



County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

401 McIntire Road, North Wing
Charlottesville, VA 22902-4579
Telephone: 434-296-5832
WWW.ALBEMARLE.ORG

**ALBEMARLE COUNTY BOARD OF ZONING APPEALS
AGENDA
TUESDAY, DECEMBER 2, 2025 at 2:00 P.M
LANE AUDITORIUM**

1. Call to Order
2. Establish a Quorum
3. Public Hearings:
 - A. **PROJECT: APZ-2025-00002 1701 Old Forge Rd {Sign 48}**
APPELLANT: Andrew King
SUBJECT PROPERTY: Parcel ID 060A0050A00100, approximately 0.71 acres
LOCATION: 1701 Old Forge Road, Charlottesville, VA 22901
MAGISTERIAL DISTRICT: Jack Jouett
ZONING: R4 Residential
APPEAL: The Appellant is appealing a Notice of Official Determination of Violation (ZCPLT-2025-00139) finding zoning violations related to uses not permitted and parking of vehicles over the weight limit in 4.12.3(b.2).
4. Approval of Minutes
 - A. **June 3, 2025**
5. Old Business
6. New Business
 - A. **BZA Annual Report FY2024-25**
 - B. Budget Discussion
 - C. Upcoming Meeting Information
7. Adjournment

Opportunities for the public to access and participate in the meeting will be posted at <https://www.albemarle.org/community/quick-links/county-calendar>. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

BOARD OF ZONING APPEALS IN-PERSON MEETING GUIDELINES

Thank you for attending the Board of Zoning Appeals (BZA) 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 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 Chair will open the public hearing to comments from the public. At the end of these proceedings the Chair 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.

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

Instructions To Members of the Public:

Public comment is welcome during Public Hearings. A sign-up sheet will be available in Lane Auditorium prior to the meeting for anyone who would like to comment on a scheduled public hearing. If you wish to comment on those matters for which comments from the public will be received, please list your name on the appropriate sign-up sheet. When your name is announced for comment, please come to the microphone and state your name for the record. For uncommon spellings, please spell your name for the recording clerk. If you are with a group of people, you may want to have a spokesperson present your position to the Board.

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

- *Come forward to the speaker's podium and state your name;*
- *Address comments directly to the Board as a whole - open public debate is prohibited;*
- *State your position and give facts and other data to back it up;*
- *There is a **3-minute time limit for each speaker** during public comment; minutes may not be shared or ceded to other speakers;*
- *Each speaker will have one opportunity to address the BZA;*
- ***Give written statements and other supporting material to the Recording Clerk** (written comments are also welcome if you do not wish to speak).*

Additional Guidelines for Applicants and Appellants addressing the Board:

- *Please contact staff in Community Development ahead of the meeting to make any necessary arrangements for your presentation. **The Recording Clerk will also need copies of any handouts given to the BZA members for the official record of the meeting.***
- *Be clear in stating your position and do not repeat information that has been previously submitted to the Board.*
- *Stay on topic by addressing the questions in the application or by responding directly to staff's determination(s). Focus on presenting facts and data that support your position.*
- *Keep in mind there is a **15-minute time limit for presentations and a 5-minute time limit for rebuttal comments.** The Board will ask any necessary follow-up questions to clarify points made during the presentation.*
- *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.

APZ-2025-002
1701 Old Forge Road - Appeal

APZ-2025-002
Information submitted by Staff

STAFF: Francis H MacCall, Deputy Zoning Administrator

PUBLIC HEARING: December 2, 2025

STAFF REPORT: APZ-2025-00002

APPLICANT/APPELLANT: Andrew King

Subject Parcel Number:

060A0-05-0A-00100 (the "Property")

Location:

The Property is located at the intersection of Georgetown Road and Old Forge Road (Attachment A). The Property is approximately 0.68 acres, zoned Residential R4 (Attachment B), and owned by Andrew Gee King.

Background:

The Property is zoned Residential (R4).

The Property has been subject to similar zoning violations in the past, all of which were investigated and abated without appeal to the BZA.

- **ZVIO-2018-00100** – Numerous appliances and junk outside of residence; Appears to be one or more inoperable pieces of equipment; items under tarps; overgrown weeds. Investigated; Cited with Notice of Violation (not appealed); Court date set; Abated, as Mr. King removed items to clean up the Property; Court not held, as violation was abated.
- **ZVIO-2022-00177** – Illegally store their commercial business equipment on their piece of residential property at the entrance to our neighborhood. – Worked with Mr. King to abate the violation. Abated.
- **ZVIO-2023-00381** – Inoperable vehicles. – No violation found, Abated

ZCPLT-2025-00139 (Attachment C)

On August 14, 2025, a complaint was received regarding “3-4 construction vehicles parked on property, in addition to a dumpster and trailers. Storage Facility for his business.”

On August 20, 2025, Sarah Surratt and Matthew Chao, both Code Compliance Officers, conducted an on-site investigation. Observations were made, and attempts were made to contact anyone on-site, with no success.

On August 21, 2025, an attempt was made to reach Mr. King by phone but was unsuccessful. The same day, Mr. King called back, and the reason for the site visit was discussed.

On September 5, 2025, Sarah Surratt and Lisa Green, Code Compliance Manager, conducted an on-site investigation. Observations were made, and based on them, it was decided to issue a Notice of Official Violation.

