

STAFFORD COUNTY BOARD OF ZONING APPEALS
March 22, 2022

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, March 22, 2022, was called to order with the determination of a quorum at 7:00 PM by Chairman Kecia Evans in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kecia Evans, Dana Brown, Jon Ireland, Steven Apicella, John Harris, Robert Gibbons (*Alternate*)

MEMBERS ABSENT: Robert Grimes (*Alternate*), Jeffrey Spinnanger

STAFF PRESENT: Douglas Morgan, James Staranowicz, Stacie Stinnette

DECLARATIONS OF DISQUALIFICATION

Ms. Evans: Let the record reflect that we have a quorum tonight with 5 voting members present. Oh, the alternate, I'm sorry. Let the record reflect that we have 6 voting members tonight. Now we're going to do the declaration of disqualification. Before we hear a case, does any Board member wish to make any declaration or statement concerning any cases to be heard before this board tonight?

Ms. Brown: I do Madam Chair. I just wanted to state that I did visit both properties. I visited the property on Joshua Road on Sunday, the 20th, and I did speak with the owners. And I visited the property on Courthouse Road yesterday, the 21st, and I spoke with Ms. Thomas.

Ms. Evans: Anyone else? I myself would like to make a declaration as well. I spoke to both applicants as well. The applicant on 650 Courthouse Road, I spoke on Monday; the applicant for Joshua Road I spoke to on Sunday. Alright. The BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to, one, hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator. Hearing of appeals will be conducted in two parts. The first will be review of jurisdiction and standing. The second will be the hearing of the merits of the case, if required, after review of jurisdiction and standing. Second the BZA hear and decide upon request for variance from the Zoning Ordinance, when a literal enforcement of the ordinance would result in unnecessary hardship to the owners of a property. And third, the BZA hear and decide cases on request for special exceptions, where the Zoning Ordinance allows for special exceptions. The hearings will be conducted in the following order. I will ask the BZA Secretary to read the case. I will then ask the applicant or their representative to come forward and state their name and address, and present the case to the board. You will be allowed 10 minutes to present your case. I will then ask for any member of the public who wishes to speak in support of the application to come forward and speak. You will only have 3 minutes. After hearing from those in favor of the application, I will ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. You will only have 3 minutes. After all public comments have been received, the applicant shall have 3 minutes to respond and provide closing remarks. Members of the Board may ask questions of the applicant to clarify or better understand the case at that time. We ask that each speaker present their views directly to the board and not to the applicant or other members of the public. We require that the applicants, speakers, presenters, and audience to act with a level of decorum and respect appropriate a courtroom setting. This Board requires that any person who wishes to speak before this Board shall be administered in oath. Therefore, I ask that anyone who wishes to speak tonight to stand and raise your right hand. Do you hereby swear or affirm that all testimony before this Board shall be nothing but the truth?

Members of the Public: I do.

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Ms. Evans: Thank you. After the applicant's final response, I will close the public meeting. After the public hearing has been closed, there shall be no further public comments. As a reminder, I ask when you come down to the podium to speak, please give your name and address clearly into the microphone so our recording secretary can have an accurate record of the speakers. Also, please sign the form on the table at the rear of the room if you haven't. Thank you. I ask are there any changes or additions to the advertised agenda?

Mr. Staranowicz: There are no changes Madam Chair.

Ms. Evans: I now ask the Secretary to read the first case.

APPLICATIONS AND APPEALS

1. SE22-02/22154314 – Liberty K9, Inc. - Request a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," A-1, Agricultural, to allow a commercial kennel as a Business on Tax Map Parcel No. 29-39H. The property is zoned A-1, Agricultural and is located at 650 Courthouse Road, in the Hartwood Election District.

Mr. Ireland: The applicant is requesting a special exception for a business to operate a commercial kennel on the property. The definition of a commercial kennel is any establishment in which 10 or more canines, felines, or hybrids of either, of more than six months of age are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing. This includes home-based rescues. This business will provide dog training and boarding. There will be no breeding onsite. The existing single-family dwelling is 4,640 square feet per the Commissioner of Revenue records. There is an 11,800 square-foot fenced-in exercise training area. All boarding will be in the basement of the house. All dogs to be trained and/or boarded will be picked up and dropped off at the client's home by Liberty K9, LLC. The applicant has requested the days and hours of operation to be Monday through Saturday from 9 AM to 5 PM. They will provide minimal off-street parking, if needed, due to emergency situations with the dog, and anticipate minimal traffic as the dogs will be picked up and dropped off by the business. No screening is proposed.

Ms. Evans: I now ask the staff if the application has been deemed complete.

Mr. Staranowicz: Yes, Madam Chair, the application is complete.

Ms. Evans: Okay. Will the applicant for the first case, his or her representative, please come forward to present their case?

Ms. Thomas: Hello, my name is Joanna Thomas. And I'm looking to have the County approve me for a dog boarding and training business. It will be between 5 to 7 dogs. All pick-up and drop-offs will be done through the business, which will not have any traffic through the property itself unless it's through an emergency or a very rare occasion. All dogs that are boarded through my company will be previously trained as well. The business is licensed and insured in all ways. And this is a company that I have had for the past 6 years. And I have previous experience through doing it through a large corporate Dog Training Company prior to this. So that is what I'm looking for the County to approve me for today.

