

STAFFORD COUNTY BOARD OF ZONING APPEALS

August 22, 2023

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, August 22, 2023, was called to order with the determination of a quorum at 7:00 PM by Chairman Kecia Evans in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kecia Evans, Dana Brown, Steven Apicella, John Harris, Abraham Panjshiri, Jeffrey Spinnanger

MEMBERS ABSENT: Jon Ireland

STAFF PRESENT: James Staranowicz, Stacie Stinnette

DECLARATIONS OF DISQUALIFICATION

Ms. Evans: Alright, let the record reflect that we have a quorum tonight with six voting members present. Before we hear the case, the first case, does any of the board members wish to make any declaration or statement concerning any cases to be heard before this board tonight? Alright with none, we'll move on. Alright, so the BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to one, hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator. Hearing of appeals will be conducted in two parts. The first will be a review of jurisdiction and standing. The second will be the hearing of the merits of the case, if required after review of jurisdiction and standing. The second we hear and decide upon request for Variance from the Zoning Ordinance, when a literal enforcement of the ordinance would result in unnecessary hardship to the owners of a property. And third, we hear and decide on requests for Special Exceptions where the Zoning Ordinance allows for special exceptions. The hearings will be conducted in the following order. I will ask the BZA Secretary to read the case. I will then ask the applicant or their representatives to come forward and state their name and address and present the case to the board. You would be allowed 10 minutes to present your case. I will then ask for any member of the public who wishes to speak in support of the application to come forward and speak. You will only have three minutes. After hearing from those in favor of the application, I will also ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. And you will only have three minutes. After all public comments have been received, the applicant shall have three minutes to respond and provide closing remarks. Members of the Board may ask questions of the applicant to clarify or better understand the case. We ask that each speaker present their views directly to the board and not to the applicant or other members of the public. We require the applicants, speakers, presenters, and audience to act with the level of decorum and respect appropriate as a courtroom setting. This board requires that any person who wishes to speak before this Board shall be administered an oath. Therefore, I ask that anyone who wishes to speak tonight to stand and raise their right hand. Do you hereby swear or affirm that all testimony before this Board shall be nothing but the truth?

Audience Members: Yes.

Ms. Evans: Thank you, you can be seated. After the applicant's final response, I will close the public hearing. After the public hearing has been closed, there shall be no further public comments. As a reminder, I ask that when you come down to the podium to speak, please first give your name and address clearly into the microphone so our recording secretary can have an accurate record of the speakers. Also, please sign the form on the table at the rear of the room if you have not. And I have the form. So, seems like both have signed. So thank you. Are there any changes or additions to the advertised agenda?

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Mr. Staranowicz: No, there's no changes.

APPLICATIONS AND APPEALS

1. SE23-02/23155171; Bennett Special Exception - A request for a Special Exception per Stafford County Code, Sec. 28-35, Table 3.1, "District uses and standards," A-2, Rural Residential, to allow for the parking and storage of a commercial vehicle on Tax Map Parcel No. 17G-16. The Property is zoned A-2, Rural Residential, and is located at 14 Turnstone Court, within the Rock Hill Election District.

Ms. Evans: I now ask staff if the application has been deemed complete.

Mr. Staranowicz: Yes, it has been deemed complete.

Ms. Evans: Alright. Does BZA member Steven Apicella have any additional questions for the staff?

Mr. Apicella: Yes, Madam Chairman. The application indicates that they're talking about a box truck, but the photos appear to indicate a tractor-trailer. So which, which is it?

Mr. Staranowicz: It is considered a box truck because the box on the back is attached to a chassis to the cab. So, it's all one complete vehicle. It's not... it cannot be detached.

Mr. Apicella: And what's the size of the truck?

Mr. Staranowicz: That I'm not sure of. I would have to estimate it to be about 26 to 30 feet long.

Mr. Apicella: Okay. The A-2 zoning category, from what I found, is the only category that mentions parking and storage of commercial vehicles. And it only allows it with a special exception. So how was it dealt with in other residential zoning categories?

Mr. Staranowicz: It would not be allowed.

Mr. Apicella: Okay, it would require a conditional use permit. Or it would not be allowed.

Mr. Staranowicz: It would not be allowed because it's... since our code is a permissive code. If it's not listed, it's not allowed.

Mr. Apicella: Do we know why it's only allowed in A-2? It seems kind of... *inaudible*... A-2 and not in A-1.

Mr. Staranowicz: That I cannot answer.

Mr. Apicella: Okay. What's the minimum lot size in A-2?

Mr. Staranowicz: One acre.

Mr. Apicella: And the size of this parcel?

Mr. Staranowicz: I believe it's 3.08 acres.

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Mr. Apicella: It's... say that one more time?

Mr. Staranowicz: 3.08 acres.

Mr. Apicella: Okay, so it's three times the size.

Mr. Staranowicz: Yes, sir.

Mr. Apicella: And is the subject parcel inside or adjacent to a residential subdivision?

Mr. Staranowicz: It's within a residential subdivision.

Mr. Apicella: Okay, thank you.

Ms. Evans: Thank you. Does BZA member Jeffrey Spinnanger have any additional questions for the staff?

Mr. Spinnanger: Yes, just, just one question. I think, really just trying to get a sense of you know, what the picture showed us about the vehicle. And it's a commercial vehicle based on the definition, right, who owns it and whatnot. But do we know, does it require any special license to operate? I didn't see that in the application.

Mr. Staranowicz: You mean as a motor vehicle operator license?

Mr. Spinnanger: Yeah, commercial driver's license, anything of that sort do you know?

Mr. Staranowicz: I... that I cannot answer.

Ms. Evans: Does BZA member John Harris have any additional questions for the staff?

Mr. Harris: Not at this time, thank you Madam Chair.

Ms. Evans: Thank you. Does BZA member Abraham Panjshiri have any additional questions for the staff?

Mr. Panjshiri: No Madam Chair.

Ms. Evans: Does BZA Vice Chair Dana Brown have any additional questions for the staff?

Ms. Brown: Just one, hopefully an easy one. Do you know if there's ever been any neighbor complaints or violations issued at the property?

Mr. Staranowicz: There was a complaint because it was parked on the side of the road. When our inspector went out to speak with Mr. Bennett, he moved it to the back of the property. And we haven't had any complaints since then. We do have an open case on it pending the results of this.

Ms. Brown: Okay, so nothing else?

Mr. Staranowicz: Nothing else.

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Ms. Brown: Thank you.

Ms. Evans: Alright, I will now read the case since our Secretary is absent. So, the chair will read the case. SE23-02/23155171, Bennett Special Exception. A request for a Special Exception per Stafford County Code Section 28-35, Table 3.1, "District uses and standards," A-2, Rural Residential, to allow for the parking and the storage of a commercial vehicle on Tax Map Parcel Number 17G-16. The property is zoned A-2, Rural Residential, and is located at 14 Turnstone Court, within the Rock Hill Election District.

