'm sorry I haven't been a resident here for 30 years and I don't pay as much taxes, but I'm concerned about something that hurts my health and welfare and the health and welfare of my family and my daughters. And I haven't heard anything here tonight that's going to guarantee that. And I think that's somewhere... somebody mentioned that and I deserve that right too. Thank you for your time.

Mr. Grimes: Thank you.

Mr. Hamill: Mr. Chairman, members of the Board, my name is Graham Hamill. I'm a member of the Seven Lakes HOA Board and as such I'm very concerned about the property values and the recreational... the use that... and the enjoyment that we get out of our property in Seven Lakes. But my reason for opposing the granting of this variance is more personal. I have three sons; one will start driving in 3 months. The second will start driving in a year and a half, and the third will start driving in 4 months. I don't relish the fact of those three boys, young drivers, sharing the road potentially 96 times a year at night with 50 other vehicles, at least 50 other vehicles, leaving that venue after dark, those people potentially inebriated, not familiar with the area and in a hurry to get out. For the health and the safety of my sons and for everyone else in this neighborhood I ask that you strongly consider the traffic management strategy that they've put forth and the fact that they're going to be dumping out 50 cars almost simultaneously after dark as often they are on Stefaniga Road, which does not have proper sight lines and will not have a turn lane for them to utilize. Thank you.

Mr. Grimes: Thank you.

Mr. McPherson: My name's Mike McPherson. I live in Seven Lakes. I was here at the last meeting; I didn't speak last time. But I share the same sentiment from the last meeting and this meeting; a lot of good speakers here. And I feel that the use of the land today is largely residential. None of those other things that permitted rights... by-rights use is out there. I mean, I don't see any cemeteries when I drive through. There might be one out there or something, but it's quiet. And, you know, quiet's important to me. I don't... I mean, I don't have to deal with a lot of vehicles coming through. I mean, it's just the people that live there. And now we're talking about changing that. We're talking about putting a business there, a full-fledged business. And I'm against that because it's all residential. Yeah, it could be some other things. You could have a B&B there, and we do have some people renting. Yeah, but you don't see it. No signs. There's no businesses. And if we change that, it's going to change my enjoyment of driving through the neighborhood, of going home at night, and I don't want that to change. The arguments that were put forth by the applicant, you know, they're making a strong case. They're going to put it in the best possible light. They're going to exaggerate some things. They're going to take, you know, hey, you know, I did the search and I couldn't find anything. It doesn't mean it's not there. Um, the sound argument, you know, I'm sure I could find... do a study and make a case where the sound goes further. All these noise details, they're not really important to the community, they're not really important to me. What's important is how the land's getting use and what am I going to expect to see tomorrow or the next day. What happens the year after that? What happens when we say, okay, we want another business to come in? I don't want that. I want it to stay residential. I want it to stay the way it is. And that's why I make this case. I guess I still have a minute left, so, um, you know,

Board of Zoning Appeals Minutes
August 22, 2017

logistically... logistically there are all kinds of holes in the business case. I mean, you can poke holes in it all, you know, all... from a number of different avenues, like the barn doors. I mean, you can't keep the barn doors closed all the time. You're going to have to open them. There's going to be traffic in and out; they're not going to stay closed. The sound's going to come out. You can talk about the traffic. We've heard a lot of talk about the traffic and the safety concerns. I share those concerns. I don't want to see people speeding through there, not really, you know, recognizing the dangers on the road and then finding themselves in a tree or just blocking the road. Maybe they don't get hurt. But there's going to be injuries over time. I don't want to see that. I want to see that stay the way it is. We already have enough trouble with Stefaniga Road. I want to see the, um, the land stay the way it is and I want to see the community enjoy the land... I mean, to me, I've got very sensitive ears. A little bit of noise goes a long way with me. I live far away, but I can hear the ball games, I can hear the people mowing lawns. When I want to listen to music, I put my head buds in and if somebody else is playing music, I can't even enjoy my head buds, that's how sensitive my ears are. So, I don't want to hear a wedding venue every weekend, weekend after weekend. So that's pretty much my case. Thank you.

Mr. Grimes: Thank you.

Mr. Huber: My name is Scott Huber and my concern stems from the safety along Stefaniga Road as well. I think there's a lot of attention that's been given to traffic management going in and out of the venue and on the premise of the venue, but my concern is between Poplar and Mountain View. And I think unless the County is ready to do some road improvements, then Stefaniga Road is just... it's not really designed to handle the amount of traffic it has now, much less, you know, an influx of 50 plus cars trying to navigate that road at the same time. So, that's all I have. Thank you.

Mr. Grimes: Thank you.

Mr. Rodriguez: Good evening Chairman, members of the Board. I concur with everybody that just...

Mr. Grimes: Can you state your name and address?

Mr. Rodriguez: Oh, I'm sorry. My name is Steven Rodriguez. My issue is today is that I do agree with everybody that's against a small business coming into our neighborhood. It's a neighborhood. It's not commercial. And I do support small businesses. I'm a business owner myself. I'm starting just like they are and, at the same time, going to DC every day. You know, that I need a break on the weekends especially. When school starts, traffic down that road is going to be a lot. Some days I think is supposed to be a traffic light, that's how bad it gets. And I understand that 50 cars you think is not a lot, but if the road can't support it, it's like having a hundred or a hundred and fifty cars going through. The waiting of that 5 to 7 minutes trying to get out of that neighborhood already as it is. Just imagine when we have 50 cars going there on the weekend where everybody moved in that area to relax, get away from DC. I'm a budget guy; I know contracts, I know a business plan. And it'll be... if the Board members actually approve this plan, then you show that you don't need a business plan, a proper business plan, okay. Now, this is my first time speaking. So I have a couple of issues and concerns about money. In Seven Lakes we had to build a bridge to repair; it costs money. If the County has to pay to widen the roads, who's going to pay it? The taxpayers? That would be wrong because I don't gain anything about this business. So in my family or the income of everybody else in this place. Instead of them showing us a proper business plan explaining it, they show us slides to convince all the Board members to approve this plan, because it's going to give you more taxes. Well, I hate to say this; I pay taxes, okay, in Stafford County. So, if they want to pay my taxes, then so be it. If they want to pay everybody else's taxes, so be it. If they want to extend the roads 50 feet, so be it. If they want to pave the roads when it's needed because wore and tear, so be it. But it shouldn't be my dime or the

Board of Zoning Appeals Minutes
August 22, 2017

taxpayers' dime to pay for this because it's not a commercial place. It's a residential. So if I was a Board member on that... where you guys are sitting, I would be against it. And if you approve it, write me a letter -- I challenge you -- to write me a letter to let me understand why you approve it because I'm not going to let it go. Because this is everybody's quality of life. If you're going to mess with somebody that has ears sensitive or a veteran, I'm a veteran too, and I'm pretty sure a lot of people in that area is a veteran. So it's not the benefit of the people that lives in that area; it's only benefiting one person, one family. You remember that. So when you make that decision, that's what you're benefiting, one family, and you're not representing us properly. That's all I have. Thank you.

Mr. Grimes: Thank you.

Mr. Turner: Mr. Chairman, Honorable Board members, my name is Jeffrey Turner. For me, I'm not necessarily against this, but this is for me is a public safety issue. I'm going to try not to use the word I. I just want to use something that you all said. Mr. Board member, you made mention of a hump in the road. That hump is so dangerous that at night I don't drive up it because it's a blind spot which happens to be very close to their property. Also, across the street from their property there's a lot of big trees. That's the only part of Stefaniga where you definitely need to use your high beams. And I hope to see a lot of heads shaking behind me. So, I have a rule, my family has a rule. I'm married with four kids at home. At night, we don't go up that hump. We make a left into the first entrance of The Glens and we do that for safety. And we know this part of the road. There's three parts of that road that if you don't know, you need to stay off of it. There's not even streetlights on that road. The first one I'm sure you all can appreciate; who can forget that deep curve. And you know how often a fire truck's been there to divert us to go back the other way because someone went off the road? I've been living there four years. I've witnessed that three times. There's three entrances into The Glens if you're heading south from Mountain View. That first one is that hump you speak of sir. My kids actually love coming down it because you really hang ten going down. And the people in Seven Lakes can really appreciate it because when you see a car coming out, they don't move, because they know we're coming at a fast rate and we're not even trying. That's how steep that hill is. You bring 50 people out of there. Anyone turning right going toward Mountain View, they're not going to see the car coming up the hill. I drive a Yukon XL and my wife drives a little Mercedes Benz. You're not going to see her. God forbid an F-100 just come out making a right; you know, it's easy to go out over just a little bit into the median while that car's coming fast. Also, right there in that property, there's a water feature so deer love that. So my other fear, every day when I drive that, I know to be on my brakes when I go up that hump because you don't know what kind of animal you're going to meet. I don't mean human, I mean wild animals. Truthfully though, if you all... you all did a lot of stipulations. Sounds like they have a great business plan because the wedding party paying for everything. Can we stipulate that they get real traffic cops at 10 o'clock or whenever that thing is over to come and guide that traffic? Because I'm telling you, we live there. I understand no one... you all want to see businesses grow. So do I. I don't want to see hurt anyone, but dumping 50 people out on Stefaniga is a nightmare waiting to happen. And that's all I have to say.

