

STAFFORD COUNTY BOARD OF ZONING APPEALS
May 28, 2024

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, May 28, 2024, was called to order with the determination of a quorum at 7:00 PM by Chairman Kecia Evans in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kecia Evans, Dana Brown, Steven Apicella, Everet Blaisdell, Abraham Panjshiri, Jeffrey Spinnanger, Tylor Underwood, Nathan Mowery (Alternate), Steve Gorski (Alternate)

MEMBERS ABSENT: None

STAFF PRESENT: James Staranowicz, Stacie Stinnette, Joe Gassaway

DECLARATIONS OF DISQUALIFICATION

Ms. Evans: Good evening ladies and gentlemen and welcome to the May 28th meeting of the Stafford County Board of Zoning Appeals. I now call the meeting to order it and ask that anyone who has a cell phone or other electronic devices please silence them now. Thank you. I now ask staff to conduct roll call.

Mr. Staranowicz: Kecia Evans?

Ms. Evans: Here.

Mr. Staranowicz: Dana Brown?

Ms. Brown: Here.

Mr. Staranowicz: Jeffrey Spinnanger?

Mr. Spinnanger: Happy to be here.

Mr. Staranowicz: Steven Apicella?

Mr. Apicella: Here.

Mr. Staranowicz: Everet Blaisdell?

Mr. Blaisdell: Here.

Mr. Staranowicz: Tylor Underwood?

Mr. Underwood: Here.

Mr. Staranowicz: Abraham Panjshiri?

Mr. Panjshiri: Here.

Mr. Staranowicz: Alternate member Nathan Mowery?

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Mr. Mowery: Here.

Mr. Staranowicz: Alternate member Steven Gorski?

Mr. Gorski: Here.

Mr. Staranowicz: That completes the roll.

Ms. Evans: Okay, do we have a quorum?

Mr. Staranowicz: Yes, Madam Chair, you do.

Ms. Evans: Alright. Let the record reflect that we have a quorum tonight with seven voting members present. Before we hear the first case, does any board member wish to make any declaration or statement concerning any case to be heard before this board tonight? Ms. Brown?

Ms. Brown: Yes, no declaration just a statement. I did visit the property today. I didn't go on the property but I drove through the neighborhood and drove by.

Ms. Evans: Thank you. Anyone else? Alright. The BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA is to hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator. Hearing of appeals will be conducted in two parts. The first will be a review of jurisdiction and standing. The second will be the hearing of the merits of the case, if required, at the review of jurisdiction and standing; hear and decide upon request for variance from the Zoning Ordinance when a literal enforcement of the ordinance would result in unnecessary hardship to the owners of a property; hear and decide on requests for special special exceptions where the Zoning Ordinance allows for special exceptions. The hearings will be conducted on the following order. I will ask the BZA Vice Chair to read the case. I will then ask the applicant or their representative to come forward and state their name and address, and present the case to the board. You will be allowed 10 minutes to present your case. I will then ask for any member of the public who wishes to speak in support of the application to come forward and speak. You will only have 3 minutes. There shall be a 3-minute time limit for each individual speaker and 5-minute time limit for a speaker who represents a group. After hearing from those in favor of the application, I will ask for any member of the public who wishes to speak in opposition to the application to come forward and speak. You will only have 3 minutes. After all public comments have been received, the applicant shall have 3 minutes to respond and provide closing remarks. Members of the board may ask questions of the applicant to clarify or better understand the case. We ask that each speaker present their views directly to the board and not to the applicant or other members of the public. We require the applicants, speakers, presenters, and audience to act with a level of decorum and respect appropriate as a courtroom setting. This board requires that any person who wishes to speak before this board shall be administered an oath. Therefore, I ask that anyone who wishes to speak tonight to stand and raise your right hand. Do you hereby swear or affirm that all testimony before this board shall be nothing but the truth?

Audience members: I do.

Ms. Evans: Thank you. After the applicant's final response, I will close the public hearing. After the public hearing has been closed, there should be no further public comments. As a reminder, I ask that when you come down to the podium to speak, please first give your name and address clearly into the

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microphone so our recording secretary, I'm sorry, Vice President can have an accurate record of the speakers. Also, please sign the form on the table at the rear of the room. Thank you. Are there any changes or additions to the advertised agenda?

Mr. Staranowicz: No, there is not.

APPLICATIONS AND APPEALS

1. A24-01/24155621– Aspect Tree Service, Inc. – Aspect Tree Services, Inc. requests an Appeal per Stafford County Code Sec. 28-349, “Appeals to the board generally,” of a Notice of Violation of Sec. 28-35, Table 3.1, “District Uses and Standards” for operating Tree Stump Grinding and Mulch Sales operations on Tax Map Parcel No. 28-37J. The property is zoned A-1, Agricultural, and is located in the Rock Hill Election District.

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

Mr. Staranowicz: Yes, Madam Chair.

Ms. Evans: Do I have a motion on jurisdiction or standing in accordance with Zoning Ordinance Section 28-349 for this case to be heard by Stafford County Board of Zoning Appeals?

Ms. Brown: I'll make a motion that the case does have standing to be heard tonight.

Ms. Evans: Is there a second? Is there a second?

Mr. Panjshiri: Second.

Ms. Evans: Is there discussion?

Ms. Brown: Yes. I made the motion only solely because the owners, the Melendez', did sign an affidavit authorizing Mr. Hall to appear tonight for them. And that's in our packet.

Ms. Evans: Okay, is there a vote or any further discussion? Can I get a vote? Those in favor that we have jurisdiction and standing?

All members: Aye. Alright, the motion is passed. I now ask the Vice Chair to read the first case.

Ms. Brown: Thank you, Madam Chair. We're here tonight to hear case A24-01/24155621 for Aspect Tree Service, Inc. Aspect Tree Services, Inc. request an appeal per Stafford County Code Section 28-349, Appeals to the board generally, of a Notice of Violation of Section 28-35 of Table 3.1, District uses and standards, for operating tree stump grinding and mulch sales operation on Tax Map Parcel number 28-37J. The property is zoned A-1, Agricultural, and is located in the Rock Hill Election District. The street address is 75 Red Fox Lane, Fredericksburg, Virginia 22406, in the Rock Hill District. The parcel size is 11.3565 acres. Again, the Tax Map Parcel is 28-37J, owned by Timothy and Jolene Melendez currently residing at 20609 West Colter Street, Buckeye, Arizona 85396-1240, and the applicant is Steven P. Hall doing business as Aspect Tree Service, Inc. The current use is Agriculture/Residential and the proposed use is Agricultural/Commercial, and the application date was April 16, 2024. And under the Comprehensive Plan, this area is designated as Agricultural/Rural. The Board of Zoning Appeals is to consider a request to appealing Notice of Violation of Stafford County Code Section 28-

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35, Table 3.1, District uses and standards, specifically, A-1, Agricultural, for operating a commercial tree stump grinding and mulch sale operation without an approved conditional use permit otherwise known as the CUP. The applicant is requesting the Board of Zoning Appeals overturn the Notice of Violation for operating a commercial tree stump grinding and mulch sales operation. The applicant has stated that he uses the property solely for parking and storage of equipment and that he is hauling the mulch onsite to the local landfill for recycling. The applicant also stated that the commercial tub grinder that is onsite has not been operated in several years. The property consists of approximately 11.36 acres and again is zoned A-1, Agriculture. The single-family residence was built in 2015 along with a 26x25 detached garage. The current owners purchased the property in March 2013. All of the surrounding properties are zoned A-1, Agriculture, as well. The property is located on the west side of Red Fox Lane, approximately 500 feet north of Kellogg Mill Road. The area of operation is approximately 1,645 feet north of Kellogg Mill Road. The property is heavily wooded on all sides except for the area near the residence and there does not appear to be any wetlands or Resource Protection Areas on the property.

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

Mr. Panjshiri: No, Madam Chair.

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

Mr. Apicella: I do, Madam Chairman. Most of my questions are going to be yes or no questions, but I do have a good number of them. Land use in Stafford is governed by the County's code of ordinances, right?

Mr. Staranowicz: Can you repeat your question?

Mr. Apicella: Land use in Stafford is governed by the County's code of ordinances?

Mr. Staranowicz: Correct.

Mr. Apicella: And specific zoning categories and uses are defined in the county code?

Mr. Staranowicz: Yes.

Mr. Apicella: For better or worse a property owner cannot do anything or everything they want to do on their property.

Mr. Staranowicz: Can you repeat that again?

Mr. Apicella: Sorry, a property owner cannot do anything and everything that they want to do on their property?

Mr. Staranowicz: That's correct.

Mr. Apicella: Some land uses are permitted by-right while others are, can occur only when specifically authorized by a conditional use permit or special exception.

Mr. Staranowicz: Correct.

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Mr. Apicella: And if a specific land use is not mentioned in the Zoning Ordinance, it can be authorized by a CUP.

Mr. Staranowicz: That's correct.

Mr. Apicella: Under what circumstances can a property owner conduct multiple uses on their property, such as residential and commercial uses>

Mr. Staranowicz: The property owner could have a rural home business that could operate as, on the property at that time, so they can do both live in... they would have to live in the residence and be able to conduct your business from the house.

Mr. Apicella: Okay, and in this case the property does have a home on it.

Mr. Staranowicz: Yes, it does have a house on it.

Mr. Apicella: So the principal use of this parcel is residential.

Mr. Staranowicz: Yes.

Mr. Apicella: What are accessory and ancillary uses?

Mr. Staranowicz: Those are uses that would be allowed... they would be allowed by just by the nature of the business or the use that it is. For example, if you had a an accessory garage... you know, you can have an accessory structure or garage, a detached garage would be allowed instead of having it attached to the house. You could have other accessory uses – I'm trying to think of...

Mr. Apicella: Would it help if... I've got the County code in front of me, would it help if I read the definitions? Or do you want to read the definitions?