Ms. Evans: Okay. Are there any members of the public who wish to speak in support of the application? Please come forward. You can have a seat until...

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Ms. Thomas: Thank you.

Ms. Evans: Are there any members of the public who wish to speak in opposition to the application, please come forward. Staff, would we like to note the email or the letter that we received, that the Board received? In opposition.

Mr. Staranowicz: Madam Chair, we did receive an email in opposition. A copy of that letter was placed in front of each of the chairs for you to read yourself.

Ms. Evans: Okay, let the record reflect that there is an opposition. Does any... does any of the Board members... I should say does the applicant wish to respond to the opposition? I'm about to say, does she know about the opposition? Was she aware? Did we make her aware?

Meeting paused to give applicant time to read opposition email.

Ms. Evans: I'll give you like one more minute to finish reading. Okay, you can respond.

Ms. Thomas: Do I need to state my name again?

Ms. Evans: Yes, you can.

Ms. Thomas: Okay, Joanna Thomas. So in this email from what I see their concerns are obviously noise. Because it's such a small amount of dogs that I'm looking to run through the boarding and training program, noise will be... obviously there will be a little noise because they're animals, but none in excess. Especially because there are dogs that have already been previously trained through my business that the basic boundaries and structure has already been established with the dogs and they know not to have any excessive barking. I've lived at this property since November and have personal dogs and they all are trained to not bark excessively, or leave the property. They're all off leash trained, so concerns about the wildlife or harming any of that, they're all trained to stay on property. Boarded dogs are obviously in a contained area. So that's my piece on the response to the email concern concerns.

Ms. Evans: Okay, thank you. At this time, I will open up for questions from the Board members. This is the time for the Board members to ask questions of the applicant before I close the public hearing. You will also be allowed to ask questions to the staff. As a reminder, once the public hearing is closed, we cannot take any further questions from the floor. Does BZA member Steven Apicella have any additional questions for the applicant?

Mr. Apicella: No.

Ms. Evans: Does BZA member Jeffrey Spin... well, he's not here, sorry. Does BZA member John Harris have any additional questions for the applicant?

Mr. Harris: No.

Ms. Evans: Does BZA Secretary Jon Ireland have any additional questions for the applicant?

Mr. Ireland: No, I don't.

Ms. Evans: Does BZA Vice Chair Dana Brown have any additional questions for the applicant?

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Ms. Brown: Yes, I do.

Ms. Evans: You may go. Yes, please. Yes, you do.

Ms. Brown: Thank you, Ms. Thomas. I just wanted to go over this with you again. How many dogs were you planning on having a maximum amount of dogs at one time?

Ms. Thomas: The maximum would be 10 at a time.

Ms. Brown: Okay. A minute ago you said 5 to 7 or something but you... so it's 10?

Ms. Thomas: Yes. Five to 10 is the general range; maximum capacity would be 10.

Ms. Brown: Okay. And will you be allowing all breeds of dogs?

Ms. Thomas: Yes.

Ms. Brown: Will there be any weight limits on any of the dogs?

Ms. Thomas: There is no weight limits, no.

Ms. Brown: Okay, and how often will the dogs be outside? About how much time of day, a couple hours, two hours?

Ms. Thomas: Obviously let out enough to use the bathroom and, you know, a regular routine. They will be out hour and a half depending on the heat and the weather conditions. But anytime that they are out during the day, they are always supervised. So they're not out without any kind of supervision. So if there was, you know, any kind of barking or anything of that concerned, you know, I'm out there to correct it and make sure that it's not an issue.

Ms. Brown: Okay. And you said you would be doing all the picking up and dropping off?

Ms. Thomas: Correct. It's all done...

Ms. Brown: Except in an emergency.

Ms. Thomas: Correct. It's all done through the business.

Ms. Brown: And then the last question I had is, are you part of the Rollinswood West Homeowners Association?

Ms. Thomas: We are not.

Okay. That's the only question I have for the applicant. I did have some staff later.

Ms. Evans: You can ask for staff because once I close it, it's done.

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Ms. Brown: It's very confusing. James, if you wouldn't mind. I understand the applicant is going to be putting all the pick-ups and drop-offs herself. But in our conditions, it does mention about parking spaces per code. How many parking spaces is she supposed to have per code, designated parking spaces?

Mr. Staranowicz: Give me a minute to look that up.

Ms. Brown: Okay.

Mr. Staranowicz: In this... sorry, in this case, we don't have a specific requirement for a commercial kennel resident. She would be required to have a minimum of probably two to three spaces that would allow for, in this case, the emergency... if there was an emergency with one of the animals that she needed to have somebody come...

Ms. Brown: Okay, she is required to have two to three spaces?

Mr. Staranowicz: Two to three spaces would be required.

Ms. Brown: Okay. And then my last question is, I noticed on the affidavit, both owners did not sign. Are both owners required to sign the affidavit for the request?

Mr. Staranowicz: We only require one, one of the owners... the applicant... she's the owner of the business so she would be the applicant would sign the application.

Ms. Brown: Well, both owners signed the application, but only one signed the affidavit because it's two owners and we couldn't obviously approve a business without the other owner's permission. So again, both owners signed the application but only one signed the affidavit and that's okay?

Mr. Staranowicz: Yes, that would be okay.

Ms. Brown: Okay.

