



Minutes
Board of Zoning Appeals
February 25, 2019
Council Chambers, City Hall
Fredericksburg, Virginia

MEMBERS PRESENT

Jay Jarrell III, Chair
Helen P. Ross
Matthew Muggeridge
Frank Reyes, Vice Chair
Dr. Roy Gratz

MEMBERS

ABSENT

STAFF

James Newman, Zoning Administrator
John Saunders, Senior Environmental
Planner
Cathy Eckles, Secretary

Chairman Jarrell called the meeting to order at 4:30 p.m.

ELECTION OF OFFICERS

Mr. Jarrell called for nominations for the Chair and Vice Chair positions. Ms. Ross made a motion to nominate Mr. Reyes for Chair and Mr. Jarrell for Vice Chair. Mr. Muggeridge seconded. Motion passed unanimously.

PUBLIC NOTICE REQUIRMENTS

Mr. Jarrell determined that a quorum was present, and asked if public notice requirements had been met. James Newman stated that public notice requirements had been met. Mr. Newman further stated that the application letter had stated that the meeting date would be February 18, 2019 but correction letters were sent out in the required time stating that the meeting was February 25, 2019.

APPROVAL OF AGENDA

Mr. Newman noted that Item 8(A) has been postponed due to the fact that they also need a variance for their minimum lot width so that matter has been postponed to the March meeting. Ms. Ross motioned to approve the Agenda as presented. Dr. Gratz seconded. The motion carried 5-0.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Chairman Jarrell asked if any Board member had engaged in *ex parte* communications on any item before the Board. No one indicated that they had participated in any *ex parte* communication.

DISCLOSURE OF CONFLICTS OF INTEREST

Chairman Jarrell asked if any Board member had any conflicts of interest on any item before the Board. No one indicated that they had any conflicts of interest.

PUBLIC HEARING – New Business

- A. **VAR 2019-02 – Potomac Baseball, LLC** requests an exception from Chesapeake Bay Preservation Act regulations, to permit the construction of a driveway across a Resource Protection Area (RPA) located on GPIN 7860-80-0703, a vacant parcel of land in Celebrate Virginia South adjacent to Interstate 95 to the east and the Interstate 95 visitor’s center to the south. The proposed driveway will be used to construct and maintain a sign serving a proposed multipurpose stadium. § 72-34.5.J of the City’s Unified Development Ordinance authorizes the Board of Zoning Appeals to grant exceptions that are the minimum necessary to afford relief, and include appropriate conditions to protect environmental resources. The parcel is zoned Planned Development – Commercial (PD-C) and designated in the Comprehensive Plan as Planned Development – Commercial.

Presentation by Staff

John Saunders, Senior Environmental Planner, presented the staff report and power point presentation.

Public Comment

The applicant, Keith Oster, 10720 Columbia Drive, was present and identified the need for this particular encroachment which has to do with access to a joint project sign with the baseball stadium and the City’s use thereof. The road is not yet designed but it is their intent and goal to make the road as small as possible. Mr. Oster further discussed the specifics of the project and the preservation of the RPA. This project is a necessary element in order to gain access to that property. Additionally the closer to I-95 the sign can be placed, the lower and less obtrusive the sign will be.

Chairman Jarrell closed the public hearing.

Board Comments & Questions

The Board of Zoning Appeals (BZA) briefly discussed the application and asked questions to staff and the applicant.

Mr. Muggerridge questioned why a road is necessary for a sign. Mr. Oster noted that VDOT stipulates that there must be parking spaces and access to a sign. In addition, there is very limited access right-of-way along I-95 and they must have a traversable construction route for building and maintaining the sign. They thought they could obtain that limited access but it is very difficult process that he could not assure the baseball applicants he could obtain. Mr. Oster stated this really is the only way to access that particular area.

Mr. Saunders further explained that staff’s approach to this is that these four acres could be developed and that the application of the Chesapeake Bay 100 foot buffer with no encroachment was not what this was intended to do, to cut off this large tract.

Mr. Muggerridge further questioned the encroachments. Mr. Saunders stated that this property was unique, there are similar permitted encroachments in the Code; for example, a single family lot that was plotted before the Chesapeake Bay adoption, you are permitted to encroach into the RPA to put

a driveway in. Similarly, public roads are also permitted encroachments through an RPA. The City would recommend that they would encroach the same way as proposed here – at right angles minimizing the impact to the RPA.