Mr. Staranowicz: I can pull it up. Sorry, I just... Accessory use, building or structure is a use, building or structure that is subordinate in area, extent and purpose of a principal use or structure.

Mr. Apicella: Okay, you said accessory; how about ancillary.

Mr. Staranowicz: An ancillary use is a use or structure permitted only in conjunction with a principal use permitted in the same zoning district. Ancillary uses cumulatively cannot exceed 10% of the gross floor area of the building or area of a structure of the related principal use and shall be located on the same lot as the principal use.

Mr. Apicella: Thank you. So the property owners and the occupants of the home are Timothy and Jolene Menendez, not Mr. Hall.

Mr. Staranowicz: Correct.

Mr. Apicella: What property or financial interest of record does the applicant, Mr. Hall, have on the subject property as far as you know?

Mr. Staranowicz: None that I'm aware of except for his equipment.

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Mr. Apicella: Okay. What evidence do we have the applicant and/or the property owner were conducting commercial stump grinding, mulch sales, mulch storage, and/or storage of commercial vehicles on the parcel?

Mr. Staranowicz: Our Zoning Inspector has taken photographs of the day he went out there.

Mr. Apicella: Okay, but did, did the inspector actually see any stump grinding or mulch sales going on on the property?

Mr. Staranowicz: Not that I'm aware of.

Mr. Apicella: Okay, but he did see or she did see mulch storage and/or the storage of commercial vehicles on the parcel?

Mr. Staranowicz: Yes, he did.

Mr. Apicella: Who owns the commercial vehicles and equipment on the parcel, that you're aware of?

Mr. Staranowicz: As far as I'm aware of, Mr. Hall does.

Mr. Apicella: So it's Aspect Tree Services.

Mr. Staranowicz: Aspect Tree Services.

Mr. Apicella: Stafford does allow several home businesses, either by-right or it's authorized special exceptions. Is that correct?

Mr. Staranowicz: Yes.

Mr. Apicella: And in all cases, that definition refers to the occupant of the home when authorizing those home business uses to occur on the residential parcel.

Mr. Staranowicz: Correct.

Mr. Apicella: Just a few more questions, Madam Chairman. Under any of those home business uses, can the occupant transfer their authorities under the code or lease those authorities to a third party?

Mr. Staranowicz: If Mr. Melendez, excuse me, if Mr. Melendez had rented the property to Mr. Hall, Mr. Hall could in essence run a business from that property.

Mr. Apicella: But that's because he would be the occupant.

Mr. Staranowicz: He would have to occupy the property, correct.

Mr. Apicella: Right. So in this case, he's not occupying the property.

Mr. Staranowicz: Correct.

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Mr. Apicella: So you've kind of answered my next question. I'm just going to state it perhaps as a comment. So can an homeowner or an occupant, party a, allow a third party, party b, to conduct or operate a commercial business from their property when the principal use is a residence? Occupant and business owner are two separate parties,

Mr. Staranowicz: Right.

Mr. Apicella: So I'm kind of restating the previous point, but you get what I'm saying? Same set of circumstances, you got a different person who owns the house versus another party that's actually operating the business or having something going on that's business related on the property owner's parcel, is that correct?

Mr. Staranowicz: Correct.

Mr. Apicella: Two more questions. So even if the applicant, Aspect Tree, is not conducting tree stump grinding or mulch sales on the parcel, by what authorities can they as a commercial business operation, separate from the property owners, store their commercial vehicles, commercial equipment, or the storage of a byproduct of a commercial business such as mulch on this residential parcel?

Mr. Staranowicz: He would not be able to store that, the equipment or the mulch on the property without being the occupant...

Mr. Apicella: Occupant of the house. Right.

Mr. Staranowicz: ... or occupying the house.

Mr. Apicella: Okay. So I'm going to bring all these questions together; there was a reason why I went down a specific logic trail here. So it would still take a conditional use permit to allow any and all of the commercial activities that may be occurring on this residential property, whether it be stump grinding, mulch sales, vehicle equipment and storage, or mulch storage.

Mr. Staranowicz: Correct.

Mr. Apicella: And there is no CUP to that effect...

Mr. Staranowicz: There is no CUP.

Mr. Apicella: ... on any of those activities.

Mr. Staranowicz: There is no CUP on that property.

Mr. Apicella: Okay. Thank you.

Ms. Evans: Alright, thank you. Does BZA member of Tylor Underwood have additional staff... any questions for staff?

Mr. Underwood: No, Madam Chair.

Ms. Evans: Alright, does BZA Vice Chair Dana Brown have questions for staff?

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Ms. Brown: Yes, I do. My first question is how did the violation come about?

Mr. Staranowicz: We received a complaint.

Ms. Brown: Okay. And do you know who was actually living on the property?

Mr. Staranowicz: No, I don't.

Ms. Brown: Okay. And then listening to Mr. Apicella, I just wanted to clarify in my mind a couple of things. If someone were to apply for a home business, that would go with the owner, correct, not the occupant? Because a home business goes with the owner?

Mr. Staranowicz: If it was occupied by a renter, it would be for the renter only and once they vacated, the home business would be vacated.

Ms. Brown: Okay, we're certain about that.

Mr. Staranowicz: Yes.

Ms. Brown: Okay, that's all I had. Thank you.

Ms. Evans: Does BZA member Everet Blaisdell have any additional questions for staff?

Mr. Blaisdell: No, Madam Chair.

Ms. Evans: Alright, does BZA member Jeffery Spinager have any... I always chop up your name, right... Sinnanger have any additional questions for staff?

Mr. Spinnanger: I just have one question. So could you briefly walk us through how the taxes would work if a renter operates a business, you know, as a function of their lease.

Mr. Staranowicz: The renter would have to register his building or his business with the Commissioner of Revenues office.

Mr. Spinnanger: Right, and then all the subsequent...

Mr. Staranowicz: And all the equipment that goes with the business. So the business would be taxed separately from what the property is being taxed, I would assume.

Mr. Spinnanger: Okay. Thank you.

Ms. Evans: Alright. I now open the public hearing. Will the applicant or his or her representative please come forward to present their case?

Mr. Hall: Hello, this evening. My name is Steve Hall. I don't disagree with anything that's been said so far. I appreciate the instructive. I didn't know a lot of that, which I appreciate that. But there was never any mulch sales. And when Joe came out, the county man, we tried moving, the machine got stuck. I also let him know that. So we worked really hard. It was a rainy season trying to get that machine out and it was difficult. Once we got it out, but we've been trucking that material out of there.

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But there was never no mulch sales. My business is up north in Fairfax. We just store equipment there; that is factual. I can only say his observations are incorrect. I can appreciate if he sees the equipment, it makes sense. It's good deductive reasoning, but it's not the facts. So I just came here to say that, you know, what we've done is, I mean, I could appreciate the tub grinder. I didn't know that it was industrial as far as you were concerned. So we took it apart. But we are just using that property for storing and we are in the process of trying to clean it up. That's pretty much all I have in my defense.

Ms. Evans: Alright, thank you.

Mr. Hall: Alright.

Ms. Evans: Any member of the public who wishes to speak in op... I'm sorry, in support?

Mr. Apicella: Madam Chairman, do we not get to ask questions of the applicant?

Ms. Evans: Oh, yes, yes, yes, yes.

Mr. Apicella: Mr. Hall?

Ms. Evans: Mr. Hall? I'm sorry, yes.

Mr. Hall: Yes, sir.

Mr. Apicella: So there's a reason why I went through that, that process, trying to inform myself, my colleagues, and the public. I don't make the rules. The way it works in Stafford is once there's a residence on the property, that is the principal use of the property. And only, as I understand it, only if the person who owns the property wants to establish what's called a home business, we have certain categories of home businesses that are specific criteria for what's allowed as a home business. But that, the person who operates that home business either has to be the property owner or the occupant, somebody who's renting or a family member who's living in the house. So a home business wouldn't apply in this case, as long as there's a separation between you as the business owner and the property owner. Again, according to the rules of Stafford. I don't make those rules; those are the rules. I don't know whether or not there are stump grinding or mulch sales occurring on the property based on the inspection that occurred. I don't know about the specific incidents where somebody said that there was something going on in the property, I don't know what they saw or what they heard. But the one thing I can see visually is that there is equipment on the property, which presumably is your equipment, commercial equipment...

Mr. Hall: Yes, sir.

Mr. Apicella: ... number one. Number two, that there's mulch on the property, commercial mulch I would consider it because it's a byproduct of what you do in your business. Whether you're mulching on that property or not, you're bringing it from another location, storing it there, and then transferring it somewhere else. So those are at least two things that would require a conditional use permit under Stafford County's code because vehicle storage, commercial vehicle storage would require a conditional use permit if you're not the property owner, and/or mulch storage would require a conditional use permit if you're not the property owner or the occupant. So that's kind of the quandary that I have, irrespective of the specific violation, which may or may not be factual. Again, I don't know whether or not some

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grinding or mulch sale is occurring there. These other things do appear to be happening there, you admitted that those things are happening there.

Mr. Hall: Yes, sir.

Mr. Apicella: So it might be a separate issue, the Notice of Violation versus what can, can happen on that property. But do you understand that if you want to continue to utilize that property, a conditional use permit has to be submitted to the County in order to allow those activities?

Mr. Hall: Yes, sir. So my next question would be if I purchased the property, if you could reiterate earlier what you were asking if I purchased it what would happen?

Mr. Apicella: That would, that would be a better question for our staff. But I think that...

Mr. Hall: It would make it easier, correct?

Mr. Apicella: Well, it depends because you, you could store some commercial equipment on there. There's a limitation on the, on the weight or number I believe under a rural, it would be a rural home business. Do you want to read what that is Mr. Staranowicz? You could rent the property, you don't have to be the owner of the property, but you have to live there.

Mr. Hall: Oh, okay.

