

May 11, 2023

Kelly Machen
Community Planning & Building
City of Fredericksburg
kmmachen@fredericksburgva.gov

**RE: St. Mary SUP 23-01 – Response Letter to Community Comments
GPINs: 7779-62-6888, 7779-63-3047, 7779-63-3062, 7779-62-3987, 7779-62-4921,
7779-62-5914, 7779-62-5968, 7779-62-5090, 7779-63-6190, 7779-63-6128, 7779-63-
6201, 7779-63-5175, 7779-63-5150, 7779-63-4087 (the “Property”)**

Kelly,

I hope this letter finds you well. As you are aware, I represent Saint Mary of the Immaculate Conception (“St. Mary”) in connection with its recently submitted Special Use Permit application to allow the expansion of the current religious institution and supporting accessory uses for St. Mary, all located on the Property. Secondly, this Special Use Permit application is intended to consolidate and incorporate all prior, existing special use permits granted to St. Mary by the City since 1974. We believe approval of this application will promote a more efficient process to identify and manage all uses on the Property.

It is our understanding that certain persons or person has over the past four (4) years filed complaints with the City regarding St. Mary’s use of the Property, and this letter serves as St. Mary’s response to each comment circulated by the City and received as of May 10, 2023.

Please see note the following responses:

1. 1104 Augustine Ave – Noise from kids on deck
 - Periodic gatherings of minor children on the rear deck that create noticeable and objectionable noise.

- **Applicant's Response:** The Church holds periodic Church-related events; however, all events end at or before 9:00 PM. Any noise following events would be mere conversation of parishioners leaving the area or mingling in the parking lot. We admit that children have tendency to make noise.

2. 1308 Royston St – Children playing on vacant lot

- Children are at times allowed to play in the lot that abuts to the rear of 1104 Augustine and extends to Royston with little to no adult supervision to control where they play and how much noise they make.
- **Applicant's Response:** The Church provides supervision of children on the Property, including the lot that abuts to the rear of 1104 Augustine, during all Church events. However, please note that the Church is not responsible for providing 24/7 supervision for neighborhood children that come onto the Property to play outside of hours of operation or unrelated to any Church event.

3. 1102 Augustine Ave – Exceeds Occupancy Allowed

- Fredericksburg residential occupancy zoning ordinance specifies that "... a group of not more than three unrelated persons living together as a single housekeeping unit" may legally dwell in a residence. Four parish priests dwelling in 1102 Augustine violates this zoning ordinance.
- **Applicant's Response:** Yes, there are actually five priests that reside at this residence. This is being addressed through this Special Use Permit application.

4. 1300 Royston St – Overcrowding Exceeds Occupancy Allowed

- Per Andrew Schulman's 9/30/19 email, the parish Director of Sacred Music resides here. There seems to be more than one individual living in at 1300 Royston based on the number of cars and people leaving the residence.
- **Applicant's Response:** There is only one individual that resides in this residence. Such individual occasionally has guests.

5. 1316 Royston St – Short-term rental

- A number of different people occasionally dwell in this residence for short periods of time much like temporary housing or an Airbnb.

- **Applicant's Response:** This residence is not used for a short-term rental or Airbnb. This residence was the former convent for nuns; however, it is currently vacant. The Church has on occasion used this residence as a guest house. No guest, nun, or other individual pays or has paid to stay in this residence.

6. 1316 Royston St – Short-term rental

- On 10/7/21 a Net Ministries (<https://netusa.org/mission/>) van pulling a trailer parked in the driveway of 1312 Royston. About 8-10 young men and women unloaded suitcases, sleeping bags, pillows, drinks, other provisions and musical instruments into 1316 Royston. One young man in the group stated they were staying there for the next 10 days since they tested positive for COVID. He said they are missionaries who travel in the van and perform at different events and Catholic Churches and are now quarantining in one of both of these residences. Several members did not comply with quarantine procedures but rather walked around the neighborhood. One young man was seen vomiting in the front yard. No adults were noted to help or advise these young people on what proper quarantining measures are. There were at least 3-4 prior instances of Net Ministries members staying in 1316 Royston for multiple nights.
- **Applicant's Response:** Please see #5 above. Also note that on this occasion, Net Ministries stayed for one night and all individuals were above 18-years-old. The Church also does not believe that supervision of adults is a zoning concern or necessary. Net Ministries has visited the Church on other occasions without issue.

