

**STAFFORD COUNTY BOARD OF ZONING APPEALS**

**AGENDA**

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

**OCTOBER 22, 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. **SE13-02/1300408 - SHORTS BRANCH BREWERY** - Requests a Special Exception per Stafford County Code, Section 28-35, Table 3.1 "District Uses & Standards", B-2, Urban Commercial, c) Special Exceptions, to allow a microbrewery in accordance with Section 28-39(w) on Assessor's Parcel 21-57B. The property is zoned B-2, Urban Commercial, located at 3071 Jefferson Davis Highway in the Aquia Pines RV Park.
2. **V13-03/1300409 - PRINCE WILLIAM HOME IMPROVEMENTS** - Requests a Variance from Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", R-1, Suburban Residential, of the rear yard requirement to construct an addition to an existing single-family dwelling on Assessor's Parcel 44R-4-279. The property is zoned R-1, Suburban Residential, located at 8 Sunstone Drive, Stafford Lakes Village.

UNFINISHED BUSINESS

None

OTHER BUSINESS

None

ADOPTION OF MINUTES

None

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

October 22, 2013

MEMORANDUM TO: Stafford County Board of Zoning Appeals

FROM: Melody Musante  
Zoning Manager *MM*

SUBJECT: **SE13-02/1300408**

### ATTACHMENTS:

1. Application
2. Application Affidavit
3. Copy of ABC license
4. Plat of property/Building layout

### 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", B-2, Urban Commercial, (c) Special Exceptions, to allow a microbrewery in accordance with Section 28-39(w) on Assessor's Parcel 21-57B. The property is zoned B-2, Urban Commercial, located at 3071 Jefferson Davis Highway in the Aquia Pines RV Park.

### PARCEL INFORMATION:

Location: 3071 Jefferson Davis Highway

Election District: Aquia

Parcel Size: 20.46 Acres

Property Owners: Assessor's Parcel 21-57B  
Sidney Everett Lovell, Jr.  
3071 Jefferson Davis Highway  
Stafford, VA 22554



Applicant: Shorts Branch Brewery  
3071 Jefferson Davis Highway  
Stafford, VA 22554

Agent: Sidney Everett Lovell, Jr.

Current Use: Campground

Proposed Use: Campground/Microbrewery

Application Date: September 4, 2013

Comprehensive Plan: Commercial Corridor/Suburban

Abutting Properties: See Map

<u>Location</u>	<u>Zoning</u>	<u>Parcel</u>	<u>Use</u>	<u>Land Use Plan</u>
North	R-2	21W-1-B	Residential/ Common Area	Commercial Corridor
South	B-2	21-63	Proposed Hotel	Commercial Corridor
East	B-2	21-50B	Vacant	Commercial Corridor
West	R-2	21Z-1-A	Residential/ Common Area	Commercial Corridor

APPLICABLE BACKGROUND:

The applicant is requesting a Special Exception to operate a microbrewery in conjunction with the existing Aquia Pines Camp Resort. The application states the hours of operation will vary depending on the season but the facility will be open 7 seven days a week. The applicant indicates they will utilize existing parking within the campground and anticipate ten (10) to fifty (50) customers per day. The anticipated majority of customers will come from the campers staying in the campground and/or the adjacent hotels. According to the description provided by the applicant, these customers will be traveling by foot and not car. The adjacent property to the North has an existing pedestrian path. Upon completion of the hotel to the south, a pedestrian path will be constructed after the inter-parcel connector is complete.

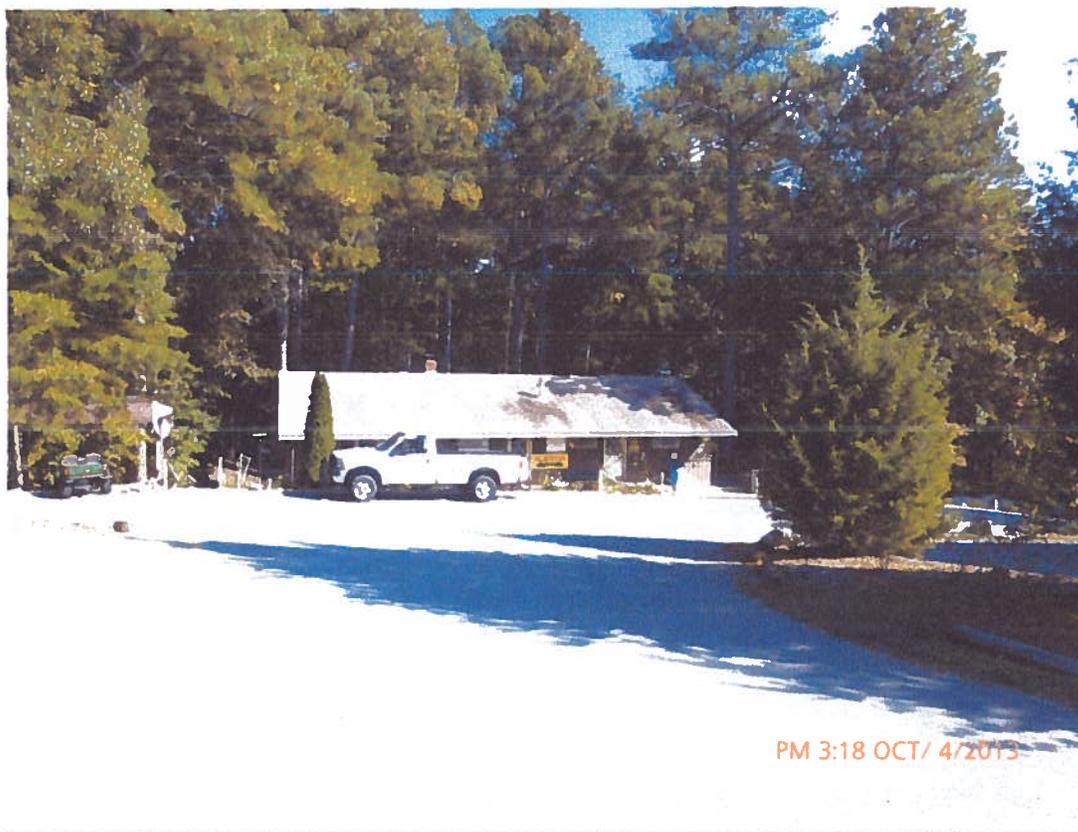
The parking requirements for this use are a combination of those needed for the tasting room and those needed for the manufacturing of the product. For this site, the tasting room is 864 square feet and requires eleven (11) parking spaces and the brew room is three hundred sixty (360) square feet and requires 2.5 parking spaces per 1000 square feet for a total of 14 spaces. Upon a site visit, staff did take note of the parking spaces available as shown on the plans submitted with the application.

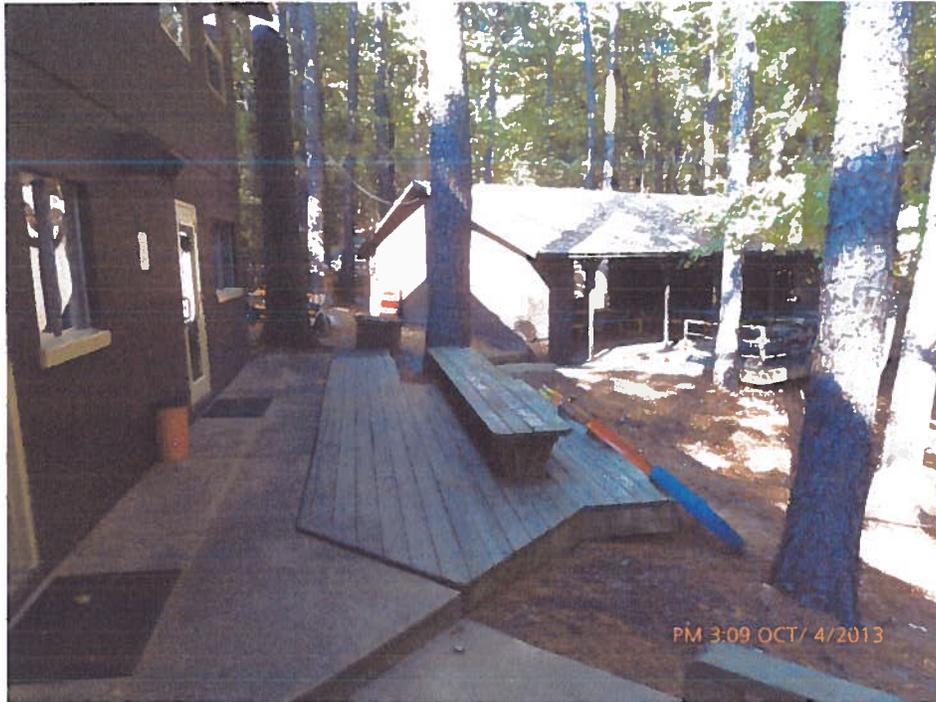
There will be no additional construction on the site for this use. The 2 existing buildings, the basement of the camp store and the pavilion, will be utilized for both the brew room and the tasting areas. The areas indicated on the plan as recreation lounge, laundry, restrooms and storage are for the convenience of the camp customers and not for the use of the microbrewery. The applicant states the Aquia Pines Camp Resort has been selling brewing supplies to local residents and campers. The microbrewery will provide additional services to campers and customers to draw them to Stafford. The applicant states they will produce one thousand one hundred (1,100) barrels per year for consumption on site.