On September 5, 2025, a Notice of Official Violation was issued to Andrew King, citing the following violations: (Attachment D)

1. The storage of multiple commercial vehicles, equipment, and materials on this parcel constitutes a storage yard and is not a permitted use.
Violation of Albemarle County Code §18-15.2 Permitted Uses.
2. The accumulation of auto parts, wood, plastic, household furniture, and other miscellaneous materials on this property constitutes a junkyard and is not a permitted use.
Violation of Albemarle County Code §18-15.2 Permitted Uses.
3. No truck with a gross weight of 12,000 pounds or major recreational equipment shall be parked in any residential district.
Violation of Albemarle County Code §18-4.12.3 (b.2)

On September 10, 2025, Andrew King filed an appeal, APZ-20250-0002 (Attachment E), of the Notice of Official Determination of Violation. Mr. King did not specify the grounds or reasons for his appeal.

On October 1, 2025, Sarah Surratt conducted an on-site investigation. Property remains in the same condition as previously documented.

On October 22, 2025, Sarah Surratt conducted an on-site investigation. Property remains in the same condition as previously documented.

Grounds for Zoning Administrator's Determination:

The Zoning Official based the Notice of Official Determination of Violation (Attachment D) on the observations of the Property (Attachment C) by staff during the inspection on September 5, 2025.

Summary of Relevant Zoning Regulations (Attachment F):

Albemarle County Code § 18-15.2.1 lists the permitted uses in the R4 zoning district. The storage of multiple commercial vehicles, equipment, and materials constitutes a storage yard; the accumulation of auto parts, wood, plastic, household furniture, and other miscellaneous materials constitutes a junkyard; and neither activity is permitted by right or with a special use permit.

Albemarle County Code §18-4.12.3 (b)(2) prohibits trucks with a gross weight of 12,000 pounds or major recreational equipment from being parked in any residential district.

Staff's Response to Appeal:

Mr. King's appeal should be dismissed for failure to state the grounds of his appeal. *Virginia Code* § 15.2-2311 (A) governs appeals to the Board of Zoning Appeals and provides in part: "[t]he appeal shall be taken within 30 days after the decision appealed from the filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof." Similarly, *Albemarle County Code* § 18-34.3(b) states "[a]ny appeal shall be in writing and shall state the grounds for the appeal." The Zoning Administrator requests the Board of Zoning Appeals (Board) to dismiss Mr. King's appeal for his failure to state the grounds for his appeal as required by the *Virginia Code* and *Albemarle County Code*.

If the Board does not dismiss Mr. King's appeal due to his failure to state his grounds of appeal, then the question before the Board is whether the findings identified by the Zoning administrative officer, in the Notice of Official Determination of Violation, are correct. Pursuant to *Virginia Code* § 15.2-2309, the determination of the administrative officer shall be presumed to be correct. Mr. King has the burden of proof to rebut the presumption of correctness. Mr. King has not provided any written dispute of the three violations.

The precise issue before the Board is whether the facts related to the actual use of the Property, as known to the Zoning Administrator, support a finding that such uses are prohibited or subject to a permit under the *Albemarle County Code*. The inquiry does not pertain to Mr. King's plans or intentions or what Mr. King believes the *Albemarle County Code* should state. Rather, the focus is on whether the uses subject of this appeal are as described in the Notice and the onsite field verifications conducted by staff. None of the noted uses are permitted either by right or by special use permit in the R4 zoning district. (Attachment F)

As previously noted, this determination is consistent with the *Albemarle County Code* §§ 18-4.12.3, 18-15.2.1, and 18-15.2.2, is supported by the facts, and aligns with established administrative practices.

As the appellant has not responded to the specifics of the Notice, the Zoning Administrator cannot offer any further response beyond what has already been stated in the background above.

Summary of Facts:

- The Property is zoned R4.
- The noted uses on the Property are not permitted by right or with a special use permit.
- The noted vehicle parking is prohibited in the R4 zoning district.
- The applicant has not refuted the violations.

Conclusion:

Although Mr. King may wish to store material and vehicles on the Property, the Zoning Ordinance does not permit any of the three cited activities to occur.

Because the Zoning Administrator's determination is presumed correct and there is no evidence provided from Mr. King to overcome such presumption, the Zoning Administrator requests that the Board of Zoning Appeals affirm the determination.

Proposed Motions:

I move that the Board of Zoning Appeals dismisses the appeal for the appellant's failure to provide a grounds for the appeal.

OR

I move that the Board of Zoning Appeals affirms the determination made in the Notice of Official Determination of Violation, ZCPLT-2025-00139 (Attachment D).

