

**County of Spotsylvania
Board of Zoning Appeals
Public Hearing**

The meeting of the Spotsylvania County Board of Zoning Appeals was held in Conference Room 1 at 9019 Old Battlefield Boulevard, Spotsylvania, VA on May 15, 2018.

Members Present: Mr. Ronnie Hildrup, Chairman, Salem District
 → Mr. Mark Stepongzi, Vice-Chairman, Chancellor District
 Mr. Richard Stuchell, Battlefield District
 Mr. George Allen, Berkeley
 Mr. Larry Bramlette, Courtland District

Members Absent: Mr. Alfred Altman, Livingston District
 Mr. Peter Kolakowski, Secretary, Lee Hill District

Staff Present: Mr. Troy Tignor, Zoning Administrator/Director
 Mr. Rick Roberson, Deputy Zoning Administrator
 Ms. Mary Chewing, Zoning Assistant

The attached transcript was provided by Commonwealth Court Reporters of Fredericksburg, Virginia by Colleen Good, Certified Court Reporter and Notary Public in and for the Commonwealth of Virginia.

The transcript was reviewed and approved by the Board of Zoning Appeals on the date listed below.



Board of Zoning Appeals, Secretary-George M. Allen

Date: 8.21.2018

In The Matter Of:

*A18-00001 Catholic Diocese of Arlington
and Agent, Walsh, Colucci, Lubeley & Walsh*

May 15, 2018

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COUNTY OF SPOTSYLVANIA
BOARD OF ZONING APPEALS
PUBLIC HEARING

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Case Number:

A18-00001-Catholic Diocese of Arlington and Agent,
Walsh, Colucci, Lubeley & Walsh P.C., C/O Michael
Kalish and Jonelle Cameron

A meeting of the Spotsylvania County Board of
Zoning Appeals was held at the 9019 Old Battlefield
Drive, Spotsylvania, Virginia on Tuesday, May 15,
2018 at 7:30 p.m., before Colleen Good, Certified
Court Reporter and Notary Public in and for the
Commonwealth of Virginia.

1 MEMBERS PRESENT:

2 Mr. Ronnie Hilldrup-Chairman, Salem District

3 Mr. Mark Stepongzi, Vice-Chairman, Chancellor
4 District

5 Mr. Richard Stuchell, Battlefield District

6 Mr. Larry Bramlette, Courtland District

7 Mr. George M. Allen, Berkeley District

8

9 MEMBERS NOT PRESENT:

10 Mr. Alfred S. Altman, Livingston District

11 Mr. Peter R. Kolakowski, Lee Hill District

12

13 STAFF PRESENT:

14 Mr. Troy Tignor, Zoning Administrator

15 Mr. Rick Roberson Assistant Zoning Administrator

16 Ms. Mary Chewning, Zoning Assistant

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1 P-R-O-C-E-E-D-I-N-G-S

2 MR. HILLDRUP: I'd like to welcome
3 everyone here for the May 15, 2018 Spotsylvania
4 County Board of Zoning Appeals. We have some
5 rules we would like to follow that way everybody
6 knows how we carry on the meeting.

7 First we will have all those in favor of
8 the request will come forward -- and I don't think
9 we have a podium do we sir?

10 MR. ROBERSON: No. What will happen is
11 once the attorneys speak they will retire, and
12 then they will come up.

13 MR. HILLDRUP: Will come forward and they
14 will state their name, their address and case
15 number. If you don't happen to know what the case
16 number is it's A18-00001. So those things will
17 have to be given so that we know the testimony is
18 referred to their case number.

19 All the questions will be asked by the
20 Chair or the Board members here. Any questions
21 that need to be asked us, will come through us
22 first. We would like not to have too much

1 conversations between people who are for and
2 against. We don't like to have too much of
3 rowdiness going on, so anyway.

4 We will hear everything that people have
5 to say. Like I say the first, and the second
6 against then if there is any request for any kind
7 of rebuttal we will give a small amount of time
8 for that.

9 Gentleman we have your minutes from last
10 meeting. Do I hear anything, corrections or
11 amendments?

12 MR. STEPONGZI: Mr. Chair, I make the
13 motion that we approve the minutes.

14 MR. HILLDRUP: Okay, we have an approval,
15 request for approval. All those in favor -- a
16 second?

17 MR. BRAMLETTE: Mr. Chairman, I'll second
18 that.

19 MR. HILLDRUP: Second, thank you. All
20 those in favor say aye.

21 (All Board Members responded in the affirmative).

22 MR. HILLDRUP: Any against? All right, so

1 moved.

2 Our first and only case tonight, Mr.
3 Roberson, will you please read the request.

4 MR. ROBERSON: Thank you, Mr. Chairman.
5 Tonight we have A18-0001 Catholic Diocese of
6 Arlington and Agent Walsh, Colucci, Lubeley &
7 Walsh, P.C. in care of Michael Kalish and Jonelle
8 Cameron, St. Patrick's Catholic Church and Schools
9 are requesting a zoning appeal of the Zoning
10 Administrator's written decision pursuant to Code
11 Section 23-3.5.3 of the Spotsylvania County Zoning
12 Ordinance and requests a modification of the
13 height requirement of 35 feet for the proposed
14 church building and are requesting a total height
15 of 41 feet, 6 additional feet.

16 Section 23-3.5.3 is the modification
17 criteria and not a true variance for consideration
18 under VA Code 15.2-2309 but rather styled and
19 authorized under Virginia Code 15.2-2286(A)
20 subparagraph 4, modification criteria.

21 The property is zoned (RU) or Rural and is
22 known as Tax Map Parcel 10 (A) parcel 1C. The

1 physical address of the property is 9151 Elys Ford
2 Road, Fredericksburg, Virginia 22407. The
3 property is located in the Chancellorsville voting
4 district.

5 Mr. Chairman, one point of housekeeping,
6 since we don't have a PA System tonight, I will
7 ask everyone to speak up loud enough for our court
8 recorder to hear that. Thank you.

9 MR. HILLDRUP: Everybody hear that? Okay.

10 MR. BRAMLETTE: Thank you, Mr. Chairman.

11 May I ask Mr. Roberson a question?

12 MR. HILLDRUP: Yes.

13 MR. BRAMLETTE: On top of my paperwork
14 here is a memo and on that memo it says the Staff
15 Report for St. Patrick's Church, Appeals Case
16 A170001. So that we do not have a confusion --

17 MR. ROBERSON: Duly noted. We will
18 correct the record.

19 MR. BRAMLETTE: Thank you.

20 MR. HILLDRUP: Okay. We will have the
21 first person who speaks in favor come stand up and
22 speak and give us your name, your address and the

1 case number, please.

2 MR. KALISH: Good morning, Mr. Chairman,
3 members of the -- excuse me, good evening, Mr.
4 Chairman, members of the Board. My name is
5 Michael Kalish. I'm an attorney with the law firm
6 Walsh, Colucci, Lubeley & Walsh. The firm's
7 address is 4310 Prince William Parkway, Suite 300
8 Woodbridge, Virginia.

9 I am counsel to the applicant, the
10 Catholic Diocese of Arlington and St. Patrick's
11 Parish. With me tonight is my colleague Jonelle
12 Cameron, also from Walsh, Colucci, Lubeley &
13 Walsh, and members of the church including Father
14 Ziegler, Bob Nashed with the Diocese, also in
15 support capacity tonight is Shannon Mattison who
16 is the church's civil engineer.

17 Before I begin I want to really thank the
18 staff, the Board and everyone here for being able
19 to accommodate the change of venue this evening
20 and really everything that went into making sure
21 we could have the hearing this evening in light of
22 yesterday's weather event.

1 We are here tonight in support of the
2 church's height modification request pursuant to
3 County Code 23-3.5.3 and in furtherance of the
4 church's plan to expand church facilities in order
5 to construct a new two story church building with
6 walkout basement. Tonight we are asking for your
7 vote in favor of the height modification request.

8 I have prepared a short presentation for
9 you to consider this evening, which I hope will
10 assist you in the evaluation of our request.
11 Unfortunately it is behind you gentleman on the
12 screen, so if you wouldn't mind turning around and
13 trusting me that I can speak behind your backs, I
14 would appreciate it.

15 In doing so, please feel free to stop me
16 should you have any questions or if you would like
17 me to explain anything with respect to the
18 presentation tonight.

19 As you may already know from your review
20 of the staff report, and from a site visit that I
21 understand occurred on Saturday, the diocese is
22 the owner of this parcel highlighted in yellow,

1 which is 9151 Elys Ford Road. This is a 17.8 acre
2 parcel upon which a church has been constructed
3 and operated since 1983.

4 Route 610 which is Elys Ford Road, runs to
5 the north and south, which is the western boundary
6 of the church, that's this road right here, and
7 this fork in the road right here becomes Route 616
8 US Ford Road which connects on the western
9 boundary of the church.

10 This is a current aerial depiction of the
11 existing buildings on the property which consist
12 of a church, a school building, multiple trailers
13 in which classrooms are enclosed, and the church
14 rectory. Zooming in you can more clearly identify
15 the primary church building, which is the building
16 right here, the school building, the trailers,
17 there is a playground there and the rectory.

18 This is the fork in the road, you can see
19 the entrances into the church property from Elys
20 Ford Road and US Ford Road. Now we are happy to
21 say that since 1983 church membership is strong,
22 church membership has increased to the level that

1 requires seven separate masses on Saturday and
2 Sunday and eleven on Christmas and Easter.

3 Simply stated, the church has reached
4 maximum capacity for its existing structures.
5 Hence, the diocese has internally approved an
6 expansion project for this parish which involves
7 the construction of a new church building in the
8 first phase of construction and the potential new
9 school building to be constructed in the second
10 phase of construction.

11 With the new church building seating
12 capacity will increase from 225 seats to over 600
13 seats. The first phase, which is the expansion of
14 the church building, is the most critical phase
15 due to the maximum number of people that are
16 already included in weekly church mass services.

17 In planning and designing the new
18 potential buildings, including the church
19 building, the church faces several hurdles due to
20 the physical nature of the lot.

21 As you may have noticed on a Saturday
22 walk-thru, and as you can tell from this picture

1 taken from Elys Ford Road, the lot has a rolling
2 topography with multiple high and low points
3 throughout the 18 acres.

4 There is an extreme slope throughout the
5 middle of the property of upwards of 45 degrees in
6 certain areas and you can really tell from this
7 picture there is essentially a valley that goes
8 down between the rectory building and the church
9 building which you can tell is significantly
10 higher in topography and grade in the school
11 building despite the fact that the church building
12 and school building are nearly the same height.

13 You can tell that this is downhill as you
14 go away from Elys Ford Road which creates a
15 significant grading challenge with designing any
16 new buildings constructed on the property,
17 constructed on the property, excuse me.

18 Here is another view standing from
19 essentially what is still Elys Ford Road at the
20 top left here. You can see the trailers from the
21 road, you can see the tree line which runs along
22 the property line of the building, of the

1 property.

2 This is a view from essentially the center
3 of the parking lot, you're looking at the school
4 building, and then if you were to turn around
5 almost 180 degrees from there, you would see the
6 rectory sitting sort of, you can tell at the top
7 of a crested hill on the other end of the
8 property.

9 I think you can get a sense from the
10 pictures that we've seen that there is a
11 significant topography and sloping issue on this
12 property.

13 Now in order to minimize the impact on the
14 rest of the lot and due to other physical
15 limitations, not the least of which include actual
16 and reserved drain fields which are currently
17 located here and a creek which runs along the
18 center of the property here and a reserve
19 historical district cuts through this portion of
20 the property here, and some natural berms that run
21 along here, kind of almost in front of the drain
22 fields.

1 A design was created which would call for
2 the construction of the new church building right
3 here, right where this yellow star is.

4 This is the planned new church building,
5 which is adjacent to the existing church building
6 there. Now placement of the building here brings
7 us to the nature of our request tonight which is a
8 modification of the height requirement.

9 Strict application of the Zoning Ordinance
10 on this parcel would have a height restriction on
11 any new building constructed anywhere on the site,
12 to be 35 feet high as defined by the Zoning
13 Ordinance of Spotsylvania County.