Mr. Ireland: I'm going to take back my question here. Since we talked about breed of dogs, I know you have probably a lot of experience with dogs. Are there any and I think was asked if there's any type that you wouldn't have and you said no, I believe.

Ms. Thomas: Right. So breed-wise, there's no restrictions. Given my situation, dogs that go through my training program are only basic obedience dogs. So any dogs of any severe level of aggression are referred out to different training companies. I don't take any severe aggression.

Mr. Ireland: So do you have a type of dog that meets that description, or you just kind of do an assessment, and then you go from there, whether you're going to accept it or not?

Ms. Thomas: Correct. So when I have a potential client call, we'll schedule an evaluation basically. And that's where I'll go to their home, meet the clients, meet the dog, and kind of evaluate what they're looking to get out of the training. And at that point is when I will evaluate its, you know, stuff, basic obedience that I can do and provide training-wise. If it's a severe reactivity aggression case, then they are referred out to a different company.

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Mr. Ireland: Have you had any experience with hybrids? The reason I ask that is we had a case last month, and the hybrids were the issue. Do you have any experience with that? Or would that be a type of dog that you would turn away? Or would you do a same assessment?

Ms. Thomas: That would be... that's not a level of my expertise. I've never personally had an encounter or trained a hybrid. So that would be a case that I would refer out to as well.

Mr. Ireland: Okay, thank you.

Ms. Evans: Alright. We will now close the public hearing for this application and bring the matter to the Board for discussion. Is there any discussion?

Ms. Brown: A couple concerns that I had when I was out there for the site visit. I think the applicant addressed this. The fence is a wood fence, like a like a ranch style wood fence and it has like some kind of wire over it to fill it all in. But it didn't touch the ground and I did have a lot of concern because the house is very, very close to Courthouse Road. It's right on Courthouse Road, and should a dog escape, it's going to be right out into that, you know, 45/50 mile an hour traffic. So, in the conditions, I, if we approve this, I would like to add something in there about reinforcing the fence all the way to the ground to prevent escaping. It's my understanding from talking to the applicant that the dogs will be indoors most of the time and overnight, so.

Ms. Evans: Any other conditions or discussion?

Ms. Brown: Okay, if we approve this, I would like to add that there will be 10 dogs maximum in there, and that the owner will be picking up and dropping off all the dogs except in an emergency. And the fence would be reinforced. I'm not sure how to address the parking issue, because I don't know that she's got two to three designated spots. And if that's required by code, I'm not sure what to do about that.

Ms. Evans: Anyone else? Alright, I request the staff to read back the development conditions to confirm all in agreement.

Mr. Staranowicz: Ms. Brown, could you please repeat your last condition?

Ms. Brown: The fence would be reinforced all the way to the ground to prevent escape. Yeah, at some point. And maybe you can help me on the parking? I mean, how do we address that?

Mr. Staranowicz: You said max number of dogs is 10...

Ms. Brown: Yes.

Mr. Staranowicz: ... to be picked up by the owner... *inaudible, being talked over.*

Ms. Brown: The owner will do all pick-up and drop-off except in an emergency of all dogs.

Mr. Staranowicz: As for the parking, we can... you can place a condition to require a certain number of spaces.

Ms. Brown: Okay, well, we have to by code, right?

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Mr. Staranowicz: Since she is picking up and dropping off the animals, there's no need for a customer to come to the house.

Ms. Brown: Well, that's why I asked you earlier if that was part of code and you said it was. That she had it... in our second condition...

Mr. Staranowicz: We don't have anything that requires parking for commercial kennel on a residential property.

Ms. Brown: Okay, well then, should we get rid of condition number 2? Because condition number 2 says the applicant shall accommodate an adequate number of parking spaces consistent with the County Code, which you said would be two to three spaces. All vehicle parking shall conform to the following standards. All vehicles shall be parked in designated parking spaces. No vehicles parked along Courthouse Road. And all required travel lanes shall remain unobstructed. So we don't have two to three spaces designated.

Mr. Staranowicz: We don't have... we don't have anything designated as the number of spaces. But we would require if she was to put in... we would require to put in the spaces according to what the County says, the County Code states. In other words, they would have to be 9 feet wide and 20 feet long in order to accommodate the vehicles.

Ms. Brown: Okay. I don't know if this is something the applicant is willing to do since we didn't get to ask her if they were okay with the conditions.

Ms. Evans: Well, isn't it moot because she's not having... she's picking up the dogs.

Mr. Morgan: If I may offer some guidance?

Ms. Evans: Yes, you can.

Mr. Morgan: Single-family detached dwellings require 2 spaces per house when it's constructed. Whenever you have a drop-off or a pick-up site, normally it does not generate an additional parking space. Mr. Staranowicz said that there would be two to three spaces, which two is normal for a single-family detached dwelling. Another additional space on that emergency basis, it is appropriate for the Board to require an additional space adequate to accommodate such emergency pick-up or drop-off.

Ms. Evans: Thank you.

