



Annual Report - 2021

Board, Commission, Agency, Authority, or Committee Name:
Board of Zoning Appeals (BZA)

Committee Members as of July 1, 2020:

John Shepherd, Chair

Ed Robb, Vice-Chair

Marcia Joseph, Secretary

Edward (Bo) Carrington (new appointment as of 7/1/2020; oath administered on 8/14/2020)

Randy Rinehart (did not seek reappointment at term expiration as of May 23, 2021)

Meeting Frequency:

The BZA meets on the first Tuesday of each month at 2 pm. Meetings are not held if there is no business pending.

In FY2020-2021, the BZA held eight (8) meetings.

Meeting Attendance:

July 7, 2020

Present:

John Shepherd
Marcia Joseph
Randy Rinehart
Ed Robb

Absent:

August 4, 2020

Present:

John Shepherd
Marcia Joseph
Randy Rinehart
Ed Robb

Absent:

September 1, 2020

Present:

John Shepherd
Marcia Joseph
Edward (Bo) Carrington (first meeting serving on BZA)
Randy Rinehart
Ed Robb

Absent:

October 6, 2020

Present:

John Shepherd
Marcia Joseph
Edward (Bo) Carrington
Randy Rinehart
Ed Robb

Absent:

November 10, 2020

Present:

John Shepherd
Marcia Joseph
Edward (Bo) Carrington
Randy Rinehart
Ed Robb

Absent:

December 1, 2020

Present:

John Shepherd
Marcia Joseph
Edward (Bo) Carrington
Randy Rinehart
Ed Robb

Absent:

January 5, 2021

Present:

John Shepherd
Marcia Joseph
Edward (Bo) Carrington
Randy Rinehart
Ed Robb

Absent:

May 4, 2021

Present:

John Shepherd
Marcia Joseph
Edward (Bo) Carrington
Randy Rinehart (final meeting due to term expiration)
Ed Robb

Absent:

Summary:

BZA Activities:

- Three (3) applications for appeal of the Zoning Administrator's determination were submitted. Two were withdrawn and one was affirmed by a 5:0 vote
- Two (2) special use permit requests for signs which were both approved with conditions by a 4:0 vote and a 5:0 vote
- One (1) variance request which was granted with conditions by a 5:0 vote
- Two (2) training sessions
- One (1) organizational meeting
- One (1) business meeting to recognize a retiring member

Attached you will find a detailed report for FY 2021.

Milestones:

The BZA celebrated a milestone with Randolph Rinehart who chose not to seek reappointment to the BZA at the end of his term in May 2021. He was a dedicated member for 21 years. His service was celebrated with a resolution at the BZA meeting on May 4, 2021 and again at the BOS meeting on May 5, 2021.

Accomplishments:

The BZA welcomed two (2) new members during this fiscal year which completed the membership.

Challenges:

The BZA, like many other boards, faced the challenges of holding public meetings in an electronic format. The virtual meeting platform brought about some difficulties; however, at some point in the process, things became a bit more comfortable. There are occasional technical difficulties, but the BZA has been able to conduct business successfully.



ALBEMARLE COUNTY BOARD OF ZONING APPEALS

2021 ANNUAL REPORT

I. INTRODUCTION

Virginia Code § 15.2-2308 requires that the Board of Zoning Appeals (BZA) submit a report of its activities to the governing body at least once each year. The following report outlines the BZA's activities from July 1, 2020 through June 30, 2021 (FY2021).

II. PERSONNEL

The BZA consists of five members appointed by the Circuit Court for a term not to exceed five years. The BZA members during FY2021 were:

<u>Member</u>	<u>Term Expiration</u>
<i>John Shepherd, Chairman</i>	Appointed May 23, 2017 for a five-year term to expire May 22, 2022.
<i>Edgar S. Robb, Vice Chairman</i>	Reappointed May 16, 2019 for a five-year term to expire May 23, 2024.
<i>Marcia Joseph, Secretary</i>	Reappointed May 23, 2020 to complete the term to expire May 23, 2025.
<i>Edward "Bo" Carrington</i>	Appointed July 1, 2020 to complete the unexpired term of the late David Bowerman, which term expires May 23, 2023. He began service after being sworn in on August 14, 2020.
<i>Randy Rinehart</i>	Reappointed May 23, 2016 for a five-year term that expired May 23, 2021. He did not seek reappointment at the expiration of his term.

