

**STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES**  
**May 24, 2016**

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Tuesday, May 24, 2016, was called to order with the determination of a quorum at 7:15 p.m. by Chairman Robert Grimes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Robert Grimes, Dana Brown, Steven Apicella, Ernest Ackermann, Heather Stefl, Adela Bertoldi, and Robert Gibbons

MEMBERS ABSENT: Danny Kim and Dean Larson

STAFF PRESENT: Melody Musante, Susan Blackburn, and Denise Knighting

DETERMINATION OF QUORUM

Mr. Grimes: Good evening ladies and gentleman, and welcome to this meeting of the Stafford County Board of Zoning Appeals. The BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to hear and decide appeals for any order, requirement, decision, or determination made by the Zoning Administrator; hear and decide upon requests for Variance from the Zoning Ordinance when a literal enforcement of the ordinance would result in unnecessary hardship to the owners of a property; and hear and decide on requests for Special Exceptions where the Zoning Ordinance allows for Special Exceptions. The Board consists of seven regular members and two alternate members. An alternate member may be called upon to participate when a regular member is unable to hear a case. Let the record reflect that we have a quorum tonight with 7 voting members present. The members present and voting tonight, including alternates who will be voting, are Ms. Adela Bertoldi, Dr. Ernest Ackermann, Mr. Steven Apicella, Ms. Dana Brown, Mrs. Heather Stefl, Mr. Robert Gibbons, and myself, Robert Grimes. The County staff is represented tonight by Mrs. Melody Musante, the Zoning Manager, Mrs. Susan Blackburn, the Zoning Administrator and Ms. Denise Knighting, the Office Manager. The hearings will be conducted in the following order: the Chair will ask the staff to read the case and the members of the Board may ask questions of the staff. The Chair shall ask the applicant or their representative to come forward to 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. 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 will be a 3-minute time limit for each individual speaker, and a 5-minute time 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 public 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, four members on the Board must vote for approval. In order to allow the Board time for appropriate review, the applicant or 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 a 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. The

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applicant should be aware tonight that we have 7 voting members present, and you must have 4 affirmative votes to approve an application. If you do not think that there are enough members present tonight and will be able to receive a fair hearing, then you have the right to defer the hearing until another meeting. However, you may defer the hearing for this reason only once in any 12-month period. Deferral requests are granted at the sole discretion of the Board. The applicant may also 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 one year from the date of our decision. I now ask that anyone who has a cell phone, pager, or other electronic device to please silence it. Thank you. It is the custom of this Board to require that any person who wishes to speak before this Board shall be administered an oath. Therefore, I ask anyone who wishes to speak tonight to stand and raise your right hand. Do you hereby swear or affirm that all testimony before the Board shall be nothing but the truth?

Response from the audience members: I do.

Mr. Grimes: Thank you; 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 that the recording secretary can have an accurate record of the speakers. Also, please sign the form on the table at the rear of the room. Thank you. Are there any changes or additions to the advertised agenda?

Ms. Brown: I would like to make a motion to hear both items 1 and 2 together.

Mr. Gibbons: I second that.

Mr. Grimes: All those in favor say aye.

Ms. Bertoldi: Aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Brown: Aye.

Mrs. Stefl: Aye.

Mr. Gibbons: Aye.

Mr. Grimes: Aye. Thank you. 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 this evening?

**DECLARATIONS OF DISQUALIFICATION**

Dr. Ackermann: Yes, when I was a professor at the University of Mary Washington, Mr. Rouhani was a colleague and since my retirement we have attended some of the same functions. I have not discussed this case with him but I ask that the Board follow the zoning rules when discussing the item.

Mr. Grimes: Would the secretary read the report?

**PUBLIC HEARINGS**

1. V16-04/16151244 – Sandra L. Brooks - Requests Variances of Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards," R-1, Suburban Residential, (d)(2) "Requirement, Minimum front yard, Minimum side yard," (d)(4) "Minimum Lot Width," and Section 28-24(8)(a) "Permitted Encroachments," on Tax Map Parcel No. 53D-1-95. The property is located at 110 Washington Street.
2. V16-05/16151245 – Farhang Rouhani - Requests Variances of Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards," R-1, Suburban Residential, (d)(2) "Requirement, Minimum front yard, Minimum side yard," (d)(4), "Minimum Lot Width," and Section 28-24(8)(a) "Permitted Encroachments," on Tax Map Parcel No. 53D-1-96. The property is located at 108 Washington Street.

Mrs. Musante: Item one is V16-04/16151244, Sandra L. Brooks - Requests Variances of Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards," R-1, Suburban Residential, (d)(2) "Requirement, Minimum front yard, Minimum side yard," (d)(4) "Minimum Lot Width," and Section 28-24(8)(a) "Permitted Encroachments," on Tax Map Parcel No. 53D-1-95. The property is located at 110 Washington Street. Item two is V16-05/16151245, Farhang Rouhani - Requests Variances of Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards," R-1, Suburban Residential, (d)(2) "Requirement, Minimum front yard, Minimum side yard," (d)(4), "Minimum Lot Width," and Section 28-24(8)(a) "Permitted Encroachments," on Tax Map Parcel No. 53D-1-96. The property is located at 108 Washington Street. For each case you have copies of the application, the application affidavit, an exhibit plat prepared by H. Aubrey Hawkins dated April 25, 2016 and a copy of the land card from the Commissioner of the Revenue. For V16-05/16151244, the Board of Zoning Appeals is to consider a request for Variances of Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards," R-1, Suburban Residential, (d)(2) "Requirement, Minimum front yard, Minimum side yard," (d)(4) "Minimum Lot Width," and Section 28-24(8)(a) "Permitted Encroachments," on Tax Map Parcel No. 53D-1-95. The property is located at 110 Washington Street. This request is for variances from the front yard setback, side yard setback, permitted encroachments into required yards, and lot width requirement for Tax Map Parcel No. 53D-1-95. The plat submitted by H. Aubrey Hawkins Associates shows the existing single-family dwelling with a front yard setback of 26 feet, where the code requires 30 feet, for a difference of 4 feet. The side yard setback closest to lot 96 is 2 feet, where the code requires 10 feet, for a difference of 8 feet. The side yard setback closest to lot 94 is 4.3 feet, where the code requires 10 feet, for a difference of 5.7 feet. The front porch, which is an allowable projection into a required yard, is 18.6 feet from the front property line where the Zoning Ordinance allows for 24 feet, for a difference of 5.4 feet. The proposed lot width is 32.83 feet, where the code requires 80 feet, for a difference of 47.17 feet. The applicant is requesting these variances to correct a lot boundary issue. In discussions with the building division, they have no issues with this boundary line adjustment as the structures are existing. The single-family dwelling was constructed in approximately 1900. We have no record of how the dwelling was constructed in its current location. If the Board of Zoning Appeals grants these variances, a boundary line adjustment plat will be filed for approval in the Planning and Zoning Office and recorded in the Circuit Court Clerk's Office. The new lot configuration and these variances will eliminate the boundary line issue and make the property more conforming to the zoning regulations. The hardship lies for lot 96. The owner of lot 96 cannot obtain clear title for the property until the boundary line adjustment is submitted and approved, and the only solution, other than to demolish the dwelling is to apply for and obtain variances. This boundary line

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will not be harmful to others as the single-family dwellings currently exist. No other construction is planned. The boundary line adjustment will not affect the value of adjacent or nearby properties. For V16-06/16151245 the Board of Zoning Appeals is to consider a request for Variances of Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards," R-1, Suburban Residential, (d)(2) "Requirement, Minimum front yard, Minimum side yard," (d)(4), "Minimum Lot Width," and Section 28-24(8)(a) "Permitted Encroachments," on Tax Map Parcel No. 53D-1-96. The property is located at 108 Washington Street. This request is for variances from the front yard setback, side yard setback, permitted encroachments, and minimum lot width for Tax Map Parcel No. 53D-1-96. The plat submitted by H. Aubrey Hawkins Associates shows the existing single-family dwelling 25.5 feet, where the code requires 30 feet, for a difference of 4.5 feet. The side yard setback closest to lot 95 is 2 feet, where the code requires 10 feet for a difference of 8 feet. The front porch, which is an allowable projection into a required yard, is 18.4 feet from the front property line, where the zoning ordinance allows for 24 feet, for a difference of 5.6 feet. The proposed lot width is 42 feet where the code requires 80 feet, for a difference of 38 feet. The applicant is requesting these variances to correct a lot boundary issue. In discussions with the building division, they have no issues with this boundary line adjustment as the structures are existing. The single-family dwelling was constructed in approximately 1900. We have no record of how the dwelling was constructed in its current location. If the Board of Zoning Appeals grants these variances, a boundary line adjustment plat will be filed for approval in the Planning and Zoning Office and recorded in the Circuit Court Clerk's Office. The new lot configuration and these variances will eliminate the boundary line issue and make the property more conforming to the zoning regulations. The applicant states they cannot obtain clear title for the property until the boundary line adjustment is submitted and approved, and the only solution, other than to demolish the dwelling is to apply for and obtain variances. This boundary line change will not be harmful to others as the single-family dwellings currently exist. No other construction is planned. The boundary line adjustment will not affect the value of adjacent or nearby properties.

Mr. Grimes: Are there any questions for staff?

Mr. Apicella: Both structures were built around 1900, before the zoning and subdivision ordinance was in effect?

Mrs. Musante: That is correct.

Mr. Apicella: Can you explain the difference between a variance and nonconforming?

