

COMMONWEALTH OF VIRGINIA
PRINCE WILLIAM COUNTY
BOARD OF ZONING APPEALS

Brief
June 18, 2007
Regular Meeting
Board Chambers
James J. McCoart Administration Building

Roll Call (2:02 PM):

Present: Patrick Salce, Chairman
Eileen Thrall, Vice Chairman
John Brenkus
Larry Borkowski
Billy Isbell
Patricia Reynolds

Absent: Richard Smith

Item 1. Variance Request Case #PLN2007-00549, John W. Dempewolf To consider a variance from the requirements of section 32-300.03.1.(a)(1) of the Zoning Ordinance to permit an accessory structure (storage shed) to remain in the front yard of a corner lot at 16113 Sumney Drive in the A-1, Zoning District. GPIN 7101-92-5038 Gainesville Magisterial District

Staff, represented by Juan Bernal of the Planning Office, presented the case and explained that accessory buildings are only allowed in the rear and side yards, not in the front yard, of properties of this size in the A-1 zoning district.

Staff, represented by Rob Skoff of the County Attorney's Office, provided information on the criteria for a BZA to grant a variance including citing *Cochran v. Fairfax County Board of Zoning Appeals* and the Virginia Supreme Court interpretation that a Board of Zoning Appeals has no authority to grant a variance unless the absence of this variance would interfere with all reasonable beneficial uses of the property.

Dennis Carluzzo, representing John Dempewolf, suggested the *Cochran* case was not similar enough to this case where Mr. Dempewolf doesn't have any alternatives and the storage shed is the beneficial use that would be unavailable.

Chairman Salce closed the public hearing.

Motion to deny the request for a variance in Variance Request Case #PLN2007-00549, John W. Dempewolf, passed (6-0; motion Isbell, second Brenkus) – see RES 2007-001.

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

Item 2. Approval of October 16, 2006 Brief and Resolutions

October 16, 2006 brief and resolutions approved as presented, passed (motion Thrall, second Reynolds) – see RES 2007-002.

Item 3. Appeal Case #APP2007-00006, Washington Christian Life Centre – Withdrawn by appellant on November 20, 2006.

Motion to dismiss Appeal Case #APP2007-00006, Washington Christian Life Centre, passed by acclamation (motion Borkowski, second Thrall) – see RES 2007-003.

Item 4. Appeal Case #APP2007-00007, Chester Grala – Withdrawn by appellant on October 20, 2006.

Motion to dismiss Appeal Case #APP2007-00007, Chester Grala, passed by acclamation (motion Reynolds, second Thrall) – see RES 2007-004.

Item 5. Appeal Case #APP2007-00015, Duane Thomas Basham – Withdrawn by appellant on May 10, 2007.

Motion to dismiss Appeal Case #APP2007-00015, Duane Thomas Basham, passed by acclamation (motion Thrall, second Borkowski) – see RES 2007-005.

Item 6. A question was raised about election of officers. Staff will investigate and report back.

Motion to continue with the current slate of officers through the end of the year due to the previous special election, passed by acclamation (motion Isbell, second Brenkus) – see RES 2007-006.

Item 7. Toni Brzyski, Secretary, advised that there are two cases on the calendar for the July meeting and one case to date for the August meeting.

Item 8. Adjournment at 3:05 PM

Respectfully submitted,

Antoinette Brzyski
Secretary to the Board