

STAFFORD COUNTY BOARD OF ZONING APPEALS
June 28, 2022

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, June 28, 2022, was called to order with the determination of a quorum at 7:00 PM by Chairman Kecia Evans in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kecia Evans, Dana Brown, Steven Apicella, Robert Gibbons (*Alternate*), John Harris, Abraham Panjshiri, Jeffrey Spinnanger

MEMBERS ABSENT: Jon Ireland

STAFF PRESENT: Douglas Morgan, James Staranowicz, Stacie Stinnette

DECLARATIONS OF DISQUALIFICATION

Ms. Evans: Are there any Declarations of Disqualification?

Ms. Brown: Just a declaration. I did visit the property on Thursday, June 23rd. I did speak with the homeowners and I did walk around the property a little bit.

Ms. Evans: I will also make a declaration that I did the same on the same exact day with Ms. Brown. So now we get to the application. The BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to one, hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator. Hearing of appeals will be conducted in two parts. The first will be a review of jurisdiction and standing. The second will be the hearing of the merits of the case, if required, after review of jurisdiction and standing. The second thing we hear and decide upon request for variance from the zoning ordinance, when a literal enforcement of the ordinance would result in unnecessary hardship to the owners of a property. And we hear and decide on requests for special exceptions, where the zoning ordinance allows for special exceptions. The hearings will be conducted in the following order. I will ask the BZA Secretary to read the case. I will then ask the applicant or their representative to come forward and state their name and address and present the case to the board. You will be allowed 10 minutes to present your case. I will then ask for any member of the public who wishes to speak in support of the application to come forward and speak. You will only have three minutes. There will also be three minutes for each individual speaker and a five minute time limit for a speaker who represents a group. After hearing from those in favor of the application, I will ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. You will only have three minutes. After all public comments have been received, the applicant shall have three minutes to respond and provide closing remarks. Members of the Board may ask questions of the applicant to clarify or better understand the case. For that section, I will ask that we keep that under five minutes. We ask that each speaker present their views directly to the board and not to the applicant or other members of the public. We require the applicants, speakers, presenters, and audience to act with a level of decorum and respect appropriate as a courtroom setting. This board requires that any person who wishes to speak before this Board shall be administered an oath. Therefore I ask anyone who wishes to speak tonight to stand and raise your right hand. Do you hereby swear or affirm that all testimony before this Board shall be nothing but the truth?

Members of the audience: Yes.

Ms. Evans: Thank you, you can be seated. After the applicant's final response, I will close the public hearing. After the public hearing has been closed, there shall be no further public comments. As a

***Board of Zoning Appeals Minutes
June 28, 2022***

reminder, I ask that when you come down to the podium to speak, please first give your name and address clearly into the microphone so our recording secretary can have an accurate record of the speakers. Also, please sign the form on the table at the rear of the room if you have not. Has everyone signed the form? No or yes? Who said no?

Mr. Pelt: Oh, I did. He asked me a question.

Ms. Evans: Oh, okay. Are there any changes or additions to the advertised agenda?

APPLICATIONS AND APPEALS

1. SE22-05/22154500 - Southern Upholstery – A request for a Special Exception per Stafford County Code, Sec. 28-35, Table 3.1, “District uses and standards,” A-2, Rural Residential, to allow for an auto upholstery shop as a Home Business II on Tax Map Parcel No. 44E-1-4. The property is zoned A-2, Rural Residential, and is located at 371 Greenbank Road, in the George Washington Election District.

Mr. Staranowicz: There are no changes to the agenda. However, there are some changes to the application itself. It has come to light that the information in the Commissioner of Revenue page concerning the detached building for the shop was actually constructed in 1999 and put onto the Commissioner of Revenues’ records in 2000.

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

Mr. Staranowicz: Yes, the application is complete.

Ms. Evans: Okay. Does BZA member Steven Apicella have any additional questions for staff?

Mr. Apicella: We're not going to read the case first?

Ms. Evans: Well, yes, we will read it. But that's after.

Mr. Apicella: I'm sorry, Madam Chairman. It just seems to make more sense to me that the staff or the Secretary, whoever is Acting Secretary, would read the case first and then we would ask questions.

Ms. Evans: Okay, well, we can do that. So can staff read the case since the Secretary is absent?

Mr. Staranowicz: The applicant is requesting a special exception for a business to operate an auto upholstery shop as a Home Business II. The definition of Home Business II is “an occupation, profession, business, trade, ecommerce, or handicraft carried out by the occupants of a single-family dwelling as an accessory use, which exceeds the definition and standards of a Home Business I and meets the following standards:

- 1) No more than two (2) employees shall be permitted to work on the premises at any given time other than family members who reside in the principal residence.
- 2) Customer visits may occur:
 - a. By appointment only and shall be scheduled in a manner which does not permit customers to wait for their appointment;
 - b. Up to six (6) days per week between the hours of 8:00 AM to 8:00 PM Monday through Friday, 9:00 AM to 8:00 PM Saturday, and 10:00 AM to 5:00 PM Sunday; and

***Board of Zoning Appeals Minutes
June 28, 2022***

- c. No more than ten (10) total customer visits are permitted per day.
For the purposes of this standard, one customer visit is defined as the arrival at the Home Business II of a motor vehicle containing up to six (6) passengers.
- 3) The Home Business II must provide sufficient off-street parking for customers' vehicles in addition to the minimum requirements for the principle residence.
- 4) The Home Business II may permit the parking of two (2) vehicles associated with the Home Business II, each individually less than thirteen thousand (13,000) pounds and parked off-street. Fleet parking shall not be permitted.
- 5) The Home Business II shall not occupy an area greater than twenty-five (25) percent of the finished floor area of the principle residence. The Home Business II may be located in an accessory building or structure. Any accessory building or structure associated with the Home Business II shall not be located within front yard setbacks, and shall be set back at least thirty (30) feet from all property lines.
- 6) Storage of merchandise, equipment or materials associated with the Home Business II is permitted and shall be located in a primary residence or enclosed accessory building or structure. Storage areas outside of the primary residence, but within an enclosed accessory building or structure, shall not comprise more than fifteen (15) percent of the total area of the property on which the Home Business II is located.
- 7) The Home Business II shall not engage in retail or wholesale of goods or merchandise to customers directly on the premises. However, direct sales equal to the number of customer visits allowed per day shall not be considered retail sales.
- 8) The Home Business II shall comply with all federal, state and local laws and regulations."

The existing single-family dwelling is 1,552 square feet per the Commissioner of Revenue records. The shop will be located in a 48x28 building that was built in approximately 1975. The applicant proposes to utilize 336 square feet of the shop area for the Home Business II. The Applicant has requested the days and hours of operation to be Monday through Friday from 8:00 AM to 4:00 PM. The single-family dwelling was constructed in 1975. The current owners purchased the property in June 2020. The Board of Zoning Appeals approved SE99-06/990725 on September 28, 1999, for an auto upholstery shop as a home business. The subject property is located on the east side of Greenbank Road. The perimeter of the site is primarily open with minimal screening. 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.

Ms. Evans: Thank you. Does BZA member Steven Apicella have any additional questions for staff?

Mr. Apicella: I do, Madam Chairman. I have some questions related to one of the proposed conditions, which is condition number 5. So I need to kind of understand where staff are coming from, especially in light of the fact that I served on the subcommittee, the Planning Commission subcommittee that wrote the Home Business definitions and restrictions. So, if you don't mind, I'd like to go through those questions.

Ms. Evans: Yes.

Mr. Apicella: The definition of a Home Business II, and the related performance standards, those are in the county code. Right?

Mr. Staranowicz: Yes, sir.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Apicella: And in approving a special exception, the BZA must follow the minimum standards.

Mr. Staranowicz: That's correct.

Mr. Apicella: So as an example, for HB II, the storage of merchandise equipment or materials can only occur in a primary residence or an enclosed accessory building.

Mr. Staranowicz: That's correct.

Mr. Apicella: So the BZA cannot go around that requirement and allow storage of vehicles out on the front lawn, for example, unless approved as part of a variance. And maybe not even with a variance, but I'm just saying. The BZA just can't go around that requirement.

Mr. Staranowicz: That would be correct.

Mr. Apicella: Okay. Does the County have a definition for parking? I've got it in front of me, if you want me to read it. There's no definition for parking. But there is a definition for overnight parking. And that's the parking of any operable vehicle during the hours of 11 PM to 6 AM, excluding temporary parking for loading activities. Does that sound about right?

Mr. Staranowicz: Yes, sir.

Mr. Apicella: Okay. And does the County have a definition for storage? Same thing, I can go through it. It doesn't have a definition for storage, but it does have one for outdoor storage. And that's the keeping in an area that is not enclosed by a building of any goods or material other than outdoor display. Again, does that sound about right?

Mr. Staranowicz: That sounds right.

Mr. Apicella: And how about a definition for fleet parking?

Mr. Staranowicz: Yes, there is. I know there is a definition, but I don't have it.

Mr. Apicella: Okay, I do have that one and, unfortunately, it's a little bit longer. Fleet parking, off-site parking, and storage of more than five operable vehicles other than automobiles, which are used in the daily operations of a business, or the parking and storage of more than one vehicle with a gross vehicle weight in excess of 10,000 pounds. This does not include parking and storage of farm vehicles, construction equipment, or similar devices not licensed to operate on state roads. Does that sound about right?

Mr. Staranowicz: That sounds correct.

Mr. Apicella: And in looking at that definition of fleet parking, does that apply to customer parking? Or does that apply to the business owners parking?

Mr. Staranowicz: That would be business owner parking.

