

**STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES**  
**April 23, 2019**

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Wednesday, April 23, 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: Steven Apicella, Adela Bertoldi, Dana Brown, Robert Gibbons, Robert Grimes, Brian Jenkins, Dean Larson, Heather Stefl

MEMBERS ABSENT: None

STAFF PRESENT: Susan Blackburn, Melody Musante, Stacie Stinnette

Dr. Larson: This meeting will come to order. Good evening ladies and gentlemen and welcome to the meeting of the Stafford County Board of Zoning Appeals. The BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator. Hearing appeals will be conducted in two parts. The first will be a review of jurisdiction and standing. The second will be the hearing on the merits of the case, if required, after review of jurisdiction and standing. The other two things the BZA does is we hear and decide upon requests for variance from the Zoning Ordinance when a literal enforcement of the ordinance would result in unnecessary hardship to the owners of a property. And we 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 alternate members. An alternate member may be called upon to participate when a regular member is unable to hear a case. Let the record show that we have seven regular members and one alternate member had the dais tonight. The regular members are Mr. Robert Grimes, Ms. Adela Bertoldi, Steven Apicella, Heather Stefl, Brian Jenkins, and Dana Brown, and Bob Gibbons is alternate sitting in tonight but not voting. The County tonight is represented by Ms. Susan Blackburn, Zoning Administrator, Ms. Melody Musante, Deputy Zoning Administrator, and Stacie Stinnette, Administrative Associate. 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 then 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 has been granted by the Board. Members of the Board may ask questions of the applicant to clarify or better understand the case. The Chair will then ask for any member of the public who wishes to speak in support of the application to come forward and speak. There shall be a 3 minute time limit for each individual speaker and a 5 minute time limit for a speaker who represents a group. After hearing from those in favor of the application, the Chair will ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. After all public comments have been received, the applicant shall have 3 minutes to respond 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 applicant, speakers, and presenters and the audience to act with a level 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

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

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 that 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 voting members present and you must have four affirmative votes to approve an application. The applicant may also... may withdraw his or her application at any time prior to a vote to approve or deny the application provided that applicant has not withdrawn a substantially similar application within the previous 12 months. Any person or persons who do not agree with the decision of this Board shall have 30 days to petition the Stafford County Circuit Court to review our decision. Also be aware that the Board will not hear any denied application for a variance or special exception that is substantially the same request for at least one year from the date of our decision. I now ask that anyone who has a cell phone or other electronic device to please silence it. This Board requires that any person who wishes to speak before the Board shall be administered an oath. Therefore, I ask that anyone who wishes to speak tonight 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.

Dr. Larson: Thank you. You may be seated. The Chair asks that when you come down to the podium to speak, you first give your name and address clearly into the microphone so our recording secretary can have an accurate record of the speakers. Also, if you haven't already done so, please sign 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.

**DECLARATIONS OF DISQUALIFICATION**

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

Ms. Brown: Yes.

Dr. Larson: Go ahead Dana.

Ms. Brown: I just wanted to say that I did visit the Aquia Pines Campground this past Saturday at 3071 Jeff Davis Highway. And I did speak with the owner. He showed me around and they showed me the brewing area and I got to look at the grounds and inside.

Dr. Larson: Okay, thank you. Heather?

Mr. Jenkins: I also...

Dr. Larson: Oh, I'm sorry.

Mr. Jenkins: ... visited both of the subjects...

Dr. Larson: Okay.

Mr. Jenkins: ... over the past week.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Brown: Mr. Chairman, I forgot. I'm sorry. I thought we're doing them separate. And I forgot to mention I did attempt to visit the proposed wedding venue at 143 Dishpan Lane. I sent an email but I did not hear back from the applicant, so I didn't go because I didn't want to access the driveway without permission. So, last night I just drove down to the bottom of the road on Blackhawk just so I could see what it looked like from the bottom.

Dr. Larson: Okay. Heather?

Mrs. Stefl: Alright. I'd like to disclose that I am employed by an industry competitor of the applicant, Aquia Pines RV Park, Incorporated, which is requesting a special exception to operate a microbrewery on Tax Map Parcel Number 21-57B, currently zoned as B-2, Urban Commercial. I'm able to participate fairly, objectively, and in the best interest of the public in considering Aquia Pine's application, and I have no conflict of interest that would prevent me from considering and voting on this application. Staff, please record my disclosure in the record today and at any further meetings where the Stafford County Board of Zoning Appeals discusses or considers this matter. Thank you.

Dr. Larson: Anybody else want to make a declaration? Okay, I also visited the brewery and talked with the owner, took a tour of the proposed tasting area and the brewing facility itself below it. And we did discuss a few things and I'm quite sure that'll come up. In fact, I'll make sure that comes up during the discussion and I'll review this to make sure everything we discussed is recorded for the record. I also visited 143 Dishpan Lane. I rang the door and nobody was home so I was compelled to leave. I took a few notes afterwards and didn't talk to anybody. Any other disclosures? I'll now ask the secretary to read the first case.

**PUBLIC HEARINGS**

1. SE16-08/16151526 - Aquia Pines RV Park, Inc. - Requests a Special Exception per Stafford County Code, Sec. 28-35, Table 3.1, "Table of uses and standards," B-2, Urban Commercial, (c) Special exception, to allow a microbrewery in accordance with Section 28-39(w) on Tax Map Parcel No. 21-57B. The property is zoned B-2, Urban Commercial, located at 3071 Jefferson Davis Highway.

Ms. Musante: Case SE16-0 8/16151526, Aquia Pines RV Park, Inc. requests a special exception per Stafford County Code, Section 28-35, Table 3.1, "Table of uses and standards," to allow a microbrewery in accordance with Section 28-39(w) on Tax Map Parcel Number 21-57B. The property is zoned B-2, Urban Commercial, located at 3071 Jefferson Davis Highway. You have the application, application affidavit, letter from the attorney dated April 2, 2019, letter from the attorney dated March 20, 2019, building layout, pre-application checklist, adjacent property owner notification, copy of Section 28-39(w), copy of Section 28-102, copy of the original special exception approval and revocation, and a copy of the court order. The applicant is requesting a special exception to operate a microbrewery in conjunction with the existing Aquia Pines Camp Resort. The applicant states the hours of operation will vary depending on the season, but the facility will be open seven days a week. The applicant states the property is over 20 acres and primarily consists of a campground made up of campsites with multiple vehicle parking per camp site. The applicant anticipates 5 to 25 cars per day for the microbrewery. The parking requirements for this use are a combination of those needed for the tasting room and those needed for the manufacturing of the product. For this site, the tasting room is approximately 550 square feet and requires six parking spaces, and the brew room storage is approximately 530 square feet and requires one parking space per thousand square feet, for a total of seven. With this application the applicant is designating a total of seven parking spaces for the microbrewery. Per Exhibit 1, the parking spaces marked in orange will be spaces that are at least 9 by 22, and the parking space marked in red is

the handicapped space which will be in conformance with the Zoning Ordinance. Three of the parking spaces will be created by carving out portions from three campsites directly across the drive aisle from the existing camp store laundry where the microbrewery use will be located. These parking spaces will be marked with signs indicating their designation for the microbrewery. The applicant requested this application would also allow for the microbrewery to be relocated to a new structure in the future. The new structure would be on the 20-acre property, would not exceed 10,000 square feet, and would comply with all state, federal, and local codes at the time of the construction. The anticipated new structure would be used for brewing beer, canning, or bottling beer and an area for the tasting room. No information concerning site layout for this structure was submitted with this application. The applicant requests that this application would also allow for the microbrewery to be relocated to a new structure in the future. The new structure would be on the 20-acre property, would not exceed 10,000 square feet, and would comply with all state, federal, and local codes at the time of the construction. The anticipated new structure would be used for brewing beer, canning, or bottling beer and an area for the tasting room. No information concerning site layout for this structure was submitted with this application. The applicant requests that upon approval of this special exception, construction of the handicapped parking spot and associated ramp to the existing structure and the microbrewery be postponed for up to 6 months. During this postponement period, the microbrewery would be permitted to operate. Per the Building Official, the handicap parking and ramp will need to be installed in order to obtain a certificate of occupancy. The Aquia Pines Campground was established in April 1973. During the 1978 comprehensive rezoning, the property was changed to B-2, Urban Commercial, making the campground legally nonconforming. The applicant purchased the campground in 1986. The Board of Supervisors adopted an ordinance on May 21, 2013, giving the Board of Zoning Appeals authorization to grant a special exception for microbreweries in the B-2, Urban Commercial Zoning District. The Board granted a special exception on October 22, 2013, with conditions. On February 24, 2015, the Board revoked the special exception per Code of Virginia 15.2-2309 (7) Powers and duties of the board of zoning appeals due to noncompliance with the conditions imposed. A court order was issued to Aquia Pines RV Park, Inc. on March 3, 2017, hereby enjoined it from operating a microbrewery on the property until such time that they obtain a special exception. Staff conducted a pre-application conference with the applicant on September 29, 2016. A special exception application for the microbrewery was filed October 25, 2016. The applicant was notified on October 27, 2016, of an incomplete application and the information needed to be submitted by October 31, 2016, in ordered to be heard at the November 22, 2016, BZA meeting. Staff received supplemental materials from the applicant's agent therefore requesting the application be placed on the April 23, 2019, agenda.

Dr. Larson: Thank you. And before we hear the first case, does any board member wish to make any... I'm sorry, wrong place. Does anybody on the Board have any questions for staff? Robert?

Mr. Grimes: I've got a couple questions for you. Given the parking count that's required, how many number of parking spaces have to be ADA by the County?

Ms. Musante: One.

Mr. Grimes: Just one?

Ms. Musante: Yes.

Mr. Grimes: Okay. And did the staff verify, or how did they go about verifying the square-footage as shown? We received a plan that outlined the square-footages for the tasting area, the brewery production, the actual building itself, but these are all hand drawn looks like by the applicant?

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Musante: Correct.

Mr. Grimes: Is there any plans on file that that was verified against or we just...?

Ms. Musante: There are not.

Mr. Grimes: Okay. Alright, that's what I have for right now.

Ms. Brown: Mr. Chairman, I have questions.

Dr. Larson: Go ahead Dana.

Ms. Brown: Melody, can I ask you just real quick, in the zoning code I looked up the parking requirements under the different uses. I couldn't find microbrewery or campground in there. So, did it fall under... it was like under Table 7.1 for required parking spaces. Does it go under rec enterprises or RV parks or lounges or the only other possibility I thought was maybe it falls under 28-102, number 6, which says other uses not listed in the table. The parking requirement shall be taken from the Institute of Transportation Engineers Parking Generation Manual Latest Edition or as determined by the Director of Planning. I just want to know how did we arrive at the number of parking places that they needed?

Ms. Musante: Since we do not have microbrewery in the code, the applicant actually met with our Director.

Ms. Brown: Okay.

Ms. Musante: Okay. And he determined that the making of the beer is the... the brewing is the manufacturing part and the tasting room would fall under a restaurant, the minimum requirement.

Ms. Brown: Okay. So, that's how we got the number?

Ms. Musante: That's how we got to 7.

Ms. Brown: Okay. And Mr. Grimes, I did notice in Table 7.2 it said for 1 to 25 spaces you need one ADA.

Ms. Musante: One, correct.

Ms. Brown: And my other one, there was a... somewhere in there in 28-102 also, I found something about shared parking. Does that apply to what he wants to do with his additional 3 parking spaces that he wanted to use for the existing campground sites? I wasn't clear on that.

Ms. Musante: Hang on just a second.

Ms. Brown: Page 247 of our code...

Ms. Musante: He's using 3 of his campsite and he's sharing the parking at the campsite and with the microbrewery.

Ms. Brown: Yeah, I didn't... I just didn't know if that applied or not to us. It's on page 247 of the code, at the very top of the page, number 13, under ordinance 28-102. And it might not apply. I just...

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Grimes: I would suspect while she's looking at up to see if I'm wrong or right, but I would suspect because he's approved for a certain number of camper sites.

Ms. Brown: Mm-hmm.

Mr. Grimes: It's approved up to, so if he decides to take away 3 or cut them in half, that it would be the applicant's prerogative to do that. He could even just take them away and just use them for parking. And, you know, maybe he does that after he gets the... sees the business picking up or something.

Ms. Brown: Yeah. What it says is, it says shared parking, shared parking may be permitted with the following. And (a) is where I think it'd really fall under; the minimum number of required parking spaces provided for all use. So, I guess I'm taking it to mean if he has the minimum number required, he could use them for shared spaces? And then it set a shared parking agreement and/or easement is recorded in the County land records. So, would he have to record one or is it just already...

Mr. Grimes: Yeah. And that shared parking is typically when you're like two different adjacent property owners and they share a parking lot that they can...

Ms. Brown: All right.

Mr. Grimes: ... sometimes work a balance between that, but...

Ms. Brown: So, we couldn't use that... that part of the code and apply that to the campsites and use them as a shared space for the additional parking spaces?

Ms. Musante: We have not.

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

Dr. Larson: Any other questions for staff?

Mr. Apicella: Mr. Chairman, a few questions. So, we've approved some special exceptions in the past for microbreweries, is that correct?

Ms. Musante: Correct.

Mr. Apicella: And I think we have some examples of the conditions that were established for at least two of those microbreweries. How did the number of parking spaces proposed here compare to the number of parking spaces required in those previous two instances?

Ms. Musante: We base it off of square footage. So, for the other two instances, they would have given us a plan showing the areas that they were using for the microbrewery, whether it be the brewing part, tasting room, storage, and then we would calculate the spaces required.

Mr. Apicella: Okay. So, I'm looking at the two breweries examples that were provided here. We've got Barley Naked, which I think is in a strip mall off of Garrisonville Road. I don't know what the square footage is. I actually happened to be there a couple of weeks ago but it didn't look like it was that big and that, in that instance, 55 spaces were required.

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Musante: Okay, what happened was his original design on Barley Naked was for the entire building.

Mr. Apicella: Okay.

Ms. Musante: He no longer did that. He's only using I think a quarter of it at this point. And that's... so the spaces that you see in these conditions was based off of the entire building.

Mr. Apicella: And that, again, based on a restaurant use?

Ms. Musante: Correct.

Mr. Apicella: Okay, so the Highmark Brewery, that was a consistent or similar methodology. They were required to give 25 parking spaces.

Ms. Musante: Correct.

Mr. Apicella: Okay. We don't have any specifics on the potential or possible I'll call expansion phase of this proposed microbrewery. So... that's correct, right?

Ms. Musante: That is correct.

Mr. Apicella: And so we don't know where it would be or what it would look like?

Ms. Musante: We do not.

Mr. Apicella: So, how many spaces would be required if they did have a 10,000 square-foot microbrewery?

Ms. Musante: It would depend on how he breaks up the building. According to the application, he's gonna be using it for brewing, canning, and a tasting room. The tasting room area would be at 11... at, currently, unless they change our code, would be at 11 spaces per thousand for the tasting room and a thousand... one space... one space per thousand for the brewing part, the manufacturing part. So, I can't give you a number because I don't know how he would break it up in the building.

Mr. Apicella: Okay. But if we were to approve potential future state, wouldn't that be a little difficult to do at this point time not knowing what that's going to look like?

Ms. Musante: Possibly.

Mr. Apicella: And we would know what number of parking spaces would be required?

Ms. Musante: Correct.

Mr. Apicella: Okay. I'm looking at page three of the staff report regarding the waiver... requested waiver, of the handicapped requirements, or at least timing of the handicapped requirements. Does the BZA have the authority to provide such a waiver?

Ms. Musante: I'm not sure on that.

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Mr. Apicella: Okay. The staff report alludes to, or maybe I'm misunderstanding it, that at least at some point time not all of the application materials and information had been submitted. Is that... has that all been taken care of? Have all the required application materials and information been provided for this application?

Ms. Musante: Yes, with the exception of the 10,000 square foot addition.

Mr. Apicella: Okay. Thank you Mr. Chairman.

Dr. Larson: Any other questions for staff? Go ahead Adela.

Ms. Bertoldi: Yeah, just a real quick clarification. The... when this was up for special exception back in 2013, is it the same building, like this is not a smaller building, is it the same structure and the same square footage as in 2013?

Ms. Musante: This application is slightly different. The original application was using the detached pavilion and this application does not include that. This is strictly the camp store.

Ms. Bertoldi: Okay, so is that the reason why back in 2013, 14 parking spaces were needed?

Ms. Musante: That's correct.

Ms. Bertoldi: I just want that for clarification.

Ms. Musante: Yes.

Ms. Bertoldi: Okay, thank you.

Dr. Larson: Any other questions for staff?

Ms. Brown: Mr. Chairman, I had actually one more.

Dr. Larson: Go ahead.

Ms. Brown: Um, Melody on the parking again, I forgot to ask you this. Parking block stops, is that a VDOT requirement? Is that a County requirement? Where... I couldn't find that.

Ms. Musante: It's actually not in the code, it's a suggested... it's recommended that they use stops.

Ms. Brown: And like where is it recommended from? Do you know?

Ms. Musante: It came from our Transportation Department.

Ms. Brown: Okay, okay. Yeah that's... oh, and, and fire code. I remember I was on this case for when a special exception was revoked. I was not on it for the original approval, but I recall there was something about the access road. Parking spaces were going to be used and it was painted up for that but then there was a fire code issue, if cars were parked there fire trucks couldn't get by. Am I remembering correctly or...?



***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Musante: They have to maintain a minimum aisle width, and according to the diagram that they've submitted they do meet that. I did speak with the Fire Marshal's office today and he basically said no comment.

Ms. Brown: Okay, so they can put the cars there or not?

Ms. Musante: If they meet travel width...

Ms. Brown: Which is?

Ms. Musante: ... 20, I think a minimum of 22 feet.

Ms. Brown: So 22 feet in addition to the parked cars? So if they had parked...

Ms. Musante: It's from the parking space to park, whatever, parking space to parking space, it has to be a minimum of 22 feet in between the two.

Ms. Brown: Okay, and does it say in there how wide that road is in this report?

Ms. Musante: Per his diagram, the applicant's diagram...

Ms. Brown: I think he wasn't trying to use that this time because of last time, so I didn't really see that in there.

Ms. Musante: The parking spaces have been relocated. They're not where...

Ms. Brown: I know I was just thinking if we needed extra ones if that was something that we could use or we still can't use that, that was what I...

Ms. Musante: The travel way varies from 22 feet to 37 feet.

Ms. Brown: Okay.

Ms. Musante: So he meets the code requirement.

Ms. Brown: So he couldn't park it all along, only where it was 37 feet.

Ms. Musante: Yes.

Ms. Brown: Got it. Okay. Alright, thank you.

Dr. Larson: If I recall the original application, the parking spaces were planned to be along the road. They were going to paint spaces on either side of the road.

Ms. Brown: Right.

Dr. Larson: Now they're set back.

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Brown: Well, and but what she's saying is there's parts of the road that are 37 feet wide so he could conceivably use those, where it's 37 feet wide, because he would be able to keep 22 feet clear. So not the whole thing, you know just the portions that were 37 feet wide, he could use for additional parking.

Dr. Larson: Okay. I have a couple of questions for staff. On the application, the special exception application, the application itself is dated October 2016, but I have the data being submitted basically April of this year. That's a two and a half year difference...

Ms. Musante: Correct

Dr. Larson: ...between when it was first... so could I understand what took that amount of time?

Ms. Musante: The information that was given to the applicant on what was missing in the application was not provided back to us until this month or March.

Dr. Larson: Okay, so it was an incomplete application and it was basically waiting for completion.

Ms. Musante: That's correct.

Dr. Larson: By the applicant.

Ms. Musante: Correct.

Dr. Larson: Okay, and the other question was the... I'm looking at this court order of 3 March 2017. It says the micro-brewery was conducted unlawfully from July 31, 2014 to April 12, 2016. My question is after this judgment, which is basically kind of a cease and desist order by the court, does the County staff have any idea of any activity at between then and now?

Ms. Musante: We do not.

Dr. Larson: No kind of inspection then?

Ms. Musante: No.

Dr. Larson: Thank you. Okay, so will the applicant or his or her representative please come forward and present their case.