Mr. Ireland: I would like to take it out. Only because when I think of parking, it's you know, you go in, you park, and you go do business for a while. If someone's dropping someone off, like if I go to a hospital and drop off a patient or whatever, I'll park... I'll stop in front. That's not a parking spot. They'll allow you to pick up and drop off. But I look at it the same way. If they have an emergency, whatever vehicle has to get there, if it's the owner of the dog, they're not going to be there very long. They'll come in, pick up the dog and leave I suppose. Or even if it's, I was gonna say an ambulance but I don't think an ambulance will pick up a dog, but you know another vehicle that just comes in, picks up a dog and leaves so. And I think the homeowners, I looked at the drawing of their park... or their driveway and it looks long enough to accommodate more than two vehicles, I think. So I would say get rid of that condition because it's, it's one of those conditions that make life difficult and is probably very difficult to enforce.

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Ms. Brown: My understanding from Mr. Morgan was that it's Code. So they have to provide that.

Mr. Ireland: So my understanding, if I remember, every... they have met the Code for their residential property of at least two parking spots for their vehicles. So if they've met that code, and we don't have a code for zoning on this one, we go with the residential zoning, which means they have enough parking for their residence.

Ms. Evans: Right, which is two.

Mr. Ireland: Two, yeah.

Ms. Evans: Okay. Alright, well, I'm going to ask, is there a motion on the floor? Okay.

Ms. Brown: I don't know if we can... the fencing modifications might be a... I mean, I understand why we would want that as a condition. But I would like to hear, you know, how many dogs have escaped in the past, however, and see if it's a, if it's a concern. I mean, it's an expensive modification, I would imagine.

Ms. Thomas: Yeah, so the concern of dogs escaping, obviously, that's a huge liability for me as a business. So that is why again, all dogs that are boarded are trained and they're off-leash trained. So a dog that I take new into the program, no matter the size, whether they can jump a fence or dig out underneath of it, until I have established that control and that level of training with them, they don't get free run of the fenced in area until I have established that. So to build my way up to that point, when they're new and I'm training them, they will be on a long leash for safety purposes until they are at the level that they could safely be around the property without any concerns of getting out or harmed.

Ms. Evans: Ms. Brown, would you like to ask any other questions?

Ms. Brown: So would you be willing to reinforce the fence in the front where it didn't touch the dirt where there was...?

Ms. Thomas: In that area I do plan to put gravel on so that it covers some of the fence so that there's no areas. But that would not be an area where I would have concern of a dog ever escaping.

Ms. Brown: Okay. And you would agree to the condition of 10 dogs maximum?

Ms. Thomas: Yes.

Ms. Brown: And you would agree to the condition that you would still always pick them up and drop them off?

Ms. Thomas: Yes, ma'am.

Ms. Brown: Okay, thank you.

Ms. Evans: Can I get a motion on the floor please to approve or deny the applicant? Anyone? Okay, I make a motion to approve... I guess, yeah, the Chair can do it. I make a motion to approve case number SE22-02/22154314 for a dog kennel. All in favor say aye.

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Mr. Apicella/Mr. Ireland/Ms. Evans/Mr. Gibbons: Aye.

Ms. Evans: Alright. Those deny?

Mr. Harris: Aye.

Ms. Brown: Aye. Deny.

Ms. Evans: So let the record reflect that there are... Steven, did you...? Okay. There's four ayes and two nays, so the motion passes. Let the... oh, I'm sorry, I already said that. You will be receiving a follow-up letter from the Department of Planning and Zoning. You are approved. Next case.

2. SE22-03/22154343 – Silver States Kennels - Request a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, “District uses and standards,” A-1, Agricultural, to allow a commercial kennel as a Business on Tax Map Parcel No. 18-45. The property is zoned A-1, Agricultural and is located at 330 Joshua Road, in the Rock Hill Election District.

Mr. Ireland: The applicant is requesting a special exception for a business to operate a commercial kennel on the property. The definition of a commercial kennel is any establishment in which 10 or more canines, felines, or hybrids of either... or either of more than six months of age are kept for the purposes of breeding, hunting, training, renting, buying, boarding, selling, or showing. This includes home-based rescues. This business will provide dog boarding only. There will be no breeding onsite. The existing family dwelling is 9,766 square feet per the Commissioner of Revenue records. All boarding operations will be conducted in the existing 60 x 88 detached garage. When dogs are outside they will be on leash at all times. The applicant has requested the days and hours of operation to be seven days a week, 7 AM to 12 PM and 3 M to 7 PM, with the exception of 65 days per year that the kennel will be closed. They will provide 10 off-street parking spaces. Drop-off and pick-up of dogs will be by appointment only. No screening is proposed. Ms. Evans: And now I ask staff if the application has been deemed complete.

Mr. Staranowicz: Yes, Madam Chair, the application is complete.

Ms. Evans: Will the applicant or his or her representative please come forward to present your case.