The Board of Zoning Appeals is to consider a request for a Special Exception to allow for the parking and storage of a commercial vehicle, in accordance with Sec. 28-35, Table 3.1, on Tax Map Parcel No. 17G-16. The property is zoned A-2, Rural Residential, and is located at 14 Turnstone Court, in The Preserve on Aquia Creek subdivision, within the Rock Hill Election District. The applicant is requesting a Special Exception to park and store one commercial vehicle that is utilized to transport items to aid in disaster recovery efforts supported by the Federal Emergency Management Agency. Stafford County Zoning Ordinance Section 28-25 defines a commercial vehicle as any truck-tractor, trailer, semi-trailer, garbage truck, dump truck, cement truck, or similar vehicles or equipment with any gross weight; or any vehicle with a gross weight of more than ten thousand five hundred (10,500) pounds which is not owned, leased, or operated by the occupant of the property at which it is parked. Tax Map Parcel No. 17G-16 is zoned A-2, Rural Residential and has a single-family dwelling that was constructed in 2006. The current owners purchased the property in October 2009. The subject property is located on the northeast corner of Turnstone Court and Alderwood Drive and consists of approximately 3.08 acres and is partially wooded. The grassy driveway entrance to the property for the commercial vehicle is on Alderwood Drive and is approximately 250 feet east of the intersection with Turnstone Court. There are no wetlands, floodplain, or Critical Resource Protection Areas (CRPA) that would limit development or use of the property. I now open the public hearing. Will the applicant or his or her representative please come forward to present their case.

Mr. Bennett: Good afternoon, everyone.

Ms. Evans: Good afternoon.

Mr. Bennett: Madam Chair, thank you for the opportunity to present my side of this matter. And I want to thank all of you for being here this afternoon and taking time out of your busy schedule to address this matter on behalf of the County. My name is Randolph Nathaniel Bennett. I am the Director of what's called Residential Design and Cultural Heritage. Sorry, that's my previous career. I'm a little nervous. But I'm actually the founder of DH Jackson Long Term Disaster Recovery Committee. DH Jackson Long Term Disaster Committee is an organization that has contracts with the, with FEMA. And we do shipping and transportation and moving of assets for the federal government. I procured this vehicle from FEMA some months ago, and brought it to my property for security. Initially, it was parked in the front side of, of the bushes because at a time when I brought it back, the weather was not the best, the ground was wet, and I didn't want to try to move it into that area and it got, would have gotten stuck in the mud or what have you. At the time I wasn't aware of the county's rules that a vehicle that size, commercial vehicle could not be parked in a residential area. I also travel and I was gone for about two and a half weeks, I came back. And as I was moving the vehicle to the back of my property, which is where I planned, had planned parking it, I was met by someone from the County that told me about the requirements that it could not be there without a special permit or, or permission. So therefore I got together my information and submitted my application to this board, to this members for your consideration. I have not moved the vehicle for certain reasons. I don't want it to be a vehicle that's going in and out of the property. If there's concerns of the vehicle being there, there's no sense in moving

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it in and out and then it probably, other people get more upset the vehicles moving in and out. So I said I wanted to wait until we've gone through the full process of whether you approve us to continue to park it there temporarily or deny the process then to take further action. Because I know there has been some concern with some of my neighbors that the vehicle has been parked and it has not moved. And I'm giving an explanation of why I have not been driving it in and out of the property. I think what I do is very important for this nation. Not only had I been serving this nation honorably as a military officer, but also as a Director for a US Department of State with diplomatic clearances, and have served our nation globally. So when I read some of the comments that, you know, I might be breaking the rules or not going to follow the rules or are going to be disruptive to our community, it becomes somewhat disheartening. Because that's not the character that my wife and I have brought to this community. We are some of the, the oldest members in this community, actually, because many of the individuals that has been there since we purchased have either moved on, or maybe one or two are still there. I think we're... because we got there in 2009, the community, the house was built in 2006. We were a community that... summers we would get together, have a cookout at each other's homes. We did a lot of things together as a community. We're almost like a family in many regards. And I think that somehow over the years, you know, new individuals have moved in. People have a different kind of style. And, and here we are today. I think it's important for us as human beings, as Americans, that if we have a concern and an issue with each other, just have a conversation about it. Not one of my neighbors have reached out to me to personally have a conversation about this matter, other than filing a complaint. The house across the street from me has a farm now. Goats, probably sheep's, I don't know, a lot of baa baa. Early morning, afternoon, chickens fenced off. I mean, I think that's their right to do. But I'm not going to run to the County and say, well, they're making too much noise for me or whatever. I just say live and let live. Because I think it's important as Americans for all to respect each other's dignity and each other's grace. It's just that simple. Have a conversation. I don't like being here no more than my wife who works for the Naval Criminal Investigative Services, NCIS. You know, we do important things for this nation, like I said. I will show you. This is an official passport, because I travel. And I've done work for a nation. And the other says, diplomat. I'm a person who have brought and have done great things for our nation. I'm not here to break rules. I'm here to ask you permission to provide what is right under this state and this county, and allow me to have a waiver to simply park the vehicle there out of view from others. And it's parked in the back, that unless someone really goes out of their way to look for the vehicle, they don't see it. They really don't. The property is zoned at over three acres. If you look on the map, it's one of the largest properties in the neighborhood. And my wife and I, we own it. We bought it, keep it clean. And I can do... we don't have the capability right now... but if we were to do a live footage from my security cameras on the property, you can barely see the truck. It can barely be seen. And I mean there's some bushes this front, the front part of the vehicle, by the way, a question to the Chair, may I may answer the question that Representative Jeffrey asks about the size of the vehicle. It's, to the Chair, it's actually a 24-foot box truck. It's not a 18-wheeler, it's not a... it's just a simple box truck. And I know my time is limited because, you know, as a former elected official, you know, we can talk all afternoon. But I will save you the time and some of what I have to say. And that is thank you. Thank you. Thank you for the opportunity to present my side. And all I simply ask is that you allow us because it's not, it's not causing any harm. It's on an asphalt paved area, no oil is leaking from the vehicle. It's very well maintained. I got it from the federal government. So it's in great condition. I just ask that we're allowed to have it there temporarily. And then we will roll out when mission calls or as long as you, if I'm approved to or denied, it's going to roll out either way. Thank you for your time.

Ms. Evans: Thank you sir. Any member of the public who wishes to speak in support of the applicant or, I'm sorry, of the application, please come forward. I was about to say, so before you speak, you just

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need to be sworn in, just to let you know. Yeah, hold on. Do you hereby swear or affirm that all testimony before this Board shall be nothing but the truth?

Ms. Millard: I do.

Ms. Evans: Alright.

Ms. Millard: Good afternoon, good evening...

Ms. Evans: If you could state your name and your address.

Ms. Millard: Sure. My name is Donna Millard. I live in the same neighborhood with Randolph and Lillian. I, first and foremost, we don't have an HOA. And so I think that there are some people who have moved in after the community was developed, that feel that they should be able to regulate and rule what others do on their property. A recent incidence that occurred last week for me, I have my kids who have this grand idea of traipsing across the country in a trailer had their trailer parked on the street. And the Sheriff was called to ascertain whether it was lawfully parked there. My neighbors told them that the trailer had been there, parked there for two weeks. But my children had only been visiting for four days. So this is the type of harassment that has been a continuum I know since I've been there. Even from doing fireworks, or, or any other kinds of things, and I and I, I engage with my community members all the time. I walk and I speak to everyone, because I also have a young son, who, you know, sons do stupid things. So I want them to know who the stupid one belongs to. He belongs to me, come to me, tell me if he ran through your yard with his motorcycle or picked something off your tree. He's, you know, he's everywhere. So, but I wanted people to know that he is not a threat, he belongs to me. If you have a problem with Jeremiah, please come to me. So I've said that to all my neighbors. But what bothers me most is the fact that people think that they should regulate what Randolph and them do at their house, they should, they should regulate what I do at my house. There's, and so it's a, it's a community; it's a beautiful community. But I believe that people feel like since they, they made it somehow because they have this big house and now they get to regulate others. And that's, you know, that's not the case. We are all working individuals, I work for the government, too, for the Department of Intelligence. So everybody's working, everybody's doing the best they can with what they've got. And so the truck is not unsightly. The truck is in their backyard. It was parked on the side of their property. It wasn't bothering anybody. There was no grass that grew up over it or under it. Everything was well maintained and manicured. Now, there's a problem here. And it's not the people in this community right here. But there's a problem with those feeling as if some don't belong or, or we're going to make it as comfortable... uncomfortable as possible. And that is unsatisfactory to me. So...