ZONING HISTORY

The Aquia Pines Campground was established in April 1973. The Board of Supervisors adopted an ordinance on May 21<sup>st</sup>, 2013 giving the Board of Zoning Appeals authorization to grant a Special Exception for microbreweries in the B-2, Urban Commercial Zoning District.

EXISTING CONDITIONS





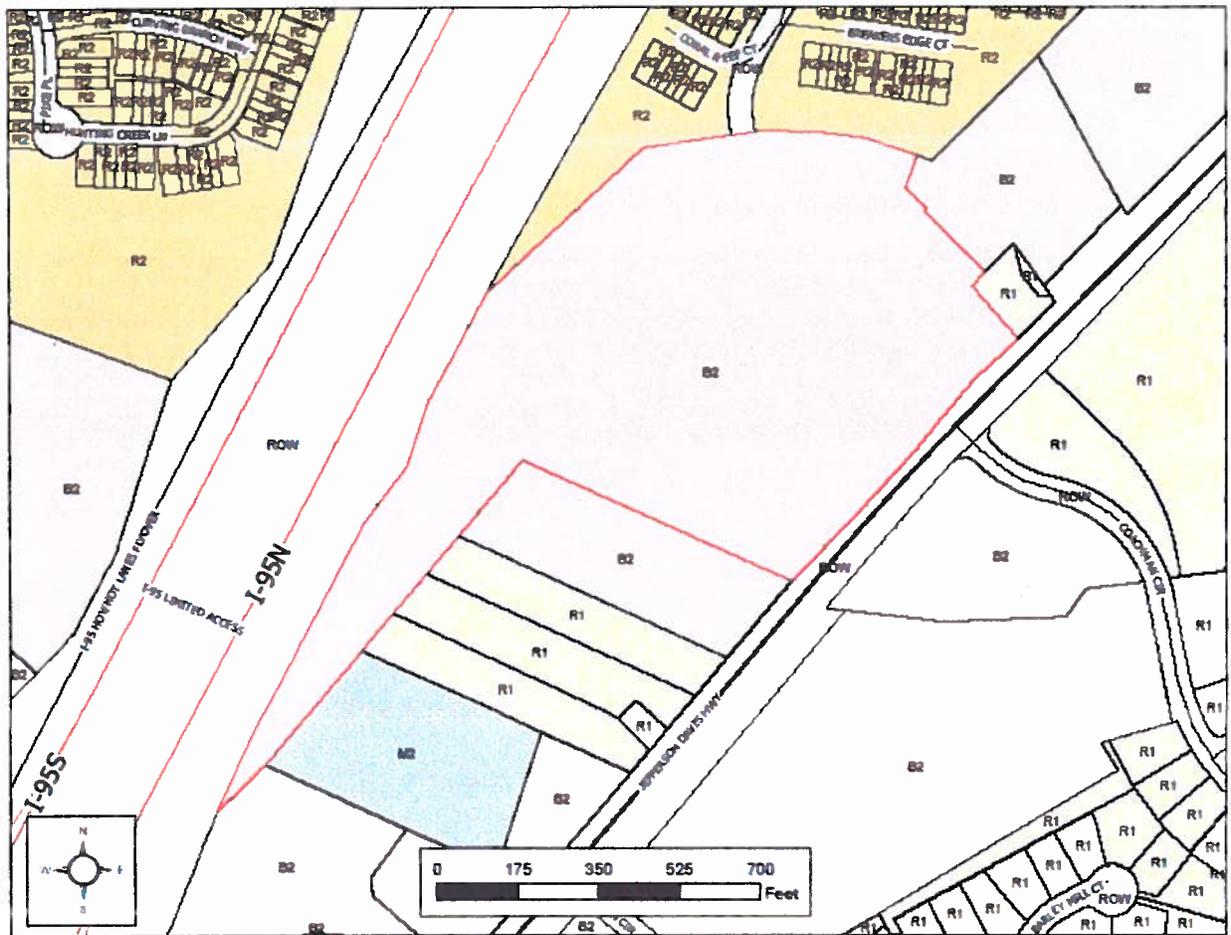
GRANTING OF SPECIAL EXCEPTIONS

- 1) The proposed use (microbrewery) 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 restaurants and retail food shops.
- 3) There will be no additional buildings constructed for this microbrewery as the applicant will utilize the structures.
- 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. Microbreweries are allowed in the B-2 zoning district by Special Exception from the Board of Zoning Appeals.

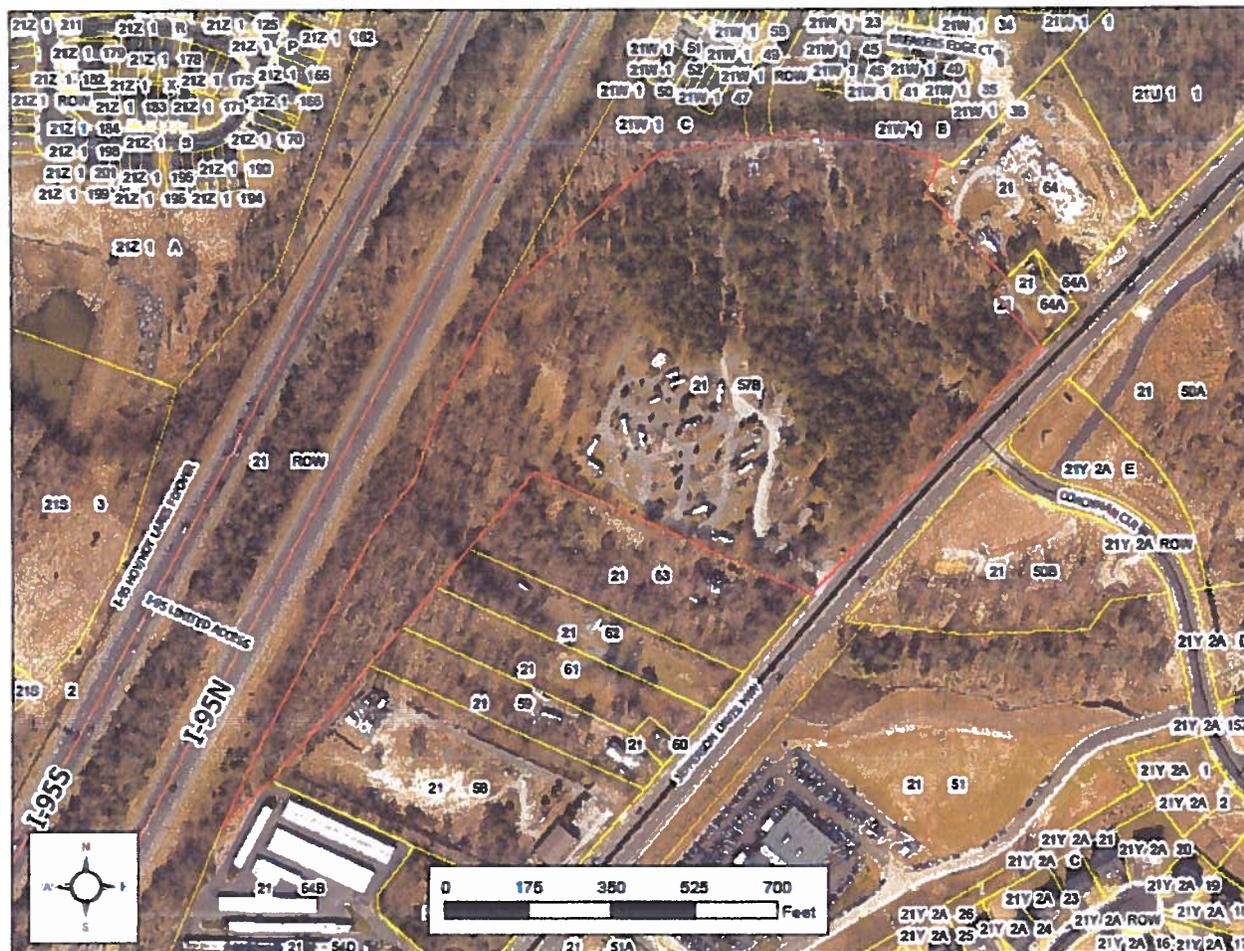
SUGGESTED DEVELOPMENT CONDITIONS:

- 1) The microbrewery will comply with the plan submitted with the case and/or any changes that may be made by the Board of Zoning Appeals at the time of the hearing. Any changes or alterations to the use or the plan will require a new special exception application.
- 2) The hours open to the public will be limited to 12 noon to 10:00 pm 7 days a week.
- 3) There shall be no off site sales of the product brewed on premises.
- 4) There shall be a minimum of 14 parking spaces allocated for the microbrewery.
- 5) All areas and structures associated with the microbrewery shall comply with all applicable Federal, State and Local codes.
- 6) This permit shall only be issued to the Mr. Everett Lovell, current owner of Aquia Pines Camp Resort. Transfer of this permit shall require a new special exception application.

