

STAFFORD COUNTY BOARD OF ZONING APPEALS
February 24, 2026

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, February 24, 2026, 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, Nathan Mowery

MEMBERS ABSENT: Tracy Petty

STAFF PRESENT: Juan Bernal, Crissy Kendall

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: 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: Thank you, Mr. Chairman. Mr. Steven Apicella.

Mr. Apicella: Here.

Mr. Everet Blaisdel.

Mr. Blaisdell: Here.

Mr. Bernal: Mr. Abraham Panjshiri.

Mr. Panjshiri: Here.

Mr. Bernal: Mr. Tylor Underwood.

Mr. Underwood: Here.

Mr. Bernal: Mr. Skip Causey.

Mr. Causey: Here.

Mr. Bernal: Mr. Nathan Mowery.

Mr. Mowery: Here

Mr. Bernal: Ms. Tracy Petty.

Mr. Bernal: Thank you, sir. We have a quorum.

Mr. Apicella: Thank you Mr. Bernal. Are there any changes or additions to the advertised agenda?

Mr. Bernal: No Sir. No changes.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: 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, seeing none. Moving on. 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. 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 to take votes is four members. Let the records reflect that we do have quorum tonight, with a total of six members present and voting. 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 tonight and voting is Nathan Mowery. County staff is represented by Juan Bernal, the 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 and since we don't have a BZA secretary, I'm going to ask the vice chairman to do so on his behalf. BZA members can ask questions of the applicants regarding their case. The chair will then ask the applicant or their 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 and granted by the Board. Members of the BZA may ask questions of the applicants 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 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 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 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 until order can be maintained. Please address your comments 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 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

***Board of Zoning Appeals Minutes
February 24, 2026***

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 please be aware that the BZA will not hear any denied application or variance which is substantially the same request as determined by the Board that is currently under consideration for one year from the date of its previous decision. Any persons who do not agree 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 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.

APPLICATIONS AND APPEALS

1. V26-01/26156911; Ann Cathryn and Daniel Sullivan – 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. 58A-1-51 (Property). The Property is zoned R-1, Suburban Residential, and is located at 101 Kent Avenue, within the George Washington Election District.

Mr. Panjshiri: The first case for tonight, number V26-01-26156911- 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 an existing dwelling applicable to Tax Map Parcel Number 58A–1-51. The property is zoned R-1, Suburban Residential and is located at 101 Kent Avenue within the George Washington Election District. The applicant is requesting a variance to the rear yard setback that would permit an encroachment of approximately 3.0 feet into the required rear yard setback for the purposes of constructing a sunroof addition. The property is zoned R-1, Suburban Residential and requires a rear yard setback of 35 feet. The existing dwelling is located approximately 48.0 feet from the rear lot. The proposed sunroom addition measures approximately 13 feet by 16 feet and would be located to the rear of the existing dwelling. The proposed modified rear yard setback would measure approximately 32.0 feet to the rear lot line. Not only must the Board of Zoning Appeals consider Stafford County Code Section 28-35 Granting of a Variance, they must also consider Virginia Code Section 15.2- 2302 paragraph 2, 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 property or improvements thereon 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 one, 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. Two, the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area. Three, the condition or situation of the property concerned is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to the ordinance. Four, 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 five, the relief or remedy sought by the variance application is not available through a special exemption process that is authorized in the ordinance pursuant to subdivision six of section 15.2-2309, or the process for modification of the

***Board of Zoning Appeals Minutes
February 24, 2026***

zoning ordinance pursuant to subdivision A4 of section 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 that are requested by or on behalf of a person with a disability may expire when the person benefited by 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 it's appropriate under the provisions of state and federal fair housing laws, or the Americans with Disability Act of 1990 as applicable, such request 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. Zoning history of the property. The property is located at 101 Kent Avenue, Tax Map 50A-1-51 and is zoned R-1, Suburban Residential consisting of approximately 0.3099 acres or 13,499.24 square feet. The current owner purchased the property on October 4, 2019. The property is one of 132 lots constructed within the Argyle Heights subdivision. The subject lies one of 10 developed lots which fronts Kent Avenue along the western side, while the rear of the property backs to other similarly zoned lots along Duke Avenue within the Argyle Heights subdivision.

Mr. Apicella: Thank you, Mr. Panjshiri. That was a mouthful. I'm sure everybody got it. Are there questions for staff? We'll start with Mr. Blaisdell

Mr. Blaisdell: Not at this time.

Mr. Apicella: Mr. Panjshiri

Mr. Panjshiri: Not at this time.

Mr. Apicella: Mr. Causey

Mr. Causey: Not at this time

Mr. Apicella: Mr. Underwood

Mr. Underwood: Not at this time.

Mr. Apicella: Mr. Mowrey

Mr. Mowery: No questions.

Mr. Apicella: Okay, I've got some questions. Most of these questions for context within the criteria for reviewing and accepting a variance. Mr. Bernal, since a variance is an exception to the requirements everyone else has to follow. The state code has set a high bar for BZA to follow and they are rarely granted. Is that correct?

Mr. Bernal: Yes, sir.

Mr. Apicella: So it's not a give me.

Mr. Bernal: It's not a give me.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: One of the key provisions that must be considered in all cases is that an applicant must demonstrate that the strict application of the county zoning ordinance would prohibit the reasonable use of their property. Is that an accurate statement?

Mr. Bernal: Yes sir, correct.

Mr. Apicella: To meet the hardship criteria an applicant must also identify, and I do say also, that their property involves special physical conditions, such as exceptional size or shape or topographical issues.

Mr. Bernal: Correct.

Mr. Apicella: When there are no unique features of a particular parcel would the location of someone's home in relationship to the required setbacks, by itself, satisfy the hardship criteria? I'll say it again. When there are no unique features, no special conditions relating to the exceptional size or shape or topographical issues, those are not present.

Mr. Bernal: I'm sorry. Yeah, there wouldn't be no need for a variance.

Mr. Apicella: Okay. Is it also accurate to say that if there's already an existing reasonable use of a property, such as a home, that there's neither an unreasonable restriction on the property's use, nor that a hardship exist?

Mr. Bernal: Correct.

Mr. Apicella: And as such, a request to waive the rules to expand an existing structure would not meet the state codes requirements for a variance correct.

Mr. Bernal: Right

Mr. Apicella: And if the rules are waived for home additions and/or new structures that do not meet the code requirements for a variance, would that be establishing a special privilege and potentially establish a president?

Mr. Bernal: Yes, sir.

Mr. Apicella: Okay, that's it for me, for now. Would the applicant like to come forward on the first case and present their application.

Brian Zdziebloski: Good afternoon. Thank you very much for allowing us to apply for this variance. for you to take the time to review our case. We appreciate that time and effort. So we have two hardships that we would like to talk to the board about tonight. So first of all, back up a little bit. My name is Brian Zdziebloski, 9419 Everette Court, Spotsylvania, Virginia. So I am the applicant. I'm a design build contractor in the area. This is our client, Mr. Dan Solomon. So we have two hardships to talk about for this project, and one of them is that back in 2019 it became apparent that the builder put the house much further back on the lot than the Sullivans realized, and for which we hadn't actually found out, actually the actual placement of the house until we actually put the building permit in. So the drawing that we were using from the GIS from Stafford County, which isn't exact, I'll accept that, but it was way off. So we were five foot to the better when we originally designed the project, and then we can't go further to the right of the house because there's a staircase there. We can't go further left of the house because there

***Board of Zoning Appeals Minutes
February 24, 2026***

was a lanai there and a patio that already exists. And without wrecking what's already there, so the hardship would be the house placement was just not what the Sullivans thought it was, what it was when the builder put their house on the lot so they could have went, you know, solid, 10 or 15 feet closer to the to the road and no, I have no idea why they didn't do that, but so that's the hardship. But then I'd like Mr. Sullivan to explain the other hardship.

Mr. Sullivan: Yeah, so this is a big expense for us to put this room in and I understand that the setback requirements are, in fact, there for a purpose. There's a purpose for me putting that room in. One I'm 100% disabled veteran with PTSD. So the way the house is designed, it's an open floor plan, one level home, age in place home, which was great when we put it in but now we find that my son, who's also a disabled veteran, between him, myself and my wife, we're kind of on top of each other, and we really have no place to go when it comes to needing a place, a quiet place to go sit and think about things or just decompress and things like that. So when Brian, you know, designed it, I said, okay, you know, we don't want it to be a room. We want it to be an open space, like a sunroom type thing, where we can get a lot of light in when we need the light, turn down when we don't need the light, but just a place for us to go when we have that need to go there. 70% of my disability is for PTSD. So building this room in that size, you know, we looked at making it smaller going to the left, as Brian was saying, and that just won't work with the current design. I mean, for the flow of the structure to work the way it's most appealing to neighbors and everybody else, the only way to go is straight back off the kitchen. We're going to literally put in barn doors in the kitchen, and they'll connect the kitchen to the sunroom. And I think that will, you know, improve our conditions in life to the ability that we can maintain leaving the house the way we think is best for all of us. You can say, you know, cut off three feet, and then you wouldn't have to do it. If we cut off three feet, then it's basically a bedroom. It's the size of a bedroom and that doesn't work. That's just not enough space for us to make it into what we need to make it.

Mr. Apicella: Anything else? Alright, any questions for the applicant? Start with Mr. Blaisdell.

Mr. Blaisdell: No, I don't.

Mr. Apicella: Mr. Panjshiri.

Mr. Panjshiri:
No. Not at this time.

Mr. Apicella: Mr. Causey.

Mr. Causey: No. Not at this time.

Mr. Apicella: Mr. Underwood.

Mr. Underwood: No.

Mr. Apicella: Mr. Mowrey.

Mr. Mowery: One quick question. The property was purchased in 2019. When was the house built?

Mr. Sullivan: 2019

Mr. Mowery: Okay, no further questions.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: All right, so I have a few questions. Can you help me understand if there are any special conditions on your property, such as exceptional size or shape, or any topographical issues

Mr. Zdziebloski: No topographical issues.

Mr. Apicella: Okay, you mentioned that a smaller sunroom would not be viable. I have a 13 by 13 sunroom in my house. That's 169 feet. I'm still not sure I understand why that's not good enough.

Mr. Sullivan: It's just, I walked it off in my house and how it would work and I don't think it's worth doing it if it's shorter than...

Mr. Apicella: That's 208 feet. That's bigger than a lot of people's bedrooms.

Mr. Zdziebloski: That's actually an average size sunroom for us.

Mr. Apicella: Again, I have a 13 by 13 sunroom. I have two couches, plants, all kinds of things, and it works for us. I'm still not, I'm still trying to understand. I mean, you know, part of our responsibility is to minimize the need for a variance, and when a variance is acceptable, to minimize the size of that variance. So again, I'll just ask it one more time. A 169-foot sunroof is not viable in this case?

Mr. Zdziebloski: Well, one of the reasons is that it has a side entry on it and beyond this, so you have this traffic pattern when you walk out into the porch to go to the side patio area, and then the space that's left over from the right side of that door to the back of the room. That would be your actual space of the room that you would use because of that, because of that traffic space for you to go in and go outside.

Mr. Apicella: So in the application, it indicated that there's the screened-in porch. How big is that screened-in porch?

Mr. Zdziebloski: It's pretty small. So, it's six or seven feet by 15.

Mr. Apicella: One more time. What is it, seven by what?

Mr. Zdziebloski: I don't have that.

Mr. Apicella: So that's 105 square feet. Is that it says on plan?

Mr. Mowery: It is showing the indent in there, and that's what they screened in. I saw the pictures.

Mr. Sullivan: That also has a side entry to it, and then it goes to the stairs. So almost half the room is taken up by just foot traffic. So you couldn't have furniture there.

Mr. Causey: Those stairs are a question that I had. How soon before the end of the house do the stairs stop? More than three feet?

Mr. Zdziebloski: These stairs here?

Mr. Causey: Yes.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Zdziebloski: What was the question again?

Mr. Causey: How soon do the stairs stop before you hit the back of the house?

Mr. Zdziebloski: Three feet.

Mr. Causey: Three feet, which is enough to turn. So why could you not take the 13 by 16 and turn sideways and go three feet beyond the end of the house?

Mr. Zdziebloski: Just because what it looks like to go out...

Mr. Causey: But it doesn't go over any BRLs at that time?

Mr. Zdziebloski: Not going this way. It's just because it goes beyond the side of the house. Architecturally, that's just something that we normally don't do that, and the customer didn't want to do that.

Mr. Causey: But it can be done?

Mr. Zdziebloski: Can physically, yes.

Mr. Causey: And the three feet is more than enough for the turning to get a turn radius to make that work?

Mr. Zdziebloski: I wouldn't think so. If you wanted to bring furniture in and out of there, you couldn't do that.

Mr. Causey: But it is possible? Code wise. Code wise, you need the three feet for the turn radius?

Mr. Zdziebloski: Code wise, yes.

Mr. Causey: Thank you.

Mr. Apicella: Any further questions for the applicant? All right, thank you very much. Okay, I'm now going to open the public hearing on this item. If there are any members of the public who wish to speak in support of this application, please come forward now. All right, seeing none. If there are any members of the public who wish to speak in opposition to the application, please come forward.

Seeing that there's nobody who wishes to speak, we normally give the applicant the last opportunity to address the Board. If you'd like to do so, you're welcome to. It's not a requirement. Any last questions for the applicants. All right, I'm now going to close the public hearing and bring this matter back to the Board for discussion and deliberation.

