

STAFFORD COUNTY BOARD OF ZONING APPEALS

AGENDA

GEORGE L. GORDON, JR., GOVERNMENT CENTER  
BOARD OF SUPERVISORS CHAMBERS  
1300 COURTHOUSE ROAD

JULY 23, 2013  
REGULAR MEETING  
7:00 P.M.

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CALL TO ORDER BY CHAIRMAN

ROLL CALL

DETERMINATION OF QUORUM

DECLARATIONS OF DISQUALIFICATIONS

PUBLIC HEARINGS

1. **SE13-01/1300302 – Yiming Chen** - Requests a Special Exception per Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards", PD-1, Planned Development 1, to allow tutoring as a home business on Assessor's Parcel 46M-4B-123. The property is Zoned PD-1, Planned Development 1, located at 7 Edwin Court, Leeland Station Subdivision.

UNFINISHED BUSINESS

Attorney General Opinion

OTHER BUSINESS

Distribution of case material

ADOPTION OF MINUTES

February 26, 2013

April 23, 2013

ZONING ADMINISTRATOR'S REPORT

ADJOURNMENT

# STAFFORD *Virginia*

## Board of Supervisors

Susan B. Stimpson, Chairman  
Robert "Bob" Thomas, Jr., Vice Chairman  
Jack R. Cavalier  
Paul V. Milde, III  
Ty A. Schieber  
Gary F. Snellings  
Cord A. Sterling

Anthony J. Romanello, ICMA-CM  
County Administrator

July 23, 2013

MEMORANDUM TO: Stafford County Board of Zoning Appeals

FROM: Melody Musante *MM*  
Zoning Manager

SUBJECT: **SE13-01/1300302**

### ATTACHMENTS:

1. Application
2. Application Affidavit
3. Plat of property
4. Diagram of Area for Business and Commissioner of Revenue Record

### ISSUE:

The Board of Zoning Appeals is to consider a request for a Special Exception per Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", PD-1, Planned Development 1, to allow tutoring as a home business on Assessor's Parcel 46M-4B-123. The property is located at 7 Edwin Court, Leeland Station Subdivision and is zoned PD-1, Planned Development 1.

### PARCEL INFORMATION:

Location: 7 Edwin Court  
Election District: Falmouth  
Parcel Size: 14,717 square feet  
Property Owners: Assessor's Parcel 46M-4B-123  
Wengang Liu & Yiming Chen  
7 Edwin Court  
Fredericksburg, VA 22405



*Memorandum To: Stafford Board of Zoning Appeals*

*July 23, 2013*

*Page 2 of 5*

Applicants: Yiming Chen  
7 Edwin Court  
Fredericksburg, VA 22405

Agent: None

Current Use: Residential

Proposed Use: Residential/Home Business

Application Date: June 24, 2013

Comprehensive Plan: Suburban

Abutting Properties:

<u>Location</u>	<u>Zoning</u>	<u>Parcel</u>	<u>Use</u>	<u>Land Use Plan</u>
North	PD-1	46M-4B-122	Residential	Suburban
South	PD-1	46M-4B-124	Residential	Suburban
East	PD-1	46M-6C-118	Residential	Suburban
West	PD-1	46M-4B-128	Residential	Suburban

**APPLICABLE BACKGROUND:**

The applicant is requesting a Special Exception to conduct Education/tutoring and debate coaching for grades Kindergarten through 12<sup>th</sup> grade as a Home Business. Requested days and hours of operation are Monday through Friday from 9:00 AM to 5:00 PM with no business being conducted on the weekends. The applicant indicates they will provide four (4) off-street parking spaces for approximately one (1) to eight (8) students per class with 2 classes per day. After reviewing the plat submitted, it does not appear the driveway is large enough for 4 off-street parking spaces. Wayne and Amy Consulting (name of business) will provide individual tutoring, group lessons, or speech/debate coaching and practicing. Per a phone conversation, the applicant stated they primarily tutor home schooled children. Home Business standards allow for 25% of the gross floor area to be utilized for the business. The applicant has indicated 873.25 square feet will be used for the business which meets this requirement as the gross floor area of the dwelling is 3,713 square feet.

**ZONING HISTORY**

Single-family dwelling constructed in 2006. Permit issued in 2006 to finish basement.

