

**STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES**  
**March 24, 2009**

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) on Tuesday, March 24, 2009, was called to order with the determination of a quorum at 7:00 p.m. by Chairman Robert C. Gibbons in the Board of Supervisors Chambers. Mr. Gibbons 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.

Mr. Gibbons stated the Bylaws of this Board state the applicant would be allowed up to ten minutes to state their case, the other speakers would be allowed three minutes to testify, and the applicant would be allowed three minutes for rebuttal.

**Members Present:** Ernest Ackermann, Steve Beauch, Ray Davis, Robert Gibbons, Marty Hudson, Larry Ingalls, and Karl D. Larson

**Members Absent:**

**Staff Present:** Rachel Hudson, Zoning Administrator  
Melody Musante, Senior Zoning Technician  
Aisha Hamock, Recording Secretary

Mr. Gibbons: Is there any changes to the advertised agenda.

Mrs. Musante: No.

**DECLARATIONS OF DISQUALIFICATIONS**

None

**PUBLIC HEARINGS**

- 1. SE09-01/2900064 - TRACI A. CANTRELL-PARKER** - Request a Special Exception per Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards, A-1, Agricultural," to allow outdoor weddings as a Rural Home Business on Assessor's Parcel 45-133G. The property zoned A-1, Agricultural, and is located at 90 Samuels Lane.

Mrs. Musante: The applicant was requesting a Special Exception for a Rural Home Business to host outdoor weddings. She stated the days and hours of operations were Monday through Sunday, 11:00 AM to 11:00 PM. The property was three (3) acres in size with a single-family dwelling of 2,960 square feet. She stated the applicant proposed a gazebo garden and reception area. Portable toilets would be provided for restroom facilities and the applicant had indicated the property from Truslow Road back to the wedding venue is family owned. The entrance to Samuels Lane is Stafford Nursery, owned by the applicant's brother. The surrounding properties were owned by the applicant or by her brother and they maintained the gravel road known as Samuels Lane. The single-family dwelling was built in 2004, the permit number 2300036, final subdivision plat, was approved April 28, 2003. The plat approved two (2) three (3) acres lots and a fifteen (15) foot ingress/egress easement. The development conditions would be days and hours of operations: Monday through Sunday 11:00am to 11:00 pm, to provide off street parking, customer visits by appointment only and no outside storage.

Mr. Gibbons: Were the hours Monday through Sunday 11:00am to 11:00 pm.

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Mrs. Musante: That's correct.

Mr. Gibbons: Is the applicant present? You have to state your name and address for us.

Traci Cantrell-Parker: I would like to have a wedding venue for outdoor weddings, I have a gazebo garden where the ceremonies would be performed and on the opposite side of the property. I have an outdoor pavilion area for the receptions. I would not be cooking there, the caterers would bring in food and everything would be out there in the area. I would just be renting the actual venue.

Mr. Gibbons: Is there any questions of the applicant.

Mr. Ackermann: This Angelwood Inn, is that a physical structure or just the name of the company?

Ms. Cantrell-Parker: It is just going to be the name of the company.

Mr. Ackermann: Ok, that's fine.

Mr. Davis: What type of parking facilities do you have or will you have?

Ms. Cantrell-Parker: I have cleared property with gravel.

Mr. Ingalls: The application is for wedding only, is that the way I read it? So you wouldn't be an outdoor wedding venue, seeing how we advertised to allow outdoor weddings. In my mind that would eliminate any receptions.

Ms. Cantrell-Parker: You could have just the reception there, yes.

Mr. Ingalls: Is that what you want to be able to do there?

Ms. Cantrell-Parker: Ideally, I would like the wedding and the reception on the other side, the whole package.

Mr. Ingalls: You would not have a reception only?

Ms. Cantrell-Parker: Yes, if they were married in a church and wanted a reception only then yes.

Mr. Ingalls: If they wanted to come to your place to have a reception?

Ms. Cantrell-Parker: Yes

Mr. Ingalls: As a follow-up to my colleague's question on parking, you said you had a place for one hundred (100) cars to park and listed the traffic as a maximum of fifty (50) vehicles on the weekend.

Ms. Cantrell-Parker: Correct.

Mr. Ingalls: Fifty (50) cars and one hundred (100) parking spaces does not match up.

Ms. Cantrell-Parker: I was thinking one hundred (100) people, fifty (50) cars.

Mr. Ingalls: Ok.

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Ms. Cantrell-Parker: Give or take.

Mr. Ingalls: One hundred (100) cars, with a really good design you could get about thirty (30) cars in a one hundred (100) by one hundred (100) space so almost three quarters of an acre. That would be in a really good design with stripes and everything else.

Ms. Cantrell-Parker: Right.

Mr. Ingalls: It takes more area for parking because people are going to park.

Ms. Cantrell-Parker: We own the parcel in front of my parcel too. So there is open property that parking can occur on.

Mr. Ingalls: Is there a dwelling on the piece in front?

Ms. Cantrell-Parker: No, that is an empty lot.

Mr. Ingalls: You own that?