*Board of Zoning Appeals Minutes
June 28, 2022*

Mr. Apicella: Okay, that's kind of a key point. The HB II performance standard number two speaks to customer visits; specifically, that it's by appointment only, the days and hours that customers may visit, and it caps the total number of vehicles... trips or customer visits per day, right? I think it's 10.

Mr. Staranowicz: That's correct.

Mr. Apicella: And HB II standard number three addresses customer parking, which is not limited in number... which is limited in number and frequency by performance two, performance standard two, is that correct?

Mr. Staranowicz: Okay, yes, correct.

Mr. Apicella: Okay. So, an HB performance standard number four addresses, in my opinion, overnight parking of vehicles owned by the business owner, for example, work vans, and it limits the number to two not exceeding 13 pounds. I know that might be a matter of interpretation, but that's my interpretation again having served on the subcommittee that drafted the language and put it in the specific words associated with the business. So the reason I bring this up, again, because I helped write these definitions... and again, the concern when we drafted the definition was to basically have all the work and material associated with the business to be conducted inside and that there not be overnight parking and storage of customer vehicles, just the business owner's vehicles and those specifically the two up to 13,000 pounds each. And that's in the same section where it prohibits fleet parking, is that right? At least that standard number four, the end of it prohibits fleet parking. It doesn't mention customer parking. Right?

Mr. Staranowicz: Correct.

Mr. Apicella: That's in performance standard three and two. No word customer is in three or four.

Mr. Staranowicz: No, there's not.

Mr. Apicella: Okay. I'm sorry, in number four. So again, the current proposed condition says all outdoor vehicles shall be completely screened from view of the roadway and all adjacent properties. So I'm just trying to understand where staff is coming from in proposing a condition that would allow the parking of customer vehicles overnight on the applicant's parcel.

Mr. Staranowicz: We were looking at the customer vehicles as being associated with the business due to the fact that they were there being worked on.

Mr. Apicella: Right. And that's in a separate section. Again, that performance standard number four doesn't mention customers. But it does mention fleet parking, which is associated with a business owner's vehicles. Right?

Mr. Staranowicz: Right.

Mr. Apicella: So again, I'm having a hard time making that stretch, given the fact that we separated out customer parking versus the business owner's personal or business related vehicles. I'll let it go at that. Madam Chairman, again, I have concerns about that specific condition.

***Board of Zoning Appeals Minutes
June 28, 2022***

Ms. Evans: Okay, thank you. Does BZA member Jeffrey Spinnanger have any additional questions? Before we... before I let you ask your questions, can the record reflect now that we have instead of six, we have seven voting members and that BZA member Spinnanger is present. Thank you very much.

Mr. Spinnanger: He's also apologizing for being late.

Ms. Evans: No problem.

Mr. Spinnanger: So I blame I-95. So the only question I had was, again...

Ms. Evans: Your speaker's not on.

Mr. Spinnanger: Hello. It's green. Can you hear me?

Ms. Evans: Yes.

Mr. Spinnanger: All right, sorry about that. So I do have a question. So regarding conditions, so in the application, it does talk for... it proposes six days, there's a condition that limits it would appear to me to limit to five and I wondered if staff had any... was it just a suggestion or was there anything behind that?

Mr. Staranowicz: The reason there's only five days listed is because that's what the applicant had put on his application.

Mr. Spinnanger: I missed that. I thought it said six earlier but forgive me. Okay. Thank you.

Mr. Staranowicz: He is allowed up to six days...

Mr. Spinnanger: I see.

Mr. Staranowicz: ... to operate but he chose to operate five days a week.

Mr. Spinnanger: Okay, thank you.

Ms. Evans: Thank you. Does BZA member John Harris have any additional questions for staff?

Mr. Harris: Not at this time, Madam Chairman.

Ms. Evans: Thank you. Does BZA member Abraham Panjshiri have any questions for additional staff at this time?

Mr. Panjshiri: Not at this time, Madam Chairwoman.

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

Ms. Brown: I do, ma'am. James, thank you. I have a couple. First one is did we ever locate any of the building permits for the main house or the addition, which would be the shop, the garage?

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Staranowicz: I did locate the application for a building addition and detached garage that was issued in 20... let me see from the date here. It was actually issued July 6 of 1919.

Ms. Evans: 1999?

Mr. Staranowicz: 1999, I'm sorry. And it did go through inspections and final inspection was passed on 11-12-99.

Ms. Brown: Okay, I would like to see that before we make a decision tonight. And how long do we typically keep building permits? Is that something we keep on the computer or...?

Mr. Staranowicz: This was found in our system, our current system that we use for building permits.

Ms. Brown: Okay.

Mr. Staranowicz: Unfortunately, I don't have any of the actual application or drawings that were submitted at that time.

Ms. Brown: Okay. Because that was my next question. There seem to be, for me, I have some square-footage confusion here. Throughout the application package that we have, there is three different listings for what the main house is for square footage and that makes a difference since we can only use 25% of the primary dwelling. The application itself that the homeowner filled out said that there was 1,334 square feet. The tax records stated there was 1,552 square feet. And then the minutes from the previous BZA meeting in 1999 said there was 912. So since we do have to, you know, do the math on the 25%, which one is actually correct?

Mr. Staranowicz: We would be using the one from the Commissioner of Revenue. There was an addition in 1999.

Ms. Brown: Okay.

Mr. Staranowicz: So the application for the detached garage also included an addition.

Ms. Brown: Was there an addition on the main house or... ?

Mr. Staranowicz: It would have been an addition to the main house.

Ms. Brown: And the garage.

Mr. Staranowicz: And the detached garage.

Ms. Brown: Okay. Okay, so we're gonna use the 1,552.

Mr. Staranowicz: Correct.

Ms. Brown: Okay, so we're gonna use 25% of that, which would be 388 maximum. Is that correct?

Mr. Staranowicz: Right. But in his application, he only requested 336 square feet.

***Board of Zoning Appeals Minutes
June 28, 2022***

Ms. Brown: Okay. And then just to confirm, in the A-2 zoning district, the required setbacks, it's 40 feet in the front and 30 feet on each side?

Mr. Staranowicz: No, the required minimum setbacks for the principal structure is 40 feet from the front. And it would be 10 feet from each side and 35 feet from the rear for an accessory building. Typically, it's 40 feet from the front, and it would be 10 feet from the sides if the property is over an acre.

Ms. Brown: So the staff report ,where it mentions 30, that's incorrect?

Mr. Staranowicz: That was a condition that was added I believe in the original special exception.

Ms. Brown: Okay. All right. So you're telling me that the side setbacks in an A-2 is...

Mr. Staranowicz: I'm sorry, I'm sorry. The condition for the 30 feet is actually part of the Home Business II requirements. And it has to be 30 feet.

Ms. Brown: Okay. So it has to be 30 feet on each side if there's a setback.

Mr. Staranowicz: Correct.

Ms. Brown: So can that, can a building be in that 30-foot setback?

Mr. Staranowicz: No.

Ms. Brown: Okay.

Mr. Staranowicz: In this case, the accessory structure would have to be 30 feet from the side in the Home Business II.

Ms. Brown: Okay. And do we have a professional house location survey plat for this property that would show the garage, it would show where the house is located, that kind of thing?

Mr. Staranowicz: No, I don't have one.

Ms. Brown: Okay. And then my last question is on the performance standards for HB II, I didn't understand number six, about the 15%. Can you explain that to me in like layman's terms?

Mr. Staranowicz: Okay, so, so basically you would take 15% of the area of the property, and that would be what would be allowed for...

Ms. Brown: For storage?

Mr. Staranowicz: ... for storage.

Ms. Brown: So then that means...

Mr. Staranowicz: If it was in the accessory building.

***Board of Zoning Appeals Minutes
June 28, 2022***

Ms. Brown: So would that be in conflict with number four, the performance standard, because according to my math, that would make the storage facility could be up to 5,000 square feet. That would be much bigger than the home business allows from the primary structure. So that's why I was confused about that. So does number six conflict with number four? And if they can have a storage facility of 5,000 square feet, but yet they can only have a home business building of, you know, 388 I think was the max, something just didn't seem right there to me. And that was all I had, by the way. Correction on that – number six conflicts with number five.

Mr. Staranowicz: Number five, yeah.

Ms. Brown: I'm sorry.

Mr. Staranowicz: Yeah, I was just looking at the...

Ms. Brown: I circled a bunch of them and she caught me on that. Thank you.

Mr. Staranowicz: I see... I understand what you're saying and I'm not sure how that was... and this was what was...

Ms. Brown: Would Mr. Morgan be able to help us on that or? I'm sorry, Mr. Morgan, I just didn't understand that. It's probably very easy.

Mr. Morgan: I don't believe it is. In reading number four number five, it's 25% of the total finished floor area of the principal structure. The Home Business II can be located in an accessory building or accessory structure. The accessory building or structure associated with the Home Business II can have 15% of the total area. So if you have 1,552 square feet, 25% of that is permitted in the principal structure. But if it's area outside located in the principal residence, I believe that to read shall not comprise of more than 15% of the total area. And this says on the property in which the home business is located. So, what you're saying is actually correct. It does...

Ms. Brown: Conflict?

Mr. Morgan: It doesn't necessarily conflict. I think it's supposed to be 15% of that 25% area can be in an accessory dwelling, but this does state....

Ms. Brown: Okay, so not 15%...

Mr. Morgan: ... of the property.

Ms. Brown: ... of the total. Because I read that and I was...

Mr. Morgan: So, if you have an acre of land, I mean an acre of land is 43,560 square feet. So if you have 15% of that, of course, then your accessory, yes, what you're stating is absolutely correct. And I believe historically we've just made that 15% of the total gross floor area 1,557 square feet at 15%...