Ms. Evans: Thank you, your time is up.

Ms. Millard: Thank you.

Ms. Evans: Is there any other members of the... that would like to speak? I need to swear you in as well. Do you hereby swear or affirm that all testimony before this Board shall be nothing but the truth?

Mr. Hepburn: I do.

Ms. Evans: Alright, thank you. Please state your name and your address.

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Mr. Hepburn: Richard Arnold Hepburn. Just again to the board, I just want to share reiterate what everyone is saying here today is that this gentleman, I've known Mr. Randolph and his family, since they moved in the neighborhood. To be honest with you, when I moved in the neighborhood, one day they were driving around, and I actually flagged him down and tell him he needs to move into the neighborhood. That's how he ended up in the neighborhood. I stopped him. We, like you said, this neighborhood used to be a place where on Halloween, all the kids will get together in one block, they will get in one neighbor's tractor, they would drive around, pick up candy bars at other family house while all the adults sit there and have a good time, adult beverage, you know, have a good time. But this is what we did. We were like a family. Again, people move out, people move in, and things start happening. But the purpose for me coming here is just to let you know that I see the vehicle, he has a big, one of the biggest piece of land in that whole area. The vehicle, where it's sitting, doesn't bother anybody. It doesn't bother me, it doesn't bother anybody. But whoever is complaining, they're complaining for different reason, not because it's bothering them. There's a house down the road have an RV that is bigger than his vehicle and I see nobody complain about an RV. The vehicle that he has is just to help his family. He wants to create a legacy for his family. He wants to make money. So he buys a vehicle to... the RV's for entertaining. He's trying to make money, he's trying to survive. And I don't see a big reason why we should not allow him to keep that vehicle there to help him. I ask of you to please help him so that he can finish his process and get that vehicle where it needs to go. But it is not bothering the neighborhood at all. Thank you.

Ms. Evans: Thank you, sir. Is there anyone else in the public...? Do you swear that your testimony will be the truth to this board?

Mrs. Hepburn: I do.

Ms. Evans: Alright, state your name and your address, please.

Mrs. Hepburn: My name is Katherine Hepburn. That was my husband. We've known Lillian and Randolph since they moved into the neighborhood. They actually, when they moved in, they made a concerted effort to include everyone in the neighborhood. They had parties several times a year, invited the entire neighborhood. They did some incredible landscaping to upgrade their property. And so I was actually surprised. I initially did see the truck at the side, on the lawn, close to some trees. And then it was moved to the back and I walk almost every morning. And you literally have to stick your head out there, be extra curious for whatever reason, nosey is the word, in order for you to see the truck. It doesn't bother me at all. I don't think it really bothers anyone in the neighborhood. So I do believe that there are some other reasons why complaints were filed. But at the end of the day, we are, we, the people who are here in support of Lillian and Randolph, we are asking for the temporary waiver, because his intention is not to keep the truck there permanently, but on a temporary basis until he transports it to wherever it needs to be. We, I wish for the day when the neighborhood was back how it was. I really do and because we don't... we moved in because there was no HOA and now you have someone who is taking I guess the initiative you can call it to create their own HOA, and this is not what the neighborhood wants or needs.

Ms. Evans: Thank you. Are there any other members of the public who wishes to speak in support? If not, are there any members of the public who wishes to speak in opposition to the application? Please come forward.

Mr. Kozlowski: Good evening, Madam Chair and the members of the board. My name is Thomas Kozlowski. I reviewed the package submitted by Mr. Bennett and his wife and the package that you

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prepared online. There are several issues that weren't addressed in my mind regarding the safety and environmental concerns about the vehicle being stored at the property. There are some conditions that you laid forth. However, I think there needs to be some further consideration in regards to the safety of the area, as well as the environment. Under Section 28-351, when you grant a special exemption, there's conditions that certain conditions must be considered. Section D, item 4 and 5, really relate to the safety and health of the people that live in the area. Section 4 says, use shall not affect the health and safety of persons in the neighborhood. And Section 5 is, you should not determine... be detrimental the public welfare, or injurious to property. With those two issues in concern, one is, and it wasn't articulated in the application; we'd like that to be clarified and part of your consideration. What type of cargo would be stored in this vehicle on the property? It was never articulated in the application. My concern is, will there be any dangerous, hazardous, or restricted cargo stored in this vehicle that would potentially be a hazard to the neighborhood or to the environment? The other issue, are there any provisions for the mitigation of fuel spills? We border the wetlands for the Aquia Creek, which flows into the Potomac River, which ends up in the Chesapeake Bay. So there's usually about 100 or so gallons of diesel fuel on board these vehicles. I just want to make sure that we're not going to have any environmental impact to the wetlands, to our well water, as such that it would propose a health and safety issue to the residents in the neighborhood. Does such an issue like this require an environmental study, an impact study? I don't know. I couldn't read that in the code anywhere. I ask that you consider those. Vehicles parked in a heavily wooded area, you know, it's out of sight, out of mind for most people. But the other concerns were, you know, for me, in particular, is during the dry season and the drought and stuff, we have an ignition hazard in that heavily wooded area, you know. And that in my mind provide... is a fire hazard that we need to also consider, so. I request that these issues be considered in the review process. And if you could answer any of those questions or issues tonight, I would appreciate it. Thank you.

Ms. Evans: Thank you. Are there any others that are in opposition that would like to come forward? I would like to make on record that the board has received emails. And I believe, and staff please correct me if I'm wrong, we've received a total of 17 emails and I think I just received another one at 7:30. Some are in favor and some oppose. So, do... I guess my question to the board is do we have to read each and every one of the letters, of the emails, to go on record?

Mr. Staranowicz: No, Madam Chair, those do not have to be read into the record, but they will be part of the official file.

Ms. Evans: Okay.

Mr. Staranowicz: And just for content, the majority of those were for, in support of being able to park the truck there. There was probably three or four that were opposed.

Ms. Evans: Okay. I will ask the applicant at this time do you wish to respond and/or add additional information? Please come forward.

