

**Stafford County**  
**BOARD OF ZONING APPEALS**

**MINUTES September 25, 2007**

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The regular meeting of the Stafford County Board of Zoning Appeals (BZA) on Tuesday, September 25, 2007 was called to order with the determination of a quorum at 7:05 p.m. by Chairman Cecelia Kirkman in the Board of Supervisors Chamber of the Stafford County Government Center. Ms. Kirkman introduced the Board members and staff.

**Members Present:** Cecelia Kirkman, Julie Rutledge, Steven Beauch, Larry Ingalls, John Overbey and Ernest Ackermann

**Members Absent:** Angelo Amador

**Staff Present:** Rachel Hudson, Zoning Administrator  
Jeffrey Harvey, Director of Planning and Zoning  
Melody Musselman, Senior Zoning Technician  
Ashley Gregori, Recording Secretary

Ms. Kirkman asked if there are any changes or revisions to the agenda.

Ms. Musselman said case V07-2/2700357, applicant Bobby and Louise Crisp's representative Mr. Clark Leming has requested a postponement until the full BZA membership is present.

**Declarations of Disqualification:**

None

**PUBLIC HEARINGS:**

**SE07-09/2700309 - SAMUEL CAMERON** - Requests a Special Exception per Stafford County Code, Section 28-35 Table 3.1 "District Uses & Standards, A-2, Rural Residential", to allow parking of a commercial vehicle on Assessor's Parcel 18H-1-6, zoned A-2, Rural Residential, located at 12 Carter Lane, Rosewood Estates.

Mr. Ingalls stated the email from Samuel Cameron did not request the Board to do anything. He asked Ms. Musselman to elaborate on her conversation with Mr. Cameron.

Ms. Musselman stated Mr. Cameron called her today and informed her that the tractor was moved to another locality and would not be located in Stafford County therefore he would like to withdraw his Special Exception request. She stated she explained to Mr. Cameron that if the

tractor was brought back to Stafford County it could continue a violation process. She stated she had been emailing back and forth with an adjacent property owner who said as of yesterday the tractor was still on the property. She stated an inspector did go out to the property today and verified the tractor was not there. She stated she did not speak with Mr. Cameron after the email from the adjacent property owner.

Mrs. Rutledge stated the applicant had withdrawn his request for a Special Exception. She asked if there was another violation if it would come back before the Board of Zoning Appeals.

Ms. Musselman stated Mr. Cameron could apply for another Special Exception request to park the tractor if the Board accepts his withdrawal.

Mr. Ingalls stated the Board had heard the case previously and could vote on it and, in his opinion that would solve the problem because the County stands the chance of Mr. Cameron bringing the tractor back.

Ms. Kirkman asked if the adjacent property owner was notified that the applicant had withdrawn the application.

Ms. Musselman stated she emailed the adjacent property owner today.

Ms. Kirkman stated the adjacent property owner might have been present tonight if she thought the Board would discuss the case.

Ms. Musselman stated she emailed the adjacent property owner and asked her to notify the Zoning Division if the tractor came back.

Ms. Kirkman stated she did not know of any other situation in which the Board has not honored the applicant's request.

Mr. Overby stated he would be uncomfortable hearing this case with the request in front of him. He stated if the applicant had just not shown up, than he would feel differently.

Mr. Beauch asked if it was possible to table the case for thirty-days.

Mr. Ackermann asked how the case came to the attention of staff.

Ms. Musselman stated a citizen complaint.

Mr. Ackermann asked if the Crisp case was on a complaint basis.

Ms. Musselman stated yes.

Mr. Overby quoted from the by-laws.

Ms. Kirkman asked if everyone agreed that the by-laws were clear and the applicant had withdrawn the case.

Mr. Ingalls asked if the County had to do anything.

Ms. Musselman stated a follow up letter would be sent to Mr. Cameron.

**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. Musselman stated Clark Leming, Leming and Healy, requested a postponement because he would like a full Board present.

Mr. Ackermann asked if someone could request a postponement indefinitely.

Mrs. Rutledge stated the letter specifically says the case would be discussed at the next meeting.

Mr. Ackermann stated that was what the last letter said.

Ms. Musselman stated the property was served a final violation notice in May.

Ms. Kirkman asked if the applicant continued to postpone then Code Administration would have to make a decision.

Ms. Musselman stated the next step would be court.

**UNFINISHED BUSINESS**

None

**REPORT BY ZONING ADMINISTRATOR**

Ms. Hudson stated she did not have a report. She stated copies of the latest Ordinances adopted by the Board of Supervisors were put into the packages.

