

STAFFORD COUNTY BOARD OF ZONING APPEALS
August 26, 2025

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, August 26, 2025, was called to order with the determination of a quorum at 7:00 PM by Chairman Steven Apicella in the ABC Conference Room of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Abraham Panjshiri, Everet Blaisdell, Skip Causey, Tylor Underwood, Tracy Petty

MEMBERS ABSENT: Nathan Mowery, Jeffrey Spinnanger, Steven Gorski

STAFF PRESENT: Juan Bernal, Crissy Kendall

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Alright, it's seven o'clock. I hereby call today's Stafford BZA meeting to order. Please silence your phones and other electronic devices. Will staff please call the roll and advise if we have a sufficient quorum for today's meeting.

Mr. Bernal: Good evening members of the BZA. Roll call. Mr. Steven Apicella.

Mr. Apicella: Here.

Mr. Bernal: Mr. Everet Blaisdel.

Mr. Blaisdell: Here.

Mr. Bernal: Mr. Skip Causey.

Mr. Causey: Here.

Mr. Bernal: Mr. Steven Gorski.

Mr. Bernal: Mr. Abraham Panjshiri.

Mr. Panjshiri: Here.

Mr. Bernal: Mr. Jeffery Spinnanger.

Mr. Bernal: Mr. Tylor Underwood.

Mr. Underwood: Here.

Mr. Bernal: Mr. Nathan Mowery.

Mr. Bernal: Ms. Tracy Petty.

Ms. Petty: Here.

Mr. Bernal: Mr. Chairman, we have a quorum.

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Mr. Apicella: Great Are there any changes or additions to the advertised agenda? Okay, 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? All right, I'd now like to 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 is authorized by the state code and Stafford County Zoning Ordinance is to here decide on special exception application requests, hear and decide upon request for a variance from the Stafford Zoning Ordinance when the literal enforcement of the ordinance would result in unnecessary hardship to the owners of a property, hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator. Hearings on appeals will be conducted in two parts. The first will be a review of jurisdiction and standing. The second will be a hearing on the merits of the case as appropriate after review of jurisdiction and standing. The 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 to take votes is four members. Let the records reflect that we do have quorum tonight, with a total of six voting members. The regular members present and voting tonight are myself, Steven Apicella, Everet Blaisdell, Skip Causey, Abraham Panjshiri and Tylor Underwood and the alternate member standing in for a regular member, and voting tonight is Ms. Tracy Petty. County staff is represented by Juan Bernal Stafford Zoning Administrator. Today's public hearing will be conducted in the following order. The chair will ask the BZA secretary to read the case. When there is an appeal to the BZA, the board will then discuss its jurisdiction and the applicant standing of the case as presented. BZA members can ask questions of county staff regarding the case. The chair will then ask the applicant or the representative to come forward, state their name and address and present their case to the board. The applicant's presentation shall not exceed 10 minutes, unless additional time is requested to or 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 comments and any further questions by BZA members. After the applicant's final response, the chair shall close the public hearing with no further public comments allowed, 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 the public shall provide their name and address so the board can maintain an accurate record of the proceeding. We also ask that you sign the meeting register at the back of the room as you came in. 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 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 to the applicant or any members of the public. In order to allow the board time for appropriate review, the applicant or the applicant's representative is required to submit relevant materials 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 accept and 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 behalf of the applicant to allow the board time to consider that additional material. Members of the public and staff may also submit relevant material before or during the hearing. I'd like to provide some additional information for today's applicants. All applicants are hereby reminded that there are six voting members present and any application requires a minimum of at least four affirmative votes for approval. If you decide if there are not enough members present tonight to enable you to receive a fair hearing, then you

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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 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 closing of the public hearing on their matter, provided the applicant has not withdrawn 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 which is substantially the same request as determined by the board and as currently under consideration for one year from the date of its previous decision. Any persons who disagree with the decision of this Stafford Board of Zoning Appeals or have 30 days to petition the Stafford County Circuit Court to review the BZA decision. The Stafford BZA requires that any person who wishes to speak before this Board shall be administered an oath, therefore anyone who wishes to speak tonight, please stand, if possible, raise your right hand and agree in the affirmative by saying, I do after I read the following statement. Do you hereby swear or affirm that all your testimony before this Board shall be nothing but the truth? Thank you. Please be seated. All right. Case number one. Has the staff determined that the application and associated materials of completeness?

Mr. Bernal: Yes sir, complete.

Mr. Apicella: Alright. Since this is a matter before us, which is an appeal of a notice of violation, the Stafford County BZA has to determine whether it has jurisdiction and the applicant has standing in order for the body to proceed for this case, pursuant with the Virginia State Code and Stafford Zoning Ordinance. Is there a motion and a second on whether the BZA has jurisdiction in this case? Anyone?

Mr. Panjshiri: I'll motion that there's jurisdiction and standing for this case.

Mr. Apicella: We probably need to do this separately. So is there a motion on BZA jurisdiction? So there's a motion, would someone second that?

Ms. Petty: Second.

Mr. Apicella: Okay, great. All those in favor say aye. All right. That motion carried unanimously. Is there a motion that the applicant has standing in this case?

Ms. Petty: So moved.

Mr. Apicella: Is there a second?

Mr. Panjshiri: Second.

Mr. Apicella: Okay, thank you. All those in favor of the motion, signify by saying aye. Opposed? That motion carried unanimously. All right, we'll proceed forward to the report. I'll ask the secretary to read tonight's case.

APPLICATIONS AND APPEALS

1. A-25-03/25156551; Stefanie and Craig Hughes – The Board of Zoning Appeals will consider an appeal filed pursuant to Stafford County Code, Sec. 28-349, "Appeals to board generally," regarding a Notice of Violation dated May 30, 2025, regarding noncompliance with Stafford County Code, Sec. 28-35, Table 3.1, "District uses and standards" and related to operation of a

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wayside stand on Tax Map Parcel No. 55-1-B (“Property”). The Property is zoned A-2, Rural Residential, and located at 440 Brooke Road, within the George Washington Election District.

Mr. Panjshiri: Case number A-25-03/25156551, Stephanie and Craig Hughes. The Board of Zoning Appeals is to consider a request to appeal a notice of violation of Stafford County code section 28-35; table 3.1 District Uses and Standards, specifically regarding the operation of the wayside stand on a property zoned A-2, rural residential on tax map 55-1B property Stafford County. The applicant is requesting the Board of Zoning Appeals to overturn the notice of violation dated May 30, 2025, for operating the use of a wayside stand on a residential lot zoned A-2 rural residential. The notice of violation specifically cites section 28-35 of the Zoning Ordinance, which addresses table 3.1 District Uses and Standards, see amendment five. The notice of violation requires the applicant to cease and assist the operation of a wayside stand as the use of a wayside stand is not a permitted use within the A-2 rural residential zoning district. The violation was brought to the attention of the Department of Planning and Zoning via complaint that was forwarded from the George Washington election district office on May 27, 2025. The Zoning Ordinance defines a wayside stand/ wayside market/ roadside stand as any structure or land used for the sale of agriculture or horticultural produce or seafood harvested or produced by the proprietor. See Attachment A under zoning definitions, the wayside stand is a use permitted only in the A-1 agricultural zoning district. The property tax map parcel 55-1B consists of approximately 4.528 acres and is located within the A-2 zoning district. The property includes a single-family dwelling per the county's assessment data the current owners purchased the property on July 27, 2021. All surrounding properties are zoned A-2, rural residential. The subject property has been zoned A-2 rural residential since at least 1965. See attachment six for a copy of the 1965 revised zoning tax map titled section 55, tax map 55 annotating the subject property as zoned A-2. The property is a corner lot located at the intersection of Brooke Road and Caroway Drive. Access to the property is located off Brooke Road. The property is heavily wooded along the rear, while the remainder of the property is sparsely wooded. There does not appear to be any wetlands or critical resource protection areas on the property. The existing wayside stand is a small wooden structure measuring approximately 3.5 feet by 7.75 feet with an average height of 6.5 feet. The structure is located approximately 18 feet from the edge of the pavement along Caroway Drive and approximately 52 feet from Brooke. Per VDOT the total width of the public right of way along this portion of Caroway Drive is 60 feet, while the width of pavement is approximately 22 feet. The existing wayside stand is located within the required front yard setback of the corner lot. In this case, the required setback for an accessory structure is 25 feet from the street facing side of a corner lot.

