

STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES
June 23, 2015

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) on Tuesday, June 23, 2015, was called to order with the determination of a quorum at 7:00 p.m. by Chairman Dean Larson in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Dean Larson, Ray Davis, Larry Ingalls, Robert Grimes, Dana Brown, Steven Apicella, and Heather Stefl

MEMBERS ABSENT: Danny Kim and Ernest Ackermann

STAFF PRESENT: Melody Musante, Susan Blackburn, and Stacie Stinnette

DETERMINATION OF QUORUM

Dr. Larson: The Board consists of 7 regular members and 2 alternate members. Tonight we have 7 members sitting and present. All the way to my left we have Mr. Steven Apicella, and Ray Davis, and Robert Grimes, and to my right Larry Ingalls, Dana Brown, and Heather Stefl. Representing the County tonight we have our Zoning Administrator, Susan Blackburn, our Zoning Manager, Melody Musante, and our Senior Administrative Associate, Stacie Stinnette. The hearings will be conducted in the following order. The Chair will ask the staff to read the case and members of the Board may ask questions of the staff. The Chair shall ask the applicant or their representative to come forward and state their name and address and present their case to the Board. The presentation shall not exceed 10 minutes unless additional time is granted by the Board. The members of the Board may ask questions of the applicant to clarify or better understand the case. The Chair will then ask for any member of the public who wishes to speak in support of the application to come forward and speak. There shall be a 3 minute limit for each individual speaker and a 5 minute limit for a speaker who represents a group. After hearing from those in favor of the application, the Chair will ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. After all public comments have been received the applicant shall have 3 minutes to respond. We ask that each speaker present their views directly to the Board and not to the applicant or other members of the public. After the applicant's final response the Chair shall close the public hearing. After the hearing has been closed there shall be no further public comments. The Board shall review the evidence presented and the Chair shall seek a motion. After discussion of the motion the Chair shall call for a vote. In order for any motion to be approved, 4 members of the Board must vote for approval. In order to allow the Board time for appropriate review, the applicant or the applicant's representative is required to submit relevant material to the Department of Zoning and Planning 10 business days prior to this hearing to be included in the staff report. The Board may accept additional, relevant material from the applicant or the applicant's representative during the hearing. However, large amounts of additional material may require deferral at the Board's option on behalf of the applicant to allow the Board time to consider the additional material. Members of the public and/or staff may also submit relevant material during the hearing. We have 7 members of the Board present, so that gives the applicant his best chances of getting a four member approval. 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 12 months. Any person or persons who do not agree with the decision of this Board shall have 30 days to petition the Stafford County Circuit Court to review our decision. Also be aware that the Board will not hear any denied application for a variance or special exception that is substantially the same request for at least 1 year from the date of our decision. I now ask that anyone who has a cell phone, pager, or other electronic device to please

*Board of Zoning Appeals Minutes
June 23, 2015*

silence it. It is the custom of this Board to require that any person who wishes to speak before the Board shall be administered an oath. Therefore, I ask that anyone who wishes to speak tonight, stand and raise your right hand. Do you hereby swear or affirm that all testimony before this Board shall be nothing but the truth? Thank you, you may be seated. The Chair asks that when you come down to the podium to speak, please first give your name and address clearly into the microphone so our recording secretary can have an accurate record of the speakers. Also, please sign the form on the table in the rear of the room. Thank you. Are there any changes or additions to the advertised agenda?

Mrs. Musante: There are no changes.

Dr. Larson: Before we hear the first case, does any Board member wish to make any declaration or statement concerning any cases to be heard before the Board tonight? Hearing none, I'll ask the Secretary to read the first case, which is a continuation from last time. Please go ahead and read the case. The public hearing is already open.

PUBLIC HEARINGS

1. SE15-05/15150669 - Adam Udvig - Requests a Special Exception per Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", R-1, Suburban Residential, to allow online firearm and transfers and ammunition sales as a Home Business on Assessor's Parcel 20P-9-311. The property is located at 21 Brittany Lane, Hampton Oaks Subdivision.

Mrs. Musante: You have the application, the application affidavit, plat of the property, layout of the area used for the business, letter from the HOA, an applicant email, and the ATF regulations and application. After discussing the request at the May 26, 2015, the Board had several questions concerning the storage of the materials used in the process of reloading the ammunition and the addition of conducting firearm sales and transfers. Therefore, the Board voted to defer this request to the June, 23, 2015 meeting. This application was re-advertised to add the additional language for firearm sales and transfers. Please refer to attachment 6 for additional information the applicant has provided. A representative from the Stafford Fire Marshal's office has been requested to be present at the meeting to answer any questions you may have regarding the application. The applicant is requesting a Special Exception for a home business to operate firearms transfers, online ammunition and reloading business from his home. All of his contact with his clients will be conducted online, at Virginia gun shows or off-site at a rent as needed office space. The applicant states there will be no customer foot traffic (except friends and family and the ATF to conduct inspections) or a physical store front from his home. Additionally, the applicant will lease a mailbox where all business mail will be sent. All items to be shipped to customers will be sent from that location as well, so there will be no influx of shipping trucks at his residence. The applicant states the website will be operational 24 hours per day, seven days a week. He will be available for calls Monday through Friday 5:00 PM to 11:00 PM, Saturday and Sunday 9:00 AM to 8:00 PM and will have a message service forward his voicemails to the website email during the other times. The applicant states his home is protected by a professionally monitored security system 24 hours a day, 7 days a week and that all supplies will be stored in a closet under the stairs in the basement. He has arranged for a liability insurance policy of one million dollars through the National Rifle Association (NRA) if this Special Exception is granted. He will provide one off-street parking space to accommodate the in-home office space. The standards for a Home Business allow for a maximum of 25% of the gross floor area to be utilized for the business. The applicant has indicated 200 square feet will be used for the business which meets this requirement as the gross floor area of the dwelling 2,976 square feet. ATF gave a presentation to local zoning officials explaining their Federal Firearms License permit process. According to their regulations, the applicant must have a premise from which he conducts business or from which he

*Board of Zoning Appeals Minutes
June 23, 2015*

intends to conduct business. The business may be located in a private residence but must be open to the public for inspections and any person to person transfer. Due to this requirement an applicant who wishes to sell or transfer weapons and ammunition from his or her home must obtain an FFL license and a Special Exception for a Home Business through the Board of Zoning Appeals.

Dr. Larson: Thank you. Since this is continued, I will allow the applicant 10 minutes if he needs it, to discuss his request.

Mr. Udvig: Thank you, Sir, ladies and gentlemen, good to see you again. So having had the 30 days to take a look at the business as I was presenting it, I'm also trying to get ATF, I'm trying to get HOA, I'm trying to get Fire Marshal's rules and regulations all working so that everybody feels comfortable, everybody feels safe. As a reminder, I have almost 20 years of federal service. I am a current Special Agent for the Department of Defense. I am a badged and credential agent, and it's in my best interest to follow the law, if you know what I mean. So everything that I do always has...is coming from that desire to be within the law and not just on the grey side of the law, but to make sure that I am well in my rights as far as what the laws state. So if we start to see that anything is going to have a problem, I am flexible. That's what I'm saying. So, as we read the proposal as I wrote it, I just wanted to go back over again, the whole idea of this business came about because I've been a lifelong reloader. My father, my grandfather taught me. I've been doing this my entire life. I've been doing this reloading as a hobby for the past three years that I've been living in the home I purchased at 21 Brittany Lane. The laws that state what we can do as far as hobby reloaders give us a wide range, and the Fire Marshal's service will be able to explain that as well, the rules and regulations that govern exactly how much powder, how many rounds are just...it's a mess. Even I couldn't believe it. It's an enormous amount. So what I wanted to do was sell the rounds that I create as a hobby to my friends, because they asked me specifically. In a couple of different shooting competitions they saw that low recoil and very accurate ammunition, so they asked if I could make some. Being a Special Agent I looked into the laws and found out quickly that, no, that is not allowed. Because if you do that it's illegal and it's a felony. That's the last thing that I need. So I started to go about putting together the proposal and admittedly did things backwards. I looked at the federal instead of looking here, and came down to individual Stafford Zoning to put in the request and that's where I found all of the different entities that had different problems with the way that all of the laws are stated. And so now I'm just trying to work into that, so that I can have a happy medium with everybody. Bottom line is, my home at 21 Brittany Lane, what I want to have is a working office. Per the HOA I can have a home office, and that's what I want to use to drive this business. I will not have any foot traffic as far as if you want to purchase some ammunition, or if you want to purchase a gun, you're not allowed to come into my house. Everything is online only. If there needs to be a face to face, I will make sure that we will have a meeting in an off-location in an office that I'd be renting. As far as any kind of firearms transfer, what I've got planned is, I'm going to be taking that purchase and that transfer, and I am going to transfer that myself to First Strike FFL, who's part owner is George, and he's here today. So what that means is that if friends and family want to purchase a weapon, because I have friends and family that have asked me if they could do that if I get my FFL. The weapon would never come to my home. The weapon would be shipped directly to a pre-existing FFL. Because I would be putting that address, and this is allowed under ATF rules, I would be putting that address onto the FFL. That would be part of the FFL and I'm going to be leasing space in his FFL. Okay? So that way I can get, and make sure that everybody is happy with the HOA. Everybody's happy in my neighborhood. I don't have people walking up to my house. They're not knocking on the door asking to buy guns. They're not knocking on the door to ask to buy ammunition. Any ammunition that I have in my home is my own personal use. Any of the powder that I will have, okay, will be my own personal use. Now I did in discussions, talking to the Fire Marshal, one of the laws that they have is that there is a huge amount of powder available for personal use in a home. However, when it says that if you're going to be doing this for a