14 Now due to these slopes and extreme
15 rolling conditions of this property which has
16 already been grazed and paved for the significant
17 parking lot, it is close to these routes here, if
18 there is a restriction, were to not be altered,
19 the church would lose significant potential
20 capacity.

21 This is because the average height of the
22 building would be required to be far less than

1 35 feet. That is in order to build a standard
2 looking building, let alone a functional one at
3 the bottom of any hill, you would have to have a
4 maximum permitted height of 35 feet but at the top
5 of the hill, you would be losing several feet of
6 otherwise permissible building height.

7 And to illustrate this point, this is the
8 actual design of the proposed new church building.
9 It calls for 35 feet, and this is the end of the
10 building closest to Elys Ford Road, and 47 feet at
11 the end of the building away from Elys Ford Road.

12 Now, if we were restricted to 35 feet at
13 the bottom of the hill, our building would be, it
14 would have to be limited to about there, and would
15 be that high all the way throughout the building.

16 Now bear in mind, the church is entitled
17 by right to build a building up to 35 feet at this
18 end of the hill, but due to the sloping topography
19 it would be unable to maintain that height without
20 having a slope down roof and significantly less
21 internal area ratio within the building itself.

22 So what we propose is to start at 35 feet

1 at the top of the hill and essentially build down
2 so that we have effectively a walkout basement at
3 the bottom of the building.

4 Again maintaining 35 feet at the top of
5 the hill, building into what is a natural grade
6 that just allows us to walk out what would
7 otherwise be a basement.

8 MR. HILLDRUP: Question, sir.

9 MR. KALISH: Yes, sir.

10 MR. HILLDRUP: On the front there you've
11 got 35 feet going where you have the decorative
12 glass. What is going to be in that area up to the
13 roof?

14 MR. KALISH: This is the church building.
15 This is the primary sanctuary for the building.
16 In the basement they intend to put classrooms
17 which will allow the removal of the temporary
18 module trailers that are currently being used for
19 classrooms.

20 In the future, in the second phase of the
21 construction, a new classroom building would be
22 constructed that would allow for those students to

1 be moved to what would naturally be a classroom
2 building and allow for expansion of the church
3 uses in what appears to be the basement of this
4 building, but the primary entrance from Elys Ford
5 Road, and this portion of the building, is always
6 going to be and will design to be the primary body
7 of the church and (inaudible) lot.

8 MR. STUCHELL: So follow-up question on
9 that, on that initial main level, you're talking
10 about having a room that has got a 30 foot
11 ceiling?

12 MS. MATTISON: Slightly less.

13 MR. STUCHELL: That's what I was trying to
14 factor in whether it was 5 feet or 10 feet or --

15 MR. KALISH: What is important to note is
16 that you eliminate -- if you were to just -- well
17 why don't you just chop off this part of the
18 building, that's where a significant portion of
19 the duct work is going to be pursuant to the
20 design. So you're not just lopping off what
21 otherwise looks to be a roof and maybe a couple
22 square feet, but you're really modifying the

1 design of the building and removing precious
2 square feet and floor area for the entirety of the
3 building.

4 MS. MATTISON: There will also be
5 mechanical equipment in the roof area.

6 MR. STEPONGZI: So in the sanctuary itself
7 there will be a choir loft and there will be an
8 area in the back where parishioners will sit at
9 the balcony?

10 FATHER ZIEGLER: There will be a choir
11 loft and (inaudible) but mainly for the choir.
12 There is a small vestibule when you walk in the
13 side, there would be a baptistry there for
14 baptisms, and you enter into the doors, inner
15 doors and now you're at the worship space itself.

16 MR. HILLDRUP: When you have it here, you
17 have, this is going to be ground level here,
18 that's going all the way back, right?

19 MR. KALISH: That's correct. They would
20 not, that's sort of the effect of this building
21 looking as if you're looking from the side of the
22 hill.

1 MS. MATTISON: Are you asking exterior or
2 interior of the building?

3 MR. HILLDRUP: Interior.

4 MS. MATTISON: Yes.

5 MR. HILLDRUP: So that's all going to be
6 one level from here, this entrance all the way
7 back here?

8 MS. MATTISON: Yes, sir.

9 MR. HILLDRUP: Okay. Was any
10 consideration made about raising the outside
11 perimeter of the ground to match (inaudible).

12 MS. MATTISON: There was consideration
13 made for that, but when you start adding the
14 additional pavement or dirt that you would have to
15 fill, it's 1: Cost prohibitive, and 2: Then what
16 ends up happening is there is a difference in your
17 parking lot and the grade ends up being very high
18 where the church is and then very low where the
19 school is and for bus circulation and traffic
20 circulation, that wasn't a safe option for them.

21 MR. KALISH: You're jumping the gun on us
22 a little bit here, but you effectively would be

1 creating a situation where you would have a ground
2 level for this particular building --

3 MR. HILLDRUP: Right.

4 MR. KALISH: That is significantly higher
5 than the existing church building and school
6 building, which would be a matter of feet away
7 creating not only a drainage problem but a traffic
8 problem and a safety problem for people being on
9 the upper level of the church facing down and all
10 the issues that would come along with having a
11 retaining wall that effectively raises up the
12 building looking several feet higher than the
13 neighboring --

14 MR. HILLDRUP: Well I didn't know whether
15 or not a retaining wall on the lower end could be
16 put in and to get the side of it to that
17 particular height of 35 feet, that would have
18 taken care of the problem.

19 MR. KALISH: Yes, you could have built up
20 the remainder of this hill such that you would
21 have raised the entirety of the building higher,
22 but again, there are multiple adjacent --

1 MR. HILLDRUP: No, no, I'm not talking
2 about raising the whole building, only where
3 it's --

4 MR. KALISH: Yes, I understand what you're
5 saying --

6 MR. HILLDRUP: The front part --

7 MR. KALISH: And you're right. You could
8 have essentially raised the hill, brought in I
9 don't know how much fill dirt and then just built
10 a pad at the level that is depicted here where the
11 35 foot is, but again, that would have created
12 really an untenable situation for the rest of the
13 property --

14 MR. HILLDRUP: But was that option
15 discussed?

16 MS. MATTISON: They have been working on
17 this project since 2012 and looking at different
18 areas, so that option was discussed and it wasn't
19 feasible. The way that it is designed today as
20 well, the back of the building lines up with the
21 grade of the existing school so it allows the
22 middle schoolers, if they need to, to go from

1 their middle school building to the elementary
2 school building and vice versa.

3 MR. HILLDRUP: Are you going to have that
4 same problem when you put the second building in?

5 MR. KALISH: No. Let me explain why --

6 MS. CAMERON: There is not a height
7 modification request that is needed for the second
8 building. It will be 35 feet because it's
9 (inaudible) the same grade as the school.

10 MR. HILLDRUP: Okay.

11 MR. KALISH: It will be slightly downhill,
12 well, enough -- significantly downhill enough to
13 where the property flattens out so that they would
14 not run into that 35 foot issue or at least the
15 extreme sloping or rolling nature of the envelope
16 of this potential phase two building.

17 MR. BRAMLETTE: I have a question for you.

18 MR. KALISH: Yes, sir.

19 MR. BRAMLETTE: This is your proposed
20 building.

21 MR. KALISH: Yes, sir.

22 MR. BRAMLETTE: What is the issue to

1 prevent this proposed building to line up further
2 back? You've got this space in here right now
3 with the walkways and its entranceways and so on.
4 What would prevent you from moving that further
5 back and thereby taking care of your height
6 disadvantage?

7 MR. KALISH: Well that is the entrance of
8 the school building right there.

9 MR. BRAMLETTE: I know what this is. I
10 was out there. I know what that is. That can be
11 changed, all right, that's not -- so if this is to
12 move back, the fact is if you're going to come in
13 from the side door into the basement area
14 (inaudible) the fact is you could have unattached
15 the two together and they don't have to go outside
16 to get from one to the other.

17 So if this came back so the back of this
18 building was about here, which would allow the
19 doors of the two schools to marry up, I don't know
20 exactly how fast that lot falls, however it
21 doesn't fall that fast back here.

22 The grade difference from, in this area is

1 a lot less than from way up here, back
2 (inaudible).

3 MS. MATTISON: The other thing you would
4 do by blocking that off, is when you're looking at
5 that kind of that sag in the middle of the parking
6 lot that goes through, that's their main overland
7 relief for any kind of flooding issues in the
8 parking lot should the other structures fail.

9 By putting that building further back you
10 would be blocking that drainage way, you would
11 also probably create a situation if you move it
12 back they would have to have stairs down into the
13 entrance to the church and I don't think that's
14 going to be something that they're going to want
15 to do.

16 MR. HILLDRUP: Excuse me, when you were
17 talking, you need to introduce yourself so we'll
18 know who you are.

19 MS. MATTISON: I'm sorry. Shannon Mattison
20 with RDA. I'm the civil engineer.

21 MR. HILLDRUP: Okay. Thank you. I'm
22 sorry, sir. Go ahead, I was, just wanted to ask a

1 few questions as we go.

2 MR. KALISH: I appreciate it. Thank you
3 very much. Now fortunately the Code of Virginia
4 and the Zoning Ordinance of Spotsylvania County
5 provide for the relief that we're seeking here
6 tonight which is a modification of the 35 foot
7 height restriction requirement and that is
8 permissible when the strict application of the
9 Zoning Ordinance would cause undue hardship to the
10 property owner, that the hardship faced by the
11 property owner is not typical to other parcels and
12 that no substantial detriment to an adjacent
13 property owner would be faced by the issuance of
14 the modification or the character of the zoning
15 district would not be changed by the modification
16 (inaudible) issued.

17 We believe that we meet that test and
18 we're asking for your vote tonight to issue that
19 waiver.

20 On February 16th, 2018 the church
21 submitted its request for the height modification
22 waiver to the Zoning Administrator of Spotsylvania

1 County. Per code, the neighboring parcel owners
2 were noticed.

3 On March the 19th the Zoning Administrator
4 deferred the decision to this Board so we are
5 asking humbly that this body grant the height
6 modification request permitted by the Code of
7 Virginia and the County Ordinance for the proposed
8 church building for the Catholic Diocese. So
9 going through the test that must be faced again,
10 is there an undo hardship faced by the church and
11 this property owner due to the nature of the
12 parcel? Is that undue hardship typical of other
13 lots and is there substantial undue hardship faced
14 by the neighboring parcel owners?

15 If those prongs are met in our favor, it's
16 appropriate to grant this height modification
17 request.

18 I think again Ms. Mattison would be happy
19 to answer any specific technical questions that
20 you have related to the design, but one thing to
21 note, is that if we were to be left with the
22 topography that we are dealing with it is obvious

1 that short of making a massive change to the
2 building envelope itself, we would be restricted
3 in the number of floor area that we would
4 otherwise be entitled to due to the significant
5 slopeage, that would reduce what would otherwise
6 be a by right height limit on this end of the
7 property facing Elys Ford Road to about
8 (inaudible) feet.

9 So you already asked me why don't you just
10 flatten the building pad or move the building
11 elsewhere, and the answer to this question, I
12 think we've gone over several already, but to the
13 extent that you might otherwise have question
14 about that, again utilizing the existing parking
15 area it minimizes the disturbance to the rest of
16 the property.

17 In other words, the design specifically
18 includes a reduction in the potential impervious
19 surfaces that would otherwise have to be increased
20 if the building were to be moved elsewhere on the
21 property.

22 Existing drain fields behind the school

1 are already there, in locating the building to
2 what is not already a constructed portion of the
3 property, could not only be cost prohibitive but
4 would interfere with the creek, the drain fields
5 and the existing foliage and screening on the
6 property.

7 Locating the building elsewhere on the lot
8 would actually make it closer to other residential
9 properties and further away from Elys Ford Road.

10 I think to the extent that there is going
11 to be construction on the new building, the new
12 church building on this property, it's to
13 everyone's benefit to have it as close to the
14 existing parking facilities and Elys Ford Road as
15 possible.