Mr. Apicella: All right, thank you. Are there any questions for staff? We'll start with Mr. Blaisdell.

Mr. Blaisdell: No at this point Mr. Chairman.

Mr. Apicella: Alright, Mr. Causey.

Mr. Causey: I do have one, just a clarification question on this, and it's the last part we read. How far back is the front edge of this stand from the edge of the pavement itself. Reading these numbers, is it 18 feet?

Mr. Bernal: If I may, I have an answer. I have a drawing of the measurements. From Caroway Drive to the edge of pavement is 18.5 feet.

Mr. Causey: But the setback would be from the actual property line itself, not the edge of pavement?

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Mr. Bernal: Correct.

Mr. Causey: Then the right-of-way goes how far?

Mr. Bernal: 30 feet on each side, from the center line, because the width is 60 feet.

Mr. Causey: The pavement is 60?

Mr. Bernal: Well, the right-of way is 60.

Mr. Apicella: Any further questions?

Mr. Causey: No. That's good, all right,

Mr. Apicella: Mr. Panjshiri? Mr. Underwood?

Mr. Underwood: Yes, to confirm that the notice of violation was issued solely the fact that they're operating a wayside stand and the location and setback of the stand wasn't addressed. Is that accurate?

Mr. Bernal: Yes.

Mr. Apicella: Okay, Ms. Petty.

Ms. Petty: No questions.

Mr. Apicella: All right, I've got some questions. Alright, is a wayside stand identified in the county Zoning Ordinance as a specific type of land use? Yes, sir. And what is the county's definition of a wayside stand?

Mr. Bernal: A wayside/wayside market/roadside stand is defined as any structure or land used for the sale of agricultural or horticultural produce or seafood harvested or produced by the proprietor.

Mr. Apicella: Okay, and in which Stafford County Zoning districts is a wayside stand allowed by-right?

Mr. Bernal: Per our designated sheets in the A-1 zoning district. You can see uses by right, alphabetically labeled Wayside stands is second from the end.

Mr. Apicella: Okay and that's the only zoning district where it's allowed, by-right?

Mr. Bernal: Correct.

Mr. Apicella: And it's not allowed in any other district, either with a CUP or a special exception?

Mr. Bernal: I don't believe so.

Mr. Apicella: Okay and in which zoning district was the subject wayside stand located?

Mr. Bernal: In this case, it's zoned A-2, which is rural residential.

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Mr. Apicella: Gotcha and the applicant contends that their parcel was zone A-1 when they purchased it in 202. Did they provide any evidence to support this contention?

Mr. Bernal: No, sir.

Steven Apicella: Does the county have any evidence to the contrary? Maybe that the parcel was and is in an A-2 zoning district when they operated their wayside stand.

Mr. Bernal: At the moment, the only thing we found was a 1965 map that was revised in 65 showing section 55 down below that property over here is zoned A-2. A-2 is the zoning district on these properties.

Mr. Apicella: And since 1965 there's been no rezonings to reclassify that from A-2 to some other zoning district.

Mr. Bernal: No sir. We couldn't find any documentation of that.

Mr. Apicella: Okay, do we know what types of items the applicant was selling from the wayside stand?

Mr. Bernal: Just from the pictures. They had a little paddle board with describing their sales. Eggs, baked goods, herbs, compost and sundries.

Mr. Apicella: Say that one more time.

Mr. Bernal: Eggs, baked goods, herbs, compost and sundries.

Mr. Apicella: What does sundries mean?

Mr. Bernal: I had to look that up. Small, little trinkets per definition on Webster.

Mr. Apicella: So, the sundries wouldn't be agricultural products?

Mr. Bernal: We'd have to see what they have.

Mr. Apicella: Okay, so this is kind of a hypothetical question. I can't say what the BZA would do in this case, but if the BZA decides to overturn the notice of violation, would they still have to comply with A-2 setbacks and what would those setbacks be?

Mr. Bernal: The wayside stand is considered an accessory structure to the primary use and therefore they would have to be required to meet the setbacks as a structure.

Mr. Apicella: Right. So what would those setbacks be?

Mr. Bernal: The setback would be 25 feet from Caroway and 50 feet from Brooke.

Mr. Apicella: Okay, so again, they could not have a stand or sell items at the roadside?

Mr. Bernal: Correct.

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Mr. Apicella: Okay, I'm probably gonna have some additional questions, but I'd like to, I'd like to hear from the applicant.

Mr. Causey: I have a follow-up question. Can you also give me the definition and what is the difference between a roadside stand and a farmer's market?

Mr. Bernal: In your packet, there's a list of definitions.

Ms. Petty: Farmers market is defined as two or more vendors, but it doesn't actually define a vendor.

Mr. Bernal: Vendor? I mean, we can always go back to what we normally do when we don't have a definition we go to Websters. Vendor would be somebody selling. So, in this case, there would be at least a minimum of two vendors to have a farmers' market. And if they have a farmers' market, you have to apply for an application for a farmer's market.

Mr. Apicella: And there are special regulations associated with farmers markets.

Mr. Bernal: Yes, sir.

Mr. Apicella: So under 28-29 part D, I see five plus special regulations associated with farmers markets.

Ms. Petty: That's a by-right use of an A-2?

Mr. Bernal: But, again, it's not permitted in the A-2.

Mr. Causey: No, it's by-right in the A-2.

Mr. Bernal: Oh, I'm sorry, yes. I was looking at A-1. But, again, they would have to apply for a permit.

Mr. Causey: It's by-right, but they have to apply for a permit to do it by-right. And then there are requirements associated with that approval of that?

Mr. Bernal: Location of the parking area. I mean there's more stuff. I can look it up in the ordinance.

Mr. Apicella: I've got it here in front of me if you'd like me to read it. Section 28-29 Special Regulations, Special Provisions Applicable to Farmers Markets. I didn't get the definition. Is there a definition before I read this out loud? Customer parking area shall be provided exclusive of vendor parking and shall be in accordance with section 28-102 and a minimum parking and drive area shall be surfaced crushed stone in the amount sufficient to prevent soil erosion and dust and provide adequate driving surface. Parking areas are shared with other uses on the site. Parking must meet the minimum requirements for all uses for properties without an existing commercial entrance onto state-maintained roadways and entrance permit must be obtained through VDOT. Approval must be obtained from the Stafford County Agricultural/Purchase of Development Rights Committee; I think their name has changed. For establishment of a farmer's market the committee maintains guidelines for location management, operation of farmers markets, and review any requests to determine conformity with such guidelines. The sketch plan must be submitted to the Department of Planning and Zoning which depicts the entrance to the site, designated vendor area and customer parking and setbacks of the vendor area and parking area with property lines. The sketch plan must designate the size and location of any proposed structure,

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which must be in accordance with all applicable Building Code regulations. Zoning permit must be obtained prior to operation. And there's some other stuff that applies to (inaudible).