Attachments:

Attachment A: Location Map of the Property

Attachment B: Zoning Map

Attachment C: Investigation Chronology

Attachment D: Notice of Official Determination of Violation

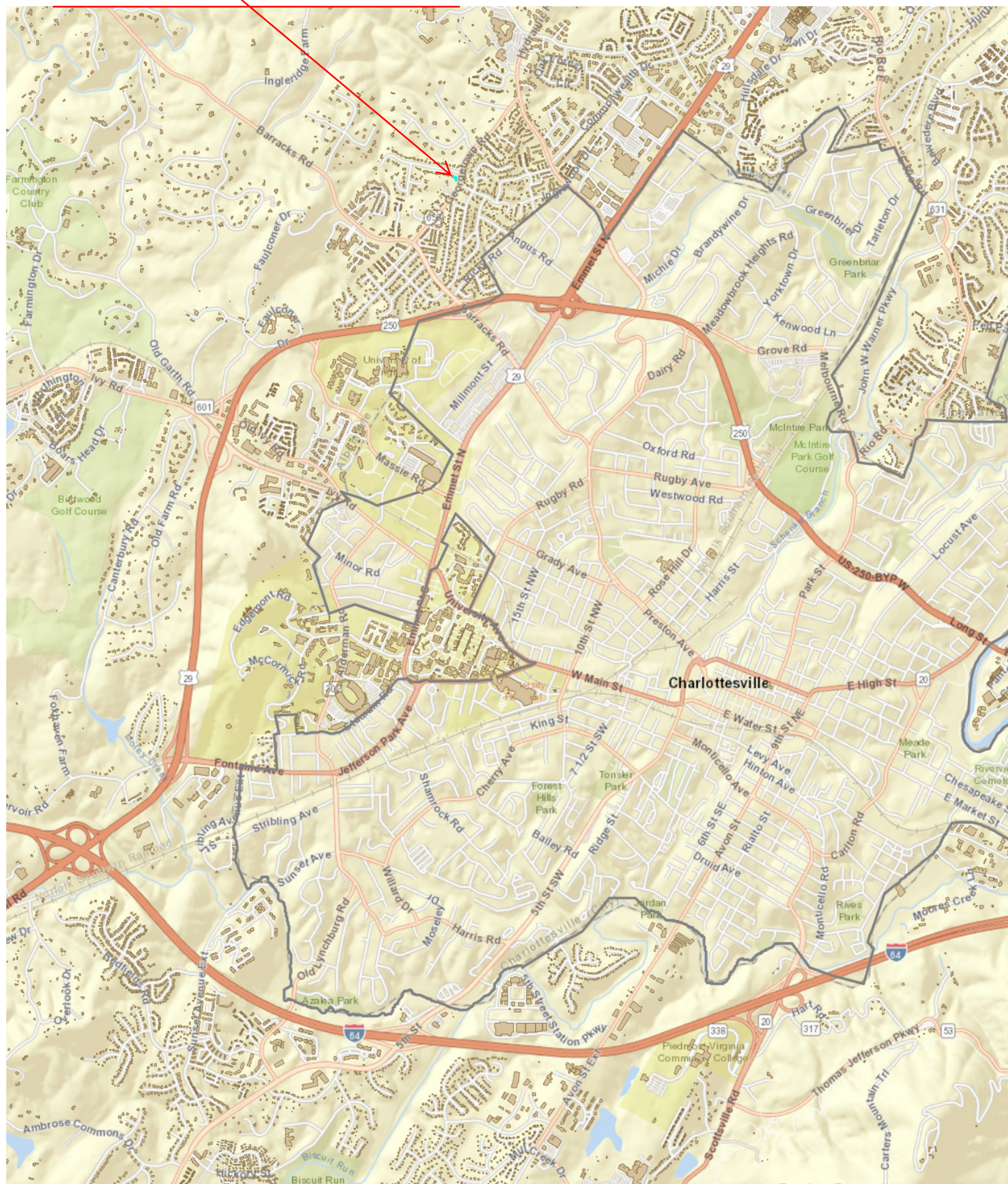
Attachment E: APZ-2025-00002 Application 2025-09-10

Attachment F: Relevant Ordinance Regulations

Subject Parcel

Location Map of the Property

ATTACHMENT A





Code Enforcement

ATTACHMENT C
Investigation Chronology

Complaint Information			
Case Number	ZCPLT-2025-00139	Parcel ID	060A0050A00100
Lead Inspector	Surratt, Sarah	Opened Date	7/31/2025 9:04 AM
Address	1701 OLD FORGE RD	CHARLOTTESVILLE, VA 22901	
Description	There are 3-4 construction vehicles parked on property, in addition to dumpster and trailers. Storage Facility for his business.		

Primary Zoning	R4 Residential	Major Subdivision	Hessian Hills
Proffers	No	Acres	0
Entrance Corridor	No		
Flood Zone	No		
Stream Buffer	No		
Airport Impact	Yes		

Owner Contact
Information

Activity Data			
Activity Name	Activity Type	Start Date	Users
Phone call	Phone Call	8/14/2025 12:29:08 PM	
Activity Comment: Called and spoke with the complainant, [REDACTED] to gather additional information of the concerns. [REDACTED] stated there is large commercial size vehicles and trailers that appear to be stored here. [REDACTED] also stated the property is not maintained. I asked [REDACTED] if [REDACTED] has noticed any of the vehicles leaving the property or different vehicles being parked here. [REDACTED] stated that [REDACTED] has never seen an individual present when [REDACTED] has driven past or while walking [REDACTED] dog, and [REDACTED] believes it is the same vehicles that are frequently on the property. I told [REDACTED] I would conduct an onsite visit to investigate and photograph the property's condition and would follow up with [REDACTED]			
INSP2025-027260	Compliance Inspection	8/20/2025 2:38:25 PM	Sarah Surratt
Inspection Comment: I conducted an onsite inspection with Matt to investigate concerns regarding construction vehicles and materials being stored at this location. Upon entering the driveway, I observed a green dump truck on the left-hand side with yellow antique tags (6920DZ). This truck did not have any identifying labels on the front or passenger doors to indicate company ownership. In front of the dump truck, there was another large flatbed vehicle displaying yellow antique tags (6906DZ). This vehicle also lacked any identifying markings. Positioned in front of the flatbed was an orange tractor. Further up the driveway, in front of the garage, I observed large pieces of wood and two trailers. The green and wooden trailers			

