



Boards and Commissions Annual Report - 2022

Board, Commission, Agency, Authority, or Committee Name:

Board of Zoning Appeals (BZA)

Meeting Frequency:

Provide the committee's date, time, and location for meetings.

Day(s)	Time	Location
Tuesday – 1 st Tuesday of the month	2:00 pm	Virtual via Zoom; as of September 2022, returning to Lane Auditorium

Committee Members Meeting Attendance (Albemarle County Board of Supervisors Appointed Representatives Only):

P=Present / A=Absent

Member	Meeting Dates											
	7/6/21	2/1/22	3/1/22									
N/A – Members appointed by Circuit Court												

Summary:

Provide a summary of the of the past years key activities that support the mission to include milestones, accomplishments, and challenges.

Please see the attached 2022 BZA Annual Report 2022-09-02



ALBEMARLE COUNTY BOARD OF ZONING APPEALS

FY2022 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, 2021 through June 30, 2022 (FY2022).

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 FY2022 were:

<u>Member</u>	<u>Term Expiration</u>
<i>Marcia Joseph, Chair</i>	Reappointed May 23, 2020 for a five-year term to expire May 23, 2025.
<i>Edward “Bo” Carrington, Vice-Chair</i>	Appointed July 1, 2020 to complete the unexpired term of the late David Bowerman through May 23, 2023. He began service after being sworn in on August 14, 2020.
<i>John Shepherd, Secretary</i>	Reappointed May 23, 2022 for a five-year term to expire May 23, 2027.
<i>Edgar S. Robb,</i>	Reappointed May 16, 2019 for a five-year term to expire May 23, 2024.
<i>Kurt Burkhart</i>	Appointed May 6, 2021 for a five-year term to expire May 24, 2026.

III. OPERATING PROCEDURES

Regular meetings of the BZA were scheduled for the first Tuesday of each month starting at 2:00 p.m. Meetings were not held if no business was pending. The BZA operates with Rules of Procedure adopted January 5, 2016, and most recently revised and re-adopted March 1, 2022.

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 FY2022 was consistent with prior years. BZA members were paid \$45 per meeting. Compensation expenses for FY2022 totaled \$630.00.

In June 2019, the BZA retained the legal services of James M. Bowling, IV of St. John, Bowling & Lawrence. In July 2021, by letter agreement, legal services were charged at the rate of \$300 per hour, not to exceed \$5,000 for FY2022. Legal counsel expenses for FY2022 totaled \$3,025.00.

County staff working with the BZA included the Director of Zoning (Zoning Administrator), the Chief of Zoning (Deputy Zoning Administrator), the 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 three meetings in FY2022. The submittals and actions considered by the BZA are shown in the following table:

Appeals

Two (2) appeals were forwarded to the BZA in FY2022.

<u>Application #</u>	<u>Appellant or Project Name</u>	<u>Action</u>	<u>Issue</u>
AP2021-003	Appeal of LOD#2021-013 Homestays Ownership Eligibility	On 2/1/2022, the BZA voted 4:0 to defer this appeal to 3/1/2022 at the request of the appellant. On 3/1/2022, the BZA voted unanimously to defer this appeal to 5/3/2022 at the request of the appellant. On 4/15/2022, the appellant withdrew the appeal with intentions of submitting a special exception request to the BOS.	Appeal of a Zoning Administrator's Determination regarding Homestay Ownership requirements
AP2022-001	WNG, LLC – Homestay	On 3/1/2022, the BZA voted unanimously to defer this appeal to 5/3/2022 at the request of the appellant. The 5/3/2022 BZA meeting was postponed due to the limitation of facilities for in-person meetings. On 6/28/2022, the appellant requested a deferral to 9/6/2022 in anticipation of the BOS acting on their special exception request. The BZA was polled, and the July meeting was cancelled. This appeal remained outstanding at the close of FY2022.	Appeal of a Zoning Administrator's Determination regarding Homestay Ownership requirements

Special Use Permits

No special use permit applications were heard in FY2022.

Variances

No variance applications were heard in FY2022.

Business/Organizational Meetings

A business meeting was held in July 2021 to review procedural and contractual business of the BZA.

An organizational meeting was held in February 2022.

VI. COURT ACTION

There were no court actions involving the BZA in FY2022.