

STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES
August 25, 2020

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Wednesday, August 25, 2020, was called to order with the determination of a quorum at 7:00 p.m. by Chairman Heather Stefl in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center, and at remote locations throughout the County.

MEMBERS PRESENT: Heather Stefl, Adela Bertoldi, Dana Brown, Steven Apicella (remote), Robert Grimes (remote), Brian Jenkins, Dean Larson (remote)

MEMBERS ABSENT: None

STAFF PRESENT: Douglas Morgan, Melody Musante, Stacie Stinnette, Jeffrey Harvey, Denise Knighting

Adoption of Electronic Participation Policy

DECLARATIONS OF DISQUALIFICATION

Mrs. Stefl: Before we hear the first case, does any Board member wish to make a declaration or statement concerning any cases to be heard before this board tonight?

Ms. Brown: Yes.

Mrs. Stefl: Alright, Ms. Brown?

Ms. Brown: For our first case, which is SE20-01/20153404, that is for the wedding venue, I just wanted to state that I did visit the site last Thursday, somewhere around 8:30 in the morning; that was August 20th. I did meet with the applicants and we did speak. They drove Ms. Bertoldi and I in one of their side-by-side which is like an all-terrain golf cart around the property, back into the woods, from one end to the other. I also drove down Saratoga Woods, the main... the main road in there, and I looked at the homes and the foliage behind there, and I did not speak with anyone. Additionally, for our next case, that is SE20-02/20153426, I did drive by the property and the surrounding neighborhood on August 19th. I did not talk to anyone there. Then I drove down Rolling Road and Sunshine Drive to look at the access easements on Friday, August 21st, and I did speak to a neighbor near the applicant's property who happened to be out getting the mail; it was just a fortuitous little incident there. And then on Saturday, the 22nd of August, I drove by Lake Arrowhead down to the public ac... I'm sorry, the private access easement, and I did take some pictures. And then yesterday, on August 24th, I did speak with a Sgt. McCall from the Stafford County Animal Control Department. And that's it.

Mr. Jenkins: Ma'am, I as well drove past both properties in discussion this evening. I didn't speak with anyone.

Mrs. Stefl: Alright, thank you Mr. Jenkins.

Ms. Bertoldi: And I just want to state, with respect to the first case, and Ms. Brown already stated, but her and I both met with the applicants in the wedding venue case, the first case we're going to hear tonight. They did take us around the property. I also drove in my own car in the Saratoga Woods, back around the property and down the street of the houses that back up to the woods; back up to the wedding

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venue property as well. And I took several pictures, both from Saratoga Woods and also from the wedding venue property. And I... obviously I spoke to them because they took us around.

Mrs. Stefl: Alright, any of our members online?

Dr. Larson: Can you hear me?

Mrs. Stefl: Yes, we can. Dean?

Dr. Larson: Yes, it's me, yes. Thank you. Yes, I visited both properties this afternoon. The wedding venue I visited. Talked to Mr. and Mrs. Blais while I was there. Mrs. Blais suggested that I look around the property a little more with Mr. Blais on an ATV, and so I accepted that and we drove around the property. I... we didn't talk about any specifics of the application; we were only... I was only observing the topography of the land and the vegetation. The second... the Lupine Grove, I visited. That was more of a drive-by. I drove through the adjacent roads looking to see where the houses were. And then I went up behind Lupine Grove as well and didn't speak to anybody on that visit. That's it.

Mrs. Stefl: Okay. I'll now ask the Secretary to read our first case.

PUBLIC HEARINGS

1. SE20-01/20153404 – Jason and Aubry Blais - Request a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," A-1, Agricultural, to allow a wedding and events venue as a Business on Tax Map Parcel No. 36-58D. The property is zoned A-1, Agricultural and is located at 544 Mount Olive Road.

Ms. Musante: Case SE20-01/20153404, Jason and Aubry Blais, request a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, District uses and standards, for the A-1, Agricultural, to allow a wedding venue and events venue as a Business on Tax Map Parcel No. 36-58D. The property is zoned A-1, Agricultural, and is located at 544 Mount Olive Road. You have the application, application affidavit, the plat, diagram of the area used for the venue, letter sent to the adjacent property owners, emails from adjacent property owners, VDOT permit, letter regarding bathroom facilities, email from the Building Official, copy of Ordinance O19-21, copy of the tax payment, copy of adjacent property owner notification. The applicant is requesting a Special Exception for a Business to operate a wedding and special events venue on the property. The proposed plan is to hold weddings and other events in tents on the property with the idea to utilize the existing barn in the future. The property is in the Stafford County land use program which prohibits the use of the barn at this time for commercial purposes. The barn will only be used as a backdrop for photos. Per the Commissioner of the Revenue Office, the barn and one acre of land will no longer qualify for tax exemption (land use) and will be taxed at market value when the applicants proceed with utilizing the barn for weddings and events. The current single-family dwelling is 2,702 square feet. No part of the existing dwelling will be utilized for the weddings and events. In the proposal, they offer 3 different packages. The elopement package is up to 25 guests; small gatherings up to 50 guests; and weddings/events up to 150 guests. In addition, they propose a premium package offering the venue for 2 days to allow for the rehearsal dinner the evening prior. The applicant is requesting a maximum of 150 occupants and no more than 150 vehicles. The applicant has requested the days and hours of operation to be Friday and Saturday 10:00 AM to 10:00 PM and Sunday from 9:00 AM to 9:00 PM with no weekday hours. The parking area will be manned by a parking attendant during events. The parking area is also screened along the adjacent property line by vegetation. The applicant contacted VDOT regarding the need for a commercial entrance. They submitted a copy of their VDOT entrance permit with their application. The existing sewage disposal

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system will not be utilized; however, the applicants will provide portlets for the events. This type of sewage disposal has been approved by the Building Official. Additional lighting will be added to the parking area, parking entrance, and exterior pathways of the venue structure. The lighting will only be in use during events and the specified areas, compliant with Section 28-87, "Outdoor Lighting Standards." The single-family dwelling was constructed in 1978. A 30 x 60 barn and a 24 x 40 detached garage exist on the property. The current owners purchased the property in August 2019. The Board of Supervisors changed the code to allow for event venues of 20 acres or more in October 2019. The subject property is located on the west side of Mount Olive Road. The perimeter of the site is wooded. 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 on large tracts of land. No subdivisions are in the immediate area. And we have received some emails, so, in favor of, we have an email from Arthur and Tina Duvall, Bonnie and John Snyder, and Christopher and Breanna Reynolds. Opposed, we have Adam Witmer, Anna Allen, Mike Brooks, Kimberly Brooks, Christopher Clark, Mr. and Mrs. Fariñas, Emmett and Sandra Pilkington, Jimmy Pearce, Geoff and Kerry Nenni, Kimberly Kelly, Jay Steiner, Tom Ford - Secretary of Saratoga Woods Homeowner's Association, Tonya Carter, Todd Spencer, and James Foster.

Mrs. Stefl: Do we have any questions of the staff from the Board before I open up the public hearing? I'll defer to the electronic Board members first. Okay, Board present? Okay, okay. I'm gonna open up the public hearing now. Will the applicant or his or her representative please come forward to present their case.

Mr. Blais: Good evening. Thank you very much for hearing our case and thank you for taking time out of your day and weeks and time and effort that goes into it. My wife, Aubry, and I are greatly appreciative of that. The wedding venue was an idea of Aubry's when we first purchased the place. And we look at it as something that... because we got married there. And if you've seen the photos and everything else like that, it is very picturesque and it is very open and pastoral. So, we also understand that it is a neighborhood and that we have neighbors and we're very respectful of our neighbors. This is our forever home; we intend to live here and make it our home. In order to do that, it's not easy farming. And there are very few farms left on Stafford County. So, we look for ways to supplement our income. As retired Military members, we realize that, you know, we have to give back to the community and continue to give back, but there's only so many ways we can do that. So, with this wedding venue, we looked it as a way to supplement our income. We also looked at ways that we could mitigate impacts on our neighbors. So, we self-regulated with two weekends per month at a maximum. We self-regulated with 150 people maximum, so we're not... and a hundred vehicles maximum. The property is actually not the 30-acre parcel but is a 30-acre parcel plus an additional 12-acre parcel with a maximum 42 acres and a great deal of standoff from both the road, Mount Olive Road, as well as all adjacent property owners to the point where you literally cannot see most of the property owners. We got concurrence early on from a lot of our adjacent property owners by being upfront honest with them and sending out letters prior to even making the application to the board. So, we feel like we've done our due diligence. We've also done our due diligence in researching the intent of running a wedding venue business like this and we've seen promise in it to the point where we are willing to undertake this. To the point where it should be noted that there's no new construction being processed on this. There's no stress on the environment, there's no stress on the water or any other structures in and around it. So, with that, I'd be willing to answer questions of the board that you have for me or Aubry and how we can further facilitate this.

Mrs. Stefl: Ms. Bertoldi?

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Ms. Bertoldi: Yeah. So, real quick, one thing that I know that I had asked you when we were at your property is with respect to lighting...

Mr. Blais: Correct.

Ms. Bertoldi: ... and you were going to be looking into a couple things. One, you were going to look at the type of lighting that you would be using in the evening for impact of the neighbors, and then also with respect to the volume and, you know, more specifics on how you're going to make sure that you comply with ordinances and what levels you're going to enforce.

Mr. Blais: Absolutely. So, I have renderings of the actual lighting we're going to use. The lighting will be affixed to wine barrels. So, it will be about approximately 3½ feet tall. They are 1.5-watt lights, so very low impact; solar rechargeable and running on a 4A battery for the recharger. And I can present, if you'd like, or...

Ms. Bertoldi: A picture, yeah, show...

Mr. Blais: These would be affixed to wine barrels so very low, very... maybe just for walking and transiting back and forth from the site to the parking area and such, and to clearly delineate parking areas and fixtures.

Ms. Bertoldi: Okay. So, it looks like you have two different types; one, that are going to be fixed to...

Mr. Blais: It's the same light with two options for... *inaudible*.

Ms. Bertoldi: Right, so either fixed like around either the barn maybe and then the ones that look like they have little hooks and they'll into the ground that will illuminate the driveway. Is that correct?

Mr. Blais: So, yeah, our intent is for either the hook or to affix it to a wine barrel so it's a uniform height and also the wine barrel will add to the ambiance and not make it a construction-ness site but more rural and rustic like...

Ms. Bertoldi: Right, something that you can take out and put for...

Mr. Blais: Oh, they're going to be in place day of and removed at the end of the event.

Ms. Bertoldi: Okay. And then, what about with respect to lighting of tents, you know, because I know the bride and groom, they have you know tents for food and what have you. What type of lighting...

Mr. Blais: It'll be interior strung lighting, so not on the exterior. Again, just for comfort and safety but not to light up or any attempt to...

Ms. Bertoldi: Okay. Same with any kind of like music that there might be?

Mr. Blais: Right. So, according to the Stafford County... the permit for noise, residential daytime, which is defined from 9 AM to 10 PM, is a 60 decibel in a residential area. So, we only have residential, commercial, office, and industrial; there is not an agricultural. So, we went with residential, the most restrictive and we're going to limit it to 60 decibels. And then, after 10 PM, it drops to 55 decibels. That's well within our reach and also limiting... right, so we're cutting off events after 10, so well within you know any kind of ordinance for the County.

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Ms. Bertoldi: Okay, so you did... that was going to be my next question. So, events are not going to be past 10 PM.

Mr. Blais: No. So, in conjunction and in concert with the County ordinance so we meet that and we'll maintain that.

Ms. Bertoldi: Okay. By 10 PM, is everyone supposed to be off the property by 10? Or is it lights out, band starts you know closing down and then after 10 PM people then can start leaving?

Mr. Blais: So, at 10 PM the venue is closed and then clean-up starts occurring.

Ms. Bertoldi: Thank you.

Ms. Brown: Madam Chair, can I have the floor to ask some questions? Okay, I had a couple of questions for you, too.

Mr. Blais: Yes, ma'am.

Ms. Brown: A lot of them you actually answered in your opening statement. Do you have an alternate driveway available for an emergency access besides the main one coming in?

Mr. Blais: Actually, the main driveway will accommodate vehicles on both sides, because it's... the driveway is surrounded by hay fields so those are usually trafficable. In the event that multiple... like an emergency occurs or something of that nature, there is an alternate driveway on our property that we share with 540 Mount Olive. They have an easement through us for their driveway and that is a trafficable driveway. But, yeah...

Ms. Brown: That's fine.

Mr. Blais: ... emergency vehicles could transit in and out on a 2-lane in our driveway, on the initial driveway in the event that something else catastrophic was occurring, which I don't envision, but that second one could also be in place.

Ms. Brown: Okay. And then, all the trash and the portalets from the event, those are gonna be removed by the vendor right away?

Mr. Blais: Correct. As soon as possible.

Ms. Brown: Okay. And, um, wedding planners. I think you might have mentioned you were going to make use of a wedding planner, but you would be onsite supervising. Is that correct?

Mr. Blais: We will be onsite constantly during any and all events.

Ms. Brown: Okay. And then... and you might have mentioned this in your opening, on the staff report we had a little discrepancy. There was a max guest count and a max number of cars, and it was listed as max guests at 150 and cars the same. So, I think we're really... it was supposed to be a hundred cars?

Mrs. Blais: Yes.

Mr. Blais: Yes.

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Ms. Brown: Okay.

Mrs. Blais: In our application it was a hundred, so I think it was just transcribed... *inaudible*.

Ms. Brown: Okay. And then you mentioned you might be available for wedding rehearsal dinners the night before. Are you planning on having overnight guests?

Mr. Blais: No overnight guests.

Ms. Brown: No overnight guests. Okay. And in your application, you state this is for wedding venues and other uses. What would the other uses be? Is that the rehearsal dinners, or...?

Mr. Blais: Correct.

Ms. Brown: Okay. And the barn – you're not gonna use that, just as a picture backdrop, correct?

Mr. Blais: That is... *inaudible*.

Ms. Brown: And if you want to expand, you're gonna come back and see us?

Mr. Blais: We will have to.

Ms. Brown: Hang on just a second here; I want to make sure I have everything I wanted to ask you. Will alcohol be served?

Mr. Blais: It would be up to the event contracted and they would be responsible for all catering to include any alcohol with a VA ABC liquor license.

Ms. Brown: Okay. Were you planning to have a permanent sign, or...?

Mr. Blais: No.

Ms. Brown: No. So, just like a temporary sign the day of the event?

Mr. Blais: Correct.

Ms. Brown: And, let's see. Ah, the tree question. The trees behind your barn that are between you and your rear property line, were those evergreens mixed in with those trees?

Mr. Blais: So, directly behind the barn, if you look at the structure, it looks like there's a clear-cut area. That area was forested approximately 3 years ago I believe.

Ms. Brown: Yeah, that's well underway as I recall traversing over that.

Mr. Blais: Right. So, at a cost to the Snyder's who were the original owners of the property, that was replanted with loblolly pine, which is a very fast-growing pine used in forestry. So, we expect... they're already about 3 to 4 feet tall right now. In the next 6 to 7 years we expect those to reach almost full maturity and be another barrier and buffer.

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Ms. Brown: When you drove us back into the woods, I kinda remember oh gosh, I hope I don't get bumped and fall out because I wasn't sure I was gonna find my way back. There's evergreens back there, too?

Mr. Blais: Correct. It's a mixture of evergreens and hardwoods.

Ms. Brown: Okay, and I think that's all I had Madam Chair.

Mrs. Stefl: Okay.

Mr. Blais: Thank you, ma'am.

Ms. Bertoldi: Can I just ask a couple... one question, one follow-up question and then I'll be done.

Mrs. Stefl: Okay.

Ms. Bertoldi: With respect to the port-a-potties, you said as soon as possible. Just a little more clarification for the record. You're not looking at 10 o'clock at night they're not going to be coming; you're talking the next day, correct?

Mr. Blais: No, ma'am. The normal business is... business rules are usually the next day. Industry standards.

Ms. Bertoldi: Okay. I just wanted to make is clear for the record.

Mr. Blais: That is correct.

Ms. Bertoldi: And then, are you planning on offering, you know, entertaining weddings year around because you kept talking about the wedding season in your application. So, I wanted to clarify that as well.

Mr. Blais: Well, I'll defer to the wedding expert. But we will be open year-round, but wedding season...

Mrs. Blais: Wedding season is just when most brides... I mean, most brides aren't thinking July because, you know, it's very, very hot outside, and mostly in spring and fall. But, some brides do like a winter wedding so it just would just depend on... in my application I apologize if I said wedding season but I did ask for 2 weekends per calendar month, which...

Ms. Bertoldi: I just wanted to clarify the record, thanks.

Mrs. Stefl: Do we have questions from the electronic board members?

Dr. Larson: Madam Chair?

Mrs. Stefl: Yes, Dean.

Dr. Larson: I just have a quick question for Mr. Blais. The... could you give us an estimate about how far it is from the barn to... or more accurately, from where the venue will take place. So, I guess its sort

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of toward your house from the barn. From that area to the tree line. Could you give us an estimate on the distance?

Mr. Blais: I would say... it's not an estimate... I would say an exact measurement that I took is 540 yards.

Dr. Larson: Oh, wow. Yeah, I knew as well over a hundred yards. And then there is a stand of trees after that. Do you know how thick that stand of trees is?

Mr. Blais: How thick... I'm not sure I could estimate...

Ms. Brown: Probably how wide.

Mrs. Stefl: I think he's probably asking, like maybe from the... Are you asking, Dean, from like the barn to the property line?

Dr. Larson: Well, okay, that would be good. From the barn to the property line.

Mr. Blais: So, could you clarify that question, I'm sorry. It's difficult because I'm trying to glean it without, you know, looking at you face to face. If...

Dr. Larson: Yeah, I'm just trying to get an idea. So, the distance from, say, the barn to the edge of the trees was about 500 yards.

Mr. Blais: That's correct.

Dr. Larson: And what is the distance from the barn to your property line in that direction?

Mr. Blais: I would say it's about the same.

Dr. Larson: Okay. So, the trees aren't really on your property?

Mr. Blais: Yes. So, those trees that we... the road that we drove on, yes.

Dr. Larson: Right. So, the tree line that you see from the barn when you look across 500 yards-ish, those trees are on your property?

Mr. Blais: Yes.

Dr. Larson: Okay, thank you.

Mr. Grimes: This is Robert Grimes. I'd like to get a clarification on your question, Dean. Because I'm looking at a map and are you talking about standing at the back of the barn looking to the back property line through the tree line?

Dr. Larson: Yes.

Mr. Grimes: Okay. Because it might be 500 feet but I don't think it's 500 yards. Was it measured in feet, Mr. Blais?

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Mr. Blais: It's 540 feet, yes.

Mr. Grimes: Thank you.

Dr. Larson: Okay, well over a hundred yards though.

Mr. Grimes: Yeah, correct. I suspected that was the case and that's why I wanted clarification.

Mr. Blais: My apologies, yes; 540 feet.

Dr. Larson: Okay, thank you.

Mrs. Stefl: Alright, I just have one question. You mentioned... are you only going to have brides or would you allow, you know, a special event, a bridal photo; would that be part... you know, take up the two... two a month kind of thing?

Mrs. Blais: Bridal photos without a wedding?

Mrs. Stefl: Right, right. Like some brides, especially fall brides, maybe want to have a photo in a barn like setting say, for their engagement or their bridal photos, you know. Or even engagement photos, you know, things like that.

Mr. Blais: Right. So, if I understand your question, that particular event would not fall under the special exception.

Mrs. Stefl: Okay.

Mr. Blais: We could have a 3 or 4 party wedding shoot, photo shoot, without a ceremony, and we would not need a special exception for that. It doesn't fall under the exemption.

Mrs. Stefl: Would that fall under the elopement pack... because the elopement is 25 max, so...

Mrs. Blais: Only if there was an actual ceremony occurring...

Mrs. Stefl: Okay.

Mrs. Blais: ... with guests. If it was just a photo shoot with just a handful of family members, I wouldn't... I wouldn't call that a... *inaudible, being talked over*.

Mrs. Stefl: Okay, alright. I'm just trying to get clarification here. Alright, are we...?

Ms. Bertoldi: One more question; I lied. I just... because I know we talked about it, so I just want to put it on the record. There's not going to be a place for the bride to get ready, right? They're not going to be coming there, you know, taking up, you know, a room in your house. The bride has to come out of whatever vehicle she is in and walk down the aisle, is that correct? Okay.

Mrs. Stefl: Alright, I'm going to now open the public hearing. The applicant, you can have a seat if you'd like.

Mr. Blais: Thank you very much for your time.

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Mrs. Stefl: Sure. Alright, I'm gonna ask... we have a big list of those who wish to speak. I'm gonna ask the community and the public, if you sent in your applica... if you sent in an email to us, I want to assure you that we have, as a board, read these letters, we have thoroughly seen them. If you do have something to add, please come forward. But if you are new, please do not hesitate to, you know, please come forward. I'm going to start... I'm going to read off 3 names from I assume people up in the ABC so that they can maybe start making their way down once we start seeing a lull in the audience. But we'll start with the audience first. And, so if you have any questions, please don't hesitate to contact us here. But for now, I'm going to open this up for any member of the public who wishes to speak in support of the application to please come forward. On my notes, it doesn't note whether they're in support or opposition upstairs.

Mr. Morgan: No, Madam Chairman, those are people who are signed up to speak just in regards to the application, correct.

Mrs. Stefl: Okay. Just... so, you don't know their wishes.

Mr. Morgan: Yes, ma'am, correct.

Mrs. Stefl: Alright. Well then, I'll ask any member of the public who wishes to speak in opposition to the application to please come forward. And just a reminder to please state your name and address for the record.

Mr. Morgan: And those are the names that you have in front of you. If you'd like to read those 3 off, we can get those lined up outside for you.

Mrs. Stefl: Okay. James Foster...

Mr. Morgan: I think there was a very top one, Ruth Carlone...

Mrs. Stefl: Oh, Ruth Carlone.

Mr. Morgan: ... James Foster.

Mrs. Stefl: Mrs. Carlone is here.

Mr. Morgan: Okay.

Mrs. Stefl: So, James Foster...

Mr. Morgan: Followed by...

Mrs. Stefl: And Adam Witmer.

Mr. Morgan: Very good.

Mrs. Stefl: Okay. Alright, please come forward Mrs. Carlone.