Ms. Cantrell-Parker: My brother owns that.

Mr. Ingalls: Ok. I noticed on the plat a Mehan, is that a neighbor or relative? Who is behind you?

Ms. Cantrell-Parker: It is an undeveloped piece of property, I guess that is the property owner. The other side was where the cemetery was coming up the back side of my property.

Mr. Ingalls: The Mehans or whoever owns that piece to the rear and to the left of yours is not a relative.

Ms. Cantrell-Parker: No.

Mr. Ingalls: I am assuming that you have read the standards of the Rural Home Business.

Ms. Cantrell-Parker: Yes.

Mr. Ingalls: One of the things it talks about is, no more than three (3) employees other than family members residing in the principle residence shall be employed in the business.

Ms. Cantrell-Parker: It is just my son and myself living there. No one else will live there and work there.

Mr. Ingalls: I assume if you have a reception, are you going to have an outside caterer brought in? You tell me what you are providing?

Ms. Cantrell-Parker: I am providing the venue and the bride and groom will bring in their caterer and cake.

Mr. Ingalls: Will you provide the tent or is that something they would provide?

Ms. Cantrell-Parker: There is no tent. We have a pavilion area and it was possible that if someone wanted to rent a tent, they could.

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Mr. Ingalls: Ok.

Ms. Cantrell-Parker: I am not providing that tent but if they wanted to rent one, we could put that up. There was space there to have a tent if they so desire.

Mr. Ingalls: You are doing exactly what your application says, a venue to have it. You are just saying that I have a place, if you want to have one come here.

Ms. Cantrell-Parker: Correct.

Mr. Ingalls: I am providing the place and you have to provide everything else.

Ms. Cantrell-Parker: Right.

Mr. Ingalls: The sanitary facilities, you would try portable toilets and so forth?

Ms. Cantrell-Parker: Yes.

Mr. Ingalls: Will you be providing that?

Ms. Cantrell-Parker: Yes, I will provide that.

Mr. Ingalls: That is all I have right now.

Mr. Gibbons: Any other questions?

Mr. Ackermann: I have a question, I am not sure whether it would be for the applicant or maybe it would be for staff, but how strict is this wedding venue designation. Would it prohibit having a graduation party there if we approve it for wedding venue? How do we deal with that?

Mrs. Musante: You as the Board have the right to put any conditions on this Special Exception that you see fit and if you want to restrict it specifically for outdoors wedding, you all have the right to do that.

Mr. Ackermann: Ok.

Mr. Hudson: I have a question for staff. Is there a time limit on home business?

Mrs. Musante: There is not according to our Ordinance but that is something else that you can do as well.

Mr. Hudson: I was just curious.

Dr. Larson: I had a question for the applicant. The application goes until 11:00 P.M., what sort of lighting do you have in the gazebo area and the reception area?

Ms. Cantrell-Parker: Outdoor lighting.

Dr. Larson: Posts with flood lights?

Ms. Cantrell-Parker: Posts with flood lights and then strung lights.

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Mr. Gibbons: I gather when I read on Rural Businesses there was no restriction on the parking. It does not have to be asphalt or anything, it could be stone and there is no restriction on the amount of space you have per the amount of people like a church.

Ms. Hudson: There is no requirement in the Code.

Mr. Gibbons: I find it hard that we are going to park up to one hundred (100) cars on that amount of property and then at 11:00 P.M. at night those people egressing from the property.

Mr. Davis: I also have a concern about the egress, I have a concern about the driveway in and fifteen (15) feet seems a bit narrow. Two (2) cars meeting one another, also fifty (50) cars in and out, especially in the summertime dry conditions, which create a lot of dust. I do not know how that would concern the neighbor's air quality.

Ms. Cantrell-Parker: I don't have neighbors. From the top of the road where you turn off Truslow into Stafford Nursery, the entire gravel road back, there are no neighbors back where I am. I am a mile back in and my brother's business has a water truck that we plan to keep the dust down with the water truck. The traffic will be coming in and there is a circle to come in and around and out to keep traffic flowing. There will be someone out there assisting and directing.

Mr. Gibbons: That is where I had concern, do you have a contract drafted up that states what you would provide and what the applicant has to do. Here we have a Sheriff and when people are feeling good and the band turns it up a notch or two, especially at night, the music carries. Is there anything you drafted that lays responsibility on the person who rents it from you; and certain guidelines stating you are going to provide someone to direct traffic or hire a part time deputy. How do you do this so the public is protected?

Ms. Cantrell-Parker: I am going to be there as that person, making sure that everything on the property is under control and maintain the traffic flow and make sure there is not out of hand music or people. I plan to be on premise during these events.

Mr. Gibbons: You don't have any guidelines.

Ms. Cantrell-Parker: I have not written them yet and plan to but have not been approved to do this yet. I do plan to have a contract that they sign, very similar to any venue that you would go to with rules and restrictions.

Mr. Gibbons: I could see Friday, Saturday and maybe Sunday but Monday through Thursday until 11:00 PM at night with weddings.

