



County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

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ALBEMARLE COUNTY BOARD OF ZONING APPEALS
ELECTRONIC MEETING VIA ZOOM
AGENDA
TUESDAY, JULY 6, 2021 at 2:00 P.M

1. Call to Order
2. Establish a Quorum
3. Public Hearings:
 - A. There are no public hearings scheduled.
4. Approval of Minutes
 - A. May 4, 2021
5. Old Business
 - A. Update on formatting of meeting minutes
6. New Business
 - A. Brief County Cybersecurity update
 - B. Renewal of BZA Legal Services – possible Closed Session
 - C. Status of County Office Building posture
7. Adjournment

This meeting is being held pursuant to and in compliance with Ordinance No. 20-A(16), An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster. 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. <https://www.albemarle.org/government/community-development/advisory-boards/board-of-zoning-appeals>.

BOARD OF ZONING APPEALS ELECTRONIC MEETING GUIDELINES

Thank you for attending the Board of Zoning Appeals (BZA) electronic meeting. The following information is provided to help ensure the meeting proceeds as efficiently and effectively as possible. As a courtesy to others, please turn off all unused cell phones during the meeting.

General Information:

This meeting is recorded and later transcribed into minutes approved at a later meeting date.

Each item set for public hearing will begin with a presentation of the staff report. Next, the applicant or appellant for that item will be invited to speak. During the course of the process, the Chairman will open the public hearing to comments from the public. At the end of these proceedings the Chairman will announce that the public hearing is closed. Once the public hearing is closed, no further public comments will be allowed unless the Board asks for additional information from the applicant or appellant. For staff and applicants, there is a **15 minute time limit for presentations and a 5 minute time limit for rebuttal comments**.

The BZA reserves the right to digress from these guidelines in any particular case.

To Members of the Public:

If you wish to address the BZA during the public hearing, please follow the instructions below:

- Log in/call in early.
- Via Web: Use the "Raise Hand" icon to notify the BZA Clerk that you would like to sign up to address a public hearing item. The Clerk will acknowledge you and list your name on the sign-up sheet for the specific public hearing item. When the public hearing is opened, the Clerk will introduce each speaker for comment.
- Via Phone: Press *9 to notify the BZA Clerk that you would like to sign up to address a public hearing item. The Clerk will acknowledge you and list your name on the sign-up sheet for the specific public hearing item. When the public hearing is opened, the Clerk will introduce each speaker for comment.

If you do not sign up to speak prior to the meeting, an opportunity to sign up will be given prior to the close of the public hearing. When this opportunity is announced, follow the directions above to notify the BZA Clerk that you would like to provide comment on a public hearing item.

Time keeping is conducted through a timer. Each speaker is allotted **three (3) minutes** to comment. The timer will commence when you begin speaking; you will be notified when three minutes has ended, and you are requested to bring your comments to a close as your microphone will be muted after several seconds.

In order to give all speakers equal treatment and courtesy, the BZA requests that speakers adhere to the following guidelines:

- When called to address the BZA, please state your name. For uncommon spellings, please spell your name for the record.
- Address comments directly to the BZA as a whole - open public debate is prohibited.
- You may email written statements and other relevant material to BoardofZoningAppeals@albemarle.org to be included in the record.
- If you represent a group or organization, you may identify the group to be recognized.
- If you exceed your allotted time, you will be asked to end your comments and the microphone will be muted.
- If a speaker does not use all allocated time, the unused time may not be shared with another speaker.
- Speakers are permitted one opportunity to comment during each of the public comment periods per meeting.

Additional Guidelines for Applicants and Appellants addressing the Board:

- Understand that the Board of Zoning Appeals cannot change County ordinances.
- The BZA reserves the right to place additional time limitations on speakers, as necessary.

ALBEMARLE COUNTY BOARD OF ZONING APPEALS
VIRTUAL MEETING
TUESDAY, MAY 4, 2021 – 2:00 P.M.

Board Members: John Shepherd
Marcia Joseph
Ed Robb (absent)
Randy Rinehart
Edward (Bo) Carrington

Staff Members: Bart Svoboda, Zoning Administrator
Francis MacCall, Deputy Zoning Administrator
Marsha Alley, BZA Clerk and Recorder

County Attorney: Andy Herrick, Deputy County Attorney

BZA Attorney: James Bowling, IV

1. Call to Order

The meeting was called to order at 2:00 p.m. by Chairman John Shepherd.

Mr. Shepherd read the following statement into the record: “Good afternoon. As Chairman of the Albemarle County Board of Zoning Appeals, I call the meeting for May 4, 2021 to order. This is an electronic meeting. This meeting is being held pursuant to and in compliance with Ordinance No. 20-A(16), ‘An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster.’”

Mr. Shepherd identified those members electronically present. All board members were present, except for Mr. Robb.

Mr. Shepherd stated, “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 homepage 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.”

2. Establish a Quorum

Mr. Shepherd established a quorum, with four of the five board members present.

3. Public Hearings

There were no public hearings scheduled.

4. Approval of Minutes

A. January 5, 2021

MOTION: Ms. Joseph moved to approve the minutes of January 5, 2021. Mr. Rinehart seconded the motion, which carried unanimously (4:0). (Mr. Robb was absent.)