Mr. Bennett: Yes, Madam Chair. Again, members of the board, I really want to thank you for giving me a second opportunity to address this matter. My neighbors explained that they are members in our community who wish to make their own rules. And we had an example of that this afternoon, clearly. The gentleman to my left got up here and explained that there are certain things that he considered is missing from your standards. I think that's an insult to this board. Because you created those standards. And he now walks in here and tell you how you should do your business. I think that's very unfortunate. As my neighbor said, we were a neighborhood, and I've made an effort when I moved into that neighborhood to include every single member of our neighborhood. And we operated as a family,

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regardless of race, culture, creed, whatever. We were together, our children grew up together, they caught a bus in front of my home. I wanted rained, we let them into our home. We were a team. Something happened along the way. There's a gentleman that lives across the street from me, when we talk about fireworks, they have blasted fireworks onto my home. And my wife was at home. And launching his fireworks like he's firing missiles to my home. And I've had warned him before about doing that. And the same gentleman who has signs on his property, political signs that continue to be on the property to this day. I don't know what the standards here in Stafford County is, but I know in other places where we have property across this country, because we have more than this one, continuing with political signs beyond a political season is uncalled for. But did I go research to find out whether or not he's breaking the rules or not? I say let live and let that be... let live. There's a silhouette of the ex-president that sits in his window every day. Kind of facing our property. I don't think he's trying to intimidate somebody. But it's there. They can set their own rules and how they want to operate and let what bothers them bother them. The gentleman asked a question and through the Chair, I'll answer his question about fuel. It's diesel fuel. It's not easily ignitable. That's where you have to heat up the engine before you start it. And if he took so much time to do so much research, through the Chair, he should have done the research on diesel fuel. Because as concerning a fuel spill, that could be any vehicle. Any vehicle in our neighborhood. So I don't know what type of rules he is trying to create, but it shows tonight the level of ignorance that come before this board. And you didn't deserve that. And so let me apologize on his behalf for his ignorance. I want to thank you for the time. My rebuttal is simply this. I have served this nation. I paid for my property. I don't make trouble with my neighbors. I respect my neighbors and even when they have done things that I found not to be credible, and he's worried about what is packed in my vehicle, I guess they consid... they're concerned when a number of them in my neighborhood roll up to DC on January 6 with private weapons in their vehicles, that's a reflection of people responding from where they're at. I do not bring anything that would be hazardous onto my property. I have a family. I chop down trees on my property that could have fell onto my house and damaged and hurt my family. Why would I endanger my own family? Another level of ignorance that I heard this afternoon. And it's very unfortunate. And through the Chair, I'm letting him know to his face that he presented an ignorant argument. Thank you for the time.

Ms. Evans: Thank you very much. At this time, I will open up questions from the board members. This is the time for board members to ask any and all questions of the applicant before I close the public hearing. As a reminder, once the public hearing is closed, we cannot take any further questions from the floor. Each board member will have no more than five minutes to ask their questions. Does BZA member Steven Apicella have any additional questions for the staff? I'm sorry for the for the applicant.

Mr. Apicella: No ma'am.

Ms. Evans: Does BZA member Jeffery Spinnanger have any additional questions for the applicant?

Mr. Spinnanger: No, I don't.

Ms. Evans: Does BZA member John Harris have any additional questions for the applicant?

Mr. Harris: Thank you, Madam Chairman. As part of the package, I was wondering if Mr. and Mrs. Bennett have read the board's recommendations for the conditional use permit. There are six of them and do you have comment on them.

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Mr. Bennett: Sir, we have, we have reviewed those requirements. We intend to meet every single one of those standards. And we have no issues with any of them. That is your standard and we have to respect that.

Mr. Harris: Thank you.

Ms. Evans: Thank you. Does BZA member Abraham Panjshiri have any additional questions for staff?

Mr. Panjshiri: No, Madam Chair.

Ms. Evans: Does BZA Vice Chair Dana Brown have any questions for the applicant?

Ms. Brown: Thank you, Madam Chair. Actually, I do. Thank you, sir. I'm a little confused. Were you asking to store this temporarily or not temporarily?

Mr. Bennett: Well, I said temporarily today. I actually like it to be stored so that we can have the authority to store it on our property. My intent is, I will be removing that at some point. But if I were to purchase another one, I understand that you can only have one vehicle. So the permit from what I understand allows you to have the vehicle to be stored or vehicle to be stored, only one, for the duration of ownership of the property.

Ms. Brown: Okay, so you're asking for permanent storage right now?

Mr. Bennett: Correct.

Ms. Brown: Okay. And then the, the length of the box truck, that was answered. Your drainfield... I just want to tell you, too, I did drive out to the neighborhood on Saturday, and I took a look around at some of the streets. And I did notice from the street that is, oh gosh, Turnstone, the truck is very camouflaged, in my opinion, from Alderwood. But from Turnstone, it's not. And one of the I think the conditions was it would be concealed from all sides. So but again, I just want to disclose that I went out there. How often will you be moving it in and out?

Mr. Bennett: That, that varies when FEMA has requirements for me.

Ms. Brown: Okay.

Mr. Bennett: Um, as far as that you can see from Turnstone, all I have to do is back it up a little bit further in the back. I have clearance to back the vehicle up. So I know what you're talking about that you can see it from Turnstone. You can see the front of the vehicle.

Ms. Brown: Well, the whole thing, I could see the whole thing when I drove by, but okay. Alright. And the other question I had for you, where is your drainfield? Is it anywhere near where you're parking it?

Mr. Bennett: The drainfield is, there's a drainfield to the left on Turnstone. And there's a drainfield on Alderwood. But that's in the very front over there.

Ms. Brown: So it's nowhere near where you're going to be driving it into the property or parking it?

Mr. Bennett: No.

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Ms. Brown: Okay. I think... so, we didn't, we didn't really tell often it's going to come in and out. It's just going to be as needed.

Mr. Bennett: As needed, yes, ma'am.

Ms. Brown: Okay. Alright, thank you. Oh, last question. What type of cargo will you be putting in there?

Mr. Bennett: Well, one of my last shipment from FEMA was crates, pallets, you know. So, FEMA does not transport or require me to transport anything hazardous. They have like, I move like televisions, equipment, crates, pallets.

Ms. Brown: Okay.

Mr. Bennett: That type of stuff.

Ms. Brown: Well, thank you very much. That's all I had.

Mr. Bennett: Thank you, ma'am. I apologize. I should have said through the Chair to response.

Ms. Evans: No, you're fine. I do have a couple of questions. Because the picture even though you say it's a box truck, it looks as if it's a tractor-trailer because of the head. So I get it. And maybe this may not be relevant. But are you... like, do you have to apply for DOT license? So like your MC license, your USDOT in order for, to travel?

Mr. Bennett: Yes, but I hire, have drivers.

Ms. Evans: Right. Okay. I understand that. But I'm just asking, do you have...

Mr. Bennett: Personally?

Ms. Evans: No, the company, your company. Because if it's a box truck and the way it is, and you go to transport for FEMA, are you DOT compliant?

Mr. Bennett: Yes.

Ms. Evans: So you have a USDOT number and you have an MC number?

Mr. Bennett: Well, the truck had those. So let me, let me clarify. I have not transferred those to my company as yet because I'm going through this process.

Ms. Evans: Okay.

Mr. Bennett: And so I'm waiting until all of this is cleared, then I know what I will have to do with my next steps.

Ms. Evans: Okay. And the only reason why I ask that is because number 4, as the applicant, you shall comply with all federal, state and local laws.

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Mr. Bennett: Yes, that's not an issue.

Ms. Evans: So, I just wanted to make sure. That's one of the questions.

Mr. Bennett: And that's why I've waited through this process. Because once you either approve, then I know that I need to get all those things done and bring those reports back to you. If you disapprove it, then I still have to move it out.