Mr. Apicella: So you'd have to be a Stafford resident, officially or unofficially.

Mr. Hall: That makes sense.

Mr. Staranowicz: Okay, the definition for rural home business is a non-agricultural business carried on by the occupants of a single-family dwelling on property, at least three acres in size, located outside the County's Urban Service Area, intended for general office, professional office, personal services, contracting and construction uses, which may include storage of materials necessary to conduct for the, to the conduct of the real home business, outside or in an accessory building or structure and meets the following standards. Standards are 1, there are no more than three employees that shall be permitted to work on the premises at any given time other than family members who reside in the principal residence. The rural home business shall not occupy an area greater than 25% of the finished floor area of the principal residence. Rural home business may be located in an accessory building or structure. The total gross floor area of non-residential buildings or structures devoted to the rural home business shall not exceed 4,000 square feet. The, any accessory, building, or structure associated with the rural home business shall not be located within the front yard setbacks, and shall be setback at least 30 feet from all property lines. Outdoor storage is permitted, but shall not be located within the front yard setbacks and at least 30 feet from all property lines. Outdoor storage areas shall not comprise more than 25% of the total area of the property on which the rural home business is located. Outdoor storage shall be screened from adjacent properties and roadways in accordance with the screening standards of the Design and Construction Standards for Landscaping, Buffering, and Screening. Parking of vehicles associated with the rural home business may be permitted in accordance with the approval of a special exception. A rural home business shall not engage in retail or wholesale of goods or merchandise to customers directly on the premises. A generalized development plan in accordance with Article 13 of this chapter, which is Chapter 28 of the Zoning Ordinance, must be submitted prior to approval for a certificate of occupancy

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for the rural home business. The rural home business shall comply with all federal, state, and local laws and regulations.

Mr. Apicella: So I'm just gonna say, there was a lot there. I personally was trying to absorb it and understand your business in relationship to that. I don't know the right answer. I think that's probably a conversation you'd want to have with staff. There's again, another route, which is applying for a conditional use permit. I think that costs about \$10,000, maybe a little more, a little less. But there's a process...

Mr. Staranowicz: Yeah, the starting is approximately \$10,000 for a conditional use permit.

Mr. Hall: And if I apply for that then after the \$10,000, how do I, where does it go from there?

Mr. Staranowicz: The process would be for staff to review it, forward it to the Planning Commission for review, you would have a public hearing in front of the Planning Commission, they would make their recommendation to the Board of Supervisors, the Board of Supervisors would hold a public meeting. So you would have another public meeting to attend in front of the Board of Supervisors and then they would make the final decision.

Mr. Apicella: And just to add to it, what happens when it goes through that that process, the Planning Commission or the Board of Supervisors, they can establish conditions. They can say certain things about where you can potentially park your vehicles and where you would put your mulch in relationship to your neighbor. I'm not saying those would be the conditions, but they can, they can establish conditions. Their purpose is which is to mitigate the impacts on your neighbors. And those conditions have to be specific to the use and what the issues are they're trying to mitigate. Does that make sense?

Mr. Hall: Oh, perfectly. Forgive my ignorance. I had one question. So what's commercial vehicle? I understand the tub grinder. So what is considered commercial? What... you mentioned weight capacity. So is that can within those parameters?

Mr. Apicella: What I saw on this pictures, sir, are some large vehicles. That would be a commercial vehicle.

Mr. Hall: Okay. Like I said, forgive me, I just wanted to...

Mr. Apicella: There's other pictures, too. I don't know if you had a chance to review this staff report, but.

Mr. Hall: No, sir, I didn't. But I, you know...

Mr. Apicella: Yeah, just another truck. I thought I saw some other heavy equipment on the property as well.

Mr. Hall: Yeah, it was just those two vehicles there, that are parked there. I mean, so is it an issue to drive... so if we're storing, say dumpsters there, is there an issue to drive that one truck you showed me in and out?

Mr. Apicella: It's the, it's the...

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Mr. Hall: As long as it's not parked there?

Mr. Apicella: It's the... you still have, you're still storing something there as part of, in my opinion. I can't speak for all my colleagues. But you're still storing something in relationship to the bu... a business.

Mr. Hall: The business. Okay. Okay, forgive me. I'm just catching up. Okay. Alright.

Mr. Apicella: Yeah, again, I don't... those are the rules. And that's why I said there's a County code. It says what can and can't be done. And it says if you want to do something that's outside those rules, that's why you need a conditional use permit.

Mr. Hall: And I'm grateful for, you know, really illustrating all this because I was truly unaware. I mean, you know, yeah.

Mr. Apicella: What jurisdiction do you live in?

Mr. Hall: Fairfax.

Mr. Apicella: Yeah, I guarantee you they have some pretty extensive rules...

Mr. Hall: Oh, I'm industrial up there. So, yeah, and even then it still works. So, yeah.

Mr. Apicella: Yes, sir.

Mr. Hall: Alright.

Ms. Evans: Alright. So we're gonna, does BZA member Tylor Underwood have any questions?

Mr. Underwood: No, Madam Chair.

Ms. Evans: I'm sorry. Did I miss you? Okay. BZA Vice Chair, do you have any questions?

Ms. Brown: I do. Thank you, Mr. Hall. I think we've covered this, but just want to make it crystal clear in my mind. Do you reside on the property?

Mr. Hall: No, ma'am, I don't.

Ms. Brown: Okay. Do you have a lease or a rental agreement?

Mr. Hall: I just have a handshake. But yes, a lease... *inaudible*.

Ms. Brown: Okay. I looked you up on the state corporation website, you know, for businesses, and I noticed that you had, all of your information had been updated last week, both on the Fairfax County tax site and the State Corporation Commission.

Mr. Hall: Mm-hmm.

Ms. Brown: And it says that you have two different addresses for your business, and they are both up in Alexandria. One of them, the registered office was 7201 Berry Road, Alexandria. And then the

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registered, I guess the agent was 7205 Berry Road. And I looked... and it looked like those addresses were yours, like, way back?

Mr. Hall: Yes, ma'am. So, and I corrected someone because the neighbor, I'd sold that home on '01. So I'm literally the neighbor to 7201.

Ms. Brown: Okay, okay.

Mr. Hall: So that's yeah, that home address no longer exists with me, yes.

Ms. Brown: Okay. And I also noticed that, I went to your website, and on the very top you had a little runner that said – I have to wear these to see this – we now have all natural mulch available. So where do you sell the mulch at?

Mr. Hall: So, I have, on my industrial land we don't even bring it down if it, if it doesn't meet a criteria, and then we dump it. So what we do is for example, we have the account with Mount Vernon Washington homes over there, George Washington's property. So they'll buy 300 and 400 yards a year from us doing trails. So that's all we do, so, but it's, it has to meet a certain criteria. It can't have sticks, because you're afraid some kid might fall and put his eye out or something like that.

Ms. Brown: So where are you storing it then?

Mr. Hall: In my, I have a piece of industrial land up north in Fairfax, in Lorton.

Ms. Brown: So the pictures that we saw for your property here, what, where did that mulch come from? Like, there's that really big, big hill.

Mr. Hall: Yeah. So what we're doing is we're just bringing it down and dumping and trying to, because we're trying to stay up with the demand. Because we produce so much; we're running five crews. So when we separate the mulch, we bring it down and dump it and he reloads it. I know it sounds redundant, but it's our only choice because we're short of dumpsters. Thank you so much.

Ms. Brown: Okay. And you're selling it out of the Alexandria location?

Mr. Hall: Ah yes, sir. I mean, yes, ma'am. Excuse me.

Ms. Brown: Okay. Let's see.

Mr. Hall: Now some of this too iss coming from down at the bottom, so we're bringing it up because it just, it's conducive to bring it up from the hole and then reload it because the machine is bringing it up first trying to back the truck down in the hole. Some of it we just spread out down in those woods also.

Ms. Brown: Okay. And I take it you were not aware of that you needed a conditional use permit for this?

Mr. Hall: Umm, I think I discussed it with Joe a couple years back, but, um, we discussed that I was going to clean the property up and that's when literally the tub grinder, we couldn't keep it running. It just kept breaking down to clean up the yard to haul it away.

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Ms. Brown: Okay.

Mr. Hall: So I was made aware, it's been a couple of years now since then.

Ms. Brown: Okay, well, I appreciate that.

Mr. Hall: Yes, ma'am.

Ms. Brown: And that's all the questions I had for you. Thank you.

Ms. Evans: Thank you. Does BZA member Everet Blaisdell have questions?

Mr. Blaisdell: No, Madam Chairman.

Ms. Evans: Alright, does BZA member Jeffrey Spinnanger have questions?

Mr. Spinnanger: No, no questions.

Ms. Evans: Alright. So I'm gonna bring this before the board.

Mr. Apicella: You still need to proceed with the public hearing, I just wanted to be able to ask the applicant questions.

Ms. Evans: Right. I was about to say, it actually went out of turn, I was supposed to have them speak. So now, and then ask questions. So now I'm going to ask those in favor in support of the application, please come forward. Remember to state your name and your address.

