

STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES
March 26, 2019

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Wednesday, March 26, 2019, was called to order with the determination of a quorum at 7:00 p.m. by Chairman Dean Larson in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Adela Bertoldi, Dana Brown, Robert Gibbons, Robert Grimes, Brian Jenkins, Dean Larson, Heather Stefl

MEMBERS ABSENT: Steven Apicella

STAFF PRESENT: Susan Blackburn, Melody Musante, Stacie Stinnette

DECLARATIONS OF DISQUALIFICATION

Dr. Larson: Ladies and gentlemen, welcome to the 26 March meeting of the Stafford County Board of Zoning Appeals. Before I start, we've opened the meeting, before we start the rest of the proceedings I'd like to have Danny Kim and Ernest Ackermann come up please, up to the front. So, this is a rare treat for me. I know you probably can't get this on the notes, but, Danny and Ernest are, were members of the BZA and they just retired from that post recently. Ernest is our longest serving member; he started in '07 and went until last year. Danny started in 2012 and went until last year. They both have volunteered copious amounts of time to help the County and the Board of Zoning Appeals, and we've really appreciated both of you on the Board. Your opinions and perspectives are greatly valued, really sorry to see both of you go. Let's see, Danny was Secretary one year and then Vice Chair for three years. Ernie was a Chairman for a year. So, without further ado, I'm going to give a plaque and a plant since I understand Ernie didn't want a plaque, so Ernie, your plant.

Dr. Ackermann: Thank you, thanks. I really do miss this in some way.

Mr. Kim: Thank you. That's really nice.

Dr. Larson: Gentlemen, it's been an honor to serve with you.

Mr. Kim: Absolutely.

Dr. Ackermann: With you, too, and everybody else.

Ms. Brown: I miss you both.

Dr. Ackermann: I'll miss you, too. Good to see you sir, ladies, gentlemen.

Mr. Kim: It's good to seeing you again.

Dr. Larson: Okay, so continuing with the meeting, the BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator. Hearing of appeals will be conducted in two parts. The first will be a review of the jurisdiction of standing and the second will be hearing of the merits of the case, if required under the review of the jurisdiction is... after the review of the jurisdiction standing. We can also hear and decide

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upon cases for request for variance from the Zoning Ordinance when a literal enforcement of the Zoning Ordinance would result in unnecessary hardship to the owners of a property. And we can hear and decide on requests for special exceptions where the Zoning Ordinance allows for special exceptions. The Board consists of seven regular members and two alternates. An alternate may be called upon to participate when a regular member is unable to hear a case. Let the record show that we have seven members present and voting tonight. We have Mr. Robert Grimes, Ms. Adela Bertoldi, Mr. Bob Gibbons, I'm Dean Larson, Mrs. Heather Stefl, Mr. Brian Jenkins, and Ms. Dana Brown present and voting, and I'd just like to note that Ms. Adela Bertoldi has fleeted up from alternate status to regular status and welcome aboard Adela. Also, we have present certain members representing the County: Ms. Susan Blackburn, the Zoning Administrator present, Ms. Melody Musante is the Deputy Zoning Administrator, and Stacie Stinnette the Senior Administrative Associate present. The hearings will be conducted in the following order: the Chair will ask the staff to read the case and 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 Board will then discuss jurisdiction and standing of the case presented, assuming that's applicable. The Chair will then ask 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 if any member of the public 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 and provide closing remarks. We ask that each speaker present their views directly to the Board and not to the applicant or other members of the public. We require the applicants, speakers, and presenters, and audience to act with a level of decorum and respect appropriate to a courtroom setting. 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 applicant should be aware that tonight we have seven members present and you must have four affirmative votes to approve the application. If you do not think that there are enough members present... actually this is as many as you get so that doesn't apply here. The applicant may also 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 does not agree with the decision of this Board shall have 30 days to petition the Stafford County Circuit Court to review our decision. Also be aware that the Board will not hear any denied application for a variance or a special exception that is substantially the same request for at least one year from the date of our decision. Now I ask that anyone who has a cell phone or other electronic device to please silence it. Thank you. This Board requires that any person who wishes to speak before this Board shall be administered an oath. Therefore I ask 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?

Audience: I do.

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Dr. Larson: Thank you. You may be seated. The Chair asks that when you come down to the podium to speak, please give your name and... first, give your name and address clearly into the microphone so that our recording secretary can have an accurate record of the speakers. Also please note the form on the table in the rear of the room, thank you. Are there any changes or additions to the advertised agenda?

Ms. Musante: There are no changes.

Dr. Larson: Before we hear the first case, does any member of the Board wish to make any declaration or statement concerning any of the cases to be heard before this Board tonight?

Ms. Brown: I do.

Dr. Larson: Go ahead.

Ms. Brown: I just wanted to state that I did drive by the property of, I think it's 193 Toluca, on March 16th, just kind of drove the neighborhood, and then I scheduled an appointment with Mr. Barner for last Friday. And he was very nice; offered me a really nice, all-encompassing tour and gave me an opportunity to ask him any questions that I had. That's it.

Dr. Larson: Go ahead.

Ms. Bertoldi: I would just like to state for the record that I drove by both 175 Toluca Road and 193 Toluca Road twice, once last week, and once today; drove the neighborhood around the surrounding areas as well. I did not speak with anybody

Dr. Larson: Any others? I'd like to say that I drove around the property at 175 Toluca Road, including to the rear where the office park is on Technical Drive. And I spoke with both the owners of the 193 Toluca Drive. Nothing of substance with Mrs. Barner; Mr. Barner talked about envisioning somewhere around 50 guests; he was applying for something a little more on his application to accommodate potential growth in the future. And we talked about the drainfield between the middle of the yard and the house that is on the grass, and Mr. Barner stated there would be no parking there. Any other declarations?

Ms. Brown: Mr. Chairman?

Dr. Larson: Yes.

Ms. Brown: I didn't list of every... all the questions that I asked him, I was saving that for our discussion.

Dr. Larson: As long as you... as long as you talk about it during the briefing or during the hearing.

Ms. Brown: Yeah. I didn't know you wanted me to talk about it now, so I'll save it for the briefing, if that's okay?

Dr. Larson: Okay. Now I'll ask the secretary to read the first case.

PUBLIC HEARINGS

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1. SE19-01/19152665; Gregory and Amy Dunay - Requests a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," A-1, Agricultural Zoning District, to allow a construction and landscaping business as a Rural Home Business on Tax Map Parcel No. 19-56A. The property is zoned A-1, Agricultural, located at 175 Toluca Road.

Ms. Musante: Case SE19-01/19152665, applicants Gregory and Amy Dunay request a special exception per Stafford County Code, Section 28- 35, Table 3.1, "District uses and standards," the A-1, Agricultural Zoning District to allow a construction and landscaping business as a rural home business on Tax Map Parcel No. 19-56A. The property is zoned A-1, Agricultural, located at 175 Toluca Road. You have the application, the application affidavit, the plat dated December of 2008, layout of the existing barn and basement, definition of rural home business, copy of the tax record, and adjacent property owner notification. The applicant is requesting a special exception to operate a construction and landscaping business on the property. He is proposing to use an existing 1,008 square-foot detached pole barn for his shop and indoor storage space, and 154 square feet of the basement for office. No further improvements on the property are planned at the time of this application. The existing barn is 70 feet from the nearest property line and is approximately 200 feet from the house. There is a 1,456 square-foot 1-story single-family dwelling with a 1,204 square-foot finished basement. One hundred fifty-four square feet of the finished basement will be utilized for the office. The applicant has indicated there will be two parking areas related to the business. Four parking spaces are available adjacent to the pole barn and two parking spaces are available adjacent to the residence. The applicant is requesting days and hours of operation to be Monday through Friday 8:00 a.m. to 6:00 p.m., occasional Saturday hours 8:00 a.m. to 6:00 p.m., no Sunday hours. He stated there will be no employees employed by the business. The applicant owns a one-ton pickup truck and one 20-foot trailer that will be used by the business. There will be no outdoor storage; all equipment will be stored within the existing pole barn. The property is screened by existing pine and hardwood vegetation. The single-family dwelling was constructed in 1983. A pole barn for the... a permit for the pole barn was issued in 2014 with final inspection completed February of 2018. The subject property is located on the west side of Toluca Road. The perimeter of the site is wooded. There are no wetlands, floodplain, or Critical Resource Protection Areas that would limit development or use of the property. Surrounding the site on most sides are single-family dwellings on large tracts of land with a commercial development to the rear of the property. No subdivisions are in the immediate area.

Dr. Larson: Are there any questions for staff? Hearing none, will the applicant or his or her representative please come forward and present their case.

Mr. Dunay: Good evening ladies gentlemen. I'm Gregory Dunay, owner and resident of 175 Toluca Road. So, I'm the applicant for the GED Services Construction Company. Only things I have to add to what Ms. Musante had said, I do believe the nature of this business falls within the language of the rural home based business, I think that's most applicable here. No further improvements are planned at this time, I've got no employees at this time. Now obviously if I do things right, things will grow. So the applicant... the application does state up to two employees which is within the language of the rural home-based business. And while I have no employees now and, you know, it's just me working, if the nature of this business was to grow to exceed the capacity of this place I would certainly consider that and I'll continue to be neighborly and not outgrow the space. Pending your questions, that's all I have.

Dr. Larson: Are there any questions for the applicant?

Ms. Bertoldi: Good evening. I just have a few questions for you. One, do you plan on having any deliveries there because I know it's a construction business, correct? Have you had any material deliveries delivered there?

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Mr. Dunay: I would say not significant. If you're talking tractor-trailer loads of materials, no; they would go directly to any site that I would have. I can't imagine off the top of my head anything beyond a pallet-sized package infrequently.

Ms. Bertoldi: Okay. And will you have any clients seen at your location during your business hours?

Mr. Dunay: By appointment only is what I think I stated in the application. This is, more than likely, it's not going to be a retail obviously. If I had a client that wanted to see something that I've done on the property or, as an example, they'd probably make an appointment. But by appointment and I think it would be intermittent.

Ms. Bertoldi: Okay. And you had applied for a Class B, business... or construction license, is that correct? Have you gotten it or is it still pending?

Mr. Dunay: It's still pending. I just got approval to take specialty exams so hopefully that'll be squared up by the (inaudible).

Ms. Bertoldi: Well, good luck with that. I know exams are hard. And when you... when... residential construction, what do you anticipate? Like building houses? Like can you elaborate on the type of work that you intend on doing?

Mr. Dunay: I do have a business plan. Real briefly, phase one is go to work with what I got and by myself to do anything I can legally do. That's phase one. Phase two is I'm going to refine the business lines. So basically, conditions based. So, if I've got 30 days backlog of work I'm going to look to phase two of the business plan and I'm going to look what that 30 days of backlog looks like. If it's framing houses, I'm gonna start specializing in framing houses. If it's more tree work, I'm gonna specialize more in tree work.

Ms. Bertoldi: So, when you say in your application that 90% of your work is gonna be done off-site and 10% work is going to be on-site, the 10% is what, more home paperwork type of thing?

Mr. Dunay: Yeah, paperwork and I do have a wood shop in the pole barn.

Ms. Bertoldi: I did see that. So you'll be doing some wood work?

Mr. Dunay: Some shopworking inside the building, yes ma'am.

Ms. Bertoldi: Okay, thank you.

Dr. Larson: Any other questions?

Mrs. Stefl: **Microphone not on** - You have in your application, page 204, you say "the number of employees employed by the business cannot (inaudible). You just said in your oral statement (inaudible).

Mr. Dunay: I have... let me... I'll clarify that. I have zero now. I'm the sole employee that resides at the residence so there is zero additional employees. The application states up to two. So, if I were to grow at some point I would like to have the flexibility to hire two people to work onsite.

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Mrs. Stefl: **Microphone not on** - Okay, and then you just stated too that you plan on doing some shop work; will that be contained in the barn because I know a lot of shop working is noisy and could be disruptive in a residential area. So would that fall also during the hours that you stated you'd be done by six in the evening?

Mr. Dunay: Yes ma'am. Yes it would. It is all... it is planned to be inside.

Ms. Stefl: **Microphone not on** - Okay. It would be in... soundproofing in a barn or shop area because I mean I've been on contracting sites, sometimes you get behind and you want to finish that whatever, cabinet, a woodshop for you, because you're behind schedule, you might be up till 10 or 11 at night trying to finish it so you can take it on site the next day, so that could be a potential disruption to your neighbors.

Mr. Dunay: It's possible. We do have distance, I mean, we've got considerable distance between any houses, number one. Number two, if I would receive... I'm on very good terms with my neighbors, if I had ever heard a noise complaint, I would just simply stop. And if it's a chronic noise complaint, it isn't... the barn is not insulated, I would take action to install noise blocker and make sure that's not... that's just not going to be an issue. It's not stated in the application but just for the record that's the actions I would take.

Mrs. Stefl: **Microphone not on** - And would you have any type of security system installed, because I know that was a big problem on construction sites.

Mr. Dunay: This is... it's a locked building. We don't have a whole lot of traffic, you know, you can kind of see on the plat, it's a long driveway, it's far removed. It's kind of out of sight out of mind. I would say if we... if I start seeing a lot of, you know, if I was to see traffic or a security issue I would take the appropriate action. I would install cameras or something at that point. Right now the plan is the barn is secured with the physical locks.

Mrs. Stefl: **Microphone not on** - Okay, and would you also be working inside your home, in your office or something?

Mr. Dunay: Yes ma'am.

Mrs. Stefl: **Microphone not on** - Thank you.

Ms. Brown: Mr. Chairman?

Dr. Larson: Go ahead.

Ms. Brown: I have a very simple question. Were you planning on putting up any type of sign so people could find your property since your house is set way back? You know, something up at the road area?

Mr. Dunay: You know, I hadn't really put a whole lot of thought into that until this afternoon when I'm driving in. The most I would ever do is maybe a wooden sign with the company name on it, something that would be in... something you'd see...

Ms. Brown: So, nothing that was lighted or anything?

Mr. Dunay: No, no ma'am, nothing like that.

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Ms. Brown: Okay. That was the only question I had.

Dr. Larson: Go ahead.

Ms. Bertoldi: Just one more question. Have you spoken to any of your neighbors about your proposed business? And, if so, was there support or not for your plan?

Mr. Dunay: The two closest I did. I wish I could say I spoke to them before tonight, but the closest one I just spoke to tonight, we're pretty good relationship, no, no objections. They're both here tonight so you'll hear from them.

Ms. Bertoldi: Thank you.

Dr. Larson: Any other questions for the applicant? Okay, thank you sir.

Mr. Dunay: Thank you.

Dr. Larson: Okay. So, does any member of the public who wishes to speak in support of the application please come forward.

Mr. Cosner: Good evening BZA members. My name is Skip Cosner, I'm the neighbor of Greg and Amy Dunay. I'm the second closest neighbor within a thousand feet of his home. I want to state that I am for the zoning change for Mr. Dunay. The proposed zoning change will not cause any extra traffic on Toluca Road. I feel Mr. Dunay meets all six special exempt rules for the BZA of Stafford, Virginia.

Dr. Larson: Any questions for this witness? Thank you sir.

Mr. Cosner: Thank you.

Dr. Larson: Would anybody else like to speak in support of the application? Seeing none, is there any member of the public who wishes to speak in opposition to the application? If so, please come forward.