Mrs. Carlone: Ruth Carlone. Mike and I have lived in our home for 37 years now and have made a lot of friends in that area. And it's been quiet and we've had parties and barbeques and everybody has been very nice until now. There's a problem right now about some undue animosity on a certain side. I'll

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read what I... comments that I have very quickly. My comments are to protect all of us in the Mount Olive neighborhood. If the proposal was just for a small home tax preparation business, that would be one thing. But this Highland is another matter. The proposal is not in accordance with 28-351. It is detrimental to the character of adjacent land. It would change the established development of the area, pattern of the area. It'll adversely... oh, I forgot, we've got this timing. But anyway, there's some misstatements in there. There are many other in Stafford that also provide wedding venues in barns and such. We have one right around the corner, Moon Valley; we have the Glasgow; we have Melchers that has events. They're all over the place and all the churches. And I haven't seen anything that went out to the church, Mount Olive Church. There are 250 congregation right there two lots away from this venue. The events will have up to 150 attendees which means actually 300 round trips on our road, our little road. We're trying to get it lowered a little bit, the speed, but now you're mentioning alcohol. We'd like a little more detail on that. Let's see... oh, there's a lot here. I want more detail on just what type of events they would have. This... that's nothing at all. We need to know something more definitively what type of events we have. This is a very gentle, quiet neighborhood with bicyclists, children; it's just a nice beautiful area. And also, okay, type of events. I'm just very concerned about the value of our land and the others, too, adjacent to this. We commuted for 20 million years back and forth from here to DC and the Pentagon, and there are other people that have their weekends free. They've commuted all week and worked, so they should be able to enjoy their property, enjoy the quiet. It's a beautiful area. And I'm skipping around here.

Mrs. Stefl: *Inaudible, microphone not on.*

Mrs. Carlone: Oh, usually the red usually comes on. I'm sorry.

Mrs. Stefl: *Inaudible, microphone not on...* but I don't know why.

Mrs. Carlone: Yeah. But I'm just requesting this be denied. It's not compatible with our area. Okay, I'm sorry.

Mrs. Stefl: Thank you, Mrs. Carlone. Alright, I'm going to remind the public that there is a timer on the podium. It is green when you begin speak; it is yellow... is it a 30 second?... or 1-minute warning, and then... yeah, basically closing remarks; and red is the 3-minute mark. Alright, James Foster.

Mr. Foster: Are you ready?

Mrs. Stefl: Yes, sir.

Mr. Foster: Madam Chairperson and members of the Board, thank you for being here for your service, first and foremost, in these trying times. My name is James Foster. I've been at that home, we've looked at that and we searched that property and we've been there for 2½ years. I've been a member of Stafford County for almost 25 years. I'm a retired Senior Army Officer and, quite frankly, I love my peace and quiet. My wife has been with the Stafford School systems for 20 years. And respectfully, I do not support this. I would ask the board to take a good look once again, not to tell you how to do business because you're the experts. But when I look at the rules of special exceptions, this does not fulfill the requirements of the regulations. I would also draw your attention to two things; the letter that I submitted but also a few points I would like to make in addition to that this evening based upon the comments that I've heard this evening. Last of all but not least, I'd like to draw your attention to the Homeowner's Association. That represents 58 total potential residents there; there are over 50 residing there now. And I would ask that you consider that because all of those residents probably would have concerns with this. I know I, for one, as a residence, have concerns with that and I'm sure there are

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others will speak this evening. Out of an abundance of caution, we didn't bring an entire crowd here; we tried to limit it for the benefit of the health concerns. But, if we needed to, I think we could muster a whole of other people. Last of all but not least, I would like to draw your attention to several things explaining why I don't support this. You're having to make exceptions for all kinds of things. You're having to make exceptions for traffic. We know the roads. If you've ever been on any of these roads on Friday afternoon, tell me what that's gonna do. Whether it's 25 or 150. Next the noise. Natural resources. Also, what about the water? Let's talk about water in our area. Well, I hear you're gonna bring that in, but that's good. But you're making an exception for that. That's another guess. Let's make another exception, and another, and another, and another to approve this. Last of all but not least, waste. And if any of you have ever been to a wedding, it doesn't happen in one day. This is a business, make no mistake about it. A business will have people there beforehand planning, preparation, clean-up afterwards. This will not be a one-time oh, let's do it once a month or twice a month. No, there's going to be planning and preparation. It cost me an arm and a leg when my sons got married. And it took a whole lot of planning. And I was always nervous about that, just as I am when I speak in public, too, by the way. Last of all but not least, the laundry list goes on. Preparation time stops, starts. The event stops at 10 PM, but then you add another hour for clean-up. Last of all, but not least, enforcement. Who's gonna enforce this? And the cumulative affect that this has on our community. Not the one-time event, after a year and another year, the roads and it goes on and on and on. And of course, health and safety. This is not in harmony with our area. It's not beneficial or conducive to a residential area. And last of all, but not least, it is detrimental to my property value. I do not support it. I would implore and plead... excuse me, ask the board to please not approve this. Thank you.

Mrs. Stefl: Thank you, Mr. Witmer.

Mr. Foster: Foster.

Mrs. Stefl: Oh, Foster.

Mr. Foster: Yes, ma'am.

Mrs. Stefl: Sorry, I got off...

Ms. Bertoldi: Can I ask him a quick question? Am I allowed?

Mrs. Stefl: No, not during the public hearing.

Ms. Bertoldi: Okay.

Mrs. Stefl: Sorry. Alright, next is...

Mr. Foster: Thank you.

Mrs. Stefl: ... Adam Witmer. Thank you, Mr. Foster. I'm trying to keep my list here. Alright, next on the list is Mike Brooks and Tanya Carter. If you could make your way to the chambers after Mr. Witmer.

Mr. Witmer: Hey, good evening everybody. My name's Adam Witmer. I have met Mr. Blais. I know it's not personal; they're good American people here. I have some concerns. We looked for a while. We moved there in 2018. We have two boys and an active family. We're outside a lot. We looked for a long time and, before we settled on a house, I met with the land owners, I met with Mr. Carlone, I met

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with Mr. Snyder and some of the neighbors that have moved. I had no concerns, you know, 10, 15, 20 years it sounded like there's, you know... *inaudible*... members of the community and it was agriculture environment, a residential environment. So, we decided to purchase the house... or build a house and purchase the parcel. We kinda splurged and said hey, if we're moving out from the city, let's go ahead and get 13 more acres and enjoy it with the kids. So, that's what we do. We're out there every day, we're out there heavily on the weekends, and after a work week, you know, whether it's going out with the kids picking up turkey feathers or hunting or going for a walk, we have the scout den for nature merit badges and stuff like that, a lot of time it's on the weekends. So, my concern is, what's gonna change, you know. We get out there Fridays and Saturdays, we'll be hearing music, you know. We've seen lights. The kids go to bed early so we do campfires and we go camping; it's 8 o'clock. I mean, I can hear cows moo from where we camp where we have campfires, outdoor movies. It's gonna affect us. I know they talk about how far it is. It's 356 yards from my back door. I'm his third closest neighbor. So, when the leaves fall, I can see the barn, I can see the light. So, I'm gonna be impacted. I see... I can see... I'll see the lights from the cars. I'll hear... if I can hear a cow moo, I can hear people, you know, hooting and hollering and music. I know it said no amplified music other than the ceremony, but I've never been to a wedding or rehearsal dinner where there's no amplified music. I mean, who's gonna sit around for 4 hours and chat. So, those are my concerns. It's gonna affect our community. It's gonna affect me and my family, what we purchased the land for. It was also supposed to be our forever home. So, the concerns up front and then development, hey, it's a good idea, it's a great venue; what's next. You know, are they gonna do overnight, are they gonna do outbuildings or, you know, more permanent structures. I understand that clear-cut area will eventually grow out, 6 or 7 years, but there's a... there's a outside mass going on Poplar. A family does outside masses because of the Corona Virus. That's 1,500 yards away, and there's... Judge Simpson's property is between us and we can hear it; Saturday night's and Sunday morning's, I can hear it clear as day that mass going on. So, I can only imagine what I'm gonna hear 300 yards behind my house on the weekends. Those are my concerns. I'm not for it. Please consider my concerns. Thank you.

Mrs. Stefl: Alright. Thank you, Mr. Witmer. Mike Brooks.

Mr. Brooks: Yes ma'am. Thank you. My name's Mike Brooks. I know that I sent an email in, but I just wanted to come up here. I thought it was important to come in person and oppose this for a couple of reasons. One is I'm very concerned. I'm also retired Military; 30 years Marine Corps. My wife and I searched the County as well as some surrounding counties looking for a quiet place to live and, you know, buy a piece of property and build a home and to live. And so, that's why we picked Saratoga Woods because of the surrounding and the quietness and tranquility. I'm concerned about the additional traffic on Mount Olive Road. If you've driven those roads before, I mean, most of the roads in Stafford County are very narrow. I mean, my truck barely fits on that road to begin with. And I don't want my daughter driving that road, potentially encountering drunk drivers. And most people go... a lot of people go to weddings and drink, alright. And they gotta go home, they're not spending the night there, that means they're gonna be on those roads. And I don't wanna risk anybody in my family or neighborhood or anybody running into a drunk driver on the road. Lastly, let me just say that I am worried about my property value. Unlike others in this neighborhood, I don't know if this is my forever home. I'm from the great state of Tennessee, I might wanna move back, but I'm worried about the property values. And I don't wanna... I might sell before 6 years, before those trees grow up and provide additional buffer. But, right now, from the deck in my back yard, I can see the top of the barn, I can see the lights, and I don't wanna hear it as well. And just like Adam stated before, I can clearly hear the outdoor mass off Poplar plain as day, so I know I will be able to hear whatever goes on a couple of hundred feet behind my house. So, for those reasons, I strongly oppose this proposition. Barring any questions, thank you.

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Mrs. Stefl: Alright, thank you, Mr. Brooks. Alright, Tonya Carter.

Mr. Morgan: If I could please remind everybody, once they speak... make sure they speak close to the microphone so that the people in ABC can hear you. In addition, once you do speak, if you would please would not mind leaving the Board Chambers, you could go to the ABC Conference Room up the stairs, that would allow more people to come in as they funnel in as the Chair is inviting them in.

Mrs. Stefl: Thank you very much. And just to bring people down, Eric Berghold and John Steiner will be next. Alright, go ahead Mrs. Carter.

Ms. Carter: Hi, my name's Tonya Carter. I live with my husband and my young son. We are shown in the letters sent to the adjacent property owners. As you have mentioned that you have read our emails, I'll try not to reiterate a lot. I'll try just to add certain things I left out. One, I know I had mentioned about fire safety due to like decorative candles or other stuff like that, there was another iss... people could be smoking as well. I was wondering if there was a fire plan or anything in place because obviously that could affect area properties. We... other concerns to oppose this is the traffic. My son obviously is not driving yet, but there are teenagers in the neighborhood and my son will eventually. We hope to be there through at least high school into college years. I'm concerned about extra traffic that he'll be driving on with the curvy country road we have there. As was mentioned, and I don't know, maybe I got lost with some of the conversation concerning the circular field that we were talking about growth because on the online satellite maps, it does look like it's very clear or low. And that honestly is just behind my neighbor's narrow tract and Ruth's narrow tract. We are on the tax map as 36H-1-5, so we are concerned. When I originally... actually when my husband got out of the Marine Corps back in 2002, we wanted to move to Stafford. But being the VA loan and other stuff, we didn't... we couldn't afford to come up to Stafford because the property values were so high. As, you know, we've lived and grown with careers and everything, we decided Stafford was our next place. We actually couldn't wait. We actually were looking for existing inventory of properties but, unfortunately, the inventory was low. So, we ended up building. And we were building to escape noise and get away from that. So, I am concerned about the vegetation in fall and winter being sparse for noise. When I chose the property, I chose one with a parcel behind it to give me extra buffer from that... from that noise. Sorry, I'm not good at public speaking. I just wanted to... I'm concerned as far as the fact that our land use for the property that we invested in is we use our back yard as an extension of our living spaces; a lot of our neighbors do. Thank you for your time and consideration in helping us protect our investment and the investment of our future, as well as our neighborhood community. Thank you.

Mrs. Stefl: Alright, thank you, Mrs. Carter. Eric Berghold?

Mr. Berghold: Berghold.

Mrs. Stefl: Berghold; thank you.

Mr. Berghold: Good evening. My name is Eric Berghold. My wife, Kathleen, who's with me, we live in the Saratoga Woods community. That's lot 45; it's in the bottom left-hand corner of the map that was in the package. We, like the other individuals who have spoken, have some concerns about this application. I took a look at the... at Section 28-351 and the bases for granting special exceptions and really focused in on the first two listed items. The use shall not tend to change the character of the surrounding area. And it shall not adversely affect the use of neighboring properties. We've got concerns that that's what we're looking at with this proposed use. Noise impact. We're about 650 yards from the... our house is about 650 yards from the barn, and that may seem like a long way. But, at night, we can hear the traffic on Kellogg Mill Road which is an even further distance. So, we're

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concerned with noise. We're concerned with having additional lighting, which would be evident at night. And like many of the other folks, we chose this area because we were looking for a more rural and quiet community. We came from Fairfax where we lived for many, many years. And we have the outparcel behind us as well because we enjoy the outdoors and utilizing that property. We're also concerned about the additional traffic that's been voiced; the addition of a parking area right off of Mount Olive Road, and the fact that what we're looking at potentially is a commercial use basically being set up and utilized next to a residential use. And that sort of activity really can't help but have an impact on the neighboring properties, the nearby properties. So, the concern is that this will tend to change the character of the surrounding area and it really can't help but have an adverse impact on adjacent neighborhoods. Thank you very much for listening to me.

Mrs. Stefl: Thank you very much sir. Okay, the next two people to please make their way down to the chambers is Todd Spencer and James Drape. But next up is John Steiner.

Mr. Steiner: I'm John Steiner. We purchased the property in Manor Wood Estates in the Hartwood area because of the rural setting and the quiet solitude of the land and the Agricultural zoning supports. I'm concerned that Mount Olive Road is not designed to handle the current traffic, let alone future development and the traffic and subject venue may bring. I'm also concerned that the venue is proposed but we haven't received a study or a survey to address the impact of the venue. For example, the number of people, minimum, maximum, or average number of people for each event; vehicles, average number of vehicles projected for each event; vendors, how many vendors are going to be needed for an elopement package, for the medium size package, or for a package that involves 150 personnel; event setup, number of people and vehicles projected to set up for each event; and the time needed, start time and stop times. Potable water is probably going to be provided as previously indicated... or as has been previously indicated, but what we have out in the Mount Olive area and adjacent areas is wells. We haven't heard anything on how much water a wedding venue will require, but I presume it's going to be several gallons. So, that's something we need to consider. Alcohol has been addressed. Event noise level has been generally addressed. It was indicated that 60 decibels would be the setting. Sixty decibels is a lawn mower that's running about 80%. Now, how many dances have you been to where the level, the noise level is 60 db? Not very many. Most of them are running at 80, 90, or 100 db. Uh, in any case, people who moved to the rural neighborhoods haven't had to be concerned about losing the quiet conditions on weekends. I don't like being opposed to someone wanting to do something on his property as this to support an event, but of the location as it appears and the impact it'll have on the people, please do not allow this venue to take place. Thank you.

Mrs. Stefl: Thank you, Mr. Steiner. Todd Spencer?

Mr. Spencer: Good evening everyone. My name is Todd Spencer. I sent in an email so I will not reiterate, and I will try not to reiterate on a lot of the points I made earlier. My wife and family and I moved here this February to... after retiring from the Marine Corps last year. I work in DC on a regular basis; however, obviously with COVID everything has changed and I've been working from home now. One of the reasons that we chose this area was to avoid the hustle and bustle and the noise and traffic of DC. It makes my commute a lot harder, but it's nice to live out in the country. The surrounding areas, as everyone has said, is very peaceful, quiet. The road, as everyone knows, are dark, narrow, curvy, and dangerous for anybody who isn't... who doesn't drive them on a regular basis. They're dangerous for people who do. Adding in an additional 150 cars at the max or whatever that is, plus the vendors' commercial vehicles to go up and down the streets is not going to be a very safe thing to do on the current roads. For a lot of my neighbors, we bought property and many of my neighbors with parcels bought the property so that they could hunt in the fall and throughout the various seasons. And when the leaves start falling, noise carries further and so does light. And it's also going to affect the natural

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rhythm of the wildlife. A hundred and fifty guests is probably at least 200 people when you include the contractors, the DJ, the photographers, the planners, the caterers, etcetera. A normal conversation is about 60 decibels. A motorcycle is 80 to 110; cars around 70. Wedding bands are somewhere between 80 and 90. We can hear the Kellogg Mill traffic on evenings regularly. Antioch Church is $\frac{3}{4}$ of a mile from my house and we hear the wedding bells every... or the church bells every night. So, sound carries. Especially in the winter when it gets cold it's gonna carry further. Granted there won't be as many weddings in the winter outdoors. So, while I applaud the creativity, the resourcefulness, and the drive for these folks to supplement their income, I would urge the board to disapprove this motion.

Mrs. Stefl: Thank you, Mr. Spencer. James Drape?

Mr. Drape: James Drape. I did not send an email. I wanted to come personally to address each of you to voice my concerns. A number of you said that you drove out to the property. Probably, or most likely, had to drive on Kellogg Mill Road. You can get there if you went Poplar in the back around Mount Olive. When I moved here in 2003, I lived on Kellogg Mill Road, just around the corner from Mount Olive Road. Used to dare to go on Mount... Kellogg Mill Road with my daughter on the back of my bike just to get to Mount Olive Road where I could have a quiet and safe place to ride. People walk their dogs on Mount Olive Road. Now my kids are actually grown and have kids; my granddaughter left this morning. I hope to ride with her on Mount Olive Road on the back of my bike. Two hundred vehicles plus on weekends when it should be the quietest concerns me tremendously. You came once this afternoon. You came once. You came once, ma'am. Two hundred vehicles is a lot for Mount Olive Road. There's absolutely zero shoulder; it's a narrow road. My wife rides a horse on Mount Olive Road. In 2011... well I shouldn't... I didn't say, in 2011 when I used to ride my bike with my daughter, I used to say if I could ever buy a house it would be on Mount Olive Road. So, in 2011 we got the chance when we bought a horse farm on Mount Olive Road. Our horse and property, the two pastures, are right on Mount Olive Road; the horses are down there frequently. The reason I came in person is because this is very personal in a sense that Mount Olive Road, as you've heard many people speak, that neighborhood is a quiet, peaceful neighborhood, and it's up to Stafford County to maintain these types of... of areas. It's agricultural. It's supposed to be quiet. Kellogg Mill is not. They've talked about the traffic they can hear from it. Neighbors still walk their dogs up and down Mount Olive. I teach my kids to slow down. Neighbors go to a crawl when you pass people who are out walking. People on a way to a venue, a special events venue, do not. People drive 50 miles an hour on Kellogg Mill Road, they drive 50 miles an hour on Mount Olive. Two hundred cars driving 50 miles an hour is a safety concern. Thank you for your time.

Mrs. Stefl: Thank you, Mr. Drape. Alright, this is all on my list. Are there others in the chambers who wish to come forward? Okay. Alright, now Doug, is there upstairs anyone who wishes to come?

Mr. Morgan: I have nobody further listed.

Mrs. Stefl: Okay.

Mr. Morgan: Is there anyone in the conference room that would want to speak? I have just followed up...

Mrs. Stefl: In the ABC, is there anyone upstairs? I can wait a few minutes.

Mr. Morgan: Denise just went up there to check for you.

Mrs. Stefl: Okay.

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Ms. Brown: Well, the good news, I just heard the air conditioning kick on so. I've been waiting.

Mr. Morgan: They're on their way down.

Mrs. Stefl: Okay. Alright, we'll wait just one moment. What is our capacity for the chambers? So, are we...

Unknown Speaker: Over.

Mrs. Stefl: ... we're over actually? Okay.

Mr. Morgan: Madam Chair, I just got confirmation that no one in the ABC is there to speak.

Mrs. Stefl: Okay, alright. Alright, then I'll... does the applicant wish to respond and/or add any additional information?

Mr. Blais: Yes, I'd like to approach, thank you.

Mrs. Stefl: Sure.

Mr. Blais: So, I understand the concerns of the residents that... that exercised their right to speak tonight. But I do think it's kind of disingenuous for somebody who lives in front-end of a 58 housing development to speak about traffic when, if you use mathematical equations and you talk about two cars per household at a minimum, plus UPS, postal, garbage, everything like that going in and out of their subdivision alone, is more cars on a daily basis then will come to a 2-weekend a month wedding event. So, I believe that is disingenuous of them. And I also believe that a lot of those people are actually overly concerned and we've sought various ways to mitigate those concerns. So, we are doing our due diligence and our best interest for that. We had VDOT come out and do a sight planning survey for sight stopping distance on our entrance and on our exits, and VDOT confirmed there was plenty of sight stopping distance on that entrance to allow vehicles to safely come in and out. Some of the other things that were brought up were the natural resources. We've again mitigated that. We are not having any impact on any types of wells, water draw, there are no new construction going on with this. So, in order for us to maintain our A-1 status as an agri-business, it should be considered for our proposal because, if not, the other alternative is that it turns into another housing development, further exacerbating a much needed or much cried upon reason to... for you to give to not process this. If you look at the 6 reasons why an exception should be given, I think we've met each and every one of those exceptions. And we're also in line with in Stafford County sought to mitigate those exceptions themselves by changing it to a 20-acre minimum two years ago, or one year ago; so, we exceed that with 42 acres. We double the requirement that Stafford County has placed on the special exemption. So, with that, and if you have any further comments, I would thank you for your time and I would hope you would consider favorably our proposal. Thank you very much.

Mrs. Stefl: Sorry, I keep forgetting to turn on my microphone; it's a bad habit. Okay, I'll now close the public hearing for this application and bring the matter back to the board for discussion. I'll entertain a motion to begin discussion.

Mr. Grimes: I've got... it's Robert Grimes on the line, I've got a couple questions for the County on this.

Mrs. Stefl: Okay.

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Mr. Grimes: So, can the County clarify it for me and confirm for me, this is an A-1 zoned property, correct?

Ms. Musante: That is correct.

Mr. Grimes: And I was just going through the list just to make sure I remembered this correctly, because the ordinance has been updated pretty regularly recently about this particular type of use. But, by-right uses for an A-1 property include, and just tell me if I'm wrong, sawmills, slaughter houses, campgrounds, farm breweries, and farm wineries. Is that correct?