Ms. Kirkman asked how many applications were received for next month's meeting.

Ms. Musselman stated one.

Ms. Kirkman asked how many applications were received for the November meeting.

Ms. Musselman stated one.

Ms. Kirkman asked if there was any more information regarding the Sunshine Homes case.

Ms. Hudson stated she had not received the writ from the Court. She stated that once she received the writ, she would inform the Board.

Mr. Overby asked if the County Attorney would represent us.

Ms. Hudson stated no. She stated there was a closed session at the Board of Supervisors meeting on whether or not funds would be approved for legal representation. She stated there was no decision made.

ADOPTION OF MINUTES

May 22, 2007

**Motion:**

Mr. Beauch made the motion to approve.

Mrs. Rutledge seconded.

**Vote:**

Motion to approve 4-2 abstentions

Mr. Beauch – yes

Ms. Rutledge – yes

Mr. Ingalls - abstained

Ms. Kirkman – yes

Mr. Ackermann - yes

Mr. Overby - abstained

June 26, 2007

**Motion:**

Mr. Ingalls made the motion to approve.

Mr. Overby seconded.

**Vote:**

Motion to approve 6-0

Mr. Beach – yes  
Ms. Rutledge – yes  
Mr. Ingalls- yes  
Ms. Kirkman – yes  
Mr. Ackermann - yes  
Mr. Overby- yes

July 24, 2007

**Motion:**

Mr. Beach made the motion to approve.

Mrs. Rutledge seconded.

**Vote:**

Motion to approve 4-2 abstentions

Mr. Beach – yes  
Ms. Rutledge – yes  
Mr. Ingalls- yes  
Ms. Kirkman – yes  
Mr. Ackermann- abstained  
Mr. Overby - abstained

**OTHER BUSINESS**

Mr. Overby stated he researched through Roberts Rules and it did not rule out the fact that the Chair could vote and make a motion, but it recommends the Chair step down if the Chair made a motion during the discussion of the particular application. He stated he would recommend the Board accept Roberts Rules.

Mr. Beach stated he thought the Board had agreed to that.

Mrs. Rutledge stated the Board agreed to discuss the issue when all members were present to discuss if the by-laws needed to be amended.

Mr. Overby stated that was what he read in the minutes. He stated he did not feel it needed to be in the by-laws, because the Board accepts Roberts Rules. He stated he had printed out some frequently asked questions from the Roberts Rules website. He quoted from Roberts Rules, "the Chair has the rights and privileges of any other member including making motions, speaking in debate, and voting on all questions. However, the impartiality required of the presiding officer of an assembly precludes exercising the right to make motions or debate while presiding and requires refraining from voting except when the vote is by ballot or whenever his or her vote will affect the result." He stated in the by-laws, Roberts Rules was the accepted method of functioning.

Mr. Beauch stated he thought it did not need to be in the by-laws, but the Board needed to agree to follow Roberts Rules.

Mr. Ackermann stated there were newly revised editions of Roberts Rules and he would like to see exactly what they say.

Ms. Kirkman stated, in her opinion, the Board did need to confirm the rules, rather than an interpretation of what the rules say. She stated she had requested a copy. She stated there were different rules for assemblies and delegations, than for Boards.

Ms. Hudson stated a revised edition of Roberts Rules would be ordered.

Mrs. Rutledge stated rules and laws change. She stated, in her opinion, it was important for the Chair to be impartial, focus on running the meeting in a fair manner. She stated when a person was making a motion; they were focused on their perspective. She stated as a Chair for the Board, they should focus on running the meeting in a fair manner for the public, the County, and the Board.

Mr. Ackermann stated the Chief Justice of the Supreme Court participates in debate.

Mr. Overby stated the Supreme Court debates in private. He stated debating in public could make the Board look silly and as if the Chair has no control over the meeting. He stated it was not good for the Board or the citizens of the County. He stated, in his opinion, the Board looked silly the past two meetings. He stated, in his opinion, the Board was to the point of not doing its job

Ms. Kirkman asked if there was further business to be discussed.

**Motion:**

Ms. Rutledge made the motion to adjourn.

Mr. Ackermann seconded.

**Vote:**

Motion to approve 6-0

Mr. Beach - yes

Ms. Rutledge – yes

Mr. Ingalls - yes

Ms. Kirkman – yes

Mr. Ackermann – yes

Mr. Overby - yes

ADJOURNMENT

7:27 p.m.

AMG

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