

STAFFORD COUNTY BOARD OF ZONING APPEALS

June 24, 2025

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, June 24, 2025, was called to order with the determination of a quorum at 7:02 PM by Vice Chairman Abraham Panjshiri in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Abraham Panjshiri, Everet Blaisdell, Tylor Underwood, Tracy Petty

MEMBERS ABSENT: Steven Apicella, Steven Gorski, Jeffrey Spinnanger, Nathan Mowery

STAFF PRESENT: Juan Bernal, Crissy Kendall

DECLARATIONS OF DISQUALIFICATION

Mr. Panjshiri: All righty. Good evening. I hereby call today's Stafford BZA meeting to order. Please silence your phones and any other electronic devices. Will staff please call the roll and advise if we have a sufficient quorum for today's meeting.

Ms. Kendall: Steven Apicella, Everet Blaisdell, Steven Gorski, Abraham Panjshiri, Jeffrey Spinnanger, Tylor Underwood, Nathan Mowery and Tracy Petty. We have a quorum.

Mr. Panjshiri: Okay, thank you. Are there any changes or additions to the advertised agenda?

Mr. Bernal: No, sir.

Mr. Panjshiri: Before we proceed any further, does any Board member wish to make any declarations or statements concerning any matter being heard by the Board tonight.

Ms. Petty: I don't know it's necessary, but I did want to bring to the Board's attention that I am a member of the community of the second item that we have tonight. In a different section, but part of that community.

Mr. Panjshiri: Thank you. All right, I would like to now explain the roles and responsibilities of the BZA and its procedures. The BZA is a quasi-judicial body whose members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA, as authorized by the state code and the Stafford County zoning ordinance, is to hear and decide on special exception application request, hear and decide upon request for a variance from the Stafford zoning ordinance when a literal enforcement of the ordinance would result in unnecessary hardship to the owners of the property, hear and decide appeals from any order requirement decision or determination made by the zoning administrators. Hearing on appeals will be conducted in two parts. The first will be review of jurisdiction and standing, and the second will be a hearing of the merits of the case as appropriate after review of jurisdiction and standing. The Stafford BZA consists of seven regular members and two alternate members. Alternate members may only participate when a regular member is unable to hear a case. The minimum quorum for the Board to operate and to take votes is four members. Let the record reflect that we do have a quorum tonight, with a total of four voting members present. The regular members present and voting tonight are Mr. Everett Blaisdell, myself and Mr. Underwood and our alternative members, standing in for a regular member and voting tonight is Ms. Tracy Petty. County staff is represented tonight by Mr. Juan Bernal. Today's public hearings will be conducted in the following order, the Chair will ask the BZA secretary, or in this case, Mr. Underwood, to read the case. When there is an appeal, the BZA will then discuss the jurisdiction and the applicant standing of the case presented. BZA members can ask questions of county staff regarding the case. The chair will then ask the applicant or the representative

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to come forward, state their name and present their case to the Board. The applicant's presentation shall not exceed 10 minutes unless additional time is requested to and granted by the Board. Members of the BZA may ask questions of the applicant regarding their case. The chair will formally open the public hearing and invite members of the public who wish to speak about the case to come forward and address the Board for no more than three minutes. The applicant will have an additional opportunity to address the public's comments and any further questions by BZA members. After the applicant's final response, the chair shall close the public meeting with no further public comments allowed and bring the matter back to the Board for further discussion and deliberation. The Board shall review the evidence presented, and the chair shall seek a motion. After discussion of the motion, the Chair will call for a vote of the Board. In order for any motion to be approved, at least four members of the Board must vote in the affirmative. The procedure for addressing the BZA and submitting material to the Board are as follows; after coming to the podium, members of public shall provide their name and address so the Board can maintain an accurate record of the proceedings. We also ask that you sign the meeting register at the back of the room. As this is a quasi-judicial body, under the auspice of the County Circuit Court, we require all applicants, speakers, presenters and audience members to act with a level of decorum and respect appropriate to a courtroom setting. If there are any disturbances, the chair may call for a temporary recess. Please address your views to the Board as a whole, and not the applicant or members of the public. In order to allow the Board time for appropriate view the applicant or the applicant's representative is required to submit relevant material to the Department of Planning and Zoning at least 10 business days prior to the hearing to be included in the staff report. The Board may consider additional relevant material from the applicant or the applicant's representative prior to or during the hearing, however, large amounts of additional material may require a deferral at the Board's discretion on the behalf of the applicant to allow the Board time to consider the additional material. Members of the public and/or staff may also submit relevant material before or during the hearing. I would like to provide some additional information for today's applicants. All applicants are hereby reminded that there are four voting members present and any application requires a minimum of four affirmative votes for approval. If you decide that there are not enough members present tonight to enable you to receive a fair hearing, then you have a right to defer your public hearing until another meeting. However, you may defer the hearing for this reason only once in any 12-month period. To request for a deferral, you need to do so at the beginning of your presentation. Deferral requests are granted at the sole discretion of the Board. Applicants may also withdraw their application prior to the close of the public hearing on their matter, provided that the applicant has not withdrawn a substance a substantially similar application within the previous 12-month period. Also, be aware that the BZA will not hear any denied application for a special exception or variance where it is substantially the same request as determined by the Board as it is currently under consideration for at least one year from the date of its previous decision. Any persons who do not agree with the decision of the Stafford County Board of Zoning Appeals shall have 30 days to petition the Stafford County Circuit Court to review the BZA decisions. The BZA requires that any person who wishes to speak before this Board shall be administered an oath. Therefore, anyone who does wish to speak tonight, please stand, if possible, raise your hand and agree in the affirmative by saying I do after reading the following statement. Do you hereby swear or affirm that all of your testimony before this Board shall be nothing but the truth? Thank you and please be seated. All right. On to our order of business, our first application for a variance. Has the staff determined that the application and associated materials are complete?

Mr. Bernal: Yes, sir, they are complete.

Mr. Panjshiri: Thank you. I'll now ask the secretary to read tonight's first case.

APPLICATIONS AND APPEALS

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1. V25-02/25156414; Brenda and Willie Matthews, Jr. – A request for a variance from Stafford County Code Sec. 28-39(a), “Special regulations” regarding fence height regulations applicable to Tax Map Parcel No. 54S-4-169 (Property). The Property is zoned R-1, Suburban Residential, and is located at 419 Chamonix Drive, within the Falmouth Election District.