Mr. Mowery: While I fully agree with your initial thoughts that you kind of outlined in your questions, that unless the property was unable to be used without the variance, then it can't be granted. However, with the introduction of a disability into the equation, I'm not sure that we can quantify what size of a room would alleviate a disability, and then, therefore, I think we have to move forward with an approval.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: The only thing I would add to that, I hear what you're saying, there's no evidence provided whatsoever in the application or tonight about the disability and how that how having a sunroom would help mitigate that. There is a requirement in the code to provide a reasonable accommodation for a medical condition, but in order to provide that accommodation, the applicant is required to provide evidence to support the accommodation.

Mr. Sullivan: I have it.

Mr. Apicella: Okay, and not just that there's a medical condition, but that the requested item would help mitigate that medical condition or is necessary for that medical condition. So, it's great if you provide evidence, but from my vantage point, it goes beyond that. I would need to understand how what you're requesting is necessary for or would help mitigate that medical condition. So, you're welcome to provide it, but that's, that's my personal feeling.

Mr. Mowery: I agree with what you're saying that it does require some evidence that it would alleviate that. In this particular situation, I felt comfortable that it would even if we asked for it would be provided for this particular disability.

Mr. Apicella: Okay, others who wish to speak?

Mr. Panjshiri: So, I guess going down that line of questioning then, or that assumption then, are we saying that this sunroom would have to also leave when this person is no longer at this property because isn't that part of the...

Mr. Apicella: With a variance, it runs with the land, right? So the next property owner would be entitled to the same sunroom of the same size, right?

Mr. Bernal: But the Board could put conditions on...

Mr. Apicella: If it could put conditions, it doesn't have to. I'm not sure one of those conditions well, it could be. I guess a condition could be that you have to...

Mr. Panjshiri: Yeah, I think for the ADA stuff, it was saying, I guess there COULD be a condition. I didn't know if it was a requirement or not for that condition. I guess this question is for staff. With looking at the surrounding properties, are there any to the fact of like, is this so reoccurring, or general in nature, for that district and for that vicinity, could we see something coming like this again, for something that serves as a unique hardship? What do you say?

Mr. Bernal: The lots, they vary. I mean, they could be consolidated to make them bigger, to help alleviate the need of a variance. But at the same time, it is unique in the sense that this person has a disability, and I don't know of any other either variances that have been granted because I couldn't find any within that vicinity or within that neighborhood that helps alleviate the hardship.

Mr. Apicella: Anyone else? Is there a motion?

Mr. Mowery: I'll make a motion to approve.

Mr. Apicella: Is there a second?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Panjshiri: I will second for the purpose of discussion.

Mr. Apicella: Okay. Any further comments, Mr. Mowery?

Mr. Mowery: I have no further comments.

Mr. Apicella: Mr. Panjshiri?

Mr. Panjshiri: So when looking at it from the lens of if we're going with the disability route and as providing a modification or accommodation for that, I think we could grant it. But I do have some reservations at the moment of, in terms of, is this the need, based on what was presented, in terms of for that three foot variance, or if there's another alternative, as that was, you know, the line of questioning that you brought up, so that's my current position on it.

Mr. Apicella: Any other comments? Mr. Underwood.

Mr. Underwood: Yes, looking at it kind of along that same line, it would appear as though what we're being asked is whether or not this three foot is critical and based off of the evidence presented so far, it appears to be more of a preference for the space versus necessity for the disability. For that reason, I would be voting against granting the variance.

Mr. Apicella: I'm inclined to feel the same. I think, you know, during the line of inquiry from Mr. Causey, they could have that three feet that additional space is required along the side of the house and still get the same square footage that they're looking for. So I'm inclined not to support the application. Mr. Mowery, did you have anything else to say?

Mr. Mowery: Is somebody going to make an amendment to the motion or do we vote on a different motion?

Mr. Apicella: Yeah, it requires four votes for affirmative support of a variance. So if it doesn't get four votes, it doesn't pass.

Mr. Mowery: Okay, I'll make some comments. None of us, I think, have the qualifications to determine what is necessary to actually alleviate a disability such as PTSD, naturally. I think that is true. If we're unsure if the evidence is there in order to support that claim, I would urge a deferral rather than a denial, so that we can ask for that evidence, because, again, we should not be making that decision against it, unless we're sure that a doctor can't support the claim that this variance would assist their disability.

Mr. Apicella: I'd be inclined to agree, except, again, they're looking for a 208-square-footed sunroom. They can get that by pushing the size of the sunroom to the side and still get 208 square feet versus 169. So even if it were true that they needed that much space, they can achieve it without getting a variance. From my vantage point. Mr. Causey.

Mr. Causey: Along that lines, I agree. I'm not going to support this, because I think there's other alternatives. It's a wish of that the need to go beyond that deep. But I think you can get the square footage in other ways and without just automatically asking for a variance. So I can't see supporting this.

Mr. Apicella: Mr. Blaisdell, do you want to say something?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Blasidell: I kind of agree with Mr. Causey. I think it can be reconfigured or moved around to get the square feet.

Mr. Apicella: Okay, so I'm going to call for a vote on Mr. Mowery's motion. All those in favor say aye. All those opposed. Okay, that motion fails by four to two.

Mr. Apicella: Okay, that's here we are. Unfortunately, the BZA did not support the application. You'll be hearing from the Department of Planning and Zoning regarding the disposition of your case. Thank you very much. We're going to move on to case number two. You don't you don't need to read the whole background about variances, but if you can read this overview.

2. V26-02/26156912; Tracy and Chad Ankersen – 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. 19J-5-15 (Property). The Property is zoned R-1, Suburban Residential, and is located at 7 Keith Court, within the Rock Hill Election District.

Mr. Panjshiri: All right, so second case for the evening is case number V26-02/26156912. 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 an existing dwelling, applicable to Tax Map Parcel No. 19J-5-15. The property is zoned R-1 Suburban Residential Cluster and is located at 7 Keith Court within the Rock Hill Election District. The applicant is requesting a variance to the rear yard setback that would permit an encroachment of approximately 3.5 feet into the required rear yard setback for the purposes of constructing a sunroom addition. The property is on R-1 Suburban Residential Cluster and requires a rear yard setback of 25 feet. The existing dwelling is located approximately 31.5 feet from the rear lot line, the proposed sunroom addition measures approximately 11 feet by 14 feet and is proposed to be located to the rear of the existing dwelling. The proposed modified rear yard setback would measure approximately 21.5 feet to the rear lot line. The property is located at 7 Keith Court, Tax Map 19J-5-15, and is zone R-1, Residential Cluster consisting of approximately 0.2713 acres or 11,817.82 square feet. The current owner purchased the property on August 15, 2002. The property is one of 88 lots constructed within the Arbor Glen Subdivision. The subject lot is one of seven developed lots which is located within Keith Court. The subject lot is one of two lots which backs to the A-1 zoned agricultural residential property that is accessed via from Winding Creek Road, which contains approximately 2.789 acres.

Mr. Apicella: Thank you. Mr. Panjshiri. Questions for staff. Mr. Blaisdell.

Mr. Blaisdell: Not at this time, no.

Mr. Apicella: Mr. Panjshiri

Mr. Panjshiri: Not at this time.

Mr. Apicella: Mr. Causey.

Mr. Causey: Not at this time.

Mr. Apicella: Mr. Underwood.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Underwood: Would you be able to provide a brief overview of the difference between a screened in porch and what is being proposed here.

Mr. Bernal: Yes sir, let me get my paperwork. Okay, per section 28-4 regarding measurements. A porch, which is a structure extending from the outside wall of a building above ground level, with a roof, but not enclosed by other than a protective railing, with or without screening, is what's defined as a porch. In this case, it's an enclosure and it's a sunroom, and therefore it becomes an addition and is not recognized by the ordinance as an encroachable structure.

Mr. Apicella: Mr. Mowrey.

Mr. Mowrey: No questions

Mr. Apicella: I'm not going to repeat the questions that I asked during the last case. I think they still apply. The one thing I'll ask in addition, is, again, with respect to the state code, are the BZA requirement to follow the state code is, it's not discretionary. It's mandatory.

Mr. Bernal: Yes, correct.

Mr. Apicella: All right. Would the applicant like to come forward and present their case?

Mr. Causey: Steven, one quick question for verification. So, if it was an open, just a covered roof, and the deck with the covered roof with no sides other than posts, it would be an open porch, which could go further than an enclosed room.

Mr. Bernal: Yes sir.

Mr. Causey: How much beyond the BRL?

Mr. Bernal: They could encroach six feet.

Mr. Causey: Six feet. Thank you. To include screening?

Mr. Bernal: Correct.

Mr. Apicella: Would the applicant like to come forward and present their case?

Chad Ankersen: Good evening. Thank you. Hello. My name is Chad Ankersen. I live at 7 Keith Court. We're at the edge of the cul-de-sac, at the top of the cul-de-sac, and behind me there is a plot of land. I believe it's A-1, Agricultural Residential. It actually kind of starts at Winding Creek Road, as was mentioned, and it comes down to a point behind this. It is wooded and then there's another development behind there that is, there's doesn't seem to be enough room to put anything else behind us, so we're reasonably sure this would be a wooded area. And that brings us to our issue that when we bought the property a while ago, the trees are not nearly as big as they are now, and the trees have grown and grown and grown and grown. We don't have access to that property, and obviously it's not our property, so we have no control over the amount of leaf litter and whatnot that comes back into there. We've been there for a while. We've decided to make this our forever home, and we wanted to make it more usable. The back of the yard is very narrow and to make it more usable, we have a deck that goes back about 14 feet. We contacted a company and we asked if we could do the sunroom addition and they came out and did

***Board of Zoning Appeals Minutes
February 24, 2026***

some measurements, and we came up with a determination to make it 11 feet out there. Our initial thought was that, wow, it's going to be narrower than the current deck that we have. It wasn't until we got into the process and the contracting and whatnot that we discovered that even though it's a narrower addition, that it would still be within the encroachable limit. We also found out at that time that, we did not know this, but the deck does not have a existing permit as it is. And you know, to get it up to where it needed to be, it would be quite costly to fix it up. And it just can't, it's not usable, because we do get so much leaf litter back there, and every time we go out there, we have to clean it off. And it's just become an area that we can't use. The backyard is completely waterlogged half the time because the sun doesn't get a chance to get it out there. So the only way to use any property was to have an elevated situation. So the Florida room, we figured would be the best way to do that. The existing deck goes out 13 feet off of the property, excuse me, off of the back of the house and the new sunroom, like I said, would only be 11 feet out. We contacted all the neighbors on all sides. They were all agreeable to it. And we went through the HOA. They signed off on it. They thought it would be acceptable. Again, we just wanted to have something that would be usable for it, and it would increase value, I think, to the home and to the property and to our neighbor's property as well. It's not really visible from the side of the house, and it being wooded in the back I don't believe it would cause any sort of eyesore or anything like that. And its color-matched to the house. And I think that's all I really have to say. I don't know what else.

Mr. Apicella: Thank you, sir. Questions for the applicant? We'll start with Mr. Blaisdell.

Mr. Blaisdell: So it's going to be an all-new porch? It's not being built on top of the existing porch?

Mr. Ankersen: That was the original hope and then we found out that it wasn't permitted in the first place. The company agreed to come in, and we're going to have to have that initial part torn down and put in a new decking for it. It would be glassed in. It's going to have a heating and air system installed so it's not a porch. It's a sunroom.

Mr. Apicella: Mr. Panjshiri.

Mr. Panjshiri: Not at this time.

Mr. Apicella: Mr. Causey.

Mr. Causey: That was part of what I was looking at just how far over are we going? This is 6 feet over the BRL?

Mr. Apicella: Are you asking if it was a porch or if it was a sunroom?

Mr. Causey: I'm just getting a verification of how far over the one that this one was. 3.5? And then there's no grading issues behind the home that, like, it doesn't fall away? It's flat and holding water, right?

Mr. Ankersen: It is a slope, and water does cut through there. We can't grow grass, so the backyard is pretty much, we can't even put a fence up for a dog because (inaudible) To make any use of the back of the property that was our option.

Mr. Apicella: Mr. Underwood

Mr. Underwood: No questions.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: Nathan Mowery.

Mr. Mowery: If the variance were denied, would you lack a utility for the property? Would you not be able to use the property if this variance was denied?

Mr. Ankersen: Not the entire property, but if the deck itself, to replace it at this point it, it's cost prohibitive and again, I wouldn't put a deck on there that is unusable, because the one we have now, it's not usable. And so to have a covered room with a roof that would extend out, it would protect the property, you know, the addition to be able to use it, but I won't have another deck. So if that ends up happening, we'll just lop it off, and then we won't be able to use the backyard.

Mr. Causey:

To follow that, have you thought about I mean, your issue is being able to have something to cover with the leaves and things like that. And what they said was a screen porch, not an enclosed room would actually be able to go six feet, so you have plenty of room. The moment that you're closing it in, you change the rules, and then you're outside your zoning. But if you look at an alternative, if you're listening to, what you're saying, to keep the leaves off, things like a screen, roof, you would have a screen door, the whole bit. You can actually go a little further if you wanted to have that. Is that an option that you have thought about?

Mr. Ankersen: Well, we're looking to expand our living space, and I think it would be at that point, you know, with seasons being what they are, you know, it would exclude winter. It would exclude summer. Part of the Florida room as it is now, or at the design as it is now, is to have a small little deck, like six feet and that would be like barbecue grill kind of area. but yeah, and I understand that and that's why I was just floored. I'm like, so I can make a bigger deck even closer to the fence line, with the roof and all that. But as soon as I glass it in, I gotta come way, way back and if we come back too far, the three feet, now we have a hallway, and that would be unusable.

Mr. Causey: Option. I took a pavilion at my house and made it a four-season room by adding...three seasons is fine. The winter, you can't go out there. I have put these vinyl zipper covers on there that I put right on. You could put one little heater out there. It's wonderful. So other options that you could do that can make three seasons into a three and a half season.