Mr. Grimes: Thank you.

Ms. Thompson: Good evening, my name is Alice Thompson. I have two points, and one goes to Mr. Kim saying that they've done their due diligence. I am requesting that you throw out their petition. Are you aware that there are minor signatures on your petition? There's a family that has listed eight signatures. There are those signatures of their minor children, so those signatures should not count. There are supposed to signatures of property owners and you have three and four adults who have signed for one house, supposed to be an adult. However, some of us know that not all of them are adults so we feel that this petition from that standpoint cannot be used. The second thing is, is only 27 of the

Board of Zoning Appeals Minutes
August 22, 2017

signatures fall within the 1-mile radius of this property. To ask someone who lives two miles away to weigh in on is something going to impact them is unreasonable. If you live two miles away from anything, you really don't have a dog in this fight. You don't drive it, you don't know what it's like, and two miles away, you're never going to hear the noise. I am going to hear the noise. The thing is, I bring a different perspective than everyone else sitting here. I've only owned my home with my husband for less than a year. We came to Stafford and purchased a house based on zoning that we somewhat feel like is in agreement with all of you Board members. We based our decision on where to buy property on a residential area with certain levels of enjoyment. Your agreement to us, as Stafford County taxpayers, are that you will not change our ability to use our property in means that it was zoned and originally intended to use. If you vote tonight that you're going to allow this, you have broken your trust with me, one of your new members who moved here because it was supposed to be this great place. So between the petition, Mr. Kim, not being due diligence if you have minors signing it, correct? Right. If you have that, that they did not do due diligence, they tried to get one by you and then they want you to tell me that I cannot... you know, you're going to break your trust with me, that I no longer can use my property the way you and I agreed to. That's a terrible thing and I'm disappointed... I'm disappointed as a taxpayer, I'm disappointed as a homeowner, and I'm disappointed in my neighbors who are sitting here across from me, that you would do that to me just to get one more business in this area. And I know I speak for a lot of us in saying we've come here in good faith several times, we've been kind, we've been honest, and all we're asking is that honesty of how you want Stafford County Board of, you know, Supervisors to interact with the public, that we get the same due diligence and consideration. Thank you.

Mr. Grimes: Thank you.

Mr. Robinson: My name's Fred Robinson. I have a farm on Stefaniga Road that runs basically from Seven Lakes towards... about a half a mile towards Poplar Road. And I have some insights into the traffic problem which don't relate to what's been discussed before, which is really basically in front of the property and Stefaniga Road there. And I agree with everything that was said. But, once it goes beyond Seven Lakes, towards Poplar, it becomes very windy. And I was sitting there thinking about it, and I could think of at least six times that cars have run through my fences. And sometimes those aren't reported to the police because the car seems to back up and go away. But other times, like the guy whose license plate got torn off when he went through my fence, he got reported to the police. But, so I'm not sure the police statistics are accurate in terms of how dangerous that road is at that point. Now, VDOT has put up big fluorescent signs with arrows to show the curves, and we haven't had anybody go through the fence since they've done that, but somebody did clip off one of those signs. So, I can't think they've solved the problem entirely. The other concern I have is just the commercialization of Stefaniga Road with a business which is somewhat... which is pushing the boundaries of what's allowable. We have one there now on Stefaniga Road which is the old Stefaniga pallet mill. A pallet mill for many years, non-conforming use, then it went out of business and they proposed several other commercial type uses. Currently, the owner is claiming that he's got a home business there. He's a general contractor and he has a... he lives on one end of what was formerly a warehouse. But, as I understand it, he's only supposed to have three employees and I see a lot more activity than that. But my clear impression from talking to the zoning people is that you all can't police that. You just don't have the resources to make sure that he is, in fact, genuinely running a home... a home business. And now we're going to another business, commercial type business, which is on the edge again. They're going to run a... they're going to have all the barn doors and windows shut while they're operating. That's not going to happen. You know that's not going to happen. And so, we're... you know it's going to be a problem with entering and exit. You know there are going to be sound problems. And... and who's going to police all this? Frankly, based on my experience with Stefaniga Pallet Mill, I have no confidence that the County can handle that. And I hate to see this rural area become commercialized in this fashion. It's

Board of Zoning Appeals Minutes
August 22, 2017

sort of gradual turning it into a commercial street, what is effectively a country road and a very narrow and windy one at that. Thank you very much.

Mr. Grimes: Thank you.

Ms. Hunt: My name is Angela Hunt. My concern again... as well is the infrastructure of the... of the roads. I also have a young daughter that just got her license and is driving on those roads. And in the daytime it's dangerous, but nighttime is almost impossible. We actually try not to let her be out at night. But as we get into the school season and into games and activities at school, um, we are going to see her and her friends that will be driving. And myself and my family, I don't want to be more scared of driving at night when I know that purposefully we're going to have a possible event where people will purposely be consuming alcohol, which is my biggest concern as a mother of my children and of myself of the safety. So, my concern is that they're purposefully going to partake and the potential of an accident is just tremendous. And that's... my concern is the safety and the very bad roads are just... where they're having it is, is not appropriate. It would be great anywhere else but not in our quiet residential area. Thank you.

Mr. Grimes: Thank you.

Mrs. Williams: Good evening everyone. My name is Marie Williams and this is my husband, Jerry. And we're opposed to this for a number of reasons. We moved to Stefaniga in 2005. Back then we were impressed when we pulled in the driveway to look at the house and Bambi ran through my front yard. Since then, you know, we've enjoyed for the last, what, 12 years, we've expanded our deck so that we can spend more time out there listening to the crickets. And, you know, it's quiet enjoyment. I'm a recently retired federal employee. My husband's a current federal employee. I spent many years driving up and down that road heading for work in the dark, coming home in the dark, and I can tell you, it's an extremely dangerous road. Peaks and valleys, they're everywhere. Um, now that I'm retired, I'm home during the day. I spend a certain amount of my time going from my house, which is... there's three houses between their house and our house... I spend a lot of my time running into town on 610 to run errands, go shopping, meet my sisters for lunch, whatever the case may be. Last week, end of last week, I was on my way home, middle of the day, it was about 1 o'clock, I always slow down just... just passed their driveway, um, because just beyond that is one of those blind spots, and then you head down the hill towards my driveway. I'm worried about the traffic behind me not paying attention to the fact that I'm about to turn left into my driveway. Just last week I was coming home and went to slow down like I normally do, and then ended up really hitting the brakes because much to my surprise, as soon as I came within the sightlines of my driveway, there was a septic cleaning truck, tanker truck, across both lanes of traffic trying to do this, to back into somebody's driveway. And I say doing this because there's no shoulder to the roads. There's ditch, there's trees, there's, you know, bad things. You leave the pavement you're going to be hurting. And not only did I have to stop quickly, and I wasn't even going the speed limit which is 40, but there was an SUV behind me that I was worried was going to come through that blind spot and not see me fully stopped. He did stop, but then I sat there worried about what was coming next. Uh, this is a regular occurrence. It's... it's bad out there when it is daylight on a beautiful sunny day, dry pavement, when I was still working. If there was anything that resembled ice or snow, I called in and teleworked. I wasn't going out in it. Um... you know, I'm worried about our quiet enjoyment. Um, when we moved out there, commercial properties weren't part of the deal. I've been concerned because the more residential areas that have been built off of our road, the more traffic has increased and I don't want Stafford County to decide you've got to widen that road because I don't want you taking 50 feet of my front yard, so that when I walk out of my front door I'm standing in the middle of traffic. That's not why I moved there. I plan on spending the rest of my life there and I'm an ornery old broad, I don't plan on going anytime soon. Anyway, you've heard a lot about traffic safety

Board of Zoning Appeals Minutes
August 22, 2017

concerns tonight and they're really very real. Regardless of how you vote tonight, go out there and drive it at night. See if it changes your mind if you weren't already swayed in that direction. Did you have anything you wanted to add?

Mr. Williams: Thank you.

Mrs. Williams: Thank you.

Mr. Grimes: Thank you.

