

COMMONWEALTH OF VIRGINIA  
PRINCE WILLIAM COUNTY  
BOARD OF ZONING APPEALS

Brief  
July 16, 2007  
Regular Meeting  
Board Chambers  
James J. McCoart Administration Building

**Roll Call (2:02 PM):**

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

Absent: John Brenkus

**Item 1.** Appeal Case #APP2007-00016, W & W To consider an appeal of the Zoning Administrator's determination, dated March 28, 2007, which found that a proposed subdivision of the existing 15.3 acre property at 4080 Sudley Road must meet current lot size requirements listed in Section 32-301.05 of the Zoning Ordinance. A-1 Agricultural Zoning District; GPIN: 7200-90-3160; Gainesville Magisterial District.

Staff, represented by Jeff Notz of the County Attorney's Office, presented his case and provided background regarding the property including the fact that the property was once a much larger parcel and now it has a road going through it. Mr. Notz provided several map pages showing the parcel over the years.

Mr. Notz explained the request for 2 GPINs would create a 5 acre parcel which doesn't meet the A-1 zoning requirements.

Mr. Notz explained that in order to support the appellant's claim that the 5 acre parcel is nonconforming it would have to have been subdivided before 1982 and this subdivision has not been documented.

Mr. Notz provided a tax map from 1987 showing that the property is taxed as one parcel and explained that bisection by a road doesn't automatically create a subdivision.

Claude Compton, representing W & W Partnership, the appellant, presented his case and provided additional background regarding the property. Mr. Compton explained that the parcels are considered as separate by the owners.

Mr. Compton explained that the property was effectively subdivided and the separate lot created when the deed was recorded conveying a portion of the original property to the Commonwealth of Virginia in 1940.

Mr. Compton combined various deed descriptions to construct a legal description of the separate 5 acre lot and distributed copies of a map of the area.

Mr. Compton explained that the property wasn't shown as separate for tax purposes as the land was not conveyed during the 60 years from 1940 to 2000 so nothing signaled the need to tax the lots independently.

Eileen Thrall raised a question about the tax situation.

Mr. Notz explained that the parcel needs to be described by metes and bounds not by an aggregate description and the parcels have been taxed as one property.

Mr. Compton provided a definition which he explained doesn't require a single description.

Mr. Notz offered his maps/exhibits to be included in the record.

Mr. Compton offered his map and the staff report to be included in the record.

Chairman Salce marked the appellant's exhibit number 4 and marked the staff exhibits numbers 5 thru 14.

Chairman Salce closed the public hearing.

Motion to affirm the Zoning Administrator's decision and deny the appeal in Appeal Case #APP2007-00016, W & W, passed (4-2; motion Thrall, second Smith) – see RES 2007-007.

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.** Variance Case #PLN2007-00709, Michael Snell To consider a variance from the requirements of Section 32-601.32.4 of the Zoning Ordinance to allow the addition of a loft (studio) consisting of approximately 533.4 square feet over the existing nonconforming detached garage at 4707 Fishermans Cove. RPC Zoning District; GPIN: 8190-18-3387; Dumfries Magisterial District.

Staff, represented by Sid Rahnavard of the Planning Office, presented his case and explained that the addition as planned would increase the gross floor area of the existing non-conforming garage. The Zoning Ordinance does not allow an increase in the gross floor area of a nonconforming structure. Additionally, Mr. Rahnavard explained that the applicant had not met the requirements for granting a variance.

Michael Snell, the applicant, presented his case and explained that adhering to the zoning requirements would make construction much more difficult and costly and suggested the guidelines could be changed.

Chairman Salce closed the public hearing.

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

Motion to deny the request for a variance in Variance Request Case #PLN2007-00709, Michael Snell, passed (6-0; motion Isbell, second Thrall) – see RES 2007-008.

Nick Evers, Zoning Administrator, suggested Mr. Snell contact staff to try and reach a workable solution for his garage renovation.

**Item 3. Election of Officers**

Patrick Salce elected as Chairman (6-0; motion Thrall, second Borkowski) – see RES 2007-009.

Eileen Thrall elected as Vice-Chairman (6-0; motion Borkowski, second Reynolds) – see RES 2007-010.

**Item 4.** Toni Brzyski, Secretary, advised that there are two cases on the calendar for the August meeting and one case to date for the September meeting.

**Item 5.** Approval of June 18, 2007 Brief and Resolutions

June 18, 2007 brief and resolutions approved as presented, passed (motion Isbell, second Reynolds) – see RES 2007-011.

**Item 6.** Nick Evers, Zoning Administrator, advised that staff has reviewed information from other jurisdictions and plans to add language to the Variance Request Applications reinforcing how rarely variances are granted.

**Item 7.** Adjournment at 3:20 PM

Respectfully submitted,

Antoinette Brzyski  
Secretary to the Board