Mr. Blaisdell: This wayside stand is that just the catch all term for, like, all on farm sales, or would wayside stand be, like, have a minimum, like, proximity to the road or, I mean, if you were to have people come on to your farm and come to your residence or your barn or whatever is that still classifies as a wayside stand?

Mr. Bernal: If it's a structure and used for that purpose, that use would be required to meet setback.

Mr. Apicella: Ms. Petty, did you have a question?

Ms. Petty: It was the same question.

Mr. Apicella: Okay, any other questions for staff at this point? All right, thank you, Mr. Bernal. All right. Would the applicant like to come forward to make our presentation to the Board?

Ms. Hughes: Thank you. I apologize. I'm a special education teacher so I come with visuals. A die-hard habit. I believe I have seven because I thought that that was what the quorum is. I appreciate your time this evening. A point of information. While Mr. Apicella was reading rules, he said more time could only be granted if it was requested. Does that have to happen prior to the presentation or does that happen if I am pontificating and going over a few seconds.

Mr. Apicella: Let's see where you are and go from there.

Ms. Hughes: Yes sir. Then I suppose another point of information? Do you have a clock timer? Can I have a mulligan? Good evening. Thank you all for being here. For this record my name is Stephanie Eillen Shiflett Hughes. I am a fifth generation Stafford County resident who lives at 440 Brooke Road in the George Washington District. I lived within a two-mile radius of where my maternal family has toiled for their supper since before the Civil War. I am the granddaughter of Isabel Synan James and the road in South Stafford, which bears the name of my ancestral lineage demarcates an area where my great grandfather farmed for over 100 acres on what is now known in the George Washington District as Deacon Road, which is incidentally named for a dairy farmer. I do not lay down my ancestry to you without intention. I do it to tell you that in my heart, I'm a daughter of the Commonwealth and in my blood, I'm a daughter of Stafford. I am generationally rooted and firmly invested in the past, present and future of this county. And while they're making those come-here standard bearers who march before you tonight, leaving flags from newly built castles far fancier and shinier than my own, or anything my progenitors can have imagined, I respectfully submit to you that they can, for lack of a more appropriate, prosaic phrase, stuff it. And on that note, we are here to have two conversations tonight. The first conversation we are having is overtly before you and I hastily formulated the appeal submitted by my own hand at the last minute on such a day that the appeal can be rendered because I had not received follow-up conversations, as promised by the newly installed board of Zoning Administrator, Mr. Bernal. When I spoke to him immediately following my cease-and-desist notice received in May for what Stafford Planning and Zoning nomenclature of wayside stand, I began the discussion with five important facts that I would like to relay and expound upon to you. A. I live on 4.53 agriculturally zoned acres. A-1 and A-2 in Stafford have always meant agricultural and A-2 means that farming and farming practices are allowed on both. B. The stand is on my private property, not on the wayside. I object to the conjecture of the wayside stand and the definition, which is truly not defined within the county ordinances. I am not watermelon Gary Sessoms, I'm Stephanie Hughes of 440 Farms. It is over 50 feet from Brooke Road

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at the front of my property, and nearly 20 feet from the side of Caroway Drive. I have discussed with VDOT the proper setbacks at the side of my property. In order to make it more acceptable with them. I'm in communication with them consistently. C. The side where the farm shed is located is situated on the right of my property, adjacent to Caroway Drive, which is a publicly maintained road. It does not belong to the neighborhoods behind me. On that portion of my land, I have a substantial gravel-based driveway area which is more than ample for off street parking. It is nine feet wide at its most narrow point, and 613 contiguous feet long. That is a 10th of a mile. And since the National Highway and Traffic Safety Association states that the average car length is 14.7 feet, I therefore could park 47.1 vehicles without ever interfering with traffic on Caroway Drive. D. When my husband and I purchased the property, documentation that we were given from the real estate agent did dictate that the house was zoned to Agricultural 1. Mr. Bernal and I have communicated that the property he could find was zoned A-2. However, I respectfully contested that information and respectfully requested paper copies of the zoning of the home from 2021 for or prior to our ownership but today I have not received them. When I spoke to the county, even today, they said their system does not go past 2022 and they would have to look for something other than the tax map that is shown. E. I am a woman owner/operator of a USDA registered farm. I applied for and received a form number from that institution. I am in the process of applying for several grants and programs for farm improvements, which officially opened in October for their fiscal year. It is my position that the cease and desist interferes with and unfairly impacts my right to farm in Stafford and Virginia, which is protected by federal and state legislation. These were the initial points driving my phone call with Mr. Bernal. However, I told him I was willing to collaborate to find a solution and would wait on his information and reply, as he said he knew that Stafford County could not interfere with the right to farm. I am still willing to find reasonable collaborative solutions which do not revoke my rights as a property owner. Mr. Bernal did not get back to me until I reached out several times without response and resorted to calling upon my George Washington District Supervisor, Deuntay Diggs. Mr. Diggs told me he drove out of the property and did not see the line of sight or parking issues, which were raised by other residents, as you can see by the exhibit photos I've provided here tonight, taken from the intersection of Brooke and Caroway, neither the stand, the pallet signage or the vehicles apart next to it interfere with the vehicle entering or exiting Caroway Drive. You can see a vehicle is noted pulling out of Caroway with those three oversized vehicles and a trailer parked in front of the farm shed. He and I have spoken back and forth during this process, and have discussed possible solutions, including raising the idea of an exception or variance for A-2 property zoned with over four acres and practicing agricultural practices. But that brings me to the second and more important conversation I feel like we need to have here tonight. Laws, even Zoning Ordinances in American government, are fluid, living and interpretable. Installed within a great system of checks and balances in our nations, our bodies, which are designed to interpret not only the intent but the application of law. And that, I suggest, is your job here tonight. In 2012 and 2016 when the Board of Supervisors updated the Zoning Ordinances intentionally to create variances and exceptions for farms and farm practices in A-1 and A-2 districts that were competing with the explosion of development, the Board did so with the caveat that they were trying to create and preserve farming and farm practices in Stafford, Virginia. But at that time, the genesis of TikTok farm life, also known as Farm Talk, had not yet come to exist. Farm stands, wayside stands, as they exist today, with wallpaper, high end, curated farm goods and niche, slightly cultish markets for sourdough bread didn't exist yet. They have evolved past the old, rickety table my paternal grandmother and her sister had on stony Hill Road in Hartwood with a hand painted sign that said fresh eggs, Iris bowls, \$1. And the fact that the descriptors of my homestead include adjectives like blighted and eyesore, tell me that I am not only battling to say something this county seems intent on eliminating with every new development, but quiet classism speaks from the voices of the loudly privileged. My country charm lady wooden shed and tractor décor may not reflect the wealthy esthetic my posh neighbors are searching to attach themselves to in the superiorly wealthy neighborhood of Boscobel by being called Boscobel Woods. But that should not matter. My rights as a property owner to live and exist as I please are just as

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autonomously important as theirs, and the ridiculousness of saying that my little shed is causing chaos is simply a falsehood. I direct your attention to the customers I had last weekend from the transaction receipts are my providers. The week of August the 23rd. One woman for bread and eggs, totaling \$12, oh and \$8 in cash for salsa. The week prior, three digitally paying customers. This shed is open Tuesday through Saturday, from 10am to dark, no intelligent person, or even an art major like myself, so bad in math, could decide that two to four people over a five day span on any road in Stafford constitutes a traffic dilemma. It's ridiculous. The issue with traffic in Stafford is traffic. Caroway is a cut through road, not a self-contained neighborhood road. You can use Caroway to move from Brook Road to 218, to Ferry Road or Route 3 within 10 minutes. Landscaping trucks, such as the ones that are pictured in the packet, utility vehicles, broken down cars and people simply stopping to get their bearings off of the highway, which is Brook Road, often end up aside my house, and that is the cost of the toll of living off of one of the most traveled roads in the county. The residents of Boscobel Woods could have chosen the neighborhood with less complicated traffic concerns, but they did not and are choosing to lay their concerns at the doorstep of my shed. If you have not heard there was a passionate outcry against data centers planned on agricultural lands happening in this very building tonight. The irony of that outright is that I stand before you begging for you to interpret agricultural zoning for its actual intent in defending myself against neighbors for being exactly what people are crying out for in the Supervisors meeting. Or is the irony here...