*Board of Zoning Appeals Minutes
June 23, 2015*

commercial reason, the interpretation of the Fire Marshal is that that is not allowed in a home. This is not the way that I had read it. This is not the way that I had perceived it, and I am willing to concede that if that is indeed the Fire Marshal's stands and I know for a fact it is the Fire Marshal's stands, then I will have to comply with that, because as I stated before, I'm not here to break rules. I'm not here to bend rules and if the regulatory agency for fire control states that I cannot have that manufacturing aspect in my home commercially, but it allows me to do it personally, then I have to abide by that. So what I'm saying is, I will do that. Whatever the Board feels is going to be in compliance with ATF, HOA, Fire Marshal, and locality rules, I will do what I can, well, not what I can, I will do everything to accommodate that. Excuse me. I'm not here to jam my personal agenda down anybody's throat. I love the neighborhood that I'm in. I was extraordinarily upset and hurt when on Facebook some people came out and were making accusations that I was going to be selling guns out of my home, without bothering to ask, without bothering to contact me. They were using social media to try to attack me. I want to be able to let everybody know in this room who may or may not be from Hampton Oaks, but that is not my intent. My intent is not to sell guns or ammo out of my home. It is an online business only. I will be running the business on my computer in my home. In fact, we said 200 square feet? It's going to drop, because if we're not going to be including any kind of manufacturing aspect of it, then that aspect of what I had originally put in is going to disappear and it's just going to be about 100 square feet of an office, which allowed, once again, like I said, in the HOA rules. So I apologize for the change. I spoke with the Fire Marshal only yesterday and we spoke a t length. We both agreed that I disagreed with him, but there is no way as a regulatory agency I'm going to change it. The only thing I can do is fight it legally if I want to, and this is not the place for that, obviously. So once again, I submit before the Board, I do what I can to accommodate everybody's needs. I also took a picture of my car in my driveway. One of the things that were said at the last meeting was that there was no way that somebody could park in my driveway, so I took a picture of what my son calls my old-man car. I've got a Toyota Avalon. It's a rather large sedan. And it shows that there is plenty of room for parking in there, because I park both cars in the garage which means that the entire driveway is empty. By law here, anybody that has an office, as you know, anybody who has a home office, they have to have one off-street parking. I've got the picture to show that there is one off-street parking there. There's plenty of room. As we stated, I've got a state of the art security system. In the light of recent events that's happened from China online, my family and I are even more of a target than we ever were, so it's even more important that I have that security system up. It's been a heck of a week and I think that pretty much covers it. I hope that everybody here, the Board and everyone in the audience understands that I'm willing to bend over backwards to make sure that security is number 1, within the law of what's allowed, and I'm willing to flex.

Dr. Larson: Thank you, Mr. ...before you step down.

Mr. Udvig: Yes, Sir.

Dr. Larson: So just for the record, can you clarify what you are requesting for in your special exception now?

Mr. Udvig: What I'm requesting for now, Sir, is to operate an FFL under the ATF rules which state that I have to have a place of business. That place of business will be my home office, at 21 Brittany Lane, where I will be conducting my online ammunition sales and firearms transfers, firearms sales online. Any product that would be part of any transaction will have an instate over at First Strike FFL. At no time will there be any business ammunition, any business powder, any business primer, any business brass or casings. I will purchase, just like many other people do, I will purchase wholesale and I will send it over to George's FFL where he has a pretty extensive and very secure powder magazine. It's actually built into the earth. And then as the sales come, I will be selling that

*Board of Zoning Appeals Minutes
June 23, 2015*

ammunition along with George at the gun shows, but also online. When I reach an online sale based on the ammunition that I have in my stock over at George's FFL, I will go over to George's FFL and I will take that piece or item that is being sold, and I will send it to the individual who is purchasing it, if it's ammunition. If it's a firearm, because that address is going to be part of the FFL, so it will be my home and it will also be a leased area in George's FFL, which is allowed under ATF rules for the FFL. At no time will that weapon come to the home in Brittany Lane. At no time will I be taking any personal possession of any firearm. It will all be going over to that other FFL. Which means that there will be no storage issues for the HOA. There will be no storage issues for the Fire Marshal. And this way I can get my business started and when it comes to manufacturing, I'm still looking at manufacturing, but I'm just not going to do it in my home because the rules don't apply to allow that to happen based on current understandings and they are the law. If I try to go against the law, I'm going to get a misdemeanor. I can't get a misdemeanor, because I am who I am. That would be bad for my profession.

Dr. Larson: Okay. Thank you. Are there any questions from the Board for the applicant?

Ms. Brown: I have a couple.

Dr. Larson: Sure.

Ms. Brown: One of them might be for you, Dean. So now that you've changed your request, what type of FFL are you applying for now?

Mr. Udvig: A type 7.

Ms. Brown: A type 7, okay, and where is it you're going to be doing the reloading? At George's?

Mr. Udvig: No, I'm not. I'm going to be taking that reloading portion out, because according to the regulations as they were read to me by the Fire Marshals, any reloading that is done for the purposes of sale in a, well, an H-5 I believe it's...the home, residence, or any structure that's no taller than 3...I'm sorry, I've been reading these things all week. So basically it's not allowed for you to be able to make ammunition for sale as a livelihood or profit, that's the exact words, in a home, okay? In a residence. If I do it in an M-1 rated like warehouse, or anything like that here in Stafford, it's perfectly legal.

Ms. Brown: So where are you going to be doing it at?

Mr. Udvig: I'm not. The reloading is done. My own personal reloading I'm still going to be doing in my home, because my rights are protected there. That's always been allowed and it still is allowed, and I'm going to be reloading for my own personal use.

Ms. Brown: So who's address is going to be on your FFL application? Is it going to be yours and George's?

Mr. Udvig: Yes.

Ms. Brown: Well that brings me to the question for you and the rest of the Board. Since he's going to be doing part of this special exception includes George's house, do we need information on George's house to make this decision? Does that become part of the special exception?

Dr. Larson: Is George in Stafford County?

*Board of Zoning Appeals Minutes
June 23, 2015*

Mr. Udvig: Yes, he is.

Dr. Larson: Are you George? Stand by. Are there any other questions for Mr. Udvig? Sir?

Mr. Davis: If all this is going to be done at George's place, why do you need a special exception, and why do you need an FFL?

Mr. Udvig: Well, I need an FFL to be able to do the transfers and affect the online sales. Any time, if I'm going to be doing a, if I'm going to be brokering any kind of firearms for friends and family, I'm going to need an FFL. The entire purpose of having it in my home is so that I can build a business and then move and expand out of my house into a commercial, a proper commercial initiative. I don't have the time or the money to be able to do that full time right now. My five year plan is to build it. I've been looking online, I looked all week for some M-1 areas here in Stafford, but frankly they're either overpriced or they're just run down, and they're not what I'm looking for. There is a lack of good, industrial space here in Stafford. It prompted me to look outside of the state as a matter of fact, and I found two ammunition manufacturing businesses that I'm interested in, one in Maine, one in Arkansas. I still haven't decided whether or not I'm going to actually go ahead with that pursuit. I would like to keep the sales and the proceeds of everything I got here, but it's just not looking good. Why do I say all that in answer to your question, Sir, is that if I've got the FFL, I'll be able to expand out as I create opportunities for me. And the reason why I'm doing it in my home right now, is to not have to pay the leasing of, you know, 1,500 to 2,000 dollars a month and then cover that, when I can't go out and do the manufacturing. So the intent is that I want to build. I eventually want to get everything out of the house as far as, you know, my office, take advantage of the tax refunds, or tax deductions that I can use for my home office, and potentially build a business that is going to help take me into my retirement. So I've got a ten year plan with that. So I kind of babbled on a little bit more about what I wanted to do with my future, but the reason why I want to have that FFL is so that I can have that flexibility and option.

Dr. Larson: Any other questions for the applicant?

Mr. Ingalls: I have one.

Dr. Larson: Go ahead.

Mr. Ingalls: Just so I understand the business, will you be going to gun shows?

Mr. Udvig: Yes.

Mr. Ingalls: When you're there at the gun show, what am I going to see if I walk up to your booth?

Mr. Udvig: You're going to see boxes of ammunition.

Mr. Ingalls: You're not going to have guns, display guns, or anything like that?

Mr. Udvig: No, once again, the whole point of what I want to do, George is in the gun business and I don't want to be taking business away from George. I wanted to get into ammo manufacturing. I can't do that out of my home. I need to have some time to be able to expand out my business. Part of that FFL, the type 7 FFL is to manufacture weapons and also ammunition. So in this next year that I've got this FFL, my plan is to branch out, purchase or lease a property, hopefully in Stafford, if I can find

***Board of Zoning Appeals Minutes
June 23, 2015***

something better than what I've been looking at. And then move on from there. So you're not going to have weapons, I'm not going to be purchasing weapons online, bringing them over to George's and then going out and laying them on the table. That's George's business.

Mr. Ingalls: I guess, your original, when you came the first time, and even a little bit this time, you talk about the reason you kind of got into...one of the reason...you got in this, because you're very good evidentially at reloading and knowing how to put the right amount of powder, which I have no idea...

Mr. Udvig: Yes, Sir.

Mr. Ingalls: ...but, so that's almost like, that's out the window because...

Mr. Udvig: Because of one ruling of the fire prevention laws.

Mr. Ingalls: So when you go to the gun show, you're just going to be selling Remington, Hornady, or whatever the manufacturers of...

Mr. Udvig: Yep, I'll be buying whole sale and then...

Mr. Ingalls: Buy ammunition, already ready made by them some place wherever their manufacturing is.

Mr. Udvig: That's correct.

Mr. Ingalls: Until...at such point though...it sounds like, at such point you may find a place where you're going to set up a...it won't be a reloading, it'll be a manufacturing, you'll be buying, I assume, brass, powder, primers, and stuff like that...

Mr. Udvig: Unless you bring your own brass, and then it's called reloading.

Mr. Ingalls: Huh?

Mr. Udvig: That's the ATF.

Mr. Ingalls: Yeah, but if you go manufacture, you can buy...I assume you'd buy...I guess reloaders do buy some brass. I can't believe everybody's got enough brass.

Mr. Udvig: That's the thing. I don't have to pay 11% FAET tax.