Ms. Hinson: Good evening. My name is Melissa Henson. I am a resident of The Glens. I am also the author of a 5-page letter which I forwarded to members of the Board regarding all of the concerns that I have in reference to this request. I attended the May 23rd hearing and I am obviously here again today. And what I've heard is that there is nothing that has been addressed, although I do applaud your efforts, that talks about the grant of special exemptions as it refers to provisions 4 and 5. And what I mean by that is that nothing takes into effect the potential risk and safety of security to local residents. I am concerned, like everybody else is, about the amount of traffic coming and going, the individuals who may or may not be drinking. As I have documented in this 5-page letter, there are potential violations of Virginia State Law, the Code of Virginia, Virginia ABC law, federal law as it pertains to alcohol and the control of that alcohol. Additionally, I have noted in here that provisions 1, 2, 4, 5, and 6 as it pertains to the grant of special exemptions have not been met. I realize with a 3-minute timeframe I don't have the time to go into all of that, but I would like to put on the record my opposition. Additionally, as I have noted in here, the most recent VDOT study as it pertains to daily traffic volume estimates finds that the average daily volume traffic for Stefaniga Road, regardless of time of day, is 2,100 cars. When you are taking into account the fact that 50... a minimum of 50 cars will be coming and going twice for each event, this leads to a potential vehicular traffic increase of a minimum of 10%. This magnitude is in direct opposition of the Stafford County Comprehensive Plan, Chapter 6, Objective 6.4. Additionally, the fact that as was stated on the May 23rd hearing that the value of our property may be decreased, this is also in direct opposition to the Stafford County Comprehensive Plan, Chapter 5, Objective 5.3, Policy 5.36. As was asked earlier today, how many homes are in the general vicinity just off Stefaniga Road? There are 427 homeowners on Stefaniga Road. So, allowing this rezoning could potentially affect 427 homeowners that are here in Stafford, Virginia, and I and my family and my husband are in direct opposition of this. Thank you very much for your time.

Mr. Grimes: Thank you.

Mr. Srour: My name is Greg Srour and this is my wife, Ryo. We live directly behind the property in question. So we're very concerned about the noise. And there's a... when he did the study for the sound, ah, I just wanted to note, did they take into account that there was not 95 people inside the building? So I think the 95 people would kind of absorb some of that noise so it would be... actually if they turn the noise up higher so they could hear more. So that's just one observation I made. Uh, there's three things we do know -- the Stefaniga Drive will not be a safer place to be; our neighborhood would not be any quieter; and our property values would not be going up because of this wedding place. Anything else?

Mrs. Srour: I would like to mention that when I was in the military and serving the country, and then I was come into the... um, this area, I never even thinking about coming in Stafford County but because I like the name, so I come here. But I lived in Hampton Oaks almost 13 years and then I find this The Glens residence and I love that and the natural atmosphere. So I have a lot of effort to come in to moving in almost 10 years ago. And now I do recommend and I do really applaud small business owner

*Board of Zoning Appeals Minutes
August 22, 2017*

to creating their ability. I do have one of my small business owning myself, and I'm travelling a lot in the D.C. area and northern Virginia area and then Centerville area, and south to Richmond area all the time. But when I come in my house and I just kind of destress to come into the house and relax a little bit. And that is the really, really favorite for me to living in my residence. But I am very, very concerned about the safety as anybody here was concerned about, because the roadway is very, very dangerous. When I tried to moving in (inaudible), everybody (inaudible) with my idea. But I promised by children, and me, myself, like the other lady said, I do not go out there at nighttime. And that was the first priority in my house rule because that road is very, very dangerous and that has been promised almost 10 years over practice myself. But now, small business owner of the 50 cars, who knows about 50 cars. Maybe about 100 cars later on. (Inaudible) about their ability to presenting and everything, it wasn't really promptly and do it correctly. I think those promises not going to be valid as far as I know. And also, she visited my house I think it was a couple months ago and she was asking me, I didn't even recognize her, I don't know who it was, she was threatening me saying if that doesn't go through, she say that I'm going to be suing everybody. That is not fair, okay. I don't know anything about that kind of stuff. I'm the same resident as she is, and paying lots in tax every year. And I don't think I need those kind of threat from her. And so (inaudible). Thank you.

Mr. Grimes: Thank you.

Ms. Evans: Hi, my name is Pam Evans and I live in Hunter's Pond. And I just wanted to just bring up, well, a couple of things that other people have mentioned would be the alcohol that would be served at the site and the potential for, um, horrible crashes on Stefaniga. And the blind spots, when I leave Hunter's Pond... I never leave Hunter's Pond on Windsong and make a left turn. I always go down Dittman because it's just too dangerous. The blind spot, there's a little hump there that other people have mentioned. It's too dangerous and I won't... even in an SUV I won't make that turn. And I just wanted to mention one other thing that my brother, who is a New York City cop, just sent me a text and he just said to ask if a study was done to see how the additional vehicles would impact the response time of emergency apparatus like fire and police. So, those are my... and I'm opposed to it as well.

Mr. Grimes: Thank you.

Ms. Pylar: Hi, my name is Jennifer Pylar. And I have two issues, one of the issues being not just at night but also during the day, um, there is a cut-through through Seven Lakes for Stefaniga. You can go into... you can go through one road and go out another to gain access to Stefaniga. So, if traffic were to back up on Stefaniga, we would have a lot of through traffic of people just trying to get through the intersection of the wedding venue or what have you. I have small children. They would love to ride their bikes on Stefaniga; obviously, that will never happen. My parents live in Hunter's Pond. Whenever I leave my neighborhood, I have to obviously go extremely fast and then of course come to a complete stop to make a left into my parents' neighborhood. I get very close to being rear-ended quite often. So, those are just my two concerns. I obviously oppose this and I'm also concerned obviously for the noise because I'm only about a quarter mile through the woods. Thank you very much.

Mr. Grimes: Thank you.

Ms. Posillico: Hi, I'm Maureen Posillico. I live in Hunter's Pond. I have a couple concerns and most of them really, if not all of them, are redundant for everything you guys have heard tonight with the traffic on Stefaniga, the accidents, the noise. The other... having unwanted people come into Hunter's Pond which is right adjacent to Seven Lakes. So, it's not like they wouldn't even be able to find us; we're right there. So, that concerns me. You know, you get drinking, you get people that are lost so they make a wrong turn. Hunter's Pond is really dead-ends all the way through, so chances of getting

*Board of Zoning Appeals Minutes
August 22, 2017*

somebody to get in there and not get back out easily is going to happen as well. Um, but the... that road, the line of sight is just very good at all. From Seven Lakes over to Hunter's Pond, there's even another big dip. They talk about the dip closer to Hunter's... or towards Seven Lakes. Um, there's one at Hunter's Pond also coming right up to Windsong Way. So, I have no, you know, small business is great but, as far as in our neighborhood, I've lived in Stafford County since 1985; I've been here for a long time. I really moved out into this area for a bigger area, less... I was closer to 610 before so I didn't want so much congestion and traffic. And I'm concerned that right now you're approving it for 95; what does keep you from expanding that down the road once... if they do get it now? That's a big concern as well. And the value of our homes, how will that be affected? Anyway, that's all I have. Thank you.

Mr. Grimes: Thank you.

Mr. Leidich: Mr. Chairman, members of the Board, my name is Ray Leidich. I'm a resident and owner, which is a large portion of which borders on Stefaniga itself. I'm also a member of the Board of Directors for The Glens Homeowners Association. I moved into a home that was seemingly in a tranquil environmental area and we now face up to 50 cars and 95 people for five or so months of the year, on the weekends, on Saturdays and Sundays. The petitioners are not only just requesting permission to do something, but they're requesting a special exception. And, from what I understood from the special exception that was explained tonight of the six criteria, from what I heard they don't satisfy any of those six. I urge this Board to take the following things into account: Stefaniga Road has numerous curves, is somewhat narrow, has several blind spots, and no one's mentioned this but a lot of deer. That's a real bad combination. Regardless of how people would arrive at this party site, they have to come in from either Mountain View or they have to come in from Poplar. And in order to do so, they're going to have to navigate very challenging portions of the road. You add to that darkness, lack of familiarity. We've heard a lot of people that live here talk about driving that road, especially the blind spots and the humps. And then you add to that alcohol and all you have is a recipe for very serious accidents. I urge this Board to deny this special exception. Thank you.

Mr. Grimes: Thank you.