**EXISTING CONDITIONS**



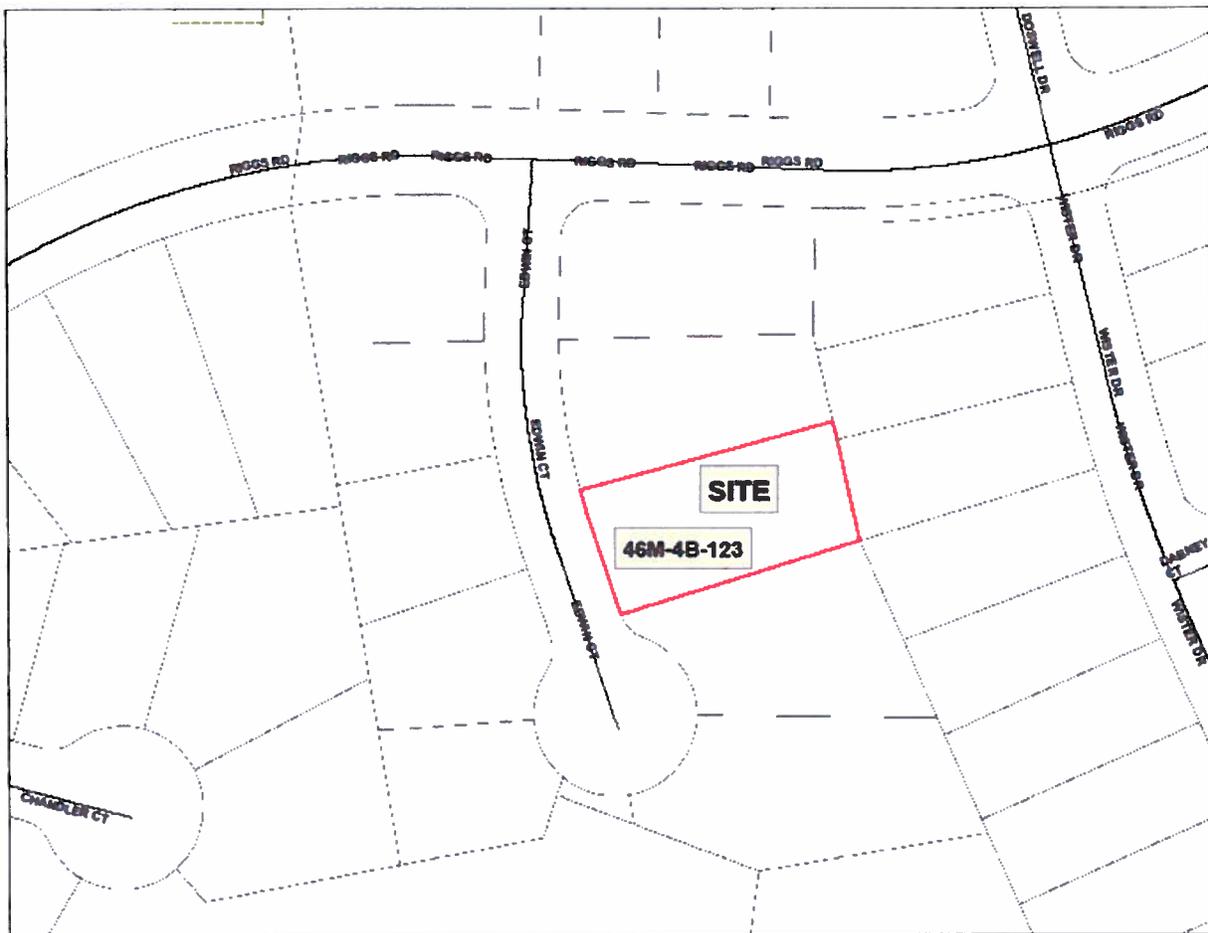
**GRANTING OF SPECIAL EXCEPTIONS**

- 1) The proposed use (tutoring) will not change the character of the area.
- 2) The proposed use is in harmony with the uses permitted by-right in this zoning district. Some examples of by-right uses are dance studios and group family daycare. These by-right uses can generate more traffic than this home business.
- 3) There will be no additional buildings constructed for this home business as the applicant will utilize the existing home.
- 4) The proposed use shall not affect the health or safety of persons residing or working in the neighborhood.
- 5) The use shall not be detrimental to the public welfare or injurious to property or to improvements to the neighborhood.
- 6) The use shall be in accordance with the purposes of this chapter and the comprehensive plan of the county. Home businesses are allowed in the PD-1 zoning district by Special Exception from the Board of Zoning Appeals.