Mr. Ackermann: Good evening, Glenn Ackermann. I'm not here to speak in opposition so much as I have a question that wasn't answered in the presentation. And depending on how that question is answered then I'll probably be opposed. But it sounds like a pretty small business working out of the house working in the barn and I don't have an issue with that. My question/concern is the neighborhood is, it's a dead end. You come in on Toluca, there's no way out except to turn around and you have to turn around at the end of the cul-de-sac. There are a lot of kids, a lot of grandkids, a lot of dogs, horses, etc. So, if it's just that gentleman with his pickup truck, I don't have an issue. But as this potentially grows, is there going to be construction equipment, flatbeds, you know, 2-ton pickup trucks with mulch for yard work. I don't know, but if you miss his driveway there's only one thing to do, go down to the end of the road and turn around. This isn't a thru street, it's not a thru neighborhood, it's not Hartwood Road, it's not some of these other roads that are out there where people have these businesses; it's a dead end. So, my question, my concern is, as the business grows and more traffic, more trucks, heavy equipment, etc., comes into Toluca and there's no way out. So, that's my comment. Thank you.

Dr. Larson: Any questions for this witness? Thank you sir.

Mr. Cosner: Thank you.

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Dr. Larson: Any other members of the public that would like to speak in opposition to this application? Seeing none, does the applicant wish to respond and/or add additional information?

Mr. Dunay: Greg Dunay, just responding to the previous question. Obviously, I'm not complaining about your complaint, I would like to address it though. There is... we had talked about any deliveries. This will not be a construction site so there's not going to be an unknown delivery that would miss my driveway. Any trucks that would be associated with this business would be driven either by me or potentially an employee that I don't have right now. So there I... I don't see that... I don't see any increase in traffic beyond my driveway on Toluca Road. I don't, you know, with just me employed there's no increase in traffic at all. But even if this business was to get at capacity, and I did mention before, if it were to exceed the capacity of my location, I'm not going to wait till I got 100 complaints from neighbors before I find another venue. I'm going to move on. So I hope that answers your question and I hope that puts you at ease. You need any construction work done, you know where I live.

Dr. Larson: Are there any questions for the applicant? Adela.

Ms. Bertoldi: Just for clarification, in your application you said that right now you have a truck and I was looking for, what was that you have one other piece of equipment, what is it for the record?

Mr. Dunay: There was a trailer listed.

Ms. Bertoldi: A trailer, and how big is the trailer?

Mr. Dunay: It's a 20-foot trailer, towed by a regular pickup truck.

Ms. Bertoldi: Okay, and that's all you have right now?

Mr. Dunay: That's all I have. There's a tractor there as well but that's used on the property, that's not for the business.

Ms. Bertoldi: Right. And you also say this is a landscaping business? Do you anticipate buying landscaping, you know, like large equipment to be able to do large, you know, people... you know, people's lawns and the such, that you would also be keeping on the property?

Mr. Dunay: Not at this time ma'am. Again, phase two, I'm going to evaluate what my backlog looks like and re-evaluate equipment needs. I mean that's as best as I can explain. I'd rather not rule it out but...

Ms. Bertoldi: But right now that's not the immediate plan and you don't have any type of equipment such as that other than your tractor that you're going to use on your property for your, I'm assuming personal use?

Mr. Dunay: Yes ma'am.

Ms. Bertoldi: And then you have the truck and the 20-foot trailer which you intend to use for your business, as needed.

Mr. Dunay: That's correct.

Ms. Bertoldi: Okay. Thank you.

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Dr. Larson: Any other questions for the applicant?

Mr. Gibbons: Mr. Chairman, I make a motion.

Dr. Larson: Just, just one moment, I wanted to say one thing just for clarification. If you are granted a special exception from the Board, there will be conditions associated with it. You can't exceed the conditions. So, if you feel like you're growing and starting to push one of the conditions, you can come back to the Board again or you can find your additional location.

Mr. Dunay: Okay sir, I appreciate that. And the application reflects what I'm looking to do now, so if it was to change I would certainly do that.

Dr. Larson: Very good. Mr. Gibbons?

Mr. Gibbons: I want to make a motion for SE19-01/19152665.

Ms. Brown: I'll second that with discussion.

Dr. Larson: Okay I understand a motion to approve and was seconded. Would you like to comment on... would you like comment on your second?

Ms. Brown: Well, I want to narrow down some of the conditions, you know, for instance the signage that he mentioned. I want to put that in there. And that's what I had. I don't know what anybody else wanted to add.

Dr. Larson: Okay, let's talk about conditions then before we... go ahead.

Ms. Bertoldi: I would like to... I think that if we approve this it should be approved on phase 1, not any future phases that the business might have. I would like to add language that includes that this special exception includes equipment of only the truck and the 20-foot trailer, because that is his intention to use for his business in phase 1. I think it's fairly clear that if he gets to phase 2 he will need more equipment, but he's probably not going to be purchasing any more equipment until you start growing. So, I would like to limit the equipment, and to alleviate some of that issue with respect to the streets, I drove the streets, I saw the cul de sacs, and I do understand that issue. So, with that, I would like, you know I'm... I would approve this with some limitations as well including that.

Dr. Larson: Would you...

Mr. Gibbons: Friendly amendment?

Dr. Larson: Go ahead. Oh, would you like to state what you want to add to the conditions?

Ms. Bertoldi: Let me think about it and I'll get back. Let me write it out.

Dr. Larson: Okay. Robert?

Mr. Grimes: On that same point, limiting the equipment, in my mind, I understand what we're trying to achieve but if we could put the conditions such that any equipment that he owns that's associated with the business is parked in the barn or not visible from the street, then does that take care of it? Because, this gentleman is starting his business, he's growing his business, you never know, he might have, I don't

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know, a backhoe or something coming shortly or a small bobcat that he could fit in the garage or in the pole barn that would keep it from being visible from the street. I mean, the whole point is not to change the character of the neighborhood, having construction, large construction equipment like a dump truck or something sitting out there. So I understand where you're going with it, but if we could make the limitation something where it does allow him to buy additional equipment. He might need to buy a 12-foot trailer instead of a 20-foot.

Ms. Bertoldi: I'm open to that. I'm open to that. I just think that it needs to be defined and refined for the neighborhood and for, you know, for him so, you know, there's an understanding that we are approving phase 1, not the phase 2 of the business.

Mr. Grimes: Right.

Dr. Larson: Mr. Dunay, would your 20-foot trailer fit in the barn?

Mr. Dunay: It will fit sir. I don't have plans to store it in there right now; it would be in one of the outdoor parking spaces...

Dr. Larson: Okay.

Mr. Dunay: ...out of sight of neighbor's road.

Dr. Larson: The way you currently park it, is that... it's out of sight of the neighbors now?

Mr. Dunay: Yes sir. Yeah.

Dr. Larson: Okay, so it wouldn't change the character of the neighborhood.

Mr. Dunay: Not in my opinion, sir. There is a copy of the plat. The barn is fairly isolated from the neighbors. So, really anything I store in the immediate vicinity of the barn is not visible.

Dr. Larson: So, maybe the addition of the barn would be for additional equipment. I mean, the 20-foot trailer excluded.

Mr. Grimes: Equipment not either... for future equipment to be stored in the barn and/or we could discuss just not visible from the street and/or the neighbors. I mean, if he parks it behind the pole barn, based on the way the property is laid out, nobody's going to see that back there.

Ms. Brown: Yeah, Mr. Chairman his property is almost like a pipe stem lot. I mean, it's way back off the road.

Mr. Grimes: Yeah, it's way back.

Ms. Brown: It's got a long driveway that...

Mr. Grimes: I know.

Dr. Larson: Okay...

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Mr. Grimes: And then also I know Ms. Brown wants to talk about this, but there is a sign requirement that's allowable for a rural home business in A-1 that defines the type and size. And I would like to make sure that we get that added in the development conditions so that we codify that.

Ms. Brown: Yeah, I had a... something while you were talking, something along the lines of a single non-lighted, because he said he did not want to light it, wooden sign that complies with the County Code that would be at the edge of the driveway. I don't know...

Dr. Larson: Do you have any comment on that suggestion Robert?

Mr. Grimes: Well, Ms. Blackburn, do you want to whisper to everyone else what I just heard?

Ms. Blackburn: Sorry. There used to be a regulation within the rural home business for signage and that was removed when we changed the sign ordinance, so now it is just subject to the permanent sign allowed in an agricultural zone, which is 4 square feet.

Ms. Brown: But can we put in there that it's not going to be lighted?

Ms. Blackburn: Yes, you can do any conditions you would like.

Ms. Brown: Okay, well I still stand by my earlier... a single non-lighted or unlighted wooden sign that complies with County Code at the edge of the driveway.

Dr. Larson: Okay.

Ms. Brown: I'm open to any other suggestions.

Dr. Larson: Okay, so we have a non-lighted sign that complies with County Code. We were talking...

Ms. Brown: Wooden sign, wooden sign.

Dr. Larson: I'm sorry, wooden sign. We were talking about additional equipment and whether to park them in the barn or outside visual range of the neighbors.

Ms. Bertoldi: I think we could do that as an "or," you know, any new equipment needs to be either stored out of sight of the neighbors or in the barn.

Dr. Larson: Okay. Melody, are you getting this?

Ms. Musante: I'm still on the sign issue.

Dr. Larson: Oh, so Adela, would you repeat what you just said?

Ms. Bertoldi: That any equipment purchased must be stored out of sight of neighbors or stored inside the barn.

Mr. Gibbons: You got the one for the sign? You got the one for the sign?

Dr. Larson: Right. I think she got... I think they got the sign. You got the sign right, Melody? Condition?

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Ms. Musante: Yes.

Dr. Larson: Okay. Any other conditions that the Board would like to raise?

Ms. Bertoldi: Do we want to raise what Mrs. Stefl brought up with respect to woodworking past the business hours? I don't know if that's an issue. I know that the applicant said that he would be willing to listen but, you know, that's also maybe something that we might want to put in the conditions.

Mr. Grimes: But if we put it in conditions that he can't use his woodworking equipment even for personal use? Right, I mean, we know that some of it's probably associated with his business but he might do it for his own, might be, might make his own chest of drawers or something. He's gonna do that on Sundays, in the evenings, on holidays, I mean if we put in a development condition it could be perceived that he wouldn't be able to use it at all, personal or business.

Mrs. Stefl: Would he still fall under the noise ordinance? You know, with... in the regards to some of that equipment? So, even if right now you have really nice neighbors that you get along with doesn't mean in a few years someone sells and someone comes in and doesn't like hearing it and he ends up working into late hours, that could be troublesome to now this new neighbor. So, but he would still fall under the guidelines any of us would have to follow, music, you know, things like that. Okay.

Ms. Bertoldi: And my thought is, is there's a difference with respect to having a business in which you're doing woodwork and personal use. I mean, my neighbor does wood work for personal use and he does it here and there and I can hear it and I'm fine with it. If he started having a construction business where he was doing it constantly, I might have an issue with it. I don't want to overly limit the conditions but, you know, I'm just bringing it up. Do we want to have something in there, and Mrs. Stefl, since this was something that you brought up, I wanted to one, see what the Board thought about it, and two, you know, if we do limitations, you know, something that just states something.

Ms. Brown: Well, I have a comment. I mean, it does say in his packet that his hours of operation would be from 8:00 AM to 6:00 PM. So, I would expect he wouldn't be doing anything about the business after 6:00 PM.

Ms. Bertoldi: Any response?

Mr. Dunay: That's the plan ma'am; 8 to 6 business hours. The personal use, sure, I think that's a valid observation. But I again, I think we're in... I've not had a noise complaint yet. I talk to my neighbors pretty regularly. I'm not sure... I'm not sure it's (inaudible) that's going in there, but 8 to 6 business hours is the plan.

Ms. Bertoldi: Okay.

Dr. Larson: Okay, I would like to add one to the list that the special exception will expire when the applicant vacates the property and it is not transferable. That's a typical addition to what we give for special exemptions. One other thing, you haven't mentioned it but it's not legal to sell things. Retail sales are not allowed in your situation, so merchandise, goods, things like that.

Mr. Dunay: Sure.

Dr. Larson: I don't know if that needs to be a condition, it's part of the ordinance, but just so you're aware. Does anybody have anything else? Melody, could you read back the conditions please?

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Ms. Musante: Number 1 - days and hours of operation Monday through Saturday, 8:00 AM to 6:00 PM, no Sunday hours. Number 2 - customers by appointment only. Number 3 - provides 6 off-street parking spaces. Number 4 - no more than two employees who do not reside on the premise. Number 5 - all work shall be conducted within the enclosed building. Number 6 - a single, non-lighted, wooden sign that complies with the County Code at the edge of the driveway. Number 7 - any equipment purchased must be stored out of the sight of neighbors or inside the barn. Number 8 - must comply with all federal, state, and local codes. Number 9 - this approval will be revoked... may be revoked for non-compliance of the conditions imposed by the Board of Zoning Appeals. And number 10 - the special exception will expire when applicant vacates the premise and it is non-transferable.

Dr. Larson: Mr. Dunay, do you understand the limitations on the special exception?

Mr. Dunay: Yes sir, I do.

Dr. Larson: Do you have any issues with any of them?

Mr. Dunay: No issues sir.

Dr. Larson: Is there any further discussion by the Board on this matter? We have a motion and a second on the floor to approve the special exception, would you like to amend your motion to include the limitations we just discussed?

Mr. Gibbons: Yeah, I did, I said friendly amendment.

Dr. Larson: I'm sorry, I missed it. Okay. Oh, way back. Yes, the friendly amendment, okay, then that includes everything. So, I think... it's been seconded. Okay, all those in favor say aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Gibbons: Aye.

Mr. Grimes: Aye.

Mr. Jenkins: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Aye. Any opposed? Motion passes (7-0). Congratulations. I'll now ask the secretary to read the next case.

2. SE19-02/19152666; Honney and Fran Barner - Requests a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," A-1, Agricultural Zoning District, to allow a wedding and events venue as a Rural Home Business on Tax Map Parcel No. 19-54. The property is zoned A-1, Agricultural, located at 193 Toluca Road.

Ms. Musante: Case SE19-0219152666, Honney and Fran Barner request a special exception per Stafford County Code, Section 28-35, Table 3.1 District Uses and Standards for the A-1, Agricultural Zoning District to allow a wedding and events venue as a rural home business on Tax Map Parcel

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Number 19-54. The property is zoned A-1, Agricultural located at 193 Toluca Road. You have the application, the application affidavit, plans of the home, plat diagram of the area used for the venue, photos of the estate, definition of the rural home business, the tax record, adjacent property owner notification, outdoor lighting standards, and a copy of the Barner living trust. 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 hold weddings and other events such as birthday parties, event hospitality, and tea parties within the existing single-family dwelling and on the property. Per the Commissioner of Revenue, the single-family dwelling is 13,377 square feet. The applicant does not propose to construct any new structures, but will utilize the existing single-family dwelling and tents for the outside events. The breakdown of the areas utilized within the home are as follows: on the first floor there is a 456 square-foot grand salon, a 572 square-foot reception hall, a 216 square-foot formal dining room, a 418 square-foot grand kitchen, and a 72 square-foot bathroom. The second floor provides a 175 square-foot bridal suite and a 54 square-foot bathroom, and the basement provides a groom's suite with two bathrooms, a 450 square-foot billiards area, 600 square-foot family room, 156 square-foot bar and kitchen, and a 357 square-foot office. The applicant provides a square footage table for the events as a part of their application. They are requesting a maximum of 260 occupants. The applicant stated in an email there may be an occasional overnight stay by the bride and bridesmaids. The owners will coordinate with area hotels for shuttle service for large events to minimize traffic on Toluca Road. The submitted property layout shows 29,960 square feet of grass parking, and will be manned by a parking attendant during the events. The entire circular driveway is completely paved and provides easy access for guests and commercial vehicles such as vendors. The property has two entrances which will need a permit from VDOT. The parking area is also screened along the adjacent property line by vegetation. Additional lighting will be added to the parking area, parking entrance, and exterior pathways of the venue structure. The lighting will only be in use during events and the specified areas and will be in compliance with Section 28-87, the outdoor lighting standards. The applicant has requested the days and hours of operation to be Monday through Wednesday 9 AM to 8 PM, Thursday through Saturday 9 AM to 1:00 AM and Sunday 9 AM to 10 PM. There will be no other employees for the business, only outside vendors such as clergy, parking attendants, caterers, DJs, and photographers. Email correspondence from the applicant requested the additional time on Sunday. The single-family dwelling was constructed in 2008. The subject property is located on the west side of Toluca Road, accessed by two driveways. The perimeter of the site is wooded. There are no wetlands, floodplain, or critical resource protection areas that would limit development or use of the property. Surrounding the site on most sides are single-family dwellings on large tracts of land. No subdivisions are in the immediate area.