Ms. Musante: Give me just a second please. That is correct.

Mr. Grimes: Okay. And by-right means they could decide to open any one of those businesses I just listed and not have to come before this board for an exception.

Ms. Musante: That is correct.

Mr. Grimes: They just come in, get a business license, walk out the door, and start that business, correct?

Ms. Musante: That is correct.

Mr. Grimes: As long as they met state codes of course. Alright, is there a set of operating hours or rules on the farm brewery or farm wineries? Are there hours restrictions, days of use restrictions in the code for those two particular uses?

Ms. Musante: No, there are not.

Mr. Grimes: Okay. Is there other than the standard County sound ordinances, are there any restrictions on sawmills in terms of the sound decibel levels they could produce and the hours?

Ms. Musante: Not that I'm aware of.

Mr. Grimes: And is there anything in the by-right use on this A-1 zone that limits the number of campers you could have at a campground for example? Or is it strictly limited basically by the number of acres you have and the number of people you can fit per acre?

Ms. Musante: That's correct.

Mr. Grimes: Okay. I just wanted to make sure that that... those by-right uses hadn't changed and their still allowed.

Ms. Musante: No, that is correct.

Mr. Grimes: Okay, thank you.

Ms. Musante: Welcome.

Ms. Brown: Mrs. Stefl?

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Mrs. Stefl: Alright, Mrs. Brown?

Ms. Brown: Yeah, I just had a couple things I just wanted to... I forgot to mention earlier. When I was researching this case, I did put in a destination for this wedding venue on Google Maps. I did one from the Washington, DC area and one from Richmond, just to kind of see what direction they would bring the cars in. And I want to assure everybody out there from Saratoga Woods, none of the map routes that they gave me brought cars around Mount Olive in front of Saratoga Woods. They came in off of 17 to Kellogg Mill or they came off of Courthouse and came down Kellogg Mill that way, going in that new cut-through in between. The second thing is, I think somebody mentioned there's 200 cars. I clarified that; there's only a hundred car maximum that was gonna be for that wedding for guests, maximum. It could be less.

Audience member: *Inaudible, not at microphone.*

Ms. Brown: I understand that, I understand that. The parking lot that I saw when I visited was gonna be well off the street. It was quite a ways down the driveway, across from the house I believe. Ms. Bertoldi can correct me if I'm wrong. I also... due to the amount of letters that we received from Saratoga Woods, I was very concerned about the noise issue, which is why I went over there. I even drove down Bennington Way. And, like I said earlier, there was a lot of construction activities going on; I don't remember what they were, if it was dump trucks or what it was. But when I visited the wedding venue site later and went into the woods, I couldn't hear any of that. So, I do want to assure anybody that if we do approve this, I think the noise factor is not gonna be what you think it is. And Stafford County does have a noise ordinance so, if there were to be decibels exceeding what they can, the Sheriff can come and shut them down. Let's see – I think that's it. Thank you, Mrs. Stefl.

Mrs. Stefl: Any other... Mrs. Bertoldi?

Ms. Bertoldi: You see me gearing up, don't you?

Mrs. Stefl: I saw the mic moving.

Ms. Bertoldi: I actually have some questions for the applicant, if they can come back up.

Mrs. Stefl: Okay.

Ms. Bertoldi: If you don't mind. Some people who, I think it was one particular person, in their comments in opposition said that they could see lights from your barn at night through the... I didn't actually honestly look to see if there was lights... were there during the day. Are... do you have lights on the barn? And if so, where are they located?

Mr. Blais: There is electric to the barn. There are lights on the barn. The lights are not on at any time. In the last year we haven't had those lights on in the evenings.

Ms. Bertoldi: Okay, so, they're not illuminating at night...

Mr. Blais: No.

Ms. Bertoldi: ... or anything like that? Okay. And how are you... have you thought about how you're going to ensure that the noise stays at 60 decibels, and have you looked to see and researched how high really is 60 decibels is because different people have given us examples of that.

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Mr. Blais: Right. So, we have an outdoor speaker... you never saw our pool and deck. We have an outdoor speaker system there, and when our daughter, who is 16, plays her music, to make sure that they're not intrusive to the neighborhood, I take that same route I took you on. And if I can't hear the music out there, the music's fine.

Ms. Bertoldi: When you put the music up...

Mr. Blais: I've never heard the music out there.

Ms. Bertoldi: ... do you know what decibels the music?

Mr. Blais: No, I don't have a decibel meter.

Ms. Bertoldi: Okay.

Mr. Blais: But we are very conscious of the noise.

Ms. Bertoldi: Okay. And correct me if I'm wrong, but I believe that the... that there were letters that were also in support that we received and read and, if I'm correct, your neighbors directly to the right of you, that literally your driveways meet right next to each other, your neighbors to the left of you that actually have the whole open field, there's no trees whatsoever between your property, and your neighbors across the street, all voiced their well actually overwhelming support for this, correct?

Mr. Blais: Yes, that's correct. So, again, we're not trying to make enemies and we're not trying to be argumentative or intrusive. We got out ahead of this and sent letters out well in advance, in June, asking for comments, asking for people, to our direct neighbors. And on advice from members of the County, you know, it was all our direct neighbors that touch our property. So, the folks, you know, all those folks responded overwhelmingly yeah, great, we'd love to see that agri-business. Because, quite frankly, you know, you don't see many farms. You're not having farmers make money growing corn or soy in Stafford County. They have to look for other ways to make that.

Ms. Bertoldi: Okay. Some people also stated that, you know, they like to hunt and there's hunting on the weekends. Do you hear hunting on the weekends? I mean, do you hear people hunt? Do you hear guns shooting?

Audience member: *Inaudible, not at microphone.*

Ms. Bertoldi: I'm sorry, I'm asking the applicant.

Mr. Blais: So, do I hear gunshots on...? Yes. Stafford County is... and people are exercising their rights and they do discharge firearms all across the County.

Ms. Bertoldi: Do you hear them often?

Mr. Blais: Absolutely, yes, we do.

Ms. Bertoldi: Okay. And has there been any complaints by people that you're aware of or your neighbors saying that there's, you know, we're disturbed by all of the guns and...

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Mr. Blais: No. One of my neighbors actually went so far as to say hey, when you're having a venue... when you're having a wedding, give us a call; we won't go shoot that day. We won't burn that day. We'll make sure our goats are in the barn so they don't hear them. Our response was no, people are coming to the County, to the country, for a country atmosphere. So, if you have work to do on your farm on the weekends, do the work. It's not gonna bother us.

Ms. Bertoldi: And with respect to I know that you have 3 different packages and I'm sure you put some thought into the packages, how did you arrive at the... the size of the largest package? Like, how did you arrive at 150 people, like was that something you thought of or was that a nice round number that you...?

Mr. Blais: No, that went... a lot of thought and a lot of rigor went into the planning. And you can see by the attention to detail that's in our packet that it was a tiered approach, so you gave people options. And that's what people are looking for these days are options for a small intimate rural wedding.

Ms. Bertoldi: Right. Well and that's why I'm asking because 150 people is not small. I mean, my own wedding was a hundred people and I didn't get to even talk to everybody at my wedding. I mean, and that's... so, 150 people is large so that's why I'm asking. Like, when you gave... when you thought about the 3 different packages, did you...

Mr. Blais: Sure. We took into account available space. We took into account available parking areas. We took into account lighting and noise. And then just how the impacts on our neighbors.

Ms. Bertoldi: Would you... because if when we start talking about one, whether or not we are inclined to approve it but also with certain exceptions that we're comfortable with to attempt to maintain the integrity of what you have to abide by for the special exception, are you open to maybe the larger package being less than 150? Like, you know, 100? I'm not saying that... I'm just asking, in general – feel free to say no. I just want to know what you're...

Mrs. Blais: I would say that, just in my market research and like the general, in Virginia, Stafford County area, that most weddings are between 75 and 125 guests. So, I just kinda gave a little bit of a buffer on either end just to be able to accommodate. It is not my intention – I know it says 150 maximum, but it's not my intention to, every weekend, 150 guests. Our pricing structure, which I did not put in the packet just because that is a personal business, is the pricing is tiered which is not in any other wedding venue in Stafford County. Most of them do rent it for the day; it doesn't matter how many guests you have, if it's 1 or 200, it's the same price. I'm tiering the price structure to appeal to smaller crowds. We live there. We wanted to be, you know... *inaudible, being talked over.*

Ms. Bertoldi: Okay. So, would you be amenable, because if your target is smaller crowds anyway, are you open to the largest being, you know, less than giving you the maximum of 100-150?

Mr. Blais: We would certainly be amenable to anything the board would approach us with, and then we can certainly work with the board.

Ms. Bertoldi: Alright.

Mrs. Stefl: Alright. Are you done or do you have another one?

Ms. Bertoldi: If someone... I might. I just need to look at some notes. I don't want to wait up... I don't know if anyone on the virtual has any.

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Mrs. Stefl: Okay. I was gonna say, Dean? Steven? Robert?

Dr. Larson: Madam Chair? This is Dean.

Mrs. Stefl: Yes, Dr. Larson.

Dr. Larson: Yes. When... while we have the applicant up there, a couple of questions for him. In your application, you say that no more than 4 weddings or events will be hosted each calendar month. And then you say with a further limitation of no more than 2 weekends per calendar month. So, I just want... I want a little clarification what you intended.

Mr. Blais: Absolutely. So, the clarification is, we'll book no more than 2 weekends per month. So, that gave the leeway for a Friday rehearsal and a Saturday wedding, or a Saturday rehearsal and a Sunday wedding. But that would still only be one weekend and then the other 3... the other 2 weekends... So, does that answer your question? It was kind of written in the staff report...

Dr. Larson: It does. What you're telling me is you will not... you won't be conducting business any more than 2 weekends per month.

Mr. Blais: That is correct. That is the maximum amount.

Dr. Larson: Okay, thank you. And, Madam Chair, I just wanted to add something else based on my visit for the benefit of the board. One of the things that I really look at with these rural wedding venues is the entrance and exit to the venue and how safe that is, because, as everybody knows, Stafford County has hilly roads and turns and sometimes when you exit... or sometimes even when you go from one road to the next, you have to get on the road and then accelerate like crazy so you don't get rear-ended. In my opinion, I concur with whatever government organization did the study but, in my opinion, there is no issue with entering and exiting this venue. I think there's plenty of room to do both of those things safely. And that's all I have for now.

Mr. Blais: Thank you very much sir.

Mrs. Stefl: Steven or Robert?

Mr. Grimes: Nothing else from Robert.

Mrs. Stefl: Okay, thank you. Alright, Mrs. Brown?

Ms. Brown: Yes. We've approved a... we've had a lot of weddings [venues] come before us. And every... every wedding [venue] we have is very different and very unique. They have different topography of the land, different sizes of property, and one of the things that has been a real issue in the past for me personally has been the size of the lot. We've actually approved wedding venues on much smaller property than 40 acres. Forty acres is very large to me. I've looked at this and I'm very thorough on this, but I'm satisfied with this and I'd like to make a motion to approve.

Ms. Bertoldi: I'll second.

Mrs. Stefl: Alright. I have a second. Alright, I will ask discussion or comments from other board... Ms. Brown, you may go first since you made the motion.

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Ms. Brown: I didn't really have any other comments than that, just that I have researched this. The property is very large. This will be the largest tract of land that we have for a wedding venue and probably the smallest wedding business. Just if that gives any kind of, you know, idea to the public.

Mrs. Stefl: Alright, Mrs. Bertoldi, since you seconded.

Ms. Bertoldi: Yes, just – because I don't want to repeat what Ms. Brown said – that but also and I want everyone to understand I do recognize that, you know, there is a concern and, you know, people do move out, you know, to the country for peace and quiet. But, you know, there are ordinances and the ordinances do allow certain, you know, certain things by-right and they allow for special exceptions in certain circumstances. And, you know, I believe that it's incumbent on us to follow those guidelines. I want to just emphasize one that this property is double the size of what would be required, as was mentioned before, that... also, that when I went... I went to the property because of people's concerns and did take that time and did drive through Saratoga Woods. I took lots of pictures. And... I mean, frankly I... the woods are very thick. The, you know, from Saratoga Woods. Even when we went back into the property up to the... your property line which was fairly close to Saratoga Woods, I... it was really hard for me to even see the backend of a house barely. And if, as it was stated earlier as well, that if, you know, you do not meet, you know, if you are going over the noise, if you are... that the County can shut you down. There are protections for that. And it is very limited. It's not every single weekend. And I think that under the circumstances that your business does not rise to a level that will affect the... you know, the people around you to, you know, to a level that would deny the special exception. And, I think that's it.

Mrs. Stefl: Alright. You can have a seat. At this point, we're just at the discussion point. We'll have no more questions for you.

Mr. Jenkins: Madam Chair?

Mrs. Stefl: Yes.

Mr. Jenkins: This particular exception, will it be revoked when these folks move, if they move later down the road?

Mrs. Stefl: Yes, it is conditioned on sale of the property.

Ms. Musante: Correct.

Mrs. Stefl: That is correct of the staff. Okay. Do we want to go over the special exceptions so that... the conditions before we go to a vote?

Mr. Jenkins: Yes, please.

Mrs. Stefl: Okay. Alright. Let me just try to get to it. Alright. A little bit of note that I believe was agreed upon by the applicant in number 4; it said no more than 150 guests or 100 cars. Okay? And I don't believe there were any additions or subtractions from what was stated in the staff report. Correct? Did I hear anything else? I mean, I can read them.

Ms. Brown: Well, actually, I'm just looking down at the list. Number 10, the no food preparation shall be permitted onsite. Again, we had this issue before with another wedding venue and the use of wells. All water needs to be brought in. I'd like to add that to number 10, if we could.

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Ms. Musante: Can you repeat that, Dana?

Ms. Brown: Number 10 says, no food preparation shall be permitted onsite, and all water for the wedding venue shall be brought in.

Mrs. Stefl: So, maybe a new number 11?

Ms. Brown: Sure. I was just gonna add it to 10, but I'm fine with however you want to do it.

Mrs. Stefl: Okay.

Ms. Brown: Whatever's easiest.

Mrs. Stefl: And so, how about no utilization of the property's water?

Ms. Brown: Just all water needs to be brought in. I'll defer to staff how to word that.

Ms. Musante: I think the way that you have it, Dana, is perfectly fine.

Mrs. Stefl: Okay.

Ms. Musante: And just leave it as number 10, we can just add to it.

Mrs. Stefl: Okay, that works fine.

Ms. Brown: Yeah, that's what I had. Okay, and then on number 9, all dumpsters shall be screened. Appropriate disposal of waste will be required of all vendors. I'd like to add when that's supposed to be hauled away. Next day haul away or, you know, after the event the next morning. I want a timeline on that.

Mrs. Stefl: Now, as someone who has planned events, a lot of these port-a-johns and port-a-things, what usually happens is they're delivered on a Fri... because they don't work weekends... they deliver on a Friday and they pick up on Monday. I mean, that is very typical... typical thing.

Mr. Blais: May I suggest something?

Mrs. Stefl: Just so we have the recording.

Mr. Blais: With regard to, especially to portlets because I really don't care if... to be there any longer than necessary as well... as soon as reasonably possible and dropped off as close to the event as possible and then picked up as soon as reasonably possible.

Mrs. Stefl: Okay.

Mr. Blais: But not to exceed 48 hours onsite.

Ms. Brown: I'm fine with that.

Mrs. Stefl: Okay.

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Mr. Blais: Thank you.

Mrs. Stefl: I'm trying to find where that was.

Ms. Brown: Mrs. Stefl, I don't know if we need to add this because we did kinda cover it with the water. But do we want to add a number 14, no dish washing will be allowed onsite? Because that would be using the water, or do we need to clarify that?

Ms. Bertoldi: I don't think so, because, I mean, if it... I think... Did you get that with respect to adding that?

Ms. Musante: Yes.

Ms. Bertoldi: Okay.

Ms. Musante: Can we go back to number 4? I'm sorry, because we talked about the amount of vehicles but we haven't... are we...

Ms. Brown: It's a hundred.

Ms. Musante: ... reducing it to 125 guests?

Ms. Musante: I thought it was 150 guests and 100 vehicles?

Ms. Bertoldi: Well, do we want to... I mean, one reason why I had asked, I mean, do we want to reduce the amount or do we want to leave it at 150?

Ms. Brown: I'm fine at 150.

Ms. Musante: That's the max.

Mrs. Stefl: I'm fine at 150. I don't want to go against their market research.

Ms. Bertoldi: Okay. I'd like to add a couple of items to the conditions. One, I mean, unless I'm missing it, it's not really clear that there is to be only two events per month. In here, I want that to be added, unless I just don't see it.

Mr. Morgan: Just for clarification, in the application it's two weekends a month up to 4 events. So, they can use Friday/Saturday, Saturday/Sunday. But we could certainly add that.

Ms. Bertoldi: Right, I mean... well, once you clarified, because you said there'd be no more than 2 events; sometimes they are 2 days long, but there's only two events.

Mr. Blais: Yes ma'am. So, I think in order to clarify it is we only have 2 weekends a month that would be eligible to be booked. I'm sorry, I think we're getting wrapped... we're saying the same thing...

Ms. Bertoldi: Words matter here so we just want to make sure.

Mr. Blais: Yes, I understand.

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Ms. Bertoldi: Okay, so, I think that the conditions should then say then, you know, no more events, you know, shall occur on no more than 2 weekends per month at a maximum of 4 events...

Mr. Blais: That's fine.

Ms. Bertoldi: ... total.

Mr. Blais: I agree.

Ms. Bertoldi: Okay. You got that? Okay, and then my last one is that I think, because I know it's in your application that you're only gonna use the barn for background only, but I think that that needs to be put in the conditions that the barn is not to be used for anything other than for... outside, you know, the backdrop on the outside for photos. Not inside for photos, just on the outside. I think that should be added.

Ms. Brown: I'm fine with that. I'd like to add another one just to clarify. And I know we talked about this; you're not gonna do it. But I want to add on there are no overnight guests just in case we get into the situation with the rehearsal dinner and then the wedding in the morning and, you know, hey, can we spend the night. And I just want to have that distinction that this is not gonna be operated like a bed and breakfast.

Mrs. Stefl: So, no overnight?

Ms. Brown: No overnight guests for the wedding venue.

Mrs. Stefl: Okay. Alright. Dr. Larson? Mr. Apicella? Mr. Grimes?

Dr. Larson: They've all been covered, thank you.

Mrs. Stefl: Okay.

Ms. Brown: Brian, are we missing anything?

Mr. Jenkins: You all have covered it quite well actually.

Mrs. Stefl: Alright, so now the fun part. Alright, I have a motion by Mrs. Brown and a second by Mrs. Bertoldi to request the special exception as stated in case SE20-01/20153404. All those in favor of the motion signify by saying aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Grimes: Aye.

Mr. Jenkins: Aye.

Dr. Larson: Aye.

Mrs. Stefl: Aye. Those opposed signify by saying nay.

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Mr. Apicella: Nay.

Mrs. Stefl: Was that Mr. Apicella?

Mr. Apicella: Yes.

Mrs. Stefl: Okay.

Dr. Larson: This is Dean. I vote aye.

Mrs. Stefl: Okay.

Mr. Grimes: Robert votes aye.

Mrs. Stefl: And Robert. Okay. And nay by Mr. Apicella. Okay, let the record reflect that the motion has been approved by a 6 to 1 vote. I want to thank the applicant and let you know that you'll be receiving a follow-up letter from the Department of Planning and Zoning.

Mr. Blais: Thank you very much for your time.

Mrs. Stefl: Alright. I'm going to exercise some leeway and have a 5 minute... or 10-minute recess for personal privilege.

The meeting was recessed at 8:38 PM.

The meeting reconvened at 8:45 PM.

2. SE20-02/20153426 – Lupine Grove, Inc. - Request a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," A-1, Agricultural, to allow a commercial kennel as a Business on Tax Map Parcel Nos. 8G-11, 8-19B, and 8-19D. The property is zoned A-1, Agricultural and is located at 26 Quarter Horse Court.

Mrs. Stefl: Alright, I'm going to ask the secretary to read the second case.

Ms. Musante: Case SE20-02/20153426, Lupine Grove, Inc., requests a Special Exception per Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," A-1, Agricultural, to allow a commercial kennel as a Business on Tax Map Parcel Nos. 8G-11, 8-19B, and 8-19D. The property is zoned A-1, Agricultural and is located at 26 Quarter Horse Court. You have the application, application affidavit, plat, layout of the property, copy of Ordinance O19-21, copy of the tax payment, and copy of adjacent property owner notification. The applicant is requesting a Special Exception for a Business to operate a commercial kennel on the property. The definition of commercial kennel is "any establishment in which ten or more canines, felines, or hybrids of either more than six months of age are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing. This includes home-based rescues." This business will provide onsite educational classes and tours regarding wolfdogs. The classes include introductory, advanced, and certification testing. The applicant will provide guided tours as well as self-guided tours. There will be no boarding and breeding onsite. The existing single-family dwelling is 5,526... I'm sorry, 5,528 square feet per the Commissioner of Revenue records. All storage of business items, which includes dog food, crates, kennels, leashes, collars, records, and medicine, will be within a proposed 22 x 36 accessory dwelling... I'm sorry, building. This includes an office of 10 x 12. No portion of the business will be held within the single-

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family dwelling. The applicant has requested the days and hours of operation to be Monday, Tuesday, Thursday, Friday, and Saturday from 9:00 AM to 8:00 PM and Sunday from 10:00 AM to 5:00 PM. They will provide 20 off-street parking spaces and anticipate 10 customers per day Monday, Tuesday, and Thursday and 20 customers per day Friday, Saturday, and Sunday. No screening is proposed as the perimeter of the site is heavily wooded. Please note: All parcels referenced in this application consist of all property owned by the applicant. Since submittal of this application, the property owner received subdivision approval creating 3 additional lots. The recordation of these new lots are currently being recorded and updated in the Commissioner of the Revenue Office, which may identify different parcel numbers. However; all properties have been defined in this application and are a part of the parent parcel 8-19D, all of which are identified as part of this proposal. The division of the parent parcel was for personal reasons and is not associated with Lupine Grove or the commercial kennel. The single-family dwelling was constructed in 2007. A 51 x 30 detached garage was built in 2008. A permit for a 22 x 36 accessory building was applied for on August 10, 2020, and is currently under review. The current owners purchased the property in October 2007. The Board of Supervisors changed the code to allow for commercial kennels in the A-1 Zoning District on October 1, 2019. Prior to the adoption of this ordinance, commercial kennels were not permitted in this district.