Mr. Apicella: Is everyone ok with another two minutes? Yep.

Ms. Hughes: Thank you, sir. I appreciate it. Or is the irony here that we really don't believe in property rights or is the irony here that this is about people with more trying to tell people with less how they should do things. And we certainly don't believe in the American farmer, the small business owner, but just the convenience of invoking their names when we say not in my backyard. I don't think that I should have to, but I request to be granted a variance or exception or a conditional use permit for what is being defined as a wayside stand, a connotation which I continue to object. But if you do not feel that interpretation of the ordinance is enough to support my cause, I guess it is because here we are having two conversations tonight, and we simply don't understand one another. Not to simply discuss this appeal, we are determining our identity as a county. Do we remember in the George Washington District that Washington was first and foremost and always a farmer? I do. I want my legacy to be that my daughters know that I stood for something more important than stuff.

Mr. Apicella: Okay, so the next part of the process, ma'am, is that we get to ask questions. So, I'm going to ask Mr. Blaisdell, if you have any questions. Mr. Causey?

Mr. Causey: At this moment, I'll pass.

Mr. Apicella: Mr. Panjshiri?

Mr. Panjshiri: I do just have one question. So in regard to the complaint, what was your exact appeal against the complaint then in terms of what the Zoning Administrator determined?

Ms. Hughes: Yes, sir. Thank you so much for the question and the opportunity to answer and be heard tonight. My objection specifically is that I don't think wayside stand is clearly defined inside of the county ordinances. I think wayside stand has evolved since the time that was implemented. I've asked for the definition, and I feel that it is specifically unclear. I also object because within the A-2 zoning agricultural district, I am allowed to have a Farmers' Market if I go through an application process, which I have also discussed with Mr. Bernal, or a home-based business, which the shed could follow the

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setback rules for if I was allowed to continue with that option. However, the issue is that I can clearly say that I have more than two vendors inside of the shed. I have the farm, myself, my daughters create items which are being sold within this shed. My definition of sundry is assorted. So, I will tell you that I'm middle aged or slightly older, and so that was within my vocabulary but I will tell you that I am appealing this, because I feel like the impact will also significantly impact my farm business. The farm shed does very little cash flow business on its own, as can be seen by the receipts here tonight. But what it does do is give me a visual, digitally and out in public, which is driven nearly \$10,000 worth of content related sales to my farm at 440 Brook Road. The loss of such content, the loss of the ability that helped me to post on TikTok in order to post use of videos for content which currently there is a market for, and a lifestyle which there is a market for is going to impact my ability to farm and continue to pervade my products outside of the shed.

Mr. Apicella: All right. Thank you. Mr. Underwood?

Mr. Underwood: I do have a question. Are you familiar with the definition of an agricultural operation?

Ms. Hughes: At the definition per Stafford County? Would you be so kind as to relay it to me? I would appreciate it so much.

Mr. Underwood: Absolutely. This comes from the Stafford County to ask a question, agricultural operation, an operation devoted to the bona fide production of crops or animals or fowl, including the production of fruits and vegetables, meat, dairy and poultry products, nuts, tobacco, nursery or floral products, and production harvest of products from silviculture activities. Nursery operations are considered agricultural operations in addition to apiaries. Agricultural operations do not include establishments engaged in the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge. Do you feel that your operation at 440 meets this definition?

Ms. Hughes: Absolutely and completely, sir.

Mr. Underwood: Thank you.

Mr. Apicella: Thank you. Alright, thank you, Mr. Underwood. Ms. Petty.

Ms. Petty: I have a few questions. Is the stand normally attended by someone? Or how do you find out if someone wants something?

Ms. Hughes: No, ma'am, and it's based on the honor system, so it is not typically attended by someone. I do have an eight-year-old who is trying to save money for a vacation to Japan, and y'all don't pay teachers very well in this county so she has decided to sell lemonade on, I think she had done it for two weekends. At those times the stand would be attended because I sit out with her, or my mother sits out with her while she also sells lemonade, but by and large, customers either place pre orders, which can be picked up on Wednesday or Saturday morning, or it's an honor system. I have Cash App and PayPal available or a cash box which no one uses, one or two people. And people either tell me what time they're going to come pick up in a pseudo appointment type process. I tell them that if they're purchasing baked goods, they'll be ready on Saturdays and out in the shed after 9am. I normally load the shed up and then we go for the day and retrieve whatever is left.

Ms. Petty: So do you actually have items in the shed for people to pick up?

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Ms. Hughes: Yes, we do.

Ms. Petty: Are there any animals or birds or fowl or anything in the shed?

Ms. Hughes: In the shed? No.

Ms. Petty: You say people will make appointments and let you know when they're coming in. How much drive-up traffic do you get?

Ms. Hughes: Well, for instance, this past weekend, I had one car this past weekend. If you look in the packet, on August the 23rd I had one drive-up customer who utilized the shed and purchased eggs and other items. Other items that I sell on the farm, including pumpkin delivery, porch décor, other items related to my agricultural production, those I tend to do off site, but much of it is driven by the digital not the physical traffic.

Ms. Petty: So do you normally have just one or two people there at a time, like customers? And then, so you obviously have some kind of online presence, and they can make appointments? And that's how most of customers come to you?

Ms. Hughes: Yes, ma'am. I would say that that's how approximately 50% of my customers do choose to do it. Nobody wants to pick up stale bread/ If they're ordering bakery items, I tell them that it'll be there after nine. I do have people that will message me and ask for specific timeframes for it to come out later or earlier. But there is also salsa, jam, eggs, beeswax candles, aged and sifted compost, coasters that my daughters have made, herbal teas that my daughters have made that are sitting in the shed too, which are available for purchase on the honor system.

Ms. Petty: You mentioned TikTok. What does that have to do with the shed?

Ms. Hughes: So interestingly, thank you for asking that, because it's not something that I ever imagined as a young girl growing up between two families' farms. There is quite a large section of content that is devoted to farm stands, agriculture, homesteading, things related to agriculture and small farms. The farm stand, which was erected approximately around Memorial Day of this year, is featured frequently in my reels, on Facebook, my Instagram account, my TikTok account, where content is made about the farm, homesteading life on the farm. Searching for a vibe on the internet like faith, family, fun, and biscuits and gravy type of content.

Ms. Petty: So, most of that production would not be at the stand itself. It'd be somewhere else on the farm?

Ms. Hughes: I normally post a point of view video of what's available in the stand and then make those things that are happening in the garden. I have posted about making peppermint extract, about the sauces that are coming up. It's a combination of multiple things. Am I misunderstanding the question?

Ms. Petty: I'm just trying to find how that affects activity at the stand. If those things are taking place in the house or somewhere else on the farm.

Ms. Hughes: Yes, ma'am, the stand makes the production of all of that other content possible, but those are 18 second snippet clips.

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Ms. Petty: And this is just something you do with a cell phone or something.

Ms. Hughes: Yes, with the cell phone. I just set the items out about 30 seconds or less, because that is the attention span of the new generation.

Ms. Petty: Okay, and my last question is in one of these pictures, there's a board across the grass. I assume that's because it gets wet there.

