

STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES
March 23, 2021

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Wednesday, March 23, 2021, was called to order with the determination of a quorum at 7:00 PM by Chairman Dean Larson in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center, and at remote locations throughout the County.

MEMBERS PRESENT: Dean Larson, Steven Apicella (remote), Kecia Evans, Dana Brown, Jeffrey Spinnanger, Heather Stefl, Jon Ireland

MEMBERS ABSENT: None

STAFF PRESENT: Douglas Morgan, Melody Musante, James Staranowicz, Denise Knighting, Captain Mike Null, Lieutenant Joseph Bice

CALL TO ORDER BY CHAIRMAN

Dr. Larson: Do we have any members of the Board on the line?

Mr. Apicella: Mr. Chairman, this is Steven Apicella. I'm on the line. In fact, since I'm participating remotely this evening, I would ask for the BZA to authorize my electronic participation this evening.

Dr. Larson: Okay, well we'll do that when the time comes. Thank you, Steven.

Mr. Apicella: Alright, thanks.

Dr. Larson: Good evening, ladies and gentlemen, and welcome to the March 23, 2021, meeting of the Board of Zoning Appeals of Stafford County. The BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator. Hearing of appeals will be conducted in two parts, the first of which will be review of the BZA's jurisdiction and appellate standing. The second would be the hearing of the merits of the case, if required, after review of the jurisdiction and standing. Another purpose is to hear and decide upon request for variance from the Zoning Ordinance and when in lieu of enforcement of the ordinance would not result in... would result in unnecessary hardship to the owners of the property. And the last purpose is to hear and decide on requests for special exceptions where the Zoning Ordinance allows for special exceptions. The world consists of seven regular members and two alternate members. And alternate member may be called upon to participate when a regular member is unable to hear a case, I wonder if the staff could conduct the roll call right now.

ROLL CALL

Ms. Musante: Steven Apicella.

Mr. Apicella: Here.

Ms. Musante: Ms. Dana Brown.

Ms. Brown: Here.

Ms. Musante: Ms. Kecia Evans.

Ms. Evans: Here.

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Ms. Musante: Mr. Jon Ireland.

Mr. Ireland: Here.

Ms. Musante: Mr. Dean Larson.

Dr. Larson: Present.

Ms. Musante: Mr. Jeffrey Spinnanger.

Mr. Spinnanger: Here.

Ms. Musante: Mrs. Heather Stefl.

Mrs. Stefl: Present.

DETERMINATION OF QUORUM

Dr. Larson: County staff is represented tonight by Ms. Melody Musante, Deputy Zoning Administrator, Stacie... I'm sorry, Denise Knighting, Office Manager, James Staranowicz, Reviewer. And I think we have some representatives from Animal Control, if you could introduce them.

Ms. Musante: We do have Captain Mike Null from Animal Control and I'm not sure of the other gentleman's name. I apologize.

Lieutenant Bice: Lieutenant Bice, I am in Admin Services over at the Sheriff's Office.

Dr. Larson: Okay, Lieutenant Joe?

Lieutenant Bice: Bice.

Dr. Larson: Bice?

Lieutenant Bice: Yes.

Ms. Musante: And then we have Doug Morgan, Zoning Administrator with us as well.

Dr. Larson: Oh, I missed him, okay.

Ms. Musante: Yes.

Dr. Larson: Okay, the BZA hearings will be conducted in the following order, the Chair will ask the staff for the completeness of the application. The Chair will then ask the staff to read the case and members of the Board may ask questions of the staff. If applicable, the Chair will ask the Board if there are any issues with the BZA jurisdiction or (inaudible) standing of the case presented. The Chair shall ask the applicant or their representative to come forward and state their name and address and present their case to the Board. The presentation shall not exceed 10 minutes unless additional time is granted by the Board. Board members may ask the applicant questions to clarify or better understand the case. The Chair will then open the public meeting. The Chair will then ask for any member of the public who wishes to speak in support of the application to come forward. There should be a three-minute limit for each individual speaker in a five-minute limit for a speaker who represents a group. After hearing from those in favor of the application, the Chair will ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. After all public comments have been received, the applicant shall have three

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minutes to respond and provide closing remarks. We ask that each speaker present their views directly to the Board and not to the applicant or other members of the public. We will require applicants, speakers and presenters in the audience to act with a level of decorum and respect appropriate to a courtroom setting. After the applicant's final response to the Chair so close, the public hearing and after the public hearing has been closed, there shall be no further public comments. The Board shall review the evidence presented, and the Chair shall seek a motion. After the discussion of the motion of the Chair shall call for a vote. In order for any motion to be approved, four members of the Board must vote for approval. In order to allow the Board time for appropriate review of the applicant or applicants representative is required to submit relevant material to the Department of Zoning and Planning ten business days prior to this hearing to be included in the staff report. The Board may accept additional relevant material from the applicant or the applicant's representative during the hearing. However, large amounts of additional material may require a deferral, at the Board's option, on behalf of the applicant to allow the Board time to consider the additional material. Members of the public and or staff may also submit relevant material during the hearing. The applicant may withdraw his or her application at any time prior to the vote to approve or deny the application, provided that the applicant has not withdrawn a similarly... a substantially similar application within the previous 12 months. Any person or persons who do not agree with the decision of this Board shall have 30 days to petition the Stafford County Circuit Court to review our decision. Also, be aware that the Board will not hear any denied application for a variance or special exception that is substantially the same request for at least one year from the date of our decision. I now ask that anyone who has a cell phone or electronic device, please silence it. Thank you. This Board requires that any person who wishes to speak before the Board shall be administered an oath. Therefore, I ask that anyone who wishes to speak tonight stand and raise your right hand. And... wasn't there... does the County have to do this as well? Thank you. Do you hereby swear or affirm that all testimony before this Board shall be nothing but the truth?

Captain Null: I do.

Ms. Davis: I do.

Dr. Larson: Thank you, you may be seated. The Chair asked that when you come down to the podium to speak, please first give your name and address clearly into the microphone so that our recording secretary can have an accurate record of the speakers. Also, please sign the form on the table at the rear of the room. Thank you. I just add that anybody that speaks, including those Board members here are the dais, please speak into the microphone when you speak. Are there any changes or additions to the advertised agenda?

Ms. Musante: There are no changes.

DECLARATIONS OF DISQUALIFICATION

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

Ms. Brown: Yes, I just wanted to state that I did go visit the property this past Saturday, which would be, I think, the 20th. Um, and I did speak with the applicant.

Dr. Larson: Okay. Kecia?

Ms. Evans: I as well met with the applicant along with Ms. Brown on Saturday, so I'll make that declaration as well.

Dr. Larson: Okay. I also met with Mrs. Davis today. She answered lots of my questions and I asked if you and I will be sure that things that she doesn't discuss in her, um, in her testimony, which I've asked her to try to recall, I'll fill in anything that... that she may have missed that I... that she talked with me about.

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Mrs. Stefl: Mr. Chairman?

Dr. Larson: Yes.

Mrs. Stefl: I did also go by the property on Sunday. I did not talk to the applicant, though. I only just looked at the property and kind of got some cursory overview of the application.

Dr. Larson: Anybody else? Thank you. Now I ask the secretary to read the first case summary.

Mr. Apicella: Mr. Chairman, again, before we start, I would just like authorization to participate remotely.

Dr. Larson: I'm sorry, I did forget you Steven. Is there a motion to include Mr. Apicella in the meeting as a voting member?

Ms. Evans: I'll make the motion. I motion that we allow Mr. Steve Apicella to participate via remotely.

Dr. Larson: Second?

Mrs. Stefl: I'll second it for the record.

Dr. Larson: Okay, so the motion has been made and seconded to allow Mr. Apicella to participate. Those in favor say aye.

All members: Aye.

Dr. Larson: Any opposed? Okay, you are authorized, Mr. Apicella.

Mr. Apicella: Thank you.

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

PUBLIC HEARINGS

1. SE21-01/21153745 – Teresa Davis/Dog Biz - 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. 45-293. The property is zoned A-1, Agricultural, located at 54 Stafford Indians Lane.

Ms. Musante: SE21-01/21153745, Applicant Teresa Davis, Dog Biz, requests a special exception per Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards" for the A-1, Agricultural, to allow a commercial kennel as a business on Tax Map Parcel Number 45-293. The property is zoned A-1, Agricultural, located at 54 Stafford Indians Lane. You have the application, application affidavit, plat, layout and photos of the property, copy of Ordinance 19-21, copy of the tax payment, and copy of adjacent property owner notification. The applicant is requesting a special exception for a business to operate a commercial kennel on the property. The definition of commercial kennel is "any establishment in which ten (10) or more canines, felines, or hybrids of either of more than six (6) 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 day care, training, and boarding. There will be no breeding onsite. The existing single-family dwelling is 2,314 square feet per the Commissioner of Revenue records. There is a 7,000 square-foot fenced in area separated into two sections to divide the large dogs versus small dogs/puppies or training area. There is a 256 square-foot office within the existing single-family dwelling. The applicant states there is a 28x16 shed located inside the fenced area that has doggie door openings to a separate fenced in area, as well as 8 crates for naps or rest as needed. The applicant has requested the

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days and hours of operation to be 7 days per week from 8:00 AM to 5:00 PM. They will provide 5 off-street parking spaces if needed and anticipate minimal traffic as the dogs will be dropped off at the beginning of the street or will be picked up and dropped off at the business. No screening is proposed. The single-family dwelling was constructed in 1971. The current owners purchased the property in November of 2020. The Board of Supervisors changed the code to allow for commercial kennels in the A-1 zoning district on October 1, 2019. Prior to the adoption of this ordinance, commercial kennels were not permitted in this district. The subject property is located on the north side of Stafford Indians Lane. The perimeter of the site is primarily open with some vegetation. (See photos attached). There are no wetlands, floodplain, or Critical Resource Protection Areas (CRPA) that would limit development or use of the property. Surrounding the site on most sides are single-family dwellings.

Dr. Larson: Thank you. Are there any questions for staff?

Mr. Apicella: Mr. Chairman?

Dr. Larson: Go ahead.

Mr. Apicella: I've got a couple of questions. So, A-1 is normally 3 acres. This is around a 1-acre parcel. When was it designated as an A-1 parcel, and how did it meet the requirements being a 1-acre parcel?

Ms. Musante: Mr. Apicella, that would be something I would have to research. I will say that with the house being constructed in 1971, it would have been prior to that, which would have been the lot was potentially grandfathered for the... for the lot size.

Mr. Apicella: Okay. You mentioned in the staff report that there are two fenced areas. The lot itself, if someone were dropping off some dogs, is it fenced in in totality or just those two areas?

Ms. Musante: Mr. Apicella, I did not visit the site, but I believe the fenced area is only in the back. I do not believe it encompasses the front part of the property.

Dr. Larson: That's correct. The two fenced in areas are toward... toward the rear of the lot.

Mr. Apicella: So, again, if someone were dropping off a dog or dogs, they'd be coming into an open area before they reached the fenced in areas.

Ms. Musante: I would assume so, yes, but that would be a question for the applicant.

Mr. Apicella: Okay. What's the distance from the property to the nearest house?

Ms. Musante: Again, Mr. Apicella, without having a measuring tool and a map, I am not familiar with that, I would have had to have researched that prior to now. That may be a question for the applicant.

Mr. Apicella: Okay, thank you. Mr. Chairman, is this a good time to ask questions of the animal control folks or are they providing a presentation?

Dr. Larson: I... they'll provide their presentation later. I will be asking them questions later.

Mr. Apicella: You don't think now is a good time to ask them before we start the public hearing?

Dr. Larson: Uh, I'll ask staff what they want to do.

Ms. Musante: I would say we would wait until we open up the public hearing, but that's just my opinion.

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Ms. Brown: I agree Mr. Chairman.

Mrs. Stefl: Mr. Chairman, I... I agree. I'd like to hear from the applicant first and then we can receive some background from the County and stuff.

Dr. Larson: Okay, let's wait for the public hearing. Any other questions, Mr. Apicella?

Mr. Apicella: That's it for now, Mr. Chairman.

Dr. Larson: For staff, is the application for this case complete?

Ms. Musante: Yes it is.

Dr. Larson: Okay, at this point, I'll open the public hearing. Will the applicant or his or her representative please come forward to present their case. And please remember to state your name and where you live.

Ms. Davis: I'm Teresa Davis. Do you want me to just kind of go through, like I told... talked to you all about from what would happen initially to throughout the day?

Dr. Larson: I think that's a good place to start.

Ms. Davis: Okay. So, the property has an office and it's in the front of the building where the parking places are at. And our thought is that either the dogs would be dropped off at the entryway to the road -- you pull in on to Stafford Indian Lane and my son would be there with the leash, walk the dogs down to the office or to the fenced area. Or a person would pull into the driveway and bring the dog into the office on a leash. Then the... my son... I talk with my hands... but my son would take the dogs to the fence area where there's a shed and resting area for the dogs. So, there wouldn't be a time where the dogs would be loose or off of a leash. They would go from the office to the fence on a leash or from being dropped off by the owner and walked to the property on a leash. The idea is with the office, when people come to kind of get an idea of the program that we're offering, they could be there. We have a computer would show them the check in process. We have an intake form, so we check on the dogs and find out what they're... if they've had rabies, if they've had Bordetella, if they have ever showed any aggression. I brought a copy of the pet profile that we do that we would have for them. So, they would fill that out on each dog. So, they could come in, meet there, and then walk the property, kind of like I did you all, and show you the fenced area and the shed. So, that's what people could do initially before they actually bring their dogs to stay. And for clarification, what we want to do is doggie day care. So, from 8 to 5 the dogs would come and stay and someone would be with the dogs all the time. There's an area that we've assigned for small dogs or training, so also training and I included boarding just because sometimes people do ask for an overnight stay. But that is not our primary plan. And if they stay the night, they would go off of the property. There would not be dogs staying overnight. I don't live there. The plan has been that my brother and sister-in-law would move into the second apartment and they would help. That may or may not happen. I'm not 100% sure that my brother is going to come now. So, an option could be that my son and daughter-in-law move there if they sell their house. So, and I also have other people that want to live there, relatives. My other brother lives down below on the third apartment. So, it is a family property. Um, what else was I going to say? I... my plan is to get a, if it's approved, get a doggie waste station and put it up out there so the poop would be picked up every day. And I talked to the Health Department and the plan would be that that is put in plastic bags and it's taken to the landfill. But this would ensure that there's not feces staying overnight at the property. Um, let's see if there was anything else. It's a pretty basic plan that we have, and my thought of dropping the dogs off at the entryway to the road was really to cut down on the amount of traffic so that we weren't causing extra traffic to the neighborhood. I'm not, you know, I don't I don't think that that's 100% what has to happen, but it's an option. And I was trying to address any of the issues that the neighbors might have by doing that. Um, I don't know, is there questions, can I take questions?