Mr. Ingalls: Right.

Mr. Udvig: If you give me the cartridges, if you give me the brass and then I just fill them for you, I don't have to pay, and you don't have to pay 11% tax. But that's neither here nor there. But yes, absolutely, that's what we're talking about. I still want to get into the business of doing ammo manufacturing, but based on the conversation that I had only yesterday, I found out that the intent was that anybody that's going to be making online, that's going to be making...manufacturing ammo and selling it in public, online, wherever, if it's being made within a home structure, that's a violation and it's an automatic per day charge of a misdemeanor. I can't have that, which is why I had to come here

*Board of Zoning Appeals Minutes
June 23, 2015*

hat in hand and change this in front of you, which is, believe me, embarrassing. I apologize. You have no idea how much work I put into all of the preparation.

Mr. Ingalls: So really, all you're asking for is a FFL license?

Mr. Udvig: That's correct, and to be allowed to work out of my office in my home, in accordance with HOA rules, in accordance with the fire prevention, and in accordance with the ATF.

Mr. Ingalls: Okay. Thank you.

Dr. Larson: Are there any other questions for the applicant? Thank you, Mr. Udvig. Before I ask other witnesses, or further witnesses, I'd like to hear from the Fire Marshal's office.

Mr. Sutherland: Good evening, Mr. Chairman, members of the Board. My name is Roger Sutherland, I'm the Chief Deputy Fire Marshal for Stafford County. I am not George. The Chapter that we're dealing with, and the book that we're dealing with is the Virginia state wide fire prevention code, which Stafford County adopts, and it's adopted throughout the jurisdictions of Virginia. And I'll get into some of the explanations, because there are some things. This is a model code that is used nationwide, but Virginia has made some changes for gun enthusiasts and people that do sporting, guns for sporting, and shooting, and things like that. So the Chapter which we're talking about is Chapter 56, Explosives and Fireworks. They are combined, but they're in separate sections of the Chapter and I'll spare you every single page, unless you'd like me to read all that to you. But the scope of this is, the provisions of the chapter shall govern the possession, manufacture, storage, handling, sales, and use of explosives, explosives material, fireworks, and small arms ammunition, and this is covering black powder, flash powder, so on and so forth. As I was doing the research, and it was my fault that he learned yesterday because I started researching for you guys yesterday, some of the code, and he does mention that it's sort of counterintuitive even for me because I would think that, you know, if this was an approved business, it would be one I would be inspecting. We would assume that it would be done safely, but the code isn't necessarily written in that fashion, not saying that it's right or wrong. But it gets right into, and it's on 5601.2.1, residential uses; no person shall keep or store nor shall any permit be issued to keep, possess, or store any fireworks or explosives at any place of habitation or within 100 feet thereof. Okay, we immediately...that right there tells us, we can't do it. We immediately jumped to an exception. The storage of smokeless propellant, black powder, and small arms primers for personal use, not for resale in accordance with section 5606. 5606 of this code refers to the commercial side of things, that if we were going out to a business that was selling or doing this kind of manufacturing. And it goes down the different things, the different quantities that are allowed. Now the applicant mentioned, if he's doing this as an enthusiast or as a hobbyist, he mentioned some of the thresholds that he would be allowed to keep or any of us would be allowed to keep at our residences. We're talking about 50 pounds of black powder, 100 pounds of smokeless powder, and then, if you put it in a shed behind your house with 10 feet of clearance, you can have 200 pounds. You know, as we look at it as a sporting person or a hobbyist, you can keep all of this, and the code, and we went over it together, and I verified it all with the State Fire Marshal Explosives Expert, and he confirmed it all. It mentions throughout and it's written specifically for Virginia, you know, for personal use, for personal use, it uses those exact words all the way through it. Unfortunately, other than that for the residential application of the explosives or black powder, it just doesn't allow it.

Dr. Larson: I would add that in the Board's research we came up with very similar things, that being personal usage, they seemed to be pretty loose, but once it comes to, quote, manufacturing, it's not allowed within a certain distance of an inhabited building.

***Board of Zoning Appeals Minutes
June 23, 2015***

Mr. Sutherland: Right, and if you have, if we're just talking about ammunition, and we mentioned it yesterday, we, our department just got done qualifying with our weapons. I have 3,000 rounds sitting on the floor of my office right now, so, you know, you're allowed, if it's boxed in accordance with DOT regulations, you're allowed to have a lot of ammunition, personal and otherwise. This here what we're talking about is the process itself. And it seems like that where it runs afoul of the code.

Dr. Larson: I understand. Are there any questions for the Fire Marshal? Yeah.

Ms. Brown: I just have one question for you. You said just now, the ammunition for personal and otherwise. What's otherwise?

Mr. Sutherland: Well, us professionally as law enforcement agencies, it's permissible for us for reasons like that.

Ms. Brown: Okay. Thank you. I didn't understand that.

Mr. Sutherland: Okay, yes.

Dr. Larson: Any other questions for this witness?

Mr. Apicella: Mr. Chairman, since we have the benefit of the public safety staff here today, two things have come up during the course of conversation that we've had about fire arms transfers, ammunition, etc. I thought I'd take the opportunity to ask a couple of questions. So we've talked about the terminology to use in terms of, and this goes to commercial applications, so if someone were to store ammunition for commercial purposes in a residence, what is the right type of storage container or terminology that we should be using in our conditions.

Mr. Sutherland: Now keep in mind I'm just spit-balling this without looking at several codes that I would have to look at and we talked about you're dealing with your zoning regulations, we have building codes, we have the FFL rule, ATF, and we have the fire prevention code. The thing about all of these codes and laws is, there's always some sort of caveat written in all these, that we can't run afoul of another person's code, I can't run afoul of the zoning regulations, and likewise they can't do that with me. So we're talking about using similar applications in a residence for commercial purposes. For one, we couldn't do it, because his residence is zoned, or the use group is R-3 or R-5, you know, whichever one, which is a residence, single family residence that most of us live in. So you couldn't use it in that, for that application in an R-3 or an R-5, so you would have to find something, and he mentioned use group M, or perhaps a different use group out there. Now I'm talking about zoning groups, I'm talking about building use groups. At that point we would have to make sure it doesn't run afoul of the zoning regulations, and then we go through the building code. We make sure that all of the building provisions are taken care of and address. And then, when it gets to the fire prevention code, and we work, as you all know the building code and the fire prevention code, fire prevention code is a maintenance code of the building code. Once a building is built, it goes into the fire prevention code. Once it gets into the fire prevention code we deal with the actual quantities and distances and things like that and talking about how many square feet, how many pounds, so on and so forth, so I would have to look those up and all the different...

Mr. Apicella: I'll just give you better frame of reference. We've had several firearm transfers applications in front of us and we've authorized the applicants to maintain a certain quantity of ammo as part of their business model. Usually it's been up to about 5,000 rounds and we've tried to articulate the type of storage container that that ammo should be situated in and we've used the term

***Board of Zoning Appeals Minutes
June 23, 2015***

ammo container, or ammo cans, and I'm just trying to find out if that's the right terminology. Maybe we just need to have some more dialog between staff and your office to find out when and if that's really permissible. So I'm not going to put you on the spot any further because I'm not quite sure we're talking about the same thing.

Mr. Sutherland: I understand...you're zeroing in for me now. I was talking more of a broad if you were to go that, or if anybody else wanted to go that direction. Keep in mind, you're talking about, and you can do this as a Board and as a locality, you can narrow down the scope or the amount of ammunition, but in my world, for the fire prevention code, it's met under exemption number 3. So this code is addressing all of these explosives, but I get to an exemption that says possession, storage, and use of small arms ammunition when packaged in accordance with DOT's packaging requirements. So as long as it's packaged according to DOT requirements, and I would assume that they are in the box, as I buy them for the Fire Marshal's Office, they're exempted, I really can't get into quantities. Now when we're talking with regard to storage, the fire code does mention that when we're getting into commercial applications, it talks about wooden boxes and things like that. I could forward that to your group if you like.

Mr. Apicella: I think that would be helpful. And the other question I have has come up on the last application or so about any kind of notice that the Fire Marshal, the public safety folks would like to have with regard to a commercial enterprise that has a firearms transfer/ammunition business running out of your home.

Mr. Sutherland: That is a great idea and the reason I say that is, as far as bullets and ammo, and we've talked about it on the phone a few times about what happens during a fire with ammunition, it happens more regularly than not and it's not that big of a deal as we probably have in some of our minds that big explosions and things like this, but what we could do is, in our computerated dispatch system we could put a caution note to allow the incoming units, both Sheriff and Fire and Rescue, that, you know, there could potentially be ammo in the house. There could be potentially some black powder, things like that.

Mr. Apicella: So what I would ask is, again, if you could work with staff maybe on some proposed language that we might want to consider in future applications.

Mr. Sutherland: Absolutely.

Mr. Apicella: Thank you.

Dr. Larson: And just for clarification for our record here, the zoning, or the R-1 through R-5 that you mentioned before, I think you did make the caveat, but those R-numbers are different than our zoning numbers, and, for example, I think R-1 was apartments, if I remember correctly.

Mr. Sutherland: Apartment buildings, correct.

Dr. Larson: So, just for the record, his talking about R-3 and R-5, that's what that code says for single family dwellings and things like that.

Mr. Sutherland: Right. Building Code use group is what that is. R-3 and R-5, single-family dwelling.

Dr. Larson: Thank you. Any other questions for the Fire Marshal's Office? Thank you, Sir. Alright. I think what we'll do is go to, before we get to George, we'll go to members of the public that wish to

***Board of Zoning Appeals Minutes
June 23, 2015***

Speak in support of the application, are there any of those present? Sir? Please state your name and your address.