5. Old Business

A. Samples of minutes from other boards/committees:

- Agricultural and Forestal Districts Advisory Committee (AFD Committee)
- Albemarle Conservation Easement Authority (ACEA)
- Architectural Review Board (ARB)
- Planning Commission (PC)

1
2 The purpose of this agenda item was to discuss consolidating and restructuring the minutes.
3

4 Mr. Svoboda noted that the discussion at the January BZA meeting indicated that, rather than a full summary, the
5 thought was to move towards a general summary of the minutes, meaning keeping motions as close to verbatim as
6 possible and having the meeting flow well through the minutes for those reading them later.
7

8 Mr. Rinehart pointed out that word-for-word minutes had been requested by parties at times due to appeals. Mr.
9 Herrick said his understanding was that since they keep the recordings of all the meetings, there is the ability to
10 produce verbatim minutes on demand so that if any of the decisions of the BZA are appealed, they have the ability
11 to go back and produce a transcript that will assist the court in its determination. Mr. Bowling said there is no legal
12 reason why near-verbatim minutes are needed.
13

14 Mr. Shepherd said he would like to see that the motion is carefully crafted in the minutes to reflect what is likely
15 the consensus view of the board and that those who have a dissenting vote succinctly state their objection to the
16 consensus finding.
17

18 Ms. Joseph said the ARB minutes are very clear as they include the staff who was there, the call to order,
19 disclosures, the public comment, consent agenda, the regular items, where it is located, and what the proposal was.
20 She said they then have discussion, which is condensed in the minutes to what the general feeling was. She said
21 they then go into the motion and conditions, and what the vote was.
22

23 Mr. Herrick said the minutes format must meet the minimum requirements of the FOIA, which includes a brief
24 summary of the actions taken and identifies who was present.
25

26 Mr. Carrington expressed he would prefer an either/or approach to the minutes – either full verbatim, or simply
27 attendance and motions made, with no discussion. He also suggested asking for input from those from the public
28 who often attend BZA meetings, such as Mr. Neil Williamson.
29

30 Mr. Williamson said either direction the board was discussing taking with the minutes makes sense, as well as the
31 fact that there is a recording of the meeting. He said he appreciates understanding the board's thought process when
32 he cannot attend the meeting, as well as the livestreaming and the efforts staff puts forward to get the word out. He
33 said although more is better, he would ask the board to consider how long it can take for verbatim minutes to be
34 created and published.
35

36 Mr. Herrick said Ms. Margaret Maliszewski, staff liaison to the ARB, creates the ARB minutes by revising the
37 action memo during the meeting, and then adding to the memo to create the memo minutes.
38

39 As a next step in moving towards meeting minutes that resemble the ARB format, Mr. Svoboda said he would
40 analyze and look into this further, noting that there may be resource limitations based on staff work priorities as far
41 as creating the minutes.
42

43 **6. New Business**

44 **A. Recognition of Service: Randolph Rinehart**

45 Board members reflected and recognized Mr. Rinehart for his service.
46

47 Mr. Shepherd read aloud a certificate of appreciation into the record:
48

49 "CERTIFICATE OF APPRECIATION presented to Randolph Rinehart on this 4th day of May, 2021. By the
50 Albemarle County Board of Zoning Appeals in grateful appreciation for twenty-one years of service on the
51 Albemarle County BZA, thirteen of those years as Secretary. Randolph Rinehart's dedication, experience, and
52 insight have been invaluable to the Albemarle County BZA. He has earned great respect for his unfailing,
53 diplomatic, and tactful means of communicating his ideas and recommendations to the public, staff, and fellow

board members. His thoughtful consideration and understanding of ordinances have been reflected in his decisions, and his discernment, guidance, and effectiveness have been beneficial to the Albemarle County BZA, staff, and citizens.” Signed by Mr. Shepherd.

Mr. Rinehart expressed appreciation for the recognition and credited Ms. Amelia McCulley for his being on the BZA. He said his reason for being on the BZA was to give back to the county in which he was born.

Amelia McCulley, Deputy Director of Community Development, said she was the Zoning Administrator for 30 years (1989-2019) and felt fortunate to be able to work with Mr. Rinehart for 19 of his 21 years on the BZA. She said he has the longest history of any BZA member she has worked with. She recalled contentious meetings in which Mr. Rinehart was able to demonstrate leadership. She praised Mr. Rinehart for his desire for the BZA to provide excellent public service and good process, as well as how he values positive relationships with others.

Mr. Shepherd expressed his appreciation for Mr. Rinehart’s concern for the reputation of the board and its relation to the citizens and the Board of Supervisors. He also thanked Mr. Rinehart for serving as a mentor to him, and for Mr. Rinehart staying on the board until a replacement is found, which will help to avoid tie votes.

Mr. Svoboda and Mr. MacCall expressed their appreciation to Mr. Rinehart as well.

Mr. Svoboda said there would be a recognition for Mr. Rinehart the following day (May 5) as well, at 1:00 p.m., during the first part of the Board of Supervisors meeting.

7. Adjournment

MOTION: At 2:48 p.m., Mr. Rinehart moved to adjourn the meeting. Ms. Joseph seconded the motion, which passed unanimously (4-0). (Mr. Robb was absent.)

(Recorded by Marsha Alley and transcribed by Beth Golden)

Respectfully Submitted,

Edward (Bo) Carrington, Secretary Board of Zoning Appeals