Mrs. Stefl: Alright, I'm gonna go to our electronic board members first. Do you have any questions of the staff? Alright, I'll bring it back to the present board. Mrs. Bertoldi.

Ms. Bertoldi: Yeah, just one question, because we got a lot of... I mean, most of them I see, of the emails that we did receive and I've read, but there was one here that looks like a print-off from Stafford Talk. And I was wondering who you received that from; it looks like this. Did you receive that from someone who opposes the application? Or was this by the applicant? I can show you this if you want.

Mrs. Stefl: Yeah, that was part of what you handed us.

Ms. Brown: Was that part of one of the emails that I got?

Ms. Bertoldi: I didn't... well, unless I missed one, I did not see this as part of... unless the attachment didn't come through when it was forwarded because I did not... I just don't know who... who this is from.

Ms. Brown: I forwarded one email that had a bunch of postings on it that I got from a woman. It was later today. I don't know if that was it. Let me check.

Ms. Bertoldi: Did you receive information from someone who opposes?

Mr. Morgan: There wasn't an opposition. And with that it was an informative information. What you've received is exactly what we received.

Ms. Bertoldi: Right, okay. Okay, thank you.

Mrs. Stefl: Alright, any other questions? Okay, Ms. Brown.

Ms. Brown: Melody, I have a couple questions; I'm sorry. Actually, quite a few. The first one, do you know if VDOT has already approved the access easements for Sunshine Drive and Rolling Road?

Ms. Musante: I do not know that information.

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Ms. Brown: Do you not have that?

Ms. Musante: No, I don't.

Ms. Brown: Okay. And then, I got this question a lot by email and... and I'm curious as well. Could you describe what off-street parking means, and can that be on a shoulder of a road or...

Ms. Musante: Normally, off-street parking for us is on their property. It's not on the shoulder of the road because once it becomes... once it's in the right-of-way, it's a Sheriff's Office or VDOT issue.

Ms. Brown: Okay, okay. And then I noticed on the staff report, it said that there was no wetlands, floodplains, or CRPAs that would limit use of the property. I was able to go into the land use records and I was able to pull, I think it's the deeds, for these properties, and there is a very pronounced CRPA that runs right across the property and right across the access road for Sunshine Drive.

Ms. Musante: That's a question you're going to have to ask the applicant, because I go based off of what I can see on the County maps.

Ms. Brown: Okay. I don't know if you want to take copies or not, but I did print one copy if we needed to hand it to everybody on the board. But it's very pronounced. It goes from like lot 9, Equestrian Estates, up and over and right directly across that access road.

Ms. Musante: Okay.

Ms. Brown: Okay, let's see... and I'm sorry I didn't realize there was a cut-off for emails everybody, at 4:30, close of business, so anybody that emailed me afterward, I'm not able to put that in the record. But I worked hard all day and I read everything everybody sent. So, I just want you to know that. And that's all I have right now.

Mrs. Stefl: Alright... alright, will the applicant or his or her representative please come forward to present their case. And just a reminder – you have 10 minutes and you have the green light, yellow light for one minute, and red conclusion please.

Mr. Grove: Thank you. My name is John Grove; my wife, Cindy. We appreciate you reviewing our proposal, considering our proposal, and we're very sorry for all of the controversy. That was not at all our intent. We fell in love with these dogs about 10 years ago and, since then, have been spending quite a bit of time with them all over the country. We have travelled to meet-ups and sanctuaries, volunteered at sanctuaries, given money to preserves, given money to private owners to try to help them upgrade their containment. We've been involved with these dogs for quite a while. The other fellow that's on our board has been doing it for 30 years, working in rescue and sanctuaries for 30 years. And we came to the realization after owning them ourselves that bashing people on the internet and sending money to sanctuaries that are begging for money based on other's mistakes is not gonna help any wolf dogs. And we came up with the idea, after travelling around so much, we came up with the idea that we could teach people; that if they really knew what they were getting into, if they really knew what it would take to keep them happy, to raise them safe, to build containment that is escape-proof, not hopefully escape-proof, escape-proof! These dogs are scary-looking and we cannot have them running through a neighborhood. It's unacceptable, it's bad for the breed, it scares the neighbors, it's bad for the reputation, it's irresponsible. When people see what we do for our dogs and how we raise them, we have not had one single person that has asked us where to buy a puppy. And we've had 200 people, over the last couple years, just friends and family and visitors come over, and they see it and they don't

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wanna do it. And we believed that if we can catch some owners who are... not some owners, some people who are interested, some potential owners, before they actually go to a breeder and listen to the story of you raise them like a dog, you get a dog, we think we can help these dogs. And we can keep these scamtuanaries is what we call them from surviving on dogs that are just warehoused so they can beg for donations. That's not a life that we want to see for these dogs. So, so, we have put together our formula for raising them. We have learned from the best in the country; Wolf Park, International Wolf Center, the largest preserves in the country. And instead of expecting people to do what we did, to spend all of their vacations for years to learn about these animals, we want to give them the opportunity for one-stop shopping. Come here, we'll give you a soup to nuts. All the good, all the bad, all the truth, and then you decide. So, we're not selling puppies, we're not selling dogs, we're not training dogs, we're not a sanctuary, we're not rescuing dogs. We're a non-profit; we are IRS non-profit approved. Cindy and I have been very fortunate and work very hard and we don't need money for this. We want to help dogs. We got a call from USDA today; we're going to complete our USDA license so we're 100% legit and above-board, and that also allows us to take these dogs into areas where they're currently prohibited and hopefully change some hearts and minds behind enemy lines... *inaudible*... the USDA license. We've tried to pay attention to everything that's been said, all of the concerns, all of the social media, everything that Melody has told us. We apologize for the first package. I think including Lake Arrowhead as a potential parking lot was a mistake. We did not understand the A-1/A-2 zoning, and we don't fully have access agreement with our neighbor that would allow it anyhow. You have the plats. We're not fudging the lines or anything. We don't have an access in the boundary. So, because it's not zoned properly and because we don't have an access, let's take that off. We don't want to talk about that. If anything changes in the future, if the zoning changes, if we work out the access, we'll bring it back to the board. But I think it's... I think it's contributing to the chaos to address it at this time. And, speaking of chaos, it has... it is impossible to deal with Lake Arrowhead as an organization. They have mob rule going on in that subdivision. There is no HOA, there is no board, there is no Civic Association, there is nothing but Lord of the Flies. And we have beautiful woods. Lake Arrowhead has beautiful lake and beaches. They need money to maintain their common areas. We have an attraction... wrong word. We have an event that we think would bring people in. We would very much to like to make some kind of agreement, but you can't talk to an angry mob. So, so, again, let's kick that one off the table.

Mrs. Stefl: I'm gonna just ask that you keep it to the facts and not character generalizations please.

Mr. Grove: Okay. I'm sorry. It's just been difficult, as you know, from the emails.

Mrs. Stefl: I... I... I can understand.

Mr. Grove: I apologize.

Mrs. Stefl: Please just represent the facts. Thank you.

Mr. Grove: Okay. So, since we received the board's recommendations, I started taking pictures of my street, and I want to give those to you. Our printer died or I would have enough copies for everyone. But I have pictures from my street and I want to talk about that. And in the social media and in the newspaper article and in a lot of these letters, there is a mess of misinformation. People are using the wrong terms, they're doing what I call racial profiling to dogs, they're looking at the outside and trying to figure out what it's gonna do and we can't do that with people. Virginia Department of Health does not recommend breed specific legislation. Virginia rejected it in 2015. And I have objective information in here for you to consider on dangerous dogs; dog bite statistics, Virginia Department of Health information, and you will see that our dogs are so far down the list we would have to talk about

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labs before we talk about my dogs. So, I want you to have this information. Also, the terms wolf dog and wolf hybrid are confusing and not the same. Wolf hybrid is defined in federal and state law as having a wild parent.

Mrs. Stefl: Would you please pause? Mrs. Musante, would you just pause for a moment. I'm going to survey the board and ask do you wish to receive this information at this time? Because we used to have... we would have to... whether we wish to accept it or not.

Ms. Bertoldi: I would like to accept it. I mean, this is... I mean, other cases we've been bombarded with a bunch of stuff right here. I mean, we can at least take a look at it and if we feel that it's overwhelming, I think that we could address it. But I think that...

Mrs. Stefl: Okay.

Ms. Bertoldi: ... if this is something that, you know, that they are responding to, I'd like to see it.

Mrs. Stefl: Alright, I just don't want to go... I just didn't want to go against our by-laws...

Ms. Bertoldi: So, that's how I feel. I don't know how anyone else feels.

Ms. Brown: I would like to accept it. I'm not gonna promise I can read all of it because my attention is gonna be on listening to everybody, but I will try and... *inaudible*.

Mr. Grove: Thank you. This is part of...

Mr. Jenkins: Might as well accept; it's an awful lot to read.

Mr. Apicella: Madam Chairman?

Mrs. Stefl: Okay, and for our electronic... yes, Mr. Apicella?

Mr. Apicella: Yeah, obviously we can't see it, so I, you know, I'm a little concerned about accepting it without being able to see it or read it.

Mrs. Stefl: Do we have means to be able to like scan this real quick to...? It is? We're talking 6... 2, 3...

Ms. Brown: I think it's 6.

Mrs. Stefl: ... 4, 5, 6 pages. Can we scan this to our electronic members? Okay. Mr. Apicella, they're scanning it at this time and we'll probably have it to you in about 5 or 10 minutes. Are you acceptable to receiving this? Mr. Apicella? Mr. Grimes? Dr. Larson?

Dr. Larson: I'm willing to receive it.

Mrs. Stefl: Okay.

Mr. Grimes: I'm fine.

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Mrs. Stefl: Okay. Alright, we're gonna scan it and get it off to our electronic members at this time. Do you want a... why don't we take a 5-minute break to receive it? It will not be part of your time.

5 Minute Break

Mrs. Stefl: Okay, I'm gonna let the application, at this point, they can finish their statements and...

Mr. Morgan: I'll start the clock.

Mrs. Stefl: ... start the clock again. Alright, thank you.

Mr. Grove: Okay, thank you. I apologize, we were swapped sides so she could whisper in my good ear, but that didn't work for the microphone. The additional information that I gave deals with some of the terminology that's being used in the social media so a wolf dog and a wolf hybrid are not the same thing legally, scientifically the wolf hybrid has a wolf for a parent and you get all kind of unintended consequences when you deal with those. The rabies vaccine is not approved for wolves so it is not approved for the direct offspring of wolves. When you do a wolf to a dog without any selective breeding you can end up with any range of behavior from wolf to a dog so wolf hybrids are honestly a separate type of animal. When people could get wolves from fur farms up until the 70s people made a lot of wolf hybrids. When the endangered species act came along and people could no longer buy wolf pups they bred what they had previously created and that's wolf dog to wolf dog to wolf dog to wolf dog. So, what I've given you in the back is a couple of pedigrees going back into the 90s. We have pedigrees on our dogs, one of them seven generations long so these are not wild animals these are not wolves, these are not wolf hybrids, they are dogs bred to look like a wolf and with a more tractable personality. So, by doing seven generations of selective breeding you pick the ones that are the friendliest to humans, the best behaved, same as any other responsible breeder so I want to make that clear, we're not playing with wild animals. Go ahead Cindy if ya...

Mrs. Grove: One of the things John mentioned is we got a call from the USDA today and with the USDA license that we are pursuing that gives you a certain level of safety and security, they come on an annual basis and inspect our facility-

Mr. Grove: Or unannounced.

Mrs. Grove: Or unannounced, they inspect our facility to make sure the dogs are being well kept, our enclosures are safe, they're escape proof as John mentioned and also from a safety perspective we have locks on all of our enclosures. I don't know if it's to keep people in or out, dogs out, we just are very conscientious about our dogs and making sure that they're 100 percent safe. They're never off leash, they're always on a leash and you know we have more stray dogs in our neighborhood that end up along our fence line and our dogs are never out so I know people have expressed safety, as John's talked about these are very timid animals, they're very shy, they will scamper from you before they go towards you. But we do everything we possibly can to keep them safe and keep people safe as well. So, I just wanted to reiterate that and as John mentioned we have had dogs for a long time, we got into it about ten years ago, we got our first two wolf dogs eight years ago we have had wolf dogs on our location on our residence for eight years.

Mr. Grove: Nine.

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Mrs. Grove: Darn near nine and then we have gotten more and we've gotten more and we've fallen in love with them. They are our passion. We have children, we have grandchildren, all grown all gone but they love them as well. These dogs have become our grand dogs, they are our passion.

Mr. Grove: This passion is why we want to keep other ones out of trouble. If people knew what they were getting into, 90 percent of them wouldn't buy, that's all we want to do, we don't want to cause trouble with our neighborhood or our neighbors or anything else, we want to help some dogs and we can.

Mrs. Grove: Breeding is not in the plan, selling being a puppy mill, you know taking deposits for dogs, that's not what we want to do.

Mr. Grove: Nope, there are plenty of breeders that do that and have been doing it for thirty years. Again, one of our dogs has seven generations in the pedigree, you can if you know what you're getting into you can own them. I've walked these dogs at Government Island, we go to Home Depot, Lowe's, PetSmart, Petco, all of the managers all of those people know us they love us they love our dogs they love the crowds they generate, we've never had an incident with animal control. We believe that we're responsible owners and we believe that we can teach other people how to be responsible owners of this type of dog. No two types of dogs are the same, hunting breeds are not the same as guarding breeds are not the same as sight hounds are not the same as you know and so responsible, educated owners will make better decisions. Thank you.

Mrs. Stefl: Okay. Alright thank you. I do have one question of staff, no actually it's of staff.

Mr. Grove: Sit, stand?

Mrs. Stefl: You can sit down.

Mr. Grove: Thank you.

Mrs. Stefl: Thank you. Melody have you ever received a complaint prior to this application coming before?

Ms. Musante: We have never received a complaint.

Mrs. Stefl: Okay, thank you. Alright I'm going to open the public hearing at this time, any-

Dr. Larson: This is Dean.

Mrs. Stefl: Oh yes Dean?

Dr. Larson: Yeah, I wondered could I ask the applicant a question?

Mrs. Stefl: Okay.

Dr. Larson: I'm just wondering sir, could you describe where your fences are on your property and how high they are, you know what land they cover?

Mrs. Grove: So, we have approximately right now one acre fenced in, we have an outer fence that's six-foot-tall with lean in and it's hot wired and we have three-foot dig inside that fence line as well so they

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can't dig. The internal fence is eight-foot-high with that same two-foot lean in, no hot wire, and the three-foot dig guard. So, does that answer your question?

Mr. Grove: Sir, it exceeds what the USDA requires. Our enclosures exceed USDA requirements for zoo animals.

Mrs. Grove: So, and what gauge, we have 11-gauge chain links-

Mr. Grove: I'm sorry 9 gauge, it's 9-gauge chain link.

Mrs. Stefl: Alright I'm gonna just go to the hearing, I mean Dean, Robert, and Steven, we can ask the applicant after the public hearing, okay? I'm gonna open the public hearing at this time. I'm gonna ask any member of the public who wishes to speak in support of the application to please come forward. Are you speaking in support? Okay. Just to remind you the speaker, the lights in front of you green when you begin speaking yellow for one minute and red to finish up, please state your name and address clearly into the microphone for us.

Ms. Davis: My name's Rebecca Davis, this is my husband Daniel Davis, we live in Equestrian Estates, we're neighbors. We came here to support them. We moved into the neighborhood a year ago and at that point in time we knew nothing about wolf dogs and we heard that they were in the neighborhood and randomly just went over one day to kind of meet our neighbors and see what it was all about and they welcomed us with open arms. They stopped what they were working on, they showed us the kennels, they introduced us to their dogs, they are amazing animals. We have been able to take all of our children over so that are children can't meet these wolf dogs, they've pet them they've loved on them they've played with them. I can see where people who didn't know about these animals would be intimidated because they are very large animals but once John explains to you the personality of a wolf dog that you kind of need to let them come to you, you can't view them as a regular dog, you have to take them for what they are, you know they're a pack animal, they want you to be part of their pack in order to trust you so you have to wait for them to be comfortable with that. We're just here to support them. What they're offering is an amazing opportunity.

Mr. Davis: That's where I wanted to go with it is you know them having the dogs I don't think is the issue but, I'm sorry them having the dogs isn't the issue they've had the dogs for a long time, the issue is the opportunity to have this education center which is extremely important for the well-being of the dogs and to keep them from being just bred and allowed to go wherever. After having met John and spending some time with the dogs I have learned a lot that you know I thought I knew and didn't about wolves, dogs, and then where we've come by domesticating them so I think you know being a member of the neighborhood I love the idea of having an education center nearby, I would just like to express that we're very excited and hope that the Board will approve it.

Mrs. Stefl: Alright, thank you. Alright, sorry I guess I broke my own rules, Melody could you let us know how many emails in support and opposition and names that you received today.

Ms. Musante: These are in opposition. Lisa Carpenter, Laura Burton, Rick Herbst, Ms. Gately, Donald Buzzkirk, Tim Devorack, Uriah Keyser, Dave Smith, Dawn Groves, Chris Hutzal, Stephanie Wise, Judith Gately, Ms. Garza, Ms. Fisk, Brian Simmons, Brian Groves, Michael Wiskowski, Ms. Eric Myhrberg, Ken Everetts, Kim Altimose, Dawn Oval, Tricia Beech, Claudia Wright, so the majority of these, actually all of them are from Lake Arrowhead, well not all of them, a couple of them are in Equestrian Estates but the majority of the them are Lake Arrowhead.

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Ms. Brown: Can I just add real quick, I know I couldn't submit anymore, like I said I was getting letters all day and I did notice the ones that I could not submit after the deadline were I had four from Rolling Road.

Ms. Musante: Rolling Road?

Ms. Brown: Yeah.

Mrs. Stefl: And I'm just gonna remind the public of a few things, if you weren't here for the first case, as you hear, staff received and we received a number of emails. I do have the list and we are going to go over the list, I'm gonna go in order, I believe we still, do we have anyone still up in the ABC or they're all down here now?

Mr. Morgan: No Madam Chair, we do have 19 people up there.

Mrs. Stefl: We do have, okay, so if I will try to call say five names but one of the, hopefully most of the people are in here and if you wrote us, trust us, we read your emails. If you have something new to add please come forward but if not, you know in due diligence we do have some more business of the day and please be patient with me, this is my first meeting as Chairman so I am gonna make mistakes. I did, I want to thank my Secretary she did point out in our bylaws, Dr. Larson, Mr. Apicella, Mr. Grimes, do you have questions of the applicant before I open the public hearing or continue with the public hearing?

Dr. Larson: I had a follow up to the fence question.

Mr. Grove: Yes, sir.

Dr. Larson: Okay so mentioned you had an acre fenced off and you described the fences I was wondering does all the activity with the animals take place within that acre or are there some activities outside the fence?

Mrs. Grove: So currently all of the fencing is on our original three-acre property which was 26 Quarter Horse Ct, I can't remember the lot number, 19-D I believe. So, all of it currently the fencing and everything is on that property and you know depending on the decision here we may expand we may not, that might be all we ever do is right on our current property. We do have other activities planned for-

Mr. Grove: The property's ten now.

Mrs. Grove: Right, okay.

Mr. Grove: With the, I'm sorry, with the recent subdivision packages our Quarter Horse Ct lot is now ten acres, roughly ten acres, that's what she meant.

Mrs. Grove: But it is the original three acres and the second part of that question do we plan to have any other events, yes we would have events we have, John has diligently created about three or four miles of walking trails and they go over and across each other on the remainder of the property, of the 24 acres that's out there, they're just walking trails which we would allow people to walk on.

Mr. Grove: In fact, some of our neighbors here walk on them.

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Dr. Larson: I guess my point was are the dogs going to be on those trails?

Mrs. Grove: We currently walk dogs on those trails, yes, we do, on our property yes, we do.

Mr. Grove: Sir that's what we did with our dogs with our property just for fun until we got the idea that if we really, ours turned out so well and we feel so confident that we learned enough that we can help other people that we decided to take what we already did for our own enjoyment and try to turn that into Lupine Grove.

Dr. Larson: Okay so the bottom line I was trying to get to is are the, is that area fenced in or not?

Mr. Grove: The remaining area is not although the expansion proposal shows that entire area being fenced in with a perimeter fence and we would do that six-foot-tall to USDA requirements. A six-foot perimeter fence is required outside of the main enclosures and we would extend that concept, that perimeter concept as shown in the expansion proposal page.

Dr. Larson: Madame Chairman I have no further questions.

Mrs. Stefl: Alright thank you Dr. Larson. Mr. Apicella? Mr. Grimes? Oh, okay, yes Steven?

Mr. Apicella: I have no questions at this time.

Mrs. Stefl: Alright, Mr. Grimes?

Mr. Grimes: I have none, thank you.

Mrs. Stefl: Alright, present Board? Ms. Bertoldi.

Ms. Bertoldi: Okay so just to just follow up, I have some other questions but just to follow up on what you were just talking about on the walking trails. I know that you stated that you currently walk your own dogs there for pleasure when you open this up to the public will people be able to walk your dogs, their dogs, is it any breed of animal dog that they want to bring and use as recreation or is this just for wolf... you know like what is your...

Mr. Grove: Yes ma'am and I'll be 100 percent honest you know that we haven't done any of that so the idea is that people who have social distancing concerns, dogs that don't get along with other dogs, there's a whole subculture of midnight dog walkers, they go to dog parks, I'm not kidding ya, they go to dog parks at midnight, they don't want to be around other people, their dogs aren't friendly to other dogs so this is what they do. Our thought was we're not, we don't wanna make any permanent adjustments to the layout, it's beautiful back there it's just very quiet to walk through the woods and maybe that other people would enjoy it too by walking their dogs but we have not, it's not wolf dog only and we were thinking appointment only. We've offered it to a bunch of our friends too.

Mrs. Grove: And to follow up what John is saying, some of our neighbors have come and walked on our paths, in fact Jeanie and her brother Bob live right next door and we find Bob walking, Rob walking our trails quite a bit which is perfectly fine so, it's just awesome like John said, it's just beautiful out there.

