County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

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ALBEMARLE COUNTY BOARD OF ZONING APPEALS

FY2025 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 from July 1, 2024 through June 30, 2025 (FY2025).

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 FY2025 were:

Member	Term Expiration
Marcia Joseph	Reappointed May 23, 2025 for a five-year term to expire May 23, 2030.
Kurt Burkhart	Appointed May 6, 2021 for a five-year term to expire May 24, 2026.
John Shepherd	Appointed May 23, 2022 for a five-year term to expire May 23, 2027.
Edward "Bo" Carrington	Reappointed May 22, 2023 for a five-year term to expire May 23, 2028.
Ronald Rosenberg	Reappointed May 13, 2024 for a five-year term to expire May 23, 2029.

III. OPERATING PROCEDURES

Regular meetings of the BZA were scheduled for the first Tuesday of each month starting at 2:00 p.m., though meetings were not held if no business was pending. The BZA operates within Rules of Procedure most recently re-adopted on June 3, 2025.

IV. EXPENSES

The BZA does not have a separate budget. Compensation and mileage are included within the budget of the Department of Community Development. During FY25, the Board of Supervisors provided funding for BZA compensation at the rate of $85 per meeting. Compensation expenses for FY2025 totaled $1,445.00.

The BZA continued its legal services engagement with James Bowling, IV, Esq. for FY2025 in the amount of $350 per hour with an annual cap of $5,000. Legal counsel expenses for FY2025 totaled $5,000.00 following a deduction of $390.00 under the fiscal year contract cap.

County staff working with the BZA included the Director of Zoning (Zoning Administrator), Chief of Zoning (Deputy Zoning Administrator), County Attorney, Deputy County Attorney, Planners, Code Compliance Officers, and a Management Analyst II who serves as the Recording Clerk.

V. ACTION SUMMARY

The BZA held four meetings in FY2025. The submittals and actions considered by the BZA are shown in the following tables:

Appeals

One appeal was forwarded to the BZA in FY2025.

Application #	***Appellant or Project Name***	***Issue***	***Action***
AP2024-005	Polo G, LLC; Nathan Kostelac & Summer Kostelac	The Appellant initially requested a deferral of the scheduled hearing from 12/3/2024 to February 4, 2025, explaining that his children and co-owners of the property, Summer and Nathan Kostelac, had not had time to prepare for the public hearing.	On 12/3/2024, the BZA denied the request for a deferral to February 4, 2025 by a 3:0 vote. The public hearing was held as scheduled on 12/3/2024.
		Appeal of a Notice of Official Determination of Violation (VIO-2024-019) , dated August 26, 2024, finding two zoning violations: (1) the industrial buildings placed on the Rural Areas parcel TMP 04600-00-00-10100 are not a permitted use, and (2) the industrial buildings placed in the 100-year floodplain (Flood Hazard Overlay District) are not permitted.	On 12/3/2024, the BZA affirmed Notice of Violation VIO2024-019 by a 3:0 vote.

Special Use Permits

No Special Use Permits were considered by the BZA in FY2025.

Variance

Two variance applications were heard in FY2025.

Application #	***Applicant or Project Name***	***Issue***	***Action***
VA2024-002	TMP 58-21 – 724 Maranatha Lane	The Applicant requested a 24-foot variance from the required 25-foot front setback to a 1-foot setback to allow use of the accessory structure on the parcel as a second dwelling.	On 11/12/2024, the BZA granted the variance by a 5:0 vote based on information in the staff report and discussion.
VA2024-003	654 Clarks Tract Lot Size Reduction	The Applicant requested a variance from the Rural Areas minimum lot size, reducing the subject lot from 7.01 acres to 1.3867 acres, resulting in a variance of 0.6133 acres from the 2.00 acre minimum.	On 2/4/2025, the BZA denied the variance application by a 5:0 vote based on reasons stated in the staff report and in discussion.

Business/Organizational Meetings

An organizational meeting of the BZA was held February 4, 2025 to elect new officers and review procedural business. There was also discussion regarding alternate member(s) and funding for the position(s).

In addition to hearing the above applications and appeals, the BZA also conducted the following business:

- On November 12, 2024, the BZA voted affirmatively by a 5:0 vote to contract with James Bowling, IV, Esq. as legal counsel through June 30, 2025.
- On December 3, 2024, the BZA voted affirmatively by a 3:0 vote to request that the Zoning Administrator include an additional $1,000 for legal counsel compensation in the next fiscal year budget and for it to be included in the initial budget presentation to the Board of Supervisors.
- On June 3, 2025, the BZA voted affirmatively by a 4:0 vote to readopt the Rules of Procedures with the revisions determined at the February 4, 2025 meeting. The BZA also voted affirmatively by a 4:0 vote to retain James Bowling, IV, Esq. as legal counsel through June 30, 2026.

VI. COURT ACTION

During FY2025, one decision of the BZA was appealed to Circuit Court:

- In re: December 3, 2024 Decision of the BZA [AP2024-005] -- On January 2, 2025, Polo G LLC, Nathan Kostelac, Summer Kostelac, Pro Se Petitioners, filed a Petition for Writ of Certiorari for the Circuit Court to review the December 3, 2024 decision of the Board of Zoning Appeals described above.

The BZA has compiled its official record for transmission to the Circuit Court, as required by *Virginia Code* § 15.2-2314, if/when the Court enters a Writ of Certiorari. By law, the BZA is not an active participant in Circuit Court proceedings beyond compiling and submitting its record.