Mr. Shannon: How are you doing? My name is Roy Shannon, and I'm here on behalf of the applicant. I'm here with my colleague Jennifer Lucy, the applicant Everett Lovell are the main proponent behind this, as well as our brewer here who is ... will be available to asking questions... answer any questions if you have them throughout this. So, having heard some of your questions I think instead of going through the presentation, I would like to address a couple of the items first in order. On the application we actually wanted the hours to be from 8:00 in the morning until 10:00 p.m., it says noon. I to make it correlated with the camp store that's also right next door. I don't think we intend on serving large amounts of beer in the morning there, but it is useful that people can fill up their growlers there or their kegs, they could pick up a keg there before a party on the weekend. So, we would like to have the tasting room and operations begin earlier in the day which I think is consistent with most restaurants here in Stafford County. I know that some open up at 8:00 a.m. and can serve, but again, so we would ask for that amendment that instead of 12 noon the application actually said consistent with the camp store, and so we'd like to ask that that be amended. In terms of the parking, Ms. Brown you're correct in

terms of the... there there's nothing in 7.1 for this and in the application we actually asked... we met with Mr. Harvey and... or John Harvey and... Jeff Harvey, I'm sorry. Regarding the parking issue, because that's one of the things we want to address before we came back here, is to make sure we have the right designated parking areas and obviously that's where all the questions went to so that's probably one of the bigger issues. So in Attachment 3, on one of our submissions we went ahead and its page 6 of 8, we break down the calculations for the parking. So, because there's no microbrewery parking under the industry standards, and it's not in the... that's the ITE standards, it's not in the chart, the director has the ability to identify what is closest to match that use. So for a tasting room if you're saying they're drinking beer, they match that to a, you know, sit down restaurant. So there you need 11 spots for every 1,000 square feet and they do a proration of that and pro rata it so at the 550 square feet puts us at six spots. In terms of the brew room where the actual brewing is taking place, they base that closer to manufacturing, and that is for one spot for every 1,000 square feet. And in this application we had originally identified that the total brewing area is a 149.5 square feet. And this is in the lower level, most of it is just storage which isn't part of the brewing process, it's not the manufacturing. So we actually, in terms of reducing that amount of area, the brew room, we're asking for approximately 530 square feet, we would actually reduce that and ask for it to be less than 500. If it's less than 500 you don't actually have to provide a parking spot. We're not asking to remove a parking spot but we are going to not have the brewery area to be greater than 500 square feet, we're gonna have at less than 500 square feet. So we don't have to have a parking spot, but we're going to regardless put seven designated spots out there. So, again this gives the director flexibility when you have a situation where there's no form for new use of, and this isn't new, but where they haven't calculated out what's the difference between a brewery, winery, you know a hard liquor establishment, where they make them. So those are the only two changes in terms of the requests. We are asking that the hours open up earlier than 12 noon. And I think previously it was 8:00 a.m. is in the old application that was approved, but special exception was 8:00 a.m. as well. And then that we are only going to ask for 490 square feet of manufacturing room. But in terms of the spaces and I think because you referenced, a number of questions went to the old special exception that was approved and the court order. This is a different situation at this point. We're starting fresh and find that the application was submitted back in October 2016 and there is a lull period there but we are working with the County, working with Jeff to come up with, in terms of what is necessary to make this use work here. But one of the things that was different, is that dealt with a lot of this certificate of occupancy, the previous special exception and that's what the court order dealt with. In this case we've pulled permits, we're going through that process, there will be a certificate of occupancy, so that's not a... necessarily gonna be an issue this time around. In other words, before there was a difference of opinion on whether or not that was necessary, here permits have been pulled, they have to issue a certificate of occupancy so there shouldn't be an issue. Because I think that one of the catch all's that the BZA has is on condition seven, all errors and structures associated with the microbrewery shall comply with all applicable federal, state, and local codes. That's where the issue came up before. We're going to get the certificate of occupancy so it shouldn't be an issue on this. In terms of the parking spots, what are the... on the picture you'll see, this is again what we submitted, Attachment 3, I believe it is page 8 of 8. We'll look at the one orange section of the one that's immediately in front of the store, and parking width lane has to be 24 feet. If you notice that this parking spot, you have that 24 feet and that's all handled by you know when we go out there the building inspector will obviously see where that is in terms of measuring the 24 feet, at that point too it's actually 24, but we have that in that one area. But you're right, in the previous application it was further down, there was multiple parallel parking and there wasn't enough space. So you also see in that picture that the three orange spots that are in the middle there... and one of the things that we are and again this is a drawing that shows from the campsite, we're actually going to turn them all a little bit, make them a little bit more level. I mean here they pull straight in, but we're going to have them pull in at an angle and one of the issues that we have with the suggestion of the wheel stop is that this is a campground and there's a lot of people that don't necessarily stay in the path. This isn't like it's a grocery store where there's clear

aisles and stuff, so one of the things that we have an issue with is the wheel stops are tripping hazards. So what we would ask for is if we turn these parking spots a little bit down and instead of having a wheel stop to having a concrete, a bollard there. That is you'll see them around gas stations, they have the bollard so you don't hit the gas pumps or things of that nature around buildings. They're about three feet high which will prevent a lot of the risk of a tripping hazard in a camp ground having you know one foot higher wheel stops. So that's one of the things that instead of having a wheel stop, we just want the flexibility to work with the building inspector to be able to put up bollards there that still serve the purpose, because the requirement actually says that, or not the requirement but the suggestion for the wheel stops says unless a curb and gutter exist. And a lot of that in my understanding is so that the car doesn't jump, you know, and go forward and lurch into an area where there's people, or more importantly, it's usually, you'll see them along buildings. So someone, you know you have a curb, or if it's a gutter it's actually a divot. So I think that where the car would just go down instead of hit the building or the area where there may be people. In this situation we're not going to have any of that. If we have a bollard there, and that would actually also serve as the sign where we could paint the bollard that says you know parking for Wild Run Brewery at that place. So in terms of the 10,000 square foot building I know there's probably to be a lot of questions on that. That is for, again because this is going for use, we would apply with all the building federal, state, local codes. It'd be one of the things that since we're going through this process and paid the fee that we're saying okay if we want to expand the use to be in the northeast area, there's 20 acres, that's next. There's a big area of land there where it could be put, but there's certain set back requirements for the property lines that you'd have to have such a function. In the parking spots, we do that, you have to go through the whole site plan and that's where, I mean in this current situation we don't have to go through a necessary site plan process like we would if you were building a 10,000 square foot building. And in that site plan there would be a calculation depending on whether or not we're going to have the 10,000 square feet, 3,000 would be for sit down seating at which place we need 33 spots for that in the remaining manufacturing. And again a lot of this just depends on one, how successful the use... the business is if we... depending on expanding it to that size, but that formula, I mean unless the Board of Supervisors comes down and creates a new situation where they allow the... you know they have parking requirements for microbreweries. They would still use the same formula I'm assuming, the director would, I don't think he would change that. In terms of the handicapped parking, right now we've just asked that that be run through the building inspector. That we would go through that process, that we don't in terms of a suspension if we needed this amount of time, that we would just go through the normal process we have. Because I don't think it is necessary where the, as a requirement because that's more of a site plan issue in the building inspector. Ensuring the ramp is the right grade in the right spot, because one of the issues is this is the best spot that we identified for it but when we go for the... do the boring samples because it's a little bit on a hill, we have to level it out to build a little retaining wall, the inspector might say it's better moving it ten feet to the side and we just want that flexibility to work with the building inspector that there will be an ADA spot.

Dr. Larson: Okay, thank you. I think I'll lead the questions off this time. So, could you first tell us how important it is to your client's business plan to have the 10,000 foot approval? Square foot?

Mr. Shannon: I think that in terms of going through this process, and I don't make light of the fact that from 2016 and we're now here 2019 going through this, I mean obviously there are some extenuating circumstances there, but that portion of the plan is important for further growth and I think that because we have to follow all the site plans... I mean either the use of a microbrewery works in this area, which the applicant has gone through before and the BZA has approved, fine it was revoked but the, in terms of the use you know whether the 10,000 square foot building is on the, on the far north end or the south end I don't think is quite critical. But the expansion of it is important. I mean in terms of the numbers I haven't spoken with my client about whether or not you know, again this is perspective. If the microbrewery is very successful in its current location under its current production then great, we have

***Board of Zoning Appeals Minutes  
April 23, 2019***

the ability to expand at that point. The use has been approved. We just now have to, in terms of creating that structure, and again this isn't, I would understand if this was in a more different setting but it's B2. I mean this is what, the high intensity in terms of use area, so I don't wanna argue but yes it's important to the client's operation.

Dr. Larson: Okay and the handicapped parking space that you mentioned, did you have one particular spot in mind to work with?

Mr. Shannon: Well we, yes there's a... I actually don't have a color version here, but it is designated as a red spot on the, on the plan and there's a... there has to be... we're putting it within a certain distance from the building for the main entrance to where the tasting room would be. But if you look on the Attachment 3, page 8 of 8 there's a wooden overhang structure and it's located right there. But again, the... part of the location... and that's why we just want to work with the building inspector in terms of the exact angle and things like that in terms of how it comes in because there may be... but that's where it would be located, that's where it makes most sense given the topography of the air.

Dr. Larson: So it's near the two story block and frame building basically to the right hand side of that...

Mr. Shannon: Right, right where it says the overhang...

Dr. Larson: Oh it says over hang...

Mr. Shannon: Yeah it's right there and part of that is also the structure, when you build it in terms of having it in a compliant space you need to have the solid ground where the wheelchair is able to get into the building.

Dr. Larson: Any other questions for the applicant?

Ms. Bertoldi: Yes, so my first question, I guess I'm a little confused because you seem like you're arguing you only want to have six spots instead of the seven but when I look at your map I actually count seven so are we all on the same page on the parking spots or not?

Mr. Shannon: We are going to designate seven, but we don't feel like we have to if we reduce that... we ask for the manufacturing space if we get that below 500 based on the director's calculations that, and you know this is page 6 for the brewing area, the director indicated that manufacturing would be the most comparable use to the brewing, and he put the parking rate for such use as one space for every 1,000 square feet pro-rated.

Ms. Bertoldi: And that was your application though that set that forth, right?

Mr. Shannon: With working with him, yes he came up... we have to ask him because it's a 7.1 general, we asked him what do you compare it to and he identified, I'm gonna compare it to manufacturing. And we asked for a 530 but recognizing that if you're below the 500 mark...

Ms. Bertoldi: Right.

Mr. Shannon: ... you have to have it.

Ms. Bertoldi: Okay I get that, so are you saying that the application... that you are definitely going to be under the 500 or are you...

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Mr. Shannon: We definitely... I mean the brewing area's only 140 square feet, so I mean if it grows out we're not going to... I would venture to say if we grow out to pass 500 we'll probably be building the larger... there's just not that, if you've been there there's just not that much room down there to really build out. So that's why, it's why we put the mandatory obligation have seven, we're going to put seven.

Ms. Bertoldi: You are going to put seven? So it's really a non-issue, regardless.

Mr. Shannon: It's a non-issue, but for this, for the special, for the actual language we want it just under 500 so there's no...

Ms. Bertoldi: Are you going to be serving food? Will there be food... or a food truck? Will you having a food truck or...

*(Inaudible someone speaking from audience)* where you have a license.

Ms. Bertoldi: No, is there is going to be... people will be able to purchase food on your property either by in the building or by a food truck?

Dr. Larson: Would the applicant get up and give his name and address?

Mr. Lovell: There currently is food there. We've had food there for the past 45 years.

Ms. Bertoldi: Okay.

Mr. Lovell: And what extent there's going to be food there, I don't know. You know if it's a food truck they have varying menus.

Ms. Bertoldi: Okay.

Dr. Larson: Could you...

Mr. Lovell: And so I am, I am not going to have a licensed kitchen a commercial kitchen, me personally.

Dr. Larson: Could you state your name and address?

Mr. Lovell: Everett Lovell, I'm sorry Mr. Chairman.

Ms. Bertoldi: Okay, alright, thank you. And then I just have a few, bear with me, one more question. It's with respect to, in your request that you be allowed to operate the business... before you, given six months to comply and then but be able to operate your business before you comply with all of the... that was in your application. I don't know the exact terminology that you used, but can you give me your analysis and support thereof on why you should be able... the business should be able to operate without being in compliance first?

Mr. Shannon: Well and we wouldn't necessarily, I mean at this point having spoken with the building inspector who, in terms of identifying the parking area and... we were just asked to work with that, we wouldn't need the restriction, or the condition to have us operate. The original thinking behind it was brewing beer doesn't happen overnight it takes a while.

Ms. Bertoldi: Right.

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Mr. Shannon: So in terms of starting that process now, if it takes two months, maybe the brewer could speak more about that, to get the brew brewing while we're in the process of designating, and because again the one spot does require additional permits or is going to have a different aspect to it.

Ms. Bertoldi: Okay, so I get that. So if we amended the special exception and the conditions thereto saying specifically that you could begin brewing beer but cannot be open for business until there is compliance, would that be satisfactory?

Mr. Shannon: I think we would just withdraw the request that... I mean we have to be in compliance regardless. So it's just something that as the attorneys, we found out in terms of looking at it later saying well this doesn't... the BZA doesn't necessarily have to put on this, this condition we have to do this anyways. It just makes more sense for us to work with the building inspector who in terms of we have to build a ramp and making sure that the one inch to 20 foot drop of that. So it was just, originally we went here and thinking that that was the way to do it but recognizing, talking with the building inspector realized that we don't it doesn't make sense to have the BZA put a condition that is really the building inspectors area.

Dr. Larson: Are there any other questions? Go ahead Dana.

Ms. Brown: Okay. I was trying to follow all that. So you're withdrawing your request to open before the handicap spot is done? Is that what I heard?

Mr. Shannon: I am going to have...

Mr. Jenkins: I think the way I had understood it, he's only asking for the six month exception just to build that one parking spot.

Ms. Brown: Right.

Mr. Jenkins: Everything else would be in compliance. That's the way I read it.

Ms. Brown: Right, but you're... my understanding was based on the tables of uses, he is required to have one handicapped spot. And he was asking for a delay just to do that, so not have an ADA spot while he was open and now he's withdrawing that, is that what I heard him ask?

Mr. Jenkins: That's not what I heard.

Ms. Brown: Is that what I...

Mr. Shannon: I apologize because I was just seeking clarification. One of the... in terms of the total spots if there's only 6. What if we dropped this square footage on the manufacturing? Then we only need 6 spots and we're designating the 6 spots there. And...we, you know, we'll agree to build the handicapped spot, but we don't feel it's necessary for us to necessarily have to build the handicapped spot.

Ms. Brown: I disagree with that. Based on the use...

Mr. Grimes: Yeah, can you cite some kind of justification for not providing an ADA spot, at least 1, with whether it's 7 spaces or 6 spaces. You're going to need 1 to get your occupancy.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Shannon: Right.

Mr. Grimes: And so you know if you defer that construction two... for six months, you're not going be able to get an occupancy permit.

Mr. Shannon: Well I think that the, and again this is where if the certificate of occupancy is issued by the building inspector, the building inspector goes ahead and issues a certificate occupancy then we're there, right? In terms of satisfying the local code, then we've satisfied it. Right, so if the, we know we have to get occupancy permit. I mean that was the big issue before was the certificate of occupancy. If that won't be issued until there's an ADA spot there then that's under the building inspector to say you need to have that at that time. Does that make...?

Mr. Grimes: Sort of.

Dr. Larson: So a question for staff. Do we do we have the requirements, what the requirements are for this ADA spot? What drives that, do we know?

Ms. Musante: All I can tell you it's in our parking regulations and it's probably in the in the ADA regs. I did try to get somebody from building inspections to come tonight to answer on that but it was too short notice, so...

Ms. Brown: It is in table 7.2.

Ms. Musante: It is. We do have it in our ordinance that they are required ever so many spaces will tell them how many of those spaces have to be handicapped. So we do have it in the zoning ordinance.

Dr. Larson: Okay and might I suggest, since I did visit the site and the area where the brewing is going to take place, and I think 530 may be high. If it's critical, if that eliminates the requirement for a spot and that eliminates the ADA requirement...

Ms. Musante: It does not. Even if he were only to do required three spaces, one of those would have to be handicapped.

Dr. Larson: Okay, that was the question.

Ms. Brown: Code says 1 to 25 spaces requires an ADA spot, so...

Dr. Larson: Say it again.

Ms. Brown: The code says in 7.2, in the table, anywhere from 1 to 25 spaces requires one handicapped spot and 26 to 50 is required 2 handicapped spots.

Mr. Apicella: I'm gonna ask a question from a different angle. We had a case a couple months ago where we did some research, got some legal counsel, and in response to the back and forth exchange with the applicant we noted that the BZA does not have the authority to waive a requirement. So if you think the BZA in this case has the ability to waive a requirement, can you help me understand the legal basis that we would have, the BZA, not the county, the BZA itself the legal authority to waive a requirement including the timing in this case of a, of the establishment of a handicapped parking space.



***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Mr. Shannon: Vice Chairman, that's part of the reason why we're just withdrawing that aspect of it because when, and this was the same thing that I think came up back in 2013, when there was a certificate of occupancy issue, the parking spaces are tied to that certificate of occupancy. So you're not waiving anything. By approving the conditions that staff recommended, the requirements are still there.

Mr. Apicella: So, so bottom line we don't have to speak. From your vantage point that whole couple sentences about the handicapped space, we don't need to speak to?

Mr. Shannon: Yeah, I can withdraw that.

Ms. Brown: Right, that's what he says.

Mr. Apicella: That's what I thought you said and then we started going, looping back and I...

Mr. Grimes: So as part of the development conditions if we wanted to...

Ms. Brown: He's not asking for that anymore.

Mr. Grimes: I know, but let me finish with where I'm going here. So where we say we have a minimum of 7 parking spaces you wouldn't be opposed for us to add in there that 1 must be ADA? It's required by code, but I wanna make sure it's in writing so that you and the applicant are fully aware that that space would be required.

Mr. Shannon: Well I think, and again that as staff has recommended this, and I think that that is an issue for the... you know the earlier statement that was part of the application where we said the six month delay, we don't want that anymore. We're withdrawing that because we recognized after talking with the building inspector that that's all based on certificate of occupancy.

Mr. Grimes: No I understand.

Mr. Shannon: So I mean we would ask that that, I mean the conditions are there but I think those conditions have been put on for other breweries, so we just, when we recognized that issue we said we don't need that because we can't get a certificate of occupancy until the building inspector says...

Mr. Grimes: But to my original question...

Mr. Shannon: Right.

Mr. Grimes: ...which is if we modified this development condition that says 7 parking spaces minimum with 1 to be ADA, would you be opposed to that?

Mr. Shannon: I think I'd be opposed to it because that's 1, we're asking for the reduction below the 500, so it's only 6. We're gonna build 7, but we don't... I mean I don't think that requirements necessary because then that's giving the BZA, I mean at this point I would say that we'd be opposed to that because that's just an additional restriction.

Mr. Grimes: It's required by code, so the fact that we codify it in the language of the conditions what does it, does it change what you have to do?

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Mr. Shannon: Well no but I think at that point the BZA, I mean in terms of codifying other you know if it's then it could be the fire marshal too you could say well that's the building code so we're going to put these exceptions in there.

Mr. Grimes: We could if we wanted to, so I'm just asking you if you'd be opposed to it, and it sounds like you are.

Mr. Shannon: I think we'd be opposed to it, especially to the extent and as the attorney recognizing that, you know, we didn't need this and said okay well why are we putting that in there we don't need the six month delay because we can't get a certificate of occupancy with that following the rules. Yeah, so in terms of doing that and after speaking with the building inspector we don't think that one, and that's why I withdrew that request because we don't think it's necessary that we have to go to the building inspector. And sort of learning in terms of identifying the jurisdictional issues of that building inspector does the parking recognizing that in terms of certificate of occupancy it's like okay well we don't need to make that request to the BZA so just withdraw it and we're at that point.

Ms. Brown: Mr. Chairman, can I finish my questions?

Dr. Larson: Go ahead.

Ms. Brown: We got off on it. I had one more again on the parking, the parking stop blocks, we talked about that. Are you saying now in lieu of that you want to do these bollards?

