

COMMONWEALTH OF VIRGINIA
PRINCE WILLIAM COUNTY
BOARD OF ZONING APPEALS

Brief
November 21, 2005
Regular Meeting
Board Chambers
James J. McCoart Administration Building

Roll Call (2:05 PM):

Present: Fred McKelvey, Chairman
Larry Borkowski
Billy Isbell
Patricia Reynolds
Patrick Salce
Richard Smith
Eileen Thrall

Chairman McKelvey welcomed new member Richard Smith.

Item 1: Appeal Case #APP2006-00002, Catherine Gray To consider an appeal of Violation Notice and Correction Order PCE2005-02410, which alleges that a prohibited vehicle and multiple residential buildings are located on 13205 Fitzwater Drive, in the A-1 zoning district, in violation of the Zoning Ordinance. GPIN 7493-29-7029. Brentsville Magisterial District

Dennis Carluzzo, attorney for the appellant, reiterated his request for a continuance of this case.

Motion to continue Appeal Case 2006-00002, Catherine Gray, until the December 19, 2005 regular meeting of the Board of Zoning Appeals at which time the issue in the current appeal will either have been settled or will be heard and if other issues become apparent they will be handled at a later date, passed (7-0; motion McKelvey, second Borkowski) – see RES 2005-034

Item 2: Appeal Case #APP2006-00005, Robert B. Hart To consider an appeal of the Zoning Administrator's determination dated August 26, 2005, which found that a marina with accessory boat repair and storage located at 16245, 16247 and 16263 Neabsco Road is not lawfully nonconforming on a portion of the properties. B-1, General Business and R-4, Suburban Residential zoning districts. GPINs 8390-73-7069, 8390-73-8656, 8390-73-9746. Woodbridge Magisterial District

Ms. Thrall made a statement indicating that her family has had business dealings with Mr. Hart but she intends to participate in the hearing as the case concerns what happened before Mr. Hart purchased the property.

Mr. Isbell recused himself.

Staff, represented by Rob Skoff of the County Attorney's Office, provided an outline of the case.

Amy McCullough, attorney for the appellant, presented Mr. Hart's case.

Testimony was heard from Mr. Hart and a number of other witnesses.

Recess 4:55 pm – 5:00 pm

Chairman McKelvey closed the public hearing.

Motion to continue Appeal Case 2006-00005, Robert B. Hart, until the December 19, 2005 regular meeting of the Board of Zoning Appeals with the expectation of receiving a transcript, more or less ten days from next Monday, upon receipt of which the Chairman will draft a document for circulation to the Board of Zoning Appeals in advance of the December 19th meeting to provide a starting point to focus on to assist in providing a decision in this matter, passed (6-0; motion McKelvey, second Salce) – see RES 2005-035.

Chairman McKelvey thanked citizens, counsel and staff for their time and effort.

Ms. McCullough expressed no objection to the 90 day requirement not being met.

Chairman McKelvey requested a hard copy and a disc of the transcription. Ms. McCullough said she would request both.

Item 3. Consideration of September 19, 2005 Brief and Resolutions.

September 19, 2005 brief and resolutions approved as amended, passed (5-0; motion Thrall, second Borkowski) – see RES 2005-036.

Item 4. Consideration of October 17, 2005 Brief and Resolutions.

October 17, 2005 brief and resolutions approved as presented, passed (4-0; motion Salce, second Reynolds) – see RES 2005-037.

Item 5. Affidavits – There was discussion regarding how much weight should be given to affidavits/sworn testimony when assessing nonconforming use determinations.

December Meeting – Nick Evers advised there would be a work session and a holiday celebration following the December meeting.

Item 6. Adjournment at 5:30 PM

Respectfully submitted,

Antoinette Brzyski
Secretary to the Board