16 Again, locating the building to other
17 portions of the property may actually require a
18 disturbance of a potential historic district and
19 there are wetlands located near the rear of the
20 site.

21 Burying the basement or increasing the
22 dirt, as you suggested Mr. Chairman, would create

1 the undesirable location -- excuse me, condition,
2 for this property as described by Ms. Mattison,
3 the civil engineer.

4 It would require extensive modification to
5 the parking lot and would create a tremendous
6 amount of expense relating to bringing in a filler
7 and other materials necessary for the construction
8 of this property.

9 Changing the slope of the roof or bringing
10 down the heighth is not possible due to the
11 significant amount if duct work and machinery,
12 machines that are located in the current building
13 design and eliminating the basement altogether is
14 really what we're trying to avoid here.

15 It would ultimately require the church to
16 accept an extreme reduction in the amount of floor
17 area that would otherwise be entitled to pursuant
18 to County Code.

19 So with respect to the second prong,
20 potential hardship, or excuse me, the nature of
21 the property itself, it is not a typical property
22 due to the rolling nature of the hills; the

1 barrier of the road on the side of the property;
2 the historic nature of the historic district to
3 the southern end of the property; the historic
4 berms that are already located near the creek;
5 there really aren't other places that this
6 building can be put and that does make this
7 property unique.

8 Getting to the third prong, hardship on
9 the neighbors. We understand that there are two
10 neighbors who have submitted oppositions to the
11 staff that have raised concerns that I now would
12 like to address.

13 This is related to foliage screening, a
14 request for potential construction of this
15 property closer to the southeastern portion of the
16 property and concern related to the sightlines
17 that the residences (inaudible).

18 Starting with the sightlines, this is a
19 depiction of the property that shows the proposed
20 church and the proposed school building. Again,
21 the only building that is subject to this request
22 is this building right here.

1 Again, this is a car on Elys Ford Road.
2 If you're looking at a proposed church, you are
3 looking at a 35 foot height. You only see
4 something higher than 35 feet really if you're
5 standing in that short area between the potential
6 new school building or anywhere to the east of the
7 property looking towards the road.

8 To give you an example of the height of
9 the church at any level, this is the existing
10 church building and the steeple. The proposed
11 church building, even at its proposed elevation,
12 is only going to be less than 5 feet taller than
13 the existing steeple and the existing rectory at
14 all points in all visibility sightlines is going
15 to be higher than the proposed church building.

16 This is the proposed landscaping plan as
17 been developed for both phases of the project.
18 Again, the church buildings will be here,
19 potential school building here, existing drain
20 fields, creek, reserve drain field.

21 This is a 25 foot buffer that runs
22 along -- landscaping buffer that runs along the

1 entirety of the property line that is shared with
2 any residential neighbors.

3 The United States government owns this lot
4 here, which is used as a natural resource lot at
5 this point, as is the lot immediately across the
6 street.

7 These are the closest neighbors, and this
8 is the current foliage, obviously nothing on this
9 side of a 25 foot buffer is going to be touched by
10 the church, and along this property line there is
11 actually an extra 10 feet to make what is actually
12 a 35 foot landscaping buffer between the church
13 and the closest neighbors.

14 MR. STUCHELL: In that, you're counting
15 their property, right?

16 MR. KALISH: No, sir.

17 MR. STUCHELL: That is treed?

18 MR. KALISH: The property line is here on
19 this edge. So the 25 foot buffer is all along our
20 end. Now obviously there is foliage that is on
21 their property but it is existing and if they
22 wanted to alter the foliage buffer between their

1 residences and the church, that would be up to
2 them.

3 The sightlines from the three closest
4 neighbors, starting at the bottom, which is this
5 property here, up along U.S. Ford Road, closest to
6 that road, looking towards the property as it
7 faces east, it has a significant amount of
8 foliage.

9 Here is the property line, again here is a
10 25 foot landscaping buffer, and if you were
11 looking from that second story, you would have to
12 look through all of this foliage, you would
13 already see the church and the steeple, yes, you
14 would have an additional new church structure on
15 top of, or above I should say, the existing church
16 building.

17 However you are already seeing the rectory
18 as you're looking from this house to the property
19 in this direction.

20 So to the extent that the argument is,
21 well, I'm seeing new construction, yes, you're
22 seeing a new building, but you're already looking

1 at a building of some sort in this direction and
2 you are already seeing the steeple to the existing
3 church building.

4 Looking from this sight, which is the
5 sight of one of the neighbors who submitted an
6 opposition to the request, again, a good amount of
7 foliage screening, a 25 foot buffer. Again you
8 would see, admittedly, a church above the
9 sightline, new construction above the sightline,
10 however you are already again seeing the residence
11 of the rectory as already in the sightline.

12 So there is no -- it's not like this
13 neighbor can state that they're not looking at any
14 building or construction as they look out their
15 window. And again, that would be this building
16 here again looking east towards the (inaudible)
17 construction.

18 This building, this residence here again
19 has the most amount of screening. I believe in
20 this case there is over 600 feet, is that correct?

21 MS. MATTISON: Correct.

22 MR. KALISH: You have the 25 foot buffer,

1 and again, looking from this person's house you
2 would not perhaps see the rectory because it is
3 probably closer to this location over here, and
4 you would be seeing new construction above the
5 existing church building, but I would like again
6 to show you gentlemen a look at the existing
7 church and school. That is the foliage that is
8 there. That is the foliage that is going to
9 remain there.

10 You cannot see any of the residences as
11 you are standing in the construction zone of this
12 church, you would have to be looking above those
13 tree lines and through those tree lines to see any
14 construction.

15 You can barely even see what we know to be
16 the modular trailers behind this tree alone, by
17 way of example.

18 I would note that the staff report has
19 indicated that this property is uniquely set and
20 as referred to the fact that the properties
21 construction site is challenged by the very steep
22 slope topography starting at the entrance to this

1 property and covering the proposed building
2 envelope with a new church structure and due to
3 the age and location of the existing buildings,
4 and the only available building envelope, this
5 center location is the only feasible building
6 envelope on the property for the church to expand.

7 The facts found by staff are that there
8 are unique steep slope topography (inaudible)
9 building site location and a very limited building
10 envelope with extreme slope conditions to which
11 this property owner has to work.

12 For these reasons gentlemen I would ask
13 for your vote in favor of the height modification
14 on behalf of the Catholic Diocese and St.
15 Patrick's Church.

16 I'm happy to answer any further questions
17 that you may have.

18 MR. HILLDRUP: Any questions?

19 MR. STEPONGZI: Yes. If you could go back
20 to slide 6 I believe it was.

21 MR. KALISH: Yes, sir.

22 MR. STEPONGZI: If the building was made

1 level here and everything was pushed back here how
2 far would it be from the bio retention pond?

3 MR. KALISH: I'm not sure I understand
4 your question. Is it, both buildings are sort of
5 pushed to the east --

6 MR. STEPONGZI: Straight back --

7 MR. KALISH: Back this far?

8 MR. STEPONGZI: -- to where it is now
9 level with the current structure, you have about
10 so much distance, push it back. About how far
11 would it be from the bio retention pond?

12 MS. MATTISON: I do not have a scale with
13 me, but I would estimate probably 30 feet or so.
14 I don't think it would be possible to remain that
15 bio retention where it is due to the slopes back
16 there. You can't see it, but it ridges up and
17 then it goes back down towards the wetlands back
18 there, so there would be some significant
19 regrading that would happen.

20 MR. STEPONGZI: So there could be a
21 significant effect on the location of the pond and
22 also the effect that the pond would have to --

1 MS. MATTISON: It's a bio retention, not a
2 pond, and it --

3 MR. STEPONGZI: Bio retention.

4 MS. MATTISON: It would obviously have to
5 work around into the topography correctly if we
6 (inaudible).

7 MR. KALISH: That's an excellent point.
8 It's not a pond. I know that one of the --

9 MR. STEPONGZI: It's a bio retention --

10 MR. KALISH: -- one of the opposition
11 points was that there was concern about mosquitoes
12 related to a pond. It's not a bio retention pond.
13 It is a -- excuse me it's not a pond at all. It's
14 a bio retention --

15 MR. STEPONGZI: It's a bio retention
16 (inaudible).

17 MS. MATTISON: Basically it's a dry area
18 that will catch rainfall when it falls, but what
19 it's designed to do is to infiltrate that water
20 within two days and it's designed at a maximum --
21 if it rained the worst it ever rained in 10 years,
22 it would be less than 2 feet of water, but it

1 would be gone in 2 days then mosquitoes --

2 MR. HILLDRUP: (inaudible) water retention
3 pond.

4 MS. MATTISON: It's not a pond. It's, you
5 know, a pond would be just using settling
6 techniques. This is a, it's engineered media that
7 is going to be planted heavily with landscaping so
8 that the plants and the engineered media remove
9 the nutrients in it. What you don't see on this
10 is, you know, it will have overflow and it will
11 have bypass techniques employed with it that will
12 make sure it only puts in so much water in that
13 area.

14 It's not taking every drop that is coming
15 through that area down to that -- it will have an
16 appropriate bypass.

17 MR. HILLDRUP: I do have two questions if
18 no one else does. Can you back to almost the end
19 when you have this line sights across --

20 MR. KALISH: Yes.

21 MR. HILLDRUP: Okay. You've got, this one
22 is a little, I don't quite understand this one.

1 You've got this one here that is going directly
2 across and you're seeing it. This one you got it
3 going with the elevation of the property and then
4 shooting it up. It should go down like this.

5 MS. MATTISON: I was aiming for the top,
6 the peak of the roof just saying if they can see
7 the peak of the roof now what kind of aspect will
8 still be --

9 MR. HILLDRUP: Well, you'll see more of it
10 though.

11 MS. MATTISON: What is that?

12 MR. HILLDRUP: You're going to see more of
13 it if you bring it down to actually the same
14 level, eyesight across.

15 MS. MATTISON: Yes, but you can't see
16 through the existing church to see the proposed
17 church. There is --

18 MR. HILLDRUP: Okay. Then you said you
19 have the trees and stuff, what about in the winter
20 time when you lose all the leaves and foliage?
21 You're going to, one of the things here, go up one
22 more, sir. One more, one more.

1 MR. KALISH: Which one?

2 MS. CAMERON: It's the second slide.

3 MR. HILLDRUP: Down one more. One more
4 down.

5 MS. CAMERON: It's up. Go up to the
6 second slide.

7 MR. KALISH: So this is effectively
8 winter, correct?

9 MR. HILLDRUP: Yes. Do you see here, you
10 can see right straight through here because there
11 is nothing on the trees.

12 MR. KALISH: Yes, but you can see what is
13 currently trailers. You can see the current, if
14 you're looking at the sightlines again, you are
15 from the perspective of what you raised, you're
16 looking straight across where you were down.
17 You're already seeing the church.

18 MR. HILLDRUP: Okay. But it seems to be a
19 little, you know --

20 MS. CAMERON: I think what she is trying
21 to say is if you are looking from their house you
22 see the church, but you won't be able to see the

1 new church building beyond the church because it's
2 blocking it. So you'll be able to see whatever is
3 over the church, but not actually that line of
4 sight, so I think that was what Shannon was trying
5 to show.

6 MR. KALISH: And again, I think it's
7 important to note that the church has the right,
8 by right to build to that height on one end of the
9 hill already, so it's just a matter of keeping the
10 building level across the rest of the hill.

11 MR. HILLDRUP: That's another question,
12 another question that may be (inaudible) was the
13 time or not. You note when you put the plans
14 together and architect's designed this, did anyone
15 go and find out what the actual requirement was?

16 MS. CAMERON: We did have a pre
17 application meeting for this.

18 MR. HILLDRUP: With whom?

19 MS. CAMERON: The County staff.

20 MR. ROBERSON: That would be the TRC,
21 Technical Review Committee.

22 MR. HILLDRUP: Did they tell you that you

1 couldn't go over 35 feet?