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Dr. Larson: Are there any questions? Dana?

Ms. Brown: Hi. You gave a great tour, um, and I'm glad I went, because when I read the staff report, I had a totally different idea of what your business plan was going to be than when I got out there. What I understood from you when I went, just to make sure I'm right on this, is you... you told me you were really looking at maybe five dogs, max 10. They were going to be daycare only, 8 to 5, correct?

Ms. Davis: That's right.

Ms. Brown: So, and some of the heartburn I had was dropping the dogs at the end of the mailboxes and walking them down the street. So, since you have that option for five, you know, parking spaces, would you be willing to put those in so the dogs could be dropped off at the house?

Ms. Davis: If... if it is approved, then we're going to put the parking places in definitely.

Ms. Brown: Okay. And would you be willing to cap the amount of dogs at a maximum of 10?

Ms. Davis: That's... that's the most that we would want to deal with anyway. We... we had never planned on having more than 10.

Ms. Brown: Okay, and then the one thing I forgot to ask you, um, would this be by appointment only or would you be taking drop-ins?

Ms. Davis: Um, normally we would not take drop-ins because we might have too many dogs. So, that's part of the process that we would explain to everybody when they registered their dogs; they would have to let us know the day before.

Ms. Brown: So, if we put that in our conditions that you would put the five spaces in, you would limit the dogs to 10, and what I just said, I'm so sorry, you'd be agreeable to that?

Ms. Davis: Sure, drop off.

Ms. Brown: Drop... yeah, appointment only.

Ms. Davis: Right.

Ms. Brown: Okay, thank you.

Ms. Davis: That's not a problem.

Dr. Larson: Kecia?

Ms. Evans: Yes, thank you. It was a pleasure meeting you as well.

Ms. Davis: You as well.

Ms. Evans: Um, I have a question. Can you describe to the board about the Lazy Dog Lounge? Let us know how it's going to be ventilated, how many windows, the back door and the front door and so forth. If you can just describe to us in detail about that.

Ms. Davis: Sure. I've never counted the windows, actually, but I think there are the same number of windows on each side. And there is a picture there.

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Ms. Evans: I believe it's Attachment 4, page 8 of 10, if you want to reference. That's what I'm looking at.

Ms. Davis: Okay.

Ms. Brown: Ms. Evans, are you talking about the one in the backyard or the one in the house?

Ms. Evans: The one in the backyard.

Ms. Brown: Okay.

Ms. Davis: Yeah, I... Okay. So, it looks like there is one window on... oh, actually there's one window on the side towards the fence and then there are three windows on the other side and there's one window in the back where the air conditioner/heater is at.

Ms. Evans: Okay.

Ms. Davis: And then each door has a doggie door that the dogs can come in, but they're... they don't have windows in them.

Ms. Evans: Okay. And this is just basically for them to be sleeping in or...

Ms. Davis: Or if it rains.

Ms. Evans: ... basically just being there?

Ms. Davis: Right.

Ms. Evans: I think I believe your son is training another dog, correct?

Ms. Davis: Right.

Ms. Evans: And in the dog lounge, you're able to handle small breed dogs, medium breed, as well as large breed dogs such as mastiffs and so forth, correct?

Ms. Davis: Right. I put eight crates in there just in case dogs like to be created. I have a dog that he only likes to sleep in the crate. So, just for naps or whatever. It's large enough that the dogs could lay there. There's a little couch they could lay on. There's another lower bed that they could lay on, but it is suitable. They're small crates and there's larger crates. Our thought was if it's raining and rather than them being outside, they could be in there. I put a TV in there so they could watch TV if they want to. I have an Arlo in there so that... oh, I mean Alexis in there so they can have music. I think it's, um, it's plenty of room for up to 10 dogs if they all wanted to be in there at that time.

Ms. Evans: And... this is the last question... can you elaborate a little bit more on the way that your son will pick up the dogs from the mailboxes? I have a real concern about that. I know we are... I know school is out, but there is a high school there. So, your operating hours are from 8 to 5. So, can you explain a little bit more detail how this will...

Ms. Davis: Yes. So, after we met and I could tell that it was probably a concern, so I went out and came back and I... as if I were dropping off the dog. I pulled into the road where it's... there's asphalt right at the beginning of the lane and sat there, turned around, and I stayed on the road because we talked about it, you know, I can't offer up anybody else's property. So I made a U-turn on that lane, which I feel like it's doable since it is such a quiet lane. And then I went out. But the other option, if that's a problem, they could either come down there or we could pick up where my son used to work doing this same type of

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business. He would pick up the dogs and deliver them to the property, to the 54 Stafford Indian. So that's also an option. If it's not, you know, if it's not really... if it doesn't really make sense to drop them off there, again, I was just trying to come up with a way for there to be less traffic.

Ms. Evans: When you say the U-turn, you made a U-turn in the lane, is that that circle that goes around Stafford Indians or did you just make a U-turn within Stafford Indians Lane?

Ms. Davis: On Stafford Indian.

Ms. Evans: Okay, and I'm assuming on the right that is someone else's property where the mailboxes are?

Ms. Davis: Yes.

Ms. Evans: Okay.

Ms. Davis: So, I would pull in...

Ms. Evans: And have you spoke to them letting them know that?

Ms. Davis: Well, nobody lives there.

Ms. Evans: Okay, it's vacant.

Ms. Davis: Yes, but I just I pulled in, I stopped, and then I turned around. I had to back up and come out.

Ms. Evans: Okay.

Ms. Davis: But I didn't get on their property. I just checked it to see if it... I thought it would work. But that's without going all the way down to the turn around. And it's not stopping at the mailboxes, but right... just right past them inside the lane.

Ms. Evans: Okay, all right. Thank you so much, Ms. Davis.

Ms. Davis: Mm-hmm.

Dr. Larson: Are there any other questions?

Mrs. Stefl: Yeah. Um, I was gonna ask staff, can you put up Attachment 4? It looks like the best picture of the property, no, on the screen? Okay.

Ms. Musante: Which was is that?

Mrs. Stefl: Or even... it's the one that kind of zooms in a little bit. Or the one that was... there's one that was put on in front of us today. Is that available to be put up? No? Okay, well, the one that I'm looking at, Attachment 4, kind of zooms in to the property a little bit. I think you have written on there, proposed parking, office, and then in the back is large doggy... whoops, sorry, large dog area?

Ms. Davis: Yes, this one.

Mrs. Stefl: Right.

Ms. Davis: Yes.

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Mrs. Stefl: Okay, so there's what looks like property and trucks up front there and then there's a... obviously your neighbors are next door, correct? With like a red barn or a red chicken feed or, a chicken, something... there's like a red shed or something in the back?

Ms. Davis: Yes.

Mrs. Stefl: Okay, so you're proposing that these dogs would be right up against your neighbor's property there?

Ms. Davis: There's a fence...

Mrs. Stefl: And playing and things like that.

Ms. Davis: Yes, there's a fence there. There's actually the fence I put up and they put up. I put two feet in between their fence and my fence.

Mrs. Stefl: Okay.

Ms. Davis: They don't have chickens, but they do have a dog over there.

Mrs. Stefl: Okay. It just... it looks like a... sorry, it was just from a different angle. Sorry if I was... it that sounded discriminative. I was just... I've seen that. So, like the fence there, so you're proposing that your son would meet them at the end of these two white driveways?

Ms. Davis: No, I'm... it would actually be down here on the... so, it's not shown on this. It would actually... Well, if they drove... if they brought them down there, then yes, that's true.

Mrs. Stefl: Right.

Ms. Davis: At the office or at the driveway, he could meet them at either place.

Mrs. Stefl: So, he would be possibly leaving the premises maybe 10 times a day because people aren't all going to come at 8 in the morning.

Ms. Davis: So, that's why my sister-in-law would be helping with the dogs if he's not. But if he... so, if the dogs are in the large area and someone's dropping them off, he would still be right there on the property or at the end of the line.

Mrs. Stefl: Right. But you're talking about possibly 10 trips in the morning or sometime during the day and then 10 trips to pick them up. So, a total of 20 trips going up and down that road and they'd be coming right there up against the house that's not fenced. And the possibility of the dog... I guess... I'm just trying... that's very clustered. So, I'm trying to struggle, you know, like when I when I drop my dog off, I mean, there's set times I can only go in a 2-hour window to drop her off and then I can only pick her up in a 2-hour window.

Ms. Davis: That's right.

Mrs. Stefl: So, in theory, it's limiting the number of trips going down the gravel road off Mountain View. So, I mean, that's... that is a concern of mine. But then also like the fenced area and those neighbors right there. And then I don't know, is that a business here with all these trucks? I mean, it looks like...

Ms. Davis: Yes, it's basically like a salvage yard. It's a... they do car repairs.

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Mrs. Stefl: Okay.

Ms. Davis: Can I, just understand what you're talking about, when you say trips, are you just saying from the dog area or the office out to the car or out to the end of the road walking because he would just walk out there to get the dogs. And the dogs would have to be dropped off by a certain time. We want them there by 9 in the morning, so, open from 8 to 5. We'd like the dogs that are going to be there for daycare dropped off by 9 or he picks them up before and brings them.

Mrs. Stefl: Mm-hmm.

Ms. Davis: And then they'll be picked up in... within a certain time, probably between 3 and 5.

Mrs. Stefl: Right, but those are not in the conditions right now or stated. All you said was 8 to 5 was the hours of operation. So, I mean, in theory, someone could be coming any time. If we just looking at the package right now, any time between 8 and... 8 and 5 and 10 dogs. I mean, that's 10 tri... that's 10... 10 people and 20 times... 20 times your neighbors are having someone go by. So, that is my concern.

Ms. Davis: Somebody could have 3 dogs... one person could have 3 dogs.

Mrs. Stefl: Well, also... absolutely. But we have to look at all possibilities and the possibilities, as you're saying, 10 dogs. So...

Ms. Davis: I'm saying 5 but no more than 10. We want 5. But we can handle up to 10 is what I'm saying.

Mrs. Stefl: But you will cap it at 10.

Ms. Davis: At 10, but we want... we really... our sweet spot would be for 5 dogs so that he can do training with the dog, you know, with one dog at a time.

Mrs. Stefl: So, you would only... so, but that's what we're trying to understand. If... if we should approve this application, we have to make sure that the conditions are straight. And so, in essence, you're saying you want to cap it at 5 clients.

Ms. Davis: No, I didn't say that. What I'm saying is, we want to have 5 dogs, but we could manage up to 10, so...

Mrs. Stefl: Right. But you just said... but when I said there could be 10 clients because that's 10 dogs...

Ms. Davis: There potentially could at some point, there could.

Mrs. Stefl: Yeah. So, it could be 20 trips a day.

Ms. Davis: I guess I'm having a mental block on what... on by trips, what you mean by trips.

Mrs. Stefl: Well, to drop the dog off in the morning and then to drop the dog off, I've now made two trips to your home for my one dog.

Ms. Davis: But, so that's why I was saying drive into that road and stop right there by the... not come all the way down here. And that's why I was saying he could bring them, walk them down there on a leash.

Mrs. Stefl: Okay, but you're talking about dropping them off in an area that is not your property or part of this application.

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Ms. Davis: It's just the road, it's the road.

Mrs. Stefl: But an area that is not your property and not part of the road possibly, and him walking down the road or them coming all the way to the home.

Ms. Davis: Yes. Or he goes to the dog owner's home and picks them up and brings them.

Mrs. Stefl: Oh, he goes to their home.

Ms. Davis: He could go. That was a possibility. That's what he did at the last place he worked.

Mrs. Stefl: Okay, that wasn't stated in this. I didn't see it that way. You just said that they could go... he could go down to the road, pick them up and come back. I'm not hearing that they could possibly go to someone's home. I guess maybe I didn't see that.

Ms. Evans: I was about to say she stated that earlier when she was describing, she did say that earlier. But I wanted to ask with the trips, because just like you had the concern, one ,like for one dog, it's two trips. And so that's what I guess we're trying to think to where you're saying, well, it's really one trip because it's one dog, is that correct?

Ms. Davis: No, I get... I understand now what you're saying, the trips. I was having a mental block there, but I did say on this, whatever this form is, page two or four...

Mrs. Stefl: Okay.

Ms. Davis: ... at the bottom, what is the anticipated volume of traffic expected on a daily basis? And I said minimal. Dogs will be either dropped off at the mailbox area and walked on a leash to the fenced area or will be picked up and dropped off by Dog Biz. So, that's what I was trying to say there, that we could pick them up and bring them from the owner's home to the property.

Mrs. Stefl: So, you have the possibility of going and maybe picking up two or three dogs in the morning from a client's home...

Ms. Davis: That's what he did before.

Mrs. Stefl: ... and bringing them to the property.

Ms. Davis: That's right. That's what he did before. And, like I said, the mailbox area was an idea. It's not set in stone as far as I'm concerned. If it needs to be that our business plan is that we pick up your dogs and drop them off, then we could do that. We could arrange to make that work.

Ms. Evans: And can I ask, is this why you put the proposed parking? So just in case, since that was a concern?

Ms. Davis: I put the proposed parking just in case people do want to come and have a place to park and drop them off.

Ms. Evans: Okay.

Ms. Davis: Just because... just to make it easier for people.

Mrs. Stefl: Alright. Would you be... *inaudible*... to if we should approve this in a special conditions or something that the set hours for drop off would be, you know, a particular window?

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Ms. Davis: Definitely.

Mrs. Stefl: And the same as, you know, picking up. And they would have to be picked up, say, by 5, you know, or else there could be some penalty or something along those lines, because we want to be respectful to your neighbors if we should approve this.

Ms. Davis: Of course.

Mrs. Stefl: Okay, thank you.

Ms. Brown: Mr. Chairman?

Dr. Larson: Let me see if anybody over here yet has some... anybody else?