Mr. St. Clair: Good evening Mr. Chairman and members of the Board, my name is Anthony St. Clair. I came here to advocate on Adam's behalf for the reloading business, because he is a great reloader. His rounds are very well matched and manufactured, but he's not doing that anymore, but he's going to build to grow to that business, so I believe, your decision here is probably a lot easier than it was before we started this whole conversation, but I guess I'm advocating for you folks to let Adam have his FFL license in order for him to grow and develop that great entrepreneur spirit that this country has been built on. So, that's basically all I have for this evening, so, I'm advocating on his behalf for you folks to let him have that business, let him grow, and actually manufacture those rounds. I've fired them at a range and they're really good rounds and I hope he gets the opportunity to grow and find an M-1 type business somewhere where he can manufacture those rounds. That's all I have.

Dr. Larson: Thank you, Mr. St. Clair. Any questions for this witness? Thank you, Sir. Would anybody else like to speak in favor of the application? Alright, seeing none, would any member of the public wish to speak in opposition to the application? Sir?

Mr. Rinker: My name is Leroy Rinker. I am simply amazed the nonchalance that we address this issue. Gun violence in our society, the proliferation of guns, and the use of guns. There is over 30,000 deaths by firearms per year in the United States. The past 10 years, there's over 400,000 people killed by firearms. This is not something that Stafford County needs to be promoting. Obviously he's trying to look to his future and prepare his life work, but if you ask me as a society, we're far too lenient on the production and sale of firearms. So, I know, as far as it is in your power to deny it, I think would be a far greater service to the community. What does this bring to Stafford County? What does this bring to his subdivision? What does this bring to his home? I'd be scared to death if I had 100 pounds of explosive in my home. It doesn't make...it's not rational. Rational people don't think like this. Thank you very much.

Dr. Larson: Thank you, Sir. Any questions for this witness? Would any other member of the public like to speak in opposition to the application? Okay, seeing none...there's one? Okay.

Mr. Rebholz: Good evening, my name is Al Rebholz and I'm not really here to speak against or for the applicant, but I'm the Board of Directors for Hampton Oaks Home Owners Association, I'm their treasurer, so it's an elective position, but I just want to come up here and say that, number 1, Mr. Udvig is a good member, he's a member in good standing with our community. We appreciate having him as a neighbor and we are glad that he is a productive member of society, and trying to make both, him and the area, a better place. We also appreciate him following the rules that are set forth. He'll abide both, the state and the county, and that's all I'm here to do, is remind ourselves that there are two sets of rules that we as the Home Owners Association have to follow. First one is the Virginia property owners association act, and then also the Code of the County of Stafford, Virginia. So it's pretty interesting when you look at the rules, you know, just like everybody else, we all have to follow the rules. We looked them up. So what do the rules say? The rules say that we, as a home owners association cannot deny him the opportunity to have a home based business. However, what the act and also the Code does allow us to do is say what rules we can put on the lots that our homes are on. So to be very clear, we do not prohibit a home based business, but we do however, I'm going to have to read this, I'm sorry. My eye sight is not so good, but the lots have to be used exclusively for residential purposes. Our section 6.1 of the declaration goes into the additional rules for the permissible use of the lots. No part of the property shall ever be used or be allowed, or authorized in any way directly or indirectly for any business, commercial manufacturing, mercantile, storing,

***Board of Zoning Appeals Minutes
June 23, 2015***

vending, or other non-residential purpose provided that, number 1, the lot can be used if such office generates no visits by clients, customers, or other persons related to the business; number 2, no equipment or other items related to the business are stored, parked, or otherwise kept on the owners lot or the property; and number 3, such owner has obtained the approval for such home occupation required pursuant to section 23 of the code of the County of Stafford Virginia. I think that's you guys. So, we do appreciate the rules. We're glad that the rules are in place to protect everybody involved and the Hampton Oaks Home Owners Association fully supports those rules. That's all, Sir.

Dr. Larson: Any questions for this witness? Thank you, Sir. Would any other member of the public like to speak in opposition to the application? Seeing none. George? Could you step forward please?

Mr. Weidner: Hi, I'm George Weidner. Nice to see you guys again after being here a few times before to get my own BZA approval. Would you like for me to give a statement first or just open it up to questions?

Dr. Larson: If you have a statement, go ahead.

Mr. Weidner: Just some quick notes on it. Like he said, he would like to basically...

Dr. Larson: Could you speak more into the mic, I'm not sure they're capturing your...

Mr. Weidner: Is this better?

Dr. Larson: Yes.

Mr. Weidner: As my friend said, for lack of a better term, he'd like to piggy back off of what I've done, because he wishes to become, eventually, an ammo manufacturer, which I do not get into. I'm more of...I manufacture guns, I buy, sell, trade, repair, all that kind of stuff. But ammo is not my specialty. I stay out of that. Mostly because of liability and insurance issues, and just my lack of knowledge. So because of that he wants to eventually get his spot built up and then venture out on his own. Trying to help a friend out here. I'll just open it up to questions from here.

Dr. Larson: So, Mr. Weidner, did you get a special exception for your FFL or were you prior to that?

Mr. Weidner: I did. I actually went through and got approval from, I believe 5 of you were here for my previous one, on...if Melody can verify this for me, on April 22nd, 2014, is that correct?

Mrs. Musante: Correct.

Dr. Larson: And remind me, what was your special exception for?

Mr. Weidner: At the time the ATF required that I have to have an approval from the County saying that I'm allowed to operate my business, regardless of the fact whether it was done by right or by exception. So I needed to go have an approval from you, verifying that I should be allowed to operate an FFL out of my house, as well as a separate exception for the right to operate a gunsmithing company out of my house.

Dr. Larson: But, okay, what I'm getting at is, your FFL...does your FFL address the storage of ammunition? I'm sorry, does your special exception address the storage of ammunition?

***Board of Zoning Appeals Minutes
June 23, 2015***

Mr. Weidner: Yes, it does.

Dr. Larson: And what is the exception's...what do those conditions say for ammunition?

Mr. Weidner: Unlimited.

Dr. Larson: Okay, and what sort of storage container?

Mr. Weidner: I have about a 960 square foot cement vault, for lack of a better way of putting it, with four cement walls, a cement ceiling, a cement floor, built 90% in-ground with the only part that is above ground is the flooring of which you can walk upon. All my information should be still in your system, the blueprints for the house, the examples of the nine off-street parking spaces, the dedications for which spots are designated as the vault, the office, the manufacturing area, and so on, in my location.

Dr. Larson: Is the vault alarmed?

Mr. Weidner: Yes.

Dr. Larson: Is your house alarmed?

Mr. Weidner: Yes.

Dr. Larson: Are there any other questions for this witness.

Mr. Ingalls: What County zone are you in? Are you in agricultural or residential?

Mr. Weidner: I'm zoned A-1.

Mr. Ingalls: You're in the A-1 zone. Thank you.

Dr. Larson: Yes, other questions?

Mr. Apicella: My question is more for staff. I'm not sure that Mr. Weidner, is that your name?

Mr. Weidner: Yes.

Mr. Apicella: ...that anything to do with his special exception has to do with this special exception. To me it would be a compliance issue for staff, if they were partnering up doing something mutually together in his house. That would be something the staff would have to address, when and if those issues arise. I think we have to look at this case based on what is specifically in front of us and what's being requested by the current applicant, not any partnership that they might have. That's just my view, but I...

Mr. Weidner: The reason for me being here is because the parts of the exception that he is requesting that you have the most opposition to become, for lack of a better way of putting it, moot. When he starts, when all of his ammunition, firearms, and deliveries will be taking place at my location and leased through me.

***Board of Zoning Appeals Minutes
June 23, 2015***

Mr. Apicella: I appreciate that, but to me that's not pertinent for this case, up until the point where it becomes a compliance issue where staff thinks whatever you're doing in your home is out of compliance to the extent that this partnership drives those issues to be out of compliance. That's my view. So, I appreciate you coming up here, and I appreciate the discussion, I'm just...I'm not quite clear...I don't see how it further informs my view in relationship to this revised application and what's being requested.

Dr. Larson: Any other questions for this witness? Thank you, Mr. Weid...

Mr. Weidner: Weidner.

Dr. Larson: Weidner. Yes. Does the applicant wish to respond or add any additional information at this time?

Mr. Udvig: Yes, Sir. I don't have, I don't want, and will never have 100 pounds of smokeless powder in my possession. Thank you.

Dr. Larson: Any other questions for the applicant?

Mr. Apicella: I guess I would. We have a list of conditions in front of us. I don't know if he's had a chance to look at them, but based on the revised application, I just wonder whether he has any problems with what's been proposed.

Dr. Larson: What I'd like to do is, get a motion and then discuss the conditions as the discussion portion of the motion. So the motion would be...I know, this is a catch 22. The motion would be something like, if you want...if you're inclined to approve the special exception would be to approve based on conditions to be determined in the discussion.

Mr. Grimes: Mr. Chairman, I'd offer that the application that we have in front of us was changed verbally. I mean this document that we have in front of us still mentions the manufacture of ammunition, so I would ask staff, does the applicant have to revise his application to remove that, because it doesn't matter what our suggested development conditions are when the application includes the manufacture and reloading of ammunition.

Mrs. Musante: The issue comes into play when we haven't advertised enough. In his situation we've advertised more than what he's actually going to be requesting, so he can basically verbally change his application and we just document it and keep it in the minutes.

Dr. Larson: Well, and we can add conditions that explicitly eliminate the things that he has already himself eliminated.

Mrs. Musante: Correct.

Dr. Larson: So, do I hear a motion or are there any other questions for staff?

Ms. Brown: I have a question for staff.

Dr. Larson: Go ahead.

***Board of Zoning Appeals Minutes
June 23, 2015***

Ms. Brown: I'm confused on the address being listed for this special exception. How is that being done? Do we have two addresses now on this special exception that apply to this?

Mrs. Musante: No, the special exception... these conditions and this special exception goes strictly to the 21 Brittany Lane.