Mr. Gesford: Good evening, my name is Walter Gesford. I'm here for a special exception for a boarding business, as you stated. I guess to answer some of the concerns that anybody might have. So I as you mentioned, I have a large garage on my property. It's large enough to fit 20 cars into it easily, and I have 3 cars. And I have two additional garages. So we're looking to run a boarding business out of this larger garage. And the reason we are getting into this, one, we love dogs, but also we've experienced a hardship at times trying to find a place to board our dog when we want to go out of town. And also when we boarder our dog, just checking some of the conditions in there, you know, recently I asked to see a kennel where we boarded our dog and pretty much they're in like a kind of a just a little fenced area and they're just... I'm gone for 12 days and feeling guilty that my dog is in this, this facility while I'm on, while I'm in Miami. So we can't board every dog, you know, because our facility is going to be... the dogs are going to be free indoors to roam therefore I can't board a pit bull with a chihuahua; I don't think that would probably end well. But, so we do have some restrictions. We're going to board dogs 40 pounds and under. We're also going to have breed restrictions. All aggressive breeds obviously we're not going to board for liability reasons. No pit bulls, Rottweilers, German Shepherds. I was looking through my paperwork to try to find the list but my wife had a complete list of all the aggressive breeds from the website she researched. So we will be not having any aggressive breed dogs onsite. Again, the dogs

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will be free to roam inside most of the day. At nighttime we'll board them in cages inside the facility. The only time these dogs will be outside is four to five times a day out of the garage to go the bathroom, right back in the garage where they'll be again free to roam. I guess that's all I can think of right now.

Ms. Evans: Any member of the public who wishes to speak in support of the application please come forward. Remember state your name

Mr. Lindgens: I'm Dale Lindgens. I'm not sure I'm for it or opposed, and you'll understand with my statement. So I am not against dogs. I happen to be a dog lover myself. Own two corgis. Have had dogs all my life. So I'm pro animal. My concern about the business to be in close to a neighborhood is the noise. The property abuts up against a green space near one of the cul-de-sacs in our neighborhood, Churchill Meadows. So again, I'm pro animal, but concerned about noise. If it was possible to keep the decibel level to what it currently is, then I don't see it as an issue. If it exceeds that excessively, not only in decibel levels but frequency, then that's where I would be opposed to. So I'm looking kind of positive but yet a concern about the decibel level. Thank you.

Ms. Evans: Thank you. Anyone else in the audience? I was just waiting for anyone else. Now as the applicant, you wish to respond?

Mr. Gesford: So I do appreciate the concern. I do currently have a dog and we have a security system on our property where anytime somebody hits our driveway, it gives us an audible alarm. And my dog barks every time. Nobody's been upset by it. My closest neighbor is right here. I don't believe he hears it. And also these dogs will be boarded in this, in this facility inside of additional cages and I'm gonna do my best to soundproof as much as I can because technically I live the closest to this garage. I don't, I don't want to hear it either. So I will do everything I can to keep the noise down.

Audience member: *Inaudible, not at microphone.*

Ms. Evans: Okay. At this time, I will open for questions from the Board members. This is the time for the Board members to ask questions of the applicant before I close the public hearing and to staff. As a reminder, once the public hearing is closed, we cannot take any further questions on the floor. Does BZA member Steven Apicella have any additional questions for the applicant or staff?

Mr. Apicella: No.

Ms. Evans: Does BZA member John Harris have any additional questions for the applicant or staff?

Mr. Harris: No.

Ms. Evans: Does BZA Secretary John Ireland have any additional questions for the applicant or staff?

Mr. Ireland: No.

Ms. Evans: Does BZA member Dana Brown have any additional questions for the applicant or staff?

Ms. Brown: Yes. So I was making some notes when you were talking. So humor me just a little bit.

Mr. Gesford: Okay.

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Ms. Brown: Okay. You're willing to put a 40 pound weight restriction on?

Mr. Gesford: I am, yes.

Ms. Brown: Okay. And the breed restrictions, what were your restrictions going to be?

Mr. Gesford: You know, I wish my wife was here, but she's home with our 6 and 8 year old. But, so definitely Pitbull, German Shepherd, Rottweiler, all the common everybody knows who they are. I was kind of surprised. I think Husky was even on that list. But, and I know that limits a lot of business. But at the same time, like I said, I have a 6 and 8 year old on this property. I'm not interested in bringing any aggressive breed dogs on the property.

Ms. Brown: Okay, that's fine. And I noticed, and we talked about this I think the other day, and I don't remember what you have on your report, you have you want to be close 65 days a year, and then 50 days a year; which is it really?

Mr. Gesford: It's 50.

Ms. Brown: Okay, and if you were to be approved, would you want a sign out on the front of the property near the road?

Mr. Gesford: I'm not for or opposed to. If it's needed, I'll do it. Either way is fine. I'm not opposed to it.

Ms. Brown: So, no?

Mr. Gesford: No.

Ms. Brown: That's it. Thank you. Oh, wait, wait, wait -- how many, how many maximum dogs?

Mr. Gesford: Ten.

Ms. Brown: Ten. Thank you.

Ms. Evans: Okay, we will now close the public hearing for this application and bring the matter to the Board for discussion. Is there any conditions?

Ms. Brown: Yes, I have some. I would be willing to support the application for the reason that the dogs are going to be indoors most of the time. He is going to be restricting, you know, certain breeds and a weight limit on the dogs. So I would like to add in the, into the conditions that there would be a 10 dog maximum, and a 40 pound weight restriction. That can be on the same line, I don't care, or it could be a separate line. And that he would be closed, I think it was 50 days per year. And he is willing to do some breed restrictions. I don't know how we want to word that. Thank you.

Ms. Evans: No aggressive breeds?

Ms. Brown: He agrees to no aggressive breeds. Yes, thank you. And he does not want a sign so I'm okay with that.

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Ms. Evans: Anyone else?