Mr. Underwood: Case V25-02/25156414, Brenda and Willie Matthews, Jr., a request for a variance pursuant to Virginia code 15.2-23092. If approved the variance, would authorize a variance from certain provisions contained in the Stafford County code section 28-39 regarding fences, walls and hedges, relating to the allowable encroachment, setbacks and maximum height requirements for a fence on tax Map Parcel 50 4S-4-169. The property is zoned R1, suburban residential, is located at 419 Chamonix Drive within the Falmouth electoral district. The applicant is requesting a variance to encroach approximately 25 feet into the front yard, street side of a corner lot for the purpose of allowing an existing eight-foot-tall fence. The request is to alleviate a hardship by granting a reasonable modification to a property on behalf of persons with disabilities. The maximum permitted height for a fence to be located in any front yard of an R1 zone lot is four feet. The requested proposed height and fence location would permit an eight-foot-tall fence to encroach within the required 25-foot setback. Not only must the Board of Zoning Appeals consider Stafford code section 28-350, Grant of a Variance, they must also consider Virginia code 15.2-23092, Powers and Duties of Board of Zoning Appeals which states, notwithstanding any other provisions of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property, or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereof at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements there on requested by or on behalf of a person with a disability, and 1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance. 2. The granting of the variance will not be of substantial detriment to adjacent properties and nearby properties in the proximity of that geographical area. 3. The condition or situation of the property concerned is not of so general or recurring in nature as to make reasonable, practical the formulation of a general regulation to be adopted as an amendment to the ordinance. 4. The granting of the variance does not result in a use that is not otherwise permitted on such property or change in the zoning classification of the property and 5. The relief or remedies sought by the variance application is not available through a special exception process that is authorized in accordance in the ordinance, pursuant to subdivision 6 of 15.2-2309 or the process for modification of the zoning ordinance pursuant to subdivision A4 of 15.2-2286 at the time of the filing of the variance application. Any variance granted to provide a reasonable modification to a property or improvements there on requested by or on behalf of a person with a disability may expire with the person benefited by it may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance subject to the provisions of state and federal fair housing laws, or the Americans with Disability Act of 1990 as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws or the Americans with Disability Act of 1990, as applicable, such requests shall be granted by the locality unless a variance from the Board of Zoning Appeals under this section is required in accordance for such request to be granted. Zoning History - the property is located at 419 Chamonix Drive Tax Map, 54s-4-169, and is zoned R1, suburban residential consisting of 0.3843 acres. The current owners purchased the property on September 10, 1977. Existing Conditions - The property is a corner lot located at the intersection of Chamonix Drive and Camden Drive within the Clearview Heights subdivision. The existing chain link fence with black slats is approximately eight feet tall and encloses the entire rear yard, which measures approximately 135' x 50' feet per submitted drawings, with the side yard along Camden Road is 50'. The fence extends

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approximately 50' from the rear corner of the dwelling towards Camden Road, leaving approximately 16' to the edge of pavement on Camden Road.

Mr. Panjshiri: Alrighty. Are there any questions for staff?

Mr. Blaisdell: *Inaudible*.

Mr. Bernal: If it wasn't a corner line, you're right.

Mr. Blaisdell: Okay.

Mr. Panjshiri: Go ahead, Ms. Petty.

Ms. Petty: Is the variance requesting an exception for both the height of the fence and the location of the fence?

Mr. Bernal: Yes, ma'am.

Ms. Petty: Two separate issues. Okay.

Mr. Bernal: If you look at the drawing that I provided, on the second page of the definitions. The green area is the by-right location. The variance request is in pink, and the variance is basically because it's an eight-foot fence extending into that front yard, it would require that variance for the location, as well as the height at that location. Otherwise, the green, it would be permitted by-right.

Mr. Blaisdell: And it can be eight foot?

Mr. Bernal: Yes, sir.

Mr. Panjshiri: Okay, any other questions for the Board or for staff? Okay, would the applicant or their representative like to make a presentation to the Board?

Mrs. Matthews: Brenda Matthews. I guess I'm gonna be the speaker. This is the reason we are asking for the variance. We have two sons who are mentally disabled. There are times that we don't know when something will trigger them. The reason for the fence is one is over six feet tall. One is a heavy-set person. This gives them the freedom to some of the things that they do will not be seen or heard by the neighbors. It will not interfere. They have, one has some actions that he does, and it could be construed as a threat to other people when it's not. It's just that time that he is, I won't say acting out, but it's a part of the illness and unless you have someone who has a mental illness and know, and you don't know what would trigger them, and this is the reason that we're asking for the variance. For our safety, for their safety and for the community safety. We're not there to be trying to do a fashion show or something. It is for the safety of our family and for the safety of other people's families. That's basically the reason we want to variance.

Mr. Panjshiri: Are there any questions for the applicant? Go ahead, Ms. Petty.

Ms. Petty: So, these are adult children you're speaking about?

Mrs. Matthews: Yes, they are adult children.

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Ms. Petty: They're going to be living with you for the foreseeable future?

Mrs. Matthews: They are going to be living with me as long as I'm living and I can take care of them.

Ms. Petty: And is the fence sufficient to contain them and the actions that you're talking about?

Mrs. Matthews: It is. It really is. We talk to them. How much of it that they really understand? I can't tell you, because I'm not them, the things that's going on with them. I'm seeing it from the outside. I am not seeing it within them. So that's basically all I could tell you.

Ms. Petty: And you don't think a shorter fence would be sufficient to accomplish that?

Mrs. Matthews: No, I'm not moving as fast as I used to. I couldn't get out of the house or wherever, you know. I deal with them. I've been dealing with them for over 20 years and it's not getting easier. And that's the case for the reason. That's our biggest reason for having the variance.

Ms. Petty: Thank you.

Mr. Blaisdell: How long has the fence been in place the way that it is?

Mrs. Matthews: Probably four months. I think.

Mr. Blaisdell: Okay, so it's pretty recent.

Mrs. Matthews: Yes, it was a wooden fence there. One side was taken down by our neighbor and it was old. It was falling apart and we were looking at something that would help all of us.

Mr. Blaisdell: Gotcha. So when you put the fence up, you just put it out to wherever you thought that it...you really didn't check with the ordinance to see like what your setbacks were or anything.

Mrs. Matthews: No, we actually put it where the old fence was.

Mr. Blaisdell: And the old fence had been there since..?

Mrs. Matthews: Since 70, probably in the 70s. And actually, it's not exactly on the line that it was on. It's actually two, about two feet inside, closer to the house.

Mr. Underwood: Would the fence if it were located outside of that side setback still be adequate for your purposes? So if you were to move it out of the side yard, would it still meet your requirements?

Mrs. Matthews: Out of the side yard, closer to the road?

Mr. Underwood: Further from the road.

Mrs. Matthews: If it came in, it was still...it would be...it would help them, if that's the problem.

Mr. Underwood: Thank you.

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Mr. Panjshiri: And I guess I just have a question with regard to the old fence, and you're saying it was in a similar location as where it was, but was it a four-foot height fence, or what was that?

