

COMMONWEALTH OF VIRGINIA
PRINCE WILLIAM COUNTY
BOARD OF ZONING APPEALS

Brief
August 21, 2006
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

Absent: Richard Smith

Item 1. Election of Officers

Patrick Salce elected as Chairman (5-0; motion Reynolds, second Thrall) – see RES 2006-019.

Eileen Thrall elected as Vice-Chairman (5-0; motion Reynolds, second Isbell) – see RES 2006-020.

Item 2. Staff, represented by Jeff Notz of the County Attorney's Office, suggested the Board review, out of order, the Stuart Sinclair matter before moving forward with the rest of the agenda.

Appeal Case #APP2006-00034, Stuart Sinclair To consider an appeal of the Zoning Administrator's determination, dated May 26, 2006, which found that the lot at 8288 Plantation Lane is not lawfully nonconforming. R-4, Suburban Residential District. GPIN 7796-27-4607. Gainesville Magisterial District

Staff, represented by Rob Skoff of the County Attorney's Office, advised of a problem with this case as required notice of the hearing had not been provided. No affidavit showing timely posting of the property has been recorded. Mr. Skoff requested the case be dismissed.

It was noted that although there were two individuals signed up to address the Board regarding this case there did not appear to be anyone present representing the appellant.

Motion to dismiss Appeal Case #APP2006-00034, Stuart Sinclair, passed (5-0; motion Isbell, second Thrall) – see RES 2006-021.

Item 3. Appeal Case #APP2006-00031, Mitchell L. Phelps To consider an appeal of the Zoning Administrator’s determination dated April 24, 2006, which refused to re-verify that the property at 14843 Dumfries Road is lawfully nonconforming (“grandfathered”) for use as an automobile graveyard. A-1, Agricultural Zoning District, GPIN 7991-06-2305. Coles Magisterial District

Staff, represented by Jeff Notz of the County Attorney’s Office, advised that Mr. Phelps wanted to request a continuance.

Mr. Phelps explained why he was requesting a continuance and answered questions posed by the Board.

Motion to deny the request for a continuance and hear Appeal Case #APP2006-00031, Mitchell L. Phelps, today, passed (5-0; motion Thrall, second Borkowski) – see RES 2006-022.

Staff, represented by Jeff Notz of the County Attorney’s Office, outlined the case, supplied additional background material and provided photographs of the site.

Mr. Phelps offered background information, presented his case and provided additional documents. Additionally, Mr. Phelps questioned the authority of the County to issue zoning requirements on a junk yard.

Tenants of Mr. Phelps were present. They provided information and answered questions.

Chairman Salce closed the public hearing.

Motion to affirm the Zoning Administrator’s decision and deny the appeal in Appeal Case #APP2006-00031, Mitchell L. Phelps, passed (5-0; motion Isbell, second Thrall) – see RES 2006-023.

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 4. Appeal Case #APP2006-00033, J&M Investment Company L.L.C. To consider an appeal of a Violation Notice and Correction Order (“VNCO”), alleging altering a use without zoning approval and engaging in land disturbance activity without an approved site development plan and land disturbance in a Resource Protection Area located at 8504 Burwell Road. A-1, Agricultural Zoning District. GPIN 7296-23-6058. Brentsville Magisterial District

Motion to grant the request for a continuance and hear Appeal Case #APP2006-00033, J&M Investment Company L.L.C., at the October 16, 2006 meeting of the Board of Zoning Appeals, passed by acclamation (motion Salce, second Thrall) – see RES 2006-024.

- Item 5.** Appeal Case #APP2006-00030 J&M Investment Company L.L.C. To consider an appeal of a Violation Notice and Correction Order (“VNCO”), which alleges altering a use without zoning approval and engaging in land disturbance activity without an approved site development plan located at 8837 Buckland Mill Road. A-1, Agricultural Zoning District. GPIN 7296-33-9330. Brentsville Magisterial District

Motion to dismiss Appeal Case #APP2006-00030 J&M Investment Company L.L.C., passed by acclamation (motion Salce, second Thrall) – see RES 2006-025.

- Item 6.** Appeal Case #APP2006-00035, Classic Homes Land Development Company, LC. To consider an appeal of the Zoning Administrator’s determination dated May 24, 2006, which denied the applicant’s request to use the lot at 7510 Melton Court for residential use and/or for other uses allowed by right and by special use permit in the A-1 district. GPIN 7297-53-2566 Gainesville Magisterial District

Motion to dismiss Appeal Case #APP2006-00035, Classic Homes Land Development Company, LC., passed by acclamation (motion Thrall, second Borkowski) – see RES 2006-026.

- Item 7.** Appeal Case #APP2006-00026 MAR-CHEK II, INC. To consider an appeal of the Zoning Administrator’s revocation of a digital changeable copy sign permit located at 7550 Broken Branch Lane. B-1, General Business Zoning District GPIN 7697-33-6105 Gainesville Magisterial District

Motion to dismiss Appeal Case #APP2006-00026 MAR-CHEK II, INC., passed by acclamation (motion Borkowski, second Isbell) – see RES 2006-027.

- Item 8.** Appeal Case #APP2006-00027 S & S Service Center, Inc./Woodbridge Auto Auction To consider an appeal of a Violation Notice and Correction Order (“VNCO”) issued April 3, 2006, which alleges an expansion of a nonconforming use located at 1108 Horner Road. B-1, General Business Zoning District GPINs 8392-97-3915 and 8392-97-7416 Woodbridge Magisterial District

Motion to dismiss Appeal Case #APP2006-00027 S & S Service Center, Inc./Woodbridge Auto Auction, passed by acclamation (motion Reynolds, second Borkowski) – see RES 2006-028.

Item 9. Appeal Case #APP2006-00024, Woodbridge MHP, LLC To consider an appeal of the Zoning Administrator's determination dated February 15, 2006 that only a portion of the property can be used to relocate two mobile homes existing within the mobile home park because one section of the park is not lawfully nonconforming. GPINS 8292-86-4561, 8292-86-1130, 8292-76-8539, 8292-76-6332, located at 13145, 13151, 13171 & 13181 Minnieville Road. Occoquan Magisterial District

Motion to dismiss Appeal Case #APP2006-00024, Woodbridge MHP, LLC , passed by acclamation (motion Borkowski, second Reynolds) – see RES 2006-029.

Item 10. The Board reviewed a written request by appellant, Chester Grala, for a 60 day continuance of Appeal Case #APP2007-00007, Chester Grala, currently scheduled to be heard on October 16, 2006.

Motion to grant a 30 day request for a continuance and hear Appeal Case #APP2007-00007, Chester Grala, at the November 20, 2006 meeting of the Board of Zoning Appeals, contingent upon Mr. Grala waiving the requirement that the Board of Zoning Appeals decide a request for appeal within ninety days, passed by acclamation (motion Salce, second Thrall) – see RES 2006-030.

Item 11. Approval of March 27, 2006 Brief and Resolutions

March 27, 2006 brief and resolutions approved as presented, passed by acclamation (motion Thrall, second Reynolds) – see RES 2006-031.

Item 12. Approval of April 24, 2006 Brief and Resolutions – Tabled until next meeting.

Item 13. Adjournment at 4:04 PM

Respectfully submitted,

Antoinette Brzyski
Secretary to the Board