Mrs. Blackburn: (Inaudible) or the right setbacks, various things can happen with that. The applicant can come in or the owner can come in and request for a variance to be relieved of that noncompliance. We have certain parameters that you need to look at, is it self-inflicted, is there any other use... when we talk about uses is there any other uses allowed on the property, various things like that. And if the Board sees to grant the request, then yes, they are no longer bound by the current regulations and whatever the variance was granted for, replaces that.

Mr. Apicella: So, hypothetically if we were to grant the variance they could not do anything greater than the amount of encroachment or overage, in terms of the setbacks that are currently in place.

Mrs. Blackburn: Correct unless there was a change in the ordinance that would allow them to do that.

Mr. Apicella: The reason why I asked about whether there were any other parcels, if I... looking at the pictorial here I am looking at some of the adjacent lots and it seems to me that 53D-1-95, which I think

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is 110 Washington seems to be also encroaching into the lot next to it. And then you go a couple of houses over and 56D-1-93 appears to slightly be encroaching into the neighboring lot, 53D-1-92. Again it just all depends on whether these lines are accurate or not.

Mrs. Blackburn: With the... the GIS lines on our air photos are more of a representation. We cannot take them as being totally accurate. It gives us a good idea that yes there may be an issue there, but when you actually get into the survey, there are times when no everything is fine.

Mr. Apicella: Okay, thank you.

Ms. Brown: I had a question Mr. Chairman.

Mr. Grimes: Yes.

Ms. Brown: I had a question for staff on umm, for 108 Washington, attachment 4 page 2. It looks like the back of a land card, but I am not sure. There is a note scribbled in there about a boundary line agreement, umm... what was the date on that?

Mrs. Musante: Can you give me the...

Ms. Brown: It was the... attachment 4 page 2 of 4.

Mrs. Musante: It looks like 1985.

Ms. Brown: That's... oh that is what that is the 85 circled?

Mrs. Musante: Yes.

Ms. Brown: So there was an agreement... okay. Do we know what the agreement was?

Mrs. Musante: We do not.

Ms. Brown: Okay, thank you.

Dr. Ackermann: If I may ask a question? So the property owner at 108, what property does he own? Does he own the property that's... like, just half of this house is on the property that he owns and part of his house on the property that someone else owns?

Mrs. Musante: Correct. That is correct currently.

Dr. Ackermann: Currently. Right. And they're seeking the variance so that that house is on the same property as the owner of the house.

Mrs. Musante: That is correct.

Ms. Bertoldi: Mr. Chairman, I have a question.

Mr. Grimes: Yes.

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Ms. Bertoldi: Maybe this is a more appropriate question for the applicant, but my concern that now that it has been discovered later on that there is a boundary line going through a house, how does that affect insurance? Is that house even insurable? Will a company insure a home because it's half on someone else's property and not... I mean that could also be a big difference that their house can't even have home insurance, and so I don't know if that's something that's maybe...

Mrs. Blackburn: I think that's possibly better answered by the applicant. I do not know. I can surmise, but I do not know.

Ms. Bertoldi: Alright. Thank you.

Mr. Grimes: Any other questions for staff? Thank you. Will the applicant or his or her representative please come forward and present their case, or in this case, cases?

Mr. Hawkins: Good evening. My name is Aubrey Hawkins, Culpepper, Virginia. I'm here tonight representing the, both owners as you know. This was discovered, I guess, at the time Mr. Fahang bought the home, it was no lenders involved in it, and he has put that on the market now for sale and has a purchaser and they went through the normal procedures and the lender had a problem with the, I think it's about 2 feet of the house that was over on the adjoiner and so he was working with Mrs. Brooks and of course at this point with staff to come up with a solution which you see before you on the plat.

Mr. Grimes: Could you speak up a little bit more?

Mr. Hawkins: Oh I'm sorry.

Mr. Grimes: Thank you.

Mr. Hawkins: So anyway, when this was discovered, I mean we did the actual mortgage survey for Mr. Farhang for his settlement and when this was discovered, of course, that became the issue that you see before you. So Mr. Farhang and Ms. Brooks agreed to move the property line which we did on the plat and began the process to present a boundary line adjustment and of course with the waivers that are being presented to you tonight. So basically, like I said, this has been something that's been since the house was built obviously. There's other cases in general but most cases are not been so much as what you've seen in this case and the last case before you. The hows or whys, it's hard to say, but you know, this is what's been discovered and this is what basically is trying to, I guess, do a little house cleaning and try to bring things into a better light and certainly getting the one unit on its own lot.

Mr. Grimes: Okay, is that the extent of your case?

Mr. Hawkins: Pretty much.

Mr. Grimes: Great. Are there any questions for the applicant? Yes.

Ms. Bertoldi: You mind if I ask some questions? Just for some clarity purposes, when did the owners of both, 110 and 108, purchase their houses, because they haven't owned them before the plats were originally drawn, right? They haven't been in their families. They've purchased these properties, right? When did they purchase the properties?

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Mr. Hawkins: Right. I think Ms. Brooks had purchased them and then she ended up selling it to Mr. Farhang.

Ms. Bertoldi: Okay, so there wasn't a plat line done at the time. They didn't discover this issue before?

Mr. Hawkins: He didn't... they did not have a survey done. Now Mrs. Brooks did have a survey done which was quite some time ago.

Ms. Bertoldi: And it didn't discover the...

Mr. Hawkins: Yes, it did.

Ms. Bertoldi: Oh so she knew about the issue before?

Mr. Hawkins: Yes.

Ms. Bertoldi: Before she sold it to him?

Mr. Hawkins: Yes.

Ms. Bertoldi: Okay, and alright. The houses were both built in 1900? Is that correct?

Mr. Hawkins: That's approximate. What we understand.

Ms. Bertoldi: What I don't understand, and maybe there's no good answer to this, but if there was no lines on properties and this house existed before there were lines, why were there lines drawn through a house?

Mr. Hawkins: No, the properties have always been conveyed.

Ms. Bertoldi: Okay, they've always been conveyed.

Mr. Hawkins: Oh yeah, they've had that since the time that these lots were created with metes and bounds in this particular, it wasn't so much subdivision, it was more the village of Falmouth. So no, it's always had its own metes and bounds as far as being able to convey.

Ms. Bertoldi: Okay, so then the house was just placed there after... so, who built the house? We don't know, right?

Mr. Hawkins: No.

Ms. Bertoldi: Okay, so they knew that they were building the house on straddling two pieces of property?

Mr. Hawkins: I suspect they did not, but that's hard to say. It's been quite some time ago.

Ms. Bertoldi: But the house was put on two pieces of property? It wasn't put on one piece of property, then that was later divided? It was actually put on two pieces of property?

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Mr. Hawkins: Yes ma'am.

Ms. Bertoldi: Alright. I'm good for right now.

Mr. Apicella: I'm not sure if you'd be able to answer this question, but part of the requirements for a variance in terms of what the BZA is supposed to do is only grant the minimum variance necessary and so I'm trying to look at each one of these components of what's being requested. There's an encroachment issue. There is a front yard issue. There's side yard issues and there's lot width issues. What's the minimum necessary to deal with the boundary line issue versus those other issues that are being requested but not necessary to address the boundary line issue? For example, the front yard has nothing to do with the boundary line issue as far as I can tell.

Mr. Hawkins: That's correct, yes.

Mr. Apicella: So addressing this as part of this process isn't necessary from my vantage point at this point, based on what I know, to resolve the boundary line issue. We don't necessarily need to grant a variance and that's why I asked the difference between a legal non-conforming use and a variance, because again, the property owners separately would still be able to enjoy their property as a legal non-conforming use with regard to the front yard issues, even though they may not meet the requirements, even if we didn't grant a variance on the front yard piece of what's being requested.

Mr. Hawkins: Yes.

Mr. Apicella: I'm not sure if I'm making any sense.

Mr. Hawkins: Yeah, well no, the key, as far as the boundary itself, it's whatever, in this case you have limited space so the two agreed this is where they'll place the line as we put it on the plat. Now as far as other issues, setbacks and things like that, it wouldn't come into conformity today by any means, but as far as the boundary itself getting the unit clear so it would be on its own parcel, yes.

Mr. Apicella: Okay, so you don't see any reason, again, from the person representing the applicant, that if we just dealt with the boundary issue, that would resolve the issue of being able to sell the property?

Mr. Hawkins: I would say yes, as far as from a title standpoint. As far as I guess with the other issues that had been brought into the request, it's basically to bring it into conformity in the future, you know, from here on.

Mr. Apicella: Okay, thank you.

Mr. Grimes: Yes Ms. Brown.

Ms. Brown: I had a question similar to Ms. Bertoldi. When I first read this, I noticed that on page 8 of the application, which is page 3 of 5 of attachment 1, question number 3, I'm sorry, 3b, did the applicant purchase the property without knowing of this hardship was left blank. And then I noticed on 108 Washington the form was exactly copied in duplicate, because he had also left it blank and I looked at the writing on the other parts of the application, and the verbiage is very similar, but the writing is different. It was done separately, except for this page. So, I'm concerned that she knew about it and didn't put it on her application that she knew and I'd like to know if Mr. I don't know how to

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pronounce his name, Rouhani, did he know when he purchased the property, because he didn't mark that box either?

Mr. Hawkins: As far as I know they would but I can't represent and say absolutely for sure he did.

Ms. Brown: Do you know how they got clear title before, because I know that Ms. Brooks purchased the property, looks like 1976?

Mr. Hawkins: On of two ways, either that it was an all-cash deal and there was no lender involved. That would be one way. Or they did not require a survey at the time she purchased it so it wouldn't have been disclosed and they gave a loan based on that.