TAX MAP



VICINITY MAP



STAFFORD COUNTY  
Department of Planning and Zoning



SPECIAL EXCEPTION APPLICATION

RECEIVED BUT NOT OFFICIALLY  
SUBMITTED

DATE: 9-4-13 INITIALS MM

OFFICIALLY SUBMITTED

DATE: 10-3-13 INITIALS MM

SPECIAL EXCEPTION 300408  
TYPE OF APPLICATION APPLICATION NUMBER

**APPLICANT INFORMATION**

SPORTS BRANCH BREWERY  
NAME  
3071 JEFFERSON DAVIS HWY  
STREET ADDRESS  
STAFFORD VA 22554  
CITY STATE ZIP  
540 659 3447 540 538 2543 Everett Level  
PHONE CELL  
N/A ADRIA PINES @ AOL.COM  
FAX EMAIL

**OWNER INFORMATION**

ADRIA PINES RV PARK INC EVERETT LEVEL - OFFICER  
NAME  
3071 JEFFERSON DAVIS HWY STAFFORD VA 22554  
ADDRESS CITY STATE ZIP  
540 659 3447 540 538 2543 N/A  
PHONE NUMBER CELL FAX NUMBER  
ADRIA PINES @ AOL.COM  
EMAIL ADDRESS

**PROPERTY INFORMATION**

21 57B 20.46A  
TAX MAP SECTION PARCEL/LOT# LOT SIZE  
--- B-2  
SUBDIVISION ZONING DISTRICT  
CAMPGROUND CAMPGROUND WITH MOTORHOMES  
EXISTING USE PROPOSED USE  
COMPREHENSIVE PLAN DESIGNATION MAGISTERIAL DISTRICT

**FOR OFFICE USE ONLY**

1300408 9-24-13  
APPLICATION APPROVED BY DATE  
SE13-02 1300408  
CASE # APPLICATION #

FEES PAID:  YES  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: \_\_\_\_\_

✓ Other, Code Section: REQUESTED BY BOARD OF SUPERVISORS

What type of business is proposed? CAMP-GROUNDS WITH MICRO-BREWERY (BIZ ZONED)

What are the days and hours of operation? 7 DAYS/WEEK HOURS VARY W/SEASON

What is the # of employees employed by the business who do not reside on the premises? 3-4

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? \_\_\_\_\_ square feet

If the existing dwelling will be utilized by the proposed use, what is the gross floor area of the structure?  
500 square feet PLUS 564 sq ft PAVILION (EXISTING)

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:

EXISTING WOODS PLANTED AS PART OF CCC OR WWS PROJECT.

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? UTILIZE EXISTING PARKING

What is the anticipated volume of traffic expected on a daily basis? 10-50 PEOPLE MAINLY  
FROM EXISTING (CAMPER) CUSTOMERS AND/OR ADJOINING HOTELS.  
WE ANTICIPATE MANY CUSTOMERS WALKING TO THE MICRO-BREWERY  
AREA. → EXPAND IN SERVICES TO EXISTING CUSTOMERS ←

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:

ARQUIA PINIS CAMP RESORT HAS BEEN SELLING (RETAIL) BREWING SUPPLIES TO LOCAL RESIDENTS & CAMPER. (WE ALSO SELL PROPANE.) TO COMPLIMENT THIS BUSINESS AND TENANCE TOURISM TRADE, WE PROPOSE BUILDING A MICROBREWERY IN EXISTING FACILITIES AND SERVING OUR CRAFT BEERS TO THE TRAVELING PUBLIC.

THIS MICROBREWERY WILL PROVIDE ADDITIONAL SERVICES TO CAMPER AND CUSTOMERS TO DRAW THEM TO STAFFERS. THE MICROBREWERY WILL USE THE CAMPGROUND COMMON AREA TO PROVIDE A VERY UNIQUE SOCIAL SITTING FOR CAMPER AND ADJACENT HOTEL GUESTS.

VOLUME: 1100 BARRELS/YEAR FOR CONSUMPTION ON-SITE

**VI. AUTHORIZATION**

❖   
Applicant's Signature

SEP 4 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>Shorts Branch Brewery</u>
A/P #:	<u>1300408</u>
Date:	<u>10-22-13</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: SHORTS BRANCH BREWERY  
Name of Company: ADYLA PINES RV PARK INC  
Address of Applicant: 3071 JEFFERSON DAVIS HWY  
STAFFORD VA 22554

Applicant's Signature:  SE LOVELL / OFFICER

Name of Agent: SE LOVELL  
Address of Agent: 3071 JEFFERSON DAVIS HWY  
STAFFORD VA 22554

#### 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: SHORTS BRANCH BREWERY

Project Name:	<u>Shorts Branch Brewery</u>
A/P #:	<u>1300409</u>
Date:	<u>10-22-13</u>

3. Property Information

Assessors Parcel(s): 2157 B

Address: 3071 JEFFERSON DAVIS HWY.  
STAFFORD, VA 22554

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>S.E. LOVELL</u>	<u>3071 JEFFERSON DAVIS HWY STAFFORD VA 22554</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.

Name of Members

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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>MR LOVELL HAS OWNED THE PROPERTY, 2157 B, FOR 28 YEARS.</u>	
_____	_____
_____	_____

**Application Affidavit**

Page 3

Applicant: SHORTS BRANCH BREWERY

Project Name:	<u>shorts Branch Brewery</u>
A/P #:	<u>1300408</u>
Date:	<u>10-22-13</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

_____	_____
_____	_____
_____	_____

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>
_____	_____
_____	_____
_____	_____
_____	_____

Number of owners to be notified: 1 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: SHORTS BRANCH BREWERY

Project Name:	<u>Shorts Branch Brewery</u>
A/P #:	<u>1300408</u>
Date:	<u>10-22-13</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 S. E. Lovell

Corporate Office of Signer SOLE OFFICER

Signature [Signature]

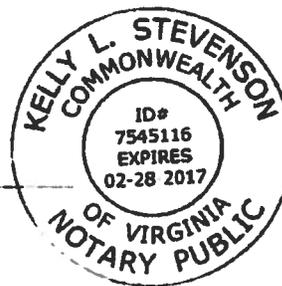
Date SEP 4 2013

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this 4<sup>th</sup> day of Sept, 2013 by Kelly L. Stevenson <sup>Sidney Lovell</sup> owner/applicant.

My commission expires: 2/28/17

[Signature]  
Notary Public





VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
2901 Hermitage Road • P O Box 27491 • Richmond VA 23261-7491

License Number:

**016103**

**ABC LICENSE**

License Type(s):

**Beer Off Premises**

Effective Period:

**NOV 01, 2012 TO OCT 31, 2013**

Expiration Date:

**OCT 13**

License Name & Trade Address:

**Aquia Pines R V Park Inc  
Aquia Pines Campgrounds  
3071 Jefferson Davis Hwy  
Stafford VA 22554-4524**

Establishment Type:

**Grocery Store**

Telephone Numbers

**(540) 659-3447**

**Stafford County - TERRITORY # 103  
Southwest - Region 5  
(276) 676-5502**

By Order of the Alcoholic Beverage Control Board

*W. Curtis Coleburn*  
Secretary

**License Privileges and Instructions**

The privilege(s) of this license is (are) hereby granted by the Virginia Alcoholic Beverage Control Board to the Licensee named above to operate in accordance with the terms of the license herein designated and the applicable statutes of the Commonwealth of Virginia and regulations of the Board.