Mr. Apicella: So, I want to follow up on Nathan Mowery's question. He asked if you would have any utility on your property if you did not get the sunroom approved, and I'll just reiterate, you do have a home on your property, right? You did mention that the property slopes a little bit in the back. Beyond that, are there any other physical conditions or topographical issues that exist on your property?

Mr. Ankersen: Other than the hill, like to come around the backyard. It's steep on the side to get back there, and that's kind of where the beginning of the water flow starts. Apparently, the person had it before us, he put in a French drain because it used to flood a lot. And that thing is, you know, coming up on some age too. So, yeah, but no. I mean, there's no like ravines or anything.

Mr. Apicella: Gotcha. Yeah, I appreciate the, I don't want to call it a conflict, but what doesn't seem to make sense is that you could have a porch screened in that goes further back into the setbacks than an enclosed room, but those are the rules that we have to follow, for better or worse.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Ankersen: And we are just seeking to make our...I think it would, overall, for the community, makes the property better. We're wanting to invest, it's almost \$100,000 we're willing to put into it. And I think overall, it just helps the community as well. And I know, selfishly, of course, but I think rising tide raises all.

Mr. Apicella: I got you, but again, we have to follow the rules under the state code. And what you just pointed out, those are great issues, but they're not criteria under the state code. The fact that it might increase the value, that it might cost you more to do a sunroom than a porch or some other alternative. Those are not criteria that we can even consider. We have very clear-cut criteria, again, does it unreasonably restrict the use of your property, and if you're asking for a hardship that as well as what's the topography like, what are the conditions on the ground? Those are basically the rules that we have to gage when we decide whether or not to grant a variance.

Mr. Ankersen: So the slope of the yard as it is now it does, the back yard is, it's slippery. It's very sloppy. It's usually full of water, and not water, but full of mud, because it doesn't quite dry out. The leaf litter, the deck is not usable as it is. I mean, I have to spend a lot of time just trying to get out there and get it cleaned up, just to, you know, go out and sit and drink coffee, and it's just become, you know, I don't want to say dangerous, but it's become to the point where it's just, it's not usable, you know, as it is. And for me to just put in another deck, I think that would just, you know, that's just not worth it.

Mr. Apicella: I hear you, but Mr. Causey did suggest a potential alternative that would give you some use of that property and let you encroach into the setbacks even further than what you're asking for for a sunroom. Any other questions for the applicant? All right, thank you very much. Okay, I'll now open the public hearing on this matter. If there's any members of the public who wish to speak in support of the application, please come forward now. All right, if there are any members of the public who wish to speak in opposition to the application, please come forward now. All right, seeing no one any further comments, any questions from the BZA that have not been asked and answered. All right, please go ahead, Mr. Underwood.

Mr. Underwood: I have a question for staff. If you were to enclose the...to build it with screens and then close it with the vinyl covering, does that meet the zoning ordinance?

Mr. Bernal: I mean, those are, they're not part of the structure. In other words, if you want to take them off, how can I say it would be like plug and play, screening, insulation, but they are not built into the structure. So I can see where...

Mr. Apicella: We don't want to get Mr. Causey in trouble.

Mr. Causey: I did ask that question when I put mine on. As long as they snap and hook.

Mr. Bernal: And it's not a permanent part of the structure.

Mr. Underwood: So would temporary glass coverings also fall in that category?

Mr. Bernal: When you're getting into glass, I think it becomes more of a permanent type of thing, as opposed to a piece of plastic or insulation or vinyl.

Mr. Underwood: Okay, thank you.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: All right, I'm gonna ...Did you have something Mr. Panjshiri? I see the wheels spinning.

Mr. Panjshiri: The wheels are spinning. So, for the applicant. So, if you can't do a sunroom, you're just, I guess, deciding to not do anything at all, or you're gonna, you're tearing whatever you existing have right now down?

Mr. Ankersen: Yeah, the deck is in need of repair and that's why we pursued the option. If we're going to invest, you know, \$50-60,000 on a deck that we still can't use, and it's still getting, you know, we can't control what's happening to it. It's the air around it, the trees around it, and so, you know, I thought was what we can, you know, go the next route and bump it up to an area that we know we'd be protected. You know, we can go out there without getting hit with limbs and squirrels and angry squirrels, throwing stuff at us, and whatnot.

Mr. Apicella: Beware of squirrels, for sure.

Mr. Ankersen: I love squirrels. So, you know, the option is, I we're not going to invest that much money to put on something newer and nicer that's just going to be in the same exact situation, you know, within a few months. So, it's, yeah, we wouldn't be able to use it, and we probably not be able to stay in the house. They just wouldn't be viable, because that's our backyard is not usable unless we have something like this back there.

Mr. Panjshir: And a screened-in porch, essentially making it almost a full enclosure, but essentially in potentially with some extra modification, does not meet that for you does not settle that hardship of being able to use that space.

Mr. Ankersen: I think, as a resident and a consumer, that would be almost as much to do something like that. That's not worth that. If we're going to do it, we want to do it right. We want to make it esthetic for the neighborhood, for us as well, and make it something that we can use all the time. And I do appreciate that we can do a three-season. My parents live in Florida, and they had the vinyl thing and they've had to replace them several times because they've just, you know, they suffer from wind damage and whatnot. So we want to do something that was permanent and something that could, you know, withstand the hazards that we're dealing with.

Mr. Panjshiri: And I think it's in the drawings, but you can't extend it, I think there's a window itself, but you can't extend it to make it instead of the 14 feet, I guess, kind of cut a little shorter and go longer, and that would be unusable as well?

Mr. Andersen: Well, to bring it in, it's 11 feet out. So, it would be there, but, yeah, it's 11 feet out for us to bring it back three and a half feet, yeah, it becomes a hallway. So, it could go further on the back of the house but again, it's just not, it's unusable at that point.

Mr. Apicella: Anyone else? Thank you, sir. All right, I'm gonna bring this matter back to the Board for consideration. I think it was a public hearing, right? If not, I'm closing it now. Comments, questions, thoughts.

Mr. Mowery: I think if we had discretion in the matter, it's a very reasonable request, but unfortunately, this is one of those cases where I just don't think we have discretion. The letter of the law is that the variance can only be granted if there's no other reasonable uses of the property without it, and there's

***Board of Zoning Appeals Minutes
February 24, 2026***

clearly a home existing on the property. And so I'm of the opinion that we cannot grant the variance in this case, we just don't have that discretion.

Mr. Apicella: Mr. Causey.

Mr. Causey: Backing up to the A-1 was the first thing I thought of when I looked at this. It was big, open and the trees are gorgeous. People would pay extra if they're buying a home, backing up to woods like that. So it's a blessing and a curse living around trees. I know that myself, but I don't agree. I don't see the hardship that we can go with and use for that. So, I can't see supporting this at this time.

Mr. Apicella: Anyone else? All right, I'm gonna call for a vote on the item. Oh, we don't have a motion.

Mr. Mowery: I'll make a motion to design the variance.

Mr. Apicella: Okay, is there a second?

Mr. Blaisdell: I'll second.

Mr. Apicella: All right, any further comments? Mr. Mowery. I'm gonna give the second to Mr. Blaisdell. Any further comments, Mr. Blaisdell? Anyone else?

Mr. Panjshiri: I think, kind of going back to Mr. Mowery's comments of, if we had discretion, that's one of the key things of when we have special exceptions are different than variances. We don't have discretion on variances and appeals. We are just applying the letter of the law and what it says. Those requirements have to be met. So I think that's why for this case, while I sympathize with the, you know, the proposed use or want from it I do see that there could be an alternative potential to meet a need or a want. But then in terms of this specific part, we don't have that leeway in interpreting the zoning ordinance.

Mr. Apicella: I agree with my colleagues. I wish we did have discretion. We don't. I do believe you have an alternative. I hope you'll consider it if this motion passes. May not be exactly what you want, but it's better than nothing at all. I have a screened-in porch and a sunroom. Sunroom is part of my house, so is my screen-in porch, but it works. So, with that in mind, I'm going to call for the vote. All in favor of the motion to deny the variance request please say aye.

All: Aye.

Mr. Apicella: All opposed. Okay, that motion carries six zero again. Apologies. You'll be hearing from staff about the disposition of your case. All right, we're going to move on to item number three. Mr. Panjshiri, will you read the case?

3. V26-03/26156927; Jannatul Ferdous and Riazul Islam – A request for a variance from Stafford County Code Sec. 28-35, Table 3.1, “District Uses and Standards,” regarding front yard setback requirements applicable to Tax Map Parcel No. 40-50C (Property). The Property is zoned A-1, Agricultural, and is located at 245 Paynes Lane, within the Aquia Election District.

Mr. Panjshiri: Third case for the night, case number V26-03/26156927. 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 front yard to allow the construction of a detached accessory structure (garage)

***Board of Zoning Appeals Minutes
February 24, 2026***

applicable to Tax Map Parcel No. 40-50C. The property is zoned A-1 Agriculture and is located at 245 Paynes Lane within the Aquia Election District. The applicant is requesting a variance for two potential locations, location option A or location option B, to the front yard setback that would permit proposed encroachments of approximately 25.0 feet to approximately 45.0 feet into the required front yard setback for the purposes of constructing the detached accessory structure (garage). The property is zone A-1 Agricultural and requires a front yard setback of 50 feet for all buildings and structures. The proposed attached garage measures approximately 24 feet by 25 feet and is proposed to be located in one of two possible proposed possible locations to the south and east of the principal structure dwelling within the front yard setback. The proposed modified front yard setback for option A would measure approximately 25 feet from the front lot line, while the proposed modified front yard setback for option B would measure approximately five feet to the front lot line. The property is located at 245 Paynes Lane, Tax Map 40-50C, and is zoned A-1, Agriculture and it consists of approximately 3.011 acres. The current owner purchased the property on April 1, 2025. The subject property is rectangular in shape and contains approximately 3.011 acres. The property is located near the northwestern terminus of Paynes Lane. The property is bordered on the east, west and south by other similarly zoned A-1 parcels, while the property's northern property line fronts along Aquia Creek, which contains FEMA flood zones and resource protection areas, or RPAS, topographical conditions exist to the south and west of the principal structure.

Mr. Apicella: Thank you. Mr. Panjshiri. Questions for staff, starting with Mr. Blaisdell.

Mr. Blaisdell: No. Not at this time.

Mr. Apicella: Mr. Panjshiri.

Mr. Panjshiri: Not at this time.

Mr. Apicella: Mr. Causey

Mr. Causey: Not at this time.

Mr. Apicella: Mr. Underwood.

Mr. Underwood: Not at this time.

Mr. Apicella: Mr. Mowery.

Mr. Mowery: Could you educate me on accessory structures in the front yard of A-1. Is there a specific prohibition on that?

Mr. Bernal: They're supposed to be outside the front setback. In other words, the 50 feet...

Mr. Mowery: Just outside the setback, not necessarily not in the front yard, but just outside the front setback?

Mr. Bernal: Where I came from, Prince William, you couldn't put anything in the front yard, which is the front of the house to the street. In Stafford, we are allowed to.

Mr. Mowery: Okay, thanks.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Bernal: As long as you're outside the required front yard setback.

Mr. Mowery: I also came from Prince William, so that explains it.

Mr. Bernal: And may I make a correction to the correct tax map parcel. It should be 40-50C for some reason, I put an extra 5 in there.

Mr. Apicella: Thank you for that correction. What is on the parcel right now? Looks like raw land to me.

Mr. Bernal: No, there's, well, due the aerial photos, it's hard to see the home, but there is a house. I did not bring... I took pictures of when I posted the property. And I think the applicant may have...

Mr. Apicella: So, it's not a separate parcel, because when I look at the overview, it looks like it's its own parcel, and there's another adjacent parcel where there's a house on it. I'll ask the applicant when they come forward.

Mr. Causey: That's the neighbor, the larger parcel.

Mr. Apicella: Alright, so you're sure there's probably a house. Do we know does the house have an existing garage?

Mr. Bernal: No, sir, no existing garage. But there is a house.

Mr. Apicella: Okay, gotcha. Any further questions for staff? All right, seeing none, would the applicant like to come forward.

Mr. Islam: Thank you for taking this case. I probably should have eaten a little bit earlier, so excuse a little bit my edginess. Just to kind of explain further the application as far as the hardship, as you may have seen through some of the documents, we have extensive incline in half of our property. We've worked for several months with survey engineers, so I've done my best to do my due diligence, to kind of stay within the regulations and provide as much information as I can to the Board. The survey engineers have essentially narrowed down these two locations and the preferred location would be the location A which is encroaching less into the setback. That's the one that is encroaching, I believe you all had mentioned just 25 feet into the setback, and that one is also more out of the view of the public. And so if you notice, as far as the front yard, there is an adjacent property which we have received a letter of support from, from the owner of that property, saying that they are okay with the variance request based off of the plat, the similar plat that was provided to you all. So that letter of support is in the application from Miss Charlotte Parish, and along with that, we have kind of restrictions from all angles, essentially in this property. And so we have the RPA on one end. And then there was also obviously extensive process for the septic system. And so that provides another kind of restriction, which limits, again, kind of the placement of the garage, and also kind of keeping it a healthy distance from the home, and also being able to protect our vehicles and provide an area for us to store, like landscaping supplies and things like that. We just don't have, you know, a space like that within the home. The home itself is limited in size. It's still comfortable, you know, for me and my wife, but at the same time, we don't have really a viable or reasonable storage for, like, our landscaping supplies and to protect our vehicles. And so within the application, I also mentioned that where we had our car parked, you know where there is some part of the driveway that kind of juts out, where there was a previous carport, that's actually where location B was proposed. And so a branch not too long ago, fell from one of the trees and smashed the rear windshield of the car. And so just having protection for the cars would be very helpful, also with

***Board of Zoning Appeals Minutes
February 24, 2026***

the recent snow and everything that and then it turned into ice that created some difficulties for us, just not having a place to cover our vehicles. And then, as I mentioned, as far as all, just all the restrictions, we had the RPA from one end, as you all may be able to see through the survey. We had the septic system, which also provides some additional constraints, as far as setback for that. And then, then the front yard setbacks, all three kind of really narrows us in. And then you should see the topography too, where it just kind of slopes, you know, pretty steeply up, right pretty much in the middle of the property. And so the reason where we initially had tried to put, wanted to put the garage, where it wouldn't encroach in the setback is really just on a pretty steep slope. And the engineers mentioned that that would essentially require a 17-foot-high retaining wall, which would be, you know, enormous cost. And also just that project itself, I think, would be quite disruptive to the area, especially being near the RPA, where their garage, just a garage in that kind of shallow area. And I don't know if you all have seen the picture, where there's kind of a flat area within the proposed the location A, there is a flatter area, essentially, the engineers mentioned that that would be a viable location for the garage, just with it not having as much of like slope and to deal with, essentially. And part of that issue with the sloping is also kind of water and other concerns about, you know, landslide and things like that, being directly on the slope, as opposed to kind of in the flatter area that would be easier for them, is what they had mentioned.