Ms. Brown: Do you know anything about the boundary line agreement that's referenced on the land card?

Mr. Hawkins: No ma'am, I don't.

Ms. Brown: It looks to me, I'm confused, because it's got two notes on here and this may be more for staff, but PB, does that mean plat book 13 page 271 home location survey but then above it has book 4, I don't know, B467 Page 386, I don't know, but I'm thinking there is an agreement on this somewhere and I'd like to see that before... I know we can access to the plat book records. I have trouble accessing on my account. Is that something you guys can pull up for us?

Mrs. Blackburn: It would take me a moment, because I have to go upstairs, but I will see what I can come up with.

Ms. Brown: If there was an agreement, I would like to know about it. That was all I had for now.

Mr. Grimes: Any other questions for the applicant?

Dr. Ackermann: Yeah, I have one.

Mr. Grimes: Yes sir.

Dr. Ackermann: So obviously we have to do a, well, a boundary line agreement is necessary by the, I guess this is the purchaser's company? The purchaser is getting a loan or title insurance, they require a boundary line agreement so that the house is all on the same property. But as far as the non-conforming, is there any issue there with trying to sell a property? It being non-conforming? Do you know? I mean, is the title company or whoever has raised this issue, do they have any concerns about that?

Mr. Hawkins: No, I don't think any of these request were brought up. It was strictly for the property line being into the structure itself.

Dr. Ackermann: Thank you.

Mr. Grimes: Yes sir.

Mr. Gibbons: Can I go back to what Steven had brought up before, but when we get involved in non-conforming buildings, when you fire destroy it, you can't rebuild it, so there's no lender in this neck of

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the woods that would lend you money on any property they cannot reconstitute, so the non-conforming comes into it. I mean, it's happened. Belman's store was a primary example of two or three fires down in South Stafford. So you can't build back a non-conforming use. And I think that's where the lenders come in. Before it probably was an all-cash deal between two families, but when you go before a lender nowadays, they want the lot in a non-conforming taken care of.

Ms. Brown: I remember this coming up but I remember specifically on another case asking about this for the fire, about re-building, and I was told that once we approved something they can rebuild it as long as it's in with the same perimeters as the original structure, right?

Mr. Apicella: Right. I think there is a distinction in the state code whether it's destroyed by more than 50%, and I'd have to look through it, but the way understand it is the way you understand it, if something, if it got damaged, they can repair the damage and if it got destroyed, they can rebuild it, but it can't be any bigger and encroach any further than what the non-conforming use was prior to the damage occurring.

Ms. Brown: And the reason I bring it up, because I had believed like Mr. Gibbons did, when we ruled on that case because that's how I had read it too and you all assured me I was incorrect on that, so maybe we should clarify that.

Ms. Bertoldi: Mr. Chairman?

Mr. Grimes: Yes.

Ms. Bertoldi: I want to actually ask my insurance question. Is there, now that the...it is now a clouded title with the property line going through the house at 108, does that affect the ability to maintain property insurance on that house?

Mr. Hawkins: I'm not 100% sure on that. I know that they would have had insurance and in this case it would have been flood insurance, because the structure is...

Ms. Bertoldi: Right, it's no floodplain.

Mr. Hawkins: ... within a floodplain. If it's done with that acknowledgement, if there's a loan on it, I would think they would be able to still get the insurance.

Ms. Bertoldi: I was just wondering if that was part of the hardship. So even if you didn't sell the house, if that's a hardship for current ownership. So it doesn't sound like you know the answer.

Mr. Hawkins: I'm not sure. No.

Ms. Bertoldi: Okay. Thank you.

Mr. Grimes: Any other questions? We'll wait for Ms. Blackburn to come back with the information.

Ms. Brown: I thank you for that indulgence. I would like to see that.

Mr. Grimes: Absolutely.

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Mr. Apicella: If I may. So Mr. Gibbons may actually be right. After 15.2-2307 here is what it says about damage: The zoning ordinance... I'm reading a subsection of it... the zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or any other act of God... that may be the point... natural disaster or other act of God, to repair, rebuild, or replace such building to eliminate or reduce the non-conforming features to the extent possible without the need to obtain a variance as provided by 15.2-2310. So you may be right. There may be some limitation that if it were damaged by fire or flood, well flood probably is act of God, but...

Ms. Brown: If you have a kitchen fire, that would not be considered an act of God, right?

Ms. Bertoldi: Or a natural disaster, right? I mean, natural disaster, if you have somebody who arsons a house, that's not going to be natural disaster. That's...

Mr. Apicella: Tornado, hurricane, wind damage.

Ms. Brown: So we were right before then. It cannot be. Okay, I'm confused, because I thought I understood this last time and we talked about this and I remember being pretty insistent and everyone was like no, no, that's not...

Mrs. Musante: If a house burns down and it does not meet setback the way we have interpreted the Code is, they can rebuild as long as they do not expand.

Ms. Brown: But is that in contrary to the Code though?

Mrs. Musante: In fact we've just recently had a fire that we were going to... if they wanted to... actually they are building on the same footprint and it does not meet setback and that's the way we've considered it. Maybe we need to ask the County Attorney if we're looking at it wrong, but we have considered fire, even though it's not technically an act of god, but it's not of their own doing.

Ms. Brown: And I kind of remember too on this last case asking, you know, if they decided they just want to raise the house to redo it, could they do that, and I was assured that once we granted the variance they could do anything. So that was my concern.

Mr. Grimes: Again, as long as it was within the same construction perimeters that it existed prior to the raising, the fire, the disaster. So if the house was...

Ms. Brown: It's not a... I'm saying they just want to remodel. They just want a newer house. It's not a natural disaster. It's not a fire. They just want to rebuild it. And that was my example that I used. You all assured me that yes, they could do that.

Mr. Grimes: And I still believe that they can be based on the Code. That they could build it as long as it stayed within the footprint and didn't expand beyond the boundaries that were set prior to that.

Ms. Brown: But didn't he just read for natural disaster?

Mr. Apicella: Yeah, I'm just reading pieces of it. So you have to take it into the whole entirety of it. The County Code says however; an applicant of any builder and structure may alter it to decrease its non-conformity without the requirement for a special exception or variance. So if they reduced it by a foot, you know, they may not... again, we may quibble about whether or not they can be exactly the

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same, but if they made it slightly smaller, at least according to the code, regardless of the circumstances, including raising the entire building and starting all over. As long as it stayed slightly smaller than the original non-conformity it would be permissible. I mean that's right in the Code, so, County Code.

Ms. Brown: So is it in conflict then?

Mr. Apicella: I only read one section of the state code and it's four pages long.

Ms. Brown: Well I just, like I said, Mr. Gibbons had the same concerns as that I did.

Mr. Gibbons: I have one other question Mr. Chairman. If they can't sell it because they can't get a clear title, then that's a hardship to go get a loan, it would seem to me. I mean, if they can't get a clear title and you can't get a loan, then how do they sell a piece of property?

Mr. Apicella: Right, but I specifically asked, was the issue about being able to sell it and get a loan associated with the boundary issue or whether it was all of the issues that they're asking for relief from. Again, the front yard does not seem to be a driver in limiting them from being able to get... sell the property or get a loan, just like any other house that hasn't met the front yard setbacks.

Mr. Grimes: I'd just ask that we hold off on this discussion to the panel until we finish with the representative of the owner. We got a couple of formalities to go through. I don't see any public here but I'd like to get Ms. Blackburn's input and then we bring it back to the Board and we could have this discussion a little bit further.

Mr. Bertoldi: Can I make a suggestion Mr. Chairman?

Mr. Grimes: Yes.

Mr. Bertoldi: Can we take a break so that when it does come back we can like, you know, then take a look at the agreement and then come back rather than just all sit here?

Mr. Grimes: That would be fine. Let's go ahead and take 10 minutes. That should give plenty of time.

*Recess 7:57 – 8:08*

Mr. Grimes: We'll open the public hearing again now that we have some more additional information.

Mrs. Musante: I'm going to read you the agreement that's spoken of on this page here.

Mr. Grimes: Okay, thank you.

Mrs. Musante: This boundary line agreement dated this 22<sup>nd</sup> day of August, 1984 by and between Otis Rogers, party of the first party, and Sandra Brooks, party of the second party, whereas Sandra L. Brooks has purchased property from Henry Monroe, said property being situated in Stafford County, Virginia with deed recorded in deed book 399 at page 1 with the plat recorded in plat book 10 page 39; whereas Otis Rogers has recently purchased property from Clinton Kenall, Jr. said property now formally described as deed book 240 page 99; and whereas it is the intention of the parties hereto to agree on the physical location of the boundary line between the two parties. Now therefore for and in consideration of the mutual covenants herein the party of the first party and the party of the second party agree that the

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said line described on plat of Henry W. Cropp, dated January 14, 1981, recorded in deed book 10 at page 39 which is shown in...

Mrs. Blackburn: 39 degrees north, 34... it's a degree.

Mrs. Musante: ... feet is in fact a line which runs down the center of an existing driveway and coincidentally is the midpoint between the foundation for property described as 110 Washington street and the foundation for the property located on 112 Washington Street belonging to Otis Rogers. So it's the other side.

Mr. Grimes: Ms. Brown, do you have a follow up on that?

Ms. Brown: I think so. I'm trying to... how I'm going to ask this. Okay, since it's for the property on the other side, if we were to grant a variance for 110, would that be against the boundary agreement? No? Because we're only working with the right hand side. Okay. Thank you.

Mr. Grimes: Mr. Hawkins, can you step back up? I think there might be one other question for you from the Board. Ms. Brown?