Ms. Brown: Where does the 1,500 come from?

Mr. Morgan: That's his square... that's his, his residence.

***Board of Zoning Appeals Minutes
June 28, 2022***

Ms. Brown: One thousand five fifty-two, okay.

Mr. Morgan: And 15% of that can be located outside of the primary residence and enclosed within the accessory building or structure; 15% of that.

Ms. Brown: And how big is that for the math challenged here? So 15% of 1,552?

Mr. Morgan: I'm not a mathematician.

Ms. Brown: Okay.

Mr. Morgan: I can figure it out for you.

Ms. Brown: Okay. Okay, because... you might want to look at that later.

Mr. Morgan: So you're looking at 15% of that. So it's less than the 320... 150...

Inaudible, microphones not on.

Ms. Brown: Thank you. Thank you very much.

Ms. Evans: That's it? Does alternate member Robert Gibbons have any questions, additional questions? Okay, and I do not have additional questions. I now open the public meeting. The public hearing I'm sorry. And will the applicant or his or her representative please come forward to present their case.

Mr. Pelt: Good evening. I don't know if this is on.

Ms. Evans: Is the light green?

Mr. Pelt: I can't tell. No, there it is. It's on.

Ms. Evans: Okay.

Mr. Pelt: All right. Good evening. My name is Jason Pelt. I'm an attorney with the law firm of Norton Pelt and I represent Mr. Raymond Drury. I appreciate, Madam Chairwoman, saying that you're going to conduct this meeting like a courtroom, because I'm very familiar with that. And so in the presentation of the applicant's case, what I'd like to do is almost do a small examination, asking questions that I think the board would be interested in, and then open the board up to the questions as well. Would that be acceptable?

Ms. Evans: So let me ask you, who are you asking questions to? Who you're crossing?

Mr. Pelt: Well, I would be directing, not crossing. This will be my client, and I'll be directing questions. I'll be asking my client questions and he'll answer those questions, and then we'll go that... *inaudible*.

Inaudible, microphone not on.

Ms. Evans: Yes, it does.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Pelt: Yes, we won't...

Ms. Evans: So you have the green light, so let's begin.

Mr. Pelt: We're not going to go anywhere close to that 10 minutes. Thank you very much.

Ms. Evans: All right.

Mr. Pelt: All right. So please introduce yourself to the board.

Mr. Drury: Raymond Drury, owner of Southern Upholstery.

Mr. Pelt: And where is Southern Upholstery located?

Mr. Drury: 371 Greenbank Road.

Mr. Pelt: We heard staff talk about that a special exception was granted in '99. Are you familiar with that special exception?

Mr. Drury: My dad's the one who got that.

Mr. Pelt: Fair enough. So tell us a little bit about your father and what he did at the property.

Mr. Drury: He's done the same thing I've done for years. And he's been there 23 years, 22. Cars, boats, we do County work, we do fleet services, I do the fire department, police department. I do work for the FBI. I mean, I do a lot of different stuff around town. I've got a couple people here that I've done a lot of work for over the years, and we just do cars and boats basically.

Mr. Pelt: Let me ask you this when your father applied and was granted by this board to run this business, did you help your father? Did you...?

Mr. Drury: Yeah. I've helped my dad for years, at least 15.

Mr. Pelt: And did you, did you learn the trade from him?

Mr. Drury: Yes, sir.

Mr. Pelt: All right. And so something happened in around 2000. What was that?

Mr. Drury: What do you mean, as far as getting the business-wise?

Mr. Pelt: Yes.

Mr. Drury: Yeah, we established a business. We moved from Cool Springs Road to Greenbank Road.

Mr. Pelt: All right.

Mr. Drury: And, you know, he's had the business prior to that. But he moved over to Greenbank Road from Cool Springs Road.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Pelt: Okay. And then did you take over the business for your father?

Mr. Drury: I did in 2020.

Mr. Pelt: Okay. 2020 you took over?

Mr. Drury: Yes, sir.

Mr. Pelt: And did your father... is he involved in the business at all?

Mr. Drury: Not currently.

Mr. Pelt: Okay. And you also purchased the property from him?

Mr. Drury: Yes, sir.

Mr. Pelt: Okay. And not only purchased the property, but purchased the business. Is that right?

Mr. Drury: Yes.

Mr. Pelt: And of course, purchasing the business from him was easy, because you knew all the customer base because you had worked for him for over 15 years. Is that right?

Mr. Drury: Yes.

Mr. Pelt: All right. And so now I want to talk to you about from, from the current situation going forward, and more about kind of what you do. What is it exactly that you do?

Mr. Drury: I run it just like my dad did for 20 some years. I mean, I do exactly what he's done for 22 years.

Mr. Pelt: All right. And you live on the property?

Mr. Drury: Yes sir.

Mr. Pelt: And who do you have with you here?

Mr. Drury: This is my wife, Christa Drury.

Mr. Pelt: And who lives on the property with you?

Mr. Drury: Me, her, and my two little girls.

Mr. Pelt: All right. Does your wife help you in the property?

Mr. Drury: Yes.

Mr. Pelt: Or help you not on the property, but help you in the business?

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Drury: Yes.

Mr. Pelt: All right. And we heard about this, a little bit about this outdoor structure that was approved in '99. And you want to use a portion of that structure. Is that, is that fair enough?

Mr. Drury: Yes.

Mr. Pelt: And we also heard some of the board members talking about material storage. You're certainly not storing upholstery outside. Is that right?

Mr. Drury: Exactly.

Mr. Pelt: Okay, so everything's to be stored inside?

Mr. Drury: Inside.

Mr. Pelt: Okay. And I want to, I want you to kind of walk the board through what the customer experience might be, say, say, for example, I want my 1967 F150 bench seat to be reupholstered. How would I contact you? How would that look?

Mr. Drury: You'd give me a call, I'd schedule up an appointment, you come by, basically we'd look at your vehicle, pick out your material, order all that; I'd give you a call when the material comes back in, you drop it off, I'd work on it. And then when it's done, I call you back and you come pick it up.

Mr. Pelt: Now, some, some of these, I would imagine some people might just bring you the bench seat, like bring you the seat, not bring you the vehicle. Is that correct?

Mr. Drury: That's a yes.

Mr. Pelt: Okay. And so that, that seat will be stored inside.

Mr. Drury: Yes.

Mr. Pelt: But some customers might bring you the vehicle and not... and want you to take the seat out and then put the seat back in or something like that.

Mr. Drury: Yeah, if I've got to put a convertible top on, I've got to have the car there. So there's no way around that.

Mr. Pelt: One of the board members was talking about storage of vehicles. You putting on a convertible top, that might be, that might be a multi-day process. But what's your normal turnaround in having a customer's car or boat on your property?

Mr. Drury: Sometimes it's the same day. They drop it off in the morning, pick it up in the evening.

Mr. Pelt: Okay.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Drury: And, you know, depending on the extent of the job I've got to do depends on how long the car is gonna sit there. So a convertible top, if you ever put one on, it's hard to get done in one day. But sometimes it goes to two days. But that's all done inside my shop.

Mr. Pelt: And so you're not trying to store customers' vehicles, for example, that 1967 Ford F100 that I talked about, you're not going to keep it on your property for months on end?

Mr. Drury: No.

Mr. Pelt: Okay. I want to talk a little bit about the amount of people that you have here in the, in the gallery. Who, who generally are we looking at right here?

Mr. Drury: These area majority of my neighbors and people that I've done work and met through business over the years.

Mr. Pelt: And they are here to support you?

Mr. Drury: Yes.

Mr. Pelt: I noticed that you had over 20 signatures in your application. Some of those signatures are represented by the people that are actually took time out of their day to come down and talk to you or talk to this board?

Mr. Drury: Yeah, and there's quite a few that couldn't make it.

Mr. Pelt: Okay. And while you've only owned the property for the last two years, you've been associated with this property for over 20 years, is that correct?

Mr. Drury: Yeah, my whole life. You know, that's what my dad's done his whole life.

Mr. Pelt: And so some of these neighbors watched you grow up in dad's shop. Is that right?

Mr. Drury: Exactly.

Mr. Pelt: And these same neighbors are watching you take on your father's tradition. Is that correct?

Mr. Drury: Yes.

Mr. Pelt: Not only are they neighbors, I suspect they're customers, too. Is that right?

Mr. Drury: Yeah, and a lot of friends, too, you know.

Mr. Pelt: That's fair enough. I appreciate that. Are you asking the Board to basically allow you to do what has been done on the property for the last 10 years? I mean, that...

Mr. Drury: Yes.

Mr. Pelt: I'm summing it up probably more simple than it needs to, but you're asking to just continue this tradition.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Drury: Yeah.

Mr. Pelt: Thank you very much. I opened... that'll be the extent of my questions. And Madam Chair, I turn it back to you.

Ms. Evans: Thank you so much. I now ask any member of the public who wishes to speak in support of the application to please come forward

Mr. Shiflett: My name is Michael Shiflett. We live just straight across the road from where the, where Ray is running the business. I've watched Ray being raised ever since he was just a little tot going to school. Now you couldn't ask for a better neighbor and for him. But he's, he's one of the best neighbors you can have. Everybody should wish they'd have one like him. Thank you.

Ms. Evans: Thank you, sir. Is there anyone else?