Dr. Larson: Okay, before I ask for other questions of staff, staff received an email that is applicable to this request and I've asked Melody to read it for the record; the email that you were going to read.

Ms. Musante: Okay. This is an email from Tommy Thompson from the Health Department and he is the Environmental Health Supervisor relating to this case. It says, "You have asked me to put something in writing concerning the proposal to have a venue to be used for weddings and other events located at 193 Toluca Road in Stafford County. It was mentioned that a total of 260 persons could attend some of the events proposed to occur at this property. It must be made clear up front that the existing utilities have a private well and a private onsite sewage disposal system are not intended to also serve other uses of this or any proportion close to this. One of the first discussions that I had on March 25, 2019, with Dana from Stafford BZA was the applicant's proposal to park on the existing drainfield. The records were pulled for the existing sewage disposal system and it was designed for a 4-bedroom home serving a total of 8 residents. The depth of the existing drainfield is 30 inches deep. State health regulations state 12VAC5-610-700 "Site Preparation and Alteration": 1) No structure shall be placed over the subsurface soil absorption system; driveways or parking lots shall not be constructed on the

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subsurface soil absorption system unless the invert of the lead or header lines or top of the gravel in the absorption trenches is deeper than 30 inches below the ground surface and the driveway or parking lot is paved with portland cement or bituminous concrete to prevent compaction of the trench bottom. Driveways and parking lots shall not be constructed over the distribution box unless adequate structural and access provisions are provided. As the gravel and piping mentioned above takes up 13 inches, drainfields would have to be installed a minimum of 43 inches deep in order for driveways or parking lots to be constructed on the drainfield. This existing drainfield is only 30 inches deep and does not allow for the driveways or parking lots to be located above. Also, Stafford County Ordinances do not allow for paving over a drainfield as this somehow conflicts with the County's Chesapeake Bay Act concerning having an impervious surface over the top of an existing drainfield. I also advised Dana that the area immediate below the existing drainfield has been designated as the 100% reserve drainfield site area that must also be protected and not used as a driveway or parking lot. I provided to her a drawing that delineates the metes and bounds of both the primary and reserve drainfield sites. The area above the existing drainfield contains the location of the existing Puraflo Peat Moss treatment units and traffic must be kept at least 10 feet plus away from these above ground structures. The existing sewage disposal system that was designed for this bedroom house is intended only for the normal everyday usage by the 8 occupants of the home. Bathroom facilities inside the home are not intended for the use by the public at events such as weddings, anniversaries, parties, etc. The kitchen inside the home cannot be used for food preparation to serve food to the public. Caterers would have to bring prepared food with them to the home. Employees and all visitors connected with any events should not use the restrooms in the house as the onsite sewage disposal system is not designed to accommodate those potential extra wastewater flows. Also, the washing of pans, dishes, etc. connected with venue events should not be done in the private kitchen of this home. Should the owner desire to do food preparation for venue events inside the home, he should contact Francis Whitney from our Stafford Health Department Office. He would also need the services of an OSE to evaluate and expand the existing sewage disposal system or to install a separate new onsite disposal system. He would also need the services of a Professional Engineer to conduct a Wastewater Characterization of the resulting sewage effluent to eventually expand the existing sewage disposal system or to install a separate new onsite sewage disposal system. There is an existing Class IIIB drinking water well that is intended for the use of the occupants of the house. This private well is not to be used to serve water to the public for drinking or even making ice. Drinking water wells that serve water to the public or that serve water to 25 or more persons for 60 days or more per year are considered public drinking water wells and the permits for these wells are issued by the Office of Drinking Water in Culpeper.”

Ms. Brown: I just had one thing. Melody, when you were reading that on the first page, the second to the last paragraph, I wanted to clarify because that sentence actually read “the existing sewage disposal system that was designed for this 4-bedroom home.” So, I think you just said bedroom, so I just want to clarify it was for a 4-bedroom home.

Dr. Larson: Okay, and for the record I want to state I wasn't aware of this email until about 3:00 or 3:30 this afternoon. Okay. Are there any other questions for the staff?

Ms. Brown: I have one.

Dr. Larson: Go ahead Dana.

Ms. Brown: Melody, on the notification list that you sent out for the properties, we got a sheet from you with all the properties and it was yellow highlighted, all the lots that got a letter, and there was in our packet a copy of the tax records. Lot number 19-52B was not highlighted on my sheet like it got a letter,

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but there was a tax record in my package. Did they get notified? It's a corner lot and I think it's part of Master's Mill. Yeah, 19-52B.

Ms. Musante: They would not have gotten a letter.

Ms. Brown: Okay, because they do have a tax map in our package so, I don't know, okay. So, we did not send them one then?

Ms. Musante: If it's in the packet, they would have gotten a letter. Should they have? Probably not, because it's too far away from the parcel.

Ms. Brown: So they did get one then. I'm sorry.

Ms. Musante: What page did you say?

Mr. Grimes: Should be Attachment 8, page 14 of 14.

Ms. Musante: Attachment 8.

Ms. Brown: Do you want me to bring it down? I don't mind.

Ms. Musante: If it's in the packet then they would have received notification.

Ms. Brown: Again, I was just asking for clarification because it wasn't highlighted with all the rest of them that said they got notification. Okay.

Ms. Musante: That's right we did. We expanded, Susan just reminded me, outside of the general area that we have been notifying because of previous issues.

Dr. Larson: So, Melody, would you describe what the normal... I think it's by ordinance, right?

Ms. Musante: It is.

Dr. Larson: And what is the normal area for an application?

Ms. Musante: It's abutting and across the street and behind.

Dr. Larson: Okay.

Ms. Musante: That's what we are required by state code.

Dr. Larson: And you've expanded it in this case?

Ms. Musante: Correct.

Dr. Larson: Okay. Any other questions for staff?

Mr. Grimes: You've also placed a sign on the road?

Ms. Musante: Yes.

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Mr. Grimes: Because I did see that. It was kind of leaning up against a fence but, probably because it blew down at one point.

Ms. Musante: Probably.

Ms. Bertoldi: Yeah, I just have one question with respect to a clarification on my earlier VDOT question. I understand from what you told me that according to VDOT, the road, Toluca Road, is a local road, which is defined as I think it was 490 travels per day, cars up and down. Is that the... is it a local road because they, you know, according to traffic studies, 490 cars seem to or travel seem to happen? Or is it 490, you know, that's the safety for that particular size of road? Does that make sense?

Ms. Musante: It does but I can't answer that because I don't know exactly what VDOT looks at when they place classifications on these roads.

Ms. Bertoldi: Okay.

Mr. Gibbons: Mr. Chairman? Toluca Road is a prescriptive right-of-way and it was brought in the system about 25 years ago, so it doesn't meet normal standards. There's no shoulders, there's no right-of-way to put in shoulders.

Ms. Bertoldi: Right, and that was my question is, is you know, if it's a local road, is it a local road by definition because of the amount of travels that they've clocked or is it... if they're saying it's a local road because that's the size of the road and that's all it really can handle is 490 travels per day.

Ms. Musante: And I don't know the answer to that.

Ms. Bertoldi: Thank you.

Dr. Larson: Any other questions for staff? Okay, hearing none, will the applicant or his or her representative please come forward and present their case.

Mr. Barner: Good evening. First of all, I would like to introduce myself. My name is Honney Laverne Barner and this is my wife, Fran Barner, she's here with me also. And I want to thank each and every one of you for taking the time out of your schedule to be here tonight. I'd like to thank all the residents that is here, it's very exciting that they are here. And it's very important to me that all of their questions and concerns be addressed, as well as the Board is standing here. As far as the venue and what we have planned to do, is to try to make other couples happy about their weddings and events that they have. Here in Stafford we do not have enough events, particular venues for people to be married, and to have different types of events where the setting is little bit better than average. Our home was built in such a way that we can allow people who would like to come to our home and get married to enjoy an atmosphere unlike anything else in Stafford or the surrounding communities. Our goal is to also to make sure that our community stay the community that it is. We live there and we've been here for 10 years and we lived in Stafford for 30. And we understand growth and we understand the resistance to change and we understand that our community has invested time and effort in their homes and where they live so that they can have the peace, the quiet, and all the things that they desire to have for their respective families. And we have taken all of that in consideration and we are gonna do everything within our power, and it is within our power because we are the owners, to ensure that our neighbors are respected, they have everything that they need as far as being respected, as far as how we run our business and the things that we do. With that being said, I will now address any questions that you may have.

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Dr. Larson: Just a point of order, the public hearing was open just prior to the applicant speaking. Thank you sir. Any questions for the applicant? Go ahead.

Mr. Grimes: Mr. Barner, your plan is... is it your plan to provide rental porta johns or I think it's called an executive...

Mr. Barner: Bathroom.

Mr. Grimes: ...executive bathrooms.

Mr. Barner: Yes sir.

Mr. Grimes: So, those will be provided onsite when you have an event?

Mr. Barner: Yes sir.

Mr. Grimes: Are those proposed to be permanent onsite, or will they be removed after the event?

Mr. Barner: They will be removed after the event.

Mr. Grimes: Okay. And just looking at some of these development conditions that were proposed by the County, if we were modifying that same requirement to define that those are removed within 24 hours of the event, is that possible? Can you have that done?

Mr. Barner: Yes sir. Yes I can.

Mr. Grimes: Okay. Did you hire anybody to do a traffic study based on your proposed business and number of guests, to actually get a feel from a traffic professional of how many road trips would be taken down that road?

Mr. Barner: No, I didn't sir. However, for what it's worth, I served on the Transportation Safety Committee here, on this board for about five years here in Stafford and got quite familiar with the traffic patterns and the traffic conditions and things that will cause traffic jams and things of this nature. And that was one of the things that I was definitely concerned with, particularly coming down Toluca Road, because I understand that, you know, it is somewhat narrow but it's wide enough for the appropriate amount of vehicles to come through. And I've held over the last 10 years some very large events at my home and it's never been a problem or an issue with the traffic coming and going. Normally the traffic comes, they stay for a few hours for whatever the event is, and then they disperse. And not particularly as a caravan where you got 20, 30 cars that's trailing each other trying to get in, but they come in just like any other type of event such as a wedding event at different times and they disperse the same way. And the last event that I've had there was no back up on 610 anywhere, it did not impact their driveways or any of the residents being able to get out of their parking... out of their driveways or to get onto Toluca Road. And of course there won't be any parking on Toluca Road at all. So, I think that as far as traffic is concerned I think it won't be an issue. I know that some may have a concern that at the top of Toluca Road there is no traffic light. So that means that at certain times of the day it may be somewhat difficult to be able to get out to go travel east on 610, and... but what I found out from my own experience in the last 10 years, yes there are certain pockets of time during a weekday, especially when people are going to work and coming home from work, it is an issue. But later in the evenings, early in the mornings, and Saturdays and Sundays, I never really have a problem with that. And they can also turn right and go down and do a U-turn and come back and travel if they need to.

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Mr. Grimes: And you haven't seen or witnessed any issues on Sundays when the church is coming in and letting out?

Mr. Barner: That's a great example. In fact, there are a tremendous amount of cars parked on Toluca Road on both, you know, on the side of the road where the field is to the right of the church. And I go past there to go to church and it doesn't interfere with me at all. And I've never seen an issue with Mt. Ararat Church at all. The people are respectful, they come in, they park, and they leave. And I've never seen an issue and I don't have an issue with that either.

Mr. Jenkins: Sir, may I ask, can you recall maybe the largest event you've ever held at your home?

Mr. Barner: Yes. For my son's graduation I had probably about 90 to 100 people there. Every bit of the same number of cars and it went perfectly well.

Ms. Brown: Mr. Chairman?

Dr. Larson: Go ahead.

Ms. Brown: Thank you again for the grand tour that I got the other day; that was very gracious of you to show me around and invite me in. Just for clarification, some of the questions that I had for Mr. Barner when I went was I noticed, and you addressed this, staff did, there was a discrepancy on the application about the Sunday hours and we talked about that. On Attachment 1, page 2 of 3, at the top, it... the hours were Monday through Wednesday 9 to 8, by appointment only, and Thursday to Saturday 9 AM. to 1 PM. But then down on the bottom, the last question, it says Thursday through Sunday only when events are scheduled. So, I thought I understood you to say you were going to have events on Sunday?

Mr. Barner: Yes.

Ms. Brown: Okay. So, we could change the application to say that you were?

Mr. Barner: Yes.

Ms. Brown: Okay. And we talked about parking lot lighting?

Mr. Barner: Yes.

Ms. Brown: If you want, I think what I understood you to say, was you were gonna... envisioning the pole lighting?

Mr. Barner: Yes, decorative post lighting down the driveway on both sides.

Ms. Brown: Okay, and one thing we didn't talk about, I forgot to ask him about, was ADA accommodation. I know you were showing me where the parties would come in and out of the house, but I forgot to look at that. Do you have any ADA accommodation? No?

Mr. Barner: I'm not sure.

Mr. Grimes: It's the Americans with Disabilities Act. Handicapped access.

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Mr. Barner: Oh, yes. In the back where the reception area will be in most of the weddings, everything is at ground level.

Ms. Brown: But don't you have stairs to go up the house?

Mr. Barner: Beg pardon?

Ms. Brown: I can't remember, were there stairs...

Mr. Barner: Yes, we do have stairs to go up, but we also... I also have an elevator shaft that is already designed to accommodate any wheelchaired individual, because my wife and I we know that one day we're going to be elderly and we're not going to be able to tackle those stairs so I have an elevator shaft already in place and when need be I will have the elevator installed. All the doors open double wide and even my butler's doors open up wide enough for wheelchairs to have access.

Ms. Brown: Okay. I mean there might need to be something outside, I'm not an ADA expert but. Also, like I said, you took me on a great tour, we had a nice really pretty double staircase, and we went upstairs and you talked about the bridal area. And it kind of was different than what I read in your packet. I think I read in the packet you were going to possibly if they wanted to have the bride spend the night the night before if they wanted?

Mr. Barner: Yes.

Ms. Brown: But then when we were out there, you said maybe the bride and her bridal party and you showed me the bedrooms with the extra bathrooms at the end of the hall. So, there would be more than just the bride?

Mr. Barner: Just the bride and her bridesmaids, and the point that I wanted to make, there won't be any men staying at the house overnight.