Ms. Maxson: Thank you, Kristen Maxson. I'm on the fence because I can't argue against the laws but the packet for the applicant, there's a packet, it's 62 pages. And you can bring that down and read it. And unfortunately, he didn't read it. There's much more in the packet than his application. And I, I feel that if he wasn't actually doing a business there, that the staff should be gentle on this situation. We just got over COVID and a lot of laws changed. And businesses, small one-person businesses were frozen overnight. And they had investments, certain investments, and it was all frozen. Fairfax might have to pay higher values to bring their, their products further south. What's really concerning in this packet is the by-laws, and I encourage everybody to read them. If it doesn't pertain to this case, I would be surprised. There was also a statement that said the Ordinances of Stafford is not up to par to the actual state. There's holes in it, and it, and it has to be cleaned up. Page 62 of 62 needs to be state that this page is left blank. We, I understand that we don't have a Zoning Administrator; it's still vacant. It says all applications in this County does not discriminate in the planning permit and land use process. This is a, this is stated twice in this application packet. This includes practices and policies in the second statement. Stafford treats all applications and applicants equally, and information should be transparent to the homeowner. The public might agree and suggests that foreign nationals are likely not good for rezoning positions. I don't think we have a foreign national here. But hopefully we won't. We saw an application that possibly could have pointed towards it. There should always be a 30-day rule for parties and public to be fully informed. Understand that this, this land is north of the airport. It does not show the changes from the previous bylaw standing as a public document. Oh, we have a public document in here. It doesn't show the changes to the public. That would be very important. The public needs time to understand the impact and I'm out of time. I want to thank every one of you for all your time. I appreciate it.

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Ms. Evans: Thank you so much. Is there anyone else in support of the application?

Mr. Gilpin: So my name is Joe Gilpin, I actually work for Aspect. In addition to that, many nights during the week I do reside on the property.

Ms. Evans: I'm about to say state your, state your address.

Mr. Gilpin: Oh, 75 Red Fox Lane. I do have an apartment I share with my wife up in Maryland, Frederick specifically, so I think you can understand why it is many nights I will stay on the property. It's a little bit of a drive; talking 200 miles round trip. So anyways, in addition to that, I am the, well until last week, the one and only employee that worked on the property. Starting last week, we had one other guy. And I'm the driver of the trucks, so, that you guys have pictures of. I try to do my best to keep them nice and clean, but it doesn't always work. Anyways, as Mr. Hall said, for the most part, we just store equipment down there. Occasionally he asked me to bring some wood chips down if they're overloaded in Lorton. But a large percentage of that pile came from that tub grinder that's down there. We have been trying for at least three years now to keep that machine operational and clean up the debris that is down there and has been down there. I mean, a lot of that debris is leftover from the previous, well, technically, the current owner, Tim Melendez had a firewood business onsite. Some of the logs were just rotted, we couldn't do anything with them. So we piled them all up. And in addition to that, we, down in the area where the grinder is, we cleaned up a lot of the dead stuff. And two years ago, we got all that snow, shut down I-95. That road was impassable. I probably cleared over 40 trees just to get down to that yard. And all of that is down there, which is what you see in your pictures. So that is the debris that we are trying to clean up with that grinder. We actually brought the grinder in there to clean that debris up, not necessarily produce mulch. So unfortunately, producing mulch is a byproduct of it, but we're not selling it. We have an account with Quail Ridge, Rainwater, where we will buy mulch from them to resell to customers. But I figured I would let you guys know, I mean, for the most part, we really only want to store stuff on the property. We really are trying to actually operate no business on it or anything like that. So, that's all I got to say. Anybody got questions?

Ms. Evans: Thank you.

Mr. Gilpin: Alright.

Ms. Evans: Any member of the public who wishes to speak in opposition to the application, please come forward.

Mr. Tolson: Good evening.

Ms. Evans: Hi.

Mr. Tolson: Hi, my name is Joe Tolson. And our family's property runs adjacent to Red Fox Lane and the property where the grinder and stuff is in the back. So my concerns are, the equipment being hauled in has, the trucks and stuff run over into my mom's yard, tore it up. They came in and kind of halfway smoothed it out but it's still damaged. That right-of-way went from being about 10 or 12-foot wide to 18 to 20-foot wide, so it's an overlap the property lines on both sides of the road. In the back, our property markers have been tore down and the camper put in where he said he was staying at on some nights, that's actually over onto our property a little bit. Some of the trees and stuff have been tore down. My concern is, I don't care what they do on their property, it's their property, but it affects our property. Our kids want to build houses back there, the machines are running day in, you know, all day long. Whatever

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they're doing back there, you know, it's just noisy. There's no buffer. So if they build a house, they're gonna be looking at that mess where the trees are all piled up regardless if it was from the previous operation or whoever it was from doesn't concern me. But it's gonna concern my kids when they build houses back there, you know, that's family land, pass it down. We haven't been able to hunt on our property back there probably for 10 years. Just because the noise of the machines. No sense in going back and sitting in a treestand because nothing's coming. And that's all I want to say. I don't have a problem. I've never met Mr. Hall directly. And like I said, I don't care what he does on his property, but it does affect our property big time. Now I gotta pay somebody to come fix the, you know, my mom's property, fix the road. The road at the end of the driveway at Fox Lane, the ditch pipes are crushed. And I've made numerous complaints to the state; in the wintertime the water comes out into the road and freezes. And it comes all the way down through the road past my property as well. There was numerous close calls with kids get on the bus there this year, cars couldn't stop because we had the cold mornings and roads freezing up. I've called VDOT; VDOT says they're not going to fix it because it's not their property. They say it's up to ownership. One of their people came out there and dug it up a couple years ago and so he had a... *inaudible*... crushed. It just got covered back up. The pipes have not been fixed. So that's all I have. Like I said, I don't care what they do on their property, it's their property. But it just affects our property and what we have hopes and plans for our kids to do, you know, as they get older and raise their families and stuff like that. So that's all I have.

Ms. Evans: Alright, thank you.

Ms. Brown: Sir? I have two quick questions for you.

Mr. Tolson: Yes, ma'am.

Ms. Brown: So Red Fox Lane, that's a private road?

Mr. Tolson: Yes. It's my understanding it was only a right-of-way for the original landowners back there. I don't think it was ever meant for...

Ms. Brown: Can you tell me, you said your property backs up to his but you live on Kellogg Mill Road?

Mr. Tolson: Yes, ma'am.

Ms. Brown: Would my board members object if he came forward to show me which parcel is his? Does anybody have any concerns about that? Okay. Would you mind coming up here and just showing us on this map which, which parcel is yours? The pink one is the one in question that we're here for.

Mr. Tolson: Yes, ma'am. This piece here. This piece here. This piece and this piece.

Ms. Brown: You own this one, this one, and this one.

Mr. Tolson: Yes, ma'am.

Ms. Brown: And not this one.

Mr. Tolson: And this gentleman right here has actually worked for him back there before being a stumpgrinding.

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Ms. Brown: Got it.

Ms. Tolson: He's just not here tonight.

Ms. Brown: Okay, thank you. Thank you very much.

Ms. Tolson: Good evening, my name is Tammy Tolson, I reside with my mother. That was my brother that just spoke. I'm here to ask you to uphold the violation and also revoke any conditional use permit that may be there. Mr. Melendez originally had a conditional use permit for a personal kiln business, but he's evidently moved so that's obviously no good anymore. They are constantly bringing in dump trucks full of stuff. Sometimes up to five a day. The road does not hold the amount of traffic that it is holding now with their business as well as the business with the kennels. There are potholes, there are ruts in the road. They use skid steers to bring up dirt and rocks to attempt to fill in the potholes and ruts. And you can imagine what the noise sounds like, worse than fingernails on a chalkboard. It's very loud. You can hear it inside of your house with the windows down and TV up. I also have concerns... *inaudible*... see small family that moved in, they have two small children, one school age, one younger, and they will walk their children out to the bus stop. With the amount of traffic that is turning onto that road, I'm concerned that somebody is going to get hit. They don't slow down. The traffic coming and going from either the workers or the people from the kennels are speeding; 30 to 40 miles an hour at best. I know you also mentioned that there was not a watershed on the property. There is a creek that runs from the kennel property across his and onto our land. So there is a watershed as well. I am... *inaudible*... as well for the amount of property damage that is being done. And no sense of fixing the pump, the drain pipes. VDOT did notify everybody that lived on Red Fox at one point that they were responsible for replacing the ditch pipes. And again, nothing has been done. So thank you for your time. I wish that you do not approve any conditional use permits. Thank you. Oh, and I do have dates and times they have violated since the the violation was issued of the amount of trucks that has come back to if you are interested in that as well.

Ms. Evans: Thank you. Is there any other member who wishes to speak in opposition? Alright, does the applicant wish to respond and/or add additional comments or information?

Mr. Hall: No, ma'am.

Ms. Evans: Alright. Since everyone asked the questions already, I will now close the public hearing for this application and bring the matter to the board for discussion. And so is there a motion on the floor?

Ms. Brown: Okay. Well, did we want to discuss anything amongst ourselves first?

Ms. Evans: Is there a discussion?

Ms. Brown: Okay. Well, I would love to have business in Stafford but in this particular case, I'm going to motion to uphold the Zoning Administrator's decision, and I hope that you will get with staff and get a lease and maybe talk about maybe doing something else. But right now, I feel like I have to follow the code and the code is that you cannot be operating right now like this.

Ms. Evans: Alright, there's a motion on the floor. Is there a second?

Mr. Panjshiri: Second.

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Ms. Evans: Alright, is there a discussion?

Mr. Apicella: It might be semantics. I've heard different information from the applicant and some of the neighbors about whether or not stump grinding is going on the property. Irrespective of that, I don't think that whatever you're doing on the property, whether it's stump grinding, sales, or storage of equipment and vehicles, is permissible under the county code. You either have to be a rural home business, and I'm not sure whether that applies in this case or not, or you have to get a conditional use permit. And again, to be a rural home business, you'd have to occupy the residence on the property. It couldn't be just your employee, that you personally would have to be on the property. So I think there is a fix. And, and it's been articulated. I hope you're able to find a fix. As Ms. Brown said, we love having businesses here in Stafford. I think what you do is important and necessary, but it just has to occur within the confines of the county code. So I'm going to support the motion.

Ms. Evans: Thank you. Any other discussion? Those are in favor of the motion say aye?

All members: Aye.

Ms. Evans: Those who oppose – I'm sorry, I hit the gavel – those who are not for the motion say nay. Alright, the motion is passed. Alright, can we get Unfinished Business?