Ms. Cantrell-Parker: I doubt seriously there will be any myself, I think they would be primarily Friday or Saturday.

Mr. Gibbons: Is there any way to say that during the week with people working, the hours could be less than eleven at night.

Ms. Cantrell-Parker: Absolutely.

Mr. Ingalls: I want to make sure again what you are really going to do there. My colleague brought up birthday parties or other events, you would not solicit or have those type of events.

*Stafford County Board of Zoning Appeals*  
*March 24, 2009*

Ms. Cantrell-Parker: No, I would like to be able to have an event there where they could rent the venue for events. I do not believe I would take on a graduation party with a bunch of teenagers. I am looking towards more of a wedding venue but if someone was having a 75<sup>th</sup> birthday party or 50<sup>th</sup> anniversary and wanted to have a reception there.

Mr. Ingalls: You would like to utilize the venue for more than just wedding and wedding related events?

Ms. Cantrell-Parker: Certainly, an outdoor venue. Primarily I am going to focus on weddings but if someone had a 75<sup>th</sup> anniversary that would be nice to do as well.

Mr. Ingalls: Ok.

Mr. Beauch: I think we need to be careful, without putting any limits on it, I would be concerned about a concert. Not a big concert but a small concert, it could be pretty loud until 11:00 at night and I would not want to live within a mile.

Mrs. Musante: The application is strictly for outdoor weddings, if we go off from that for graduation parties and things like that, we need to re-advertise.

Mr. Gibbons: Would they have to pay another fee to come back and the Board could re-advertise that.

Mrs. Musante: No.

Mr. Beauch: They would have to modify the application though, is that right?

Mrs. Musante: They would have to modify the application.

Mr. Ingalls: Sometimes people do not realize what they really want to do until they get here and come up and think about all these other issues. I assume we have a Noise Ordinance in the County, someone brought up about a band playing and would not want to be next door with a band playing at 11:00 at night.

Mr. Gibbons: The Sheriff would have to come out with these meters and that is a nightmare.

Mr. Ingalls: We do have one, I assume.

Mr. Gibbons: Yes we do.

Mrs. Musante: We do have a Noise Ordinance, we do not enforce the Noise Ordinance, the Sheriff's Department does.

Mr. Ingalls: If we had a condition that they must meet the Noise Ordinance, which they have to meet it anyway and somebody called the sheriff, he would come and stop them from playing, that would be a violation of our conditions if we had it as a condition. It would be a reason to revoke the permit or Special Use.

Mr. Gibbons: He has a right to come in and ask that.

Mr. Beauch: It sounds like we can leave the noise problem up to the Noise Ordinance.

Mr. Gibbons: You would like to expand it just not to weddings.

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Ms. Cantrell-Parker: Yes.

Mr. Gibbons: Then we would like to re-advertise that for another hearing and we can do that for next month. I would like to have you sit down with staff, personally, and list guidelines or the rules that you would live by so the Board can approve that. We would send it by the Sheriff to show there is a venue coming and what would you wish for traffic control. If you park fifty (50) or one hundred (100) cars at night, there is a rural road and Mr. Davis is right, when you get fifteen (15) feet, you really can't pass to well on the road. Would you have any objection to that so you would not get into trouble? When you did lease or rent it to somebody, they knew the rules of the road that you have to live by, would you have any problem with that?

Ms. Cantrell-Parker: Are you saying that I am not approved to do it?

Mr. Gibbons: We would re-advertise it to include other than weddings and then list the conditions, which you would operate under.

Mr. Ingalls: If we were to go forward tonight the way it was advertised in the paper and the way the notices say, it was a wedding venue. I assume they think you would have weddings there, you start having birthday parties or any other thing that is not what they thought; they did not show up tonight because maybe they were not opposed to weddings but they were opposed to frat parties or something, if you say we can go forward and leave it at wedding venues you could come back later and amend the application but it would probably cost a fee again to do that. If you came back later and said, I want to do something other than weddings and wedding receptions there, would that be right?

Mrs. Musante: Yes, if everything went through as is tonight for outdoors wedding, we would make the decision tonight. If she wanted to come back to add birthday parties or whatever it would be a totally separate application just as if you had never come to us before.

Mr. Ingalls: To amend the conditions or to amend the Rural Home Business use of the property?

Mrs. Musante: Right.

Mr. Gibbons: Then if it came back next month, do we have enough time to re-advertise?

Mrs. Musante: We do have enough time.

Mr. Gibbons: Then we could take it up and there would be no additional charge and give you and chance to address some of the questions we have, like traffic.

Mr. Beauch: You need to explain to her about the timelines, she only has thirty (30) days before, is that right?

Mrs. Musante: She would have to come back into the office within the next week in order to get this application amended so we could have time to re-advertise it.

Mr. Gibbons: You will do that, right?

Ms. Cantrell-Parker: Yes.

Mr. Davis: Right now it does not even say receptions.