7. 1316 Royston St – Short-term rental

- A possible zoning violation at 1316 Royston occurred from 2/26/23-3/1/23 where the Church provided temporary housing for a priest who was providing in-kind services to St. Mary's. Father Riley stayed in 1316 Royston to conduct a Lenten Retreat. This residence is not zoned like an Airbnb to temporarily lodge visitors who exchange services for lodging.
- **Applicant's Response:** Please see Response #5. Father Riley was merely a guest.

8. 1101 Stafford Ave –Hours of operation

- Attached is an Alleged Zoning Violation form submitted for possible zoning violations at 1101 Stafford. It appears church business is being regularly conducted in this family counseling facility after SUP specified hours of 5:00pm per the 2/14/12 SUP. The SUP

requires that regular hours of operation shall be limited to Monday through Friday from 9:00am to 5:00pm, however it appears that this facility is in regular use much later than 5:00pm. 1101 Stafford, we have noticed multiple times during this winter that lights are on later in the evening than the specified 5:00pm business closing time. I see this since I let our dogs out in the front yard each evening after they eat and can easily see office lights on in 1101 Stafford from my front yard. I have not documented the specific dates and times but I do see what appears to be business activity being conducted at 1101 Stafford which if correct violates the SUP conditions and should be ceased unless for emergency visits.

- **Applicant's Response:** Counseling services are only provided during normal hours of operation, unless there is an emergency. Occasionally, workers will stay after hours to complete administrative tasks such as paperwork. Or, in some instances, lights may have been simply left on by mistake.

9. 1101 Stafford Ave – Hours of operation

- As my wife and I were walking our dogs last night, 4/3/23, at about 6:25pm near Buckner and Stafford, we happened to see two men talking near the rear door of the Catholic Charities Family Services facility at 1101 Stafford. A lady walked up to the two men carrying what looked like food and a drink and then all three entered the facility. Regular hours of operation are supposed to be limited to between 9:00am to 5:00pm except for "emergency visits". There did not seem to be any emergency since all three people did not seem stressed, in a hurry or in any way acting like there was something critical happening. If this was not an emergency, it seems this facility operates as they wish without regard to the SUP requirements.
- **Applicant's Response:** Please see Response #8.

10. 1104 Stafford Ave – Hours of operation

- The times of operation condition is regularly violated at this property as I've reported to Zoning before, but last night was particularly bad. I let my dogs out in my front yard at about 9:55pm and could easily hear several people speaking from the rear upper deck of 1104 Stafford, on the stairs and on the walk between the home and the main church grounds. There were many lights on in the upper level so I easily saw a number of people moving around. The parish calendar shows a meeting scheduled between 6:30-9:00pm of the Spanish Group Mariano so I assume this is the group making the commotion. Even the listing in the calendar violates the SUP operating hours condition. This is just one reason why the upcoming SUP should not be approved by Planning.

- **Applicant's Response:** The Church recognizes this error and confirms that the event ended at 9:00 PM. After the event, some parishioners stayed and continued to have conversations and mingle while they headed to the parking lot. We have since better managed this similar type of event.

11. 1104 Augustine Ave – Playground Visible

- Children and a playground clearly visible from Royston with a line of sight extending from Royston across the vacant lot to the playground. There is no natural screening or buffer that exists as required in the SUP.
- **Applicant's Response:** The below photo is the only location where the playground is visible from Royston Street. The playground is setback at least 250 feet from the curb of Royston Street. Further, the Special Exception granted to the Church in 2003 states that the playground must be screened from *adjacent residential uses*. It appears that the adjacent residential uses are screened from the playground with fencing and trees (*please see the images below*).