Mr. Shannon: A bollard, it is a less of a tripping hazard it's this, as opposed to something on the ground.

Ms. Brown: Could we ask your client, because when I visited this weekend he wanted to keep that area completely open.

Mr. Shannon: Well and this is on the, recognizing that we go through the building inspector, I'm happy to, I have my client here. We're turning them a little bit, if you look at the, at the drawing for the parking spots, and this really only pertains, well we'd put a bollard on the, so the two at the lowest point, the two orange spots, we'd put them there. But this really deals with the three spots that are going where the existing campground are.

Ms. Brown: Right.

Mr. Shannon: Okay. So if you look at, in the middle of that camp site you see these little squares and circles there?

Ms. Brown: Mmhmm.

Mr. Shannon: Those are, I mean those are where utility hookups are and stuff, but we would turn the... well let me do it for you, we would turn the parking spot a little bit so it comes in more to angle, and the bollard would be almost there where the grass is as opposed to right smack in the middle of the drive area.

Ms. Brown: The grass on the right side or the left side?

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Shannon: On the left side, because it's a hill, so you basically just pull down at an angle and blocking those entrances, but the bollard instead of being right smack in the middle, it'll be on the sides you come in at an angle versus straight ahead.

Ms. Brown: Okay, my impression, and maybe I'm misunderstanding, was that the owner wanted the... the spaces where they could, cars could pull through from the right to the left all the way through.

Mr. Shannon: My understanding... well with the, if you had the, on this site where it shows the line that's drawn there, if that's where the parking block was you wouldn't be able to pull through. You would just stop.

Ms. Brown: I know, that's why I'm asking.

Mr. Shannon: Right, and so what we're doing is we're actually turning it to the left to where it comes in more to angle, so you wouldn't pull through, you would just pull in at more of a 45 degree angle than straight through.

Ms. Brown: So they wouldn't be shared spots, they'd be...

Mr. Shannon: They wouldn't be shared spots and...

Ms. Brown: They would be six separate spots...

Mr. Shannon: ...separate spots... and in terms of the shared spot, one of the issue... I think that deals more when, especially when you have condominiums, you have mixed use and so in the morning it's, or the day, it's office space but in the evening you share it and it's more for the restaurant use that happens later in the day. So this wouldn't be a ... there would be no easement or shared uses.

Ms. Brown: Well I just want to be sure, because what you're saying is different than what I was told on Saturday. So I just want to be sure I'm clear on that.

Mr. Shannon: Well, you're... in terms of the location of where the wheel block would be?

Ms. Brown: The having wheel blocks period.

Mr. Shannon: Right, we're agreeable to it if they're bollards instead of what's on the ground.

Ms. Brown: Okay.

Mr. Shannon: It would just come in at an angle.

Ms. Brown: (Inaudible) we ask.

Mr. Lovell: Wheel blocks are a terrible idea from the liability standpoint of trip and fall hazard.

Ms. Brown: Right.

Mr. Lovell: Which is the number one source of lawsuits in camp ground and hotels as well. So no, wheel blocks are a terrible idea. If we have a bollard we could put that if we angled the parking spot slightly.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Brown: Okay, so you're agreeable now with that.

Mr. Lovell: Yes, we could do that.

Ms. Brown: Okay. Alright. So I just wanted to make sure that was different than what you talked about.

Mr. Lovell: Yes ma'am.

Ms. Brown: Okay. Thank you.

Mr. Lovell: Mm hmm.

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

Ms. Bertoldi: Sorry I... there was one question I meant to ask and I failed to do so. And maybe this is something for the applicant himself to answer. How many barrels do you intend... do you expect to produce in one year?

Mr. Lovell: I haven't thought about that for a few years to be quite honest.

Ms. Bertoldi: Because the original one said 3,000 in a year.

Mr. Lovell: No. I can't see us, in the in the space that we have...

Dr. Larson: Could you speak into the microphone please?

Mr. Lovell: In the space that we have we would not be producing over 3,000 barrels. That would be a nightmare.

Ms. Bertoldi: So that would be a fine number...

Mr. Lovell: That would be a fine number.

Ms. Bertoldi: ... for you to have in the conditions.

Mr. Lovell: Yeah, I think the County Code is 10,000 barrels.

Ms. Bertoldi: Right. But you would be fine with three?

Mr. Lovell: I would.

Ms. Bertoldi: Okay. Thank you.

Dr. Larson: Well Mr. Lovell while you're up at the microphone I wanted to follow up on a question I asked your attorney.

Mr. Lovell: Yes sir.

Dr. Larson: We discussed a little bit about the 10,000 square foot additional room that your application was requesting. Could you address that a little bit more? Give us some specifics if you can.

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Mr. Lovell: Uh sure, a volunteer for my association met with County staff, I think it was back in 2015 and County staff at the time recommended that we put future expansion on our plan and submit it to give the BZA an idea of where we're going and so that you don't have to come back to the BZA every like six months when you want to change something or enlarge something, so that's where the idea for the 10,000 square foot building came from. And that's why we put it on there, you know we may, we may build, I could see us building a 1,000 square foot building, and of course it would abide by all the codes: the parking regs, the fire regs, all that sort of thing. And then maybe we'd enlarge the 1,000 square foot a year and a half later to 2,000 square feet, something like that. Do I see us building 10,000 square feet tomorrow? Absolutely not. But we put it on there as future growth and that's how that's how it got to be included at the recommendation of County staff.

Dr. Larson: Okay, thank you. Yeah I just... it may be difficult for us to prove that given so little information but...

Mr. Lovell: I understand and we were following the recommendations...

Dr. Larson: Certainly.

Mr. Lovell: ... from County staff and I'd certainly be open to you, not you personally, but the BZA saying we're not comfortable with you going to 10,000 square feet, why don't we limit you to 2,000 square feet and if you go over 2,000 square feet then you have to come back and talk to us again or maybe not at all. I mean that's totally up to you. I would hope for 10,000 square feet.

Dr. Larson: Okay, thank you.

Mr. Apicella: Mr. Chairman, if I may, along the same lines... I'm the one Planning Commissioner on the BZA and we have a former Planning Commissioner. I like in special exceptions to conditional use permits and so when we as a planning commission look at CUPs, especially for a restaurant use, we definitely want to see a site plan because there's a huge difference between a 500 square foot operation and even 1,000 square foot operation versus a 2,000, a 5,000, or a 10,000. Things like traffic circulation, where is it gonna be on the site, where is it in relationship to, you know, other neighboring uses. I hope you're able to grow to 10,000 square feet, I honestly do, but not having a plan is very, maybe disconcerting is not the right word, but it's it's an uninformed approach which we don't normally do and can create problems. That's why we want to see a site plan and we already have a de facto site plan here attachment for the end of it and through Attachment 5 and that's already changed slightly but it's already changed. So I'm kind of where I think our Chairman is. We have to look at what's in front of us, not what's potentially going to happen in the future. Again we want you to be successful but we can't mitigate impacts if we don't know what those impacts are. Again, where the building is gonna be on the site versus its relationship to other uses on the site, the other campers, how the traffic will circulate around the site. So I hope you understand as this comes back to the Board and we sort of noodle this, that some of us might be apprehensive about kind of saying what the future state should do or give you a free you know a blank check on that future state not knowing what that's going to look like and what those impacts are.

Mr. Shannon: Right. And I think that... again, part of it was based on recommendation of if you're before the BZA and you're paying the fee for the use and it's the same use just greater and you're going to expand outside the building then, might as well in terms of asking for it, then ask for it.

Mr. Apicella: Right. But if you had a 2,000 foot square foot McDonald's and it became a 5,000 square foot McDonald's that's a big difference.

Mr. Shannon: I agree, and I was in, a part of that was looking at the zoning ordinance and I was like well the requirements, the provisions for the build out requirements are all there. But I appreciate what you're saying in terms of, because again if you're building that sized building, I mean you're going through a whole other process in terms of site plan. Like there will be, in terms of the number of parking spaces, if you're doing manufacturing 10,000 square feet you're only gonna have 10 spots, but if you do a, you know a 10,000 square foot tasting room you're going to have 110 spots, you know. So it is a whole different ballgame with going through those requirements and we are more concentrating on the use aspect of it to be honest, I mean and if that is the, if that's one of the hang-ups then that's... we could talk about it while you guys discuss and maybe come back in terms of whether or not the full extent of that is necessary or not. I mean if that if that is the, in terms of the hold up here. But part of it is, you're right, in terms of a 10,000 square foot, we're like well that's so big we'd have to end up going through a whole other, the full site plan process whereas taking the existing building that has the existing use of assembly hall as part of the campground and just turning that into a tasting room is different than... you know once you're disturbing that 2,500 square feet then you're in a different realm. And I think that that is sort of the scale of this when you look at some of the other breweries. Because one of the things we did is we went through the other breweries and looked at what's their square footage and what type of operation are they running, and it is I mean some are huge in terms of the amount of brewing area, things like that. That's not us. We want to get there, but at this time we're not there and we thought since we're here to ask for it because we have to go through the site plan it wasn't necessary to have you know, while it's optimistic I mean in terms of all the plans that were required for a full site plan of a 10,000 square foot buildings. It's pretty significant.

Dr. Larson: Any other questions for the applicant?

Ms. Bertoldi: It's not a question but just to follow up with this, I can't speak for the other members of the BZA but I want to say that, I mean... I love the, your brewery, I love the current, but I cannot even support even the 2,000 or the 1,000 because anything in addition, you'd have to come back. We don't know where that will be, we don't know if... you know I mean that'll change the number of parking spots, where you're going to put those parking spots, and so just in full disclosure, I mean, what you know I am going to be looking at is just what is before us because there's too, too, you don't even know when you're going to do it, what you're going to need, and there's just too much uncertainty. And so, thank you and, and so just in full disclosure, I mean I will not, cannot personally support anything for growth and in addition to other than what is before us now, so if you need to talk to your client, but I mean I can't speak for anybody else, but that's where I am.

Mr. Shannon: And I'll take the hit on this in terms of well my practice area is up in Alexandria when you have like 20 acres, you're like wow you can do anything on 20 acres, that's a huge space in Northern Virginia where I'm usually dealing with, but in terms of so say 20 acres and a 10,000 square foot is really not that big, but we'd be willing to in terms of just withdraw that and just what is on here and not, and ask for that condition that the staff had regarding that.

Ms. Bertoldi: It would be different if you proposed an alternate plan, it would be, if you said if you know, if he actually was before us saying you know in five years we may tear this down and this is what it would look like and this is what are our spots would look like or we would add a new building and if we did that it would be here, that would be different we would actually have something tangible to look at and consider.

Mr. Shannon: Right... and I think that then that would, we will withdraw that request, the 10,000 proposed the future use if that's gonna help us get over it in terms of the hurdle there. And again we would also ask for it to be the 8:00 a.m., the time for opening, as well as that we would reduce the

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

square footage for the brewing area would not exceed 450 square feet and we don't want to go that big again for the members that were out there just there's just not that much space to really do anything that's significant, so we had reduced, asked that that be reduced to 450 square feet of brew room. That's pretty much it, and again, because the parking was such an issue our recognition that that is, that the building inspector is not going to issue the certificate of occupancy until we're there, that that's where we would leave it. I'm happy to answer any more questions.

Dr. Larson: Any other questions for the applicant?

Ms. Bertoldi: Just for clarification, because when we do get to actually drafting and motioning on what the conditions will be do you want us to put in the conditions that the brewery will not be any more than what 400 and what, how many square feet?

Mr. Shannon: 450.

Ms. Bertoldi: 450, and that there will be 6 parking spaces, you actually want that to be in the conditions?

Mr. Shannon: No. I don't think that is necessary... I mean the form, the formula is there I mean...

Ms. Bertoldi: But no, we need to clarify that, because right now your application says something different. So it needs to be documented. So, do you want to leave it at 7 parking spaces and leave it the way that it is, so cause you're gonna do 7 parking spaces and then we don't have to go down that road or do you want us to change it to where you cannot have a room larger than 450 and the 6... because I... it would need to be in the conditions.

Mr. Lovell: I think it's simpler to just say that...

Ms. Bertoldi: To say the 450?

Mr. Lovell: ...6, we will designate 6 parking spots based on the square footage of the tasting room and the brewing area will not exceed...

Ms. Bertoldi: No more than 450 square feet.

Mr. Shannon: The brewing room.

Ms. Bertoldi: The brewing room.

Mr. Lovell: The brewing area. The manufacturing area will never exceed 450 square feet or I'll be back in front of you, and we will designate the 6 parking spots for the tasting room.

Ms. Bertoldi: So 6 including the handicap?

Mr. Lovell: No.

Ms. Bertoldi: So 6 plus the handicap.

Mr. Lovell. No. I had offered to build the handicap, although I'm not legally required to. I had offered to do that, and now it's becoming a requirement and it is not a requirement because I do not have to build an extra spot. I offered to do that. I still intend to do that but that, I don't think that...

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Bertoldi: Right, so what I'm saying is that us changing it to 450 and 6 spots, that 6 spots your building, a handicap is one of those 6 spots.

Mr. Lovell: I am not building a spot, I am designating 6 spots. The campground has 120 parking spots and there is no size limitation on the parking spot.

Ms. Bertoldi: No, no I understand that but I'm saying that the whole entire evening you have a, in your map you show a designated handicapped spot that has an overhang that you're gonna take off the overhang and you know... so it's a whole explanation.

Mr. Lovell: Correct.

Ms. Bertoldi: You're still going to be doing that. So what I'm asking is, is in here now it says 7 spots. So if we put 450 for the, for the room, for the brewery room...

Mr. Lovell: Correct, manufacturing room.

Ms. Bertoldi: ...manufacturing room, and 6 spots are, you're representing tonight one of those 6 spots will be a designated ADA handicap.

Mr. Lovell: No.

Ms. Bertoldi: So you're not going to have a handicapped spot? I'm asking I'm not I'm not asking whether or not you're required, I'm asking whether or not you're going to do it.

Mr. Lovell: Yes I am going to do it.

Ms. Bertoldi: Okay. So one of those 6 spots will be an ADA compliant handicap, I'm asking that's what your intentions are as one of those 6 spots?

Mr. Lovell: I am going to build a 7th spot...

Ms. Bertoldi: Okay.

Mr. Lovell: ...that will be ADA compliant.

Ms. Bertoldi: Okay.

Mr. Lovell: The 6 spots that are shown in yellow or orange, it would take an act of God to make those ADA compliant.

Ms. Bertoldi: Okay great, so those will be 6 and then you're going to have the ADA where the overhang is...

Mr. Lovell: Exactly.

Ms. Bertoldi: ... and you're gonna take away the overhang.

Mr. Lovell: Correct.



***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Bertoldi: So, just, I understand your position on that you don't feel that you need to do that even though it's in the ordinance, but since you are going to do it what is the harm in just saying okay it's all right to put it in here because, you know, is that the hill you want to die on? I mean you know because, because, because we disagree...

Mr. Lovell: Okay.

Ms. Bertoldi: ... that it's not in the ordinance. So, so we don't have to argue all night, I mean and I understand you have a very strong opinion about that and that's that's fine. But if you're going to do it why are we, why are we having that back and forth on whether or not it needs to be in there.

Mr. Lovell: I would say where is it in the ordinance?

Ms. Brown: I can tell you where it is.

Mr. Lovell: Excuse me, so...

Mr. Shannon: Can I speak at the mike just for a minute?

Ms. Bertoldi: Yes.

Mr. Shannon: We're gonna put in the... and again a part of the issue that obviously there's there's some history here, but the certificate of occupancy requires that ADA spot, so in order to get the certificate of occupancy we have to have it. So part of it is why does it have to be a condition if we have to get it regardless it doesn't matter it's whether it's 6 or 7 is really, you know we're going below the manufacturing which is the new use, I mean upstairs you have the assembly area that's always been an assembly area that part of the camp ground area and it's a tasting room that's still an assembly area. Basement, we're now doing manufacturing, it's clearly a new use. We're here asking you guys for a microbrewery use. Because the campground's there and there's issues, in terms of the parking spots, we don't want to mix the two in terms of... we're not creating spots, you can't create land you're designating this is gonna be it. So in terms of the requirements, yes we have to build 6 spots based on the calculations that we worked out with Jeff Harvey, this is the formula, this is it, if we go above 500 on the manufacturing we need 7, if we go under 500 we don't need 7. We'll work that out ahead of time. The certificate of occupancy is conditioned on one of those being ADA. So part of it is, why does in terms of having an additional condition here is that necessary, when looking at the, some of the other approvals that don't have that, it just part of it is it seems like...

Ms. Bertoldi: And I don't mean to cut you off, I don't mean to cut you off but but I, and trust me I really do understand your argument but we're really talking in circles here because if you know you already have to you know, it's something that you know frankly we will we will probably vote you know it will probably be part of the vote whether or not it gets approved or not it'll be part of the vote and it is in the ordinance and I do not know why it is such a sticking point. This is, this is I mean you know obviously you're a lawyer you know it really doesn't matter at the end of the day. It does not matter that it's in here at the end of day especially since you have to do it anyway for your occupancy permit. So I don't understand why this is an issue.

Mr. Shannon: I think part of it is the, and you know I'm looking at the application that was approved in April of 2016 for the, the other brewery, the High Mark Brewing Company, that requirement's not there. So when looking at the other conditional requirements we see that they're not there then it seems like this is additional, even though it's not.

Mr. Apicella: Can I, can I answer that please sir? I actually feel kind of strongly about it. My feeling, after now what six years, we wouldn't be here if there were some disagreement about what complying with federal, state, and local codes means. That's why we're here and that's why the previous special exception was revoked because there was a disagreement about what that meant. And so going forward I think, and I rarely feel this way, but in this case I feel very strongly that we need to articulate in some cases what those federal, state, and local requirements are, even if it's redundant or over, you know, overly expressive because I, for the sake of the applicant don't want to come back here in two years and kind of be where we are today. I think it's helpful to him. I think it's helpful to us to articulate what those requirements are. And I'm what I'm hearing already, the applicant saying is he doesn't believe that's a requirement. He said it tonight. So, so just in answer to your question and why we feel, some of us, that we needed to say this is what needs to be done in addition to these requirements, federal, state, and local need to be complied with, a standard statement. Yes it's not in the other cases but I feel like it needs to be in this in this case because we we've gotten to a point where, at least from the staff's perspective, there's been an impasse. So that's why I think we're kind of going through specific instances where we need to provide further explanation and further guidance and clarification about what those conditions mean as it relates to this specific request.

Dr. Larson: It's not specific to this microbrewery and it's not even specific to microbreweries. We've done this for different special exceptions for different types of things. When something becomes obvious that the applicant really doesn't buy or really doesn't understand an ordinance, we'll put it in as a condition so it's spelled out for them they must comply with this. There's no mistake, there's no ambiguity, it's in special exception conditions. So yes, it's redundant with law. When we're not making law we're just repeating it.

Ms. Brown: Mr. Chairman?

Dr. Larson: Go ahead.

Ms. Brown: I thought this might shed some light on it, re-reading the code under Table 7.2, the way I read this is the handicapped spot is in addition to the required spaces because the code says if you have one to 25 spaces one to 25, let's just say you had one, you have to have a required one handicapped. Your one space can't be your one handicapped because you know regular folks can't park in a handicapped. So the way I read this is it's the handicap is an additional space above the total spaces that he has based on the square footage. It's an additional space, so and if you want to look at it's on page 254 of the Zoning Ordinance and I'll bring it down to you.

Dr. Larson: Are there any other questions for the applicant? Going once... going twice... okay.

Mr. Shannon: Then I would, if the requirement, if the additional requirements going to be put in there for the handicapped spot... I mean one in order for the certificate of occupancy to be granted, and we need that, and that's sort of what we've conceded from the 2013 application is we need a certificate of occupancy. We pulled permits, we need the certificate, that's not going to be granted unless the handicapped spot is out there, they won't grant it. Right, so they've got to grant that. But if the BZA is going to put on an additional requirement, are redundant and say because for what you said Chair, in terms of sometimes you need to put that out there, then what we'd ask is that there would be a delay period before the complete construction of it, because I think there does have to be build a retaining wall and we'd want to start operating now... but to have that be built within a three month period or no longer than... because the certificate of occupancy won't be granted anyways, but there can be a process where the certificate of occupancy can be, you get a temporary one while you build stuff out that aren't related to the additional use, so...