UNFINISHED BUSINESS

NONE

ZONING ADMINISTRATOR'S REPORT

Mr. Staranowicz: Okay, for Unfinished Business, there's nothing listed under Unfinished Business. So we'll just go ahead and go to the Zoning Administrator's Report.

Ms. Brown: What happened to our FOIA stuff you were going to check into for us last time?

Mr. Staranowicz: I'm still trying to work something out with them. They, they want to do a virtual training, possibly do something where y'all can just sign in online from home or something in order to do the training. I don't know how you all feel about that. I don't think you were really wanting that, or that's the impression I got. And I think so we'll just have to try and figure that out and see what we can do to get them down here. I know Andrew has been very busy these past few months so it's been hard to get a hold of him. In fact, I actually just talked to him this afternoon. So we're gonna, still trying to work on that. The reason I was talking to Andrew this afternoon, was in February the Virginia Court of Appeals overturned or upheld a circuit court case for a variance in Louisa County. It had to do with a property owner was making renovations to the house, wound up selling the house before the renovations were completed, the new owner came in and tried to do the renovations, was cited for not having a permit, applied for the permit, was denied, tried to get a variance in order to get steps put into setback. They denied it, the BZA denied it. And it was appealed to the circuit court who overturned it. And they went ahead and took it up to the Court of Appeals. And the Court of Appeals also upheld it. So in light of that, Sans Anderson is doing a webinar on June 12th from 12 to 1 PM. It's going to be done through Zoom. So if you would like, I could forward you all that information so you can register. I spoke with Andrew and he's trying to get as many people as he can. He says BZA members are more than welcome, since you're the ones that have to deal with it anyway. So...

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Ms. Brown: I'm interested.

Mr. Staranowicz: I'll just forward that email on to everybody so that y'all can attend that. Again, that's going to be June 12th from 12 to 1:00 via Zoom.

Ms. Brown: Back to Unfinished Business...

Mr. Apicella: Madam Chairman, can I just... I'm sorry to jump in... the folks who are still here, they're welcome to stay.

Ms. Evans: Yes.

Mr. Apicella: Anything that's happening henceforth, really is beyond...

Ms. Evans: Correct, that what I was about to say. If they... I was gonna say, well, wait a minute.

Ms. Brown: You're certainly welcome to stay.

Ms. Evans: Yes, welcome to stay.

Ms. Brown: We love having company. So, James, back to Unfinished Business. We had also talked about money, or lack thereof, for training for our new members.

Ms. Evans: One second, one second. So...

Mr. Stone: I'm sorry, I just had...

Ms. Evans: Go ahead, go ahead. I was gonna say he will get with you.

Mr. Staranowicz: I'll be getting in touch with you, sir.

Mr. Stone: Oh, okay.

Ms. Evans: Have a good night.

Ms. Brown: Thank you. Okay, where was I? Training.

Ms. Evans: Unfinished Business.

Ms. Brown: Yeah. Unfinished Business. We now have several new members. Do we have adequate training funds to send them to BZA school? Currently?

Mr. Blaisdell: I'm going next fall.

Ms. Brown: That's good to know.

Mr. Staranowicz: Not, not this fiscal year. We should have some money for next fiscal year.

Ms. Brown: Starting in... tomorrow?

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Ms. Evans: July.

Mr. Staranowicz: And my understanding is there's some reorganization going on so we're, we're trying to figure out budgets and everything between with this reorganization. So, once we get that all figured out, we should be able to get hopefully two of them, two of our new members into the BZA certification course this coming year.

Ms. Brown: So we have three that need to go.

Mr. Staranowicz: Four.

Ms. Brown: Everet's already paid for? Or he's going next month?

Mr. Staranowicz: Yours is already paid for?

Ms. Brown: I don't know, we're asking.

Mr. Blaisdell: *Inaudible (microphone not on)*... the receipt... *inaudible*.

Mr. Staranowicz: Okay, and yours is going to be virtual though, correct?

Mr. Blaisdell: No, it's at VCU...

Mr. Staranowicz: You are in-person, you have to go down to the school?

Mr. Blaisdell: Yeah... *inaudible*.

Mr. Staranowicz: Okay.

Mr. Apicella: Everet, it's on your credit card. Thanks, man.

Mr. Blaisdell: Yeah... *inaudible*.

Ms. Evans: I was like, did you pay for it? I was like, did you pay for it? You paid for it or the county?

Mr. Blaisdell: No, I sent it to the County.

Mr. Staranowicz: Okay. So then there's only three members that would have to have it.

Ms. Brown: And we think there's money for two of the three? Or now are we down to less since we're paying?

Mr. Staranowicz: Hopefully, there'll be two of the three.

Ms. Evans: Well...

Ms. Brown: Okay, so what do we need? When... how many... we need to send three more members. Were you counting Everet's in your... ?

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Mr. Staranowicz: No, he was actually counted as four.

Ms. Brown: Okay, so we have four and we have money for two?

Mr. Staranowicz: So we should have enough for probably two next year.

Ms. Evans: Then what about the alternates? Do they, do they go as well?

Mr. Staranowicz: Yes, we'll send them also. That's what... Mr. Underwood and then one of our alternates would, would be going and then the following year, we will try to get the other one in.

Ms. Brown: Did we say this comes, coming under the training budget? Did we talk about that?

Mr. Staranowicz: That's, that's what we're trying to figure out. It should be coming out of a training budget instead of out of the legal fund fees that you all have.

Mr. Apicella: What's the time limit for someone to get trained? I mean, you have to get certified. So what is...

Mr. Staranowicz: There is no time limit.

Mr. Apicella: You just have to get cert... you just have to get certified. It could be two years, five years, six months, it doesn't matter. Okay.

Mr. Staranowicz: We don't have anything in writing saying they have to be certified within a certain period.

Ms. Brown: Is there anything in the code about that?

Mr. Staranowicz: No.

Ms. Brown: Okay.

Mr. Apicella: Madam Chairman, I have a different question. Do we have any cases next month?

Mr. Staranowicz: No, we don't.

Mr. Apicella: Awesome.

Ms. Evans: Alright. Can we get the Zoning Administrator's Report?

Mr. Staranowicz: This is it.

ADOPTION OF MINUTES

2. February 27, 2024 Board of Zoning Appeals Meeting Minutes

Ms. Evans: Alright. The adoption of minutes, February 27, 2024. Can I get a motion?

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Ms. Brown: Yeah. Real quick, I'll motion to approve them. I did have, Stacie's already on top of it already. I have a couple of corrections. And I do have it in this pile of stuff actually. Here it is. I believe she's already corrected it, but I'm just going to read it real quick for you guys. Page 12, line 543 – the word “Deana” should be changed to “Dana,” for me. Page 18, line 840 – the word “deferral” was spelled incorrectly. Let's see, page 19, line 927 – we just needed to insert an “I” between the words “that insisted” and put a period after that and capitalize the next letter. That was it. Stacie already had it.

Ms. Evans: Alright. Thank you, Stacie. I just have one on page 12, line number 575, where it says “Ms. Evans: I was gonna say why didn't stuff update?” It should be “staff.” Alright. With those there's a motion on the floor to approve the February, February 27th BZA meeting minutes with the changes. Is there a second?

Mr. Blaisdell: Second.

Ms. Evans: Second, thank you. Discussion? Alright, those in favor say aye.

All members: Aye.

Ms. Evans: Those opposed say nay. Alright, motion is passed. Other Business? That's the review and adoption of the by-laws.

OTHER BUSINESS

3. Review and Adoption of By-Laws

Mr. Apicella: Madam Chairman, can you help us understand how this ended up on the agenda, because I don't remember talking about this at the last meeting.

Ms. Evans: I put... did I ask to be put on there. Make me recall.

Mr. Staranowicz: The reason it was brought up was because we had issues with our elections in February. And we didn't have anything in there that said that we could, that, that an officer could hold a position more than two consecutive terms. So this is adjusting, this is making a change to 3-4, which will state that an officer shall serve no more than two consecutive terms in the same office, unless specifically authorized. And this was the addition, unless specifically authorized with the concurrence of two-thirds of the membership of the board present.

Mr. Apicella: I mean, I get that. I'm just... did we, did we vote as a body to add that language? I remember having general discussion that we didn't have a process, but I don't remember...

Ms. Evans: Well, that's why it's on for tonight. No.

Mr. Apicella: Well, again, this is specific language so I would think we could talk about it tonight.

Ms. Evans: From the lawyer, put that, this language. And that's why we're here to vote on that language.

Mr. Apicella: What lawyer?

Mr. Staranowicz: County Attorney's Office.

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Ms. Evans: Right.

Mr. Staranowicz: Lauren Lucian.

Mr. Apicella: Right. But who... I'm just trying to understand, we had an issue, but nobody, we didn't as a body decide that we were going to make a change to the by-laws.

Ms. Evans: So it's, it has not been changed yet, Steven, this is why it's up...

Mr. Apicella: I get that. I'm just... Normally, normally, as a body, we would say we want to make a fix to this. I don't remember us as a body saying we want to make a fix to this.

Ms. Evans: So, I think, like, so there was so much discussion, let's go back to our meeting minutes that we just...

Ms. Brown: I'd like to clarify...

Mr. Apicella: I remember the meeting and the discussion. We did not come to a conclusion about the path forward. But no one, I don't remember anybody at the meeting, and collectively, us as a body saying, we, we want a fix.

Ms. Evans: So...

Mr. Apicella: And we want to amend the by-laws to make that happen. So how did we get from the discussion at the last meeting to proposed language amending the by-laws?

Ms. Brown: I thought... it wasn't coming from me, but I had thought that we had given direction to James to talk to the attorney.

Ms. Evans: So that's why I said if we go back to the meeting minutes, because it's there, to where that is the reason why it came up. But we can put a vote on...

