



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

Memorandum

TO: Members of the Albemarle County Board of Supervisors
FROM: Amelia G. McCulley, Zoning Administrator *AGM*
DATE: March 19, 2019
RE: 2018 Annual Report of the Board of Zoning Appeals

State Code Section 15.2-2308 requires the Board of Zoning Appeals (BZA) to keep a full public record of its proceedings and to submit a report of its activities to the governing body. At their meeting on March 5, 2019, the BZA voted 4:0 to approve the 2018 Annual Report and forward it to the Board of Supervisors. It is attached for your information.

The Board of Zoning Appeals hears variances from the Zoning Ordinance, special use permits for certain sign types, and appeals from decisions of the Zoning Administrator or her designee. These appeals may include determinations of zoning violation.

In 2018, the BZA heard two appeals, one variance, and one special use permit.

If you have any questions, please let me know.

ALBEMARLE COUNTY BOARD OF ZONING APPEALS
2018 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 during 2018.

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 the year 2018 were:

<u>Member</u>	<u>Term Expiration</u>
<i>Lloyd (L.F.) Wood, Chairman</i>	Deceased – October 11, 2018; seat is currently vacant pending appointment of a new member to complete a term set to expire May 23, 2020
<i>David Bowerman, Vice Chairman</i>	Reappointed May 23, 2018 for a five-year term to expire May 22, 2023.
<i>Randy Rinehart, Secretary</i>	Reappointed May 23, 2016 for a five-year term to expire May 23, 2021
<i>Edgar S. Robb</i>	Reappointed March 23, 2014 for a five-year term to expire May 23, 2019.
<i>John Shepherd</i>	Appointed May 23, 2017 for a five-year term to expire May 22, 2022

III. OPERATING PROCEDURES

Regular meetings of the BZA are held the first Tuesday of each month starting at 2:00 p.m. Special meetings may be called when the regular schedule does not provide sufficient hearing time. These special meetings may begin at 1:00 p.m. The BZA operates with Rules of Procedure adopted November 15, 2002 and last revised November 13, 2018.

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 the fiscal year 2018-2019 was consistent with prior years. Expenses during that period totaled \$945.00. BZA members are paid \$45 per meeting.

County staff working with the BZA includes the Director of Zoning (Zoning Administrator), Chief of Zoning (Deputy Zoning Administrator), Deputy County Attorney, Planners and Code Compliance Officers. Support staff includes the Recording Secretary (Community Development Assistant I).

V. ACTION SUMMARY

The BZA held five meetings in 2018. The number of submittals and actions considered by the BZA in 2018 are shown in the following tables:

Variances

One variance application was heard in 2018.

<u>Application #</u>	<u>Appellant or Project Name</u>	<u>Action</u>	<u>Issue</u>
VA2017-004	Burchfiel Renovation/ James & Darlene Burchfiel/Sarah Oates	Approved variance with conditions to reduce rear setbacks (3-1) February 6, 2018	Reduce rear setbacks for an addition

Appeals

Two appeal applications were heard in 2018.

<u>Application #</u>	<u>Appellant or Project Name</u>	<u>Action</u>	<u>Issue</u>
AP2017-003	Boyd Tavern Market	Upheld Zoning determination (3-2) January 9, 2018	The requirement of a Special Use Permit due to water consumption
AP2018-002	MESA Associates/John & Trula Wright/Roslyn Farm and Vineyard	Zoning Clearance stands (motion to deny appeal resulted in 2-2 vote) December 4, 2018	The issuance of ZC2018-041

Special Use Permits

One special use application was heard in 2018.

<u>Application #</u>	<u>Appellant or Project Name</u>	<u>Action</u>	<u>Issue</u>
SP2018-012	Pantops Shopping Center Pylon Sign	Approved with conditions (4-0) November 13, 2018	Electronic Message Sign

VI. COURT ACTION

The Boyd Tavern Market Appellants further appealed the BZA’s decision in Appeal No. AP2017-003 to the Albemarle County Circuit Court. Following a hearing on October 22, 2018, the Court dismissed the appeal on procedural grounds, upholding both the BZA’s decision and the underlying zoning determination.