Mr. Yonts: My name is George Yonts. I've been there for 40 years. I've known Ray Drury since he was in diapers. I knew his daddy 30 years ago, when he was in business on Greenbank Road. Since then he's moved over to Greenbank. He ran a good business, his son has taken over that business. He runs a good business, good, clean, business, honest business. That's what we need in Stafford County. And that's what we've got right here. In the last few years, there's been a whole lot of stuff take place on Greenbank Road. We've got a water treatment plant at the end of the road. We've got Mooney Lake at the end of Greenbank Road. A lot of traffic, a lot of stuff going on over there. This business was started 30 years ago. Since Ray has taken it over in the last 12, 15 years, inflation has gone crazy. He can't make it on what he was making it on 10 years ago. He needs to add to his business, as everybody does. He needs to build. He's got two kids, he's got a family. There's no reason why this board cannot get a break. And I think he needs one and I would appreciate it if you all would look to him getting one. Thank you.

Ms. Evans: Thank you, sir. Is there anyone?

Ms. Mock: Hi, my name is Jan Mock. And I've known the Drury's since they moved in; they moved in right about the same time I did. They've operated that business, both father and son, for over 20 years. There has never been any issue with the business itself on that property. There's no derelict vehicle sitting there. There's not an excessive amount of vehicles ever sitting there. You know, they, they, they're, they open at eight and they are shut down every day at four, which is what they said they would do. They have followed everything they said they would do. You don't see a bunch of, I don't hear a bunch of machinery going, you know, 24/7 from the work that he's doing, and then except for like Mr. Drury said, if he has to take a seat or something out of a person's car, that's the only time he might be outside. And that's not noise intensive because his business, that building, where he, where he goes in and out of the building, that faces my property. And trust me, I can darn near because of the way that the sound carries across those front yards, I can almost hear a pin drop. It is that, the acoustics coming to my property are that good. And, you know, it's just I, I personally feel that he should be able to continue operating in the same fashion that's been operated for the past 20 some odd years. I signed the original petition for that business, and I've signed the most recent one as well. So I am in favor of the business continuing on that property as it is today. Thank you.

Ms. Evans: Thank you, ma'am. Is there anyone else?

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Portland: My name is Michael Portland. I'm a retired intelligence officer with the US government. I've known Ray and Christa for approximately 10 years. They had a boat next to mine boat at Aquia Harbour Marine. During the 10 years that I've known them, I've known them to be an honest, hard-working couple. They started with not much. And now they have a good business. I've been to their business, their home several times. They've upholstered three of my vehicles with excellent work. I see that the way the businesses is run, they keep their house and their little farm nice. The business where Ray operates out of is well maintained, the structure it is. As far as parking vehicles, I park my car there. If I came to visit them, and spent three days with them or four days with them, I park my car there anyway. Inside the business, all the... that's where all the work is done. That's where all the materials are stored. And he runs a sewing machine, a sewing machine. It's not a foundry, there's no smokestacks. There's no toxic waste. It's a sewing machine. And they're building a business; it's the American dream. I fought hard to protect our Constitution, and people pursued life, liberty and the pursuit of happiness, and that's what I'm seeing with Ray and Christa is they're pursuing the American dream, and they're doing in an orderly legal fashion. Thank you very much.

Ms. Evans: You're welcome. Thank you, sir. Is there anyone else?

Mr. Anson: Good evening, Christopher Anson. My fiancé and I, Brooke, have lived there for about the past year and a half. Shortly after we purchased the property, I retired from the Marine Corps after 26 years. Starting with the business, I think there's a few things. You know, as mentioned, you know, the county and the country need more small businesses. It's great. We have the giant Amazon warehouse sitting up there. But we need more small businesses like what, what Ray has running there. The zoning ordinances that were mentioned, I think those should be written to accommodate more small businesses, not run them out of town. I'd also like to call to attention the one acre lot. I know there's a lot of square footage talk and all this other stuff, but we're talking one acre, we're not talking about a subdivision where houses are stacked on top of one another that somebody in this county approves so. And then considering the type of business; I mean, I think we're splitting hairs over the two vehicle thing. I mean, if he had two plumber vans sitting there, that would be, I think we can kind of draw an alignment to having two customer vehicles there. I mean, I don't think that's a far stretch of the imagination. So I think that just kind of needs to be called out. Only a year and a half on Greenbank; sense of community, they're a huge part of it. I know that doesn't go into all the laws and ordinances and stuff, but I think it's, it's important to the character of the Drury's. Thanks.

Ms. Evans: Thank you, sir.

Mr. Meaux: My name is Ronnie Meaux. I own Burton's Automotive. It's been there 50 years plus. I've known the family since 1977 when they were on Cool Springs Road. I was born here, raised here, and watched the small community grow. He needs to stay. Thank you.

Ms. Evans: Thank you, sir. Is there anyone else?

Mr. Burgess: My name is Bobby Burgess. My farm joins over on Greenbank. Ray has done some farm tractors for me, my seats, some of my work trucks. Like he told you, he does police, County Sheriff's Department and all. But you know, we need small business. We need it and y'all know it and I know it. So y'all do what you want. But I'm telling you, that's what helps this country, that's how we... this country was built on small business. You know it and I know it. But, like I said, I've been knowing him a long, long time. He was there... because I was born, I was born before World War II, so I know a whole lot. Thank you.

***Board of Zoning Appeals Minutes
June 28, 2022***

Ms. Evans: Thank you, sir. Is there anyone else?

Mr. Madden: Hello, my name is Michael Madden. I am a small business owner. My business was established in 1984, up in the Fairfax County/Mount Vernon area. And in 1999, I was looking to, you know, get a bigger place. And so driving down 95 I kept seeing your big billboards, how you're business friendly and welcoming businesses. So I moved my business down here in 2000. And I started doing business with Ray about 10 years ago. He does my trucks. He's done my boat, he's done my cars, I own some classic cars. And I have never been over his business where he had a bunch of cars sitting around that weren't running and stuff piled up around, you know, looked like they were taking cars apart. And the reason I did business with him is because he takes your vehicle, he has it a day or two, and he finishes it and gets rid of it. And so he only takes on two or three projects at a time. He doesn't have a bunch of stuff sitting around like other shops that I've been to that have worked on my cars. And, you know, I went on your website. That was one of the things that... the reason I moved down here was your website was inviting. It made me want to move my business here. You know, and I just think it'd be a shame, a business his dad started, you know, 20 some years ago, he trained under him, you know. And now he's taken the business over; his dad's retired. You know, I just think it would be a shame. They're an asset to our community. It's not unusual to go over there to get your vehicle and you're invited to dinner, and you leave with vegetables. So, I mean, they are just really good people. I just think it would be a shame that after all this time that, you know, it would be a problem with what he's doing there. Half of that shop is really used for entertainment, like a rec room; it's divided. So he doesn't have a very big space. Everything he has is stored inside, and he's not using a bunch of chemicals and stuff, he doesn't even have floor drains in that shop where he could, you know, dump something in there, you know, to upset the, you know, the soil or anything. So I just, you know, I'm here to support him. I've been doing business with him for 10 years, and they've just run a really good, tight ship. You know, he doesn't want to work 16 hours a day, late into the night and on the weekends. He, you know, keeps a pretty tight schedule. So I just ask you all that you would just give consideration. You know, we've lost a lot of businesses in the last couple of years, you know, with the economy the way it is. And it's hard for small businesses right now. We produce 44% of our GDP, you know. We provide almost half the jobs in the country.

Ms. Evans: I'm going to have to in your time sir.

Mr. Madden: Yeah, thank you.

Ms. Evans: Thank you so much. Is there anyone else? Okay, I'm going to ask any member of the public who wishes to speak in opposition to the application to please come forward.

Mr. Leming: Good evening, Madam Chairman, members of the Board of Zoning Appeals. I'm Clark Leming. I've appeared before this group in the past 40 years, over 60 times. Every single time has been on behalf of an applicant. But tonight, I'm here on behalf of some adjacent property owners that hope that there's a way that this business can continue, but have some legitimate issues, and persuaded me that those needed to be articulated. Ms. Brown and Mr. Apicella have gotten into some of those things. But I want to review some things that I don't think have gotten complete airing tonight. First, the history. This business was begun with a special exception from this body in 1999. It was then that the, that the garage was built, and initially, it was mainly a car business. There were occasional boats, but there were the vehicles when they had to dismantle seats, take things out, they, by and large, went inside of this big garage there. And that's where all the work was done inside. Well, the business has changed over the years. And son of the original businessman, at one point during that period of time, opened another upholstery business at Hope Springs Marina, where they worked exclusively on boats. Now, when the

***Board of Zoning Appeals Minutes
June 28, 2022***

son took over the father's business, that business came over to this business. And so the mix is much more, many more boats now, fewer cars, and almost unilaterally, everything that comes over there, large trucks, boats, is the work, the dismantle is done outside. The work is the sewing that goes on inside. And then they come back out and, and refit the things that have been done. So, change in the business. Now, what that means is that there are more than two vehicles, customer vehicles there all the time -- overnight and sometimes for weeks. There are three issues I think. One is this is a special exception that has, that is seeking to replace one that expired. These special exceptions run with the owner and the applicant. This one expired. Young... the son continued to operate though, after the special exception had expired. This is a new one. So it goes by the new standards. There's no grandfathering here. It's a new special exception application. Secondly, we have the location, where's the business supposed to be done? Is the dismantling supposed to be done outside, inside? It's been done outside at this point. And as was noted by somebody else, about half of the building is now a party room. So rather than retrofitting the garage to accommodate the higher boats so that everything could be done inside, those are all done outside.

Ms. Evans: I'm going to ask you, your time is up.

Mr. Leming: Yes ma'am. And I'll just make the one point about screening.

Ms. Evans: So I can't... time is up. I gotta let you go. Time is up to be fair.

Mr. Leming: Okay. The ordinance requires screening.

Ms. Evans: Thank you.

Mr. Leming: Yes ma'am.

Ms. Evans: Thank you so much.

Mr. Leming: And we don't have 30 feet on the setback on the side. All right, thank you.