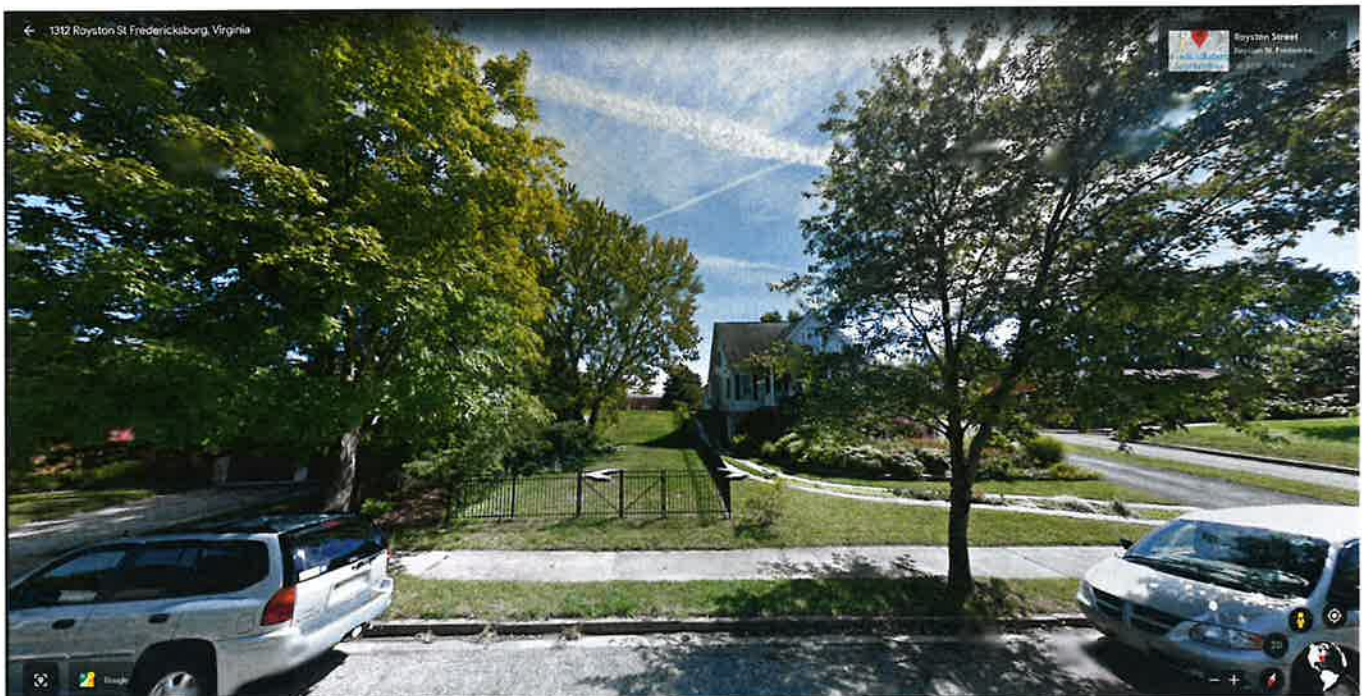


Figure 1 - Google Earth Street View from Royston Street.



Figure 2 – Google Earth Overhead View showing playground (circled) and existing screening between playground and adjacent residential uses.

12. 1301 William St – Vehicular traffic

- There is so much vehicular traffic that sheriff deputies with an official patrol car are at times on duty to direct traffic on William Street entering and leaving the Church grounds and surrounding streets.
- **Applicant's Response:** This is true; however, the Church hires these off-duty sheriff deputies to control and efficiently direct traffic following major services (e.g., Christmas, Easter) and events where larger crowds are expected. The Church does not require, nor does it hire, these off-duty sheriff deputies for every day or service (only on an as-needed basis to increase safety and efficiency of traffic movements). Again, we only do this for large events to assist us in managing traffic and to ensure public safety.

13. 1308 Royston St – Parking Problems

- People park on Royston and enter through the gate to walk either the rear of 1104 Augustine or to go to the main Church grounds. This creates parking problems and increases traffic congestion.

- **Applicant's Response:** The Church is not aware of any parishioners or employees doing this, and certainly does not encourage this behavior. However, the Church is amenable to putting up fencing along Royston Street to discourage this behavior in the future.

14. 1312 Royston St – Parking Problems

- Occasionally, people park on Royston and enter the main Church grounds by walking up the driveway and entering through the gate at the rear of 1312 Royston. This increases parking problems and traffic congestion.
- **Applicant's Response:** Please see Response #13.

15. 1316 Royston St – Parking Problems

- Occasionally, people park on Royston and enter the main Church grounds by walking up the driveway and entering through the gate at the rear of 1316 Royston. This increases parking problems and traffic congestion.
- **Applicant's Response:** Please see Response #13.