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Dr. Larson: There may be more discussion on this within the Board but I for my opinion I normally come down with it's up to the County. If they run, they run the rules, so they're they're running the the occupancy permit process, if they require an ADA spot and they're willing to let you go for a while without it and still allow people in the building that's up to the County. We're not going to micromanage that, I don't think.

Mr. Shannon: So that if there was a requirement, so if there was a requirement that we go ahead and prove 6 spots or 5 with 1 handicap that they, handicap has to be built in accordance with the County's approval or timetable, that their requirements.

Dr. Larson: You just said you can't get an occupancy permit without an ADA spot. If the county is willing to waive that, that's up to the county.

Mr. Shannon: I don't think they waive it but they do give a temporary sometimes they'll give a temporary certificate of occupancy so you can begin especially with like things like the brewery if we want to get that going now before, but I imagine...

Dr. Larson: That would be my opinion, and again others on the Board may have their opinion.

Ms. Bertoldi: Is this a hypothetical or are you, what exactly are you trying to do? Are you trying to allow people to come in to buy the beer or are you trying to be able to start the process of making the beer? Like what exactly are we talking about? Because right now...

Mr. Shannon: It means, it would be both until they, I mean if the building inspector is willing to give us a temporary certificate of occupancy until we get it built, we just in terms of the timetable of how fast we can get it built is one of the issues because of the grading that's out there and having to build a retaining wall to allow the platform to where that is through moving the overhang that there's gonna be some lead up time for that. So we're trying to factor that into where we could begin operations and here's the brewery or here's the beer and get that done within a period of time. That isn't we can't do anything until that's...

Ms. Bertoldi: I mean I agree with our Chairman though, I mean I don't think that that is above our our pay grade. You know we... that is not something we, all we do is set forth the conditions. Whether or not they want to allow that I think is, correct, that would be that would be up to the County.

Mr. Shannon: But I guess what I want to avoid is that if the County says look we'll go ahead and issue a temporary certificate of occupancy while you build out that handicap spot and this and your condition says it's a requirement then we're a violation of the special exception.

Ms. Bertoldi: But it's already a requirement as you've already acknowledged so... so I mean it's already a requirement.

Mr. Shannon: But we would be violating the condition while still being okay with the County. You see the, because under the conditions if you say you must be a handicapped spot we say okay, fine. And then the County says we'll give you a temporary certificate of occupancy, you have two months to build the parking spot. Technically we're in violation of this and we don't want to be back before you guys.

Ms. Bertoldi: We can have a discussion about this when it comes back.

Ms. Brown: I have one last question.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Dr. Larson: One, just one, one point here, who would tell you that you're in violation?

Mr. Shannon: Well you would have it, for the same reason that the County when dealing with this before from the 2013, it said that the violation was we weren't in compliance with the special exception.

Mr. Shannon: Wouldn't, wouldn't the County inspector tell you you're in violation.

Mr. Shannon: The building inspector? It could be the zoning administrator has zoning enforcement.

Dr. Larson: Staff, county staff. So if County staff gave you a waiver, why would they come back and say you're in violation.

Mr. Shannon: They're two different people so the building inspector can give us a temporary occupancy...

Dr. Larson: I understand but...

Mr. Shannon: ...but not the zoning so...

Dr. Larson: Don't they, do they talk to each other, staff? Do people talk to each other?

Ms. Blackburn: We talk to each other all the time.

Dr. Larson: So there you go. I really don't, I don't think this is something you need to worry too much about. If the County, if the County gave you a waiver or whatever how, whatever their processes is for this, the County is the enforcement mechanism.

Mr. Shannon: So I guess that the zoning department wouldn't enforce these conditions to the extent that the building inspector gives us a temporary certificate of occupancy.

Ms. Musante: Actually our certificates of occupancy here are signed by both the Zoning Administrator and the Building Official. I will tell you after speaking with the Building Official she would not give an occupancy permit without the ADA installed.

Mr. Shannon: Well I mean if she did though there would be no enforcement from the zoning....

Ms. Musante: I have an email from her.

Dr. Larson: Okay.

Mr. Shannon: While the public hearing goes on can I...

Dr. Larson: It's actually about to proceed. Does anybody have any more questions for the applicant?

Ms. Brown: Yes just one.

Dr. Larson: Okay.

Ms. Brown: I'm growing confused because we're throwing out different numbers of parking spots. How many parking spots did Mr. Harvey tell you had to have?

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Shannon: On the, if we went for more than 500 square feet in manufacturing we had to have 1 spot. If it's less than 500 it is no spots.

Ms. Brown: So, how many spots do you think you have to have aside from the ADA.

Mr. Shannon: 6.

Ms. Brown: Okay because...

Mr. Shannon: Or 5, 5, 5 would be...

Ms. Brown: Well you're saying 5 then you're saying 6 and initially we had on here 7 and so that was with the additional square footage so if we're copping down from that, then it's gonna be 6.

Mr. Shannon: It's gonna be 6.

Ms. Brown: Not 5.

Mr. Shannon: Not 5.

Ms. Brown: Okay, and then 1 of those is, there's gonna have to be an additional 1 for...

Mr. Shannon: It doesn't have to be an additional 1, no.

Ms. Brown: Well, since our code says anywhere from one spot to 25 spots requires an ADA spot, if you only had 1 required you'd have to still have one ADA spot so that equals 2, because you can't share an ADA spot with a regular spot. So to me that tells me that the code it's the ADA spot is in addition to whatever the required parking is... and from one to 25 it's one space. So that would mean if you had 6 minimum parking spaces you'd still have to have your ADA, that would be an additional 1, total of 7. And if you were going up on higher square footage to the 500, what you were initially going to do, you would need 7 plus 1 more, so a total of 8. So I'm fine with 7 total, 6 that you're required to have for the square footage and then the additional ADA, which is what's on your map.

Mr. Shannon: Right, and that was based off the higher square footage. So I mean I would talk with Mr. Harvey about that again. I mean we went through it, came with the calculations because he didn't say you need 8 spots.

Ms. Brown: Melody maybe you can help us.

Ms. Musante: We... staff when reviewing plans if they are... if they have seven spaces we have been allowing them to have one of them as the handicapped space.

Ms. Brown: So what happens, like you know like I said if they only had to have 1 spot, code says they have to have for 1 spot one ADA spot, does that not equal 2?

Ms. Musante: I can't answer that because I don't review plans.

Ms. Brown: Well if they only had to have 1 spot required and they have to have ADA, you cannot have ADA spot and a regular spot share in the same spot.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Musante: I understand that, but I'm telling you how the staff has reviewed these plans. I can't answer it for them.

Dr. Larson: Let's move forward, we're not going be able to solve this.

Ms. Brown: So what number are we using then? We're using 5 or 6?

Ms. Bertoldi: Why don't we wait to talk about that until we bring it back to us, because I do have a suggestion for a change.

Dr. Larson: Any other questions for the applicant? Hearing none, thank you sir.

Mr. Shannon: Thank you.

Dr. Larson: Any member of the public who wishes to speak in support of the application please come forward.

Mr. Walker: Hi, good evening. My name's Tim Walker. I'm here as a private citizen, in support of a small business, I like to keep my money local. I didn't know all this about parking places. I've learned an awful lot here tonight. I just want to go there and have a beer. And like I say support local small business. Thank you.

Dr. Larson: Thank you sir. Any, any questions for the witness? Hearing none, anybody else, would anybody else like to come forward and speak in favor?

Mr. King: My name is Matt King. I have been the brewer at Wild Run since 2014 to 2017 and I'm just here to answer any questions that anybody on the Board or County staff might have regarding the technical side of what we do. Failing that, I just wanted to point out a couple of things. Typically we do all of our brewing in the small hours of the morning, couple of reasons, one is I try to do everything I can to not impinge upon our guests. Not everybody happens to like the smell of brewing beer as much as I do, so we had to... so and I we get the colder water from the County at night which helps some technical aspects of the brewing process that I'm not going to get into. So, so I just wanted to make, you know make it clear that you know we try to be a good neighbor and you know give our guests a good experience when they do come.

Dr. Larson: Let me ask you a quick question.

Mr. King: Yes sir.

Dr. Larson: When you get the brewing process going as efficiently as it can get, how much production can you have in say a month...barrel wise?

Mr. King: Realistically, practically speaking, we probably be in the ten barrels or fewer per month, given our current equipment and size and scale.

Dr. Larson: Is that maxed out or just because of demand?

Mr. King: That would be maxed out because of, because of equipment issues. So what kind of determines the amount of beer that you can brew in one time is the size of the vessel that you boil it in

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

and also the size of the vessel that you ferment in. And so we're, we're locked in right now with a 93 gallon, or what they would call a three brewers barrel system and that's what we're using right now.

Dr. Larson: Any other questions for this witness? Go ahead.

Mrs. Stefl: When you define barrels are you talking sixtels or halves when you say you do about ten?

Mr. King: Oh I'm sorry, a brewer's barrel is 31 gallons, okay, so that's just the unit of measurement. So, you're half barrel keg will have 15 and a half gallons of beer in it.

Mrs. Stefl: Right, and so you're talking... so you're you're saying ten barrels a month is what you stated?

Mr. King: Correct.

Mrs. Stefl: Okay. Are you still brewing down in Westmoreland at the location?

Mr. King: Not currently.

Mrs. Stefl: You're not anymore?

Mr. King: We haven't constructed the facility.

Mrs. Stefl: Oh I thought you were in production down in Westmoreland.

Mr. King: No, no.

Mrs. Stefl: Okay, is the hope that you will be opening in Westmoreland and brewing down there and also brewing up here and vice versa, having your beers in both locations?

Mr. King: Right, this will give us some flexibility now that ABC regulations require a certain percentage of beer be brewed at the site of the license. Now we are, we are permitted and I don't want to go on the record and give you guys bad information, so I'm prefacing this with I'm not, I don't know this for sure but I think it's 20 percent of the beer has to be brewed in our location in Stafford. So we would be able to bring the beer up from Westmoreland County should our production take place down there. I don't look at this as you know, it given us the ability to offload our production out of County... that's not really what it's intended for. This is a smaller system that we have in Stafford County that would allow us flexibility to do specialty beers and you know a lot of give us a lot more flexibility with our production.

Mrs. Stefl: Okay. So you're looking at just staying at the growlers and onsite production, not looking to go with like Hop and Wine, or Virginia Eagle, or starting to get out into restaurants.

Mr. King: Yeah it doesn't, it hasn't yet made sense for us to go into distribution in the Stafford marketplace given the size of our, our system in Stafford. Now I think I can speak for Everett as well as myself in saying that I you know long for the day that that's not the case, but right now this is what we're looking at.

Mrs. Stefl: Okay, and you stated you want to do your mashing in the early morning hours because that tends to be the most potent aspect of brewing.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. King: Well yes, so part of the brewing process as I'm sure you're aware, you need to boil your liquid and you have to cool it down to roughly room temperatures, maybe 60 some odd degrees and the way that we do that is with a heat exchanger that uses city water or... and so the cooler the city water the better the process works and the less waste we have.

Ms. Stefl: Right.

Mr. King: So I always try to brew when I get the coldest water that's, that's...

Mrs. Stefl: Right, but it also is not only a process it's also a loud process and you're dealing with people in RVs who are there for camping also, they may still enjoy some of your beer but they still want to be able to sleep at night and I understand the coolness in the evenings but...

Mr. King: I'm I actually disagree it's not a very loud process. We have one process pump, it's a half horsepower. You could have it running on the floor here and we'd be able to carry on a conversation. My, my concern with wanting to be a good neighbor is predominantly smells, right. It's the hops and then the smell that that gives off. You know we haven't had too many complaints but I don't want to you know force... you know, to have that around when little kids are playing and you know people are trying to enjoy nature.

Mrs. Stefl: Right, well you also don't want to worry about your fermenting too because you don't want to get that contaminated too.

Mr. King: Right, correct.

Mrs. Stefl: So I mean there's always that possibility in an open environment and stuff like that...

Mr. King: Yeah.

Mrs. Stefl: Okay, alright, thank you.

Mr. King: Yes.

Dr. Larson: Okay, any other questions for this witness? Hearing none, thank you sir.

Mr. King: Thank you.

Dr. Larson: Would anybody else like to come forward and speak in favor of the application? Seeing nobody else, would any member of the public like to speak in opposition to the application? Seeing none, does the applicant wish to add any additional information, or his representative?

Mr. Lovell: Not right at this time sir.

Dr. Larson: Thank you. Okay, so we will close the public hearing and bring it back to the Board for discussion and motions.

Ms. Bertoldi: Not for discussion but I do have some proposed changes to the conditions...

Dr. Larson: Go ahead.



***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Bertoldi: Maybe we can just start there and build or subtract as people feel fit or see fit. On number one where it says this permit is issued to Aquia Pines RV Park Inc, it needs to actually say D.B.A. Wild Run Brewery because it is actually a fictitious business file with the Virginia Corp Commission so it actually legally, I believe, needs to stay that. And I will give staff, by the way, the one that I wrote on here. I will give this to you. I can't speak for anybody else but I can give you this one. I don't have an issue with the hours of operation to be from 8 a.m. to 10 p.m. It does make sense. People might want to come in at certain times and if people are allowed to drink at 8 a.m. who am I to judge. Number three, I think this needs to, the first sentence needs to be "the manufacturing room shall be no more than 450 square feet", then the paragraph should say "there shall be a minimum of 6 parking spaces allocated for the microbrewery, 1 of which shall be designated handicap and ADA compliant number". Number four, fine. Number five, fine. Number six remove and in its place put "no more than 3,000 barrels shall be produced in one year". The only new special or new condition I would like to add is to clarify and say that this special exception is granted for the existing building only, the new special... a new special exception will be required if a new or a different building shall be used for the business of the Wild Run Brewery.

Mr. Apicella: Mr. Chairman I have some additional proposed conditions. On number three, I would like to add after wheel stop or concrete parking bollard again to give the applicant some flexibility and leeway. Under number five, I would like to add after the microbrewery will, add these words: "be in general conformance with and" and as currently stated comply with the plans admitted with this case.

Mr. Grimes: I got a question on that Steve.

Mr. Apicella: I've got, I've got some addition to it so it might...

Mr. Grimes: Okay.

Mr. Apicella: ... might get to what I think you might have. Any changes or alterations to the use or plan will require a new special exception.

Mr. Grimes: Now my, my concern is the plan that's submitted doesn't match any of this data. So when are we gonna get an updated plan or are we just going to... is, can we put something in here so that we require the updated plan to be approved by Planning and Zoning because I mean we're changing the square footage of the brewing area, we're changing the parking spaces so he could change where he designates them, I mean so, I mean...

Mr. Apicella: Well I just said in general conformance, I mean that's kind of left to the staff to determine what's outside general conformance, that's typically the language that we've used in the past and we use at the Planning Commission level. I mean sometimes as you go through the construction process things will change. So it's never 100 percent certain.

Mr. Grimes: Understood.

Mr. Apicella: So I mean I don't think it's a huge difference what they've proposed or what they've spoken to tonight. I would add something just for further clarification to something that Ms. Bertoldi mentioned on the... she mentioned a maximum square footage on the, the brewing area. I would also like to add a sentence that says a square foot, the square footage of the tasting room should not exceed 500 square feet.

Mr. Grimes: That is what I thought.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Apicella: Which was mentioned previously.

Mr. Grimes: Both of those could be applied to line five...

Mr. Apicella: Right.

Mr. Grimes: ...instead of putting it in the parking section, you know that you say the microbrewery will comply and as you stated the added language, but then add onto the end of that including manufacturing area shall be no more than 450 and the tasting shall be no more than 500.

Mr. Apicella: Right, and I think those altogether kind of keep it close to what was provided as a pseudo site plan.

Mr. Grimes: Right.

Mr. Apicella: I would also propose adding under what was seven just the word "uses". So after all it says "all uses, areas, and structures" and follow on as currently written. I'd like to add a new, a couple of new proposed conditions. Again, just to make clear, I realize that the applicant's attorney said no doubt they're pursuing a certificate of occupancy but I want to make it very clear, so I propose a condition that says a certificate of occupancy shall be applied for and approved by Stafford County for a microbrewery use and any and all associated structures. I would like to add this special exception shall expire when the applicant vacates the premises unless the permit is transferred as noted herein, that goes back to number one. And I'd like to also add this final condition that's basically in all of our special exceptions, failure to comply with any of the approved conditions will result in the revocation of the special exception.

Dr. Larson: Okay. I think I'd like to disagree with something Robert said. We have a plan. We have the location of the parking spots. If there's one less I would expect they would take one of those locations away but the other spots are still there. They've also designated which of the spots would be the handicapped spot. That wouldn't change, so I think we having...

Mr. Grimes: Mine was with the floor plan, not with the parking. The floor plan is where all the, all the square footages are defined...

Dr. Larson: I think you did say something about the parking spots and we don't know where they would end up and you know...

Mr. Grimes: Yeah that was it... separate parts.

Dr. Larson: Okay, I'm addressing that part. Okay, any other discussion on conditions, Dana?

Ms. Brown: Yeah I just had one. Steven covered it but I think I might have misheard you on the number three about the existing parking spaces that are in the campsites. I thought we needed three bollards, did you say four?

Mr. Apicella: I didn't speak to a number I just said...

Ms. Brown: Okay.

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Mr. Apicella: So I'll read this sentence as I propose it, "all parking spaces will provide a wheel stop or concrete parking bollard unless curb and gutter exists". So all I'm saying is they have some flexibility. Maybe one of the spaces could, could do a wheel stop and maybe five of the spaces might do a concrete bollard. I don't know. I just want to give them some flexibility based on...

Ms. Brown: Okay.

Mr. Apicella: ... what circumstances exist on the ground as they move forward. It doesn't preclude them...

Ms. Brown: That's fine.

Mr. Apicella: ... from going one or other the other out.

Ms. Brown: That's fine. I want to get this business back open, I just want to make sure we nail it all down right.

Dr. Larson: Anybody else.

Mr. Grimes: And there's the... on number five it says the microbrewery will, we should probably change will to shall to match up with everything else in the development conditions.

Dr. Larson: I'd like to circle back to what entity the permit is being issued to, could you repeat that Adela?

Ms. Bertoldi: Well yes, so when you go on to the Virginia Corporation Commission web site, Wild Run Brewery is a fictitious name that is actually filed with them but the business is... so they're doing business as but the corporation is the Aquia... you know whatever exactly it is...

Dr. Larson: The Aquia Pines RV Park.

Ms. Bertoldi: ...right, Aquia Pines RV Park Inc. So it, it really is not, I mean even though it is given to Aquia Pines RV it is still a different business even though it is under that corporation it's actually filed as a fictitious name. So it should, it should be, in my opinion, the special exception should be doing business as, D.B.A.

Ms. Brown: I agree and I talked to the ABC Department today about this and when I gave them the address about that, the first thing they said oh, Wild Run Brewery, so that's what the ABC license currently is...

Ms. Bertoldi: Because that is actually who we are giving this special exception to is the fictitious name of Wild Run Brewery.

Dr. Larson: Okay, any other discussion of the conditions?

Mrs. Stefl: I have one.

Dr. Larson: Go ahead.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mrs. Stefl: Number two, the hours of operation open to the public, I want to clarify that it is also operation of the brewing and manufacturing of the beer. I respectfully disagree. I know the organization that I work for, we have a large 20 barrel hot tank and a ten barrel fermenter and the hopper, it is a very noisy process and it can... I love the smell of beer like the brewer but others it could be an off-putting, and so I just want to make sure that it's also... those are only the hours that it could be operating and manufacturing the beer. He did allude to evening brewing and I don't want that done after the ten o'clock. The way it reads now the hours of operation open to the public. So it makes it seem, I just want to clarify that it's also the business operating and being open to the public... am I talking around?

Dr. Larson: I think I disagree with that, I can, we could talk about it and see where we go. The man runs a business.

Mrs. Stefl: Right.

Dr. Larson: If his customers objected to something a noise or a smell or something, I'm assuming the business owner would react to that, if he didn't he'd lose business.

