

STAFFORD COUNTY BOARD OF ZONING APPEALS
MARCH 24, 2026

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) Tuesday, March 24, 2026, was called to order with the determination of a quorum at 7:00 PM by Chairman Abraham Panjshiri in the ABC Conference Room of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: Steven Apicella and Nathan Mowery

STAFF PRESENT: Juan Bernal, Crissy Kendall

DECLARATIONS OF DISQUALIFICATION

Mr. Panjshiri: The time is now 7pm and I hereby call today's Stafford BZA meeting to order. Please silence your phones and any other electronic devices. Will staff please call the roll and advise if we have sufficient quorum for today's meeting.

Mr. Bernal: Yes. Mr. Chairman. Mr. Steven Apicella, Mr. Everett Blaisdell

Mr. Blaisdell: Here

Mr. Bernal: 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 Mallory, Miss Tracy Petty

Ms. Petty: Here

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

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

Mr. Bernal: No, sir.

Mr. Panjshiri: Before we proceed any further, does any Board member wish to make any declarations or statements concerning any matter being heard by the Board tonight? I would now like to explain the roles and responsibilities of the BZA and its procedures. The BZA is a quasi-judicial body whose

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members are volunteers appointed by the Circuit Court of Stafford County. The purpose of the BZA, as authorized by the state code and Stafford County Zoning Ordinance, is to hear and decide on special exception application requests, hear and decide upon request for a variance, hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator. Hearing on appeals to be conducted in two parts. The first will be a review of jurisdiction and standing. The second will be a hearing on the merits of the case as appropriate after jurisdictional standing review. The Stafford BZA consists of seven regular members and two alternative members. Alternate members may only participate when a regular member is unable to hear the case. The minimum quorum for the board to operate and to take votes is four members. Let the record reflect that we have five voting members present tonight. The regular members present and voting tonight are Everett Blaisdell, Steven Gorski, Abraham Panjshiri, sorry, no longer Steven Gorski, Skip Causey, Abraham Panjshiri and Tylor Underwood. Alternate member standing in for a regular member is Tracy Petty. County staff is represented tonight by Juan Bernal. Process for hearing cases. Today's public hearings will be conducted in the following order. The chair will ask the BZA secretary to read the case. When there is an appeal to the Board, the Board will then discuss its jurisdiction and the applicant standing of the case presented. BZA members can ask questions of county staff regarding the case. The chair will then ask the applicant or 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 applicant regarding the 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 additional opportunity to address the public's comments and any further questions by BZA members. After the applicant's final response, the chair shall close the public 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 BZA are as follows; after coming to the podium, members of the public shall provide their name and address so and address so that 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 auspices of the County Circuit Court, we require all applicants, speakers, presenters and audience members to act with a level of decorum and respect appropriate to a courtroom setting. If there are any disturbances, the chair may call for a temporary recess. Please address your views to the Board as a whole and not to the applicant or other 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 material to the Department of Planning and Zoning at least 10 business days prior to the hearing to be included in the staff report. The Board may 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 the additional material. Members of the public and/or staff may also submit relevant material before or during the hearing. I would like to provide some additional information for today's applicants. All applicants are hereby reminded that there are five voting members present, and any application requires a minimum of at least four affirmative votes for approval. If you decided 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 to do so at the beginning of your presentation. Deferral requests are granted at the sole discretion of the Board. Applicants may withdraw their application prior to closing of the public hearing on their matter, provided that the applicant has not withdrawn a substantially similar application within previous 12-month period. Any persons who do not

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agree with the decision of the Stafford County Board of Zoning Appeal shall have 30 days to petition the Stafford County Circuit Court to review the BZA's decision. The Stafford BZA requires that any person who wishes to speak before this Board shall be administered an oath. Therefore, anyone who wishes to speak tonight, please stand, if possible, raise your right hand and agree in the affirmative by saying "I do" after I read the following statement, please stand if you are planning to speak tonight.

Clark Leming: What if we don't know if we're going to say anything?

Mr. Panjshiri: You're going to say something. Do you hereby swear or affirm that all of the testimony before this Board shall be nothing but the truth. Thank you. Please be seated. Case number one, has staff determined that the application and associated materials are complete?

Mr. Bernal: As submitted, yes.

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

APPLICATIONS AND APPEALS

1. A26-01/26156967 – Leming and Healy P.C. - A request for an appeal pursuant to Stafford County Code Sec. 28-349, "Appeals to the board generally," of a Zoning Administrator's Vesting Determination regarding Tax Map Parcel Nos. 43-70, 43-71 and 43-72 (Property). Tax Map Parcel No. 43-70 is zoned A-1, Agricultural and Tax Map Parcels Nos. 43-71 and 43-72 are zoned R-1, Suburban Residential. The Property is located within the Hartwood Election District.

