




**COUNTY OF ALBEMARLE**  
**Department of Community Development**  
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**Memorandum**

**TO:** Members of the Albemarle County Board of Supervisors

**FROM:** Bart J. Svoboda, Zoning Administrator 

**DATE:** January 9, 2020

**RE:** 2019 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 January 7, 2020, the BZA voted 5:0 to approve the 2019 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 his designee. These appeals may include determinations of zoning violation.

In 2019, the BZA heard two appeals and one motion for rehearing.

If you have any questions, please let me know.

BJS

# **ALBEMARLE COUNTY BOARD OF ZONING APPEALS**

## **2019 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 2019.

### **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 2019 were:

<b><u>Member</u></b>	<b><u>Term Expiration</u></b>
<i>John Shepherd, Chairman</i>	Appointed May 23, 2017 for a five-year term to expire May 22, 2022.
<i>Edgar S. Robb, Vice Chairman</i>	Reappointed May 16, 2019 for a five-year term to expire May 23, 2024.
<i>David Bowerman, Secretary</i>	Reappointed May 23, 2018 for a five-year term to expire May 22, 2023.
<i>Randy Rinehart</i>	Reappointed May 23, 2016 for a five-year term to expire May 23, 2021.
<i>Marcia Joseph</i>	Appointed May 16, 2019 to complete the term to expire May 23, 2020. (Previously the term of Lloyd Wood.)

### **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 January 5, 2016 and last revised April 2, 2019.

### **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 2019-2020 was consistent with prior years. BZA members are paid \$45 per meeting. Compensation expenses for calendar year 2019 totaled \$1,215.00. Compensation expenses for FY2018-19 totaled \$1,215.00.

On June 4, 2019, the BZA retained the legal services of James M. Bowling, IV of St. John, Bowling, Lawrence, & Quagliana, LLP, at the rate of \$250 per hour not to exceed \$2,000 for FY2018-19. The budgeted amount of \$5,000 for FY2019-20 was allotted for BZA legal counsel. According to the letter of agreement, Mr. Bowling will provide legal services for this period for the budgeted amount, even if his billing exceeds the budgeted amount of \$5,000. Legal counsel expenses for FY2018-19 totaled \$1,450.00. Legal counsel expenses for FY 2019-20 total \$2,100.00 to date.

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 eight meetings in calendar year 2019; six regular meetings and two special meetings. The number of submittals and actions considered by the BZA in 2019 are shown in the following tables:

### **Appeals**

Two appeal applications were heard in 2019. Two appeal applications were submitted and resolved prior to scheduling for public hearing resulting in withdrawal by the appellant.

<b><u>Application #</u></b>	<b><u>Appellant or Project Name</u></b>	<b><u>Action</u></b>	<b><u>Issue</u></b>
AP2019-002	Appeal of LOD2018-008 Goings/Birdsall/HELM	Upheld Zoning determination (4-0) June 4, 2019	Determination regarding Agricultural Service Occupation
AP2019-004	Buften & Maus, PLC	Overturned Zoning determination (3-1) October 1, 2019	Determination regarding setbacks for Major Home Occupation

### **Motion for Rehearing**

One motion for rehearing was heard in 2019.

<b><u>Application #</u></b>	<b><u>Appellant or Project Name</u></b>	<b><u>Action</u></b>	<b><u>Issue</u></b>
AP2019-004	Buften & Maus, PLC	Deferred decision to February 4, 2020 (4-0) October 29, 2019	Determination regarding setbacks for Major Home Occupation

**Special Use Permits**

No special use applications were heard in 2019.

**Variances**

No variance applications were heard in 2019.

**VI. COURT ACTION**

The County of Albemarle appealed the BZA's decision in Appeal No. AP2019-004 to the Albemarle County Circuit Court. This case is currently pending.