



Boards and Commissions Annual Report - 2023

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

Board of Zoning Appeals

Meeting Information:

Provide the day, time, and location for the upcoming meeting schedule.

Frequency/Day(s) Example: 1 st Monday of each month	Time	Meeting Location
Tuesday – 1 st Tuesday of each month, when cases are scheduled.	2:00 pm	Lane Auditorium, 401 McIntire Road

Meeting Attendance:

Only report attendance for members appointed by the Albemarle County Board of Supervisors and Albemarle County Board of Supervisor members who serve on the public body.

Enter the dates the meetings were held in the first row under “Meeting Dates” and enter “P” for present, “A” for absent, and “R” for resigned in the corresponding member attendance columns. If a member’s term expired during the reporting period, leave the boxes empty after the term expiration.

Member(s)	Meeting Dates (Short Date – MM/DD/YY)									
	08/02/22	01/03/23	05/02/23	06/06/23						
N/A: BZA Members are appointed by the Circuit Court.										

Summary:

Provide a summary of the of the past year’s key activities and activities that support your mission. You may include milestones, accomplishments, and challenges.

Please refer to the attached 2023 BZA Annual Report 2023-09-01

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ALBEMARLE COUNTY BOARD OF ZONING APPEALS

FY2023 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, 2022 through June 30, 2023 (FY2023).

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 FY2023 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>	Reappointed May 22, 2023 for a five-year term to expire May 23, 2028.
<i>John Shepherd, Secretary</i>	Appointed 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. Mr. Robb resigned effective December 16, 2022.
<i>Ronald Rosenberg</i>	Appointed February 27, 2023 to complete the unexpired term of Edgar Robb, which expires May 24, 2024. He began service after being sworn in on March 1, 2023.
<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., though meetings were not held if no business was pending. The BZA operates within Rules of Procedure most recently revised and re-adopted January 3, 2023.

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 FY2023 was consistent with prior years'. BZA members were paid \$45 per meeting. Compensation expenses for FY2023 totaled \$810.00.

In February 2022, the BZA continued its legal services engagement with James Bowling, IV of St. John, Bowling & Lawrence, PLC for FY2023 in the amount of \$350 per hour with an annual cap of \$5,000. Though this rate represents a \$50 per hour increase from the two previous years, legal counsel expenses for FY2023 remained \$5,000.00.

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 Management Analyst II who serves as the Recording Clerk.

V. ACTION SUMMARY

The BZA held four meetings in FY2023. The submittals and actions considered by the BZA are shown in the following tables:

Appeals

Five appeals were forwarded to the BZA in FY2023.

<u>Application #</u>	<u>Appellant or Project Name</u>	<u>Issue</u>	<u>Action</u>
AP2022-001	WNG, LLC – Homestay	Appeal of a Zoning Administrator’s Determination regarding Homestay Ownership requirements	On 9/13/2022, the appeal was withdrawn.
AP2022-002	801 Franklin Street Appeal of Zoning Determination, ZVIO#2022-076, dated May 5, 2022	The Zoning Administrator’s Determination that storage of portable toilets in the flood hazard overlay district was not a permitted use.	On 8/2/2022, the BZA reversed the Zoning Administrator’s determination by a 3:2 vote.
AP2022-003	Berkmar Flats Appeal of Zoning Determination, LOD2022-005, dated September 27, 2022	The Zoning Administrator’s Determination that Section 2.4.1 of the Zoning Ordinance does not permit the application of bonus factors on the subject property.	On 1/3/2023, the BZA reversed the Zoning Administrator’s determination by a 4:0 vote.
AP2023-001	Appeal of HO2023-002: Legal Gun, LLC, dated February 17, 2023	The Zoning Administrator’s approval of a zoning clearance for a Major Home Occupation at 2822 Free Union Road (HO 2023-2).	On 6/6/2023, competing motions and tie votes (2:2) resulted in no action by the BZA affecting the Zoning Administrator’s determination.
AP2023-002	Appeal of March 2, 2023 determination of Lea Brumfield, Senior Planner, Zoning, Homestay Request	The zoning determination that a cabin on the Subject Property cannot support an accessory homestay use without an accompanying primary use in the County.	On 6/6/2023, the BZA reversed the Zoning Administrator’s determination by a 4:0 vote.

Special Use Permits

One special use permit application was heard in FY2023.

<u>Application #</u>	<u>Applicant or Project Name</u>	<u>Issue</u>	<u>Action</u>
SP2022-016	Charlottesville Catholic School Electric Message Sign	Request to install an off-site electric message sign	Approved with Conditions (5-0) on 8/2/2022

Variance

No variance applications were heard in FY2023.

Business/Organizational Meetings

An organizational meeting was held January 3, 2023 to elect new officers. In addition to hearing the above applications and appeals, the BZA also conducted the following business:

- On August 2, 2022, the BZA reviewed its procedural and contractual business.
- On May 2, 2023, the BZA recognized a milestone for Edgar Robb's service on the BZA and reviewed the documentation of official decisions and the information to be included in the meeting materials.
- The BZA has held an ongoing discussion in effort to determine the content of motions and the possibility having the motions displayed so that everyone would be aware of the exact wording of the motions.
- As of June 20, 2023, regular meetings have been scheduled with the Chair and the Vice-Chair and staff.
- The BZA welcomed a new member, Ronald Rosenberg, during this fiscal year which completed the membership.

VI. COURT ACTION

The BZA was not involved in any Court action(s) in FY2023. By law, the BZA is not an active participant in Circuit Court proceedings beyond compiling and submitting its record.