

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

## ***January 22, 2008***

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) on Tuesday, January 22, 2008 was called to order with the determination of a quorum at 7:00 p.m. by Chairman Cecelia Kirkman in the Board of Supervisors Chambers in the Stafford County Government Center. Ms. Kirkman introduced the Board members and staff and explained to the public present, the purpose, function and process of the Board of Zoning Appeals. She 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.

Ms. Kirkman said the By-Laws of this Board stated the applicant was allowed up to ten minutes to state their case, the other speakers were allowed up to three minutes to testify, and the applicant was allowed up to three minutes for rebuttal.

**Members Present:** Cecelia Kirkman, Larry Ingalls, Ernest Ackermann and Angelo Amador

**Members Absent:** John Overbey, Steven Beauch and Julie Rutledge,

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

Mrs. Musante stated the applicant in case VO7-2/2700357 - BOBBY L & G LOUISE CRISP would like to withdraw the application.

Ms. Kirkman stated if there were no requests from the board, she would like to move case V07-2/2700357 with a request to withdraw and A07-5/2700718 with a wish to defer to the top of the agenda to proceed.

### **Declarations of Disqualification**

Mr. Ingalls stated concerning VO7-2/2700357 the company he works for sometimes works with the law firm of Leming and Healy and no interaction on this case and would be able to render a decision. He stated in the case of A07-5/2700718 Leming and Healy would be representing the client and do from time to time share the same clients but has not interaction on this case and would be able to render a decision.

### **UNFINISHED BUSINESS**

1. VO7-2/2700357 - BOBBY L & G LOUISE CRISP - Requests a Variance from Stafford County Code, Section 28-24(8)(c) "Permitted Encroachments", to allow an encroachment of an existing deck, on Assessor's Parcel 54A-1D-9. The property is Zoned R-1, Suburban Residential, located at 1019 Julian Drive, Highland Home Subdivision.

Ms. Kirkman stated the applicant made a request to withdraw their appeal.

### **Motion:**

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Mr. Ackermann made a motion to accept the withdrawal of V07-2/2700357 Bobby L. & G. Louise Crisp.

Mr. Amador seconded.

**Vote:**

The motion to withdraw passed 4-0

Mr. Ingalls - yes  
Ms. Kirkman – yes  
Mr. Ackermann - yes  
Mr. Amador – yes  
Mr. Beauch – absent  
Mr. Overbey – absent  
Ms. Rutledge - absent

**PUBLIC HEARINGS**

2. A07-5/2700718 - INMAN-CARDER-CRONE PARTNERSHIP - Appeal of a Notice of Violation dated October 12, 2007 for mulch and stone sales associated with a landscaping business operating without proper zoning approval in the A-1, Agricultural District on Assessor's Parcel 28-128, located at 275 Shelton Shop Road.

Ms. Kirkman stated there had been a Conditional Use Permit accepted by the Department of Planning and Zoning for the operation of a mulch business. She stated after a discussion with the applicant's attorney and conditions the applicant would be taking the appropriate steps to obtain proper zoning approval, she would recommend the postponement of this case.

**Motion:**

Mr. Ingalls made a motion to table application A07-5/2700718 until further notice or such time that they are no longer diligently pursuing the application.

Mr. Amador seconded.

**Vote:**

Motion to table passed 4-0

Mr. Ingalls - yes  
Ms. Kirkman – yes  
Mr. Ackermann - yes  
Mr. Amador - yes  
Mr. Beauch – absent  
Mr. Overbey – absent  
Ms. Rutledge - absent

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3. SE07-13/2700710 - CHARITY R. GRAY - Requests a Special Exception per Stafford County Code, Section 28-35, Table 3.1, "District Uses & Standards, R-1, Suburban Residential", to allow skin care/cosmetic procedures as a Home Business on Assessor's Parcel 54F-7-H. The property is Zoned R-1, Suburban Residential, located at 83 Chatham Heights Road, Colonial Heights Subdivision.

Mrs. Musante stated the applicant was requesting a Special Exception to operate a skin care business in a rental single-family dwelling. She stated the dwellings first and second floor totaled 1912 square feet. She stated the operating hours would be 9 a.m. to 5 p.m., Monday through Friday. She stated the applicant anticipated 8 to 10 vehicles per day and this use would not change the character of the neighborhood.