did not have visible tags, while the blue trailer displayed a permanent trailer tag (195-085). None of the trailers had identifying labels or contact information.

Additionally, a blue four-door Chevrolet Prizm was parked in the driveway with tags (JAA-9176), which expire July 2026, and an inspection sticker dated 6/26.

I attempted to make contact at the residence by ringing the doorbell and knocking, but no one answered. I left my business card in the front door.

I will continue efforts to identify and establish contact with the individual responsible for storing these vehicles and materials on the property.

Email	Email	8/20/2025 3:29:52 PM	
Activity Comment: I sent a follow-up email to [REDACTED] to provide an update on my findings of the property today.			
Phone call	Phone Call	8/21/2025 8:05:39 AM	
Activity Comment: I found a potential number for Andrew King listed online as (434) 971-7924 and attempted to call. The mailbox was full and I was unable to leave a message. However the mailbox stated this number could receive text messages. I sent a text message asking for a return call.			
Phone call	Phone Call	8/21/2025 2:37:22 PM	
Activity Comment: Received a call back from Mr. King and discussed the reason for my visit with him. He stated the trucks are his hobby and he is planning on restoring them. He stated he does not agree that they need to be removed from the property since they are a "hobby". He stated he was going to read the code and would follow up with me tomorrow or first thing next week. I will draft a NOV.			
Email	Email	9/4/2025 8:58:00 AM	
Activity Comment: Email sent to one of the complainants, [REDACTED] to provide [REDACTED] with an update for today's compliance inspection. Email quoted below. "Goodmorning [REDACTED] I apologize for the delay in response. I was able to locate contact information for Mr. King through an online search. I am scheduled to conduct a follow-up onsite visit to the property today to document its current condition. Following today's visit, I will be issuing a Notice of Violation. Once the Notice has been mailed via certified mail, I will follow up with you and provide the compliance deadline for bringing the property into compliance as well as the zoning codes Mr. King was cited with. Thank you, Sarah Surratt Code Compliance Officer I, CZO Albemarle County"			
INSP2025-029009	Compliance Inspection	9/4/2025 2:14:15 PM	Sarah Surratt
Inspection Comment:			
INSP2025-029170	NOV Inspection	9/5/2025 8:04:50 AM	Sarah Surratt
Inspection Comment:			
Notice of Violation	Notice of Violation Letter Sent	9/5/2025 8:05:42 AM	

ATTACHMENT C
Investigation Chronology

Activity Comment: Notice Of Violation mailed via certified mail on 9/5/2025. Expires 10/6/2025.			
Email	Email	9/5/2025 8:16:37 AM	
Activity Comment: A follow up email was sent to Deputy Director, Bart and complainant [REDACTED], relaying the information regarding the Notice Of Violation and the expiration date to bring the property into compliance.			
Phone call	Phone Call	9/9/2025 2:48:01 PM	
Activity Comment: Received a phone call from property owner Andrew King stating he has received the Notice Of Violation on 9/9/2025 and would be appealing it.			
	Meeting	9/10/2025 10:14:27 AM	
Activity Comment: Property owner Mr. King came into the County office to appeal the Notice of Violation.			
Email from Kristina	Email	9/19/2025 9:01:20 AM	
Activity Comment: Email uploaded from complainant [REDACTED] of a online post made by property owner Andrew Kings alleged girlfriend stating Mr. King does have large construction/commercial vehicles parked at this location and was requesting help from the public on obtaining a lawyer and stated " My boyfriend is willing to fight it all the way to court if need be because he feels that since his truck is not used in business it doesn't matter how big it is so long as it's parked on his own property and his RV is not huge big it can be pulled behind a pickup truck technically so it's not gigantic but they still considered giving him a hard time about that"			
INSP2025-032752	Compliance Inspection	10/1/2025 3:24:19 PM	Sarah Surratt
Inspection Comment: Conducted an onsite observation to determine if any progress has been made toward bringing the property into compliance. The property remains in the same condition as previously documented.			
Due to Mr. King's request that I not enter the property, observations and photographs were taken from the public roadway. The two large construction vehicles remain in place with trash cans positioned to block the rear license plates. "Private Property" signs are posted at the driveway entrance.			
The furniture and debris located between the two trailers is still present, along with automotive parts and scrap wood. Three vehicles were parked in the driveway; however, I was unable to verify license plates on two of them.			
INSP2025-029171	NOV Deadline Inspection	10/22/2025 10:00:00 AM	Sarah Surratt
Inspection Comment: Onsite to observe if any changes have been made. All vehicles and equipment remain on the property in the same location. There has been no improvements or progress with bringing the property into compliance. Photos uploaded into files.			