Mr. Harbottle: Good morning Board... or good afternoon or I'll say good evening. First, thank you for anybody that drove by to take a look at the property. I appreciate that. I think that gives a good fair view of what's talking. I also want to thank my neighbors, not just for coming for this meeting but the other meetings. I would hope and urge you guys... I'm sorry? Sure, I'm Sean Harbottle and according to the map I think that's 19.6 feet away from their house, right directly across from Stefaniga Road. I'd like to put the noise first. If we instead frame the wedding with a violin, it's pretty, it's quiet. How about a rally of 50 Harleys 82 times a year, 19.6 feet away from my property line? That's a venue. How about a car show 82 times a year? I think that's unreasonable, I do. Let's talk about the safety. Just a few months ago I was also... my house there, the car just barely dipped off the side of the road, hit the tree, and flipped. I was also there with the paramedics pulling them out. I drive that road daily. I see high school kids trying to turn left on Stefaniga. At least a half a dozen accidents in the last year. These aren't fender benders. These are kids that are just trying to get to high school, trying to turn left. The road is not safe. A dip, a hill... I think a hill would be a better way to do it. It's a blind spot coming over that hill and coming down, a blind spot. It is not safe. There are no lines. There are no lights. I'm allowed... my kids also, I have three boys; two of them are within driving age, one drives all the time. He's just moved away but I'd like to highlight he does not or was not allowed at 18 years old to drive that road at night. I told him take the back way; it's not safe. I'd also like to address the character. All of us moved in to Seven Lakes, The Glens, things around that with the A-1 zoning commitment. It is on my deed. This is what I moved to. I wanted a rural area. It's not satisfying the character of the area.

*Board of Zoning Appeals Minutes
August 22, 2017*

Again, I would urge that we get a vote here. There's a lot of people here. We all work. I think there's overwhelming -- overwhelming -- lack of support for this. Thank you.

Mr. Grimes: Thank you.

Mr. McMath: Mr. Chairman, I did speak at the last meeting, but with your indulgence I would like to quickly make one point that has not been touched on much tonight about the traffic, if I may. My name is Jim McMath and I live in the Seven Lakes district. And I did mention this last time that people who live there, they want to get out of that area and come to this part of town, particularly for purposes of going to the hospital. About the only way they can do it is to go from Seven Lakes to Mountain View. Now, if that's blocked because of congestion or traffic or an accident they have a much longer trip they have to take to get around to the hospital. They have to go in the opposite direction of Poplar and over to Mount Olive or Kellogg Mill Road and down and so forth. And also, emergency vehicle traffic, there being little ways they can get in to reach us if we call them if that road is blocked between where we are, which is Keswick which is just down from this venue, and Mountain View. So, anything that would increase the likelihood of that road being blocked I don't think would be very good land use planning. I think that would be very unwise. Thank you.

Mr. Grimes: Thank you.

Ms. Hudson: Good evening. My name is Noreen Hudson and I live in The Glens and I oppose the request for special exception. I did attend the open forum that the Palmers held and they were very receptive of any of my concerns. With that being said, I believe the Palmers, as all of us, are unfortunate recipients of a failing infrastructure hinging on a road that is only 19 feet wide and strains to support an increasing surrounding population density. My concerns dovetail on the stacking of traffic entering and exiting the property, which will inarguably repair your accessibility of the County's emergency vehicles to the surrounding neighbors. The potential for fire should also not be overlooked as there will be increased heat sources from food preparation equipment, lighting sources, smoking, and we all know that fire stems from alcohol. You have heat sources and you have alcohol; they don't mix. While I, um, am not certain of where the nearest water source is, I fear that we will have to... the water will have to be trucked in and I don't believe there will be adequate space for the fire trucks to turn around when needing to refill. Not only for us... for the Palmers, but also for the surrounding neighbors as well. While I'm not... sorry... In addition to fire department accessibility, the stacking of traffic will also have a significantly detrimental impact on emergency medical personnel accessing nearby residencies stemming from increased response times thereby compromising situations where precious minutes count. Truly, the risk of introducing increased traffic patterns to a road which can merely support existing traffic seems like an egregiously fallible notion, especially when considering the potential compromise to human life. Thank you.

Mr. Grimes: Thank you.

Mr. Smolinsky: Hi Mr. Chairman, I'm Curt Smolinsky. And I just have two points. One, I'm in a band so I play every weekend. And I think the idea that you're going to get a band in there, because we're very artistic, we like to express ourselves, and sound is one of the ways we like to do that. And I think it's going to be hard to believe, based on running two speakers and being in a band every weekend, that that makes any sense, because you didn't have a whole band in there, you don't know what it's like to get that type of music going and that's going to be heard throughout the neighborhoods. I guarantee it. I've been shut down many times being outside, by the cops. So, that's one. Two, um, I think, you know, you're asking 423 families to take the risk of one. And you're here to represent us. You have more people here tonight that are against this. I understand one family wanted to make a difference.

Board of Zoning Appeals Minutes
August 22, 2017

We all came out here for something different. And if you vote against that, then you vote against everybody.

Mr. Grimes: Thank you. Do we have anyone else? Alright, does the applicant wish to respond or add additional information? I was going to get a 3-minute response and then, if we can.

Mr. Payne: Mr. Chairman, other members of the BZA, my name is Charlie Payne with the law firm Hirschler Fleischer and again we represent the applicant. Appreciate your due diligence this evening; it's been a long night so I'll try to be brief. You know, I do lots of this, do lots of land use work. You know, my family's been here since the 1700's. We've seen lots of change, there's no doubt. You've got to respect what your neighbors have to say; you know, we appreciate that. Stafford County is going to be great no matter what happens this evening; it's going to be great if my clients' are allowed to move forward with their proposed use. That's not going to change. The conditions that many of the citizens here are concerned about are conditions, in all fairness and just being equitable, they contributed to, right. Stefaniga Road was built not with the intent of having large subdivisions like Seven Lakes or The Glens. It was built for rural farms for the most part, right. So, in all fairness, when we talk about impacts, for those who came tonight and expressed their opinion and have every right to do so and have every right to protect their property interest, so does my client. You heard tonight from people who live along Stefaniga Road. You see in the support that my clients have received from the petitions over 60 people. You've heard from small businesses in Stafford County who said that they support this project. It's going to have a positive ripple effect. You've heard from experiences from people who live near other or experience other weddings venues in Stafford County and said there's no impact, it's very positive. How about Potomac Winery? Where would North Stafford be without Potomac Winery today? It has provided all kinds of opportunities for folks who live here to have entertainment, to bring family members in, to get married locally, to be entertained locally, to have Happy New Year parties. Entrepreneurs are extraordinarily important to Stafford County. Stafford County was number one in the State in the growth of small businesses last year, number one. So, this is not something that they're asking for that's contrary to what we encourage in Stafford County. It's not contrary to the Ordinance. It's not contrary to the Comprehensive Plan. It does require a special exception to mitigate potential impacts to our neighbors. And they've done so. They addressed the noise issues that were raised. They're small business people; they can barely afford a consultant. They can barely afford a lawyer. Engineers. This is not the end of the process. There's other approvals they have to go through to get a site plan approved. They've got to get Virginia Department of Health approval, VDOT approval, building code officials' approval. The conditions you're setting are creating a path for that process. They don't get to ignore those rules or requirements. So with that, I ask for your support for this proposal. They have addressed the issues that have been raised. The main concern is traffic and noise. And again, in all fairness, they're just playing a small role in this process. They're here to invest in Stafford County. They moved here too and they bought property. They pay taxes. So, with that, I'm happy to answer any questions you may have.

Mr. Grimes: Any additional questions for the applicant's representative? Yes, Ms. Brown.

Ms. Brown: Thank you Mr. Payne. Thanks for bearing with us while we get through this. It's important to hear from everybody.

Mr. Payne: Yes ma'am.

Ms. Brown: They brought up in the audience some good points that I have questions for as well. Someone brought up does the land perk for additional restrooms and water to support this venue? Do we have any kind of report that says what the land perks for as far as bedrooms, bathrooms?

*Board of Zoning Appeals Minutes
August 22, 2017*

Mr. Payne: I don't think they have that now. They wouldn't have to have them until they go in to get their building permits and they're Virginia Department of Health permits to add bathrooms. They would have to then confirm with VDH that they have adequate drainfield area for that purpose.

Ms. Brown: They don't get a perk report when they first...

Mr. Payne: Their property perks, yeah. I mean, the property has... it has a drainfield and a reserve drainfield.

Ms. Brown: Right. But usually a perk report will say how many bedrooms you can have and how many bathrooms.

Mr. Payne: I don't know if they have a perk report or not. They weren't asked for one and they don't have one.

Ms. Brown: Okay.

Mr. Payne: Not with them this evening, but again, that's another process they'd have to go through.

Ms. Brown: Okay, that's fine. And I might have missed this in all the discussion. What is the parking surface going to be? Gravel? Dirt? Paved?

Mr. Payne: I believe your anticipation was gravel.

Ms. Brown: Gravel, okay. And the other questions I think are for staff, so thank you.

Mr. Payne: Okay.

Mr. Grimes: Any other questions?

Mr. Payne: I would just add that we have agreed to the additional conditions, not only staff's recommendations but also the other conditions that were raised by other members of the BZA.

