

# **STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES**

## **June 24, 2008**

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) on Tuesday, June 24, 2008 was called to order with the determination of a quorum at 7:03 p.m. by Vice Chairman Larry Ingalls in the Board of Supervisors Chambers, in the Stafford County Government Center. Mr. Ingalls 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. Ingalls 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:** Larry Ingalls, John Overbey, Robert Gibbons, Michael Levy and Steven Beach

**Members Absent:** Ernest Ackermann and Cecelia Kirkman

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

Mr. Levy arrived at 7:04 P.M.

Mr. Ingalls asked if there were any changes to the agenda.

Mrs. Musante stated there were no changes to the agenda and advised the Board that the applicant UK Kang was not yet present.

### **PUBLIC HEARINGS**

1. **SE08-4/2800351 - VALERIE KEMPER-SIMONS** - Requests a Special Exception pursuant to Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", to allow skin care as a Home Business on Assessor's Parcel 46M-4A-143. The property is zoned PD1, Planned Development, located at 84 Riggs Road, Leeland Station Subdivision.

Mrs. Musante read the staff report including the items provided to the Board members. She stated the applicant was requesting a Special Exception to allow skin care as a home business. She stated the Commissioner of the Revenue's record showed the single-family dwelling, constructed in 2005, being 2,112 square feet and the area proposed for the business was 450 square feet, which would not exceed the 25 % allowed in the County Code. She stated the development conditions were days and hours of operation, to provide off street parking and customers by appointment only.

Mr. Gibbons asked how off street parking was accomplished.

Mrs. Musante stated off street parking would be parking in the driveway, not flowing into the street.

Mr. Gibbons asked how many vehicles the driveway would accommodate.

Mrs. Musante stated the plat would reflect the driveway size or the applicant could answer the question.

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Mr. Overbey stated in the pictures provided to the Board it seemed that four (4) vehicles would fit in the driveway easily.

Valerie Kemper-Simons, applicant, clarified for the Board that she would only see one customer at a time and stated she was requesting a special exception to launch a private limited skin care business. She stated she would provide education, facial treatments and care products to clients in order to correct and improve the quality of their skin. She stated since the application was submitted, she was granted a spa license through the Department of Professional and Occupational regulation and has registered with the Virginia Department of Taxation. She stated she would answer any questions the Board may have.

Mr. Beauch asked if the applicant understood that off street parking would need to be provided.

Mrs. Kemper- Simons stated yes.

Mr. Ingalls asked how many vehicles would fit in the driveway.

Mrs. Kemper-Simons stated four (4) regular vehicles.

Mr. Gibbons asked if the application could be amended to state the business would be for the applicant only at this location.

Mrs. Kemper-Simons stated yes.

Mr. Beauch asked what the hours of operations would be.

Mrs. Kemper-Simons stated Monday through Friday, 8:30 to 4:30 with an occasional Saturday.

Mr. Ingalls asked if the applicant would like to have some Saturday hours.

Mrs. Kemper-Simons stated the hours on Saturday would be 10:00 am to 4:00; she discouraged Saturday appointments.

Mr. Overbey asked what materials would be used and how the materials would be disposed of.

Mrs. Kemper-Simons stated the items for a basic facial would be towels, which would require compliance with all OSHA (Occupational Safety and Health Administration) standards. She stated there were no disposable linens; other items used would be Q-tips and cotton squares, which could be disposed of with regular trash disposal.

Mr. Ingalls asked how the applicant would advertise for clients.

Mrs. Kemper-Simons stated she would not advertise and the business was by word of mouth only. She asked in the event she would like to include makeup application, would another application be required.

Mr. Levy stated applying makeup would be included within the definition of skin care.

Mr. Overbey stated he did not see a problem with the request of makeup application.

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Mr. Ingalls opened the public comment session.

With no one coming forward, the public comment session was closed.

**Motion:**

Mr. Gibbons made a motion to approve with the condition that the business was in existence only as long as the applicant owned the property, the applicant provided off street parking, days and hours of operation the applicant agreed to and customers by appointment only.

Mr. Beauch seconded the motion.

Mr. Levy stated he was impressed at the volume of documentation provided to the Board and that the applicant received HOA (Homeowner Association) approval.

Mr. Ingalls reiterated the motion and conditions.

**Vote:**

The motion to approve the Special Exception passed 5-0.

Mr. Ackermann – absent

Ms. Kirkman – absent

Mr. Ingalls – yes

Mr. Overbey – yes

Mr. Gibbons – yes

Mr. Levy – yes

Mr. Beauch – yes

2. **SE08-5/2800352 - UK KANG** - Requests a Special Exception pursuant to Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards", to allow the production of Soy Sauce/Paste as a Rural Home Business on Assessor's Parcel 59-56D. The property is zoned A-1, Agricultural, located at 415 Forest Lane Road.

Mrs. Musante stated the applicant was not present.

The Board discussed postponing the public hearing until the July 22, 2008 meeting and asked staff to contact the applicant and advise him that he must attend the public hearing date.

**Motion:**

Mr. Overbey made a motion to defer SE08-5/2800352 until the July 22, 2008 meeting.

Mr. Beauch seconded the motion.

Mr. Gibbons asked that the record reflect the two (2) people showed up to speak for this public hearing.

**Vote:**

The motion to defer SE08-5/2800352 was 5-0.

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Mr. Ackermann – absent  
Ms. Kirkman – absent  
Mr. Ingalls – yes  
Mr. Overbey – yes  
Mr. Gibbons – yes  
Mr. Levy – yes  
Mr. Beauch – yes

Mr. Ingalls allowed a member of the audience to address the Board.

Cindy Hall, 417 Forest Lane Road, Fredericksburg, VA, asked if a letter could be entered into the record if she was not able to attend the July meeting.

Mr. Ingalls stated yes; he explained, in his opinion, being present at the public hearing and speaking would carry more weight with the Board.

**ZONING ADMINISTRATOR REPORT**

Ms. Hudson stated there was no report. She stated Mrs. Musante had a copy of the records sent to the Circuit Court for the Chairman.

Mr. Ingalls asked if a member of the Board could receive a copy of the transmittal.

Ms. Hudson stated staff would email the documents to the Board members.

**ADOPTION OF MINUTES**

April 22, 2008

**Motion:**

Mr. Gibbons made a motion to approve the April minutes as presented.

Mr. Overbey seconded the motion.

**Vote:**

The motion to approve the April minutes passed 5-0.

Mr. Ackermann – absent  
Ms. Kirkman – absent  
Mr. Ingalls – yes  
Mr. Overbey – yes  
Mr. Gibbons – yes  
Mr. Levy – yes  
Mr. Beauch – yes

May 27, 2008

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Mr. Ingalls stated the May minutes were still in draft form as indicated by the Zoning Administrator and there would be no action regarding the May minutes.

**UNFINISHED BUSINESS**

The Board discussed the case presented at the May meeting SE08-2/2800256 and asked what the process was to make changes to an ordinance.

Mr. Ingalls stated the Board of Zoning Appeals should make a request for recommended changes to any Ordinances to the Board of Supervisors.

**OTHER BUSINESS**

None

**ADJOURMENT**

**Motion:**

Mr. Overbey made a motion to adjourn.

Mr. Levy seconded the motion.

The meeting adjourned at 7:53 p.m.

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Ernest Ackermann, Chairman  
Board of Zoning Appeals