Ms. Brown: Yes. I'm sorry, my memory is fading on me. Earlier when I asked you about the application page, page 8, I had mentioned that they were exact duplicates and they both had left question 3b unanswered. You mentioned that Ms. Brooks did know, even though she didn't fill it in that the hardship, you know, that it was there. Did Mr. Rouhani know when he bought it?

Mr. Hawkins: I would think. I can't say yes, but I'm pretty sure he did, yes.

Ms. Brown: You're pretty sure he did, okay. Who filled out the application? Do you know?

Mr. Hawkins: It was a joined effort. Myself and the owners.

Ms. Brown: Okay. Thank you.

Mr. Grimes: Any other questions for the applicant? Hearing none. Mr. Hawkins you can have a seat. Any member of the public who wishes to speak in support of application please come forward. Seeing none. Any member of the public who wishes to speak in opposition to the applicant please come forward. Seeing none. Obviously you don't need to respond to any questions from support or opposition. We'll now close the public hearing for this application and bring the matter back to the Board for discussion. Anybody have any comments or discussion points on these cases?

Ms. Brown: Yeah, hold on a second. I'm looking at the land card now, there is another boundary line agreement on our first case for, which is the address, I guess it's 110 and it's got a different page number it looks... oh wait a minute. Similar page numbers but it's got a different number on the top and that's on the one for 110. It might be the same, but it's on the land card for that. I guess in our packet it's attachment 4, page 3 of 3.

Mr. Grimes: 110 or 108?

Ms. Brown: 110. Above it has the 175/395. This on both land cards. I guess that's my confusion. If it's on the land card that we looked up originally for 108 and it wasn't even for that lot, is that just a...

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both land cards reference it, I guess is... I'm confused. What's the difference? When I'm looking at this note on the land card on the top it has a little 85 circled, 1985, I guess it's book 467 page 386. Down below it what is the numbers? PB? Is it plat book 13 page 271, home location survey. So they're separate? And you read from both of them when you came back?

Mrs. Blackburn: (Inaudible).

Ms. Brown: Okay.

Mr. Grimes: Do we have any other discussion on the cases presented? Mr. Apicella.

Mr. Apicella: Mr. Chairman, this is kind of going back to my point about our roll in a variance. Again, I think that, the way we were trained and what I remember from the Code is, we're only supposed to do the minimum required to solve a particular problem and to me the hardship in this case goes back to whether or not the property can be sold, appropriately sold. And we've heard that it can't because there is a boundary line issue with one parcel running through... part of a house running through another person's parcel and I respect and appreciate that and I think that's probably something we may want to solve like we did in the previous case back in March that was somewhat similar. But by the same token, again, I asked the question about legal non-conforming uses. There are aspects about these parcels that aren't necessary to resolve that were requested but not necessarily to resolve the most pending issue, which is the boundary line issue. I have not heard, going back to the requirement for a variance, what the hardship is related to those other items, for example the front yard setback. What's the hardship there? I haven't heard any discussion about that whatsoever. There's no case that's been made to us about that. So in my mind the only issue is related to the encroachments and the side yards, not the front yard and not the lot width. Nothing that I'm aware of would preclude them from being able to continue to use those parcels if we didn't address those issues or to sell those parcels and for those legal non-conforming uses to transfer to the new property owner. And I'm looking at Melody as she's shaking her head that that's my belief and that is true. So to the extent that we choose to resolve this issue, my view is... let's deal with the boundary line issue, not deal with the other issues. While they may have merit, those issues haven't... the reason for making those adjustments has not been made to us and is not necessary to resolve the boundary line issue.

Ms. Brown: Just for the record, I do want to, just to mention that the house on the corner, 108, has sold seven times since 1969, okay? There is no records prior to that. Our Zoning changed in, what, 62? 64? 64, okay, and 110 has sold five times since 1968. So apparently this hasn't hindered being able to sell the property. I mean I'm understanding the lender issue now, but I mean, this property somehow has managed to get sold all those times so I just want to point that out.

Ms. Bertoldi: Mr. Chairman, if I may. I think, and I agree with you Dana, Ms. Brown, but I really, I think that the issue, the way I understood it was that there was no survey before. They didn't require surveys. So it wasn't a hindrance, even if the parties themselves had knowledge and selling it amongst themselves. It was not something that clouded, officially clouded the title.

Ms. Brown: She's got a survey.

Ms. Bertoldi: No, before there was not a survey.

Ms. Brown: No, but they've gotten one when it was sold in 84. Is that what she said the date of the survey was? 84/85 that shows the line going down the driveway. So there is a survey.

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Ms. Bertoldi: But I think that it has been the same owner since then, right?

Ms. Brown: No, I think Mr. Rouhani bought it in 2004 in January.

Ms. Bertoldi: Hm. But... I see your point. I see your point now. I see your point. I think though that the, you know, if there was a cash deal, it's not going to matter because in a cash deal you don't have a mortgage company that is requiring a clear title. That you know any party can consent to any agreement that they have between each other and there are, I don't know about you, I didn't pay cash for my house, I have a mortgage on it. I think most people are not... can't do that, so I think that that's probably the difference. But I definitely see your point.

Ms. Brown: I'm just pointing out, it managed to do all these times.

Ms. Bertoldi: I see your point. I think it's a good point.

Dr. Ackermann: But it may have to do with the property value, because you could have done it in the past for it looks like some of the prices were very, very low compared to what prices are now.

Ms. Brown: 2004 the market was pretty high then.

Dr. Ackermann: Yeah, well.

Ms. Brown: I'm just, you know, I want to make it clear that that is an issue for me.

Dr. Ackermann: Except that was a cash sale according to Mr. Hawkins.

Ms. Brown: But the argument that we can't afford to pay cash now, because the prices are too high. My point is that it has been a cash sale and the price wasn't hindering it and the survey was done and it has been selling all this time since the 1900s. And the survey was filed in our plat books, correct?

Mr. Grimes: Any other comments or discussion?

Mr. Gibbons: I'd like to ask Steven to outline a possible way out of this problem here, to get the boundary line settled and then...

Mr. Apicella: So Mr. Chairman, I would make a motion to grant the variance requested on V16-04/16151244, but only for the side yard and encroachment issues.

Mr. Gibbons: I'll second that.

Mrs. Musante: The change is also affecting the lot width, so...

Mr. Apicella: But the lot width is still a non-conforming use, right? So that does not have to be resolved as a result of the variance.

Mr. Grimes: Mr. Apicella, could you repeat that for me one more time? I'm sorry.

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Mr. Apicella: I might need somebody to read it back to me. Mr. Chairman, I make a motion to grant the variance, a variance for V16-04/16151244, but only for the side yard and encroachment issues associated with this lot and house.

Mr. Grimes: Do we need to include the issue of the new boundary line and as defined by the plat?

Mr. Apicella: To me, that's not an issue before us. The only thing that we've been asked to do was grant a variance on the, on four pieces, right, which are the front yard, side yard, lot width, and encroachment. We're not adjudicating the boundary line itself. We're just granting a variance from the County's requirements.

Ms. Bertoldi: To clear the title.

Mr. Apicella: Yeah, and so I think my limited motion addresses that issue.

Mrs. Blackburn: And what did you limit it to again?

Mr. Apicella: Again, the side yard and encroachment issues.

Mrs. Blackburn: In moving the boundary line we are changing the original lot width of the lot and that would actually, I think, in the eyes of non-conformities continue to make it more non-conforming as opposed to less non-conforming.

Mr. Apicella: We're making an official act though, so we have the ability to do that. I'm not willing to grant relief on the overall lot width or how can I say it? I don't think that we need to address that issue.

Mrs. Blackburn: Okay. It was included in the request, because the one width is going to change from what was originally there and could be something different.

Ms. Bertoldi: Mr. Chairman, but does that affect the title? The clouded title? And I agree, whatever will cloud a title is what I agree should be changed in a limited, necessary manner.

Mr. Apicella: I'm willing to add to the motion and any other adjustment that is necessary to address the boundary line issue.

Mr. Grimes: And that's my concern, is that we are, based on this boundary line being drawn, they are creating width of lots that don't comply, therefore granting a variance to adjust that lot width with the side yard setbacks seems like it has to be included in that so that that is documented and noted.

Mr. Apicella: So I just added that. Can you help me out? Can you read back what I said?

Ms. Knighting: What you said was "willing to add to the motion any adjustment" and y'all started talking about...

Mr. Apicella: I said "any other adjustment necessary to resolve the boundary line issues between the two parcels".

Mr. Grimes: So you're including language that is "any other adjustment"?

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Mr. Apicella: Necessary.

Mr. Grimes: Okay, and who's deciding that? Shouldn't it be, any other adjustment as necessary, as determined by the Zoning Department or some...

Mr. Apicella: Sure, that works. We're working our way through it Mr. Chairman. So maybe again, I know we're kind of noodling it. Maybe you could read back what the latest version is.

Ms. Knighting: From "willing to add"? Is that what you want?

Mr. Apicella: Willing to add.

Ms. Knighting: Okay. Let me go back to the original motion. Original motion was to grant a variance for item number 1 for side yard and encroachment issues. Then you added any other adjustments necessary to resolve boundary line issues between the two parcels.

Mr. Apicella: As further... what word did you come up with?

Ms. Knighting: As determined by the Zoning Department.

Mr. Grimes: Yes. So with that revised language.

Mr. Apicella: Mr. Gibbons, are you good with that?

Mr. Grimes: Mr. Gibbons? Yes? Okay. Any other discussion on that?