The privilege(s) conferred by this license, except banquet licenses and mixed beverage special event licenses, shall continue until the last day of the twelfth month next ensuring or the last day of the designated month of expiration, and thereafter year to year provided no cause exists for which the Board would be entitled to refuse to issue the license or until terminated by operation of law, voluntary surrender, Order of the Board, or failure to pay the required license tax or penalties. License periods may be adjusted as necessary to maintain distribution of annual license reissuances as equally as practicable on a monthly basis.

This license may be suspended or revoked in accordance with the Virginia Alcoholic Beverage Control Act or the Mixed Beverage Laws, whichever is applicable.

Please detach the above license which must be posted in a conspicuous place in the establishment. You may keep the bottom portion for reference.

A separate receipt may be obtained from the Board, if desired, in the event this license is terminated and returned to the Board.

**AQUIA PINES R V PARK INC  
AQUIA PINES CAMPGROUNDS  
3071 JEFFERSON DAVIS HWY  
STAFFORD VA 22554-4524**

Any questions relative to the issuance, privileges and maintenance of your ABC license should be addressed to your local ABC office.



**COMMONWEALTH OF VIRGINIA  
VIRGINIA DEPARTMENT OF HEALTH**

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**CERTIFIES THAT**

**Aquia Pines R/V Park, Inc.**

*is hereby granted a permit/license to operate a*

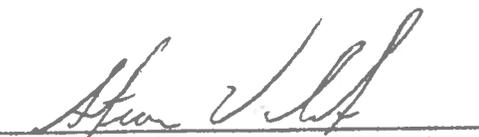
**CAMPGROUND**

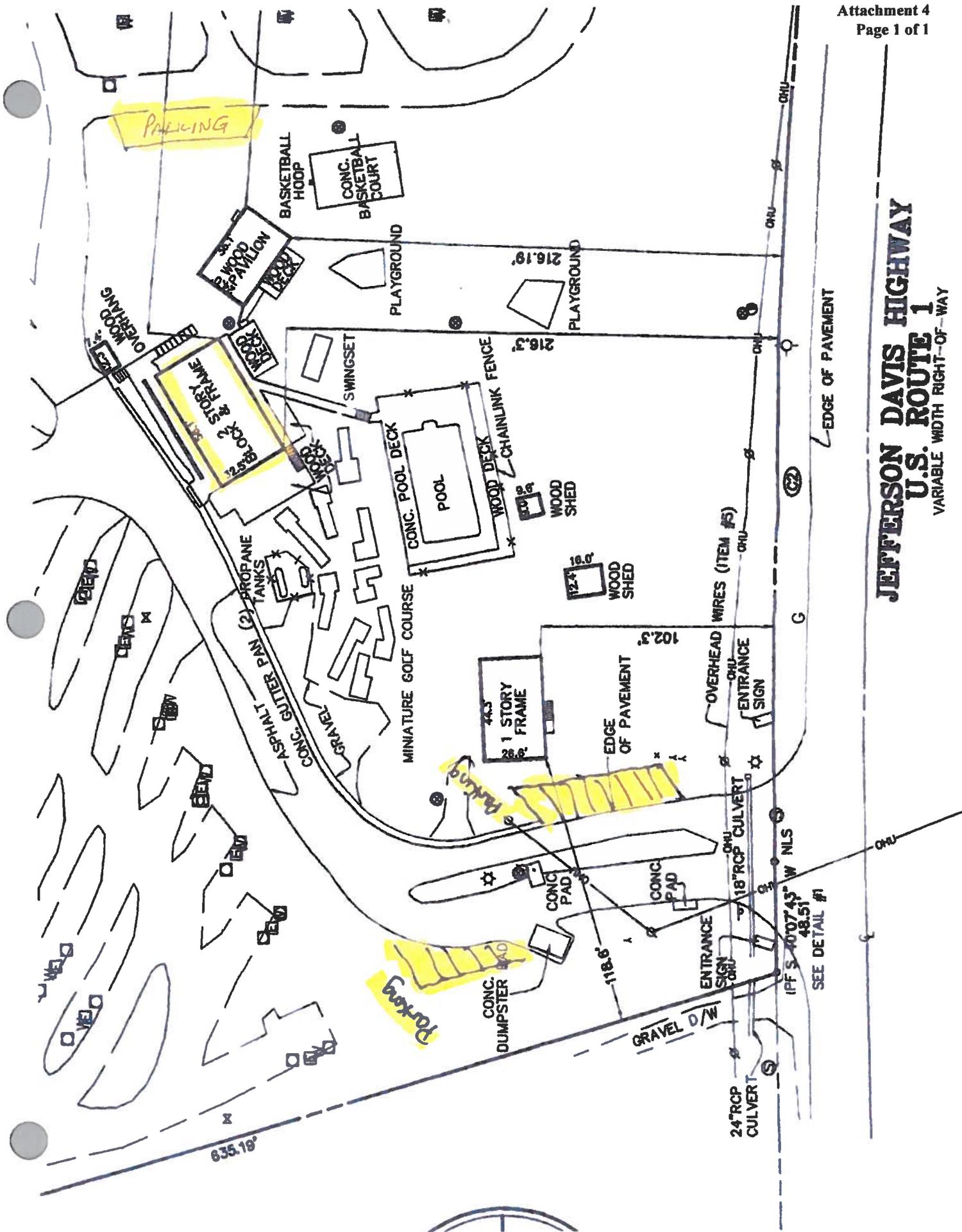
**TRADING AS:  
AQUIA PINES R/V PARK**

**LOCATED AT:  
3071 JEFFERSON DAVIS HIGHWAY  
STAFFORD, VA  
22554**

*in accordance with the regulations of the Board of  
Health of the  
Commonwealth of Virginia.*

**Expiration Date: April 15, 2014**

  
\_\_\_\_\_  
**Steven Valentine, EHS, Sr.**



**JEFFERSON DAVIS HIGHWAY**  
**U.S. ROUTE 1**  
VARIABLE WIDTH RIGHT-OF-WAY

# 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

October 22, 2013

MEMORANDUM TO: Stafford County Board of Zoning Appeals

FROM: Melody Musante *MM*  
Zoning Manager

SUBJECT: ***V13-03/1300409***

### ATTACHMENTS:

1. Application/owners consent form
2. House location dated 5/20/13
3. Construction plans
4. Letter from Doctor

### ISSUE:

The applicant is requesting a variance from Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", R-1, Suburban Residential, of the rear yard requirement to construct an addition to a single family dwelling on assessor's parcel 44R-4-279. The property is located at 8 Sunstone Drive, Stafford Lakes Village subdivision.

### PARCEL INFORMATION:

Location: 8 Sunstone Drive

Election District: Hartwood

Parcel Size: 8,060 SQFT

Zoning: R-1, Suburban Residential

Property Owners: Assessor's Parcel 44R-4-279  
Albert & Elizabeth Feneis  
Lewis Andrew Gollady  
8 Sunstone Drive  
Fredericksburg, VA 22406



Applicants: Prince William Home Improvements  
14910 Persistence Drive  
Woodbridge, VA 22191

Agent: Henry Villanueva

Current Use: Residential

Proposed Use: Residential

Application Date: September 20, 2013

Comprehensive Plan: Suburban

Abutting Properties:

<u>Location</u>	<u>Zoning</u>	<u>Parcel</u>	<u>Use</u>	<u>Land Use Plan</u>
North	R-1	44R-4-280	Residential	Suburban
South	R-1	44R-2-184	Residential	Suburban
East	R-1	44R-4-218	Residential	Suburban
West	R-1	44R-4-281	Residential	Suburban

**APPLICABLE BACKGROUND:**

The Applicant is requesting a variance of the rear yard setback to construct an addition onto an existing single family dwelling. This property is in a cluster designed subdivision which requires a rear yard setback of 25 feet. The applicant is requesting a 4 foot variance of the required 25 feet rear yard setback which would result in a rear yard of 21 feet. The rear property line is screwed to the dwelling, resulting with the rear yard narrower on one side than the other. It is the narrower section of the rear yard that does not comply. Alternative options, such as constructing a deck or a screened porch of the same size were discussed with the applicant. These options would have complied with the applicable rear yard requirement negating the need to request a variance.