Mrs. Stefl: I just I just want to make sure that these are also the time that he'd be brewing too.

Dr. Larson: Well that's what I'm saying is I don't think that that's necessary.

Mrs. Stefl: Okay.

Dr. Larson: It's a 20 acres lot, he's not going to be disturbing any neighbors, it's gonna be his customers he disturbs if he disturbs anybody... and then they would I would assume complain to...

Ms. Stefl: Alright.

Dr. Larson: ... management if they objected to a noise and he would have to react to that within his own business.

Mrs. Stefl: Okay. I just...

Dr. Larson: Does anybody else have any thoughts on that?

Ms. Bertoldi: I actually agree with you Mr. Chairman I see where you're coming from Ms. Stefl, but I think that, that is us probably getting too much into their business...

Ms. Stefl: Okay.

Ms. Bertoldi: ... of how we're going to tell them to operate it. I look at it differently than adding in the exceptions about the, you know, clarifying what's already there in the ordinance. This is we're making them, limiting them and what they can do in their business...

Ms. Stefl: Okay.

Ms. Bertoldi: ... and so I would agree with the Chairman that that would not be something that I could support.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Apicella: I'm just going to add if they were close to some neighbors, that might be an issue but I think they're far enough away that I don't think it's going to be that big a deal and I think this could...

Ms. Stefl: Alright.

Mr. Apicella: ... it could significantly impact their business model because what I heard is that they actually do the brewing at the late hour and that that makes sense for them and it's good for the product as well. So if we were to limit it to these hours it would potentially jeopardize their whole operation.

Dr. Larson: And this this could be an issue for a much larger facility, so it feels silly that for example that's an order of magnitude larger than what we're talking about now the 10,000 foot facility, that could actually be an issue there for other neighbors but where they're located and the size they're talking about I don't see it as an issue.

Mrs. Stefl: Okay, alright, I throw it out there to...

Ms. Bertoldi: I see where you're coming from.

Ms. Stefl: ...weed it out.

Ms. Bertoldi: I see what you're coming from but yeah I think in this circumstance and before us...

Ms. Stefl: Alright.

Dr. Larson: Any other comments or discussion on the conditions?

Mr. Apicella: For the sake of clarity, do we want to run through each one, just so we're very clear on what those are?

Ms. Bertoldi: This is mine, they can have mine.

Mr. Apicella: Okay, so it's still easier to go through yours and for me to springboard off of it for any additional changes for each one of those.

Ms. Bertoldi: Why don't you... that's the one I gave them.

Dr. Larson: Can somebody, we're going to have a recording of it, can somebody shorthand this or something so they have it all the conditions written down?

Ms. Brown: Mr. Chairman?

Dr. Larson: Yes.

Ms. Brown: Before we go through all this, is the applicant in agreement with these?

Dr. Larson: Well I thought that we would go through them...

Ms. Brown: Okay.

Dr. Larson: ... and he would hear them and then we would get his input.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Apicella: Okay, that said we still set the conditions, we can get their feedback but that doesn't mean that we necessarily have to agree or disagree to whatever.

Dr. Larson: No argument, but we all need to hear the conditions.

Ms. Bertoldi: She has those papers, she's ready.

Mr. Apicella: So if you want to read each one and then I'll add to it, if I have a change or some additional verbiage per each one of the conditions.

Ms. Musante: Perfect. Number one, this permit is issued to Aquia Pines RV Park Inc. doing business as Wild Run Brewery, transfer of this permit shall require a new special exception application. Number two, the hours of operation open to the public shall be limited to 8:00 a.m. to 10:00 p.m. seven days a week. The manufacturing room shall be no more than 450 feet, square feet.

Mr. Apicella: So I have an addition at the end of that.

Ms. Musante: Okay.

Mr. Apicella: The square footage of the tasting room shall not exceed 550 square feet.

Ms. Musante: Okay, so the manufacturing room shall be no more than 450 square feet, the tasting room shall be no larger than 550 square feet. There shall be a minimum of 6 parking spaces allocated for the brewery 1 of which shall be designated handicap and ADA compliant. All parking spaces will provide a wheel stop or concrete bollard unless curb and gutter exists. The existing parking space in front of the camp store will be removed and reconfigured to meet code requirements. The 3 parking spaces located within existing campsites will be labeled for microbrewery parking. Number four, any parallel parking spaces shall comply with Section 28-102, Off Street Parking Aisle Width. Number five, the microbrewery will comply with the plans submitted with this case and this is where I did...

Mr. Apicella: Okay so this is, I do have to have some changes here, the microbrewery shall be in general conformance with and comply with the plan submitted with this case.

Ms. Musante: I got to comply it's where, as far as I got. Shall be in general conformance and comply...

Mr. Apicella: Yeah, comply with the plan submitted with this case so most of that doesn't, the rest of that doesn't change.

Ms. Musante: Okay, gotcha.

Mr. Apicella: Any changes or alterations to the use or the plan will require a new special exception.

Ms. Musante: No more than 3,000 barrels shall be produced in one year.

Mr. Apicella: Can we just say in any given year?

Ms. Musante: This special, this special exception is granted for the existing building only, a new special exception will be required if a new or different building shall be used for the business of Wild Run Brewery. All uses and structures associated with the microbrewery shall comply with all applicable federal, state, and local codes.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Apicella: So I think it's all uses comma areas and structures.

Ms. Musante: Gotcha... and that's as far as we got.

Mr. Apicella: Okay, so the additional ones that I've recommended are our certificate of occupancy shall be applied for and approved by Stafford County for a microbrewery use and any and all associated structures. And I'll give you these, they got a little sticky. This exception shall expire when the applicant vacates the premises unless the permit is transferred as noted here in. And the last condition, failure to comply with any of the approved conditions will result in the revocation of this special exception.

Dr. Larson: Does the applicant or representative want to comment on any of the proposed conditions?

Mr. Shannon: Yeah I just want to clarify the square footage because I think earlier it may have been in some... 500 square feet for the tasting room, it's 550 square feet, the tasting room.

Dr. Larson: We have that, right.

Ms. Brown: We said 550.

Mr. Shannon: Right, 550 okay. And then for the manufacturing area wouldn't exceed the 450, because I think there's additional room down there that's storage for other things, it's just the manufacturing area.

Dr. Larson: Is that clear in the manufacturing, it's the manufacturing area will not exceed 450, not the room that contains the manufacturing. They do have other storage.

Ms. Musante: The manufacturing area.

Dr. Larson: Yeah, they have other storage which applies to their store and in the campgrounds. Okay?

Mr. Shannon: Yep.

Dr. Larson: Do I hear a motion?

Ms. Bertoldi: I'll move to accept the conditions as amended.

Ms. Brown: I'll second.

Dr. Larson: There is a motion and a second to pass the special exception with the conditions already stated. All those in favor say aye.

Mr. Apicella: Aye.

Ms. Bertoldi: Aye.

Mr. Grimes: Aye.

Ms. Stefl: Aye.

Ms. Brown: Aye.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Jenkins: Aye.

Dr. Larson: Aye. Any opposed? Okay, the motion passes.

Mr. Shannon: Thank you.

Dr. Larson: Ladies and gentlemen, we will take a 10 minute break; we will reconvene at 9:05.

*Break: 8:55 p.m. to 9:05 p.m.*

Dr. Larson: Come back to order now please. I'll ask the secretary now to read the next case.

2. SE19-03/19152693 - Tanya Wilson - Requests a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "Table of Uses and Standards," A-1, Agricultural Zoning District, (c) Special exception, to allow a wedding venue as a Rural Home Business on Tax Map Parcel No. 39-51. The property is zoned A-1, Agricultural, located at 143 Dishpan Lane.

Ms. Musante: Case SE19-0319152693, applicant Tanya Wilson requests a special exception per Stafford County Code Section 28-35, Table 3.1 District Uses and Standards for the A-1 agricultural district to allow a wedding venue as a rural home business on Tax Map Parcel Number 39-51. The property is zoned A-1 agricultural, located at 143 Dishpan Lane. You have the application, application affidavit, plat diagram of area used for the venue, photos of the home, definition of rural home business, the tax record, adjacent property notification, outdoor lighting standards, private easement agreement, health department record, and the Chapter 16 noise. The applicant is requesting a special exception for a rural home business to operate a wedding venue on the property. The proposed plan is to hold weddings on the property within rented tents and a proposed gazebo. Food will be provided by outside vendors and will not utilize the existing kitchen in the dwelling. Per the Commissioner of the Revenue the single family dwelling is 4,826 feet. The breakdown of the area is utilized within the dwelling are as follows: 156 square feet for the bridal changing room, 180 square feet for the bridal party lounge, 120 square feet bridal party bathroom, 156 square-foot groom's party changing room, and a 120 square-foot groom's party bathroom for a total of 732 square feet of the home used for the rural home business. They are requesting a maximum of 100 guests with a target number of 65 to 80. The applicant stated in an email there will be no overnight stays by the bridal party. The applicant also proposes to construct a gazebo for the wedding event. The guests will park at a local hotel and be shuttled to the property for weddings. No wedding event parking will be permitted on the premises with the exception of the wedding party. The photos submitted by the applicant shows the location of the circular driveway, the gazebo, the tents, and the overflow guests seating. The entire circular driveway's paved and provides easy access and parking for the wedding party and commercial vehicles, such as vendors. The applicant states the property offers open and wooded land for a beautiful background. Additional lighting will be added to the parking areas entrances and exterior pathways. The lighting will only be in use during events and in special areas and will be in compliance with Section 28-87 of the outdoor lighting standards. The property is served by county water and private septic. The application will provide... the applicant will provide modal bathroom facilities. The caterers will not use the kitchen but will use tables within the tents outside to keep the food warm. The applicant has requested the days and hours of operation to be Sunday through Saturday 11a.m. to 11p.m. There will be no other employees for the business, only outside vendors. Chapter 16, the noise of the county code, defines daytime and nighttime hours and provides maximum DBA for each. The single family dwelling was constructed in 2007 and the closest single family dwelling is 300 feet. The subject property is located on the south side of Dishpan Lane which is a private road. The perimeter of the site is wooded. To the best of staff's knowledge there are no wetlands, floodplain, or critical resource protection areas that would limit development or use of the



***Board of Zoning Appeals Minutes  
April 23, 2019***

property. Surrounding the site are single family dwellings on large tracts of land with Black Hawk Ridge subdivision located to the west.

Dr. Larson: Thank you. Were there any questions for staff on this case?

Ms. Brown: Yes.

Dr. Larson: Go ahead Robert.

Mr. Grimes: I just have one... in the development conditions there's no suggested parking requirement and I understand that the applicant is saying that everyone's going to be taking a shuttle, but they also said the wedding party would park on site and we'd have to assume that the bridal party, caterers, and other vendors would be parked on site. Is there a reason there was no number of parking spaces defined with the development conditions?

Ms. Musante: The easy answer to that is no.

Mr. Grimes: Okay. Because I'm not sure if I... even on the maps I mean we've got a proposed tent location, proposed gazebo but I have no idea where you're gonna park all these folks. Now I know a wedding party, but you know the wedding party is 12 people.

Ms. Musante: Correct.

Mr. Grimes: That would be twelve cars and that doesn't include vendors or caterers... and I don't see anything on the site plans or the plans submitted where there's proposed parking.

Ms. Musante: On Attachment 4, page 1 of 2, shows parking area, the spaces are not marked but it shows where the wedding party and/or vendors can park, and that may be a better question to ask of the applicant.

Mr. Grimes: I mean it was one of the development conditions that... access needs to comply... where is it, now that's Dishpan Lane... because again these are... if they're parking the cars where they're actually shown in the picture you wouldn't be able to get emergency vehicles in and out of there.

Ms. Musante: Sure.

Mr. Grimes: So you know parking on that circular drive won't work. Okay, that was my question.

Dr. Larson: Okay, Dana, go ahead.

Ms. Brown: Mine are mostly about the road. I have a couple. First, who owns the road? Is it Cave Bradley? Is that who actually owns it and gives the easements to everyone else, is he the owner?

Mr. Bradley: No, no, that's me, and no. Just the part of the road in front of my house.

Ms. Brown: Okay. Okay, and then I'm looking at the maintenance agreement. It's rather old. It doesn't reflect all the new owners on there and it also starts out at the top that, I mean we the undersigned property owners, that talks about a private gravel road that exists from State Route 630... up to you know to the homes. So that's out of date and the owners are out of date. Do we... we don't have an amended more recent version that includes the new owner who's applying for the special exception?

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Musante: No. This... that information was provided by one of the adjacent property owners. The maintenance agreement... so it might be better to ask the adjacent property owner on how that...

Ms. Brown: Okay, and then the last question I had was... Attachment 7, page 6 of 6, was a list of 9 names and I noticed on the map of all the notices that you sent out there was 15 homes that were given a public hearing notice. So what's the significance of the 9? Why were we listing those versus all 15 or is there something I missed? It was page like I said, Attachment 7, page 6 of 6... looks like 15 letters went out.

Ms. Musante: We expanded the area for this case because of Dish Pan Lane being a private road. We were not required to notify all of those that actually received a letter, but we did. So the, the one that you see that has the 9 or however many is probably the immediate ones that we are required to submit... I mean to notify.

Ms. Brown: Okay, okay, so that's it. That's all I have.

Dr. Larson: I would request the BZA to limit their questions to staff, now if there are questions for members of the public we can do that during the public hearing when they'll get a recording of the answer. Go ahead, Adela I think you were next.

Ms. Bertoldi: I'll defer.

Mr. Apicella: Mr. Chairman, I have a couple of conditions-related questions. So, I'm looking at number 2, the... where it says the only vehicle traffic will be for the wedding party to tour the venue and park the day of the event. It does not appear to address parking for employees and vendors. So, you know, given the strict application of that condition when the absence of clarification impact parking by persons who are either employees or other businesses who are involved in whatever wedding event might occur on the site, so we need to maybe amplify that condition to allow for that. And the second question or point, I looked at the application and the staff report, it's Attachment 1, page 3... there's a little note at the end that says 2 per week April through October... that seems to me to be further clarification on the volume of events. Did, did the applicant discuss with you what that meant?

Ms. Musante: That note is actually mine.

Mr. Apicella: Oh, okay.

Ms. Musante: It was after discussion with the applicant. That was what they were anticipating was two per week from April to October.

Mr. Apicella: So that could potentially be another condition establishing the maximum number of events in season for wedding events. Okay. Thank you.

Dr. Larson: Other questions for staff?

Ms. Bertoldi: Yes. Yes I do. I have a question. Attachment 9, which is this deed of private road easement... I guess my question is are we sure that this is the right easement... the applicant's name is nowhere on this. This is Phyllis W. Huntzinger which is, by the way this was executed on February 21, 2019, so very recently and Bradley Cave, who is the grantor. I don't see anything with her name on the easement so, so is this the correct easement and is... did you look to see if there was another easement out there.

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Musante: I did not. This was actually provided by the applicant. I know she's a recent purchaser of this property and the Huntzingers were the prior owner and developer of this property.

Ms. Bertoldi: So I just... you're right they were the private owner... previous owner but this was... do we... I couldn't, and there were some documents in here that were really kind of small print, so maybe it's there and I don't see it but where is the deed of the property showing that the applicant is the owner of the property and when she came into ownership, because right now looking at this deed of private road in easement... I cannot... because her name is not on it be able to track... who has the rights of ingress and egress on that, on that road.

Ms. Musante: If you look at attachment number six, it's the tax record and it shows where she is the current owner.

Ms. Bertoldi: Okay, and when did she when did she...

Ms. Musante: She purchased it March 6<sup>th</sup>, 2019 from the Huntzingers.

Ms. Bertoldi: Okay. And did... do we know whether or not there, there is another easement or if not do we know if it's required and a new easement is required to be recorded with a new owner?

Ms. Musante: I would not know that.

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

Ms. Wilson: Hi, how are you? My name is Tanya Wilson. I'm the applicant at 143 Dish Pan Lane. I'm sorry I missed your call and, or your email and your visit. I've been talking with Melody... mostly coming in and then through emails, so I apologize that I didn't get your emails. To address... so first of all, when I bought the property, this has always been a dream of mine to have like a small intimate wedding section, but knowing that I have neighbors on the lane as well, I wanted to make sure that none of this was disturbing them or would interrupt their daily day to day process, so I figured, excuse me, on 28 acres of land that... first of all there would be no late nights, of course no loud music and again small, intimate maybe no more than 50 to 65 people. Knowing that the road is, you know, there's other neighbors on there, I wanted to make sure that I also had, I'd been talking to different shuttle companies. So what we would do is there's a couple of hotels in the area, Fairfield and Marriott work with... the shuttle company would take the party from the hotel to the house so there would be no cars coming up and down the driveway to make sure that we don't disturb anybody. In addition I have somebody who would take care of the road afterwards to make sure that, you know if any gravel or whatever was messed up that we would make sure that we would take care that and make sure the road is put back to the way it would be, I mean was. Regarding, somebody said the tent, so the tents for the vendors... the tents would be there way before the bridal company comes so they come set up and they're gone. So that would not be any cars on there. As far as the vendor and food, it would probably be one vehicle and I would probably just have them parked in the garage. And the bride and the groom would be the only car that would park there... and again have them park in the garage as well. Any... anything else that I did not address?

Dr. Larson: Anybody have questions for the applicant?

Ms. Bertoldi: Just a couple of follow up on your... I have I'm sure I'll have more later... you said that you looked at some hotels in the area and that guests will be parking there and be bussed in by a shuttle.

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Presuming that not every wedding, if we were to allow this, was from out of town... have you spoke to the hotels to see if they're okay with you using their facility as a parking lot for your guests?

Ms. Wilson: Right, so I have to sit down and talk with the managers at the hotels but my other option was also to speaking with Brooke Point High School, because the weekends they don't use their big parking lot, and just seeing if the wedding party...

Ms. Bertoldi: But you haven't already done that, so you actually don't have an answer to that?

Ms. Wilson: Yes. I haven't been able to get in contact with anybody, we've been playing phone tag so...

Ms. Bertoldi: Okay, and just to clarify, you said that you weren't going to allow music at the weddings or not...?

Ms. Wilson: No loud music.

Ms. Bertoldi: What does that mean? What do you mean by no loud music?

Ms. Wilson: Sure ma'am. It's 28 acres of land so... we would keep the music away from the neighbors so we'll be in the further part of the land where people can't hear.

Ms. Bertoldi: And if I were looking at your application correctly you propose a gazebo. Is that in your front yard?

Ms. Wilson: I have to have it made, I'm having it made.

Ms. Bertoldi: Right, but that would be in your front yard.

Ms. Wilson: No I can put it wherever.

Ms. Bertoldi: Okay, but the site that you show is that your front... cause I see a circle driveway?

Ms. Wilson: Yes, that's the site, yes.

Ms. Bertoldi: So that, that is what you're proposing in the application was a permanent structure that would be in your front yard of a gazebo and that would be for where they would get married?

Ms. Wilson: Yes ma'am.

Ms. Bertoldi: Okay. Alright that's... for right now I'm good.

Dr. Larson: Any other questions... Dana?

Ms. Brown: Yes. A couple clarifications... on Attachment 1, page 2 of your application you had said the type of business you're proposing is wedding events and there was something that was yellowed out or whited out, but on the next page, page three it says you're planning on doing weddings and small events, so which is it? Are you planning to do...

Ms. Wilson: Yeah I'm sorry for... that was when I was writing that... it's just small weddings.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Brown: It's just weddings, no small events. Okay. And the next thing is, were you planning on having a sign and where were you... a sign.

Ms. Wilson: Oh a sign?

Ms. Brown: And where were you planning on putting that?

Ms. Wilson: I don't think it, I don't think we were going to put a sign up.

Ms. Brown: No sign, okay. And in your application you said you would have outdoor restroom facilities.

Ms. Wilson: Yes.

Ms. Brown: How often would those be brought in and taken out?

Ms. Wilson: Just for the day of the... morning of the whenever the wedding, the day of the wedding and then taken out right after the wedding.

Ms. Brown: So if they had a wedding on Sunday it'd be taken out Sunday night.

Ms. Wilson: Right. Unless they have to come Sunday morning, I mean Monday morning, but we're trying to get it in and out.

