

STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES
August 23, 2016

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) of Tuesday, August 23, 2016, was called to order with the determination of a quorum at 7:03 p.m. by Chairman Robert Grimes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Danny Kim, Dana Brown, and Dean Larson,

STAFF PRESENT: Melody Musante and Stacie Stinnette

These are not verbatim due to an equipment failure and the minutes reflect the general intent of the conversations.

DETERMINATION OF QUORUM

Mr. Grimes introduced the Board members and staff and explained to the public present, the purpose, function and process of the Board of Zoning Appeals. He asked the members of the public who planned to speak at this meeting to please stand and raise their right hand, swearing or affirming to tell the truth. He then asked if there were any declarations of disqualification.

DECLARATIONS OF DISQUALIFICATION

Mrs. Stefl stated she drove by the home but did not speak to the applicant.

PUBLIC HEARINGS

1. SE16-04/16151377 – James E. Stoll - Requests a Special Exception per Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards," R-1, Suburban Residential, to allow a home business for the sale of firearms and firearm accessories on Tax Map Parcel No. 21B-1797. The property is zoned R-1, Suburban Residential, located at 2033 Farragut Drive, Aquia Harbour Subdivision.

Mrs. Musante read the staff report, stating the applicant was requesting a Special Exception to operate a home business that would consist of firearm and accessory sales, intending to sell them over the internet. She state the applicant would have customer visits by appointment only between the hours of Monday through Friday, 10:00 AM to 6:00 PM, Saturday 10:00 AM to 2:00 PM, and no Sunday hours. Mrs. Musante stated the applicant met with Ken Langer, Manager of Aquia Harbour Property Owners Association, to discuss his business proposal; Mr. Langer had no opposition which staff verified. She then read through the 14 conditions. Dr. Ackermann stated retail sales were not permitted in R-1 zoning. Mrs. Musante state she did not meet with the applicant but that he was made aware that retail sales was not allowed. Mr. Apicella asked if the proposed conditions were fairly consistent with the conditions that had been applied to previous cases. Mrs. Musante stated they were. Mrs. Stefl stated she was confused and did not know if the business was in the home or in the garage. Mrs. Musante stated the business would be conducted in an office and that that was a question for the applicant.

Mr. Grimes asked if there were any other questions of staff and, hearing none, he opened the public hearing and asked the applicant to come forward to present their case.

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Mr. Stoll, the applicant, stated his wife was the 51% owner of the business. He stated all business would be transacted in the office, and that the garage would be used strictly for storage. There was a safe in the garage for firearms, and locked storage in the office. He stated he was the chief cook, bottle washer, and admin assistant. Mr. Gibbons asked if he did windows also. Mr. Stoll stated only inside. Mr. Grimes asked the applicant to describe what the business was. Mr. Stoll stated this had been going on for 6 years, being a registered LLC. He stated all transactions were conducted in the house and the garage was for storage. Customers came to the house between 10:00 and 6:00 and it was a gated community. He also stated all business was by referral. Mr. Grimes stated that all sales needed to take place on the internet. A discussion ensued regarding retail sales and not being allowed in R-1 zoning. Mr. Stoll stated he would collect a service charge fee.

Mr. Apicella stated he would recommend one change for condition number 3, to add no more than 1 customer at a time. Mr. Stoll agreed. He stated that if he did 20 transfers in a month, that was a good month. Mr. Gibbons stated if the applicant had sales with an internet customer, then all he was doing was transporting the item to the person who bought it online. Mr. Grimes stated he was receiving a fee for service when he would do a transfer which was interpreted to be different than a retail sale, which was buying a product that was displayed or kept on hand at the residence. Mr. Gibbons stated then he was like a delivery service and not a firearms sales, and asked if the code stated that a delivery service could be operated in a residential area. Mrs. Stefl stated the FFL did not have a classification for delivery. Mr. Grimes stated the actual sale of the weapon is purchased somewhere else, typically online, and that in order for the person that bought it to receive it, it would have to go through a transfer process. He stated the only way to be allowed to do that is to use a licensed FFL transfer which is what the applicant's business is. Mrs. Stefl stated that the applicant had some inventory to sell and hoped he understood retail sales were not allowed. A short discussion ensued regarding online sales.

Mrs. Stefl asked the applicant about doing business for 6 years. Mr. Stoll indicated he was unaware until his latest renewal with the ATF. Mrs. Stefl asked if ATF inspections were unannounced, and the applicant stated yes.

Mr. Grimes then asked if there were any public speakers in support of the application, and none were present. He asked if there were any public speakers in opposition of the application, and none were present. Mr. Gibbons seconded the proposed motion. Mr. Apicella made a motion for approval with the change to condition number 3. Ms. Bertoldi made a friendly motion to also strike condition number 6, which was accepted. The motion passed 6-0.

UNFINISHED BUSINESS

NONE

Mr. Grimes stated there was really no unfinished business as 3 items were deferred until September.

ZONING ADMINISTRATOR'S REPORT

Mrs. Musante stated she had two meetings on Thursday regarding Wild Run and the Newman case was going to court.

ADOPTION OF MINUTES

May 24, 2016

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Mr. Gibbons made a motion to approve the May 24, 2016 minutes, with Dr. Ackermann seconding. Mr. Grimes stated he had no changes. The motion passed 6-0.

OTHER BUSINESS

NONE

Mrs. Musante stated there was one public hearing scheduled for the September meeting, with another application regarding a home business that may go which she had to discuss with the Zoning Administrator.

ADJOURNMENT

Mr. Apicella made a motion to adjourn; Dr. Ackermann seconded. The motion passed 6-0.

With no further business to discuss, the meeting adjourned at 7:43 p.m.