Ms. Brown: So there could be more than the bride?

Mr. Barner: Yes, it could be more than just the bride herself, yes.

Ms. Brown: And you would use those rooms at the end of the hall, I think there was three bedrooms and three bathrooms in them?

Mr. Barner: Yes.

Ms. Brown: Okay. And then downstairs, I think you called it the man cave...

Mr. Barner: The man cave, yes ma'am.

Ms. Brown: That was for the area for the grooms to, the day of the wedding, to gather and use the facilities down there? The house was huge. He had to lead me out of the basement because I could not find my way out. How many bedrooms do you have in the house?

Mr. Barner: Six including the master suite.

Ms. Brown: Okay. And you said that you were not going to be opening your master suite to anybody.

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Mr. Barner: Absolutely not.

Ms. Brown: But you were gonna be onsite for the...

Mr. Barner: For the events.

Ms. Brown: ... for the events. And the other thing I want to mention, too, that I wasn't really clear on, you said that you were pretty much just gonna be renting out the house and it was gonna be organized by various wedding planners coming in?

Mr. Barner: Absolutely, we don't want the headache and everything and I know that it appears to be that we're going to be big planners and you're going to have all these grandiose stuff and we're going to be doing it all. Look at us -- I'm 64 years old and I really don't like all wanting to deal with all the logistics. So the plan is, is that a wedding planner will be able to use our facility as a venue only. That's it. They can come in and they gonna do all the planning, they do all the setup, and they... when they leave, when the event's over with, they have within certain hours they got to pack up and go. So, after each event it will look as if nothing happened.

Ms. Brown: So you're not organizing it?

Mr. Barner: I'm not organizing it.

Ms. Brown: It's all up to the wedding planner.

Mr. Barner: No, I'm just gonna make sure that they fall within the guidelines of what is being conditioned as here and other policies and procedures that I must follow.

Ms. Brown: Okay. And then I think the last thing we talked about was the executive restrooms. I think you said you were gonna have... there was two portable ones and they each had a men and a women, so a total of four facilities, one on each side of the house; so two on one side and two on the other. And I asked you about removal of those and when they would come in and I... could you refresh? I think you said they would come in the day of the event?

Mr. Barner: The day of and either the same evening or the next day come and pick it up.

Ms. Brown: So, if you had a Saturday evening wedding that, you know, got out at, I don't know what were your hours, to 1:00 AM, yeah, would you be having a porta john truck coming down the road to pick those up or would you wait till the next morning, and would you have another wedding on Sunday? What would happen?

Mr. Barner: We'll wait till the next morning; however, without taking a risk of throwing a condition on me, I really don't plan on having late evening weddings. It'll be during the day, start at two or three, be over by about five or six, about dusk. I want to monitor it before it gets dark because I wanna go back to my regular life. So, but there may be a possibility that for whatever reason the vendor cannot come and pick it up on that evening or that whatever, they can come and pick it up the next day. Now, the only other reason why it would stay overnight intentionally is because if I have an event on a Saturday and I'm planning on having one on a Sunday and the wedding planner would like to keep certain things there in order to support the next event, then it makes sense logistic-wise to do that.

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Ms. Brown: Okay. And then I think we talked about parking. You said you were going to park the cars north/south on the lot...

Mr. Barner: Yes.

Ms. Brown: ... in the front yard which would be horizontal to the house, is that correct? And you would also use the driveway, around it, to park on the perimeter, you would park them in perpendicular on the sides if need be, and perhaps I think you said, now correct me if I'm wrong, that you might have to park along the driveway, like half on the grass half on the driveway?

Mr. Barner: Yes. The worst case scenario, depending on how big the event is, we would have to do that, and if need be in the future, which I don't foresee that, but just for the Board would know that I own both of the easements to the left and to the right of my property, it's 50 feet and as well as 8 other acres behind my house, so I can easily put in another road from the main road or from my property to take it to additional parking in the back if we ever decide to do something like that. I don't foresee that, but the potential is there.

Ms. Brown: And what did you foresee as far as the caterers and the wedding planners, I mean, you said you were just going to open up your house and share it. I was quite surprised.

Mr. Barner: Well, not to the extent of...

Ms. Brown: If they're in the kitchen, how are you gonna make lunch and, you know...

Mr. Barner: They would cater everything on the outside. You know, of course, they can come into the kitchen, but not to, you know, cook food but to prepare and to take it outside, so there won't be any food prepared out of my kitchen. The caterers will cater all the food in. Then, obviously, they can use the kitchen to come and set everything up and then take it out to the reception area to the tents.

Ms. Brown: Okay, and then the last thing, and I'll let somebody else have the floor, you had on your application you had put wedding and other events and we talked about what those other events could be. I'm going to look at my notes here real quick. I think you said possibly baby showers, birthday parties, and high teas? Is that correct?

Mr. Barner: Yes.

Ms. Brown: Okay, so they would be on the inside of the house I'm assuming?

Mr. Barner: Some could be on inside or the outside, it just depends on the customer.

Ms. Brown: Okay, and you'd be serving... they'd have food and whatever there?

Ms. Barner: Yes, but it would be catered.

Ms. Brown: Okay, and we talked about an ABC license, too.

Mr. Barner: Correct.

Ms. Brown: And you said you're gonna look into that?

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Mr. Barner: I'll look into that just making sure that if they want to have any type of alcohol, that the planner will have it. And then I'm gonna check to see if I'm required, because this is on my property. From other events and things that I've held outside of Stafford before moving here years ago, I had to go and get an ABC license but not for sale, but for consumption, and if you have a certain number of people on your property then they require, the state of Virginia would require you to have ABC license so they can be served.

Ms. Brown: Right.

Mr. Barner: The good news is my wife and I, we don't drink.

Ms. Brown: Okay, and you... and I think you said you were going to have the option that the wedding could be in the front or the back depending on what the bride wanted and the front area you had it for smaller groups.

Mr. Barner: Yes, for small, for very small weddings.

Ms. Brown: I think like 50 or something? But they could have their reception under tents in the front yard or the backyard?

Mr. Barner: Correct.

Ms. Brown: Okay. That's all I have for right now.

Dr. Larson: Anybody else?

Mrs. Stefl: Dr. Barner, do you and your wife have children?

Mr. Barner: Yes.

Mrs. Stefl: Do you understand that there is a possibility that if we do approve this and put in conditions, this would expire with yours and your wife's passing or if you sell the home, your children could not continue this venue rental ability?.

Mr. Barner: Absolutely.

Mrs. Stefl: Okay. And this is maybe a personal privilege here, but the number of events that I have planned where I've had to purchase or rent I should say the executive bathrooms and the porta johns, typically they're delivered for a Saturday event on a Friday and they're not picked up until Monday because that's... because they don't work on weekends. So there is a potential that you would have these on a Friday brought to the facility and not picked up until Monday morning. And just like the other applicant, they're not always brought in, they're brought in with a larger vehicle. As you probably have had events before and had these, so that is a concern if this is going to be happening every single weekend or during the week, for some of your neighbors. Do you understand that?

Mr. Barner: Yes I do, and it's clear; however I can guarantee you that this won't be happening every weekend. First of all, there are some other things that my wife... my wife and I are very busy, we got things going on, like right now, I'm not even sure if you gave us the permit today how many weddings I can have this year. I'm an author and I'm booked throughout this year traveling doing book signings and events just about every other weekend for this month and it's very tiresome. So, it's not going to be

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every weekend, it won't be all during the week. My wife work at Homeland Security, I work for the Defense Logistics Agency also, and so... however our permit requests... we wanted to get everything we possibly can get approved, approved, so that we don't have to come back. Chances are we're going to be working way below what we have presented, right? This is not going to be something because we want to get rich, okay. We are okay financially. This is something that we want to share with our communities and that so many people have asked to get married in our home. They want to use our staircase and the venue that we have. So we decided why don't we just open that up to, you know, and do it.

Mrs. Stefl: But even as you said in your opening statement, we are at a loss of really nice venues here in Stafford and just like any great venue, they want to be known. And so there is that potential for possibly having a wonderful venue that people and the word gets out and you could be booked very quickly and very often and that's where we need to understand the vision here, too.

Mr. Barner: Yes ma'am.

Mrs. Stefl: And one of the other things that you were asking about ADA requirements, there is also the requirement for the toilet needing to be more of a chair height rather than the typical, and then also bars. So there's a lot more than just having the wide open, the ramps and things like that. I mean it is a big endeavor to become ADA compliant in a facility and to... versus residential. I admire your foresight. I, too, even at 40, the knees are going so that shaft sounds really nice in order to get up to my room. So, thank you so very much.

Mr. Barner: You're welcome. Just to comment on one thing though. I do have that power and authority to control the number of venues, things that we have. My boss back here, has already made it clear that this will not impact our home and everything that we normally do from day to day and our family. My son, is off, he just graduated from West Point, he's commissioned now at Fort Lee on his way to Fort Hood so he will not be there. We have a 14 year old daughter who we try and to coerce to go to West Point and she'll be gone. So my wife and I, it's just gonna be something for us to enjoy together but not like some venues that you have in mind and other places. I went and visited all the other venues that's in this area just about and outside this area and I asked them about some of their charges and what they do. The majority do it full time. This is not full time for us. I'm an author, radio host, I'm a motivational speaker, and my wife and I we take very long vacations. This summer we went on an international tour around Europe, all of the different countries. So, it's not going to be as bad as the application appears but I just want to make sure (inaudible).

Mrs. Stefl: So, you're willing to discuss putting maybe a cap on the number of venues that could be held per week or per month?

Mr. Barner: The reason why I submitted my application the way it is, is to make sure I don't have any limitations. Someone may come up, maybe once a year, and it will be a big one, and I don't want to have to come back and apply again. So, whatever we are authorized to do, based on the laws and the policies for that particular type of property, that's what we want to be approved to be able to do. Where, at the same time, for my personal and respectful point of view for the citizens and people that live around in my community, is to respect their feelings at the same time. And we are willing to do that.

Mrs. Stefl: Alright. Thank you so much doctor.

Dr. Larson: Are there any other questions for the applicant?

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Ms. Bertoldi: Good evening sir.

Mr. Barner: Good evening.

Ms. Bertoldi: So, I just want to make sure we're comparing apples and apples here. You had mentioned earlier that you've had large events and you don't anticipate these events that you're proposing on your application to be any different. So, I want to ask a couple of questions for... you said your son's graduation was the largest that you had, which is what, you said about 90 to 100?

Mr. Barner: Yes.

Ms. Bertoldi: Okay. So, nowhere near the 260 though. Did you have a DJ?

Mr. Barner: Yes.

Ms. Bertoldi: Okay. Did you have equipment deliveries with, you know, large chairs and all of that?

Mr. Barner: Yes.

Ms. Bertoldi: What type of vehicle brought those in?

Mr. Barner: Three-quarter ton... two and a half ton trucks, you know, that you see that is enclosed.

Ms. Bertoldi: Mm hmm.

Mr. Barner: That's the largest vehicle that came.

Ms. Bertoldi: Okay. Did you have a caterer?

Mr. Barner: Yes.

Ms. Bertoldi: Did you have any porta potties or anything like that or did they just use your home?

Mr. Barner: Ah, they just used my home for that.

Ms. Bertoldi: Okay. Did you have any parking attendants?

Mr. Barner: Yes.

Ms. Bertoldi: Okay. Alright, I'm okay for right now.

Dr. Larson: Any other questions for the applicant? I have...

Ms. Brown: I'm sorry, I did have one; I just thought of it.

Dr. Larson: Go ahead.

Ms. Brown: Back to the sign issue again. We didn't discuss that. Were you planning on having a sign?

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Mr. Barner: Not initially but if I decide to, it would be according to what we're authorized to do, similar to the gentleman that was before me. But what I do ultimately plan to do is to build, just like in front of my home as part of my home, a little brick think like if I was building a fence, but I'd just build a little brick design about the size of that table sitting right there. Just gonna say The Barner Mansion.

Ms. Brown: Okay.

Dr. Larson: So, I had just a couple of things. You... when we spoke earlier today, we talked about parking and the sewage field. What do you intend to do in that respect?

Mr. Barner: I'm going to make sure that no one is parking there. That will be off limits according to the letter that was read -- which is fine by me, that'd be perfect.

Dr. Larson: Okay. The letter, or the e-mail also pointed out that you have a private well and the public can't be served from the private well.

Mr. Barner: What? That's crystal clear water. I'm just kidding.

Dr. Larson: Yeah, so I just wanted to clarify that you're going to use a caterer that would have to include ice and water.

Mr. Barner: Yes.

Dr. Larson: Okay, and you're okay with that.

Mr. Barner: We always do that anyway. Matter of fact, we drink bottled water, too.

Dr. Larson: Are there any other questions for the applicant? Dana?

Ms. Brown: Yeah, to that letter, when I read that from Mr. Thompson, I got that also this evening when I got here. It brings to mind that you had talked about having the bridesmaids and her... and the bride upstairs, you know, overnight. Because you cannot use any of your water, you could not use the restrooms either, which means that the bridesmaids and the bride would have to get up out of the house and go outside and use the executive restroom, the porta potty, outside. And anybody that came over for a baby shower or birthday party would have to also use an executive porta potty outside, because you cannot...

Dr. Larson: Melody, would you reread the water portion of that e-mail please? I think you're mistaken, Dana, in that. It's basically the use of the well water and the public.

Ms. Musante: There is an existing Class IIIB drinking water well that is intended for the use of the occupants of the house. This private well is not to be used to serve water to the public for drinking or even making ice. Drinking water wells that serve water to the public or that serve water to 25 or more persons for 60 days or more per year are considered public drinking water wells, and the permits for these wells are issued by the Office of Drinking Water in Culpeper.

Ms. Brown: When I met with him yesterday, he also explained to me they could not use any of the restroom facilities inside.

Dr. Larson: But that's not what his email says.

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Ms. Brown: Okay, well maybe he didn't cover that. Melody talked to him today, but I did meet with him yesterday so I'm just letting you all know he made that very clear with me. One of the concerns I had when I met with him is that the house was only approved for 4 bedrooms because of the soils and the perk rate for that lot. It's... so it's limited to, you know, 8 people is what he said. And I'm concerned because we have more than 4 bedrooms built into the house right now and we can't use those facilities by your commercial business, according to the Health Department. It was very clear to me and I think at this point we're already over capacity if the house was built with 6 bedrooms and only approved for 4, that concerns me. It only perked for 4 bedrooms and I think he enclosed the perk report in there. So, I just... but he did state that to me that they would not be able to use the restroom facilities.

Mr. Grimes: It actually says that in the letter, at the bottom of page 1 is where it starts; "Employees and all visitors connected with any events should not, should not, use the restrooms in the house as the onsite sewage disposal system is not designed to accommodate those potential extra wastewater flows."

Mr. Barner: And if that's the case and that's the policy, then they can't spend the night.

Ms. Brown: This was born out of my concerns, as I told you, about the drainfield, and so I wanted to ask him, you know, if you could be parking anything on it. And there was a difference of a 30-inch drainfield or a 40-inch and he said that yours was a 30-inch so it could not be paved over.

Mr. Barner: Correct.

Ms. Brown: And you could not park a car on the grass over it either. And then that led into the discussion of look at the perk report and that's how we discovered that it was only approved for 4 bedrooms.

Mr. Barner: And 8 people, right?