Mr. Apicella: Anything else you'd like to offer?

Mr. Islam: Just everything that's within the application. You know, I did my best to kind of outline the specifics within the application, as far as the restrictions, as far as constraints. So I was wondering, if you all had any questions for me to maybe to clarify anything in the application or any of the documentation, I'm happy to do so.

Mr. Apicella:

Alright. Thank you. Any questions for the applicant, starting with Mr. Blaisdell?

Mr. Blaisdell: Not at this time. No.

Mr. Apicella: Mr. Panjshiri.

Mr. Panjshiri: Not at this time.

Mr. Apicella: Mr. Causey

Mr. Causey: Yes. Can I look at your site plan right now? You got one heck of a hill behind you, don't you?

Mr. Islam: Yeah, it's 70 feet. It goes straight up.

Mr. Causey: It's pretty high. I was thinking it was going down that I realized the numbers go the other way. Tell me about, if you have the site plan in front of you, there's an area that says proposed driveway. The actual words are written there. What is in that area? Because I see the field located drain field way at the top of the hill. But I'm trying, and I see the septic risers drawn out and then clean out. But in that one area that is a little bit of slope, but not much at all, I'm trying to figure out what's going on.

Mr. Islam: I believe I wrote something within that...I think the problem. Let me see if I can find my letter. I wrote a separate note here, if I can just pull that up. That is an area that we had considered as an alternate but there were just some concerns with that particular location. See if I can find that letter.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Causey: Is the drain field at the top of the hill?

Mr. Islam: It is, yeah.

Mr. Causey: So, all the way up the top?

Mr. Islam: Yes, sir.

Mr. Causey: So, these risers are the pump tanks that you have.

Mr. Islam: It's the lids.

Mr. Causey: The lids for all the pump tanks for the system to pump up that hill.

Mr. Islam: Yes. And so, yes, where the words "proposed driveway" was considered as a location. However, the survey engineer stated that this location would not work due to restrictions in RPA. I think between the RPA limits us on one end again, and then the risers limit us on another end. It kind of restricts that area as far as feasible usage.

Mr. Causey: So I see the area of the wetlands. Your house is built right in the middle of where those wetlands are, right?

Mr. Islam: Correct. Yes.

Mr. Causey: Okay, and you only have, it's the 100 feet. So, they're saying you can't build anything within 100 feet of that water?

Mr. Islam: Correct and that that line should be visible. I'm just pulling up that plat here.

Mr. Causey: But your house got built before the Chesapeake Act is what you're saying.

Mr. Islam: Yes, correct.

Mr. Causey: And it is drain lines? I would assume there only be lines there, because...

Mr. Islam: Yes, correct, sir. And sorry to interrupt you there, but from those lids, they are correct. There would be lines that go towards the house and then up that hill, essentially, where you kind of see the gap between the extensive topography and it's kind of clear in the middle, yet, correct, the drain lines go directly up that hill.

Mr. Causey: Just a question. I know that 17-foot-tall retaining wall would be very expensive. Correct?

Mr. Islam: Correct, absolutely.

Mr. Causey: Have you looked at moving those tanks? That would be a heck of a lot cheaper than a 17-foot-tall retaining wall and probably look a lot better.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Islam: The concern with that was also the septic tank process was a several month process as I'm sure y'all are well aware and the concern so I was actually on the phone with the septic tank soil engineer, Mr. Hunter, and then the survey engineers at the same time. Sorry, not the survey engineers, with the septic engineer, and then the gentleman who placed the septic tank. And so they were going back and forth, just as far as like, concerns about swales and drainage, and then the RPA, and this just happens to be where they landed up on. I didn't really have a whole lot of say in that, as far as that, and I would, initially the septic tank location was actually within the RPA, and so that's part of the reason that they had to move it. So as far as moving that, I, again, I'm not sure about the viability of that. And then again, it would still require, if we were to stay within that initial green area, that would require that 17 foot retaining wall for a \$20,000 garage.

Mr. Causey: Right but my thought process, and Juan I may have to question you about, because tanks and drain fields can actually go outside the BRL, correct? It can go right up to the within five feet of the property line.

Mr. Bernal: I know they have a setback of at least 10 feet from all structures.

Mr. Causey: Okay, from structures, but then the property line, it can go beyond the BRLs and go closer to the property line, as long as they're inside the property line?

Mr. Bernal: As long as they are inside the property line.

Mr. Causey: So the tanks don't have the limitations. Tanks lines, drainfields themselves don't have the same limitations. Like you can even see your drainfield is already partially inside your sideyard setback, because it's only the BRL, the building restriction line that is the restriction for the home itself and or the structures. So my thought, you do have that if you take that green square and move it up to just on the edge, it seems like you might be able to squeeze it in in a fairly flat area and no retaining wall at all.

Mr. Islam: Are you thinking if I were to move the septic tanks? I think again, with that the, again, it was a very extensive process just to figure out the location of the septic tanks between VDH and then the RPA kind of being a part of it, so that my only concern there is, you know, if it also just with, again, with it already being kind of so far from like right now, the design was essentially designed with a pump and everything. They even had to change the pump in the process, because the pipes are so far and going straight up the hill. And so that would not just necessarily require our movement. It would essentially require a redesign of the system, and they designed it again to kind of be within this specific location.

Mr. Causey: Going through it, that was just one of my thoughts of trying to figure it because I was trying to figure out why nothing was there. And I did see the riser, so I didn't know the tank. How many tanks do you have or do you know?

Mr. Islam: So that's a good question. I can probably look that up.

Mr. Causey: Probably at least two.

Mr. Islam: At least two, correct. Yeah, because you have the single lid over kind of close to where location A is and then I believe one is like the cement tank...

Mr. Causey: So one's a pump tank and one's the actual septic tank.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Islam: I believe that's the case. Yes, an engineered system.

Mr. Causey: Like a pure flow or something like that.

Mr. Islam: I'm not sure about that specific, but I can, if you'd like. I can pull up the septic permit.

Mr. Causey: The area to the right of the house is in the RPA, so they won't let you build anything there, correct? That open area in the front yard.

Mr. Islam: Right. Yeah, that would require a whole other process and having to appeal to the RPA Chesapeake Bay Board for that. And I, you know, and being, you know, an environmentalist myself, I wouldn't necessarily want to impact that area myself, or at least if I do, do it in minimal way as possible. And so, you know, for now, it just seems like, for the purposes of this garage that, you know, having it in that location A going, we went back and forth around all the locations and specifics and back and forth with the engineer, and that just seemed to be the best place with all the restrictions.

Mr. Causey: One last question, kind of switching gears. Have you in the conversations with Planning and Zoning and things like that, since you are preexisting in the RPA before the 100 foot setback was put in, have you looked at whether, because I know if you are there, you can even strip a house down and build it and add another floor to it, as long as the original foundation is there. Did you ask if you can do a garage that is abutting the house, connected, since you already are grandfather-claused in?

Mr. Islam: I, so I, kind of, and so I went, I don't know if you notice all the dots.

Mr. Causey: I was wondering what that was. Yes.

Mr. Islam: Yeah and so we had to go through an extensive process with environmental and the survey engineers to mark the RPA and then just to have those trees removed even though many of those trees were a threat to the home, we still had to go through an extensive process just to have those trees removed. Mr. Fiorello, I imagine at least some of you may be familiar with, awesome guy. He was on the property, you know, great, very grateful to have him come out and explain things and check things out. And he seemed that the vibe I got from him was that the, you know, to the less we can disturb that area, the better. And that if we were to kind of build that it would be built outwards from the front of the home. And so, I think just with the, again, so the garage, I believe there's plans for the garage in there. It's not the most elaborate structure. It's a metal garage structure. It's not something that we and also just in terms of the, just a usage in nature of the home right now the front, if you're, because, I guess the best way to work with RPA restrictions is to build away from the water, right and, and so the only way to really do that is we would essentially be putting the garage on the front door of our home, where right now is the main entrance of our home, and that would totally change at the dynamic and structure of the home.

Mr. Causey: Alright. Thank you.

Mr. Apicella: Mr. Underwood.

Mr. Underwood: What direction does the front of the house face?

Mr. Islam: That's the front of the house is essentially facing towards the, where you see the green, the current green location, the initial the previously proposed garage location. So, it's facing away from the

***Board of Zoning Appeals Minutes
February 24, 2026***

water. It's facing towards where you see, basically the bottom of the map away from where it says, Aquia Creek.

Mr. Underwood: How was the front yard determined in this case? Why is it where it is?

Mr. Islam: That's a good question. I think that's a good question. I have to defer that to you all. I think it might relate to the public and the entrance of the property.

Mr. Bernal: It's accessibility to Paynes Lane

Mr. Underwood: So it's based off of the access.

Mr. Apicella: Mr. Mowery.

Mr. Mowery: Were you fasting today?

Mr. Islam: I was not actually. I would, but I have a digestive condition. My wife is.

Mr. Mowery: Welcome. My question is about the use of the garage. So, is this primarily just going to be for storing vehicles, or what is your requirement for a garage on the property?

Mr. Islam: It's mainly that. It's the protection of vehicles. And also, as I mentioned before, I had a large branch smashed through, you know the rear windshield of one of my vehicles not too long ago. I can provide receipts for that, if needed, I didn't, unfortunately, take it. Unfortunately, I didn't take a picture of that. I should have. But the other thing is, again, having a place to store our landscaping materials. So just a dual usage, primary being, again, protection of the vehicles, you know, from weather, from branches and things like that and then secondary would be the storage of our landscaping materials. But there's currently no really reasonable place to store those materials outside of building an additional any kind of structure.

Mr. Mowery: Okay, and is there anywhere else on the property that you think would be better suited for a garage that would keep it out of the RPA and out of visibility from the surrounding properties?

Mr. Islam: In that's... I did my best to address that within one of the letters and we considered a lot of different, you know, options, and again, just with the RPA, really limits a lot, you know. You can see kind of where that line extends out. And then again, just the septic tank placement also. So, between the... any setbacks that are on the property, the RPA and then the septic tanks, that's really limited us to these two areas. And so the engineers mentioned again there, they seem to see the places... they seem to kind of indicate was the best solution, if we could perceive a variance, would be that location A. Now location B was, was initially put there. Part of the concern with location B is that you can kind of see some of the topography there on the back end of it, because I thought initially that would make sense for location B, but really, in order to place the garage on flat ground, and it would have to encroach into the RPA. So that's where we have a limit there. It doesn't seem that the location B could actually work, given the topography, and also, again, that's making it even closer to the front yard setback, closer to the neighboring property, although the owner did approve Amy, or gave her support rather, for Amy, it's still that that's the only other really place that we thought of that wouldn't, that wouldn't, that wouldn't be an issue, as far as, like, the setbacks and so forth. It's when I'm looking at this here too. You know, it does seem like there, there might have been a place to the left to be, but I'm trying to think why, you know, when that wasn't actually a consideration as well? Yeah, there is possibility, and again, I have to

***Board of Zoning Appeals Minutes
February 24, 2026***

really go talk back with engineers about this. When I'm looking at this, it seems like there may be a possibility to be ...that okay. So, if that was the case, if b moved left, that would be also more visible to the public too. I think that was maybe a reason that we wanted it kind of tucked away, less visible to the public, less of an eyesore, if you will, and then kind of tucked away back where, where a is that? I think that was a reasoning for that, because, yeah, I'm going back and forth. I ...I believe that was a reasoning was that, again, kind of limit visibility to the public of the structure.

Mr. Mowery: Okay, thank you. No other questions. Oh, go ahead, sure. Go ahead...

Mr. Causey: Just on the site plan. The public. What is on there? I'm trying to figure out how your driveway comes in. It looks like you have to drive around a big structure on that one side to get into your driveway.

Mr. Islam: There's a... to get into...

Mr. Causey: The main question is, when you say open to the public or the public, who is the public? Is it just your neighbors, or is this a public place...

Mr. Islam: My neighborhood, my neighbors, but there's also a pier, a community pier, and so there's, there's a big parking area with vehicles that access that area, yeah. So if you see the pier closest to the yellow line there. Yeah, there's a boat ramp there, and then a parking lot there as well.

Mr. Causey: Is that where the driveway comes out?

Mr. Islam: Roughly, yeah. So, in front of, you see that kind of boathouse, kind of goes to the right that boathouse.

Mr. Causey: It goes around the boathouse to get into your driveway.

Mr. Islam: Yeah, yes.

Mr. Causey: That's what I couldn't figure out, that's my question. Thank you.