Mr. Grimes: Alright, thank you.

Mr. Payne: Thank you.

Mr. Grimes: Given the time that we've spent so far getting to this point, I'm going to recess this meeting for 5 minutes to give everybody a break, get up and stretch your legs. And we'll be back at 10:06.

Meeting recessed at 10:01 p.m.

Meeting reconvened at 10:11 p.m.

Mr. Grimes: We gave everybody an extra 5 minutes. Alright, we're at the point of the meeting that we are going to now close the public hearing and bring this back to the Board. So, is there any additional questions for staff from the members? Ms. Brown, you've already reached for the light.

***Board of Zoning Appeals Minutes
August 22, 2017***

Ms. Brown: Yeah, just a couple quick ones -- I'm sorry Melody -- that came up at, you know, the audience speaking. Real quick, what is the width required for a driveway to have two cars pass opposite directions? Do you know?

Mrs. Musante: The practice is 24 feet.

Ms. Brown: Twenty-four feet, okay. And, um, let's see... the barn is I think 1,500 square feet? Or something like that? Do we know if 95 people can fit into that? Is that within the limits?

Mrs. Musante: We don't check that and actually our building division does not check that any more either. They require a registered design professional to submit a plan showing how many people can fit in a building now.

Ms. Brown: Do we... do we have one of those from somebody... just before we go any further, do we even know if 95 can fit in that space? Does anybody... has there been any studies yet?

Mrs. Musante: No, you would have to check back with the applicant.

(Inaudible from audience.)

Ms. Brown: Okay, great. And then I think the last question I had was, for B&B's, I was reading up on those and we have to have, you know, minimum rooms. We have to have at least one room for the proprietor. Since nobody lives... well, I guess your sister will live in the house, but she travels a lot. Is there a requirement that when the property is being used as a B&B for a wedding, they're staying overnight or whatever, that we have to have someone on the premises as a proprietor? I didn't know and I apologize for not getting this question in advance. It just occurred to me when we were talking about it with the audience.

Mrs. Musante: Under the definition of Bed & Breakfast Inn, it's a commercial enterprise housed in a building primarily designed as a single-family residence where rooms are available for rent typically on a short term basis and at least one meal a day is offered to overnight guests, and where no more than 10 short term lodging rooms and meals served family style are provided. The operator of the inn shall live on the premises.

Ms. Brown: So, they don't have to be there, they just have to live there?

Mrs. Musante: That's what that says.

Mrs. Stefl: Would this not fall under their licensing for a B&B? Running a business there'd be a liability or insurance issue if an owner is not on site?

Mrs. Musante: I cannot answer that; I don't know.

Mrs. Stefl: I would think liability there.

Mr. Payne: A B&B is a by-right use (inaudible - microphone not on).

Mrs. Stefl: Right, right.

Dr. Larson: Question for staff. The barn would require an occupancy permit, correct?

***Board of Zoning Appeals Minutes
August 22, 2017***

Mrs. Musante: That is correct.

Dr. Larson: What if the Board approved up to 95 people and the occupancy permit decided... that process decided they couldn't go that far? How does that work? They couldn't have 95.

Mrs. Musante: It's the most restrictive.

Dr. Larson: The most restrictive.

Mrs. Musante: Yes.

Dr. Larson: Okay, thank you.

Ms. Brown: And one last one, too, I'm sorry. I have like 500 pieces of paper here. I have several maps of the property but I can't find the, like the topographical map. Do we have any RPAs or CRPAs on the property, do you know?

Mrs. Musante: To my knowledge we do not

Ms. Brown: Okay.

Mrs. Musante: I did discuss that with gentleman in our office that reviews that and he did not see any issues with the property.

Ms. Brown: Great, okay.

Mr. Apicella: Two questions. I've heard, and we've gotten information, that there are a couple of different wedding venues here in Stafford. Do we know if there were any noise complaints filed against those... any other wedding venues?

Mrs. Musante: Not without checking with the Sheriff's Office.

Mr. Apicella: Okay. And speaking of checking with the Sheriff's Office, I appreciate that the applicant provided DUI stats. Do we have a sense of what the number of traffic accidents are along Stefaniga Road?

Mrs. Musante: I do not. That would be something else we could check, or we do have two deputies here tonight that might be able to give you an idea.

Mr. Apicella: So, is it possible for me to impose on the... one of those fine gentlemen?

Mrs. Musante: We have First Sergeant Staples.

Sgt. Staples: As far as the DUI statistics for the County, I mean, would be associated with any type of DUI related crash. I mean, that information we can obtain from (inaudible) which is the state reporting system for all of our DMV reportable crashes for the County. It's also reported from State Police as well, depending on whether the crash is investigated by their entity as well. As far as having an actual number to be able to provide to you, I haven't been on traffic safety for about two and a half years, so I'm sure our numbers change and it gets skewed a little bit depending on like as we're discussing here

***Board of Zoning Appeals Minutes
August 22, 2017***

this evening in terms of like, you know, population growth, road changes, expansions, rerouting, and everything else like that, like we're seeing along the Enon Road corridor and those things. But that information is accessible but I wouldn't feel comfortable giving you an actual number this evening.

Mr. Apicella: So, I'm just going to ask you, maybe it's an unfair question -- would you say Stefaniga, based on your experience, has a higher than average traffic or accident issue compared to some of the other roads in Stafford? Or can you tell me what you think might be some issues with Stefaniga Road?

Sgt. Staples: Texting and driving?

Mr. Apicella: That's an issue on every road.

Sgt. Staples: Yes, exactly. But with growth and development, with any county, whether it's Stafford, Prince William, wherever you go, when you add more homes you're obviously, yes, you're absolutely going to see more volume when it comes through, especially with the HOT lane development, different other road projects that are going on here in the County as far as Courthouse Road widening project, the difference that they're going to have in terms of the Interstate with that change there with bringing the HOT lanes further south into the County. I can't imagine that would not have an impact on what traffic volume is going to be. So, as each year progresses, I've been with the County for almost 16 years now, and there's always been... there have been fluctuations depending on growth and development with each area of the County, especially when it comes to residential areas, regardless of whether you have commercial, residential. I live down off of the 17 corridor, speaking from personal experience, with the expansion that went on down there. There were a lot of people that were not optimistic in terms of what would happen with 17, but we have seen some actual alleviation from road widening projects, things of that nature. But, again, with growth of County and everything and more people moving in, you're going to see an increase in traffic volume regardless, especially where we have smarter technologies dealing with, you know, re-routing of traffic on different areas because before, I could tell you Google Maps wouldn't tell you to go down Lyon's Boulevard to avoid Plantation Drive because that was backed up going to 17, but now it sure does. It'll route you right through a subdivision, back roads, and other areas. So could that be potentially affected? Absolutely. But, if you want actual numbers, I mean, we could get that for you but it just would not be this evening unfortunately.

Mr. Grimes: Okay, Sgt. Staples, I have a follow-up. I understand you were here specifically because you are one of the folks that enforce the Sound Ordinance; is that correct?

Sgt. Staples: Yes, yes I am.

Mr. Grimes: That you are tasked with that. So we can get a kinda...

Sgt. Staples: I can tell you, depending on what point of the evening we got into, we got up to about 67 decibels.

Mr. Grimes: There we go.

Ms. Brown: Thank you for coming. That's why I wanted you here.

Mr. Grimes: Have you, in your experience, had complaints and had to have enforcements calls at other event venues in the County?

Board of Zoning Appeals Minutes
August 22, 2017

Sgt. Staples: I mean, like speaking earlier in terms of the Glasgow Farm and everything, I actually had one of the residents right across the street from that particular venue call me because they expressed concern in reference to the number of people going in and out, traffic, I mean all of the above of the gambit of things that have been discussed here this evening. Pretty much he just had questions about it. It really wasn't any particular complaint about the Glasgow Farm, but it's like... in terms of any enforcement action, I've not been to any of the other venues. I have been... I have addressed specific issues pertaining to specific citizens of the County complaining about whether it be the neighbor blasting the stereo too loud where I have actually brought one out. It was a gentleman who lived on Mountain View Road; I had been out there several times and I actually brought the sound meter out. And to include what Ms. Brown was saying earlier, you know, there are provisions in the County Ordinance that if the ambient noise is the same as what is being alleged to be projected in terms of sound, from that average we have to subtract 3 decibels from that reading. And for me, like what was displayed on the monitors here, it's like yes, we have to take one reading from the actual property line. But the other issue is that we can take other readings, may not necessarily be from the property lines, but towards the area of the affected home that's making the actual complaint. That's where the three readings come into play. Normally, at a minimum, usually one of my shortest readings is a hundred feet from outside of the initial reading from the property line, so I can obtain it and obviously your time of day is going to have a drastic effect in terms of what you're dealing with in terms of sound volume, ambient noise, things of that nature. Because, I know, dealing with the issue of the gentleman on Mountain View Road, I had a passing car that actually violated the sound ordinance from 200 feet away from the roadway just in driving down Mountain View Road. I acquired I believe a decibel reading of like 59 decibels, so we were 9 over... or excuse me, 4 over for that particular time of the evening. And that was just ambient noise driving by the gentleman's home and everything. But, as far as charging anyone, when we have had issues when we've had to introduce a sound meter, it's like, you know, we try to give people the benefit of the doubt, we try to live by a strategy in the Sheriff's Office; we'll ask you, we'll tell you, and then we'll show you. We'll ask you, please comply. Please be considerate and kind of your neighbors. The second time we go out we tell you, hey, please don't create a situation that we're going to be required to come out here and take any actual enforcement action, and if we do have to go out there again, then usually a summons is issued. Fortunately, knock on wood, I haven't had to issue a summons in that particular instance.