III. OPERATING PROCEDURES

Regular meetings of the BZA were scheduled for the first Tuesday of each month starting at 2:00 p.m., though meetings were not held if no business was pending. The BZA operates with Rules of Procedure adopted January 5, 2016, last revised April 2, 2019, and most recently re-adopted January 5, 2021.

IV. EXPENSES

The BZA does not have a separate budget. Compensation and mileage are included within the budget of the Department of Community Development. Funding for BZA salaries in FY2021 was consistent with prior years. BZA members were paid \$45 per meeting. Compensation expenses for FY2021 totaled \$1,665.00.

In June 2019, the BZA retained the legal services of James M. Bowling, IV of St. John, Bowling, Lawrence, & Quagliana, LLP. Their agreement stipulated that services would be charged at the rate of \$250 per hour, not to exceed \$2,000 for FY2019. In FY2020 and FY2021, the budgeted amount of \$5,000 was allotted for BZA legal counsel. Under the agreement, Mr. Bowling provides legal services even if his billing exceeds the budgeted amount of \$5,000. Legal counsel expenses for FY2021 totaled \$3,875.00.

County staff working with the BZA included the Director of Zoning (Zoning Administrator), Chief of Zoning (Deputy Zoning Administrator), Deputy County Attorney, Planners, Code Compliance Officers, and a Community Development Assistant II who serves as the Recording Secretary.

V. ACTION SUMMARY

The BZA held eight meetings in FY2021. The submittals and actions considered by the BZA are shown in the following tables:

Appeals

Three appeals were processed in FY2021. Two were forwarded to the BZA.

<u>Application #</u>	<u>Appellant or Project Name</u>	<u>Action</u>	<u>Issue</u>
AP2020-001	R.A. Yancey Lumber Corporation	On 8/4/2020, the BZA voted 4:0 to defer this appeal to 9/1/2020. The Board of Supervisors subsequently granted certain special exceptions to the appellant owner. Prior to the 9/1/2021 BZA meeting, the appellant then withdrew AP2020-001. The underlying VIO-2019-428 was abated based on the special exceptions and 9/28/2020 onsite inspection.	Owner's appeal of a notice of zoning violations
AP2020-002	Justin Shimp	Withdrawn by the appellant after clarification with the Zoning Administrator May 14,2020	Appeal of Zoning Administrator's Determination LOD2019-020 regarding pedestrian trails and accessory uses
AP2020-003	Appeal of Zoning Administrator's Determination regarding North Pointe	Affirmed the Zoning Administrator's determination (5-0) December 1, 2020	Determination regarding North Pointe construction entrance on Pritchett Lane

Special Use Permits

Two special use applications were heard in FY2021.

<u>Application #</u>	<u>Applicant or Project Name</u>	<u>Action</u>	<u>Issue</u>
SP2020-009	North Pointe Middle Entrance Sign	Approved with conditions (4-0) July 7, 2020	Construction of an entrance sign in public right-of-way
SP2020-011	Pantops Corner Bundle Sign	Approved with conditions (5-0) September 1, 2020	Construction of a bundle sign on Stony Point Road

Variance

One variance application was heard in FY2021.

<u>Application #</u>	<u>Applicant or Project Name</u>	<u>Action</u>	<u>Issue</u>
VA2020-001	Corbett Agricultural Barn	Granted the variance with conditions (5-0) December 1, 2020	Setback variance for agricultural barn

Training/Organizational/Business

The Deputy County Attorney provided legal training at the October and November 2020 meetings.

An organizational meeting was held in January 2021.

A business meeting for the approval of minutes and recognition of service for Randolph Rinehart was held in May 2021.

VI. COURT ACTION

During FY2021, two decisions of the BZA were the subject of Circuit Court appeals:

- In re: October 1, 2019 Decision of the BZA [AP2019-004] – On October 31, 2019, the Board of Supervisors appealed the BZA’s reversal of the denial of a home occupation clearance. At issue was the BZA’s reliance on VA Code 15.2-2311 (C) in making its decision.
- In re: February 4, 2020 Decision of the BZA [VA2019-001] -- On March 3, 2020, the Board of Supervisors appealed the BZA’s granting of a variance that had reduced the setback at issue in AP2019-004. At issue was staff’s position that the granting of the variance created a use variance.

In both cases, the BZA compiled and returned its official record to the Circuit Court, as required by *Virginia Code* § 15.2-2314. By law, the BZA is not an active participant in Circuit Court proceedings beyond compiling and submitting its record.

Following a resolution of the underlying issues, on December 18, 2020, the County voluntarily non-suited (withdrew) both of its appeals.