

**STAFFORD COUNTY BOARD OF ZONING APPEALS**  
**February 22, 2022**

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, February 22, 2022, was called to order with the determination of a quorum at 7:02 PM by Chairman Dr. Dean Larson in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT:       Kecia Evans, Dana Brown, Jon Ireland, Steven Apicella, John Harris, Jeffrey Spinnanger (7:08PM)

MEMBERS ABSENT:       Robert Gibbons (*Alternate*), Robert Grimes (*Alternate*)

STAFF PRESENT:         Jeffrey Harvey, Douglas Morgan, James Staranowicz, Vicki Sowers

Mr. Ireland made a motion to move the Election of Officers agenda item until after the Public Hearings. Ms. Brown seconded – all approved (6-0) with 1 absent – Mr. Spinnanger had not arrived yet.

ELECTION OF OFFICERS

- A.     Election of Chairman
- B.     Election of Vice-Chairman
- C.     Election of Secretary

*Discussed after Item 2.*

DECLARATIONS OF DISQUALIFICATION

Dr. Larson explained the rules and process to public speakers. All stood and took Oath.

Mr. Harris made a declaration that Mr. Clark Leming (Public Hearing item 2) is a colleague of his and his son is currently an employee of the applicant.

Ms. Evans declared that she had visited the Lupine Grove, Inc. location (Public Hearing item 1).

Ms. Brown stated she visited the neighborhood and drove by the proposed site.

Ms. Evans proceeded to read the first public hearing application, Lupine Grove, Inc.’s Special Exception request for a Commercial Kennel.

PUBLIC HEARINGS

1.     SE22-01/21154242 – Lupine Grove, Inc. - Request a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, “District uses and standards,” A-1, Agricultural, to allow a commercial kennel as a Business on Tax Map Parcel No. 8G-11. The property is zoned A-1, Agricultural and is located at 26 Quarter Horse Court, within the Rock Hill Election District.

Dr. Larson called for questions. Ms. Brown was the first to speak. Discussion ensued regarding the applicant’s current business and happenings on the property. Ms. Evans asked if there are any complaints on file regarding the applicant’s current kennel. Mr. Staranowicz advised that there are none on file. Ms. Brown advised that she had forwarded two and asked what happened to the records. Mr. Morgan

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explained that those were emails sent regarding the last case in 2021. Ms. Brown asked for staff to locate the status of the complaints and also asked if anyone from the county had visited the applicant's location. She said the pictures in the staff report are from 2020.

Lengthy discussion ensued regarding the following:

- Type of dogs/breed (Wolfe/Hybrid). Capt. Noll of the Sherriff's office read the county's code definition of "Exotic Canine".
- Show Dogs – raising of or showings on premises we were advised by staff that we have no definition of show. Because I remember asking is that for showing on, you know, off site raising dogs to show off site? Or is that having shows on the property because I was concerned about events venue. So, I just want to, we were told that there was no definition of show at this time
- Events – what classifies, code definition
- Driveway and Parking (restrictions of 10 cars)
- Non-Perk lot/House/Structures on property – uses
- Days/Hours of operation
- Breeding- length of stay; puppies
- Hunting/Training/Tours/Classes/Education
- Noise Ordinance – Capt. Null spoke in reference to how noise complaints (including animals and pets) are handled. He said that in practice, an officer is sent. Noise must be able to be heard 50 ft. away. He explained that barking/animal noises are hard to measure (unlike other sounds which are measured in decibels).
- Fencing
- Trails and other parcels/lots
- Boy Scout visits

The floor was opened to the public. Public speakers took the opportunity to acknowledge opposition and concerns regarding the Commercial Kennel application. Signed up to speak:

1. Tim Dvorak
2. Kim Altemose
3. Jordan Curtis
4. Genie Zydiak
5. Robert Holtzhauer
6. Dennis and Maria Cable
7. Troy Jukes
8. A. Erickson
9. Iretha Lowery
10. Steve Clement
11. Krystal Cotton

Topics of discussion:

- Children at bus stops - dangers
- Audio of existing dogs on the property howling
- Easement access
- Fencing and trails
- Future plans/expansion
- Event concerns
- Safety issues for the neighborhood

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- Walking and letting children play outside.

Mr. Grove, applicant, and his wife were given the opportunity to speak and address the concerns and issues that had been discussed. He did concede that he had been operating without BZA approval after the last denial.