Mr. Grimes: I know you have to obtain a sound amplifier permit...

Sgt. Staples: Yes.

Mr. Grimes: ... for every time you have music, amplified music...

Sgt. Staples: Yes sir.

Mr. Grimes: ... whether it's inside or outside, I believe.

Sgt. Staples: Correct.

Mr. Grimes: If there was a recurring violation at a property, would they be denied future permits?

Sgt. Staples: Normally, the application for the application permit is handled through our Administrative Services Division, and obviously if we had repetitive offenses or repetitive calls for service in reference to noise violations, that would definitely be taken into consideration in terms of whether we issue a permit or not. I mean, the issuance of the permit just doesn't give people blanket authority to just... it kind of gives us a checks and balances; we know who's going to be using a loud speaker on that

Board of Zoning Appeals Minutes
August 22, 2017

particular occasion, that particular day, at what particular venue. So, I guess it kinda makes it a little bit easier for us to locate instances where we have issues of loud music or whatever the case may be. But also, it makes sure that we put it in black and white for folks that they understand that these are the provisions of the County and this is the County Ordinance; you need to stay within these parameters. Any violation thereof you're subject to legal action.

Mr. Grimes: I just filled one out myself this week, so I know about the form. That's why I was asking you, if I broke the code requirement and there was an enforcement, would I be denied a second application. That's what I was just curious.

Sgt. Staples: I would have to ask Captain Kimmitz or Lt. Jacobs, because I don't deal with the issuance of loud speaker permits.

Mr. Grimes: Okay. Are there any other questions for the...? Yes, Mrs. Stefl.

Mrs. Stefl: I don't remember when exactly Mountain View High School was built. Was that 06? 05?

Mr. Grimes: Yeah, 05.

Mrs. Stefl: Okay. Have you seen 05 have a number of complaints from residents around that what used to be a very quiet area of Mountain View and Shelton Shop (inaudible - microphone not on).

Sgt. Staples: Not specifically in that area. Not in the more established areas surrounding the school there. I will actually be interested per se to see what happens with the latest development with Colonial Forge, behind Colonial Forge High School, where that seems to be expanding more, if we actually do seem to get an increase in volume of calls for loud noises, loud music, things of that nature. Again, I live in the south end of the County. I know we usually get the influx of calls when people are calling when it's a clear night and the music is coming across the Rappahannock River from Celebrate Virginia when they have their concerts over there and, unfortunately, our hands are kind of tied with that. We just have to contact the City or Spotsylvania County.

Mrs. Stefl: But have you ever measured Mountain View High School or possibly Colonial Forge on the possibility of now with that new... the Colonial Forge subdivision coming in?

Sgt. Staples: No ma'am, I have not.

Ms. Brown: I have a comment about that. I happen to live one mile away from Mountain View, exactly one mile away. And I can hear football games; I know when they score a touchdown. I can hear that. In the mornings when I'm outside getting my mail or having my coffee, I can hear Dr. Stemple do morning announcements. I can clearly tell what he's saying. I can also in the afternoons, I can hear band practice. I haven't called because it's kind of like fighting City Hall. I mean, there are kids out there, it's a public school, and I don't think they're going to be able to quiet those things down. I don't think we can have a football game that's going to be under 55 decibels.

Sgt. Staples: Right. And actually that is one of the exemptions in the noise ordinance is those types of (inaudible) from schools.

Ms. Brown: Yeah, but from one mile away I can clearly hear, like I said, you know, there will be after school band practice at 3:30. Anybody please stop by the office, you know, so just to help you out there Ms. Stefl.

*Board of Zoning Appeals Minutes
August 22, 2017*

Mrs. Steffl: Inaudible - microphone not on -- obstructing proceedings, I was trying to get a sense of has there been a change in the environment with the neighbors when prior to Mountain View being built versus now. I was trying to get a sense...

Ms. Brown: Oh, I know, I don't report it, that was my point.

Sgt. Staples: Right, and I understand your questions. In terms of increased call volume, I have not seen it, but yet, on the same token like you asked earlier, I have not taken an actual measurement myself on my own accord.

Mr. Grimes: Very good. I think we have one more question for you.

Sgt. Staples: Okay.

Mr. Grimes: Thank you for your time.

Mr. Apicella: I'm going to go back to sort of your sense and averages. I think somebody provided some accident stats for Mountain View Road and Stefaniga Road, Stefaniga Road and some other nearby roads. And I think the total for a, it looks like it's an 8-month period, is about 60 accidents. Is that an average amount? Is that high? Is it low?

Sgt. Staples: It depends on volume, weather, all these things... I mean, all these things have an influence as to what transpires. Like discussions earlier, when you have a lot of high volume coming out of Mountain View High School and stuff, again, like I referenced earlier, in terms of distractions, you know, that's where we get a lot of rear-end accidents. But in terms of serious injury accidents, I think that number is considerably smaller than the number of actual accidents that are reported, because like I said, on TREDs we actually have... it wouldn't show 2017; I could actually probably get 2016 stats and maybe before that, but we actually have a grid because the... well, TREDs DMV, they actually produce a map that will encompass as far as like different reporting areas for not just Stafford but for basically the Commonwealth as to what reported accidents are taking place, where they are, if there was like serious injury, if it was just minor property damage, things of that nature. And I can possibly get that for you this evening if you want that. I'd be more than happy to get that.

Mr. Apicella: Thank you sir. I just want to say I really appreciate everything you and your colleague do for the County.

Sgt. Staples: You're welcome. Thank you.

Mr. Grimes: Thank you very much. Alright, is there any additional questions for staff? Alright. I'm going to actually just get a quick show of hands those who came in here to support the applicant. Just give me a show of hands of those who came to support. Okay, now a show of hands for those who came in opposition of the applicant. Alright, thank you very much, I appreciate it. That help? I wasn't going to count them.

Ms. Brown: Well, can I ask about the ones who didn't get to speak?

Mr. Grimes: Feel free.

Board of Zoning Appeals Minutes
August 22, 2017

Ms. Brown: I would just like to know, if you don't mind indulging me, I know a lot of people came to speak tonight that couldn't because we decided in the interest of time that if you spoke previously, you wouldn't speak tonight. So how many people are here tonight that wanted to speak but couldn't because they'd already spoken previously in another night? Okay, great, thanks.

Mr. Grimes: Alright, we'll bring this back obviously to the Board for discussion.

Ms. Brown: I'll start; nobody else wants to start. Um, I'm the one that brought the hump pictures yesterday. My daughter and I went out driving and I was driving and she took the pictures and the ones that you received of the blind spots today on our desk were from me. So that's actually how it looks from behind the wheel.

Mrs. Stefl: Mr. Chairman, point of order. Do we not have to take a motion to approve or deny then begin the discussion?

Mr. Grimes: No, we bring it back to the Board to discuss the merits of the case just amongst the Board members, and then a motion can be made at any time during that but.