Ms. Brown: Okay, because I went ahead, at the suggestion of some of the other members because I was not on the Board at the time, and I re-read the minutes from February of 2014 when the ATF was here. And it specifically, the lady from the ATF stated that the foot traffic has to be open to members of the public. It's not a choice of the applicant. He has to be for verification of ID, but it has to be open to members of the public, so, I guess he's saying there's not going to be taking place there, but according to the ATF, if he uses that address, he's got to have that. And so, is he using another address to try to...

Mr. Apicella: With all due respect, Ms. Brown, I think we've addressed that potentially under condition 3, which says: Customers by appointment only. So that would allow for foot traffic, right?

Ms. Brown: To members of the public, yeah. But I'm saying, he's saying he's going to use George's house because he's not going to have any foot traffic.

Mr. Apicella: Again, I think the whole circumstance of Mr. Weidner is irrelevant to this case. We're just looking at this case alone. I don't see how we can conjoin two special exceptions.

Dr. Larson: If I may, I don't think that's what Ms. Brown was talking about, but to address, I think what you were talking about, I think the applicant is trying to balance three requirements at once. The ATF requires foot traffic. Therefore the applicant has to request a special exception, because a special exception from the county allows for, doesn't require, but allows for foot traffic. The HOA doesn't want any foot traffic. So what he's trying to do is satisfy three not quite agreeing entities on what they require. So he's going...the ATF will be satisfied if we grant a special exception, because a special exception allows for foot traffic, but the applicant doesn't have to have foot traffic. We're not requiring to have foot traffic. We're just saying he's allowed to have foot traffic and then the applicant's making some verbal promises to the HOA about the subject of foot traffic and not having it.

Ms. Brown: Okay now I'm confused. No, what I was saying is, the ATF says he has to be open to members of the public, not just foot traffic for friends, but members of the public I guess. So he can't say, I'm not going to have foot traffic at this address, at 21 Brittany Lane, I'm going to have it at George's house. Is that part of...if we're granting a special exception, has George's house now become, if he's using George's address on it as FFL, to get his special exception. Are we granting it under 21 Brittany Lane or are we granting it under both? He says he's going to use both.

Dr. Larson: Well, we're only dealing with his address for the special exception. The other special exception is already on the books.

Ms. Brown: Right. I'm not talking about George's. I'm talking about part of his business, his pick-ups, that would satisfy the ATF for his house. So say he sold a gun, he's going to go transfer it over at George's.

Dr. Larson: Would the witness like to talk here? Or the applicant?

***Board of Zoning Appeals Minutes
June 23, 2015***

Mr. Udvig: Ms. Brown, did you hear the ATF when they came?

Ms. Brown: I'm reading the minutes which are verbatim.

Mr. Udvig: So, part of what's missing from those minutes is that the reason that the ATF has to have that foot traffic rule is to allow me, as the home owner, to say that no matter what, I have to allow the ATF in, so they can do their compliance inspections. If I don't have that foot traffic as an owner, I can say, ATF agent you don't belong in here. This is my public domain. So it's the ATF's way of forcing the FFL to welcome the agent in. And it's a way of them having compliance so that the ATF can come inside and do their inspections. That's what the rule is for, ma'am.

Ms. Brown: Well, I'm not trying to argue about what...I'm just reading what the minutes say and the minutes do not say anything about, you know, so ATF can be on the premises. It says...

Mr. Udvig: If you read the ATF rules, ma'am...

Ms. Brown: ...must be open to foot traffic for members of the public. And they mentioned in there about an ID for a gun transfer. You have to be able to see the person to verify the ID, which is why they had to be open for foot traffic.

Mrs. Stefl: (Inaudible - microphone not on).

Ms. Brown: Right, but my point was, he said there's not going to be any appointments at his house, so he's going to do them at George's.

Mr. Udvig: That's why I'm going to be renting a place, okay? I'll have, you can do offices rent by day, rent by hour, okay? And then the final resting place for that weapon is going to be at First Strike, LLC. The reason that we have to have the foot traffic is only because of the ATF, for them to have compliance, to come into the home. If you read the rules and regulations for the ATF it explicitly states that.

Dr. Larson: I would suggest that the special exception allows for foot traffic and this other issue is between the applicant and the ATF.

Mr. Ingalls: We're allowing the public, we're saying customers by appointment only, is one of the conditions, so that allows the public to come, they just have to have an appointment to come.

Ms. Brown: No, he's just saying he's refusing...he's not going to do that. He's going to conduct that part of the business at George's house.

Mr. Ingalls: We're going allow him to have...by this condition, he can have it.

Ms. Brown: Right, but he's not going to do that. He's not going to do that. He's not going to do that. So does George now become part of our special exception?

Mr. Apicella: But, Mr. Chairman, I just think that's not our issue. That's an issue between the applicant and the ATF and any fulfillment of requirements that he has with their rules and regulations, again, that would be between him and the AT...I don't think we should be in the business of enforcing the ATF's regulation. I mean, there is a condition that says it can be removed if he's out of

*Board of Zoning Appeals Minutes
June 23, 2015*

compliance, but it's not our job, and I don't think it's staff's job to enforce federal requirements. Just leave it at that.

Dr. Larson: Okay, well, if I forgot to I will now close the public hearing. Is there a motion?

Mr. Ingalls: Maybe it'd be better if we went through the development conditions and see if we could agree on the conditions and then maybe somebody would think about a motion.

Mr. Apicella: I would agree, Mr. Chairman, I think we're doing it cart before the horse.

Dr. Larson: I think it's a chicken or egg issue myself, but alright, I'm willing to discuss conditions.

Mr. Grimes: Well, I would like to suggest that we modify the suggested development conditions to add that he's excluded from manufacturing ammunition based on the input that we received from the Fire Marshal and others today. And I would also codify to some extent the modification of the application as he presented it to us verbally. So the suggested language, the exception specifically prohibits the production and or manufacture of commercial ammunition on the premises. Commercial production, commercial use, whatever would be appropriate. This exception prohibits the manufacture or production of commercial ammunition, or for sale ammunition.

Mr. Apicella: I'm not sure I necessarily agree with the for sale part of ammunition, because we've allowed that elsewhere. Again, the issue is about the reloading and manufacturing of ammunition for commercial purposes.

Dr. Larson: You want to prohibit manufacturing of ammunition. And by definition of the ATF, that covers exactly what we're talking about.

Mr. Grimes: But again, he can still manufacture or produce ammunition for his personal use.

Dr. Larson: That's reloading.

Mr. Grimes: So that's...trying to clarify between those two. So including that language.

Mr. Ingalls: I mean certainly we...I mean he's said that he's not going to have any kind of ammunition that's for sale on site, so number 7, I would change number 7 to say: No ammunition for sale shall be stored on site and eliminate the in cans and...

Mr. Apicella: Larry, you've talked about allowing people to grow their business in the past, and we've modified...the by appointment only was something that you suggested, and I agree, we should provide some flexibility. And today, the applicant may not want to sell ammunition out of his home, tomorrow he might, and we've allowed that. And I think this is a matter of fairness. We've done it almost every single application. In fact we just heard one unlimited amounts in their home. I just think it would be fair in this case, even though it wasn't specifically requested, to provide that flexibility. So I wouldn't necessarily agree with removing it. I would revise it, because I think it still needs to say ammunition cans, the word ammunition isn't there. I think we've used that in the past and I think what we've also learned is that additionally primers will be stored in separate containers. I think that was a modification we made in one of the previous applications in front of us. So that would be my alternative rather than eliminating it, making those modifications.

***Board of Zoning Appeals Minutes
June 23, 2015***

Mr. Ingalls: I still think that based on what he's saying he's going to do, he doesn't want ammunition on his house. He doesn't want any of that in his house, he doesn't want anything in his house. He said that's what he's going to do. All we doing, all I'm trying to do is say okay, this is one of the conditions of this permit, is: No ammunition for sale shall be stored on site. That's what he's asking and I'm assuming he would...he said he wouldn't do it. That's what he wants to do, that he would agree with that condition, I mean, if you would ask him. I mean the whole idea is to get things like that out of the subdivision and out of these homes. You know this...not only is it R-1, it's an R-1 cluster which means, as you know Steve, the houses are closer together and everything about it is closer. So I probably would not vote for the special exception if we can't limit that to where there is no ammunition for sale to be stored on site. I mean that's what he's asking for, and he's changed it to that point, and I'm like you, how he does it is not...we're worried about what's happening at his home, not what's happening outside of his home.

Mr. Apicella: All I'm suggesting, and I'll bring this up the next time you suggest it, Larry, you've suggested in the past that we provided applicants more flexibility than they've asked for and we've gone along with it.

Mr. Ingalls: Sometimes I do, but every case is different. This time, you know, I feel like and what I've heard, and I'm still concerned about how the Fire Marshal would say, okay, how much ammunition can he have on the site and how is he going to store it, and maybe he's not worried about it, but I mean I just want to get rid of it, having ammunition shipped to his home, stored at his house, because I don't know what he's going to do. Then he's going to take it over to George's place and, you know, do something else with it. I don't want it to go through the house. That's all.

Dr. Larson: So, no ammunition intended for re-sale to be stored on site. Correct? Is that what you're saying, Larry?

Mr. Ingalls: I just said: No ammunition for sale.

Dr. Larson: Okay.

Mr. Ingalls: That excludes his private ammunition which he can have on site.

Dr. Larson: Did we settle on something for ammunition manufacturing? Do you have something on that, Melody?

Mrs. Musante: This is what I have: Special exception prohibits the manufacturing or production of ammunition, commercial ammunition.

Dr. Larson: Thank you.

Mr. Grimes: Again, it's ammunition for sale.

Dr. Larson: For sale, yes.

Mrs. Musante: Special exception prohibits the manufacturing or production of commercial ammunition for sale.

Mr. Grimes: And the reason I'm stuck on this commercial issue is that, if he's producing ammunition for a single person, they're not a commercial business. They're not buying it as a commercial sale, so

***Board of Zoning Appeals Minutes
June 23, 2015***

I'm kind of getting hung up on that language, I know I'm a little off the island here, but I think if you just prohibit the manufacture or production of ammunition for sale, you've covered it for every case. It doesn't matter who the buyer is. Whether it's a commercial buyer or a private buyer. It's not for sale.