Ms. Evans: So I have been told because you're counsel...

Ms. Brown: Mr. Leming?

Mr. Leming: Yes ma'am?

Ms. Evans: I've been told because you're counsel, you have five minutes.

Mr. Leming: Oh, who told you... what nice person told you that?

Ms. Evans: I was not aware of that. So I apologize, sir.

Mr. Leming: Okay. Well, then I'll start all over again, and take five minutes, is that it?

Ms. Evans: No.

Mr. Leming: Oh, I just get two more minutes. Okay. Well, let me go over those last two points, because I do think they're important. The first has to do with what the business is and what is that supposed to be

*Board of Zoning Appeals Minutes
June 28, 2022*

conducted inside? I think your performance standards do require that the business be conducted inside and at least portions of this business are not being conducted inside the premises. Now, is there a way around that? That's something you have to struggle with and whether it conforms with the performance standards under the ordinance. But the last issue is screening. Your performance standards now, I don't know what they said back in 1999 and I didn't look, but the number one, there is no screening. The Dickersons, who I'm here on behalf of, live almost immediately next door. But bear in mind, these are 100-foot-wide lots. These are long, skinny lots, 100 feet wide. So, one lot over, the Dickersons see everything that goes on. Their house is toward the front, other houses are toward the rear of these long skinny parcels. So right to the front. There's not 30 feet between the building and incidentally, your plat is off, if you've looked at the aerial that has the tax map parcels drawn on them, it's incorrect. It's over maybe about 50 feet in the incorrect direction. So, you do need to look at the distance, applying the new performance standards between the building, the structure, where the work is being done and the sideline there. It may be a non-conforming building for other purposes, but not for purposes of this special exception. So that's an issue that you'll have to try to figure out. What the Dickersons would like to see is some good screening. There's about an eight-foot fence on the other side of the applicant's parcel all the way to the back. There's nothing on this side of the fence, on the side, on the Dickerson side of the lot. So those are the business changed issues, new special exception, where is the work that is to be done. Thank you, Madam Chairman. I'll be quiet this time so you don't have to tell me to leave. Thanks very much.

Ms. Evans: At this time does the applicant wish to? Oh, I'm sorry. Go ahead, sir. I'm so sorry.

Mr. Hermann: My name is Bill Hermann. I'm a local Class A builder in the area, small business owner, I have four children, three in college so I understand the constraints and the money issues in the world going on right now. Many people use the COVID as an excuse to not pay their bills, even though they weren't out of work. There are plenty of jobs out there, let's put it that way. I can't find good help so the idea that we can't support our families, well, we can. Second of all, the Constitution is all about equal protection under the law. I had to buy a piece of property to work my business because I couldn't do it on my one-acre lot that I live on in my neighborhood and there's a loophole in my neighborhood. I have street parking, where they can't say anything about it. I choose not to do that to my neighbors because personally, it would be wrong to make them look at my vehicles or my workers' vehicles. Period. There are violations that are clear, that have been there from the beginning. This business was on Cool Springs Road at one time in commercial property, and it survived. To me there is no excuse to usurp all the other laws and everyone else has to obey by and support their businesses for to accommodate home business. No one on this board I would gather, rather than say, would want this next door to them. The boats are sometimes half the size of the whole building on the outside. The building is towards the front of the property which is a zoning violation as it is. So, if this was really inspected and had building and code inspections for the garage when it was originally done, it wouldn't have passed code. So, what you're stating, that you put into the record, was false. That's actually the permit that was for the additions, not the building, not the outbuilding. So we've got a ton. If I build something and I didn't get permits, I would be told to tear it down at my expense. Just wanted to say.

Ms. Evans: Thank you. Is there anyone else in opposition? Okay, does the applicant wish to respond and/or add additional information?

Mr. Pelt: I will take an opportunity to respond on behalf of my client. Thank you very much.

Ms. Evans: Remember three minutes.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Pelt: Thank you. I just want to reiterate some of the direct questions that I had and I'm very glad that the board got to see Mr. Drury. I'm very glad that Ray, many of his neighbors came in support. I appreciate that. And I know Ray does, too. In fact, I was sitting next to him and he was almost kind of choking up as the good words were said about him and his father. But I want to clarify, the work is done in the building. That's where the work is done. However, if I gave that example of if I would bring my truck over there, then the truck would sit outside of the building, we would grab the seat out of the truck, the seat would go in the building to get worked on...

Mr. Hermann: I would remind council that you're under oath.

Ms. Evans: Sir, you cannot speak out like that. I apologize.

Mr. Pelt: If I could reclaim my time, please.

Ms. Evans: Time is reclaimed.

Mr. Pelt: Thank you very much. And I would ask Madam Chair, if we're going to handle, if we're going to conduct this like a courtroom, then that would not stand in any courtroom that I've ever been into. Thank you.

Ms. Evans: Very duly noted.

Mr. Pelt: Thank you very much. The work, the upholstery is done inside. And once the upholstery is done, is taken outside and put back in the car back in the boat and off the car or boat goes. You heard Mr. Drury testify, under oath, that he does not want vehicles sitting on his property for weeks on end. That's not how it works. In fact, most of his vehicles are there less than one business day. The convertible tops, sometimes it takes a couple of days but this is not a storage lot for vehicles, as you heard and I just wanted to point that out. As far as the Dickersons and Mr. Clark, let me and I appreciate his kind words. The Dickersons want a screen. That's something that we can certainly accommodate. The Dickersons don't want to look at it. It's interesting because the Dickersons, I looked at the old application. They actually supported the old application 20 years ago, so they don't support this application. I appreciate that and if they would like a screen I'm certain we can figure out some way to keep the small business alive and well and put up some, either a fence or some junipers, some type of screen so the Dickersons are not offended by the small business success. Thank you very much.

Mr. Apicella: Madam Chairman. We didn't have a chance to ask the applicant any questions. So, we'd like to have a second chance. I'd like to be able to ask the applicant a question.

Ms. Evans: Okay. I didn't finish. At this time, we will open for questions from the board members. This time is for the board members to ask any and all questions of the applicant before I closed the public hearing. As a reminder, once the public hearing is closed, we cannot take any further questions from the floor. I will ask this of each board member, that we can try to keep the questions under five minutes please. It is 8:01. So, does BZA member Steven Apicella have any additional questions?

Mr. Apicella: I do Madam Chairman, and it's really focused on one issue. Perhaps Mr. Pelt can come up and answer the question.

Mr. Pelt: Thank you, Mr. Apicella. I appreciate that I'm happy to do my best.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Apicella: Okay, so I do appreciate that most of the work 90-95-97% of the work gets done inside the building, the stitching and repairing of upholstery. But at some point, as you said, something is happening outside, right? What do you call that activity that's happening outside?

Mr. Pelt: I appreciate the question. Thank you very much. Let me answer that question by giving you my experience if I can. So, that example of the 1967 Ford F100. I brought my seat, or my son's seat, in the back of my truck. And so there was, I think, a bit of work that was done outside.

Mr. Apicella: And what would you call that work? Repair?

Mr. Pelt: It certainly wasn't repair.

Mr. Apicella: Retrofitting?

Mr. Pelt: Mr. Drury and myself, we went to the back of my truck, open the tailgate, picked up an item out of the back of my truck and moved it into the shop. It took all of about 45 seconds. I wouldn't classify that as work. I would classify that as a delivery and so I don't know if that's work.

Mr. Apicella: Again, I'm going back to the upholstery has been finished. The item, the bench seat, is now taken out of the garage where it was custom made or whatever, fixed. It's being taken back into the car and it's put back in the car. What do you call that activity?

Mr. Pelt: I would call that a delivery.

Mr. Apicella: It's... okay. So, a delivery always takes 45 seconds? a minute? 10 minutes?

Mr. Pelt: I can only speak for myself, Mr. Apicella. In my delivery, it took about 45 seconds and then like one of the other members stated, I was invited to pick some fresh vegetables so I stayed there a little longer than 45 seconds, but the actual delivery of the seat, it took about 45 seconds and then we stood around the truck and talked as neighbors would talk.

Mr. Apicella: I appreciate that your circumstance was what it was but what I'm hearing is not every circumstance are going to be the same.

Mr. Pelt: I can only speak to myself. That is true. That was my circumstance. That was my...before I agreed to represent him. I wanted to go out and see his business and that was how I saw it.

Mr. Apicella: And can you help me understand based on the definitions, the definition of a Home Business II and the performance standards, where that activity of taking the bench out from the structure where the work was principally done and which where, I believe, the definition requires, where does it allow the vehicle to be, I call it repaired. It's still part of the repair process. You're calling it delivery. I think its semantics, it still has to be placed back in, bolted on, I don't know, never had it done before. But I imagine it's not so easy is just snapping in and you're done. There's something that happens to get it back onto the car, boat, whatever being reupholstered. Where's the definition and the performance standards allow that?

Mr. Pelt: Again, if you think of, well go to your boat standard. Think of a boat cushion that has to take, it'll go from the garage to the boat and then set into place. I'm not sure if that, that's certainly not, he's not a mechanic. He's not working on vehicles. He takes the bench seat or the seat out of a boat, takes it

***Board of Zoning Appeals Minutes
June 28, 2022***

into his shop, repairs it and then places it back into the vehicle or the boat. Now the convertible top might be a little bit different because the convertible top, the whole car comes in because you can't put a convertible top on in the sun. So, the entire vehicle would go into the shop, the convertible top would be put on and then, so that all that work would be done inside. I think it's if I had to define it, it would be delivery. I appreciate your semantics but there is again, I have a little bit of trouble. I'm thinking of other businesses like a computer repair business, there's an opportunity for the computer to be taken from the house to the customer's vehicle and put in the backseat so they take the delivery.

