

**BOARD OF ZONING APPEALS
AGENDA**

WEDNESDAY, MAY 13, 2015

7:30 P.M.

CITY HALL – 2ND FLOOR CONFERENCE ROOM

BOARD MEMBERS

Robert W. Schilpp, Chairman

James T. Nejfelt, Vice Chairman

Robert Fox, Secretary

Mohamed Hassan

James Fletcher

Fazal Khan, Alternate Member

Frederick E. McKelvey, Alternate Member

- I. CALL TO ORDER
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. ELECTIONS
- IV. APPROVAL OF MINUTES – January 8, 2014 and September 10, 2014
- V. OTHER BUSINESS
 - Welcome Frederick McKelvey
 - Update on the New Zoning Ordinance
 - BZA Training – May 19, 2015
- VI. ADJOURNMENT

**MINUTES
REGULAR MEETING
CITY OF MANASSAS
BOARD OF ZONING APPEALS**

January 8, 2014 – 7:30 p.m.

Members Present: Robert Schilpp – Chairman
Robert Fox – Member
James Fletcher – Alternate Member
Fazal Khan, Alternate Member

Members Absent: James Nejfelt – Vice-Chairman
Mohamed Hassan – Member

Staff Present: Matthew Arcieri, Planning and Zoning Services Manager
Donna Bellows, Boards and Commissions Clerk

CALL TO ORDER

The Chairman called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

DETERMINATION OF A QUORUM

Clerk called the roll, and a quorum was determined.

ELECTIONS

Mr. Fox motioned to nominate Robert Schilpp as chairman. There were no other nominations. Mr. Fletcher seconded the motion.

Roll Call by Clerk:

Roll Call	
Mr. Fox	Y
Mr. Fletcher	Y
Mr. Khan	Y

The MOTION PASSED UNANIMOUSLY.

Mr. Khan motioned to nominate James Nejfelt as Vice-Chairman. There were no other nominations. Mr. Fox seconded the motion.

Roll Call by Clerk:

Roll Call	
Mr. Khan	Y
Mr. Fox	Y
Chairman Schilpp	Y
Mr. Fletcher	Y

The MOTION PASSED UNANIMOUSLY.

Chairman Schilpp motioned to nominate Robert Fox as Secretary. There were no other nominations. Mr. Fletcher seconded the motion.

Roll Call by Clerk:

Roll Call	
Chairman Schilpp	Y
Mr. Fletcher	Y
Mr. Khan	Y

The MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

FY2013 Annual Report

Chairman Schilpp: If there are no comments, would someone like to make a motion to approve the annual report?

Mr. Fletcher motioned to approve the FY2013 Annual Report as submitted. Mr. Fox seconded the motion.

Roll Call by Clerk:

Roll Call	
Mr. Fletcher	Y
Mr. Fox	Y
Chairman Schilpp	Y
Mr. Khan	Y

The MOTION PASSED UNANIMOUSLY.

Resolution of Joshua Lashbrook

Chairman Schilpp read the resolution and all in attendance signed the resolution.

ADJOURNMENT

Mr. Fletcher so moved. Mr. Fox seconded the motion. The meeting was adjourned at 7:38 P.M.

Matthew Arcieri, Planning and Zoning Manager

Date

Mr. Fox, Secretary

Date

MINUTES
REGULAR MEETING
CITY OF MANASSAS
BOARD OF ZONING APPEALS

September 10, 2014 – 7:30 p.m.

Members Present: Robert Schilpp – Chairman
James Nejfelt – Vice-Chairman
James Fletcher – Alternate Member

Members Absent: Robert Fox – Member
Mohamed Hassan – Member
Fazal Khan, Alternate Member

Staff Present: Matthew Arcieri, Planning and Zoning Services Manager
Lisa Sievel-Otten, Acting Boards and Commissions Clerk

CALL TO ORDER

The Chairman called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

DETERMINATION OF A QUORUM

Clerk called the roll, and a quorum was determined.

APPROVAL OF MINUTES

Mr. Nejfelt motioned to approve the minutes for December 12, 2014, as submitted. Mr. Fletcher seconded the motion. The meeting minutes for January 8, 2014 were deferred until the next meeting.

PUBLIC HEARING

Chairman Schilpp explained the Right of Appeal and how the Board of Zoning Appeals is a quasi-judicial body and all members are appointed by the Circuit Court. Therefore, any decisions that are rendered can be appealed to the Circuit Court by either side in the proceeding; and if they choose to do so, this would have to be done within 30 days of this meeting. He also read the affidavit of the publication and advised the public that they would be put under oath and Mr. Arcieri was also placed under oath. Chairman Schilpp asked if there were any Board members that were in conflict with the application and whether it would preclude them from voting on the issue. None commented.

**BZA #2014-02
Blanco Residence
9420 Beauregard Avenue**

Mr. Arcieri informed the Board that the case before them is an appeal of the zoning administrator’s order to revoke Zoning Certification #13-192 and reduce the total square footage of the accessory structures on the property by a minimum of 116 square-feet. He stated that the decision to revoke the permit was based on a complaint regarding whether the sheds have been properly permitted. The zoning administrator conducted a investigation and determined that, while the applicant constructed the fourth shed based on the approved ZCT, this permit was approved in error and based on an incomplete application. Approval of a permit cannot amend or repeal an ordinance or approve a structure at a location prohibited by the zoning ordinance.

BZA Discussion

- Violation of application and structure
- Precedence of ordinance
- Vested rights determination
- Number of structures on the property

**Applicant
Santiago Blanco**

Mr. Blanco stated that he was not aware that there was a limit to building sheds on his property and feels that he did nothing wrong. He spoke of the vested rights determination (dated April 2012) that he received from Lorene Payne, a previous zoning administrator.

Mr. Fletcher moved to close the public hearing. Mr. Nejfelt seconded the motion.

Roll Call by Clerk:

Roll Call	
Mr. Fletcher	Y
Mr. Nejfelt	Y
Chairman Schilpp	Y

The MOTION PASSED UNANIMOUSLY.

BZA Deliberation

- The zoning administrator or staff member processing a zoning application does not have the right to change the law
- The permit that was approved for the 4th shed was far in excess of allowable square footage as determined by the zoning administrator’s vested rights determination
- This case should not be a hearing for a variance but to determine whether the law was interpreted correctly by a previous zoning administrator and whether the current zoning administrator has interpreted it correctly

Mr. Nejfelt motioned to uphold the zoning administrator’s order to revoke Zoning Certification #13-192 and reduce the total square footage of the accessory structures on the property by a minimum of 116 square-feet. Mr. Fletcher seconded the motion.

Roll Call by Clerk:

Roll Call	
Mr. Nejfelt	Y
Mr. Fletcher	Y
Chairman Schilpp	Y

The MOTION PASSED UNANIMOUSLY.

Chairman Schilpp stated that the application is denied, and the City’s position is upheld.

OTHER BUSINESS

Annual Report

The Board approved the annual report by a unanimous vote.

ADJOURNMENT

Mr. Fletcher so moved. Mr. Nejfelt seconded the motion. The meeting was adjourned at 8:38 P.M.

Matthew Arcieri, Planning and Zoning Manager

Date

Mr. Fox, Secretary

Date