- Explained breed type
- Certifications – looking to educate and hold classes
- Number of dogs – (no more than 15) except breeding. Once puppies reach 6 weeks, the number would drop back down to 10-15.

Dr. Larson closed public speaking and brought the issue back to the Board for continued discussion. Ms. Brown said she did not support and made a motion to deny. Mr. Harris seconded. Mr. Ireland spoke regarding consistency in how these types of applications are handled. He said due to past decisions by the Board of Supervisors, he would vote yes to approve the application.

Ms. Evans said she could not approve.

Mr. Apicella spoke and suggested conditions be put in place. Discussion regarding these conditions included the following:

- Time of operating hours: 8AM -5PM Tuesday – Friday. Saturday 9AM – 5PM and Sunday 10AM – 5PM (Appointment only).
- Cap for number of dogs: No more than 10 adult dogs on site at any given time.
- Fencing: Any dog on site shall be in fenced area or on a leash when not in the fenced area while outside.
- Noise: If applicant has 3 or more noise violation convictions within twelve months, the Special Exception permit can be revoked.
- Business will be confined to Tax Map 8G-11
- Parking Spaces: no more than 10 vehicles
- Events: Need clear definition as to what constitutes an event

Mr. Staranowicz read the stipulations. Mr. Apicella made a substitute motion to approve the application for Commercial Kennel with the conditions as read by staff. Mr. Ireland seconded.

Vote: 3 Yes (SA, DL, JI), 4 No (KE, DB, JS, JH)

Motion failed – Special Exception Denied.

After a short break, the meeting resumed with the second public hearing item.

2. A22-01/22154247 – Leming and Healy P.C. - On behalf of Juan Ortiz Martinez, request an Appeal per Stafford County Code Sec. 28-349, “Appeals to the board generally,” of a Vesting Determination on Tax Map Parcel No. 38-83C. The property is zoned B-3, Office, and is located on Venture Drive, within the Hartwood Election District.

2a. Vesting Request Application

Ms. Evans proceeded to read the application- Leming and Healy P. C. request for Appeal of Vesting Determination.

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Mr. Morgan began with an overview and details of his original decision as Zoning Administrator for Stafford County. Ms. Brown noted that the case numbers in the application were inconsistent, and they did get that straightened out. It was confirmed that the application number on the agenda is different from the staff report. The CORRECT number should be A22-**22154272** (agenda should be corrected).

Mr. Morgan answered many staff questions along with Mr. Harvey who was called on as the County's Subdivision Agent. He answered questions specifically regarding the phases of the subdivision, original application, dates, and other lots within the plat submission along with discussions regarding lot 17 and lot 11. Mr. Apicella noted that the same itemized figures were submitted for this request as was submitted previously for lot 11.

Ms. Lucian, County Attorney, gave her presentation in support of the County Zoning Administrator's decision.

Mr. Leming then made his presentation and referenced the Board of Supervisor's Statute and objected to Ms. Lucian's presentation.

Ms. Brown offered a timeline of events and noted that the letters on page 3 had a typo on the date. Vesting Justification date should be 2011.

Much discussion ensued and included debate as to whether lots 11 and 17 were similar. In addition, the previous court case from 2010 was brought to light as a reference.

At 11:28PM Mr. Harris left.

Mr. Apicella made a motion to uphold the Zoning Administrator's decision and offered an explanation – finding of fact. There was no motion to second.

Ms. Brown motioned to grant the appeal. Mr. Ireland seconded.

Upon vote of 5-1 (Steven Apicella) with 1 absent – Mr. Harris, the request to appeal and overturn the Vesting Determination was approved.

**ELECTION OF OFFICERS**

A. Election of Chairman – Ms. Evans nominated herself for Chairman. Voted 6-0 (Mr. Harris absent) approved.

B. Election of Vice-Chairman – Ms. Brown nominated herself for Vice-Chairman. Voted 6-0 (Mr. Harris absent) approved.

C. Election of Secretary – Mr. Ireland agreed to run for Secretary. Voted 6-0 (Mr. Harris absent) approved.

Ms. Evans presented Dr. Larson with a Proclamation for his service. This was his last meeting with the BZA.

*The remainder of the agenda per below was suspended until the next meeting.*

**UNFINISHED BUSINESS**

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NONE

ZONING ADMINISTRATOR'S REPORT

None

ADOPTION OF MINUTES

3. November 30, 2021

OTHER BUSINESS

4. 2022 Meeting Calendar

5. 2021 Annual Report

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:45 PM.