SUGGESTED DEVELOPMENT CONDITIONS:

- 1) Days and hours of operation: Monday through Friday 9:00 AM to 5:00 PM. No weekend hours. Total of 8 students per class with no more than 2 classes per day.
- 2) Provide 4 off-street parking spaces for clients.
- 3) Customers by appointment only.
- 3) Must comply with all State and local codes.
- 4) Approval of this Special Exception for educational tutoring only will expire when this applicant vacates the property and is nontransferable.
- 5) This approval may be revoked for noncompliance of the conditions imposed by the Board of Zoning Appeals.

TAX MAP



VICINITY MAP



STAFFORD COUNTY  
Department of Planning and Zoning



RECEIVED BUT NOT OFFICIALLY  
SUBMITTED

DATE: 6-24-13 INITIALS \_\_\_\_\_  
OFFICIALLY SUBMITTED

DATE: 6-25-13 INITIALS mm

SPECIAL EXCEPTION APPLICATION

<b>SPECIAL EXCEPTION</b>		<u>1300302</u>	
TYPE OF APPLICATION		APPLICATION NUMBER	
<b>APPLICANT INFORMATION</b>			
NAME <u>Yiming Chen</u>			
STREET ADDRESS <u>7 Edwin Ct</u>			
CITY <u>Fredericksburg</u> STATE <u>VA</u>		ZIP <u>22405</u>	
PHONE <u>540-736-7487</u>		CELL <u>919-244-4510</u>	
FAX _____		EMAIL <u>amychenliu@gmail.com</u>	
<b>OWNER INFORMATION</b>			
NAME <u>Wengang Liu &amp; Yiming Chen</u>			
ADDRESS <u>7 Edwin Ct</u>		CITY <u>Fredericksburg, VA</u> STATE _____ ZIP <u>22405</u>	
PHONE NUMBER <u>540-736-7487</u>		CELL <u>919-244-4510</u>	
EMAIL ADDRESS <u>amychenliu@gmail.com</u>		FAX NUMBER _____	
<b>PROPERTY INFORMATION</b>			
TAX MAP <u>46M</u>		SECTION <u>4-B</u>	
SUBDIVISION <u>Leeland Station</u>		PARCEL/LOT# <u>123</u>	
EXISTING USE <u>Residential</u>		ZONING DISTRICT <u>PD-1</u>	
COMPREHENSIVE PLAN DESIGNATION _____		PROPOSED USE <u>Home Business</u>	
		MAGISTERIAL DISTRICT <u>Leeland Magisterial District</u>	
<b>FOR OFFICE USE ONLY</b>			
APPLICATION APPROVED BY <u>mm</u>		DATE <u>6-25-13</u>	
CASE # <u>SE13-01</u>		APPLICATION # <u>1300302</u>	
FEES PAID: <input type="checkbox"/> YES <input type="checkbox"/> NO			

**IV. GENERAL INFORMATION**

A Special Exception is requested by the applicant for the following reason:

Rural Home Business  Home Business

Flood Hazard Overlay District, Code Section: NA

Other, Code Section: NA

What type of business is proposed? Education / Tutoring

What are the days and hours of operation? Monday to Friday 9AM ~ 5PM

What is the # of employees employed by the business who do not reside on the premises? None

Do the employees work on the premises or off-site?  On Premise  Off-Site  Both

What is the finished gross floor area of the primary dwelling? 3713 square feet

If <sup>the existing dwelling</sup> will be utilized by the proposed use, what is the gross floor area of the structure?  
873.25 square feet

Will there be a necessity to maintain outside storage?  Yes  No  
If yes, please provide a general list of materials, equipment, and/or supplies:

Will the storage be placed within a structure or will it be screened from adjoining properties or roadways?  
 Enclosed within structure  Screened from view

Does screening currently exist or is it proposed.  Existing  Proposed  
If proposed, please indicate location, type proposed, and a maximum height:

Will the business require fleet parking?  Yes  No If so, please provide the # of vehicles \_\_\_\_\_

How many off street parking spaces will be provided on the premises? 4

What is the anticipated volume of traffic expected on a daily basis? 4

Please use the following page to provide a description of the Special Exception.