2 MS. CAMERON: Yes. And she was of the
3 opinion that we handle it administratively because
4 it was just a measure of looking at how we would
5 measure the --

6 MR. HILLDRUP: Well, she said it could
7 be --

8 MS. CAMERON: And she rescinded that --

9 MR. HILLDRUP: (inaudible) circumvented
10 around?

11 MS. MATTISON: Yes. She assured us we
12 didn't have to go in for a variance separately,
13 that it would be handled during the (inaudible)
14 process. Then she later said, I'm sorry, I'm
15 wrong.

16 MR. HILLDRUP: Who was this person?

17 MS. MATTISON: This was Kimberly --

18 MS. CAMERON: So we submitted that
19 application --

20 MR. ROBERSON: Kimberly Domato.

21 MS. CAMERON: We submitted the application
22 under the understanding that the Board of County

1 Supervisors, as part of the special use permit
2 process, would be able to approve a height
3 modification request. We then after we submitted,
4 we were ready to go to the Planning Commission,
5 staff looked back at it and Patrick White and Leon
6 Hughs -- Patrick is now a case planner -- staff
7 looked back at it and said I'm sorry we can't
8 approve this through this, through the ordinance,
9 the Board can't approve it through the ordinance
10 under (inaudible) section, there are separate
11 Zoning Ordinance sections that will allow the
12 Board to approve height modifications, so you need
13 to get approval from the Board of Zoning Appeals
14 for the height modification.

15 MR. HILLDRUP: At what time did you go to
16 the zoning office to find this out?

17 MS. CAMERON: We had a pre-application --
18 they had a pre-application meeting. We then
19 submitted the application. We were ready to go to
20 the Planning Commission in February and we were
21 told in February that we needed to actually have
22 it to the BZA to get approval for the height

1 modification.

2 There is a Code Section and an ordinance
3 that allows the Zoning Administrator to give a
4 height modification request in February and as
5 part of that application it was sent to nine
6 residential, residences, and two neighbors
7 complained, and then the Zoning Administrator then
8 didn't make a decision but deferred the decision
9 to you all here.

10 So they have already been through the
11 process. We have been through the process for at
12 least six months under the understanding that this
13 was something that could be approved by the Board
14 and then we're told we actually need to do the
15 modification.

16 MR. KALISH: And it's worth noting that
17 the SUP is on pause until we get a decision from
18 this Board relating to the height modification.

19 MR. HILLDRUP: It just seems like, could
20 you, I don't know, you went ahead with what you
21 were told but you were getting yourself into
22 something that wasn't going to pan out maybe.

1 MS. CAMERON: And we explained to planning
2 staff, and I thought Patrick was going to be here
3 tonight but he's not, we explained to planning
4 staff the issues with the site and the
5 topographical issues, that the church themselves
6 have looked at other alternatives on where to
7 place the building, and this is the best location
8 for the building and without it it's a detriment
9 to the church that is not understood by everybody
10 else in the neighborhood and I can't speak for
11 planning staff because they're not here, but we
12 had been working through that process with
13 conditions that would have the height modification
14 as requested and then we're told that we need to
15 seek a modification through you all.

16 MR. STUCHELL: So I guess my followup
17 question to that is, did planning and zoning,
18 someone in planning and zoning actually tell you,
19 no problem, you're going to get this? Or did they
20 say, well, it could be handled administratively.

21 MS. MATTISON: We met with them in August
22 of 2016 when we were getting ready to put

1 everything together, at that point they told us it
2 could be handled administratively.

3 MS. CAMERON: I can say we did not get
4 any -- we were not told anything otherwise that
5 would have suggested that planning staff wouldn't
6 have supported our request. Ultimately the Board
7 of County Supervisors are the ones that approve
8 special use permit.

9 But we did not have any inclination from
10 staff whatsoever that they would not approve or
11 support this request and recommend that the Board
12 also support this request, and I can say as far as
13 we were told, we drafted conditions that we
14 believe everybody was okay with, that included the
15 height modification request.

16 MR. STUCHELL: So the proposed second
17 building, when is that proposed to be constructed?

18 MS. CAMERON: So that's the other issue.
19 That is a future plan. So when we met with staff
20 we said the immediate need is for the church and
21 getting the students out of trailers, that was
22 when Father Ziegler came, that was his mission and

1 that is something that he saw was the immediate
2 need to do that.

3 They have funds today to start
4 construction of the church that would allow the
5 trailers to be removed and middle schoolers to be
6 relocated.

7 There is a future plan for a school but
8 there is no funds for that school, so it could be
9 10 years, 15 years, 20 years down the road. So
10 the school is not what is a guarantee today but
11 the church building is what they have the funds
12 for today.

13 MR. KALISH: Because those are dedicated
14 church building funds.

15 MR. STUCHELL: So why not put the church
16 in the spot of the future building and deal with
17 this in 15 or 20 years?

18 MS. CAMERON: Because of the location of
19 where the church is, they're trying to keep the
20 church buildings together and then the school
21 buildings together.

22 What the existing -- and correct me if I'm

1 wrong, but the existing church building will be
2 mainly used as a parish hall that will allow
3 better connectivity from the church to the parish
4 hall and those will actually have a connection
5 between the two.

6 So once you relocate that church building,
7 you are then losing the purpose of it, to have
8 them connected together.

9 MR. HILLDRUP: Anything else? Is there
10 anything else, sir?

11 MR. KALISH: Well other than just the fact
12 that that goes to prior questions as to why not
13 just scootch this church building down closer to
14 the school building, related to the connection to
15 the church building as a (inaudible)
16 interconnected to the school building.

17 That's my presentation. If there are no
18 further questions --

19 MR. HILLDRUP: No other questions.
20 Anybody else in favor?

21 FATHER ZIEGLER: Father John Ziegler. I'm
22 the pastor at St. Patrick's Church.

1 MR. HILLDRUP: Come up to the front here
2 sir, please.

3 FATHER ZIEGLER: I would just like to make
4 one comment about --

5 MR. HILLDRUP: Your name, address --

6 FATHER ZIEGLER: Father John Ziegler
7 again, pastor at St. Patrick's Church.

8 MR. HILLDRUP: And the zoning case?

9 FATHER ZIEGLER: 9149 Elys Ford Road --

10 MR. HILLDRUP: Address --

11 FATHER ZIEGLER: And the case A18-00001.

12 MR. HILLDRUP: Okay, sir.

13 FATHER ZIEGLER: The idea about leveling
14 off or putting a berm in there, for the cost, I
15 would just guestimate it over a half a million
16 dollars, that would make sort of a dugout of the
17 existing school. We would have to put a walkway,
18 stairs to go up, and also would take the natural
19 sunlight out of the windows coming down into the
20 classrooms where we hope to house the middle grade
21 students.

22 And if we move the church further back to

1 put it where the proposed additional school
2 structure could be, that would be the same thing
3 that would make the whole lower level of the
4 basement without any natural light coming through,
5 so I think that's the plan.

6 Again, it was August of 2016 that it was
7 originally, my deacon came and met with the civil
8 engineer and members over the, I don't know if I
9 remember who the committee is, I think there is a
10 memo from my deacon about that, but it was August
11 of 2016 they said keep the front entrance at 35
12 feet, keep the building under the tree line and
13 you'll be all right.

14 And so it wasn't just like in the past six
15 months that we decided, hey, let's -- we had
16 already spent \$650,000 on an architect that we
17 decided to (inaudible) we already had that plan in
18 mind, and it seemed that that would be a good
19 solution that we would be able to go forward with
20 that.

21 Also, even if we made the additional
22 expense of trying to level out that grade and deal

1 with all the runoff water problems, the roof line
2 would still be the same. It would be the same.
3 It would be 35 and then the ground would be up, it
4 would be 35 in the back, but people looking out
5 from either side or any other direction, the
6 roofline would still be the same from somebody
7 viewing it. That's all I have to say. Thank you.

8 MR. HILLDRUP: Any questions from anybody
9 here?

10 MR. ALLEN: I think I have one question,
11 on some of the paperwork it mentioned a service
12 road. Does that service road go back to the
13 contaminate facility that is back there?

14 MS. MATTISON: Shannon Mattison with RDA,
15 civil engineer. That road is multi-service, or
16 multipurpose. It's going to provide maintenance
17 access to the bio retention for biannual, you know
18 clean outs, and it is also going to provide access
19 for the fire department that they requested to be
20 able to reach the rear of the existing school by
21 vehicle.

22 It will also access the water treatment

1 plant that is on that side of the road and it will
2 access some of septic facilities are back there
3 for maintenance purposes. It is not going to be a
4 service road in the sense that there are going to
5 be cars on it on a regular basis. It will be
6 gated and restricted access.

7 MR. ALLEN: So it's actually just a
8 cleared space for access?

9 MS. MATTISON: It's just a gravel, a
10 gravel road for the fire trucks. They have their
11 own requirements to make sure that they can turn
12 safely back there.

13 MR. ALLEN: Thank you.

14 MR. HILLDRUP: Anything else, sir?

15 MR. ALLEN: No.

16 MR. HILLDRUP: Thank you. Anyone else
17 speaking in favor? Here's your time.

18 MR. ROBERSON: I have a Mr. Bob Nashed.

19 MR. NASHED: Yes, Bob Nashed. I'm with
20 the diocese. This is number A18-00001.

21 MR. HILLDRUP: And your address, sir?

22 MR. NASHED: I'm at 200 North Glebe Road

1 in Arlington, Virginia. The diocese, the chancery
2 office. We've worked through many, many schemes
3 on this site to try and find the best use for it
4 in a way that is affordable, and that also kind of
5 supports the nature of the church and the design
6 and the proportion and other things like that,
7 that are somewhat intangible but are very
8 important to the actual design of the building.

9 We have looked at a number of these
10 things, we been been through three architects
11 during this project, so we -- this current scheme
12 here is the most efficient, the most affordable of
13 all the ones that have been evaluated over the
14 years.

15 And we think that -- and also as was
16 mentioned previously, allows for
17 interrelationships between reused space in the old
18 church and the new church here, so that some of
19 the vital functions of the community can be
20 maintained as you go between the social hall and
21 the sacred space there as well.

22 So I think that was very important to

1 father, he made a commitment to the parish to
2 remove 20-year-old temporary trailers that are in
3 not the best shape from what I can tell, and I
4 think that this would be a tremendous improvement
5 to both the community and the site. I think this
6 will be very helpful overall. Thank you.

7 MR. HILLDRUP: Thank you. Any questions?
8 Thank you very much. Anybody else like to speak
9 in favor?

10 MR. ROBERSON: Francis S. Connors.

11 MR. CASE: My name is David Case. My
12 address is 1313 Confederate Drive, Locust Grove,
13 Virginia, and I am a member of St. Patrick's
14 Parrish.

15 MR. HILLDRUP: The case number?

16 MR. CASE: The case number is A18-00001.

17 MR. HILLDRUP: Thank you.

18 MR. CASE: We have been -- I'm here to not
19 get into the technical details except maybe to
20 express my view of the whole project as a member
21 of the parish. We have been at this for several
22 years now, we have been through lots of discussion

1 and questioning and so forth and so on between the
2 various factions of the parish who have different
3 interests, school, parishioners, older people,
4 younger people, you name it.

5 We have been able to raise twice as much
6 money as some people, experts, thought we would be
7 able to raise to do this project. So we have
8 limited funds, we're trying to do the best we can
9 with what we have available and we're at the point
10 where it's ready to get going and we think that if
11 this gets delayed for some other reason that can't
12 be mitigated then it's going to put a damper on
13 our parish life and it would be a disappointment
14 to many. So from that point of view I just
15 encourage you to consider this favor. Thank you.

16 MR. HILLDRUP: Thank you. Any questions?

17 MR. ROBERSON: All right. Do you want to
18 go back to the normal order here?

19 MR. HILLDRUP: Who else out there would
20 like to speak in favor? I think we've got -- did
21 you want to say something, sir? Okay. Anybody
22 else in favor?

