

ALBEMARLE COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING
TUESDAY, JUNE 3, 2025—2:00 P.M.

Board Members: Edward (Bo) Carrington
Kurt Burkhart
John Shepherd
Ronald Rosenberg
Marcia Joseph - *absent*

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

County Attorney: Andy Herrick, County Attorney
Jennifer Tevendale, Senior Assistant County Attorney

BZA Attorney: James Bowling, IV

1. Call to Order

The meeting was called to order at 2:00 p.m. by Chair Edward (Bo) Carrington.

2. Establish a Quorum

Mr. Carrington established a quorum by having each member state their name for the record: Ronald Rosenberg, John Shepherd, Kurt Burkhart, and Edward Carrington. Marcia Joseph was absent.

Also present were James Bowling, Bart Svoboda, Francis MacCall, Andy Herrick, Jennifer Tevendale, and Marsha Alley.

3. Public Hearings

There were no public hearings scheduled.

4. Approval of Minutes for February 4, 2025

Mr. Shepherd moved to approve the February 4, 2025 minutes as presented. Mr. Rosenberg seconded the motion, which passed unanimously (4-0).

5. Old Business

A. Review and Readopt Rules of Procedure

Mr. Shepherd pointed out that the revisions shown in red ink basically say the same thing, but not exactly the same thing, under two different headings. He asked Mr. Bowling if that would matter.

Mr. Bowling stated that it is not to be encouraged, but if you understand what is being said, it could be acceptable.

1 Mr. Shepherd stated that they are both relaying the same idea with slightly different circumstances and
2 noted that the meaning is clear. He added that if a vote results in a tie, the members have hammered this
3 into their minds so that it will not be forgotten and will be shared with the applicant.

4
5 After the brief discussion, Mr. Shepherd stated that he was happy with the revisions as presented.

6
7 Mr. Rosenberg moved to adopt the Rules of Procedures as submitted today with revisions from February
8 4, 2025. Mr. Shepherd seconded the motion, which passed unanimously (4-0).

9 10 **6. New Business**

11 12 **A. Budget Discussion**

13 Before holding the scheduled discussion regarding the budget, the Chairman requested that the board
14 move to a closed session to discuss the renewal of the Letter of Agreement for Legal Services.

15
16 Mr. Shepherd moved that the Albemarle County Board of Zoning Appeals go into a Closed Meeting
17 pursuant to Section 2.2-3711(A) of the Code of Virginia:

18 Under Subsection (1), to discuss, consider, or interview prospective candidates for employment.

19 Mr. Rosenberg seconded the motion, which passed unanimously (4-0).

20
21 The Board of Zoning Appeals went into a closed session.

22
23 Upon return to the open session, Mr. Shepherd moved that the Albemarle County Board of Zoning
24 Appeals certify by a recorded vote that to the best of each member's knowledge that only public business
25 matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information
26 Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the
27 closed meeting. Mr. Burkhart seconded the motion, which passed unanimously (4-0).

28
29 Mr. Carrington announced that the Letter of Agreement for legal services provided by Mr. Bowling is
30 being considered for a period from July 1, 2025 through June 30, 2026. He thanked Mr. Bowling for his
31 assistance with the BZA and expressed appreciation from the board. He asked for a motion to this effect.

32
33 Mr. Burkhart moved to accept the Letter of Agreement for legal services provided by Mr. Bowling for a
34 period from July 1, 2025 through June 30, 2026. Mr. Rosenberg seconded the motion, which passed
35 unanimously (4-0).

36 37 **B. Upcoming Meeting Information**

38 Mr. Carrington asked if there would be any public hearings coming up.

39
40 Mr. MacCall stated that no applications had been received for the board's consideration at this time.

41
42 Mr. Carrington asked if there were other items to discuss.

43
44 Mr. Burkhart asked for an update on the two cases that have been appealed to the Circuit Court, namely:
45 the Maupin gun case and the Kostelac case.

46
47 Mr. Herrick stated that both cases are pending before the Circuit Court with no court dates assigned.

48
49 Mr. Shepherd asked if there was an update regarding the Kostelac case that involved the cutting down of
50 trees.

Mr. Herrick explained that there are two cases that involve Mr. Kostelac personally; one of which is Koste Lake, which involves a parcel in the Keswick area and is pending before the Circuit Court. The other is Polo G. He noted that he was unsure of the status of that case.

Mr. Svoboda addressed the board stating that the Koste Lake case is the tree cutting case in the Keswick area which is pending before the Circuit Court as Mr. Herrick stated. He added that the other case is off of Polo Grounds Road, hence the name Polo G. He stated that the case did go to General District court and based on notice issues, the letters were re-sent. He noted that the case is moving along; staff is working with Mr. Kostelac to get permits for those structures, if possible, while assisting him in navigating the issues related to streams and other features on the property with DCR and other agencies.

Mr. Shepherd asked if it is possible to permit those structures after the BZA's findings.

Mr. Svoboda stated he did not recall the particulars of the case at the moment but that with the structures being industrialized buildings, there were some issues with the labeling and uses of the buildings. He noted that staff is working to determine how the structures are classified through the building code. He added that currently, Mr. Kostelac has been asked to either remove the structures because they have no permits or apply for permits so that staff can identify what he is proposing. He stated that he cannot make a ruling on something for which he has no information.

Mr. Shepherd stated that his personal opinion would be that this is a thing decided.

There was no additional business to discuss.

Mr. Carrington welcomed Jennifer Tevendale, Senior Assistant County Attorney, and noted that the board is looking forward to working with her.

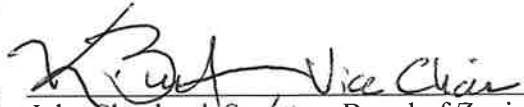
7. Adjournment

MOTION: Mr. Rosenberg moved to adjourn the meeting. Mr. Shepherd seconded the motion, which passed unanimously (4-0).

The meeting adjourned at 2:46 p.m.

(Recorded and prepared by Marsha Alley)

Respectfully Submitted,

 Vice Chair
John Shepherd, Secretary Board of Zoning Appeals

12/10/2025
Date

*This meeting may be viewed at <https://www.youtube.com/watch?v=y8TyjX7Uw8w>