Mr. Apicella: I think that's very different. One last quick question, Madam Chairman. Why can't the structure, the accessory structure, be changed to accommodate the work to be done exclusively inside, including what you're calling the delivery of the bench or product in its final form to the vehicle? Why can't that happen? And still be within the requirements of the size of the accessory structure.

Mr. Pelt: So, for my situation, I'll speak to my situation. I drove my truck and parked it about 10 feet in front of the garage door, the little bay door. So instead of pulling my vehicle inside the garage so I could take the bench seat and put it on the bed of my truck. It didn't make much sense to me since we were carrying it from the inside the upholstery shop to the back of my truck. Pulling it in, it just didn't, I don't know, it didn't make a whole lot of sense to do that. So, I'm not sure why you would do it that way.

Mr. Apicella: Well people have their cars repaired inside a structure. I guess I'm not following.

Mr. Pelt: Well, this is not a car repair business.

Mr. Apicella: But it is a car related business.

Ms. Evans: Okay, we're gonna move on.

Mr. Pelt: All right. Thank you. I appreciate that. Thank you very much.

Ms. Evans: Does BZA member Jeffrey Spinnaker have any additional questions for the applicant?

Mr. Spinnanger: No Madam Chair.

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

Mr. Harris: Mr. Pelt, you heard Mr. Leming and the Dickinsons' questions and you commented that that was a feasibility that could be achieved.

Mr. Pelt: I'm sure we could accommodate.

Mr. Harris: And you could work with our staff to delineate the landscaping/fencing requirements but yet be architecturally harmonious with the community, correct?

Mr. Pelt: Certainly. I mean, I think you heard that the Drurys have been excellent neighbors on Greenbank and I expect that to continue, if they're allowed to continue to work there.

Mr. Harris: Thank you, Madam Chairman.

Ms. Evans: Thank you does BZA member Abraham Panjshiri have any questions for the applicant?

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Panjshiri: Not at this time Madam Chair. Thank you.

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

Ms. Brown: Yes, Madam Chair. I do.

Ms. Evans: Okay, just remember under.

Ms. Brown: Absolutely. Can I ask is this the primary income source for your clients?

Mr. Pelt: Yes, it is.

Ms. Brown: Okay. How many boats do you actually do per week?

Mr. Pelt: Well, if you would allow, since I don't know, the actual makeup of cars and boats and motorcycles, and I think we heard, some tractors. So maybe I'll bring Mr. Drury up and we can answer that.

Ms. Brown: Okay.

Mr. Pelt: Thank you. Mr. Drury, you understand the question? Can you estimate in amount of work? We've heard of boats and cars and tractors, and maybe a motorcycle, I think I heard. So, can you give us an idea of where your business is coming from.

Mr. Drury: I mean, it's all of them but majority would be car dealers and a lot of them take their seats out and like say just bring that seat. Sometimes they do drop cars off. Recently, since I was aware of the complaint, I've had a lot of them just remove their seats and not unbolt anything outside so I'm not making noise. I do about 20% of my business is boats. Sometimes I do boats that are so big, they can't even trailer them in there so I'll go up to like Aquia Harbor and do it on site and I think somebody was talking about a business I had. That's what I was doing initially when I was learning off of my dad.

Ms. Brown: So, how many boats are staying overnight?

Mr. Drury: Right now, I have none there. But sometimes I might have one or two there. I had a pontoon boat I took the interior out a couple of weeks ago and I told them to come pick it up until I got it done so it's not sitting on my property.

Ms. Brown: I noticed when I was out there and again, whoever said this is correct, half the building is used as a gaming area. By my recollection, the actual room that you're sewing in is somewhere in the neighborhood of 590 square feet, thereabouts. I noticed you had a door in there, like a shop door that rolled all the way up. Would you be able to get any of the boats and through that?

Mr. Drury: No ma'am.

Ms. Brown: Okay. And if we were to approve this, would you be willing to go to five customers a day as a maximum?

Mr. Drury: As far as foot traffic-wise coming through?

Board of Zoning Appeals Minutes
June 28, 2022

Ms. Brown: Yes.

Mr. Drury: Yes, I'd have no choice at that point.

Ms. Brown: How many are you having now?

Mr. Drury: Never, I don't think, very rarely, would I ever have over 10 customers a day.

Ms. Brown: Okay. That's all the questions I have.

Ms. Evans: Thank you.

Ms. Brown: Thank you.

Ms. Evans: Thank you. Does the alternate member Robert Gibbons have any questions for the applicant?

Robert Gibbons: Lawyers have a good way of making music match the band. This person belongs on the roof or half outside and half inside... *inaudible*.

Mr. Pelt: Was there a question? I'm not sure if there was. I didn't hear.

Ms. Evans: He made a statement. Okay and I do not have any questions. All the questions have been answered. We will now close the public hearing for the application and bring the matter to the Board for discussion.

Mr. Apicella: Madam Chairman?

Ms. Evans: Do you want to ask about the math? Or did we get? Did you get asked the question real quick about the math?

Ms. Brown: Yeah. Just real quick for staff, going back to the math and that 15%. My question is, since Mr. Morgan kind of clarified, and he doesn't mean the total area, he means that the total of the 25% of the square footage, does the 15% for storage get added on to that 25%? Or does it have to be inside of that? So, like the 15%, I guess they're asking for near 336? Would we be able to add another 232 square feet on for the 15% storage, making it 566 which comes close to the room? Or do we have to knock it back to 366 and include the storage and the 25%? I know that's a lot. Is Mr. Morgan around?

Mr. Staranowicz: It looks like he stepped out for a minute.

Ms. Brown: Okay, if he comes back in maybe we can ask him.

Ms. Evans: Okay, so we can discuss conditions.

Mr. Apicella: Madam Chair, I'm probably not going to win out on this but the first part of number four is unnecessary. No fleet parking is permitted with this application. It's already prohibited under the performance standards. I would, probably not going to win out on this one, but again, I believe what's being proposed here is inconsistent with the definition and the performance standards, I would ask that no more than two vehicles shall be stored on the property for repair anytime, that be deleted. So basically, number four, I would ask for it to be deleted. Again, not because I oppose what's happening here, not

***Board of Zoning Appeals Minutes
June 28, 2022***

because I don't think that the applicant is a great person with a great business. We spend a lot of time in the planning commission noodling in Home Business II, and didn't want any of the work and I consider work being done outside, even if it's reattaching upholstery to a boat or car, to be inconsistent with the definition. And by extrapolation, if we allowed it, then what about somebody who wanted to have a car repair business in their front yard with two vehicles? Well, if that's the way we're defining it, then they could, by right, under this special exception. So I think we have to be careful about setting a precedent allowing something to happen that really shouldn't be happening based on the current definition.

Ms. Evans: So, you're...

Mr. Apicella: So, I'm saying first of all, the first part, number four, I hope there's not any disagreement, it doesn't need to be there. It's already in the performance standard - no fleet parking is permitted with this application. We don't need that. It's already there. I'm suggesting that in addition to striking that since we don't need it, to strike the second part of number four - no more than two vehicles shall be stored on the property for repair at any time.

Ms. Evans: Okay. Duly noted. Is there nothing else?

Mr. Apicella: Well, I'm also concerned about the number five - all outdoor vehicles shall be completely screened from view of the roadway. Well, yeah, if we wind up not striking number four, then I'm okay with it. Again, there's customer parking, which is temporary and all vehicles, this implies that all outdoor vehicles can be stored overnight. That's my reading of it. Maybe I'm reading too much into it. So if we strike number four, I'm not sure why we would need number five. However, if we keep number four, that last part, I would say just keep it in.

Ms. Evans: Okay. BZA member Abraham Panjshiri, do you have any conditions?

Mr. Panjshiri: No, ma'am, not on conditions.

Ms. Evans: Alternate Robert Gibbons, do you have any conditions?

Robert Gibbons: I agree with Steven.

Ms. Evans: Okay, thank you. Madam Vice Chair, do you have any conditions?

Ms. Brown: I would like screening to be added because I do not think there was any screening and I think the applicant was amenable to some fencing and maybe you said you would work with the county on what would be appropriate for that. My question is though, on number four, Steven, you want to strike the no more than two vehicles can be stored on the property for repair. I'm looking at the performance standards and performance standards under number four says that Home Business II may permit the parking of two vehicles associated with the home business each individually less than 13,000 pounds parked off street, fleet parking not permitted. So that can be taken two ways, that can be taken its associate there like trucks associated with the business with their logo on them, or its customer things it really doesn't say in there. Well, that's my concern.

Mr. Apicella: That's why referred back to the standards themselves and asking for some thought and logic here, if we wanted to allow customer vehicles to be stored on the property, we would have done it under three, performance standard number three, which addresses customer vehicles. Instead, we put that provision under number four associated with the home business to reflect the business owners own

***Board of Zoning Appeals Minutes
June 28, 2022***

vehicles. So, if he had a couple of work vans, and again, I'll use the same example that I did in my email that if it was Joe's Locksmith Company, and he had two Joe Locksmith work vans, then that's what was intended under number four, not to allow customer vehicles up to 3,000 pounds. Why would we even need to put that in there if we were referring to customers under number four and I go back to the other part of that standard that says no fleet parking. Okay, well, fleet parking, as James indicated, is exclusively the business owners' vehicles, not customer vehicles. So, there's a distinction between three, which in my opinion, relates to customer vehicles, and four, which relates to the business owners' vehicles. That's my reading. That's what was intended. I'm the person who added those words associated with their own business when we drafted.

Ms. Brown: I appreciate that but I have to go on what's actually written. I wasn't a party to the committee and I didn't, I don't know what you said and what you intended.