Mr. Underwood: Case A26-01/26156967, Leming and Healy, P.C. - the request for an appeal pursuant to Stafford County Code Section 28-349, Appeal to the Board generally of the Zoning Administrators vesting determination regarding Tax Map numbers 43-70, 43-71 and 43-72. The property tax map parcel number 43-70 is zoned A-1 Agricultural and tax map parcel numbers, 43-71 and 43-72 are zoned R-1 Suburban Residential. The property is located within the Hartwood Election District.

Mr. Panjshiri: Thank you. Are there any questions for staff from the Board? Would the applicant or the representative like to make a presentation to the Board?

Clark Leming: Good evening, Mr. Chairman and members of the Board of Zoning Appeals. My name is Clark Leming. I'm a land use lawyer. Lot of new faces up there.

Mr. Panjshiri: Mr. Leming. Do you mind pressing the I believe there's a little button on your thing right in front of the microphone.

Clark Leming: I'm here on behalf of the applicant. For those of you who don't know me, I'm a land use lawyer, and I've been doing this in Stafford County for, say, now, going on 42 years, and I've been before this body over 100 times. And in fact, my partner used to be a member of the BZA until she went on School Board. So just for those of you who don't know who I am. I'll give you the short request for a deferral, or the longer request for a deferral. The short request for the deferral is simply that we filed the appeal of the Zoning Administrators vesting determination, not knowing at that point whether the issue that was pending with the County staff was going to be resolved. It has become clear that it's at least moving in that direction, although all the boxes are not checked yet. By the time we got to that point, however, the decision had been issued by your Zoning Administrator, and that put certain time frames

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in place. So in order to keep the vesting determination, which was not altogether favorable, from becoming final, we filed the appeal, and we're proceeding to work with staff. We also have to have a stop at the utilities department. Now, the reason all this came together has been going on without my involvement for about a year, and last summer, staff took the position that my client, now my client, if he wanted to change utilities on his approved plan, which is a second phase of a two part plan, from water and sewer to well and septic, like they had next door, that he would lose his vested status and would then be stuck with, rather than approved three acre lots, six acre lots under the new ordinance. So that wasn't acceptable to him. My client knew an attorney, long-established land use attorney, good friend of mine, John Foot, since retired, and he contacted Mr. Foot. Mr. Foot, I think, spent about eight months putting together a request for a zoning determination. It finally came in. There were several redoes. Meanwhile, the staff and their engineers and the applicant are continuing to talk and see what they can work through. Well, it got to the point the Zoning Administrator was ready to issue the opinion. There wasn't anything afoul, the opinion got issued, and then things more or less fell into place. So, the appeal, then I came into it. Mr. Foot retired, and now lives out in San Diego, and so I filed the appeal. It is, I would describe as a placeholder. And so that's why we are where we are now. We don't want to simply withdraw the appeal, because we don't know for certain the staff is going to get everything worked out. Utilities still has to weigh in on it, and there may be an issue there. They may want us to tie into water. So, Mr. Blaisdell's father was on the Utilities Commission for a long time with me, so they get a vote also, for uncertainty. Now the short, that's the long version. You'll be pleased, you'd be happy to know that's the long version of why we're here tonight and why I'm asking for a deferral. The short version is that I didn't know this this thing had been advertised. I got a letter, snail mail, last Tuesday saying this was scheduled. Of course, I wouldn't possibly have met your deadline for submitting all the amount of materials that you're going to have to deal with should this ever go forward. But so, there was a lot of time, and I immediately contacted the Zoning Administrator, and we talked back and forth, and I was guardedly optimistic that it would get deferred without my having to come and visit with you, but it didn't. So here I am. I'll tell you that over the years, when this has come up, and, believe me, deferrals, this is not the first time something like this has come up, but in past years, typically what would happen is that the chairman of the BZA, I would contact, that's when you could talk to the BZA members. Doug, he would take a poll of the other BZA members about a deferral, and if they were all okay, it was deferred. That was all there was to it. Now I realized that under these circumstances, you've already advertised it and somebody could come. They may be here to talk about this, but you know what it's ultimately all about is going from water and sewer. Sewer, particularly, it's too expensive to bring to this property and going to well and septic, which is what's going on on the first phase of this development right next door. I don't know why it went on water and sewer. I wasn't there for that. So anyway, we'll put that before you. Now, I also wanted to be sure that you know, I didn't know whether your Zoning Administrator made that clear for you, but you all operate under statute, of course, and let's see (inaudible), is the one that requires that you hear matters within 90 days of their being filed, Okay. Now we still have, there's another BZA meeting to go, even if that is a goal that you believe that you feel like you have to meet, but the Virginia Supreme Court has long since indicated and I have the case for you, and I've shared it with your Zoning Administrator. This is a 2000 case, and it's called *Tran versus Board of Zoning Appeals of Fairfax County*. In that case, the Board of Zoning Appeals took well over 500 days from the time of filing to render an opinion. And the issue that was then raised by some of the parties was that, well, wait a minute, they violated state law here, The BZA couldn't hear the case anymore. Supreme Court said, "No, the 90 days is directory. It's not mandatory". And so there is, you're not obligated to do that. Sort of a good effort to do so but it's not jurisdictional and the failure to meet the 90 days does not deprive the BZA of the ability to hear the case whenever it comes in. The other issue that comes up in this context is who would have standing to complain. In this case, there were multiple parties. Here, however, I'm the one, on behalf of the applicant, who's asking you to defer. Oh, no courts going to let me, I don't think you wouldn't either, let me come back and say, Oh, they took too long.

