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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 That's why we're here and that's why the previous special exception was revoked because there was a disagreement about what that meant.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...

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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.

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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?

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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.

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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 to 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

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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.

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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.



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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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



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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?

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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.

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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.

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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.

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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.

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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

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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.

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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?



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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.

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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

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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.

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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?

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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

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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

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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.

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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.



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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?

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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...

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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

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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?

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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

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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?

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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.

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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



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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?











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