Mr. Apicella: So during the course of your presentation today and the questions that were asked and answered, I heard. I heard Mr. Causey mentioned two possible options that you were thinking of and had talked to people about, but you hadn't fully gotten an answer to. Potentially one was moving the septic tanks. One was potentially building a garage adjacent to your house. One was just came up during the course of the conversation with Mr. Mowery. And you also mentioned, I think in the beginning of your presentation, that there was previously a carport. Where was that?

Mr. Islam: That carport was located near location B. It was essentially within the RPA.

Mr. Apicella: So how were they able to do that?

Mr. Islam: It was built before the RPA rules were constructed.

Mr. Apicella: So, is he grandfathered?

Mr. Bernal: No, sir, it was never built with permits.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: Okay. All right, that notwithstanding, I still heard about three potential options and what I'm going to ask you is, would you, if the Board were so inclined to defer this to give you a chance to further explore your options, would that be something you'd be willing to think about and if you did find a viable option, potentially withdrawing your application? To give you 60 days, 90 days or whatever, 120 days, I don't know, you tell me how much time you would need to again, explore other options. You're asking for a huge variance, and you've heard tonight from the other applicants what the criteria are, and that variances are rarely granted. I do see that there are some hardships associated with the land, but I do also believe you have a reasonable use of your property, not sure when you bought that house, didn't have a garage, but you still, I'm sure it's a great property and a great view, but you still decided to buy that house without a permanent garage, enclosed garage, I would wonder if you want to explore other options before we made a final determination. Again, I don't know what the Board's going to decide here, but if the Board said no, again, I don't know if that's going to happen, then you couldn't come back to us for at least 12 months. So, I'm just kind of putting it out there that, one of your options tonight, before we close the public hearings to consider, or for us to consider. You know, no, not after, not before or after, but at some point, we could consider deferring this item to give you more time to look at your options.

Mr. Islam: And if I were to defer, that would consist of another hearing like this?

Mr. Apicella: Yes, and you'd be able to provide evidence to say why the options that Mr. Causey raised and Mr. Mowery raised are not viable if that were the case.

Mr. Islam: I think that makes the most sense. I mean, this has been a several months, very arduous process. I did go back and forth with again, the survey engineers. And I mean, can I ask you all this, as far as I guess, my because right now, besides moving the septic system, which I do again, it gives me anxiety just thinking about that, just because of the months and deliberation it took just to place them there. Because again, you know it was, I'm sure you all are very familiar with the permit process but then with the RPA being there like that, was a very stressful process just to get them placed where they were. And again, as I mentioned to Mr. Causey, is that the design of the subject system is designed for its current location. It already has, again, an extensive incline for the pipes to go up the hill and then required specific pump. They even had to change some of the system, you know, as they were laying it, just to place it there. And so my concern is that we're kind of going back to the drawing board, if we to...

Mr. Apicella: I hear you, but again, it's an option, potentially. Yeah, you would have the ability to explore it and determine that it either is viable or not viable. For us, cost is really not a consideration or stress. I hear you, I understand. I just want you to think about the opportunity to explore your options before the Board potentially says no. I don't know that we will say no, but it's a possibility, and it will come back to us after the public hearing is closed for us to decide how we want to proceed forward. But I'm just again, kind of giving you the chance to say whether that's something you would want us to consider.

Mr. Islam: That seems to be the wisest decision to make at this point, just with you proposing that my, I guess, my question back to the Board is, because you mentioned the potential of appeal process, and so if...

Mr. Apicella: The appeal goes to the Circuit Court and that takes some time for that to happen.

Mr. Islam

***Board of Zoning Appeals Minutes
February 24, 2026***

It's a whole separate process. And there's no, I guess this would kind of defeat the purpose, but there's no way to, you know, have any, I'm not able to defer it after the decision, I imagine?

Mr. Apicella: No, once we've made a decision, that's decision and you're stuck with that for 12 months.

Mr. Mowery: To be clear, He's not asking for your decision to defer it. I think he's just asking for your feedback if we choose to defer it.

Mr. Apicella: Right

Mr. Islam: Oh yes.

Mr. Mowery: The board is still going to make a decision, which could be approval, denial.

Mr. Islam: Understood, understood, well then absolutely, yeah. I mean, I'm, you know, if that's, if that is what the Board suggests, and that is what seems to be the most reasonable within your guidelines, then, you know, then I'm, you know, I'm, I would have to oblige to that, you know, I'm under the the, you know, regulations of the Board, and so do my best again, to kind of meet the Board's requirements, and, well, the county's requirements. And so if the Board were to decide to defer, then absolutely, I would be, you know, I would do what's necessary to pursue more insight and information about the site, and I'd get back in touch with the survey engineers and kind of chat with them about and I didn't know if they were the case that the bird...the Board were to defer, for example, if I could also receive some guidance on some considered, you mentioned the septic tank, you know, moving that as one kind of option, also, if there might be any other proposed locations that are outside the RPA, and maybe, you know, also, and as far as the... I did have this question, as far as visibility to the public, because that's...

Mr. Apicella: It's not an issue.

Mr. Islam: It's not an issue?

Mr. Apicella: It's not even a consideration

Mr. Islam: Understood, yeah. And then, I mean, in that case, then you know, if, if the board were to defer, and it seems like, I guess, I guess would be, it would be, it would be a similar encroachment, right, if we were to move b to the left, it'd be a similar encroachment. And then, if that, if that were feasible, I have to talk to the engineers about that. And so in that case, would that be much different for the board if I...?

Mr. Apicella: From my vantage point, what I would suggest is trying to find a solution that does not encroach into the setbacks, or, at worst, that minimizes the impact or encroachment that you might have into the setbacks. I'll say again, whether it's Option A or Option B, you're asking for a huge variance into the setbacks.

Mr. Islam: Understood. So, all right, I've spoken enough. Any other questions, Mr. Causey?

Mr. Causey: This has a lot of things that we talk about, of why we look at variances, slopes, RTA, you have a whole lot of restrictions. I'm just struggling with being 100% the whole structure of being in the BR, you know, outside the BRL, so that's why I really love to see something that was minimized, how much was going in there, and what could be done, even if it's to keep the septic system up, move and be

***Board of Zoning Appeals Minutes
February 24, 2026***

over a little bit instead of the whole thing. So that's kind of what I'm really struggling with right now. I do see you have what it takes to get us to do something because of the hardships, but I'm struggling with what I'm seeing right now with A and B

Mr. Islam: Understood

Mr. Apicella: Other questions for the applicant? All right. Thank you very much. I'm gonna open the public hearing on this matter, if anyone would like to speak in favor of the application, please come forward. Seeing no one, if there's anyone who would like to speak in opposition? All right, I think I have somebody coming forward.

Potter Payne: Thank you for letting us keep y'all guys up late. Thanks for being here. I'm Potter Payne, owner of 245 Paynes Lane, also part owner of the fig parcel that is adjacent to him, that I guess my cousin sent on a letter of approval. I own that with my cousin and my sister, which is complicated at best.

Mr. Apicella: Families. What are you gonna do?

Potter Payne: Family used to own the property that he owns. We sold it to him. I have concerns with the Wetlands portion of it. I don't know if there's been a proper survey done for the Wetlands area with the RPA and the floodplain. I know you can look it up online, but I don't know if it's actually been surveyed. Wasn't in my time of ownership. That's a concern, because I know that, like your standard surveying company can't do that. It's got, like the Army Corps of Engineers, or there's a... I can't think of the name company first, but It specializes in Wetlands and runoff. How much that's been done. Another concern is the big piece of property. That's how you look at it on a map, it would be to the south of this. There's a cabin right there that has a well. I don't know what the setback is on it, but it was put there 1900s like the code on the county assessment. We don't know when it was put there, so I know that that's there that might be a concern. And there's also with the topographical nature of this property, the runoff that comes down there, if I'm understanding his site B, where there used to be a little boat shed, there's a runoff that goes in between, like, guess it's Site B and his grain field. That's a concern right there, just for sake of him not having heartache down the down the line. And I know that that property does flood two or three times a year. Seems like northeaster wind that blows the wrong way likes to come up in there. Is there a visual reference for this site? So I could kind of put it all together in my head.

Mr. Apicella: What I will say, sir, is not necessarily an interactive conversation. I don't know the answer to that question.

Potter Payne: Okay.

Mr. Apicella: This is your opportunity to say what, what you think about it

Potter Payne: Okay, yeah, yeah. Well, for what I can put together looks like Site A is further up the hill with the retaining wall, and that backs up to my property. And I'm kind of in fear of that steep hill sliding down. It is very, very steepish. Y'all can tell by the top graphic survey we have done. The structure that's he was asking about, Mr. Causey he was...

Mr. Apicella: Sir, your time is up. I'll give you another 10 seconds if you wanna close.

***Board of Zoning Appeals Minutes
February 24, 2026***

Potter Payne: This old boathouse that is kind of like the one that used to go to his property was built on cedar poles is what was there. That's all I got.

Mr. Apicella: Thank you very much.

Potter Payne: Thank you.

Mr. Apicella: Anyone else?

Mr. Islam: May I follow up on that?

Mr. Apicella: I'll give you a second.

Mr. Islam: Sure.

Mr. Apicella: All right. Okay, you're welcome to respond.

Mr. Islam: Sure. I do want to mention that Mr. Payne does have a shed, I believe, right on my property line that maybe can be explored later but in addition to that, as far as the concern of the RPA there, we did, we did the survey which we provided to you all. Mr. Fiorello was on our property. I worked very closely with him. Tons of emails exchanged between Mr. Fiorello to, you know, again, abide by regulation and stay within guidelines. You know, as far as RPA and working with VDH, Tommy with VDH, I had regular discussions with him. Again, the survey engineers were part of a referral, and there was communication. Mr. Fiorello accepted their survey, which they came and marked the water line and also marked the RPA buffer. So that was, you know, again, do my best to do my due diligence, to, you know, stay within guidelines and meet requirements, and so forth, and so I just want to make that clear that there absolutely was a survey for the RPA that was created and that was provided to you all.

Mr. Apicella: Okay, thank you. Any further questions for the applicant?

Mr. Causey: Just a clarification.

Mr. Islam: Yes.

Mr. Causey: Sir, it almost looks like almost all the runoff is coming on to your property and concentrated around right where your garages are and before it hits your driveway, correct?

Mr. Islam: That is a challenge, definitely. I mean, just with the nature of the topography.

Mr. Causey: But you're not running off into your neighbors until it comes through you?

Mr. Islam: Well, it wouldn't run off. It wouldn't. I don't think it's possible to run into those two adjacent properties, because they're on hills.

Mr. Causey: Everything's coming down to you.

Mr. Islam: Correct, all coming down to me.

Mr. Causey: Thank you.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Islam: Yeah, thank you.

Mr. Apicella: Lucky you. Alright. I'm going to close the public hearing and bring this back to the Board for further discussion and deliberation. Any thoughts, Mr. Underwood?

Mr. Underwood: No.

Mr. Causey: To kick everything off, I would actually make a motion for approval.

Mr. Apicella: Is there a second?

Mr. Blaisdell: I'll second.

Mr. Apicella: Any further discussion?

Mr. Causey: Yes, so obviously, coming off of two denials, it's important to explain the reasoning why I'm making a move for approval. So, the requirements that we have here are that the strict application and provisions of this chapter would produce an undue hardship. I know there's been a lot of discussion about moving tanks, building a retaining wall, while cost isn't a line item here, I think that does factor into the hardship of the practical use of the property. There's also discussions about trying to get a waiver from the Chesapeake Bay Board, having been before them, my concern is that they're going to ask, did he exhaust all other options? And this is another option. So, my experience with them is that they won't say yes till we say yes or no. So, I think that's part of the hardship. Second item is that the hardship is not shared generally by other properties. I think we fairly will have established that this is unique based on topography, wetlands, RPA, floodplain, and the fact that the front of the house doesn't actually face the front yard, looking at this is Option A would actually meet the setback if the front yard were the property line that the house faced, and this was a side yard instead. So, I think that that's fairly unique, that the authorization of such variance shall not be substantially detrimental to adjacent property. Again, if this was the side yard, you'd be able to put it there. So, I don't see necessarily a substantial detriment, and that the condition of the property, concerned or intended use of the property is not so general or reoccurring in nature as to recently practical the formulation of a general regulation. Again, I think it's very unique where the front yard is not the front of the house, and I don't think that it would be practical to try to generate a regulation for that. So those are the reasons that I am moving for approval.

Mr. Apicella: Mr. Mowery?

Mr. Mowery: Yeah, I think that echoes my thoughts exactly. It's a very unique property where large swaths of it are not usable due to various factors, whether it's topography or the RPA, and then also echoing the front yard thing. To call that a front yard is like trying to put a triangle into a square hole, like it just doesn't fit for this property. And so, I think for those reasons, we have the requirements met for an undue hardship based on the uniqueness of this property, and we have the ability to grant the variance because of it.

Mr. Panjshiri: Can we get clarification on what of the variance we're approving? Are we trying to approve option B or are we trying to approve option A?

Mr. Underwood: Yes, if I may modify my motion for approval. I would move that we would approve a maximum encroachment of 25 feet into the front.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Panjshiri: So, option A?

Mr. Underwood: Yes.

Mr. Apicella: So, I hear what you both are saying, and if hardship was the only criteria that had to be met, and I do agree that there is a hardship associated with the land on this property, I would support the motion. But when is there's a hardship, it's a two tier requirement. You both have to meet the hardship requirement, which I think is met here, but you also have to have to...you also have to demonstrate that there's not a reasonable use on the property. You do have a reasonable use on your property. You have a home that is a reasonable use. You're not guaranteed by this BZA to have a garage, whether it's attached or not attached. And so, I wish, in a perfect world that were the case, that the only requirement would be to meet the hardship requirement, but you have to meet both requirements. Going back to the issue of discretion. In my opinion, we don't have discretion when you haven't met both criteria. Both criteria have to be met in order for the BZA to grant a variance. Unfortunately, that's not the case right now, which is why I suggested a deferral. I still think that's the best option. I think there's some potential other paths that you might be able to take that you haven't fully explored, which I think you should do. And if those other options aren't viable, you can come back to the BZA to get this reconsidered. So, for that, for the reason that, again, you haven't met the second criteria, I can't support the motion. Would anyone else like to speak?