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Mr. Ingalls: I think you need to sit down and work with staff on what you want to do and list it out. Like the Chairman says maybe come up with some guidelines that you are going to operate this business by, so that we have some more comfort levels and the Board sees that you have thought about it and here is what you are going to be doing. We can go forward if you want to but it would save you money if you don't have a wedding planned for next month.

Ms. Cantrell-Parker: No, I have not gone forward at all and taking a chance of not being approved. I haven't spent much money.

Mr. Gibbons: Ok, then you are agreeable to that ma'am?

Ms. Cantrell-Parker: Yes.

Mr. Gibbons: Mr. Davis would you make a motion to defer it until the next public hearing?

Mr. Davis: I think she needs to withdraw it, doesn't she?

Mrs. Musante: No.

Mr. Gibbons: No, she is just modifying the current one. That is why there is no charge.

Mr. Beauch: We are going to postpone it at her request?

Mr. Gibbons: Yes, that's correct.

**Motion:**

Mr. Davis: I make a motion to defer application SE09-01/2900064 until next month.

Mr. Beauch: Second.

**Vote:**

The motion to defer the application SE09-01/2900064 passed 7-0.

Mr. Ackermann – yes

Mr. Beauch – yes

Mr. Davis – yes

Mr. Gibbons – yes

Mr. Hudson – yes

Mr. Ingalls – yes

Dr. Larson – yes

**UNFINISHED BUSINESS**

- 2. A08-6/2800772 - MICHAEL J & CINDY MONGRAIN** - Appeal of a Notice of Violation dated November 12, 2008 for the height of an existing fence located in the front yard on Assessor's Parcel 54L-26-336. The property is Zoned R-1, Suburban Residential, located at 2 Julie Lane, Grafton Village subdivision.

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Mrs. Musante: Case A08-6/2800772, Michael J. and Cindy Mongrain, Appeal of a Notice of Violation dated November 12, 2008 for the height of an existing fence located in the front yard on Assessor's Parcel 54L-26-336. The property is Zoned R-1, Suburban Residential, and located at 2 Julie Lane, Grafton Village subdivision.

Mr. Gibbons: What we did last month sir was deferred it to this month to get the staff to review it per Ms. Hudson request?

Mr. Mongrain: Yes.

Mr. Gibbons: The staff has come in and recommended to Ms. Hudson that we forward this to the Board to send this to the Planning Commission. So we will take that action up in a minute, are there any questions, I guess the question we have is how long do you think that would take? The problem last month was that we wanted to make sure that we did not drag the family on for months at a time while this went through.

Ms. Hudson: I have no idea Mr. Gibbons, how long it will take. I recommend that we send something to the Board from the BZA.

Mr. Gibbons: Yes, we are.

Ms. Hudson: Then the Board would have to send it down to the Planning Commission, then the Planning Commission could take two (2) to three (3) months to send back.

Mr. Gibbons: What I would like to do is ask the Board for a speedy turn around from the Planning Commission because we have an application pending. It was just a text change?

Ms. Hudson: That's correct. I believe you could make a decision for this case.

Mr. Gibbons: Do you think it would damage anything else you have in the pipeline?

Ms. Hudson: No, sir.

Mr. Davis: I think we are worried about what they did for the last ten (10) years.

Mr. Gibbons: I understand.

Mr. Ingalls: I guess my thought was not to vote on it because I felt like if we vote tonight, the Ordinance is different than you have interpreted it up until now. If I walked in tomorrow morning and said I want to put a fence up, if we vote tonight, on my corner lot, just like the applicant has, I could do it.

Mr. Davis: You could do it anyway.

Ms. Hudson: What do you mean?

Mr. Ingalls: I could put the fence up just like he did if we vote tonight, right now, you still have the same opinion.

Ms. Hudson: I do and if you voted to overrule the Zoning Administrators determination, that this is a violation, than I would have to go with the decision of the Board.

Mr. Ingalls: If somebody walked in tomorrow morning, if we voted, and said I want to put a fence up,

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

they don't even need to talk to you to put a fence up or talk to the county, do they?

Mr. Gibbons: No.

Mr. Ingalls: Somebody could go put up a fence and it would be okay.

Ms. Hudson: Zoning staff would have to make the decision, will make the same decision that you make tonight if you vote in favor, if you vote to overrule the Zoning Administrator's determination. The answer is yes.

Mr. Ingalls: We have this window where up until right now, the County has said no to putting fences in the front yard of the side facing street yard or whatever it is called.

Ms. Hudson: The height is the issue.

Mr. Ingalls: You have interpreted the Ordinance to say, you can't put a fence there. If we vote tonight, then all of a sudden you can put a fence in that yard and then three (3) months from now, I think it will take almost three (3) months to get the Ordinance.

Ms. Hudson: At least.

Mr. Ingalls: If we get it passed, then it will go away. We are going to have a window in here where fences are allowed.

Mr. Beach: Everybody in the county with a corner lot could do it.

Mr. Ingalls: Right, that is why I didn't think whether I wanted to vote tonight to your opinion, if we don't vote tonight, you can have the same opinion. You may know how we might vote but your opinion could be the same tomorrow if we do not vote.