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They lost their ability. The decisions over and done with and they have lost their ability to hear it. I wouldn't have standing to do that because I asked for the deferral. The point of all that is just to let you know that, from my standpoint, I'm not your lawyer, but from my standpoint, there is no risk to the BZA or the jurisdiction of the BZA by deferring the case. So, I've tried to give you the background on why we are in sort of an unusual case with a new lawyer and lots of moving parts, and then really why it shouldn't matter that the case is deferred. Talking with your Zoning Administrator earlier, I suggested to be on the safe side a period of months, which would put it further down the road. I got a question this week from one of the BZA members, saying, well, would I consider withdrawing it and as this moves along then yes, but at this point, I don't know appreciably more than I knew when I started the case. So at this point, no, I wouldn't consider simply withdrawing it. Now, is it possible that by next month, we would know enough? It's probably going to be a six-month process, because what the applicant is having to do is to go find drain fields, which is something that takes a while. Those drain field analyzes are due back the first week in April. But then the plan, which is Sullivan Donahoe and Ingalls, are the engineers, the plan gets put together, comes back into the staff, they review it, any comments, it gets routed through utilities, and then probably sometime in the summer, they'll reach a point where they think the plans all right, I think they're agreeable to doing it, but you know, we don't have anything signed off on it. Okay. Now I've gone on for a while. I didn't mean to lecture, but maybe, maybe there was an educational kernel to what I provided. I'm happy to answer any questions that you have. My request is for you to defer this. I would prefer the deferral to go, you know, longer than just next month, but that is that's your call, and we'll figure out what to do one way or another. But if I come back and I'm not ready in April, you may have to listen to me go on again with another request. So, I hope that won't be the case. Any questions?

Mr. Panjshiri: Any questions from the board to the applicant. Ms. Petty.

Ms. Petty: So, are you requesting a six-month deferral?

Clark Leming: I think, I was talking with Juan about that, I think that probably to be on the safe side of deferral, this is March, deferred till September, and I don't think you'll ever see me on this case again. You may see me on another case, different case, before then, but I don't think you'll see me on that case again, but that gives us more than sufficient time to work this out.

Ms. Petty: Okay, so you think that would be the longest it might take?

Clark Leming: Yes, ma'am, and I appreciate your asking. I didn't want to push too hard on that, because that's your call. But I think that'd be a reasonable period of time.

Ms. Petty: Okay, thank you.

Mr. Panjshiri: Any other questions? Since the applicant has asked for a deferral, do we have a motion for a deferral?

Mr. Causey: Yes, I do have a motion. Due to the applicants' defer request the BZA waive the provision 7-14, 7-16, and 9-2, requiring the BZA time limit and render a decision of granting a deferral until September 22, 2026.

Mr. Panjshiri: Do I have a second.

Mr. Underwood: I'll second.

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Mr. Panjshiri: All righty, we have a motion made by Mr. Causey to defer to the September 22nd meeting. Is there any further comment from the motion maker? Second? Any members of the Board? All right, all those in favor of the motion signify by saying aye.

All: Aye.

Mr. Panjshiri: All those opposed say nay. Let the record reflect that the motion is approved for the deferral by a 5-0 vote. Thank you.

