

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

Board Members Present: John Shepherd, Chairman
Ed Robb, Vice Chairman
Marcia Joseph, Secretary
Randy Rinehart
Edward (Bo) Carrington

Staff Members: Bart Svoboda, Zoning Administrator
Marsha Alley, BZA Recording Clerk

County Attorney: Andy Herrick, Deputy County Attorney

BZA Attorney: James Bowling, IV

1. Call to Order

The meeting was called to order at approximately 10:00 a.m. by Chairman John Shepherd.

Mr. Shepherd addressed the board stating that this is an electronic meeting and asked for everyone to be patient as we all become familiar with this meeting alternative and virtual process. He made the following statement:

This meeting is being held pursuant to and in compliance with Emergency Ordinance No. 20-A(14); An Emergency Ordinance to Ensure the Continuity of Government During the Covid-19 Disaster.

The BZA members who are electronically present at this meeting are John Shepherd, Randy Rinehart, and Bo Carrington. Mr. Shepherd noted that Ms. Joseph had been present earlier but was having technical issues. He added that he hoped she would be able to rejoin soon. Given that a quorum was present, the Chairman continued the announcements.

The opportunities for the public to access and participate in the electronic meeting are 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.

Mr. Shepherd noted that there are no public hearings scheduled for the meeting.

2. Establish a Quorum

Each member verbally indicated their presence for the record in order to establish a quorum with three members present. Mr. Rinehart, Mr. Carrington, and Mr. Shepherd.

Mr. Shepherd introduced others in attendance: James Bowling, BZA Attorney; Andy Herrick, Deputy County Attorney; Bart Svoboda, Zoning Administrator; staff members, Rebecca Ragsdale and Francis MacCall; and Marsha Alley, BZA Recording Clerk.

1 **3. Public Hearings**

2 Mr. Shepherd announced that there were no public hearings scheduled for this meeting.

3
4 **4. Approval of Minutes**

5 **A. September 1, 2020**

6 Mr. Carrington and Mr. Rinehart had no comments regarding the minutes.

7
8 There was a brief discussion regarding the details of the motion for SP2020-011 on page 7.

9
10 Ms. Alley clarified that the details of the motion and the vote had been summarized in paragraph format
11 and were provided on page 7, line 42.

12
13 Mr. Shepherd accepted the clarification.

14
15 **MOTION:** Mr. Rinehart moved to approve the minutes for September 1, 2020. Mr. Carrington
16 seconded the motion, which passed unanimously (3-0).

17
18 **5. Old Business**

19 Mr. Shepherd asked Mr. Svoboda if there was any Old Business to discuss, particularly an update
20 regarding the Maus case.

21
22 Mr. Svoboda added that a boundary line adjustment had recently been submitted by Mr. Maus which has
23 been signed. He noted that once the plat is recorded, the building would meet the required setback.

24
25 There was discussion regarding the approval of the plat and how it relates to the pending court case.

26
27 Mr. Herrick stated that there are two appeals pending before the Circuit Court at this time. He added that
28 once the plat is recorded, the hope is that it will remove the need for those cases to be pursued further.

29
30 **6. New Business**

31 **A. Training Session**

32 Mr. Shepherd stated that Mr. Herrick would be providing training today that he usually provides at a state
33 level. He noted that the county is fortunate to have this available. He added that he was glad to have the
34 BZA together at the same time along with other staff to be able to participate in the training.

35
36 Ms. Alley informed the Chairman that Ms. Joseph had rejoined the meeting at approximately 10:15 am.

37
38 There was a brief discussion as to what the protocol should be in the event of technical difficulties during
39 a meeting. It was determined that phone numbers would be included in the meeting invitations so that if
40 laptop connections failed, members and the public could phone in to continue participation with the
41 meeting.

42
43 There was a brief discussion regarding the possibility of moving the regular meeting time to 10 am. for
44 future meetings. At the direction of the Chairman, Ms. Alley stated that she would contact FES to
45 determine the availability of Lane Auditorium in the event that the BZA would meet there in the future.

46
47 Mr. Shepherd introduced Andy Herrick who would be presenting the BZA training information for the
48 training session.

Mr. Herrick addressed the board and gave an introduction to the Land Use Law Handbook chapters that were included in the training agenda as listed below.

1. The Board of Zoning Appeals and the Zoning Administrator: Composition, Powers and Duties
2. Special Use Permits
3. Variances
4. Decisions by Zoning Officials
5. Appeals of Decisions by Zoning Officials to the Board of Zoning Appeals
6. Appeals: Interpreting Statutes and Ordinances
7. Appeals: Classifying Primary Uses and Determining Whether a Use is an Accessory Use
8. Appeals: Whether a Use or Structure is Nonconforming
9. Appeals: Whether Vested Rights Exist
10. Meeting Procedures and the Freedom of Information Act
11. Conflicts of Interest
12. Appendix A: Rules of Procedure

Mr. Robb joined the meeting at approximately 11:00 am.

Mr. Herrick reviewed references to the Land Use Law Handbook and presented more in-depth information related to the training agenda items.

There was discussion on various topics throughout the training regarding how the statute and local regulations apply to the BZA and its function, duties, and responsibilities. Members showed an interest in several items being further discussed specifically at future meetings.

Time constraints did not allow for Mr. Herrick to complete the presentation of Sections 10, 11, and 12. Therefore, it was decided by consensus of the BZA that the remaining sections will be presented at the regular BZA meeting on Tuesday, November 10, 2020 at 2 pm.

Several members and attendees thanked Mr. Herrick and complimented him on the excellent presentation and asked if he could share the slides that were referenced. He stated that he would provide the slide presentation.

There was also discussion regarding holding annual training sessions and scheduling specific training topics when the BZA meeting agenda is light.

Mr. Shepherd asked if anyone had any other new business to discuss. There was no additional new business.

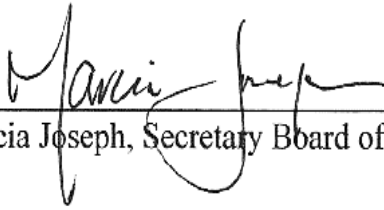
Mr. Rinehart apologized for having to leave the meeting promptly as he had another appointment.

7. Adjournment

MOTION: At approximately 12:00 p.m., Ms. Joseph moved to adjourn the meeting. Mr. Carrington seconded the motion, which passed unanimously (3-0). Mr. Rinehart and Mr. Robb left the meeting prior to adjournment.

1
2 (Recorded and compiled by Marsha Alley)

3
4 Respectfully Submitted,

5
6
7
8
9


Nov. 13, 2020

Marcia Joseph, Secretary Board of Zoning Appeals