

ALBEMARLE COUNTY BOARD OF ZONING APPEALS
VIRTUAL MEETING
TUESDAY, MARCH 1, 2022 – 2:00 P.M.

Board Members: John Shepherd
Marcia Joseph
Ed Robb
Edward (Bo) Carrington
Kurt Burkhart

Staff Members: Bart Svoboda, Director of Zoning
Francis MacCall, Deputy Zoning Administrator
Lisa Green, Manager of Code Compliance
Lea Brumfield, Senior Planner II
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 Chair Marcia Joseph. She read the following statement:
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.

2. Establish a Quorum

Ms. Joseph established a quorum with the following statement:
The BZA members who are electronically present at this meeting are Ed Robb, Kurt Burkhart, John
Shepherd, and Edward Carrington. She noted that the following staff members were in attendance: Andy
Herrick, Bart Svoboda, James Bowling, Francis MacCall, and Lea Brumfield. She continued to state as
follows: 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.

3. Public Hearings

Ms. Joseph stated that both applicants have requested deferral pursuant to Board of Supervisors
contemplation of a change to the zoning ordinance.

Mr. Svoboda stated that the Board is considering a zoning text amendment (ZTA) and ordinance updates
that include the ability to appoint a resident manager for properties larger than five acres in the rural areas.

Mr. Herrick confirmed that both applicants have requested deferral, and the County has no objection.

Ms. Brumfield clarified that the ZTA would allow for all homestays to apply for a resident manager; in
the cases presented, the LLC could hold the property and the resident manager would be the person
residing on the property.

Mr. Herrick stated that any motion for deferral should include a date specific to which the request would be deferred and should be one motion for each item.

A. AP2021-003 Appeal of LOD2021-013 Homestays Ownership Eligibility
Property Owner: Howe Whitman/Howe D. Whitman Jr. Family Trust
Appellant: 5600 Turkey Sag Road, LLC/Bradford Manning

The Chair opened discussion regarding the item. Ms. Kelsey Schlein stated that the applicant would seek a May 3, 2022 deferral date. There was discussion regarding the request and the timeframe for deferral.

MOTION: Mr. Burkhardt moved to grant the deferral request for AP2021-003 Appeal of LOD2021-013 Homestays Ownership Eligibility to May 3, 2022, at the applicant's request. Mr. Robb seconded the motion, which passed unanimously (5-0).

B. AP2022-00001 WNG, LLC – Homestay
Property Owner: WNG, LLC
Appellant: WNG, LLC & Attila Woodward

The Chair opened discussion regarding the item. Mr. Philip Garland stated that the applicant requests the May 3, 2022 deferral date instead of the original July date as previously requested. There was discussion regarding the request and the timeframe for deferral.

MOTION: Mr. Carrington moved to grant the deferral of AP2022-00001 WNG, LLC – Homestay to May 3, 2022, at the applicant's request. Mr. Shepherd seconded the motion, which passed unanimously (5-0).

4. Approval of Minutes

A. February 1, 2022

There was a brief discussion regarding a needed correction on page 2, line 46 to revise "Ms. Burkhardt" to "Mr. Burkhardt."

MOTION: Mr. Shepherd moved to approve the minutes as amended. Mr. Robb seconded the motion, which passed unanimously (5-0).

5. Old Business

A. Review and Re-Adopt Rules of Procedure

MOTION: There being no comment for discussion, Mr. Shepherd moved to approve and re-adopt the BZA Rules of Procedure as amended from the last meeting. Mr. Robb seconded the motion, which passed unanimously (5-0).

Mr. Carrington referred to page 4, the end of the first paragraph regarding deferrals, and noted that it states "enabling the BZA to make the decision within 90 days of the application or appeal."

Ms. Joseph asked Mr. Herrick and Mr. Bowling for input.

Mr. Bowling stated that once the applicant requests deferral, the 90-day rule was not applicable to the

BZA. He said what they don't have the authority to do is go beyond 90 days if the applicant wants to be heard, at which point the applicant is upheld.

Mr. Herrick said that Item 5 under "Deferrals" references Virginia Code Section 15.2-2312 and addresses the statutory requirement for the 90-day consideration, so it is already built into the rules of procedures.

6. New Business

Mr. Burkhardt asked how many approved homestays were currently operating in Albemarle County and if there had ever been a review done to establish legal homestay ownership.

Mr. Svoboda indicated that ownership is identified as part of the approval process. Ms. Brumfield clarified that there are about 150 bed & breakfast and accessory tourist lodging permits, and there are 70 approved homestay permits since August 7, 2018. Mr. Svoboda confirmed that a special exception runs with the land unless it is conditioned otherwise. Ms. Brumfield confirmed that a homestay application is a commercial zoning clearance; so, if the property changes hands, a new application is needed. She also stated that the residency requirements in the proposed changes stipulate that at least one individual owner of the homestay parcel (not the LLC) reside on the subject parcel, which was suggested by Mr. Herrick.

7. Adjournment

MOTION: Mr. Shepherd moved to adjourn the BZA meeting. Mr. Robb seconded the motion, which passed unanimously (5-0).

The meeting adjourned at 2:48 p.m.

(Recorded by Marsha Alley and transcribed by Golden Transcription Services)

Respectfully Submitted,



John Shepherd, Secretary Board of Zoning Appeals