Ms. Hudson: That's correct.

Mr. Ingalls: If somebody asked you, could I put a fence there, you would say my opinion is no.

Mr. Hudson: Yes

Mr. Ingalls: You could tell them you have a case before the Board but you don't know how they are going to vote.

Ms. Hudson: Right. That's correct.

Mr. Gibbons: Well two (2) or three (3) months...

Mr. Ingalls: If I was the applicant I would worry that you are going to come after him and make him take his fence down in the mean time and I assume your not.

Mr. Hudson: No, the violation notice has been issued. He has appealed, the appeals stays any further action.

Mr. Gibbons: The action of the Board right now stays the action on the appeal, I mean on the violation.

*Stafford County Board of Zoning Appeals  
March 24, 2009*

Ms. Hudson: Yes, his appeal as it sits...

Mr. Beach: So, we are in no rush.

Mr. Gibbons: No, and you shouldn't be either sir.

Mr. Mongrain: As long as my fence can stay, I have a swimming pool in the back yard too. The fence there really helps.

Ms. Hudson: If the Code is clear, then you will then make a decision.

Mr. Ingalls: After the Code gets changed and we were to vote to overturn your decision, his fence can stay there?

Ms. Hudson: Yes.

Mr. Ingalls: Because he is prior to the new Ordinance or the anticipated new Ordinance?

Ms. Hudson: Yes.

Mr. Gibbons: I think it would be best Mr. Mongrain to stay the right now and let the Board of Supervisors act.

Mr. Mongrain: I was fine with that because they were telling me last time that it might take two (2), three (3), four (4) months even up to a year. As long as I can have my fence where it is at, I am happy.

Mr. Gibbons: Alright, thank you very much for you cooperation.

Mr. Mongrain: I did not want to open that can of worms on the fence thing because as you said, when we talked last time, people can look at you for the last ten years, and people who had a corner lot like I did and this decision was made against them, and they had to take their fence down. That is what I would be more worried about.

Mr. Gibbons: Mr. Hudson, would you sponsor the motion to the Board?

**Motion:**

Mr. Hudson: I make a motion that we send this to the Board of Supervisors as recommended in the April 13 memorandum and continue it as is without any further action against the applicant.

Mr. Gibbons: I would appreciate if you add to it, ask the Board to ask for a quick turn around.

Mr. Hudson: I would certainly add that. We would ask the Board to expedite this.

Ms. Hudson: Let me reiterate what you have just said to make sure I know what we should be doing. I will forward my memo to the Board to the County Administrator on behalf of the Board of Zoning Appeals.

Mr. Hudson: Yes.

*Stafford County Board of Zoning Appeals  
March 24, 2009*

Mr. Gibbons: With one caveat, that the Board wishes a quick turn around.

Ms. Hudson: Right, I will put a cover memo on there.

Mr. Ingalls: Would you go ahead and write the Ordinance? Make the change, so somebody sees what we are trying to do. To send with you memo, hear is what we ought to look like. The staff should have looked at it and come up with the language and here is how we need to change it. You have to be careful when changing a spot in this one and may change something else. I would have thought that if you had the ordinance, at least the Board could say all we are trying to do is make a change.

Ms. Hudson: Yes.

Mr. Gibbons: It is housekeeping, more than anything.

Mr. Ingalls: Really the way you have been interpreting it, you want to make it legal.

Ms. Hudson: Do you want the cover memo to be signed by you Mr. Chair?

Mr. Gibbons: No, you can sign it for me.

Ms. Hudson: Okay, I will put it from you as Chairman.

Mr. Ingalls: From the Board.

Ms. Hudson: Okay.

Mr. Hudson: I think we have a consensus.

Mr. Gibbons: We are going to vote on it. I have a motion by Mr. Hudson, do I have second?

Mr. Ackermann: I second it.

Mr. Davis: Are we recommending no or yes to having a fence over eight (8) feet? What is our recommendation?

Mr. Ingalls: I assume our recommendation is to make our Ordinance conform to the way the county has been interpreting it, that would not allow a fence over four (4) feet in the street facing side yard.

**Vote:**

The motion to send application V08-7/2800772 to the Board of Supervisors than to the Planning Commission passed 6-0.

Mr. Ackermann – yes

Mr. Beauch – yes

Mr. Davis – yes

Mr. Gibbons – yes

Mr. Hudson – yes

Mr. Ingalls – yes

Dr. Larson – yes

**REPORT BY ZONING ADMINISTRATOR**

Ms. Hudson: I have nothing other than the memo and your handouts.

Mr. Gibbons: When does the legislature go back in session?

Ms. Hudson: David Gayle told me today they go back April 8, 2009 to discuss or vote on any deferred actions. If the Governor should not sign those bills, it would be discussed on April 8, 2009.

Mr. Gibbons: We have the famous Stafford amendment in there?

Mr. Ingalls: Are there two (2) amendments, one (1) about the majority and one (1) about the hardship?

Ms. Hudson: We sent the one (1) down regarding the majority.

Mr. Ingalls: And someone else sent the hardship?