16. 1312 Royston St – Large meeting on site

- Per the Church calendar, on June 1, 2021 a large number of approximately 20-25 people attended a Virginia Catholic Conference meeting at 1312 Royston. A catered meal was served with numerous people entering and exiting the front and side door. There have been at least 3-4 subsequent VCC meetings at 1312 Royston. This is a recurring, periodic meeting by a political action arm of the Catholic Church whose mission is to influence Virginia and federal legislation on matters particular to conservative adherents of the Catholic faith, especially focusing on anti-reproductive rights and limiting marriage equality: <https://vacatholic.org/about-us/>. To claim that meetings like this are the same as hosting a book club meeting in a private residence is a clear and obvious false equivalence. A book club meeting is an informal gathering of a group of people to discuss a book. A formal VCC meeting is in no way similar to a book club.
- **Applicant's Response:** This group was about 15 people, and assume the City recognizes the right to meet and discuss topics of concerns.

17. 1312 Royston St – Church meeting on site

- "Attached is an Alleged Zoning Violation form submitted for possible zoning violations at 1312 Royston on 3/8/23. It appears a church meeting was conducted at this residence sometime between about 6:30pm - 9:30pm. This is the residence the Catholic Church is applying for a SUP which has not been approved. Without an approved SUP, no church business can be legally conducted. As far as 1312 Royston, there have been many, many meetings and other questionable activities including one on Saturday, 3/11/23, which I will document in another Alleged Zoning Violation form which I will send to you soon. Our front windows look out to both 1312 and 1316 Royston so we at times happen to notice people and vehicles coming and going at these residences. Here are some of the activities conducted at 1312 Royston that we have documented:
 - Per the Church calendar, on June 1, 2021 a large number of approximately 20-25 people attended a Virginia Catholic Conference meeting at 1312 Royston. A catered meal was served with numerous people entering and exiting the front and side door. There have been at least 2-4 subsequent VCC meetings at 1312 Royston.
 - On the morning of 6/16/21, the Fredericksburg Fire Department responded to a report of a significant amount of billowing smoke and visible flames coming from the driveway at the rear area of the property. It looked like a man was burning yard waste and rubbish in a large fire pit in violation of fire safety regulations.
 - On 9/13/21 a black SUV was very carefully parked at the rear of the driveway after multiple attempts to position it so that it partially blocked the view from Royston. A number of people came through the gate at the rear of 1312 from the main church campus and entered the garage. Lights were on in the residence and a number of people were visible inside. It was somewhat amusing that the SUV driver had to reposition the car several times so that the vehicle blocked as much of the view as possible. It seems the driver was attempting to hide the fact that a meeting of some kind was held in 1312.
 - On 11/8/21, apparently a religious education class was conducted beginning about 6:30pm per the church calendar which also said classes are to be held every Monday night for the next several weeks. Over a dozen people were seen entering 1312.
 - On 3/14/22 at about 7:00pm, a man, possibly a priest (hard to tell since it was somewhat dark and he wore dark clothes) met with a man and a woman inside 1312 who parked their car in front of the residence.
 - On 4/1/22 about 20 people entered the garage from the main church grounds. These people were dressed up for what looked to be some kind of event. This was preceded by a number of people carrying items into the residence which might have been food and beverages for an event."