Ms. Hughes: That was a suggestion of a representative from VDOT, because there is a ditch to cross. They said that if I laid a temporary or removable footpath to give people access to lessen our liability. It wouldn't be at cross purposes for what they say are setbacks. The entire structure, in fact, is temporary in nature. It is pallets. There is no foundation. It is easily moved. It was designed to be seasonal until people's business became telling me what my business was supposed to be. And so my Irish got up, and I decided that it was going to look a little bit different. It's just to prevent any type of potential walking injuries, to provide access to individuals who may have walking across.

Ms. Petty: So do cars park along the street there in front of the shed?

Ms. Hughes: They can, however, in that driveway which I mentioned, which is nine feet wide and 613 feet long. However, I am not the only reason why cars are often parked on the side of that road.

Ms. Petty: But that is where they park?

Ms. Hughes: Yes.

Ms. Petty: Okay, all right.

Ms. Hughes: Yes, ma'am. Thank you.

Mr. Apicella: Thank you, Ms. Petty. You contended that your parcel was, at some point in time, zoned A-1. Do you have any evidence to support that?

Ms. Hughes: So, I rendered a plat to Mr. Diggs that we were given when we purchased the property from the real estate agent that said that the land was zoned A-1. I did not bring it here with me tonight, but when Mr. Bernal and I had the conversation the first question I said it was, "What do you mean I'm zoned A-2." I was fully under the impression that I was zoned A-1 and performing a by-right action. And then, as Mr. Bernal said that the land was zoned A-2 the conversation then became, well, how can we collaborate to make me fit within this issue? Mr. Bernal asked me if I was an operating farm. I said yes, that I had a USDA registration number. He expressed some concern about interfering with the right to farm, and then said he would get back to me. Unfortunately, and I know that it sounds contentious, but Mr. Bernal, for almost the moment that we spoke, has been pulled over to all of the data center conversations and so when he was supposed to get back to me after speaking with county attorneys, he apologized profusely and said that he had been pulled over for the Data Center Project and had just received information from the county attorney, I think after they had gotten back from vacation about some of the by-right permit issues in A-2 variances.

Mr. Apicella: So I appreciate the pictures that you provided. I see pictures of the stand. I see pictures of the road. You didn't provide any pictures of the farm portion of your property at all. So and I looked on

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Google Earth, which isn't always the best source, but I couldn't see the area of your property that is a farm. So where on your property is the farm portion?

Ms. Hughes: Sure. Well, the USDA, when they ask you to register, which is information that I provided to Mr. Bernal and Deuntay Diggs, when you apply for a USDA Farm registration number, you have to draw onto the property where the farm boundaries are, and then the USDA representative draws it onto the property. As far as the USDA, US Department of Agriculture, is concerned, my entire property, because I have fruit producing trees, I have livestock and poultry, because I am performing micro breeding processing, because I'm aging compost over in other areas. The United States Department of Agriculture designated the entire property as a farm. Also, because in October, when the fiscal year opens up, I have already filled out applications for apiary products and what essentially are hoop houses in order to be able to grow flowers and state fair sized pumpkins and other produce earlier and later in the growing season.

Mr. Apicella: So you just mentioned that you had livestock. What kind of livestock do you have?

Ms. Hughes: Currently we have rabbits and one mini donkey that I utilize in my compost selling. We also have poultry, which we utilize for the selling of eggs. I do not process my poultry on the property because you have to have more acreage than what I have in order to process poultry. I also don't process meat. My eight-year-old has asked for hogs for Christmas. I can't wait for my neighbors to get a hold of that, you're welcome. But so that is what we are currently utilizing. I have rabbits that we're using for the meat and for breeding them to sell, the poultry and the donkey.

Mr. Causey: So you said you don't process the chickens but you have chickens that lay the eggs on site. So the eggs that you're selling are grown, laid, produced on site.

Ms. Hughes: I don't process chickens for meat. I apologize.

Mr. Causey: With that to follow up, I would like to ask what else you are growing that you're now also trying to sell? What's in the garden?

Mr. Apicella: Really, I think a good laundry list of what you sell is very pertinent to how we may adjudicate this.

Ms. Hughes: Over 40 varieties of peppers and hot peppers that I sell specifically as produce for the stand for private purchasers, or to place into four brands of salsa. I have Three Pepper salsa, a Sinner's Pew salsa, a Crybaby salsa, and Meet the Reaper salsa. I specifically grow potatoes. I grow cantaloupe, watermelon, squash, zucchini. I grow lavender, rosemary, hibiscus, calendula, chamomile. I feel like it's a test.

Mr. Apicella: I didn't mean that level of specificity, but I mean you sell you sell flowers, you sell...

Ms. Hughes: Eggs, herbs, herbs to make herbal teas, herbs to make extracts. I have a variety of fruit orchard trees, fig, persimmons, and apples. I also blackberries, strawberries, blueberries, for sale and make jams.

Mr. Apicella: Again fruits that you develop on your property. That's kind of what I'm getting at.

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Ms. Hughes: Sorry, fruit. So, multiple Bush fruits, multiple vine vegetables, multiple root vegetables. Tree orchard, tree fruits. Fruits and vegetables throughout the property, figs everywhere in order to both sell as a production item, and also to include as farm produce ingredients in farm made products. Is that better?

Mr. Apicella: Okay, yes. So also in your application, you mentioned the Right to Farm Act. So I'm going to ask you, do you have any evidence that the Right to Farm Act or any other federal, state or local law allows you to sell produce from your parcel.

Ms. Hughes: So it neither confirms nor denies that it gives me the right to sell produce from my parcel. And I'm a constitutionalist at heart, and I believe that the government does not have the right to take away my rights to sell are specifically enumerated. And so my concern is that no within the Right to Farm it doesn't specifically say that it has to happen on my property, but it doesn't specifically say that it has to happen off of my property either. It is left open to the interpretation of the farmer, and to this board here, here tonight, Mr. Bernal, I know, went to the county attorney to seek one definition. However, in looking at all of the legislation, not just the Farm Bureau summation, which was sent to you, it does not either enumerate or deny my ability to produce on the property.

Mr. Apicella: We're going to get into that in a second. And bear with me. Mr. Bernal, do you have a definition of a Home Business I?

Mr. Causey: And while you're looking, the second question is going to be, what's the difference to be a Home Business II?

Mr. Bernal: Okay, Home Business I: an occupation, profession, business, trade, ecommerce, or handicraft, carried on by the occupant of a single family dwelling as an accessory use which meets the following: shall be no employees other than family members who reside in principal residence. Two, there should be no substantial increase in regular trip generation by the home business that beyond the normal associated principal residential use. Three, customer visits may occur by appointment only and should be scheduled in a manner which does not permit customers to wait for their appointment. 3B - up to six days per week between the hours of 8am and 8pm Eastern Standard Time, Monday through Friday, 9am to 8pm eastern standard time Saturday and 10am to 5pm Sunday, and 3C - no more than five total visits per day for the purpose of this definition. Customer visit is defined as the arrival, at the Home Business 1, of a motor vehicle containing up to six passengers. That's more like for tutoring. Number four - Home Business I must provide sufficient off-street parking for customers' vehicles, in addition to the minimum requirements for the principal residential use. Five - the Home Business I may permit the parking of one vehicle associated with the home business, which is less than 13,000 pounds and parked off street. Six - the home business shall not occupy a greater area than 25% of the finished floor area of principal residence. Seven - there shall be no outside storage of goods, merchandise or materials associated with home business. Eight - the Home Business I shall not engage in retail or wholesale sale of goods or merchandise to customers directly on premises. However, direct sales equal to the number of permitting customer bids per day shall not be considered retail sales

Mr. Apicella: And how many is that again?