Ms. Bertoldi: So just to clarify though you say that there are, there's a subculture of midnight dog walkers, is your intention of allowing midnight dog walkers?

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Mr. Grove: No, no, no, no ma'am.

Ms. Bertoldi: Okay well I just want to make that clear for the record.

Mr. Grove: No ma'am, they have to do that because they can't, because they don't to go to Government Island in the middle of the day so they go to places at midnight to not be around other people and we figured with 20 acres they wouldn't be around another person.

Ms. Bertoldi: Okay and then with respect to because I know you said you'd just, lopping off everything that has to do with Lake Arrowhead, does that include the driveway issue?

Mr. Grove: No ma'am that is our lot and we are going to do something with that lot and that driveway is all permitted and VDOT permitted and County approved. It was not too big for the 2500 square foot requirement so we are 100 percent compliant with what we're doing. Got Dominion Soil coming out the beginning of September was the earliest to do a soil perc survey and see what we could put in there. It didn't perc the last time so...

Ms. Bertoldi: And so where do you plan on having parking? So where are you going to plan on having parking?

Mr. Grove: Okay.

Mrs. Grove: I got it. So, I also want to follow up what he's saying on boundary. We have another business, JC Grove Enterprises, which we have done some house flipping so we purchased boundary on our other business to actually build on that the idea of a parking lot came up and we thought about it, obviously it's off the table, so our intent is to build a house in there like John said, the soil guys Dominion Soil's coming out so we can perc it, because it previously did not perc without doing a mound type system. So, we are on the process of doing that. In regards to your question on parking, all of the parking will be on our driveway and at the end of our road off street. All four tires off the street into our driveway. We have a very large driveway.

Mr. Grove: So if I could help with that, I don't know if that's allowed so the reason that I took the pictures of what currently occurs on our street, the neighbor directly across the street and how they park on the regular, which nobody complains about and I'm not complaining about it now, we're live and let live but for someone to be concerned about parking in front of our house when they have not complained about that nonsense I think you know we should consider that so so if the Board is open to it and if it's not illegal we thought that we could, we have enough room there to move cars off the street and park them in the front of the house just the way we do when we have parties, just the way our neighbor does right now and that may alleviate a lot of the concern from the other neighborhoods about parking lots. Now I want to bring up, if I may, I want to bring up events. So, we would very much like to have some fun in those woods and we think like haunted Halloween trails or Easter egg walk or something, dog shows, something would be fun back there. If we would go to the event route. I was looking at it very closely considering everyone's concerns, I think the sunshine property is the shortest shot in and it's got the most parking there not by any houses so the inclination right now is to do as much as we can do with our driveway and in front of our house if that's legal, to put off having to build a parking lot ever and if we wanted to do events we could have overflow parking at Sunshine.

Mrs. Stefl: Sorry, you have another question or...

Ms. Bertoldi: Well follow up on this if you can just indulge me, if you don't want me to monopolize.

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Mrs. Stefl: Quick, quick lawyer talk.

Ms. Bertoldi: And you made me forget my train of thought-

Mrs. Stefl: I am so good at that.

Ms. Bertoldi: Come back to me because it was important.

Mrs. Stefl: Alright um, Mr. Jenkins, okay, Ms. Brown.

Ms. Brown: The boss says I have to be quick so I'm gonna blow through this really fast. Okay just to be clear the driveway on Boundary is not going to be used for parking?

Mr. Grove: Correct.

Mrs. Grove: That's going to be a developed lot.

Ms. Brown: Okay.

Mr. Grove: Melody corrected us we didn't know that A-2 did not allow a commercial kennel, we didn't know.

Ms. Brown: Okay, that's fine, I only have a few minutes so I have to hurry here. How many wolf dogs do you currently have at the facility.

Mr. Grove: We have eight.

Ms. Brown: Eight, okay are they all yours?

Mr. Grove: They're all ours, yup.

Ms. Brown: And are they neutered?

Mr. Grove: No, no, they're uh, and I want to address that, if we expand you will see that from the one picture to the next there are more little doggies. We would breed, we would breed our dogs we would not buy more, but not to sell. We are not selling dogs.

Ms. Brown: Okay because I noticed in the paperwork you gave us tonight to look at it said if they were not neutered they were more likely to bite that was why I asked.

Mr. Grove: Yes ma'am I love bite statistics, 80 percent of those statistics come from chained dogs, if you're interested in bite statistics it's incredible-

Ms. Brown: No, I just wanted to know if they were neutered that's fine.

Mr. Grove: People chain dogs and pew it goes sky high so you know even the dog breed isn't the whole thing.

Mrs. Stefl: Okay let's just, yeah.

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Ms. Brown: How much DNA ancestry do they have of a wolf. Are talking 25 percent, 50, 70?

Mr. Grove: Right, okay so there is not an approved, court approved definitive, authoritative, what's the word I'm looking for, absolute. There is not an absolute DNA test. The only commercial one that gives percentage is for fun and we are all very worried about where-

Ms. Brown: That's fine, if you don't know that's okay.

Mr. Grove: I do know, I have DNA tests on all of them, 87 percent, 27 percent, 19 percent for the first one, 91 percent for the black one. So, it's all over.

Ms. Brown: It's all over, okay.

Mr. Grove: But if you look at the, sorry I get so excited I'm passionate, if you look at the pedigrees that I gave you in the end you will see that that's what they were mixing clear back in the 90s, 83 percent here, 74 here, 91 here and you got this wolf dog to wolf dog thing going on.

Ms. Brown: I'm sorry I don't mean to cut you off-

Mr. Grove: I could talk about it all day.

Ms. Brown: We have a lot of people that want to talk.

Mrs. Stefl: I have a gavel.

Ms. Brown: Okay, let's see here, people that are coming to your facility, they're allowed to bring dogs?

Mrs. Grove: Only if they're walking, only if they're gonna walk in the woods.

Ms. Brown: Okay so they're not bringing them for training sessions?

Mrs. Grove: No, no, no, no we're not doing that.

Ms. Brown: Okay. Do you have a safe loading and unloading area for these dogs that you don't know?

Mrs. Grove: Oh yes, absolutely.

Ms. Brown: Okay let's see, this scenario. This is what I'm really worried about after talking to Animal Control. When you've got a dog walking out on your trails there's no fence out there, dogs have a trigger and a squirrel runs across the path, that's gonna trigger the dog into hunt/kill mode so they could definitely you know break the leash depending on what kind of leash they were using and probably a woman of my size probably would not be able to hold them so my question is if they get off the property chasing this squirrel, they run into one of your neighbors walking on the street, they're in that hunt/kill mode what would happen and how would you get them back?

Mr. Grove: Okay so I don't know what a hunt/kill mode is because our dogs are hand fed and if-

Mrs. Grove: I believe she's talking about other dogs.

Mr. Grove: You're talking about other peoples' dogs?

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Ms. Brown: Well any dogs, I'm sure your dogs would chase after a squirrel too.

Mr. Grove: We don't anticipate other people bringing wolf dogs to walk on our trails, number one. Number two, our dogs have no hunt/kill mode, they have no idea what that means, by hand feeding them humans are helpers, we are the givers of all things good. The biggest one we got, when the chicken, when he pulls too hard and it falls on the ground, he looks at it and waits for us to pick it up. Our dogs are not, that hunt/prey stuff it's just not real.

Ms. Brown: I'm gonna save the rest of my questions for later in the interest of time...

Mrs. Stefl: I'd like to give our general public time to speak, it's getting late in the night.

Ms. Brown: I did watch your videos for about an hour on your website, so I did watch.

Mr. Grove: It happens, that's why we think we can help people.

Mrs. Stefl: Alright, one quick question Ms. Bertoldi.

Ms. Bertoldi: I can wait.

Mrs. Stefl: Alright. Alright, I'm gonna go down the list real quick and I believe we heard from Tim Dorack? Okay, you may come first. And just remember three minutes, green, yellow, red and please state your name and address for me.

Mr. Dorack: My name is Tim Devorack, as Mr. Grove has elegantly described the 525 residents of Lake Arrowhead, we are the mob. I understand his passion with these animals but the question is still why do we need to have a large commercial kennel complex in the middle of three rural community divisions. We all moved out there to get away from commercial industries being around our homes. The other thing that I would like to emphasize is that this waiver would be granted if this project would not be detrimental to the character and development of the adjacent land. I don't see how this kennel will benefit or improve the way of life for our subdivisions and I believe that yes, he has a noble calling that he feels he has; however, I don't believe that this place where he wants to create it is in the proper setting. We've talked about parking but we also have to look at there is very small rural roads in order to access his facilities so we're gonna have these people who are trying to find this place going through our neighborhoods, are they going to be paying attention to our kids or being looking for an address. We just feel that having this increase in traffic, he's talking about events he's talking about attractions, he's talking about having vendors out there, this is not just a kennel, this is as he described it in his proposal looks like a tourist attraction and that is beyond the scope of commercial and beyond the scope of a commercial kennel. It is more of, I want to say an amusement. Now granted I'm running out of time but I just want to emphasize that something like this is gonna affect our property values and most likely they're gonna go down because who wants to live near a commercial complex?

Mrs. Stefl: Alright, thank you very much sir.

Mr. Devorack: Thank you.

Mrs. Stefl: Alright I'm gonna read three names so if you could make your way down here, Jeanine Zidiack, Rob Holtzover, and Emily Robins if you could make yourself available here in the Chambers and also to remind people to please once you've finished speaking to leave the Chambers to allow others

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to come in, you may go upstairs to the ABC Conference room to continue to watch the rest of the proceedings. Yes ma'am.

Ms. Sidiak: Good evening, thank you for your service to our community by volunteering to serve on this Board, I know that you're volunteers. My name is Jeanie Sidiak I currently live next door to the proposed Lupine Grove Education Center and I've lived there since 2008. As you know Lupine is latin for wolf. This property with the exception of the existing kennel is not fenced, my property receives stormwater runoff from this hill and from this hill. This is a dead-end street with no traffic and the area is filled with families. Fact, wolf dogs are banned in multiple states. Fact, wolf dogs are hunters, predatory, escape artists, intelligent and their personalities cannot be predicted by their genetic make up. Fact, their bite is 50 percent stronger than a dog. Fact, in 2018 in Virginia a pet wolf dog mauled an eight-day old infant in the bassinet, the baby girl died. Fact, even without this proposed project there are currently eight wolfdogs next door to me. Fact, their howling can be heard one half mile away. When they're howling I currently not have a conversation on my front porch or on my back deck and they howl often. My quality of life as well as my sense of safety has declined. In addition to the obvious safety concerns I'm concerned about the traffic that up to 50 visitors a day or a tour bus would bring to our neighborhood. Their intent to offer tours of wolfdogs in enclosures because in Mr. Grove's own words, people just love to see wolves. Their potential revenue stream includes boarding of dangerous and difficult dogs. Their intent to rent out trails for wolf dog walks. Again, this an unfenced area. But I think my gravest concern springs from an excerpt from Mr. Grove's podcast from three months ago. When asked by a friend George Stapleton, "Does Lupine Grove have any thoughts in how you or have some kind of offerings about some kinds of gatherings or things like that?". Mr. Grove answered, "Oh George I love parties, I love parties, yeah. Anybody that has already been here for a wolf dog party knows we love parties so yes please we've got lots of land, people can camp. We live in a town with hotels, we live in a town with campgrounds, we've got room in our house you know, we love parties, so the answer to that is hell yes, and now what I would like to do is every full moon to have a party and we'll see if the County will let us do that (laughter from George), and if that's the case then every summer, winter, fall, every full moon count on a bonfire and some moonshine and some wolf dogs howling." Fact, a full moon is every 29.5 days. Fact, there was howl-down scheduled for Saturday September 5th next door and behind me. So far per Facebook 82 people are going or interested in going. Mr. Grove has offered to provide containment for wolf dogs that will be at the howl-down. My questions to you are this. Number one, how does this fit into Stafford County's vision statement that Stafford is one of the regions safest and most desired locations in which to live, work, play, and raise a family. Number two, what would your position be if your home was located 97 feet from a wolf dog who, in Mr. Grove's own words, could move 3 feet left before I blink and is obedient as a house cat. Please, please, not in our neighborhoods. Thank you very much for your service.

Mrs. Stefl: Thank you ma'am. Okay, next Troy Jutes and Doug Schuler. If you could come down to the chambers. But Rob Holzerhaber. I butcher names, sorry.

Mr. Holtzhauer: Good evening. I am Rob Holtzhauer. My son and I left Prince William County and moved here in March of 2008. I moved because of the great schools in Stafford County, low crime rate, and a beautiful home that I share with my sister, Jean. It's a home in a neighborhood that I feel very safe in right now with woods in the back. A place that my son can have friends over to toss a baseball and play a game of basketball. When not at home you'll find me on the baseball field. Like yourself, I'm a volunteer. I volunteer for Stafford County Baseball League, and I'm on the Board of Directors. So, one of my main goals on a baseball field is the safety of the kids. And, of course, I bring that at home also. I learned of the commercial kennel about a week ago through a letter in the mail. I must say that caught me off guard, totally surprised. If this passes, I'm not going to allow my son outside. I'm not going to be able to trust a dog being confined in a commercial-type kennel. Like my sister said, who

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would want to... if she was to sell her house, who would want to move and have a kennel 90 feet right out of their back yard? The size of the kennel, if I'm not mistaken, is... the proposed size is roughly five football fields by one football field. That's humongous! And that's a conservative statement. Last month I was asked to help search for a lost puppy that escaped from their kennel. I spent 10 hours in the woods. That's how I know that woods very well now, all the trails. The lost puppy that came from that kennel was found the next day down the street. What if that dog that got out was a wolf dog and gone? The possibility of a wolf dog escaping its cage or running away on a leash is not minimal. I'm 100% totally against this plan. I respect their rights. They're great neighbors. I love them to death. They have a great passion. But this is just not the place. We live here also. It's our home. We're two doors up from a school bus stop. Two doors up from a school bus stop. Thank you for your time, and thank you again for volunteering.

Mrs. Stefl: Thank you. Okay, Emily Robbins?

Ms. Robbins: Hello, my name is Emily Robbins and I'm the daughter of Jeanne Sidiak. Thank you for all that you do for the community. I learned about this organization called Lupine Grove being created next door and behind my mom's home. I was intrigued, I wanted to learn more, so I went onto Facebook and I saw positive reviews and pictures. I listened to a podcast from Mr. Grove and what I learned in the podcast is that Mr. and Mrs. Grove are passionate about wolf dogs. Not in a crazed way, but just like everybody in this room, they truly deeply care about something. The wonderful thing about this country is that we have the freedom to care deeply about something and voice our opinions. But, what I think we have to consider though is when one citizen's values invades another citizen's freedom. It's simply not safe. When I listened to Mr. Grove's intent for Lupine Grove, there were a few concerns I had in terms of the location in a residential neighborhood. I'm not going to debate the dangers of wolf dogs, I'm going to assume everybody in this room has read Little Red Riding Hood, but there a few things that he shared that were a concern. First, the intent for advanced courses is to allow customers to take walks with dogs on leashes so that they can, in Mr. Grove's words, feel what it's like when some unexpected event occurs and your wolf dog, on the leash, moves 3 feet before you can blink. Secondly, I'm not comfortable bringing my future children, or my brothers bringing my 6 nieces and nephews, to my mom's house where there are wolf dogs that, and this is a quote, you should probably watch out for no matter what because these dogs have a tendency to jump on little kids sometimes to see if they can climb one more rung up the social order by dominating this little kid. Again, this is Mr. Grove's words. I'm 30 years old. I haven't lived long. But one thing I've learned is that nobody wakes up and says, today would be a good day for an accident. I know Mr. and Mrs. Grove would never wake up and hope for a wolf dog to get loose during a walk. They wouldn't want it to attack a small child of a neighbor or if people attending their events to cause harm to others. Accidents are never planned, but they can be prevented. So, I'm asking you to consider the rights of my mom and fellow neighbors to feel safe when walking in the neighborhood and to not have a heavy flow of strangers. This change would have significant effects on the surrounding neighborhoods and cause detriment to the public good for one person. Mr. and Mrs. Grove have a growing passion for these wolf dogs since they have purchased them 8½ years ago. They have every right to love and advocate for these animals. But what I fear is what, with the permission of this board, what could happen in 10 years if granted a commercial kennel and breeding. What I'm asking you to consider is how their mission impacts others' rights to safety and peace at home. I commend their intent, but simply the wrong location. It should not be between two residential neighborhoods. And I thank you for your time.

Mrs. Stefl: Alright, thank you. Troy Jutes? And Kim Alomoz, if you could make your way to the chambers. Alomose, Altomose, thank you, you're already there. Alright, go ahead Mr. Jutes.

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Mr. Jutes: Alright. Thank you all, ladies and gentlemen. I'm going to kind of skip through; all of these great folks have said some things that I was going to point out. However, first of all, good evening and thank you very much, Mr. Grove. Mr. Grove, his property borders my property. Him and I have talked on several different occasions. However, I was really quite surprised and caught off guard when I learned about the wolf dogs just a couple days ago; Saturday I want to say. We had talked, discussed perhaps, me looking to buy some of the property that he's already had subdivided up. However, when I learned about this, I was a little disturbed because he never mentioned it all, which is fine. But, so as I read through in his amendment that he had submitted, and if there's more demand to learn about these types of dogs he says in the amendment, we are asking the BZA for permission to expand. And by doing this, he will add the 1-acre enclosures inside of this, additional walking trails, K-9 agility course, which is training in my experience, at least one parking lot on Boundary Drive which he says is out, Sunshine Drive and Rolling Road which is literally right off my well, my property. I come out of my house and I'll be looking into a parking lot. I look at his trails. The two signs that hit me don't say welcome or come walk your dog; they say beware of dog and keep out, no trespassing. Got pictures to prove that. So that's out. So, at this point, you know, he's allowing walking tours which he no longer needs. You know, they can just come in and walk amongst the 24+ acres, the six lots without houses, which is right next to mine, and then none of these neighborhoods as he goes on to say were involved, you know Rolling Road, Sunshine, and Grove have HOAs or conveyance of restriction and activity. But we do have families and children who enjoy living where we live and we picked these places and these lots to have a peaceful life. Reasons I disapprove, I don't need 29 acres against my one, I don't need smoking, trash, pet waste... *inaudible*... and he's literally ruining 3 neighborhoods with parking lots. This is absurd. And to his podcast, I will quote another one, this is... *inaudible*... Talk Radio, talking wolf dogs with John Grove of Lupine, Virginia, on 6 May. He goes into pros and cons, which again I admire his passion for the animals. But I quote 27 minutes into the talk. Again, he's weighing pros and cons. This could happen, often happen, the dogs jump on little kids and see if they can climb one more rung up the social ladder. Little kids probably something not to put in a good column with wolf dogs. I have small children, my neighbor has small children, and we're sitting right next to a parking lot for people to come in and walk dogs and bring wolf dogs. Again, if he wants to do this, that's perfectly fine. Again, I appreciate his... I love animals. But not in our backyard. If you want to... I mean, he knew what he was doing when he bought this property. He could have bought property somewhere else and taken his desire and his dreams and his passion elsewhere, not in our backyards. Thank you.

Mrs. Stefl: Thank you Mr. Jutes. Okay, Doug Schuler.

Mr. Shuler: Good evening. My names is Doug Schuler, I live in the Rolling Hills subdivision. My wife and I moved into Rolling Hills in 1991; we been there almost 29 years. We specifically moved out, we moved from 25 miles south of the beltway, 10 miles off 95, to find a nice residential neighborhood where we would not be encroached on commercial businesses. We raised our family in a nice quiet neighborhood backed up against Sunshine, backed up against Hidden Lake, and what now is Equestrian Estates used to be a farm. A one house farm on 55 to 75 acres, I'm not sure what the number was before it was there. But it's all A-1, residential, agricultural when Equestrian Estates was built. They didn't put in a commercial business. There's no strip mall there. It's residences... *inaudible*... acres and what we have on our 1-acre lots, but it's a residential area. And so, I just got this flyer just on Saturday. Someone left it at my residence. So, I've had only 3 days to digest this idea. I didn't know about the wolf dogs until I actually got on the website because this doesn't mention the wolf dogs in here, it just talks about a commercial kennel. So, just in the last 3 days we've found out more information. But as far as the notification, only 3 residents right at the end of Rolling Road received notification of this hearing. In talking to them, I got more information, got more on the internet, Facebook, connections with Lake Arrowhead and stuff. But out of the 20 residents houses that are on Rolling Road, my wife and I have talked to 18 of those residents; every one of them opposes this special purpose request.

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Again, what Mr. Grove is doing, I've never met Mr. Grove or his wife, but sounds like what they're suggesting is, is an attraction with lots of events. On the website that I've read, talking about bringing in busloads of school children to learn that this is an educational sanctuary, but they're bringing in outside people into our quiet little neighborhood. It's a cul-de-sac, it doesn't get a lot of traffic. But the proposal I've read online, I've heard people say well the boundary parking lot is on the table, it's off the table, I don't know what the parking is. But if there's going to be a parking lot coming in, if you have a problem with all the traffic that's going to be coming with the proposal of all this commercial business, that's a problem. And you know, I don't want them to make their problem our problem in our neighborhood with all these outsiders coming in, walking dogs freely in the neighborhood with empty parking lots, whether it's a midnight walk, I don't need that kind of traffic coming into our neighborhood.

Mrs. Stefl: Alright, thank you so much.

Mr. Schuler: Thank you.

Mrs. Stefl: Alright, Kim Altemose and then Ulrich Kisner and Jordan Curtis.

Ms. Altemose: Hi, my name is Kim Altemose. You guys are doing a great thing with your wolf dogs, and that's wonderful. However, a parking lot at the end of my cul-de-sac? I don't feel is a very good idea, a safe idea, for the kids and the people in my neighborhood. Before the houses were built in our neighborhood, in the cul-de-sac area, there was a lot of partying going on down there. There was a lot of trash, alcohol, that type of thing. So, the parking lot that could be on Rolling Road, and the port-potties which is even more attractive if you're partying, is not going to be behind a gate. It is going to be completely accessible. We're directly off 610. And you come in 610, make the turn on Rolling Road, you go to the cul-de-sac and turn into their easement, into their parking lot and into the port-potties. I was a teenage once; I'd hang out there. Just looking at your own guidelines, having that traffic come through our neighborhood will definitely change the character and the pattern of our neighborhood. It will be unsafe for us if you're going to have people coming through there at any time. We're a safe neighborhood, I would say. Probably most of the people don't lock their doors. They don't close their garage doors, you know, they're open all day. We're safe there. If I have strange people coming through and people coming through to party in the evenings after their gates are closed, I'm not safe anymore. And I'm not real happy about that. It's also, using his language, it's an event. Stafford County and I have spent the last three days since we found out about it because the property on Rolling Road was not posted that this was going to happen, that this hearing was going to happen. So, we had no idea until someone dropped papers on our street. Um... my time's going to be up in a minute. The attraction thing – Stafford County has no rules for events. If you look through the Municipal Code, and I spent the last two days doing so, you do not have rules for events. The only place locally I could find event information, there were some in Spotsylvania and King George, and until all of that is addressed for emergency things to get in there, lighting, all of that issue, I don't see how you can reasonably approve this. That's all I have to say. Thank you.