Ms. Brown: And I did ask him about, you know, adding another drainfield if that would help. He didn't, you know, I don't want to speak for him, but he didn't think that would actually work out real well based on the way your system was designed and it's already in place, and you would need a commercial system versus the one you have now. And I didn't really, because you gave me it the quick grand tour, I didn't really look at your kitchen. I don't know if it's a commercial kitchen or not, but you wouldn't be able to use that at all for your food or serving...

Mr. Barner: My wife said I couldn't do it anyway.

Ms. Brown: So, like when the brides and the bridesmaids spent the night or when the caterers came, you know, you wouldn't be able to use any of that. Like I said, not even ice, and that was... he put that in there because I specifically... he said no water and I said not even ice and he said no ice. So I'm glad he put that in.

Mr. Barner: That's fine.

Ms. Brown: Okay.

Dr. Larson: Any other questions for the applicant? Thank you, sir. Is there any member of the public who wishes to speak in support of the application, if so please come forward. Seeing none, any member of the public who wishes to support, sorry... wishes to speak in opposition to the application, please come forward.

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Ms. Sykes: Good evening Board. My name is Maria Sykes. My home is about a quarter mile up from 193 Toluca. For context, as you know, Toluca Road is a single-lane road off of 610, Garrisonville Road, and it runs adjacent to Mount Ararat. Toluca Road carries all traffic from the Masters Mill subdivision, as well as the other homes along Toluca Road, to include the 193 Toluca Road. There's no sidewalks or street lights on Toluca Road and there's no traffic light at the intersection of Garrisonville and Toluca. My concerns with a wedding and event venue at 193 Toluca is neighborhood safety and traffic. As the Board is aware, the property at 193 Toluca is in excess of 11 acres and contains a very large single-family residence. At this size, a wedding or event of any size will quickly overwhelm Toluca Road and cause potential safety hazards. There's nowhere to park multiple cars, because it is a narrow street, and there is nowhere for cars to turn around other than driving through the community and into the two cul-de-sacs. There are a number of children in the neighborhood, including my two young daughters that play outside of the property. Increased traffic puts them all at risk, especially at night since it's very dark. In addition, the lack of a traffic light at the intersection of Garrisonville and Toluca would cause a significant backup of vehicles into the neighborhood. It's already difficult turning onto Garrisonville Road. If there needs to be a response by fire or EMS, it could potentially be delayed due to the traffic. And so, we would like to respectfully ask the Board to deny this special exception.

Dr. Larson: Any questions for the witness?

Ms. Sykes: Thank you.

Dr. Larson: Thank you. Would anybody else like to speak in opposition to the proposal? Whoever comes up first.

Ms. Prokos: I'm a retired teacher so I expect to raise my hand be called on. My name is Elena Prokos. My husband, Jeff Eastland, and I live on Toluca Road. We've lived there 20 years. We have a 7-acre property with horses on it and chickens and etc. We both have several concerns and questions about the wedding venue. I might note that on the memorandum to Stafford County Board of Zoning Appeals it states that there are no subdivisions in the immediate area. I'd like to point out that there's 31 homes on Toluca Road and a group of them out of that 31 are actually a subdivision called Masters Mill. I consider that to be a residential subdivision, which I think is important when considering allowing this venue. Toluca Road itself, especially in the first half, is very narrow. It's barely passable by two cars at the same time. One of them usually has to pull over. And there's a blind curve right as you approach our property and the hill that hurts... a hill that hurts at the church that hurts visibility. So, when you come up over that hill you can't even see over the top of it until you get to the very top of it. Residents are aware and usually exercise caution when driving, but people unfamiliar with the road could cause safety concerns. Many of us walk, run, bike, ride horses down that road and I'm also frequently entering the road with a horse trailer right before the blind curve. Entrance onto Garrisonville Road has already been discussed but obviously it's a concern. It is better at the church since they changed the entrance way out of the church parking lot. There's just a small parking lot; it's not as bad as it was. But there have been times where I've had to sit, during church especially. There's not a light there getting across the highway. I see that there may be shuttles for event participants which could be helpful for traffic issues; however, that's not really a given unless it would be a stipulation put on them. There is already traffic from the church, which has been eased, but we've already had one person hit by a car when crossing that road from the church and I think that's a cause for concern. I'm concerned of wedding event participants honoring the 25 mile speed limit as residents and farms are approached, and I'm also concerned about alcohol consumption at a wedding and how that will affect safety on their way out especially. I'm concerned about the amount of participants. If you divided 260 people by 2 into a car, that would mean there'd be 130 cars. I know he says he's... that it isn't planned on having that many but that's a lot of cars on a little road like that. I'd like to know if there's going to be more than... if more

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than one event is planned in a day. That possibility could also add to the traffic density. The parking on the grass, I understood that that would have to be paved. And, if that is the case, then will there be proper drainage so as to protect runoff to area properties? We're like four properties down towards 610 from there. Definitely concerned about the length of hours; 1 AM on weekends. Concerned about the noise level of events. I never have heard his... any of the gatherings that he's had previously, but will fireworks be allowed? They terrify my horses. Will loud bands be playing? We already have to contend with quite an assortment of noise pollution; Quantico artillery, low-flying Ospreys, Vulcan quarry, asphalt plant, high school football games, sirens from nearby rescue squad, 610 traffic. I ask you to consider these concerns when making the decision to approve or not approve this zoning change. My husband and myself cannot support this change.

Dr. Larson: Thank you. Are there any questions from the Board?

Ms. Bertoldi: I just have one question with respect to your horses.

Ms. Prokos: Yes.

Ms. Bertoldi: I know that fireworks will terrify them. What other type of loud noises affect animals such as horses?

Ms. Prokos: Thank you for asking. They're used to, at this point, the Ospreys coming out of nowhere, and they're used to the artillery at Quantico. But the fireworks only come once a year and that is pretty scary for them, but I'm okay with that once a year, you know, because it's a celebration. However, how often would they be there if there was a venue for a wedding, I don't know.

Ms. Bertoldi: And where is your house? Is it... I know you said your four houses down, but are you closer to the front of the property or the back of the property?

Ms. Prokos: Our house is at the very back.

Ms. Bertoldi: The very back.

Ms. Prokos: And the barn is in the front.

Ms. Bertoldi: Alright, so if you had, if you had... if there was a large band that, you know, with an outside wedding, would you... would those... would that loud music, does that frighten horses?

Ms. Prokos: No. Thank you.

Ms. Bertoldi: Thanks.

Dr. Larson: Other questions? Thank you.

Ms. Prokos: Thank you.

Dr. Larson: Would anybody else like to speak in opposition to the application?

Mr. Eye: Good evening. My name is David Eye. My wife and I have adjoining property to Mr. and Mrs. Barner. As the lady before us, our concerns are also addressing the traffic trying to exit the event onto Toluca Road and then onto 610. I think several of you said you had driven down in the area so you

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know what Toluca road looks like; it's not a wide road at all. There's no drainage ditches, no shoulders, so it's pretty much maxed out at any time for traffic flow. The parking on the property, if I understand, it's going to be around a circular driveway, half on half off, is that correct?

Ms. Brown: No, well, in addition to that, I understood it was gonna be in the main grass area, part horizontal to the house, north to south and ringing the driveway.

Mr. Eye: Okay, well if it is half on and half off around a circular driveway, if there's a need for an emergency response vehicle, i.e. fire truck, rescue squad, whatever, they would be inhibited from responding. Then the alcohol is always a concern. I don't drink and neither does my wife. So, Mr. Barner stated he and his wife didn't. I wouldn't condone such an event that served alcohol to people to release them off my property onto public highway, to put citizens in the neighborhood in jeopardy. Overall, noise is always a concern. One PM in the morning, would you want something in your neighborhood... ongoing party or an event like that? Our house is... his backyard is our front yard, we're about 200 yards from his back door. And overall, just primary safety concerns for the public and the neighborhood. Thank you.

Dr. Larson: Any questions? Thank you, sir. Would anybody else like to speak in opposition?

Mr. Strawder: Yes sir. Guy Strawder and I want to start off by just saying that I don't take any pleasure in speaking in opposition. I know the Barners; our kids used to swim together. They're a wonderful family and everything. This is really just more about how I think it's going to affect the things on the road. I'm really... I'm echoing a lot of the issues that we have about the traffic there. I really appreciate the folks that actually drove it. Maybe you get an understanding of why we moved back there to begin. I mean, it's sort of a bucolic area there, very quiet, lots of wildlife. Seems the more we grow the more that moves away, which is unfortunate. But I do worry that just on the 2-way traffic right now, as you've heard others say, there are large trucks coming in there and I mean just trucks bringing in furniture and things like that, you almost have to go off the road and you know that there's no shoulder that's there. I don't think the church, as an example of being able to manage traffic, is a good example. I go to that church. The parking on Sundays, literally about 95% of it is on the other side of Toluca Road, on the west side, where you can actually go through a light. There are probably not more than, in any single service, more than 60 cars in that parking lot. Right now, because of the new Wal-Mart that's down the... that's down the road, you get to the end of that road and if there are, you know, right now when you're making a left-hand turn, you're taking your own life in your hands right now because it's... there's so much traffic that's coming back and forth. I can't imagine if you've got to stack up, even of 10 or 20 cars that are trying to make that left-hand turn. And I just came back from D.C. after an hour and a half, two hours in traffic and now when I make a right-hand turn on Toluca and, oh by the way, if there's a 6 o'clock nice sunset service going on, that I got to sit there and wait while everybody gets parked. It just wasn't what that area was intended for as you're talking about the exemption about changing the character. It absolutely changes the character. We've already talked some about the drinking. I have an 18 year old daughter on that road. I don't... you've got to be 100% sober to drive down it now at night. And somebody who's got two drinks in them and everything going down that road, that's gonna be a disaster that's waiting to happen. And, you know, all the assurances aside, I don't think the risk is worth it for that. And I will tell you that when we get to the point that if we ever do decide to sell that house, we're talking about injurious to property; I'm not gonna be able sell that home. Nobody's gonna want to be there where they're in a choke point at the end of that cul-de-sac, where they recognize that on any given day it's 15 minutes to get to the end of your road that's a mile away. I appreciate the other things people were talking about. My wife and I run on that road. We bike, everything else. I didn't buy that house to be part of a Disney Resort, and that's what my concern is.

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And I think the more that you look at it, the more you're going to recognize that's exactly what it'll turn out to be. Thank you.

Dr. Larson: Any questions. Go ahead.

Ms. Brown: I did have, I don't know if it's appropriate, kind of a comment to what he said. Is that appropriate now or...

Dr. Larson: Go ahead.

Ms. Brown: My daughter also attends Mt. Ararat and normally when we drop her off, because she works at the preschool, we drop her off near that side lot on Toluca. This past Sunday, and I don't know if I should have declared this at beginning, but I did go in and count the parking spots. There are 85 painted spots and I noticed that the cars also park in the non-parking spots around there, so there's more than 85 cars because it's overfill. They also park near the red mobile home trailers, so there's probably going on 100 cars there. I did sit there this past Sunday. My daughter gave me the wrong times of the services, so I missed the first one but I did sit out there at 9:17 is when I started counting cars coming in and out of Toluca. And I sat on the corner of 610 in that little construction business parking lot. I sat there for 15 minutes and I counted 70 cars going in and out, going both directions. Then I came back at 10:46 and I sat there to 11:15, so about a half an hour, and there was 93 cars going in and out. So, and I did try to look to see what was stacked up, because there is no light going... making a left turn on Toluca on to 610. The most cars I did see stacked up was about 5 or 6. But I was not able to get there for the 8 o'clock service because she gave me the wrong time. But I did want to mention that; he is correct about that. There was a lot of traffic and there is, and I did take a picture of it, there is a rise of a blind hill coming, if you're heading, if you're coming from 610 heading toward the proposed venue, there's a dead drop so you can't see what's coming out of the driveway.

Mr. Strawder: There is a lot of that, too. In fact, you'll see...

Ms. Brown: Well, I noticed it near the... near that house.

Mr. Strawder: But you'll see FedEx trucks, you'll see UPS trucks, you don't have a shoulder so they stop and you're actually trying to, you know, play chicken with whatever you think is coming on the other side.

Ms. Brown: And that was the problem. I wanted to pull over and see how wide the road was and there was no shoulder for me to pull over, so I had to go to the place and walk quite a distance down. And I did notice when I was sitting there watching the cars and counting them, the cars did tend, when there was oncoming traffic, the cars did tend to yield and kind of pull over and slow down and stop to let the other car pass, so they didn't like pass simultaneously, they kind of yielded to the oncoming cars. That was just my observation. That was by no means an official traffic study. Please make that very clear.

Mr. Strawder: Well, I appreciate you doing that, too.

Ms. Brown: But I just wanted to kind of see what it was in there. And I think you had said that the traffic count for that road was 490? Yeah, or somebody did? Somewhere I saw it.

Ms. Bertoldi: Yeah, when I had asked they said that that's the... it's a local... the way I understood was that it was a local road and that that means by definition 490 travels not, yeah, car trips. So that's what I

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didn't know where the emphasis was on. If it was on they only should have 490 or it's a local road because that that's what they've calculated.

Ms. Brown: Well, at least on Sunday we have a high volume there due to the church. Again 70 cars in 15 minutes and then 93 cars in a half an hour. So, and I don't know what it's like the rest of the day, so.

Mr. Strawder: Well, I want to reiterate what was said on the earlier zoning issue, too. Unlike cars that are going in and out to this landscaping business where they know exactly their destination, it's not always gonna be that way when a wedding party is necessarily, they go right by, oh it's that huge house there on the left and then I still have to go there and turn around in the cul-de-sac, we've got kids that play down there. We've got young kids all the way up to teenagers. Again, it's just, it dramatically changes the character of the of the area.

Dr. Larson: Any other questions? Thank you.

Mr. Strawder: Thank you.

Dr. Larson: Anybody else want to speak in opposition?

Mr. Garnell: I do. Good evening. Thank you for allowing me to speak. My name's Ed Garnell. I may be the gentleman that just moved in on that corner that you were looking for.

Ms. Brown: The business?

Mr. Garnell: Not a business, but you were saying there is a plat where somebody didn't get notified; that may be me. I moved in two weeks ago and I'm hoping...

Ms. Brown: You're right on the corner?

Mr. Garnell: Yeah. I'm not gonna belabor the previous thing. I just want to add perspective. So, I've been in Stafford County for 16 years. I just moved to this new location two weeks ago from this war zone called Austin Ridge subdivision. Right? So we all know this. And I'd like to preface what I'm getting ready to say by using a movie quote, "If you build it they will come". And I lived in Austin Ridge for 13 years. I've been looking for a new place to live for over two years. Somebody helped me find a place because I needed to move someplace where I wasn't going to be crowded, where people weren't going to run over three dogs in two years, sideswipe two cars, and I lived on a cul-de-sac for Christ sakes. And I just needed to get away to someplace where I could just be a little bit more quiet and then I move in and I'm finding out there's gonna be a wedding venue. So, let's be realistic. We probably do need in this area something like that, but I don't think in a residential area. I mean, if we just think about how we extrapolate this further, it can only get bigger and grow. And unless I missed something from the previous email, I think there is a house built in that location that shouldn't have been built. It sounds to me like there were permits provided to this large home, not mansion, that probably ought to be revisited in some way, shape, or form. And then to pile onto that, we're entertaining the notion to have these large venues and I understand, I don't begrudge you wanting to provide servicing, but I don't want to be the individual because this should be a festive event. It should be. People should be happy, they should celebrate. Guess what people do when they celebrate? They're kind of loud and boisterous and they should be. I don't want to be the neighbors to have to always be coming over raining on their parade because that's what's going to happen. Eventually, what you're going to do is extrapolate this on to like a fourth blue on blue, neighbors versus this, you know, lovely event that they're trying to have because the two just won't mix. So, I didn't want to rehash the safety issues, but I

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just want to give you a perspective of somebody that's been here a long time, that loves Stafford County, I love this new neighborhood. I love my neighborhood. I don't know all my neighbors yet. And I just appreciate the opportunity to just offer my perspective. Thank you.