**No variance shall be authorized by The Board of Zoning Appeals, unless it finds:**

- 1) That the strict application of the provisions of this chapter would produce undue hardship;**

*The applicant states the hardship is the property owner is wheelchair bound. This alteration would allow the owner easier access to the outdoors.*

- 2) **That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;**

*The applicant states yes to this question with no justification. This subdivision is Cluster which allows a reduced rear yard setback of 25 feet.*

- 3) **That the authorization of such variance shall not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance;**

*The character of the district will not change by the granting of this variance.*

- 4) **That the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter;**

*The applicant states the adjacent and nearby properties will not be affected by the granting of this variance.*

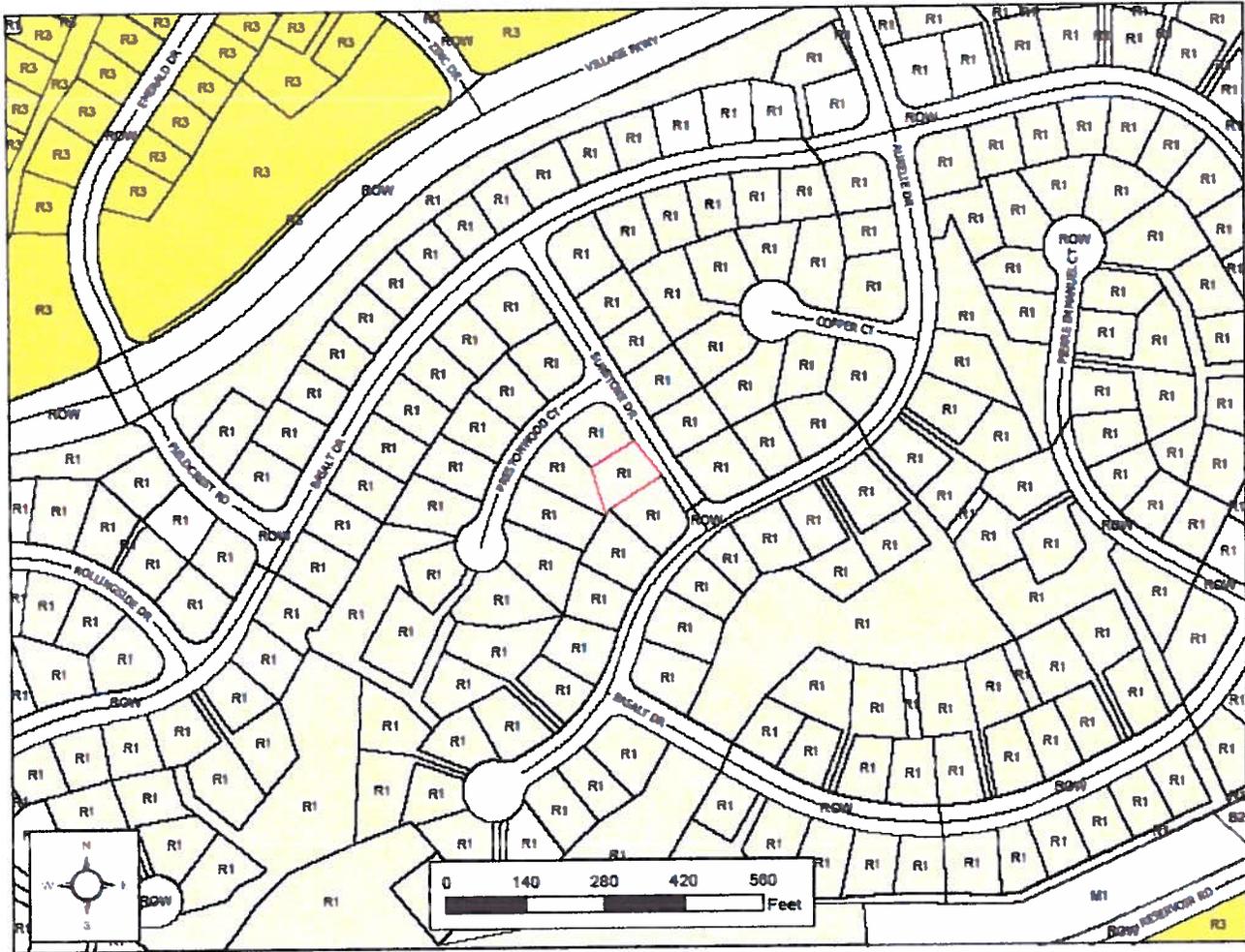
### Zoning History

Single family dwelling constructed in 2001.

