

COMMONWEALTH OF VIRGINIA
PRINCE WILLIAM COUNTY
BOARD OF ZONING APPEALS

Brief
April 24, 2006
Regular Meeting
Board Chambers
James J. McCoart Administration Building

Roll Call (2:02 PM):

Present: Fred McKelvey, Chairman
Patrick Salce, Vice Chairman
Billy Isbell (left @ 2:48 pm)
Patricia Reynolds
Richard Smith

Absent: Larry Borkowski
Eileen Thrall

Appeal Case #APP2006-00020, Barbara P. & Sanford K. Kreisler - A question was raised regarding the timely posting of the property. John Shields, representing the appellant, advised the property had been posted and provided the required affidavit.

Item 1. Appeal Case #APP2006-00014, CVS 5928 VA LLC This is a continuation of the Hearing held on February 27, 2006 to consider an appeal of the Zoning Administrator's determination, dated November 17, 2005, which found that an electronic message board is not permitted pursuant to Sec. 32-250.22(4) of the Zoning Ordinance. B-1, General Business Zoning District and Lee Highway HCOD (GPIN 7397-43-0983), located at 14380 McGraws Corner Drive. Brentsville Magisterial District

Staff, represented by Rob Skoff of the County Attorney's Office, outlined the case and distributed color copies of the proposed sign. Mr. Skoff explained that changeable copy is only allowed for certain specific signs.

Maynard Sipe, representing the appellant, explained their position and indicated, in part, that this changeable copy sign should be permitted as it is grandfathered based on the previous zoning ordinance.

Chairman McKelvey closed the public hearing.

Motion to affirm the Zoning Administrator's decision and deny the appeal in Appeal Case #APP2006-00014, CVS 5928 VA LLC, passed (5-0; motion Isbell, second Smith) – see RES 2006-016.

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

Board Member Isbell left the hearing.

Item 2. Appeal Case #APP2006-00020, Barbara P. & Sanford K. Kreisler This is a continuation by the Board of Zoning Appeals to consider an appeal of a Violation Notice and Correction Order which alleges construction of a dwelling in violation of the required 35-foot front yard setback at 2900 Martin Terrace. A-1, Agricultural District (GPIN 7101-80-4546). Gainesville Magisterial District

Staff, represented by Noah Klein of the County Attorney's Office, outlined the case and explained that the foundation built by Mr. Kreisler does not meet setback requirements.

John Shields, representing the appellant, suggested some ambiguity regarding what had been approved on the site plan which allowed Mr. Kreisler to build where he did.

Chairman McKelvey advised that a building permit issued in error is void.

Chairman McKelvey closed the public hearing.

Motion to affirm the Zoning Administrator's decision and deny the appeal in Appeal Case #APP2006-00020, Barbara P. & Sanford K. Kreisler, passed (4-0; motion Smith, second Reynolds) – see RES 2006-017.

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. Appeal Case #APP2006-00021, Braemar Community Association, Inc. To consider an appeal of the Zoning Administrator's denial of an application for a zoning permit, dated January 6, 2006, to locate a changeable copy sign at 12300 Iona Sound Drive (GPIN 7595-04-6102) on property zoned RPC, Residential Planned Community. Brentsville Magisterial District

Staff, represented by Rob Skoff of the County Attorney's Office, outlined the case and explained that the requested changeable copy sign would be in violation of the zoning ordinance, does not meet the requirements of the SUP and is not allowed.

Daniel Streich, representing the appellant, presented their case and suggested the sign is not governed by the SUP and would be allowed as changeable copy signs are permitted for a theatre, arena or similar use and theirs would be a similar use.

Todd Skiles and Doug Porterfield, representatives from the association, provided background on the situation.

Chairman McKelvey closed the public hearing.

Motion to affirm the Zoning Administrator's decision and deny the appeal in Appeal Case #APP2006-00021, Braemar Community Association, Inc., passed (4-0; motion Salce, second Smith) – see RES 2006-018.

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 4. Approval of March 27, 2006 Brief and Resolutions – Tabled until next meeting as there are not four members present who were present at the March meeting.

Item 5. Chairman McKelvey advised he is moving to Hawaii and this is the last meeting of the Board of Zoning Appeals he will be attending. Mr. McKelvey commented that he had enjoyed working with staff and with the other members of the Board of Zoning Appeals.

Staff advised there is one case on the agenda for the May 15, 2006, Board of Zoning Appeals meeting and one case on the agenda for the June 19, 2006 meeting.

Item 6. Adjournment at 4:14 PM

Respectfully submitted,

Antoinette Brzyski
Secretary to the Board