- On 5/18/22 at about 6:30pm a priest led a group of about a dozen children and adults into the side entrance of 1312. A second man carried a cooler into the residence. Nothing was noted on the calendar. People moved between 1312 and 1316 Royston. I took the dogs out at about 9:50pm and lights were on at both 1312 and 1316 Royston so it looks like a number of people may have stayed in each residence.
 - On 6/8/22 another Virginia Catholic Conference Management Committee meeting was held at 1312 per the calendar similar to the one documented on 6/1/21.
 - On 7/23/22 at about 4:15am we were awakened by our dogs barking. We looked out our bedroom window and saw two men carrying items out of the side door of 1312 to the main campus via the back gate. The men came back 4 more times to carry more items.
 - On 12/8/22 at about 11:45am a person parked in front of 1312 and walked up the driveway, through the gate and entered the main church grounds. This is one example of many people parking on Royston and using gates at the rear of both 1312 and 1316 to come and go to the church. A priest promised the College Heights Civic Association that entry from these residences would not occur.
 - On 1/19/23 at about 5:00pm, lights on the first floor were on and people were inside for some kind of event. Nothing noted on the church calendar.
 - On 3/8/23 at about 6:30pm, there looked to be a meeting of some sort in both 1312 and 1316 with lights on in both residences. Nothing was listed on the calendar for these residences. The calendar showed an Exodus 90 meeting at 7:00pm in the Courtyard Meeting Room and a Cana Ministry bible study at 7:30pm also in the Courtyard Meeting room.
 - On 3/11/23 several people came through the gate fence and entered the rear of 1312 at about 9:00am. A little later about 6 people left the side door of 1312 and entered the rear of 1316. The calendar lists a SPRED class, a Special Religious Education class, to be held in the Parrish Life Center from 9:00am to 1:00pm. At about 1:00pm a person came through the gate and entered the rear garage carrying two large paper bags which looked to be lunch. At about 1:35 4 people walked from 1316 to 1312 and entered the side door. People from 1316 came over to 1312 ostensibly for lunch. There is nothing on the calendar about these gatherings."
- **Applicant's response:** Meetings are held on the Church Property. The Pastor also occasionally stays at 1312 Royston Street and hosts these meetings, which consist of approximately 12-15 people. Lunch is sometimes served at this residence with the Pastor.

18. 1312 Royston St – Fire Department called to site

- On the morning of 6/16/21, the Fredericksburg Fire Department responded to a report of a significant amount of billowing smoke and visible flames coming from the driveway at the rear area of the property. It looked like a man was burning yard waste and rubbish in a large fire pit.
- **Applicant's Response:** The Church has a BBQ area. There was no yard waste or rubbish burning in a large fire pit. The BBQ grill is average sized, and blessed items, like palms, are burned therein to ensure that they are not used for non-holy uses. The Fire Department arrived and shortly left thereafter without incident.

19. 1312 Royston St – Police Department called to close door

- A neighbor called the Fredericksburg Police Department in early June 2021 to report the front door was open for several days. The PD responded and the door was closed.
- **Applicant's Response:** The door was not commonly used. The Police Department closed the door and the Church has not had an issue since.

20. 1104 Augustine Ave – Deck enlarged without permit

- Large load bearing wooden upper deck extension with stairway installed in rear of 1104 Augustine. Did the city inspect these modifications to ensure all safety regulations are met? Is it required that the more extensive modifications be performed by a licensed contractor? This is especially important for the load bearing wooden deck and stairway in the rear of 1104 Augustine.
- **Applicant's Response:** The deck was not enlarged. A group of parishioners were originally scheduled to serve the community in other capacities; but due to COVID-19, such plans were canceled. Instead, the parishioners replaced rotten boards on the existing deck – less than 100 square-feet. Such deck was built before the Church bought the Property. The foundation of the deck was not touched. The Church was informed that no permit was required.

21. 1104 Augustine Ave – Patio extension added without permit

- A patio extension below the upper deck.
- **Applicant's Response:** The patio has never been extended.

22. 1104 Augustine Ave – Sidewalks added without permit

- Concrete walkways connecting the main Church grounds to 1104 Augustine.
- **Applicant's Response:** The concrete paths have never been extended and have existed for approximately 20 years, if not longer.