1 Okay, all those against, please step
2 forward, name, address and case number.

3 MR. MCCLURE: All at one time?

4 MR. HILLDRUP: No, one at a time. We
5 can't keep track of everybody.

6 MR. MCCLURE: Can my wife and I both come
7 up because we were going to --

8 MR. HILLDRUP: Well, yes, if you both want
9 to come to the --

10 MS. MCCLURE: I prefer to stand rather
11 than sit and speak with you. I hope that doesn't
12 seem rude.

13 MR. HILLDRUP: Name, address and case
14 number, please.

15 MS. MCCLURE: My name is Maureen McClure.
16 I live at 13300 Irish Brigade Court,
17 Fredericksburg, Virginia. We are lot 182 that is
18 to the north of the parish property.

19 MR. HILLDRUP: Case number?

20 MS. MCCLURE: And this is case number
21 A18-00001.

22 MR. HILLDRUP: You sir?

1 MR. MCCLURE: Jerry McClure, 13300 Irish
2 Brigade Court, case A18-00001.

3 MR. HILLDRUP: Thank you.

4 MR. MCCLURE: Like I said, we're going to
5 kind of tag team a little bit then we have some
6 pictures we want to hand out as we explain. We
7 thought pictures would be a little bit better than
8 diagrams to kind of present your case.

9 First of all I want to thank you for the
10 opportunity to speak about our concerns regarding
11 the requested variance and the height of the
12 proposed church building.

13 We have been registered parishioners at
14 St. Pat's since 1990. Three of our boys went
15 through the St. Patrick school and graduated
16 there. My wife is the music director there at St.
17 Patrick's. We've been there for over 25 years
18 providing music (inaudible).

19 So we have a very vested interest in
20 supporting what is best for the parish and we want
21 to make that very clear. We're not here against
22 the church. We love the church, we love the

1 parish and the parishioners.

2 MS. MCCLURE: Over eight years ago my
3 husband was the committee chair for this discussed
4 building committee. He started under Father
5 Taylor and until recently I have been on the
6 committee as well. My husband resigned when
7 Father Ziegler took over, but I served on the
8 building committee as well until today.

9 It's very difficult for us to come forward
10 as parishioners and as an employee to have to say
11 these things, because like many of the people who
12 are here, we don't want to stop the building of
13 the church. We don't want to stop the removal of
14 trailers to the school, that isn't our goal.

15 However, I believe that we wouldn't be
16 here today if there wasn't a fundraising issue
17 that we addressed, because of the short funds, the
18 shortfall in fundraising that was evident about
19 2016, the plan went from having two separate
20 buildings for a school and a church to having one
21 building that could house both the church and the
22 school.

1 It was modified and as Ms. Mattison said
2 they brought that information to the County in
3 August of 2016, but the plan was never made public
4 to the parish that we went from two buildings to
5 one tall one until March of 2017.

6 Sadly this issue at hand, the request for
7 a variance in the height of the church has caused
8 us much angst because ultimately we have to
9 address, my husband and I have to address what we
10 feel is best for our family and for our home and
11 property.

12 MR. MCCLURE: The justification for the
13 appeal says that the current church building
14 seating is approximately 225. I'm not sure where
15 this number came from as it seats 340 from all the
16 past information that has been published for the
17 church, so I'm confused about the discrepancy in
18 the numbers.

19 Now I was the chairperson for the prior
20 committee, those were the numbers we've always
21 used for the church and the seating has not
22 changed. This appeal also asserts that St.

1 Patrick's parish feels that there is no
2 detrimental impact to the adjacent property
3 because of the forestation.

4 We as the adjacent property owners do not
5 agree with this statement. As I mentioned before
6 I'd like to give to the chairperson, these are
7 some pictures that we are going to reference, I
8 think they give a much better view --

9 MS. MCCLURE: There is a set for each --

10 MR. MCCLURE: -- of the case rather than
11 looking at the diagrams themselves. I think they
12 kind of show some reference to diagrams but these
13 are where we are coming from the homeowner's
14 perspective and I'll wait for those to get passed
15 out.

16 And we will reference each picture. There
17 should be eight. I could have -- I didn't know we
18 had a computer thing or I could have displayed it
19 up on there for the folks in the audience.

20 MR. STUCHELL: Mr. Chairman, I'd like to
21 make a motion to accept these photos into the
22 record.

1 MR. HILLDRUP: Okay. Do we have a second?

2 MR. STEPONGZI: Second.

3 MR. MCCLURE: If you look at picture 1,
4 the first one we have there, it shows the view of
5 the church from our back door, so there is little
6 forestation that really blocks the view especially
7 on the church property side.

8 Some of the trees that you see there are
9 trees that we have been trying to plant. We spent
10 a lot of money trying to build up some kind view
11 wall, but it takes quite a bit considering the
12 angle that we have.

13 If you look at picture 2, and picture 2
14 really kind of gives you, and where the arrow was
15 on picture 1 is really where the new building, the
16 view that we will be seeing the new building as it
17 rises because that's where the steeple is, and you
18 saw the drawings where they're going to be coming
19 across.

20 So we're going to see this big brick
21 building or the roof that you talked about taking
22 over more of the tree line and the skyline that we

1 have.

2 If you look at picture 2, this is the view
3 we see from our property line. And you can see,
4 we realize the sheds are going away but the church
5 is not going away, the shed, the shed on the left
6 is not going away, the water treatment is not
7 going away.

8 You can see the rectory, and see the red
9 line that is across there? That's where we
10 estimate the new building is going to take up. So
11 we're now going to see, at the angle that we
12 see -- they showed angles, I think we were a
13 little confused by some of those angled drawings
14 they were putting out there, but this is standing
15 on our property looking at this, and the reason
16 the red line is where it's at is because this is
17 where the steeple, the top of the steeple is at
18 that they talked about.

19 And it's going to come all the way across,
20 and as they talked about, it will probably go
21 further than where the line itself it. So this is
22 what we're going to see from our property line.

1 MS. MCCLURE: Until approximately eight
2 years ago we had a woodland view to our south
3 toward St. Patrick Church but we only saw woods.
4 At that time they took down the trees, and many of
5 them were mature evergreen trees, a giant holly
6 that I cried over as a matter of fact, they took
7 them down and established that access road.

8 MR. MCCLURE: Picture 3.

9 MS. MCCLURE: That is in picture 3. Part
10 of the reason why we moved to the lot that we did
11 and had our home built there was because it was a
12 woodland area. We liked the privacy. We also
13 appreciated the fact that we were parishioners at
14 St. Patrick's and we trusted, they were going to
15 be good neighbors on the other side of the woods.

16 As noted in picture 3 the church put in
17 that service road along our property. They cut
18 down a 10 to 12 foot swath of beautiful mature
19 evergreen trees that had blocked the buildings
20 from our view most of the year.

21 We were told by the pastor at the time,
22 Father Taylor, that once the well pump and house

1 were completed, large evergreen trees would be
2 planted by the parish along that service road to
3 mitigate the impact of their taking down so many
4 trees.

5 As noted in picture 3 that was taken last
6 week, nothing has been planted on the left of the
7 pictures, and we suspect that anything that is on
8 the left of the pictures from what the drawings
9 and the schematics that have been presented, those
10 trees that are left on the parish side of the
11 property will also be taken away for the parking
12 lot and access now to this access road that is
13 abutting our property.

14 As Ms. Mattison explained that access road
15 is going to be used, that is so close to our
16 property, it is going to be used for access to the
17 retention pond, access for any kind of emergency
18 services, which we don't want to have an
19 emergency, and we want them to be able to reach
20 them, but that is not something that we should be
21 penalized for. When they remove the trees,
22 they're just removing more mature trees.

1 In picture 4 the string marks our property
2 line and you can see how close the service road is
3 to our property. We measured it, it is about
4 10 feet. It's about that same width for the
5 length of our property, all the way to the service
6 road where the well had been dug.

7 So where is the forestation that they are
8 promising, that 25 feet of buffer that they are
9 promising along our property line. Where is that
10 going to happen if they have the service road that
11 is already up against our property?

12 MR. STUCHELL: Ma'am, please direct your
13 responses to the Board and not --

14 MS. MCCLURE: Okay. I'm sorry. Yes.

15 As recently as six weeks ago without any
16 provocation or solicitation of comments about
17 anything to do with the plans, Deacon William
18 Pivarnik made the statement to me that "If they
19 don't plant the trees, I will". Referencing the
20 promise that was made by Pastor Father Taylor in
21 2009 and by the facilities manager, Hugh Malloy in
22 2011 to plant trees in order to mitigate the

1 financial and site impact that the removal of
2 trees had made along our neutral border.

3 Deacon Pivarnik is still a member of the
4 clergy at St. Patrick's and he was the financial
5 assistant from 2005 to 2011. At least he knows
6 that there is going to be very little forestation
7 left on their property along our mutual border and
8 he seemingly understands that the proposed
9 building does have an impact on our property.

10 One of the plans that you are looking at I
11 believe that has been provided by St. Patrick's,
12 it was on page 80 of the packet that is on-line
13 that I was looking at.

14 It shows that that transitional buffer,
15 and you saw it as was presented by the law firm at
16 the beginning of this presentation and it says
17 that there is going to be a level 1 transitional
18 buffer along our common property line with an
19 additional 10 feet in places.

20 I don't know how that can happen when
21 there is going to be an access road that is 10
22 feet away from our home. According to

1 Spotsylvania County Cooperative Extension, the
2 planting of those 6 foot trees in the level one
3 transitional buffer, those 6 foot evergreens may
4 take 15 to 20 years to reach the expected height
5 of 20 to 40 feet.

6 That transitional hedge will do very
7 little to improve our sightline for at least 10
8 years.

9 We asked a real estate agent if the
10 current view that we have added with what we
11 expect to see with the proposed church, would
12 impact our property value and we were told yes.

13 The projected sightlines that were placed
14 up there, they were in blue, one for us and one
15 for our other neighbors, are not really
16 representative of where we look at the church.

17 They basically had the line connected to
18 our house in about where my laundry room is on the
19 second floor. That's not where I look at the
20 church or enjoy my backyard. I spend the time
21 lower, and so you're right, the angle looking at
22 the church means that we're going to be looking at

1 more roof of the new church building.

2 MR. MCCLURE: So in summary, we object
3 with this appeal because we don't agree with the
4 justification and we believe there was some
5 inaccurate information in the appeal.

6 Rather than work with us on a resolution,
7 St. Patrick's Church submitted the appeal without
8 even notifying my wife who is a building committee
9 member and the impacted homeowner. We were a
10 little disappointed by that. We thought we maybe
11 could have come together and worked on this, this
12 left us no recourse other than this.

13 We found out about this and then we
14 obviously had to take some action. All we're
15 asking is for the forestation to be restored as
16 promised. It's been promised for 8 years, we
17 still do not have that and now we're getting more
18 taken down and really have you all base the
19 decision on accurate information.

20 That's all we have.

21 MR. HILLDRUP: Any questions?

22 MS. MCCLURE: May I add one more example,

1 I'm sorry.

2 MR. HILLDRUP: I thought you had
3 presented --

4 MS. MCCLURE: He was wrapping up.

5 MR. MCCLURE: She had something as a
6 result of the --

7 MS. MCCLURE: This is, this is one of the
8 exhibits that was presented to you and you even
9 addressed it, where these are deciduous trees.
10 We're looking through the trees. So say that if
11 anyone standing in front of St. Patrick Church
12 looking at the new building, can't see our home,
13 is inaccurate, especially from November to April.

14 MR. HILLDRUP: Thank you.

15 MR. BRAMLETTE: I have a question. I have
16 several. I'm looking at Exhibit C, Exhibit C is
17 the formal drawing package that (inaudible) okay.
18 And you made a comment concerning additional
19 parking spaces, they don't appear on this drawing.

20 MS. MCCLURE: I don't know where -- yes,
21 they do. Compared to what they currently have,
22 sir, this is where the current church is and the

1 parking right now goes -- here to here. And there
2 is also parking, a small number of parking spaces
3 that are to the north. They're going to add
4 additional parking here.