Ms. Evans: I was going to say, you'd still have to do that anyway.

Mr. Bennett: I'd have to move it out. So, but it will all be taken care of. I just needed to ensure that I go through this process.

Ms. Evans: Okay. And my next question. So, how long have you been having it stored at the property before this application?

Mr. Bennett: I think it's been there now since I think March, February or March. I don't remember exactly when I pur...

Ms. Evans: And that's when you got the contract with the federal government?

Mr. Bennett: No, I've had the contract for some time now. I had a contract for years. But this opportunity presented itself and allowed me to do even more, more transportation, more moving. And so that's why I went ahead and got the vehicle.

Ms. Evans: Alright, that's... those are the only questions that I have for the applicant.

Mr. Bennett: Thank you, ma'am.

Ms. Evans: And so now I will now close the public hearing for this application and bring the matter to the Board for discussion.

Mr. Apicella: Madam Chairman, can I ask staff a question?

Ms. Evans: I'm sorry, say that again.

Mr. Apicella: Can I ask staff a question?

Ms. Evans: Yes, you can.

Mr. Apicella: So, since the special exception conditions generally refer to one commercial vehicle, but currently the vehicle is a box truck, could, could they potentially park a tractor-trailer instead of a box truck?

Mr. Staranowicz: That is possible, yes.

Mr. Apicella: And again, we don't, we don't know what the size of a tractor-trailer is versus a, what is it, 24...

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Mr. Staranowicz: Typically, a tractor-trailer is 53 feet long.

Mr. Apicella: Okay. So, I do have a concern about potentially parking a tractor-trailer versus a box truck. I don't have a problem with a box truck. But I'm not yet convinced that a tractor-trailer is appropriate in a residential subdivision. So, is that something we can address in the conditions?

Ms. Evans: Yes. Is it... but is this considered a tractor-trailer?

Mr. Apicella: No, the way this reads, they can park no more than one commercial vehicle on the property. A commercial vehicle, by definition, could be a tractor-trailer.

Ms. Evans: Correct.

Mr. Apicella: So it's very generic. A box truck, probably not a big deal if it's 24, 26 feet, but 50 plus feet might be an issue. So I'm wondering whether we want to clarify the size of the vehicle.

Ms. Evans: Yes.

Ms. Brown: I had that in my comments for conditions as well to limit it to the 24-foot box truck that they had asked for.

Mr. Apicella: Okay.

Ms. Brown: That was one of my suggestions. I haven't got to it, but I would... *inaudible*...

Mr. Apicella: Gotcha.

Ms. Brown: ... yes.

Ms. Evans: Does every... do we all agree? Board members?

Mr. Spinnanger: Yeah, I did the same thing, right. So it that turns out there's about six different lengths, 25, 26, down, right, so to Steven's point, right. So definitely limiting the size. So I would think that if, if box truck is an actual and accepted and defined term, that would set the outer marker about where the applicant is today, then I think that that would be sufficient.

Ms. Evans: Board member Harris, do you have any objections... *inaudible*... or?

Mr. Harris: Well with this conditional use permit or not, excuse me, with this particular application, we're talking about transport vehicles. If we approve this, does that include equipment as to potential uses of the property, loaders, backhoes, etc.? I guess that's a question that is open because it's not excluding them, but it's not addressing that either. Now, if the venture requires that type of vehicle, we also already have an exception, can they be used by default and change the nature of the community? So that's a question to consider. So the limitation of a specific type of vehicle, I think, should be part of any consideration.

Ms. Evans: Thank you. Staff, did we make note of that? The size of the...

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Mr. Staranowicz: We can, we can change the wording on the first condition to say that no more than one commercial vehicle, box truck of a certain length.

Ms. Evans: He was specific with the size.

Mr. Staranowicz: So we can we can specify that it could be no more than 26 feet.

Ms. Evans: Did we say 26 or 24?

Mr. Apicella: I think 26 is fine.

Mr. Staranowicz: I think he said 24.

Ms. Brown: I thought he said 24.

Inaudible, several people talking at one time.

Mr. Panjshiri: Twenty-six-foot is your biggest U-haul so that I feel like is a good...

Ms. Evans: Okay, so we say 26, 26 feet. Are you comfortable with that?

Ms. Brown: Yes.

Ms. Evans: Are you comfortable? Okay. Is there any other conditions?

Ms. Brown: Yes. Well, are we, are we just still discussing or are we doing conditions?

Ms. Evans: Well, we're still discussing but he put that into conditions.

Ms. Brown: *Inaudible*... a couple of things that I had. I did get a lot of letters. And my count could be off by one or two. But my last count I had a total of 16 and it looked like there was 12 supporting but when I looked closer at that, I realized that out of that 12 that was supporting, I don't believe that they're neighbors. And while I do appreciate... some of them were, one at one of them was... I do appreciate everybody and there's no problem supporting you. But my concern is how the neighbors feel and how it's going to affect the neighbors, not somebody who might live in Georgia or Florida or out of the neighborhood. So out of all of those names, the only one that I could verify that actually lived there was Mr. And Mrs. Hepburn. And then, of course, we had our speaker today, Ms. Millard. So that was one of my concerns. I just wanted to point that out. And I, I did have some things for the conditions that most of them were pretty, pretty great. I wanted to leave number two as it was except just add on, if you guys were agreeable, that there would be no street parking. And I don't know is, if this subdivision is in the County's parking ordinance or not, where that wouldn't allow that. But I thought we could put that in as a condition if you guys agreed. Number three, I would leave as is. I would add a new number four. And I'm flexible on this because he said that the drainfield is not there. I just would put something in because he is driving it over the ground a lot that the County would not be liable for any damages to his drainfield. And then the rest I think I was fine with on the conditions. I think that's everything I had. Yeah. I... oh, one last thing. I did look up the size of the lots over there. There's 36 homes in the subdivision and most of them actually are one to two acres. I mean, there's a couple outliers. Our applicant does have 3.08 and two of them were 6.3 acres and one 5.2. The rest were like two acres, one acre, 1.6, 1.9, you know, all the way down. So I do have a concern that one of the letters and I don't

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remember who wrote it was that they were concerned if this started a trend, maybe on a 3-acre parcel, maybe it's not so bad, but on a 1-acre parcel, that would, could be an issue because you've already got the house and everything and the driveway sitting on there. So I did just want to point that out to the board that not all the lots are as big as our applicant's. That was it. Thank you.

Ms. Evans: Thank you. I only have one condition, and that is to make sure that you comply with federal, state and local laws and regulations. And so that also includes our conditions, as well as, if it is a requirement that you get your DOT and MC number, okay. Other than that, can the... I should say all the board members are happy with the conditions that have been added, the wording that have been added. So staff can you read back the conditions? If we were to approve this, can you read back and the conditions.

Mr. Staranowicz: Number one would be the applicant shall be allowed to park no more than one commercial vehicle, a box truck no more than 26-foot in length, on the property. The applicant shall screen the commercial vehicle from the view of both Turnstone Court and Alderwood Drive and any adjacent property. The applicant shall maintain the commercial vehicle in operating condition. Number four was added, is that the County would not be liable for damage to the drainfields. Number five, the applicant shall comply with all federal, state and local laws and regulations. Six is the special exception shall expire when the applicant vacates the property and is non-transferable. And seven, this special exception may be revoked for willful non-compliance of these conditions imposed by the board of zoning appeals.

