



COUNTY OF ALBEMARLE  
Department of Community Development  
401 McIntire Road, North Wing  
Charlottesville, Virginia 22902-4579

Phone (434) 296-5832

Fax (434) 972-4126

**ALBEMARLE COUNTY BOARD OF ZONING APPEALS  
ELECTRONIC MEETING VIA ZOOM  
AGENDA  
TUESDAY, OCTOBER 6, 2020 at 10:00 A.M.**

1. Call to Order
2. Establish a Quorum
3. Public Hearings:
  - There are no public hearings scheduled
4. Approval of Minutes
  - A. September 1, 2020
5. Old Business
6. New Business
  - [Training Session](#)
7. Adjournment

This meeting is being held pursuant to Ordinance No. 20-A(14): An Ordinance to Ensure the Continuity of Government During the Covid-19 Disaster. Opportunities for the public to access and participate in this electronic meeting are (or will be) provided at <https://www.albemarle.org/government/community-development/advisory-boards/board-of-zoning-appeals>.

Information for participation is also posted on the Albemarle County website on the Board of Zoning Appeals home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

## **BOARD OF ZONING APPEALS ELECTRONIC MEETING GUIDELINES**

Thank you for attending the Board of Zoning Appeals (BZA) electronic meeting. The following information is provided to help ensure the meeting proceeds as efficiently and effectively as possible. As a courtesy to others, please turn off all unused cell phones during the meeting.

### **General Information:**

This meeting is recorded and later transcribed into minutes approved at a later meeting date.

Each item set for public hearing will begin with a presentation of the staff report. Next, the applicant or appellant for that item will be invited to speak. During the course of the process, the Chairman will open the public hearing to comments from the public. At the end of these proceedings the Chairman will announce that the public hearing is closed. Once the public hearing is closed, no further public comments will be allowed unless the Board asks for additional information from the applicant or appellant. For staff and applicants, there is a **15 minute time limit for presentations and a 5 minute time limit for rebuttal comments.**

The BZA reserves the right to digress from these guidelines in any particular case.

### **To Members of the Public:**

If you wish to address the BZA during the public hearing, please follow the instructions below:

- Log in/call in early.
- Via Web: Use the "Raise Hand" icon to notify the BZA Clerk that you would like to sign up to address a public hearing item. The Clerk will acknowledge you and list your name on the sign-up sheet for the specific public hearing item. When the public hearing is opened, the Clerk will introduce each speaker for comment.
- Via Phone: Press \*9 to notify the BZA Clerk that you would like to sign up to address a public hearing item. The Clerk will acknowledge you and list your name on the sign-up sheet for the specific public hearing item. When the public hearing is opened, the Clerk will introduce each speaker for comment.

If you do not sign up to speak prior to the meeting, an opportunity to sign up will be given prior to the close of the public hearing. When this opportunity is announced, follow the directions above to notify the BZA Clerk that you would like to provide comment on a public hearing item.

Time keeping is conducted through a timer. Each speaker is allotted **three (3) minutes** to comment. The timer will commence when you begin speaking; you will be notified when three minutes has ended, and you are requested to bring your comments to a close as your microphone will be muted after several seconds.

In order to give all speakers equal treatment and courtesy, the BZA requests that speakers adhere to the following guidelines:

- When called to address the BZA, please state your name. For uncommon spellings, please spell your name for the record.
- Address comments directly to the BZA as a whole - open public debate is prohibited.
- You may email written statements and other relevant material to [BoardofZoningAppeals@albemarle.org](mailto:BoardofZoningAppeals@albemarle.org) to be included in the record.
- If you represent a group or organization, you may identify the group to be recognized.
- If you exceed your allotted time, you will be asked to end your comments and the microphone will be muted.
- If a speaker does not use all allocated time, the unused time may not be shared with another speaker.
- Speakers are permitted one opportunity to comment during each of the public comment periods per meeting.

### **Additional Guidelines for Applicants and Appellants addressing the Board:**

- Understand that the Board of Zoning Appeals cannot change County ordinances.
- The BZA reserves the right to place additional time limitations on speakers, as necessary.

# The Powers and Duties of Boards of Zoning Appeals

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## In-house Training Materials

October 6, 2020

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Presented by:  
Andrew H. Herrick, Deputy Albemarle County Attorney

Materials adapted (with permission) from:  
*The Albemarle County Land Use Law Handbook*  
([www.albemarle.org/government/county-attorney/resources/land-use-law-handbook](http://www.albemarle.org/government/county-attorney/resources/land-use-law-handbook))  
by Greg Kamptner, Albemarle County Attorney  
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## Introduction

Being an effective BZA member requires much more than longevity on the board, common sense, the wisdom that comes with life experience, or a deeply felt sense of what is right or fair. Although some or all of those qualities may be valuable to the BZA member, zoning generally, and the roles of the BZA specifically, are very legal in nature. Thus, BZA members must know the applicable laws and rules that pertain to BZA proceedings and properly apply them when conducting the BZA's business.

A well-trained BZA should be able to complete its work decisively and with confidence because it knows the legal principles that apply to the matter pending before it, understands which facts are relevant to those legal principles, is able to identify and discard the irrelevant information from the decision-making process, and understands the procedure to reach a correct decision. This outline provides a review of the substantive and procedural rules applicable to BZA's.

Because the laws and rules pertaining to BZA's are constantly changing, BZA members should:

- Continue to periodically receive BZA-related training.
- Be familiar with and periodically review the State statutes and their locality's zoning regulations that are most relevant to a BZA. The sections of the *Virginia Code* that are most relevant to a BZA are *Virginia Code* §§ 15.2-2307 through 15.2-2314. The *Virginia Code* is available online at <https://law.lis.virginia.gov/vacode/>. The General Assembly tinkers with one or more of these sections almost every year.
- Keep informed of new decisions of the Virginia Supreme Court that are most relevant to a BZA. Virginia Supreme Court opinions are available online at <http://www.courts.state.va.us/scndex.htm>. Opinions are posted the date they are issued, and the cases at the Supreme Court's website date back to 1995.

This outline is for educational purposes only and does not constitute legal advice. Always consult with your BZA's or locality's attorney if there are questions regarding a specific legal matter.