Mr. Apicella: Ask Mr. Harvey right here because he was there, as well as Mr. Randall who did know.

Ms. Brown: But we can only go by what's on here and I can interpret it either way for me. My conditions would be I would like to have some screening up and I would like to limit the traffic. I think 10 is too much. I'm open to some suggestions on that. I do have some concerns about the setback but in absence of a house location survey map, there's no way that I can make a decision based on something I think might be, so in the absence of a house location survey map, we can't consider that this might be encroaching in the setback is my opinion

Ms. Evans: Is that it? BZA member John Harris.

Mr. Harris: Thank you, Madam Chairman. One of the provisions of a special exception, we always have the opportunity to come back and visit this in the future should it be inconsistent with the guidelines that we have provided for operation and also any complaints that are forthcoming, from either the neighbors or county discovery. I think the applicant is intent on being a good neighbor. I think the issue of screening is of concern and can be worked out, hopefully. But I do understand and I do appreciate that the lot size is a very small footprint and is going to be somewhat challenging. And so I do support the concept of small business and rural communities provides a service. But I am mindful of neighbors. So I think that your comments with regard to screening are appropriate. And with regard to parking of vehicles to be worked on, on site, the duration of that, I guess would be driven by the particular job or requirement for that and to specify a time it's going to be challenging for us. I'm overall in favor of the application, particularly the special use permit, with provisos that we address the screening so that we can accommodate the issues raised by the neighbors. Thank you, Madam Chairman.

Ms. Evans: Thank you so much. So, I will request staff to read back the development conditions...

Mr. Spinnanger: Hello.

Ms. Evans: Oh, I'm sorry. I'm so sorry.

Mr. Spinnanger: I'm sorry. I'm always late. It's fine.

Ms. Evans: No. I'm so sorry.

Mr. Spinnanger: So, so first, I support. I agree with the concept of removing number four and five. I think Mr. Apicella has precisely correct. I think provisions regarding screening to make sure that it's

***Board of Zoning Appeals Minutes
June 28, 2022***

appropriately stipulated to express it to reflect some of the concerns of the neighbors is also correct. I do not agree, I would not be supportive, or at least I would like to speak in some opposition to the limiting right, so based on the way the applicant described the nature of the business, you know, and mindful, frankly, of the geographic constraints with the way the property is configured. I think there's some willingness, there's some reasonableness in terms of what traffic may look like. It's been there for a long time. We heard a lot that speaks in support of that. Frankly, I always I have some concerns when we put stipulations in that are very difficult to actually manage to. So, five versus 10. Right. What is that? How do we manage that? What is the enforcement mechanism? It seems to be, in my opinion to be a bit arbitrary. So, I would, I would not be supportive of that limitation.

Ms. Evans: Thank you. And again, I do apologize. All right. Now I'm going to ask staff to read back the development conditions to confirm all in agreement.

Mr. Staranowicz: Suggested development conditions: days and hours of operation would be Monday through Friday from 8am to 4pm. The applicant shall comply with the minimum standards set forth in Section 28-25 for a Home Business II. The applicant must keep accurate log of gross vehicle weight and not exceed 13,000 pounds. We are going to strike number four. Number five, all outdoor vehicles shall be completely screened from view of the roadway and all adjacent properties. The special exception shall expire when this applicant vacates the property and is non-transferable. The special exception may be revoked for willful noncompliance with the conditions imposed by the Board of Zoning Appeals.

Ms. Brown: Madam Chair, I think that the square footage needs to be addressed in here because it is, like I said, there's three different measurements in here so we need to know what 25% is and are we adding that 15% on. So before we vote, I would like to get that worked out because that was a big thing in the first special exception was the square footage. Is Mr. Morgan in the building or we could call him? There he is. Mr. Morgan, I need some clarification back there again on that math. The 15% we talked about for storage, I think you clarified that would be 15% of the 25% allowed.

Mr. Morgan: Twenty-five percent is in the primary residence, 15% is allowed in an accessory, enclosed accessory building or structure.

Ms. Brown: Okay, so that 15% would be like 232 square feet. Is that something we would add on to the 25%, which she's asking for 336.

Mr. Morgan: How that reads, that does read as a separate entity. It doesn't, it's in a separate paragraph, and it's not inclusive in the 25% and it doesn't say...ummm... total, 50% of the total area.

Ms. Brown: I know that the last special exception reading the minutes, they did have the county attorney on staff there and I think Miss Hudson, they had deferred the meeting for a month to get this question answered and they came back at that time and said that it was 25% of the primary dwelling. So, this 15% is new and it's kind of vague. So again, are we gonna grant them 566 or...?

Mr. Morgan: At this point, it's at the discretion of the Board of Zoning Appeals so if you wanted to allow them 150 square feet, 200 square feet, you can do that as long as it's not in conflict with this.

Ms. Brown: Well, that's what I'm asking you. Is that 15% on top of the 25% extra or...?

Mr. Morgan: That's how this reads. It's in a separate clause. Twenty-five percent in the principal structure and it says storage of merchandise can be at 15% in an outside accessory structure or building.

***Board of Zoning Appeals Minutes
June 28, 2022***

Ms. Brown: Right. But it also says in the area of the total property and we know that's not correct.

Mr. Morgan: Correct.

Ms. Brown: Okay, well, I'm gonna defer to the board on this because I find this to be very, very confusing and I don't want to go against what is our ordinance. She's asking for, well, they have more than she's asking for. Based on what I saw, it looked like they were using half that building and it measured out roughly to 590 square feet. So if you added the 15% on for storage, that would come up about right. If you add that on to the 336 that they're asking for. That would be very close. So that's why, but I want to be sure because when we get the next case, I don't want to be. No, it'd be 566 total. So, you know, looks like 25% or what she's asking for is 336 and then 15% of what the tax records say would be 232 for a total of 566. So again, that's exceeding the 25% of the primary dwelling. That's my concern.

Mr. Morgan: And let's reiterate what that states, 25% in the primary residence. So, it says that you can have...

Ms. Brown: "...of the primary residence" it said; "of" I thought.

Mr. Morgan: Yeah, 25% of the primary resident. And then it says, storage of merchandise, equipment, materials associated with the home business is permitted, and shall be located in a primary residence, or in an enclosed building or structure. Storage areas outside of the primary residence can be no more than 15%. So basically, what they're trying to say is how I read that in two separate statements is that they can have the 15% on top of the 25% in an accessory structure for storage of merchandise, equipment and materials. Which is what the calculation is that you just gave me.

Ms. Brown: Five hundred sixty-six, something like that. Okay, I am going on your recommendation, Mr. Morgan. Thank you.

Ms. Evans: So what condition are you?

Ms. Brown: That it is limited to 25% of the primary residence with the additional 15% of that 25% for storage, not to exceed 566 square feet. I know that's confusing. I'm sorry. But I thought that was really important to, that was a problem in the last special exception.

Ms. Evans: So, we have that condition. You have that?

Mr. Staranowicz: So, we're going to do 25%.

Ms. Brown: Well, she's asking for 336, which is, I think, a little bit less, right around there. And then we're going to do 15% for storage, additional, 15% for storage not to exceed a total of 566.

Mr. Apicella: Madam Chairman, I'm gonna go ahead and make a motion to recommend approval of the special exception with the conditions as read by Mr. Staranowicz, as further modified by Ms. Brown.

Ms. Evans: Okay, thank you.

Ms. Brown: I'll second the motion.

Ms. Evans: Those are in favor, say aye.

***Board of Zoning Appeals Minutes
June 28, 2022***

All: Aye.

Ms. Evans: I'm gonna get this right. One day. Is there any discussion? Would anyone like to discuss the motion?

Mr. Spinnanger: So, I would just like to, this will go into things we discuss in minutes. So, in knowing that we've already sort of voted so maybe this is academic, but I think it's important, right? So, we're a quasi-judicial board. And I don't want to, I don't know what the professions of most people are here, but I'm not a lawyer. I appreciate the fact that we had counsel here for the applicant and we had other representation here but I think that's the nature of what this board is intended to be. Right. So, we're helping to interpret things, right, in support of, you know, to the extent possible, much of what we heard here today. So I just think that's kind of important. We spend a lot of time on things that I'm going to be quite frank really kind of rise to some minutia for me. Because we're not lawyers, we're reading things that are written in a lawyer really kind of a way, which is fine. But simple is better, because simple is, is where precedent comes from. And I think it's probably worth mentioning here. Again, I don't really understand how this part works. But understanding that this, there's precedent here because there was a prior, you know, special exception granted for this business to be able to operate. And I believe if there was anyone trying to pull any kind of a fast one here or some kind of a maneuver, the reality is that there would have been a way by which they could have maneuvered the use of the property through ownership, deed transfers, things like that, that would not have brought the applicant here today. So I wanted to say I appreciate the good faith that brings us here. And I like the fact that we as a Board have simplified the conditions by which we appear to be moving towards granting exception. Thank you.

Ms. Brown: I'd like to just clarify since you're making that statement. In this special exception we are hearing this case with our legislative hats on very different from our judicial hats. I want to make that clarification.

Mr. Spinnanger: Which is why we don't need to pretend that we are lawyers. Thank you.

Ms. Evans: Okay, so there was a motion on the floor, there is a motion on the floor by BZA member Apicella. Ms. Brown second the motion. That was voted... is a discussion... I'm sorry there was a discussion, now we voted. Yeah, all those are in favor again say aye.

All: Aye.

Ms. Evans: All right, so let the record reflect that all members voted to approve and your motion is approved ma'am and sir and you will be receiving a follow-up letter from the department. All right. Okay, there's no Unfinished Business and so I'm going to ask for the Zoning Administrator's Report and Doug left.