Mrs. Stefl: Thank you very much. Ulrich Kisner, and then it's going to be Jordan Curtis and Pam Talley.

Mr. Kiser: Good evening, I'm Uriah Kiser. I'm in Lake Arrowhead. I am, again, part of that mob that the applicant described tonight he no longer wants to deal with. Madam Chair, members of the Board, thank you for hearing this case tonight. I'm gonna use the language that the applicant used already. He described this is an attraction. He described this, as it has been described by supporters, as an education center. The applicant himself stood here tonight and said that more than 200 people have been at his

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home for his wolf dogs, to see his dogs for his business. It sounds like the applicant may already be in violation of a small business, home business ordinance. It sounds like the applicant should be applying for an events special exception, not for a commercial special exception at this point. I live in Lake Arrowhead with my wife, my 6-month old daughter. Again, repeating stuff we've heard here tonight, tall fencing, electrified fencing to keep these wolf dogs in. Well, that scares me to death, thinking about my wife, my family, and we have small dogs. We have goats. We're not farmland but, you know, we're also, you know, we're suburban neighborhood. We are wooded, but when you look at this, it just doesn't fit the character of a neighborhood. I know that's what you all are up here charged to look at tonight. And this attraction, this event center, this education center, it's clear the applicant has big plans for this area. And we are glad that he took off the table the parking lot that was going to go adjacent to Boundary Drive, but the applicant then again stood up here tonight and talked about putting parking on his property, IF it's okay, IF it's legal. We don't know. We don't know. If it's okay then we might do this. Or we might do that. There's a lot of we don't know going on here tonight being said about what could go. There are 483 homes in Lake Arrowhead. This isn't a farm. This isn't a large tract of land where you might find something like this. I think you might... if this were a different area, this would be suitable for a different area. But there are, again, 483 homes in our neighborhood. Sigh. You know, and finally, I'll say that we've spent thousands of dollars on our property erecting fences to keep out ATV riders, horseback riders, and pedestrian trespassers on our property. And it is concerning these self-guided tours, if one ends up on our property, shouldn't be there. Madam Chair, thank you.

Mrs. Stefl: Thank you very much. Jordan Curtis? And Mr. Mike Wolowski, if you could make your way to the chambers.

Mr. Curtis: Okay, good evening. So, Jordan Curtis. I'll start off by giving some atmospheric currently of my neighborhood. So, it's a quiet neighborhood, right. So, during the day I may only get 5 to 6 vehicles passing by in my cul-de-sac and two of them are neighboring houses. Um... I move to my neighborhood a year ago and I bought a home for the same reason that a lot of people probably bought their homes that are here today as well. It's the same reason why I chose to commute an hour to work every day. It's the reason why I sacrifice a little bit to live out there, to commute and do other things, because we like it, because it's quiet. So, this would completely change the character of our neighborhood. And the last thing I want is a cul-de-sac to be extended with a commercial parking lot and port-a-johns. Like I can see it... I'd be able to see it from my house and I can smell it from here like. So, there's trails that appear to border neighboring properties, so you'd have customers... you'd be able to view customers like through your property line, people that are not from the neighborhood and the surrounding neighborhoods. So, also like a major increase in traffic. I have 3 young kids. Not that they're playing in the road but, again, that's another thing that's appealing to these houses in these subdivisions because it's a residential area. Crime is going to increase. Why is it going to increase? Because, in that packet, it states commercial parking lots and port-a-johns, right? It's public space. Same thing that happens at like the 7-Eleven up the road, right. You see drug deals going on? Well, guess what, it's probably gonna happen there, too, because it's a public place for people to go now. I have already touched on a lot of the other things, the smell, the port-a-johns. There have already been noise issues, not with me, but with other neighbors. So, like for the Grove's, I completely understand you love for dogs, I honestly do. But I just feel like they should love their dogs in a way that does not affect others. In closing, it would negatively affect my family, my home value and just my neighborhood as a whole, so I don't support it. Thank you.

Mrs. Stefl: Thank you Mr. Curtis. Pam Tally.

Ms. Tally: Hi, excuse me. My name is Pam Tally and I am with Two Sisters Pet Sitting. I don't have an ax to grind in this as a property, because I live by the wedding venue. So, I have been pet sitting for

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John and Cindy for eight years now. And I have raised the wolf dogs with them and taken care of them when they go away. So, I am speaking for the dogs. And they are dogs, as much as some other people have other dogs that... I pet sit for hundreds of dogs and horses and cats and geese and have been bitten and kicked and run over and shat upon and everything else. But, these dogs now... I have people with Chihuahuas that have left holes in my legs, but these dogs have never ever shown any aggression and I am not their owner, I see them sometimes once in two months, once in six months, five times in three months. But, they haven't ever shown anything but love. I have my... my son is handicapped and I have brought him to see them and they're super gentle with him and I hand feed them and they just... they are wonderful. And the fences, they are high, they are electric but they are also to keep the people out, not to keep the dogs in as... well both things. But they have really worked hard to make it a natural, a natural setting for them and something that they would be in if they were in the wild, so that they have a safe place to be. So, the thing that... they are just doing a wonderful thing, they really are. And I know maybe it's not the best place because of the people around it, but I don't think any of those people have come to meet the dogs and see that they are just dogs with wonderful personalities. They know how to sit, they know how to... they scooch on the ground, they like to get cookies just like any other dog. They don't have bad habits, they walk on leashes, I've been in Pet Smart with them. I have introduced my dog to them and they have been just fine. So, that is it. I just wanted to speak for them and I think it's really wonderful what they are doing.

Mrs. Stefl: Thank you Ms. Tally.

Ms. Tally: Thank you.

Mrs. Stefl: Rebecca Davis and Daniel Davis, if you could make your way to the chambers.

Unknown speaker from the audience: They already spoke ma'am, they left.

Mrs. Stefl: Oh, they left.

Unknown speaker from the audience: (Inaudible) neighbors spoke for.

Mrs. Stefl: Oh, they're... Okay, thank you very much. I didn't catch their names. Alright, Mike Willowsowski.

Mr. Wiczalkowski: Wiczalkowski.

Mrs. Stefl: I should know better, I married a Polak.

Mr. Wiczalkowski: Hi, I am Michael Wiczalkowski. I have sent an email in with our concerns, there are a few things I would just like to add. If the parking lot is put at the end of Sunshine Drive, we are going to run into issues. There's a creek that runs down underneath the easement, going to the property and along the edge of the property that is part of the Chesapeake Bay Watershed. Having a parking lot at the end of our street, again, as the other gentleman said, is going to cause problems with kids hanging out ... kids loitering. Drugs possible being sold, because we have had that problem on the street with one of the houses. And we are going to have a major issue with people hanging out down there, turning over these dumpsters and now creating some type of environmental hazard if it gets in that water. The one other thing I want to add to this is the increased traffic on Sunshine Drive is now going to cause a major problem for myself and several other families on my street. We are not going to be able to walk our dog because of the traffic coming up and down the road. The kids are not going to be able to play on the street like they do now. Other than that, that's all I have. Alright, thank you very much.

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Mrs. Stefl: Thank you so much. Travis Basik. He might be upstairs.

Unknown speaker: (Inaudible, microphone not on).

Mrs. Stefl: I was going to say we probably... if there is anyone upstairs right now who wishes to come and address the Board, you can make your way. Anyone here in the chambers who wishes to speak either in support or opposition? Okay, I will give them a few minutes in the elevator to let them come down.

Unknown speaker: (Inaudible, microphone not on).

Mrs. Stefl: Okay, great.

Unknown speaker: (Inaudible, microphone not on).

Mrs. Stefl: That's it, that's the end of the list... Travis was the end of the list.

Mr. Basik: Good evening, thank you for letting me speak. Neighbors, thanks for coming, I really appreciate it. Thank you for letting me be here. First off, I am an active duty service member. I have been in for 12 years. So, I moved to the area, I was looking for a quiet neighborhood, somewhere nice to live. Somewhere where I could have my dogs, my toys, all that stuff. And Rolling Road was the perfect place, and it has been the best neighborhood I have ever lived in in my 12 years of service. My concern is the parking lot, the additional traffic... what does it look like? What is the security? What's it going to be a night, we have heard things about midnight walkers, midnight things. I have a two-year-old daughter, I am worried about those things in our neighborhood. A lot of times I forget to close my doors, lock my doors because I suffer from TBI, RIM behavior disorder, post-traumatic stress disorder, so I have a lot of issues, so I have a lot of concerns with people coming in my neighborhood. So, I chose where I chose to live because it's a quiet neighborhood where I feel safe and where I feel safe for my family and I just don't want that added traffic, that parking lot. And there's other things, there's a lot of concerns, where are the blueprints? What does this look like? What do these structures look like? What does this fence actually look like? We have heard it, I have heard people talk about it, but what does this actually look like? What do these buildings actually look like? How are they actually built? What's it going to be? When is it going to be built? How much equipment and traffic, things of that nature, you know there's just a lot of other questions. What is the training? What's certifies your staff? Your members, how are they certified to do the care of the dogs? It's just a lot of open-ended questions I think that aren't being answered and that's the major problem with me. And I just thank you for your time.

Mrs. Stefl: Thank you very much and thank you for your service.

Mr. Basik: Thank you.

Mrs. Stefl: Alright, at this time, this is the end of the list. I didn't see anyone come from upstairs down. Okay, let's see. Alright, I am going to ask the applicant if he or she wishes to respond or add any additional information at this time. Short and sweet.

Mr. Grove: Yes ma'am, very much so. Everyone single one of those concerns about traffic is valid. You, you... I didn't know you guys were voluntary, so thank you. You are playing King Solomon, our property rights, someone else's property rights, I appreciate it. The dogs jumping on kids, not an attack. They play this way, they play, they get up on... We don't allow kids in pen because they will fall down.

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The dogs don't bite them, the dogs don't eat them, they don't hurt them, they jump on and when a kid falls down the kid gets scared. That stays with a child forever. This is not a safety issue, I don't want anybody to think that. We would never... we wouldn't own them and we damn sure wouldn't take them out in public if they were dangerous. The parking, if it's legal, we think that allowing parking in front of us would alleviate a lot of these concerns. Oh, I know what else I wanted to talk about, the lost puppy was not ours, the lost puppy did not escape our kennel, the lost puppy was not a wolf...

Mrs. Grove: It was a white German Shepheard.

Mr. Grove: ... dog, the lost puppy belonged to a fellow that came up from Florida and was too tired from driving and it got loose. We spent our day, twelve hours, and thanks to Rob who helped, looking for a puppy this big in 100-degree heat.

Mrs. Grove: The puppy was five weeks old.

Mr. Grove: Five weeks old...

Mrs. Grove: (Inaudible).

Mr. Grove: (Inaudible) the whole, I mean everybody, the whole neighborhood. I would also like to point out, speaking of Rob, who I am going to apologize to for not talking to him about this first. He did say that he feels safe right now. And we have had these dogs for nine years now, almost nine years now, and he did say that he feels safe. Rob walks in our woods all the time, I catch him on the security cameras, we had a discussion about, you know, is it really trespassing if he's my buddy. But, they are safe. Our neighbors are safe now and are going to stay safe. So, you guys do your King Solomon thing, split the baby, if you decide this is how you want us to go, we accept. We take whatever you... we agreed, we accept, we are corporative, we just want to be able to move forward somehow. Thank you.

Mrs. Stefl: Alright, so, my understanding, are you basically... this is not going to be a commercial kennel you want to almost redefine...

Mr. Grove: Well it does meet a portion of it and I don't...

Mrs. Stefl: Okay.

Mr. Grove: ... want to get wrapped around that axel because it does talk about show, I think was one of the, one of the words and we are absolutely going to show people this is a wolf dog. This is the type of structure, this is the type of... we are going to show a lot. So, I think if you just want to grab that one, we fit.

Mrs. Grove: Alright. And somebody did mention hard to handle dogs and kenneling, we do not plan to kennel any dogs that are not our own dogs...

Mr. Grove: Right.

Mrs. Grove: That was also taken off of the original plan. So, that is not something that we plan to do at all. These... the dogs that will be there are our dogs.

Mr. Grove: We're people that are...

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Mrs. Grove: Excuse me...

Mr. Gove: Our idea...

Mrs. Grove: Right...

Mr. Grove: ... walking and...

Mrs. Gove: Right...

Mr. Gove: walking with their dog.

Mrs. Gove: ... right, right.

Mr. Gove: And that is not midnight either, that's a term for people who want to walk their dogs away from others, midnight dog walkers. We not proposing to be open at midnight. The parking lot turning into a hang out for teenagers and drugs is valid. We have surveillance cameras all over that property right now, it's no problem to extend it. They are all wireless, they network together, they go to our phones, we could do it that way. We could put fencing around the parking, we could do any of that, if you folks choose that option.

Mrs. Grove: And I think earlier the whole CRPA came up...

Mr. Grove: Oh good, good, good.

Mrs. Gove: ... and I using the right terminology?

Mr. Gove: Yes.

Mrs. Grove: We are fully aware of that, we actually.... when we were zoning the subdivisions, we had to expand one of the lots to accommodate that. So, we are fully aware that that's on... it's on lot one...

Mr. Grove: Yeah.

Mrs. Grove: ... I believe and that is... no enclosures are going on that lot what so ever. Maybe walking...

Mr. Grove: That's off of Sunshine...

Ms. Brown: Actually, actually that's across the road.

Mrs. Gove: Yes.

Mr. Grove: Yes, and what the protection is required for the house location and the septic field. You can put a road, a driveway, any of that stuff through an RPA, but you cannot put a house or septic.

Mrs. Grove: So, we couldn't put the...

Mr. Grove: so that's why we have the...

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Mrs. Gove: ... parking lot but we could put a road over the RPA.

Mr. Grove: We may be able to put a parking lot.

Mrs. Grove: And we did all of this for part of the subdivision portion. VDOT did come out, everybody did come out. It was fully approved, I mean it was an almost three-year process for us to get this fully approved.

Mr. Grove: That was another good point that came up, the access easements, the PAEs, they are all deeded. We did Sunshine Grove and Rolling Grove, those are our subdivisions and the deeds and the accesses have all been stamped by VDOT and Stafford County and the whole nine yards.

Mrs. Stefl: Alright, I think the Board has a few questions, Mrs. Bertoldi.

Ms. Brown: Yeah, I do too.

Ms. Bertoldi: Yeah, just because I want to make sure we are not talking about apples and oranges, because when you were addressing with respect to commercial kennel and you said you were not going to do that. But, that if you wanted to take a little bit portion, because you are going to show dogs. That was a little confusing when you said that. So, I just want to make sure that I am clear on something. That you are not going to show dogs in a kennel or in a... in any commercial way, any showing would be visual with education.

Mr. Grove: Yes.

Mrs. Grove: display maybe is a better word.

Ms. Bertoldi: Display. Because... so you can't take out words out of an ordinance and utilize it for something else.

Mr. Grove: No, there were two in there... yes ma'am but there were two in there that still applied to us, so go ahead.

Ms. Bertoldi: right, right. So, I just want to make sure that we're, you know, so that it there is no commercial kennel, there is no anything what so ever, it's just....

Mr. Grove: No Westminster dog show in Stafford...

Ms. Bertoldi: ... education. Are you going to... there is a building, I am assuming that you have, that is going to be for education?

Mr. Grove: Yes.

Ms. Bertoldi: What is the capacity for that building?

Mr. Grove: It's a... that's the metal building. The idea is to put some folding tables and chairs and a display projector, that's the idea.

Ms. Bertoldi: Right, but what's the capacity for...

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Mr. Grove: We could put...

Ms. Bertoldi: ... bodies in there?

Mr. Grove: I think we've got chairs for twenty people in there.

Ms. Bertoldi: Okay.

Mr. Grove: We could put like six of those six-foot tables together in there.

Ms. Bertoldi: Okay, and you also, in one of your packages, talk about getting a... people can get a certification from you for like...

Mr. Grove: Yeah.

Ms. Bertoldi: ... I don't know, for like \$45.

Mr. Grove: Yeah.

Ms. Bertoldi: So, my question with respect to that is, is this an official certification...

Mr. Gove: No, no.

Ms. Bertoldi: ... or... wait, let me finish... let me finish my question. Or, you know, and are you, if it is, are you... what gives you the authority to give that kind of certification and what is your background to be able to, you know, educate people...

Mr. Grove: I love your...

Ms. Bertoldi: ... is it, is it, is it just on, like formal training or is this just you owning the dogs and getting to know them over nine years.

Mr. Grove: Okay, so great...

Ms. Bertoldi: Eight, almost nine.

Mr. Grove: Fantastic question. So, what we did when we developed training outline, the educational outline, we circulated it through the wolf dog groups on social media. So, we have had every wolf dog owner that gives a crap, come in and comment on soup to nuts, this is what it takes to know about these dogs. Everything from breeding cycle to how they think about food, to what kind of food, to veterinary, to everything. So, I would say that it has been crowd sourced, that is the source of our... plus what Cindy and I gathered on our traveling around the country...

Mrs. Grove: As well as John did attend up in Indiana, a wolf dog, I can't remember the...

Mr. Grove: How to raise ambassador wolves.

Ms. Bertoldi: I just really want to know, and I don't mean to cut you off...

Mr. Grove: No...

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Ms. Bertoldi: ... but it is getting really late...

Mr. Grove: I know...

Ms. Bertoldi: ... I don't want the complete background...

Mr. Grove: Yeah.

Ms. Bertoldi: ... I just want to know if there is a... if you had official education, if this was based on...

Mr. Grove: No, so...

Ms. Bertoldi: The answer is no to that, okay.

Mr. Grove: So, what that is going to go for... I want to finish it though. The certification, what that is going to go for, the breeders then know these people have a soup to nuts understanding of what they are getting into.

Ms. Bertoldi: Okay, so it's not an official certification...

Mr. Grove: Not...

Ms. Bertoldi: ... because it says certification.

Mr. Grove: No ma'am.

Ms. Bertoldi: Okay, two more quick questions. You talked about the FDA coming to inspect... you are hoping to get this official certification...

Mrs. Grove: USDA.

Mr. Grove: Yep.

Ms. Bertoldi: Two questions. One, I am assuming that you are going to have to inspect and approve before they give you the initial certification.

Mr. Grove: Correct.

Ms. Bertoldi: Correct, and then does the certification expire and have to be renewed every year, or...

Mr. Grove: Correct, they just changed that. Yes, it is every year.

Ms. Bertoldi: Okay, so it is something that you actually have to reapply for every year...

Mr. Grove: You actually have to...

Ms. Bertoldi: ... correct?

Mr. Grove: ... reapply. It used to be automatic for people and they just changed that. And so now it is a renewal so they have to come out and look at you every year.

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Ms. Bertoldi: Okay.

Mr. Grove: Minimum.

Ms. Bertoldi: And last question, you said something, I think, did I hear you say that you were open to putting a fence around the walking trail?

Mr. Grove: Absolutely, the whole thing. That is actually on the proposal right now for the expansion. We put the...

Ms. Bertoldi: For the expansion... right.

Mr. Grove: Yeah.

Ms. Bertoldi: But right, I will talk about that later. But that okay, thank you. Thank you very much.

Mrs. Stefl: Ms. Brown.

Ms. Brown: Hi, me again.

Mr. Grove: Hi.

Ms. Brown: Okay, just real quick, looking... I don't have Facebook but I can use...

Mr. Grove: I am going to see you at our house, but go ahead, I can tell.

Ms. Brown: ... public... public... public views, okay. On your Facebook page you said you were going to be doing education. You talk a lot about that and you are going to be doing party entertainment, you are going to be doing Easter egg hunts, Halloween trail nights, howlings. That sounds to me like an event venue. I am going to read the definition for that. *An event venue is a facility located on a minimum of twenty acres, it is operated by the owner who resides on the property.* Events but not, you know, can include birthdays, weddings, anniversaries, concerts, reunions, festivals and... that's what an events venue is.

Mr. Grove: Yep.

Ms. Brown: You also, on your website you talk about the event you are having this coming... on the 5th, September 5th. And you say that you are letting people come over, I think, burgers and hot dogs or something like that.

Ms. Grove: Yeah, yeah, yeah, that's how we... we have a lot of big parties.

Mrs. Grove: Yes, we do.

Ms. Brown: And you are going to let them... you have some extra bedrooms in the house?

Mr. Grove: So, yes and I hope the key distinction is those people are not paying to come to our house. We are truly...

Mrs. Gove: They are our friends.

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Mr. Grove: ... talking about... they are our friends. We are talking about having...

Ms. Brown: Because that sounds kind of like a Bed and Breakfast.

Mr. Grove: No, no, no.

Mrs. Grove: No, these are our friends.

Mr. Grove: Nobody stays overnight, nobody stays overnight. What we are talking about is... So, we talked about this with Melody. How do we continue the lifestyle, where we throw parties, we had a 4th of July party, we are having a September 5th party. We have had parties of 125 people, we have had permits for parties, we have had caterers and bands. We have done all of that through Stafford County. We want to continue to do that, it would become more wolf themed with Lupine Grove, but we are not talking about charging people to come to a party. We are talking about, like minded people sitting around a bon fire and having a good time.

Ms. Brown: Okay.

Mr. Grove: So, that's what we consider and event, not...

Ms. Brown: Okay.

Mr. Grove: ... a charge...

Ms. Brown: But mainly you've kind of shifted this to an education center? Is that correct?

Mr. Grove: Correct.

Mrs. Grove: So, also to be clear when we have our parties, our dogs are still secured.

Mr. Grove: Oh my...

Mrs. Grove: They are not mingling among people.

Mr. Grove: No, they are not part of it at all.

Mrs. Grove: People are not going... this is... it's about the comradery.