Ms. Brown: There was a woman in the audience, Ms. Hinson, had a good point. It's really not going to be 50 cars, it's going to be a hundred because they're going to be coming and going. So, that was something interesting to point out. I too am starting to worry that there is no clear business plan. I had that concern before. There was, uh... gosh, I have so many notes here. Oh, I wanted to share my own experience with you. I have an older daughter who used to be on the dance team at Mountain View High School and she had a lot of her team members that lived out in Seven Lakes. And a lot of parents work and weren't able to pick their children up at night from practice and, you know, some of the rest of us had to take them home. And I really, really hated having to be the one to drive out to Seven Lakes. I would do it only when I absolutely had to. It was a real, uh, peeling the knuckles off the steering wheel for me and it... what is I didn't like is it was dark, it was the switchback on Stefaniga. I had a real hard time with that. So I do know that it is out there kinda dark. And I like the idea of barn weddings. I really do. And Stafford County does have several, but I have to tell you, all the venues are not the same. I mean, they are very different and unique from each other with, you know, each unique circumstances. For instance, we have the Glasgow Farm which is adjacent to a County park, Curtis Park. So, I'm not, you know, real concerned about the neighbors complaining so much on that one. Rock Hill Plantation, it's near a large undeveloped area in the back. There's a church on the same road. It's not all residential. Um, on the other hand, the Palmer's proposed business is surrounded and kind of land-locked by single-family residential homes and many of the homes are smaller and more densely clustered, particularly along Snapdragon. I think the lots in there are about 3 acres. Angelwood Inn, that's another wedding venue we have; it's adjacent to a shed company, a nursery, a plant nursery, and a road barrier business. So, again, they don't have the same concerns that residents would have because it's not in the same type of neighborhood. Um, Glasgow Farm in Glen Gardens is located off of Hartwood Road, which is relatively straight with good site distance if you're coming off of Route 17. They're also across from another commercial type business which is Hartwood Winery, and one of the things is we definitely have a commercial business here. And I have the definition of that here somewhere. I'll find it. A commercial business is defined in our code as is something... a business that has pecuniary gain which is financial gain. So this does qualify as a commercial business. On the road out to the Palmer's, there was a lot of hairpin turns and switchbacks like that on Stefaniga that the other roads didn't have. Rock Hill Church wasn't like that coming off of Longwood Drive turning right on Rock Hill Church, pretty straightforward. Also, the other venues, some of them had a lot of natural vegetation screening the parked cars from the road that would come to the event. That kind of reduced the commercial look to the neighborhood; you know, it didn't look like a car show going on. And I

*Board of Zoning Appeals Minutes
August 22, 2017*

don't know if you guys received my email from Ms. Maurer, my representative on the Board of Supervisors. I had recently heard the Supervisors talking about making improvements to the intersection at Stefaniga and Mountain View. They were trying to get either a light or a stop sign to kind of mitigate, because it is hard making a left turn off of there. And one of the things she said is that, you know, unfortunately there is no relief coming soon. That's probably going to be on the 6-year plan in the spring, but that's all that's coming for relief. I did Mapquest and Google Maps directions to the Palmer's coming from Richmond or D.C. I can't account for local traffic, you know, how many people coming... they're going to come all different ways. But the directions are the same. If you're coming from D.C., the Mapquest takes you down 610 and a left on Shelton Shop and a left on Mountain View and a right on Stefaniga. So, more than likely, those people are going to return the same way because they don't know the area, so they're going to go back a left back on Mountain View again on that place at night. And, if you're coming from Richmond, they take you up Centreport Parkway. So, that was just interesting. And, I guess, lastly, you know, when I'm making this decision, I have to weigh in all sides. And that includes the property owners that have a reasonable expectation to enjoy their property, and Mr. Palmer's request to have something special and out of the norm for the neighborhood. And what sounds like a great idea for some might not necessarily be a great idea for others, you know, in these unique circumstances. So, I'd like to make a motion to deny actually. Do I have a second?

Dr. Larson: Mr. Chairman, I'll second the motion. And the reason I am seconding is primarily concern for safety. She's right about the road; everything she said. Stefaniga itself is lots of sharp turns, hills, and the hills that you pop over and don't know what's on the other side until you're right there, and lots of driveways, and in particular, the venue. She's right about the left turn onto Mountain View. That is hard. You have to pretty much floor it if you're going to make that left turn to make sure that nobody pops over that hill and rear-ends you. So, the way I... I'm looking at attachment 10, which was prepared by Wellford Engineering, and they use 2012 data. And if I read it right, they estimate an average annual daily traffic of 2,100, um, on Stefaniga, and they extrapolate to today so they extrapolate 2,435 trips on Stefaniga. So, 24 hours in a day, average of 2,400, that's about a hundred trips an hour. If you add to that, you know, within probably an hour another 50 trips and then another 50 trips for succeeding hour, that's a fair impact on the traffic on a road that I have to concur with a lot of the testimony I've heard tonight. There are parts of it that are pretty dangerous and you have to watch yourself. There are no shoulders so if you happen to miss by 6 inches and go off the road, you're not... at least you're going to tear up your car. You might hit a tree like some other gentleman did earlier. So, it's a dangerous road. So, based on safety reasons, I'm going to oppose the special exception. I've also been uncomfortable from the start that this will impact the, uh, I forgot the word now... the neighborhood... the character... the character of the neighborhood and I'm still wondering if that's the case. But I do think that we have a real safety problem, so I'm seconding the motion.

Mr. Grimes: I'd like to just offer some commentary on this. While I understand all the concerns issued and brought forth to the Board and the safety concerns and the road and the access, I just want everybody to keep in mind that a property owner along this road and given our zoning code, the way it's written, could easily decide to build a soccer complex and have hundreds of trips per hour. And we would not hearing that because it's allowed by-right. They could build a basketball facility, a rental pavilion. All of those are allowed by-... a sawmill... by-right on that property. And many of those would generate just as many traffic trips, create just as much noise. I know it's... the issue that this Board faces in these types of cases all the time is heartstrings versus head versus code. We could potentially argue that it changes the development as it's been defined to this point. But on Stefaniga Road, and I would say, and I don't swear to this so don't hold me to it, but those subdivisions, Seven Lakes and the other... The Glens, these are all subdivisions that I think are less than 10 years old? Thirty? Okay, great, then I was wrong about that. But these properties, I understand where they're coming from, but I want us all to keep in mind that the way the code is written, all the by-right uses that

*Board of Zoning Appeals Minutes
August 22, 2017*

the owner of this property could develop on this without ever coming before anybody, the Board of Supervisors, they would walk into the Zoning and Planning office, they would get a business permit and they could open the next day. So, I just want everybody to keep that in mind as we're moving forward to make this decision.

Dr. Larson: But, in a special exception case, we don't have to add to the traffic problem.

Dr. Ackermann: That would be my point exactly is that the by-right development is a matter of what the laws, what the code is. In this case, we can make a decision based on the special exception because this is not a by-right development. And I don't think it's a fair comparison to compare this decision we have to make for this with a by-right development. I would support the motion. I think it will change the character of the area. I think also, that's item number 1 on special exceptions and item number 4 is I think the use will have an impact on the health and safety of persons residing or working in the neighborhood of the proposed use because of the increased traffic. And I guess back to number 1, the character is, as the one musician commented, I think as much as we try to contain the noise on this, the noise will be there as well. And it will be a weekend event that will be occurring in the neighborhood that doesn't occur now.

Mr. Grimes: Do we have any other comments? In that case, we...

Mr. Apicella: Mr. Chairman, I have some comments.

Mr. Grimes: I'm sorry, thank you. I thought you might be adding something here.

Mr. Apicella: Mr. Chairman, I've really struggled with this one. I think some good points have been raised by all the interested parties on all sides, whether they've been supportive of the application or opposed to it. When I look at these kind of cases, I focus on whether the County's criteria have been met. In this case it's the special exception criteria at Section 28-351. The ones that I'm focused on primarily are D. 1, 4, and 5 in this case. I greatly appreciate the efforts of the applicant to address some of the concerns that were raised, including limiting the number of guests and vehicles, and the noise mitigation efforts that they would have agreed to if this had moved forward. But, the bottom line is, there are some issues that I think are beyond their control to remedy. They can't widen Stefaniga and they can't fix the poor quality of the road, no matter how much they want to, no matter how much their neighbors want them to. They can't fix where their property fits in relationship to the neighborhood. And, as we just heard, the neighborhood has changed over the last 30 years. It's no longer the, you know, rural A-1 houses far apart neighborhood that it used to be. In fact, I think there's quite frankly a sea of houses around their parcel. I know it's not what they want. I know it's not what existed 20 or 30 years ago, but we have to deal when the reality is as it exists today. And that's why I mentioned the map that we looked at the last time we met and we talked about who needed to be notified. That really stuck out at me that they're sort of in the eye of the storm so to speak. It's unfortunate that maybe they didn't do this 20 or 30 years ago because it probably would have been approved if those were the circumstances that existed at that point in time. Again, the criteria that really sticks out at me are the ones that talk about whether a wedding and events venue would be in character with and in harmony with the neighborhood, whether there would be safety issues and concerns, and whether it would injure the public welfare or property values. And I think all those issues, unfortunately for the applicant, exists in this particular location. Not all rural home uses work in every circumstance and on every parcel. That's why there's a special exception provision in the County's ordinances and provides us with the ability to give scrutiny to and decide whether or not a specific use makes sense in a given area. We have a proposed use that partially occurs outside, and where it brings a crowd and their vehicles to what I think again is a de facto residential neighborhood. And despite the changes that were made, I think

***Board of Zoning Appeals Minutes
August 22, 2017***

wedding and events venues would definitely change the character of the neighborhood. It's not a commercial area. It's not next to any other commercial activities, especially ones that are occurring potentially outside. And while specific events would be limited to the weekend, I think this is when people are going to be home trying to enjoy their property. I know that's when I try to enjoy my property after working hard during the week. I'd like to be able to sit on my deck and enjoy what I hope to be a serene environment, and I think this would change that for their neighbors. And while... and probably would never happen, we talked about it... there could be 50 to 100 days a year when there are events. That's a lot for this particular area. I think it's a good idea. Unfortunately, I think it's in a bad place. And for the reasons that I've just mentioned and the ones of my colleagues, I'm not going to support the special exception. But I will support the motion to deny.