Dr. Larson: Any questions? Thank you. Would anybody else like to speak in opposition to the application?

Mr. Lester: My name is Gerald Scott Lester. Our neighborhood has grown over the years. I've lived there for 25 years and seen a lot of this growth. We mentioned the traffic. This venue would increase traffic 100%, if you count the cars, the commercial vehicles, everything coming in. Our road is 16 feet wide. The guidelines for a rural road in Virginia are 18 feet with 2-foot shoulders. We're 2 feet less than that. The safety that's brought up by the others, I'll say the same thing. Kids, bicycles, people walking, golf carts, farm tractors, horse riders, all of these use this road. You have people unfamiliar with it driving up and down, it's an accident waiting to happen. Other concerns, he would have to meet VDOT approval for the entrance, that was brought up earlier. VDOT approval requires anything using 50 entrances per day is considered commercial. That would be a 30-foot entrance, unless he chose to make it entrance and exit, then it would be 24 feet, on a road that's only 16 feet wide; seems kind of odd. The application states that he has vegetation surrounding the property. However, there's 325 feet on Toluca Road that has zero trees and shrubs. This brings me to parking and lighting. The lighting standard is 50-foot poles would have to be installed. These 50-foot poles would be 75 feet from my home and my neighbor's home. So, the place would be lit up until one o'clock in the morning, lighting up the whole front of my house, the front of my neighbor's house. All three of our bedrooms are on the front of the house. Nobody wants that. People would then be leaving at one o'clock in the morning, slamming doors 160, 200 times; you don't want to hear that at 1:00 in the morning. Then when they turn out of their driveway, their headlights are going to go right across the front of my house. If they exit out the other driveway, they're gonna go right across the front of my neighbor's house. Both of our houses are 55 feet off of this road; that's not very far. His house sits back 2 or 300 feet. The cars aren't going near him, they're going right by us at 1:00 in the morning. I get up at 3 o'clock in the morning, leave the house at 4:00 every morning. I can't be up until one o'clock because of cars and lights and so on. The application states 156 bar and kitchen space. Assuming drinking will be allowed as we heard, this puts potential drunks on an unfamiliar, narrow road at nighttime, something else that was already brought up. This proposal, if approved, would affect the nature of a quiet peaceful neighborhood; quality of life, safety, potential resale. No one wants to be 75 feet from overhead lights that are on till one o'clock in the morning. And that's it.

Dr. Larson: Any questions?

Ms. Brown: I just have one question. Are you the house that's across the street that's white?

Mr. Lester: Yes ma'am.

Ms. Brown: Okay, okay, I remember seeing your house, okay, thank you.

Dr. Larson: Anybody else?

Ms. Bertoldi: No, it's not really a question, but it's more of a statement. I just want to state that when I drove down... I have a Nissan Rogue, I have a fairly small little SUV, and when I turned onto Toluca there was a car coming and it was a larger SUV and we had to really negotiate around each other. It's not something casual where I just drove on one side and they drove on the other, you really did have to

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make sure you were driving in a particular location so that your mirrors did not hit. I just wanted to state that for the record.

Mr. Lester: Yeah, if you if you meet a school bus or a trash truck on that road, you're taking your life in your own hands. Especially if you drive a truck like ours, I'm not in a Nissan Rogue; I'm in a full size truck, so it's very touch and go, quite a few mirrors have been hit.

Dr. Larson: Anybody else with questions from the Board? Thank you, sir. Would anybody else like to speak in opposition?

Mr. Keogh: Good evening, my name's Tom Keogh. My family and I've been residents there for 10 years; we've been a resident Stafford County for about 16. We lived in Aquia Harbor and, similar to Mr. Garnell, he spoke in Austin Ridge, we wanted somewhere quieter, and so prior to retiring from the Marine Corps we started looking for somewhere that was more rural, a little bit of land, but still close to the services of the community. I think we all know that neighborhoods like Masters Mill are a dying breed in Stafford County, there are very few of them left. Those of us that live in this neighborhood take great pride in its location and its austerity. We like the fact that there's no lights. We like the fact that the road's a little bit narrower. The reality is as these gentlemen who have gotten up here and spoke are usually the ones that plow that road for us in order to get out when we have a snowstorm, because we don't often get utility vehicles to come in. So, when we start to weigh best case scenario you have a tea party at 2 o'clock on a Saturday afternoon, everybody shows up, everybody's polite, everybody's respectful. They come in, they use the 4 porta-johns that are allocated. They take their ice from the commercial vendor or whatever it is and they go. I think worst case scenario is more, more like what we're all concerned about and that is a venue with 260 people, every one of them driving their own vehicle, driving in. Sure, they're going to park in the in the driveway, they're going to park on the yard, they're also gonna be parking on the side of the road being asked to move. There's gonna be delays in getting in there. Then there's alcohol consumption. Then there's noise. Then there's the lights. And so... and oh, by the way, if the owners of the homes aren't there, and now we're almost subletting a property to a wedding planner or venue planner to be working the space rather than the homeowners, all those things are concerning to us. Safety and the character of the neighborhood both would be greatly diminished by something such as this, so we all vote against it. Thank you.

Dr. Larson: Any questions from the Board? Thank you, sir. Would anybody else like to speak in opposition?

Mr. Jones: Good evening, my name is Kenneth Jones. I'd like to state, I think Mr. Gibbons probably knows there's been a lot of questions about the rural road, don't shoot the messenger. My grandfather built the original road. It was done way back in the '30s or '40s. It was done with a piece of farm equipment. My family essentially owned everything on the east side of Toluca road for years; we've been there since the 1700s. The term, this road is a state maintained road, it is not a state owned road; so it's been dirt up until the late '60s, it was the old tar and gravel, now it's got some asphalt on it, but yes it is very, very narrow. There are no right-of-ways. The state owns none of it. The County does nothing. There's no work on the ditches, there's no shoulders, nothing to do with that. This particular business would just really, you know, it would hamper everything that goes on with the general life there. I know a lot of things I'll say you've probably already heard, but a few things I would like to point out. One, I had the painful experience, I had to pay for two daughters weddings in the last couple of years, so we used venues. One was in Spotsylvania County, one was in the City of Fredericksburg. As far as the parking on the grassy area along the side of the driveway, my youngest daughter was married out at a winery in Spotsylvania, there was a large dedicated parking area, grassy. Guess what happened on the day my daughter got married? It rained. That grassy area became a mud hole. So, that is one of the

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things that you have to deal with when you come there. Another one of the things, we've talked about the water and stuff. There is no public water or facilities on this road. The gentleman actually had a fire in his house last year or the year before. Fire trucks had to drop hose from the church half a mile all the way down to his house. The road was essentially blocked off for hours while the fire department dropped all this hose and they had to come from, I don't know, five or six different places to have that much hose to put down there, and then of course the hours to take, to roll all of that hose up. Now we'll be honest and say I think the fire was out before the hose even got there, but the fire department had to do their job, so they're dropping hose out there, so that is a concern there. If there is, you have this many people, in an event you have an emergency, yes, you've got to be able to get trucks, you've got to be able to get the rescue squad in there. The people talking about the number of events; again, when I had to do these weddings, well over a year we had to reserve and pay for these venues, because once they become popular, as the other gentleman said, you build it they will come. Now they can say all of these things about not having all of these number of events but, their application will allow for it. Who's to say they won't hire somebody to run the venue while they're in Europe for two months. I've never met the people, I don't have anything personal, I just don't think this type of business belongs in this neighborhood. It should be somewhere where it's more set up to handle the kind of traffic and the kind of business that they will bring up. The church parking, one of you made mention of the number of cars. The church has grown tremendously since I was a little kid and there was, you know, maybe a hundred people going to the church. It used to have the parking lot right below the church, it's still there but it's expanded. But the church actually closed that off to discourage so much traffic from Toluca Road. They still have the parking lot on the east side of the road but most of the people who park there know they're going to go to the west when they come out. They know what it's like to go east and that's not everybody does that but most do. So again, you have familiarity with what you're doing there. So again, you have the issue, you know, as far as those things go. So, like I said, a lot of it's repeat stuff, but it is genuine concerns about what kind of, you know, the quality of life and what it's going to do to our area there. Thank you.

Dr. Larson: Any questions? Thank you, sir. Would anybody else like to speak in opposition to the application?

Mr. Cosner: Good evening, my name is Skip Cosner. I'm the second piece of property down from Mr. Barner's home. The six standards that are listed in the Board of Zoning Appeals for special exemptions, number one says it shall not change the character or establish a pattern of development. I could not find any updated average travel counts for Toluca Road, but with 31 homes with multiple drivers each day along with friends, UPS drivers, and Papa John's Pizzas, the number of daily trips I'm sure are way over 100, and also weekends that is higher. The application for this event venue asks for hours of operation for seven days a week, and states up to 80 vehicles can be parked on any one event. That is a minimum of additional 160 trips on Toluca Road up and down; therefore, I don't believe rule number one applies to this or he has not completed rule number one. Number two says it shall be in harmony with the use of permit... should be in harmony with the use of permit by-right and not affect our properties. Toluca Road is a rural road with no sidewalks and no curb. As such, our children ride bikes and that is on Toluca Road where they ride bikes. People walk dogs, run, walk, exercise, and enjoy Toluca Road. When the cars are passing someone on the road, we tend to step into the grass shoulder, or even towards a ditch for safety. Additional traffic could impair the use of our neighborhood. Therefore, we believe rule number two would not be met. Rule number three says it will not impair the value of the properties. Lighting on 50-foot poles has been stated in the application. With events going late into the night, obviously the lighting has potential to disturb those homes closest to the event. While Mr. Barner may be on 11½ acres, the property is long and narrow, with neighbors visible on either side, and directly across the street. Not only is... not only, the character of the neighborhood, but the inconvenience of events and lighting late into the evening will substantially change the neighborhood from a rural feel to

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affect our properties and values. Therefore, I believe number three is not met. Number four and five discuss the events of the effect of health and safety to those living in the neighborhood and injury to the property. Obviously, additional traffic has the chance for safety to be affected. Also, I would have to also ask questions whether alcohol would be allowed which we've already heard that would be true. If so, what steps would be taken to ensure the safety of those on Toluca Road, our property on Toluca Road, and where if someone was leaving the event and they had been drinking. We believe the traffic alone shows rule number four and number five have not been met, and we'd like answers as to whether alcohol is... and our safety. I understand and I have no ill feelings against toward Mr. Barner or his family. I have known Mr. Barner since he moved in the neighborhood several years ago. We have talked on several occasions about green yards and how to make his yard grow green. But I am against this application for a wedding event and venue at his home on Toluca Road. This business is not a good fit because it does not meet the rules for what is specified as a neighborhood in Stafford County. I also have, out of 31 homes on Toluca Road and Masters Mill, 27 have signed that they protest this zoning change and ask that you not change it. And I have this for you, names and addresses.

Dr. Larson: Any questions for this gentleman?

Mrs. Stefl: I'd like to have that list was included to the record.

Ms. Brown: That was my question as well, I'd like to see if we could, too.

Dr. Larson: Thank you, Melody. Would anybody else like to speak in opposition to the application? Seeing none, does the applicant wish to respond and/or add additional information?

Mr. Barner: First, I want to again thank the Board for being here tonight. I know it's been a long night, and so I won't take much longer. And I also want to thank the residents of Toluca Road. These are great people, they're wonderful people, and I have enjoyed being in their company, talking to them, sharing things since I've been there. And it's a lot of fun to be on Toluca Road because the way that we can live and enjoy that community. And I would never ever do anything to injure that relationship. I didn't realize we had so many people on Toluca Road to be honest with you because some of the houses sit so far back and, you know, we pretty much stay to ourselves. I run down that street, my daughter and I, my wife, we ride our bicycles down that street. I enjoy listening to the chickens, and the goats, and seeing the horses walk down Toluca Road, and I enjoy seeing the big... those four wheelers and mud bikes that ride all around through the community with the children, and I enjoy seeing the pool parties and kids out there running around and screaming and having fun. And I think that's all as important as being part of a community. Again, when I first got here on 610, like I said I could stand in the middle of the road and I wouldn't see anything, I can stand up there like this in the middle of the day and I won't see a car for half an hour. In fact, when I first moved here, I got lost trying to find my house, the first one in Park Ridge. But it's something I realized when I got really involved in the community. There are so many things that Stafford County has the potential of doing. I'm so proud of what this Board and the other staff and members of this County has done to grow us to where we are today. The roads have expanded, restaurants, hotels, sports venues, schools, everything that we need requires sacrifice and it upset a lot of people that were indigenous to this community long before all this expansion came. What I realize, that's what make us a community. It's not living in isolation and keeping things private so that my world will not change. I wish that was possible. But I do not have any intentions of changing the worlds of my neighbors. I know it sound grossly terrible to have 260 people to come on one property, and I'm gonna tell you right now, I don't... there's not an amount of money on the planet to make me have 260 on my property because I'm scared of my wife, you know, I'm not... we're not gonna do that. Alcohol... we don't drink, but weddings have champagne and that is alcohol. I don't even think you can have a wedding without champagne. I've been to many of them. And right up the street we have the

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plantation and other vineyards, and if those areas are not considered dangerous to the roads that have narrowed, they're a lot narrower and steep, some turns out, and there's no lights back there, and also off a Poplar Road. And if all of those things are not unsafe, surely Toluca Road, which is a far better position is safer than other locations, cannot be at worst case worse than anything else. A lot of things that we have applied for again, as I mentioned to you today sir and I think I mentioned also to you ma'am, that yes we applying for the maximum participation that we can do, but we have no intentions ever of exercising that. But in the event, like the gentleman said, I may go crazy or something when I'm 75 or 80 years I may decide to a big old wing ding and I want 500 people on my property, I might go nuts with something like that, okay. But we have no intentions of having that type of vineyard as been spoken, and I won't challenge my neighbors. I know they here in all good faith and I respect that. And actually I appreciate that. And I had my wife to write down all the notes and everything so we can be conscious of what we do provided that the Board allow us to have that facility there. And at any point in time I disappoint my neighbor, I expect them to tell me, I expect them to come back and report it to the Board, I expect that to happen. My wife and I are both retired United States Army officers and we've been following procedures and stuff most of our entire life. In addition to that, I've owned a Golden Corral up the street here, that used to be here, Five Guys, and started other businesses, and have international business. Customer service is the most important thing to me. Community is important to me. Stafford County is important to me. This is our home. And we've been here for 30... almost 30 years now, and we love this place, and we love our neighbors. And we gonna be a positive... bring a positive impact to the community, a very positive impact. So I would like to thank you again for tonight, for listening to all of the concerns, and I do hope you do take in consideration everything they have said, but all I'm asking you to do, whatever I'm authorized to do by policies, by ordinance, and within your power, my wife and I would be extremely pleased to be able to have that facility, that venue at 193 Toluca Road. Thank you.

Dr. Larson: Any questions for the applicant?

Ms. Brown: It was a very gracious speech, thank you. That's all I wanted to say.

Dr. Larson: Thank you sir. We will now close the public hearing and bring the matter back to the Board for discussion. Discussion?