Mr. Mowery: Yes, Steven, if I may, even, even without it being on the agenda at any point, a member of the board could make a motion to amend the by-laws. So even without it being written on there now somebody could just make the motion to make the amendment without it being on the agenda.

Mr. Apicella: I mean, that's a fair point. But I think as a body, my view is, if we're going to make changes to the to the by-laws, first of all, I think we should do it on a comprehensive basis, not as on a piecemeal basis. But we should decide, well, let's take this up at the next meeting. That, to me, that's the appropriate thing to do. The first time I saw this was a couple of days ago that we were amending the by-laws. And I had to read through the whole thing to figure out what the change was. Could have been more changes, I don't know. But I mean, I did catch that this was specific language that was being changed. But I think the normal process would be as a body we decide, not at the, not during a meeting, but prior to the meeting deciding that we're going to take it up at a future meeting, and what the goal would be if we don't have this specific language. We didn't decide that at the last meeting.

Mr. Mowery: Yeah, I would agree that maybe more communication so that we can better prepare for it. But in fact, I wanted to, now that I see that we are going through this by-law process, I myself think that there's another area that we could probably improve upon while we're embarking on this tonight.

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Mr. Apicella: All the more reason why I think... the last time we took a shot at the by-laws, we created a subcommittee. That subcommittee researched by-laws from other bodies, including here in Stafford County, but other BZA's and made changes that we thought were appropriate. To me, again, just as one board member, it's something we ought to do more thoughtfully. The by-laws in my opinion are fine. But if we are going to get to make changes, we ought to think in a more cohesive and purposeful way.

Ms. Brown: Well, I think the discussion was one specific thing. And I, my understanding recollection was James was going to check with an attorney. I didn't know if it was going to be our attorney that Mr., you know, from Sands Anderson, or if it was gonna be the County. I don't know. But that's what he's done. We did not talk about doing a comprehensive by-law review.

Ms. Evans: Right. I think it goes back to what the issue was that no one could decide the question on if we needed to vote, if we wanted to suspend the by-laws, to have the chair, me, do another year, or vote someone else in? Like, that's how all this came about. And then this is why we asked for the by-laws to come up in the first place, so.

Mr. Panjshiri: So I thought it was, it was the specific question about whether or not... we didn't know what majority vote, it was a majority or two-thirds, was needed to have you do a third term, if that was the will of the board. But we did suspend the by-laws for that night to, to move the, you know, the election of officers to our next meeting.

Ms. Brown: Yeah, we've suspended the by-laws before. We suspend them last year when we had our...

Mr. Panjshiri: Yeah, I know, that's what I'm saying.

Ms. Brown: ... elections in January instead of February.

Mr. Panjshiri: There where the confusion or that's where the miss... like of how this language got in here, because this language is about what is needed to...

Ms. Evans: Correct.

Mr. Panjshiri: ... to have you do that, like if it's in your case, right, to do the third term, right, the two-thirds vote. So I think that's where it was, it was more of we didn't know the language is already working, already have it into that we could have it happen. I think that's where, I think that's where the confusion was coming from, of how we have the by-laws in front of us and the language already in there. But I understand because I think the consensus was that we wanted information on what the process was.

Mr. Apicella: Yeah, I thought that, I thought the issue was, we don't have provisions to suspend the rules. That was the fix we were contemplating.

Ms. Brown: We've already done that Steven.

Mr. Apicella: We did it but it's not in the by-laws. We could do it under Robert's Rules but we have to decide whether we're just... and we say we're going to abide by Robert's Rules. So maybe we don't need any fix to suspend the rules. The Board of Supervisors has a provision, specific provision, that says that they can suspend the rules by two-thirds vote, okay. That's different than deciding where we're going to

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put a specific provision in related to just this one issue, which again, is a very small issue compared to the wider if we want to suspend the rules, let's have a process to do it if we want to be more specific.

Ms. Brown: So what are you saying... are you saying we can suspend them or not? Because last month you were saying we couldn't and we've already done it.

Mr. Apicella: No. I said we don't... I said we don't have a provision and I don't know enough about Robert's Rules, whether it takes a two-thirds vote or a majority vote. That's what...

Ms. Brown: Which is why we sent him...

Mr. Apicella: That's why I started the whole conversation. If we're going to suspend the rules, is it a majority vote or a two-thirds vote? No one knew the answer that question. Since research the issue, and under Robert's Rules, you can suspend, you can suspend the rules with a two-thirds majority. But you could be clearer by putting a provision in the by-laws that say you can suspend the rules with a two-thirds majority vote. I'd be more amenable to that than the specific onesie, we're going to change one thing here and not speak to suspending the rules.

Ms. Brown: Well, last week, you had a whole lot of trouble with it. That's why I... last meeting, last meeting.

Mr. Apicella: I had trouble because I didn't know Robert's Rules, and no one else here knew either. And...

Ms. Evans: Right here, I'm reading it.

Mr. Apicella: What?

Mr. Apicella: No, I'm reading that's exactly what you're saying, what you're saying.

Mr. Apicella: Yeah.

Mr. Spinnanger: But I, I actually think you're only reading, you're only reading it as it relates to one provision in the by-laws, right? So we actually wrote an excerpt of Robert's Rules applicable only to one segment. I think what what Steven is saying is that in point of fact, if you need to suspend the rules, and you actually suspend all of the rules, you don't suspend this one rule or that rule or whatever, right? What Robert's Rules says, in extraordinary circumstances, unforeseen, whatever, right, then we got to set them aside because we've boxed ourselves into a corner. All in favor say aye. Two-thirds say aye. Boom. And then we can address whatever the exigent issue is that is, that we're jammed up on, right. That's what it says. What you've written right here applies to only one thing, right? Which is effectively narrows the permissibility not, you know, and actually just, it just creates for us a new corner that we'll eventually paint ourselves into. And so but, and just while I'm talking, I was around when this was added, right. So like I'm old enough now to remember like we're where we put in a provision years and years ago, because you had kind of one member who was the chair for a thousand years or whatever, and Kecia, you're a young woman and you can be here for a long time, and that's fantastic, right. But like I can't, I don't remember, there's a couple of board members who have been around for a while, I don't remember what problem we were solving when this was created. But I definitely do think that their law of unintended consequence is going to bite us again if we take a very narrow scope as it relates to the by-laws, instead of the what is already permitted, because we do follow Robert's Rules, and without

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any examination five years hence, right, of some of the other issues that I think that, that are within the by-laws that probably need, you know, maybe a, you know, a bit of a jaundiced review.

Ms. Brown: Well, my motion last time, last time we met, was to suspend the by-laws plural, not one section, but and it was for to address that.

Mr. Spinnanger: But that's not what translated to here.

Ms. Brown: But it was to address that. And nobody, Mr. Apicella was very dead set against that.

Mr. Spinnanger: I would be oppoed to that as well.

Ms. Brown: But in the past we have suspended the by-laws without even voting on it.

Mr. Spinnanger: Not this guy.

Ms. Brown: Yes. And I will tell you when. It was last year when we had our annual meeting in January, instead of February, which the by-laws stipulate. We did not have a vote to have our meeting in January. We just had it and then all of a sudden had our elections without a vote. So we went against our by-laws. Our by-laws say our elections are at our annual meeting, which is in February.

Mr. Spinnanger: I think you're taking a narrow interpretation to kind of fit the, fit, kind of reverse, reverse engineer an argument, right. We didn't have a reason to meet in January we so we elected to defer.

Ms. Brown: We don't have to have a case to meet.

Mr. Spinnanger: No. But we do have to... *inaudible*... and we...

Ms. Brown: But to have... but our by-laws say we need to... *inaudible*..., right.

Mr. Spinnanger: But with more than a two-thirds majority we agreed not to meet. So without saying a word.

Ms. Brown: We didn't vote. We didn't vote.

Ms. Evans: Okay, so here's... Wait, wait, wait. Okay, let's, let's, let's calm down. So here's the, here is, I'm going to propose this question to you, Steven. Do you want to have, do you want to put a motion on the floor to, or actually it was Dana who wanted this motion, and then we can go from there. Do you want, do you want to put your motion that you put last month on the floor?

Ms. Brown: Sure.

Ms. Evans: Because then everybody can...

Ms. Brown: I could but if we have this on the, to address this, I personally have a little heartburn with the wording. I know it came from the lawyer but there was one word left out in my opinion. But if you guys want to drop all this, I mean, again, I thought the instructions were just check and see if we can do this at all. I can do that.

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Ms. Evans: That, that's basically all it is, like this is... so from, and correct me if I'm wrong, like that's not set in stone. Is that accurate? I'm asking you. That's not accurate. Like this is just what's set in... this is what she was giving an example of language, correct? If we were, as a board, if we were to vote.

Mr. Staranowicz: You need to vote to approve...

Ms. Brown: What is your suggestion? What was, what was...

Mr. Staranowicz: You need to vote to approve any changes to the by-laws.

Ms. Evans: Right, exactly. So that's what I'm saying. This was just suggested language.

Mr. Staranowicz: This is just suggested.

Ms. Evans: Right.

Mr. Staranowicz: It can be changed. We don't have to do this tonight. But we have to figure out how we're going to hold an election then.

Ms. Evans: Right. I mean, we have to have an election tonight, we have to.

Mr. Mowery: Madam Chairman, can I chime in for a moment?

Ms. Evans: Yes.

Mr. Mowery: So the, suspending the by-laws I don't think should be our tool going forward to address things. I actually think that the amendment that was made on here addresses the current problem at hand, and narrowly focuses on that. So rather than suspending the by-laws and getting rid of all of them, we can address the current problem in front of us by, by simply approving the amendment that was proposed.

Mr. Apicella: It's only a problem if we collectively agree that it's a problem, number one. And number two, we again under Robert's Rules, which I didn't know at the time, whether we put a specific provision in here suspending the rules like the Board of Supervisors has, or just by relying on Robert's Rules, we can suspend the, suspend the rules by a two-thirds majority. We can do that, again, whether there's a rule in the by-laws or not.