Mr. Ireland: So I was going to address the noise. This has come up on every kennel application that we've looked at. Because the pet control guy is not here, I'll just say for the benefit of the gentleman that brought it up, there's an ordinance, there's a noise ordinance that already covers noise in general. So that's why we typically don't put that as a condition because it's already covered elsewhere. So that would be something that we would not include, but there definitely is an ordinance for it. So I would advise if you... if this gets approved and there is noise, go through the County Sheriff's Office, and they'll go ahead and do what they usually do for noise. But that's, that's one of those top three that always comes up when we look at commercial kennels so. Thank you.

Ms. Evans: Anyone else? Alright, so I'll ask the staff to read back the development conditions to confirm all in agreement.

Mr. Staranowicz: Days and hours of operation, seven days a week 7 AM to noon, 12 PM, and 3 PM to 7 PM, with the exception of 65 days per year that the kennel will be closed. The applicant agrees to accommodate adequate parking.

Ms. Brown: That was 50.

Mr. Staranowicz: I'm sorry?

Ms. Brown: Fifty days per year.

Mr. Staranowicz: It was changed to 50? Okay. The removal of animal waste shall comply with a State Health Department. The kennel shall comply with all applicable state and local codes. The special exception shall expire when the applicant vacates the property and is not transferable. The special exception may be revoked for willful non-compliance of conditions imposed by the Board of Zoning Appeals. The applicant agrees to 10 dogs maximum with a 40 pound weight limit. And a restriction of breeds that there'll be no excessive... or sorry, no aggressive breeds boarded up the property.

Ms. Evans: Okay. Do I have a motion on the floor?

Ms. Brown: I'll motion to approve. And I'm... and again I am motioning to approve this because this is, each of our cases is very, very different. This particular, this particular business is going to be operated mostly indoors. It is on a large piece of property, it's not close to the road, and it does not appear to be close to neighbors that I could see when I was out there. So if the applicant is agreeable to the conditions, I would like to motion to approve.

Ms. Evans: Is there a second?

Mr. Gibbons: Second.

Ms. Evans: Okay, so I have a motion made by Ms. Dana Brown and a second motion made by Mr. Robert Grimes... Robert Gibbons, I'm sorry... to approve the request for a special exception as stated in case number SE22-03/22154343. All those in favor of the motion signify by saying aye.

All members: Aye.

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Ms. Evans: Those opposed signify by saying nay. Let the record reflect that the motion is approved by a 6 to 0 vote. Motion approved. Thank you and you will be receiving a follow-up letter from the Department of Planning Zoning. Alright, on to the next, Unfinished Business, the next agenda item and there is none. And can I get the Zoning Administrator's Report?

Mr. Gesford: Thank you guys.

UNFINISHED BUSINESS

NONE

ZONING ADMINISTRATOR'S REPORT

Ms. Evans: Can I get the Zoning Administrator's Report?

Mr. Staranowicz: Yes, Madam Chairman, I'll be giving you that report. The zoning division has been fully staffed or will be fully staffed as of April 11th. We just hired, made an offer to gentleman to fill one of our code enforcement positions today and he verbally accepted. We have also not received a case for next week or next month. So there will be no cases to be heard next month. And also we are talking of ordering robes for everyone, and we just needed to make sure everyone's still in agreement to that.

Ms. Brown: I'm not.

Ms. Evans: Is everyone in agreement?

Ms. Brown: Not me.

Mr. Harris: Can you repeat that?

Mr. Staranowicz: We were ordering robes.

Mr. Harris: Ropes?

Ms. Evans: Robes, robes. It was...

Mr. Harris: Is this a choir?

Ms. Evans: No. So it was suggested since the last meeting, last month's meeting. It went out of whack and that to bring the quorum and being that we are appointed by the... we are like a judicial body to have robes. So we can take a vote on that. You oppose it then fine. If not then...

Mr. Harris: I'll follow suit of the Chair.

Ms. Evans: Okay.

Ms. Brown: The reason I'm going to oppose it is because, as I was taught in the BZA school, we have two hats. We have a judicial hat for our appeals and our variances, and our legislative hat for our special exceptions. So in my eyes, it would be inappropriate to be wearing a robe during a special exception.

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Ms. Evans: Steven?

Mr. Apicella: I don't care either way.

Ms. Evans: Okay. Well, I felt it was needed because of the... we were appointed by the court and we do act as judicial, judicial officers. But I do understand what you're saying, Dana, that we do have two hats, legislative and judicial. For me, I don't care. So if, if you're happy with what we're doing now, that's fine. If not, so we don't have to order the robes Doug.

Mr. Harris: Our direct report is to circuit court judge, correct?

Ms. Evans: Correct.

Mr. Harris: What is his or...

Ms. Evans: Hold on, say that again?

Mr. Morgan: Microphone?

Mr. Harris: Yes. We directly report to circuit court judge. What is his or her opinion of that? Or do they have one? Or is it just your discretion, Madam Chairman?

Ms. Evans: So I did not get the opinion. I got the opinion of the Zoning Administrator and do you have... do you know what his opinion is, the circuit court judge? Or we can ask, but it's not that big of a deal. It's... like we're not gonna spend...