Ms. Brown: Okay. So that would be extra traffic going up. So you're gonna have caterers going up the road, possibly photographers, the wedding party and the porta potty truck twice a day on the days of weddings, okay.

Ms. Wilson: There's no more... the weddings would be no no more than two per week.

Ms. Brown: Okay. And then the last thing I want to ask you was have you had a consultation yet with the Health Department about any of this? About your drain field or about the serving the food or anything like that?

Ms. Wilson: No ma'am.

Ms. Brown: Okay. That's all I had.

Dr. Larson: Heather?

Mrs. Stefl: You said in your opening remarks that the bridal party, the bride and groom, would park in your garage, possibly caterers would park in your garage, and I assume yourself and you have a two car garage... that's a lot of people in one garage.

Ms. Wilson: I won't park in my garage, I'll be moving my car.

Mrs. Stefl: Your car will be in the circular driveway?

Ms. Wilson: No, not on the property.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mrs. Stefl: Your car is not on the property?

Ms. Wilson: I would not have my car on the property so they could park their cars there.

Mrs. Stefl: Okay, Alright. Knowing that the bride and groom most likely come separate so there's two cars, now where's the caterer and other vendors gonna go?

Ms. Wilson: They could park behind the garage or beside the garage.

Mrs. Stefl: Okay. Alright.

Ms. Brown: I forgot to ask one thing.

Dr. Larson: Go ahead Dana.

Ms. Brown: We started with, do we have an updated agreement on the maintenance of the roads since you're a new owner? Did you sign a new agreement?

Ms. Wilson: No ma'am, but I did talk to someone that said that they would maintain the road for me if I was to do this.

Ms. Brown: So there's no formal agreement that says you will maintain it? Or pay \$45 a year or anything like that?

Mrs. Wilson: There's nothing formal right now that I know of ma'am.

Ms. Brown: And you don't own the road, correct?

Mrs. Wilson: I don't own the road, no.

Ms. Brown: Sorry.

Dr. Larson: Any other questions?

Mr. Apicella: What's the... do you know the size or the width of that private road?

Ms. Wilson: No sir.

Mr. Apicella: Okay. So in the absence of an agreement how... can you help me understand how you would work with the folks who are part of the agreement to make sure that you take care of any maintenance upkeep or damages to the road. How would, how would that work in the absence of being a party to an agreement?

Ms. Wilson: I would just, I would just do it. I've already talked to somebody to make sure that it's done. I mean I can sign something to make the... because I want to make sure that the neighbors will feel comfortable as well, that this is gonna be done, so I can sign something that says you know, you know after the weddings I would make sure the road is you know, in great condition that nothing...

Mr. Apicella: My only concern is that you don't, you don't currently have that in place so you may have a vendor who's willing to help you take care of it, but there are people who are, are a party to this

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

maintenance agreement who share the responsibility currently. You're not a party to that agreement. There doesn't seem to be any legally enforceable mechanism that I can see in the package that ensures that you're going to take care of what, whatever responsibility you have for again maintenance and repair of the road.

Ms. Wilson: From what I understand right now, and I could be wrong, but what I understand right now when I bought the house is that there isn't really a legal agreement right now... like the neighbors kind of within the area they take care of plowing it or whatever needs to be done. And then like one of my neighbors I just gave them money too because we were getting... from the rain a lot of potholes or whatever you call them, and so I just gave them money to take care of it. So I was, I was not told right now that there is an actual legal agreement for us... but if there is you know I have no problem contributing and..

Ms. Bertoldi: If I may?

Dr. Larson: Go ahead.

Ms. Bertoldi: Along that line, did you sign when you did your closing an easement for ingress and egress on the private road to be, to be able to access your property. Did you sign one? Because the one we have before us was from February of 2019 of the... from, between the owner and the person who you purchased the property from. That gives her the right to have access to your property there. There isn't one that specifically gives you the right that we have in front... do you know whether or not you signed one of those?

Ms. Wilson: I have the deed.

Ms. Bertoldi: Yes please.

Ms. Shultz: I'm Kim Shultz and I was her realtor and her friends, we've been working with her for about a year. And what happened was before we went to closing there'd been a boundary line adjustment at some part....

Ms. Bertoldi: I saw that.

Ms. Shultz: And so since the Huntzingers were still the owner at that point, it was corrected and put in place, but just because it changed owners the new person doesn't sign another private easement it's just, it's in place and it's hers.

Ms. Bertoldi: Okay and that was my question... so for staff so...

Ms. Shultz: It's legal for her.

Ms. Bertoldi: It's legal for her for or whoever purchases the property even though it's a recorded document and doesn't have her, her name on it so there's not really like a chain of title that shows one from another, but that's not required. Okay, thank you.

Dr. Larson: Other questions for the applicant? I have one.

Mr. Apicella: I'm sorry, go ahead.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Dr. Larson: Okay. Where is your septic drainage field?

Ms. Wilson: The septic drainage is in the larger... the larger field.

Dr. Larson: But where...

Ms. Wilson: Behind the house.

Dr. Larson: I was the person who went to your house, I didn't call ahead sorry.

Ms. Wilson: No, no that's fine.

Dr. Larson: But... and you weren't there I knocked and then I left. But I was just, I'm just trying to figure out... I looked around while I was there from what I could see from your front porch. So where, where is it in relation say to the house?

Ms. Wilson: Sure, so when you drove into the driveway...

Dr. Larson: Yeah.

Ms. Wilson: ...if you looked over to the right the, the big field, there was white pipes sticking out of the ground... it's right there. I don't know if you remember that, kind of behind the garage but on the yeah on the other side.

Dr. Larson: Okay, so as you're, as you're facing the garage it's to the right of that...

Ms. Wilson: Going back towards the woods.

Dr. Larson: Okay, so if you set the venue, the tents and everything up, presumably behind your house... you mentioned it's a big property and it is, but your house is near the front part of it where all of your neighbors are. So if you're worried about noise mitigation you'd probably go back further.

Ms. Wilson: Mm hmm, yes.

Dr. Larson: So do you know where the equipment can go and not be driving over your drainage field?

Ms. Wilson: Yeah, because the way the way the fence is set up I can have them go to, go through the, like when you first come into the front gate you can take a right and just go straight back and they won't... the drainage field is further apart into the woods that you don't, you wouldn't drive over it is what I'm trying to say... or you wouldn't, it wouldn't be affected.

Dr. Larson: Okay, I didn't go back there but it looks by the map it looks like there's some kind of a dirt road or something or a dirt path or something that goes back there is that... is that something they could use and not be on your drainage field?

Ms. Wilson: Yes sir.

Dr. Larson: You said that you were going to use shuttles to move people from a local hotel to your place. Do you know the capacity of the shuttles?



***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Wilson: Yes, so he gave me a break, a breakdown of the shuttles. Anyways I'll just kind of, I can't find the notes that he gave me, but basically the shuttle he said he has one that holds 55 passengers, if we wanted that. There's one that holds 25 passengers, 20 passengers, like he has a different, 30 passengers so... basically we can accommodate...

Dr. Larson: These are like buses...

Ms. Wilson: No, it's one bus.

Dr. Larson: One bus.

Ms. Wilson: One bus, because that's the thing I didn't want to disturb the neighbors so it would be one bus coming down, it's not gonna be a bunch of shuttle buses coming back and forth back and forth it's one bus.

Dr. Larson: So the idea is other than the wedding party all guests would pile in and it would be one trip.

Ms. Wilson: Exactly. Yeah, except for, the bride and groom are the only ones that would be on the property.

Dr. Larson: Thank you. That's all I had. Any other questions?

Mr. Apicella: I'm just curious if you have... this special exception hearing was advertised but prior to this notice going out to neighbors, have you talked to and received any feedback from your neighbors, positive or negative about your proposal?

Ms. Wilson: I talked to two of my neighbors and they were okay with it because we have such a private neighborhood, I didn't want to drive down anyone's driveway and knock on their doors so... and then I was told that they're gonna... there was gonna be a sign and also that letters were going to be going out to them, so I figured if they had any questions or anything they may reach out to me, but I did talk to two of my neighbors and they had no problem with it, but the other ones, the rest of the neighbors I just didn't want to impose and driving on their... because everybody has a lot of land and I didn't want to show up unannounced.

Ms. Bertoldi: Yeah... with respect to the road, is it a gravel road or is it paved?

Ms. Wilson: It's more gravel.

Ms. Bertoldi: Okay, so it's a gravel road and is, is it wide enough for cars to pass each other or is it like one... it, can only one car pass at a time in one direction?

Ms. Wilson: We pass each other going in and out.

Ms. Bertoldi: So it's wide enough for cars to be going in opposite directions.

Ms. Wilson: I feel it... well you have to pull over to the side and then the person passes. Is that what you're asking me?

Ms. Bertoldi: Well if they have to pull over then you cannot... able to drive at the same time in the road going opposite directions.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Wilson: Right it's not like a two lane, like a two lane...

Ms. Bertoldi: It really is so it's, it's one direction. With respect to the vendors I know you said that a caterer might only have you know, will have just one vehicle, you don't know whether or not they'll have one vehicle or not.

Ms. Wilson: Most likely be one vehicle because again I'm not doing a huge...

Ms. Bertoldi: But you know that? Like have you contacted you know like different vendors and asked them like when they cater businesses they only have one vehicle for all their equipment, and for their food, and for whatever alcohol or you know, have you contacted and know that for a fact or no?

Ms. Wilson: I'm only going by my friend's wedding where they just had one vendor because we're not providing alcohol...

Ms. Bertoldi: Right but they would be or somebody else would be.

Ms. Wilson: Okay, yes I see what you're saying. Yes.

Ms. Bertoldi: Right, right. So I mean, and if, if it is only one vehicle it's a very large vehicle. And then do you know what type of vehicle would be required to bring in the portable bathroom facilities? Those are usually quite large. I guess you know it's... I'm just asking because you know I understand that these are, these are all questions that need to be answered... you know to have you know not the this you know, I mean I do appreciate that you have a dream and that this is something that that you, that you want to do and but it also needs to be in my opinion well thought out and you have those answers of knowing that because this is a private road... and there are neighbors even though they are set back and they're not you know right right there that that is something that needs to be fleshed out and have answers to and that's, I'm struggling a little bit with that because to grant you the ability to be able to do this without having answers of you know the size of the you know the vendors and the number of vendors and if you are going to have a band that's that's going to be another vehicle or two or three vehicles because unless you're controlling the type of band they're going to have... I had a ten piece orchestra at my wedding. Unless you're saying you're not going to have that size or you're going to limit it, and I didn't have a very big wedding. You really can't control the size of you know, the vehicles. Are those, are those vehicles going to be able to fit on this road? How is it going to tear up a gravel road? How's it going to affect your neighbors when they drive up and down the road right after your wedding... and I appreciate you want to take care of, I do believe you when you when you say that you want to make this work but I'm just kind of feeling you have a lot of unanswered questions and that's kind of where I'm, I'm at right now.

Ms. Wilson: Sure, and I totally appreciate that. So to answer the question about the gravel being torn up, I ride horses and my friends that have their barn have the same road as we do and we bring horse trailers up and down sometimes you know ten horse trailers sometimes four horse trailers... so that's, they're pretty big. And we bring them up and down their driveway and it doesn't get torn up, and I mean we're doing shows weekly and it doesn't get torn up. So I thought about that as well, because we won't be doing that many weddings that it would even get to that point. The other thing is as far as traffic coming in and out. You know I had movers and they had a pretty big truck come in and was able to come in the driveway and get on out without disturbing anybody, so that I didn't think would be a problem as well as like a band again... because I'm working with the shuttle service I'm trying to keep as much traffic off of that road as possible because I don't want to disturb the neighbors. So if we did have a band or if, not me, but if they wanted a band and to be honest with you I'm trying to do something

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

small and intimate where it's not this big blow out where you have 230 guests and you know I'm trying to do something small and intimate where it might just be a deejay... that we have, but even in that case let's just say we do, they did want an orchestra or a band... the shuttle bus would take them there and load their stuff and then bring it so there's not cars coming in and out all the time that's what I'm trying to alleviate from this process.

Ms. Bertoldi: But usually like with a band they're not going to take all of their equipment. A lot of it's delicate and be taking big speakers and things like that and putting them onto a shuttle so that they can take, take them off. I mean, unless you've spoken with bands and or wedding planners and have asked them that these are things that vendors are willing to do... I mean I've... not just my own wedding but other weddings and I've been involved in and vendors are pretty particular, I have to tell you there they don't go with the flow on yeah sure you're all you know. No, they they want to come in they want to do their thing and I'm just asking these questions of what you, because I'm what you said, what you're saying I mean great, that makes sense, but I think it's a... I mean lack of better words a little naive of like what you think, you think it works out in your brain is not necessarily what's going to actually happen and that's why I'm asking you these questions of have you... if you've done the research you said yes I spoke to this person and this and I did this that would be great... but that's not what I'm hearing. You know not even about the hotels, I mean the hotels are a big thing. I mean usually hotels want their parking lots to be used for their customers and you're presuming that people are gonna all come from out, out of town to come to the small weddings. Most likely they'll all be local. Which means they're not you know that you know you would have to have a hotel that would agree to let you use the parking lot.

Ms. Wilson: And that's why I gave the option also of Brooke Point High School because it's literally right there.

Ms. Bertoldi: But you haven't talked to them and you don't know if they're willing to do that.

Ms. Wilson: Okay.

Ms. Bertoldi: You see what I'm saying? I mean that's all I'm saying, I'm not trying to give you a hard time, I'm saying that there's details that need to be fleshed out, not you know well we can give you if this and if that and if... if this and you know there has to be a little more meat on the bones maybe.

Ms. Wilson: Sure.

Ms. Bertoldi: Thanks.

Dr. Larson: Any other questions for the applicant? Alright, I, oh go ahead.

Ms. Brown: Just a little confusion on my part. Your application says your business hours would be Sunday through Saturday 11:00 a.m. to 11:00 p.m., so that's every day, right?

Ms. Wilson: No, no. We're only doing...

Ms. Brown: So that's what I thought...

Ms. Wilson: Yeah. No, no. It's only two per week.

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Brown: So days and hours of operation Sunday and Saturday then? Was that what you were thinking or...

Ms. Wilson: It all, it all depends on when they would want it. I'm only doing two between Sunday to Saturday. Am I making sense there?

Dr. Larson: I'm, I'm not following... I had exactly the same question, are you are you saying that you would only have two weddings but it could be any day of the week or...

Ms. Wilson: Yes, I'm sorry yes.

Dr. Larson: But then it could go to eleven o'clock on a work day... is that right? I... 11:00 a.m. to 11:00 p.m.?

Ms. Wilson: Yeah, I probably changed the time to not going that late, especially not during the weekday.

Dr. Larson: Okay.

Ms. Brown: What were you thinking?

Ms. Wilson: During the weekday probably like 9:00 p.m.

Ms. Brown: Okay, that was it.

Dr. Larson: Any other questions? I have one other one, the, in the conditions it says no more than one hundred guests and vendor staff. Okay so let's assume a hundred guests, the largest bus you mentioned was fifty five so that's gonna be at least two trips right... to get people there and then two trips to get them back, right?

Ms. Wilson: Yes, but as we were talking we're thinking of lowering it to like fifty five.

Dr. Larson: Okay.

Ms. Wilson: Yeah.

Dr. Larson: Think about... you need to think about because that'll be part of our discussion is the size as well that you need, maybe you need to think about what you want to do there. Okay, any other questions for the applicant? Thank you very much. Would anybody like to come forward and speak in favor of the application?

Ms. Shultz: I don't know if you want me to say my address again, I already did but Kim Schultz and like I said I've become a friend of Tonya's and I do believe she's a very sincere person and she does tell the truth and I think on the bus issue I don't want to see her limit herself to 55, but I could see doing a bigger and a smaller bus maybe to... you know to get all those people on there but you know we've looked at a lot of property and she just fell in love with this property and the home and you know Stafford County is usually pretty pro-home business, if I can remember right but... I just think whatever conditions you set forth she will adhere to them because she is really a woman of her words.

Dr. Larson: Any questions for this witness?

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Bertoldi: I have a question.

Dr. Larson: Go ahead.

Ms. Bertoldi: Well first I would like to say it's, you know it it's... pro or not I mean every case is very, very different and especially with wedding cases, this is not somebody who's coming before us who wants to have a home business... of a landscaping business or a construction business, you know where they may have people come into their home every once in a while. You know wedding venues are very different. So there is a lot of thought you know, so it's not a pro or not, so I mean... you saying that perked up my ears of the insinuation on that. But, with that said I do... you might be the right person to ask this because I was looking at the deed of private road easement and I did see that runs with the land, so I get that... but it says in here, and maybe because you're a real estate agent you can answer this and give me some clarification, but in paragraph five it says that you know the grantor grants and conveys an easement so that the grantee can traverse and grant access to their property. Easements are usually you know, so that when a property is landlocked that they can get to their home without trespassing. It's not you know a general easement to allow like a public road to be... have a business... and so you know do you have any input on that, like I'm sure you see easements a lot but to me that sounds actually very narrow of that you're allowed to get to your home.

Ms. Shultz: Yeah, I think it's a little different than an easement that's just for a land locked property, because these are existing homes and there are moving vans going in and out and you know commercial, you know people have horses or you know maybe even construction businesses in there I'm not sure, but I think it is different for just like to one property. This isn't an easement for a whole you know community that's taken care of and plowed and gravel put back on, things like that. And I think on the porta potty thing Tonya's thinking of those nicer...

Ms. Bertoldi: Executive ones.

Ms. Shultz: ... those nice ones and those are just pulled I think on a trailer by like a regular truck like a...

Ms. Bertoldi: Okay.

Ms. Shultz: You know not like some big thing, it's just pulled on a trailer, the whole set up.

Ms. Bertoldi: Do you know there's a public use easement?

Ms. Shultz: Say it again.

Ms. Bertoldi: A public use, like a public use easement, you know that would be I think actually with the county. Do you know if there's one for and you're in you doing the background about this property or anything.

Ms. Shultz: I don't know anything about those. Yeah I don't know anything about public access or anything like that.

Ms. Bertoldi: Okay.

Ms. Shultz: It is on... this property is on public water, it's not on a well and it is on septic and it is further back behind the house like she's talking, it's further back there so... but we didn't want to you

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

know she didn't want to impact her drained field or anything that's why she wanted to do those nicer porta potty with the sinks and everything.

Ms. Bertoldi: Alright, okay. Alright thank you very much.

Ms. Shultz: Thank you.

Dr. Larson: Any other questions for that witness? Okay, thank you. Would anybody else like to speak in support of the application?

Mr. White: I'm retired Major John White from U.S. United States Air Force. I'm also a Stafford County resident. Well actually I live in the city of Fredericksburg but I own property in Stafford County. My family's been in Stafford County for over 150 years probably close to 200 years. And I'm also a preacher.

Dr. Larson: I'm sorry, sir, what is your address sir?

Mr. White: But I own property I own John A. White Lane.

Dr. Larson: Okay, I just needed your address, thank you.

Mr. White: Yeah, right. And I would do anything to encourage marriage and I would encourage the Zoning Board to approve this young lady's application because I look at weddings and funerals as being very similar. When you have a funeral you get people from all over and you'd be surprised that sometimes we'd get into a little small house and we have a tent outside, it may not. And you have a lot of people sometimes you'll have a couple hundred... and everybody will bring in a dish and they'll try to feed them... some of them get to eat some of them don't. Yeah. All kinds of problems go on and I see weddings as being similar but I would encourage it and I don't see, I haven't seen what I would call a real negative impact. I've seen positive impacts from both funerals and weddings. So I would encourage support to approve this application because we encourage funerals and we don't have to worry about encouraging funerals but we encourage weddings and it's a sort of a similar type thing as I see here. I mean even making it more affordable. I can tell you something else, I've never, well she may have a big band, unless you've got a dance floor I've never seen a band at a wedding. And some of the rural settings in the county and I've done weddings all down through White Oak and Carolina, Spotsylvania, and one in Fauquier. But I encourage the board to approve it. Thank you.

