

**ALBEMARLE COUNTY BOARD OF ZONING APPEALS**

COUNTY OFFICE BUILDING  
401 MCINTIRE ROAD – LANE AUDITORIUM  
TUESDAY, FEBRUARY 4, 2014 – 2:00 P.M.

Board Members: David Bass, Chairman  
L.F. Wood, Vice-Chairman  
Randy Rinehart, Secretary  
David Bowerman  
Ed Robb

Staff Members: Amelia McCulley  
Ron Higgins  
Carla Harris, BZA Clerk and Recorder

County Attorney: Andy Herrick, Assistant County Attorney, *absent*

**1. Call to Order**

The meeting was called to order at 2:00 p.m. by Board Chairman David Bass.

**2. Establish a Quorum**

A quorum was established, and the meeting proceeded.

**3. Annual Organizational Meeting/Election of Officers**

Mr. Bowerman stated that current Chair David Bass, Secretary Randy Rinehart, and Vice-Chairman L.F. Wood have all served well in their positions, and suggested reappointing them.

**MOTION:** Mr. Bowerman moved to reelect David Bass as Chairman, Randy Rinehart as Secretary, and L.F. Wood as Vice-Chair of the Albemarle County Board of Zoning Appeals. Mr. Rinehart seconded the motion, which passed unanimously (5-0).

**4. Matters Not on the Agenda**

None were presented, and the meeting proceeded.

**5. Matters Deferred from Previous Hearing**

None were presented, and the meeting proceeded.

**6. New Business**

**A. Minutes from August 6, 2013 Meeting**

BZA members indicated that they had not reviewed the minutes because the meeting had taken place six months earlier. Staff projected the minutes on-screen for their review.

**MOTION:** Mr. Rinehart moved to approve the minutes of the August 6, 2013 Board of Zoning Appeals meeting. Mr. Bowerman seconded the motion, which passed unanimously (5-0).

**B. Approval of 2014-15 Board of Zoning Appeals Meeting Dates**

Board members noted that there were three times during the calendar that they would meet a week later than the usual first Tuesday, due to holidays.

**MOTION:** Mr. Rinehart moved to approve the BZA meeting schedule for 2014-15 as presented. Mr. Wood seconded the motion, which passed unanimously (5-0).

Ms. McCulley reported that there were two pending appeals being worked out with the appellants, so they may not need to come before the BZA. And there were no variances submitted in the last month, so there would be none on the March meeting.

She said that the County was instituting an automatic increase in pay for all paid boards and commissions in the County. And as of July 1, 2014 they would each get a 10% raise of \$4.50 per meeting.

Mr. Bowerman asked if there had been much interest on the part of Supervisors to try to get some of these issues resolved prior to going before the BZA.

Ms. McCulley said that the two pending cases in which they'd agreed to deferrals, are unique circumstances and the applicants are working toward compliance. So people just put them (appeals) in as placeholders in order to protect their rights. She mentioned that the person who bought the Hickory Hill Store property rebuilt a shed without a permit, and it is located in a floodplain – but the owner thought he was maintaining the nonconforming use. Ms. McCulley explained that the County got a complaint and investigated, and found that it was not maintaining a nonconforming use so they sent him a notice of violation. She said that he now has worked through a surveyor and FEMA, which found that the shed is elevated just above the floodplain. Ms. McCulley said that the applicant is to the point that the County will abate the violation and he will withdraw the appeal, but it is in the calendar to protect his rights even though he never planned to come before the BZA to contest it.

She stated that it's remarkable to her that they aren't getting more variance requests, and two people in the past month could have submitted a variance but staff found some solutions and options for them. Ms. McCulley said that staff has finished three work sessions and a public hearing on the offsite signs issue with the Planning Commission, and would be going to the Board of Supervisors in March for a public hearing. She noted that this had been a real quandary because of the vague language in the ordinance and that would likely resolve many of the offsite sign issues.

Mr. Bass asked if the fees had recently gone up for variances?

Ms. McCulley said that there was an across-the-board fee ordinance for Zoning that took place about four years ago, but they haven't gotten any indication from the public that the fee is what's keeping them from applying for a variance. The County urges people not to get a variance and encourages them to explore other options.

Mr. Bass asked if it was part of Virginia code that the BZA must do an annual report to the Board of Supervisors, or just a courtesy?

Ms. McCulley said that it is part of State code. And while they (the BZA) don't have to vote on it she would prefer that they do to indicate that it accurately reflects their year.

She also mentioned that they would be dealing with a very big appeal in the near future on a decision that involves hundreds of pages, relating to mining activity in the Schuyler area. Ms. McCulley said that they have not rendered the decision because the parties are about to submit 500 more pages for the County to review before they make the decision. She stated that it is guaranteed that it will be before them. And will be appealed regardless of their decision to the Circuit Court, as it is very complex. Ms. McCulley said that some of the

property owners have purchased some of the company homes that Vance Wilkins subdivided out, and they are the applicants for a letter of determination – so either the homeowners or Vance Wilkins will be aggrieved.

Ms. McCulley offered for BZA members to get an ID so they could access the County building through the staff doors.

Ms. Harris asked the Board how they felt about placing their mailing and email addresses on the County's website, as the Board of Supervisors does – or just their email addresses?

Mr. Bowerman said that he had no problem with including both addresses and his phone number.

Mr. Bass asked if the Supervisors just do email addresses?

Ms. Harris said that they do email only. The Planning Commission has mailing addresses, emails and phone numbers.

Mr. Bass asked Ms. McCulley what she recommends.

Ms. McCulley said that it's whatever they are comfortable with, and the Supervisors and Commission members both have County emails.

Ms. Harris said that some Commission members use their personal emails instead of County emails. She stated that she was also moving forward with including the agenda and approved BZA minutes along with links to the staff report on the County's website. Ms. Harris stated that she is trying to move them in the direction of accessing things electronically.

Ms. McCulley stated that staff would still provide them with paper copies of everything if they preferred, even if things were available online.

Mr. Bass said that during the meeting, he prefers looking at paper documents because he can't do it online, and when he is researching ordinances at his home, he finds that using a book is faster.

Ms. McCulley said that when there's an appeal with hundreds of pages of attachments, staff wouldn't put all of those online but instead would print them out for the BZA.

Ms. Harris said that electronic format is just an option for them but they will still be able to receive paper copies. And sometimes an applicant is searching for things online and will be able to look them up.

Mr. Bass stated that the public should have everything the BZA has. But as far as working documents at a meeting, he still needs paper.

Mr. Wood said that paper works for him also.

Mr. Bass asked if the Supervisors have laptops?

Ms. McCulley said that they have iPads. Mr. Bowerman said that he sometimes brings his with him.

Ms. McCulley stated that they could still do paper, especially for involved appeals.

Mr. Bowerman noted that the public WiFi in the County building was open and not password-protected.

**7. Old Business**

There was no old business presented.

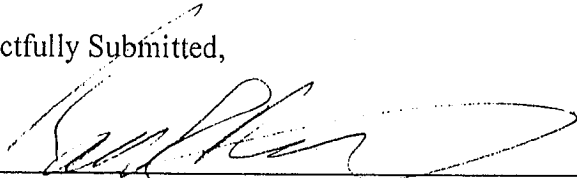
**8. Adjournment**

Mr. Rinehart moved to adjourn the meeting. The motion passed unanimously (5-0).

There being no further business, the meeting adjourned at 2:26 p.m.

(Recorded by Carla Harris and transcribed by Beth Golden)

Respectfully Submitted,



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Randolph R. Rinehart, Secretary Board of Zoning Appeals