**V. Special Exception Description**

Please provide a narrative, which provides specific information regarding the nature of the proposed use.

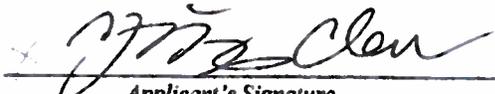
You may use additional sheets, if necessary:

I am using the proposed area to provide K-12 Education in the form of individual tutoring, group lessons, or speech/debate coaching and practicing.

The average class size is 1-8 students. Usually students are dropped off and picked up by their parents. The main teaching area will be in the basement. (Classrooms and Library). The living room will be used as an extra room for debate practicing or individual tutoring under special circumstances. (This has been deleted as it will put them over square footage allowed)

\*Spoke with owner - 1-8 students is class size with 2 classes per day\*

**VI. AUTHORIZATION**

❖   
Applicant's Signature

6-15-2013  
Date

❖ Was an Owner's Consent form provided?  Yes  No  Not Required

### APPLICATION AFFIDAVIT

This form to be filed with:

BOARD OF ZONING APPEALS  
1300 COURTHOUSE ROAD  
STAFFORD, VIRGINIA 22555

Internal Use Only	
Project Name:	<u>Chen</u>
A/P #:	<u>1300302</u>
Date:	<u>7-23-13</u>

All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability company ownership or similar business ownership, the name of stockholders, officers, managing partners, general partners, owners and members, and in any case the names and addresses of all of the real parties in interest. The requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the event the ownership of the involved real estate changes in any respect during the time the application is pending, the applicant shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein. If the applicant is a contract purchaser, the ownership information required herein shall be provided for the contract purchaser in addition to the owner of the real estate involved in the application. This section applies to applications before the board of supervisors, planning commission and board of zoning appeals.

See Section 15.2-2289 for State Enabling Authority

#### 1. Applicant Information

Name of Applicant: Yiming Chen  
Name of Company: Wayne & Amy Consulting  
Address of Applicant: 7 Edwin Ct.  
Fredericksburg, VA 22405

Applicant's Signature: 

Name of Agent: NA  
Address of Agent: \_\_\_\_\_

#### 2. Type of Application

- |   |   |
|---|---|
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Variance                     |
| <input type="checkbox"/> Rezoning               | <input checked="" type="checkbox"/> Special Exception |

Application Affidavit

Page 2

Applicant: Yiming Chen

Project Name:	<u>Chen</u>
A/P #:	<u>1300302</u>
Date:	<u>7-23-13</u>

3. Property Information

Assessors Parcel(s) : 46M-4B-123

Address : 7 Edwin Ct  
Fredericksburg, VA 22405

4. Unless the equitable ownership is a corporation, limited liability company or similar business ownership, list all equitable owners of the property.

<u>Name of owners</u>	<u>Address</u>
<u>Wengang Liu</u>	<u>7 Edwin Ct, Fredericksburg, VA 22405</u>
<u>Yiming Chen</u>	<u>7 Edwin Ct, Fredericksburg, VA 22405</u>
_____	_____

5. If the equitable ownership of the property is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders.

<u>Name of Members</u>	
<u>NA</u>	
_____	_____
_____	_____
_____	_____

6. Unless the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all individuals involved with the purchase of the property.

<u>Name of Owners</u>	<u>Address</u>
<u>Wengang Liu</u>	<u>7 Edwin Ct, Fredericksburg, VA 22405</u>
<u>Yiming Chen</u>	<u>7 Edwin Ct, Fredericksburg, VA 22405</u>
_____	_____

Application Affidavit

Page 3

Applicant: Yiming Chen

Project Name:	<u>Chen</u>
A/P #:	<u>1300302</u>
Date:	<u>7-23-13</u>

7. If the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders.

Name of Members

NA

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8. Have all individuals listed on this affidavit been notified of the purpose of the application?

Yes       No

9. If #8 is No, list all individuals who have not been notified about this application plus submit the cost required for the Department of Planning and Community Development or Code Administration to send certified letters notifying those listed below of this application prior to the public hearing.

<u>Name</u>	<u>Address, including zip code, no P.O. Box please</u>
<hr/>	<hr/>

Number of owners to be notified: \_\_\_\_\_ X  
Cost for certified letters \$ \_\_\_\_\_ (cost as of the day of submittal)  
Total due: \$ \_\_\_\_\_ (Make checks payable to County of Stafford)

Please submit a check in the amount due with this application to cover the cost of serving the individuals listed in this section.