Mr. Morgan: Yeah, the idea, as was, that was discussed, was to kind of embrace that you are a quasi-judicial body. You're not a political body, you're not a government body. You are not working at that capacity. You're working as an extension arm of the judge. You get recommended by your Board member. But the judge is the one who actually appoints. Just like you said, it's an extension from the circuit court. So and to keep that decorum, it was mentioned and found out by Jeff Harvey, the Planning Director, who had also brought it to the BZA many years ago, many years ago. So that's why it was brought up again. If it was something that the Board so wanted to do, and represent themselves as an extension of the judicial body of the circuit court, then we could certainly get robes. We have located robes. We have been... they're not expensive, they're not... but they are nice robes, and we're prepared to order them tomorrow. But I didn't want to go that step unless I got a confirmation from the Board members as they so desire.

Ms. Brown: Is it your opinion that we should wear them for special exceptions, variances, and appeals? Is that your position?

Mr. Morgan: Yeah. Your legislative hat is the same as your judicial. You're working as the extension of the judge, and your ruling, your capacity of approving a case is actually approving that of the extension of the circuit court. You were approved in your position by the circuit court judge.

Ms. Brown: For variances and appeals. But I... my understanding was we were granted authority from the Board of Supervisors to do special exceptions, and that was a different kind of a thing, animal than the others.

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Mr. Morgan: No, ma'am. You're approved to do that as a special exception under the Code of Virginia. A lot of localities do not have special exceptions. The Board of Supervisors said yes, we will let the Board of Zoning Appeals take that under their reign, because it is in the Code of Virginia.

Ms. Brown: Right. But something the Board of Supervisors said that Stafford will do because I know when I went to training, there was only seven or eight counties at that time that the Board of Supervisors offered that and I think we talked about that. I think a special exception is like a really low level CUP. So it kind of takes a load off the Board of Supervisors for us to do some of these really low level items.

Mr. Morgan: Well, I don't recall us having that discussion. I think...

Ms. Brown: No, I went, I went back... well, we had a discussion last week, but I went back and checked my training materials so. I am not in favor of this.

Ms. Evans: Okay, so we don't have to spend all night on this. So what do you, what do you say, Mr...

Mr. Harris: Well, I'll yield to the Chair's decision, but when I practice in England, I have to wear a wig and that's where I'm going to draw the line. [Laughter]

Mr. Morgan: I was hoping that was gonna be a motion. Yes, staff, staff is, is a separate entity from the BZA. So it's merely your position.

Ms. Evans: Okay.

Mr. Harris: Sounds like it's your decision, Madam Chairman. But for uniformity, I believe as, as you we set, all would have to participate.

Ms. Evans: Correct. So, well let's come back to that. Let me think about it and let me come back to that. I'll come back to that one, Doug. Can we get adoption of minutes?

ADOPTION OF MINUTES

3. November 30, 2021

Mr. Harris: Madam Chairman?

Ms. Evans: Yes?

Mr. Harris: You want to do the November one first?

Ms. Evans: Yes, November 30, 2021.

Ms. Brown: I'll make a motion to approve the November minutes.

Ms. Evans: Is there a second?

Mr. Ireland: Second.

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Ms. Evans: Alright, the November 30, 2021, minutes have been moved, approved. Do we have... I was going to say, all in favor can I get it an aye?

All members: Aye.

Ms. Evans: Those not in favor say nay. Alright, motion approved. Can I get a motion for the February 22nd minutes to be...?

4. February 22, 2022

Mr. Harris: Madam Chairman?

Ms. Evans: Yes?

Mr. Harris: February 22nd minutes, some modifications I would recommend. Under declarations and disqualifications: Mr. Harris made a declaration and Mr. Clark Leming is a colleague and his son is currently employed, employed by an employee of the applicant. That should read a little differently. I would state that Mr. Leming has been in my employ for professional services, and that my son, counsel also has previously been employed by Mr. Leming, not the applicant.

Ms. Evans: I don't see that.

Mr. Harris: Under declarations.

Ms. Evans: Oh, yeah, the first one. Did you get that? So read it again.

Mr. Harris: Mr. Leming has been in my employ for professional services. I've made that declaration. And just say as a matter of fact, my son has been employed by Leming and Healy, Professional Law Associates previously, and is not currently with them.

Ms. Evans: Alright, I also would like to make a note to change my name. It's spelled incorrectly. It's not K-E-I-S-H-A, but it's K-E-C-I-A. Is there anything else?

Mr. Harris: Madam Chairman... I'm sorry, go ahead.

Ms. Brown: I am not gonna vote to approve these because I think the minutes are missing some very material things that went on in the meeting. I'm not exactly sure what happened exactly on why we don't have verbatim minutes. I think there might have been some kind of technical issue. But there's a lot of very important things missing out of here. For one, the reasons and the basis for the motion that I made to deny the special exception on the commercial kennel. There was some important information the applicant gave about some direction from County staff that's missing in here. So due to the fact there is so much stuff missing, I am not going to vote to approve these myself.

Mr. Harris: Madam Chairman, I move that we table the question of minutes for February 22nd, with recommendations to revisit and modify for further, future approval.

Ms. Brown: That's the question, can we modify that stuff?

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Ms. Evans: So these are not verbatim minutes. And so what we're asking, what you're asking for is verbatim?

Ms. Brown: Well, I don't want to approve them as written. And I was, I was unclear if I could add things like Mr. Harris did. I mean, I would like to add some of the things that actually happened, but I thought we couldn't do that, so.

Ms. Evans: So right now I'm going to have the Zoning Administrator explain. Can you explain to the Board, to the rest of the Board members what happened?