Ms. Brown: Okay. Well per our definitions in our County Code, the definition of school is *any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge and it excludes industrial, vocational and public schools*. So, to me that sounds like you are going to operate a school, and that would require a conditional use permit before the Board of Supervisors. So, what I am kind of getting at that you are kind of all over the map here. We've got, you know, possibly an events venue, possibly a kennel, possibly a school and in your application, the staff report said you would not be doing breeding, but I heard you say...

Mr. Grove: Would not be doing what?

Mrs. Grove: Breeding.

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Ms. Brown: ... but you were going to do breeding.

Mrs. Gove: It... not breeding to sell. Breeding for our own purposes. Wolf dogs typically have two, maybe three puppies. They are not like a normal dog that has 10 or 11 puppies. So, if we wanted to expand, we would expand with our own dogs. Not to sell dogs, not to give dogs away. Just for our own purposes.

Mr. Grove: That is the key. You know, the commercial kennel is a breeding to sell. That is not what we are after.

Ms. Brown: Okay. I did, I think you are very passionate. I spent an hour or more watching your videos. I learned about Sassy, I think you called Sassy your quality control dog.

Mr. Grove: Yeah, did you see her try to pull the stick out of the fire? She's crazy.

Ms. Brown: What caught me was the quality control and she found all the ways to get out.

Mr. Grove: Yeah.

Ms. Brown: And she was your sniff out dog.

Mr. Grove: But she never got out, she kept trying. But she never got out.

Ms. Brown: Okay, that's all I have right now, actually. thank you.

Mrs. Stefl: Any... anything? Alright, Dr. Larson? Mr. Apicella? Mr. Grimes?

Dr. Larson: No questions.

Mr. Grimes: I've got... really the repeat of some questions earlier (inaudible), but because this is a different case and a different group, I will go through them again. This is A-1 zone property, correct? (inaudible) zone now?

Mr. Grove: What is he asking.

Mrs. Grove: It's A-1.

Mr. Grove: It's all A-1.

Mr. Grimes: I am sorry, that probably should have been directed to the County.

Mrs. Grove: Okay.

Mr. Grimes: I have a question for the County, not for the applicant.

Mrs. Stefl: Alright. So...

Mr. Grimes: Would you like me to ask those now?

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Mrs. Stefl: So, yeah. I guess I am going to close the hearing and bring it back to the Board for review and discussion. So, if you want to ask the County your question not.

Mr. Grimes: I have a couple of questions. Number one, when the applicant came to your office and applied for this Special Exception, I am sure you had a long conversation about what they were applying for and what a commercial kennel is, that's correct?

Ms. Musante: That is correct.

Mr. Grimes: And, when you explained the limitations for a commercial kennel versus a non-commercial kennel, what the difference is. Was there any discussion about them just operating a non-commercial kennel?

Ms. Musante: No, it was not.

Mr. Grimes: And why is that? Because they have more than six dogs? Or is it because there is a potential that they would show these dogs.

Mr. Morgan: Because under the current definition for non-commercial kennel it is a place where you keep and maintain your own dogs, all the... and the... as an accessory to the property. A commercial kennel is for punitive gain, it's for keeping, boarding, grooming, training on a regular basis of six or more. So, essentially what he has right now is a non-commercial kennel, but he does have more than six dogs. So, he would still need to look at what he is intending on doing there. The training as Ms. Brown had stated, you know, it seems like it's a school, it seems like it's a special event. Well we still have to look at what the primary use is there. What is the intent? The intent is focused around dogs. If it strays to something more and it goes to a school, well what is that school of, what is the training? It still comes back to the principal use of a kennel. It's still falling under the legal definition of what a commercial kennel would be. So, that is where we came... we went around the circle. And you certainly have the ability to have ancillary uses when you establish a principal use and you can have those things. And sometime when you get a little bit larger and you expand to maybe having these special events, that you change your venue and then you would need a conditional use permit. You are going outside of what the kennel actually is and maybe you are changing it at that point. So, you do have the ability to start with what the principal use is and you certainly have the ability to expand. And he has the option to change it that is he decides to.

Mr. Grimes: Right and what I am going with this is technically this is a non-commercial kennel right now.

Ms. Musante: No, because he has more than six dogs.

Mr. Grimes: Okay, so there... this is what I was trying to get to. So, he has more than six dogs...

Mr. Apicella: I don't think that... hey Robert, I don't believe that is correct.

Ms. Brown: It's not, it's actually not. And I am reading the definitions and we have two definitions in our books and they are both different. The one is updated...

Mr. Grimes: One says six or more, right?

Ms. Brown: Yeah... well no...

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Mr. Grimes: Six or more.

Ms. Brown: That's the old one. The new one is ten or more. And in our Chapter 28, the definition is correct at ten or more. But if you look on the municipal code...

Mr. Grimes: That's commercial kennel. Tell me what a non-commercial kennel says.

Ms. Brown: Well I am just looking... we have two definitions for commercial kennel. We have one in our new updated ordinance...

Mr. Apicella: Yeah...

Ms. Brown: ... and one online. One says six and one says ten.

Mr. Apicella: So, I am reading... I am going to read the Ordinance to you Robert, okay. *Kennel, non-commercial – any establishment in which six, spelled out and in parenthesis (6) or more canines, felines or hybrids of either or more than six months of age are kept and maintained by the resident of the property as an accessory use.* So, the number is six or more.

Mr. Grimes: Right. And that's kind of where I am going is that it's a non-commercial kennel even now.

Ms. Brown: Okay.

Mr. Grimes: But the County is not looked at it that way.

Ms. Brown: Actually, what I am trying to say is that the County, we have two different definitions for commercial kennel, and they coincide with the non-commercial. What I am saying is that in the brand new Ordinance that we just got emailed out a couple of days ago, Chapter 28, the definitions of a commercial kennel, this is what it says *Any establishment in which ten or more canines, felines, or hybrids either more than six months of age are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing, this includes home based rescues.* Now fast-track over to the municipal code online, and you just go to Stafford County Code and you type in commercial kennel, something different comes up. And what comes up is the old definition which is commercial kennel means *any place in which six or more animals greater than six months of age are kept, boarded, groomed, bred or trained for pecuniary gain on a regular basis.* So, I think we have an outdated definition.

Mr. Grimes: Dana, I am not arguing that point in the least. What I am asking you to do is to go in that same... the newest code that you read the definition of commercial kennel...

Ms. Brown: Correct.

Mr. Grimes: ... and read the definition for non-commercial kennel.

Ms. Brown: Sure. *Any establishment in which six or more canines, felines or hybrids of either more than six months of age are kept, maintained by the resident of the property as an accessory use. All kennels shall comply with the accessory structures and use regulations for the district.*

Mr. Grimes: So, he has a non-commercial kennel right now.

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Ms. Brown: Yes, he's been operating that.

Mr. Grimes: And I am asking the County if they are recognizing that? Because I thought I heard the County, and the response was...

Mrs. Stefl: So, Robert you are asking if they have a license right now for a non-commercial kennel. We are asking the staff.

Mr. Grimes: That is one of the questions, yes. But, the first one was how is the County recognized it, because it sounded like, and I fell under this myself the first time I read the definition is that oh well they've got more than six dogs. So, they have to be a commercial kennel, well that's not true.

Ms. Brown: Actually, I think a non-commercial kennel is by-right, is that not correct?

Mrs. Stefl: It is by-right in A-1, right. Yes.

Mr. Grimes: It is.

Ms. Brown: So, he doesn't need the license for that, correct?

Mr. Morgan: It used to require... animal control would require that and I think that changed in 2018.

Mr. Grove: If I may help, we received that from Stafford County, the non-commercial kennel license in June of 2018. We have that, we are registered now.

Mr. Grimes: Okay.

Mrs. Stefl: He said they received that license in 2018.

Mr. Grimes: Right, right. Okay. So, he is really applying for the exception to allow him to show the dogs to the public. Is that... from the County's perspective why this application is being made?

Mr. Morgan: Yes, that I believe is the intent from the applicant and from the staff report and what we have heard today.

Mr. Grimes: And, because this is a combination of, it looks like several parcels and we have A-1 zoning and A-2 zoning...

Mr. Morgan: No A-2 property involved.

Ms. Brown: They pulled that out Robert. That was the property down near Lake Arrowhead and they've withdrawn that.

Mr. Grimes: Alright, so the A-2 has been withdrawn?

Mr. Morgan: Correct.

Mr. Grimes: Awesome. And so, going back to the statement that I made earlier and unless I am speaking out of turn, the County can correct me. But, on A-1 property, right, by-right uses are non-commercial kennels, sawmills, slaughter houses, campgrounds, bed and breakfast, farm brewery and

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farm wineries. These are all by-right uses that would not require them to come get a special exception from this Board, correct?

Mr. Morgan: Correct.

Mr. Grimes: Okay, that was all the questions that I had. Thank you.

Mr. Apicella: I am kind of stuck on the word showing. I don't believe we have a definition of showing. Common sense tells me that what they are asking for is broader than what you would normally see as someone showing dogs at a commercial kennel. It sounds like they have several different activities that they want to do on their property that takes it from what is now a non-commercial kennel to something else. Whether it is a business or a school or something else. And I am just trying to figure out what that something else might be to the point where what they are asking for is potentially beyond the purview of the BZA to provide, because it doesn't necessarily squarely fit just in the term showing. So, I am a little concerned here about it's a Special Exception is what is really required here versus a Conditional Use Permit, based on all the different things that they want to do on this site. I guess what I am asking, is I am asking staff to help us here. Because I am really having a ... this is putting a square peg into a round hole. And I just don't see a special exception being sufficient here. So, help me understand why you believe it is. Why what they are proposing to do, I know its sort of redundant, maybe you answered it with Robert, but it still seems to me that what they are asking for is beyond just showing dogs. As you would normally expect with a kennel.

Mr. Morgan: Well, as we all know, I mean, things... everybody have a different vision. Falling in a commercial kennel it follows the same guidelines for any kind of dog, any kind of canine, kept, boarded, groomed, bred, trained. Those are all things that are done with a commercial kennel. And those are all things that are outlined for the canine uses. The applicant came forward to ask for a commercial kennel and we went down these key items with them. Discussed it with them. Staff went out to the site, did site visits, looked at the review of the property. They wanted to educate people on the type of dogs. They wanted to educate people on these type of animals. And by doing so, it fell under a commercial kennel. And so, under training of these, you know you are training these animals, you are training the public, you are educating the public as a commercial kennel. It is not really a school, it's not... sure there is some training involved there but the same thing would be if you were going to make pottery. Somebody would be teaching you how to make pottery, but it is not necessarily a school. So, it falls under the definition of our current commercial kennel. Now, like I said when he starts wanting to do these larger events and these things that I just heard of today, these larger events and these larger gatherings, I believe Ms. Brown is right on point, that maybe he is looking at a special events venue that is outside of the dogs because it has nothing to do with the dogs. But right now, what we have in front of us is an application for a Special Exception for a commercial kennel by definition.

Mr. Apicella: So, I am sorry to keep honing in on this. What is the number of customers per day that would be reasonable for a commercial kennel?

Mr. Morgan: I would certainly have to research that. I mean I would have to look in the trip generation manual, ITE, to find out what the trip generations would be for a commercial kennel. But off the top of my head I am not familiar.

Mr. Apicella: Right. So, right now our home business two caps the number of visitors per day at ten. So, this is twice the number per day. At least some of the days that they are asking for compared to a home business two. I don't think we have a maximum threshold for a rural home business. Again, I am still stuck on this being, in my personal opinion, in my common-sense definition of a kennel, which I

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think based on the definition is where you have dogs, you breed dogs, you sell dogs, but you don't necessarily have activities with dogs. It's more like a zoo, although with dogs. So, I am still thinking that what they are asking for is beyond the scope of a Special Exception despite the fact that it involved dogs. Because they are asking for a lot of multiple set of activities, not just what would squarely fall under the definition of a kennel. Again, that's my personal view and I will just leave it at that.

Mr. Morgan: That is a good approach, I mean if we are looking at that from a perspective and just as defined it looks like a zoo, I understand that and I can certainly see that. So, maybe they have brought forward their approval for a kennel, but the Board certainly has the ability to make sure that their conditions outline exactly what their parameters are for a kennel. Anything outside of that scope would require a Conditional Use Permit for those special events or those other things that they want to do.

Mrs. Stefl: Alright.

Mr. Morgan: I mean, that's certainly the direction of the Board for those kind of conditions that can be imposed on a Special Exception.

Mrs. Stefl: Alright, Ms. Bertoldi.

Ms. Bertoldi: You know, the problem, and I actually have to agree with Steven, I mean I love what you guys are doing and the concept. But, just, I think, part of the confusion even in the opposition that people have, it seems to be all over the place because there is kind of an organized chaos to what you want to do. There's a what you want... you think you want to do right now, okay, and what you may want to do in the future and then this sounds good and that sounds good. And us as a Board cannot approve the what ifs or this in the future or that. And it becomes really, really hard. Because, you know, as you saw with the wedding venue, you know, that was a different impact and that was a different application and there was very concrete, you know, facts that we had to consider. We don't have that here, because it's the we kind of want to do this, but we kind of want to do this, but it's going to be education and yes they are going to be, well I think we can fit twenty people in here and this might be able to be used as, you know, as a parking lot and it's really hard to be able to make an educated decision, you know, on that. And, I think that and I don't know if Steven, you would agree with me or not, but I can see why, you know, we are having a discussion on whether or not that this needs to, you know, be a CUP approved by the Board of Supervisors and not by us. And I think that there is a confusion here and then you want to do events and events is very different and it has a completely different impact on a community other than education. So, I think that, you know, I don't know, I mean, I don't know if we want to make a motion of some sort to...

Ms. Brown: Alright...

Ms. Bertoldi: Do you wanna...

Ms. Brown: ... you know what, this is... I'm gonna do this. I am going to make a motion to deny. Right now, I don't think this plan is flushed out. I agree, I think it's kind of all over the map. I think you have great passion, I watched that your videos, I watched you feed Gemma, I watched you make formula in the kitchen, you definitely love the dogs. I just don't think that the plan is ready for the neighborhood and I also don't think it fits. I don't know, we have so many moving parts, you know, that the zoo and the circus thing, kinda came to my mind. I don't think it fits in a residential neighborhood. You have 29 acres, but you are surrounded, you are an island of 29 acres surrounded by small lots, homes. They are not another 29, 30, 40 acres behind you. They are tiny little lots. I don't mean to offend anybody, but they are not as large as yours. So, at this time I am going to make a motion to deny.

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Mrs. Stefl: Alright, do I have a second.

Dr. Larson: This is Dean, I second.

Mrs. Stefl: Alright. You spoke... Ms. Brown you stated. Dean, since you seconded, do you have any comments?

Dr. Larson: Yes, when I went there I drove down the, I forget what road it was not, I've got the wrong map, Quarter Horse Court and then I drove down Rolling Road. And these are normal neighborhoods, they are not large lots, they are close to the property in question. I can understand the resident's concerns, so based on that and the lack of clarity and what we are actually trying to do here, I am going to second the motion.

Mrs. Stefl: Alright, any more Board wish to discuss, yes.

Ms. Bertoldi: And, I am also going to support the denial but, kind of more procedurally than anything else. Because of the protentional impact to the community, not knowing what exactly the immediate plan is, it's really hard to approve it. I will say that, you know, I really do love and want you to be able to do the education. I think its really important. I did actually... I have a good friend that is a Veterinarian who has a lot of knowledge about a lot of different types of animals. And I asked her about a number of things regarding the hybrids and the wolf animals. And one thing I asked her, with respect to just the education portion, was, you know, you know, you know, one, are these dogs inherently dangerous? Can they be trained? And would you want this in your neighborhood. And her response to me was, you know, they do need to be in... they are part wild so, they do need to be put into a home that people are educated, that they can train and they can do those things. And she said yes, I would have no problem with someone training these dogs because they need to be trained. People need to know what they are getting into. So, that spoke to me individually. But the application that the way that it is, you might need a CUP, you may need this. I think there needs to be more focus on what you want right now. And if it is a Special Exception, is there a way we can waive the fee for them to come back? Is that even a possibility?

Ms. Musante: If you deny them tonight, they cannot come back for the same request for a year.

Ms. Brown: But they could come back and get a CUP for a school or a Special Exception for an events venue or something else.

Ms. Musante: They could.

Ms. Brown: A bed and breakfast.

Mrs. Stefl: Alright, but we would be denying this particular way. This is a different avenue.

Ms. Bertoldi: And it's also not focused, so I don't know...

Mrs. Stefl: No, no, no, I just don't understand

Ms. Bertoldi: ... if they can come back for something.

Mrs. Stefl: Yeah, I don't understand if we deny this Special Exception...

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Mr. Morgan: You certainly could deny the Special Exception.

Mrs. Stefl: Right.

Mr. Morgan: They would... a lot of the information, which was great, that this was all vetted out tonight. A lot of these huge events that I was not aware of, you know, and if people are coming and staying and having parties in the tents for whatever. The howls, that was a great way to vet the application. Unfortunately, we were not privy to all of that information. So, that does take it into a different level. You know Ms. Brown, great job on that, because it does bring it down to a different... Mr. Apicella, I believe, Mr. Grimes, Ms. Bertoldi...

Ms. Bertoldi: Bertoldi.

Mr. Morgan: So, those are great, great things that you have done tonight by identifying those. If you did approve the Special Exception, then they would still have to come back for a Conditional Use Permit, because everything that he wants to do could not be defined under this... or approved under this.

Ms. Bertoldi: And my problem is, if I approved it I really honestly don't know what I would be approving tonight. And that's is my, that is my, that is my issue. So, you know, to me the application seemed more for a commercial kennel. So, they could actually, right, come back if they say I want to have an education center that would be a CUP, they can do that immediately, right? If they want to do public or, you know, like parties, they can fill out that application and they don't have to wait a year for that, right? I just want to make sure that, you know, they can still...

Mrs. Stefl: Right.

Ms. Bertoldi: ... you know, go down, you know it's a lot of work, but I think that, you know, education, I think there is a lot of misinformation out there. I think that, you know, there is a lot of criss cross and misunderstandings, I think, that maybe tonight will help focus you on, you know, what path and what applications and how to complete that, so that we are able to have that information. So, I just wanted to make sure that they will be able to do that.

Mrs. Stefl: Yeah, that was my question. That they could do a CUP tomorrow, basically.

Mr. Grimes: This is Robert.

Mrs. Stefl: Okay,

Mr. Grimes: I just raise my hand and there is no way to raise my hand.

Mrs. Stefl: I know. Just interject.

Mr. Grimes: I would just defer real quick that I believe that... the County or the Chair can tell me, I believe that the applicant may withdraw their application at anytime prior to a vote. So, I am just noting that our by-laws allow that. I don't have any clue what the impact of that is in terms of fees paid. I know that a Special Exception, while not inexpensive, is cheaper than trying to do Conditional Use Permits. But anyway, I just wanted to put that out there so that that was public knowledge.

Mrs. Stefl: Right.

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Ms. Brown: Can we do that when we have a motion and a second on the table?

Mrs. Stefl: It says up until, I am trying to find my...

Mr. Grimes: It's Article 7...

Mrs. Stefl: Yep, okay.

Mr. Grimes: It's 7-12 I believe, based on our last approved by-laws.

Mrs. Stefl: Okay. I don't... for some reason I don't have the by-laws in front of me, of course.

Ms. Brown: I actually would like to call the question.

Mrs. Stefl: Okay, well we would have to vote on calling the question. So, all those in favor of calling the question at this time, please by signaling aye.

Ms. Brown: Aye.

Mr. Apicella: Aye.

Dr. Larson: I am not ready to vote until we know what they by-laws say.

Ms. Bertoldi: I agree, I want to know what the by-laws say.

Dr. Larson: Robert, could you quote the paragraph again please?

Mr. Grimes: Yes, it's Article 7-12, *The applicant may withdraw his or her application at any time prior to a vote to approve or deny the application provided that the applicant has not withdrawn a substantially similar application within the previous twelve (12) months.*

Dr. Larson: Shall we ask the applicant whether he would like to withdraw his application?

Mr. Apicella: Hey, hey, hey gentlemen. My only concern here is we have already... we've already got three people who have said that they are going vote against it. So, it would have been smarter if we were going to take that track to have not at least gotten to a third person here to say that they were going to vote against it. I just think the timing is... I hear you Robert and I don't disagree, but I am a little concerned that we are sitting a precedent here that once people start identifying what they are going to do, when you get to the sixth person that says, well I am also going to vote against this, then the applicant could withdraw, before the seventh person says I am going to vote against it.

Dr. Larson: Good point.

Mr. Grimes: Valid point.

Mrs. Stefl: Well I think the applicant had raised his hand.

Ms. Bertoldi: Well, I mean, the thing is that if we vote and the motion fails, then there is no other motion. By moving to deny it, it's not a motion to accept it either, though... right? That's not... if your motion to deny fails, then there is no other motions on.

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Mrs. Stefl: Correct.

Ms. Bertoldi: So, then... then there would have to then be a motion to approve. It's not an automatic approval by...

Mrs. Stefl: It would be an automatic denial.

Ms. Brown: We don't have to then vote twice.

Ms. Bertoldi: Okay, right. You see my question.

Mrs. Stefl: Yes, yes.

Ms. Bertoldi: Okay.

Mrs. Stefl: We only have to vote once. But if the applicant wants to raise a personal privilege...

Ms. Brown: I am still ready to call the question. I still have my motion on the table. I agree with Steven, this is vote counting and this is how... if people come in here and they start counting up the votes, because we have said how we are going to vote and then they, oh okay I want to, you know, withdraw. I think that's... I think he is right. I think they should have said that a little sooner.

Ms. Bertoldi: Well and I do, I do see that too. Because if it looks like it's not going their way, then they can, then they can, they can...

Ms. Brown: Yeah, and if we start doing this then everybody can do this, that's my concern on this.

Ms. Bertoldi: Well...

Mrs. Stefl: Well, I mean it is, it is...

Ms. Bertoldi: I understand that too.

Mrs. Stefl: It is a way to do it. But, at this point I've allowed a lot of latitude and we have a motion to call the question. So, all those in favor of calling the question, only calling the question, to stop discussion please signify in the affirmative.

Ms. Brown: Aye.

Ms. Bertoldi: Aye. I think we should probably call the question, I see the point.