Mr. Ireland: Hi Ms. Davis. My name is Jon Ireland. When I saw your application, first of all, I'm pro-business and I'm pro dog because I have two dogs of my own. When I put the dogs in the backyard, it's fenced in. As soon as they start barking because they will, I worry about my neighbors. So, I go out there after a few minutes and pull them in. And I was looking and I didn't know this, but I had to go look at the Stafford County ordinances on noise. Just curious, is there a noise ordinance about this? And I found that there is. There's a certain decibel level and I won't get into the technical stuff, but it's pretty quiet what's allowed. And also, if you have animals, including birds that are within a certain distance from another property owner, that's also if they bark for a certain amount of time over a certain period, that's also not allowed. In your... and I'll get to my point... Attachment 4 shows some pictures of the area and it has some fencing and some stuff. Is that... have those been Photoshopped or is that what it actually looks like?

Ms. Davis: I'm sorry, I don't know what Attachment 4 is.

Mr. Ireland: Page 8 of 10 and 7 of 10 of Attachment 4.

Ms. Davis: Okay. This is the actual place.

Mr. Ireland: Okay. So, when I look at... you're the property owner, the large dog area, and if I and I kind of measured it on Google Maps, but I don't know if that's accurate or not, you're pretty much within that 50-foot distance of your house. Sorry. Is there... now the reason why I asked if it's already built is because if it wasn't built, perhaps you could consider moving it away from that property owner. But if it's already built, I'm not sure. But you may have a problem with noise. Can you address what you're going to do about the noise potentially, especially the big dogs?

Ms. Davis: Sure. Well, so I have 3 big dogs. I have 3 Cane Corsos. And if my dogs are left outside, then they will bark at every little squirrel and everything else. But if I'm out there with them, then unless they think somebody is coming to bother me, then they'll bark at that. But our plan is that someone will be out there with them. That's why I plan on having two people, my son, my sister-in-law, but you know, another person so that somebody can be in that fenced area in the shed with them so that they don't feel like they're out there by themselves and going crazy.

Mr. Ireland: So follow up on that, that's not written in here, correct? I didn't see it.

Ms. Davis: I did not address noise.

Mr. Ireland: Okay. So, I would, I would recommend that's a big issue that could potentially become a big issue. So I would recommend that you put something in there.

Ms. Davis: In?

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Mr. Ireland: In your application. Is it possible to change it? No.

Ms. Musante: You can put... excuse me, you can add it as a condition.

Mr. Ireland: Okay. I have other questions, but I'll wait for others to ask.

Dr. Larson: Dana, you had something else?

Ms. Brown: Yes, I'm sorry, I forgot to ask you about this. We talked about food when I visited, and you said you weren't planning on providing anything unless the owner brought it. I was a little uncomfortable with that because 8 to 5 is kind of a long time without lunch. Would you be willing to have something on hand just in case if the owner doesn't bring anything or?

Ms. Davis: So, we'll have treats for the dogs. Um, in the, uh, in the profile and the intake document that I put together, I ask in there if they want their dogs fed and if they have special food because a lot of people do feed their dogs certain food. And if they do want them fed during the day, then they would bring that food. But we will have treats and could certainly have food available for them. But some people wouldn't want us to feed them.

Ms. Brown: Okay.

Ms. Davis: I feed my dogs at 6 o'clock in the morning and they eat at about 5:30 in the evening; 2 times a day.

Ms. Brown: Okay. Alright, fair enough. And then the last thing, I did ask you about this, and it was shade. I mean, when I visited it was kind of a cool day and the sun wasn't really high. But I can see that in the summer it's going to be kind of hot out there. And you did say they could go into the dog lounge. Now, I don't know if that's they can go in freely at will to do that.

Ms. Davis: That's why I put the doggie door, so they could go in.

Ms. Brown: Okay. Alright, because I was going to suggest, if not, otherwise we could just put up, like, just some simple structure with a little roof for shade but.

Ms. Davis: When we were there today, we were looking at the trees and I think there is pretty good shade. It's going to be in that area once the trees come in before it gets too hot.

Ms. Brown: But they can go in that room anytime they want?

Ms. Davis: They could. And I'm not opposed to putting up something like, you know, the things they call... I think they call it a sail, something that is covered out there. It's like a tri... um, I don't know, I don't know exactly what you call it.

Ms. Brown: Yeah, some kind of pergola or something. Just something to.

Ms. Davis: Yeah.

Ms. Brown: Okay. And I don't know if you know this, but if you weren't doing training, what you would actually have is a kennel non-commercial because you can have that many dogs on a property as a non-commercial kennel. It's anything 6 or more. So, I just wanted to, to mention that. But because you are doing a business thing, that's when it falls into the commercial. Thank you.

Dr. Larson: Any other questions?

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Mr. Ireland: I just have one question. I couldn't tell what is the height of the fence?

Ms. Davis: Six feet.

Mr. Ireland: Six feet. Thank you.

Dr. Larson: Kecia?

Ms. Evans: Yes, I'm sorry. I just have one more question. Being that the dogs are playing with each other or your son is training the dogs, I'm assuming you have something on your application as far as immunization records and so forth?

Ms. Davis: Yes. There's... it's a four page pet profile and they put the information in there about the dog, if it's microchipped, the vaccines, they have to provide written proof of vaccination, including kennel cough. And there's questions that we ask about if they've had any problems with house training and separation anxiety, all of that sort of thing. But that's what I put together for this.

Ms. Evans: And you will keep those records on-site...

Ms. Davis: Yes.

Ms. Evans: ... just in case an officer has to come out and so forth.

Ms. Davis: Right.

Ms. Evans: Okay.

Dr. Larson: I had one other question. The, um, where the dog building is near the property line and the facilities on the other side of the neighbor's yard, you said they were chicken coops?

Ms. Davis: No. The property owner, that neighbor told me that she used to have chickens, she had 21 chickens, and that's what they were, but she didn't have chickens anymore.

Dr. Larson: Twenty-one chickens there?

Ms. Davis: No chickens there now.

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

Ms. Evans: Can you explain to the board, you do have chickens, correct?

Ms. Davis: I do.

Ms. Evans: I was gonna say when we... when Dana and I visit, there was a chicken coop behind the I believe, the small area.

Ms. Davis: Yes.

Ms. Evans: So, can you explain to the board how they will be separated and what you will do policy wise as far as the dogs being kept away from the chicken coops?

Ms. Davis: The chickens are at the... there's five chickens. I have a small chicken coop back there and it's behind the small dog training area. And I have no roosters. I'm just giving this a shot. I don't know. I've

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never had chickens before. I don't ,I don't know. But anyway, we put them back there and my son has brought his puppies, small dogs back there in that area. And they're interested at first, but they just kind of left them alone. The chickens could care less. And there's a fence in between and then there's the chicken coops. So, it's... it would be pretty difficult to get to them. But that's at the small dog area.

Dr. Larson: Any other questions for the applicant?

Ms. Davis: I'm not having 21 though. I have 5.

Dr. Larson: Thank you, Mrs. Davis. We may call you back later...

Ms. Davis: Okay.

Dr. Larson: ... but that's all for now. Thank you. I think now would be a good time to hear from Captain Null, the animal control expert.

Capt. Null: Good evening, Mr. Chairman, members of the Board, virtually and here. I do not have a presentation for you. I was asked to be here to answer any questions you may have. Fire away.

Dr. Larson: Questions for Capt. Null? Dana?

Ms. Brown: Hi, I'm Dana Brown. I don't know if you were the gentleman that was consulted when the Planning Commission was looking at changing this use. But I did read back through all of their minutes back, I think it was 2019. And I know that animal control recommended like 5- to 6-acre minimum lots for kennels, for commercial kennels. Was that you that had come to them?

Capt. Null: I did not approach them. I was at that meeting or one of those meetings, again to answer questions.

Ms. Brown: Okay.

Capt. Null: I would not make recommendations. I would only again answer questions if board members presented them and asked specific questions about what complications might occur or whatever, we would answer those.

Ms. Brown: Okay, I'll address that later. I just wanted to know if that was you or not. Do you feel like this would be, um, appropriate since it's not really a boarding facility, that it's going to be a, you know, a small daycare, that that would pose any kind of a hazard, do you think? On a 1.1 acre.

Capt. Null: By-right she can have a non-commercial kennel.

Ms. Brown: Correct.

Capt. Null: She could live there and have 10 dogs plus.

Ms. Brown: Mm-hmm.

Capt. Null: So, with what she's asking, I think most of your concerns border more along the lines of traffic and controlling that measure of the animals, specifically barking or whatever. If she lived there and she decided she was going to bring her dogs and again, additional dogs in by-right she can have a kennel permit there.

Ms. Brown: Okay. Fair enough, thank you.

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Dr. Larson: Any other questions for... go ahead?

Mrs. Stefl: Um, okay. The few kennels and boarding facilities that we do have in the county, do you find that you are called out there very often or and if so, what are some of maybe the major things that you typically are called out for?

Capt. Null: I wouldn't say we're called out very often. I think most of the time, the majority of the time that people that choose to do that for business, they rely on that the care of the animals as their business. And if it was a problem, there goes their business. So, we have had a few incidents where animals got into a fight and it was not good. And one of those was that I specifically remember was actually at a veterinarian's office that did doggie day care. So, if they couldn't control that, stop it from happening, I don't know that any of us can. As far as public safety is our concern with animals escaping, most of those in the old definition of commercial kennels were in commercial zoned areas or somewhere out of the way, so they weren't in immediate residential areas. And we still had very few problems with those. If an animal escaped, we... I can't, with our tracking, our software tracking systems, it's almost... well, I don't know if we can capture certain data that says that a complaint we went to was at a kennel. It's possible in the future, if that's something we were interested in doing, we may be able to try that, to separate that information. But I, I do read daily reports of where the officers are every day and try to keep up with that. And so, yeah, a few times. But I wouldn't... I would put it at a very low percentage of what we respond to.

Mrs. Stefl: Do you respond, I mean, one of my board members asked about noise ordinances and stuff. Have you noticed any type of trend with loud, um, at some of the other facilities in the county with noise or barking or neighbor's complaints with barking?

Capt. Null: Certainly. I did get some of that information. Last year it looks like we went to about 161 noise complaints. And that's about... it's less than 5% of what we respond to for the noise complaints. And again, if you were looking at the old definition of commercial kennels and where they were supposed to be at, those animals were housed inside of small kennel areas for 24 hours a day. Well, I mean, they go outside, but they're in a confined area and so they can be very audible. But typically, with the licensed kennels that we have in the county right now, which is over, it's actually over 50. And I had a kennel license for years.

Mrs. Stefl: Right.

Capt. Null: I only had 5 dogs, but I had a kennel license and I no longer have that. But right now, excuse me, right now we have 47 twenty dog kennels in the county and 9 fifty dog kennels licenses sold. And I, you know, on occasion we do go to complaints on them.

Mrs. Stefl: But do you, do you, have you... I know you said your software probably isn't as, you know, data tracking, but do you notice more or less calls with kennels versus just the neighbor calling because the dog, you know, won't stop barking?

Capt. Null: I would have to say less. But again, I just gave you the statistics for it. We have...

Mrs. Stefl: Yeah.

Capt. Null: ... 47 fifty, what did I just say, 56 kennel licenses with a lot of dogs.

Mrs. Stefl: Yeah.

Capt. Null: And then we respond to a whole lot of complaints with dogs in the back yard in certain neighborhoods.

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Mrs. Stefl: Okay, alright. Thank you very much Captain.

Capt. Null: Yes ma'am.

Dr. Larson: Any other questions for this witness?

Mr. Apicella: Yeah, Mr. Chairman, this is Steven Apicella. So, I'm looking at the Noise Ordinance, 16-6 of the County Code, Loud noise is prohibited, and specifically it's 16-687. So, how is that enforced? I know it's kind of spring boarding off of other questions, but is it complaint based? You get calls, you respond to it, you measure the sound, you take statements. Just can you tell us how that process works?

Capt. Null: Certainly. So, you are correct, 16-6 numeral seven on that, allowing any animal or bird to create noise that is plainly audible. And this is the tough part with barking complaints and we call it a barking complaint because that's what we're dealing with here. We're not dealing with roosters or other animals, but it... the current county code states that it has to bark at least once a minute for ten minutes straight. So, that usually involves an officer sitting away from the residence, so we're not the one creating the animal to bark. And they will start taking notes on timer and saying it barked. It barked twice, it barked three times the first minute, then it didn't bark for two minutes. So, now it's not a violation. Now, the reason that is, is because the noise ordinances were challenged across the state some I want to say it's ten years ago. And because it went to the high court, they sent it back down. They said everything has to be measurable and with parties and such, loud music, we use decibel readers. We don't... it wasn't placed in the county code to do that with animals. So, it clearly says if we can hear it from fifty feet away, it's audible and then it has to meet those standards. I expect that to be changed probably within the year, if possible.

Mr. Apicella: Do you have a sense of what those changes might be?

Capt. Null: I do not at this time. What will happen is the county attorney will branch out and start looking at other jurisdictions and see what they have on the books. That's kind of how we ended up with this one. Previous codes worked and didn't work. It's always been a challenge with the, with the noise complaints.

Dr. Larson: So, Capt. Null, if there are multiple dogs in one location, when you're counting the barks, I assume that it can be a bark from any of the dogs, correct?

Capt. Null: I would approach it that way, yes sir.

Dr. Larson: So, you're not looking at a certain, you know, Chihuahua bark over here and a Doberman bark over here? Just...

Capt. Null: Continuous noise.

Dr. Larson: One bark per...

Capt. Null: One minute for ten consecutive minutes.

Dr. Larson: Okay.

Ms. Evans: Can I ask what's up with that? And you stated that if the dog stops barking, then the count starts all over again?

Capt. Null: Yes, ma'am.

Ms. Evans: Okay.

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Capt. Null: For the time we have, we sit out there for that... Yes, sir.

Ms. Evans: Say that again?

Dr. Larson: Go ahead, Steven.

Mr. Apicella: Just a follow up question. So, let's just say that you've done your measurements and you've found that the code has been triggered. What's the next step?

Capt. Null: We would issue a summons if... we don't typically go out on the first offense and do this. We usually approach the animal owner to start with, advise them of the complaint, see if there's anything we can help them with. Give them some whatever advice you can help them with on this. And then we advise the complainant. We let them know that this is what we tried to, you know, smooth out. And then if, you know, if it continues, then we take it to that next level. And sometimes it might happen more than once. But you know, if I get a call about it today and I don't get another complaint for another year when I go out next year, just because they made a complaint, I'm not going to go out and issue a summons. We'll try to fix that problem again. That's the only way we can do business.

Mr. Apicella: So, hypothetically, you've issued a summons and then what happens? What's the... what's the action that the owner takes? And if they don't take that action, what does the county do?