Dr. Larson: So you're just going to delete the word "commercial" on what you had? Any other suggested conditions that aren't listed for the suggested conditions from the County.

Mr. Davis: Well, number 7, I'd like to expand on cans. Talking about a Campbell Soup can? An ammo can? I think that some of the Code indicates a box when it's thick or something to that effect.

Dr. Larson: I think Mr. Ingalls suggested no ammunition for sale to be stored on site.

Mr. Apicella: I'm not sure there is a consensus on that though.

Mr. Davis: But he can still store his own ammo.

Mr. Ingalls: Yeah, but we don't have any control over that.

Mr. Davis: Why can't we?

Dr. Larson: It's not part of the special exception.

Mr. Ingalls: The law allows him to do certain things and we can't, I don't think we can...

Mr. Davis: Well the State Fire Code says that you can adopt this Code and you can adopt more stringent rules. I'd just like to...

Mrs. Stefl: I think we're getting out of our wheel house here, when we're talking about adopting stricter codes. That's something that is in the hands of the Board of Supervisors, not in our hands.

Ms. Brown: Funny you should mention that, because so was retail sales.

Dr. Larson: Is there any other discussion or suggested development conditions for the special exception.

Mrs. Musante: Mr. Chairman, can I get clarification please on number 7? Are we changing number 7 to "no ammunition for sale shall be stored on site"?

Dr. Larson: I think we might have to take a vote on that one. Is there any other discussion on that particular item? Is there a motion on that condition?

Mr. Ingalls: Mr. Chairman, I move that we adopt number 7 as changed: No ammunition for sale shall be stored on site.

Ms. Brown: I'll second that.

Dr. Larson: All those in favor raise your hand. Those opposed? Okay, motion fails. What is the alternative?

***Board of Zoning Appeals Minutes
June 23, 2015***

Mr. Apicella: Mr. Chairman, I would recommend number 7 read: Ammunition shall be stored in ammunition cans with no more than a total of 5,000 rounds. Additionally primers will be stored in separate containers.

Dr. Larson: Is there a limit on the primers?

Mr. Apicella: I'd have to beg ignorance on what a primer is and how many might be excessive.

Dr. Larson: Can I get the applicant to help us out here?

Mr. Udvig: Yes. So there is no national law on it, but there is an international standard of 10,000 primers in a home, which is an extraordinarily large amount of primers. So, as far as where I personally keep them, I keep them away from my powder and once again, this is personal reloading, right? I keep all of that away from the powder. And I keep the powder far away from any potential fire source like we discussed in the last one, at the last hearing, keep it far away from our gas-fire furnace. So, 10,000 is the international standard, but it's not necessarily recognized...okay yeah. So I've kind of become a little bit of an expert on this, so, once again, as far as the...I'm not going to be keeping any of that ammunition outside of my personal use. My personal use ammunition is going to be at home. Any ammunition that I purchase in bulk for the sale at gun shows, or online, will be kept over in First Strike, LLC's powder magazine.

Mr. Apicella: Just so you understand, this is not about your personal use, this condition. It's about the commercial.

Mr. Udvig: Absolutely. And that's why I really like the addition of commercial in there, because then it would make it very clear for the FFL, I mean for the ATF when they come and they see the exception, or when they come to see you. So there's no misunderstanding of, well they said you can't have any at home. That kind of can't happen for personal use, but it's, I know, the little words, it's hard to equivocate, it truly is. But my intent, once again, is to comply with the HOA and comply with all three conflicting, well not conflicting, but different intents, or different missions documents that are governing exactly what we can and can't do.

Dr. Larson: Okay, thank you.

Mr. Udvig: Did that long answer give you an answer?

Dr. Larson: It helps. Thank you.

Mr. Udvig: Okay.

Mr. Apicella: So, given what the applicant just said I would just add, revise the language to read: Ammunition for sale shall be store in ammunition cans with no more than a total of 5,000 rounds. Additionally, primers for sale will be stored in separate containers with no more than 10,000 primers in total.

Ms. Brown: I'd like to add something to number 7. Re-reading this it sounds like it could be 5,000 in each can. I know it says total, but what I'd like to say is, after the period, remove the period and say at any given time.

***Board of Zoning Appeals Minutes
June 23, 2015***

Mr. Apicella: That's acceptable, Mr. Chairman. And we want to say the same with regard to the primers too then, right?

Ms. Brown: Yes.

Dr. Larson: Why are...I know I brought it up, but if this is only for sale, then we wouldn't even be talking about primers, right? Because he can't produce ammunition anyway. So primers are something that you use to manufacture ammunition or reload you own, and we're not talking about his personal rights of reloading ammunition. We're talking about what he's going to do in sales for the special exception, is that correct?

Ms. Brown: Will you be selling primers?

Mr. Udvig: I'm not looking at selling components, and that's what that would be. Primers, powder, yeah I mean that would be a component. I would be interested in selling brass, because that is quite frankly the highest price point that I can make money off of, outside of manufacturing. Taking old brass and reconfiguring it and then just selling it.

Dr. Larson: Go ahead.

Mr. Sutherland: I'm trying to clear this up a little, if the Fire Prevention Code can be clear. Again, included in that exception, remember, we had the residential application of these, saying that you can't do it with the exception of...and the exception is primers, and black powder, and smokeless propellant, so I think it'd kind of be a moot point, if you're talking about how many primers, because you can't do it, according to the fire prevention code.

Dr. Larson: Right, as long he's not using them in manufacture.

Mr. Sutherland: Sure. And exactly, with regard to personal use. I thought you were talking about storing them otherwise.

Dr. Larson: Mr. Apicella, would you...

Mr. Apicella: I have no problem removing the portion about primers if that's not appropriate in this case.

Dr. Larson: Any other suggested conditions or discussion of current conditions? Melody, would you read what you have now for the conditions?

Mrs. Musante: Number 1; Days and hours of operation: Monday through Friday 5:00 PM to 11:00 PM, Saturday and Sunday 9:00 AM to 8:00 PM will be the times phone calls will be accepted. Transactions and correspondence via the Web page will be operating 24 hours a day, 7 days a week. Number 2; Provide one (1) additional off-street parking space to comply with parking requirements for an office. Number 3; Customers by appointment only. Number 4; The applicant shall not conduct any person to person monetary transactions concerning this business on site. All monetary transactions shall be conducted via the internet or mail. Number 5; The Applicant shall maintain professionally monitored security system for his home and notify the local fire department and police department of his business and location of ammunition materials. Number 6; No sign shall be erected on the property indicating a business is being conducted on the premises. Number 7; Ammunition for sale shall be stored in ammo cans with no more than a total of 5,000 (five-thousand) rounds at any given time.

***Board of Zoning Appeals Minutes
June 23, 2015***

Number 8; Discharging of firearms and ammunition on site shall be prohibited. Number 10 [9]; The special exception prohibits the manufacturing or production of ammunition for sale. Number 10; The applicant shall comply with all applicable State, Federal, and local codes and regulations for the operation of this home business. This includes Section 28-25 definition of home business. Number 11; This approval may be revoked for noncompliance of the conditions imposed by the Board of Zoning Appeals. Number 12; Approval of this Special Exception for firearm sales and transfers and online ammunition sales will expire when this applicant vacates the property and is non-transferable.

Dr. Larson: I have one small change. Number 4, last...second sentence: All monetary transactions shall be conducted via the internet. Do, Ms. Brown, Do you want to talk about, there were a couple of issues you were looking into, are they mature enough to talk about yet?

Ms. Brown: Possibly. I'll let you be the judge of that. As number 9 states, it says "this includes section 28-25, definition of home business". In our definition of home business it says "an occupation, profession, or trade with the exception of retail sales." I don't believe that it's in our power as the BZA to write, define, or expand definitions of code. This is responsibility of the Board of Supervisors and how that's typically done is, it's worked out in the planning commission who makes the recommendation to the Board of Supervisors to adopt, and it is my understanding right now that all the definitions are being updated and looked at and retail sales was specifically discussed, I think, on March 11th at the Planning Commission Meeting and I think on April 11th they adopted a new definition for retail sales and I think they defined it as retail sales is to sell in small quantities directly to customers for their own use.

Dr. Larson: Did they address internet sales?

Ms. Brown: No.

Dr. Larson: Mr. Apicella, was the Planning Commission going to address sales over the internet at some point?

Mr. Apicella: We didn't, and in part because we've been wrestling with it. We've talked about this, it sounds more than vaguely familiar, it sounds very familiar because I know we talked about it and we really couldn't come to any conclusion. I think we actually ran this one through the Board because we had some concerns about firearms transfers and I don't think we got any indication from the Board that they had any problem with us doing firearms transfers via the internet. So I...given the definition that the Planning Commission proposed I don't see that this is in conflict with that definition, because it talks about direct sales, not online sales.

Dr. Larson: Mrs. Blackburn, do you have anything to add here?

Mrs. Blackburn: Mr. Apicella is correct. We discussed and Ms. Brown is correct also, we discussed retail sales and I was looking for, part of my instructions was to look at the different jurisdictions on how they dealt with retail sales and home occupations, and sales out of the home, and they did not deal with it via definitions. They did it via regulations. They had so many people who could come to a house, the hours you could come to a house, if they could come to a house at all, and as far as discussing retail sales as being equated with people coming to the house. They actually split them. There were several different way that they've worked on it and we didn't have anything that talked...I didn't find anything that talked specifically about internet sales and how that all worked. It was all basically a lot of quantity as opposed to whole sale and retail, and when we talked about, well when the Planning Commission talked about it as part of the beginning of the Ordinance re-write, if we were

***Board of Zoning Appeals Minutes
June 23, 2015***

going to deal with it as far as what was happening in a home. The next part of the re-write, I hope, will be to take many of the regulations out of the definitions and put it in the special regulations part and to be able to deal with it then. Because we didn't...I couldn't find any clear ways of it is retail sales mean...people coming to the house mean this and there was not that train of thought or regulations. It got way more complicated than that.