County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

ATTACHMENT D
401 McIntire Road, North Wing
Charlottesville, VA 22902-4579
Telephone: 434-296-5832
WWW.ALBEMARLE.ORG

NOTICE OF OFFICIAL DETERMINATION OF VIOLATION

The Date this Notice of Determination is given is September 5, 2025.

No: ZCPLT-2025-00139

CERTIFIED MAIL # 7021-0350-0000-3827-2565

CERTIFIED MAIL # 7021-0350-0000-3827-2558

Andrew Gee King
1701 Old Forge Rd
Charlottesville, VA 22901

Andrew Gee King
536 Pantops Center #111
Charlottesville, VA 22911

CERTIFIED MAIL # 7021-0350-0000-3827-0493

Andrew Gee King
1306 Saint Clair Ave, Unit A
Charlottesville, VA 22901

Properties: Parcel ID 060A0-05-0A-00100

Zoning: Residential [R4] District

Andrew Gee King
Owner of Record

Dear Andrew Gee King:

This notice is to inform you that the above-described Property is in violation of the Albemarle County Zoning Ordinance. This conclusion is based on the following observations of the above-described Property by a Code Compliance Officer on **September 4, 2025**.

- 1. The storage of multiple commercial vehicles, equipment and materials on this parcel constitutes a storage yard and is not a permitted use.**
- 2. The accumulation of auto parts, wood, plastic, household furniture and other miscellaneous materials on this property constitutes a junkyard and is not a permitted use.**
- 3. No truck with a gross weight of 12,000 pounds or major recreational equipment shall be parked in any residential district.**

Because this use of the Property or structure did not pre-exist the applicable Zoning Ordinance, it cannot be considered legal but non-conforming use or structure. Accordingly, the following section of the Zoning Ordinance has been violated:

- 1. Albemarle County Code §18-15.2 Permitted Uses**
- 2. Albemarle County Code §18-15.2 Permitted Uses**
- 3. Albemarle County Code §18-4.12.3(b.2)**

This violation of the Zoning Ordinance is unlawful, and may be subject to civil penalties, criminal penalties, injunctive relief and/or other remedies, pursuant to *Albemarle County Code § 18-36*.

This letter also serves to notify you to stop the activity or use outlined above immediately. Failure to comply with this notice may result in legal action being taken against you and any other owner, tenant, or other responsible party. In addition, you must bring the property into compliance by **October 6, 2025** to avoid court action. Future compliance past this date does not preclude the County from pursuing legal action for existing or past violation(s).

You have a right to appeal it within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311; provided, however, that a ten (10) day appeal period applies to appeals of decisions pertaining to temporary or seasonal commercial uses, and such appeals shall be filed within ten (10) days after this decision. If you do not file a timely appeal, this determination shall be final and unappealable.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with *Albemarle County Code* § 18-34.3, along with a fee of \$599.00. This fee includes the \$350 application fee, a technology surcharge of \$14.00, and a required notice base fee of \$235. Additionally, the applicant will be responsible for the actual cost of notice once those costs have been determined. A separate email will be sent to the applicant for the collection of those fees once the actual cost of notice has been determined.

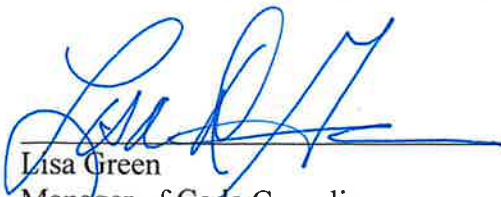
Applications for Appeal of the Zoning Administrator's Determination are available online through the Civic Access Portal at <https://tinyurl.com/Determination-Appeal>. This application applies to appeals of the Zoning Administrator's determination or any other administrative officer pertaining to the Zoning Ordinance.



Regulations pertaining to the filing of an appeal to the Board of Zoning Appeals are outlined in *Albemarle County Code* § 18-34.3, which may be reviewed online at <http://tinyurl.com/County-Code-BZA-Appeal>.



If you have any questions, please contact Sarah Surratt, Code Compliance Officer, 434-296-5832 ext. 3707


Lisa Green
Manager of Code Compliance
County of Albemarle



PLAN DETAILED REPORT APZ-2025-00002 FOR COMMUNITY DEVELOPMENT DEPARTMENT - ALBEMARLE COUNTY, VA

Plan Type: BZA - Appeals	Project:	App Date: 09/10/2025
Work Class: Appeals - BZA	District: Jack Jouett	Exp Date: 12/09/2025
Status: In Review	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Francis MacCall	Approval Expire Date:

Description: PROJECT: AP-2025-00002 1701 Old Forge Rd
APPEAL: The Appellant is appealing a Notice of Official Determination of Violation (ZCPLT-2025-00139)
APPLICANT: Andrew King
SUBJECT PROPERTY: 060A0050A00100, approx. 0.68 acres
LOCATION: 1701 Old Forge Road, Charlottesville, VA 22901