Ms. Hudson: Someone else sent the hardship.

Mr. Ingalls: Is that also before the Governor?

Ms. Hudson: Yes.

**ADOPTION OF MINUTES**

February 24, 2009

Mr. Gibbons: I want to thank the staff, if you notice that the draft minutes lines are indicated with numbers and we can go by line number.

Mr. Davis: I would like to ask staff a question. If you don't know, can you research, what is the requirement for entrance ways to businesses even to homes. I remember some stipulation when getting a building permit some years ago, we already had the grading done and it wasn't wide enough and had to go back and do more grading for an entrance.

Mr. Ingalls: Is that for county or state?

Mr. Gibbons: I guess what he is asking about Rachel, the State, VDOT has a resident access and commercial access; does this Rural Home Business come under the Commercial entrance requirements required by VDOT?

Ms. Hudson: We never had VDOT look at Rural Home Businesses because they do not provide site plans

Mr. Gibbons: Okay.

Ms. Hudson: I do not believe the Rural Home Business requirements address the access.

Mr. Ingalls: The Rural Home Business talks about number six (6) conditions: the applicant shall submit a development in accordance with Article thirteen (13) of the chapter. Article thirteen (13) was Generalized Development Plan (GDP).

***Stafford County Board of Zoning Appeals  
March 24, 2009***

Ms. Hudson: Maybe we should look at that.

Mr. Ingalls: My colleague brings up a valid point there.

Ms. Hudson: Yes.

Mr. Ingalls: The County has no requirement, VDOT has the requirements and I couldn't tell you whether they would say, now you have to build a commercial entrance or not build one.

Mr. Davis: I am more concerned with the mile back to that house and that road. I have been on that road and purchased mulch there. It was not fit for many cars right now.

Ms. Hudson: We can take direction on what you would like.

Mr. Ingalls: According to the Ordinance, they have to meet Article thirteen (13), which says what is really required in all that.

Ms. Hudson: I see many GDP's that go with Reclassifications and Conditional Use Permits (CUP).

Mr. Ingalls: There is a whole standards for what it calls for.

Mr. Davis: There is a whole Article on parking, loading, and access requirements. We haven't talked about handicap parking.

Ms. Hudson: (Inaudible).

Mr. Davis: Article seven (7), parking loading, and access requirements in the Stafford Code, page 1698.

Mr. Beach: Paragraph Section 28-101.

Mr. Ackermann: It says for every use developed within the County.

Ms. Hudson: We have never enforced this off street parking, these requirements were for Home Business or Rural Home Business.

Mr. Hudson: I remember the days when people were applying as Rural Home Businesses for Beauty Shops and we certainly enforced off street parking.

Mr. Beach: I don't remember an application for one hundred (100) cars before. It is the Beauty Shop with maybe three (3) cars.

Mrs. Musante: We have had another Rural Home Business for outdoor weddings in Stafford. It was on Rockhill Church Road.

Mr. Gibbons: But that has paved parking and asphalt on the way up to it and restrooms. That is a regular facility.

Mrs. Musante: If you go to the Generalized Development Plans, which the Rural Home Business does refer to, it states the purpose of the GDP is to provide a concept related to Reclassification or CUP's and does not mention Rural Home Businesses even though it does in the Rural Home Business standards.

*Stafford County Board of Zoning Appeals  
March 24, 2009*

Mr. Ingalls: That is another thing of the ordinance that was a disconnect.

Mr. Gibbons: So you think there is a conflict between the two.

Mrs. Musante: I do. We have required the applicant when they come in to get their occupancy permit, even after coming before you all, to provide the plat showing where their parking is, where their landscaping is. Normally, it is before you, she did a little of that but not a whole lot of that. When they come in for their occupancy, we do require them to submit that and does become a part of their record.

Mr. Gibbons: Yes, but when you have a gazebo, there is not much to occupy. She is not using that as part of her business, the gazebo on the parking area... I think you are right, there is a conflict in the code. What do we do, do we request that Ms. Roberts take a look at this?

Mr. Ingalls: I would suggest that maybe the staff would want to take a look at it and see... I don't know why that was put in there. The Board, when they added the definition of Rural Home Business and added those standards on the Rural Home Business.

Mr. Gibbons: How much space would one hundred (100) cars occupy?

Mr. Davis: I think she said fifty (50) cars.

Mr. Ingalls: The application said parking for one hundred (100) and it said fifty (50) cars a day.

Mr. Davis: I am also concerned about sanitation. We would have one hundred (100) people there and only two port-a-potties. There is no water and there is a lot of concern there.

Mr. Ackermann: Who would do the cleanup of the facility? I guess the caterer may do the cleanup there would be other trash around.

Mr. Gibbons: Since we seem to have a good relationship with the last issue we had, do you think you all could take this and give us some guidance at the next meeting?

Ms. Hudson: With regards to the requirements?

Mr. Gibbons: Yes. What guidelines can we use on a very intense Rural Home Business?

Mr. Davis: There may be some Health Department requirements.