Mr. Bernal: Six. And number nine - the Home Business I shall comply with all federal, state and local laws and regulations.

Mr. Apicella: We can go into Home Business II, but it's not a by-right use in the A-2 district.

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Mr. Underwood: But it's with a special exception. I'm just curious.

Mr. Apicella: You can do Home Business II, I think, if it's....

Mr. Underwood: Yeah, under a special exemption, you could get a Home Business II. I was just curious what that, if that was the next level, what's the biggest difference?

Mr. Bernal: The next level? I mean, probably the easiest way to compare, you have 10 customers, and you still are subject to 25%. I'll just read the whole thing that way you can see in comparison between the two. A Home Business II is an occupation, profession, business, trade, ecommerce, or handicraft, carried on by the occupant of a single family home as an accessory use, which exceeds the definition and standards of Home Business I and meets the following: no more than two employees will be permitted to work on premises at any given time, other than family members who reside in principal residence. Customer visits may occur: 2a - by appointment only and should be scheduled in a manner which does not permit customers to wait for their appointment. 2b - up to six days per week between the hours of 8am to 8pm Eastern Standard Time, Monday through Friday, 9am to 8pm Eastern Standard on Saturday and 10am to 5pm on Sundays. 2c - no more than 10 total visits per day. For the purpose of this definition, one customer visit is defined as the arrival at the Home Business II of a motor vehicle containing up to six passengers. 3 - Home Business II must provide sufficient off-street parking for customer vehicles, in addition to the minimum requirements for the principal residential use. Number 4 - the home business may permit the parking of two vehicles associated with the Home Business II each individually less than 13,000 pounds and park off street. Fleet parking is not a permanent use. Number 5 - Home Business II shall not occupy a greater area than 25% of the finished flooring of the principal residence. Home Business II may be located in an accessory building or structure. Any accessory building or structure with a home business shall not be located in the front yard setbacks and shall be set back at least 30 feet from all property lines. 6 - storage of merchandise, equipment and materials associated with the Home Business II is permitted and shall be located in a primary residence or enclosed accessory building or structure shall not comprise more than about 15% of the total property on which the home business is located. Number 7, the home business shall not engage in retail, wholesale sale of goods or merchandise to customers directly on premises. However, direct sales, equal to the number of permitting customers per day shall not be considered retail sales. 8 - Home Business II shall comply with all federal, state and local regulations.

Mr. Apicella: So, just to follow up, on a Home Business I and a Home Business II, you still need a permit for Home Business II, which is a kind of administrative, it's not going before the Board. So, I've got a little bit of quandary, because what I hear you doing on your property is multiple things. You're selling produce, but you're also selling merchandise, and whatever you call it, it's still some kind of stand that you have on your property to sell those items. Now, when I look at the Right to Farm Act and some of the additional provisions in the state code, and I'm gonna read a specific section, and this kind of goes to Mr. Underwood's question. Under 15.2 - 228.6 Agricultural Operations, Local Regulation of Certain Activities. No locality should regulate the carrying out of any of the following activities in agricultural operation, as defined in subsection 3.2 - 300 unless there's a substantial impact on the health, safety and or general welfare of the public. And then under number two, it says, again, no locality shall restrict the sale of agricultural or silvicultural products or the sale of agricultural related or silvicultural related items incidental to the agricultural operation. So it appears to me that you have an agricultural operation, and in the county code, if I look at the definition, not only of an agricultural operation, but of agriculture, it refers you back to agricultural operation. It does not have a definition for agriculture, so the definition of agriculture is the same as agricultural operation, in my opinion. Agricultural operations are allowed

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under the state code, allowed under the county code, and you're allowed to sell agricultural products, in my opinion, on your property, but you're selling things, and to me, that's only those things that you actually produce on your property. If you didn't produce pumpkins on your property, but you've got a bunch of pumpkins from pumpkin farm A and you sold those, then that would not be within the confines of these rules. Again, my opinion, but again, you're selling other stuff at this stand, whatever you want to call it, which goes to the home business definition. If you want to do both, again, you can do by-right, in my opinion, you can do, by-right agricultural operations, but you can't also sell merchandise unless you get a Home Business I permit or Home Business II permit. Again, that's my opinion.

Ms. Hughes: In your opinion, you feel that because I am selling items I produce from items that I make on the farm, aka jelly...

Mr. Apicella: Not jelly, not jelly. You said some other things, the sundry, which is very broad. If you're selling something that you make on your property, or you buy from somewhere else that is not agricultural products that you produce on your property, then it's, in my opinion, it's outside of definition of your own farm produced products. That's where your get a jail free card there is that you do a home-based business, and you get a permit, whether it's Home Business I or Home Business II. So that's kind of where I'm at here. Again, there's different pieces of the county code, different pieces of the state code that come into play that said, I go back to and you said that you're complying with the setback requirements, if you were to continue to sell stuff, you would still have to abide by the setback requirements. That's why I asked the question, if we were to potentially overrule the notice of violation under whatever reasoning, you'd still have to abide by the setbacks. You could not sell products, whether it's a home based business or agricultural products, at the roads and you have to meet those setback requirements. You understand that, right?

Ms. Hughes: I'm gonna clarify that if I could, so that I understand it.

Mr. Apicella: I'm just giving you my opinion.

Ms. Hughes: Okay. I would proffer nothing is in the stand which is not made for or produced by my own property or farm, other than some of the flour for the bread. However, if I'm understanding you, am I understanding you correctly in that you think based on the definition and sort of the circular nature of what you and I have both read, that farm products are fine for sale, then we're really just talking about the setback, which is 25 feet.

Mr. Apicella: Depending on which road we're talking about.

Ms. Hughes: So I'm 52 feet off of Brooke Road. I thought we were 25 feet off of Caroway, but I think I probably took that measurement from the center line instead of off of the side so I think that that's where the footage came different. Again, it's palettes, it's easily moved back seven feet. My question is, given the nature of the Farm Act, if what is sitting in the stand is produced by the farm, is there still the requirement for the home-based business.

Mr. Apicella: If you're selling things that are not produced, that are not agricultural products produced on your farm. So if you're selling trinkets or selling merchandise....

Mr. Blaisdell: You can't buy and resale.

Ms. Hughes: Without also applying for a home-based business. I would have to...

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Mr. Apicella: It's not a big hurdle to get.

Ms. Hughes: Sure No, no, no. My only concern in looking at the home based business was that was the six customers that I like the idea, not that I have it right now, but I like the idea of someone being able to, like, take a leisurely drive on the very fast road, see the farm stand and pull off. I didn't necessarily want to be bound by that, and at the time, I thought I was operating within my by-right uses. So, I understand that there could be no reselling specifically out of the stand, and that for any other operation, whether it's tangential to a farm business or not, I would have to apply for and work through the home-based business designation, either one or two. Is that right?

Steven Apicella: I think that captures it.

Mr. Blaisdell: Hit it pretty good. Yeah.

Mr. Underwood: But to follow one thing. So, if we, this board, were to find the ability to have you sell your farm product, you have the ability to put it where it needs to be, to get to the proper setback, which obviously, right now it looks like it is not?

Ms. Hughes: Yes, right, we'll move it that 18 feet off of Caroway on to the 25 feet.

Mr. Underwood: We'll let people that know that better than us make that determination. Right now we just know it's not, it's in the setback. Yeah, that's good. So you have that ability?

Ms. Hughes: Absolutely.

Mr. Apicella: All right, I've kind of asked my questions. So does anybody else have any questions for the applicant? All right, go ahead.

