

COMMONWEALTH OF VIRGINIA  
PRINCE WILLIAM COUNTY  
BOARD OF ZONING APPEALS

Brief  
May 17, 2004  
Regular Meeting  
Board Chambers  
James J. McCoart Administration Building

**Roll Call (2:00 PM):**

Present: Fred McKelvey, Chairman  
Patrick Salce, Vice-Chairman  
Thomas Brenzovich  
Betty Eller  
Patricia Reynolds  
Eileen Thrall  
Morgan West

**Item 1:** Variance Request Case #2004-00290, Sager Enterprises, Inc. - Requesting a variance from the provisions of Section 32-301.05(3) to allow a four (4) foot side yard setback instead of the required fifteen (15) foot side yard setback in the A-1, Agricultural zoning district for the construction of a garage. GPIN 8192-81-4817 located at 14423 Hereford Road.

Staff, represented by Ryan O’Gara, presented the case and other information including the fact that a variance was issued on the property in 1978; installation of a swimming pool was approved in 1988; a provisional use permit for home employment was granted in 1996; a building permit was granted in 1997 to convert the existing attached garage into a shop and a deed of consolidation was approved in 2002 creating a single parcel.

Ms. Thrall asked the size of the addition.

Mr. O’Gara responded 20 feet x 24 feet.

Ms. Thrall asked where the business entrance comes out inside the building.

Mr. O’Gara replied in the basement.

Ms. Eller asked who received the home employment permit.

Mr. O’Gara replied it was the applicant.

Mr. West stated the proposed garage appeared to be larger than required for one vehicle and wondered if a smaller one would be sufficient.

Mr. O'Gara deferred to the applicant.

Robert Wills, applicant, explained his position and stated that he did not create the situation for which he was requesting a variance, either his mother's illness or the topography of the property. Additionally, he indicated he needed the large size garage to allow space for building a ramp with a three (3) foot drop to the rear and with space for entering and exiting a vehicle.

Ms. Eller asked why Mr. Wills converted the existing garage to business space when his mother was already living with him.

Mr. Wills responded that all the living space is on the main level and that his mother is unable to access the basement level where the garage was located that is now the business space.

Questions were raised regarding the adjacent land owned by Hylton.

Mr. Wills indicated Hylton had no objection to his building the garage but he didn't know if they would be willing to sell him any of the land in order to increase his setback.

Chairman McKelvey inquired if Mr. Wills would be making the variance request if his mother didn't live with him.

Mr. Wills responded in the negative.

Mr. Wills passed out copies of Section 32-900.11 Variances from the Prince William County Zoning Ordinance to support his position of undue hardship as a reason to grant his request for a variance. Mr. Wills explained that his lot is unique due to its topography and that granting his variance would not be setting a precedent.

Mr. Brenzovich and Ms. Eller suggested installing a carport that could be removed when Mr. Wills' mother was no longer living with him.

Mr. Wills said he thought that would look bad.

Chairman McKelvey explained that the hardship referenced in the Zoning Ordinance has to do with the land.

Mr. Wills responded that he has a personal hardship and the County's interpretation is incorrect.

Chairman McKelvey indicated the interpretation is based on State Code.

Mr. Wills responded that his hardship is not just personal but also topographical.

Chairman McKelvey responded that the topography was a side issue since Mr. Wills wouldn't be making the request if it weren't for the personal aspect of the situation.

The Board Members made various suggestions for alternatives to the proposed garage. Chairman McKelvey drew a picture with his suggestion.

Ms. Thrall asked if an attached garage could be constructed in the front yard.

Mr. O'Gara replied in the affirmative as long as it met the setback requirements.

Chairman McKelvey closed the public hearing.

Motion to deny Variance Request Case #2004-00290, Sager Enterprises, Inc., passed (7-0; motion Eller, second Salce) – see RES 2004-012.

- Item 2.** Appeal Case #2004-00019, Luzia de Souza Nunes - Appealing the zoning administrator's denial of a request for a second kitchen in the SR-6, Suburban Residential zoning district. GPIN 7696-38-3507 located at 10979 Tower Place.

Motion to dismiss Appeal Case #2004-00019, Luzia de Souza Nunes, passed (7-0; motion McKelvey, second Eller) – see RES 2004-013.

- Item 3.** Consideration of March 22, 2004 Brief and Resolutions

March 22, 2004 brief and resolutions approved as presented. (6-0; motion Thrall, second Brenzovich; abstain West) – see RES 2004-014.

- Item 4.** Review draft of letter to Chairman Connaughton.

Motion to authorize Chairman McKelvey to send letter to Chairman Connaughton of the Board of County Supervisors on behalf of the Board of Zoning Appeals, passed (7-0; motion Brenzovich, second Thrall) – see RES 2004-015.

- Item 5.** Consideration of Amendments to the By-Laws Enacted March 22, 2004

Amendments to the By-Laws enacted March 22, 2004, are approved and accepted as written and dated May 17, 2004. (7-0; motion Thrall, second Brenzovich) – see RES 2004-016.

**Item 6.** A suggestion was made that if there are no cases on the docket for the regular meeting scheduled for July 19, 2004 that this date be used for the training that was not held in January.

**Item 7.** Adjournment at 3:40 PM

Respectfully submitted,

Antoinette Brzyski  
Secretary to the Board