Mr. Apicella: Madam Chairman, I believe Ms. Brown also asked for either under number 2 or 3, I guess it was 2 that there shall be...

Ms. Brown: Number 2.

Mr. Apicella: ... no on-street parking...

Ms. Brown: Yes. Number 2, at the end of number 2.

Mr. Apicella: ... of the subject vehicle.

Ms. Evans: Staff, can we make sure we add that please?

Mr. Staranowicz: Yes, I'll add that in.

Ms. Evans: Thank you. With all the conditions being read, can I get a motion on the floor to either approve or deny the application?

Mr. Panjshiri: Motion to approve the special exception.

Ms. Evans: All those in favor for approval say aye.

Mr. Apicella: Just in terms of protocol, I think it needs a second.

Ms. Evans: I'm sorry. That is true. Thank you for correcting me. Is there a second on the floor? I second the motion to approve. Can I... those in favor say aye.

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Mr. Harris: Discussion?

Ms. Evans: I'm sorry, yes.

Mr. Harris: You just have to call for discussion.

Ms. Evans: Yes, yes, yes. You are... get me right, guys, get me right. Is there a discussion? There's no discussion?

Ms. Brown: I'll go, fine. I am not going to approve. And I've gone back and forth on this.

Ms. Evans: *Inaudible*... you're letting me know what you're doing but it's not a discussion. We have to discuss it. You're giving me your vote.

Ms. Brown: Alright.

Mr. Apicella: I'm sorry. Are you saying she cannot say whether she's gonna support this motion or not?

Mr. Spinnanger: *Inaudible*... a discussion, why can't she do that?

Ms. Evans: Well, it's a discussion. Not really... I didn't ask for a vote.

Inaudible, several speaking at one time.

Mr. Apicella: So, a motion's been made; it's been properly seconded.

Ms. Evans: Correct.

Mr. Apicella: And any member has the ability under normal circumstances to indicate whether or not they're going to support the motion and why, so.

Ms. Evans: Well, you can...

Mr. Harris: *Inaudible*... an attempt to provide persuasion.

Ms. Evans: Right.

Mr. Harris: Positive or negative.

Ms. Brown: Okay, well, if you'd rather I not go first, that's fine.

Ms. Evans: Well, no, I mean, go ahead.

Ms. Brown: Okay. I don't feel like I can support this right now. And a lot of it is because of the lot sizes in there. I don't think that that's going to all fit in there if people start coming in here. There's, there is a reason that we have no, that's a rule in there. It's not an HOA rule, but it's a county rule. So it's not like it's a by-right thing that you can just have that and that's why you're here. And, and I believe that those lot sizes are just too small to accommodate that. If everybody came for a tractor-trailer, I would not be able to vote for that.

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Ms. Evans: But it's not a tractor-trailer, it's a box truck.

Ms. Brown: Okay, it's a box truck. I still, I'm not gonna... excuse me? Okay. I'm not going to support the motion. And I felt like a lot of the people that we heard from again don't live there. And I, I just, I'm not gonna support it.

Ms. Evans: Is there anyone else?

Mr. Spinnanger: So I, I considering the exception as it's been laid out, I'm generally inclined to support as it's laid out. However, there were a few things, I think there are some open questions that I would just like to note, you know, as a function of before we vote. And what was a bit unclear to me is the actual ownership at this time, right. I was a little bit confused. And I'm not asking for it. I've indicated I'm comfortable with it. But the I... the, the, the vehicle in question is owned by a business that you own. And so I think that that was what I was led to understand, which is, I think, sufficient within the scope of the exception as it's been requested. But it does seem to indicate that there might be a business. And I don't know if that is something else that would require a subsequent review that is beyond the scope of this application, but something that staff may, may wish to investigate, whether or not if there's a business also being operated out of the property, that also would require either an exception or something else beyond the scope of this particular question.

Ms. Evans: Under the Home Business I, Home Business II?

Mr. Spinnanger: Yes ma'am, possibly, so. But as it relates to the application here and the permissibility to park a vehicle, the commercial vehicle as described and subject to the conditions, I think I see the merits in that.

Ms. Evans: Alright, so those who are in favor say aye.

Members: Aye.

Mr. Harris: Madam Chairman, I call for roll.

Ms. Evans: Alright. BZA Steven Apicella?

Mr. Apicella: Aye.

Ms. Evans: BZA member Jeffrey Spinnanger?

Mr. Spinnanger: Aye.

Ms. Evans: BZA member John Harris?

Mr. Harris: No.

Ms. Evans: BZA member Abraham Panjshiri?

Mr. Panjshiri: Aye.

Ms. Evans: BZA member Dana Brown?

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Ms. Brown: No.

Ms. Evans: And as the Chair, I'm going to say aye.

Unknown speaker: The aye's have it.

Ms. Evans: So the vote is passed. It is three... four ayes, two nays. You are granted.

Mr. Apicella: Madam Chairman, before we... before we move on to any other business, I would just point out as I tried to indicate during my questions that this is the only zoning category that allows parking and storage of commercial vehicles surprisingly. And the board is currently looking at potential changes to zoning categories and definitions. I would ask – this has nothing to do with you, sir – we may want to mention through staff that that's kind of an outlier. And as they are reviewing potential changes, that they might want to look at whether or not they want to consider changes as it relates to the parking and storage of vehicles in this category and other categories.

Ms. Evans: In the A-2.

Mr. Apicella: In any zoning category.

Ms. Evans: Okay.

Mr. Harris: Madam Chairman, there... over the last 20 years of being on various boards, commissions, and committees, there are two items that take up most of the agendas. It's dogs and trucks. [Laughter]

Ms. Evans: We have no more dogs.

Mr. Harris: Yes you will, yes you will. You'll have many more dogs in the coming seasons. And the reason there are specific requirements is because historically they have been a challenge. The intent is good, but the application becomes the menace. That's all.

Ms. Evans: Thank you.

Mr. Apicella: So, just to be clear, we're by consensus, we're asking staff to potentially raise that with I guess the Planning and Zoning Director and potentially with the Board of Supervisors.

Ms. Evans: Yeah.

Ms. Brown: I would agree to that.

Ms. Evans: I would agree.

Mr. Staranowicz: I know... we will raise that question with them. I know right now it is up in the County Attorney's Office under review for the overall change of the Zoning Ordinance that we have going up.

Mr. Apicella: Okay. Thanks.

Mr. Harris: Does that question include inoperable vehicles?

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Mr. Staranowicz: As far... the inoperable vehicles is in another section of the County Code, it's not actually under the Zoning Ordinance. Unfortunately, the Zoning Department...

Ms. Evans: But do you want them to include that?

Mr. Harris: Oh, of course, because I can't tell you how many vehicles or formerly running vehicles have taken up residence countywide, and don't create a great visual for a community as you drive through.

Ms. Evans: Correct.

Mr. Harris: And so some folks are just storing the vehicle, which will never run again.

Ms. Evans: Right. So can we, we are asking staff to take that up?

Mr. Harris: Operable and inoperable?

Ms. Evans: Yes.

Ms. Brown: But we are flagging the A-2, right, not just the general...?

Ms. Evans: No, Steven had said it's the whole...

Ms. Brown: Right. But I thought you wanted to, you know, specifically cite that as well?

