The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, March 4, 2026. The following Board Members were present: Chairman Karen Day; Vice Chairman Rebeccah Ballo; Daniel Aminoff; Tristan O'Savio; Sean Peiffer. Absent from the meeting Akida Rouzi; Clair McDade; and Thomas W. Smith III.

Vice Chairman Ballo called the meeting to order at 9:00 a.m. She asked if there were any Board Matters to bring before the Board. As there were no Board Matters, she then discussed the policies and procedures of the Board of Zoning Appeals.

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~ ~ ~ March 4, 2026, Matters presented by the board:

Consent Agenda

Vice Chairman Ballo called for consent agenda, there was none.

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Chairman Day assumed chair.

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~ ~ ~ March 4, 2026, Scheduled case of:

Mark Scofield, ZAPL-2025-DR-00023 An appeal of a determination that the Appellant has erected accessory uses/structures, a fence and gate, on a vacant lot that does not contain a principal use, in violation of the Zoning Ordinance. Located at 9710 Fringe Tree Road, Great Falls, VA 22066. Approx. 2.188 acres of land, zoned R-E, Dranesville District, Tax Map 13-3 ((1)) 8C.

The participants in the hearing were as follows:

- Sara Penyak, Deputy Zoning Administrator, Zoning Administrative Branch
- Austin Gastrell, Staff Coordinator, Zoning Administrative Branch
- Peter Basanti, Assistant County Attorney, County Attonery Office
- Rachel Parrot, Investigator Supervisor, Department of Code Compliance
- James Sexton, Investigator, Department of Code Compliance
- Gifford Hampshire, Agent for Appellant
- Mark Scofield**,** Appellant
- Public Speakers:
    - Keyvan Moussavi, 9713 Fringe Tree Road

There was discussion from the Board with Mr. Gastrell, Mr. Basanti, Mr. Hampshire, Mr. Scofield, Mr. Sexton, Ms. Parrot, and Ms. Penyak, which was then followed by testimony from the above referenced public speaker for this case. . A discussion ensued regarding the fact that although the appellant had been working with the County to submit development plans, the fence was erected without a principal structure on the property. Although the appellant had been working with county to submit development plans no use had been established on the property. The Department of Code Compliance found there was no use on the property which led to the issuance of the notice of violation. Mr. Hampshire argued that the term "intended use" was sufficient to be a determination of established use on the property which allowed Fairfax County to tax the property

Mr. Aminoff moved to uphold the determination of the Zoning administrator for the following reasons::

- The Board finds the appellant has not been able to rebut the presumption that zoning administrator's decision was incorrect.
- The appellant is relying on the broad definition of term "use", but the statutory provisions for principal and accessory use are what is relevant.
- The appellant has not met the burden of proof to overcome the Zoning Administrator's decision.

- The fence is an accessory structure and without having established the principal use first, DCC was within its purview to issue the notice of violation.
- The Board does not doubt the appellant had good intentions; however intentions do not establish a principal use.
- The Board finds Zoning Administrator was correct in her determination.

Ms. Ballo seconded the motion, which carried by a vote of 5-0. Ms. Rouzi, Ms. McDade, and Mr. Smith were absent from the meeting.

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Chairman Day moved that the Board recess and enter into Closed Session for consultation with legal counsel and/or briefings by staff members and consultants regarding General topics about the Board of Zoning Appeals Agenda, statutory requirements for Board of Zoning Appeals members, the Board response to comments received from the public post hearing, certain appeal question, and Annual Report pursuant to Virginia Code Ann. Sec. 2.2-3711 (A) (8) (LNMB Supp. 2002).

Vice Chairman Ballo seconded the motion, which carried by a vote of 5-0. Ms. Rouzi, Ms. McDade, and Mr. Smith were absent from the meeting.

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The meeting recessed at 10:53 a.m. and reconvened at 12:33 p.m.

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Chairman Day then moved that the Board of Zoning Appeals certify that, to the best of its knowledge, only public business matters lawfully exempted from the open meeting requirements prescribed by the Virginia Freedom of Information Act and only matters identified in the motion to convene Closed Session were heard, discussed, or considered by the Board during the Closed Session.

Vice Chairman Ballo seconded the motion, which carried by a vote of 5-0. Vice Chairman Ballo seconded the motion, which carried by a vote of 5-0. Ms. Rouzi, Ms. McDade, and Mr. Smith were absent from the meeting.

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~ ~ ~ March 4, 2025,After Agenda Item:

Informational Items

- Administrative Items report for March 4, 2026.

Chairman Day instructed the Board to review the administrative and informational items for March 4, 2026.

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As there was no other business to come before the Board, the meeting was adjourned at 12:35 p.m.

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Minutes by: Melissa R. Taylor
Approved on: April 29,2026