Mr. Morgan: Yeah, so I just want to make it very clear. I was in receipt of your email to Ms. Vanuch and staff did not do this arbitrarily. And we did not move in a direction to do this against the Board by no manner. There was another board meeting going on in room ABC. These computers obviously were being used. We do have the cassette or the micro, the chip that actually recorded for four hours and 37 minutes. And in that we have no sound. It was taken to IT and they tried to get any kind of sound that they could. They came down and they worked on the system and found out that the audio was not on because they were in ABC using the computer system or using the audio and it's all connected to one system. So they explained that to us. That is the IT department, it is John Palmer. They explained that so please know that staff did not do this arbitrarily or capriciously, and we did take notes and provided those, as much information as we could for the notes that were taken by Vicki Sowers that was here that evening, and tried to document. If the Board has additional things that they might want to add, we can add some things to them. Verbatim is certainly not something that we can do because we don't have a recording. We did try to get that recording, but IT was not able to do that.

Mr. Harris: Technical issues.

Mr. Morgan: Correct.

Ms. Brown: Do we know if it's working tonight?

Mr. Morgan: Yes. It is working tonight. And we tested it before and Stacie made sure that it is, that it was recording.

Mr. Gibbons: *Inaudible, microphone not on...* a motion on the table.

Ms. Evans: I was about to say, can I get a motion on the table? Actually he...

Mr. Harris: Well, my motion was based upon the fact that the information could have been redone or prepared more extensively. But with the revelation of a technical issue, that's beyond anyone's memory to call back the level of pontification that was going on that night. And so with that, I think the explanation and the suggestion that if there are specific issues that should be entered into the minutes, that we table these until such time that those suggestions of modifications to the minutes can be made upon the input of the Commission... or the Board.

Mr. Ireland: I second.

Ms. Evans: Alright, so there's the motion on the floor. There's the second. All in favor say aye.

Mr. Ireland/Ms. Evans/Ms. Brown/Mr. Harris/Mr. Gibbons: Aye.

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Ms. Evans: I didn't... how many people said aye? Steven, you said aye?

Mr. Apicella: I didn't say either way.

Ms. Evans: Okay. Did you say...?

Mr. Apicella: I'm going to abstain.

Ms. Evans: Okay. So Steven... so this is what I'll do. I'll just go down and take the vote. Steven, your vote?

Mr. Apicella: I'm abstaining.

Mr. Ireland: Aye.

Ms. Evans: Aye.

Ms. Brown: Aye.

Mr. Harris: Aye.

Mr. Gibbons: Aye.

Ms. Evans: Okay, so there is one abstain and 1, 2, 3, 4, 5 to approve. And so the motion is approved with one abstain. So we're gonna table. Alright, is there a motion to adjourn?

OTHER BUSINESS

5. 2022 Meeting Calendar

Ms. Brown: Were we gonna go over the calendar?

Ms. Evans: Oh, I'm sorry. I'm ready to go. So the other business... please forgive me... 2022 Meeting calendar.

Ms. Brown: Mr. Morgan, maybe you can help with that. Because usually, you guys help us when you know that the rooms are not going to be available and things are coming up. Usually, Melody gave us a lot of guidance. So I would appreciate that.

Mr. Morgan: Do you have the current calendar? In regards to the room being available, it's available every fourth Tuesday for the Board of Zoning Appeals. Next month, we do not have a case. Yesterday was the deadline, 4:30, so we have not received any applications for the April meeting.

Ms. Brown: So is the Board... do we want to meet on Thanksgiving week? Or do we want to change the day to a different day? Usually, that's what we do or something.

Mr. Morgan: Well, if we have a case, you won't have the option. We can move it before after. But we would need to make sure that we know that ahead of time and solidify that for those cutoff dates the prior month.

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Ms. Brown: I think last year we moved it to the first week in December, I thought, because we didn't have a December meeting because of Christmas.

Mr. Morgan: We did.

Ms. Brown: But I mean, it's up to you guys, if you're all going to be planning to travel on Thanksgiving week, or if we want to move it to December, the first week of December.

Mr. Staranowicz: I believe last year the November meeting was moved to the following week.

Ms. Brown: Yeah, I think... *inaudible, several people talking at once...* I would like to do that just because it gives us options for people that are traveling. I'd hate to end up with not a quorum. But that's my, my personal...

Mr. Morgan: We will, we'll definitely check on that to make sure that the room is available, if there isn't a board meeting going on, or that it's not secured by the courts. But we will definitely check on that and make sure that... *inaudible, being talked over.*

Ms. Brown: Well, I might be the only one, I don't know.

Ms. Evans: Can you check on it first?

Mr. Morgan: Yeah.

Ms. Evans: Okay. Is that it for the calendar for everybody? The 2021 Annual Report. Do you have anything?

6. 2021 Annual Report

Mr. Morgan: Yeah, the annual report was last month.

Ms. Brown: I think I had all my notes on that one.

Mr. Morgan: Yeah. So the annual report is always held in the February meeting, and that's when they do the election of the new officers. And we should be probably doing the calendar at that time as well.

Ms. Evans: Okay. Well, it was on the agenda.

Mr. Morgan: Yeah.

Ms. Evans: Alright. Is there a motion to adjourn?

Mr. Ireland: Move to adjourn.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:00 PM.