



**Minutes**  
**Board of Zoning Appeals**  
August 19, 2019  
Council Chambers, City Hall  
Fredericksburg, Virginia

**MEMBERS PRESENT (Absent)**

Frank Reyes, Chairman (Absent)  
Jay Jarrell III, Vice Chairman (Absent)  
Dr. Roy Gratz  
Matthew Muggeridge  
Tom O'Toole

**STAFF**

James Newman, Zoning Administrator  
Cathy Eckles, Secretary

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Mr. Newman noted that Chairman Reyes and Vice Chairman Jarrell were absent and asked the Board for a motion to elect a Temporary Chairman. Mr. O'Toole moved to appoint Dr. Gratz, Temporary Chairman, and Mr. Muggeridge seconded. Motion approved 2-0-2-1 (O'Toole and Muggeridge voted yea, Mr. Reyes and Mr. Jarrell absent, and Dr. Gratz abstained). Temporary Chairman Gratz called the meeting to order at 4:34 p.m. and did a roll call.

**PUBLIC NOTICE REQUIREMENTS**

Chairman Gratz determined that a quorum was present, and asked if public notice requirements had been met. Mr. Newman stated that public notice requirements had been met.

**DISCLOSURE OF EX PARTE COMMUNICATIONS**

Chairman Gratz 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 Gratz asked if any Board member had any conflicts of interest on any item before the Board. There were no disclosures.

**APPROVAL OF AGENDA**

Mr. Muggeridge motioned to approve the agenda as presented. Mr. O'Toole seconded. The motion carried 3-0-2.

**PUBLIC HEARING – New Business**

**SEFence2019-02, The Collection at Virginia Celebrate South LLC**, requests a Fence Special Exception from Code § 72-56.2, for 1201 Ashford Circle (GPIN 7769-69-7425 and 7860-60-6110) in the Planned Development Commercial Zoning District.

### Presentation by Staff

James Newman, Zoning Administrator, presented the staff report and a power point presentation.

### Public Comment

Chairman Gratz asked about the waterline. The Applicant, Jervis Hairston, Collection at Celebrate Virginia South, stated the waterline runs the perimeter of the property. The northern and southern entrance into the property is the main area where the fence runs parallel to the utility lines.

Mr. O'Toole asked how the fence would be anchored. The engineer stated he wasn't sure about the anchoring but that metal posts would be every 8 feet so the 8 foot sections could be removed when necessary. Discussion ensued regarding the removable panels.

Mr. Muggeridge asked if the Board was responsible for approving Attachment C, Deck Encroachment License. Mr. Newman stated no, this goes to the City Manager.

There were no further public comments. Chairman Gratz closed the public hearing.

### Board Comments & Questions

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

Applicant stated that Mr. Newman adequately covered this project and added that there are two other apartment complexes within Celebrate Virginia with the same fencing. He stated the fencing was chosen because it is decorative and for a small measure of added security as it is harder to climb over a 5 foot fence then a 4 foot fence. Discussion ensued regarding the significantly increased traffic in this area, the scale of the buildings, and the placement.

Mr. O'Toole asked why Applicant believes pedestrian traffic would want to enter this property. Applicant reiterated that Silver believes it adds a small measure of security for the tenants of this property. The property is not gated and all the buildings face inward to Ashford Circle, not Carl D. Silver Parkway. Applicant stated that technically this is the back of the property where they are proposing the 5 foot fence. Discussion ensued regarding front, side and rear setbacks of the property, the available parking in the area, and adjoining properties entrances.

Mr. Muggeridge asked if the Valor Apartments six foot wooden fence is non-conforming. Mr. Hairston stated he is not sure but it's possible that it was allowed due to the proximity to car dealerships.

Mr. O'Toole asked if the fence would be exactly as stated in the application. Mr. Newman stated yes. Mr. Muggeridge clarified that there would be no changes. Mr. Newman stated they can add a condition that the fence must be of the exact specifications as shown in the application.

Mr. O'Toole moved to approve the fence special exception and affirm that this is based upon the proposed 3-Rail Decorative Black Aluminum Fence, 60" in height, as shown in Attachment A. Mr. Muggeridge asked how yo specify the space between the rails. Applicant

stated the standard fencing is approximately 4" of space between the rails. Mr. Muggeridge seconded the motion with the condition that the spacing between the vertical rails will be approximately 4".

Chairman Gratz called for a vote. The motion to approve was passed, 3-0-2.

**PUBLIC COMMENTS**

No public present.

**STAFF / BOARD COMMENTS**

Mr. Muggeridge welcomed the newest Board of Zoning Appeals member, Stephen Eubanks, who will be sworn in sometime next week.

**ADJOURNMENT**

Chairman Gratz adjourned the meeting at 5:01 p.m.



A handwritten signature in cursive script, reading "Roy F. Gratz", is written above a horizontal line. The signature is written in dark ink and is centered on the page.

Dr. Roy Gratz, Temporary Chairman