Ms. Hudson: Do you recall Melody, if they are no cooking on site, they do not need a Health Permit?

Mrs. Musante: That's correct.

Mr. Beauch: She needs to know that because she doesn't know that and maybe it should be in the requirements. If there is going to be any cooking, it has to be Health Department inspected.

Ms. Hudson: That is a requirement of a permit coming out of Code.

Mr. Ingalls: That may be conditions we could consider, they have some very nice port-o-potties.

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Mrs. Musante: These Rural Home Business Permits, when they come in to apply for there occupancy permits, the Code Department looks at there as well as doing inspections, now we do suggest that they contact the Code Department even before coming to you all. If there is an issue they will not issue an Occupancy Permit (OP) if they are not comfortable with this use they are providing.

Mr. Gibbons: Why wouldn't you be part of the review process before it comes to us. SO when it is presented to us, you can say this has come through Code, Code has reviewed it and this is the concerns.

Ms. Hudson: They can meet with the Building Official and get that information.

Mr. Gibbons: Why couldn't you review it?

Ms. Hudson: There would be no application at that time, we could have them review their Special Exception.

Mr. Gibbons: Yes, then Code could sign off on it.

Mr. Ingalls: I think you would want some kind of general comments from them until you get down to the final one and there may be other issues. I am sure the applicant would like to know, here are some of the issues I have to solve, if there is an issue. My thinking is that this is going to be a low intensity... I don't think there will be weddings seven days a week.

Ms. Hudson: If they are going to have loud music they would be required to get an amplifier permit from the Sheriffs Office.

Mr. Ingalls: We could add that as a condition of this permit. If you put as part of your conditions, she would know and the people renting the facility would know that if I have a band, they need to go get this permit.

Mr. Gibbons: We will leave tonight, you all will put your heads together and maybe this needs to go back to the Planning Commission to take a look at it.

Mr. Davis: I suggest all the things we brought up, that we point out to them and ask that they do such things, such as go to the Health Department and see what they need to do.

Mr. Gibbons: I agree with that.

Mr. Ackermann: It might be useful that she does not come back next month, it might take two (2) months to get it straightened out. If she comes back to us half baked, we would put conditions on it that may not be the best for her.

Mrs. Musante: Are you asking for documentation from the Health Department that she has been in contact with them and she is fine with them as far as having caterers there? Are you asking for documentation from the Code Department saying that they have reviewed this? Do you want that as a part of these packages when you get them from now on.

Mr. Beauch: I don't think so, I do not think that is what we are asking. I think we're asking that you come back after you sit down with her and make a list of all of the venues she wants to have. When you come back to us, I would like to see a new list of conditions you suggest to us. The new list of conditions should include something like: you should have to also comply with all the County requirements such as Health

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Department, Police Department, Noise Ordinance; but whatever else there is and that would be my suggestion. Maybe, different hours; I don't think that we should even allow her to have a weekly function. If it is Monday to Friday, cut them off at nine o'clock, this runs with the property and right now her neighbors are her relatives but what happens when the relative sells the property.

Mr. Gibbons: We don't have to have it run with the property. We could put a time limit like five (5) years and could come in for a renewal after five (5) years.

Mr. Beach: Maybe that is one of the things that should be suggested in the conditions.

Mr. Hudson: I think if she is saying there would be one hundred (100) people there, I think we really should ask the Health Department what kind of facility it takes and restrooms for one hundred (100) people. It is different to have a back yard wedding in your family but this is a business that has responsibilities that do with it to provide facilities for people. Personally, I would not want to feel responsible for someone having one hundred (100) people on their property having a wedding with alcohol. Then turn fifty (50) cars loose on the road, I want to make sure that the Health Department knows that so many people... I know in my business we have a lot of rallies and you have to have so many port-a-potties for so many people. I think those questions ought to be asked of the Health Department.

Mrs. Musante: It is a Building Code requirement and they do look at that when the permit comes in. They check what facilities they will have available for the clients.

Mr. Hudson: She came before the BZA and for that reason she is here and did not already have the permit.

Mrs. Musante: She has to get approval through the BZA before she applies for Certificate of Occupancy for her Rural Home Business. We attach the conditions that you impose on her to her permit. The Code Department, not only do we look at it and place the conditions on it that we have done, but Building Code looks at it as well for their requirements.

Mr. Gibbons: The Code Department enforces the Code that is in existence. This Code that is in existence that applies to this application, we should have that when the application comes to us. It does not require, if she has one hundred (100) cars, twenty-five (25) port-a-potties, it does not require a commercial entrance from VDOT.

Mrs. Musante: Okay.

Mr. Gibbons: Anything in the Code that governs what she should be living by, instead of us saying you are okay and she goes over there and it is not okay.

Mrs. Musante: I go back to the issue, do you want something from the Code Department stating they have reviewed her situation? This is the requirements that the Building Code will impose on her before they come to you in these situations.

Mr. Gibbons: Anything that goes before the Planning Commission and the Board of Supervisors is signed off by legal and signed off by the staff, so somebody reviews it before it becomes an action and this is... We are saying it is alright with you, but go to Code to see if you are living within the guidelines.