Capt. Null: Animal offenses in Stafford County are all criminal offenses. So, the class... that would be a Class 4 misdemeanor and that would be up to the general district court judge as to what happens there. Usually on the first offense, it's a fine. I've had judges rule that any time the dogs go outside, they have to be muzzled. I've had judges rule that the dogs can't stay there. So it's entirely up to the court.

Mr. Apicella: Okay, thank you, sir.

Capt. Null: Yes, sir.

Ms. Evans: Can I ask being that these are Class 4 misdemeanors you said, are any of the offenses, I guess, jailable? Like are these... are people going like spending 30 days in jail for not complying with the noise ordinance because of animals?

Capt. Null: No, ma'am. Just a Class 4 misdemeanor. So, \$250 maximum fine.

Ms. Evans: Okay, thank you.

Dr. Larson: Go ahead.

Mr. Ireland: Another question on the noise. Not to belabor this one, but can the property owner keep track and provide you their data or you have to actually physically see it here and track it? Because I'm sure you're not going to be out there as much as the dogs are going to be possibly barking, but the owner will know when they're barking, especially being potentially less than 50 feet from the fence where the dogs are kept. So the question is, can the property owner record it and provide you the data?

Capt. Null: Yes, sir, short answer. The way that would take place is that we would send them to the magistrate and let them provide the magistrate with that information. That's the probable cause hearing. And then at that time, the magistrate issues a warrant and summons. They'll give it to us and we'll go serve it and they'll get subpoenaed to court to explain it to the judge.

Dr. Larson: Go ahead.

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Mrs. Stefl: Alright, one, one last question that just made me think about it when you were asking about Class 4 misdemeanors. Um, while she might screen the different dogs, you never know when a dog might fear, be fearful and bite or get into a fight. So, what is the rule or the law with dogs and bites, with other dogs or with a human in the state or the county?

Capt. Null: For an animal to bite is not against the law. There's no, there's no offense for it, with the exception of if the animal is running loose, uncontrolled or not. So, at that point it becomes a destructive, annoying dog running at large. The other side to that is that if, if... and when animals do bite and when they attack other animals, the state code states that if the injury equates to a certain level, so on a companion animal, it would be if the injury is deemed serious by a veterinarian. So, if two dogs get into a fight, one of them requires stitches. If that vet says this is a serious injury, then we have to proceed with what, the dangerous dog hearing. So, at that time, we go to the magistrate, we get a hearing notice and we take it into the court to have the dog deemed dangerous. So, at that point, you can do dangerous. You can do vicious. If a dog injures a person at a certain level, which right now is basically draws blood, it can be that to that level we can do the dangerous dog hearing at that point. Once the dog is deemed dangerous, they have a whole list of requirements they have to meet to be able to keep the dogs.

Mrs. Stefl: But... so if for some reason, like her, her son should be bitten by a dog, would he then have to say, I want to have this dog go before and have the dangerous dog, or could he also say, no, I'm okay, I'll just deal with the owner?

Capt. Null: In that situation when you openly allow the animal into your house...

Mrs. Stefl: Mm-hmm.

Capt. Null: ... the courts have tended to treat it as your dog attacking you. It's not actually because they are protected under the law, protecting their own property and acting in there. We would probably still try to pursue it. It would have to be reported as a bite under Virginia code if it broke the skin.

Mrs. Stefl: Right.

Capt. Null: And then the animal would have to be confined for 10 days. Once it was confined and once that bite report was taken, then the officers would look at it and say, you know, yeah, we're going to have to try to do something with this.

Mrs. Stefl: Okay. But if you had, say... I'm just trying to think of a scenario of the neighbor who sees this dog constantly maybe biting her son or something, and while the son might say it's okay, it's okay, and this neighbor's like, no, I'm seeing this vicious dog on the property, there's nothing... could you do something like a neighbor reports it to you and says, listen, I see this pit bull, this Doberman, this shepherd, whatever, you know, Chihuahua constantly, you know, attacking, you know, people on the property.

Capt. Null: We most certainly would.

Mrs. Stefl: Even though her son may not want to pursue it, you know, in that sense. Like a domestic violence in that sense, where the victim will say, no, I'm fine, I'm fine, will you step in and say, no, we're seeing violence?

Capt. Null: Certainly, we would. We try to be, again, we're public safety. So, we're only going to... we're not going to allow things like that to happen to the best of our ability. We'll try to get it into court. But again, I think... I don't know of any businesses that would really tolerate that as well, because it's detrimental to their business.

Mrs. Stefl: Right.

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Capt. Null: But if they if that was a regular occurrence, I don't... no one else would want to show up.

Mrs. Stefl: Okay. Alright.

Capt. Null: But we would address it, yes ma'am.

Mrs. Stefl: Alright. Thank you.

Dr. Larson: One more question?

Ms. Evans: Yeah. You may have answered this already, but if there, if there was a dog bite or a dog attack, they are required to keep records of that, correct?

Capt. Null: They are required to report it to, to the State Health Department. Primarily, it's reported to my office and we go out and take the bite report. At that we turn the bite report over to the State Health Department and we do the confinement notice for the animals. So once an animal bites a human being, it has to be confined for 10 days. People will call that a quarantine; it's still actually a confinement over a quarantine.

Ms. Evans: Right. I was going to say, can you define confine? Is it... so they basically would have to stay away from the, like from her business, so her son could not bring that dog back for 10 days, correct?

Capt. Null: That is correct.

Ms. Evans: Okay.

Capt. Null: It has to be confined. The owner can, can confine it and handle it, but it has to be just the owner. They will allow immediate family to, to feed the dog, walk the dog, but it can't be tied up and left outside, put in the back yard by itself. It has to be under cost and control for 10 days.

Ms. Evans: Okay, thank you.

Capt. Null: Yes, ma'am.

Dr. Larson: Any other questions for this witness? Hearing none. Thank you, Captain Null.

Mr. Apicella: Mr. Chairman?

Dr. Larson: Go ahead Steven.

Mr. Apicella: Since we're on the topic of the noise ordinance, can I just ask Melody a quick question?

Dr. Larson: Go ahead.

Mr. Apicella: Melody, if someone were found in violation of the noise ordinance, how many, how many violations would it take, generally speaking, before it potentially puts the special exception in jeopardy if it were in place?

Ms. Musante: That's a good question, Steven; I'm thinking. We have not actually issued a violation for noise. The only time that we have ever been called out for noise is when we had a potential special exception application. So, I would suspect in our division, um, what we normally do on any violation is if it is a part of our responsibility to enforce, if we go out there and determine that they are in violation, we

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would give them a warning like we do with any others. And if it continues, then we would issue a notice of violation.

Mr. Apicella: And do you generally keep in touch with animal control and vice versa on these kinds of special exceptions, just so there's a line of communication for you to know if and when there are issues?

Ms. Musante: We do have an open line of communication with Animal Control, as well as the Sheriff's Office, on any potential issue.

Mr. Apicella: Okay, great. Thank you.

Dr. Larson: And okay, I understand we have a couple of emails that will be read for the record. Before we go... before we do that, are there any... is there any member of the public present physically that wishes to speak in support of the application? If so, please come forward.

Ms. Brown: Mr. Chairman, they need to be sworn in.

Dr. Larson: Are you, are you speaking in favor in support of the application?

Unknown Audience Member: Well, I just have a question about, uh, the weekend and is it just five days a week or seven days a week that she could have the dogs.

Dr. Larson: Okay, we'll address that. Thank you.

Unknown Audience Member: And, like I say, I also was concerned about the noise.

Dr. Larson: Okay. But does anybody have any... would anybody in the room like to speak in support of the application? No. Would anybody like to speak in opposition to the application?

Ms. Musante: Mr. Chairman, they have not been sworn in.

Dr. Larson: Oh, that's true. Okay, okay. Then Melody, do you have the e-mails that you were going to read into the record?

Ms. Musante: Yes. Mr. Staranowicz is going to read those.

Mr. Staranowicz: The first e-mail is from Jeffrey Willis, 49 Stanford Indians Lane. The Willis household, Jeffrey and Janet. As far as the commercial kennel going up across the street from our house, we oppose it. It is not in the best interest of our neighborhood. The noise it will cause, the traffic it will cause, the amount of different people going and coming in and out of our private neighborhood will not be pleasing. We all moved to this neighborhood for the private area. One of their dogs actually came over to our house and tried to bite me, Jeffrey. I was trying to take the dog back home. I was not sure where it lived. I was assuming 54 Stafford Indians Lane. They had just moved in. The dogs that they have are not very friendly and they're wanting to add more to the mix. We do not agree with this kennel at the Willis house across the street at 54 Indian Lane. Thank you.

Ms. Evans: Sorry, can you repeat the address again?

Mr. Staranowicz: The Willis household is at 49 Stafford Indians Lane. The second email is from Julie Edmonds. She lives at 49... I'm sorry, 59 Stafford Indians Lane. This is pleas for respect of our private road community. I would like to keep my name anonymous tomorrow. It appears there was a hearing to be held to approve a commercial kennel at 54 Stafford Indians Lane. Please be aware that this is a private road and only a few residents that live off this road pay for the upkeep to maintain it. If this new business

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is approved, it is not fair for those who reside to pay to continue the excessive upkeep from the added traffic. Now concerned with safety not only from the animals, but from the road, trucks and cars with... with could pose problems with people and animals. The property is located amongst families with small children and animals. Also, the Stafford High School is located within 100 yards within this residence, and a large park. This poses a threat for the animals and people because... because, let's face it, sometimes animals could get loose and they can react and fear. The odor from the feces of the numerous dogs could be an unsanitary environment for the private road and is not very welcoming. This could affect the home values of this private road with this type of potential dangerous business. This is a single-family dwelling and has been converted into three apartments which have already posed other problems. The owners do not live here. The unattended dogs at night could create additional concern. Safety is the biggest concern with this type of business. Thank you for your time. And the final email is from Bradley Edmonds. As an abutting property, I'm voting against this. This is not a place for a commercial dog kennel. A few reasons why I believe that this is the wrong place. This is a private road. I can't see how our road can be volunteered as access to this. This is maintained by residents. This is not designed for commercial traffic. It is a gravel road which with heavy traffic with cars and trucks will stir lots of dust and increase road maintenance. All neighbors agree that this poses a safety threat, an issue for all our young, small children and the animals. The fence that is just made up cheap fencing. They will not be living at the residence, so the dog barking could be a nuisance with neighbors close by like myself. This will most definitely affect our home values. Having a commercial dog kennel across the street from my home would be terrible. We have already experienced an issue with the dog getting out and nearly biting a neighbor. Nobody was around and the maintenance guy helped him get the dog back in. I strongly urge Stafford County to not let this pass. I'm sorry, there is one more. This is from Deborah Galloway, resident at 48 Stafford Indians Lane. I am writing to object to the establishment of a commercial kennel presented with an introductory package to residents of the neighborhood as Dog Biz, doggie day care, training and breeding facility, at 54 Stafford Indians Lane, Fredericksburg, Virginia, 22405. I reside at the neighboring lot at 48 Stafford Indians Lane, which directly parallels the aforementioned property. Not only am I concerned regarding the egress in and out of the neighborhood of the gravel road not maintained by the county or state, but by neighbors, I am also concerned with potential water usage since the proposed business has the potential for water usage above and beyond the uses for which the property was initially intended. I am concerned for the potential negative impact on my well and water supply, although the property at 54 Stafford Indians Lane and my property at 48 Stafford Indians Lane have separate wells. The sewage operating systems we, along with the with at least one other neighboring property, are on the same water vein. My family experienced an incident a few winters back when the previous owner left the property at 54 Stafford Indians Lane unattended for an extended period of time, which resulted in the pipes freezing and bursting. Subsequently, the well on that property was drained and soon after mine was drained as well. Fortunately, my well refilled and recovered within one to two days, but the fear of having a repeat occurrence due to water usage is very real, with the potential for unrecoverable damage for which I could be severely financially impacted. I am an animal lover and particularly partial to dogs. However, I don't believe the lot at 54 Stafford Indians Lane is the appropriate location for the proposed business. I thank you and the board... I thank you and the board for your consideration in this matter.

Dr. Larson: Thank you. I would like to have questioned one or two of these people. Any questions for the staff? Go ahead.

Mr. Ireland: Well, I actually have a question for Ms. Davis. As far as if the road is an issue, the cost? I think, if I understand it correctly, since this is a private road and I believe you all share in the cost of maintenance. Is that correct?

Ms. Davis: There's not a specific requirement for it, but I have contributed to the gravel. I gave in \$500 two weeks ago to buy some gravel to put down. I gave the person at 59 Stafford Indian, and I told him that I would be happy to contribute to the road maintenance.

Mr. Ireland: Okay, that's all I had. Thank you.

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Dr. Larson: You also can respond to any of the emails that you just heard, if you wish.