Mrs. Matthews: It was probably four feet. It was shorter than what we have now.

Mr. Panjshiri: Okay, any other questions? So, I'll now open the public hearing on this matter. If there are any members of the public who wish to speak in support of the application, please come forward now.

Mr. Matthews: I'm the husband, Willie Matthews. I just like to clear up some of the questions that you asked. I'm the one that actually had the fence installed. As far as my sons that are mentally ill, I have had several incidents around the neighborhood, but by them doing hand signs from the mental illness that the police have come searched my house because of hand signs that they did. Unintentional. Neighbors passed by and felt it was a threat to them. So, it's the ongoing thing that they have. The police of Stafford County have showed up, found nothing. During the full moon, if they get short on their shots, they go into a kind of an outspoken rage, voices, things of that nature. With the fence in the back, since I had it up, they go to the back of the deck, they talk to their friends, do whatever, not in the eyes of the public. I did 45 years civil service, 22 years in the military. I want my kids safe, because people don't understand mental illness within the neighborhood. When we first arrived in Clearview Heights, one mentally ill kid killed his parents in the neighborhood and that stuck in my mind, and that was back, I think, maybe two years ago, so I'm concerned, and I'm just making sure that we do the best we can as parents. That's all I have to say.

Mr. Panjshiri: Any other members in support of the application? All right. Are there any members of the public who wish to speak in opposition to the application? Please come forward. You can just come down one at a time once you guys see the next one's ready.

Ms. Robertson: Good evening. My name is Sharon Robertson, and I live at 417 Chamonix Drive, and I live adjacent to the Matthews. My main issue is this is a huge safety issue for the community. The entire intersection between Camden and Chamonix is blocked. You cannot see traffic coming down Chamonix Drive at all. I brought pictures with the fence, with their gazebo and with...they put in a bridge and a lot of vegetation there. You have no way to see who's coming down Chamonix Drive. I have a grandson who lives with me. This bothers me a great deal. And it's not that I have an issue with them having a fence. It's a zoning issue. It's a zoning for safety. That's why it's zoned. It's a corner lot. If they want to have an eight-foot fence. Fine, have an eight-foot fence. Have it be zoned properly and set back properly. But if you want to leave it where it's at, you've got to cut that down to four feet so the people can see the traffic on Chamonix Drive. It's simple. I follow the law. I expect everyone in my community to follow the law and not to just go do something without checking with the county. I know I check with the county when we want to do stuff, so I'm not sure why this is even coming up, but I do have pictures if you would like to see the intersection.

Mr. Panjshiri: Yes and you can continue because you have a little time left.

Ms. Robertson: Okay, all right. And then the only other thing I have to say is, as far as what the presentation from the Matthews was, their children are frequently up and down Chamonix Drive in front of my house. They do not contain themselves in the backyard. And again, I don't mind them having a fence. I want it to be within zoning. That's why we have that. It's for everybody's protection. Thank you.

Mr. Green: Yeah. My name is Matthew Green. I live at 417 Chamonix Drive with my son. I'm a contractor by trade. I know the zoning. As soon as I saw the fence go up, I knew this was a problem.

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That's why I went to the county. I said, this needs to be solved because it's a problem. We put a fence in our property. We obeyed all the zoning requirements to put that fence in. This is a legal problem. It should be a very simple thing to adjust. We're not asking for a complete removal of a fence. That would be ridiculous. They can do what they want on their property, so just shorten it up, make the intersection safe, make everyone happy here. That would be great. Thank you.

Mr. Muhsin: Good evening, ladies and gentlemen, oh my god, oh my god, oh my god. I used to see people put their little kids on a leash.

Mr. Panjshiri: Do you mind stating your name?

Mr. Muhsin: I'm sorry, please, yes. First Name Nader, N, A, D, E, R, last name, M, U, h, S, I N. I live at 412 Chamonix Drive. I have been living there since 1984. I love Virginia. I love South Stafford. I love Clearview Heights. I love my house and I love almost all my neighbors. Again, oh, my God. I used to see parents put their kids on a leash. Now she just asked to put her adult sons in a cage. Here's why I'm against the fence. Real quick, I got three minutes. Zoning - we all should live by the law. If we don't live by the law, we're going to be living in one big, hot mess. Second thing, it's an eyesore. This is the kind of fence you would see at a park, around a tennis court, not in a neighborhood. Third, concealment - since that fence went up I have noticed, at the times when I'm home from work, concrete being unloaded, stacks of dry wall or plywood. There's a lot of building back there. There are structures that are being built back there. This fence is concealing whatever is going back there. And I think, of course, I can't see on the other side, this house is being a multi-use house. There are people living there. I'm seeing people from Hispanic, Black, White, all different people who are living inside the house or go around to the back of the house. Now for profit. This fence is for profit, really. This fence is so that they can build other structures behind the house where other people can live. And even today, when we left our houses, we could hear skill saws working. So, we need your help. We need to know what's going on back there. Nobody, nobody knows what's going on back there. We need your help on this. Also, danger, if their sons ever tried to steal my neighbor's truck again, or they tried to break into my house again, or all the drug activity, and yes, it is drug activity. They have been raided by the Stafford sheriff's drug enforcement or all the other people I have list, all the other people who walk to the back of the house for 5-10, minutes and walk back out. If the police or EMS have to go to the house they cannot access or get out. This is a safety concern for the people living there and for the emergency service people. This is a serious, serious problem. I am asking you, I am begging you, please help us out with 419 Chamonix Drive. It is a problem, and we need your help. Please, please, please, thank you. And I have some paperwork, if I could please turn it to you. Thank you. Do you have any questions for me?

Mr. Panjshiri: No, sir. Thank you, sir. Thank you. Any other members that wish to speak in opposition to the application.

Mr. Abdel-Muhsin: Hello, hello, hello. How's it going? Uh. Ramzi Abdel-Muhsin, 412 Chamonix Drive. I live across the street from the applicants. Um, you've seen the pic. Has my time started? Yeah, you've seen the pictures of the fence. It's certainly quite aggressive. It's certainly against whatever ordinance or code. The sentiment from the applicants appears to be that it's to contain their adult children. If they are adult children, I don't think a fence will contain them. I think there's alternative remediation that's certainly needed. However, the fence is certainly a bit aggressive for the neighborhood. It's in violation of the codes. I believe it's 28 through 39 and thank you for your time.

Mr. Panjshiri: Any other members of the public that wish to speak in opposition? All right, and now, does the applicant wish to respond and/or add additional information?