Ms. Brown: So we didn't know that.

Mr. Apicella: So, so there's options here, the first option is to do nothing. The second option is to approve this language or some modified language to address this specific issue. The third option is to just rely on Robert's Rules. Or the fourth option is to actually put a provision in the by-laws that allows us to suspend the Rules. It might be redundant. But the, for whatever reason, the Board of Supervisors chose to do that. So I think there's four options here.

Ms. Brown: Well, to be clear, I wasn't, my motion was not to suspend the by-laws forever, it was to suspend the by-laws for that particular night for that particular agenda item. Just I don't want you to think that we were tossing the baby out there.

Mr. Panjshiri: So back to the motion on the floor.

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Ms. Evans: Thank you.

Mr. Panjshiri: I'm not going to be in favor of adding that language to that provision in our by-laws, because when I looked at the Board of Supervisors, they don't even have that language that their officers serve more than, it says they will serve once after him or herself, because that's what I was looking up. So the Chair and Vice Chairman may succeed him/herself in office once and may serve any number of non-consecutive terms. So they don't have a provision, you know, saying that they can, that they'll suspend that right there. We already discussed Robert's Rules, it, that's already got a provision in it and that's what we go to when we don't have it in here; that's in here. So I don't think that the change is necessary, in my opinion. So that's where I'm gonna go with that vote.

Ms. Evans: Alright. So there's nothing... so are you putting your motion on so we can...

Ms. Brown: Sure.

Ms. Evans: Hold on, hold on, because now I'm confused.

Mr. Mowery: There would need to be a second of the motion.

Ms. Evans: Right, I was about to say, right. The motion, is there a motion on the floor to just get rid of the language? Keep the by-laws as it is.

Mr. Apicella: So moved, Madam Chairman,

Ms. Evans: Is there a second.

Mr. Panjshiri: Second.

Ms. Evans: Alright. Is there a discussion?

Mr. Mowery: Yes, Madam Chair. I actually have a proposed amendment separate from the current discussion that I would like to put forward for consideration before we vote on not amending the by-laws at all. I think that we actually need to include in an amendment for eligibility under the Officer section, because it does not specifically prohibit an alternate member of the board to be elected to an officer position, which would just be confusing and chaotic. And so in order to forestall any future shenanigans, I actually think a provision needs to be added in that specifically states, only regular members of the BZA shall be eligible to be nominated as officers, alternate members of the Board shall not be eligible to be nominated as officers.

Ms. Brown: *Inaudible, microphone not on.*

Mr. Mowery: No problem.

Mr. Gorski: Madam Chair, may I, may I say something?

Ms. Evans: Yes.

Mr. Gorski: What I'm sensing here is I'm listening to all this and, you know, under Article 3, Officers and their selection,. What shouldn't be that hard of a process is really confusing to me right now. And

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what I'm, what I'm thinking is that possibly that the whole document should be looked at in a subcommittee or a committee of whatever is the will of the board to go through this and, and really determine what we want as a board. I think what we're hearing now is a lot of piecemeal, add this, don't add this, possibly add this, etc. and I'm not sure that that's really the way we should be doing the business of this board going forward. Thanks.

Ms. Evans: Thank you.

Mr. Mowery: I think that that the proposal to essentially eliminate alternate members from being eligible for nomination is, is maybe a clear cut one that we can throw down right now, just because, as you can imagine, some shenanigans could occur at some point where an alternate member is added to the board, and a majority of the board votes them in as Chair, they now preside over every meeting, despite the fact that they're an alternate member. The by-laws do not prohibit that, as they are currently written, so.

Ms. Brown: We never noticed that until you brought that up.

Mr. Apicella: Yeah, I really want to take a closer look, because I, I remember we talked about this. And I'm not sure it's an issue. But I need to take another look at it to be sure.

Mr. Mowery: It's certainly not right now, but.

Mr. Apicella: Well I, what I'm saying is I thought we addressed this in the by-laws themselves. I'd have to reread the whole thing to fully comprehend whether or not that's still what you're saying is factual. I don't know that to be the case. I'm not saying it isn't. I just need to reread the board. I remember the by-laws. I remember us talking about this in the past. I thought we, to the extent there was any gray area, I thought we addressed it, but maybe not. So rather than again, doing something at this meeting, I think it's good to bring it up and, again, perhaps we can take a look at it and address it at the next regular meeting to the extent it needs to be addressed. Is that fair?

Mr. Mowery: If there is a lack of a second for that motion, I'd be happy to email out the language that I'm proposing to the rest of the board so that it can be reviewed before our next meeting.

Mr. Spinnanger: So I hate to be that guy, but I'm gonna be that guy. I'm not really sure that you're in a position to do that, because you're not voting, right?

Mr. Mowery: That's correct. My understanding is...

Mr. Spinnanger: I don't think you can make that motion. You need to get a member in good, in standing to be able to make that. You don't have, you're not, you don't vote in this meeting. I think it's an interesting point, something maybe we should consider, which I think is an argument for your point, which is, I mean, the whole thing needs a look. Actually, I think you said that as well. But in fact, right, because no shenanigans have happened, you don't vote tonight anyway, right. So if you don't vote, you can't make a motion.

Mr. Mowery: Okay. I would, I would defer to the Chair on that, but my understanding was that any business would allow me to make a proposal. I simply don't vote on it but I can still make a motion on the floor.

Mr. Spinnanger: Well, I guess that's...

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Mr. Apicella: Yeah, I don't think you can make a motion. You can, you can talk. But in terms of making a motion... inaudible, several people talking at once.

Mr. Mowery: There is a distinction under Robert's Rules between a motion and a vote though. Is that right?

Mr. Apicella: I don't think so.

Ms. Brown: Well, the by-laws say that you can participate, but you can only vote if you're substituting for a regular member.

Mr. Mowery: Yeah, I understood there to be a distinction between vote and making a motion. But if that's the ruling that we want to go with, I'm comfortable with that as well. I think that I'm still eligible to at least send out the language to all of us so that another member of the board might consider it for a motion.

Ms. Brown: Would Madam Chair be interested in appointing a subcommittee to review the by-laws or do we not want to go there?

Ms. Evans: Well, that's what I was going to say is that... well, first there was a motion on the floor that Steven did. So we can go with that motion and then...

Mr. Apicella: I don't know who made the motion.

Ms. Evans: You did.

Mr. Apicella: I lost the bubble.

Ms. Evans: I was like, no, you made the motion. And so I was like, there was a second to the motion. The original motion that was on the floor is to keep the current by-laws as it is, the language. And then you made the motion. And then Jeffrey seconded. And then this is where the discussion of all of this came about. So now I'm going to call the motion.

Ms. Brown: Can I make a substitute motion? Can I make a substitute motion?

Ms. Evans: Look, it's... I'm losing it, guys.

Mr. Apicella: I think Madam Chair's already called the question so.

Ms. Evans: Right. Exactly. So is there a vote on... aww man, my mind just went blank... on the motion to keep the rules, the by-laws, as it is?

Mr. Spinnanger: Wait, I have a question about that, right, because they are as they are, unless we vote to change them, right. So why would we vote to keep them as they are? Because they already are.

Ms. Brown: Because I think we had them on the agenda.

Mr. Spinnanger: There's no amendment on the agenda. It just says...

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Ms. Brown: Review and adoption.

Mr. Spinnanger: ... just review and adopt... okay, so you're, okay.

Ms. Evans: Right. So that's why I was like...

Mr. Spinnanger: Did a member make... so, so, okay, so then I guess then the question is, we're considering amending the by-laws, not keeping them as they are. So it's, it would be the... *inaudible*.

Ms. Evans: That was not his motion, the motion was to keep the by-laws as they...

Mr. Spinnanger: Well, but I'm sorry, then I got lost. Forgive me. But the, so the original motion that you were getting ready to introduce Dana was to adopt these, is that correct?

Ms. Brown: No.

Mr. Spinnanger: And we just kind of skipped that? Oh, you did not.

Ms. Brown: No.

Ms. Evans: She asked if she could do a subsequent motion and I said there's a motion.

Mr. Spinnanger: Yeah, okay. So, so we're essentially saying the same thing. But what we're saying just to make sure I understand that we're voting to maintain the status quo, which is not the same as voting to amend the by-laws. So for example, if the vote fails, let's just for argument's sake, say the vote fails. That does not mean that the, that they're, that they're changed, right?

Mr. Apicella: You'd have to take another vote.

Mr. Spinnanger: You'd have to take another vote. Yeah, okay, no, no, I'm slow. I'm catching up.

Ms. Brown: I missed that. So say that part again because now you lost me. I was, I was tracking until we got there.

Mr. Panjshiri: So right now the vote is if you're saying yay, it is to...

Ms. Brown: Adopt.

Mr. Panjshiri: ... maintain the current by-laws, not the not the review, not the proposal, not the proposal. No proposal right now. If you say yes, that means you're maintaining the current by-laws. And then if you say no, that means you're opposed to that.

Ms. Evans: Correct.

Mr. Panjshiri: You're opposed to...

Ms. Brown: Does this mean we're not going to like review the by-laws later?

Ms. Evans: No, that's when you make another motion.

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Mr. Panjshiri: Just at this meeting. Just at this meeting.

Ms. Evans: But for right now, Steven has the motion. So the motion is to keep the by-laws that we have for 2019 here right now. Jeffrey, do you still second?

Mr. Spinnanger: I do. Yeah.

Ms. Evans: Okay.

Mr. Spinnanger: Thank you.

Ms. Evans: No discussion. Is there a discussion? Everybody's on the same page? Alright. Those who are in favor say aye.

All members: Aye.

Ms. Evans: Those who opposed say nay? Alright, the vote, the motion is passed. Alright. Now, now that we got that let's do the Election of Officers. At this point, is there anyone...