5 MR. BRAMLETTE: This is what is going to
6 be there -- the drawing.

7 MS. MCCLURE: This is what is going to be
8 added. So any trees that are currently here --

9 MR. BRAMLETTE: And which one of these
10 houses is yours?

11 MS. MCCLURE: This one.

12 MR. BRAMLETTE: That one. All right.

13 MS. MCCLURE: Identified property 182.

14 MR. BRAMLETTE: The other thing is your
15 picture 2, all right, the church is this way from
16 your picture, the back end of the new church is
17 even to the back end of the old church.

18 MS. MCCLURE: Yes, so it's going to be
19 here. So this --

20 MR. BRAMLETTE: So this red line should be
21 over here.

22 MS. MCCLURE: It needs to go over here,

1 yes.

2 MR. BRAMLETTE: All right.

3 MS. MCCLURE: In picture 2 the red line
4 should be moved to the right --

5 MR. BRAMLETTE: And I'm confused
6 concerning your comments around the service road.
7 The drawing shows the service road to be a 12-foot
8 road, gravel, all right, now this is according to
9 scale. There is at least 24 feet from the edge of
10 the road to the church's property line so there
11 has got to be more than the 10 feet that you're
12 talking about.

13 MS. MCCLURE: Sir, we measured it. There
14 is a drawing -- please, if you would look at this,
15 this is --

16 MR. BRAMLETTE: You're showing me a
17 picture here, this last picture --

18 MS. MCCLURE: Is where our line is --

19 MR. BRAMLETTE: Right.

20 MS. MCCLURE: -- and this is the access,
21 the service road. This is approximately 10 feet.

22 MR. BRAMLETTE: Something is wrong here

1 between the picture and the drawing because that's
2 obviously -- if this is to scale -- yes, ma'am,
3 you had your hand up.

4 MS. CAMERON: What she showed you --

5 MR. BRAMLETTE: You're going to have to
6 talk a little bit louder --

7 MS. CAMERON: My name is Jonelle Cameron.
8 What she is showing you is pictures today. The
9 service road will be relocated when the property
10 is developed.

11 There will be a special use permit
12 condition to the plan that will relocate the
13 service road and provide a 25 feet landscape
14 buffer with an additional 10 feet behind the
15 service road in some areas, it goes in and out of
16 the service road, so what -- the picture she is
17 showing you is now --

18 MR. BRAMLETTE: At present does not -- it
19 does not fit the drawing.

20 MS. CAMERON: Correct. Because the --

21 MR. BRAMLETTE: Exhibit C.

22 MS. CAMERON: -- the road will be

1 relocated.

2 MR. BRAMLETTE: Thank you.

3 MS. CAMERON: And additional plantings
4 will occur within a 25 foot buffer area.

5 MR. BRAMLETTE: Thank you.

6 MS. CAMERON: You're welcome.

7 MS. MCCLURE: May I speak to that?

8 MR. BRAMLETTE: Yes. It's your floor.

9 MS. MCCLURE: Thank you. The additional
10 plantings are going to be transition level one as
11 described to me by the County Planning office.
12 Those have a minimum height of 25 -- of 6 feet
13 with an expected growth or projected growth to 20
14 to 40 feet.

15 We don't expect St. Patrick's to be able
16 to afford 40 foot trees, so we expect that we will
17 see a 6 foot hedge in that 25 foot forested buffer
18 that they refer to. That is not a forest.

19 MR. BRAMLETTE: Where you have this
20 drawing, okay, that is not 40 feet, not 20 feet,
21 it's probably 10 feet above the ground, so a 15
22 foot hedge is going to block that view that you

1 show with this arrow.

2 MS. MCCLURE: Sir, these trees here are 12
3 feet tall.

4 MR. MCCLURE: And their property is lower
5 than -- the road is lower than that.

6 MR. BRAMLETTE: But what I'm saying is you
7 were talking about 40 foot trees, we're not
8 talking about needing a 40 foot tree there.

9 MS. MCCLURE: But they are claiming that
10 we don't, that the trees that we own are what is
11 giving us the forested view.

12 MR. BRAMLETTE: I understand --

13 MS. MCCLURE: And their 25 feet of buffer
14 to protect us and our property will only be
15 probably 6 feet tall.

16 MR. MCCLURE: We won't see the 6 foot tall
17 trees from our property. The line itself.

18 MR. BRAMLETTE: I don't have anything
19 further.

20 MR. HILLDRUP: Anybody else? Do you have
21 anything else, ma'am?

22 MS. MCCLURE: No, sir. Thank you very

1 much all of you for listening.

2 MR. HILLDRUP: Thank you. Anyone else
3 like to speak against? State your name, address
4 and case number, please.

5 MR. FIELDING: Jason Fielding, Case number
6 A18-00001.

7 MR. HILLDRUP: And your address?

8 MR. FIELDING: 13301 Irish Brigade Court.

9 MS. FIELDING: And Janell Fielding at
10 13301 Irish Brigade Court. A18-0001.

11 So I don't want to get too emotional, this
12 is always obviously a very professional
13 environment, but it is a little emotional because
14 it's where we live, it's our home.

15 So you can only imagine four years ago my
16 husband and I lived and worked in Alexandria,
17 Virginia for 10 years, right outside Washington,
18 D.C. We had gone to college, fallen in love,
19 gotten married and lived in the city for 10 years.

20 We lived in a condo there that we had
21 bought and saved a lot, as much as we could,
22 working overtime and I worked two jobs to try and

1 scrimp and save and put together money for our
2 first home.

3 We thought our first house, house outside
4 of the condo was going to be in Alexandria or in
5 Washington, D.C. but we quickly realized very soon
6 that our newlywed funds and our money would not go
7 that far in Alexandria or in Washington, D.C.

8 Then we thought it was our lucky moment,
9 and we found out that my husband would get to work
10 from home and I also was working a job that I was
11 working from home.

12 We said oh my goodness at last we actually
13 can move further out from the city and get to go
14 to the country and get to leave this craziness.
15 We had lived where a Metro line literally went
16 right behind our condo. We had large highrise
17 buildings all around us.

18 The idea of going to the country where
19 there were gorgeous green trees, fresh air, birds
20 chirping seemed like a dream come true. So we
21 quickly found a realtor here in Fredericksburg and
22 our goal was to find a quiet secluded country

1 place and we would be able to have our country
2 home.

3 When we went house hunting our realtor
4 told us all of a sudden that one was coming
5 available and she said I think it's what you've
6 been looking for, I think it's what you want. So
7 she literally gave us the address and said go
8 drive by, take a look and see if you're interested
9 and if you're interested I'll help you be able to
10 see it ASAP.

11 So we literally went and found the court,
12 found where it was, my husband grabbed my hand and
13 said oh my goodness, I have goosebumps, I think
14 this is it. I think this is the one. And that
15 was after viewing several other homes that just
16 weren't right. He said I think this is it, I
17 think this the one. I was like calm down, you're
18 crazy.

19 But as we looked more carefully at it we
20 couldn't believe all the gorgeous trees, all the
21 yard. At the time we had a 2-year-old, we thought
22 oh my gosh, there is already a playground, this is

1 picture perfect, for us it was like the crown
2 jewel of the court. It just looked like the
3 perfect place for us to be able to plant our seeds
4 and be able to have our family.

5 So we were ecstatic when we found out that
6 we would get to move to the home. We have lived
7 there for the last four years and we have our
8 2-year-old Logan, he's a little boy, he is now 5
9 and then we also added a little girl to our
10 family, Rose, and she is 10 months old so we are a
11 growing family living there.

12 We have absolutely loved it. We love
13 being able to hear the birds, we love the deer, we
14 love having privacy. We love the country life and
15 it's been wonderful.

16 Our son actually attended St. Patrick's
17 preschool and had a very positive experience there
18 which we enjoyed. We are not parishioners at St.
19 Pat's. We actually belong to another Christian
20 religion church but we do admire their mission.

21 We are not against them having the church
22 or having the school or good things like that

1 there and the teachings that they teach, but we do
2 appreciate and want them to take into
3 consideration the neighbors that actually live
4 there and what our life is. They all come and
5 attend the church obviously once or twice a week,
6 but we are the ones that actually live, breathe,
7 work there.

8 We both work from home like I stated and
9 live from home and are out in the yard constantly
10 playing with our kids in the playground, and
11 literally those are our views.

12 Like we talked about the trees do lose
13 leaves literally November to (inaudible) just
14 budding out a couple of weeks ago so it was all
15 the way into May. (inaudible) we didn't have
16 leaves on the trees.

17 St. Pat's said that they sent out letters
18 to nine of the neighbors and the two of us that
19 are represented here, but I did want to make the
20 point, you look on our court at this point in
21 time, three of the homes are for sale and I know
22 two of those owners are not, are not literally

1 living in the homes now.

2 They're not located in the homes, so I
3 think that they don't have as much of an interest
4 in being here or talking about this issue because
5 they're not quite as vested in it because they're
6 on their way out the door.

7 But for those of us that plan to continue
8 to live here, live in this neighborhood and
9 (inaudible) we spent a lot of time, effort, energy
10 redoing flooring in our home, paint, generators,
11 all kinds of things trying to improve the home and
12 we get a wonderful place that we want to continue
13 to be and it's just really frustrating.

14 We thought that we were moving into a home
15 that had a country church next door and all of a
16 sudden we're hearing like that it's turning 225
17 seats, or 340 seats to like a mega structure
18 looming right next to us with at least 600 seats.

19 As you can imagine the congestion, the
20 noise, huge -- I don't want to see a huge building
21 looming out my view while I'm outside playing with
22 my children or coming home to enjoy the peace and

1 quiet from the times I do have to travel to the
2 city for work and coming home because I want to be
3 in the country (inaudible).

4 MR. FIELDING: The same thing, we don't
5 have anything against the church wanting to expand
6 and do that, I just think there could have been
7 more consideration into different options and
8 different plans and maybe some of them might have
9 been a little bit more expensive, but maybe it
10 would have been a better choice, a better option
11 that would have served everybody and not just what
12 is the cheapest or best option for just the
13 church, but those that are around the community as
14 well.

15 And also, you know, along with the height,
16 you know, it has already been referenced other
17 things where the water goes, you don't want to
18 call it a pond, but I don't know what else you
19 guys, what it's called but where the water is
20 retained, you know, we do have concerns about
21 that, having a 5-year-old and, you know, yes,
22 maybe it will drain away in two days but that

1 doesn't mean they could go out the day of and fall
2 over, hit their head on a rock and drown in water.
3 It happens. Accidents like that happen, and we're
4 just concerned about that becoming closer to our
5 property and the animals, the insects everything
6 else that that attracts --

7 MS. FIELDING: Mosquitoes.

8 MR. FIELDING: Or the safety concerns
9 (inaudible) friends and playing in the woods. It
10 is a concern to have kids out there with other
11 forms of water that could be there after a
12 rainstorm or a way to prevent that getting closer,
13 so that with the buffer zone and the height --

14 MS. FIELDING: We don't know of any
15 fencing or anything like that that could be put in
16 this area where there was water.

17 MR. FIELDING: And even if there is, what
18 kind of fencing are you going to have that is
19 going to keep a kid from climbing up? There is
20 just so many things to think about.

21 So we have a lot of concerns about that
22 aspect of it and (inaudible) the height and that,

1 it's just more, you know, it may not seem like a
2 lot but it's that much more of our view or our
3 tree line that we do see when it's different times
4 of the year especially that we have to do that.

5 And I guess I just find it hard to believe
6 there is not any other options for ducts or any
7 other options for mechanical or anything else that
8 this could be moved about 6 feet (inaudible) it
9 couldn't be placed in a different location or, I
10 guess maybe it's more expensive than some other
11 way to --

12 MS. FIELDING: Configure things --

13 MR. FIELDING: Configure things that you
14 can still not have it any taller. You know, the
15 rectory that they reference is, yes, that's
16 further away from our property and they're not
17 like right next door to each other so, you know,
18 you're talking about a building as tall as the
19 rectory but it's closer to our house. It's not
20 way out by the rectory. It's not where the
21 rectory is. It's closer to us, so it's a bigger
22 structure closer up to us not where the rectory is

1 right now, so.