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Mrs. Matthews: Yes. First of all, I do not go around the neighborhood looking to see who's living with. It is none of my business. We do not have drugs. We're not drug dealers. I spent 20 years in the military. I am an army retiree. I didn't use my years to come out and be accused of some of everything. My sons are my sons. I'm not putting them in a cage. They have the right to walk the street. They have the rights of every other citizen in the United States. I have been told that we were not wanted on that street. Who am I to tell someone where they can live and where they can't live? This is not supposed to be red districting. This is supposed to be a free America that you can live where you can afford to live. If I want to have black, white, Hispanic or anyone else to come to my house and to give a homeless person a place to lay their head it's no one's business but my own. If they're not bothering anybody, then it shouldn't be anybody else's business, if they're not harming them. I could bring tons of cement to my house. It's my business. I don't go around and see who's doing this, what products they're bringing in their houses. It's very frustrating and I do not appreciate being put in a box and told that I can only do this, I can only do that. And I do understand zoning laws. I am not ignorant. I do understand but I don't understand...it's really getting to me. I'm too old for this, really, to be going through such idiotic petty things that are going on against my family and anybody who comes to my house. This is, this is petty, and I'm sorry to be a part of it, but when a person comes to my house, and someone comes from their house and say, "I got a camera. I'm taking a picture of you." "What you getting out of that car? You getting drugs?", how do you think that makes me feel? How does it make my family feel? And it's not, I'm not going nowhere, I'm not moving. I'm almost 74 years old. If I have to die there, that's where I will die. I am not moving because people want to be petty, and that's all I have to say, because I'm very, I know I need to breathe, but this is very petty. You know, it's sad when you can't go out of your door in the morning and say good morning to someone because of stupid, ignorant things that are going on in their head. I can't, I cannot even imagine how someone could live like that. And yes, my son, one of my sons, had an incident with one of the neighbors. That was resolved. He has no trespassing signs in his yard. That's his business. My business is to make sure my son doesn't go on that property or anybody else's property. They can walk up and down that street all day long. That's their right. They are Americans. They were born overseas to two people who were in the military. They are Americans. So, for someone to tell me that "We don't want you here", it's very upsetting. I'm not going to say anything else. I'm just going to sit down.

Mr. Matthews: I want to answer my neighbor's question. What you see going in the back is in zoning, with permits. If you really want to know what I'm trying to do is to build a shed, which called for cement foundation. You can check with the county, with the city, with the Board. That's the first answer to you. As far as the other incident about we have them in a cage, I think you more so in the cage than I am. I see you coming, I see you going.

Mr. Panjshiri: Sir, please just direct your comments to the Board.

Mr. Matthews: Okay, yeah, yeah.

Mr. Muhsin: Is that a threat?

Mr. Matthews: No, no, not a threat. But anyway. You started it.

Mr. Panjshiri: Gentlemen, can we please keep our quorum.

Mr. Matthews: Okay, as far as my sons walking a bit down the street in the morning, they are attached to the PACT team at Rappahannock. They come three days a week to pick them up early in the morning. When my son is going off his shots he has a habit of walking up and down the road, talking back and forth until they pick him up and take him to the program. That's only occasionally. As far as going across

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the neighbor's house to hers, I never seen him walk that far. He goes to the end of the street and come back. So that's part of the mental illness. But like my wife said, we are not bothering anybody in the neighborhood. If I got too many flowers in my yard to block your view, neighbor, I can cut them down. It's nothing but a hedge cut. But when I go to the end of the road, it's the same fence that I had for the forty years. Everybody pass and go right and go left on that highway. And it's 225 feet from the main highway to the fence. I measured it and it haven't changed. I had evergreens there when I moved until the storm came, it blocked the whole side of that highway going left and right, and it wasn't a problem. That's all I have.

Mr. Panjshiri: Thank you. Does any members of the Board have any additional questions for the applicant or county staff? Go ahead Ms. Petty.

Ms. Petty: Are we going to consider the two issues separately, the height and the location, or is it one variance we're talking about?

Mr. Bernal: I guess you can handle in any way you want to. I strictly I was looking for the location of that fence to be. So it was really one location, where the pink is on your exhibit.

Ms. Petty: So that is where it is existing now. Was that permitted before it was built?

Mr. Bernal: No ma'am.

Mr. Panjshiri: Mr. Underwood.

Mr. Underwood: Do you know approximately how far the fence would have to move away from the road to be in compliance?

Mr. Bernal: 25 feet.

Mr. Underwood: 25 feet from its current location?

Mr. Bernal: Correct It's approximately 50 feet from the house, and the setback is at 25 so they're encroaching 25 more into it.

Mr. Underwood: Excellent. Thank you.

Mr. Bernal: And I think we have, there in the attachments there, there's some photos that we took also. That the county staff took.

Mr. Muhsin: Excuse me. May I come up there?

Mr. Panjshiri: I'm going to say you had your three minutes sir, to already go up and address the Board at that time.

Mr. Muhsin: They got a chance to rebuttal.

Mr. Panjshiri: Correct, it's their presentation. They're allowed to.

Mr. Muhsin: *Inaudible*.

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Mr. Panjshiri: Sir, I'm going to follow what we've done in our standard operating procedures. So, they've had their opportunity to rebuttal, and now this is the Board's time for consideration.

Mr. Muhsin: Unfair.

Mr. Panjshiri: Okay. Did you have another question?

Mr. Underwood: If I could ask the applicant a question, if you could come up for a moment, and I asked this question earlier, but just to re-clarify, if you were to move the fence 25 feet closer to the house, is that practical, or does that impede the use as planned?

Mr. Matthews: It would be very hard to do, because it's a metal fence. I would rather have to move the back side and the front side to bring it in so it can connect.

Mr. Underwood: Would it still allow the fence to function as you intended it to?

Mr. Matthews: Yes, it would.

Mr. Underwood: Thank you.

Mr. Panjshiri: Any other questions? All right, so I will now close the public hearing and bring this matter back to the Board for discussion and deliberation.

Mr. Muhsin: Sorry. I think you have something against us. I have to say something please.

Mr. Panjshiri: Sir, SIR, the public hearing is now closed on this case. All right, any other questions or anything for staff at this moment? Do we have any questions? Go ahead. Ms. Petty.

Ms. Petty: If the fence were at the proper setback, is it okay that it's eight feet tall?

Mr. Bernal: Yes, ma'am. If you look at the definition, also about the street sides, and there's a little provision at the very bottom of the definitions, it talks about fences in rural and residential districts. The R1 fences, walls and hedges shall not exceed eight feet in height within any side or rear yard. So, eight feet would be permitted.

Mr. Panjshiri: And I'll piggyback off that, the material of the fence that is currently being used is fine, correct?

Mr. Bernal: We don't regulate...

Mr. Panjshiri: That's fine. Are there any motions?