Mr. Ingalls stated he was surprised that the second floor was bigger than the first floor. He asked the zoning of the surrounding the businesses.

Mrs. Musante stated the property at the corner of Chatham Heights Road and Jefferson Street was zoned B-3, Office.

Mr. Ingalls asked where the B-2, Urban Commercial, property was located.

Mrs. Musante stated the property was located across Chatham Heights Road at the corner of Chatham Heights Road and East Chatham Street.

Mr. Ingalls asked if the other two sides of the property were R-1, Suburban Residential.

Mrs. Musante stated yes.

Ms. Kirkman stated her concern about the second floor having more square footage than the first floor and asked if the applicants report stated a significant difference in the first and second floor.

Mrs. Musante stated county records were official but there had been mistakes reported.

Ms. Kirkman asked if there was verification from the Commissioner of Revenues office regarding the difference.

Mrs. Musante stated after checking with the Commissioner of Revenue Office there was only a report of one floor.

Charity Gray stated she was requesting a Special Exception to have a business in her home. She stated she lives upstairs and the information about the second floor being larger was incorrect. She stated the second floor was an attic and the first floor would be the business. She stated there would be approximately 8 to 10 cars each day and would be by appointment only.

Mr. Amador asked if there would be one client at a time.

Ms. Gray stated yes.

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Mr. Ingalls asked what the operation hours would be.

Ms. Gray stated Monday through Friday, 9 a.m. to 5 p.m.

Mr. Ingalls asked what the dwelling to the right was.

Ms. Gray stated there was a hair salon.

Ms. Kirkman asked if the property was rented and if the owners were aware of the conversion of the attic to living space.

Ms. Gray stated yes the owners were aware.

Ms. Kirkman opened the hearing for public comment.

With no one coming forward, Ms. Kirkman closed the public hearing.

**Motion:**

Mr. Ingalls made a motion to approve the request for a home business on Assessor's Parcel 54F-7-H in accordance with application SE07-13/2700710 with conditions of operating hours being Monday through Friday 9 a.m. to 5 p.m., all parking would be off street on the subject parcel, customer by appointment only and use not to exceed 25%.

Mr. Amador seconded

Mrs. Kirkman asked by requesting the use not to exceed 25% that the Commissioner of Revenue records be verified and corrected.

Mr. Ingalls stated it was already a requirement of the ordinance.

**Vote:**

Motion to approve passed 4-0

Mr. Ingalls - yes

Ms. Kirkman – yes

Mr. Ackermann - yes

Mr. Amador - yes

Mr. Beauch – absent

Mr. Overbey – absent

Ms. Rutledge - absent

4. SE07-14/2700717 - CARTER M. BOSTON - Requests a Special Exception per Stafford County Code, Section 28-273, "Nonconforming Structures or Residential Buildings", to allow an addition to an existing nonconforming single family dwelling on Assessor's Parcel 8A-3B-25. The property is Zoned A-2, Rural Residential, located at 74 Hidden Lake Drive, Hidden Lake Subdivision.

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Mrs. Musante stated the applicant was requesting a Special Exception to construct an addition to a non-conforming single-family dwelling. She stated the dwelling was 16.2 feet from the rear property line and the current rear yard requirement was 35 feet. She stated the proposed addition would be on the side of the dwelling with no further encroachment into the non-conforming area. She stated the dwelling was built in 1976 and a permit for the addition was submitted and denied pending approval from the Board of Zoning Appeals.

Carter M. Boston stated he was requesting a Special Exception per Stafford County Code 28-273 requesting a 24 foot by 28 foot addition be added as part of his home.

Mr. Ingalls asked if the home was on well and septic.

Mr. Boston stated yes.

Mr. Ingalls asked there would be any effect to the drainfield.

Mr. Boston stated no there would be no impact.

Mr. Ingalls asked if the applicant built the house.

Mr. Boston stated no.

Ms. Kirkman asked if the proposed addition would blend in with the rest of the home.

Mr. Boston stated the addition would be wrapped with siding to match the existing house.

Ms. Kirkman opened the hearing for public comment.

With no one else coming forward, Ms. Kirkman closed the public hearing.