2 Again, I think the pictures that were
3 shown looked dark, looked far away and full of
4 trees and that's not the view that we're looking
5 at. We're on the other side of those trees
6 looking through and you do see the structure and
7 it's going to be (inaudible) to see.

8 MS. FIELDING: It says here in the
9 standards of review, authorization of the variance
10 will not be a substantial detriment to adjacent
11 property and nearby properties in the proximity of
12 the geographical area. And this is literally, we
13 are literally neighbors, this literally backs
14 right up to our house, right up to their home.

15 This is what we're seeing everyday, day in
16 day out, day in, day out. We're not just visiting
17 this place once or twice a week or however often
18 the parishioners go. We are living here.

19 We want to stay living here for many
20 years. We want to be good neighbors. We want
21 positive things to continue to go on with the
22 church but we just ask that they be mindful of us

1 and that some allegations be made, some
2 differences in the plan be made that it's less
3 viewed so that we can continue to have beautiful
4 gorgeous countryside that we moved here for and
5 that we want to continue raising our children in.

6 We are so thankful that you're willing to
7 listen to this, all different points on all sides
8 and hope that we can find a resolution for all
9 sides to genuinely be happy, and thank you so
10 much.

11 MR. FIELDING: And I will just mention one
12 thing, we're also concerned about the valves of
13 the -- will it effect the value of our property or
14 some of the people who are selling their homes,
15 you know, have issues, they're closer up to the
16 road, you know, they're closer up to where all the
17 cars are but with this we feel like it's just
18 getting closer and closer, where other people who
19 want to move in the future are they going to have
20 this (inaudible) we don't want to buy that house
21 because it's just, you know, you see so much more
22 of the church or you're so much closer, you know,

1 we don't want to have, we want to have as minimal
2 as that as possible, we want to keep the value of
3 our home. (inaudible) .

4 MS. FIELDING: Church is good. We just
5 don't want this huge megastructure looming right
6 next door to us when we're trying to live in the
7 country and have (inaudible) have a country life.

8 MR. FIELDING: It seems like the structure
9 could, something else could be done, there could
10 be other options for it to go back, to go to the
11 side, to build another location.

12 I don't think the current plan is the only
13 option possible. There are other options that I
14 think could be looked at, other (inaudible) to be
15 put together and I think it was just assumed that
16 a couple of neighbors, let's just try to pass it
17 through and you know, I don't think it will be a
18 big deal to have it taller and apparently it is.
19 We wouldn't be here -- we wouldn't be here taking
20 our time out to do this if we felt like it was
21 completely covered and we (inaudible) we wouldn't
22 be standing here, so there is a reason why.

1 MS. FIELDING: We literally left a
2 5-year-old and a 10-month-old baby with a brand
3 new babysitter trying to zoom here to make
4 (inaudible) it's been such a joy to raise kids
5 there. I mean, a bird literally builds a nest in
6 our wreath on the front door, and there are five
7 little baby bird eggs in it. Just the joy of that
8 or like we found like a turtle going by that we
9 found and our son named it Chef and we had a
10 little pet turtle for a couple of days until we
11 let Chef go. Hearing frogs and just all the fun
12 things that happen, you just want to continue to
13 stay there and want to feel like we can continue
14 to stay there and even send our 1-year-old to the
15 preschool, like we got to walk through trails to
16 travel to preschool instead of driving by car. We
17 want to be good neighbors and want to (inaudible)
18 but we are very concerned about all of this and we
19 really hope that that can be taken into
20 consideration, the heart of the people that
21 actually are living there. We really do
22 appreciate it if you can think of that. Thank

1 you.

2 MR. HILLDRUP: Anybody have any questions?

3 MR. STEPONGZI: I have a question for
4 Mr. Roberson on this. It was brought up the first
5 level of transitional screening. What is the
6 second level of transitional screening for the
7 County?

8 MR. ROBERSON: Typically they increase the
9 width of that buffer and they increase the amount
10 of the planting. That's the difference between
11 the different levels.

12 MR. HILLDRUP: Difference in height?

13 MR. ROBERSON: Well normally they buy what
14 they call a contractor's grade of tree, out here,
15 it's what you get from the nursery, and I think
16 the lady put it right, you're not going to buy 40
17 foot trees. Typically they require at a minimum
18 for landscape, they start off at 6 foot, that is
19 typical.

20 MR. TIGNOR: Mr. Chairman, we listened for
21 quite a bit about a lot of information. I think
22 it's appropriate in the process of the BZA and

1 appropriate in previous cases to allow the
2 applicant a rebuttal time period on the things
3 that have been mentioned.

4 MR. HILLDRUP: I will. Thank you, sir.

5 MR. ROBERSON: I think we have two more
6 folks that --

7 MR. HILLDRUP: Anybody else against?
8 Thank you. Rebuttal, sir?

9 MR. KALISH: Thank you, Mr. Chairman. To
10 address the concerns of Mr. and Mrs. McClure,
11 obviously every concern is a legitimate concern,
12 and not to downplay or try to discredit those
13 concerns at all, I'd like to go over some rebuttal
14 that would support or at least address those
15 concerns from the church's perspective.

16 Obviously if you look at the first picture
17 that was presented by the McClure's, this is --
18 I'll take that as an authentic picture from their
19 backyard.

20 This is probably an accurate depiction of
21 what you're looking at today and you can really
22 very hardly see anything on the church property

1 from this picture to the extent that this will
2 result in a structure that can be seen up to their
3 line, it will be really de minimus compared to
4 really the rest of the 360 degree angle from their
5 backyard even let alone the rest of the property.

6 And again as just mentioned, with a 6 foot
7 landscaping, 6 foot new vegetation put in there, a
8 new 25 foot buffer, there is a very good chance
9 you're not going to see this at all from the
10 vantage point of this picture.

11 With respect to the second picture, a
12 Board member already noted that this line is not
13 really accurate, it would have to be far to the
14 right of this picture.

15 It would be just slightly higher than the
16 current steeple, and again, standing from this
17 vantage point, you would literally be standing in
18 the trees that are meant to buffer the two
19 properties from each other. That will be planned
20 pursuant to the Exhibit C proposed schematic plan.

21 With respect to the service road in the
22 third picture, again this service road is being

1 changed, altered, so that what you're looking at
2 now is actually going to be filled in with more
3 landscaping buffer and the service road that is
4 going to be installed is going to be at least 24
5 feet away, greater than 25 feet away from the
6 actual property line so as to create a 25 foot
7 foliage buffer, a landscaping buffer between the
8 two properties.

9 With regard to, there was a mention that
10 this was a variance request by Mrs. McClure, I
11 don't know if that was intentional or not but to
12 be clear this is not a variance request. It is a
13 height modification request that (inaudible) with
14 the standard.

15 With respect to the Fielding's concerns,
16 again, their property is approximately 200 --
17 their residence is approximately 270 feet from the
18 property line, approximately 600 feet, excuse me,
19 greater than 600 feet -- there is greater than 600
20 feet of foliage between their residence and the
21 end of the foliage per plant.

22 There is greater than 500 feet, just

1 slightly less than 500 feet between their
2 residence in the existing school building and 600
3 feet between their residence and the proposed new
4 church, all of which, you would have to look over
5 at the tree line in order to see the new church
6 building.

7 The bio retention facility is not again a
8 pond. It will be surrounded by a protected screen
9 so that it will be protected from, really anyone
10 from being, without access from being able to get
11 within (inaudible) these new bio retention
12 facilities are specifically designed so as to
13 prevent insects or animals or otherwise other
14 unintentional biology from being within them.

15 The hardships that these opponents have
16 raised are not undue. They're not substantial
17 deterrents. The reality is that this church has
18 pre-existed all of these homes in the
19 neighborhood. This church has been a church in
20 this neighborhood, for this area of Spotsylvania
21 County for greater than 35 years.

22 When one moves into a church facility, one

1 is not promised that the church facility will
2 remain the same. And again, I think the primary
3 point to consider in all of this is that at the
4 high end of the road where the road will be built,
5 it is a by right 35 feet construction to that end
6 of the road, it is just maintaining that line
7 further to the west and then dropping it down so
8 to create what will become what is effectively a
9 walkout basement.

10 The purpose of this entire construction is
11 to reduce the number of mass exits and entrances
12 into the facility by the number of the services
13 that are required every weekend and even more so
14 during the major holidays.

15 Financial considerations are not something
16 that this Board, I can suggest, can even consider,
17 as a hardship on the neighbors or with respect to
18 the church. It has to do with the property, the
19 condition of the property itself.

20 Those are the factors that this Board,
21 bylaws are permitted and required to consider with
22 respect to the height modification request.

1 That concludes my rebuttal, so I'm happy
2 to answer any additional questions, but without
3 any more questions I would ask this Board to
4 consider our height modification request.

5 MR. HILLDRUP: Any --

6 MR. BRAMLETTE: I have to ask a question.
7 Actually not for you, I'd like to talk to the
8 engineer between you.

9 Do you have this Exhibit A in front of
10 you? Take out Exhibit A and Exhibit C, please.

11 MR. HILLDRUP: Come on up to the table so
12 we can talk to you closer, please.

13 MS. MATTISON: Thank you.

14 MR. STEPONGZI: Can I make one statement
15 before you begin? This is not a variance request.
16 This is an appeal on height and I believe the
17 decision is how do you measure the height of the
18 building, do you measure it from the front of the
19 road at 35 feet or the average height which is 47
20 feet in the back plus 35, with the difference
21 being what we're looking at tonight, and Mr.
22 Tignor am I wrong?

1 MR. TIGNOR: The definition of height is
2 the average to the middle of the eave from the
3 ground up. As depicted it's absolutely accurate,
4 35 feet to the middle eave on the front, 47 to the
5 middle eave on the back, the average is 41 feet.

6 MR. STEPONGZI: So we're not going by the
7 form tonight, which would be for a variance --

8 MR. TIGNOR: -- modification by 6 feet.

9 MR. STUCHELL: So they still have to meet
10 all three criteria.

11 MR. HILLDRUP: Okay.

12 MR. STUCHELL: Right?

13 MR. TIGNOR: That's correct.

14 MR. HILLDRUP: Okay, you're in the
15 spotlight.

16 MS. MATTISON: Uh-oh.

17 MR. BRAMLETTE: Very simple questions
18 actually, when I look at Exhibit A there is a
19 tremendous amount of woodline behind what is now a
20 playground, and comparing them as points of
21 reference, the water treatment plant in both
22 Exhibit A and Exhibit C, okay, because your

1 Exhibit C has done away with a whole bunch of
2 things and has added a whole bunch of things. All
3 right, so we need to have a point of reference, so
4 that will become the point of reference.

5 From there then I'm looking at your bio
6 retention facility, which is back here, then the
7 woods that are shown in Exhibit A, and obviously
8 you have to tear down some of those woods in order
9 to put the road in.

10 What are you doing about maintaining the
11 rest of that woodline because it's a tremendous
12 amount of woods there?

13 MS. MATTISON: Not clearing anything more
14 than is absolutely necessary.

15 MR. BRAMLETTE: So basically you've got a
16 12 foot road going in and you've got a bio
17 retention pond which is supposed to be --

18 MS. MATTISON: That will be a landscape
19 feature as well. There is very extensive
20 (inaudible) to this.

21 MR. BRAMLETTE: All right. Then that
22 leaves then, when I'm looking at this from the

1 water treatment plant back, there is a tremendous
2 amount of woods between the service road, with a
3 creek in the middle of it and the property line.
4 How much of that woods will remain?

5 MS. MATTISON: Nearly all of it. There
6 will be some grading pretty much where you see the
7 outlet coming out with the pipe at the bottom of
8 the bio retention facility that's it (inaudible)
9 under grade system but everything on the other
10 side of the wetlands is remaining.

11 We are not disturbing the wetlands or
12 impacting them in any way. The majority of the
13 trees on the other side will remain as much as
14 possible. There will be some (inaudible).

15 MR. BRAMLETTE: That brings up another
16 question because you just mentioned the wetlands.
17 Is this wetlands connected to the Chesapeake Bay
18 wetland?