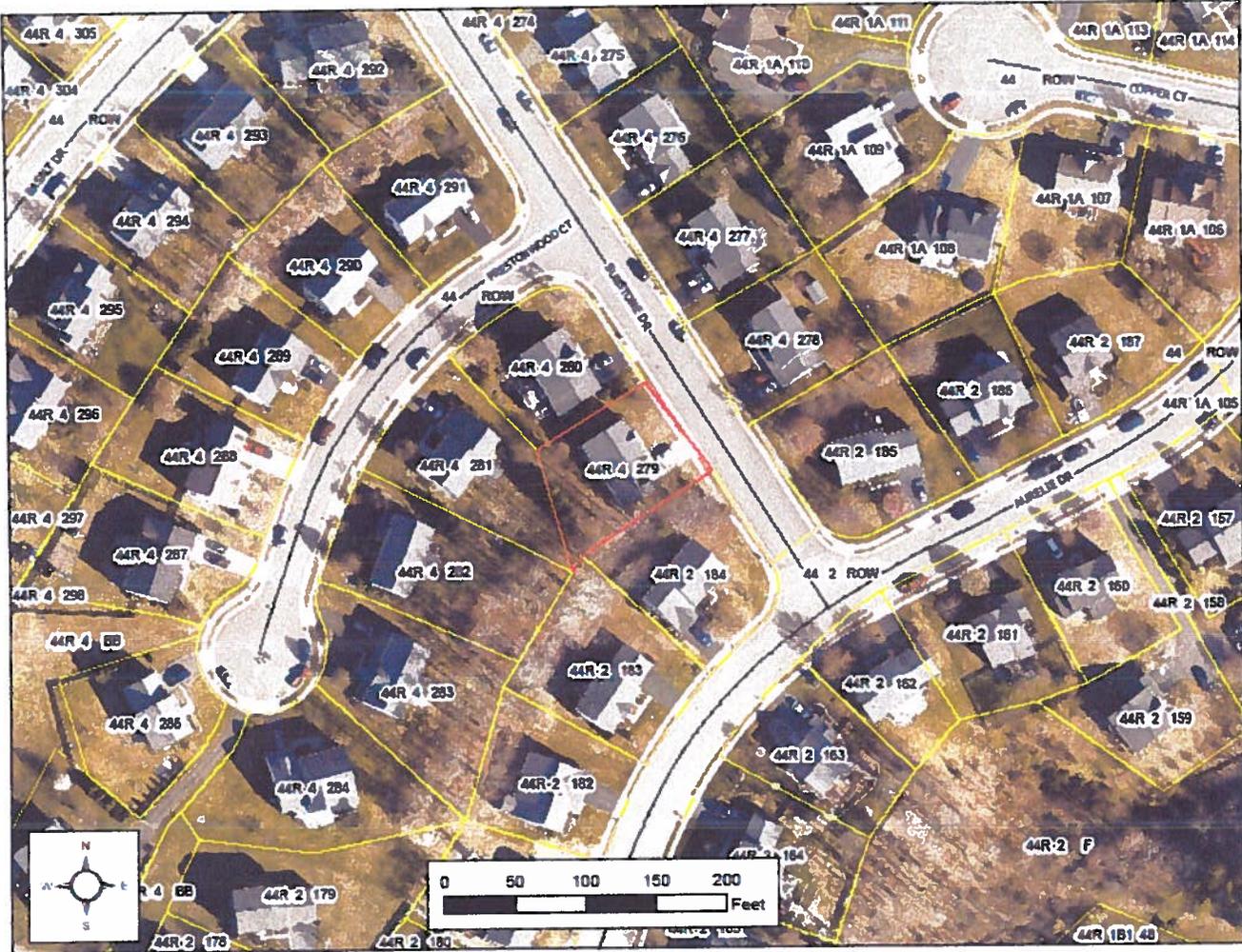
### EXISTING CONDITIONS



TAX MAP



VICINITY MAP



STAFFORD COUNTY  
Department of Planning and Zoning  
VARIANCE APPLICATION



RECEIVED BUT NOT OFFICIALLY SUBMITTED	DATE	9-20-13	INITIALS	
OFFICIALLY SUBMITTED	DATE	9-24-13	INITIALS	MM

VARIANCE: <u>COMMERCIAL</u> <input type="checkbox"/> <u>RESIDENTIAL</u> <input checked="" type="checkbox"/>		<u>1300409</u>	
TYPE OF APPLICATION		APPLICATION NUMBER	
<b>APPLICANT INFORMATION</b>			
HENRY VILLANUEVA (PRINCE WILLIAM HOME IMP.)			
NAME			
<u>14910 PERSISTENCE DR</u>			
STREET ADDRESS			
<u>WOODBRIDGE</u>	<u>VA</u>	<u>22191</u>	
CITY	STATE	ZIP	
<u>703 492-1294</u>		<u>703-490-4108</u>	
PHONE	CELL	FAX	
<u>HENRY@PWHOMEIMPROVEMENT.COM</u>			
EMAIL			
<b>OWNER INFORMATION (If different from the Applicant)</b>			
<u>ALBERT &amp; ELIZABETH FENEIS</u>			
NAME			
<u>B SUNSTONE DR</u>	<u>FREDERICKSBURG, VA</u>	<u>22406</u>	
ADDRESS	CITY	STATE	
<u>540-737-4259</u>			
PHONE NUMBER	CELL	FAX NUMBER	
EMAIL ADDRESS			
<b>PROPERTY INFORMATION</b>			
<u>44R</u>	<u>SEC 4</u>	<u>LOT # 279</u>	<u>8060 #</u>
TAX MAP	SECTION	PARCEL/LOT#	LOT SIZE
<u>STAFFORD LAKES VILLAGE</u>		<u>SFD &amp; Enclosure</u>	
SUBDIVISION		ZONING DISTRICT	
<u>SFD</u>		<u>SFD &amp; Enclosure</u>	
EXISTING USE		PROPOSED USE	
COMPREHENSIVE PLAN DESIGNATION		MAGISTRAL DISTRICT	
<b>FOR OFFICE USE ONLY</b>			
<u>mm</u>	<u>10-3-13</u>		
APPLICATION APPROVED BY	DATE		
<u>V13-03</u>	<u>1300409</u>		
CASE #	APPLICATION #		
FEES PAID: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			

**GENERAL INFORMATION**

- ❖ What code section of the zoning ordinance is the applicant seeking relief from as a result of a variance?  
Chapter 28, Section 35 table 3.1 which pertains to Setbacks
  
- ❖ Has a previous application been filed for a variance in connection with this property?  Yes  No  
If yes, please provide the date of application \_\_\_\_\_
  
- ❖ Has a Conditional Use Permit been issued for the existing/proposed use?  Yes  No  Not Required
  
- ❖ Are there any proffers associated with this property?  Yes  No If yes, please provide a copy.
  
- ❖ Is the subject property located within a flood district?  Yes  No  
If yes, please specify which one \_\_\_\_\_
  
- ❖ Is the subject property located within a Resource Protection Area?  Yes  No
  
- ❖ Is the subject property located within an Overlay District?  Yes  No  
If yes, please specify which one \_\_\_\_\_
  
- ❖ County Water & Sewer?  Private Well & Septic?

**VARIANCE JUSTIFICATION**

**PART A**

NOTE: The Board of Zoning Appeals may grant a variance only if the applicant can clearly demonstrate a hardship. A demonstrated hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property; for example, if a rear yard has sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards. A demonstrated hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a hardship having to do with specific conditions of the land.)

**APPLICANT MUST EXPLAIN THE FOLLOWING:**

(Please print clearly and use additional pages where necessary.)

1. Does strict application of the zoning ordinance to the subject property result in a hardship to the owner?  
(Answer A or B).

A. Explain how enforcement of the zoning ordinance will amount to a clearly demonstrable hardship.

One owner is wheelchair bound.  
This alteration would allow him  
greater and easier access to the  
outdoors.

B. Explain how enforcement of the zoning ordinance will prevent reasonable use of the property.

The alteration cannot happen due  
to setback issue

2. Is this hardship unique to the property?

A. Explain if the hardship shared by other properties in the neighborhood.

Yes.

B. Explain how this situation or condition of the property (on which this application is based) applies generally to other properties in the same zone.

The issue is due to not enough  
rear setback to accommodate the  
proposed alteration

3. Was the hardship caused by the applicant? no

A. Did the condition exist when the property was purchased?

yes

B. Did the applicant purchase the property without knowing of this hardship?

yes

C. How and when did the condition, which created the hardship, first occur?

When application was made for  
the alteration

D. Did the applicant create the hardship and, if so, how was it created?

No

4. Will the variance, if granted, be harmful to others? no

A. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.

It will not

B. Explain how the proposed variance will affect the value of the adjacent and nearby properties.  
It will not

C. Has the applicant shown the proposed plans to the most affected property owners? Has that neighbor objected to the proposed variance, or has the neighbor written a letter of support of the proposed variance? If so, please attach the letter or submit at the time of the hearing.  
Will submit at time of hearing

D. Explain how the proposed variance will change the character of the neighborhood.  
It will not

5. Is there any other administrative or procedural remedy to relieve the hardship?  
No

**PART B**

1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.  
No

**ADDITIONAL INFORMATION (ADD ADDITIONAL PAGES AS NEEDED)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AUTHORIZATION**

❖ The undersigns declares that the above statements and those contained in any exhibits transmitted to the Board of Zoning Appeals are true.

❖ The applicant or a representative for the applicant must attend the meeting.

[Signature]  
Owner/ Applicant's Signature (Circle One)

9/19/13  
Date

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

**Melody Musante**

---

**From:** Henry Villanueva <henry@pwhomeimprovement.com>  
**Sent:** Monday, September 30, 2013 10:12 AM  
**To:** Melody Musante  
**Subject:** 8 Sunstone Drive  
**Attachments:** Feneis, Albert & Elizabeth.pdf; SKMBT\_C45113093009150.pdf

Melody,

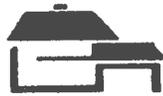
The project will be as follows:

We will be building a 26x10 3-Season Room. This requires a variance of 4 feet from the rear property line. The 3-Season Room will be 21' from the rear property. I will be attending the meeting for the Home Owners. Please let me know if there is any further information needed before the meeting. I have attached the Plans as well as the House Location Survey. Thank you and have a great day.

Thanks.

Henry Villanueva  
14910 Persistence Dr  
Woodbridge, Va 22191  
(Office) (703) 492-1294  
(Fax) (703) 490-4108  
[www.pwhomeimprovement.com](http://www.pwhomeimprovement.com)

**Prince William  
Home Improvement**



*"Our Craftsmanship Shows"*

*Since 1986*

## Owner's Consent Form

I/We, the Owner(s) of the property listed below, hereby grant permission for the

Applicant, HENRY VILLANUEVA to seek a

VARIANCE as requested in the

Board of Zoning Appeals application relating to property located at

8 Sunstone Dr; Fredericksburg, VA 22406 On Assessor's

Parcel's \_\_\_\_\_

8/21/13  
Date

Elizabeth A. Fenicis  
Signature

Elizabeth A. Fenicis  
Printed Name

~Notary~

SUBSCRIBED & SWORN TO Before me this 21<sup>st</sup> day of August, 2013



Shawn W. Woodson  
Notary Public

My Commission Expires: 8/31/2014

## Owner's Consent Form

I/We, the Owner(s) of the property listed below, hereby grant permission for the Applicant, Henry Villanueva (Prince William Home Improvement) to seek a Variance as requested in the Board of Zoning Appeals application relating to property located at 8 Sunstone Drive, Fredericksburg, VA 22406 On Assessor's Parcel's \_\_\_\_\_.

10-7-13  
Date

[Signature]  
Signature

Lewis Golladay  
Printed Name

### ~Notary~

SUBSCRIBED & SWORN TO Before me this 7 day of October, 2013

County/City of Spotsylvania  
Commonwealth/State of Virginia

The foregoing instrument was acknowledged before me this 7 day of October, 2013 by

Lewis Golladay  
(name of person seeking acknowledgment)

Emerson Ayestas  
Notary Public

[Signature]  
Notary Public

My commission expires: \_\_\_\_\_

NOV. 30, 2016

EMERSON GUSTAVO AYESTAS  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES NOV. 30, 2016  
COMMISSION # 717680

## Owner's Consent Form

I/We, the Owner(s) of the property listed below, hereby grant permission for the Applicant, Henry Villanueva (Prince William Home Improvement) to seek a Variance as requested in the Board of Zoning Appeals application relating to property located at 8 Sunstone Drive, Fredericksburg, VA 22406 On Assessor's Parcel's \_\_\_\_\_.