Ms. Davis: Okay, sure. The first one 49 Stafford Indian, just a couple of things. When I got this email, when Melody told me about it today, that's the first I've heard about a dog getting out. I don't know. I asked my... I mean, I know it wasn't one of my dogs because they've only been there twice and I've been there with them when they were there. I asked my son if one of his dogs got out. He doesn't know anything about it. Nobody came and said anything to him. I was at their house on the 14th of February when I took some dog cookies and told them what I was planning to do. And I was there again last week because they own some kind of an auto repair place and my son needs new brakes. So, it... when I said it looks like a salvage yard, it, it literally does. So, I was over there. They had every opportunity to talk to me about it or say something about a dog. I haven't heard anything about that. So, when they said they didn't know whether it was... where the dog came from, I don't know that it was mine. Nobody said anything to me. So, I can't address that. Um, the, the only time a dog has been overnight there with my son, when I, I got COVID in December and he had been around me and his wife made him stay away. So, he stayed at that property two nights with two dogs. And that's the only time anybody's been overnight. And that was just a unique situation because normally he wouldn't have been there with dogs overnight. The noise that they address -- we plan on them being there 8 to 5. We've talked about the noise a lot and what I plan to do for that. Um, we talked about the traffic. And actually, still on this 49, they're friends with 59 Stafford Indian and two of his dogs actually got out and came over to my property and walked around with me, which I didn't care, you know, but they walked around and out there by the chickens and stuff and that was Brad Edmunds' dogs. So, I mean that unfortunately that does happen, but I didn't think twice about it. So, then on to the one for Julie Edmunds. Actually, I'm kind of shocked that these two people wrote emails because I've talked to Brad several times. I've exchanged text messages with him. He wants his mother to move into my little apartment there. And I told him the day that I first met him what I was planning. And my understanding was he thought it was a fine idea. I didn't think it was an issue, but apparently it is. Um, so I addressed the, the waste. I plan to have a waste station. So, that's not... that shouldn't be a situation. Um, I told him I would share in the road maintenance. He said that the only people that have been sharing in that maintenance is him and the one at the very end, which I want to say it's 60 Stafford Indian; I'm not, I'm not a hundred percent, but it's next door to me on the other side. And they have been maintaining the road from my understanding. So, I offered to participate. They said that it's, or Julie said that it's a hundred yards to the high school. It's actually four-tenths of a mile. I drove my car down there after I heard this, and one-tenth of a mile is 167 yards if we need to get that specific. Um, there are to be no unattended dogs left at night, so they talked about that they would cause... the unattended dogs at night could create additional concern. There's not going to be any unattended dogs, period, but certainly not at night. Um, and potentially dangerous business. I mean, they have dogs. Other people on the lane have dogs. Yes, it is more dogs, 5 to 10 dogs potentially. I mean, I don't have one dog right now to, to do this business with yet. It's still all just supposed. But I do have, like I said, the intake to find out if the dogs have ever bit anyone, if they've shown aggression to anyone. And I guarantee you, if a dog bites my son, he's not going to let the dog keep biting him. The dog would go home. And then onto Bradley's comments. The cheap fence cost me \$7,000. So, I don't know what he would expect. I wanted it to be something that they could see through. I didn't think it made sense to put up just the wooden privacy fence there. You know, you pay a lot of money for them and then you have to maintain them and paint them and the dogs could scratch at them. So, I chose the kind that I did on purpose. And when they talk about the home values that the commercial kennel or my doggy daycare would affect their home values, first of all, he has a commercial business operating out of his home. It's an HVAC business and has a commercial garage, or actually two commercial garages there. And they look pretty tasteful, but they're still a business. And the next door neighbor at 49, like I said, has a junk yard in his yard so... and he does a business. So, I don't think they're really that concerned about property values and five dogs during the day, um, bringing down their property value. Um, uh, those are the main things. The other when you read the one from the lady at 48 Stafford, the only thing I can say about water is we're not doing grooming there. I mean, they'll have water to drink. I don't... but one of the units is being used as an office. It's not like it's going to be occupied all the time or used as an actual apartment. The other one is occupied by my single brother. And, you know, there's

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not a lot of water usage there. So, I don't know what, what the water situation that she is talking about... does... I mean, I don't know. Did she say any more? I don't, I don't, I don't know how to address it.

Mr. Staranowicz: The email was read verbatim.

Ms. Davis: Okay, I didn't get a copy of that one, so I don't...

Dr. Larson: Okay, any other questions for the applicant?

Ms. Evans: I do. I just have a question and I don't know the protocols since I'm new to the board. But being that we have a neighbor here, I know that they haven't been sworn in, but is it possible for them to be sworn in so they can... at least we can ask questions or they can come with their concerns?

Dr. Larson: I was just thinking about that myself.

Ms. Evans: Okay, thank you.

Dr. Larson: If one or both of you... I'm sorry, does anybody else have questions for the applicant at this time?

Ms. Brown: Just one.

Mrs. Stefl: Ms. Brown does.

Dr. Larson: Ms. Brown.

Ms. Brown: And just curiosity on my part. I'm sure you're going to have insurance, correct?

Ms. Davis: Yes.

Ms. Brown: Okay, that's it. Thank you.

Ms. Davis: Yeah. I talked about the not just general liability, but she's looking at the whole package. She knows exactly what we're doing, and before we have one dog step on there, we'll have insurance, of course.

Ms. Brown: Thank you.

Ms. Davis: Mm-hmm.

Dr. Larson: The lady or gentleman or both who expressed concerns, if you'd like to speak I could swear you in now and you could speak. So, do, uh... raise your right hand please. Do you hereby swear or affirm that all testimony before this board shall be nothing but the truth?

Audience member: Yes.

Dr. Larson: Okay, state your name and your residence.

Ms. Turner: My name is Shirley Turner, 32 Stafford Indian Lane.

Dr. Larson: Are you going to be able to copy her? You may have to take your mask off.

Ms. Turner: Let me take this off, okay. Shirley Turner, 32 Stafford Indian Lane.

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Dr. Larson: Okay, thank you. Go ahead.

Ms. Turner: Okay, we bought the property to retire so we don't actually live on it but we're ready to build on it. And it was a nice quiet neighborhood other than the highway. You actually hear the openness of the highway. And when I heard about the kennel, it just messed up my little retirement because I really don't like a lot of noise. So, that's why we're here to see about that. Um, if they walk the dogs in, I am allergic to dogs. I like dogs, but I'm allergic. And some people, dogs like me for some reason and then I can't half breathe. So, that's an issue to me. And the stink, she said she had something for that, so she answered that question. You know, the smell of a lot of dogs and their poop and stuff like that. And I'm pretty sure they won't be walking them in the neighborhood, right? They pretty much will stay on her property, right?

Dr. Larson: They weren't... they didn't say anything about walking into the neighborhood.

Ms. Turner: Okay, so, you know, that could be an issue.

Dr. Larson: Alright, what did you say your address was?

Ms. Turner: It's 32 Stafford Indians Lane.

Dr. Larson: Thirty-two, okay.

Ms. Turner: I'm right by the mailbox.

Ms. Evans: I was gonna say, so, when you're coming in the mailbox...

Ms. Turner: I'm the first property...

Ms. Evans: ... are you that house on the left or the...?

Ms. Turner: On the right is a trailer there now... *inaudible, being talked over.*

Ms. Brown: Right, it's the empty lot? Except for the trailer?

Ms. Turner: Yes, it's a trailer...

Ms. Evans: That's where... okay.

Ms. Turner: but I'm building a house, not a trailer.

Dr. Larson: So, you go by the mailboxes. That's where the applicant I think was talking about picking up dogs and walking them to her house, is that correct?

Ms. Turner: Right, right.

Dr. Larson: So, I stand corrected there. *Inaudible...* actually walk the dogs. I'll let the applicant talk to that after you finish, ma'am.

Ms. Turner: Pardon me?

Dr. Larson: I'll let the applicant address that once you're finished.

Ms. Turner: Okay, okay. So...

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Dr. Larson: Do you have anything else?

Ms. Turner: That's the main thing. They're not going to be there on the weekends and they'll be gone by 5 and they won't be there before... they won't be there like 6 in the morning, barking, 7 o'clock or anything like that.

Dr. Larson: Right.

Ms. Turner: So, you know, I learned a lot being here, but... okay.

Ms. Brown: Actually, I think they were going to be there on the weekends, 7 days a week.

Dr. Larson: I wasn't sure about the weekends.

Ms. Evans: Well, she said 7 days a week from 8 till 5. But my question is, being that you are going to be building on that lot now, um, the applicant thought that there was no one there, but that's where she's picking up the dogs and this is where the trips come in. So, if we can address that when she comes back.

Dr. Larson: Okay.

Ms. Turner: Okay, that's the main...

Dr. Larson: Great. Any questions for this witness?

Mr. Ireland: For reference for myself, I'm looking at the plat map. Which number is it, 45-292 is what we're talking about? It's Attachment 7, page 4 of 4.

Dr. Larson: I don't think it's on this map.

Ms. Evans: I was going to say, it's not; it's further up. So, if you know where Stafford High School is and you come like before you get to that circle, there's mailboxes right there on the right. So, she's talking about that lot right there.

Mr. Ireland: Okay, thanks.

Ms. Evans: But you don't see that here.

Mr. Ireland: Gotcha. Thank you.

Ms. Brown: Mr. Chairman, I did have a question for her.

Dr. Larson: I'm sorry. Who was speaking? Ah, go ahead Dana.

Ms. Brown: Just a quick question. Are you currently living in the trailer on the property right now?

Ms. Turner: No, no.

Ms. Brown: You do know that there's a high school with the football field right next door.

Ms. Turner: Right, right. We figured we could deal with that; that's a band every once in a while.

Ms. Brown: And, and Chichester Park is right there, which is full of softball games on the weekends and nights.

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Ms. Turner: Right. The dog barking constantly is a problem for me.

Ms. Brown: Okay.

Ms. Turner: But not the band though.

Ms. Brown: Okay, thank you.

Ms. Turner: My husband will probably be at the games, so.

Dr. Larson: Okay, any other questions for this witness? Hearing none, will the applicant please step forward? Yes, the applicant. Thank you.

Ms. Turner: Thank you.

Dr. Larson: Okay, this may be new information for you, I don't know. She claims an allergy to dogs and you're walking picking dogs up to walk them back to your kennel may be an issue. Do you want to... because she apparently lives right where you're talking about picking them up.

Ms. Davis: That lot is the first lot when you first pull into the road. So, I guess a few things. With my thought of dropping the dogs off at that area, you know, the dog would be on a leash and they would walk on the road. But down to the property, down to my property. Um, I mean, that, that was kind of one of my plans to keep traffic off of the road. And again, I said we could go and pick up the dogs and bring them. Or if traffic is not going to be that big of a deal, then people could bring them down there and us not walk them to. But, there again, you figure I'm probably not, even if I... even if we did that, even if you guys approved it and even if we said, okay, they can drop the dogs off there, I may not be the only person with dogs walking. You know, other people may walk their dogs wherever, but they certainly wouldn't be in her property. We wouldn't allow them. They would just be right on the road from point A to point B.

Ms. Brown: That was my question – is there are other dogs on the road?

Ms. Davis: There are other dogs in the neighborhood...

Ms. Brown: So, they go out for walks on the road?

Ms. Davis: I don't know. I mean, I don't live there, but they certainly could. I mean, like I said, the one dog's got out and came to my property. My next door neighbor that's concerned about the water has a dog in her yard. I don't know... where I live in Ridge Point and people walk their dogs all the time.

Ms. Brown: Okay.

Ms. Davis: So, that's a possibility whether I drop off dogs there or not is all I'm saying.

Ms. Brown: Okay. I didn't, I didn't ask you this, but if, if we were to approve this, would you be wanting a sign on your property with the name of your business or would it just be... *inaudible, being talked over.*

Ms. Davis: I have a little sign that's going to go on the front door, just on the front door of the office.

Ms. Brown: Okay.

Ms. Davis: Um, there was something else that was said. Oh, the 7 days a week. So, I said 7 days a week primarily for the dog owners, because a lot of these doggy daycare places don't do day care on the weekends. And, but I've also said that I'm flexible with so much of this stuff. If it has to be 5 days a week,

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I can live with that. I'm sure my son would just as soon it to be 5 days a week. But I, I thought it made sense for the dog owners to have a place for them to go over the weekend. But again, I'm flexible with several things.

Dr. Larson: Any other questions for the applicant? Okay, hearing none, thank you. Okay, I will close the public hearing and bring it back to the board for discussion and motions.

Ms. Brown: Okay, I'll start if that's okay.

Dr. Larson: Go ahead.

Ms. Brown: In reading the neighbor letters, it sounds like they had a different idea of what the business was going to be, as I did before I went out. I think we all thought it was going to be an overnight boarding facility. And that made a big difference in the way that I felt about this. Um, I had a much clearer picture after I spoke with you. And as we all know, when we do special exceptions, each one of our special exceptions, even though they're the same type of thing, whether it's a wedding venue, a dog kennel, each of them are very, very different. They all have different business proposals. They have different lot sizes. They have just everything is different. So, we really can't base, you know, because we always approve or don't always approve. Each one is unique. I think that this might feel a real niche market for Stafford just because it's small and very personal versus one of the larger ones. And I think it's a quite scaled down operation of a commercial kennel. There's no overnights. There's a very small number of dogs. Um, I... and again, she could have a non-commercial kennel right now and she could have no limit to the amount of dogs on her property per code as it stands. But again, I think it might feel a good market and I'm willing to support it with certain conditions. And some of those would be, if the board was interested in that, would be we would put there's no boarding, no overnight boarding. We would put maybe a 10 dog maximum. Also, that the business would be appointment only. And I would add... my recommendation would be to add those spaces in front of the house and have the dogs dropped off there. Um, I'm not comfortable having them just dropped off in the road. I mean, it could be snowing, raining, I don't know. I just, you know, a chance of a getaway. I don't know. I would be more comfortable if, if they were dropped off in front of the house. If it's 5 to 10 dogs, maybe. I don't think that's going to impact the traffic too much. And if you're willing to maybe proffer to the owner of the road that you would help out with maintenance, that I'm open to that. But that's, that's where I'm at on this.

Dr. Larson: Any other discussion?

Mr. Ireland: Yes, Mr. Chairman. So, I agree with much of what we just heard about. About the only thing I think might be worth considering also would be, right, so 7 days a week is a lot, a lot to consider, right. So, there's a sense to strike a healthy median between, you know, um, you know, understanding that if it were a non-commercial kennel, right, then of course the dogs would be here all the time. But it is a balance because it's not just about the dogs then, it's about the coming and going, you know, of dropping off and receiving the dogs. So, that would be something that I would think we might want to consider as a, as one of the stipulations.

Dr. Larson: *Inaudible*.

Ms. Evans: No, basically Dana and my other fellow Board member has basically said everything that I wanted to say and that I am concerned about the traffic, as well as the noise. So, if we could put a condition, you know, if she's willing to do that, as far as the traffic.

Dr. Larson: Heather?

Mrs. Stefl: My, my one hesitation here is the close proximity to all the other properties and the, you know, traffic that is very concerning to me. So, if we could maybe address, you know, drop offs during a certain

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number of hours, you know, a window like a two hour window in the morning and two hours in the evening. And then also kind of the parking situation, like, for instance, at my particular place that I utilize, um, owners can only go so far on the property. We can't go beyond say the office like I mean, we could look at the facility that, you know, to make sure they're okay to drop off. But what I'm saying is when I drop off, I can't then go back to that large, you know, I wouldn't be able to go back to that large doggy area or a lounge or maybe she is saying we could go back there because of training. So, that, that's where I'm a little bit confused on who can be there, who can't be there, the number of people who would be training, you know, dogs. Would they come in and, you know, be able to train for an hour and then leave, so we could even have more dogs coming throughout the day, you know. So, that's where I'm a little bit concerned, is with the training. I understand the concept of doggy daycare, you know, drop them off while you work. But the training is I think where I'm getting a little bit concerned. So, are we talking, you know, one or two hours? Come, we help you trained off leash. We help you train, you know, heel, you know, things like that. So, like how many people would be really coming, say, during the day? So, that all kind of relates to the traffic and the amount of, um... and then you talk about the kids, you know, once they are back in school, you know, my 16 year old, late for class, a dog, you know, I mean, there's so many worst-case scenarios running through my motherly brain right now. So, thank you.