Mr. Apicella: Yes, in referring it to the board to indicate that this is an outlier that's the only zoning category that specifically allows it in any sense, whether it be by-right, conditional use permit, or special exception. No other zoning category mentions it. And so the board in its process of looking at all zoning categories and definitions, something they might want to know and consider whether they want to continue it or make changes.

Ms. Brown: Correct.

Mr. Harris: Historically, it has been a big problem.

Ms. Evans: Alright. So, you'll take that up...

Mr. Staranowicz: I'll forward that onto the County Attorney's Office so they... because right now they're under review with it, so, and see if there's something that they can...

Ms. Brown: Thank you for doing that.

Ms. Evans: Thank you. Is there any Unfinished Business?

Mr. Spinnanger: So, actually it's just for academic purposes. I thought, you know, Dana, your observations regarding the email, and the for and against were interesting. And I wondered if there was a question for staff or something else that can go back to the attorney and that is, appreciate, you know, anyone can kind of comment all the time, I think it's great. But I was, I was, I found myself sort of really wondering a little bit when you, when, Madam Chairman, you talked about maybe reading them into the record. And I wonder if we can get a legal opinion here. When we take information in during public

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comment, those individuals are sworn. There is no swearing whatsoever in an email that is sent out. We don't know the address. And I found myself, you know, doing a little bit of an exercise because each person comes up and they say their address, and really it helps to give me a sense of what standing may look like here and really trying to assess the information that's being provided. And so just as an example, it may be a bit of an academic one, but an example nonetheless, the husband and wife, the Hepburn's – I happen to remember that because I was struck by the name – they seemed to have standing in that they, they, at least as a function of proximity to speak, they definitely lived closer to the applicant than any of the others that were there just, you know, the wonders of Google and actually glasses because the font size is quite small, but the, um, and I find, I find that to be I think kind of compelling. So because frequently emotion is a function of these process. We saw a little bit of that today. I'm not sure what the neighborhood picnic is going to look like here.

Mr. Harris: I'm sure it will look just like January 6th.

Mr. Spinnanger: Yeah, yeah, that was...

Ms. Evans: I hope not.

Mr. Spinnanger: That was a couple knuckleballs there. Yeah... *inaudible*. But the, uh... wow, we can keep going for hours... but I just think, I think that would be an important, I think that would be a helpful question if that's something that we can get a legal interpretation on, because we get a lot of them. Sometimes we get more than others. I think, right, you mentioned dogs and trucks. One of the more compelling argu... discussions we had here, which was fraught with emotion, was the flurry of email that came in on one of the kennels that we considered a while back with the wolf.

Ms. Evans: Correct.

Mr. Harris: *Inaudible, microphone not on...* of standing was your question.

Mr. Spinnanger: Well, there's a question of standing and the question of the, the merits that we should give to email because they're not sworn.

Ms. Evans: So, this came up before, as far as having it be read or like, you know, they're, they're not under oath. So, I don't think... was that ever addressed? Did we ever address that?

Mr. Staranowicz: Yes, Madam Chair, that was addressed. And that's why when you asked me about reading them... *inaudible*, I told you no, that it was decided that we would no longer do that because they're not present...

Ms. Evans: And they're not under oath.

Mr. Staranowicz: ... in order to comment any further or for anybody to ask questions of at that point. And we don't know exactly where they're coming from at that, either. So, it's, it's a matter of, you know, who are these people? Are they actually there? Are they neighbors? Are they...? So, since we don't know that, and we have no way of swearing them and these are not sworn in statements, they're just added to the record.

Ms. Evans: Okay.

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Ms. Brown: I think we only read them in the record during COVID, when the public was not allowed to come address us in the chambers.

Mr. Staranowicz: Correct, they were read during COVID when the chambers was closed.

Mr. Apicella: So just to kind of continue on with the conversation, how do folks generally know to communicate with us? Is there something on the website that says, send in your email if you have a comment and you can't attend the meeting?

Mr. Staranowicz: There, there are signs posted on the property, just as with a board meeting or the PC meetings, there's signs posted, there's QR codes on the sign next to the sign. And they direct them to the agenda item so that they can look at it and as if they wish to make a comment, they could email it in. Getting to that point of the emails that you all have been receiving over this last two days, we are going to be talking with IT to set up a BZA public comment account to filter those away from you so that, and then we will forward them as a, as part of the package when they come in.

Mr. Apicella: So that sounds like a pretty interesting process. I wonder as part of that, if you could either in the solicitation of those emails, or after you get those emails reply back if we don't have it for their address, because I think it is helpful to know whether these people are actually even in Stafford County, much less neighbors of the specific property in question, so. We can get emails from California, New Mexico, Canada, Australia.

Ms. Brown: We did get emails from Florida...

Mr. Apicella: So, I thought that was an interesting observation as well. And so we can kind of... it's not a requirement, but it would be helpful if these folks provided their addresses as well. Is that something you can consider?

Mr. Staranowicz: We can consider that, yes.

Mr. Apicella: Alright, thanks.

Mr. Spinnanger: Can I throw one more out there just so we're... *inaudible*? So, and I can't remember when it came up before and my attendance has been a little bit haphazard here and I apologize for that. But, so going through the process here, could... staff could you remind me why, why we print these and like we're on our own for the materials because you know, I'm all about saving a penny, I don't really mind and I don't really care about printing them, except it doesn't really print that well. And I just can't remember what problem we were solving when, when the decision was made that we wouldn't be provided a packet anymore.

Ms. Evans: So, can I say, can I say something as a Chair? It's, so the argument is literally in the minutes...

Mr. Spinnanger: Okay.

Ms. Evans: ... that we had about printing of the package.

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Mr. Spinnanger: But I am going to ask staff if they can reconsider. If we were to have a hearing and I don't know if there's one on the table for next month and the following month. If there is, is there a possibility that we can have those packages delivered? You don't have to, you don't have to answer now.

Mr. Staranowicz: We have agreed that we would print a copy for anybody who wishes to have one, but they would need to come and pick it up.

Ms. Evans: Okay.

Mr. Staranowicz: Or you can have somebody come pick it up for you.

Mr. Apicella: I'm good with that.

Mr. Spinnanger: Yep, absolutely.

Ms. Evans: Okay, I was about to say, is everyone good with that?

Ms. Brown: Yes.

Mr. Harris: No.

Ms. Evans: Okay.

Mr. Harris: The applicant, particularly, let's just say you're asking for a special use permit, let's say anywhere from 10 to \$20,000 for a special use permit. A line item in any of these application packages deals with overhead or administrative costs, and it's factored into that. I understand this is a cost saving and manpower saving issue. But the applicants are paying to submit their packages for full consideration. Now, it has now become policy that we not do it for I assume financial or manpower issues. It's contrary to my policy that we do it that way. I think there's nothing more positive or supportive of understanding what the applicants are doing or saying than being able to refer to a document like a book at any given time to refer to or have present at your convenience and pleasure of time to consider these issues. So I am definitely opposed to discontinuing current support of this policy change. And my services aren't needed if I have to provide my own work and homework to achieve the product. I'm not necessary. But, with that said, I'm sorry to hear that this is a change. I don't believe there has been substantial input from this body who provide service to the court. And if that's the policy, then we need to know it in a greater fashion and whether it's a question of hand delivering them or mailing them. I'm sure we all have a mailing address, but us poor farmers, dirt farmers on Hartwood, we don't even have internet.

Ms. Evans: Hey, we're trying to get there, trying to get there.