Dr. Ackermann: So the original application asked for side yard setback to lot 96, side yard setback to lot 64, front setback and the application said that requesting these variances to correct the lot boundary issue. So we're saying by this is that all those are not necessary to correct a lot boundary issue, in our opinion.

Mr. Apicella: Not only in our opinion. We asked the expert.

Dr. Ackermann: But what we pass is essentially that's our decision on that and not all of those requests are necessary to deal with the boundary line issue.

Mr. Grimes: Yeah, and I think it really just eliminates the front setback.

Dr. Ackermann: Well but there is also a side setback between 95 and 94 that is, I mean, if we grant that variance then it's not non-conforming on that side. I mean the request was made for that, that's all I'm saying.

Ms. Bertoldi: Mr. Chairman, maybe we can have the applicant come back up and weigh in on our discussion. Maybe he... I don't know if that's appropriate or not, but it seems like he may be the appropriate person to weigh in on it.

Mr. Grimes: I think it would be worthwhile having the experts opinion brought up and discussed, that if the variance as proposed would meet the requirements of allowing you to adjust the boundary line and create the clear title as it was presented.

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Mr. Hawkins: What you're trying to accomplish, yes, you're getting the boundary line adjusted out of the property. You're giving variance on the setback because there is no room between them to meet the conformity today. And as far as the width of the lot, I mean, it's going to be non-conforming, but as far as how that needs to be addressed, I mean, Ms. Blackburn certainly has given advice on that.

Mr. Grimes: Thank you. Any other discussion?

Ms. Brown: Just one more question. How does a survey get approved and put into one of our plat books. How does that... can any attorney just do a survey and we will file it in our plat books?

Mrs. Blackburn: To my knowledge, yes ma'am.

Ms. Brown: So I could go draw one with a crayon and have you file it?

Mrs. Blackburn: Yes ma'am.

Mr. Grimes: Alright, we have a motion to approve or grant a variance.

Mrs. Blackburn: Excuse me.

Mr. Grimes: Yes.

Mrs. Blackburn: Can you re-read what you're going to approve, or not approve, or vote on?

Mr. Grimes: I would ask Ms. Knighting to read it since I didn't write it down verbatim.

Ms. Knighting: Motion to grant a variance on item number 1... and you read the number, but I didn't write it down... only for side yard and encroachment issues. Any other adjustments...

Mr. Apicella: And any other adjustments.

Ms. Knighting: ... and any other adjustments necessary to resolve boundary line issues between the two parcels as determined by the Zoning Department.

Mrs. Blackburn: In due respect, I have a real question as to whether or not I have that authority, or if the Zoning Department has that authority. I think what is brought before the Board of Zoning Appeals is to, for variances, is to ask relief of that particular situation, whatever the situation is. In this case it is, they have come before you with side yard issues, encroachment issues, lot width issues, no rear yard issues. And I would just strongly suggest that you pick and choose which ones that you feel are appropriate to address as the discussion has been going on. There has been a question as to the front yard setback. It really has nothing to do with the boundary line adjustment which is what they're here presenting. The side yard setback between lot 95 and 94 is not an issue of the boundary line adjustment, but I'm apprehensive to allow you to grant or discuss and potentially vote on such an issue that I may not have the power, or the Zoning office have the power to deal with.

Mr. Grimes: No, and I appreciate that feedback on where we're headed with this. So I think that we would need to revise this and actually call out the specific items that are requested in the variance that we would approve, versus the blanket statements that we're providing. So unfortunately it's going to

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have to be much more defined than the way it was presented, I think, to accommodate given the feedback from Ms. Blackburn.

Ms. Bertoldi: Steven, are you withdrawing the motion? Are we going back to the drawing board?

Mr. Apicella: I'm just trying to figure out, I'm still trying to figure out the lot width issue. I'm still trying to figure out what is the minimum necessary to resolve just the boundary line issue.

Ms. Bertoldi: No, no. I just meant for the motion.

Mr. Apicella: Sure, I withdraw the motion.

Ms. Bertoldi: Okay. Because you had a first and second. So you had a motion and a second.

Mr. Apicella: So, I am going to ask the staff's expertise on that. What is the minimum necessary to resolve the boundary line issue? And if necessary, maybe we can get Mr. Hawkins to weigh in as well.

Ms. Brown: Well I think they said if we just did the boundary line issue and didn't do the other side of lot 95 where it goes to 94, we would make it more non-conforming by not adjusting the other side. Is that correct? Or less conforming?

Mr. Grimes: Well, I would just offer that the variance requirements that are listed or requested here are pretty specific and if we took that same language but simply deleted out the ones that don't affect the boundary line, the front setback, we just took that out, I believe that we could take the language as it's presented here and it solves the issue in its entirety. I understand what Mr. Apicella was trying to achieve by presenting, or at least I think I do, presenting the motion the way you did, so that we can be specific as to what we're granting the variance on. The language is here what they requested and we simply have to strike out what would not affect the boundary line.

Mr. Apicella: Right, but what I'm saying is, and I'm sorry to belabor the point, I'm not convinced, at least from what I heard that at least one of the side yard setbacks is necessary to resolve the boundary line issue.

Ms. Brown: Which one are you thinking?

Mr. Apicella: Well, the one between the two houses.

Mrs. Blackburn: Mr. Chairman, may I make a suggestion please?

Mr. Grimes: Please.

Mrs. Blackburn: For example, on... which one was this... for parcel 53D-95, it talks about the plat submitted in the applicable background, the plat submitted by H. Aubrey Hawkins, shows the existing single family dwelling with a front yard setback of 26 feet where the Code requires 30. I would suggest you vote on that. Then you go on the side yard setback closest to lot 96 is two feet where the Code requires 10 feet, with a difference of 8 feet, and vote on that. And then the side yard setback closest to lot 94 is 4.3 feet, where the Code requires 10 feet for a difference of 57 feet.

Ms. Brown: 5.7 feet.

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Mrs. Blackburn: I'm sorry, 5.7 feet. Make a decision on that. The front porch which is an allowable projection into a required yard is bla, bla, bla, and take each one of those and make a decision on them. It will include the figures that are submitted with the boundary line adjustment. It will... the lot width is what is proposed as it states, which is accommodating for the internal boundary line move and then you can decide on each one, whether or not you feel it's appropriate.

Mr. Apicella: That's fine, but again, I'm still trying to figure out what is necessary. That's easy to do, but it still doesn't tell me what is necessary for the boundary line issue so help me understand how the setback between 95 and 94 is necessary.

Mr. Grimes: I think you actually have to draw them both out on a piece of paper.

Dr. Ackermann: Isn't that what we have here?

Mr. Grimes: Yes.

Dr. Ackermann: This has been submitted with the changes on each side.

Mr. Apicella: Right, but the issue...

Mrs. Blackburn: Mr. Apicella, the setback between lot 95 and lot 94 is not subject to the boundary line adjustment. You are completely correct. It was added to this request because it is non-compliant.

Mr. Apicella: Exactly, and it's still going to be a legal non-conforming use whether we address it or not.

Mrs. Blackburn: Exactly. And if you take each one of these items, you can vote no or, you know, whichever you choose, but that way the Board will be... have addressed the requests that have come before them.

Dr. Ackermann: And we are correct. The original request references this plat which is... which actually defines the property line between the two houses with 2 feet, it looks like, on each side.

Mrs. Blackburn: Yes, Dr. Ackermann.

Mr. Grimes: I think it's a great way to look at that, is to have the plat with you when you're reviewing the language because when you eliminate, and they're highlighted on there, it becomes very simple to circle the ones that apply and the ones that don't and the only one that happens to apply in the first case is the 2 foot between the two properties. The front and the side between 95 and 94 do not come into play. The front setback and the porch encroachment, neither of those come into play, so those will be struck from it. So we can approach it from either way. We can go through each one or you can look at the plat and determine which one affects the boundary line in the case of this first case. It is only the 2 foot as it applies between 95 and 96. And then if you open the plat for the second case, the same applies there. We have a highlighted plat that shows the multiple requests which are the 2 foot between the side yards, the front porch encroachment, and the front yard setback. The only one that would apply in the form of the motion that Mr. Apicella was making earlier is the 2 foot between 95 and 96. All of the others do not come into play. So if we boil it down to something that simply, that the granting of the variance is for those items, none of the others. That addresses the boundary line issue and we do not then discuss or address the conformity or non-conformity of the property and we do not grant them a variance to allow that to remain in future dealings with the property. Am I correct?

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Mrs. Musante: I'm still concerned about not granting a variance of the lot width, because in moving that boundary line you're reducing the lot width on lot 95 and that has been an issue in prior cases of making a property more non-conforming which is what it's doing.

Ms. Brown: Which is what I said a few minutes ago.

Mrs. Musante: I agree with the others, the front porch, the front setback, but I'm afraid if we don't talk about the lot width a little bit more and discuss this a little bit more, I don't want to create a problem for the applicant where when his boundary line plat is submitted the first question is, why didn't we grant a variance of that lot width when he reduced an already non-conforming number.

Mr. Grimes: What...

Ms. Brown: We are granting a variance for the width by fixing the line between 96 and 95.

Dr. Ackermann: No, we're not.

Mr. Grimes: What are the ramifications to the owner to the decision of the Board if we did not address the width and it did come back as a problem?

Mrs. Musante: He's going to have to come back to you for the variance.

Mr. Grimes: For another variance, which means he would have to pay...

Mrs. Musante: Correct.

Mr. Grimes: ... to come seek the variance for the lot width.

Mrs. Musante: That is correct.

Mr. Grimes: Okay.

Dr. Ackermann: And that's for lot 95?

Mrs. Musante: Yes.