Clark Leming: And thank you for hearing me. And I'm sure I'll see you again on some occasion. Hopefully we're ready to go with something. You'll have a have a very good evening.

Mr. Panjshiri: Thank you. And just for the public's awareness that came tonight, because this case was deferred to a future meeting, what will happen is that this public hearing will also be deferred to that future meeting, if it is so moved that it will happen. So that meeting will then be re-advertised of when this case would come back to the Board. So, it could be any of the meetings coming up, not the April one, but any of the meetings after that, it could come into the public hearings. Go ahead. Is it pertaining to this?

Speaker 1: I'm just a member of the community. Richard (inaudible) and I just had a clarification question. Is because I'm not a lawyer, I don't understand what exactly the purpose of the invitation was that I received in the mail. I understood the terms residential and agricultural and rezoning, and so I just wanted to add get some clarification on the parcels of land. Are you looking at trying to re-designate the agricultural zone to a residential zone? Are you changing the residential zone to agriculture? The concern I had was the waterway that's crossing through the zone 70. There's portion that's protected, but that feeds into the lake that's our reservoir for potable water. And I'm concerned that if that turns into a residential unit and construction takes place, that that will disturb the water flow, potentially contaminate the silt from the reservoir. No issue with the deferral, I'm just not educated.

Mr. Panjshiri: Yeah, no. So as far as what we have from the Board, this is essentially, the Zoning Administrator had made a determination on a request, and then, essentially, the applicant wanted to appeal that determination. At this point in time, the applicant is requesting some additional time in terms of, we're not even familiar yet with what the actual case holds. So that's all. No decisions, determinations, anything kind of goes into effect until we'll rehear this. Or if the applicant, as he's mentioned, if they come to a conclusion with the County staff that you know is within their rights to do, they'll just withdraw this appeal, and then we won't hear this. So anything that would happen is within their rights if they don't come back to the Board or, you know, have any issues, therefore, with the zoning determination.

Mr. Causey: In other words, I was going to say, in other words, we don't even know the specifics of the case. It hasn't been given to us. Because of the request for deferrals started to come in, that gentleman right there might be able to answer what...

Speaker 1: We are happy with what the Board does. This is my first time here, and once again, I'm still not complaining. I just had a question.

Mr. Panjshiri: We appreciate you coming out and being involved.

Mr. Causey: Watch out. They put you on the Board next month.

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UNFINISHED BUSINESS

NONE

ZONING ADMINISTRATOR'S REPORT

Mr. Panjshiri: All right, so on to the next matter. We have no unfinished business. Is there a report by the Zoning Administrator?

Mr. Bernal: Pardon me? Yes, sir, not really a report just a couple of announcements that we do have a new BZA member joining us, maybe next time, it all depends on the paperwork. But Mr. Derek King.

Mr. Causey: I'm no longer the new guy.

Mr. Bernal: Institutionalized. Derek King, so hopefully, when the paperwork is finished in process through and he gets sworn in as well then he'll be joining us. And also, if you remember, last month, there was a case that you all deferred for Mr. Islam, he would like to proceed. He has talked to his engineers, and I think he made strides in confirming or verifying the things that you have requested of him. So he says he's ready to come to the Board and make his presentation as requested. And that would be the next meeting would be April 28 and other than that, I have nothing else. There was something about training.

Mr. Panjshiri: That was going to be the thing I was going to bring up in a second, but just, I think there is an upcoming training.

Mr. Causey: There is two-day online course and then some coursework that needs to be completed by July.

Mr. Bernal: I believe there's books.

Mr. Panjshiri: Do we have the new members who need to go to the training registered?

Crissy Kendall: Not yet. They haven't registered yet.

Mr. Panjshiri: But we are able to get them registered, we have no issues?

Crissy Kendall: Yeah, just let me know and we'll register you

Mr. Panjshiri: Okay. I guess if we can sneak Derek in there as well, not until things get approved, but hopefully so that they can get trained.

Juan Bernal: That's all I have sir.

ADOPTION OF MINUTES

NONE

OTHER BUSINESS

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NONE

ADJOURNMENT

Mr. Panjshiri: All right, there's no other business, anybody anything? Anybody else? Great. Is there a motion to adjourn?

Mr. Causey: So moved.

Mr. Panjshiri: Second?

Mr. Blaisdell: Second.

Mr. Panjshiri: All those in favor adjourning say aye.

All: Aye.

Mr. Panjshiri: The meeting is adjourned.

At 7:25PM, Chairman Panjshiri adjourned the March 24, 2026, Stafford County Board of Zoning Appeals meeting.