Mr. Blaisdell: I think that, um, there's a little bit of something going on there in the neighborhood that's kind of outside of what we can rule on. The only thing that we can rule on is whether it's okay with zoning or it's not okay with zoning. I'd kind of like to bring this thing back to what we're here be and I kind of think that eight-foot fence is good for these folks with the state that their children are in. But I can't really go along with it being out of compliance, either, because I think that, you know, whether it's in or out, it's still a fence and it can be doable for them, it just wasn't any pre steps taken before they put it in to make sure it was put in the right place. So, I'd like to make a motion to deny the variance.

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Mr. Underwood: I will second that.

Mr. Panjshiri: All right, we have a motion and a second. Is there any more discussion on this matter?

Mr. Underwood: Yes, I would like to just reiterate what has been said that our decision here is not in relation to any of the ancillary issues that may or may not be occurring. It really isn't even a determination of whether or not this is something that should or shouldn't be there. It's very straightforward. It encroaches within the setback. And because it is possible for it to be moved and still be functional for its intended purpose, supporting the denial of this variance.

Mr. Panjshiri: Okay, I'll wrap up our comments. I'm going to say I am, in regard to denying the motion, I am leaning towards denying the motion simply for the facts of the applicant had stated that it would still serve its purpose, even on the behalf of their children. That is what they are requesting for with complying within the 25-foot setback. So that is why I am going to be looking at denying this motion, denying this application. All right, all those in favor say aye. Sorry, that's my bad. Motion to deny the application for a variance for the fence height and location, so let's redo that. All those in favor, say aye. All those opposed say, nay. Let the record reflect that the motion is denied, that the motion is approved for denial of the application by a vote of four to zero. All right, thank you. You will receive a follow-up letter from the Department of Planning and Zoning regarding the BZA disposition of your case this evening.

2. V25-03/25156438; Margaret and Maurice K. Eggleston, Jr. – A request for a variance from Stafford County Code Sec. 28-35, Table 3.1, "District Uses and Standards," regarding a setback requirement applicable to Tax Map Parcel No. 44CC-4C-279 (Property). The Property is zoned RBC, Recreational Business Campus, and is located at 59 Denison Street, within the George Washington Election District.

Mr. Panjshiri: All right, we will move on to the next matter before the BZA for variance. 25-03/25156438, has the staff determined that the application and associated materials are complete?

Mr. Bernal: Yes, sir, it's complete.

Mr. Panjshiri: I'll now ask the secretary to read the second case for tonight.

Mr. Underwood: Case v25-03/25156438. A request for a variance from Stafford County code section 28-35 table 3.1 District Uses and Standards regarding a setback encroachment into the rear yard to allow the construction of an addition to the rear of an existing dwelling, applicable to tax map parcel number 44CC-4C-279. The property is zoned RBC, recreational business campus and is located at 59 Denison Street within the George Washington election district. The applicant is requesting a variance to the rear yard setback that would permit an encroachment of approximately 4.1 feet into the rear yard setback for the purpose of constructing a sunroom addition. The property is zoned RBC, recreational business campus, and requires a rear yard setback of 25 feet. The proposed sunroom addition measures approximately 9 feet by 15 feet and would be located to the rear of the existing dwelling. The proposed modified setback would measure 20.9 feet to the rear lot line. Not only must the Board of Zoning Appeals consider Stafford County code section 28-350 Grant of a Variance. They must also consider Virginia code 15.2-23092, Powers and Duties of Board of Zoning Appeals, which states, notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property, or that the granting of the variance would alleviate a hardship due to a physical condition relating to the

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property or improvements there on at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements there on requested by or on behalf of a person with a disability. And 1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance. 2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area. 3. The condition or situation of the property concerned is not of so general or recurring in nature as to make reasonable practical the formulation of a general regulation to be adopted as an amendment to the ordinance. 4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property. And 5. The relief or remedy sought by the variance application is not applicable through a special exception process that is authorized in the ordinance pursuant to subdivision six of 15-2.2309, or the process for modification of a zoning ordinance pursuant to subdivision A4 of 15-2.2286 at the time of the filing of the variance application. Any variance granted to provide a reasonable modification to a property or improvements there on requested by or on behalf of a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal housing laws or the Americans with Disabilities Act of 1990 as applicable, such requests shall be granted by the locality unless a variance from the Board of Zoning Appeals under this section is required in order for such requests to be granted. The property is located at 59 Denison Street, tax map, 44CC-4C-279, and is zoned RBC, recreational business campus consisting of 0.133 acres or 5808 square feet. The current owners purchased the property on March 16, 2022. The property is one of 24 lots located along the north side of Denison Street. The lot is an interior lot which fronts along Denison Street, while the rear property line backs up to open space along Sanford Drive within the Celebrate Virginia North subdivision.

Mr. Panjshiri: Thank you. Are there any questions for staff? Ms. Petty.

Ms. Petty: My first question was about the zoning, recreational business campus. This is a residential neighborhood. Can you square that for me?

Mr. Bernal: Unfortunately, I didn't come up with the name. That was the way it was rezoned, or I'm sorry, that was the classification that the Board came up with. So recreational business campus is the zoning district, and again, probably because of the many uses that are permitted in there.

Ms. Petty: Okay. Is it still treated as residential?

Mr. Bernal: Oh, yes, ma'am. Yes ma'am. In other words, there are different components, commercial, maybe industrial, as well as residential within Celebrate Virginia and the residential component would be the homes. There would be a lot of mixed uses within Celebrate Virginia.

Mr. Blaisdell: I don't have any questions.

Mr. Panjshiri: All righty, would the applicant or the representative like to make a presentation to the Board? Come on up.

Mr. Perez: All right, hello. My name is Gerardo Perez. I'm a resident of here, of Stafford County. I live in 1021 Spain Drive. I'm the agent for Mr. Eggleston. And first of all, I want thank you all you know,

