

COMMONWEALTH OF VIRGINIA  
PRINCE WILLIAM COUNTY  
BOARD OF ZONING APPEALS

Brief  
April 28, 2008  
Regular Meeting  
Board Chambers  
James J. McCoart Administration Building

**Item 1. Roll Call (2:02 PM):**

Present: Eileen Thrall, Vice Chairman  
Larry Borkowski  
John Brenkus  
Billy Isbell  
Patricia Reynolds  
Richard Smith

Absent: Patrick Salce, Chairman

**Item 2.** Election of Officers – At the request of the Chairman, who is absent from today's meeting, members resolved to defer elections.

Motion to defer election of officers until the next meeting of the Board of Zoning Appeals passed (6-0; motion Brenkus, second Reynolds) – see RES 2008-001.

**Item 3.** Appeal Case #APP2008-00014, J & E Palma, Inc. dba La Esstellita Restaurant  
To consider an appeal of Violation Notice and Correction Order (PCE2008-01976) dated January 7, 2008, which ordered the applicant to cease live entertainment and dancing until such time as the applicant receives zoning approval or a Special Use Permit; GPIN: 7896-17-4529; Brentsville Magisterial District.

Staff, represented by Rob Skoff of the County Attorney's Office, indicated the attorney for the appellant would be asking for a continuance, however, staff is prepared to move forward today.

Jeffrey F. Mangeno, representing the appellant, requested a continuance as the owner was unavailable to attend the hearing. Mr. Mangeno also stated that he was very recently assigned to the case and was not very familiar with the details of the appeal.

Motion to deny the request for a continuance and hear Appeal Case #APP2008-00014, J & E Palma, Inc. dba La Esstellita Restaurant, today, passed (6-0; motion Borkowski, Reynolds second) – see RES 2008-002.

Staff, represented by Rob Skoff of the County Attorney's Office, provided some background about the case. Mr. Skoff explained that live entertainment in the B-1 zoning district, where the business is located, requires a special use permit (SUP) and the business does not have an SUP.

Mr. Skoff went on to say that staff visited the location and witnessed live entertainment and dancing resulting in a violation notice and correction order (VNCO) to cease live entertainment and dancing (including karaoke) until zoning approval and a SUP are obtained.

Jeffrey F. Mangeno, representing the appellant, suggested that since karaoke is not defined in the zoning ordinance there was no live entertainment and that live entertainment and dancing were not both present so there was no violation.

Discussion followed on the definition of karaoke; whether or not karaoke is live entertainment and what is meant by live entertainment.

Billy Isbell noted that he found information on the internet indicating that there is live entertainment at La Esstellita Restaurant.

Mr. Skoff, Mr. Mangeno and members questioned Property Code Inspector, Michelle Janke, about the case.

Mr. Skoff and Mr. Mangeno each provided closing statements.

Vice Chairman Thrall closed the public hearing.

Motion to uphold the Violation Notice and Correction Order and deny the appeal in Appeal Case #APP2008-00014, J & E Palma, Inc. dba La Esstellita Restaurant, passed (6-0; motion Smith, second Brenkus) – see RES 2008-003.

Vice Chairman Thrall advised the applicant has 30 days from today to appeal the decision of the Board of Zoning Appeals.

**Item 4.** Approval of October 15, 2007 Brief and Resolutions

October 15, 2007 brief and resolutions approved as presented, passed (6-0; motion Borkowski, second Brenkus) – see RES 2008-004.

**Item 5.** Application for an Appeal to the Circuit Court for BZA Case #APP2007-00016, W & W - Toni Brzyski, Secretary, requested guidance from the members regarding the necessity for providing a verbatim transcript to the Circuit Court of the portion of the Board of Zoning Appeals July 16, 2007 hearing that involved W & W.

Motion for staff to provide a verbatim transcript to the Circuit Court of the portion of the Board of Zoning Appeals July 16, 2007 hearing that involved W & W, passed (6-0; motion Smith, second Reynolds) – see RES 2008-005.

Mr. Skoff suggested members need to be cautious about doing outside research on the cases and providing information at the hearing from outside sources. In the case of an appeal to the Circuit Court questions could be raised about this practice. Decisions are expected to be based on information provided by the people presenting both sides of the cases.

Nick Evers, Zoning Administrator, mentioned that the next initiation of Zoning Text Amendments should provide some clarification regarding live entertainment.

**Item 6.** Adjournment at 3:28 PM

Respectfully submitted,

Antoinette Brzyski  
Secretary to the Board