

COMMONWEALTH OF VIRGINIA
PRINCE WILLIAM COUNTY
BOARD OF ZONING APPEALS

Brief
May 16, 2005
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
Aubrey Holmes
Patricia Reynolds

Absent: Eileen Thrall

Item 1: Appeal Case #APP2005-00013, Contractors Storage LLC To consider an appeal of Violation Notice and Correction Order PCE2005-01644 which specifies that active business operations including motor vehicle storage, impoundment and towing are being operated in the M-1, Heavy Industrial Zoning District without an approved site plan and that accessory structures on the property do not have zoning approval. GPIN 7695-00-0907 located at 10236 Residency Road.

Staff, represented by Rob Skoff of the County Attorney's Office, stated this case was being withdrawn.

Maynard Sipe, representing the appellant, stated the matter had been resolved.

Motion to dismiss Appeal Case #2005-00013, Contractors Storage LLC, passed (6-0; motion McKelvey, second Brenzovich) – see RES 2005-008.

Item 2: Appeal Case #APP2005-00017, Robert M. Caton To consider an appeal of a determination by the Zoning Administrator, dated February 17, 2005, that the removal and replacement of gasoline pumps and underground storage tank on the property cannot be allowed as it would create an expansion of a non-conforming use in the B-1, General Business zoning district. GPIN 8292-74-0874 located at 2605 Caton Hill Road.

David Bomgardner, representing appellant, requested a continuance.

Staff, represented by Rob Skoff of the County Attorney's Office, provided no objection to the continuance.

Chairman McKelvey inquired about the 90 day requirement.

Mr. Bomgardner responded his client would waive the 90 day requirement.

Mrs. Reynolds raised a question about the connection between Mr. Caton and Quarles.

Mr. Bomgardner responded that Mr. Caton is the owner and Quarles is leasing a portion of the property from him.

Mrs. Eller requested information be included at the new hearing date about the age and life span of the existing tank and about the life span of the new tank.

Motion to continue Appeal Case #2005-00017, Robert M. Caton, until July for the purpose of allowing the appellant and the Zoning Administrator to discuss possible new issues and determinations to be made on those issues. The object being to consider the whole picture in July so that the appellant and the County can both know where they stand on the possible modification of this property. Passed (6-0; motion McKelvey, second Eller) – see RES 2005-009.

- Item 3.** Appeal Case #APP2005-00012, Vernon R. Enger/VA Transmissions To consider an appeal of the Zoning Administrator's determination dated January 13, 2005, which found that Vernon Enger submitted insufficient evidence to substantiate that a motor vehicle repair and sales business is a lawfully nonconforming use at 8110 Centreville Road, GPIN 7896-18-8836, zoned B-1 business.

Motion to dismiss Appeal Case #2005-00012, Vernon R. Enger/VA Transmissions, passed (6-0; motion McKelvey, second Brenzovich) – see RES 2005-010.

- Item 4.** Appeal Case #APP2005-00015, Chris Harris To consider an appeal of a Violation Notice and Correction Order dated January 31, 2005, which found that pallets, crushed cardboard, goods, and debris were stored outside the Wal-Mart store located at 14000 Worth Avenue in violation of the Zoning Ordinance and ordered Chris Harris, manager of Wal-Mart, to remove the violations. GPIN 8292-61-5752.

Chairman McKelvey questioned the reappearance of this issue before the BZA.

Staff, represented by Jeff Notz of the County Attorney's Office, responded that this case was filed against the manager of the store, Chris Harris, which will allow for a criminal summons against Chris Harris if the violation occurs again. The expectation is for a better response from the manager than has previously been received from Wal-Mart.

Motion to dismiss Appeal Case #2005-00015, Chris Harris, passed (6-0; motion McKelvey, second Reynolds) – see RES 2005-011.

- Item 5.** Appeal Case #APP2005-00016, Francis J. Daly To consider an appeal of the Zoning Administrator's determinations dated February 8, 2005, and March 18, 2005, which found that the two dwellings located at 11708 Aden Road do not constitute a "two-family dwelling," and that the secondary dwelling is neither a permitted use in the A-1, Agricultural district, nor a lawfully nonconforming use. GPIN 7493-99-1534.

Motion to dismiss Appeal Case #2005-00016, Francis J. Daly, passed (6-0; motion McKelvey, second Brenzovich) – see RES 2005-012.

- Item 6.** Variance Request Case #PLN2005-00200, Bryan K. Jones To consider a request for a variance from the provisions of section 32-301.05 of the zoning ordinance to allow a residential addition to encroach into the required setbacks. The property is located at 8901 Evelyn Drive in the A-1, Agricultural zoning district. GPIN 7793-77-6570. Brentsville Magisterial District

Motion to dismiss, without prejudice, Variance Request Case #PLN2005-00200, Bryan K. Jones, passed (6-0; motion McKelvey, second Eller) – see RES 2005-013.

- Item 7.** Appeal Case #APP2005-00010, Matthew Moore An appeal of the Zoning Administrator's approval of fence on an easement in the A-1, Agricultural zoning district. GPIN 7895-01-8013 located at 8435 Cabin Branch Court.

Motion to dismiss Appeal Case #2005-00010, Matthew Moore, passed (6-0; motion McKelvey, second Eller) – see RES 2005-014.

- Item 8.** Chairman McKelvey requested an update on Appeal Case 2005-00006, John E. & Doris M. Alvey, which was continued to allow the Alveys to submit to the Zoning Administrator, within a reasonable time agreed upon by Mr. Alvey and the Zoning Administrator, an application for nonconforming use and for review of this application.

Nick Evers, Zoning Administrator, responded that he is waiting to hear from Mr. Alvey.

Chairman McKelvey requested Mr. Evers let Mr. Alvey know that the Board would like to see a resolution of this case.

- Item 9.** Thomas Brenzovich advised he is moving out of the area and will be unable to continue serving on the Board of Zoning Appeals. Mr. Brenzovich stated he would be present for the June meeting but probably not for the July meeting. Additionally, Mr. Brenzovich thanked members and staff for a rewarding experience.

Chairman McKelvey thanked Mr. Brenzovich for his participation.

- Item 10.** Consideration of January 24, 2005 Brief and Resolutions

January 24, 2005 brief and resolutions approved as amended, passed (5-0; motion McKelvey, second Brenzovich) – see RES 2005-015.

- Item 11.** Toni Brzyski, Board Secretary, advised there are two appeal cases scheduled for the June hearing and no cases as yet scheduled for the July hearing.

- Item 12.** Mrs. Eller raised a question about the zoning section cited in the first sentence of the staff analysis of the Contractor's Storage staff report as it appeared the approval didn't match the zoning.

Rob Skoff indicated he would review this issue.

- Item 13.** Adjournment at 3:05 PM

Respectfully submitted,

Antoinette Brzyski
Secretary to the Board