Dr. Ackermann: Okay, because lot 96 is not reduced, in fact, it's increased. But it's not... is lot 96 still... it's not conforming for width?

Mrs. Musante: It is.

Dr. Ackermann: It is. Okay. So if less non-conforming is okay, then why isn't more non-conforming?

Ms. Brown: Non-conforming is non-conforming, right?

Dr. Ackermann: The simplest thing to do, it seems to me, is to refer to this plat and approve the drawing of the plats, so there's 2 feet between these two houses on either side, grant that variance.

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Mr. Apicella: I don't think we can, I don't think it's within our purview to grant a survey or a plat. We have got to be specific about what we're authorizing.

Dr. Ackermann: I mean we're authorizing the way this is drawn so that there are 2 feet, that we allow a setback of 2 feet on each side of the property line.

Mr. Grimes: I think that it would be difficult to have the plat included with the variance documentation. Maybe I'm wrong on that, but it seems like it's been defined with language in the application and if we simply take out the pieces that define that, again, in this case the side yard setback closer to lot 96 is 2 feet where the Code requires 10 for a difference of 8 feet. That's the one piece for this. Then the lot width, because I do understand the concern presented by staff with the lot width. We are making a situation worse by moving the line so why wouldn't we grant the variance for that now to avoid potential issues down the road?

Ms. Bertoldi: Just those two, right?

Mr. Grimes: Just those two.

Mr. Apicella: Do we have to say anything about the encroachment or does that get automatically resolved by granting the... okay. So I'm going to, Mr. Chairman, I'm going to try this again. I apologize if I don't get it right. I make a motion to approve a variance for V16-04/16151244 which we would grant a variance of side yard setback to just 2 feet and the lot width of 32.83 feet.

Mr. Gibbons: Second.

Mr. Grimes: We have a motion to grant...

Mrs. Blackburn: Mr. Chairman?

Mr. Grimes: Yes.

Mrs. Blackburn: Can we clarify just a little bit further for the lot width of 2 feet, that it is between lot 96 and...

Ms. Brown: And lot 94.

Mrs. Blackburn: ... and 95?

Mr. Grimes: 96 and 95. So, requesting to change the language to say: to grant a variance for side yard setback to 2 feet between lot 96 and 95 and the lot width to 32.83 feet. Does that sound correct?

Ms. Bertoldi: Second.

Ms. Brown: Is that fixing the other side between 96 and 94?

Mr. Grimes: There is no issue there. Not as far as we're concerned.

Ms. Brown: Okay.

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Mr. Grimes: Well, Mr. Gibbons did second it. Any discussion on the motion presented in front of us?

Dr. Ackermann: I think we've discussed it appropriately and I call for the question.

Mr. Grimes: Excellent, we have a call for vote on the motion to grant the variance for V16-04/16151244 to grant the variance of side yard setback to 2 feet between lots 95 and 96 and the lot width to 32.83 feet. That was motioned by Mr. Apicella, seconded by Mr. Gibbons. All those voting in favor of granting the variance say aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Gibbons: Aye.

Ms. Stefl: Aye.

Mr. Grimes: Aye. All those against? Hearing none, the variance is granted under case 16151244.

Mr. Gibbons: Steven, you want to give the next one a try too?

Mr. Apicella: I'll give it a try. Mr. Chairman, I make a motion to grant a variance under V16-05/16151245 granting a variance of the side yard setback closest to lot 95 of 2 feet and a proposed lot width of 42 feet.

Mr. Gibbons: Second.

Mr. Grimes: I have a motion and Mr. Apicella, I'd like to change that wording just a little bit to match the first case that we heard.

Mr. Apicella: Sure.

Mr. Grimes: Grant a variance of side yard setback of 2 feet between lots 96 and 95 and a lot width of 42 feet.

Mr. Apicella: That's acceptable Mr. Chairman and can I just kind of look to staff for a head nod that that, from their perspective, would resolve... okay.

Mr. Grimes: We have head nod. Acknowledged. Any discussion on this case?

Dr. Ackermann: The plat says 41.63 feet. Are we going to set it to that or are we going to make it 42, a little wider than... the top is 42, at the bottom it's 41.63.

Mrs. Blackburn: The bottom doesn't matter.

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Dr. Ackermann: Okay thank you. Appreciate it.

Mr. Grimes: Hearing no further discussion on this case I'd like to bring to a vote the motion on the floor for V16-05/16151245, granting the variance for a side yard setback to 2 feet between properties 96 and 95 and a lot width of 42. All those in favor of granting the variance say aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Gibbons: Aye.

Ms. Stefl: Aye.

Mr. Grimes: Aye. All against? Let the record reflect that the variance has been approved for 16151245 as noted. Mr. Hawkins, you are free to go. Thank you for your input.

Mr. Hawkins: Thank y'all very much.

**UNFINISHED BUSINESS**

**iPad Discussion**

Mr. Grimes: Alright. Let's see. Moving on to unfinished business. The iPad discussion. Is there any other unfinished... it's just the iPad discussion, right? Let the fun begin.

Ms. Brown: I make a motion we don't do it. I know my supporter is not here. Again, I think we're different than the Planning Commission and the Board of Supervisors. We don't have as large of packets. I like to look at documents more than one at a time. On an iPad I can't do that. I'm going to have to flip between several screens. I'm not going to be able to get maps side by side like I had tonight. At the Planning Commission meetings and Supervisor meetings we have big maps that come down, visuals that they can look at in addition to what they have on the screen so it's hard for me. I don't want to have to pay my own money to print this out. We're not payed members for the BZA. The Planning Commission and the Board of Supervisors receive a salary. Again, I'm worried about a used iPad as far as the chain of custody. I did check with an expert in the field and the device ID is like a serial number. It stays with the machine. After it's wiped the device ID is still the same. Should there be an issue with a criminal investigation later on down the road, that device ID is going to turn up assigned to me. It's going to be up to me to prove chain of custody, that I didn't have it when someone else did. That's my issues.

Mr. Grimes: Question for staff. How long before this is going to be mandated by the County?

Ms. Knighting: Early next year we should be going to electronic plan review, so it might be sooner than we think. I don't have a date yet.

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Ms. Brown: I did talk to a very senior County Official about this and they were unaware of this issue going on with our committee. I'm going to phrase this very carefully. Because I asked that question, is that something that we're all going to have to do and they were not aware of that, so who is this coming from? Who was this directive that we're going to have to go all electronic coming from?

Ms. Knighting: I'm just saying early next year we're going with all electronic plan review.

Ms. Brown: And how does that affect us?

Ms. Knighting: Well, we won't get paper.

Mr. Grimes: The plan review, and as I see plan review, is that plan review for getting building permits?

Ms. Knighting: It's all applications will be electronic. Now some people will submit paper applications, but they're going to electronic.

Mr. Grimes: So any paper application will be scanned and then become electronic and the original be tossed?

Ms. Brown: Can it be printed?

Ms. Knighting: It can be printed, yes.

Ms. Brown: Like it is now?

Mr. Grimes: Is there a specific, and the reason I ask that question and it's kind of following up on what Dana was asking, is there a specific mandate from the Board of Supervisors, someone within the County that all of the documentation and Board documents will be electronic? Is there a date?

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

Mr. Grimes: So there's also no reason we can't do both. Although it creates more work for you. And if you have to print one, does it matter at that point if you're putting together one package or putting together five. Once you have to do it, it's more work, as I understand it.

Ms. Knighting: And there may be occasions and Mr. Apicella can answer this, with the Planning Commission there are occasions where they get more printed information in addition to the iPad information, because it's a special case for some reason. They're dealing with the Comprehensive Plan and they're getting paper copies in addition to the iPad.

Mr. Grimes: And all this documentation, based on the test that I did with your office, is just a website address. The documents are linked. You download them. So you don't have to do that with an iPad. You don't even have to do it with a County supplied iPad. You can use your own device if you like.

Ms. Knighting: Correct.

Mr. Grimes: Okay. And I think Ms. Brown you expressed some concern about using your own device?

Ms. Brown: Yeah. Last meeting we had said we did have to download items onto the iPad. And you're

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saying they're just viewable on the website. Which is it?

Mr. Grimes: Based on my, now Mr. Apicella and Mr. Gibbons could weigh in, but I used my Microsoft device to go to the website that was sent to me. They are simply PDFs that you can get any viewer for free off the web to open them and look at them. It's up to you if you want to annotate them online or make notes on a piece of paper separately. The beauty was that they're all linked, so any time you click on something it takes you to the applicable section. If you click on the case, it takes you to the case documentation. So it was actually pretty nice to navigate around in. But my point was that you didn't have to have a County supplied device. And it didn't have to be an iPad. It could be any computer, as best I can tell, just based on my limited test.

Ms. Brown: So, to see your annotated notes you'd have to save it, which means you'd have to download it onto your device, correct?

Mr. Grimes: That would be correct. If you wanted to mark up the actual pdf of the case, then yes, you would have to download it to do that. And so, I'm trying to... you're concerned about the download.

Ms. Brown: I've been advised against... yeah downloading County files onto my personal device. That is why I asked for the distinction. Again, we're not paid. We're going to end up printing this on our own nickel. Planning Commission can get copies. They get a salary, so does Supervisors. Our packets are like this. I noticed that we... the official that I did speak with in the County, I did suggest mailing the packets to save money versus having them delivered, which I noticed was done this time. I don't know if this was just a coincidence or what, but again, there's been no directive to my knowledge that this has to be done, it has to be done within a year, we have to go all electronic. So I was just trying to get from you why you guys thought that.