Mr. Causey: I'm of the same opinion. I think I really would like to be able to do something to help here, because I think there is a hardship, but I don't think we're there yet. I would like to, personally like to be able to see how... what could be done, to slide that over, to at least get a majority of it inside the BRL, front side, or whatever it is the area you're entering, the lot that is the front where your driveway, where you come in, that is the front of your house. So that is the 35 foot, or whatever that distance is there. So that is the front of your yard, even though your home is facing away from the water, because you want the back to see the water. Love the view. But I think, I don't know if I can support this yet. I think it needs to be studied and showed that A and B are the only options. And there's some I really don't want you to have to move the septic tanks, but it'd be really nice to be able to look at something right where that proposed driveway wording is outside the RPA, I totally agree. Don't go there. That's going to be a hard one to get unless we do say no or whatever, but unless you are trying to attach to the house, but that's I think it needs more before we can actually say that, yes, this falls in the ability for us to give you that variance.

Mr. Apicella: Mr. Blaisdell.

Mr. Blaisdell: Yeah, I think it's a tough lot all the way around. But I also agree with the chairman that a garage isn't a guarantee. If it doesn't fit on your lot, it just doesn't fit. That's kind of what you have to deal with sometimes.

Mr. Apicella: Mr. Panjshiri. Do you have anything else to say?

Mr. Panjshiri: Do either of you guys want to do a substitute motion then? If you would prefer, so that if this fails, if the approval fails, that he doesn't, just had not come back for a year.

Mr. Causey: Can I go to substitute motion to defer this till he can come back?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: Yes, we haven't voted on the primary mission. So yeah, you can put forward a substitute motion.

Mr. Causey: So, I moved to ask for our... to recommend a deferral.

Mr. Apicella: Is there a second?

Mr. Blaisdell: I'll second.

Mr. Apicella: Any further discussion? Mr. Causey?

Mr. Causey: No, I think we just... we beat this one up. I think everybody knows where I stand.

Mr. Apicella: Mr. Blaisdell?

Mr. Blaisdell: I have no comments.

Mr. Apicella: All right, all those in favor of the substitute motion.

Mr. Mowery: Mr. Chairman.

Mr. Apicella: Yes.

Mr. Mowery: Discussion, real quick on this point.

Mr. Apicella: Okay

Mr. Mowery: If we defer it in order to meet expectations for its consideration when it comes back, if the other site to the to the left of location B ends up being unsuitable for whatever reason, does that meet the standard that you all are looking for? Just so that expectations are clear of what is needed, what kind of criteria is needed to actually come back and then get an approval?

Mr. Causey: Without being exact on what's going to come back? Yes, I would just like to be able to see that he's gone down that path that he started. Done everything he can. I do think this is a site that deserves us to look at it and potentially give that variance because of the extreme issues that he's having. So yes, if he came in here and came back and said, it just can't be done. I would then start looking at this A and B and be very moved to move in that direction.

Mr. Apicella: I'm not going to speculate on what my expectations are. I think I've been pretty clear about my view overall. But I will also point out, number one, I'm given, I would give the applicant an opportunity to readdress the Board with other options, again, that minimize the potential encroachment and also point out there's only six of us here today. Seven might change the dynamics. A four vote is required to affirm a variance. That might be better for the applicant than where we sit right now, based on the current set of circumstances.

Mr. Panjshiri: Do we have a timeline that we have to meet in terms of approval?

Mr. Apicella: I think what I heard from Mr. Causey is an undefined timeline so he can come back when he's ready. I think we did that with another application. I can't remember what it was.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Causey: I wouldn't want to restrict him. I'm sorry, I wouldn't want to restrict him too much, because, yes, he is... has to talk with Health Department. He may have to talk with engineers. It may take more than... this is not going to be something... He might not be back here next month, but...

Mr. Panjshiri: Likely not. Yeah, for next month.

Mr. Underwood: Would he need to withdraw the application then?

Mr. Apicella: I would say, if he finds a viable solution that does not require an encroachment, then that would be what he should consider withdrawing his application. I'm not forcing that on him, but if he if he finds a solution, he doesn't need to come back.

Mr. Underwood: I'm just wondering, can we leave it just open ended without us taking an action?

Mr. Apicella: We are taking action. We're deferring. We're just not defining when it has to come back. I don't think there's a requirement for us to set a specific date.

Mr. Causey: But does he have to reapply?

Mr. Apicella: No, he doesn't have to reapply.

Mr. Causey: It's already there. He just needs to amend.

Mr. Apicella: Yes.

Mr. Causey: Okay.

Mr. Bernal: Well, because the Board is going to make the decision either deny, approve or defer. The deferral would stay.

Mr. Causey: Okay. So, it stays in here. You can just...

Mr. Mowery: Indefinitely?

Mr. Bernal: I mean, we would give that option. I mean, I don't think the year rule would apply, because it wasn't a decision.

Mr. Mowery: But it can just stay open, essentially, until he asks for it to be scheduled?

Mr. Bernal: I would think so, because there's nothing that I've read that would say a decision has to be heard within...I don't know... 90 days.

Mr. Apicella: Yeah, there's no time requirement.

Mr. Panjshiri: It just has to be heard not decided on.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: All right, any other discussion? All right, all those in favor of the sub... Yeah, we're voting on the substitute motion to defer this item with an undetermined date for the applicant to come back. All those in favor of the motion say aye.

All: Aye

Mr. Apicella: Opposed. That motion carries six/zero.

Mr. Islam: Thank you. I appreciate your time.

Mr. Apicella: Thank you.

Mr. Apicella: All right, moving on to item number four. Mr. Panjshiri, will you read the case?

4. V26-04/26156947; Anna Mary and Mark Earl Howard – A request for a variance from Stafford County Code Sec. 28-35, Table 3.1(a), “District Uses and Standards for Transfer Development Rights (TDR),” regarding a setback requirement applicable to Tax Map Parcel No. 39Y-3-64 (Property). The Property is zoned A-1, Agricultural, and is located at 1702 Creek Bottom Place, within the Aquia Election District.

Mr. Panjshiri: Our fourth case for the night is case number V26-04/26156947, a request for a variance from Stafford County Code Section 28-35, Table 3.1 District Uses and Standards regarding setback encroachment into the rear yard to allow the construction of an addition to an existing dwelling, applicable to Tax Map Parcel Number 39Y-3-64. The property is zoned A-1 Agricultural and is located at 1702 Creek Bottom Place within the Aquia Election District. The applicant is requesting a variance to the rear yard setback that will permit an encroachment of approximately 7.1 feet into the required rear yard setback for the purposes of constructing a sunroom addition. The property is zoned A-1 and requires a rear yard setback of 25 feet. The existing building is located approximately 27.9 feet from the rear lot line. The proposed sunroom addition measures approximately 10 foot by 14 foot and would be located to the rear of the existing dwelling. The proposed modified rear yard setback would measure approximately 17.9 feet to the rear lot line. The property is located at 1702 Creek Bottom Place, Tax Map 39Y-3-64, and is zoned A-1 consisting of approximately 0.1498 acres, or approximately 6527 square feet. The current owner purchased the property on January 2, 2024. The subdivision was created under the Transfer Development Rights section of the zoning ordinance and subject to the TDR lot standards. The property is one of 132 lots constructed within the Potomac Church Farms Subdivision. The subject lot is one of 25 developed lots which fronts Creek Bottom Place along the western side, while the rear of the property backs up to some other similarly zoned long lots along Old Potomac Church Road within the Potomac Church Farms Subdivision.

Mr. Apicella: Thank you again, Mr. Panjshiri. Are there questions for staff? Starting with Mr. Blaisdell.

Mr. Blaisdell: Not at this time.

Mr. Apicella: Mr. Panjshiri.

Mr. Panjshiri: Not at this time.

Mr. Apicella: Mr. Causey.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Causey: Since this was from the Transfer of Development Rights, anything changed on how we got to review this? I mean, we're A-1 zoning, but these are very small lots.

Mr. Bernal: Very small lots, and they are subject to different setbacks.

Mr. Causey: Okay, so just the setback. So other than that, the setback is the setback, and that's what we're working on.

Mr. Bernal: For the TDRs.

Mr. Causey: Just making sure the rules didn't change for the TDR.

Mr. Bernal: The traditional A-1 setbacks do not change for that.

Mr. Causey: Okay, but nothing else. Okay. Thank you.

Mr. Apicella: Mr. Underwood.

Mr. Underwood: Not at this time.

Mr. Apicella: Mr. Mowery.

Mr. Mowery: Am I understanding correctly that there's an existing structure, a screened porch that's already in the setback? It's just it's a screen porch. Maybe I misunderstood there.

Mr. Bernal: It's proposed.

Mr. Mowery: It's proposed. Okay. That's the question to you. You just cleared it up.

Mr. Apicella:

Just a couple of quick questions. No, actually, I don't have any questions for staff. Sorry. All right, with no further questions for staff, we have the applicant, would you like to present your case?

Mr. Perez: Yes, hi. My name is Robert Perez. I'm the agent, Mr. Mark Howard, with his application with the contractor, Great Day Improvements. And so he, Mr. Howard, he prepared these exhibits for you.

Mr. Apicella: If you can hand them to staff. Thank you.

Mr. Perez: Okay, so yeah, this is for the 1702 Creek Bottom Place, Stafford. Again. This exhibit Mr. Howard prepared to request, like you guys mentioned, a 25-foot rear setback, looking to reduce up 17.9 and there is an existing 10 by 14 deck on the property. And you can see the exhibit there being proposed sundeck. It does have windows with screen.

Mr. Mowery: Oh, I wasn't crazy.

Mr. Apicella: Well, we can't say that.

Mr. Blaisdell: There isn't anything there currently, is it?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Perez: It's just a deck. Yeah, and so right now, the deck conditions so he cannot comfortably use that deck right now. The rear the house faces West most of the year. Just after noon that sun just beats on him, and also the deck was used for enjoying it, but he's not able to get that full use of enjoyment. There's some wind conditions to be considered, and some field alternatives that others have tried. There's some wind tunnels between Creek Bottom Place and Old Church Road. Those who talked about awning in the basement level that was damaged by the wind, and so installing an awning on the deck would not work the same reason. And there is a unique condition to his property. It's the only house that's a single story, and the footprint extends further to the rear yard. And so right now his rear yard from the property line to the corner 27.9 feet. Most homes have 40-foot setback from their rear yard line. So out of all the houses that we have here, varied in Old Potomac Church and Pulsar Road, he is the only one. All of them have smaller footprints. He's the only one that the house is extended the way it is, and so it's about 12 to 15 feet difference from other properties compared to his. So you can see that on the tax map page eight he drew a line. It's like this is the only one that bumps out a point like that. So he's the only parcel in that neighborhood for preventing him from having a modest sunroom. Everybody else can have that 10 foot by 14 foot, the condition not so created, and so the variance will be needed to have reasonable use of that rear yard of the property. He did get HOA approval already before coming to the board, and also has contacted many neighbors. He's gotten nine letters of support, as well as the HOA, like I mentioned, and he's part of the Facebook group, and the neighbors are okay with this kind of proposed addition to, say, or three-season sunroom. And so again, we do have that neighborhood support. And I like to add that, looking over the four conditions you guys are talking about, you know, having a strict application of the conditions This chapter will produce undue hardship, Mr. Mark Howard not being able to have a modest modification. All the other neighbors will be able to have that same type of modest modification to their homes. It's definitely not shared generally by other properties in the same district, and it will not be detrimental to adjacent properties. It's a very modest modification and so the condition of the situation of the property concerned, or the intended use the property, is not so general or recurring nature has to be a reasonable, practical formulation of the original regulation.

Mr. Howard: So, yeah. So, when we bought the house, it's the smallest footprint, the smallest house of all of them. And so there was only five models in the entire 25 unit there in that development and I didn't realize it at the time, but this is the only one that extends back so far into the property, back in the backyard. Backyard is very small, and its sloped way down, so there's really no use other than this deck. So, I tried to put a retractable awning down the basement level, lockout basement, and the winds that go down through that area between Old Potomac Church Road and our street just tore the thing up so I just can't use it because I was considering using that on the top where I'm considering this project. I don't think that's feasible. Right now, it's either so hot or so cold, we don't use the deck. We bought the deck with the purpose to enjoy that, to extend our living space because we only have 1300 square feet of living space in this property. And then I went around the neighborhood, all the neighbors thought this is reasonable. Some of them said, we'd like to do it. The unfortunate thing is, they can do it. I'm the only one that can't based on the current zoning regulations. They could all do the same project with the existing decks because we all have the option to add the decks to our houses, and most of us did. We won't be able to based on unless we get a variance to be able to do what we wanted to do, to be able to use that space.

Mr. Apicella:

Can you clarify. Are you looking for an enclosed sunroom or a screen in the porch?

Mr. Howard: It would be an enclosed sunroom. The issue is when the winds not blowing, screens are great, and I can open the screens up with this design, but when it's blowing, I need the windows to stop the wind from blowing this away. That was the idea. Plus, we wanted to be able to use it in the cold and

***Board of Zoning Appeals Minutes
February 24, 2026***

the cooler months as well. Right now, it's unusable. The chairs and tables I put up there, I had umbrellas, I've done everything. It's just not working. So, it just sits there. There's an expense that we can't utilize anymore. Having this would increase our footprint, where more living space and allow us to use it. The question I did have was listening to the previous things was, if it didn't have glass, that would be okay, from what I understand.

