

COUNTY OF ALBEMARLE

STAFF REPORT

AGENDA TITLE: ZTA 2015-03 BZA Process and Technical Changes	AGENDA DATE: May 12, 2015
SUBJECT/PROPOSAL/REQUEST: Work Session to Address State Code Requirements for BZA Process and for Minor Technical Changes	ACTION: INFORMATION: X
STAFF CONTACT(S): Amelia McCulley, Francis MacCall, Greg Kamptner	CONSENT AGENDA: ACTION: INFORMATION:
	ATTACHMENTS: Yes

BACKGROUND: On July 1, 2015, General Assembly bill HB 1849 will be enacted into State law. This law alters criteria relating to variances and appeals as well as revises proceedings before the Board of Zoning Appeals (BZA). A brief background on the role of the BZA and a comparison of their actions to those of other Boards and Commissions is provided (Attachment B). On March 17 the Planning Commission adopted the attached Resolution of Intent to undertake ordinance amendments to ensure compliance with State law once the legislation takes effect (Attachment A).

As noted in our report for the resolution of intent, we are also using this opportunity for updates, clarifications and corrections to related regulations. This will be generally explained within the discussion and is specifically explained with the annotations in the draft ordinance (Attachment D).

DISCUSSION:

- Variances, Appeals and BZA Process: The Virginia Code (through HB 1849) establishes new procedural requirements for BZA as well as a new definition and criteria for variances. This amendment provides for all types of applications before the BZA such as variance, appeal and interpretation of a district map. Attachment C outlines those changes.
- Variation or Exception for Site Plan Improvement Requirements: Regulations that arise from the subdivision or site plan enabling authority are eligible for administrative approval with appeal to the Commission and Board. Because their authority originates from those and not the general zoning regulations, they are not required to be special exceptions approved only by the Board. This amendment clarifies this distinction.
- Architectural Review Board (ARB) Appointment, Organization and Procedures and Design Guidelines: Section 34A is reorganized and reformatted for consistency with other provisions. A new section is added (Section 34A.3 Design Guidelines) to better describe the process for developing and approving design guidelines.
- Violations: Section 36 is updated for consistency with the Virginia Code.
- Housekeeping / Minor Technical Changes: These changes include updating Code Sections (both Virginia Code and County Code) listed as cross-references. They also include amendment to the site plan regulations consistent with the new State requirements for stormwater management. Amendments to BZA application procedures are provided for consistency with other application procedures (for filing, checking for completeness, resubmittal, withdrawal, etc.).

RECOMMENDATION: Staff recommends that the Planning Commission provide feedback on the attached draft ordinance (Attachment D) and direct staff to schedule the zoning text amendment for public hearing.

ATTACHMENTS:

- Attachment A: [Resolution of intent](#)
Attachment B: [Background on Board of Zoning Appeals](#)
Attachment C: [HB 1849](#)
Attachment D: [Annotated Draft Ordinance](#)