UNFINISHED BUSINESS

NONE

ZONING ADMINISTRATOR'S REPORT

Mr. Staranowicz: I'll go ahead and do it. It's simple enough tonight. There are no cases for next month, so y'all can enjoy the month off and also, just to let everybody know that we will be transitioning the BZA staff reports and agendas and everything over to CivicClerk exactly the same as what the Planning

***Board of Zoning Appeals Minutes
June 28, 2022***

Commission and the Board of Supervisors use so our next meeting will be done through CivicClerk and we will get with Stacie to get you more information on how that exactly works.

Mr. Apicella: If I could just ask you real quickly, is it going to be the same? Remember for the Planning Commission report, we asked that it'd be separated by agenda item so that it's not all one mashed document. We're going to do it the same way for the BZA? Yeah. Okay. Great. Thanks.

Ms. Evans: So just really quick, Steven, since you have experienced this can, can I ask just if you can explain just a little bit about it. If you don't mind.

Mr. Apicella: It's really form rather than substance. We were still getting the same, it looks a lot like the way the board's package is provided. Okay, so there's a great, I mean, one thing we'll get that we don't have now is a nice executive one- or two-page summary at the top and then you'll have the staff report and all the documents associated with.

Ms. Evans: Okay, okay. But it's basically how its presented.

Mr. Apicella: It's more about how it's presented. It's really the same information but it's just a different style. I was a little resistant to it, but I think it works given if you can have it parsed out by agenda item.

Ms. Evans: All right, thank you.

Ms. Brown: So, is it all virtual or is it paper?

Mr. Apicella: Well, it's, it's gonna be it's gonna be posted. Right? No paper, we had this discussion. Yes, it's not paper, it's you click on it, and I guess you could still provide the paper as well but I'm just saying in terms of its how it's posted on the website, it's gonna be, it'll be different format. So, I don't know what the plan is, in terms of still providing the hard copies,

Mr. Staranowicz: I believe the purpose behind going to the CivicClerk is to do away with the paper.

Ms. Brown: Okay, we had this discussion many, many times over the years and this is because the BZA does not get a stipend like the Planning Commission does to like print all this stuff off. We don't get that. So we're gonna have no paper copies to do this. I know you're laughing. But we've talked about this how many times over the years.

Ms. Stinnette: We're not laughing. This is coming straight from the County Administrator's Office.

Ms. Brown: That's what they told us last time.

Ms. Stinnette: Everybody is going to CivicClerk, all boards and commissions.

Ms. Brown: Because I remember that was what they told us last time and I ran into Mr. Romanello at a baseball game and I said, Why are you making us do this and he said we're not making you do that and we came back, it turns out a clerk in the office had made that decision and so that was reversed when Mr. Romanello found out. So, just this was an issue and again, we do not get paid a stipend like the other Commissions do so that means we're going to have to print all this at our expense.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Harris: Sorry, I apologize, I stepped out for a moment. You're telling me that we're no longer going to be receiving packages?

Ms. Evans: We're going to the Civic...

Mr. Staranowicz: It's going to be posted on CivicClerk. It's going to be posted to the same way that PC, the Planning Commission, gets their information and the Board of Supervisors get their information through CivicClerk.

Mr. Harris: Who is Civic Clerk?

Mr. Staranowicz: It's just a format, a different format that the information is presented but we will not be providing the paper copies anymore. This has been directed by county admin.

Mr. Harris: We can't do business without the documents.

Ms. Brown: They want us to print them at our own expense.

Mr. Harris: We'll just have the judge print them.

Ms. Evans: Good luck with that.

Mr. Harris: You want to bet money on that.

Ms. Evans: No, I know you got this.

Mr. Apicella: Madam Chairman. I mean, you know, you may want to interface with whoever the right folks are about the board's concerned about not having paper copies.

Ms. Evans: Yes, I will ask yes. So, can I get a motion on the adoption of the minutes for May 24?

ADOPTION OF MINUTES

2. May 24, 2022

Ms. Brown: I will motion to approve the minutes.

Ms. Evans: Is there a second?

Mr. Harris: I'll second.

Ms. Evan: Discussion?

Mr. Apicella: Madam Chairman, I'm going to abstain since I wasn't here.

Ms. Evans: All right. Those in favor say aye.

Ms. Evans, Ms. Brown, Mr. Harris, Mr. Spinnanger, Mr. Gibbons: Aye.

***Board of Zoning Appeals Minutes
June 28, 2022***

Ms. Evans: Let the record reflect that the motion is passed.

Mr. Apicella: With one abstention.

Ms. Evans: Yes. With one abstention and the adoption of the minutes are approved.

Mr. Staranowicz: Actually, it will be with two abstentions.

Ms. Evans: Yes, two abstentions, Yes and the motion is approved. Other business? There's no other business. All right. Can I get a motion to adjourn?

OTHER BUSINESS

Mr. Spinnanger: Well, so just to kind of pile on this question, right, because I do agree. So we don't have anything next month, which is really kind of great. But learning by doing, if the next time we get a case, it'll be, it won't be the way in which we're doing it here. So I wonder, I don't really want us to have to have an occasion to come back here in July just to find out where we are. But I do feel like it is an important question that'd be asked here, right. So, the opportunity to kind of do this in the off hours is really sort of, for me, I don't want speak for anyone else here, kind of predicated on the idea that I have materials that we're able to read and make notes on and reference to. And it's been my experience now in a couple of years here that none of these things comes through with less than, you know, pretty healthy stack of stuff. So, if we're going to end up having to print these things to be able to continue our process, or if we can't, you know, understand that there's any relief, we don't get a lot of these. So, I'm not really sure that the county is going to live or die, the budgets going to right itself/wrong itself whether or not we do 6-7 of these a year, right, but I do think it's an important question and I would like to know to what extent we'll be able to kind of follow up to find out what our options may be or not.

Mr. Morgan: No are working on trying to...we will transition into this. Our goal is to get, well we have no goal. We're on CivicClerk and that's it. So, we're going electronic. So, I've presented some information about getting iPads, about getting other ways so that the Board of Zoning Appeals has access to those from staff. Stacey, James and I will make sure that while we transition into this you will definitely get your information, you will definitely get your packet and we will make sure that it's a smooth transition. We don't know how that's going to work. Right now, I know the Board Members and the Planning Commission currently use CivicClerk so that is exactly the platform that they have changed us to where now we do it all by hand and we entered in ourselves. Now it's going to be all in the CivicClerk platform. So as we transition, James is bringing that to your attention tonight to say, look, we're moving on to this Civic platform and as we transition in, I know, it'll be some steps and some hurdles, but you will definitely, we will make sure that you get the information and that's one of the reasons why you've received the information so early in the past couple, because we're trying, we're trying to test how long it takes what, what do we got to enter. We're trying to work it out as well and staff is tasked with it. We don't have an option.

Mr. Harris: So how are the documents and the results and the findings archived?

Mr. Morgan: On that platform.

Mr. Harris: So, they're archived electronically?

Mr. Morgan: Correct.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Harris: So, like 20- 30 years from now, when someone wants to come in and look at something from a special use permit that was issued 20 plus years ago, we have to go to the electronic version.

Mr. Morgan: Yes, sir.

Mr. Harris: And if that electronic ones and zeros are lost through whatever, Hocus Pocus, that information is lost in perpetuity opposed to pulling out a hardcopy and reading it?

Mr. Morgan: That's correct.

Mr. Harris: So, you're telling me that I have to take all my books at home, burn them and read Kindle?

Mr. Morgan: No, I'm not telling you that.

Mr. Harris: I'm telling you that's what you're telling me by this.

Mr. Morgan: I'm telling you that you can use your Kindle, if you can get on there with CivicPlus.

Mr. Harris: I'm looking forward to the EMP, electronic magnetic pulse and that'll take care of all of this so I strongly object to it. I really do and that's just not the way we're gonna do business.

Mr. Morgan: I would suggest....

Mr. Harris: I understand you're the messenger.

Mr. Morgan: Yes, you guys. We're gonna definitely run that right up to the County Admin and to the Board of Supervisors and we will let them know how upset you are and that you do not want to do that.

Ms. Evans: Okay, thank you so much.

Ms. Brown: So, who said that we had to? Was it the County Admin?

Mr. Morgan: It's the whole countywide, yes.

Ms. Brown: But who decided we were? Because this, like I said it came up before and we were told by Planning and Zoning that this came from the County Administrator, which he said, no one ever said such a thing and you don't have to.

Ms. Evans: We have a new County Administrator.

Ms. Brown: Coming next month.

Mr. Harris: There is no hard copy archive from here out?

Mr. Morgan: We scan everything into OnBase and we follow the Virginia ...

Mr. Harris: There's no hard copy archives from here out? That is insane.

Mr. Morgan: That's exactly right.

***Board of Zoning Appeals Minutes
June 28, 2022***

Mr. Harris: That is insane.

Mr. Morgan: That's, all of our plans now are done in Digiplans. Ever since COVID when we got online permitting, everybody scans everything in and we don't have a paper copy of that.

Mr. Spinnanger: Just for discussion so just walk me through this right. So, if this had been done on Civic Clerk, how would, we would just be instructed at some time before tonight's meeting that we can go to this public facing website and then review the material just like any and that's the way it's done on other boards for the county is that how it's done?

Mr. Morgan: That's how it's done with the Board of Supervisors and the Planning Commission.

Mr. Spinnanger: Okay. Thank you. All right.

ADJOURNMENT

Ms. Evans: There's nothing else. The meeting is adjourned.

With no further business to discuss, the meeting was adjourned at 8:45 PM.