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for taking your time to hear this and also your patience. I see that sometimes it can get a little heated in here, so thank you again for, you know, I commend you guys for keeping it cool. So, when it comes to this case here, Mr. Eggleston, he wants to put a 9-foot by 15-foot sunroom addition, which is going to encroach into the setback about four feet, 4.1 feet, based on the site plan. So, the resulting setback will be 20.9 feet. Now I just want to go ahead, kind of quickly explain how this request meets the criteria for approval. First, about the strict application of the ordinance. It should not produce an undue hardship, or it's going to produce an undue hardship. In this case, his lot is really shallow. It's very close to the rear lot line than many other neighboring properties. This leaves very limited room to build this modest sunroom that he wants to have. So, if the ordinance is applied strictly, then a lot of the homeowners will be prohibited from making a reasonable improvement of their property. Now this hardship is not shared generally by other properties in the same district and vicinity. I have to, I should have turned this in. I didn't know those 10-day deadline, but I went and did a little Google search, and I found there to be about 23 different properties in the same neighborhood they have a greater setback or a bigger yard space in the rear yard and so this right here, they vary between 36 feet and over 100 feet. So, all these lots could easily have that kind of improvement made in their lot. So, in contrast to Mr. Eggleston, his lot is lot more limited. So, this makes it unique and not generally share with the other neighbors. Also, three, granting this variance would not be a substantial detriment to adjacent properties and would not change the character of the district. As was already stated, it backs up into an open space, so it's not gonna have any impact on any of the neighbors. As far as you know, having privacy from the rear yard, there's some trees and hedges that make it very private there in the backyard. Now, to be specific, right off Denison Street, we have three addresses. I found 21 Denison Street, 23 Dennison Street, and 66 Dennison Street. So all of these properties have currently some kind of addition or improvement, what you call a sunroom or enclosure between 15 and 20 feet, similar to what Mr. Eggleston is requesting. So, these are just some examples that I found that is in character with this type of improvement in the neighborhood. So, it's not going to require any kind of a zoning amendment. It's based just specific on this lot, this shallow lot. Other lots are able to do it, he's not able to and so we are just requesting that for this reasonable improvement. There's a clear precedent in this neighborhood for these types of additions, and there will be no impact again for any of the neighboring properties. So, we're requesting for your consideration of approval and if you have any questions, I'm open to answer them.

Mr. Panjshiri: Thank you. Are there any questions for the applicant representative? Go ahead Ms. Petty.

Ms. Petty: The way I understood the description in our packet, there is an existing patio that you're building on top of. Is the patio within the proper setbacks?

Mr. Perez: So when they were going over the zoning application, there was no mention about it being out of compliance.

Ms. Petty: Okay, so it's just adding the sunroom that would make it out of compliance?

Mr. Perez: Yes, because it's considered to be an addition. I believe if it was a deck, a deck is treated differently than something that has a roof and walls. So, it's considered an addition even though it's what they call an unconditioned space. So, it's a three-season sunroom that's not conditioned by air conditioning, anything like that. It's just kind of to enclose it, make it more, make it better for Mr. Eggleston and his wife, who are retired.

Ms. Petty: So it's basically screening in the porch?

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Mr. Perez: It's screening it, but they are putting up, it's glass, tempered glass with screens so the glass can be opened initial screens or could be closed when the weather needs to be like to have a nice, insulated area.

Ms. Petty: Right. Will it be visible from either Sanford or Denison?

Mr. Perez: No, no, because of the trees in the backyard. Yeah. So, he has some pictures. He has more. So, I'm representing more on the side of the contractor side, and so Mr. Dense will be able to answer more questions pertaining to the lot itself and specifics like that.

Ms. Petty: And you mentioned some other properties that had a sunroom in the back?

Mr. Perez: Yeah. So, it was 21, 23 and 66 Denison Street. So, you could see a sunroom. I looked up 23 Denison, for example, I found a picture on Redfin. It's definitely a sunroom. It's back there.

Ms. Petty: Did any of those require variance? Do you know?

Mr. Perez: They would need to for that to have it because the setbacks are at 20 feet and one is at 15 feet. So right now, we're looking at 25-foot setback, as was required. We're requesting the sunroom would be at a 20.9-foot setback, so they would need a variance. Okay, it's well built, so I'm thinking it was, you know, permitted.

Mr. Panjshiri: Any questions for that applicant right now? Alrighty, so I'll now open up the public hearing on this matter, if there are any questions...Oh, I'm sorry, did you...okay.

Mr. Eggleston: Thank you everybody so much for taking this application tonight and for listening to me for a moment or two. I'll try to be brief. I'm not known to be brief, though. I am Maurice Eggleston, my wife Margaret Eggleston. Both of us live in 59 Denison in Celebrate Virginia North and have been there for about three years. This is a property that we are slowly but surely turning into our retirement home as we are integrating into the community. We have a daughter who is just now turning 21 and has Down Syndrome. She lives with us and will live with us for the remaining part of our life, I'm sure. We've sought this variance. Let me just say, as an opening comment, I want to apologize to the Board for even being here, because had I done my due diligence about this, there would be no variance required, because there would be no sunroom being built. When we first looked at this addition, I did some basic inquiries and saw that, you know, we had a cement pad, a patio with a flower bed already bedded. I'll bring this up to you, but I thought I would show it to you. This is the patio that we currently have and this is the flower bed that runs the entire length of the flower of the patio. The sunroom will be built from this rear wall of the house, all the way up to the edge of this flower bed. And that's that gives us the dimensions that are listed in there. You can see also off in the distance, two houses down, a second-floor deck that's been built out which is going to cause far more obstruction to line of sight and whatnot than our patio. The awning that's here will follow the same roof line as the sunroom will. It starts from the same place on the eve and comes down at the same angle that the roof does. So, you're basically looking at what the sunroom is going to encompass right here. As it relates to the variance requirement for patios, there is none. You can put a patio all the way up to the property line, as I understand it. That may not be correct, but that's the understanding that I got from the from the Board when I was talking to them about it earlier. So that's where we're planning on doing it. The reason why we're asking for the variance, you can see here in this overhead view of our property, 59 in the adjoining properties, you can see where the proposed sunroom is, and you can just barely see the outline of the patio right there. So you can see that it's the patio completely encloses the sunroom and we don't go beyond it. Unfortunately, because I didn't know

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about the setback, I thought if it was okay for the patio, it would be okay for the sunroom. It wasn't until we got to the stage of actually applying for, you know, the approval that was necessary, that we found out that a variance would be required. By that time, \$6,000 worth of architectural expenses had already been paid, and so that's why we're here tonight. So, you might be able to see it a little bit better on the plat diagram. This is in your packet. You can see the property edge, which I didn't demonstrate to you on this, but you can see it better on here. This is Sanford Road right here. You can see how close we are to Sanford. There is a tree line of evergreen trees that runs and blocks this entire area. Thank God this road is getting tremendously busier all the time. So the property line is at the very edge of the tree line right there, so it doesn't give us much room to build. So this is what you're asked to accept, which is the this setback is now we're asking for a setback of 20.9 feet instead of 25 feet, and that's the primary reason that we're here. What harm will be done? Come on. No harm. I mean, I will be prohibited from building this sunroom, and I will not, you know, enjoy the benefits of a sunroom. Neither will my family, my daughter or our little dogs, but we're hoping that that will improve our retirement years and whatnot. So, the only loss to me will be the \$6,000 that I spent for architectural diagrams and stuff before all of this was done. If I had done my due diligence, like I said, we wouldn't be here. So hardship not generally shared. Most of the people in the Celebrate community have decent sized lots. We chose this lot for the reason of expense. It was a cheaper lot, and it was available at the time we needed it, and it was just what we wanted. So we, didn't mind the lack of backyard so much. You know, we don't have any football players in our family. We, as you know, if you do any kind of significant improvement or changes to the property, you have to get the homeowners association approval that has an architectural committee that looks at all these things, plus you also have to have signatures of your neighbors saying that they approve. And we went through that process and their approval was given pending outcome here. So, you know, I went specifically and talked to our two neighbors, and they had no issues with it whatsoever. And I think you addressed the rest of the issues that the Board has so I'll be glad to take any inquiries that you might have.