Application Affidavit

Page 4  
Applicant: Yiming Chen

Project Name:	<u>Chen</u>
A/P #:	<u>1300302</u>
Date:	<u>7-23-13</u>

10. Affirmation & Witness

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

Printed name of Signer Yiming Chen

Corporate Office of Signer \_\_\_\_\_

Signature [Handwritten Signature]

Date 6-24-2013

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

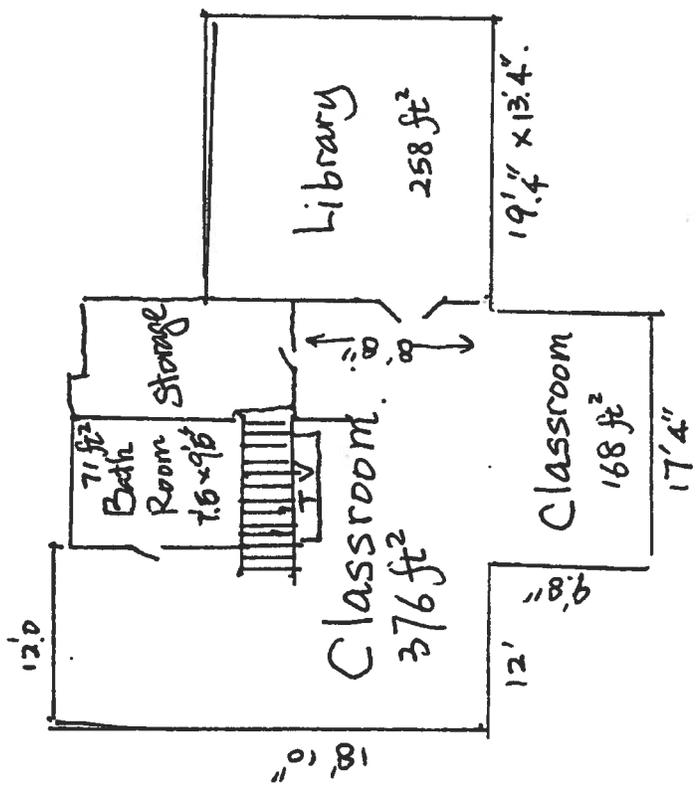
The forgoing affidavit was acknowledged before me this 24 day of June, 2013 by  
Yiming Chen owner/applicant.

My commission expires: March 31 2017

Jennifer Jill O'Hara  
Notary Public







376 ft<sup>2</sup>  
258 ft<sup>2</sup>  
168 ft<sup>2</sup>  
71 ft<sup>2</sup>  

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873.25 ft<sup>2</sup> (Basement)



Parcel ID	Address	Index Order	Card
46M 4B 123	7 EDWIN CT	Parcel ID	1 of 1
<b>UseCode</b>	2-Single Family- Suburban	<b>Year Built</b>	2006
<b>Style</b>	32 Traditional	<b>No. of Stories</b>	2.0
<b>Condition</b>	very good for age	<b>Bedrooms</b>	4
<b>Structure</b>	Wood frame	<b>Half</b>	1
<b>Foundation</b>	Full Bsmt	<b>Bathrooms</b>	3
<b>Heating</b>		<b>Full Bathrooms</b>	3
<b>Air Cond.</b>	YES	<b>Garage</b>	Attached
<b>FirePlace(s)</b>	YES		Garage
<b>Ext. Walls</b>	Vinyl siding/		2 Car
<b>Int. Walls</b>	Drywall/	<b>Basement</b>	400
<b>Roof Type</b>	Comp sh to 235#	<b>Garage SQFT</b>	
<b>Roof Style</b>	Gable		
<b>Attic</b>	None		
		<b>Sq Footage Finished Living</b>	2868
		<b>Finished Attic</b>	0
		<b>Unfinished Living</b>	
		<b>Basement</b>	1444
		<b>Finished Basement</b>	845
		<b>Finished Lower LvL</b>	0
		<b>Lower Level SQFT</b>	0
		<b>Enclosed Porch</b>	0
		<b>Open Porch</b>	108
		<b>Wood Deck</b>	0



Parcel  
1 of 1

[Legal Disclaimer](#)

9712x 2420  
928  
All records  
2012