Ms. Hudson: I think what I am hearing is that you want to know that she has contacted the Health Department, Code will direct the applicant to the appropriate departments and put it in the staff report that this has been done.

**Stafford County Board of Zoning Appeals**  
**March 24, 2009**

Mr. Gibbons: It did apply to Chapter twelve (12).

Mr. Ackermann: Do we have to change our application so there is a section to check off that they conferred with the Health Department or have they at least been shown what the rules are?

Mrs. Musante: We direct them, that is what they need to do. If you all want to ensure that she has done that, I think it should be something she submits in her package showing she has done that.

Mr. Gibbons: Why don't we put it on next months agenda to address this because other counties do that now. If she needs another month, is it alright with the Board.

The Board agreed with Mr. Gibbons.

Mr. Gibbons: Does anyone have any corrections to the February 24, 2009 minutes. We need a motion for approval.

**Motion:**

Mr. Hudson: So moved.

Mr. Ingalls: Second.

Mr. Gibbons: The motion passed 6-0-1.

Mr. Beauch: I abstained.

**Vote:**

Mr. Ackermann – yes

Mr. Beauch – abstained

Mr. Davis – yes

Mr. Gibbons – yes

Mr. Hudson – yes

Mr. Ingalls – yes

Dr. Larson – yes

**OTHER BUSINESS.**

Mr. Gibbons: I think we took care of the other business. Is there any other business, other than the letter back to the Board?

Mrs. Musante: We had one (1) application come in today, it is for a Variance, they will be requesting a postponement because they are also requesting a reclassification on their property and their application is not complete. So she has submitted and will be requesting a postponement for the April hearing.

Mr. Ingalls: Is that the only case you have?

Mrs. Musante: Other than if this wedding comes back to you, yes. If by chance we do not have the information that we need for the April meeting, do we want to have an April meeting?

***Stafford County Board of Zoning Appeals  
March 24, 2009***

Mr. Gibbons: There is no need to have one if she wants to go another month. I do not see that being a problem.

Mr. Ackermann: I agree.

Mr. Ingalls: If we don't have a case to hear then I agree.

Mr. Gibbons: One other item to bring up, there were a couple of Board members asking about legal representation. The County Administrator is taking that issue to the Board for the next fiscal years budget. He does not want to promise anything.

Mr. Davis: I have talked to two (2) Supervisors and would suggest that other members talk to their supervisors about this issue. In 2005, they took away the legal council funding and I think we're sitting ducks without legal council.

Mr. Gibbons: I agree with you. On behalf of the Board members, we did take it to the Administrative Chairman.

Mr. Hudson: I fell strongly about that. Here we sit operating the County's business and not having representation by the County when making decisions and you feel like it is the proper decision. I will certainly talk to my supervisor. I was surprised to find that we did not have representation.

Mr. Gibbons: I would like to have permission to send a letter to the Chairman of the Board of Supervisors and express the wishes of the Board and give it to him to bring before the other Board members. We should have it in writing what our concerns are. Can you draft something up for that Rachel? Don't sign it, I will sign it.

Ms. Hudson: Can someone put something together?

Mr. Gibbons: I will draft something up.

Mr. Ingalls: Do you want to make it a vote?

Mr. Gibbons: Sure.

Mr. Ingalls: This was from the Board as a whole and you could tell them what the vote was and maybe that would let the Supervisors know how we all think.

Mr. Larson: Just to clarify, because I am new to the Board, we don't have an attorney to represent us if we get sued.

Mr. Gibbons: No, there is a conflict between the Boards interpretation of Supervisors and us. The County Attorney can't represent us, so we are left by ourselves. There were two (2) cases last year that the Zoning Board did not have any representation.

Mr. Beauch: The County sued us once or twice, so they did not want us to have a lawyer.

Mr. Ackermann: An additional letter wouldn't hurt.

Mr. Gibbons: We are going on record.

*Stafford County Board of Zoning Appeals  
March 24, 2009*

**Motion:**

Mr. Ackermann: I would move that the Chair of the Board draft a letter indicating our desire to have legal representation and that we support it.

Mr. Davis: Second.

Mr. Hudson: I would amend the motion to say, if it is a conflict with the County, that the County also provide legal funds so we can get representation.

Mr. Ingalls: What we are asking is that the County provide us legal representation when we are sued. Not necessarily having someone sit here one day a month or are we asking them to have someone here one night a month?

Mr. Ackermann: It would be useful to have someone here too.

Mr. Gibbons: It would be useful.

The motion passed 7-0.

**Vote:**

Mr. Ackermann – yes

Mr. Beauch – yes

Mr. Davis – yes

Mr. Gibbons – yes

Mr. Hudson – yes

Mr. Ingalls – yes

Dr. Larson – yes

**ADJOURNMENT**

Mr. Hudson: I make a motion to adjourn.

Mr. Gibbons: Second.

The meeting adjourned at 8:17 P.M.

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Robert C. Gibbons, Chairman  
Board of Zoning Appeals