Mr. Underwood: Are you able to build a sunroom that would meet the setback requirements?

Mr. Eggleston: Yes, but it would not meet... we would go in and have to stand this way.

Mr. Underwood: So would not be functional.

Mr. Eggleston: Not it would not be functional. No.

Ms. Petty: As far as you're aware, is this going to require any kind of utilities to be extended outside the house, or it's basically just electricity?

Mr. Eggleston: Just electricity. That's all we've asked for from permitting. Yes, there's going to be 120 amp line running to it. That's already in the permit process, you know. So there's not going to be any HVAC or any plumbing or anything else associated with it.

Ms. Petty: And since there's already existing patio, nothing has to be moved?

Mr. Eggleston: That's correct.

Mr. Panjshiri: All right. Thank you. I will now open the public hearing on this matter. If there are any members of the public who wish to speak in support of the application, please come forward now. Please state your name and your address when you come up to speak.

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Ms. Artis: Good evening. Good evening. Members of the Zoning Board. My name is Laura Artis. I also live in Celebrate subdivision. And I don't know exactly. I'm just kind of here because I received this notice to come here. I actually live on the street behind Mr. Eggleston on Sturgeon Drive, so I don't know why I received it, but I don't see any problems with whatever he's doing. I don't know if anyone opposed it or anything. I don't see why I have a deck, a patio as well, screened in with the plastic. So I don't oppose anything he's doing. I'm just not understanding why I received this, but I just wanted to say I am in support of what my neighbor is doing. Thank you.

Mr. Panjshiri: Are there any members of the public who wish to speak in opposition to the application, please come forward. Seeing none. Does the applicant wish to respond in or add any additional information? Okay, do any members of the Board have any additional questions for the applicant or county staff?

Mr. Underwood: I do have a question for staff, but I believe that the notification is just a distance-based notification.

Mr. Bernal: 500 feet.

Mr. Underwood: We appreciate you coming out this evening. Thank you. And then I do have a follow up question. Is there a definitional line between a sunroom and a covered deck? Is there some sort of definitional line there?

Mr. Bernal: I would have to look it up in the ordinance. But as I talked with Mr. Eggleston and discussed his options we do have a porch allowance and by, I'll have to look it up if you all want to talk about it and I'll look it up, but regarding a porch, as long as it's screened and not enclosed, he could have the same dimensions.

Mr. Underwood: Thank you.

Mr. Panjshiri: And then I did have a question for staff. Are there any, at least along that row, other houses that eat into their setback and have a variance that we know of or anything like that.

Mr. Bernal: I did not find any variances. I did see that they were existing. In fact, one of the things that I did look at, and that's why I numerated, put the number of 24 along that back edge residential road, along Sanford.

Mr. Panjshiri: Do we know of any that have a sunroom as well right now?

Mr. Bernal: I didn't go into that, to be honest with you. I was just focusing on number one, the hardship element. Number two, what options can we offer, short of the sunroom?

Mr. Panjshiri: So, no more questions. I will now close the public hearing and bring this matter back to the Board for discussion and deliberation. Is there any comments, questions, concerns?

Mr. Underwood: I would like to give staff time to locate that.

Ms. Petty: I would just say I am somewhat familiar with the area, since I live near there. This property backs up to a, it's not even a residential road, it's pretty much an industrial road. So, I don't see that

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anybody could possibly be inconvenienced by having it. And it's only 20% of the setback that they're requesting the variance on. That's all.

Mr. Underwood: I actually have a question for the applicant, if you could come up for a moment. Would the lack of being able to enclose the sunroom with glass limit your enjoyment and use of the space?

Mr. Eggleston: I might pose a similar question to you, which is, "Today. You're talking about today?" That's what we were thinking about, you know, we will have some degree of control over the temperature in there by opening the rear doors of the house into that enclosed area, keeping it cool during the summer and also keeping the noise out, which is, as you mentioned, that road is now an industrial road, and fixing to get even worse, as I understand from a zoning point of view, they're permitting another road in from an industrial complex to meet there, so the noise and the temperature would be making it not worth it for us.

Mr. Bernal: If I may. I found the definition. Porch - a structure extending from the outside wall of a building above the ground level with a roof, but not enclosed by other than a protective railing with or without screening. Enclosure materials other than screening results in the creation of a building no longer considered a porch, which would be the addition, and a porch is allowed to extend and encroach.

Mr. Panjshiri: Any other further discussion?

Mr. Blaisdell: Well, it's kind of a tough one. I'm in a real tight spot right now, and I mean, it's clearly not doable by zoning law. That's pretty cut and dry, and I'm sure it's a great project, and you'd enjoy it, and your family would enjoy it. But also with grating that variance, I know it's only four feet, but it kind of bothers me that it could set a precedence in that neighborhood, because it is...it's a 55 and older neighborhood, is that correct? And you know, if you if you got one, and then you had a neighbor that was next to you, and they wanted one too, but they had to have a variance as well. It kind of gets a trigger effect. You know, everybody in the neighborhood would have to come to us with a variance for a sunroom or a porch or whatever kind of structure, you know, have you. So, there's that side of being fair to everybody, generally across the Board, or are we gonna take in this one specific situation and let it slide?

Mr. Panjshiri: That's kind of where I'm a little held up on just from looking at the at the aerial views, they kind of seem very...it would seem that other properties could have a similar condition to where if they were to build a sunroom or other addition onto their property, that they would have to have a variance as well. And that's the part where I'm kind of like, we're at the reoccurring in nature of a variance of it could be considered reoccurring, and this hardship is shared by others within that same vicinity. That's my headspace right now.

Mr. Blaisdell: It could be some other structures in your neighborhood that are up the street or down the street, but they may not have a variance. They might just be there, which is a thing. But, I mean, that's not really for me to say Yay or Nay, but from the way they look in the picture, they would have to have a variance. And according to the administrator, there aren't any variances. So, I'm not saying, I'm not trying to send anybody out there looking, but I'm just saying they could have had one too.

Mr. Eggleston: Well, I certainly agree with your concerns. There are some things that you should be concerned about as well. Is there anything that would prohibit me from building a porch that extends all the way out to the property line?