Dr. Larson: Any questions for this witness? Thank you, sir. Would anybody else like to speak in favor of the application? Seeing none, would any member of the public like to speak in opposition to the application?

Mr. Muller: Mr. Chairman and members of the Board, I'm Laurence Muller. I reference the following excerpts from the code, Section 28-351 in asking for denial of this special exception. The code states, "the use shall be in harmony with the uses permitted by-right." Well... there are 37 uses permitted by-right, essentially all daytime uses. Use defined in this application for special exception on our private road is not in harmony when you consider it's nighttime hours. It also states "shall not affect adversely the use of neighboring properties." Use as defined is the right to enjoy the benefits of real property, and the definition of property includes all the rights of ownership including the rights of possession to use and enjoy. It also states "shall not affect the health or safety of neighbors." Health, both physical and psychological, are affected by disturbed sleeping patterns related to higher nighttime noise levels. Many of us open our windows on nice evenings, go to bed, and wake up early. My personal sleep time is

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

ideally 8 p.m. until 4 a.m. Safety could be impacted when one considers that the kids ride bikes up and down our dead-end private gravel road. My insurance agent said today since our private road is set up the way it is with shared ownership, there is liability exposure for all property owners on Dish Pan Lane should an injury occur anywhere on the road. My F350 pickup has trouble going through the driveway loop cited on this application. I can't imagine vendor trucks, shuttles, or buses getting through easily. Fire and rescue would have an impossible task in the event of a large response. Local developers, fire and rescue, and planners have told me such a venue should be off of a VDOT road. The developer of the Blackhawk subdivision next to Dishpan Lane was told by the County last year that driveways off of Dishpan Lane for two of his three acre parcels would have approval challenges related to fire and rescue and the residents of Dishpan Lane. It would be shocking if fire and rescue okayed this venue. We have lived in our neighborhood for 30 years, some neighbors longer. Our neighbors primary character and use as a quiet private area has been commonly, habitually, and by long practice been well-established. A wedding venue would essentially be a commercial venture not compatible with the neighborhood's primary character or use. We and our neighbors moved to Dishpan Lane in this rural setting so that we would not have anything like this around us. In closing, I would like to thank my neighbors for being here and being supportive. I thank Planning and Zoning for keeping us informed. I thank the Board members for listening and considering our input. Finally, I ask the Board to please deny this application for a special exception. Thank you.

Dr. Larson: Are there any questions for this witness?

Ms. Bertoldi: Just one real quick. You actually drove your pickup truck in her driveway to see if it would...

Mr. Muller: That was it before she moved in.

Ms. Bertoldi: Okay, but you have been in the driveway?

Mr. Muller: Oh, yes. My pickup truck is a four door F350 long bed four wheel drive and I can pull in the entrance fine but when you go to the left, you've seen the driveway Mr. Chairman, when you go to left to exit I had to do a three point turn and if it had been muddy I would have essentially done a lawn job. So I can't imagine the larger trucks, that's all I'm saying.

Ms. Brown: I had a question too.

Dr. Larson: Go ahead.

Ms. Brown: Can you give me some clarity on this agreement? During your speech I heard you say that you each own a part of this, my understanding was there's one owner and he grants easements or she?

Mr. Muller: No, no because of the way the lots are laid out, a corner of a lot, of many of our lots extends across Dishpan Lane and I can't give you details about the initiation or the existence or why the road agreement was outdated or why it hasn't been updated. I can't give you that information. I.. only in the last two weeks I've realized that this, it needs to be updated.

Ms. Brown: I don't see your name on here either that's why I was... so you don't, the road is not owned by one person it's all...

Mr. Muller: Oh no, it's owned by many.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Brown: So just a corner, you each own a corner and there's no like open space?

Mr. Muller: No.

Ms. Brown: Okay. And... I looked up on the, on... it was Redfin or something like that for her property when it sold and it did say under other fees, usually they put homeowner fees there, it just said other fees. There was a \$45 fee which does jive with what the maintenance agreement said. It's a \$45 a year maintenance, do you pay that?

Mr. Muller: No.

Ms. Brown: So who maintain... you don't pay anything to maintain the road?

Mr. Muller: Two or three of us that live on the road have a non-verbal agreement to share the maintenance labor and material costs because we have equipment that can spread gravel and grade.

Ms. Brown: Okay, so there's no formal agreement anymore?

Mr. Muller: No formal agreement, no.

Ms. Brown: Okay, thank you. That's all I had.

Dr. Larson: I actually have a question for you sir. I think I understand the concept of the road cutting across different properties and each owner still owns the property and therefore there's an easement. but if you have half a dozen properties adjacent to each other and they each... the road kind of cuts across each one, does each person have to grant five different easements and...?

Mr. Muller: That was my understanding when we signed our original easement agreement when we bought our property in 1991.

Dr. Larson: Okay.

Mr. Muller: But like so many things in life, it goes by and you don't update it.

Dr. Larson: Okay, just curious how that worked. Any other questions for this witness?

Mr. Apicella: Yes, Mr. Chairman. I'm not going to hold you to the... a precise measurement but from your vantage point what is the approximate length of this private road? From end to end, quarter mile, half mile?

Mr. Muller: Between one quarter and one half.

Mr. Apicella: Okay and what's the approximate width?

Mr. Muller: In about two spaces it narrows down to about 10 feet. In many other places it might be 12 or 14.

Mr. Apicella: So, even at 12 or 14 it's probably just one vehicle that can drive and in a direction it's not too way, it's definitely not two-way traffic.



***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Mr. Muller: No we're just courteous and pull into another person's driveway when the other person passes.

Mr. Apicella: So, so hypothetically speaking if a shuttle bus... it's typically a little bit larger than a regular vehicle, is driving in the direction to this subject parcel or away from the subject parcel and somebody else is trying to get to their property... well what would happen?

Mr. Muller: The bus wins and it goes through. And the private, the local resident is inconvenienced for a few seconds.

Mr. Apicella: But they'd have to actually drive onto somebody else's property, right?

Mr. Muller: Yes.

Mr. Apicella: In order to avoid the shuttle bus....

Mr. Muller: Yes.

Mr. Apicella: ...or other vehicles they'd have to actually drive on to somebody else's property.

Mr. Muller: Correct, and you hope the weather's not too wet so that you don't make ruts in that person's yard.

Mr. Apicella: Okay, thank you.

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

Mr. Muller: Thank you.

Dr. Larson: Would anybody else like to speak in favor of the app... I'm sorry, opposed to the application?

Ms. Hughes: Hi, my name is Susan Hughes. I'm a property owner on Dishpan Lane and of course you know our name wasn't on this paper of, you know, getting the notices and we didn't receive a notice from y'all. This was brought to us by Mr. Mueller. We don't know this was going on. And I had the same concern as Mr. Muller that it's a one car, one vehicle road. There's going to be a lot of traffic in and out of there. There are little kids on this, off of Dishpan Lane and... which is a major concern. With this being a wedding venue there's going to be more noise. And like I said you know a lot more traffic that we're used to. Most of us on that road do work and which is a main concern. So I just wanted to express to y'all my feelings also and thank you for letting us talk to y'all.

Dr. Larson: Any questions for this witness?

Ms. Brown: Yes.

Dr. Larson: Dana.

Ms. Brown: Ma'am, can you tell me your lot number?

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Hughes: That I don't know. I have no idea what our lot is. We are the fourth driveway coming down Dishpan Lane on the left before the Huntzingers' older home.

Ms. Brown: Are you right in front of... 39A... because there's like 49A that'd be the fifth one?

Ms. Hughes: We're right next to Bradley Cave.

Ms. Brown: Can you show me your property on this right here?

Mr. Muller: 49D.

Ms. Hughes: Thank you.

Ms. Brown: You're 49B?

Ms. Hughes: D.

Ms. Brown: It's all 39 and after that it's 49D. But your driveway is off of Dishpan?

Ms. Hughes: Yes.

Ms. Brown: There's no other driveway to access your lot... okay. But her... but her here driveway's on Dishpan.

Ms. Musante: We don't know that by looking at the maps.

Ms. Hughes: I don't see how... we've been there for like 33 years.

Mr. Grimes: Your driveway also passes through another lot, 49A, before it gets to Dishpan. That's what it looks like on our document.

Ms. Hughes: No, it's right off Dishpan, we're right next to 139.

Mr. Grimes: Okay.

Ms. Brown: Okay, thank you. That was what I wanted to ask you, thank you.

Dr. Larson: Any other questions for this witness?

Mr. Grimes: Yeah I just have one. It looks like you were one of the original signatories of this...

Ms. Hughes: Maintenance agreement.

Mr. Grimes: Yeah.

Ms. Hughes: Yes.

Mr. Grimes: Okay... and so that once this was done as people moved in and out you never had it updated or...

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Hughes: Well the way we understood it that it would be automatically passed down to the next owner.

Mr. Grimes: And it does say that, it says further understood that this agreement shall be a covenant running with the land and shall be binding upon any and all future owners of lots hereto mentioned above. I just don't know how those people that move in would know that, right, I mean I don't know if it's attached...

Ms. Hughes: Yeah, that's true.

Mr. Grimes: Because I don't think it's attached to the deed because normally it would say that in here. Right? This seems like this was a private agreement reached potentially... I don't see an attorney's name on it so I'm thinking it was... well nope this looks like it was...

Ms. Brown: It was notarized.

Mr. Grimes: ...prepared by someone. Yup, okay. I was just curious if you had done anything with updating it or notifying anybody.

Ms. Hughes: No.

Mr. Grimes: Okay, thank you.

Dr. Larson: Any other questions for this witness? Hearing none, thank you ma'am.

Ms. Hughes: Thank you.

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

Ms. Muller: Good evening. My name's Lin-, excuse me, my name's Linda Muller. It was my husband that just spoke earlier there... and I have lived on Dishpan Lane since 1991. During this time the eight households on Dishpan Lane have enjoyed peace, quiet, privacy, and a quality of life. residential homeowners seek out and dream of. So I was surprised to receive a letter from the County regarding a special exception for a wedding venue at 143 Dishpan Lane. So I respectfully request the board not grant this special exception for the following reasons. As you've heard, Dishpan Lane is a private street, co-owned and maintained by owner-residents. It's a narrow gravel road, ten feet wide in some places, and it does present significant fire and rescue safety concerns to travel Dishpan Lane as you have heard. It's one car one direction at a time and we're just cooperative and we yield to oncoming vehicles into the closest driveway so that's currently how you can go back and forth on Dishpan Lane, through cooperation at this point. Service trucks and delivery trucks must maneuver multiple times to turn around in some places and I'll tell you the county waste truck drivers are really brave. They literally drive the entire length of Dishpan Lane in reverse to do their entire pickup route. I also out of curiosity wanted to know what other rural type wedding venues in Stafford County how they were set up as far as access and so I found several. Hartwood House, Moon Valley Weddings, Weddings for Life, Rock Hill Plantation, Glasgow Farms... they're all unique but they all have direct entrances from state maintained, paved roads and none of those venues cut through residential neighborhoods. Dishpan Lane was created to serve low volume, eight household residential traffic of the property owners of Dishpan Lane. It was never intended for a high level of traffic and related congestion that is associated with commercial type event venue. The other issue of course is noise, that issue's has been raised... and I've been to many weddings myself, have been in several over the years and as we know as the party grows longer they

***Board of Zoning Appeals Minutes  
April 23, 2019***

usually get louder. Music and guest noise and disturbances travel beyond tents and beyond the abutted properties and the proposed venue would undoubtedly impact peace quiet and enjoyment of existing property owners and future property owners. So if you refer to your tax map or from Attachment 7, page 4 of 6 you can see where there's the new development being proposed off of Blackhawk Lane... and so those houses haven't even been built yet and most likely it would be impacted by the noise generated. One of the most enjoyable, relaxing, and healing features of our properties is to sit outside on the front porch and listen to the quietness of the evening. After dealing with crazy commuter traffic and congestion on I-95 that ties up the entire county we find our home especially on weekends a restful harbor and healing refuge from the noise and congestion and I believe the proposed venue would significantly change the character and pattern of development that has traditionally been enjoyed and enjoyed for decades, literally decades, in our Dishpan Lane neighborhood. And so I respectfully request that this Board not grant the special exception permit this time. So thank you for your time.

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

Mr. Grimes: Yeah, I should have asked your husband.

Ms. Muller: He probably has the answers. He has all...

Mr. Grimes: No, no, I know you have the answer but I should have asked everybody that came up. Do you hear the high school band when they have football games?

Ms. Muller: Yes. Yes. It's kind of something that you kinda get used to. There's a rhythm and pattern to things going on at Brooke Point High School so you kind of know when to go, when to leave in the morning, when to avoid in the afternoon. But yes, football games, special events, we do hear the marching bands, we do hear the cheers, we do hear the graduation ceremonies that happen on a Saturday, but we always understand that that's not going to go into the night usually. Football games can run a little late but it's usually quiet by 10, 10:30 and that's just one day and it's not every weekend. It's you know they have away games, so they're not always playing at home.

Mr. Grimes: Okay, thank you.

Ms. Muller: You're welcome. Thank you.

Dr. Larson: Are there other questions for this witness? Thank you. Would anybody else like to speak in opposition to the application?

Ms. Wade: Hi, my name is Nora Wade. I don't have a long script here. I just have a main concern because I have children, grandchildren, and great grandchildren that come to visit me weekly. I am the second big white house on Dishpan Lane. So as people are coming to Ms. Tanya's house they would probably get lost and stop at my house and say is this the big white house where the wedding is. And I am right on the road, I do have a lawn there, but I am right on the road so you can, you know I don't have a big driveway where I'm hidden. So... my concern like Larry and Linda stated is the traffic, the danger because my children go out, my grandchildren go out and they play on the road because it's that kind of a neighborhood and I would hate to think that something would happen to one of my grandchildren. So I oppose this wedding venue.

Dr. Larson: Any questions for this witness? Thank you, ma'am. Would anybody else like to speak in opposition to the application?

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Taylor: Good evening. My name's Robert Taylor. I believe I'm the newest owner other than Ms. Wilson on Dishpan Lane. What attracted me to the area was the peace and quiet. No commuting or no commuters on the road and quiet nights. I feel like when we have a wedding venue that is right down the street, that'll ruin the reason I bought the house that I live in now. We do live on a one lane gravel road roughly ten feet wide. It's not enough for two vehicles to pass. With the increased traffic whether it's vendors, whether it's the bus, there will be damage done to the road and I don't feel like it's enough to one person to handle. Ms. Wilson did mention that it was... she just had the road fixed from rain. There was actually very much damage done by dump trucks bringing in loads after loads of dirt early on a Saturday morning that woke me up. The person she did talk to about the road maintenance who agreed that she would help, they would help with road maintenance, is actually the person who rents the house at the very end of the road which is right past Miss Wilson's, and again they are renters so... they can go at any time when their lease is up. I don't think the increased traffic, like I said whether it's from buses... that there are gonna be other cars, sometimes people want to drive. Like you said if it's a local wedding nobody's gonna stay at a hotel, everybody's going to stay at their house. So basically I do not think this is a good idea. If so I would immediately regret buying this property. Thank you.

Dr. Larson: Any questions for this witness? Go ahead Heather.

Mrs. Stefl: I don't want to be presumptuous, but do you have children?

Mr. Taylor: I have a son.

Mrs. Stefl: Is he school age?

Mr. Taylor: No, four months.

Mrs. Stefl: Four months, okay. Are you aware of the Stafford County school buses, do they come down Dishpan Lane or do the kids all walk down to the intersection with Blackhawk and Dishpan.

Mr. Taylor: I am not sure.

Mrs. Stefl: Okay, thank you.

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

Mr. Taylor: Thank you.

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

Mr. Cave: My name is Bradley Cave. I own the lot right before you get to the lot in question. Really the only thing I have to say is with the road, the easement you were asking about I think that actually applies to my road because I own six acres, two and a half of it is on the left side, three and a half of it is on the right side so... her and the people at the end of the road have an easement that was originally generated by the Huntzingers to allow people that live in those two houses to access it through my property. And then right where my property starts is actually I have a fence on one side, privacy bushes on the other and that's probably the narrowest part of that road and it's about ten feet wide. And anytime I've had deliveries, anytime the UPS truck comes back there, the garbage truck comes back there, they hit my trees every single time. Any trucks over the last ten years that have made deliveries to her house, which was owned rented by various people and everything, my garage across the street becomes their de facto back in and turn around so they don't have to back all the way down the road. And if I have more

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

of them, that's, that's my responsibility to cover you what I mean, that's not anybody else's on the roads responsibility, that's all mine. So when that gets torn up that's going to be my responsibility to fix.

Dr. Larson: Any... yes go ahead.

Ms. Brown: So, how many feet of the road (*inaudible, microphone not on*)?

Mr. Cave: My property line starts at my fence and goes all the way around the curve to where the last property starts.

Ms. Brown: Can you show me on this map?

Mr. Cave: Mm hmm.

Ms. Brown: Do you all have an easement that grants access to everybody?

Mr. Cave: Yes ma'am. It's, I don't know that it's written, but when I bought the property it was explained to me that this was grandfathered in long, long ago when the Dent's owned that whole area and then just kind of sold it off piece by piece.

Ms. Brown: Like I mean you have, since you live back at the end do you have permission to cross all those lots that are owned on the street.

Mr. Cave: Yes ma'am.

Ms. Brown: You have it in writing somewhere?

Mr. Cave: No it's just... that was when, like I said, when the Dent's owned all that property back there and this is the way that is was explained to me, I could be wrong, some of them may know better. But as that property was broken up you have houses that are back there with, that's the only way in, so they had to grant an easement to the people who they sold the property to in order to be able to get to their property on that private road. Because the private road used to go all the way up to Courthouse and then when they built Brooke Point High School it's from Courthouse Road to Dishpan Lane is our driveway. We are supposed to have the right of way when we're coming in or going out or anything like that.

Ms. Brown: So since you just moved in, you should have just recently...

Mr. Cave: Oh no, I've been there ten years.

Ms. Brown: Oh I thought you said you were one of the newest owners.

Mr. Cave: No ma'am, that was the previous...

Ms. Brown: Oh okay, I'm sorry, so... did you sign an easement giving you permission to cross each of these properties to get to your home?

Mr. Cave: Not specifically not that I know of, but as far as I know that was in the, the grant... or the deed or whatever that comes with it.

Ms. Brown: That you would have signed?

***Board of Zoning Appeals Minutes  
April 23, 2019***

Mr. Cave: Mm hmm.

Ms. Brown: Okay, thanks.

Mr. Apicella: Mr. Chairman, I'm also just trying to get a point of reference so I'm looking at our chart here. It's based on lot numbers. Are you the parcel that immediately abuts the applicant's property... so that would be 39-51A?

Mr. Cave: 39-51A.

Mr. Apicella: Okay, thanks.

Mr. Cave: And I also have kids. I have three small daughters and my youngest one just learned to ride a bike without training wheels and she did it on the road you know what I mean like that's... all the kids in that neighborhood play on that gravel road so...

Mr. Apicella: So you mentioned the road issues. Obviously you'd be the one neighbor most directly impacted in terms of the activity on that parcel. So the noise and throughput and the road aside, you didn't really raise those as concerns.

Mr. Cave: I mean just like everybody else that lives down there I live and work, I actually live in D.C. I've been renting my house out for a couple of years now but I've just got it... like renters are gone, so I'm kind of 50/50 back and forth. And the reason that I originally moved into that house, the reason that I keep that house is peace and quiet. Like I said I live in the city. I can't stand sirens and traffic and all that other stuff, so when I get the chance to come down here that's my getaway. You know what I mean, I can walk outside at two o'clock in the morning, two o'clock in the afternoon and it's quiet. I don't have anything to bother me, you know what I mean.

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

Mr. McGuire: Mr. Chairman, ladies and gentlemen, just real quick my name is Greg McGuire. I'm only a tenant and the landlord, Paul Stence, asked me to be here on his behalf. I know he sent an email with an attached letter to Ms. Musante and I was just... wanted to make sure for him when I speak to him that that letter and his concerns have been addressed and are the, the members are aware of his concerns and they're much like everybody else's, if that's the case.

Mr. Grimes: What's the gentleman's name?

Mr. McGuire: Paul Stence.

Mr. Grimes: Yes, we got a copy of that.