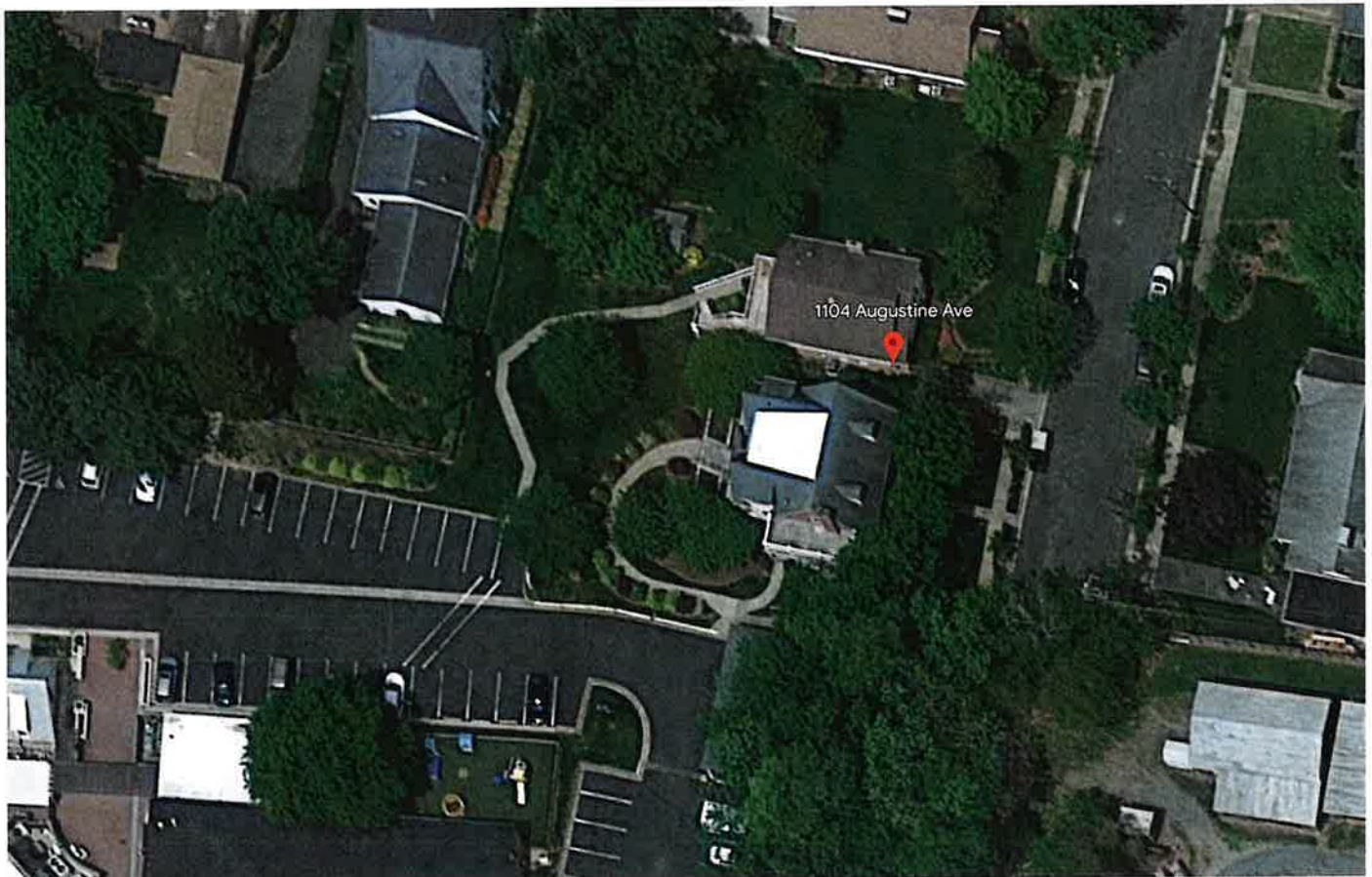


Figure 3: Google Earth Overhead View of Concrete Sidewalk

23. 1104 Augustine Ave – Pathway Lighting Installed without permit

- Electrical underground pathway lighting connecting the main grounds to 1104 Augustine.
- **Applicant's Response:** This was installed. The Church was told by the electrician that a permit would not be necessary. If that is incorrect, the Church is willing to work with the City to correct this error.

24. 1104 Augustine Ave – Conversion from residential to office/educational without permit

- Assumed interior modifications necessary to convert a residential dwelling to a Church office and religious educational classrooms to 1104 Augustine.
- **Applicant's Response:** The interior of the residence was painted and couches were delivered. No other modifications were completed.

25. 1104 Augustine Ave – Door without handle without permit

- A standard residential front door of 1104 Augustine changed to one that has no exterior handle to allow access from the exterior front of the residence.
- **Applicant's Response:** The door was replaced without an external door handle.

26. 1301 William St – Exterior lighting installed without permit

- A number of overhead exterior and security lights added to illuminate the main Church grounds increasing light pollution. Do the exterior security lights conform to the City's lighting standards? Multiple electric security lights have been installed which may or may not require a permit.
- **Applicant's Response:** There were no overhead exterior or security lights added to the main Church grounds. However, the Church did replace light bulbs with LED light bulbs.