Mr. Apicella: Then it would be a porch.

Mr. Howard: It would be a porch. If the glass could be removed and then put back in as necessary. What is that status of the building at that time?

Mr. Apicella: Yeah, what I heard from staff was, once you start putting in glass, it becomes a permanent feature, even if that can be removed.

Mr. Howard: Even if I can just remove it?

Mr. Apicella: Yes, sir because who knows when you're going to remove it? Right? There's no way for us to come out there weekly to figure out what you're doing with your property. So, it's an enforcement issue, right?

Mr. Howard: Just having a screened porch, it's not going to work. It's not going to solve the problem.

Mr. Apicella: Thank you. Anything else you want to add?

Mr. Perez: We're open for questions.

Mr. Apicella: Okay. Mr. Blaisdell, any questions?

Mr. Blaisdell: No questions.

Mr. Apicella: Mr. Panjshiri.

Mr. Panjshiri: None at this time.

Mr. Apicella: Mr. Causey.

Mr. Causey: Yes, so it looks like most of your neighbors are two story homes, right?

Mr. Howard: Yes, sir.

Mr. Causey: And you're a one story?

Mr. Howard: Yes, sir.

Mr. Causey: Which then increases your footprint?

Mr. Howard: Correct.

Mr. Causey:

***Board of Zoning Appeals Minutes
February 24, 2026***

Which is why you're further back, because the front of your home is about in the same level as all the others, but because of one level home, your square footage is all on one level, which increases your footprints, which naturally, if you can't go forward, you gotta go backwards. So they have the extra square footage up. They don't go into their backyard, because they're two-story homes, correct?

Mr. Howard: Yes.

Mr. Causey: Okay, so that's by, that was, yes, you wanted the one-story home. That was by choice. That was all kind of looked like the two-story looked like that. I think at this time that was my clarification.

Mr. Apicella: Okay, Mr. Underwood.

Mr. Underwood: None.

Mr. Apicella: Mr. Mowery.

Mr. Mowery: Is the design that you have currently, is the glass removable?

Mr. Howard: Yes.

Mr. Mowery:

So, if it were built, and if somebody were to complain that you essentially are violating the zoning ordinance because it's not a screen porch, and somebody came out to inspect, you could put it into a state where it was a screened porch?

Mr. Howard: Yes.

Mr. Mowery: I have no other questions.

Mr. Apicella: Mr. Causey.

Mr. Causey: The porch, you said, could go within six feet of the BRL.

Mr. Bernal: It can encroach into the setback.

Mr. Causey: Into the setback by six feet, and this one is asking for seven and a half.

Mr. Bernal: Correct.

Mr. Causey: Okay, so the porch wouldn't even work on this situation, because he's seven and a half feet inside...

Mr. Apicella: A porch of that size.

Mr. Causey: Yeah, this porch that's being asked for, if we stopped it from being a three season or four season and made it into a porch it still wouldn't work within porch guidelines.

Mr. Bernal: It would be allowed to go six feet further...well, it would be like one and a half foot shorter.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Causey: Correct because the way it's drawn right now, it still would not work as a porch versus a sunroom. Because you can go within six feet of the BRL, not within six feet of the property line, you can encroach six feet inside the BRL. So he's asking for seven and a half.

Mr. Bernal: 25-foot setback, and then you go in six feet inside that.

Mr. Causey: So, it would be a 19-foot setback versus the 17 and a half he's asking for.

Mr. Bernal: He would be permitted by right to be able to.... Maybe I'm not understanding.

Mr. Mowery: Let me try to rephrase it.

Mr. Causey: I must be saying it wrong.

Mr. Mowery: The current deck there is 7.1 feet into the setback. And so, if you put a three-season portion on top of that, that would exceed the six foot is that right?

Mr. Bernal: Because I'm not seeing... all I see is in my drawing, the proposed 10 by 14 sunroom.

Mr. Mowery: If that were a porch, would it be valid?

Mr. Causey: Because it goes over seven and a half feet over the BRL?

Mr. Apicella: Are we saying the porch is already encroaching into the setback.

Mr. Causey: Not the deck. Not the deck. The deck is fine.

Mr. Mowery: We're trying to establish that even if it were converted to a porch, it may still...

Mr. Apicella: Without modification?

Mr. Causey: Yeah, as drawn, what's being requested, it still would not work as a porch.

Mr. Panjshiri: So, if it just had a roof and screens on it, what you're saying is that wouldn't work either?

Mr. Apicella: No, it would, but not at that size. You'd have to make it six feet into the...not 7 and a half.

Mr. Howard: So right now, the deck is 10 feet out from the house. So we'd have to come back two more feet...

Mr. Causey: One foot, one and a half to almost 2.

Mr. Howard: ...to even have a screened in porch. Is that what you're saying?

Mr. Apicella: Without coming back to us for a variance, without needing a variance, you could have a porch set a different way that encroaches into the setback up to six feet.

Mr. Howard: That was 19-foot setback?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Panjshiri: Again, with no variance.

Mr. Causey: You would be here.

Mr. Howard: I have no other questions.

Mr. Apicella: Onto me, so again, you currently have a home on your property. Tell me again, what the special physical conditions, not the fact that your house is far back. What special physical conditions or topographical issues exist on your property.

Mr. Howard: Other than the house, where it sits so far back that I can't really do anything, the backyard is extremely steep. It's really unusable. Other than having the deck come out. There's a slab I put down there at the basement level. But again, it's very hard to sit out there. It's hot. It hasn't been practical.

Mr. Apicella: But even with the slope, you're saying you could build a porch or a sunroom that that takes you to some point before the slope, right?

Mr. Howard: Oh, yeah, the current deck is 10 feet out from the back of the house and we just wanted to build straight up from it, tie it in. That's it.

Mr. Apicella: I understand. Any further questions for the applicant? All right. Thank you very much, sir. There's nobody here, but I still have to go through the formalities of asking if there's any members of the public. I'm going to open the public hearing. Are there any members of the public who wish to speak in support of the application. Seeing none. Are there any members who wish to speak in opposition? All right. Seeing none. I'll give you one last opportunity if you want to add anything else, or if members of the BZA have any further questions they want to ask. Yes sir.

Mr. Perez: I just wanted to add that, you know, when Mr. Howard bought this property, he wasn't aware of these limitations of having a one story versus a two story. There was going to be such an impact for just a really modest modification of an existing thing. And so we were going before the board see if that's something we could allow. It's not something that anybody else would need, you know, with that current way set up the home. And so, yeah, we just want to appeal to the board again in regarding to this issue.

Mr. Apicella: Thank you, sir. All right, I'm going to close the public hearing, bring it back to the Board for discussion and deliberation. Anyone like to chime in? Go ahead, Mr. Panjshiri.

Mr. Panjshiri: The part that I'm a little iffy on, and this is just, I mean, I also don't have the exact things, but just doing a look at the GIS, quick little bit of research, I kind of feel like I see a few other properties doing the measurements, the same exact thing we have here, that would have the potential same hardship of if they wanted to enclose the same structure, they would be back here before a board and asking for a variance to do the exact same thing. Again, that's just with rough research on this, but that's where I'm kind of like if this gets approved, this then becomes something that could be very general, you know, generalizable nature for a few different properties in this neighborhood, which could then present us just coming back with more variance for everybody else in the neighborhood that had similar features and a one story would also have ...(audible)

Mr. Apicella: Anyone else? Mr. Underwood.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Underwood: Unfortunately, I think we find ourselves in the same position as the first two that this doesn't meet the strict requirements that we have. And I wish I had actually mentioned this to the two previous applicants. It really does seem appropriate that they go and speak to their Board of Supervisors members, because it seems somewhat odd that simply adding removable glass forces them into a whole new category, and so it does, unfortunately seem to necessitate a general change in the rules to allow this, and I think it's outside of our purview to do so.

Mr. Apicella: I think that's a great point. Mr. Underwood. Anybody else? Mr. Causey.

Mr. Causey: No, I think I already said my piece.

Mr. Apicella: All right. Again, the rules are the rules. We may not like those rules. We, unfortunately, for better or worse, have to enforce those rules. We don't have any discretion whatsoever. I sympathize with you and the previous applicants. I wish the circumstances were different but they are what they are. Is there a motion that someone would like to make?

Mr. Causey: I'll put in a motion to deny this application.

Mr. Apicella: Is there a second?

Mr. Blaisdell: Second.

Mr. Apicella: Okay, any further comments? Mr. Causey.

Mr. Causey: No.

Mr. Apicella: Mr. Blaisdell

Mr. Blaisdell: No.

Mr. Apicella: Anyone else? All right, all those who are in support of the motion to deny this request, please say aye.

All: Aye

Mr. Apicella: That motion carries six-zero. You'll be hearing from staff regarding the disposition of your case. Thank you very much. All right, we have no unfinished business. Zoning Administrators report.

Mr. Bernal: Happy New Year. That's all I've got. We haven't got into anything specific, other than maybe I can let you know that we do have an appeal that's coming up for March, and it's going to be determination appeal for a Zoning Administrators Determination. And I do have a potential of another variance coming in.

Mr. Apicella: Another sunroom?

Mr. Bernal: A detached shed.

Mr. Mowery: Did you just save all the sunrooms?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Bernal: You should have seen the ones I could talk out of that.

Mr. Mowery: That, actually that answers my question. I was going to ask you, are we advising people before they submit a packet to the board about what the requirements are? I know they're written in there, obviously, but like to where they understand the hardship requirements.

Mr. Bernal: I honestly try to inform them and educate them on what the requirements are, what a hardship is, and definitely, we call it the litmus test of getting to that point of wanting to do that. I'd say, out of the six that I turned away, they understood, these were the ones that say, well, I want to try, because, again, we can't say you can't apply. So, we give you the facts of the case and let you all make the judgment.

Mr. Causey: It's one thing I noticed at least two of them were just blaming the zoning. If the zoning wasn't this way, I wouldn't have to abide by it, but that's what zoning is all about. So I guess they just didn't get that's not a hardship that you bought a house with a certain zoning.

Mr. Apicella: It's not just that, but you bought a house that sits in a certain spot in your yard that puts you close to the setback. Well, that's not a topographical issue.

Mr. Causey: There's a reason someone put it there.

Mr. Mowery: Well, they just think that we'll that we'll be reasonable and have discretion. We can be reasonable, but we still don't have discretion.

Mr. Apicella: You know, maybe it's worth taking another look at the application to see if the wording might be tweaked a little bit to help inform folks a little bit more, and maybe provide a copy of the State Code along with it, so that they can see, you know, these are the requirements.

Mr. Bernal: Yeah, because I did make a copy of the State Code for, what do you call it, for our purposes.

Mr. Apicella: Right, but I'm saying for the application itself. When somebody picks up an application, you know, I looked at it before tonight's meeting. I think it could be tweaked. It could be a little bit more helpful to folks to really understand what a hardship is, and that it's a two-tier process. Both criteria have to be met when there's a hardship.

Mr. Causey: Because I went back in our guideline at the very beginning, it does mention the hardships and specifically which ones we will look at most, you know, restrictions, topography and things like that, which the third one had all of those balls in motion, but none of the others did. But it's, I think it's written in there.

Mr. Apicella: I do too. I'm just saying its worth taking a look at it to see if it might be just changed just a little bit.

Mr. Causey: Is this day just an oddity that we just had that many? Sounds like, you haven't had that many of these come up. We have three in one night.

Mr. Mowery: He said he had 10.

Mr. Apicella: Yeah, he's had more. They just understood after having consulted with staff.

Board of Zoning Appeals Minutes
February 24, 2026

Mr. Panjshiri: Well and I was going to add that this is something of like one of those things where I like, for last year's report, we didn't necessarily have this, but for this year report, somebody, whoever at this point will be just to kind of note that this is something we could send to the Board of Supervisors, or, I think we can even technically have the chair draft a letter, whatever. But I'm just saying, Hey, this is something that we've noticed, that we had hearings on but also, Zoning Administrator is having an influx of applications for variances or thoughts of it for this specific issue, and something we can raise to, you know, to their attention.

Mr. Causey: With that is there maybe other surrounding counties, maybe Spotsylvania, that is a little more loosey goosey with this control, because this seems to be driven more by the contractors then... The contractors almost sounded like they were like, "Oh, just go to the, they'll give it to you. Let's go talk them into it." It seemed to be that these homeowners, they were thinking, "Oh, let's ask it. We'll get it. It's no big deal". But I just wonder if these contractors maybe working in King George or Spotsy where they can get away with... can do things like that.

Mr. Bernal: It's still state law, and they have to meet those requirements. So, it's, I don't know what they would do, but I mean, working in Fairfax, one of the problems with the BZA, they got sued by their own Board of Supervisors, because at that time, we were giving away a lot of variances, and again, they had to come back and...

Mr. Causey: But we don't know if we get south of here if it's kind of the wild wild west. They do what they need, do what they want.

Mr. Apicella: I do think it's a fair point that both Mr. Underwood and Mr. Panjshiri mentioned that whoever's chairman or staff can write a letter to the Board and say there seems to be some discontinuity between allowing porches to have a certain encroachment. However, if you enclose it, which really just putting glass on it, kind of the same thing, same frame, would deny you that opportunity. That seems a bit arbitrary.

Mr. Blaisdell: Yeah, but it's still an addition and they all want to be climate controlled.

Mr. Apicella: No, I get that, but rules should be the same. If you're going to have a screened in porch....

Mr. Causey: But we started that with me asking and saying, "Hey, you can cover the vinyl and it pulls off." They took it to the glass. I don't think it's really in the code of what is permanent versus what is not. I think we kind of went there.