Mr. Muggeridge questioned the number of encroached, public roads. Mr. Saunders noted there are several roads throughout the City that cross RPAs; specifically the proposed right-of-way that extends Carl D. Silver would cross through an RPA at a perpendicular angle. But because they are public roads they are permitted encroachments that don't come before the BZA. Mr. Saunders is unsure how many public roads encroach RPAs, in the last three years he doesn't recall an RPA exception request of this nature because any other RPA encroachments are permitted under the Code. This situation is unique because of the limited access to the site.

Mr. Muggeridge further questioned what exactly is the purpose of an RPA buffer, what is protected by it. Mr. Saunders explained that RPAs exist in areas where there are perennial streams. The determination is made to see if these are perennial features that have intrinsic water quality value and the RPA buffer gets placed on these certain streams (which are scored by a technical score that has criteria behind it) to protect the stream and promote water quality throughout that segment. The idea is that you have this 100 foot vegetative buffer that is essentially a stormwater best management practice. Mr. Oster added that it is a channel that has a base flow.

Ms. Ross stated that she works for the Virginia Department of Transportation in the Environmental section and typically she reviews projects to put in recreational or industrial access roads or rustic rural roads, she is just wondering what the proposed width of the roadway will be. Mr. Oster noted that they are still having conversations regarding this. Ordinarily for fire access you have to have a minimum of 20 feet and ordinarily for single lane or periodic maintenance access it would be 12 feet, the narrower the better in Mr. Oster's opinion. Ms. Ross further questioned if it would be paved or unpaved and Mr. Oster noted that is still in discussion. Mr. Saunders noted that they haven't dictated the material of the road but there will be some improved surface to facilitate long term access, possibly a combination of gravel and asphalt millings. Mr. Oster noted that it would be a periodic access road, the maintenance will mainly be making sure the road is stable.

Ms. Ross also questioned what the requirements of the sign itself will be. It will be electrified but is not a typical billboard. Mr. Saunders says the discussion has not gone that far yet and that just the height of the sign has been determined so far. The rest of their discussions have been regarding tree removal, placement of the sign, ways to minimize the impact and keep the sign as close to I-95 as possible. Mr. Oster further clarified and explained the benefits of being close to I-95 to keep the sign height down and minimize impacts.

Dr. Gratz questioned if Celebrate Virginia looked into getting access from I-95 and would it still go through this property? Mr. Oster stated he believes that it would actually be just north of this, the south side of the Diamond Nation property, then would loop and tie in to the very end of the existing Gordon Shelton Road.

Dr. Gratz further questioned the 4 acres that are landlocked right now, only a small portion of it will be developed for the sign, and that it seems to him for any significant additional development, someone else could be back asking to develop the rest of the 4 acres thus needing another variance to get across the RPA. Mr. Saunders explained that if any further development would occur, this would be the access. The City would not support two RPA crossings on the same parcel. This will be the

only access to service those 4 acres. Mr. Gratz clarified that this means that likely there might be upgrades to the access but there would be no additional crossings of the RPA which Mr. Oster confirmed.

There were no further questions or discussion from the Board. Ms. Ross motioned for the Board of Zoning Appeals to grant an exception from the Chesapeake Bay Preservation Act RPA 100' buffer regulations to facilitate access to approximately 4 acres of PDC-zoned property with no other access due to adjacent RPA buffers and I-95 VDOT right-of-way, to permit the construction of a driveway across a Resource Protection Area located on GPIN 7860-80-0703. Mr. Reyes seconded. Mr. Jarrell called for a vote. The motion to approve was passed 4-0-1, with Mr. Muggeridge abstaining.

REVIEW OF MINUTES

Dr. Gratz motioned to approve the meeting minutes from October 15, 2018 as presented. Mr. Reyes seconded. Motion carried unanimously.

STAFF / BOARD COMMENTS

Ms. Ross commented that there will be a training for parliamentary procedures at the Rappahannock Regional Library the last week in March. Participants will receive a copy of Roberts' Rules of Order.

ADJOURNMENT

Mr. Muggeridge made a motion to adjourn. Mr. Reyes seconded.

Meeting adjourned at 5:05 p.m.



Jay Jarrell III, Chair