Parcel: 060A0050A00100	Main	Address: 1701 Old Forge Rd Charlottesville, VA 22901	Main	Zone: R4 Residential(R4 Residential)
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Appellant Andrew King 536 Pantops Center #111 Charlottesville, VA 22911 Mobile: (434) 971-7924	Owner Andrew King 536 Pantops Center #111 Charlottesville, VA 22911 Mobile: (434) 971-7924	Primary Contact Andrew King 536 Pantops Center #111 Charlottesville, VA 22911 Mobile: (434) 971-7924	Legal Representative MAYNARD SIPE LAW PLC MAYNARD SIPE 105 N 1ST STREET SUITE 202 Charlottesville, VA 22902 Mobile: 4342499134
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Note	Created By	Date and Time Created
1. Spoke with Maynard Sipe, the attorney hired by Mr. King, regarding access to the application via Civic Access for him to upload his grounds of appeal.	Francis MacCall	10/07/2025

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00006364	Appeal - BZA Fee	\$350.00	\$350.00
	4% Technology Surcharge	\$14.00	\$14.00
	Initial Notice Fee	\$235.00	\$235.00
Total for Invoice INV-00006364		\$599.00	\$599.00
Grand Total for Plan		\$599.00	\$599.00

Sec. 15.2 Permitted uses.

Sec. 15.2.1 By right.

The following uses shall be permitted by right in the R-4 district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings.
2. Side-by-side two-family dwellings provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Semi-detached and attached single-family dwellings such as triplexes, quadruplexes, and townhouses, provided that density is maintained, and provided further that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall.
4. Cluster development of permitted residential uses.
5. Rental of permitted residential uses and guest cottages, provided that yard, area and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
6. (Repealed 9-2-81)
7. (Repealed 9-2-81)
8. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93)
9. Accessory uses and buildings including home occupation, Class A (reference 5.2) and storage buildings.
10. Temporary construction uses (reference 5.1.18).
11. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89)
12. Homestays (reference 5.1.48).
13. Group home (reference 5.1.07). (Amended 8-9-17)
14. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
15. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
16. Family day homes (reference 5.1.56). (Added 9-11-13)

17. Urban beekeeping (reference 5.1.63).

(§ 20-15.2.1, 12-10-80; 9-2-81; 11-1-89; 5-12-93; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 13-18(5), 9-11-13; Ord. 17-18(4), 8-9-17; Ord. 18-18(4), 10-3-18; Ord. 19-18(3), 6-5-19; Ord. 19-18(6), 8-7-19)

Sec. 15.2.2 By special use permit.

The following uses shall be permitted by special use permit in the R-4 district, subject to the applicable requirements of this chapter: (Amended 5-5-10)

1. Community center (reference 5.1.4).
2. Clubs, lodges, civic, fraternal, patriotic (reference 5.1.2).
3. Fire and rescue squad stations (reference 5.1.9).
4. Swim, golf, tennis, or similar athletic facilities (reference 5.1.16).
5. Private schools.
6. Electrical power substations, transmission lines and related towers; gas or oil transmission lines, pumping stations and appurtenances; unmanned telephone exchange centers; micro-wave and radio-wave transmission and relay towers, substations and appurtenances (reference 5.1.12).
7. Child day center (reference 5.1.6).
8. Manufactured home subdivisions (reference 5.5).
9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).
10. Hospitals.
11. Home occupation, Class B (reference 5.2).
12. Religious assembly use. (Added 9-2-81) (Amended 8-9-17)
13. Cemeteries. (Added 9-2-81)
14. Manufactured home parks (reference 5.3). (Added 3-5-86)
15. Stand alone parking and parking structures (reference 4.12, 5.1.41) (Added 2-5-03)
16. Tier III personal wireless service facilities (reference 5.1.40). (Added 10-13-04)
17. Historical centers, historical center special events, historical center festivals (reference 5.1.42). (Added 6-8-05)
18. Farmers' markets (reference 5.1.47). (Added 5-5-10)

(§ 20-15.2.2, 12-10-80; 9-2-81; 3-5-86; Ord. 03-18(2), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 10-18(4), 5-5-10; Ord. 17-18(4), 8-9-17; Ord. 17-18(5), 10-11-17; Ord. 18-18(1), 1-10-18; Ord. 19-18(3), 6-5-19)

Sec. 4.12.3 Prohibited activities in parking, stacking and loading areas.

The following activities are prohibited:

- a. In any parking, stacking or loading area:
 1. *Uses.* The sale, repair, dismantling or servicing of any vehicle or equipment; the storage of materials, supplies or merchandise; the storage of refuse, recycling or similar disposal containers; or other use that would prevent the parking, stacking or loading area, or any portion thereof, from being used for its intended purpose. This prohibition shall not apply to single-family dwelling units or to temporary uses or activities approved by the zoning administrator.
 2. *Discontinuation, elimination or reduction of area.* The discontinuation, elimination or reduction of a required parking, stacking or loading area, any part thereof, or any required parking spaces, including those in garages or provided for residential uses, so long as the use requiring such area(s) or parking spaces continues, unless an alternative equivalent area complying with these regulations are established as required by this chapter. For any use subject to a site plan, the removal of any parking spaces shall require an amendment to the site plan.
- b. On any lot, including any parking, stacking or loading area, except where expressly authorized:
 1. *Parking, storage or use of major recreational equipment.* No major recreational equipment shall be used for living, sleeping or other occupancy when parked or stored on any lot or in any other location not approved for such use. For purposes of this section, the term "major recreational equipment" includes, but is not limited to, travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, house-boats, and trailers, cases or boxes used for transporting such recreational equipment, whether occupied by the equipment or not.
 2. *Trucks with minimum gross vehicle weight or major recreational equipment.* No truck with a gross vehicle weight of 12,000 pounds or major recreational equipment shall be parked in any residential district other than the rural areas (RA) zoning district, except for purposes of making pickups or deliveries, in any location other than an off-street parking area shown on an approved site plan or subdivision plat.
 3. *Parking or storage of inoperable vehicles.* No inoperable vehicle shall be parked or stored on a parcel zoned for agricultural, residential, commercial or industrial purposes, except within a fully enclosed building or structure, subject to the following:
 - a. *Parcels in the rural areas (RA) district.* On any parcel in the rural areas (RA) district, no more than two inoperable vehicles may be parked or stored outside of a fully enclosed building and each vehicle parked or stored outside of a fully enclosed building shall be shielded or screened from view or be covered.
 - b. *Parcels in any residential districts.* On any parcel in a residential district, including Downtown Crozet District (DCD) and the residential sections of any planned development district:
 1. *Number of vehicles.* No more than one inoperable vehicle may be parked or stored outside of a fully enclosed building and the vehicle parked or stored outside of a fully enclosed building shall be shielded or screened from view or be covered; provided that up to two inoperable vehicles may be parked or stored outside of a fully enclosed building if the person demonstrates that he is actively restoring or repairing one of the vehicles within a consecutive 180-day period, the second vehicle is being used for the restoration or repair, and each vehicle parked or stored outside of a fully enclosed building is shielded or screened from view or is covered; the 180-day period may be extended by the zoning

administrator upon the person demonstrating to the satisfaction of the zoning administrator that more than 180 days is required to actively restore or repair the vehicle.

2. *Location of vehicles.* Any inoperable vehicle outside of a fully enclosed building shall be parked or stored only behind a line across the yard established by the exterior walls of the primary structure on the parcel fronting one or more streets, depicted as the shaded areas shown on Figures 1 through 6. In cases where the exterior walls fronting on a street is not a uniform distance from the street, the line shall be based on the wall or point on the wall that is closest to the street as shown on Figure 5.
- c. *Authorized businesses in commercial, industrial or other districts.* Subsections (b)(3)(a) and (b)(3)(b) shall not apply to any licensed business regularly engaged in business as an automobile dealer, salvage dealer, scrap processor, or public garage that is operated in compliance with this chapter, including any such business operating as a lawful nonconforming use; provided that on any parcel in any commercial or industrial district, including the commercial and industrial sections of any planned development district, and on any parcel in any other district in which any such a use has been authorized by special use permit, no inoperable vehicle may be parked or stored outside of a fully enclosed building except in the location designated for that use on an approved site plan.
4. Nothing in this subsection shall be construed to authorize or prohibit parking or storing the vehicles and equipment described herein on a street or highway.

Figures

Figures 1 through 6 illustrate the standard in subsection (b)(3)(b)(2). If there is a conflict or inconsistency between subsection (b)(3)(b)(2) and any a figure, the regulation is controlling.