10-7-13  
Date

[Signature]  
Signature  
Lewis Golladay  
Printed Name

### ~Notary~

SUBSCRIBED & SWORN TO Before me this 7 day of October, 2013  
County/City of Spotsylvania  
Commonwealth/State of Virginia  
The foregoing instrument was acknowledged before me this 7 day of October, 2013 by Lewis Golladay  
(name of person seeking acknowledgment)  
[Signature] EMERSON AYESTAS  
Notary Public  
My commission expires: NOV. 30, 2016

[Signature]  
Emerson Ayestas  
Notary Public

EMERSON GUSTAVO AYESTAS  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES NOV. 30, 2016  
COMMISSION # 717666

APPLICATION AFFIDAVIT

This form to be filed with:

BOARD OF ZONING APPEALS  
1300 COURTHOUSE ROAD  
STAFFORD, VIRGINIA 22555

	Internal Use Only
Project Name:	<u>Prince William Home Imp</u>
A/P #:	<u>1300409</u>
Date:	<u>10-22-13</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  
Name of Company

HENRY VILLANUEVA  
PRINCE WILLIAM HOME IMPROVEMENT

Applicant Address

8 Sunstone Dr  
Fredricksburg VA 22406

Applicant's Signature

[Signature]

Name of Agent

HENRY VILLANUEVA

Address of Agent

14910 PERSISTENCE DR, WOODBRIDGE, VA  
22191

2. Type of Application

- Conditional Use Permit
- Rezoning

- Variance
- Special Exception

Application Affidavit

Page 2

Applicant: Feneis

Project Name:	<u>Deice Wilton</u>
A/P #:	<u>130409</u>

**3. Property Information**

Assessor's Parcel(s) \_\_\_\_\_

Address

§ Sunstone Dr  
Fredricksburg VA 22406

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

Name of owners

Address

Albert &  
Elizabeth  
Feneis

§ Sunstone Dr  
Fredricksburg VA 22406

**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.**

Name of Members

Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.**

Name of owners

Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application Affidavit

Page 3

Applicant: Fencels

Project Name:	<u>Prince William</u>
A/P #:	<u>1300109</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

_____	_____
_____	_____
_____	_____
_____	_____

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.

Name

Address, including zip code, no P.O. Box please

_____	_____
_____	_____
_____	_____
_____	_____

Number of owners to be notified: 2 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: HENRY VILLANUEVA

Project Name:	<u>Princeton</u>
A/P #:	<u>150109</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 HENRY VILLANUEVA  
Corporate Office of Signer \_\_\_\_\_  
Signature [Handwritten Signature]  
Date 9/24/13

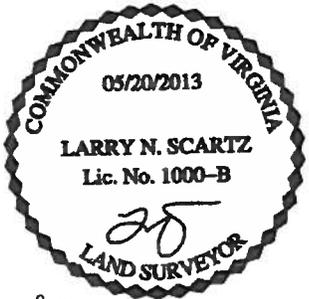
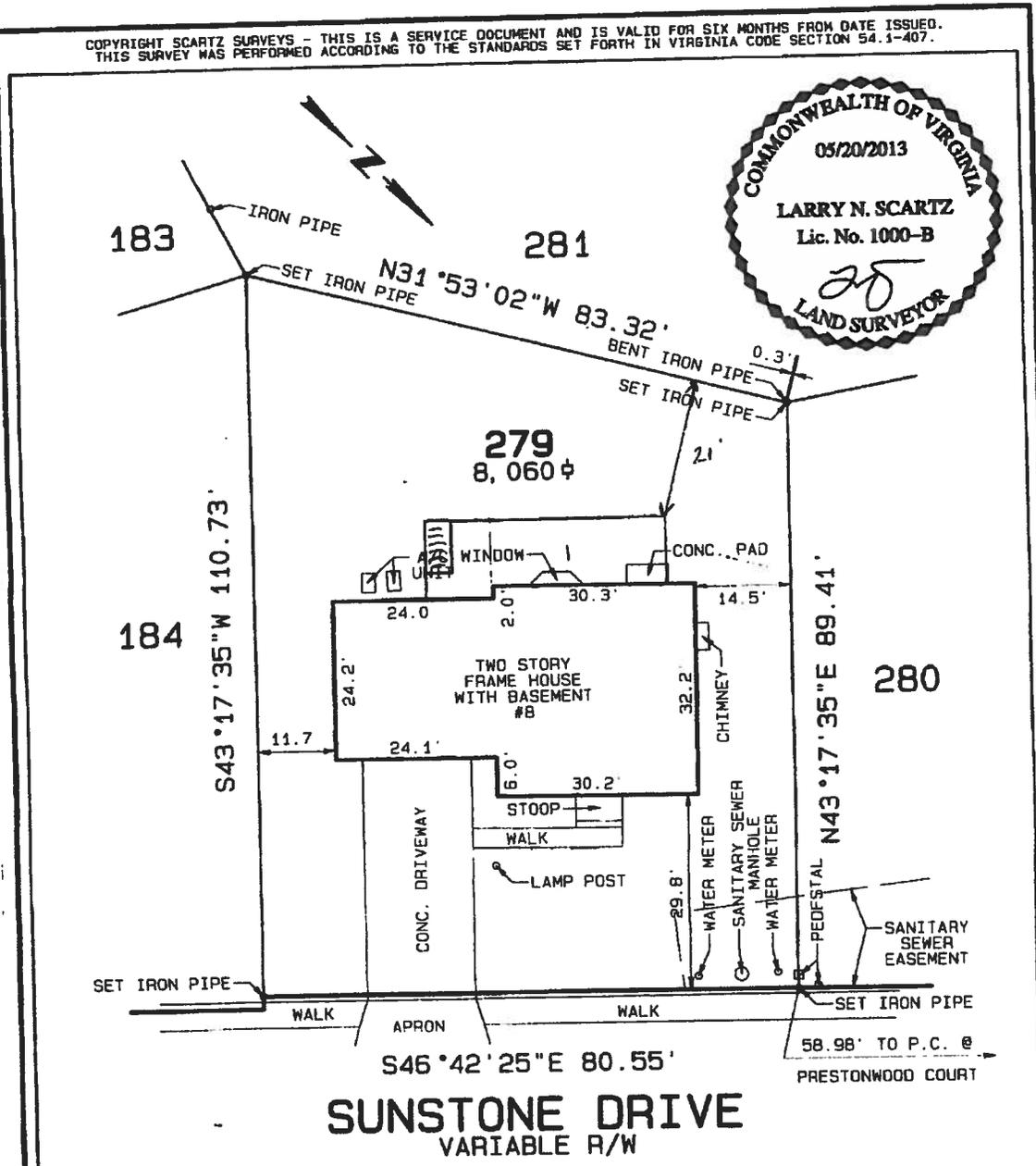
COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this 24<sup>th</sup> day of September 2013 by  
Henry Villanueva owner/applicant.

My commission expires: May 31<sup>st</sup> 2014

[Handwritten Signature]  
Notary Public

COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.  
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