Mr. McGuire: Okay, okay. I've been... just personally we are just a tenant but you know same kind of concerns. My daughter just learned how to ride her bicycle too. And she routinely takes her bike ride out on the road right in front of us. And we're closest, one of the houses that are closest. You can't fit two cars front end to back end in our driveway before you're at our garage, so it's real close. I can confirm the garbage truck and the size of the vehicles, that when they do come down the dust and the noise that they create. But other than that that's all I have to say. Thanks for your time.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Dr. Larson: No questions for this applicant or this witness? Okay. Would anybody else like to speak in opposition to the application?

Ms. Turner: Excuse me, it takes me awhile back and my throat's sore but my name is Drucilla Turner and I'm here to oppose, of course and I can very, very basically just verify what they've all told you. By living in the middle, all the kids I see them go and come by. My grandkids are there, they come and play. They feel free to go out in the street. We pretty much know the cars that come and go on the road. Pretty well know time frames they come and go on the road. So the kids know it and it's I've lived here for 33 years. I don't want to leave. I would like to stay another 33, but this changes my mind. If this thing is given I'm probably going to sell. I don't want to live there anymore with that going on. The school was bad enough to accept. I do hear a lot of the football and all because my bedroom faces the field which... it's not really bad if you leave your window shut. But it does sometimes keep you up laying there listening to it, then you fall asleep but it's not really late. But I'm sure these tracks are going to be going in and out at 12 midnight. It's certainly going to be at that time noisy, not just people leaving and going, it's going to be the trucks, the vendors, have to leave... so all the cars go. We're not used to this noise on our road especially at nighttime. It's mostly work time. I'm there now because I'm retired. I'm there, I feel like sometimes alone, everybody works, they're gone, but I'm just here. Please I hope you oppose, you all oppose this, that you do not let her do this. I appreciate the young lady. I understand her dream. We've all had them. But I don't think this is kind of the right place for her to make that dream come true and I hope that you people agree with us and I'm sure I speak for everyone on Dishpan Lane. Thank you.

Dr. Larson: Would anybody else like to speak in opposition to the application? Okay, seeing none would the applicant like to respond or provide additional information?

Ms. Wilson: Thank you. I appreciate it. One, I did not mean to cause any stir up in the neighborhood, again it was just a dream. I was, again, my whole thought process from this was not to make, to make sure that no one gets disrupted from it. That's why I was thinking of working with shuttles to make sure... I don't, I have a ten year old son and that he's been looking for friends in the neighborhood and I haven't seen that many kids play on the road, but with that being said that there are kids playing on the road, we would definitely make sure, I mean like I said I have a ten year old son that we would not at all put them in any type of jeopardy... with this at all. Again, you know I would try to make it so it's not disrupting anything from the neighbors and making sure that the road you know is maintained.

Dr. Larson: Does anybody have any questions for the applicant? Thank you very much.

Ms. Wilson: Thank you, sir.

Ms. Bolling: Can I speak, say one thing, just one thing?

Dr. Larson: Okay, I haven't closed the public hearing yet come down to the microphone please. The applicant, you'll have a chance to respond if you if you want to.

Ms. Bolling: My name is Doris Bolling. I live in Fredericksburg, Virginia. That's my mom in the red dress, shirt that lived on that road for 30 years. I go to my mom's house every day. I go to her house every weekend and I have children. I have an 8 year old that plays outside every day because she's an outside baby. She plays on the dirt road. She plays in my mom's yard. She's learned how to ride a bike. My daughter back there learned how to ride a 4-wheeler on a dirt road, learned how to ride a bike. I have an 8 year old that still plays and I have a 20 year old that still plays on the road. My 8 year old is not very conscious. She gets on the road because she's used to going around my mom's driveway on the



road. She's played with everybody's kids here on the road that still plays, so I don't know why she doesn't see any children because mine she's very vivid. My kids learned how to ride a 4-wheeler. My mom is been there for 30 years. It's been private. I've never had to worry about my daughter's being outside without me being out there, because I know everybody on the road. I didn't think anybody would take my kid run off but all of these strangers and all of these cars and disrupting the private road, my 8 year old is not going to go outside without me. She's not going to go outside without her dad. So that limited Chloe to going outside to play, and God knows I've had dreams and I appreciate her dream 100% but I just want to let you know I do have children that still plays there and that was a very, very private road and to disrupt it it's just doesn't seem right for all of these older people to want to have to want to move and they bought that property to be able to, that would be their last house to live. Thank you.

Dr. Larson: Thank you, would the applicant liked to respond?

MS. Wilson: Again I wasn't trying to start this as an uproar in the neighborhood. It was just more so something where I had 20 acres of land where it was gonna be a small intimate, to not to not disturb anybody in the neighborhood. Again I do see some some kids, but I never see them playing actually on the road so again regardless if they play on the road I have it, again, I have a ten year old I would never put anybody's kid in jeopardy because I understand how that, what that means. So I, you know, that that right there I would never, I want people to understand, I would never put anybody's child in jeopardy at all. But again like I said it's just something that 28 acres of land, I was going to try to keep it quiet, intimate, that's why I thought the shuttle service, working with the hotels like they do for airport services where you rent out, you know pay the hotel for parking spaces and they just have the bus come down. And it was not going to be to the late hours, you know some of them would be during the day for a couple of hours and then they're gone. I don't want the noise and a whole bunch of people either so you know I just wanted it to be intimate. But again I did not want to uproar the neighbors or anything like that. I was just trying to do something small and intimate and live out the dream, that's all. But thank you guys for your time.

Dr. Larson: Thank you, any questions?

Ms. Bertoldi: Yeah I just have a, maybe it's a more curiosity question. When did you move into the property?

Ms. Wilson: March.

Ms. Bertoldi: March. And your application was in was in April. When did you think this is what you wanted to do? Because it's a pretty quick turnaround. Were you... did you buy the prop...but did you buy this property thinking that you would put a wedding venue here or was this something that after you moved in you thought this might be a nice house to have as a wedding venue?

Ms. Wilson: No, I was looking for a property for a long time with...

Ms. Bertoldi: For, with the mindset of a wedding venue?

Ms. Wilson: With a wedding venue, yeah, yeah.

Ms. Bertoldi: Okay, so that was always your intention?

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

Ms. Wilson: It was kind of just a dream that you know if I have property with a lot of acres you know what I mean...

Ms. Bertoldi: That was in the back of your mind?

Ms. Wilson: Yes.

Ms. Bertoldi: Okay, alright, I was curious. Alright, thank you.

Dr. Larson: Any other questions? Thank you.

Ms. Wilson: Thank you.

Dr. Larson: Okay, I'm going to close the public hearing and bring it back to the Board for discussion.

Ms. Bertoldi: You're looking at me. So I'm torn and this is what I'm torn about. I'm inclined to vote to not approve it for a lot of the reasons that people are saying. However, there are... there are certain... the Muller, Laurence Muller wrote a, you know, a nice speech here that has a lot of information that if verified would concern me in and with respect to insurance agencies... like I think that there might be more information before we decide to foreclose on her ability to use this that we should maybe have... I don't know how other people feel about this, to have knowledge of. Is it true that everybody's going to have the liability? The easement that is here that says that the easement for her property would hold other people harmless, which means that she would be ultimately liable. But I don't know. Maybe they are correct, that is beyond my knowledge. I would love to be able know from VDOT, have VDOT... I don't know if staff could get VDOT here, is that even a possibility? Or fire and rescue to find out the answers... because they are, it is very concerning to me and a lot of the questions though I asked of applicant, the applicant, she... to me at this point this seems like more of a concept for her and there wasn't concrete answers, so I'm where I'm torn is whether or not we should postpone it for one month to give her an opportunity to one come up with these answers, these concrete answers that seem more of concepts now or deny it because of the concerns with... huge concerns I have about the roads, everything that was discussed are very valid concerns on the special exception.

Dr. Larson: Anybody else?

Ms. Brown: I too was thinking about possibly a deferral because as of now I could not approve it based on the lack of a road agreement. I'm not sure that she can trespass across all those properties for a business because I don't, we don't have a copy of it. I guess we'd have to pull it from the courthouse. And I don't know what the fire code stuff on that is either. The schools... I don't know that the schools are going to be up for loaning out their parking lot out at Brook Point. For maintenance issues, who's going to plowed in the winter you know, yada yada. But ultimately I think, I don't think I could approve it just based on the fact that it's going to change that neighborhood totally. That's my, that's my thought. I mean if... if the Board wants to grant a deferral I could go along with that but I ultimately I...

Dr. Larson: Anyone else?

Ms. Bertoldi: That's kind of where I'm at, that's kind of where I'm at. I do agree with that.

Ms. Brown: Yeah, to me to vote yes I'd have to see whatever agreement is on the road and maybe you guys should all get together and get one because I just don't know who's responsible for all this.

Dr. Larson: Any other thoughts?

Mr. Grimes: Well I appreciate Ms. Bertoldi talking about a deferral, but all the issues expressed by the other residents of this road are not going to change. The road's not going to get any wider. The kids still have to walk down the road to go to school. You know, we had a similar application for a similar special exception, and you know I was pointing out all the other things that could be done on that property if they wanted to, and I'm not even gonna go through that list but I mean there's so many things that could be done by right that they wouldn't have to come in front of us. But in this case just very similar to other ones we've had in the past that... I just think it's going to change the neighborhood too drastically from what they're used to. And that was a private road all the way out the Courthouse Road before they built the school. So it's been there and it's been that way for 30 plus years for some of these residents. That's just that's just a giant change that would be very hard for people to accept and easement, no easement, who maintains the road, who has the liability for the road... those are all giant issues. On top of that I think there's a lot, again to Ms. Bertoldi's point, I think there's a lot of stuff that were, this was kind of aspirational, right? Like, as much as you want to have shuttle buses running back and forth that means everybody has to be in the parking lot at the same time to get on the buses and go. I haven't been to a wedding yet where there wasn't ten or 15 people coming in fifteen minutes after the ceremony started, so there's gonna be another bus coming at some point, so I don't think it's gonna be narrowed down to one or two to make four trips and in one event, it's gonna be six trips for every event... and then on top of that the vendors and where the vendors going to park. I think that you know the application could have been... you know refined to define parking on the site itself where we could put those people but then now we're putting all those cars on the road which Miss Wilson was trying to avoid to try to keep it similar to what it was which again I appreciate. But I just think it's gonna change this neighborhood too much so I don't think there's anything that could change even with a deferral that would make me want to support this application for this for this event venue.

Dr. Larson: Anybody else want to speak?

Mr. Apicella: Mr. Chairman, I've struggled with this one too. I, like all our cases, I came into this one with an open mind. I think it's... one of the things that stuck out at me as I, as folks were speaking and mentioning their opposition and their reasons for opposing the wedding venue I marked off the folks who own property that are part of this agreement or by virtue of buying property now a party to the agreement and of the one two three four five six seven eight nine ten parties to the agreement, the vast majority are in opposition and in part because the road... this private road isn't conducive to this kind of an operation. It can't be upgraded to the width that it would need to be to sustain this kind of an operation. And I've said this before about wedding venues which have come to be I think one of the most contentious issues that have come in front of us, in part because of how disruptive it could be no matter what the applicant tries to do to mitigate the impacts. In this case again they can't really widen the road. Not every single rural part parcel in Stafford County is conducive to every single use and in this case it does not appear to me that this parcel is conducive to a wedding venue despite every effort that you've made and all the good plans that you have and all the things that you'd like to do that may or may not come to fruition. As I think one or more of the speakers indicated this will be a big change for them. One of our stipulations is that when we review these and make a determination that it's not going to demonstrably impact the growth pattern in the neighborhood and this potentially would. I know that's not what you want. I know that you're going to try to make every effort to make sure that doesn't happen, but at the end of the day a wedding venue will be disruptive. There will be people outside of the tents chatting, having fun, making noise. There will be heavy vehicle traffic that this road is not meant to have. When I hear that trash trucks have to back out the entire length of the of the road it just makes me concerned that shuttle buses are going to have to do the same thing, or they're gonna be parking or driving into other people's parcels which is not something that we want to see happen and of

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

course that would be very disruptive. And again this, you proposed it to be days and hours of operation that are beyond just the weekend. So on a weeknight when folks kids are getting ready to go to bed you may still have people there at a wedding party being disruptive to the neighborhood. Again it's not what you want and you did try to mitigate it, but you can't say it's never gonna happen. So for the reasons that my colleagues mentioned I'm not going to support the proposed special exception and I wish I could but I just feel like the circumstances are not conducive to it.

Dr. Larson: Anybody else?

Mr. Jenkins: Sir I'd just like to make the motion that we deny.

Dr. Larson: Is there a second?

Mrs. Stefl: Second.

Dr. Larson: I'm gonna support this motion. I understand the applicant's dream and one of the really hard things we do here at the BZA is try to weigh one person's rights to use their property and everybody else's rights around them to enjoy theirs. And it's pretty clear to me that this would change the character of the neighborhood. But with this one has a twist and that is we have private property owners who have an easement and all of this traffic and the thing that they just voiced opposition to would drive across their land to get to the destination. That I don't think we've ever seen before. I don't recall that one. This, and that, to me that gives the homeowners even more weight in what they say. So I would I'm going to have to support the motion to deny the special exception. Would anybody else like to speak? Dana.

Ms. Brown: I'm gonna go ahead and support it as well and I do want to say and I say this for every wedding because that's true, every time we get a wedding venue they are all very different. Depends on the location, depends on the location of the neighbors. This one like they said is the first one we've had this road issue. Some are conducive. Some are not. But this is not a by right use. This is something that we're granting special and extra. So we really have to be really careful about that. So I agree with everything that you said and I do feel bad because I... you have 28 acres and one of the things that I look for is a large parcel. If you weren't landlocked that would make a difference to me. But you're not, so I'm gonna support the motion as well.

Dr. Larson: Anybody else before I call for the question.

Mr. Jenkins: Mr. Chairman one final question.

Dr. Larson: Go ahead.

Mr. Jenkins: Do we have any additional information on private roads that we can use for any other parcels like this that might come up? Anything within our codes?

Dr. Larson: We could ask staff to look into the issue. I'm not sure.

Mr. Jenkins: Maybe the maintenance of or how these agreements are... how did they come about or how are they enforced or nothing at all.

Mr. Grimes: Yeah, I mean considering it's a private road. Yeah it's probably, everyone's probably unique right, because there's no standard that they have to be held to. There's no VDOT standards. I

***Board of Zoning Appeals Minutes***  
***April 23, 2019***

mean sometimes somebody will say we're gonna make a private road to meet the minimum VDOT standard and that last as long as they can keep gravel on the road. I'm afraid, so I'm guessing that there probably isn't much but maybe they can take a look.

Dr. Larson: Okay, I'm going to call for the question. All those in favor of denying the special exception say aye.

Mr. Apicella: Aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Grimes: Aye.

Mr. Jenkins: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Aye. Any opposed to the motion? Okay, motion passes (7-0), special exception is denied. Alright, we have a few more agenda items. I had a request earlier tonight by one of our Board members to not go past 10 o'clock because this Board member has to get up at 4 in the morning to go to work and I suspect there are others that have to do that too. So, I wouldn't mind if people don't... to have a motion to table the rest of the agenda for next time.

**UNFINISHED BUSINESS**

**ZONING ADMINISTRATOR'S REPORT**

**ADOPTION OF MINUTES**

NONE

**OTHER BUSINESS**

- Committee on Legislative Recommendations
- Discussion on FOIA Procedures
- By-Laws
- Briefing on Changes to Home Business/Home Occupation

Ms. Bertoldi: I will so move.

Mr. Grimes: And I second.

Dr. Larson: Those in favor say aye.

Mr. Apicella: Aye.

***Board of Zoning Appeals Minutes  
April 23, 2019***

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Grimes: Aye.

Mr. Jenkins: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Aye. Any opposed? Okay. Let me just make a quick comment. The Committee on Legislative Recommendations is going to meet here, May 20<sup>th</sup>. I sent around an e-mail to the people that responded to me from 12:30 to three. The members are Adela, Dana Heather, Bob, and myself. If anybody has any inputs please send them to me. The plan there is to generate a list of things and whittle it down to probably about three because that's a nice number and you don't want to flood the place with recommendations especially since I don't think the County is going to care to see that anyway. But we'll go, we'll keep all the recommendations for future reference because this is going to come up again. But we'll pick say the top three recommendations and forward them to the BZA for endorsement. And I'd like the whole Board to endorse what we send forward if that's possible, and then send it up to the County for their use. That's the plan.

Mr. Grimes: That sounds like a great plan because it's going to happen every year.

Dr. Larson: Yeah, so we'll keep everything.

Mr. Grimes: Yes.

**ADJOURNMENT**

Dr. Larson: Motion to adjourn?

Ms. Brown: Motion to adjourn.

Mr. Grimes: Second.

Dr. Larson: Those in favor?

Mr. Apicella: Aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Grimes: Aye.

Mr. Jenkins: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Aye.

***Board of Zoning Appeals Minutes  
April 23, 2019***

With no further business to discuss, the meeting adjourned at 10:43 p.m.

Paul L. Stence, Jr.  
52 Hunley Circle  
Groton CT 06340  
(831) 383-9798  
[plstence@gmail.com](mailto:plstence@gmail.com)

19 April 2019

Stafford County  
Board of Zoning Appeals  
1300 Courthouse Road  
Stafford VA 22554

Subject: RE: SE19-03/19152693

Dear Stafford County Board of Zoning Appeals,

I am writing in regard to the proposed Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "District Uses and Standards" to allow a wedding venue at 143 Dishpan Lane (Tax Map Parcel No. 39-51).

I am the owner of 125 Dishpan Lane and I regret that I am not able to be there in person for the hearing. I am currently in the Navy, stationed in Groton CT. If the meeting were to be held in May, I could arrange my schedule to attend.

I am concerned that the private lane from Black Hawk Dr (behind Brooke Point High School) does not support the traffic that would arise from a wedding venue. If the wedding venue is successful, this would result in hundreds of cars traveling the dirt lane, on any given day or weekend, through the property of the homeowners between the High School and 143 Dishpan Lane. There are approximately 8 private properties through which the clients of the wedding venue will have to cross in order to get to the proposed venue.

Dishpan Lane is not a public road to my knowledge. When I reviewed the property map in the Stafford County office a few years ago, it was an easement on my land (and the adjoining properties). I currently maintain the section of the lane on my property at 125 Dishpan Lane. It will be a significant burden to maintain the lane on my property for a use (wedding venue and the associated vehicle traffic) for which I have not previously agreed to. The applicant has stated in her application for the "Special Exception" that she will maintain Dishpan Lane in order to allow access by emergency services. However, she has not contacted me to attempt any arrangements. The applicant also states that vans will be provided to bring guests to the wedding events using vans; the wedding party would still drive to the event. Unfortunately, that still equates to many van trips with guests, wedding party vehicles trips, and vendor trips – in total many more vehicles than what currently drive through my property.

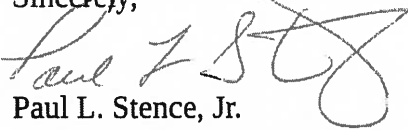
Given that Dishpan Lane is a private access lane, there are no formal controls for speeding or ensuring that cars traveling to or from a wedding event will do so safely. For the residents, everyone is mutually responsible to each other. For example, I have had neighbors driving excessively fast through the lane while my kids were playing in the yard. Because I know them, I was able to get their attention and talk



to them. They recognized they were driving too fast, apologized, and slowed down. On subsequent trips they continued to drive slowly. For clients of a wedding venue (or the vendors providing services), there is no such relationship. In addition, while I'm sure all weddings are not drunken parties, drinking is a normal activity for a wedding event. This only adds to the safety concern I have for my family and the other residents on the lane.

If the wedding venue is allowed as a Special Exception, it will fundamentally change the nature of the lane from private (for the use of the property owners) to public access. The maintenance burden for each land owner will go up significantly, and the safety of the residents and their children will significantly decrease. For this reason I cannot agree to the "Special Exception" and request that Stafford County disapprove the request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul L. Stence, Jr.", written in dark ink. The signature is fluid and stylized, with a large loop at the end.

Paul L. Stence, Jr.