

COMMONWEALTH OF VIRGINIA
PRINCE WILLIAM COUNTY
BOARD OF ZONING APPEALS

Brief
January 23, 2006
Regular Meeting
Board Chambers
James J. McCoart Administration Building

Roll Call (2:00 PM):

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

Chairman McKelvey revised the agenda and advised elections would take place after the cases were heard.

Chairman McKelvey consolidated the two cases on the agenda and advised they would be heard together.

Item 1. Variance Request Case #PLN2006-00310, Robert and Amy Flenniken - To consider a variance from the requirements of sections 32-300.02.3a and 32.300.02.3b of the Zoning Ordinance in order to permit a barbed wire fence and height increase to 7 feet 4 inches. R-4, Zoning District. GPIN 8091-97-0420 located at 4956 Frishman Court. Coles Magisterial District

&

Item 2. Variance Request Case #PLN2006-00348, Robert L. Starkey - To consider a variance from the requirements of sections 32-300.02.3a and 32.300.02.3b of the Zoning Ordinance in order to permit a barbed wire fence and height increase to 7 feet 4 inches. R-4, Zoning District. GPIN 8091-97-0000 located at 4957 Frishman Court. Coles Magisterial District

Staff, represented by Juan Bernal of the Planning Department, provided the names and addresses of the applicants along with a description of the two requests for a variance.

Robert Flenniken, applicant, advised the second page of his application letter was not included in the staff report.

Chairman McKelvey advised the page had been received and would be part of the record.

Robert Flenniken read a statement and explained the issue in these cases is the crimes that continued to happen until the barbed wire was added on top of the fences. Mr. Flenniken described several incidents that happened to him and how little the police and courts could do to help him.

Robert Starkey, the other applicant, emphasized Mr. Flenniken's concerns and explained he and Mr. Flenniken are responsible for maintaining the fence as it is not a community fence.

Crystal Starkey detailed an incident that happened to her and stated how these incidents cause anxiety and how the situation costs money and that the barbed wire was a last resort.

Chairman McKelvey suggested creating an easement from one section to the other possibly with split rail fences for the Flennikens and the Starkeys.

Amy Flenniken stated she didn't think an easement would solve the problem as it would encourage illegal behavior. Mrs. Flenniken explained the situation was not of their making but was caused by Richmond American Homes when they built Saratoga Hunt and destroyed the buffer.

Florence Taylor, neighbor, spoke in favor of the barbed wire.

Leslie Cosslett, whose home is next to the Starkeys, in Saratoga Hunt, spoke. Ms. Cosslett explained she is sympathetic to the loss of buffer her neighbors have experienced, however, she is not in favor of the barbed wire. She can see it from her home and doesn't find it agreeable. She submitted a petition in opposition.

Jeanne Stotler, head of the neighborhood watch, spoke. Ms. Stotler advised some of the incidents that were talked about were not in the police reports she has received. Ms. Stotler spoke in opposition to the barbed wire and submitted a petition against it.

Ms. Thrall and Mr. Borkowski asked for details about the neighborhood watch program. Ms. Stotler indicated the watch is usually active on Friday and Saturday nights from about 10:00 pm to about 1:00 am.

Deborah Miller, neighbor, spoke in opposition to the barbed wire.

Mr. Smith asked Nick Evers, Zoning Administrator, whether any variances have been granted for barbed wire. Mr. Evers responded that to the best of his knowledge no variances for barbed wire have been granted.

Chairman McKelvey closed the public hearing.

Chairman McKelvey advised the petitions received would become part of the record for the cases.

Motion to grant the request for a variance in Variance Request Case #PLN2006-00310, Robert and Amy Flenniken and Variance Request Case #PLN2006-00348, Robert L. Starkey, failed (2-5; motion Isbell, second Borkowski) – see RES 2006-001.

Motion to deny the request for a variance in Variance Request Case #PLN2006-00310, Robert and Amy Flenniken and Variance Request Case #PLN2006-00348, Robert L. Starkey, passed (5-2; motion McKelvey, second Thrall) – see RES 2006-002.

Chairman McKelvey advised the 30 days in which to appeal the decision of the Board of Zoning Appeals to the Circuit Court begins today.

Item 3. Election of Officers

Fred McKelvey elected as Chairman (7-0; motion Thrall, second Borkowski) – see RES 2006-003.

Patrick Salce elected as Vice-Chairman (7-0; motion Thrall, second Reynolds) – see RES 2006-004.

Item 4. Consideration of December 19, 2005 Brief and Resolutions.

December 19, 2005 brief and resolutions approved as presented, passed (7-0; motion Thrall, second Reynolds) – see RES 2006-005.

Item 5. Staff advised there are five cases on the agenda for the February 27, 2006, Board of Zoning Appeals meeting and another organization is scheduled to begin using the Board Chambers at 6:00 pm.

Chairman McKelvey advised all the cases would remain on the agenda.

Ms. Thrall inquired if staff explains the restrictions on granting variances. Ms. Brzyski replied in the affirmative.

There was a brief discussion about the Cochran case and Chairman McKelvey advised the standard for granting a variance is intended to be strict.

Item 6. Adjournment at 4:20 PM

Respectfully submitted,

Antoinette Brzyski
Secretary to the Board