Mr. Apicella: No staff. This just goes back to staff, right? So, if it's a sunroom, it's an enclosed structure, or any enclosed structure. A permanent enclosed structure would not be allowed to do the same thing that a screened-in porch. It's still encroaching. It's still the same frame.

Mr. Mowery: I worry that the results, though, would be that they clamp down restrictions on the non-permanent structure.

Mr. Causey: I think maybe we leave that one alone.

Mr. Apicella: What's the consensus? Leave it alone?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Underwood: I would lean towards making a comment to the Board. I think one of the differences between where we sit and where they sit is they're there to serve the citizens and address these concerns. We're to enforce whatever they give us to enforce. So, I think it would be reasonable to make it clear that there is a large number of residents and citizens in Stafford that are asking for this, and it's not something that we can do, but we think it is worth at least considering. Does the Board think this is something the citizen should be allowed to do?

Mr. Panjshiri: And I think it's worth noting that, like, noting something is permanent, like, if that's the underlying factor, that would tell you that sunroom versus a screened-in porch. And I think that kind of doesn't you know, let's say you know, the vinyl, the hooks and things like that, like, I don't think that would, you know, now make that illegal. Now you can't have that. Now you're caught red-handed kind of thing. Because I think it's more of that if you're having just, you know, glass and you're not removing this glass, whatever, maybe, I think that's the clarification. Because if we say, Yeah, sure, glass going in and you want to take that out, take that out, and that works, that's, you know, then there you go. They have their clarification. They're ready to go.

Mr. Causey: The only thing I don't want to lose, having been a builder for 36 years, that ability to have that porch go into that BRL up to six feet, is huge to help your citizens. The building department is not going to want to go out and monitor who has glass and not and are they caulking into place? Are they nailing it into place? How permanent or non-permanent is it?

Mr. Panjshiri: But that gives people, that then gives more clarification in terms of, I don't even need to go before the Board, or I do need to go before the Board for a variance, because I think that's where this gray area is.

Mr. Causey: We may need to go to building and planning first before we talk to the Board.

Mr. Apicella: To do what?

Mr. Causey: What do they define? Because they're going to be the ones given a permit. What do they define?

Mr. Apicella: He's the guy who decides, right there. The Zoning Administrator.

Mr. Bernal: Oh, the thing is too with that, because I would say, as an addition, you would need the HVAC. Whereas a porch, you really don't need anything. Does that make a deciding factor? And that would be a building thing as well.

Mr. Apicella: We're still talking about setbacks, so it's the same issue.

Mr. Bernal: But its enclosure vs non-enclosure.

Mr. Apicella: My concern is it's just seems arbitrary, capricious and a bit unfair, to have a different standard for one type of use that's very similar to the other type of use. I hear what you're saying.

Mr. Causey: I actually don't. I think it's very defined for a damn good reason. Because porches and open and just adding a roof onto a deck. They allow decks to go even further than a porch and have that porch go in there, but as soon as it becomes a part of the building, damn it, that's the BRL. That is what it is. You're tough luck, but...

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: You have to help me with that acronym. BRL

Mr. Causey: BRL – Building Restriction Line. Sorry, construction ter. It was it written in on all the drawings.

Mr. Mowery: It's hard to imagine how the Board would correct it without just pulling back the porch thing. I don't know how you make it so that you can have a permanent structure, like a sunroom crossing that set back.

Mr. Underwood: I think it would be very fairly simple to add in that it can be screened or enclosed in glass. And so, it's an interesting.

Mr. Causey: See that's where I don't agree with you.

Mr. Underwood: Yeah, and that's fair. If you looked at the proposals we had this evening, the very first proposal was very different than the last one we looked at. They both were asking for the same thing, but the first actually included walls insulation. It was a true building structure. Whereas the last one we looked at, he could do exactly what he asked, just no glass. And the reality, and this is where it and I don't know if you remember, last year we ran into this where we had someone asking for very similar and we actually granted it. And he pointed out four or five neighbors who had the exact same thing, and what they did is they built it, just a screen, got off their permit, and then put glass in. So, I think it's something worthwhile for the Board to address. Is this something, because if it's in the rules, it should be enforced. So, is it something the Board feels so strongly about that zoning should be out looking for people who have done this because it is detrimental to society?

Mr. Apicella: Do you have a definition for porch?

Mr. Bernal: I do. And I did read it. Per the ordinance it's a structure extending from the outside wall of a building above ground level with a roof but not enclosed by other than protective railing, with or without screening, and then enclosure with materials other than screening results in the creation of a building no longer considered a porch.

Mr. Apicella: And do we have the definition for sunroom?

Mr. Bernal: No, it doesn't exist.

Mr. Apicella: I wonder if we just delete the definition.

Mr. Causey: It's just a room with more windows.

Mr. Apicella: Yeah, I'm just, I'm just wondering though, if we tweak the definition.

Mr. Mowery: Of a porch?

Mr. Apicella: Yeah.

Mr. Mowery: To where it says it can be exposed by screening railing or glass?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Causey: Yeah, see, that's where I would go fight and say, don't go there. Don't do it.

Mr. Mowery: I really think builders will take advantage of that and start building glass additions on the back at the houses.

Mr. Causey: Especially with tempered glass now, could be 12 by 12 and all glass walls. You're making zoning (inaudible).

Mr. Apicella: Yeah, you could just turn it into another room altogether too, right? Doesn't necessarily have to be a sunroom. You're just...

Mr. Blaisdell: Well, that's what the one guy wanted. He wanted more living space. He wanted it to be heated and cooled.

Mr. Panjshiri: Well and that's why I don't think it worked for him, because he wanted something all year round. But so, if we don't have a definition of sunroom, then what are...

Mr. Mowery: Sunrooms are an addition, just not calling it a living room.

Mr. Apicella: I'm convinced it's a slippery slope right now, I'm seeing four to two. I think we should just leave it alone for now. If you want to raise it with your respective supervisor, have at it.

UNFINISHED BUSINESS

None

ZONING ADMINISTRATOR'S REPORT

Mr. Apicella: All right so, you mentioned that we have an upcoming appeal. My understanding is it's a bit complicated.

Mr. Bernal: Yes, sir. It involves two subdivisions. One's Rocky Run, Rocky Run Village and the other ones...

Mr. Apicella: I don't know how much detail you can get into without crossing the line.

Mr. Bernal: I can tell you what the zoning is. Zoning is R-1 versus A-1.

Mr. Apicella:

But from what I understand, it is a complicated, it's potentially a complicated matter where we would potentially benefit from engaging council to help walk us through what's being requested, and for them to provide us with a potential recommendation and findings of fact, is that fair and accurate?

Mr. Bernal:

Yes sir and it is an appeal for a vesting determination.

Mr. Apicella:

Right. So, they don't like the determination that you made and they want the BZA to potentially undo. So, what I'm requesting from my colleagues here is the authorization to engage our counsel to review

***Board of Zoning Appeals Minutes
February 24, 2026***

this particular case for an amount, let's say, not to exceed the last one that we did. Appeals are very complicated. I think the last one we had, we spent \$6,500 so I guess what I'm asking for is authorization for the BZA to engage its council for an amount not to exceed \$6,500. Is that reasonable?

Mr. Mowery: What would be the conclusion of that? Do they provide written analysis for us?

Mr. Apicella: That would be, however it's written up. But normally what you do is you ask them to analyze all the material, to lay it out for us, and to provide a recommendation. And normally, with zoning appeals, you need to proffer findings of fact if it should go to court. And many times these things do go to court, which is the advantage of getting outside counsel, because we don't have, we don't have the ability to use the county attorney's office to help us review these.

Mr. Mowery: And would this also include having them present at the hearing?

Mr. Apicella: That would be much more expensive. Way more than \$6500. Yeah, we're just looking for a report to help walk us through and help us think about what kind of questions we want to ask. Give us their recommendations on how we should adjudicate it and what we think the right answer is.

Mr. Mowery: Well, don't tell them we approved it up to \$6,500.

Mr. Apicella: I won't tell them that.

Mr. Bernal: Actually, we have a budget of 75.

Mr. Apicella: Right and we actually have more to tap into should this happen again when we need counsel down the road, right? We can tap into some additional.

Mr. Bernal: Right, it has to be requested and reallocated.

Mr. Apicella: So, is everybody okay with that?

Mr. Causey: Do you need a motion?

Mr. Apicella: No, we can do it by consensus. And I would also ask whoever's going to be chairman if I could work with them on the wording of that request to the attorneys.

Mr. Mowery: I think it does need a motion.

Mr. Apicella: All right, is there a motion?

Mr. Causey: So moved up to \$7,500 spending for the attorney to review this case.

Mr. Mowery: Second.

Mr. Apicella: All right. Any further comments? All right, all those in favor say, Aye.

All: Aye.

Mr. Apicella: Opposed. Okay, that motion carries unanimously.

ADOPTION OF MINUTES

5. August 26, 2025 Board of Zoning Appeals Meeting Minutes_DRAFT

Mr. Apicella: All right, election of officers. Is there a motion approval? What? Did I not approve? Sorry, I jumped ahead. Motion to approve the August 26, 2025, BZA meeting minutes.

Mr. Causey: So moved.

Mr. Blaisdell: Second

Mr. Apicella: All those in favor say aye.

All: Aye.

Mr. Apicella: Opposed. That motion carries unanimously.

OTHER BUSINESS

6. 2025 Board of Zoning Appeals Annual Report_DRAFT

Mr. Apicella: BZA annual report. Has everyone already had a chance to take a look at it? Any proposed changes? Motion to accept the draft BZA report?

Mr. Panjshiri: Motion.

Mr. Underwood: Second.

Mr. Apicella: All in favor, say aye.

All: Aye.

Mr. Apicella: Opposed? That motion carries unanimously.

7. 2026 Board of Zoning Appeals Meeting Schedule_DRAFT

Mr. Apicella: All right, meeting schedule. So, it looks like there's only one date that might be a little squirrely. There are some other ones as well, but the November 24 meeting is the same week as Thanksgiving, and a lot of people take that week off. I put together a couple of options, December 8th, we could use the board chambers, I think on that date, December 1st, we could use the ABC room, and November 17th, the ABC room. Is there a preference for any one of those?

Mr. Causey: 17th of November would be better. Keep it in November.

Mr. Panjshiri: Agreed.

Mr. Apicella: Okay. Can you verify just to be sure? I mean, I looked at the calendar, it looks like that should work. November 17.

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Bernal: Yes, sir.

Mr. Apicella: All right. Any other changes to the calendar? Is there a motion to accept the calendar with that change?

Mr. Underwood: So moved.

Mr. Apicella: Second?

Mr. Causey: Second.

Mr. Apicella: All in favor say, Aye.

All: Aye.

Mr. Apicella: Opposed. All right, that carries unanimously.

ELECTION OF OFFICERS

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

Mr. Apicella: Alright, on to the fun. Election of officers. Is there... We'll take it in order, and if there's more than one, then we'll vote on the first nomination for that specific category. Is there a motion, or is there a recommendation for Chairman?

Mr. Underwood: Mr. Chairman, just to clarify, there's no term limits and there's no conflict.

Mr. Apicella: So, there's, there is a term limit. The bylaws require, unless there's a two thirds majority to rule the bylaws that person cannot be chairman more than two times in a row.

Mr. Underwood: Forgive me for not remembering how many times.

Mr. Apicella: I've been chairman twice, two times in a row.

Mr. Underwood: Thank you.

Mr. Apicella: Is there a motion for anybody?

Mr. Causey: I'm a newbie so, you guys talk, tell me what, what's on your mind?

Several people talking at one time, inaudible.

Mr. Apicella: We've had this discussion before. Is that a motion for Abraham?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Blaisdell: Sure.

Mr. Apicella: Anybody else?

Mr. Panjshiri: Mr. Causey.

Mr. Apicella: Skip, are you interested?

Mr. Causey: No., I gotta figure out what you guys do first.

Mr. Apicella: All right; there's a motion to nominate Abraham as chairman. All those in favor say, Aye.

All: Aye.

Mr. Apicella: Motion carries. Do you mind if I go through the other ones?

Mr. Panjshiri: Yes, please finish this off.

Mr. Apicella: All right. Is there a motion or recommended person for Vice Chairman?

Mr. Causey: Can the chairman go to Vice Chairman after two...

Mr. Apicella: Yes.

Mr. Causey: Then and I move that Steve become the Vice Chairman.

Mr. Panjshiri: Second.

Mr. Apicella: Anyone else? All right, all those in favor of that guy named Steven say aye.

All: Aye.

Mr. Apicella: Opposed. That motion carries. Anybody want to be Secretary? Come on, Tylor.

Mr. Panjshiri: Very fluent. Articulate.

Mr. Apicella: Motion for Tylor. Is that what I heard?

Mr. Causey: Is there limits...Anything on the...?

Mr. Apicella: Anybody else? All those in favor of Tylor Underwood as Secretary say aye.

All: Aye.

Mr. Apicella: All right, that's it, you're the secretary. All right. Actually, thought we'd be here much later. So, I appreciate everybody moving us through this meeting as quickly as possible

Mr. Blaisdell: You're still here for this year?

***Board of Zoning Appeals Minutes
February 24, 2026***

Mr. Apicella: I'm here unless and until I get replaced. Per the state code, again, I serve until I'm reappointed or replaced.

ADJOURNMENT

Mr. Apicella: All right. Do I have your motion to adjourn?

Mr. Mowery: I'll make a motion.

Mr. Apicella: Alright. All in favor. Say, aye.

All: Aye.

Mr. Apicella: All right, that motion carries unanimously. Thank you again, everybody.

At 9:34PM, Chairman Apicella adjourned the February 24, 2026, Stafford County Board of Zoning Appeals meeting.