Ms. Knighting: We're just trying to get all the Boards, since we work with six different Boards, we're trying to get them all consistent. It's just easier for staff.

Ms. Brown: Okay, because I misunderstood, because I thought you guys had told us it was going to be mandated. That was why I asked.

Mr. Grimes: Now all the other five Boards are they all using the electronic...

Ms. Knighting: Some of them use their own devices. We will not have iPads to supply for them at this time. We were just trying this because the Planning Commission got new iPads and we have ten sitting there and we thought, what a great idea.

Ms. Brown: If the iPads that they had, why did they get new ones, if they were working fine. And you want to give them to us. Why did they get new ones. Just, we wanted to waste money and by extra sets, I mean...

Ms. Knighting: Every so many years we update the equipment. It was my suggestion that we try it with the BZA.

Ms. Brown: So the Planning Commission needed new updates? So we bought them for them and...

Ms. Knighting: The Planning Commission asked for new iPads. They had had theirs for...

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Ms. Brown: Okay. So because the Planning Commission asked for new iPads we have surplus iPads and now you want us to use because the Planning Commission asked for brand new ones, is that what I'm getting?

Mr. Knighting: I'm just offering. I was just offering that it would... never mind.

Mr. Grimes: It's quite... you don't have to defend the position. I agree with the direction you're trying to take it and I appreciate it whole heartedly. I am trying to ask additional questions to seek a compromise because I have, based on our conversations last month, we have some folks that don't have any issue with it. Some that do. I think, well, we took a little straw vote and there was more in favor than there were against. Is there any ability for the folks that want to have paper copies to print their own and file a reimbursement for the printing? I know there's an avenue that we can actually file for mileage. I haven't quite figured out what that is.

Ms. Brown: I'm glad you mentioned that, because it is stated in the Code that we could file for mileage and I was denied that when I went down to my training. So, I don't think that I would be able to put in paper copies?

Ms. Stefl: Really? I was reimbursed...

Ms. Brown: I know, I know. And I tried so I'm just hesitant to have that agreement, because I don't think that would pan out, based on my own experience.

Ms. Stefl: Actually Steven and I were given the option because we took the training together, we could have even had a County car. Now we chose to go separate because he was, you know, staying I think an extra day with his wife, but I recall being reimbursed.

Ms. Brown: It's in our Code. It's in our Code that we can be, but I was told I could not, so...

Mr. Apicella: Did you have a receipt for your gas?

Ms. Brown: I asked how to file it and was told I was not going...

Ms. Stefl: It was the current IRS, whatever mileage it was that year, 52 cents, 53 cents, whatever it was.

Mr. Apicella: I, I mean it's off topic, but I would follow through on that because I think you're entitled to reimbursement.

Ms. Brown: I did pursue it but the answer was no, so I'm hesitant to believe that we would get reimbursed.

Mr. Apicella: Is that something you all can help her with, because it's standard practice to get your mileage, I think, reimbursed.

Mrs. Musante: I don't remember what happened, but I can definitely go back and look, but who did you talk with Dana?

Ms. Brown: You.

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Mrs. Musante: Well, it wouldn't have come out of my own mouth to tell you no, I would have had to have checked with somebody else. Okay.

Ms. Brown: Yeah, I got it in writing I believe.

Mrs. Musante: Okay.

Ms. Brown: So again, this is kind of off topic. The reason I brought it up is because I don't know that we would actually be reimbursed for that.

Mr. Grimes: Well and that's what I'm trying to get to. That's beside the point of the issue.

Ms. Brown: So then I'm going to have to go down to Staples and go print this out, right? I'm a volunteer. I don't understand why we can't get a half inch, quarter inch packet photocopied.

Ms. Stefl: I think we're also talking... you know, society is also going paperless. The federal government is going paperless on their, you know, requirements. I hate to be holding back on something that is coming down the pipe.

Ms. Brown: Federal government prints a lot of papers okay?

Ms. Stefl: I'm not saying... Dana, you're putting words in my mouth. I didn't say they're going 100%. I said they are on the way to going that way, so, I mean, I hate to stop progress.

Mr. Grimes: Well, are we still in an all or nothing situation? It sounds like, as best I can tell that this is really coming from your office, the Zoning office, as a way to reduce work load on the staff and trying to streamline the process.

Mrs. Musante: We would have to take this back to the Director of our department and speak with him, because that's where we get our direction from.

Mr. Grimes: Okay, and it seems like we have a, we discussed earlier, a grace period of where we could do an either or while we're figuring out, or both in some situation. I mean, some folks will just go, just give it to me electronic, I'm fine. Others will want the paper for some determined period of time, so, if you could check to see if your Director has decided it's still all or nothing.

Mrs. Musante: I can definitely check into that and get back to you.

Mr. Grimes: That would be great and then I can convey that out to everyone else. Any other comments on this?

Dr. Ackermann: Well I think there's parts, for example the minutes, that there is no reason to give us printed copies of those. We don't annotate them. We can read them online effectively. You can look for your name and see what you said, if that's right rather than going through all this stuff. And if that were, at least that were eliminated from the packet I think that would be, what, 43 pages, you know, 20-something pages which are just thrown away essentially.

Ms. Brown: I'm fine with that. Although, just for the record, I do keep all my minutes, and I do refer back to...and I know they're online.

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Dr. Ackermann: Yeah, they're online. You don't have to keep them.

Ms. Brown: But the case stuff I really, really would like to see printed.

Mr. Grimes: Again, I think the challenge is, once you have to print and assemble a package, whether the meeting minutes are in there or not, it's still a laborious chore to do. I can see it. I can see how it's put together, what it must take. You guys must have this long table set out and print multiple copies and then collating them and putting them together and then put labels on them and mailing. I just, I see the huge, in my mind, just a huge waste of people's efforts that could be focused on something better, but let's get some feedback on these additional items and then we can go from there.

Ms. Brown: Just one more comment. I do go to several Board of Supervisor committee meetings where in those meetings in the Conference Room ABC, they are handed a paper packet and so is the audience who comes... but all the Board members and the staff. So somebody is sitting there at a table putting together papers for other... they're like the FAB agendas and the FAB packets, stuff like that and they include maps.

Mr. Gibbons: Mr. Chairman, of the few that want to try to get ahead, if they got them available, I'd like to use them. I mean, I loved mine when I was on the Planning Commission.

Mr. Grimes: I think once we get the feedback, whether if we can do select members, the members that want to and still have the paper copies for those that don't then we'll know if we can do that, because I agree with you, if they allow us to do some, then let's make it an individual choice. When this was originally brought up two month ago, it was presented as an all or nothing. Last year, I'm sorry, last year.

Mrs. Musante: Last year, that's when it was originally told.

Ms. Brown: It was also presented as a mandate, which is my issue as well.

Mr. Grimes: And I may have used the word mandate.

Ms. Brown: No, I don't think you did.

Mr. Grimes: Alright. I think we've had enough of that one. Zoning Administrator's report?

Ms. Knighting: Ms. Brown made a motion that was never seconded.

Ms. Brown: Okay, how about, I'll defer to you.

Mr. Grimes: Would you like to withdraw that motion till get the additional information?

Ms. Brown: Yes. Yes.

Mr. Grimes: Thank you. We'll defer the iPad decision until we get further information, which looks like it might be July.

**ZONING ADMINISTRATOR'S REPORT**

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Mr. Grimes: So, looks like we'll be moving on to the Zoning Administrator's report.

Mrs. Blackburn: I have nothing at this time.

Mr. Grimes: Thank you very much.

**ADOPTION OF MINUTES**

April 26, 2016

Mr. Grimes: We now have review of the minutes. Any comments, questions, changes to the minutes?

Mr. Gibbons: Mr. Chairman, I can't vote on it because I was not a member.

Mr. Grimes: Thank you sir.

Ms. Brown: I have one correction. I want to speak on behalf of Dr. Larson. Page 17, line 815 the last word in the sentence, it says cold. I believe that should be could.

Ms. Knighting: Page 17, line 815?

Ms. Brown: Yes, the last word in the sentence is printed as cold and I believe it should be could.

Mr. Grimes: Any other comments or changes to the meeting minutes of April 26, 2016? Do I hear a motion to approve the, or adopt the meeting minutes from April 26, 2016.

Ms. Brown: Motion to adopt the minutes from April 26, 2016.

Mr. Grimes: Do I have a second?

Dr. Ackermann: I second that.

Mr. Grimes: All those in favor to approve the meeting minutes from April 26, 2016 say aye.

Dr. Ackermann: Aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Ms. Stefl: Aye.

Mr. Grimes: Aye. Against?

Mr. Apicella: Mr. Chairman, I'm going to abstain. I wasn't here for that meeting.

Mr. Grimes: Thank you sir.

Mr. Gibbons: I have to abstain too Mr. Chairman.

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Mr. Grimes: Thank you sir. The meeting minutes from April 26, 2016 are approved.

Mr. Gibbons: Is there anything scheduled for July?

**OTHER BUSINESS**

Cancellation of June meeting (no public hearings)

Mrs. Musante: As of now we do not have anything, no public hearing for June, so if we could get a motion to cancel the June meeting please?

Mr. Gibbons: So moved Mr. Chairman.

Mr. Apicella: Second Mr. Chairman.

Mr. Grimes: All those in favor?

Dr. Ackermann: I thought we could talk about iPad issue, but I'll go along with the motion.

Mr. Grimes: All those in favor of skipping the June meeting say aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Gibbons: Aye.

Ms. Stefl: Aye.

Mr. Grimes: Aye. Those opposed? None. Approved to skip the June meeting.