Mr. Harris: I feel like Oliver Douglas going up the pole to call someone to find out information. But Mrs. Douglas tells me to keep a calm head. But I am totally opposed to this policy change and the applicant is paying and has the right to have full awareness of each person making these decisions. And that's my position on it.

Ms. Evans: So staff with that position, I would ask, is there any way that you can take it back to the Acting Zoning Administrator, which... is it... it's you right or?

Inaudible, several people talking over each other.

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Mr. Staranowicz: *Inaudible*... the Zoning Administrator's Report, I have been appointed as the Interim Zoning Administrator effective August 15th.

Ms. Evans: Okay. And so what I'm going to ask you... congratulations I think.

Mr. Harris: Or my condolences, one of the two.

Mr. Staranowicz: Thank you very much.

Ms. Evans: Hey, James, what'd I tell you – keep your head up, right. I am going to ask being that if you can reconsider and think about it. It may be we can come to like the meetings of the mind with that. Because it, as, as we said last month, it isn't, I mean, was it last? No, it wasn't last month, but when we said in May. If one board member is getting it, all board members should be getting it. And so, delivered I'm speaking of. And so I would just ask you to reconsider. Okay?

Mr. Harris: I guess the follow-on question is that, is this the County Administrator's policy, or is this the Planning and Zoning Department's policy?

Mr. Staranowicz: There's no other board or commission that gets packets delivered.

Mr. Harris: Okay.

Mr. Staranowicz: So, that's the policy they're following.

Ms. Evans: Well, we are different.

Mr. Harris: Or do they have them mailed?

Mr. Staranowicz: I understand that.

Mr. Harris: Are they mailed?

Mr. Staranowicz: No, they receive them through CivicClerk.

Mr. Harris: Okay. Including the board members.

Mr. Staranowicz: Including the board members.

Ms. Evans: So they print off their packages, too?

Mr. Staranowicz: Whether they print them off or have it on their iPad or whatever, that's up to them.

Ms. Brown: Oh, it's my understanding... *inaudible*... they can ask...

Mr. Staranowicz: Unless they ask County Admin to print them off. I don't know.

Ms. Brown: Oh, okay. Did we ever get that resolved with CivicClerk, that our minutes are not available and our agendas for most of the stuff? And it's been very frustrating for me when I've had to look back at previous history to find what we did. And ever since we switched over to that, our stuff just kind of

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disappeared. And when you click on our stuff, it brings you up to the Board of Supervisors. And I know I've said something to somebody about it once or twice, but I don't think it's gotten fixed. Did we need to talk to IT about that, or? I think it just got lost in the translation of going over to a new system, because that's about the time it all disappeared.

Mr. Apicella: There is an archive section.

Ms. Brown: That one works pretty good. It's the stuff that's between that and like the last three months.

Ms. Evans: *Inaudible*.

Mr. Staranowicz: The problem is, is that the only think on CivicClerk is from when we first started using CivicClerk. Anything before that would be, we would have to look up for it.

Ms. Brown: Well, I think it says on there like something 22, maybe, the dates. Because we can't get more than... like when you click on our stuff, it says BZA but it brings up the Supervisors. And our stuff is just not accessible.

Ms. Evans: I know I tried to look up some stuff that was like, last year, but I know I couldn't...

Mr. Staranowicz: Okay, well, I'll get with IT and we'll look into that and see why the links aren't connecting correctly.

Ms. Brown: Yeah. It just, it just...

Mr. Apicella: I'm not even sure it's a link issue, it's just, you have to go through each meeting. You have to scroll back, which is kind of an annoyance.

Ms. Brown: Yeah.

Mr. Apicella: So, if it's possible to put it on the archive section, that might be one way to resolve it, rather than having to do this laborious, you know, go through meeting, you know, go back to March of 20-...

Ms. Brown: But that doesn't even work. You can only go back a few months. It doesn't even go back all the way that it's supposed to according to the website.

Mr. Staranowicz: We'll look into it.

Ms. Brown: Okay. Yeah, I hate to bother you guys by, you know, send me this, send me that because I can't find it. I'd rather do it myself, but.

Mr. Staranowicz: No, I understand, and I appreciate that. But if, if it's difficult for you to find, and I can find it, you know, I'll try and do that for you.

Ms. Brown: Yeah, I just think they're not there. And so for transparency, we wouldn't want the public to think that we're not posting our agendas and minutes and board packages and stuff.

Ms. Evans: Alright, thank you. Anyone else? Alright. The Zoning Administrator's Report please.

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UNFINISHED BUSINESS

NONE

ZONING ADMINISTRATOR'S REPORT

Mr. Staranowicz: The only thing I have left on there is yes, we do have a case for next month. September 26th and it's an appeal of a Zoning Administrator determination.

Ms. Evans: Okay, thank you. Can I get the approval of minutes, May...

Mr. Harris: On that, what is the topic of the consideration?

Mr. Staranowicz: It's concerning a medical clinic.

Mr. Harris: Okay, the one that's been in the media?

Mr. Staranowicz: Yes, sir.

Mr. Harris: Okay.

ADOPTION OF MINUTES

2. May 23, 2023

Ms. Evans: Can I get the approval of the minutes? May 23rd.

Ms. Brown: I just had one correction to the minutes, and I've already spoken to Stacie about it. And I believe it's already been corrected. But I just wanted to point it out. It's line 842. One of my comments at the end, says that my device becomes voidable like v-o-i-d-a-b-l-e. It should have been FOIA-able. It sounds very much like and Stacie's already took care of it. But I just wanted to point that out.

Ms. Evans: Alright. So with the change that BZA board member Dana Brown just submitted, can I get a motion to approve the minutes?

Ms. Brown: Motion to approve.

Ms. Evans: Those are in favor say aye.

Ms. Brown: Do I need a second?

Ms. Evans: Well, you know, I'm gonna get this right. I swear I gotta get it right by next month. Is there a second?

Mr. Spinnanger: Second.

Ms. Evans: Alright. Those in favor say aye.

Members: Aye.

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Ms. Evans: I guess I should ask for discussion, right?

Mr. Harris: No, you've already voted. I will vote abstain on that issue since I was not here.

Ms. Evans: Okay. Motion passed to approve the minutes. No, go ahead.

Mr. Apicella: So, you saw that I sent out what I hope might be the reconstitution of a shared drive. I'm not an IT expert. I have no idea how to manipulate it, add to it. I think that's something we, and again, it's just for the BZA members, not necessary for staff, that maybe at a future meeting, we could talk about how we would institutionalize that and maybe somebody can take ownership of it.

Ms. Evans: Right. Yeah, let's talk about that. We can add that for next month's agenda, hopefully. I know. I know. But, yes, someone needs to and I was thinking more of like the Secretary, but we can discuss further.

Mr. Apicella: Okay, great. Thanks.

Ms. Evans: Alright. That was the other business.

Mr. Spinnanger: The Secretary's not here, right?

Ms. Evans: He's not here tonight. Okay. Alright. Can I get a motion to adjourn?

OTHER BUSINESS

NONE

ADJOURNMENT

Ms. Brown: Motion to adjourn.

Ms. Evans: Alright. Is there a second? Well everyone's leaving anyway. We're adjourned.

At 8:20 PM, Chairman Evans adjourned the August 22, 2023, Stafford County Board of Zoning Appeals meeting.