Dr. Larson: Alright, so...

Mrs. Blackburn: We are hoping to work with it as special regulations when we remove some of that stuff out of the definitions and hopefully make it a little more clear and to attack the subject again.

Dr. Larson: So I don't think I've heard anything that indicates a need for us to take any further action right now. The Board went through three or four of our sessions actually talking about this subject. We got a legal opinion. We took this as far as we possibly could and for now, until told differently, we've decided on this Board that retail sales...you can't define the point of the sale or the purchase on the internet. You can't locate that. As long as that is the case, then we have said that that does not constitute a retail sale at the residence because it's taking place on the internet. So for the applicant's information, you can't take any money at your house. All sales have to take place over the internet. There were a couple of other issues. Let's see, oh, the time issue. Did you find anything more about the how places...how long they allow people to satisfy special exception conditions?

Ms. Brown: Yeah, I had to call around and I didn't speak to every locality, but they pretty much all had very near the same thing. Everybody I talked to had a time limit. It varied between 90 and 180 days, so 3 to 6 month depending on what the exception, you know, what the condition was. And what that meant was, they had to, if they gave them let's say 6 month to get their conditions met, that's fine, they could take 3 weeks or they could take 6 month, but they were not allowed to operate their business until all the conditions were satisfied. And if they waited past the time of the condition time limit, if it was 3 month or 6 month, then it expired and then they would have to come back and reapply. And there was varying time limits on how long they had to wait. Fairfax County for instance was trying to be flexible. They said if the applicant had ran into difficulties prior to the time limit running out and came and asked for an extension, they would try to work with them on that. But they were very clear that, once the time ran out, that's it. You got to come back. But you know, if there is a problem, work with us. But all of them had a time limit. It was not open ended and they couldn't operate until the conditions had been satisfied.

Dr. Larson: Do we want to put one or two conditions as a routine...on routine basis for our special exceptions to address number 1, the business can't operate until the conditions are satisfied, and possibly a second one concerning how long the applicant has to satisfy the conditions? What's the sense of the Board?

Ms. Brown: I'd like to put something in to that effect. And I'm fine with doing it like Fairfax did. You know, depending on what our condition is, if it's a paving thing that they've got to put in a new driveway, that may take some time and if it's in the middle of winter obviously we can't do that if it's below 50 degrees. I'm willing to give him extra time for that. If it's the middle of summer and they got to put trees in, I don't think they need 6 month. I think 3 is fine. So I think it would vary on what the condition happens to be. And they can, you know, take as long as they need to in that time frame.

Dr. Larson: Maybe we could have a time limit and if the applicant needs more time then they can apply at, say, the Zoning Administrator or Planning and Zoning, or somebody at the County. There may be extenuating circumstance that we can't foresee, so the intent is to have a drop dead date but if

***Board of Zoning Appeals Minutes
June 23, 2015***

something happened that prevented it from being humanly possible or even reasonably possible, then maybe the Zoning Administrator would be empowered to say, okay, you have another 30 days, or 60 days, or something like that.

Ms. Brown: I'm good with that as long as they come before it expires.

Dr. Larson: Okay, so...

Ms. Brown: And they can't be opening their business until the conditions are met.

Mr. Apicella: So if you can't be opening your business until the conditions are met, why would it matter, because what I think I hear you saying is if we gave them, say, 90 days and they hadn't met the conditions then the special exception expires. Is that...

Ms. Brown: But we don't specify that anywhere.

Mr. Apicella: Well that's kind of the net effect right?

Ms. Brown: We've had cases where we've had this be a problem.

Mr. Apicella: I don't disagree with the notion. I'm just saying you've got...you either give people 60 days and let them continue to...I just think you have to be clear about what happens if you don't meet that threshold requirement, especially if you can't start to operate your business until all the conditions are met.

Ms. Brown: We don't want them opening their business and not doing the special conditions that we have set forth and then have no time limit. Prior to me coming on, I looked, we weren't setting a time limit. We were just giving them...

Mr. Apicella: So if it takes them two years, it's on them. If they don't...

Ms. Brown: But they've been operating.

Mr. Apicella: If they don't plant the trees within in two years, then they can't start to operate that business.

Ms. Brown: But we have businesses operating. We don't say that you can't operate.

Mr. Apicella: I agree. Maybe that's the point. You can't operate under the special conditions, unless and until you've met...you can't operate the...

Ms. Brown: Right. That's what I'm suggesting.

Mr. Apicella: I'm talking about the time limit. Why does the time limit matter if you can't operate the business that you've asked for under the special exception?

Dr. Larson: Same question I asked before.

Ms. Brown: Okay, I'd like to address that, but I don't think this is the appropriate setting during this hearing to do that.

***Board of Zoning Appeals Minutes
June 23, 2015***

Dr. Larson: Well, do we want to, if we're not ready to put the time limit condition, are we ready to put the condition that the business cannot operate unless all of the other conditions are met?

Mr. Apicella: I guess I'd like to get staff's view on that.

Dr. Larson: Do you have a view on that Susan?

Mrs. Blackburn: This is a view for a time limit on the...

Dr. Larson: No, this is the one...we're not...what we're discussing is the condition that the applicant's...the special exception is not in effect until after the conditions have been satisfied, basically.

Mrs. Blackburn: Oh, I don't have any trouble with that. And as was in this one in particular, it would be, you know, must comply with all applicable state, federal and local codes. So we would have to seek proof that those codes have been complied with as far as getting his FFL license.

Dr. Larson: Right.

Mrs. Blackburn: Some of the other things, and providing space for the one parking space, which I think his driveway does meet the letter of the law for that. I understand with other businesses that are more involved as far as potentially just doing things either to their own or to an actual commercial piece of property, I definitely think that time limits, whether you do it for so many month to comply, or you cannot operate until you have complied with all of these conditions. Either way will work.

Mrs. Musante: I think something you all need to be aware of too is, it doesn't stop, the process doesn't stop tonight after you approve or disapprove whatever the application. After this happens, they are then sent another application that they have to fill out, provide us with additional information. It has to go through a review process. Then an inspection has to be made and then a certificate of occupancy is issued. So it doesn't stop here. There's still several steps after this, the hearing, that we make sure that the applicant is in compliance before he's operating.

Dr. Larson: Is the certificate of occupancy contingent on satisfying the conditions in the special exception?

Mrs. Musante: They have to be satisfied before we sign off on it.

Dr. Larson: Would that be sufficient or would you like to put...

Ms. Brown: No, I'd like to put something more tight in there. I'd like to put, just as a reminder if nothing else, part of these special conditions says you cannot operate until you have fully met the conditions.

Dr. Larson: It doesn't change anything. It doesn't sound like from...I mean it's just a reminder to the applicant that they have to satisfy the conditions before they start.

Ms. Brown: Business.

Dr. Larson: Any other discussion on this particular one?

*Board of Zoning Appeals Minutes
June 23, 2015*

Mr. Grimes: I would just offer that putting that into the development conditions is really part of what we already include when you say, must comply with applicable state, federal and local codes. The local code is they have to have this occupancy permit to operate their business which requires them to comply with all the suggested development conditions. We're writing down something that's already covered under the suggested development conditions as they're presented right now.

Ms. Brown: I underst...looking at some of the cases that have been approved by this Board with special conditions that are operating before they receive their occupancy permit.

Mr. Apicella: That's a compliance issue. That's not our purview. It's the County's purview, but it's not the BZA's purview, and...

Ms. Brown: But it's in our purview to say we're granting these special conditions.

Mr. Apicella: I agree with Mr. Grimes. We've already said that by virtue of saying you have to comply with the applicable state, federal and local codes, and on top of which, we just heard from staff that you have to get an occupancy permit. You can't get your occupancy permit until you satisfy the conditions. It's seems redundant to me. We've had this discussion...this conversation I think last meeting, or the meeting before about how far do we go in reiterating what is already there and the applicant should already know. So if they operate illegally then, and the County becomes aware of it, then they should be at an all stop as part of the compliance process.

Ms. Brown: How long do you think is reasonable for them to comply with this? Do you want this to go on for 2 years, 10 years, 20 years?

Mr. Apicella: If it's 3 years...it's on them. They've come to us and asked for a special exception. They can't start to operate until they've satisfied the conditions.

Ms. Brown: How many times does staff have to go out there and see if they've complied though?

Mr. Apicella: I think the onus is on them. After they've done their initial inspection for the applicant to prove that they've finally met the conditions, not for staff to keep going out every month or quarterly, or every year.

Mrs. Musante: Mr. Chairman, this is something that we can run by our County Attorney's Office and get their opinion on that language adding to the special exception, or adding to the suggested development conditions as well as the time limit issue, and get their opinion on that.

Dr. Larson: That would be fine. We're...I guess the question is, does it add anything for us to add the "you must comply with these conditions"?

Mrs. Blackburn: Exactly and I think in the past we potentially, well I know we have, run into some situations and what Melody and I were just kind of brainstorming with is, if it gives us with the approval of these special exceptions more teeth to get an applicant to comply. Because with the state and local codes we have those in place, but often that drives them to Court and it is time consuming and we can see if adding any of these conditions would help with some of that.

Dr. Larson: Right, and that, plus the fact that the applicants have this in front of them, they get a letter, this is right there in front of them, where the codes, there may be things that are buried in the code they

***Board of Zoning Appeals Minutes
June 23, 2015***

need to know, but may not know. It may just draw their attention to it. It'd be interesting to see what the County Attorney says.

Mrs. Blackburn: We can easily ask them.

Dr. Larson: Mr. Udvig, this has nothing to do with you. This is something that we've been trying...we've been struggling with in the past. Alright, I think we've read all of the suggested conditions, so if there's no further discussion, is there a motion for this?

Mr. Apicella: Mr. Chairman, I move for approval of this special exception application as revised with the revised conditions as previously read.

Mr. Davis: I'll second.