Ms. Brown: I have a couple of questions for staff, if could I do that, is that possible? I don't have my rules and regs in front of me, I've searched through my briefcase. I know that we can have, you know, no more than two employees onsite at a time. How was that... would that work if somebody wanted to bring in caterers and parking attendants and all of that? Would that violate the two people, the two employees onsite? Because they'd be coming regularly. My understanding is that they'd... he'd have a wedding planner who would bring her staff, or caterers, or florist, her DJ, parking attendant I guess I don't know.

Ms. Musante: Right.

Ms. Brown: So, that would be multiple people.

Ms. Bertoldi: I don't know, but they wouldn't be employees, they would be independent contractors. So, unless the regulation itself states something that it says employees or independent contractors, I don't think that specific ordinance would particularly apply. I don't have it in front of me but...

Ms. Brown: Yeah, I didn't either, okay.

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Mr. Gibbons: ***Microphone not on.***

Ms. Brown: I didn't, I didn't hear that Mr. Gibbons, what?

Dr. Larson: What was that?

Ms. Brown: I didn't hear what Mr. Gibbons said.

Ms. Bertoldi: He was asking if that was on my quiz.

Ms. Brown: Oh... I've got a lot of concerns. This is in my neighborhood. I think it's a cute idea. I really liked the idea of having, you know, bridesmaids and the bride the night before come over and get together and have their little gaggle before they get married. I think it's kind of a fun little thing. My personal opinion is I don't think this is the right place for that. I think this venture is too commercial for the area that it's in. I did not know about the fire hydrant, having to drop the hose from the corner, from the church that I was unaware of that. That's very significant because it is a large venue and there will be a lot of people. I had concerns about having receptions in the front yard, cars parked there, tents, DJs; it just sounded a little too much for what I thought to be a very tranquil little neighborhood back there. And I did go by and look; the property is I think almost 11 acres but there were... the surrounding properties are not so big. Right immediately adjacent to him in the front is lot 19-52A, which is less than an acre, it's .94 of an acre according to our tax records. The house on the corner that I wasn't sure got notified for the new resident, I think he was from Austin Ridge, that property is one acre. Just around there, some of them were five acres, some were, you know, six acres, but there's some smaller lots around there and I think there was one in the back, 19-52C, which was three acres. I just think that the houses are a little close. I think that the venue is a little large and I think I'm gonna make a motion to deny. And I think it's a great application and a great idea, I just don't think that it's the right spot. So, I'm going to make a motion to deny.

Dr. Larson: Okay, there's a motion on the table; is there a second?

Ms. Bertoldi: I'll second.

Dr. Larson: Okay.

Mr. Grimes: I had a question for staff.

Dr. Larson: Go ahead.

Mr. Grimes: I was gonna try to get in before we got to the motion part. Can you provide me a list of what other by-right uses can be done in the A-1 district? I didn't bring my list, I would have read it for you but... So, other uses in an A-1 district: agriculture, accessory dwelling, aquaculture, automobile, avocation, which I assume is repair business, bed and breakfast inn, boat sales, campground, cemetery, club/lodge, fraternal organization, community use, equestrian use and bridle path, farmers market, feedlot, forestry, golf course, group family day care, home business, home occupation, manufactured home, non-commercial kennel, park and playground, place of worship, plant and tree nursery, public facilities and utilities, public works, recreational enterprise, recreational facility, saw mill, secondary dwelling, single-family dwelling, slaughter and animal processing, small family daycare, veterinary clinic, wayside stand, and wetland mitigation bank. All of these uses are allowed by right in this area but we do have the requirement for the special exception for events and venues. I just want to make sure

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anybody on the Board knows what could be done on this property if the owner chose to without having to come before this Board.

Ms. Brown: I'd also like to point out, too, that every case that we have is unique. We have several different wedding venues in Stafford and some we've approved and some we've not, and it all varies. You know, they have different closeness of neighbors, they have different road access, it's a lot of variables that goes into each application and no two are alike. So, I just... I want to make that clear, that just because we approve one doesn't mean we'll prove another. It just all depends on what's on the ground. And, you know, just to restate, I'm concerned about the road, I'm concerned about the noise, I think it's too big. I'm concerned also about the bedroom situation where I think we may have more bedrooms onsite than we should have and we could not support any additional guests on that. So, again, everything is unique, every case is different, so I just wanted to make that clear.

Dr. Larson: Any other discussion from the Board?

Mr. Grimes: Adela is doing some personal research here for the moment.

Dr. Larson: While she's doing that, I'm going to support the motion. Just to second what Dana just said, every situation is unique and I, after visiting the premises, I walked the periphery of the premises to see where everybody was located. So, I saw that all of your houses that are close by, I saw them all. I did not go in the house but the house looks beautiful on the outside and I think it would probably be a great venue for what you're proposing. I have concerns about safety and the road. I have concerns about the lights disrupting your neighbors, especially across the street. My primary concern is that it would change the current character of the neighborhood. Now, I arrive at that conclusion, it's not because of the number of people that have said things, it's what was presented. So, I'm not persuaded by numbers, I'm persuaded by facts, and I was persuaded today that this particular venue in this location would change the character fundamentally of the neighborhood, so that's why I will support the motion. Any other comments?

Mr. Gibbons: Mr. Chairman, I probably want to echo what you just said. I've been around this area for over 40 years and Toluca Road has been a problem. You know, we solved part of the problem by putting the light in, that's really the problem. But I can't support an area, I mean when you go down there on the weekends, and I'm not arguing with the applicant, but you take your hands in your own... your life in your own hands when you're trying to get out of Toluca Road. I mean, it is a... like the old guy said from Vegas, it's a crap show. It's a... I don't know how to put it any better but we can't change the community, it's a good community, it's been very, very good. And we just can't change the nature, so like you, safety is the most important thing and that road just can't handle the traffic, there's just no way.

Dr. Larson: Adela, did you want to say something?

Ms. Bertoldi: Yes, I just want to say first that I struggled with this one because, you know, I think people that know me will know that I'm... I promote small business, that I'm the first one to complain that I have to go to Fredericksburg or up north or further south to do anything, and that we do need to have a culture in Stafford County. However, with that said, I cannot support this application for the following reasons. First, yes, there is the road issue and I do take and listen to the applicant when he said that, you know, the road up to the winery is also small; however, the winery is up on a hill, it's up in its own location, and people can drive up and down that, you know... it's a lot of road that goes up and down. This is not... it's more than just the road is my point. Yes, in A-1 has certain by-rights, it was read to us. They can do all kinds of things with that property, but what is unclear to me and I don't think

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that the intention of that was in existing neighborhoods that have already been built out. This is a built out neighborhood. I did, I drive it more than once. I drove it once when I got the application and then I drove it again after I really delved into and considered and researched the application to see if I changed my mind. If, you know, look more in detail to the surrounding areas, I think that not only do you have animals and farms and horses, but you do have small children. I live in a end of a cul-de-sac on a street that no one ever needs to drive down, and for whatever reason everybody turns around in my cul-de-sac. I have no idea why they come down my road; there is no reason to come down my road unless they're lost. I've a five year old; I will not let her play outside without me watching because there are random cars on a daily basis that drive up and down my small road in a cul-de-sac, which literally have no reason to be there. And you cannot turn around on Toluca. It is a little confusing when you first drive in. You don't know where to turn around so you either gonna use someone's driveway or you're going to turn around in a cul-de-sac. In addition, I understand that the applicant believes that a wedding party, that they would not have a wedding that will go past 6 or 7 o'clock at night because they want to get on with their evening, that's not how weddings work. Weddings do not want to end at 6 or 7 o'clock at night; I think that that is not realistic. Weddings will go at least to 11:00 and they don't just shut down then, that is when people leave. That is when the DJs or the bands close up. That whole process will take hours. I have to say I love the idea and I would... I would love that and, you know, it's the type of venue I can see my daughter get married in, but not on this street and not in this community. The neighbor across the street is, literally, you could throw a stone from there. I could not imagine that being in my neighborhood, and I raise that because we have very specific requirements for a special exception and it will affect the neighborhood. It will affect the purpose of that neighborhood and what that neighborhood has come into and what it is. And for these reasons and many more that we all don't need to be here until 10:30 at night, I cannot support this application.

Dr. Larson: Any other comments from the Board? Okay, the motion's been made and seconded to disapprove the application for special exception. All those in favor say aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Gibbons: Aye.

Mr. Grimes: Aye.

Mr. Jenkins: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Aye. Any opposed? Okay, the application is denied (7-0). Sorry.

Ms. Brown: Mr. Barner, I do think it's a great idea and I echo Ms. Bertoldi. I would think that'd be great for my daughter and I really do like the idea of the pre-wedding day bridal overnight. If you could find a good place for that, that would be great. I think that would be really fun.

UNFINISHED BUSINESS

Dr. Larson: Alright, the next item on the agenda is Unfinished Business, and the first item there's the 2018 Annual Report. Everybody should have a copy.

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Mr. Grimes: Dr. Larson, would you like to take a break or are we gonna power through?

Dr. Larson: You know, we probably should take a break. So let's take a... take a ten minute break.

Mr. Grimes: Thank you.

Break: 9:24 p.m. to 9:32 p.m.

- 2018 Annual Report

Dr. Larson: The meeting will come back to order. Everybody should have a copy of the Annual Report in your handouts, and we've had it for a while. Does anybody have any comments on the Annual Report?

Ms. Brown: Yes.

Dr. Larson: Go ahead.

Ms. Brown: The last page, or well it says page 4 of 5 but, yeah, it's page 4 of 5, under the second bullet, the last sentence, I think it should read "disqualified him or herself from participating in one case." I think that they were referring to me, and it wasn't that I was excusing myself of conflict of interest from any case, it was one case.

Dr. Larson: Did you get that Melody? I have a really minor typo, it's on page 3 of 5, first sentence, under legal advice, last year, 2018, the Board of Supervisors made \$5,000 available with an additional, not and additional; like I said minor. Anybody else?

Mr. Grimes: I move to approve the Zoning Appeals Annual Report for 2018 with the corrections noted.

Dr. Larson: Is there a second?

Mrs. Stefl: Second.

Dr. Larson: Any discussion? Those in favor say aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Gibbons: Aye.

Mr. Grimes: Aye.

Mr. Jenkins: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Aye. Any opposed? Okay, motion passes (7-0). By-laws. Okay, the comments appear to appear, or originate with Andrew, our research attorney. Does anybody have... let's just do it this way

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first, there are track changes changes, does anybody have any problems or discussion of the track changes changes without regard to the comments?

- By-Laws

Ms. Brown: Okay I'm confused, what are the track changes?

Mrs. Stefl: I think he's referring to the red, right?

Dr. Larson: Yes.

Mrs. Stefl: Just the red.

Ms. Brown: Okay.

Dr. Larson: Everything but the comments that are pink, off to the side.

Ms. Brown: Maybe I'm missing it, but didn't we talk about or at least the old by-laws in the absence of the Chairman, the Vice Chairman would take over, and in the absence of him it was the oldest serving, or the longest serving member on the Board? Is that out of there now?

Dr. Larson: I recall that from somewhere.

Ms. Brown: I thought that was in the by-laws before? I don't know. I remember it because that happened one time when we had....

Ms. Bertoldi: It wouldn't just be the Secretary? Usually you just go down the line of ranking officers.

Ms. Brown: Well at the time we thought it was gonna be the Secretary, which was me, and then fortunately our Vice Chairman showed up. But in the by-laws it actually said after the Vice Chair it goes to the longest serving member. Somewhere it said that.

Ms. Bertoldi: Well, if there was a track change to delete something, that would show up here, too. I don't see that deleted.

Ms. Brown: I don't know, I couldn't find it in here. When it talks about in the event of an absence, you know, the track changes, in the event of the absence the Chairman shall, you know, it'll be the Vice Chair...

Mr. Grimes: I don't ever remember that being in there.

Ms. Brown: I do, let me see if I can find it. Because I was all worried it was gonna have to be me one night.

Dr. Larson: I have an old copy here.

Ms. Brown: It just said longest serving member after the...

Mrs. Stefl: Okay, I ask this because Bob and I were alternates for a while and before Robert, but Robert has been a longer regular member.

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Ms. Brown: I would think it'd go to Robert because he's a member where they were alternates.

Mrs. Stefl: But we went months discussing and defining what is an alternate, what is the regular member, and are they members, are they not members...

Dr. Larson: That's right.

Mrs. Stefl: ...and, I mean, we beat our heads to the point that we are members, basically, but that we just didn't have the voting rights...

Ms. Brown: I found the section and in our by-laws it does say we can... we are a seven member board with up to three alternates. So, it doesn't say a nine member board, it says a seven member board, up to three alternates. What we had in our old by-laws is under Section 3-1, that says the Officers of the Board shall consist of a Chairman, Vice Chairman, and a Secretary. In addition, the Board shall have an acting Chairman for a specific case or cases whenever both the Chair and Vice Chair are unavailable or unable to preside over a meeting. Such acting Chairman shall be the Board member in attendance, except for the Chair and Vice Chair, who has served for the longest time on the board, and the acting Chairman shall serve only until either the Chair or Vice Chair resumes their leadership duties.

Mrs. Stefl: Right, but an alternate has served, they've served in a capacity they've served in a position of possible, you know, service. So, I mean...

Ms. Brown: I would argue no. It clearly says we have a seven member Board and up to three alternates, so I think an alternate is not a member until they're a member.

Dr. Larson: I thought we solved this.

Mrs. Stefl: Oh my God, didn't we define this? I need Steven to...

Ms. Bertoldi: Well I don't know any... all of that, but all I know is when I was an alternate not just so long ago, I was told by everybody that while I could not vote, I would be still a member in the aspect like if we were to get the iPads we would have got one. We could participate in the Business section in discussion but we could not vote. I don't know where it was coming from but I'm saying this is what I was told.

Dr. Larson: Section 2.3, alternate members shall serve on the board when there is an absence of a regular member. So, alternates are members, regular members are members, so there are that many more members, but voting members of the Board, there are only seven.

Mrs. Stefl: I mean, I look at it... I look at it like a team. You may not be the starter, but you're still on the team, you're still there. So, that's the way I always thought of Steven, myself, and Robert when we were, you know, alternates. So, we're still part of the team, we may not just be starters or on the field...

Ms. Bertoldi: Right, and then I would never comment on emails but I was encouraged to comment on emails because that's just what I was told. I wasn't part of anything but that was what I was told when I was an alternate.

Ms. Brown: So here's a scenario, which happened that night that I thought I was going to have to run the meeting.

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Mrs. Stefl: Right.

Ms. Brown: The Chair's not there, so the Vice Chair thinks he's running the meeting, well the Vice Chair was late that night, got stuck in traffic, so it was gonna be Dana you're up, which was not according to this, it should have been the longest serving member. If let's say, as you guys say, that the alternates count as the regular members, then if an alternate is the longest serving member, they're not there, because they're an alternate, they may not be there. Okay, I just read what it said.

Mrs. Stefl: **Microphone not on.**

Mr. Grimes: Well, I mean let's... the reality is that if they're not here, they're not going to be the person. Do we have to actually put that in writing? But okay, sorry.

Ms. Brown: Well, at any rate, none of this was in the new draft, so I don't know.

Mr. Grimes: I thought it was in a different section.

Ms. Brown: Under 2-3, when you talk about who's going to serve, shouldn't it be there?

Dr. Larson: What was that?