Mr. Boston stated he felt this home would be nice for retirement, which was the reason he wanted to add an addition.

**Motion:**

Mr. Ackermann made a motion to approve SE07-14/2700717, for Carter Boston per Stafford County Code for non-conforming structure.

Mr. Amador seconded

**Vote:**

Motion to approve passed 4-0

Mr. Ingalls - yes

Ms. Kirkman – yes

Mr. Ackermann - yes

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Mr. Amador - yes  
Mr. Beauch – absent  
Mr. Overbey – absent  
Ms. Rutledge - absent

**REPORT BY ZONING ADMINISTRATOR**

Ms. Hudson stated she had contacted the County Attorney's Office regarding the Sunshine Home case and there had been no action at the Circuit Court.

Mr. Ackermann asked the status of the new members.

Ms. Hudson stated Mr. Gibbons and Mr. Levy were nominated to the Board of Zoning Appeals, however the Order had not yet been signed by the Circuit Court.

Ms. Hudson stated there was a guest in the audience from the Prince William Board of Zoning Appeals.

**ADOPTION OF MINUTES**

Ms. Kirkman asked if there were any corrections for the October minutes

Mr. Ackermann stated the consistent spelling of his last name.

Ms. Kirkman stated there should be a correction on page 4 of 9, sixth line from the bottom. She asked if that line be stricken. She asked if the board would like to adopt the minutes by consent.

The Board agreed to adopt the minutes by consent.

Ms. Kirkman asked there were suggested correction to the November minutes. She asked if the Board would like to adopt the minutes by consent with Mr. Amador abstaining.

The Board agreed to adopt the minutes by consent. Mr. Amador abstained.

**OTHER BUSINESS**

1. Annual Report

The Board reviewed the Annual Report in detail and discussed the changed needed for correction.

**Motion:**

Mr. Ingalls made a motion to approve the annual report with comments noted from the other Board members and to pass it on to the Board of Supervisors.

Mr. Ackermann seconded.

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**Vote:**

Motion to approve passed 4-0

Mr. Ingalls - yes  
Ms. Kirkman – yes  
Mr. Ackermann - yes  
Mr. Amador - yes  
Mr. Beauch – absent  
Mr. Overbey – absent  
Ms. Rutledge - absent

2. Review of the By-Laws

The Board discussed in detail the By-Laws and any revisions that would be addressed at a later meeting.

Mr. Ingalls asked if Mr. Ackermann would provide a list of changes and asked for a new draft of the By-Laws to discuss at the February 26, 2008 meeting.

Mr. Amador offered suggestions to be added to the revised By-Laws.

Mr. Ackermann asked for an electronic copy be emailed to him to revise for the next meeting.

3. Election of Officers

**Motion:**

Mr. Amador made a motion to nominate Ernest Ackermann as the Chairman.

Mr. Ingalls seconded.

**Vote:**

Motion to approve passed 4-0

Mr. Ingalls - yes  
Ms. Kirkman – yes  
Mr. Ackermann - yes  
Mr. Amador - yes  
Mr. Beauch – absent  
Mr. Overbey – absent  
Ms. Rutledge - absent

Mr. Amador commended Ms. Kirkman on her perfect record and noted with a quorum at each meeting.

**Motion:**

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Mr. Amador made a motion to nominate Larry Ingalls as the Vice Chairman.

Mr. Ackermann seconded.

**Vote:**

Motion to approve passed 4-0

Mr. Ingalls - yes  
Ms. Kirkman – yes  
Mr. Ackermann - yes  
Mr. Amador – yes  
Mr. Beauch – absent  
Mr. Overbey – absent  
Ms. Rutledge - absent

**Motion:**

Mr. Ackermann made a motion to nominate Cecelia Kirkman as the Secretary.

Mr. Ingalls seconded.

**Vote:**

Motion to approve passed 4-0

Mr. Ingalls - yes  
Ms. Kirkman – yes  
Mr. Ackermann - yes  
Mr. Amador - yes  
Mr. Beauch – absent  
Mr. Overbey – absent  
Ms. Rutledge - absent

**ADJOURNMENT**

**Motion:**

With no further business the meeting was adjourned at 8:16 p.m.

ACH

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Rachel T. Hudson, Zoning Administrator