Dr. Larson: Motion and a second. Any further discussion?

Mr. Ingalls: Mr. Chairman, I'm going to vote against the motion because I believe that we have a great applicant before us who's going to make every effort to do everything he can to follow all the rules and regulations, but unfortunately it's not about him. It's about the rest of the application. Since we're not going to exclude the storage of ammunition on site, which I think in this type of situation, in this type of subdivision, we don't...he didn't say he wanted it, to have ammunition stored at his home on this site is just not right. And I'm going to oppose the motion.

Dr. Larson: Any other discussion?

Mr. Davis: Mr. Chairman?

Dr. Larson: Yes.

Mr. Davis: I seconded the motion. I'll vote for the motion. This is very much like all the others that we've had, maybe even better than some, and I feel it should be passed.

Dr. Larson: Any other discussion? Alright, those in favor say aye. Aye.

Mr. Davis: Aye.

Mr. Grimes: Aye.

Mr. Apicella: Aye.

Mrs. Stefl: Aye.

Dr. Larson: Any opposed?

Mr. Ingalls: Aye.

Ms. Brown: No.

Dr. Larson: Two no's. Did you get the no's? Motion passes 5 to 2. I don't believe there is any unfinished business. Wait, would the...I think we mentioned...was there something on the sign issue?

***Board of Zoning Appeals Minutes
June 23, 2015***

For unfinished business, was there something on the sign issue that the staff had?

UNFINISHED BUSINESS

Mrs. Musante: Yes, I polled other localities to find out if they posted for public hearings. I had two courtesies. Gloucester County is a courtesy, James City County is a courtesy, Spotsylvania gives yellow paper to the applicant which contains the case file assigned. They have to post it on the property 15 days prior to the meeting. Montgomery County it's requirement in the Code. Prince William County provides a sign to the applicant to post. Loudoun, applicant's responsibility, and Ashland is no.

Dr. Larson: Thank you. What does our County staff, how does the staff feel about posting the courtesy sign?

Mrs. Blackburn: It would be something...do we need to add it to the by-laws or...

Mrs. Musante: I don't think so. I think we could do it as a courtesy like the other jurisdictions do.

Mrs. Blackburn: Which is fine. Would you want it to be done for all cases that come before you? Variances and Special Exceptions?

Dr. Larson: I think that's up to the County to decide. I would suggest that a variance or a special exception, either one would probably be appropriate.

Mrs. Stefl: And what type of sign are we looking; are we talking about a large (inaudible - microphone not on)? I'm just trying to visual here.

Mrs. Musante: Chances are it will probably be the same sign that we use for the Planning Commission. They're yellow, 2 by 2, 3 by 3?

Mrs. Blackburn: Maybe 2 by 2.

Ms. Brown: When I brought that up, that's what I had in mind. When I talked to Fairfax, they said they had different colors depending on what kind of case it is. I'm certainly happy with just the yellow sign posted in the yard like we do for everything else with the Planning Commission.

Mrs. Blackburn: And they have...they look very much like what we call the popsicle signs...

Ms. Brown: Like a yard sign.

Mrs. Blackburn: ...and they're styrofoamy and we can change the information on there and it generally has the case number, and it will have a phone number to call. And the date of the hearing.

Mrs. Stefl: And staff erects this on the property or the owner does?

Mrs. Blackburn: I would strongly suggest that staff does it to make sure it gets done. Now, whether it gets removed or not is another story, which I know, when they go back out to try and find the Planning Commission sign, sometimes they don't always come back with the same number that they put out, but, you know... And we do the notification already of all the adjacent property owners for all the cases and we also run it in the newspaper, which is required by code.

Dr. Larson: Okay. Thank you. We're on other business, discussion of time limits. I think we tabled that. Is that...

OTHER BUSINESS

1. Discussion of Time Limits for Compliance on Special Exceptions -- Continued from May Meeting

Ms. Brown: They're going to talk to the County Attorney.

Mrs. Blackburn: We'll talk to the County Attorney.

2. Discussion of Electronic Distribution

Dr. Larson: And the discussion of electronic distribution, I'm not exactly sure what that is.

Mrs. Musante: iPads.

Dr. Larson: iPads.

Ms. Brown: See I thought it was a FOIA.

Mrs. Stefl: I was thinking we can't be on email anymore going back and forth.

Dr. Larson: Could you tell us what the latest is on the iPads, Melody?

Mrs. Musante: I can. Every member would receive an iPad. You would not receive paper copies from us anymore, but you can still go onto the website and print the information off from the web if you need the paper copy. This is a situation where either all of you do it, or none of you do it. So they are County issued iPads. The Planning Commission is receiving new iPads, so you will be getting those hand-me-downs. But it's something to start off with to see how it works.

Ms. Brown: I have thoughts. I don't want one. I've got my own iPad and I enjoyed the paper copies because we get so many maps to flip through. I don't think I would be able to have enough tabs to be able to, you know, when I'm referring to Code, and when I'm referring to the plat, when I'm referring to the proposed special conditions, and then the application. I prefer a paper copy.

Dr. Larson: You said all or nothing, but I'm going to jump in, and I support Dana. I wouldn't mind having an iPad for Code, but I need the paper copies to mark up and there is a volume in this stuff and printing it out myself gets kind of expensive and I don't get paid for this job anyway, so I would prefer to get the paper copy too. Alright, so we're going on to the adoption of the minutes.

Mrs. Stefl: So have we voted, I guess, no then?

Dr. Larson: It only took one. She said all or nothing for the iPads.

Mrs. Stefl: We can't discuss just getting it for the code only?

Dr. Larson: Well, I didn't hear that as an option.

***Board of Zoning Appeals Minutes
June 23, 2015***

Mrs. Musante: That's not an option. The iPad is for everything. It is.

Mrs. Stefl: Thank you.

Dr. Larson: Okay, we're on the...

Mr. Grimes: Not very green of us as a Board of the County.

Dr. Larson: Say that again?

Mr. Grimes: Not very green of us.

Dr. Larson: Well, I'd rather try to get things right than be green. Alright, we have the April 26th minutes. Hopefully everybody has had a chance to review them. Are there any comments, or questions, or corrections, modifications to the April 28th minutes?

ADOPTION OF MINUTES

April 28, 2015

Mr. Grimes: I have one on line 686. I believe that should be "purchased".

Dr. Larson: So that's a typo. Any others?

Mr. Grimes: I do. I have a couple more. I just have to find my dog-eared pages. Can't search the paper document.

Mrs. Stefl: I'm a misses, not a miss, so it's Mrs.

Mr. Grimes: Line 2476, I believe that should be "continuing to pursue", not "pursuit". On 2512, "I'm not sure of what the date of that photo". And last one is on 2623, that's been "in effect" not "in the fact". I may have said it that way, but I believe it's effect.

Dr. Larson: I'm guessing it just sounded like that. Any other changes to the minutes? I guess, I'm not sure, Ms. Brown, if you were here when we went through the whole minutes discussion. The County prefers to have verbatim minutes for us because they represent what happened at any given meeting verbatim for the Circuit Court. So we don't...since they are verbatim, we don't change the minutes unless there's a typo or there's an error that we see, and if everybody agrees that it's an error, what happens is, what's written from the recording stays and then correction comes in in brackets. So the Court can see what the recording, what they thought the recording said and what the BZA thought was said. And that's pretty much it, right? So, and then as a Board we vote to approve the minutes, which then automatically approves whatever changes we just discussed to the minutes for the bracketed and typographical changes.

Ms. Brown: Just a quick question. I used to be a secretary in my former life, it's got to be pretty expensive. How are we transcribing these? Do we have somebody actually doing it?

Mrs. Blackburn: Yeah.

***Board of Zoning Appeals Minutes
June 23, 2015***

Ms. Brown: Okay. Well, I didn't know if we were using like voice to...you know, computer stuff. Wouldn't it be cheaper for us just to set up a video camera or cell phone and record ourselves than pay her to...I mean, how long does that take you to do this? I mean, I would think this would take a long time.

Dr. Larson: I think, we just need a medium to give the Court.

Ms. Brown: Right. I mean would it be cheaper I mean to save the County some money so she wouldn't have to spend 6 hours transcribing our meeting, to just have a tape like the Planning Commission does?

(Inaudible).

Ms. Brown: They are? Ah.

(Inaudible).

Ms. Brown: Is that like required by Code? I mean, the video tape is not sufficient to give to the Courts? Okay. Just trying to save some cash, that's all.

Dr. Larson: Any other changes to the minutes?

Ms. Brown: I've got an iPad already.

Dr. Larson: Hearing none, is there a motion to accept the minutes?

Mr. Grimes: I move to accept the April 28th minutes as modified, or as corrected.

Dr. Larson: Second? Is there a second?

Mrs. Stefl: I second it.

Dr. Larson: Those in favor say aye. Aye.

Mr. Grimes: Aye.

Mr. Ingalls: Aye.

Mrs. Stefl: Aye.

Ms. Brown: Aye.

Dr. Larson: Any opposed?

Mr. Davis: Abstain.

Dr. Larson: Okay. One abstention. Next item is the Zoning Administrator's report.

ZONING ADMINISTRATOR'S REPORT

***Board of Zoning Appeals Minutes
June 23, 2015***

Mrs. Blackburn: I have nothing at this time, Mr. Chairman.

Dr. Larson: Thank you. Is there a motion to adjourn?

Ms. Brown: Motion to adjourn.

Mr. Ingalls: Do we have a case for next month?

Mrs. Musante: We have two.

Dr. Larson: Is there a motion to adjourn?

Mrs. Stefl: Motion to adjourn.

Dr. Larson: Second?

Mr. Grimes: Second.

Dr. Larson: Those in favor say aye.

Mr. Grimes: Aye.

Mr. Ingalls: Aye.

Mrs. Stefl: Aye.

Ms. Brown: Aye.

Mr. Davis: Aye.

Dr. Larson: Aye. Opposed?

With no further business to discuss, the meeting adjourned at 8:58 p.m.