



ALBEMARLE COUNTY BOARD OF ZONING APPEALS

FY2024 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, 2023 through June 30, 2024 (FY2024).

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 FY2024 were:

<u>Member</u>	<u>Term Expiration</u>
<i>Marcia Joseph</i>	Reappointed May 23, 2020 for a five-year term to expire May 23, 2025.
<i>Kurt Burkhart</i>	Appointed May 6, 2021 for a five-year term to expire May 24, 2026.
<i>John Shepherd</i>	Appointed May 23, 2022 for a five-year term to expire May 23, 2027.
<i>Edward "Bo" Carrington</i>	Reappointed May 22, 2023 for a five-year term to expire May 23, 2028.
<i>Ronald Rosenberg</i>	Reappointed May 13, 2024 for a five-year term to expire May 23, 2029.

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 re-adopted on January 9, 2024.

IV. EXPENSES

The BZA does not have a separate budget. Compensation and mileage are included within the budget of the Department of Community Development. During FY24, the Board of Supervisors increased the funding for BZA salaries, resulting in BZA members being paid \$83 per meeting for a portion of FY24, as opposed to the previous rate of \$45 per meeting. Compensation expenses for FY2024 totaled \$1,650.00.

In January 2023, the BZA continued its legal services engagement with James Bowling, IV of St. John, Bowling & Lawrence, PLC for FY2024 in the amount of \$350 per hour with an annual cap of \$5,000. Legal counsel expenses for FY2024 totaled \$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 five (5) meetings in FY2024. The submittals and actions considered by the BZA are shown in the following tables:

Appeals

Two appeals were forwarded to the BZA in FY2024.

<u>Application #</u>	<u>Appellant or Project Name</u>	<u>Issue</u>	<u>Action</u>
AP2023-003	Koste Lake, LLC	Appeal of a Notice of Official Determination of Violation (VIO-2023-109) finding zoning violations related to (1) the cutting of trees in a Planned Residential District without a required site development plan, (2) the unpermitted storage of structures, (3) the accumulation of tires and car parts constituting a junkyard, and (4) the placement of manufactured homes not on a foundation and not being used as a primary residence.	On 7/11/2023, the BZA affirmed the Zoning Administrator's finding of violations (1) and (3) by a 4:0 vote and reversed the Zoning Administrator's finding of violations (2) and (4) by a 3:1 vote.
AP2023-004	Challenger Way Setback Determination	Appeal of the Zoning Administrator's official determination, LOD2023-00010, dated November 22, 2023, that because Neighborhood Model District zoning constitutes a "residential district" under County Code § 18-4.20(a), a 50' setback for structures and a 20' setback for parking is required on commercial parcels abutting Parcel 061M0-00-00-00600 (405 Premier Circle), including on Parcel 061W0-01-0C-00100 (442 Westfield Road).	On 3/12/2024, the BZA overturned the Zoning Administrator's determination of LOD202300010 by a 5:0 vote.

Special Use Permits

No Special Use Permits were considered by the BZA in FY2024.

Variance

One (1) variance application was heard in FY2024.

<u>Application #</u>	<u>Applicant or Project Name</u>	<u>Issue</u>	<u>Action</u>
VA2023-001	Albemarle Lake Lot	The Applicant requested a 10-foot variance from the required 25-foot side setbacks to allow a dwelling to be located 15 feet from the two side property lines.	On 8/1/2023, the BZA denied the variance application by a 4:1 vote.

Business/Organizational Meetings

An organizational meeting was held January 9, 2024 to elect new officers and review its procedural business.

In addition to hearing the above applications and appeals, the BZA also conducted the following business:

- On July 11, 2023, August 1, 2023, November 14, 2023, January 9, 2024, and March 12, 2014, the BZA discussed whether to request the appointment of alternate member(s).

VI. COURT ACTION

During FY2024, two decisions of the BZA were appealed to Circuit Court:

- In re: June 6, 2023 Decision of the BZA [AP2023-001] – On July 6, 2023, Douglas E. Caton and Margaret O. Maupin appealed the BZA’s decision regarding the issuance of a home occupation clearance at issue in AP2023-001.
- In re: July 11, 2023 Decision of the BZA [AP2023-003] -- On August 9, 2023, Koste Lake, LLC appealed the BZA’s decision to affirm two (2) of the violations at issue in AP2019-004.

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.