Dr. Larson: Jon?

Mr. Ireland: So, I'll go back to the noise. I think I have a psychological thing that's associated with that. When I was a kid, we had issues with a dog barking and it happened to be our dog. We had a beagle, a beagle that was kept outside because you did that when you were back in those days. And we had a lot of trouble and, you know, it was bad blood between neighbors. So, I'm sensitive to the noise. If I am Mrs. Galloway and my house is about less than 50 feet from the southeast corner of the large dog area, I'm going to hear that. Now, I'm so crazy about this topic. I looked at the ordinance again. It does have the thing about the within 50 feet, but it also says 60 to 65 decibels. What is that? Well I looked it up. Believe it or not, Michigan Medicine website, University of Michigan, just... and they're pretty consistent. Sixty decibels is a normal conversation with some background noise. Seventy is office noise and inside of a car going 60 miles per hour. So, I hate harping on that. But if I'm that neighbor that's right next to your property, I hope it doesn't become an issue. If it does, it's... you know, you talk about the summonses and things, but it's the bad blood between neighbors that's probably the worst thing. So, that's the, the other things you've addressed really well, the transportation, helping to pay for the road maintenance, things of that nature. But I... when a dog, when dogs get barking, if you have someone right there because I'm home, my daughter's home and our two dogs get barking, and I often have to come down and say, okay, they've been barking for like two minutes, get them in here because I don't want my neighbors to be upset. So, that's my only issue right there is the noise. Thank you.

Dr. Larson: Steven, do you have anything?

Mr. Apicella: Mr. Chairman, I'm guided by the notion that you can have a non-commercial kennel of an unlimited number of dogs, so, the only thing that's different here is that it's a commercial kennel. I actually had been listening to the conversation and I have some suggested conditions, if we're at a point where we can start noodling those.

Dr. Larson: Almost. Okay, I'm also guided by what can be done in this property zone by-right. You're permitted an agricultural operation for livestock and poultry, which was described by our applicant with the 21 chickens next door at one point. The kennel non-commercial is also by-right. So, I... it's hard for me to envision that, that what she's proposing is, is not in consonance with what was intended for this zoning district. Um, I agree also with some of the comments on the emails. And once this case is finished, I'd like to talk a little bit about how we treat this in the future, because I don't like the way we did it this time. And one of the emails, the last one I think, talked about property, their pipes freezing and bursting. I don't see how that has any relevance at all to a commercial or commercial dog kennel. So, um, those are my comments. Could I have the applicant step forward one more time? Heather, you had a couple of

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questions for her I don't think we addressed yet; the training sessions and whether owners would be going back to the fenced area.

Mrs. Stefl: Correct. I guess I'm concerned when you were talking about the training. So, would these clients come to your home for like an hour or two to train with your son or your son would be training them in addition to like while they were at daycare?

Ms. Davis: My son... the plan is that my son would train the dogs and... himself. It's not like, uh, like PetSmart has where you go when you do the, the training with the dogs. This would be he has one dog at a time that he would train. And that's why we also had that little area separated for the small dogs or for training. He would go in there and sit and stay and break. And I think one is load to get them into the vehicle and those types of things. But he would be training them. So, the, the owner would drop the dog off for doggie day care or training, and that would be part of it. The people would not be going back there to the fenced area or to the shed, except if they came separate at a separate time and they wanted to walk it and see it, just like you guys did, to go back there and take a look at it when there's no dogs in there.

Mrs. Stefl: Okay, but so I kind of want to go back a little bit, a little bit on what you were saying that... so your son would train the dogs. So, if I wanted your son to train the dog, I would probably drop her off for an hour for your son to work with her, and I'd be coming back to pick her up, correct?

Ms. Davis: Well, they... he really hasn't... doesn't have a plan to do an hour training. It would be like during doggy day care while they're there during the day for 5, 6, 7 hours. And he would spend an hour or whatever throughout the day training. So, not just somebody dropping off for an hour and coming.

Mrs. Stefl: Okay, so it would be like an extra a la carte service that I would pay while in the daycare I'd want to have...

Ms. Davis: That's right.

Mrs. Stefl: ... the dog, you know. Okay, so we're not talking about possibly more traffic.

Ms. Davis: That's correct.

Mrs. Stefl: And then so, and your son and your brother, you said would be onsite?

Ms. Davis: My brother lives onsite and my son... it would either be my other brother moving into the other two bedroom or my son and his wife if they sell their house.

Mrs. Stefl: Right. So, while, while onsite, how many employees would you be having?

Ms. Davis: Two.

Mrs. Stefl: You'd have two. So, while your son is doing the training, the other employee would be with the other 9 dogs?

Ms. Davis: That... potentially if there was 9, yeah.

Mrs. Stefl: Okay. Alright, thank you.

Dr. Larson: Okay, let me, let me just go through what I have. The board will chime in after this. But we're going to go through some of the potential conditions for your special exception. And what I'd like to do is talk you through these things. I just want to repeat them and see what impact, if any, they would have on your business plan. If we went from 7 days a week to 5 days a week, how would that affect you?

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Ms. Davis: So, we planned for as far as the financing and money coming in, that sort of thing, we planned for 5 days a week. We were going to offer 7 days a week just to help out people so it would not have a negative impact financially on the business model.

Dr. Larson: Okay. And how about dogs by appointment only? Does that have any issue there?

Ms. Davis: No, we would want them to be. We would want to know the day before at least that they were coming.

Dr. Larson: And how about no overnight boarding?

Ms. Davis: We do not plan on them being there overnight anyway. If there was overnight it would be at a different residence.

Dr. Larson: Okay, so no overnight boarding at your facility... inaudible...

Ms. Davis: Correct.

Dr. Larson: ... granting the special exception for. How about limiting drop offs in the morning and pickups at night, for example, 8 to 10 for drop offs, 3 to 5 for pickups or something like that?

Ms. Davis: I think that's perfect. That's what they did at the other place. I think it was 8... they did 8 to 9. But, I think that's a better idea than just randomly dropping off anyway.

Dr. Larson: Alright. And one other thing that we haven't discussed, but what about selling merchandise at your facility? Would you... do you plan on doing any of that?

Ms. Davis: I don't plan to.

Dr. Larson: Good. That's not allowed.

Ms. Davis: That's for houses. I don't want to sell anything else.

Dr. Larson: Okay. Okay, um, did I cover everything? Does anybody have any other things they want to talk about... *inaudible*?

Mrs. Stefl: Yes. I was going to say all I want to do is add that the training would be a service provided not it has to be, you know, like an extra a la carte to the daycare. I mean, I'm, I'm not the wordsmith here, but I just don't want, you know, just a one off, you know, I could come and drop my dog off for an hour, have the training and pick up. So, it has to be, you know, something that's...

Dr. Larson: How would you phrase that?

Mrs. Stefl: I know, I'm trying to figure out the, right, legal, legalese. I mean, I know...

Ms. Brown: *Inaudible, audio interference.*

Mrs. Stefl: ... yeah, training must be included in...

Ms. Brown: The day care.

Mrs. Stefl: ... the day care services, not as a separate...

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Ms. Davis: Day care is included in training because... right. So, because what we don't want to do is for somebody to pay for daycare and expect that they're going to be trained.

Mrs. Stefl: Correct, correct. I just don't want the opposite. I know what you're saying, but unless we put it in writing, I mean, it could come back. And so I wanted to just be...

Mr. Ireland: We say, oh, I'm sorry.

Mrs. Stefl: Sure, sure. I mean, if you got a suggestion.

Mr. Ireland: I was going to say something along the lines of training can be included service in addition to daycare, right. So...

Mrs. Stefl: Right. But not a separate... mm-hmm...

Mr. Ireland: ... step one is day care, step two, you know, and then training can be an additional service.

Mrs. Stefl: Right. I just don't want that to be the only thing kind of thing.

Mr. Ireland: Yeah, yeah, I get that.

Mrs. Stefl: Yeah.

Ms. Brown: There was a couple of other things you forgot, Mr. Chairman.

Dr. Larson: Go ahead.

Ms. Brown: Um, the 10 dog maximum. Were we... did we want to do that? I wanted to do that but I don't know.

Ms. Evans: Did we say 10 or 5?

Ms. Brown: She wants to do 5, but...

Mrs. Stefl: She wants to do 5, but she said up to 10, so.

Ms. Evans: So, what do you... I guess I want to ask the applicant, what are you... what would you propose first?

Ms. Davis: I'm just saying that I think we'll probably only have 5, but I think it's not unreasonable to have up to 10 dogs, but I don't know that we'll ever get there. I don't know.

Ms. Evans: Would you agree to a maximum of 10?

Ms. Davis: That... oh, yeah, we don't want more than 10. But I don't want to say just 5 because, you know, maybe there's 6.

Mrs. Stefl: Right, right. I'm fine at no, no more than 10 dogs.

Ms. Brown: And the other thing is, we didn't nail down about the drop off and the parking. Personally, I am for making those extra parking spaces in front of the office and have the 5 there, and that's where the drop off and pickup is. That's just for me. I don't know what everybody else feels.

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Dr. Larson: I think I like that myself because of the couple that the lady was allergic. And, you know, if you picked up and dropped off in front of her house, I don't know how allergic she is. I assume a dog walking by your house is okay because they're outside. But if they... if you... if the people parked at your house and just took them in from there, then you're totally away from her whole issue.

Ms. Davis: That's fine. Again, I was just trying to figure out a way to reduce traffic on that road. That's it. But I'm fine. I, I already have quotes to put those parking places in. I took the wall down that was there previously and with the plan to put the parking places in, I just didn't want to spend the money if this wasn't going to be approved.

Mrs. Stefl: You took down the big white petition wall that's like a driveway?

Ms. Davis: No, there was a...

Ms. Brown: It was a monument wall, like a really big monument wall.

Ms. Davis: Yeah, that's right. Well, there was a, there was a... I don't know if it's... I don't think it's in any of these pictures, but in front of the house, there's these brick walls, they're cinder blocks and bricks are on top. And then they have these light post things at the top of them. There was one directly in front of the house where I'm proposing to do those parking places. And I took that down. I had my son took it down because it was just silly in the first place.

Mrs. Stefl: Oh, I see. They're in the application. That almost looks like where a sign can almost be put between. You're saying you took, you took this wall down?

Ms. Davis: Let me see.

Mrs. Stefl: It's right above the zoning history. I think it's page 4 of 8 in our... that we got in our package. No. In our package, 4 of 8. So, it's the... I think it's like... it's almost like right at the beginning of what would have been sent to us.

Ms. Davis: Yes. Those things.

Mrs. Stefl: So, you took down...

Ms. Davis: The one that's directly in front of the house. There's... I left the one right there on the second picture, but in directly in front of the house there was a longer one. And that's where I plan to put the driveway so there would be 5 parking places.

Mrs. Stefl: So, that's still blocking the septic area or the septic.

Ms. Davis: That's the well.

Mrs. Stefl: The well. Oh, that's your well? Okay, so it's blocking the well.

Ms. Davis: Mm-hmm.

Mrs. Stefl: Okay. That one's still there, but you said you took down one that's right in front of where you would put your parking.

Ms. Davis: Correct.

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Mrs. Stefl: Okay. And that clients would not go beyond the office because, you know, you don't want them going to the back of the large doggy area and dropping the dog off and...

Ms. Davis: Inaudible, talking over speaker.

Mrs. Stefl: long goodbyes and all that kind of, that we all do with our dogs. Okay. Thank you.

Ms. Brown: Mr. Chairman, I wasn't finished.

Dr. Larson: Okay.

Ms. Brown: So, it was the 10 dog max; the 5 parking spaces; specify that the sign would be on the door so there's no street sign. That was I think what she wanted to do. You just wanted to put a sign on the door?

Ms. Davis: Mm-hmm.

Ms. Brown: Specify that just so it's in there. And then the last thing, and this is just something to think about. I know we don't want to do 7 days and 5 days was thrown around. I kind of like the idea of 6. And the only reason I do is I think that's a compromise that gives Sunday open. But for her business, it's a drop off for a daycare. So, I can see a couple that works during the week that may want to go somewhere on a day trip. And if Saturday was available, they could actually use Saturday. So, I would be willing to compromise on that. But I don't know that the rest of the board would do that. I mean, I'll go with, with the 5 if that's all we can get. But I'm, I'm willing to go to 6, meaning a Saturday.

Ms. Evans: I just have one question with that, because this is appointment. I guess the customers will be making an appointment, correct?

Ms. Davis: Mm-hmm.

Ms. Evans: Okay. So, will we talk about traffic itself? You... I guess they will... you'll be able to monitor that because it's by appointment only. It's not they're just dropping their dogs off.

Ms. Davis: Right.

Ms. Evans: Okay.

Dr. Larson: Anybody else?

Mr. Apicella: Mr. Chairman, I have an additional condition.

Dr. Larson: Okay, go ahead.

Mr. Apicella: Dogs would be on a leash when not in fenced in areas or inside a structure on the property.

Dr. Larson: That's a good one.

Ms. Musante: Mr. Apicella, can you repeat that, please?

Mr. Apicella: Dogs would be on a leash when not in fenced in areas or inside a structure on the property.

Dr. Larson: Did you have any other ones Steven?

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Mr. Apicella: No. I agree with all the other ones. I could go with 5 days or 6 days. I would say on the training, training is an allowed use under the definition. I'm not sure we need to give any specificity unless we were taking training out.

Mrs. Stefl: I'm fine, I'm fine with that. I just wanted to make sure that it was not, you know, a service that was going to be, be done. I mean, she, she has every right to have any kind of a la carte she wants to day care, be it a separate facility. I mean, you know, separate... whatever.

Dr. Larson: Right. So, she would be allowed to train the dog.

Mrs. Stefl: That's fine, I'm just... My concern was that it would be a, you know, hey, at 12, I can come and work with her son for an hour with my dog and, and leave at 1, you know, after the training. And, you know, I would ... that would not necessarily go in the 5, 10. I mean, you could in essence, I mean, between 8 and 5, that's 9 hours. That's almost... that could almost be another nine trips if, you know, one person every hour, you know, coming in. Then she's not going over that 10 dog max either, so.