Mr. Blaisdell: A concern of mine is the on-street parking that you have. Just kind of using a VDOT right-of-way every day as your designated parking lot, you know, it doesn't really address the safety concern about the cars. And I know you say that it's not, but I drive by there and in and out different things, and you just have your cars parked there and using it as your own personal parking lot. I mean, it's not quite the same as if you were having a yard sale on the weekend or a cookout, and you happen to have some overflow. So it does kind of have a little safety effect and like VDOT said, it's a liability. If something were to happen at that intersection, you could get drug into this. You know I mean? And I know that road safety as far as Farm Bureau and different farming agencies are concerned, is a big top priority. And it doesn't matter whether it's on a tractor or whether you're parking. It's anything that could cause a problem and that kind of concerns me. I kind of like to see the cars, if you could kind of contain them all on your own property, it would kind of address a lot of different concerns. You know, it's kind of your product and your business, and so you can kind of absorb the traffic and everything that goes along with it.

Ms. Hughes: Yes, sir, may I...Thank you for that, and I have been I I've been I am aware. I've spoken to Farm Bureau representatives and USDA representatives and have my own insurance company talking specifically about farm liability. It's a big conversation happening all over the country right now about the liabilities that farmers are facing. The topical applicants, vehicular issues, any of those things, and I appreciate you bringing that up. I have submitted to VDOT an application for an alternate ingress and egress because I have an almost 16-year-old who's getting ready to turn out on the road where it's green

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flag racing and the line of sight, one of many trees at the front of my property are not conducive to the team. I spoke to the representative at VDOT because we have more than enough surface area to apply for another ingress/egress. However, I am in a bit of a conundrum, because before they approved or denied anything, I am in a holding state because they wanted to know what I was going to be defined as here in order for them to say what I needed from them, for my ingress and egress and gravel coverage areas. And so I have been proactive in talking with VDOT and looking at where I can place parking areas and where I can have ingress and egress we just needed to, and I actually talked to a representative about the setback issues. I just need to sort of have more solidified stance here, so that I can go back to them there, and we can move forward with those plans. So while the right-of-way is tolerable and passable on Saturday, August the 23rd for one lady to come by and purchase bread and eggs, I'm well aware that more needs to be done in order to develop the way that I want to and to impact the safety around me, for my neighbors, for my children, for my family, all those items. So thank you for bringing that up.

Mr. Apicella: Thank you. All right. I appreciate it. We're gonna open the public hearing on this item. If there any members of the public who wish to speak in support of this application, please come forward now. Remember, please provide your name and address.

Shawn Pilj: My name is Shawn Pilj and I live at 35 Doke Lane which is a little farther north on Brooke from the farm in question and I have a large family and I also have five acres, and we drive back and forth on Brooke all the time. And when I say all the time, I mean five, six times a day some member of my family is traveling past that lovely little farm stand, and I've had conversations with every driver in my head there has never been, since it opened, a backup of traffic. I have stopped there myself, and I have the ability to pull off. I mean, it's a Nissan Murano so it's not like a tiny car, completely off the road at Caroway to shop and her stand. It is very easy to then pull forward, go down to the end of Caroway and turn around and leave. I was flabbergasted when I heard that people were complaining about traffic there. There just is not a traffic issue there. There's no way that it could be. And that was why I wanted to come support her farm today. That's all I have to say.

Mr. Apicella: Thank you. Anybody else who would like to speak in support of the application?

Katie Schneider: Katie Schneider, 42 Sycamore Ridge Road. I don't live anywhere near her. I live way down White Oak. So my husband I were reading on Facebook and I said can you believe this nonsense. And so we drove by and we turned down, is it Caroway? We turned down a Caroway, and you know what we saw? We saw a trailer and a truck parked on the side Caroway. It is a public road. I live on a private road, which means I get to call the sheriff's department when somebody wants to park on my road because you're not allowed to. If you live on the public road, which I have in the past, somebody parks in front of your house, you don't get to call the cops on them. You just have to suck it up because you live on a public road. There are benefits to the public road. They plow your road. They don't plow my road. So I just think like you're concerned about the parking like it's not really, because it's a public room, so anybody can park there in time. And I know that's not what they're doing, but I just think that's a non-issue.

Mr. Apicella: Thank you. Anyone else in support? Okay, is there anyone who...

Craig Hughes: I'm sorry, my wife's definitely better at this than I am. My name is Craig Hughes. I live at 440 Brooke Road. It's just some pallets my wife asked me to put together and I thought I was doing good by getting 12 foot off that easement thinking that's what we need to be. I know Stephanie has been very proactive in trying to find the parameters so that I can put this in the right place and we can do the

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right things. Thank you. I'm sorry we had to file an appeal to have this discussion and find out these things. It's kind of expensive but thank you for being here and stuff. But look, this is, my wife's family has farmed in Stafford for generations. Today, she's passing that legacy down to our children. For us at the 440Farm stand is not just about selling produce. It's about teaching our daughters to be self-sustaining, to be responsible citizens and to grow up as strong, faithful, spiritual women who can care for themselves and also serve their neighbors and community. Closing the farm stand wouldn't just hurt our family's livelihood, it would discourage the very values our county says it wants to preserve. Family, farming, independence and the next generation of our community steward. I appreciate your time and effort on our behalf and Stephanie's behalf thank you.

Mr. Apicella: Thank you, sir. Alright, last call for anyone who wants to speak in favor of this application. I see no one. Is there anyone who would like to speak in opposition to the application? Okay

Donna Elliott: Could you put the map back up there, that was initially up there? I have three minutes. First of all, I'd like to ask, why do the people that bring the case have more time than people that want to oppose or favor it? That's just something for another issue. My name is Donna Elliott. I live at 16 Caroway Drive. Something I liked to point out, Brooke Road in this area is very heavily trafficked, and at this was particular intersection I go out of here sometimes four or five times a day. It is difficult to see in this direction traffic coming. The other, not so much. But here, it's an interesting situation and Mrs. Hughes is correct in saying that this is not just a street that belongs to our subdivision. It's like a public roadway, and it is heavily used every morning, all day long, and at night time when people are getting off from work, because if they're coming this direction, they turn left, they come through here to Boscobel Road, and then they go up to the other exit by the Morman church on Brooke Road. Because Brooke Road comes around here like this, and people are using it as a cut through. And they're using it to get New Hope Church Road, and then to get over to Route 218 to go west, or is it east, I'm not sure which, in King George County. We have all kinds of traffic going through there. Cars and SUVs, we have a lot of pick-up trucks that come through there with 20-foot trailers hauling all kinds of equipment. And there's not a lot of space right here where they're turning in for those vehicles. And it's particularly worse if they're going this way because the house that's here, the driveway that comes right out here. So we see that. We see box trucks, Lowes, furniture trucks, all kinds of stuff, using it for that cut through, because Brooke Road comes all the way around here. So it is heavily trafficked through our neighborhood. And it's, the other gentleman was speaking on here. Sorry, sir, I can't remember your name next to Mr. Causey, you were talking about the safety issue here. I totally agree with you. When the other lady was saying that she had seen, and that would be right here at these two lots, the truck that was parked that had the 20-foot trailer behind, yes, because that person that had the truck parked there cuts the grass in those two fields. So that's why they were on the side of the road. That's why I'm opposing.

Mr. Apicella: Thank you, ma'am. Alright. Is there anyone else who would like to speak in opposition? Seeing no one else does the applicant wish to respond or add any additional information?