Mr. Grimes: Thank you.

Mr. Kim: Can I make a quick...?

Mr. Grimes: Yes sir Mr. Kim.

Mr. Kim: Thanks. Okay, so I, too, struggled with which way I'm going to go with this. But, Steven, you made a lot of good points. The hardest part for me was taking away the Palmers' right to use their land. By-right I absolutely that's what made me stick with you. I think you guys did a great job on trying to meet all the concerns of your neighbors. But unfortunately, I do think it will change the character of the neighborhood. I think there is a safety issue. So, because of that, I too will support Ms. Brown's motion to deny. Thank you.

Mr. Grimes: Any other comments? Alright, so we have a motion to deny the Special Exception for, and pardon me... I feel like Ms. Brown, I've lost all my paperwork... for a motion to deny the Special Exception in case SE17-04/17151729, and seconded by Dr. Larson. Those in favor to deny the Special Exception say aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Brown: Aye.

Mr. Kim: Aye.

Dr. Larson: Aye.

Mr. Grimes: Those opposed say nay.

Mrs. Stefl: Nay.

Mr. Grimes: Nay. So, the vote to deny this Special Exception is carried 5 to 2. Thank you everyone. So, it is 10 to 11; Mrs. Musante, do we have any unfinished business?

UNFINISHED BUSINESS

NONE

Board of Zoning Appeals Minutes
August 22, 2017

Mrs. Musante: We do not have a September agenda, so we need to vote on not having a September meeting.

Ms. Brown: I'll make a motion to not have a September meeting if there's no cases.

Mr. Grimes: Second. Would you mind if we had the public leave the room to carry on their conversation? Alright, so we had a motion to...

Ms. Brown: Cancel the September meeting.

Mr. Grimes: ... cancel September's meeting and seconded. All in favor say aye?

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Brown: Aye.

Mr. Kim: Aye.

Dr. Larson: Aye.

Mrs. Stefl: Aye.

Mr. Grimes: Aye. Thank you. Zoning Administrator's Report.

ZONING ADMINISTRATOR'S REPORT

Mrs. Blackburn: Mr. Chairman, the only report I have to give you this evening is that the freestanding emergency room, or emergency department, that we heard the case on a couple months ago, they did file in Circuit Court from my understanding for an appeal. They also filed a conditional use permit in order to construct one in the County, and that conditional use permit has been withdrawn.

Mrs. Stefl: I can't hear.

Mrs. Blackburn: I'm sorry. You all had dealt with the freestanding emergency department and had voted to uphold the determination concerning it being a licensed facility. They did file an appeal in Circuit Court to my understanding; they also filed a conditional use permit to build the facility in the County. And that conditional use permit has been withdrawn. So, if I can find any information about the court case, I will also let you know about that.

Ms. Brown: So, that's not been withdrawn then?

Mr. Grimes: I think that the FSED's also been referred to the Planning Commission for further review and definition?

Mrs. Blackburn: That is part of an ongoing, updating, clarifying, and fixing inconsistencies that we are doing with the Zoning Ordinance, and that is one of the items that we're dealing with as far as putting in for a definition.

***Board of Zoning Appeals Minutes
August 22, 2017***

Mr. Grimes: Will the Planning Commission be addressing the by-right developments for A-1 development zoning?

Mrs. Blackburn: At this time, no, that was not on the list.

Mr. Apicella: I believe Ms. Maurer is actually going to bring it to the CEDC to take a look at potentially revisiting the by-right uses in A-1.

Mrs. Blackburn: Okay. That hasn't filtered down to me yet.

Mr. Grimes: And I also understand that it's been pushed to the Planning Commission to review retail sales.

Mrs. Blackburn: Yes it has, and I saw...

Mr. Grimes: And internet sales.

Mrs. Blackburn: Yes. And I have seen some of the emails going back and forth and I wanted to remind you that those Planning Commission meetings are videoed. You can watch them on the computer and you can get old ones; they're archived. So, when you were asking about, you know, are we going to see what they say or anything like that or the minutes, you don't have to wait for the minutes. Usually it is put up on the website within 24 hours, 48 hours, something like that. Yeah, so you can watch the video of what the discussion was. And they will list it. You can click on... you don't have to go through the whole thing. They'll actually list the items on the right-hand side and you can click to that and bypass the stuff that you aren't interested in.

Mr. Grimes: Okay.

Mr. Apicella: They're very painful to watch. That Apicella guy, just like the BZA, he just cannot stop talking.

Ms. Brown: Does he talk too much?

Mr. Grimes: No! We have adoption of minutes.

ADOPTION OF MINUTES

March 28, 2017

Ms. Brown: Can I make a motion on that?

Mr. Grimes: Please.

Ms. Brown: I'd like to make a motion to approve the March minutes, because I'm comfortable doing those. Due to the volume of paperwork that I went through, I didn't have time to really go through the April and May minutes as hard as I wanted. I had to skip around looking for information that I had remembered from the previous meetings to make my points. So, could we just approve March tonight?

Board of Zoning Appeals Minutes
August 22, 2017

Mr. Grimes: My only issue with not approving April and May is I have a very strong suspicion that this will be appealed, the decision made tonight, and all the meeting minutes and all the recordings will be requested and subpoenaed.

Ms. Brown: Well, they've already gone. They've already gone, right? Mr. Payne already requested these, correct, that's why we had to get them done?

Mrs. Blackburn: But they will only be in draft form and the courts will want a final form.

Ms. Brown: Okay.

Mr. Apicella: And that's true for the FSED, too. One of those is the FSED?

Ms. Brown: That was... that's the March...

Mr. Apicella: Okay.

Mr. Grimes: So, I'm sorry, I hate to do that but...

Ms. Brown: That's a great point and I know you're going to vote against me and I'm okay with that. I'm going to vote no just because I don't feel comfortable with April and May, but that's okay. Sorry. I'm not going to fall on my sword for it.

Mr. Grimes: No, I can't make the motion to do these meeting minutes, so, let's go ahead and take...

Ms. Brown: Well, I didn't get a second.

Mr. Grimes: ... let's go ahead and take March since we've got March.

Ms. Brown: Okay. I motion to approve the meetings for March... meeting minutes.

Mr. Grimes: I'll second that. All in favor to approve the meeting minutes from March 28, 2017, say aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Brown: Aye.

Mr. Kim: Aye.

Dr. Larson: Aye.

Mrs. Stefl: Aye.

Mr. Grimes: Aye. Nay? Perfect, approved. April.

April 25, 2017

***Board of Zoning Appeals Minutes
August 22, 2017***

Dr. Larson: I move we approve the April minutes.

Mr. Grimes: I second that we approve the April minutes. So we have a motion to approve the April 25, 2017, minutes. All in favor say aye?

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Mr. Kim: Aye.

Dr. Larson: Aye.

Mrs. Stefl: Aye.

Mr. Grimes: Aye. All opposed?

Ms. Brown: No. Not because there's anything wrong, just I haven't had a chance to read it.

Mr. Grimes: Six to one, we're good to go. May?

May 23, 2017

Dr. Ackermann: I abstain; I wasn't here.

Dr. Larson: No changes for me.

Mr. Grimes: I didn't find anything but... well, I didn't find anything. Motion to approve May 23, 2017?

Dr. Larson: I move we approve the minutes for May.

Mrs. Stefl: Second.

Mr. Grimes: Second. All those in favor say aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Mr. Kim: Aye.

Dr. Larson: Aye.

Mrs. Stefl: Aye.

Mr. Grimes: Aye. Opposed?

Ms. Brown: No, for the same reason, there's nothing wrong.

*Board of Zoning Appeals Minutes
August 22, 2017*

Mr. Grimes: Okay, 6-1, good to go.

Dr. Ackermann: I abstain.

Mr. Grimes: Alright, do I have a motion to adjourn?

Ms. Brown: Motion to adjourn.

Mr. Grimes: Second.

Mr. Apicella: Can't we stay for another hour?

Mr. Grimes: Good night all. Thank you all for your patience, support, and lively discussions.

OTHER BUSINESS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 10:54 p.m.