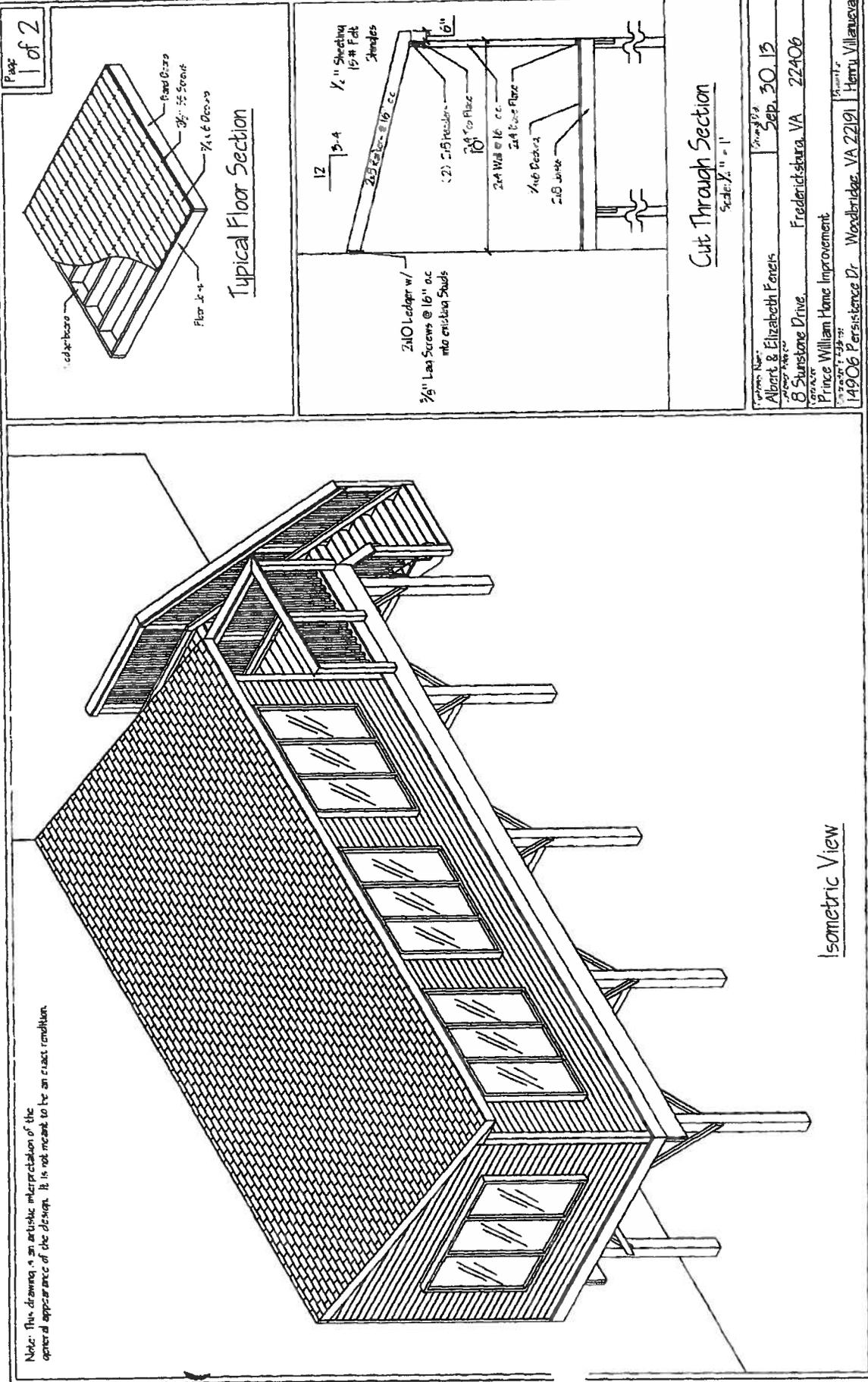


PHYSICAL IMPROVEMENTS SURVEY  
 LOT 279, SECTION 4  
**STAFFORD LAKES VILLAGE**

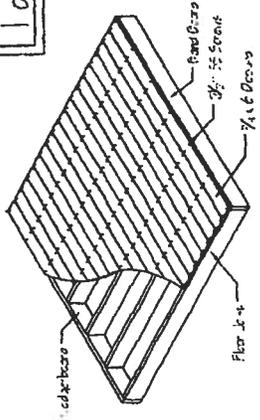
FALMOUTH-HARTWOOD MAGISTERIAL DISTRICT  
 STAFFORD COUNTY, VIRGINIA

SCALE: 1"=20' DATE: MAY 20, 2013

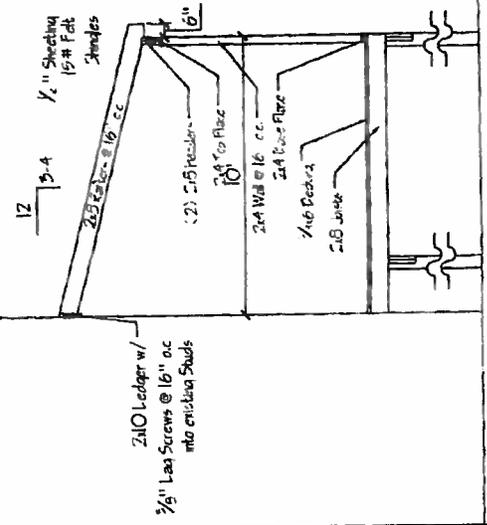
<p>CASE NAME: FENEIS                   PRINCE WILLIAM HOME IMPROVEMENTS</p>	<p>NO TITLE REPORT FURNISHED                  PLAT SUBJECT TO RESTRICTIONS &amp; EASEMENTS OF RECORD OR OTHERWISE                  FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY                  AND DO NOT CERTIFY AS TO OWNERSHIP</p> <p><b>SCARTZ SURVEYS</b>                  LARRY N. SCARTZ LOCAL (703) 494-4181                  CERTIFIED LAND SURVEYOR FAX (703) 494-3330                  WOODBRIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM</p>
-------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Page 1 of 2



Typical Floor Section



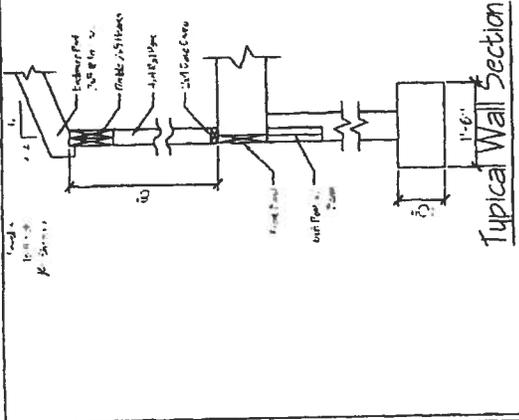
Cut Through Section  
Scale: 1/2" = 1'

Note: This drawing is an artistic interpretation of the general appearance of the design. It is not meant to be an exact rendition.

Isometric View

Client Name	Albert & Elizabeth Peters
Address	8 Sunstone Drive, Frederickstown, VA 22406
Project Name	Prince William Home Improvement
Architect	Henry Villanueva
Date	Sep. 30, 13

Page  
2 of 2



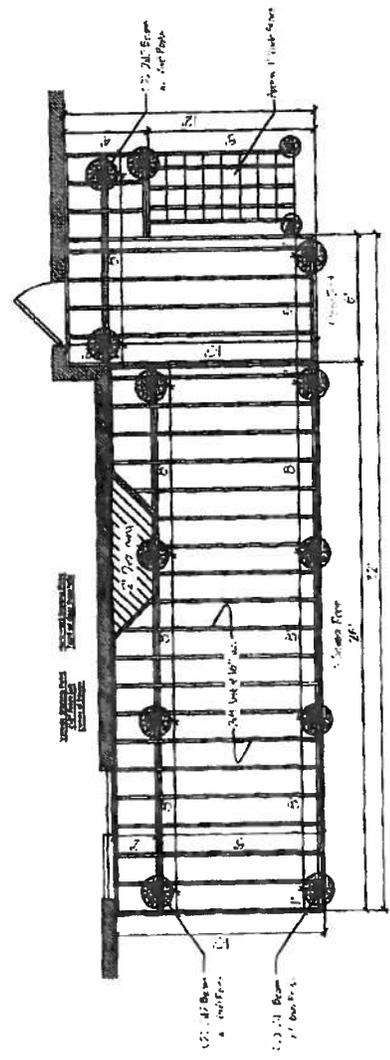
Typical Wall Section

This Space Left  
Blank Intentionally

Notes:

- 1) Joist to be spaced 16" o.c.
- 2) Beam - Double 2x12 P.F.
- 3) Footers 24" deep - 18" across - 10" min concrete
- 4) Decking to be 7/8" x 16 P.I.
- 5) Stairs to be built per county typical deck details.
- 6) Railings are to be P.F. w/ Iron Post Cap w/ Black Round Balusters
- 7) Elevation is 6'-0"

Client Name:	Albert & Elizabeth Feneis
Address:	8 Stonestone Drive, Fredericksburg, VA 22406
Project Name:	Prince William Home Improvement
Project No.:	14906 Persistence Dr Woodbridge, VA 22191
Drawn By:	Henry Villanueva
Check By:	
Date:	Sept. 30, 13



Plan View  
Scale: 1/2" = 1'

*Colonial Internal Medicine FBG*

125 Olde Greenwich Drive Suite 300  
Fredericksburg, VA 22408-4008  
Phone: (540) 374-5599  
Fax: (540) 735-8097

07/29/2013

**To Whom It May Concern:**

Albert G Feneis is a 79 year old wheelchair bound patient of mine who would like to make alterations to his house so that he may enjoy more time outdoors. At present it is very difficult to get him outside as he has to take a stair lift down through his garage to get outdoors. This has caused him to fall a few times in the past. Please consider allowing these alterations so that he may have easier access to the outdoors which I feel would be of great benefit to the patient./

If you have further questions regarding this patient's health status, please contact us at (540) 374-5599.



---

Cindy S Marrow MD