Ms. Brown: 2-3, you have the red, you know, the track changes, that talks about what to do if they're absent and all that and who serves in the absence. I mean, it should be there.

Ms. Bertoldi: I actually agree with that, or at least make a reference to see, you know, Section 3-1, for you know...

Dr. Larson: Yes, I agree, because it's rare but it could happen.

Ms. Brown: I think it could be accomplished just by making reference to 3-1, if in the absence that there is no... if the Chairman and Vice chairman are absent, see Section 3-1.

Dr. Larson: Is that okay with everybody? Melody, could you please make that change? Any other discussion of the, what I call track changes changes, the red underlined words?

Ms. Bertoldi: I just have a question. Does it... is there, under page 6 of 8, Article 7-4 is added saying staff shall present a report, shall be afforded 10 minutes at a minimum. Do we ever give them a time? I mean, what's the purpose of actually adding... giving some sort of time limit to staff? Like, I don't... is that meant for staff? Like, that just doesn't seem...

Dr. Larson: In reality there's no limit.

Ms. Bertoldi: So, but why even put that in here?

Dr. Larson: I don't know. It's always been.

Ms. Bertoldi: But it's not because it's in red and it's being added. I don't even see why that would even be in here.

Dr. Larson: I think it was in the old... well, I could be wrong. Thought it was in the old by-laws.

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Ms. Bertoldi: Does staff want to comment on it?

Ms. Blackburn: If you go on to Section 7.5, it's also talking about shall be afforded 10 minutes for the applicant and it was stating basically not to afford the staff any longer than the applicant, that's all.

Ms. Bertoldi: So, is that just for appeals? I guess it would be applications and appeals, like, but in applications you're just reading and then you're asked... answering questions. In appeals, you know, that might be a little different situation because you're, you know, an applee.

Ms. Musante: This says 10 minutes and I timed how long I read last month and it was 20, so....

Ms. Bertoldi: Well this says a minimum.

Dr. Larson: A minimum?

Ms. Bertoldi: So that means if you only have five minutes you better start doing a song and dance girlfriend. I just don't see why that needs to be in there.

Dr. Larson: Not sure we need to put a time on that. I don't think staff's going to abuse their ownership of the podium.

Ms. Musante: No, trust me.

Mrs. Stefl: I don't even think we need that last sentence, you know, just strike out all of such all the way to Board.

Dr. Larson: I agree. Anybody disagree with that?

Ms. Bertoldi: No, I support that.

Dr. Larson: Let's do that. Anything else?

Mrs. Stefl: Are we still going over the...

Dr. Larson: Still going over the red for now, we'll go back to the comments.

Mrs. Stefl: **Microphone not on.** Ten minutes and minimum? How... I thought we addressed cutting off for... the Chair was going to survey to whether we allow an application more than 10 minutes? I thought that was a discussion?

Ms. Brown: I do, I remember that.

Dr. Larson: Why isn't it at a maximum? I thought that was... isn't that what it is in the preamble?

Ms. Bertoldi: Well, I'm just thinking with 7-5, you have an attorney representing somebody, you know it's different. I mean I think people who are acting pro se on their own behalf, they're not going to be speaking, you know, 10 minutes, but you get a lawyer for either side, they're going... they'll speak for as long as you let them. There has to be... it says at a minimum for them, and then it crosses out that it does not exceed. If you want to have the discretion to grant an applicant or an appellant additional times

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based upon the circumstances, we keep in (a) that we cross out and just put, you know, but can be extended upon discretion of, you know, majority vote of the Board of Zoning and Appeals.

Dr. Larson: So what... could you state...

Ms. Bertoldi: I would I would strike out the 7-5, because I don't want to give them a minimum of 10 minutes to talk, because you're really opening up a can of worms there I think. I just think that you can satisfy that with not taking out what is under now 7-6, which will probably be a different number, keeping in (a), and it's saying what it says, and then such presentations shall not exceed 10 minutes and then put comma, but can be extended upon discretion of the BZA by a majority vote.

Dr. Larson: In the Preamble it said the Chair shall ask the applicant and/or their representative to come forward and state their name and address and present their case to the Board. Presentation shall not exceed 10 minutes; not exceed 10 minutes.

Ms. Bertoldi: Right, but in here it says a minimum.

Dr. Larson: Yeah, so why don't we just change the word minimum with maximum?

Ms. Bertoldi: Right, I'm just saying that if you want to give them more time you can, but if you don't want to...

Dr. Larson: I totally... we always do.

Ms. Bertoldi: Right, so, yeah.

Dr. Larson: But they have it in the back of their mind, well it says 10 minutes so maybe I'll just try to keep it within reason.

Mrs. Stefl: I'm with you. Just maybe change the minimum to max. I mean, which is pretty much what (a) says...

Ms. Bertoldi: Which what (a) says.

Mrs. Stefl: ...just keep the numbering somewhat consistent, too

Dr. Larson: Any problems with that? Changing minimum to maximum in 7-5 as shown?

Ms. Brown: No.

Mrs. Stefl: No, the only thing, it was serving the Board whether we allow the applicant to go over but, I think we let the discretion of the Chair do that.

Ms. Brown: Mr. Chairman? I hate to interrupt and Mrs. Stefl, I'm sorry, and I may be the only person here that wants to do this, we've had two long hearings tonight and it's going on 10 o'clock. Do we want to push this off until next month or do we want to slug through this tonight?

Dr. Larson: I think...

Mrs. Stefl: I want to get this done.

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Dr. Larson: ... I think there would be some members here that probably would say let's just do it next month, but, let's take a vote. Those that want to stay and complete the by-laws now say aye.

Ms. Bertoldi: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Aye. Any opposed?

Ms. Brown: No.

Mr. Grimes: I'll make a comment before you call the vote; there is a particular member missing that probably has a very strong opinion of many of these edits.

Ms. Bertoldi: Oh, that's true, that's true.

Mr. Grimes: And as much as I'd like to do it tonight, I don't think we should.

Ms. Bertoldi: Yeah, Steven should probably be here.

Dr. Larson: That's not a bad point.

Mr. Grimes: Just saying. So I would say no for that reason.

Dr. Larson: Would anybody strongly object to postponing the minimums... the minutes... the by-laws for that reason? Okay.

Mrs. Stefl: I would like to add the caveat, I guess we all maybe send our different things that we're talking about maybe to the Chair and compile it into one.

Mr. Grimes: Yeah, I would say if anybody has comments, it would be good to forward them on and then we maybe can... because we may have similar cases next month.

Dr. Larson: Yes.

Mr. Grimes: So the time issue is not... the time issue, but we're also operating under by-laws that were approved... when's the last ones, '14?

Dr. Larson: Sixteen.

Mr. Grimes: Sixteen. So, you know again, we're operating under by-laws that are severely outdated compared to what we'd like to do, so that's why I wanted to try to close it, but I think we are missing a member that would have very strong opinions.

Mrs. Stefl: You're right; good point.

ZONING ADMINISTRATOR'S REPORT

Dr. Larson: Alright, let's press on; Zoning Administrator's Report?

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Ms. Blackburn: Ladies and gentlemen, I just wanted to let you know I will be retiring at the end of June.

Dr. Larson: Really?

Ms. Blackburn: Yes.

Mrs. Stefl: Happy but sad.

Mr. Grimes: It's a loss for us, but good for you.

Dr. Larson: That is unfortunate.

Ms. Blackburn: And I have enjoyed working with you all. I think all of you, at least in the time that I've been here, have grown in your positions of being Board of Zoning Appeals members. I think you've all learned a lot and I think you have displayed it when you discuss and vote on your cases. So I think that's great.

Dr. Larson: Thank you for your service.

Ms. Blackburn: Well, you're welcome.

Ms. Brown: You did say end of June, right?

Ms. Blackburn: End of June.

Ms. Brown: So we've got you for a few more months. Okay, I mean it sounded like this was it.

Dr. Larson: Well, I appreciate the heads-up though.

Mr. Grimes: She'd like it to be it if there's no more cases.

Ms. Bertoldi: ***Microphone not on.***

Ms. Blackburn: No, that is never my decision. But I have been working in the zoning world for approximately 40 years and it's time for me to go away, so.

Mrs. Stefl: You sound like you're being put out to pasture...

Ms. Blackburn: No, no, no.

Dr. Larson: You'll be sorely missed.

Ms. Blackburn: Well thank you. I have nothing planned, which will be wonderful.

ADOPTION OF MINUTES

February 26, 2019

Mr. Gibbons: Mr. Chairman, I'll move for the minutes of November 28th.

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Dr. Larson: There's a motion on the table to approve the minutes of... you mean February 26th? November 28th?

Mr. Grimes: I have one change, sort of, 421. I have no clue, unless I decided to start speaking French, other q yourself, I have no idea. I'm sure it's an issue with the tape but...

Ms. Blackburn: You may have.

Mr. Grimes: I could have. I don't know if it's easy to check.

Dr. Larson: Mr. Gibbons has just pointed out a discrepancy.

Mr. Grimes: I'm sure it's probably right.

Dr. Larson: The agenda talks to November 28th minutes and we have the February 26th minutes.

Mr. Grimes: Other questions, got it?

Dr. Larson: I'm assuming we're approving the February 26th minutes tonight, is that correct?

Ms. Musante: Yes.

Dr. Larson: Okay, the agenda says November 28th.

Ms. Stinnette: Oops.

Mr. Gibbons: I'll stand to be corrected; February.

Dr. Larson: So, there's a motion on the table to approve the February 26th minutes per discussion.

Mr. Grimes: Second.

Dr. Larson: Okay, we're in discussion. Any other corrections?

Ms. Brown: I just had a little discussion, I am... I regret to admit I did not get a chance to very much study these minutes so I'm going to abstain because I just did not have the time. I mean, I had a cursory glance but, as you know, when I usually do these I have a couple corrections and I just didn't have the time to do that.

Dr. Larson: Any other discussion?

Ms. Bertoldi: I'm gonna abstain because I wasn't here.

Dr. Larson: Alright, those in favor say aye.

Mr. Gibbons: Aye.

Mr. Grimes: Aye.

Mr. Jenkins: Aye.

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Mrs. Stefl: Aye.

Dr. Larson: Aye. Those opposed? Those abstained?

Ms. Bertoldi: Aye.

Ms. Brown: Abstain... aye.

Mr. Gibbons: **Microphone not on.**

Mrs. Stefl: Why did we get a letter in opposition of the Senator in our package?

Mr. Grimes: **Microphone not on** - That's the one I didn't know... There was a letter that was included that everybody got from Nealon and Associates.

Ms. Musante: It was asked that that be a part of the minutes, and instead of her typing out that entire document, it was attached to the minutes so it will be attached.

Several members at once: Ohhhhhh, okay.

OTHER BUSINESS

- Briefing on changes to home business/home occupation

Dr. Larson: So, was there a briefing associated with the home business occupation or...?

Ms. Musante: At last month's meeting, one of the members, I think it was Dana, I'm not quite sure but I think she asked for me to do a comparison of the different home business definitions. So, that's what's in your packet.

Ms. Bertoldi: Thank you for that.

Dr. Larson: I see you have it, can we just look at that and forward you questions in the email?

Ms. Musante: Yes, that would be absolutely wonderful.

Dr. Larson: Let's do that. I want to add one more thing unrelated to anything on the agenda. We have been recently FOIA'd, as some of you may already know, maybe, or maybe not, but we're going to assume it's a FOIA. There may be legal questions we might want to pose to our research attorney. I will be out on leave for the next week so the Vice Chairman will be taking that if it's needed. Okay?

Ms. Bertoldi: Is it... there's something I'd like to propose to put on next month's agenda, if it's at all possible. Ask staff to maybe include... it is my understanding that there's going to be a... that there's a new ordinance that is going into effect July 1st that is related to home businesses and HOAs, and how HOAs, you know, like when they have covenants that run with the land regarding home businesses, what they can and cannot do. And I'm not really sure how that affects the BZA but it is my understanding that... So, but I was wondering if we can... I don't know if the Board would like to see that, and because I don't know what the new statute says. I think that it's worth it. Because usually when there's a covenant that runs with the land and it's violated, it opens up liability. You can be sued as an HOA. So, I think that there is a relation and I just would like to see what that new statute says

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because it might be something that should be something that we look at. I mean, I know generally staff, we're not staff, but you know the counties don't like to get involved.

Dr. Larson: The issue, real quickly because I know people are... it's 10 o'clock... in the past we haven't done anything with HOAs at all and the reason for that is an HOA here has their rules, the HOA over here has different rules, the HOA... they're all in the same county.

Ms. Bertoldi: Well, rules are different from covenants that run with the land that are recorded.

Dr. Larson: Covenants, I'm talking covenants, they are different from HOA to HOA within the county...

Ms. Bertoldi: Yeah, this new statute talks about covenants.

Dr. Larson: We are countywide.

Ms. Bertoldi: That's what I understand.

Dr. Larson: So we can't enforce these people's covenants here without doing the same thing here and here. But we can't do that because those aren't covenants over there.

Ms. Bertoldi: No, no, but what I understand is that this new... I just wanted to... I'm not trying to have a discussion about it, I just wanted to try to put it on the agenda to discuss because my understanding is that they very much narrowed what HOAs can and cannot do regarding that and I just didn't know if that was affected. How about this, I'll read it myself and then if I want to bring it up, I'll bring it up.

Dr. Larson: I'd be very interested in that, but I don't think it affects the BZA.

Mrs. Stefl: **Microphone not on** - I know that we always ask if they live in an HOA, and if they have sought the approval or understanding with the HOA, I know that's been discussions that we've had...

Ms. Brown: Yeah, I always ask...

Ms. Bertoldi: It should be a consideration.

Ms. Brown: Well I... I've heard something about what you're talking about as well, I'm not real familiar with it. My concern would be we should probably look at it so we don't open ourselves up to liability doing something that in this new law... I'm not... because I'm not an attorney so I really don't know.

Ms. Bertoldi: Well, and I just want to make sure that you know it's something that's proper that we could even ask about. Not saying that oh sorry, you don't have standing because your HOA. I'm not talking about on that level, but it might be something that apparently it's like this, this brand new law. In talking with my HOA lawyer from my HOA, she told me just about the statute, I would not have known about it otherwise. And so, I just... it might be worth at least taking a look at even if we just decide that we don't have anything.

Dr. Larson: I would be interested in taking a look at it just as a private citizen and I have an HOA that's hovering over me so I'd like to...

Ms. Bertoldi: So is that a no to getting it added to the agenda?

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Dr. Larson: I used to be a president of an HOA.

Ms. Brown: I would like to see it on the agenda.

Mrs. Stefl: I would like to know what's going on, too.

Dr. Larson: Right, but I don't think we'll officially take Board time for that.

Ms. Bertoldi: Okay.

Dr. Larson: Unless we really have to.

Ms. Bertoldi: Alright, well then why don't I just get a copy and I'll e-mail it to everybody.

Dr. Larson: Perfect. Is there a motion to adjourn?

Ms. Bertoldi: I'll move.

Dr. Larson: Second?

Mr. Grimes: Second.

Ms. Brown: Just a question, just a question. If we have a lot of questions on this can we talk about it? That's all. I don't want to get into some kind of liability situation. So e-mail it to us and then, you know, we'll go from there.

Dr. Larson: What we can do if we think there's a liability issue, is we'll send it to Andrew and ask him if there's a liability issue.

Ms. Brown: Right. I don't know I haven't seen it. I just heard snippets about it. Thank you.

Dr. Larson: Those in favor say aye. Opposed? Okay.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:59 p.m.