Dr. Larson: We have drop off between 8 and 10 and pick up... inaudible, being talked over.

Mrs. Stefl: Yeah, yeah. No, I mean, I was just making sure that it's going to be an additional service and not a, you know, separate from. But she answered my question that it's part of the daycare additional service, not a separate thing.

Dr. Larson: Okay. Jon, did you have something?

Mr. Ireland: Yeah. I think we sort of agreed to this but I think it might be a condition. Since one of your neighbors talked about the well water being an issue, you said we're not going to offer grooming services.

Ms. Davis: We're... the only time that we would give the dog a bath is so they got muddy. They were just a disaster. We don't want to send them home, you know, dirty and whatever. So, they might, you know, every once in a while he might take a dog in there and give them a quick bath. But we're not cutting hair. We're not doing any of that kind of thing. And I mean, I don't want to do it anyway. So that's why I couldn't, that's why I couldn't really understand what the water... maybe she thinks that we're going to do that. I don't know. We have a white... well, my son has a white German shepherd. So, if he took that dog to daycare and it got all filthy and dirty, we would appreciate somebody cleaning her up before they sent her home. That's it though.

Dr. Larson: The last thing I wanted to ask was, had to do with the road. You pointed out that there already are two other businesses right there in that little tiny area.

Ms. Davis: Mm-hmm.

Dr. Larson: So, it's not just you by far. And you have also mentioned that you've already given \$500 to the new graveling of the road, which bodes well. Could you make a comment on how you would in the future handle maintaining the road with your neighbors?

Ms. Davis: Well, so Brad Edmonds at 59 has a road maintenance agreement that he had to. Did everybody get a copy of that? He had to get that road maintenance agreement put together to be able to close on his house when he did it. So, he's actually responsible for it, but it says that he can ask neighbors to contribute. So, when he sent that to me and, um, and told me how the road worked, I offered the first week that I owned the property, I offered to contribute. I just, you know, whatever is reasonable. So, it has been just him and I think at 60 at the very end, the two of them have been contributing. And Brad has a backhoe thing, some kind of equipment. And so he spreads the gravel. And I just gave him money. I just gave him \$500. He's

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got somebody that'll deliver 20 tons for \$500. And, you know, unless he acts like a rear end, then I would be happy to contribute in the future.

Dr. Larson: Any other questions for the applicant? Thank you very much.

Ms. Davis: You're welcome.

Dr. Larson: Okay, we've had a lot of comments and etcetera. Is everybody ready to have the staff read us back what they have for conditions? Go ahead, Melody.

Ms. Musante: Well, first of all, did we decide on 5 days or 6?

Dr. Larson: Good question. I don't have a problem with 6 either.

Mrs. Stefl: I'm willing to go up to 6.

Ms. Brown: How about we say up to 6? That way it doesn't have to be...

Mr. Apicella: Mr. Chairman, I think it needs to be specific and say Monday to Saturday rather than just 6 days a week.

Dr. Larson: I'm fine with that.

Ms. Brown: I'm fine with that.

Mrs. Stefl: Okay.

Ms. Musante: So, I put my own little twist on that. Days and hours of operation, Monday through Saturday, 8:00 AM to 5:00 PM. No Sunday hours.

Dr. Larson: Correct.

Ms. Musante: Number 2, the applicant shall accommodate an adequate number of parking spaces consistent with the County code. All vehicle parking shall conform to the following standards. All vehicles shall be parked in designated parking spaces. No vehicles shall be parked along Stafford Indians Lane. And all required travel lanes shall remain unobstructed. Now, this is where we can add the 5, the 5 spaces.

Ms. Brown: I'm good with that.

Ms. Musante: Or just... okay. Number 3, removal of animal waste shall comply with State Health Department requirements. Then I'm going to do number 4, no overnight boarding at 54 Stafford Indians Lane. Number 5, no more than 10 dogs. Number 6, dogs by appointment only. Number 7, 8:00 AM to 10:00 PM is drop off, and 3:00 PM to 5:00 PM is pick up of dogs. Number 8, dogs will be on a leash when not in contained areas or in a structure on the property. Number 9, no street sign, only a wall sign. Number 10, the kennel use shall comply with all applicable state and local codes. Number 11, this special exception shall expire when this applicant vacates the property and is non-transferable. And number 12, this special exception may be revoked for willful non-compliance of the conditions imposed by the Board of Zoning Appeals.

Ms. Brown: That sounds perfect.

Dr. Larson: I had missed one, in my opinion. No selling merchandise on the premises.

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Mrs. Stefl: Yep.

Ms. Musante: Oh, sorry.

Mr. Apicella: Mr. Chairman, I think that's already covered under the home business uses.

Dr. Larson: Sorry, where?

Mr. Apicella: It's not a home business. It can't sell merchandise. It cannot sell retail merchandise on this property based on the current county definitions. *Inaudible, being talked over.*

Ms. Brown: Well, this is really not a home business though. This is a commercial... *inaudible, two people talking at once.*

Mr. Apicella: It doesn't matter. You still can't sell merchandise. You cannot sell retail merchandise.

Dr. Larson: Melody, could you address that?

Ms. Musante: I'm sorry. Say that again, Mr. Chairman?

Dr. Larson: Could you address what Steven just said about merchandise?

Ms. Musante: So, merchan... so, this is not a home business. This is a, this is a special exception for a business which is different than a home business. In the home business definition, I believe we do say that there's no retail sales. They cannot do retail sales on this residential property, or agriculturally zoned property, regardless if we put it as a condition or leave it as a part of just the special exception.

Dr. Larson: I'd like to put it in as a condition to remind the applicant that she's not allowed to sell merchandise.

Mrs. Stefl: And Mr. Chairman, we have in the past also put a sign size restriction, too, to ensure that it's only, you know, 24 by 24 inches, you know, displayed on the office and not a, you know, lit sign or anything to that effect.

Dr. Larson: They know that's in the code, too, but...

Mrs. Stefl: But that's covered in code, right?

Ms. Musante: About a non-lit or a lit sign?

Mrs. Stefl: Right. But, I mean, in size. Like she was talking about just having a sign, say, on the door or on a window, and I just want to...

Ms. Musante: Yes, that is in our sign ordinance.

Mrs. Stefl: That is, so we don't need to put the restriction of the size.

Ms. Musante: We do not. No, we do not.

Mrs. Stefl: Alright.

Ms. Musante: We'll check that when she comes in for permit.

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Mrs. Stefl: Okay, because in the past, I thought we always had a... we used to put a size...

Dr. Larson: We have.

Mrs. Stefl: ... but maybe it...

Dr. Larson: We have.

Ms. Musante: We have, but that was when it was a home business.

Mrs. Stefl: That was the home business.

Ms. Musante: This is completely different, yep.

Mrs. Stefl: Alright. Thank you very much.

Dr. Larson: Okay, we have the conditions. Does anybody want the rewrite or can we just press on from here? Let's press on.

Mrs. Stefl: Yeah, just press on. There's no need to ask staff again.

Dr. Larson: Do I, uh, do I have a motion?

Mrs. Stefl: I'll move for approval of the application with the suggested conditions that were read by staff.

Dr. Larson: Is there a second?

Ms. Evans: I second the motion.

Dr. Larson: Those in favor say aye.

Mr. Apicella: Aye.

Ms. Brown: Aye.

Ms. Evans: Aye.

Mr. Ireland: Aye.

Mr. Spinnanger: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Aye. Any opposed? Okay, your special exception is approved with the conditions that we've just reviewed. Congratulations. The County will be getting in touch with you with the letter.

Ms. Davis: Okay. Thank you so much.

Mrs. Stefl: Hopefully we weren't too painful.

Ms. Davis: No, it was fine.

Mrs. Stefl: Thank you.

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Ms. Davis: Everything was good. I really appreciate all of you.

Ms. Evans: Thank you, Ms. Davis.

Ms. Brown: Well, good luck.

Mrs. Stefl: And thank you, Captain and Deputy.

Capt. Null: Anytime.

Ms. Musante: Thanks guys. Thanks Mike.

Capt. Null: Yes ma'am.

UNFINISHED BUSINESS

Dr. Larson: Okay, any Unfinished Business?

Ms. Brown: Yeah, we did. I thought we were going to be bringing back when I read through the minutes, um, we had talked about revisiting the electronic two meetings a year. Heather had talked about that and it's in our minutes that we were gonna... since we do have alternates, unlike any other board, we talked about revisiting that during a non-emergency.

Mr. Apicella: Mr. Chairman, I'm fine to do that. Can we do it at a regular scheduled meeting when it's put on the agenda? I don't have any of my notes or any of my material.

Ms. Brown: Yeah, it's in the minutes, but I'm not... I'm willing to wait. I mean, it's in the minutes that we bring it back this time, but I'm willing to wait.

Mr. Apicella: Right, but it's not on the agenda.

Dr. Larson: Let's, let's put it on the agenda for next time if we can. Thank you. Zoning Administrator's Report?

ZONING ADMINISTRATOR'S REPORT

Mrs. Stefl: Doug, come on down, you're our next victim.

Mr. Morgan: Thank you guys. Um, so this evening, just to report on some of the items and stuff that we want to go over. I need everybody to just look at, take a look at the by-laws for the BZA. I want to make sure that we're all functioning and doing our functions as part of the BZA and staff. I know that there's some items there that may not have been done historically or items that really have just kind of been pushed to the wayside. So, I really want to address those and, and get all on board so that we're doing things that we're supposed to. In regards to conditions, um, Melody and I are going to work on better formatting conditions. So, when you come to the board, we'll have those items. So, when the public hearings close and those discussions go on, we'll have stuff formulated for it so it'll be a little bit easier so that you have some options there. I know there were some questions like with the retail sales or selling of merchandise, those things are not permitted anyhow. But, you know, there in there as a condition. It's, it's like overkill, but it works, I mean. But we'll try to do better making sure we have conditions for you guys. The last thing I have is there's no items that have been brought forward for the April meeting. So, we will not be having a regular scheduled April meeting unless the board so desires. We'll probably just wait until May and hopefully we'll have a case in May. Um, do you guys have any other questions for me?

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Dr. Larson: So, the things that you're talking about in the by-laws, would that be the duties of the Secretary?

Mr. Morgan: Yes. We looked over those and we realized that the duties of Secretary have been done by staff. And it was quite a scramble because we're down staff and, and we have some staff that's out. So, things have switched around. And, um, Melody and Denise, thank you so very much for jumping in there and always saving the day. Kind of took over and did the minutes. And we want to, we want to really look at that, because I know that Kecia's gung ho to, to be a definite asset and I know she will be. She and I've had a couple of conversations and I feel like she's already hit the ground running and right on spot. So, we would love to offer some training there and get some, you know, like when reading the, the emails in and keeping accurate records, it makes it very easier and it'll make it more transparent for the board if, if you kind of take that lead. I mean, it's in the by-laws and I know that staff is kind of gradually took that, you know, and but we will, we'll definitely keep doing what we're doing, but get that cross training so that we're all on the same page.

Ms. Evans: I have no problem with that.

Mr. Morgan: Okay.

Dr. Larson: Okay, so how do you want to handle it?

Ms. Evans: So, I could get with Melody and the staff and we can do the training and just transfer over the duties.

Dr. Larson: Okay. Transcription of the recording might be something that... *inaudible, being talked over.*

Mr. Morgan: Well, fortunately enough that they're all transcribed now... *inaudible, audio interference...* it's recorded and it's transcribed. So, you'd just have to... we would, you know, take a group effort to learn and cross-train how to do that. And, you know, we can change. The board has the ability to change how they do minutes. That's... the BZA's, you know...

Dr. Larson: It's worth taking a look at.

Mr. Morgan: I mean, since we're, I mean, you guys have the ability to do that and change how you want your minutes to look and how you want your minutes to be. We do have the ability to have options of having less. Sometimes less is more. And, you know.

Ms. Evans: So, how about this, how about, um, we get together, we schedule a time and get together, and then if it's too much, which I'll just come to the Board.

Mr. Morgan: Okay.

Ms. Evans: Is that Okay?

Mr. Morgan: Absolutely. Absolutely.

Dr. Larson: Would anybody else on the Board like to participate in that?

Ms. Brown: I might, but I want to say this came up a couple of years ago.

Dr. Larson: Yes.

Ms. Brown: And I remember because I wanted to get some kind of MOU with staff, because I was Secretary at the time and it said I had all these duties I wasn't doing. And the Board did not want to do

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that. They just wanted to say that, well, we can designate staff as what it says, I think in our bylaws or maybe in the State Code, I can't remember. And I also thought that our minutes had to be in this format for court.

Mr. Morgan: Correct it, if that's wrong.

Ms. Knighting: If the case goes to court, the minutes do have to be verbatim, and that's why we went with that format, because doing them one way and then have to redo them was just too much. So, we just did it the first way in case they had to go to court.

Ms. Evans: And I can say I do have several years of transcription services, so I have over 16 years that I'm in charge of transcription services at my regular job. So, I definitely understand (inaudible) I am. I do participate in criminal hearings. So, I do understand about that.

Mr. Morgan: Fantastic.

Ms. Evans: So, we're good on that.

Ms. Brown: Well, I don't know that that's something I want to take on as a Board permanently, is transcribing minutes. That might be under something I wanted to do before, that we would designate...

Ms. Evans: I would.... I won't be transcribing.

Mr. Morgan: No.

Ms. Evans: Okay, okay. I was about to say, no, no, no, I understand exactly what they're doing.

Ms. Brown: Okay.

Ms. Evans: Yeah, she's not transcribing.

Ms. Brown: I thought you were volunteering and I'm thinking...

Ms. Evans: Absolutely not, absolutely not.

Ms. Musante: Denise actually does transcribe them. We send them out to a company and it comes back as a what's it called? We don't we're not even doing that now.

Ms. Knighting: We get closed caption. But we have to request it, and it's a fee that we don't have in the budget.

Ms. Evan: Alright. Okay, so again, you and I... we will all get together and we will talk about this and see. And then I will bring it to the Board. And if I need to make a recommendation, I'll make a recommendation.

Mr. Morgan: Very good.

Ms. Evans: Okay.

Mr. Morgan: That's all I had.

Ms. Brown: I actually had an amendment I wanted to bring up, discuss under other business later about amending the bylaws on one thing. So maybe it's the right time for that. Later when we get to that. I just meant because he was wanting us to...

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Dr. Larson: Yeah.

Ms. Brown: ... get it straight with our bylaws.