27. 1301 William St – Church upgrades/repairs

- It is not clear if the upgrades and repairs to the Church buildings such as roof replacements required or received permits.
- **Applicant's Response:** It is St. Mary's understanding that the City is checking its database to see which permits have been pulled. St. Mary is willing to work with the City to correct any errors in permitting.¹

28. 1308 Royston St – Fence installed without permit

- There is a black metal fence parallel to Royston between 1300 and 1312 Royston with a large gate. The fence then runs along the property line next to 1312 Royston and extends to the Church parking lot at the main grounds.
- **Applicant's Response:** This is not a new fence and has been there for over a decade. However, it is St. Mary's understanding that the City is checking its database to see which permits have been pulled. St. Mary is willing to work with the City to correct any errors in permitting.

29. 1312 Royston St – Conversion from residential to church use without permit

- The June 12 From Our Pastor newsletter, <https://stmayfred.org/from-our-pastor-154/>, states that this residence is now the St. Joseph House for Adult Education. The newsletter further states that this residence hosted a meeting of the Virginia Catholic Conference (VCC) the week before publishing the newsletter. The newsletter further stated that the Church planned to hold an open house at this residence soon. 1312 Royston is a single family dwelling not zoned as part of a religious institution. This property is zoned residential and permitted to be used as a residence by-right, however the Church apparently covertly converted it to an adult education center and a facility to conduct recurring formal Church business without applying for and being granted a SUP. In a meeting with representative from the College Heights Civic Association in May 2021, A

¹ Va. Code Title 13, Agency 5, Chapter 63-80, Section 108 (Application for Permit) permits “[r]eplacement of an unlimited amount of roof covering or siding in Group R-3, R-4 or R-5 provided the building or structure is not in an area where the nominal design wind speed is greater than 100 miles per hour (44.7 meters per second) and replacement of 100 square feet (9.29 m²) or less of roof covering in all groups and all wind zones.” St. Mary would like to note that the International Building Code Chapter 3 Occupancy Classifications identifies the Property as being within the Assembly Group A. Accordingly, the Church notes that it may replace up to 100 square-feet of its roof covering without a permit; *see also* the City of Fredericksburg's Permits & Applications [website](#).

Church official stated that the house might be used for a meeting center for small parish groups or the parish might move their pre-school students there.

- **Applicant's Response:** The Church hosts meetings, and we believe the Special Use Permit (currently pending) will clarify any confusion as to the authorized use of the Property.

30. 1312 Royston St – Interior renovations without permits

- Numerous workers were active at this residence during the spring of 2021 in what appears to be extensive renovations and improvements that include: office furniture moved in from an office liquidators truck; multiple external lighting fixtures and security devices installed; a sign hung on the side of the porch entrance indicating that this is the Saint Joseph facility; it is not clear if any internal electrical, plumbing or structural modifications were completed.
- **Applicant's Response:** An interior wall was removed and LED lights were installed in the main room.

31. All Buildings – Do properties meet building/fire code requirements

- Are there other Building and Fire Code requirements that a facility used for meetings and educational purposes has to meet such as maximum number of employees/volunteers and religious students permitted, safety, fire alarms, sanitation, emergency instructions, signage, periodic inspections by City or State officials, etc.?
- **Applicant's Response:** Yes. The Church and its buildings are inspected by the Fire Marshall annually, as required.

Further, Mr. Michael Craig provided a final common community concern: “Why would the church adhere to any new conditions coming out of this SUP process?”

Applicant's Response: St. Mary has been a supportive community neighbor since the 1970s and plans to continue, which means following all conditions imposed by the City. Additionally, St. Mary believes that this “global” Special Use Permit will “clean-up” inconsistencies between the many permits issued to the Church throughout the years under different leadership within both the City and St. Mary’s. Additionally, this global Special Use Permit is expected to provide a process to better manage and monitor St. Mary’s future activity. In a good faith effort to ensure compliance, the Church recently designated Mr. Chris Lanzarone to oversee zoning and permitting related activities and as the point-of-contact for the City to contact regarding any future issues.

Please do not hesitate to reach out with any additional questions or concerns. Thank you for your time and attention to this matter.

Respectfully,

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a long horizontal stroke that tapers to the right.

Charles W. Payne, Jr.

cc: Michael Craig, mjcraig@fredericksburgva.gov
Christopher Lanzarone, clanzarone@stmaryfred.org