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Mr. Bernal: Not to the property line.

Mr. Eggleston: I couldn't extend it to the property? There's no setback for porches, right?

Mr. Bernal: There is a setback. I'll have to look at it, but there is a setback for porches.

Mr. Eggleston: But certainly it could be a lot closer than what we're talking about now.

Mr. Bernal: Well, like I said, I mean, what you're proposing as a porch opened up would be permitted

Mr. Eggleston: Opening it up as a porch would be permitted to...?

Mr. Bernal: Encroach within the setback.

Mr. Eggleston: How far?

Mr. Bernal: I'll have to look it up, because I don't know off the bat.

Mr. Eggleston: What I'm saying is there's a lot of things that people could build there that would cause all sorts of craziness in the neighborhood. This is a retired community. People are not out there building. They've got pretty much what they wanted. They bought what they wanted. They're living in what they wanted. And you know, when you look around at the community at large, I did when considering the consulting firm and the engineering firm that we settled on. I went and looked at properties all around our neighborhood that had porches and I can probably count on two hands the number that had porches, you know, that were from this particular company and the quality was great. Like I said, I'm not going to lie to you and tell you I'm going to be devastated here if you deny this permit, but I think it's a reasonable request and that it's not likely to be followed by, you know, a plethora of requests from other people in the neighborhood, but you know, certainly they can be considered on their own merit, one for one. So I appeal to you to pass and that's all I can say about it. So, thank you.

Mr. Underwood: I'll make a general comment. I think I'm in general agreement with the rest of the Board that requirement one I think can be met. Requirement two, it doesn't appear as though any of the neighbors have any concerns and the four and five. The sticking point would be this condition in so general in nature that we would have multiple of these requests coming back before the Board and so I'm looking for something that would make this a more unique situation than a general situation. I think it could be argued that the proximity to Sanford is somewhat unique and wouldn't be shared by all properties in this zoning. So, I think that that is a component. I'm not sure if it's a sufficient component to meet that requirement, but that would be at least my thought on it.

Mr. Panjshiri: We are giving Mr. Bernal some more time to research.

Mr. Bernal: Thank you, and I apologize Okay, so under Permitted Encroachments - in measuring yards, the following additional principles shall be applied, porches, balconies, chimneys, eaves, outside, basement, entrances, emergency ingress/egress, window wells and like architectural features may project not more than six feet into any required yard, provided that no such feature shall be located closer than six feet to any lot line.

Mr. Panjshiri: Any other comments?

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Ms. Petty: Does that mean that it could get within six feet of the property line so it could extend much farther than the existing patio?

Mr. Bernal: Oh, correct, yes, ma'am.

Mr. Underwood: That section doesn't indicate it can't encroach more than six feet into the required yard?

Mr. Bernal: Not more than six feet into any required yard. So in other words, the way I'm looking at is that you get your 25 feet you can go six feet into it which would be 19 feet. So your setback would be 19.

Mr. Panjshiri: Are there any motions?

Mr. Underwood: I'll make a motion. I will move for approval of the 25-032515 6438.

Ms. Petty: I second that.

Mr. Panjshiri: Thank you. The motion by Mr. Underwood. A second by Ms. Petty to approve the applicant's request for a variance. Are there any further comments before we take a vote?

Mr. Underwood: My reasoning for making a motion for approval hinges on the proximity of Sanford Drive to the rear of the property. The presence of an open space strip at the back of the property, which if included, if it had been included in the property, would result in a setback that would not prohibit the requested encroachment, or there would be no encroachment with the requested addition. And because of the increasing traffic on Sanford, I think it is a unique situation that's not generally shared and the lack of being able to enclose the sunroom would diminish and be a undue hardship on the applicant.

Mr. Panjshiri: Comments, no? Yeah, Mr. Underwood is a pretty good convincer over here sometimes. Any other comments? All right, so all those in favor of the motion to approve the applicant's request for a variance, say aye. All those opposed signify by saying nay. Let the record reflect that the motion is approved by a four to zero vote. Thank you. And you will receive a follow-up letter from the Department of Planning and Zoning regarding the BZA disposition of your case. Thank you.

Mr. Eggleston: Can I say something to you? One lady that came up here just a few minutes ago was just one of a whole bunch of people who responded on the web page for our subdivision about, what are they doing? Oh, my God, the signs are up in our yard, right? And there was all sorts of panic about, is there a road coming?

UNFINISHED BUSINESS

Mr. Panjshiri: All right, we will move on to the next matter. See, do we have any Unfinished Business? We have none, now our Zoning Administrator's Report.

ZONING ADMINISTRATOR'S REPORT

Mr. Bernal: I have nothing at the moment. I mean, I'm getting more acclimated to the ordinance, but I actually found some good stuff, so I was kind of amazed and happy with that. So I'm getting there. I hope, to be much better for the next one. We did not receive any applications, so we will probably not meet in July, since nothing came in.

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Mr. Panjshiri: You're doing a great job.

Mr. Bernal: I appreciate that. All I can say is I've enjoyed, you know, coming back to the BZA. It is one of my funnest jobs, because it's actually informing so they can make an incredible decision and some sometimes difficult, so, which is greatly appreciated from staff, that you guys do a wonderful and amazing job as well so thank you.

ADOPTION OF MINUTES

February 25, 2025

Mr. Panjshiri: All right. Thank you. All right, adoption of minutes from our last two meetings. Do I have a motion? I guess we'll do them separately, real quick. So do I have, is there a motion to approve the minutes from February 25, 2025?

Mr. Blaisdell: Yeah, I'll motion to approve.

Mr. Panjshiri: Got a motion to approve. Is there a second?

Mr. Underwood: I'll second.

Mr. Panjshiri: There's a second. All those in favor say. All those opposed say No, The motion passes.

March 19, 2025

Mr. Panjshiri: Is there a motion to approve the minutes from the March 19, 2025, BZA meeting.

Mr. Blaisdell: I'll make a motion to approve the motion.

Mr. Underwood: I'll second that.

Mr. Panjshiri: There's a second. Thanks. All those in favor say aye. All those opposed say, no. Motion passes.

OTHER BUSINESS

Mr. Panjshiri: There's no Other Business.

ADJOURNMENT

Mr. Panjshiri: Do I hear a motion to adjourn?

Mr. Blaisdell: I'll make a motion.

Mr. Panjshiri: Is there a second?

Ms. Petty: I'll second.

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Mr. Panjshiri: There's a second. All those in favor say aye. Motion passes. Thank you for your attendance.

At 8:30 PM, Vice Chairman Panjshiri adjourned the June 24, 2025, Stafford County Board of Zoning Appeals meeting.

Abraham Panjshiri, Vice Chairman
Board of Zoning Appeals