Dr. Larson: Okay, so let's take a look at the minutes, I guess. If you're finished with the... Okay, thank you. So, does anybody have any corrections to the February 23rd minutes?

ADOPTION OF MINUTES

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Ms. Brown: I had a couple. Not many like last time. Just a couple.

Dr. Larson: Are you ready, staff?

Ms. Knighting: Ready.

Ms. Brown: Okay, page 16, line 836 at the end of the sentence, instead of trainee's, I think it should be training.

Mrs. Stefl: What line?

Ms. Brown: 836.

Ms. Musante: Training?

Ms. Brown: Yeah, like i-n-g at the end. And then page 19, line 965, instead of contrariness, I think I said cost sharing. I need to learn to enunciate better. I'm sorry. And then the last one I had was page 20, line 1055, and we were talking about James, where it says we worked very well with the neighbors. It should be, he worked very well with the neighbors. That's all I had on the minutes.

Dr. Larson: Anybody else? I just had one line, 117 where it says, okay, I'm going to close the elections. I don't know if she said... she may have said it that way, but I know she meant nominations. So, we were only talking about the first office that we had done. That's the only one I have.

Ms. Knighting: I'll check it and see what was actually said.

Dr. Larson: Okay, well, it may not it would make no sense because we continued the elections after we did that.

Ms. Knighting: I know, but these are verbatim. I can't put something was said that wasn't said.

Dr. Larson: Yeah, okay?

Ms. Knighting: But I will check and see what was said.

Dr. Larson: Okay. Okay, so with those corrections, do I have motion adopt the minutes?

Ms. Brown: Motion to approve the minutes with the corrections,

Dr. Larson: Is there a second.

Mr. Ireland: I second.

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Dr. Larson: Those in favor say aye.

Mr. Apicella: Aye.

Ms. Brown: Aye.

Ms. Evans: Aye.

Mr. Ireland: Aye.

Mr. Spinnanger: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Aye. Any opposed? No opposed. Okay, minutes are passed. We are on other minutes... other business. We've talked about the Secretary. I'm going to circle back to that. And I wanted to mention just for the new people that may not be aware, if you serve on the Board of Zoning Appeals, you cannot serve in any other County Commission or Board, with one exception, and that is one member of the BZA can serve on the Planning Commission. And that would be Steven Apicella. So, we're all in that same boat. So, in case you weren't aware of it, there it is. I was going to bring the quote with me from the law, but then I left it at home. So, there you go. Okay, Dana, what I'd like to do with your suggestion for the bylaws is go ahead and float it and then write it out so we can see it and we'll (inaudible) on the agenda and talk about it the next time we gather. Okay? So, what did you have in mind?

OTHER BUSINESS

Ms. Brown: Small, small change. It was regarding Article 3.2 and 3.3, which is under elections. I had two things that I wanted to address. One of them would be under 3.3, as we had previously talked about. And I thought we'd decided, that the elections would be the last thing on the agenda and that the new officer would take over at the next meeting, as I think Dr. Larson suggested. And for our new members, the reasoning was because you wouldn't want to put a new Chair at the beginning of a public hearing with two minutes notice. But I think we never memorialize that. I couldn't find it in the bylaws. So, I wanted to go back and put that in, that the Chair would take effect the next meeting and we would do our elections at the end of the agenda.

Dr. Larson: Okay.

Ms. Brown: That was one of the things. The other one is under 3.2, and I'm proposing that we go forward and match the other County Boards in the way that we do the elections. For instance, the Board of Supervisors, the Planning Commission, they all have a neutral senior staff member as Mr. Presley for the Board of Supervisors and Mr. Harvey for the Planning Commission. And they kind of facilitate the elections for us, until, until somebody is elected. And they basically... and I printed some of them off how they do it, but basically, they just open the floor and they take nominations and the nominations are voted on in the order that they're received. So, there's usually a big, you know, jump to get your, your thing in right away. And I think last time, I didn't like the way we did it. Last time we had preference given to one member that the election, according to the minutes they opened up the elections and we started first with our online members. So, everybody else was kind of told to stand down. And I didn't I didn't like the way that was done. And that's out of the norm from because that gives preference to someone. And we're supposed to just get nominations up and whoever's first is first. And I think we can you know, it might have just been, you know, the excitement of the moment, I don't know, but I'd like to do it like the other Boards do. And have like and I think our case it would be Mr. Morgan, who would just run the election, say I'll take nominations from the floor. That way, the Chair the current Chair can make a motion if they want. There was some discussion that Heather and I had that, you know, maybe she couldn't do that because

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she was the Chair and may have to pass the gavel, it's very confusing. And I want to make sure that everybody gets equal opportunity to make the nomination right away. So, I just propose that we think about going like the Planning Commission and the Board of Supervisors.

Dr. Larson: Okay.

Ms. Brown: And that's it. Other than that, I think they look good.

Dr. Larson: Let's discuss those now. I might offer that maybe preference was given to the online person. Because I always forget about Steven out there. So, it's easy to forget.

Ms. Brown: Yeah, but the Planning Commission didn't do it that way and they had an online member. That's not how it's done.

Dr. Larson: Okay.

Ms. Brown: And, you know, next year it may not be an issue, but still, I just I kind of think because it relieves the current Chair of having to not be able to make a nomination or have to pass the gavel to have the staff member do it like the other Boards, so they can jump in on it, too. But again, it's just my idea. And, you know, I don't know if their support.

Mrs. Stefl: Well, this was and I just want to go on record on why I recognize the online members, was as our Chairman said, I tend to forget. And then also I can't see who raised their hand with an online member because they don't pop up on the screen until we say, you know, Steven, Dean, Robert, do you have anything? And this was also the first time we've ever had online membership, you know, at elections or at meetings. So, I think we were dealing... we were blazing a new path there. And so, there wasn't... there was no malice in showing differential.

Ms. Brown: No, I'm just saying that there was.

Mrs. Stefl: I was just trying to say that, hey, I was trying to like you said, I forget the members were there. So, hey do you guys got something, and then we'll go to the Board. I mean...

Ms. Brown: Right, and I'm not saying there was malice in it, but I'm just saying that the Supervisors and the Planning Commission also had online issues to deal with and they didn't handle it that way. And again, it frees up the current Chairman to be able to...

Mrs. Stefl: Right.

Ms. Brown: ... make a motion or, you know, not a motion to nominate someone.

Mrs. Stefl: Right. And I, and I have always, as Chairman, never felt it was appropriate in whatever position or Board I've been in that the Chairman is to make a motion or to guide. They're only there to be a facilitator of the rest of the Board. And so, if I was to make a motion, yes, I would pass the gavel to the Vice Chairman for me to now be a regular member. And so that's... that was the discussion that we had, that I didn't feel it was right as a Chairman to make any nominations...

Ms. Brown: Correct.

Mrs. Stefl: ... at that time. So that's, that's what I was...

Ms. Brown: And this is why the Boards have somebody else to...

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Mrs. Stefl: Pass the gavel.

Ms. Brown: They come in and they're no longer Chair and Vice Chair anymore, right, at that point. And the staff member does it. So, it's not a question of the past Chair or the one that walked in that night. You know, she's no longer Chair or he's no longer Chair for these elections.

Mrs. Stefl: Right.

Ms. Brown: The staff member takes over. So, there is no concern about having to do that, pass the gavel or whatever.

Mrs. Stefl: I understand.

Ms. Brown: It just makes it fair. It goes with Robert's Rules of Order, where the whole floor is open at one time. I just I don't want to give preference to, you know, again, I think it was not a malice thing, but I think going forward that could fix it. And then, like I said, it relieves the person about having to...

Mrs. Stefl: No, I understand. We are in new times. I mean, never did we ever envision we would ever...

Ms. Brown: Right.

Mrs. Stefl: ... be able to do electronic meetings. I mean, at one point there was, I mean, we had a hurricane or tornado and State Code, it said no sorry, meetings would have to be canceled. You couldn't even have them online or teleconference. And now they've changed with the time. So, you know, definitely...

Ms. Brown: But if we go with the staff member, it just relieves all of that.

Mrs. Stefl: Absolutely.

Ms. Evans: Well, can I also say. Well, with that, Dana, what you think about... like we can understand Robert's Rules first.

Dr. Larson: Yeah.

Ms. Brown: I read it.

Ms. Evans: Okay, I just want to make sure... I mean, I know it. I just make sure that we all understand Robert's Rules. Thank you.

Ms. Brown: I've got it, I've got it too.

Dr. Larson: I will make one other comment on that and then press on. I have been recently a member of another Board, a National Board, not a County Board. And we had, routinely had people call in to the meeting along with live directors. And, and as a matter of routine, the people that called in were always recognized first, because invariably you forget about them if you're in an active conversation with somebody that you can see. So, we did that intentionally so we wouldn't forget them. So, I mean, I understand what you're saying, and it's a point well taken, but, you know, that's just a footnote.

Ms. Brown: Let's have staff take over the elections and let's memorialize the Chairman takes over at the next meeting and the elections are done at the bottom of the meeting in February. So, we have the public hearing or whatever business that we have, and then we do the election at the end. And then the next meeting the new Chairman takes over. And it was a good idea that you had. We just never put it in writing.

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And I remember I think Keshia asked me, well, why is... why isn't the new Chairman running the meeting? And I was like, well, because we decided that. But we didn't write it down anywhere, so.

Dr. Larson: Okay, good point. Okay, last thing I wanted to cover under new business and I don't again, the way I like to treat new business is we'll just float it and talk about it, when we want to as an agenda item if we want it that way. The reading of the emails during the public meeting, for the record, there was a couple of things I don't like about that. I didn't realize it until we did it. A -They're not sworn in, okay? It's not it's not an affidavit. They're not sworn in. B - We can't question them. It's not fair. It's not the same. And we're really pointed out to me was when we had a couple here live and in person wanted to talk and they couldn't talk because they weren't sworn in. Well, gee, these people are sworn in. So, I... we need to be able, we need to be able to handle the emails. I just don't think what we did was the right way to do it. So, let's think about it.

Ms. Brown: Don't we put them all on the record? I mean, I whenever I get an I always forward you and they and I tell people I'm forwarding the rest sharing with the rest of my Board and they'll be put into the record. I thought that's what we did.

Ms. Evans: How do we do that when they say they want to be anonymous, though? Like, that's one of the issues that I was like, well...

Ms. Musante: They can't.

Ms. Evans: I was about to say I see your email saying that you can't be anonymous, but they're thinking in their mind that they're anonymous.

Ms. Musante: Well, I've told them actually, the three out of four that James read, I had a conversation with them...

Ms. Evans: Okay.

Ms. Musante: ... that they could not be anonymous. And I confirmed that with our County Attorney's Office, that this is a public hearing. They cannot be anonymous. Their name and their address has to be put in as a part of the record.

Dr. Larson: Okay, so the next time we met, if we could, then part of the agenda cover email for evidence. Bylaw additions that were just discussed... amendment, oh what was the other one? Secretarial, yeah, what secretarial duties, whatever comes out of that. Obviously, we're not going to transcribe the minutes.

Ms. Evans: Right.

Dr. Larson: That's all with this agenda. Do I have a motion to adjourn?

Mrs. Stefl: I'd like to just make one statement.

Dr. Larson: Okay.

Mrs. Stefl: As you probably knew last month, I am putting my house on the market. It should be going up tomorrow. I don't know if it's going to be a seller's market or we'll be there, but April was going to be my last meeting. But now that we don't have a case, I will be leaving you guys. It could be happy or sad, I don't know how you wish to take this, but I just want to thank you for your, you know, the staff's time, the staffs, you know, due diligence, you know, to guide us through these many years, these many turns and really tell you how much I've really enjoyed working with you guys. And I welcome the new members and the new adventure you're going to be sharing. I'm going to... I've already let my Board of Supervisor

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member know, so that he can make a nomination and hopefully not leave you astray and give him enough time for your May meeting. But again, thank you so much. And I'll always be reachable on Facebook. And you still got my text messages. I have two guestrooms., I was telling Melanie, you know, and I'm ten minutes away from the beach, so all are welcome.

Dr. Larson: So, Heather, as an alternate and as a regular member, how long have you been on the Board?

Mrs. Stefl: Steven, you and I came on... I want to say we came on in 2011. Was it 2011? So, it's been ten years.

Dr. Larson: Ten years.

Mr. Apicella: It's actually been longer than that.

Mrs. Stefl: Yeah. I couldn't remember.

Mr. Apicella: I got on the Board in 2010. I got on the Planning Commission in 2011.

Mrs. Stefl: Oh. Well then, I guess we've been almost, maybe 15 years, 12, 12.

Dr. Larson: Not 15.

Mrs. Stefl: No, you've been longer. I want to say... I thought we... maybe was 08, we came on. I remember... when did... Dana, do you remember Cord Sterling left the Board?

Ms. Brown: He appointed me right on his way out and I filled a term for somebody who moved to North Carolina and I came on in 2015.

Mrs. Stefl: Yeah. So, you were... it was way before then. Because I remember...

Ms. Brown: You were an alternate, I think.

Mrs. Stefl: I went... Steven and I were alternates, but Joe Brito was leaving and I'm trying to remember. I don't know. I've been...

Dr. Larson: A long time.

Mrs. Stefl: A long time. It's like my marriage, you know, I have to like remember and do my math on my fingers, whenever someone asked me, how long I've been married too? You know, I've been married and lived with my husband longer than I ever lived with my parents, I realized, isn't that sad? You know, when you think...

Ms. Brown: Yes, we've been married longer than we have been alive.

Mrs. Stefl: I tell him, I tell him I'm his trophy wife and his response is always yes, participation trophy.

Ms. Evans: I think the staff is ready to go home.

Mrs. Stefl: Yeah.

Ms. Evans: I am ready to go home.

Mrs. Stefl: Sorry, I babble.

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Ms. Brown: I make a motion to with Heather well and adjourn the meeting.

Dr. Larson: Yes.

Mrs. Stefl: Thank you.

Dr. Larson: On behalf of the Board, if I may, thank you for your service.

Mrs. Stefl: Sure.

Dr. Larson: Hey, do I have a motion to adjourn?

Ms. Brown: Motion to adjourn.

Ms. Evans: Dana did the motion.

Dr. Larson: I'm sorry.

Ms. Evans: Dana, did the motion.

Ms. Brown: I did one, did I get a second?

Dr. Larson: Okay,

Ms. Evans: There's a second.

Dr. Larson: All in favor say aye.

All Board members: Aye.

Dr. Larson: That's it.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:35 PM.