Mrs. Musante: And as of now I don't know of anything that's going to be coming for July.

Mr. Grimes: Hm, might be a nice summer. I have one other business item. We received a writ today? Yesterday?

Mrs. Musante: Yesterday.

Mr. Grimes: On the Newman case.

Mrs. Musante: Correct.

Mr. Grimes: So they are appealing?

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Mrs. Musante: They are appealing. It was actually filed within the 30 days from the February meeting. I called the Circuit Court probably two weeks ago to ask them how come I had not received a copy to send the record over and the lady was on vacation and then it magically appeared yesterday. The Newman case was the variance of lot width when the property was... yes, she wanted to build a retirement home on this vacant lot that's adjacent to her current house but the lot was never legally platted.

Ms. Stefl: I think that was the meeting I missed.

Ms. Bertoldi: It was, yes. Because Bob Gibbons was sitting in your spot and I was sitting next to him.

Mrs. Musante: It was a 3 to 4 vote I think.

Ms. Bertoldi: I have a question, so when they file their briefs, is that something that we can have access to, to be able to review? Do you get a copy of them?

Mrs. Musante: We do not.

Mr. Grimes: Just one point on the document that was submitted. It, the case number it showed doesn't tie to our case number.

Mrs. Musante: Right, that's the Court case number.

Mr. Grimes: Okay, is there... I don't know, I can't remember who generated that document, I swear it was on Stafford County letter head.

Mrs. Musante: It is.

Mr. Grimes: So can we include the case number on that next time?

Mrs. Musante: Sure.

Mr. Grimes: Just so, I wanted to be able to look up which one it was and I just had no idea.

Mrs. Musante: Not a problem.

Mr. Grimes: Great, thank you.

Mr. Gibbons: Mr. Chairman I have one request.

Mr. Grimes: Yes sir.

Mr. Gibbons: There was a lot of good questions talked about tonight about what's acceptable to lending institution or like title insurance, I was wondering if we could maybe go back to the county and ask if somebody can research something to find out, so you know what the lending... how they operate. Because it might be a hardship and we don't know it because we're not aware of the guidelines.

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Mr. Grimes: I think that's not a bad idea. Can the... would the county be able to do that research or we need to reach out to our Board attorney to provide that information? Because I'm worried that every lender may be different.

Mrs. Blackburn: You are right. Probably every lender is different. We can research all of that and let you know what is the best avenue to go. It may be something from more of a Board, a regulatory Board, and I'm thinking, I don't know what they would be called, but, you know, like we have the realtor board.

Mr. Grimes: I think there's a state commission that controls the lenders. So there might be some documentation for the commission.

Mrs. Blackburn: There might be some documentation for that, yes.

Mr. Grimes: Especially since the lending crisis. I know that they've tightened a lot of those issues.

Mrs. Blackburn: We can research it and let you know what we find.

Mr. Grimes: Okay, that would be fantastic.

Mr. Apicella: That's actually a segway to a question. Do we, we're moving into a new budget year, do we get an appropriation for funding for our counsel and where are we in terms of money left over from this year?

Mr. Grimes: Well, we spend none this year and we carried over...

Ms. Knighting: I think we have right around \$6,000, but I would have to double check and get back with you.

Mr. Apicella: Does it carry over or does it go back into the general fund?

Ms. Knighting: It carries over because I put it in a purchase order.

Mr. Apicella: You rock. Thank you.

Mr. Grimes: Yeah, I think we have that... that might be worth including in the Administrator's Report.

Ms. Bertoldi: I have one other... I have one question. Is there any funding to have continuing education for like certain issues such as this? I mean I haven't gone through the initial classes and taken the test yet, but after that it seems like we're on our own even though laws change and there's development and I mean, as lawyers you have to have continuing legal education. Is there some avenue that we can, as a Board, if we up to be reimbursed for or have those kind of opportunities?

Mrs. Musante: Us zoners belong to an organization called the Virginia Association of Zoning Officials. We do offer training four times a year, as well as we have conferences where attorneys and different speakers come and give updates. Those might be something that we could get you guys into and we also here locally, I don't know if you know Andrew McRoberts or not, but he's spoken to our Board a couple of times regarding vesting issues and things like that. So we do have the training...

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Ms. Bertoldi: I think we would really benefit from that as a group.

Mrs. Blackburn: We had a very well attended meeting when they talked about vesting.

Mr. Grimes: Yeah that was over at Rowser?

Mrs. Musante: Yes it was.

Mrs. Blackburn: We had over 100 people and I think it hopefully helped. Some people get an idea of what it really is. And I know Melody is on the Board for VAZO and she and I have talked about doing things like that, having a larger group to, you know, to address and help bring into listing things like when the legislature is done, what are the laws. It may take a little while because sometimes some of those laws they're still figuring out as to what they thought they really said. So, yes, we would be more than happy to send this out to you all and include you in on...

Mr. Grimes: I would like to offer that, and maybe this is something you run up to the Director, since our positions are reappointed every certain number of years, when we're reappointed that means you're not training someone new and maybe there would be an opportunity for us to then go and take the training classes again, or a different version that might expand our knowledge base a little bit. I know it doesn't help the new member, but the existing members, that would be a great way to get continuing education on the topics.

Ms. Brown: Well actually I had just received a survey from the people that put on the class and they asked what kind of suggestions I would have for the future. And one of the things that I did respond with was that we needed, you know, fresh-up training, refresher training. You know, when we come on, and some of us have been on for many years and we haven't gone back. I mean I found the course very valuable and I would have felt very afraid operating on this Board without having gone to the class. I was fortunate to be able to go right away, because I did learn a lot there and I know that things do change. And they ask you if I'd be interested in participating in a, some kind of committee that would, I don't know, make materials for the class. So, I don't know where that's going but that was... I did get a response back on that.

Mr. Apicella: When I first got appointed to the BZA, and even after I had my... I think it was before I had my training, Mike Chandler did a workshop. It was a regional workshop, I think actually Fredericksburg sponsored it and I presumably paid for it, but that was an awesome class and it was a mini version of the course. The class is great and it focuses on a wide range of issues, but I think it was like, maybe 4 hours at most. Maybe that's something we might want to partner with some of our regional localities on.

Mrs. Blackburn: Yes, and that is some of the things that Melody is...

Mr. Apicella: He's great and he does a really good job synthesizing the information and providing a refresher. I think if we maybe make that happen in say late summer, fall that would be awesome.

Mrs. Blackburn: Part of all that's going on with that though is that Dr. Chandler is attempting to retire.

Mr. Apicella: We can't let him do that.

Ms. Brown: He's got a good assistant.

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Mr. Apicella: Let's catch him before he retires.

Mrs. Blackburn: So some of this is, they are trying to figure out what they're doing too. They have gone from being part of an extension office to other things. They've morphed through all the years and so hopefully we can all, you know, get interesting topics that... we just went to one about microcells in Prince William. And they did not know we had changed our Ordinance to address it. So we may be the subject of a commerce convention in Dallas. I think it's this week, isn't it?

Mrs. Musante: I'm not sure.

Mrs. Blackburn: Yes, they were going to look at our ordinance, I said, just let me know, you know, if we got holes in it or not, because we tried to make it pretty good and from what I understand from the talk we listened, and that talk was just they're coming and this is what they are, that we were given, what appears to be, very good guidance from one of the women who actually was representing Verizon. And she was really quite upfront with us all. So I need to email her and thank her for that. But yeah, what we went to was they're coming, they're here, this is what they look like and no one really had been exposed to them at all. And we had already changed our ordinance to address those.

Ms. Brown: I would like to suggest, if we're going to talk to Mike Chandler's group about some regional thing, one of the issue I have as a new member, when we went to training there's only a handful of counties in the state of Virginia that handle special exceptions. So the training was all really based around variances, okay? And I had a lot of questions about special exceptions because we do a lot of special exceptions and it just wasn't really addressed. So perhaps, and I know Fairfax doesn't, but if we're going to do some kind of regional thing, it could focus more on that, because I don't think any of us have gotten a lot of training on that. And that is a big part of our business. I did put that in my comments to for what classes I'd like to see, but...

Mrs. Musante: Denise did tell me that we can put, we can request to put money in the budget and that comes up in October. We start in October that we can request additional moneys for training for you all.

Ms. Brown: Is it cheaper if they come to us versus going somewhere, like paying one person to come here versus you know, us to go somewhere else?

Mrs. Musante: If we charge the members, which is what we've done prior is, you know, they pay \$10, because I think Dr. Chandler charges \$500 for 4 hours, so if we charge each member \$10, we can recoup some of that money.

Mrs. Blackburn: VAZO members.

Mrs. Musante: It's the VAZO members. I think we've charged \$20 and that included a lunch so it depends on...

Ms. Bertoldi: So you're saying we'd be charged \$10 for that?

Mrs. Musante: You wouldn't be. No. You all would be able to come for free. We charge the VAZO members which recoups the cost.

Mr. Grimes: Alright, thank you very much for all that additional information. Do I have a motion to adjourn.

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ADJOURNMENT

Ms. Brown: Motion to adjourn.

Ms. Bertoldi: I will second.

Mr. Grimes: I have a motion to adjourn by Ms. Brown seconded by Ms. Bertoldi, all in favor say aye.

Dr. Ackermann: Aye.

Mr. Apicella: Aye.

Ms. Bertoldi: Aye.

Ms. Brown: Aye.

Mr. Gibbons: Aye.

Ms. Stefl: Aye.

Mr. Grimes: Aye. Thank you all. See you in August, maybe.

With no further business to discuss, the meeting adjourned at 9:18 p.m.