Ms. Hughes: I want to thank everyone who came tonight. I want to thank everyone who spoke for or against. It's nice to meet you. It was not my intent when my daughter said that we should sell the extra eggs from the chickens that we have and some of the other farm goods so that they could earn some spending money. And I thought I could teach them some independence and work ethic in a world with youth attached to a digital screen, that I would end up in the government center. That wasn't the intent of this application, and I appreciate everyone being here tonight to discuss this, whether y'all agree with me or not, please agree with me, but whether y'all agree with me or not, because I, as a teacher, I'm often asked how I vote in presidential elections, and I tell my students consistently to ignore national items

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and to participate in local government because it has the greatest ability to affect their personal and daily lives. I did not realize that I was going to be adding soothsayer to my educational resume, but I shall after tonight. But I want to say that this discussion has been beneficial, and I appreciate all sides, even the quiet ones that have been here tonight, so that we can participate in this form of government. We're very blessed to have it and exercise it this evening. I want to, I filed the appeal because I felt back up against the wall for time because I had not heard back yet from Mr. Bernal and the county attorney, who was on vacation. And then, following the appeal and speaking to Supervisor Diggs, he had intimated that he thought that there would be other things available later that have not come to pass because the data centers are sucking up every bit of attention downstairs with our Supervisors. I appreciate your time tonight, either for or against. Y'all come by anytime for biscuits and gravy. I appreciate it.

Mr. Apicella: All right, do any members of the board have any additional questions for the applicant or staff? All right, please go ahead.

Ms. Petty: Mrs. Hughes, I just want to summarize. My understanding is you are amenable to moving this shed further into the property so it's not within the setbacks.

Ms. Hughes: Yes. Ma'am

Ms. Petty: You are already planning some sort of off-road parking area?

Ms. Hughes: Yes. Ma'am.

Ms. Petty: And the items that you sell in the shed are all produced on your farm in some way or another, like the bread is made from ingredients on the farm?

Ms. Hughes: Yes, ma'am.

Ms. Petty: Okay, thank you.

Mr. Apicella: All right, I'm now going to close the public hearing, bring this matter back to the Board for discussion and deliberation. Is there a motion?

Mr. Underwood: I would move to reverse the notice of violation.

Mr. Apicella: Is there a second?

Mr. Causey: I second that with the caveat on some wording.

Mr. Apicella: Okay. Any further comments Mr. Underwood.

Mr. Underwood: Yes, so the reasoning behind my motion is agriculture is a by-right use in the A-2. The definition of agriculture, or agriculture goes back to agricultural operation. The definition of agricultural operation in the Stafford code mirrors the state code with two additional sentences. State code then states that a locality may not regulate certain activities for an agricultural operation unless there's an impact on health, safety or general welfare to the public. The notice of violation didn't note anything other than that it was a non-listed use so, for those reasons I made my motion.

Mr. Apicella: Okay, Mr. Causey.

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Mr. Causey: That does take away the actual issue at hand by not solving the problem on the ongoing action. So maybe I'm...being new to the board I'm just trying to decide if we need to vote on that before a motion would be an addition to yours.

Mr. Apicella: I'm sorry, Mr. Causey, I'm not really following where you're going.

Mr. Causey: Right now you're only the motion is to only just vacate the notice of violation?

Mr. Apicella: That's it, right but what were you thinking?

Mr. Causey: Is that all we're going to be able to do?

Mr. Apicella: We can't set conditions on, you know, approving or denying or reversing a notice or a decision on a zoning determination so there may be some other issues, and I might speak to that when it's my turn, because I think there's some quandaries or conflicts in our code that might need to get squared away going forward to address maybe some of the health and safety issues. But that's not a matter upon us at the moment. So if that's what you're thinking, that's kind of outside of scope right now. Any other comments?

Ms. Petty: I do think we would need to put a condition on it that the shed has to be moved outside the setbacks.

Mr. Apicella: We cannot put on a condition but again, as I said, they have... the property owner would have to comply with the setbacks, and if they don't comply, then guess what? They're going to get another notice of violation. So, did you have something?

Mr. Panjshiri: So right now, are we saying, then that the Zoning Administrator was incorrect in that classifying the stand as a wayside stand? So that's like, because that's where I'm kind of in my contention, in the sense of, regardless of what the property is being used for, in that sense, that's fine, and that's within the by-right. But the fact of that, if it's a wayside stand by definition, if we're going with what the Zoning Ordinance says is a wayside stand, and this is classified as a wayside stand, and I would say then that the Zoning Administrator is not incorrect in classifying it. So that is my right now, my contention in the sense of we're just determining if the Zoning Administrator was correct or incorrect in that sense.

Mr. Apicella: I agree with you that a wayside stand is a non-listed use in the A-2 district. However, agriculture is a listed use in the A-2 district. And kind of going back to the circular argument, agriculture is not defined in the Zoning Ordinance, refers back to agricultural operation, and agricultural operation is allowed.

Mr. Panjshiri: But does operation include sales?

Mr. Apicella: Yes.

Mr. Causey: It's the only reason you raise it.

Mr. Blaisdell: Yeah, you don't raise it just to look at it.

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Mr. Apicella: So you know, it's, this is not a perfect situation where all the puzzle pieces fit together. I hear what you're saying, but I think in this case, the bottom line is, the county said you have to stop doing what you're doing because you're not allowed to do it. In my opinion, they are allowed to do it because the Dillon Rule tells us they have. There's Dillon Rule tells the counties localities what they have to do. In this particular case, Section 228.6a-2 says that they have a right to sell agricultural products from their property. Whether I agree or disagree with that, that's what the state code says. And in my opinion, our hands are tied. I am concerned about the traffic situation. I hope the applicant will address it. I also think there are some conflicts that are our ordinances aren't fully squared away with this particular outlier issue. I think normally, a wayside stand would not be appropriate and I think since this is agricultural products sold by a wayside stand, it's kind of a different animal altogether. And so that's why I'm going to support the motion, even though, again, I think all the puzzle pieces aren't neatly tied together. I think the outcome is going to be the same regardless. So any further comments on the motion to reverse the notice? Oh, what's the right word? It's probably not the right word, overturned? Overrule. Overrule. Is it okay if I say overrule? On the motion to overrule the Notice of Violation. All those in favor say aye. Opposed. Okay, that motion carries unanimously. Thank you very much. You'll hear back from the Zoning Administrator regarding the disposition of the case. I appreciate everybody who showed up. Everybody have a great evening. I that right. We're going to move on to the next agenda item. No more cases. We have no Unfinished Business. Report from the Zoning Administrator.

UNFINISHED BUSINESS

NONE

ZONING ADMINISTRATOR'S REPORT

Mr. Bernal:

Just one little thing. We'd like to welcome Mr. Skip Causey to the BZA membership, formally. Should have introduced him at the beginning. We have no cases for September. That's all I have.

ADOPTION OF MINUTES

2. June 24, 2025 Board of Zoning Appeals Minutes

Mr. Apicella: Darn. All right. Thank you so much. Mr. Bernal. Approval of minutes. If everybody's had a chance to look at it. All those in favor of the June 24, 2025. Is there a motion to approve the June 24, 2025, BZA meeting minutes.

Mr. Blaisdell: Make a motion.

Mr. Apicella: Is there a second?

Mr. Underwood: Second.

Mr. Apicella: Okay, all those in favor say Aye.

All Members: Aye.

Mr. Apicella: Opposed? Abstentions? I'm going to abstain because I wasn't here.

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Mr. Causey: I'm abstaining because I wasn't here so do you got enough?

Mr. Apicella: Yeah, we got enough. So that motion carries 4/0 with 2 abstentions. With no further business before the BZA. Is there a motion to adjourn?

OTHER BUSINESS

NONE

ADJOURNMENT

Mr. Causey: So moved.

Mr. Blaisdell: Second.

Mr. Apicella: All those in favor say aye.

All Members: Aye.

Mr. Apicella: Opposed? All right. Adjourned.

At 8:35PM, Chairman Apicella adjourned the August 26, 2025, Stafford County Board of Zoning Appeals meeting.