19 MS. MATTISON: Yes, everything in
20 Spotsylvania is connected to the Bay. I'm not
21 sure I understand the question.

22 MR. BRAMLETTE: Well I've built things in

1 this, various counties around here, and any stream
2 that flows then into some other tributary to
3 some other tributary ends up in the Chesapeake,
4 ends up being in that flow of protection zone.

5 MS. MATTISON: Yes, we are, you know, we
6 are fulfilling the requirements of the Chesapeake
7 Bay Protection Act if that's what you're asking.
8 This bio retention will provide the phosphorus
9 removal as the indicator nutrient removal for any
10 from the property. It's also providing all of the
11 storm water regulations in terms of flood
12 protection and channel protection for the
13 property.

14 MR. BRAMLETTE: Your Exhibit C shows that
15 (inaudible) gets down to, right next to the creek.

16 MS. MATTISON: Yes, that's an underdrain
17 system. You know it's going to be a trickle kind
18 of removal there. It's down near the creek, but
19 it's not in the creek and there is no RPA there.
20 Those are not perennial streams, they are
21 intermittent. There is no resource protection
22 area around that stream.

1 MR. BRAMLETTE: That's all I have. Easy
2 questions.

3 MR. HILLDRUP: Anything else?

4 MR. STUCHELL: Yes, I've got one. Final
5 question, because this is a modification we have
6 the three criteria that we have to go through,
7 it's been mentioned multiple times, especially
8 number 2, that such hardship is not shared
9 generally by other property in the same zoning.

10 My question has to be, why is that? I
11 look at thousands of properties. I'm a real
12 estate professional. This is a rolling, sloping
13 topography, lots and lots and lots of properties
14 have rolling sloping topography. So is the
15 hardship because it's a church and that you really
16 need or want 35 feet on a main floor?

17 MR. KALISH: The hardship is, in part, all
18 right, because of the existing facilities that are
19 already there which we have to consider. So in
20 other words, would another parcel in Spotsylvania
21 County that we were looking to build this building
22 on, face similar problems which you can't take an

1 apples to apples view of because of the fact that
2 the current existing facilities already exist.

3 So in other words, if you were to take the
4 building that we're intending to build and put it
5 on another plot, yeah, you could put that building
6 on another plot elsewhere in Spotsylvania County,
7 there is tons of areas in Spotsylvania County that
8 are perfectly permissible for a church of this
9 size, of this design, this nature to be built, but
10 the fact of the matter is that you have to worry
11 about this lot. And this lot prevents us from
12 building our proposed building just about anywhere
13 else without facing this hardship.

14 MR. STUCHELL: I guess my question though
15 really is in order to have this basement at a 35
16 foot main floor, from the floor up to the top of
17 the roof, to have all this in there no matter
18 where you build it, you're asking for a 47 foot
19 tall building, correct?

20 MR. KALISH: That's not quite -- that is
21 not accurate. I would disagree with that
22 statement. I mean the reality is, is that --

1 MS. MATTISON: If the basement were fully
2 buried, it would meet the height requirements --

3 MR. STUCHELL: But that's also been
4 brought up and -- your point was we can't take
5 into consideration or shouldn't take into
6 consideration any financial cost that that would
7 be involved.

8 MS. MATTISON: There is also, there is
9 other restrictions back here. You know they've
10 mentioned we are adjacent to the Chancellor
11 Battlefield property. There is an identified
12 historic resource possibility back there, you
13 know, if we went in search of it we could, we
14 could end up disturbing (inaudible) and some of
15 the trenches that are back there. I don't think
16 that's anything that the church wants, you know,
17 or is considered a desirable outcome.

18 MR. KALISH: Again, I think you can quite
19 frankly consider the -- you're not expected to
20 build the impossible to make this request a
21 reasonable request.

22 With respect to the financial

1 considerations, there is a difference between
2 financial cost of construction as a burden versus
3 a potential affect on property values, those are
4 different equations that this Board, in other
5 words, can't consider with respect to our prong of
6 the test, not necessarily a consideration that an
7 opponent can consider (inaudible) or a neighboring
8 property owner would just throw out there without
9 further justification as to why they believed that
10 financial harm would exist simply because of the
11 construction of an additional church building on
12 the (inaudible) lot.

13 MR. STUCHELL: That's all I have.

14 MR. HILLDRUP: Anything else? Are you
15 finished, sir?

16 MR. KALISH: Yes, sir, thank you.

17 MR. HILLDRUP: Okay. Thank you. All
18 right with this testimony and stuff the --

19 MR. TIGNOR: Can I just speak to some of
20 the exhibits (inaudible) summarizing if you'd
21 like. I have by my count five documents that have
22 been entered into the record.

1 MR. HILLDRUP: We're going to put them in.

2 MR. TIGNOR: (inaudible) recognized when
3 you're ready.

4 MR. HILLDRUP: Anybody else saying that
5 this hearing is adjourned? Opposed? And we will
6 -- (inaudible).

7 MR. TIGNOR: Mr. Chairman, we must have a
8 motion and a vote to close the public hearing.
9 That didn't occur. There was no motion and no
10 second to close the public hearing. These records
11 need to be entered before the public hearing is
12 closed.

13 MR. STUCHELL: And I'd like to hear what
14 Mr. Tignor has to say before we close the public
15 hearing.

16 MR. HILLDRUP: Okay, I'm sorry. I stand
17 corrected then.

18 MR. TIGNOR: Okay, the first record
19 submitted by the (inaudible) --

20 MR. STUCHELL: That's been voted on.

21 MR. TIGNOR: Okay. The second record, the
22 staff report from the zoning office. Third record

1 is a letter from Spotsylvania Supervisor Timothy
2 McLaughlin in support of the church's application.
3 An email from the Fieldings that is dated March
4 19th, an email from the McClure's that is dated
5 March 15.

6 I would ask that the Board enter all of
7 that into the public (inaudible).

8 MR. STUCHELL: I make a motion that we
9 accept all those articles of --

10 MR. STEPONGZI: Second.

11 MR. HILLDRUP: We have a second. All
12 those in favor say aye.

13 (All Board Members responded in the affirmative).

14 MR. HILLDRUP: So moved. Can I close the
15 meeting, sir?

16 MR. TIGNOR: That would be up to you, sir.

17 MR. BRAMLETTE: I'd like to make a motion
18 that the meeting be closed at this time.

19 MR. STUCHELL: Second.

20 MR. HILLDRUP: We have a second. All in
21 favor?

22 (All Board Members responded in the affirmative).

1 MR. HILLDRUP: So moved.

2 MR. STEPONGZI: Do you want to close the
3 public hearing?

4 MR. TIGNOR: There should be a motion to
5 vote -- (inaudible).

6 MR. STUCHELL: I would make a motion to go
7 ahead and vote on this case this evening.

8 MR. HILLDRUP: Okay. We have a motion to
9 vote tonight.

10 MR. BRAMLETTE: Second.

11 MR. HILLDRUP: All right. All those in
12 favor say aye.

13 (All Board Members responded in the affirmative).

14 MR. ROBERSON: Folks, can I have your
15 attention, they are going to vote the case here
16 tonight. Can I have your attention, please? Mr.
17 Chairman.

18 MR. HILLDRUP: Yes, sir. What's your
19 pleasure, gentlemen?

20 MR. BRAMLETTE: There has been a lot of
21 information passed back and forth here. In my
22 opinion a lot of it has nothing to do with the

1 height of the building, but how does the height of
2 the building, does it impinge upon the sightline
3 of various homeowners, and that's an issue that we
4 have to take into consideration. However it's not
5 really part of what we need to consider as far as
6 making a decision as to a height that is
7 reasonable for the piece of property or for the
8 use of the building that (inaudible) put on that
9 piece of property. Given that and given that
10 there does not really seem to be, looking at all
11 of the other drawings and so forth, having been on
12 the property where everything to the left and back
13 on that property is uphill, anything built there
14 is going to be much more visible to anybody than
15 the location (inaudible) is there.

16 My position would be that the church be
17 moved further back but all that is going to do is
18 make that church that much more visible because
19 it's in one of those (inaudible) if you line up
20 the back as it is designed, the visibility is just
21 the roofline.

22 If you move that church back, more and

1 more of it's going to be there because that's
2 going to be open space. It's going to in fact
3 block the rectory, the view of the rectory.
4 They're not going to see the rectory any longer,
5 you'll see the side of the building, so I don't
6 see that my ideas exactly solve any of the problem
7 of who gets to see that.

8 So I'm back to what is the real principals
9 of the case, and the case is are we willing to
10 allow 6 feet extra height for the church that is
11 being presented as what they want to do.

12 My position is I think it's a viable
13 alternative.

14 MR. STEPONGZI: Let me make a motion,
15 since it's in my district, to approve the appeal
16 to the modification that a strict application of
17 the ordinance would produce undue hardship
18 (inaudible) hardship is not shared generally with
19 other properties in the same zoning district, the
20 same vicinity and the authorization of the
21 modification will not be of a substantial
22 detriment to adjacent property and the character

1 of the zoning district will not be changed by
2 granting the modification, with one condition that
3 second level transition screening be utilized as
4 part of the approval. That's my motion.

5 MR. ALLEN: I second that motion.

6 MR. HILLDRUP: We have a second. Any
7 further discussion?

8 MR. STUCHELL: I would just like to say
9 that I do not feel there is any undue hardship
10 that other people would not have. It's really
11 (inaudible) part of the issue and really they just
12 want an extra 12 feet of building, but if they
13 moved the buildings back like you were suggesting
14 they would actually have to go to a 35 foot
15 building, period. So it's trying to get the extra
16 building and I just don't see a need for it.

17 MR. HILLDRUP: We had a motion and a
18 second. Now discussion.

19 MR. STEPONGZI: Well, I'm going to -- if
20 you move the building back then you're going to
21 impact the little creek, you've got the bio
22 retention facility in the back and you (inaudible)

1 to have potentially that, also closer to the
2 homeowners in the back of the building back there.
3 Understand that (inaudible) understand that this
4 is a tough decision, I believe that by asking for
5 the additional (inaudible) as part of the appeal
6 that we can address the concerns of the
7 homeowners.

8 I understand that they're not going to be
9 planting 40 foot trees, but at least there will be
10 additional ground cover and landscaping with the
11 trees than what they're currently proposing.

12 MR. HILLDRUP: We have a motion. We have
13 a second. Any other discussion? If not, let's
14 vote. All those in favor say aye.

15 (All Board members vote in the affirmative,
16 except Mr. Stuchell).

17 MR. HILLDRUP: All against?

18 MR. STUCHELL: Nay.

19 MR. HILLDRUP: We have 4 to 1. It passes.
20 thank you all for coming out.

21 MR. STUCHELL: A motion was made for Mark
22 to be chairman.

1 MR. HILLDRUP: Vice chair?

2 MR. STUCHELL: Pete.

3 MR. HILLDRUP: Pete is not here but he
4 says he would love to do it, okay.

5 MR. STUCHELL: I second it.

6 MR. HILLDRUP: All in favor say aye.

7 (All Board Members responded in the affirmative).

8 MR. HILLDRUP: Congratulations Pete.

9 Okay, secretary.

10 MR. STUCHELL: Motion for Mr. Allen to be
11 secretary.

12 MR. BRAMLETTE: Second.

13 MR. HILLDRUP: Motion for Mr. Allen to be
14 secretary. All in favor say aye.

15 (All Board Members responded in the affirmative).

16 MR. HILLDRUP: So moved.

17 MR. BRAMLETTE: Mary, any new business?
18 Do we have a meeting scheduled for next month?

19 MS. CHEWNING: No, sir, we do not.

20 MR. BRAMLETTE: Okay.

21 MR. STUCHELL: Make a motion that we
22 adjourn.

1 MR. HILLDRUP: Do we have a motion to
2 adjourn?

3 MR. BRAMLETTE: I make a motion that we
4 adjourn.

5 MR. STUCHELL: Second.

6 MR. HILLDRUP: All in favor say aye.

7 (All Board Members responded in the affirmative).

8 (The hearing concluded at 9:35 p.m.)

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