ELECTION OF OFFICERS

- 4. A. Election of Chairman
- B. Election of Vice-Chairman
- C. Election of Secretary

Ms. Brown: Okay. At this point, yes, I'm going to motion like I did last month now that we have new information. Thank you, Steven, to suspend the by-laws for Robert's Rules of Order, just for this evening for this one agenda item, item 4, A, B, and C, that we could extend the terms past the two years. That is it. That's the only motion I have to go with that.

Ms. Evans: Is there a second? Is there a second? Okay, there's no second. So there's no second to the motion. Well, I'll second the motion. I don't, can, I don't even know if the Chair can second.

Ms. Brown: The reason I'm motioning this is because we have some new members on the board. And Mr. Apicella is currently serving as Chair of the Planning Commission or I would consider him. So in light of that, and I have, how do I want to say this, I have some personal things come up this year that might prevent me from serving as Chair. So that was why I suggested Ms. Evans finish out the year. We don't have a meeting in November and December. We don't have one in June. So that would only be for July, August, and September, October possibly.

Ms. Evans: So I'm gonna make this really easy, because it seems like since no one wants to second the motion, it's fine. So basically, the motion can't go forward because there's no second. And so now I'm going to ask is there anyone that wants to nominate themselves for Chair? Okay, I'll nominate myself for Chair.

Ms. Brown: I second that.

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Mr. Apicella: You'd have to, you'd have to suspend the rules.

Ms. Evans: Okay, so then something has to get... *inaudible, talking over each other.*

Mr. Apicella: That motion already came up.

Ms. Evans: I'm not going to keep going through this, like someone has to...

Mr. Apicella: Yeah, so it's circular. That motion already came up but didn't get seconded. So you got to move on to another piece of business, Madam Chairman.

Ms. Evans: Okay. So then the meeting is adjourned then.

Mr. Apicella: No, we still, we still need to elect officers. Just that the suspending the rules to allow the current office holders to serve an additional term does not go forward. We still move forward to get...

Ms. Brown: But we don't have all the current office holders.

Mr. Apicella: It doesn't matter. We still need to take up the business at hand on the agenda, which to its to elect officers.

Ms. Evans: Okay. So I am going to ask again. Is there anyone who's nominating themselves as Chair?

Ms. Brown: Alright, fine.

Mr. Mowery: Or anybody else. You can nominate yourself or anyone else.

Ms. Evans: I just did. And then Steven said like, we have to suspend the laws. And now we're going back to the whole argument again. And so I'm like, if no one else is going to go move forward with it then this is like kind of crazy. So if, like this is just ridiculous. So Dana, are you going to nominate yourself to be the BZA Chair?

Ms. Brown: Well, I would prefer to second your motion and have you do it in case. I have some things happening this year. Failing that, if we can't get anybody to support that, yes, I will nominate myself. I would prefer to have you do it. That's four meetings left in the end of the year.

Ms. Evans: Okay. So that now that you nominate yourself...

Ms. Brown: Well, are we dead on you?

Ms. Evans: Well, yes, because we would have to suspend the law, the by-laws. So like we'd be back at the starting point. This is ridiculous, guys, come on.

Ms. Brown: Well, I had voted to suspend the by-laws, but maybe we need to be specific. I'm voting to suspend the by-laws to have you as Chair. Maybe that's...

Mr. Apicella: I thought that was the motion that you already made. So now we're taking up the same motion?

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Ms. Brown: No, the motion, Steven, Steven, the motion that I made was suspend the by-laws for Section 3-4 for the officers. I didn't name a candidate.

Mr. Apicella: That's semantics, but sure, go ahead.

Ms. Evans: So here's the thing...

Mr. Mowery: Madam Chair, I think the floor is open for nominations by any of the seven members for any of the other seven members including themselves. Is that right?

Ms. Evans: Correct. So I nominated myself but again, because I'm the Chair already, you would have to suspend the by-laws. I get it, Steven, I get it. But no one else is nominating themselves. So we keep putting us right back at problem number one. So if someone's going to step up, step up.

Mr. Mowery: Madam Chair, lacking a parliamentarian here, is an alternate member allowed to make nominations because the by-laws are unclear on that point?

Mr. Apicella: I don't believe so. We've done, we've actually had that question come up before us. And the decision amongst the board was no, it was not allowed. It is what it is.

Mr. Mowery: Yep. I think that makes sense. I just wanted to make clear if that was true or not.

Ms. Brown: As I read them, yes, that's true.

Ms. Evans: Okay, so we're back at the starting point.

Ms. Brown: Well, if we can, if we can get you to be Chair, I will vote for you. If not, I will nominate myself. That's, that's where I'm at.

Mr. Apicella: If the only other alternative is Ms. Brown, then I'm gonna... I don't want to do this, but I'm gonna nominate myself.

Ms. Evans: Oh, geez. So then...

Mr. Apicella: So there's two candidates, Ms. Brown, Mr. Apicella, and anybody else who wants to nominate themselves.

Ms. Evans: So we have three because I'll nominate myself.

Mr. Apicella: You cannot nominate yourself.

Ms. Evans: That's right, we have to suspend.

Mr. Apicella: It's a circular argument.

Ms. Evans: Well, then Steven, you know, this is the tic tac okay, like, come on.

Mr. Spinnanger: So, Kecia, I nominate you to be the Vice Chairman.

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Ms. Evans: Thank you.

Mr. Panjshiri: Do we have to do Chairman first? I'm not trying to make it harder. I'm just, do we have to do the Chairman and then do the rest? I'm good with doing Vice Chair. Are you doing Vice Chair?

Ms. Evans: Let's just do the Vice Chair. I'm good with the Vice Chair. There's a nomination on here for Vice Chair.

Mr. Apicella: Yeah, I'll nominate Abraham for Vice Chair.

Ms. Evans: Okay. Thank you. I second. Second. Abraham, you can have it. Like I, this is just ludicrous. Let's go back to, let's go to Secretary then.

Mr. Apicella: Right. I mean, we just need to take a vote.

Inaudible, several talking over each other.

Mr. Apicella: You don't need a second but.

Ms. Evans: No, let's take, let's take a vote. Since I'm so irritated right now let's take a vote. Is there a vote on the floor? I'm sorry. Is there a motion on the floor for Abraham to be the...

Mr. Apicella: So moved. Vice Chair.

Ms. Evans: Thank you. Is there a second? I seconded. Discussion?

Ms. Brown: I don't know that we need a second.

Ms. Evans: Okay, good. Abraham, you are the Vice Chair.

Mr. Apicella: Yeah, I just think we need to take a formal vote.

Ms. Evans: *Inaudible, several talking at once.* Like I'm just so over this process right now. So what did you say, Steven?

Mr. Apicella: Yes, I nominate Abraham to be Vice Chairman. We need to take a vote on Abraham being Vice Chairman.

Ms. Evans: Okay, take a vote.

Ms. Evans: But why didn't we vote on Chair? Why didn't we do that?

Ms. Evans: Oh, my goodness! Okay, okay. We're gonna stop this between you two.

Ms. Brown: Well, we have nominations. Why did we not vote?

Ms. Evans: Wait, wait, wait, wait. Steven had made the nomination for Vice Chair for Abraham. Jeffrey Spinnanger made the motion, I'm sorry, the nomination for me to be Vice Chair. So, I seconded...

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Ms. Brown: I nominated myself as Chair first.

Ms. Evans: I said Vice Chair, Vice Chair, Vice Chair.

Ms. Brown: I know, but you skipped over my motion.

Ms. Evans: Because we can't even get... look, we can't even do this right. We can't even get this together. So can we go with the Vice Chair first, and then we go back to the Chair. Because Abraham's gonna be Vice Chair. Does everyone agree? There's a vote.

All members: Aye.

Ms. Evans: Thank you. Okay. Now let's go back to Chair. There's a nomination for Chair. Dana, you nominate yourself for Chair. Steven, you nominate yourself for Chair. Those in favor for Dana to be Chair say aye.

Ms. Evans: Aye. Those in... go ahead.

Mr. Panjshiri: I have a quick question. Sorry. Is there a rule against being the Chair of both boards?

Ms. Brown: We don't know. But I think it's a conflict of interest...

Mr. Apicella: There's no rule.

Ms. Brown: ... because Steven sets precedent on stuff...

Ms. Evans: Wait a minute, one person...

Mr. Apicella: This is making up legal... *inaudible*.

Ms. Evans: One person has to talk at a time, okay. One at a time, please. So, is there a rule? From my understanding there's been no rule. It's my understanding, there's no rule.

Mr. Panjshiri: I was going to say that's my understanding as well. The only rule I know of from the Planning Commission about our Board of Zoning Appeals is that you can have one member that sits on both.

Ms. Evans: Right.

Mr. Panjshiri: That's the only rule is that sits on both. I mean, it doesn't say anything about offices held during both of those. So I just want to clear that up.

Ms. Evans: Okay. Those are in favor for Steven to be Chair say aye.

Mr. Panjshiri/Mr. Spinnanger/Mr. Blaisdell/Mr. Underwood: Aye.

Ms. Evans: Alright. Steven Apicella is the Chair.

Ms. Brown: Well, my vote is no. I want it recorded on the record, please.

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Ms. Evans: Okay. Can we do the election of the Secretary? Is there a nomination for someone to be the secretary?

Mr. Blaisdell: I nominate Kecia.

Mr. Panjshiri: Second. There you go.

Ms. Evans: Thank you. So those are in favor, there's a vote for Kecia to be Secretary please say aye.

All members: Aye.

Ms. Evans: Alright it's passed. Now that we have the election of the officers, Steven take the gavel. I'm gonna let you adjourn the meeting.

ADJOURNMENT

Mr. Apicella: Meeting adjourned.

At 8:34 PM, Chairman Apicella adjourned the May 28, 2024, Stafford County Board of Zoning Appeals meeting.