Mrs. Stefl: Alright, all those in opposition in calling the question? Alright, we will now vote at this time. I have a motion made by Ms. Brown and seconded, I think it was seconded by Dean...

Ms. Bertoldi: Dean.

Dr. Larson: Yes.

Mrs. Stefl: ... to deny the request for the Special Exception of SE20-02-20153526. All those in favor of the motion, signify by saying aye.

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Ms. Brown: Aye.

Ms. Bertoldi: Aye.

Mr. Apicella: Aye.

Mr. Grimes: Aye.

Dr. Larson: Aye.

Mrs. Stefl: All those opposed, signify by saying nay. Nay. As the Board... okay, let the record reflect that the motion was denied 6 to 1. I want to thank the applicant at this time and you will be receiving a follow up letter from the Department of Planning and Zoning. Okay, I think we have some unfinished business at this time. I have to get back to my agenda now. I think we had some... one of the things I wanted to... we need to hopefully go over very quickly, our electronic policy while we had a lot of latitude and we allowed some Board members to participate, I do feel as if we need to have this policy in place for emergencies. We did... I did send, I want in all full disclosure, I sent the Planning Commissions policy that was adopted, that I believe the Board of Supervisors also adopted to our attorney. It... he did send it back, a lot more code, a lot more stuff a bigger paycheck... a bigger bill than anticipated and yeah, I have definitely learned a lesson with communicating with our legal counsel and will be a lot more direct and affirmative, because he definitely got us. But I do want to go over and definitely adopt an electronic policy at this time. I think everyone has gotten a copy of Robert's... Andrew McRoberts policy that he put before. Robert, I know you had some comments and I had some comments. I think the only thing that I have heard back from that's been, I think, sticking point for a lot of people is the attendance of Board members during a period of non-emergency. So, if I could beg the Board's latitude that we can just focus on that particular matter unless there is something else that is in the policy that they wish to bring up.

UNFINISHED BUSINESS

Dr. Larson: I have one thing.

Mrs. Stefl: Okay.

Dr. Larson: Under electronic meetings during a declared emergency, which is where we are now.

Mrs. Stefl: Right.

Dr. Larson: Item C, this leads off, pursuant to the Governor's budget amendments House bill blah, blah, blah, the BZA may meet by electronic communication means without a quorum or any other member blah, blah, blah. I don't think we ought to ever be meeting without a quorum. So, under number 4 there could be ambiguity in what they mean by what I just said. But under item 4, if we put to comply with this section C, the BZA shall, just the first thing, require a quorum during electronic meeting by county each of the distributed BZA members participating and voting in the electronic meeting.

Mr. Apicella: Hey, Dean.

Dr. Larson: Yeah.

Mr. Apicella: I am sorry to throw this out. I sent a copy of the actual language by the legislature and

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the Governor. And that whole section, is verbatim from the operating policy as approved by the Governor. So, I don't think we can change the verbiage. I hear what you are saying...

Dr. Larson: Well this says a budget amendment by the House.

Mr. Apicella: Yeah, it's a budget amendment that is basically creating a statue, just like Congress...

Dr. Larson: (Inaudible) approved by the House. So, it's a House Bill, I doesn't say it's approved by the Senate or signed by the Governor.

Mr. Apicella: It is. I am telling you it's the budget that was approved by the legislature. The Governor would not approve something that was just passed by the House. It has to be pass... it's enrolled, meaning it's been passed by both chambers and approved by the Governor, making it law. So, it's a budget law just like Congress approves a budget law for the fiscal year.

Dr. Larson: Okay, that's fine. It says the BZA may meet by electronic communication means without a quorum.

Mr. Apicella: Yeah, I don't think that's what it means. I think what it means is a quorum not physically present.

Dr. Larson: I think that is what it means too, but it doesn't say that.

Ms. Brown: I think it means physically present. I thought that was how it had to be, it had to be at least four members present and then you could have electronic people coming.

Dr. Larson: Honestly, I don't know what it means.

Mrs. Stefl: It says the BZA may meet by electronic communications without a quorum or any member of the BZA physically assembled at one location.

Ms. Brown: That is under the emergency though.

Mrs. Stefl: I thought that was what we were discussing.

Ms. Brown: We are talking about the non-emergency.

Mrs. Stefl: That is what we are discussing is under the emergency, when the Governor had declared a State of Emergency. So...

Ms. Brown: I thought we were just talking about non-emergency. We were not going to talk about emergency.

Ms. Bertoldi; No, but she asked if anyone else had anything we wanted to talk about before that.

Ms. Brown: I am sorry.

Mrs. Stefl: That is okay, yeah.

Mr. Apicella: Can we just agree Dean, amongst all of us, that a quorum always has to be required for

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any meeting.

Dr. Larson: Can we just put that...

Mrs. Stefl: Yes.

Dr. Larson: ... in the by-laws?

Ms. Bertoldi: Well we would have to vote on that for the by-laws.

Dr. Larson: Okay, we don't have to do it this second.

Ms. Bertoldi: No, we don't.

Mrs. Stefl: No, but I think we have a consensus of the Board that we do always want to have quorum present. And I don't have a sticking point on it needing to be physically together. In fact, you know all seven of us could be, I mean under a State of Emergency, I mean we could all be remote for... this building and earthquake could take it down and there would be no means for us to meet. So, yes.

Ms. Brown: Is that in line with State Code?

Dr. Larson: So, given the ambiguity that has been introduced here, if we could clarify it in the by-laws, I would be happy with that.

Mrs. Stefl: Okay. This policy would be in addition to the by-laws, is my understanding.

Ms. Bertoldi: But he is just saying to clarify that we always need to have quorum.

Mrs. Stefl: Oh, that we always need quorum.

Ms. Bertoldi: That way when you look at the two together, that (inaudible) by-laws.

Mr. Grimes: The by-laws already say that.

Mrs. Stefl: Okay, thank you.

Ms. Bertoldi: I have a few things. Mine are easy. I think they're going to make it...

Mrs. Stefl: Okay.

Ms. Bertoldi: ... things up. So first, I think that when it says in the original or in the midway through the first paragraph, it says, additionally, the law permits the BZA to meet electronically. I think we should say in whole or in part, because sometimes we might meet electronically like you said, all at the same, all, you know, we're all remote or in part. And I think that that should be clarified. I also think when it says if permission for remote attendance is granted, who grants that? Is that somewhere else? Who's the one that's granting the permission?

Mrs. Stefl: Where? Where? Adella, could you just...

Ms. Bertoldi: Oh, under non-emergency A...

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Mrs. Stefl: Okay.

Ms. Bertoldi: ... three.

Mrs. Stefl: Oh, on three.

Ms. Bertoldi: Okay. And I think it's the Board that and it says permission for remote attendance is granted by the Board, is what it should say. So, we are clear that it's the Board that is granting, which I don't really know how we grant that if for the next meeting you are trying to be part remote. So, that doesn't really work. So, I don't know who is supposed to grant that permission for remote attendance.

Mrs. Stefl: Would that not fall under the Chair? Because...

Ms. Bertoldi: Well, that's why I'm asking.

Mrs. Stefl: Because, just like the Chair picks the order of the alternates of who's up first, who's up next?

Ms. Bertoldi: Well, I think we need to decide that...

Mrs. Stefl: So...

Ms. Bertoldi: Because the thing is, is that it's not going to be feasible to have the Board vote on whether or not some members aren't going to be there for the next meeting. So, we don't get into a snafu later on where we're all trying to figure out who gets to do that. I think if it's the Chairman, then it's the... I am sorry...

Mrs. Stefl: I am with you, I don't think I mean, I feel like if permission for remote attendance is granted...

Ms. Bertoldi: By?

Mrs. Stefl: I mean, that's ...

Ms. Bertoldi: By who?

Mrs. Stefl: It's like we're all adults here. I mean...

Ms. Bertoldi: Well yeah, but this is a document that we're relying on.

Mrs. Stefl: I know. But that's what I'm saying, like, I don't even see why we even need permission to...

Ms. Bertoldi: Oh, I agree with that. I'm happy with taking that out.

Mrs. Stefl: So, let's take it out.

Ms. Bertoldi: I'm fine with that.

Mrs. Stefl: That's... I mean, I want that.

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Ms. Bertoldi: I mean, because I think if you're gonna be given to you should be, you know, I mean, if you have a reason and you state forth the reason, you know, why is there basically either a one person or a subcommittee that decides...

Mrs. Stefl: I know.

Ms. Bertoldi: ... whether or not it's worthy or not? I mean, I actually agree with that. I don't know how others feel.

Mrs. Stefl: So, we can just strike three.

Ms. Bertoldi: I don't know... how, how do you guys feel about it?

Mr. Jenkins: I'm getting tired.

Ms. Bertoldi: I know, I'm sorry we have to do this.

Mr. Jenkins: This is the first time we've ever come across something like this? Does it seem possible? This is the first time we've ever been questioned on how do we meet?

Dr. Larson: How do we meet and not remotely that's the question.

Mr. Apicella: Madam Chairman.

Mrs. Stefl: Yes, Mr. Apicella.

Mr. Apicella: Yeah. I believe if you went to the code section that allows for this particular provision where you can have non-emergency related electronic participation, I believe it requires that body to take a vote.

Ms. Brown: Actually, I've got it in front of me and it actually talks about that quorum when a public body is physically assembled at one primary location. This is under non-emergency and that's where it gives you the two meetings per year. So... and that's coming straight out of State Code section 2.2-3708.2.

Ms. Bertoldi: Well, I don't know.

Mr. Jenkins: I am from the military, our Commander tells us what to do, and right there is our Commander. If she tells us we're meeting, we're meeting. And if we are meeting via computer...

Ms. Bertoldi: I'll move on. I just have a couple more things. It's late, I think that that's probably the big, the big one. I mean, I still think that we need to clarify that even if it's somewhere else, I think it's always better to have something in one document rather than having to argue about how many different Ordinances and things that we have to smush together in order to know what we're doing.

Ms. Brown: Would you be guys... would you be guys, this is how late it is, would you be guys. Would you be willing to, since we are under a State of Emergency, we can have unlimited participation in electronic meetings, so we're not violating anything right now. Could we discuss this at the next meeting since it's after 11:00? Just because I want to be sharp about this, I did bring everything. I brought Andrews policy, I got the mark-up policy, I have the State Code. But

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Ms. Bertoldi: I mean, I would be okay with that if we, I mean, I don't know, I mean, I'd like to get it over with, but I mean, there is there is a point to that. But so that since we are under a State of Emergency, I don't know how the members on, you know...

Ms. Brown: I don't think we're in a rush.

Ms. Bertoldi: ... on electronic right now. But I mean, as long as they're protected in, you know...

Mrs. Stefl: Yeah...

Ms. Bertoldi: ... under a State of Emergency.

Mrs. Stefl: I just was hoping to get this policy on the books since is our first meeting since the emergency, to protect it in case anyone ever came back to us and said, why did you allow three members to electronically participate? But...

Ms. Bertoldi: So, can we can we approve it?

Mrs. Stefl: I am fine as long as they are.

Ms. Bertoldi: Can we amend it later? Can we, can we approve it...

Mrs. Stefl: I...

Ms. Bertoldi: ... and then if we want... someone wants to bring it back up...

Mrs. Stefl: If you want to overrule the Chair. Go ahead.

Ms. Bertoldi: No, no, no. I mean...

Mrs. Stefl: Yeah, yeah...

Ms. Bertoldi: I mean, and then later on, if we want to amend it to tweak it later on, if we want to approve it tonight...

Mrs. Stefl: I would like to approve... I would personally, this is coming... I mean, I'll pass the gavel...

Mr. Apicella: Madam Chairman?

Mrs. Stefl: ... but... yes.

Mr. Apicella: I make a motion to approve the McRoberts version of the electronic policy as written.

Ms. Brown: Did you say McRoberts or Roberts? I'm sorry. I'm sorry, Stephen.

Mr. Apicella: Andrew McRoberts...

Ms. Brown: Got it.

Mr. Apicella: ... version.

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Ms. Brown: Okay.

Mrs. Stefl: Okay.

Mr. Grimes: Not mine. I didn't sleep in a hotel last night, so I'm not lawyer.

Ms. Brown: I'll second that, Steven, I'll second that.

Mrs. Stefl: So, no additions, no subtractions. Just at this point to get it on the books, and then we can massage it at a meeting that isn't going to go past my bedtime.

Ms. Brown: I'm great with that. I think we're very covered to let the gentleman that need to have electronic participation do it. We're under a State of Emergency. I don't see that going away tomorrow.

Mrs. Stefl: That's all, I just was, I was just trying to protect our members. Great, alright. All those in favor say aye.

Dr. Larson: Aye

Mr. Apicella: Aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Grimes: Aye.

Mrs. Stefl: All those in opposition. Wonderful, we have a policy. Okay, Zoning Administrators report.

ZONING ADMINISTRATOR'S REPORT

Ms. Musante: We actually don't have anything. And we did not receive any applications for September.

Mrs. Stefl: Yay! Okay, that's cool. Okay, so... alright, let me get back to my agenda here.

Mr. Jenkins: But we do have...

Ms. Brown: Minutes.

Mrs. Stefl: Yes, okay.

Mr. Jenkins: February minutes.

Ms. Brown: I forgot. I started reading.

Ms. Bertoldi: Don't you dare.

Mrs. Stefl: Okay, now, alright. So, we have our minutes. I guess our last minutes...

Ms. Brown: I was really busy.

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Mrs. Stefl: ...was February 25, 2020. Do I have a motion or any additions or...

ADOPTION OF MINUTES

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Ms. Bertoldi: I'll move to approve. Because frankly, I don't remember. And it looks fine to me. No, but, in all seriousness, I mean, there is an electronic record, so which always trumps whatever is in writing if it ever comes down to it. And that's the reason why I am comfortable with just moving to approve.

Mrs. Stefl: Alright. All those in... do I have a second?

Dr. Larson: I will second.

Mrs. Stefl: Alright, all those in favor say aye.

Dr. Larson: Aye

Mr. Apicella: Aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Grimes: Aye.

Mrs. Stefl: All those in opposition. Yah, okay.

Ms. Bertoldi: Who seconded it?

Mrs. Stefl: I think. Dean. Dean, you seconded it right?

Dr. Larson: I seconded it, yep.

Mrs. Stefl: Yeah. Dean Larson. And now I'm going to invite Jeff Harvey up. He as a matter to bring before us.

OTHER BUSINESS

- USDOJ Lawsuit – cemetery ordinance

Mr. Harvey: Thank you, Madam Chairman, Board members. The County Attorney's offices advised staff that the U.S. Department of Justice and the All Muslim Association of America have filed suit against Stafford County and the Board of Supervisors in regards to a ordinance that passed pursuant to our Zoning Ordinance dealing with the establishment of cemeteries. In that law... in the complaints with the suit, it mentions the fact that the Board of Zoning Appeals denied a variance application from the All Muslim Association of America and the County Attorney's office mentioned that the Board may end up becoming witnesses in any trial, if one takes place. Normally, in the case of situation where you'd be a witness, you would have your attorney represent you during depositions. The County Attorney's office offered to provide the Board of Zoning Appeals, a listing of attorneys that do litigation work. If you're

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so interested, not knowing with Mr. McRoberts has experience in litigation. This may be an alternative for the BZA to consider.

Mrs. Stefl: Alright.

Ms. Brown: Can you explain what that means?

Mr. Grimes: Can someone remind me what the... I thought we didn't even hear that case.

Mrs. Stefl: Right, that that was going to be my next question. Also, if we even need... should this be something that we go into closed session since we'd be discussing the hiring?

Ms. Bertoldi: Well, no, I think if you're talking about the specifics of hiring, yes, you would. But if we're just, I think information.

Mrs. Stefl: Okay.

Ms. Bertoldi: I think that, you know, we're okay. But if we start talking about details, I think. Yes. And so, I guess if, you know, I don't know... a clarification with respect to you're telling us if we need to hire a lawyer it's at our own cost, is that basically what we're talking about here?

Mr. Harvey: The Board would need to hire potentially attorneys. If you feel like Mr. McRoberts would not be the best candidate because of this is litigation rather than land use law.

Mrs. Stefl: Okay. Alright.

Mr. Apicella: Hey Jeff.

Mr. Grimes: I asked the question. Can somebody clarify what our ruling was in that case?

Mrs. Stefl: My... I remember it vividly because I made the motion that we did not actually have standing to hear the case.

Ms. Brown: Wait a minute. Which case are we talking about? I thought I made the motion and it was it was denied 7-0.

Mrs. Stefl: I actually would not like to get into details of the of the night, but at this point, I am asking...

Mr. Grimes: Just asking... I am asking the County...

Mrs. Stefl: Yeah.

Mr. Grimes: ... to give me what the result that was from there on that night.

Mr. Jenkins: This was the cemetery on Garrisonville road, correct?

Mr. Grimes: Don't we have a record?

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Mr. Harvey: Well, Madam Chairman, staff will provide a copy the minutes from the meeting and which will include the motion in the vote.

Mr. Apicella: Mr. Harvey? Mr. Harvey.

Mr. Harvey: Yes, sir.

Mr. Apicella: Would the County provide funds for the BZA to have an attorney? To the extent that we need it beyond our current allocation?

Mr. Harvey: Yes, sir. Staff has already contacted the County Administrator's office there have fenced off money for this purpose.

Mr. Apicella: Thank you.

Dr. Larson: Mr. Harvey, Dean here. Dean Larson. I thought the law required anybody that was going to take the BZA to court, that they couldn't do that. That they had the name the Board of Supervisors. And if the named BZA, the court would throw it out.

Mr. Harvey: Mr. Larsen, it's my understanding that the complaint is not filed against the BZA, it's against the Board of Supervisors. But again, the BZA members are potentially witnesses in dealing with the variance and why the variance was denied.

Dr. Larson: Alright.

Ms. Bertoldi: Basically, what could be subpoenaed is what you're saying.

Mr. Harvey: Yes.

Ms. Bertoldi: We could be individually subpoenaed in our capacity as Board of Zoning Appeals members.

Mr. Harvey: Correct. Subpoenaed and deposed. More than likely.

Dr. Larson: Alright, thank you.

Mrs. Stefl: Well, I want to I want to ask the staff how much is in the budget do we have for legal counsel?

Ms. Musante: Five thousand.

Mrs. Stefl: Alright.

Ms. Brown: Can I... I actually came across an e-mail this morning when I was hunting for something that you sent me. And just after what had happened with our, you know, so late. I'm so sorry. Anyway, it talked about our funds and I thought that I came across an email that said we had, I don't know, five thousand up to the end of FY20. And then we had ten or fifteen thousand for FY21.

Dr. Larson: Madam Chairman, can we discuss this later?

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Mrs. Stefl: Yeah, I at this point, I think, Mr. Harvey when was the Board of Supervisors served and when is the court case?

Mr. Harvey: Madam Chairman, I'm not sure if this is going to go to trial yet.

Mrs. Stefl: Okay,

Mr. Harvey: Right now, they're going through some of the preliminary hearings to determine whether it will go to trial. If it does go to trial, that's when it's likely that there'll be depositions requested.

Mrs. Stefl: Okay, alright. How about we table this matter until...

Ms. Brown: September meeting just to discuss this?

Mrs. Stefl: Do we want to maybe have it... Yeah. I was just thinking that. Like a September meeting and we can digest the policy. We can digest some other admin matters that have kind of come up that I found in a couple of weeks. And then we can also discuss the hiring of counsel.

Ms. Brown: Would this fall under a closed session because it's not litigation.

Mrs. Stefl: I mean, at that point, we would be under closed because then we'd be able to talk merits and...

Ms. Bertoldi: Right.

Mrs. Stefl: At that point, but I mean, I think we have a we have a meeting next month. That's more of a working session.

Ms. Brown: I know. I just don't want to get in trouble with violating some kind of closed meeting law.

Mrs. Stefl: No, I just think we go to a close session....

Ms. Brown: That's what I mean.

Mrs. Stefl: ... during the work. Yeah.

Ms. Brown: Can we, though? Because we're not being litigated against.

Mrs. Stefl: I think we can go to closed session anytime we wish...

Ms. Bertoldi: If that's a deal with you and your lawyer.

Mrs. Stefl: Yes.

Ms. Bertoldi: It doesn't matter of your being sued. If you're being subpoenaed and you're being legally obligated to appear somewhere, then yes, you absolutely always. Even when you don't, you have Attorney client privilege.

Ms. Brown: Well, right now we haven't been. And my concern is and I've watched these other Boards go into closed session and they have to cite this specific code section that's to discuss, you know, legal

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matters because they're getting sued or a personnel matter. And to my knowledge, we're not we're not in litigation. I mean, I don't know.

Ms. Bertoldi: Well, again, I think we could probably deal with that. I think just knowing that we're just going to have a work session, we can dive into whether or not that's appropriate, before we do it in September. I don't think we have....

Ms. Brown: Okay.

Ms. Bertoldi: I don't we have...

Ms. Brown: I just don't want to commit to a closed session until we are totally sure we can actually have a closed session.

Mrs. Stefl: I just think we have a September meeting and at that time we can do a lot of these administrative and if we need to go into closed session at that time.

Mr. Harvey: Madam Chairman, for clarity purposes for the staff, is that Board interested in taking up the County Attorney's offer of them providing a list of potential attorneys that could represent the Board?

Mrs. Stefl: Very much. We would love to have a list of suggestions of local attorneys. I can reach out to our attorney and find out his litigation comfort. But I have a feeling being in Richmond, he's probably going to defer to a local attorney. So, yes. Thank you. Thank you very much for the offer.

Mr. Harvey: You're welcome.

Mrs. Stefl: Mr. Harvey.

Ms. Brown: Let's keep our options open for now.

Mrs. Stefl: Absolutely. It's always better to have more people on my dance card. Alright, any other matters for the good of the body?

Ms. Bertoldi: I move to adjourn.

Mrs. Stefl: Do I have a second?

Ms. Brown: Yeah, I just want to say, guys, I miss you. It's been like six months since we've seen you. I didn't get... I only got to see Robert tonight on the TV. So hopefully, hopefully we'll get all this behind us so we can all be together again soon. Someday.

Mrs. Stefl: Alright.

Ms. Bertoldi: Seconding?

Ms. Brown: Yes.

Mrs. Stefl: Alright, all those in favor of adjournment, please, by signaling aye.

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Ms. Bertoldi: Aye.

Mr. Jinkins: Aye.

Mr. Grimes: Aye.

Mrs. Stefl: Alright, thank you.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 11:18 PM.