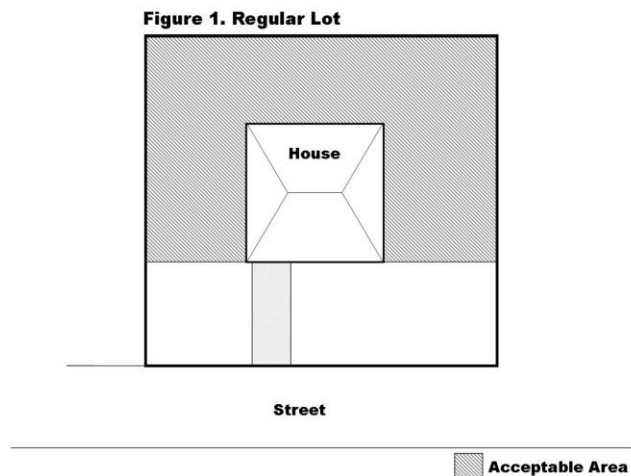


Figure 2. Corner Lot

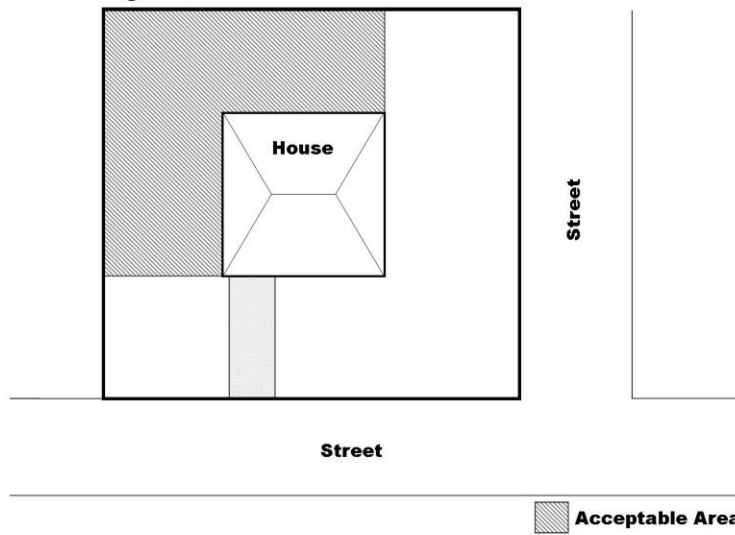


Figure 3. Double Frontage Lot

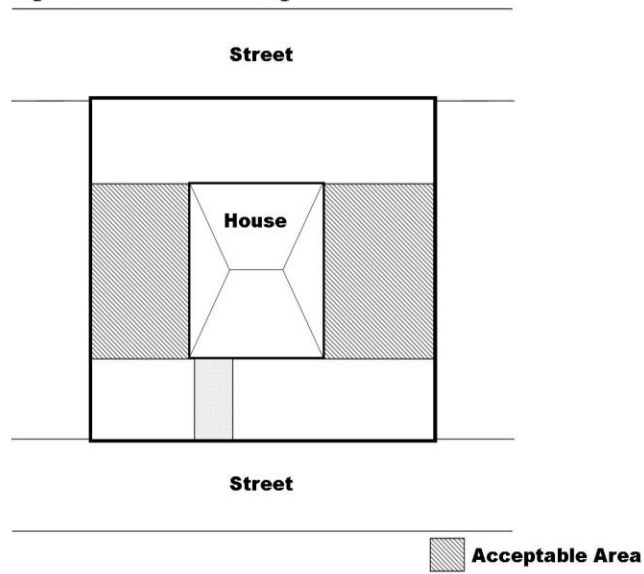


Figure 4. Lot with Alley

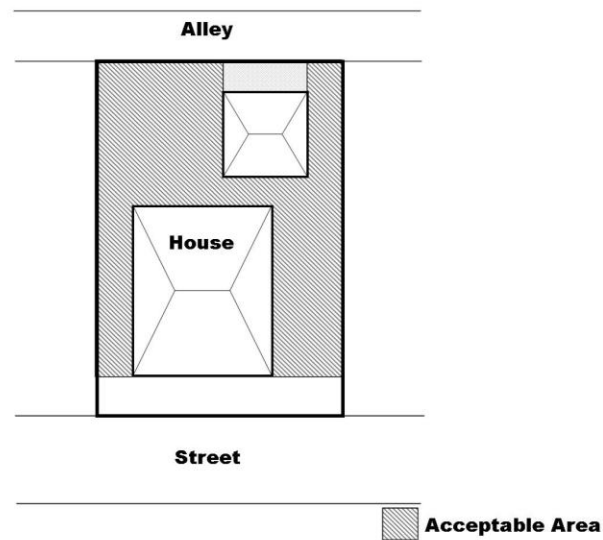
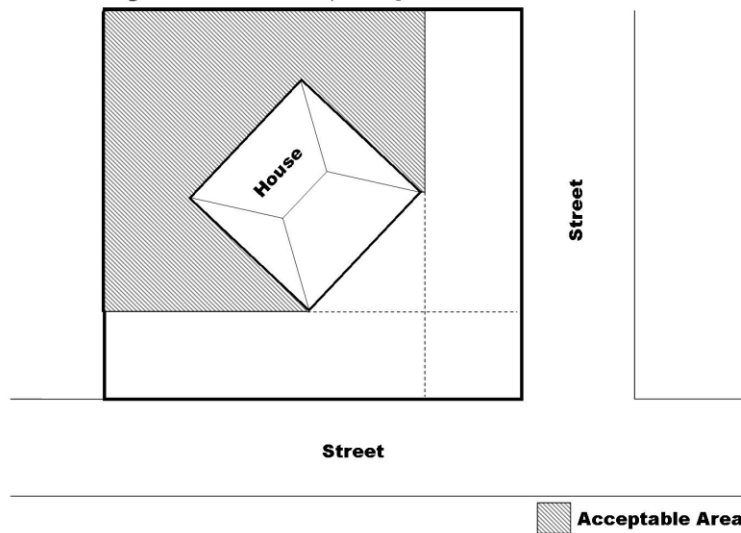


Figure 5. Corner Lot, Non-parallel Orientation



(§ 4.12.5, 12-10-80; § 4.13, 12-10-80; 1-1-84; 6-10-87; Ord. 03-18(1), 2-5-03; Ord. 13-18(6), 11-13-13, effective 1-1-14)

State law reference(s)—Va. Code §§ 15.2-905, 15.2-2280.

Marsha Alley

From: Bart Svoboda
Sent: Wednesday, October 1, 2025 3:55 PM
To: Marsha Alley; Francis MacCall
Subject: Fw: 1701 Old Forge Rd inspection
Attachments: ZCPLT-2025-00139 10.1.25.pdf

FYI

Get [Outlook for iOS](#)

From: Sarah Surratt <ssurratt2@albemarle.org>
Sent: Wednesday, October 1, 2025 3:35:29 PM
To: Bart Svoboda <bsvoboda@albemarle.org>
Cc: Lisa Green <lgreen2@albemarle.org>
Subject: 1701 Old Forge Rd inspection

Good afternoon Bart,

I conducted an onsite visit today at 1701 Old Forge Rd (ZCPLT-2025-00139) to observe whether any progress has been made to bring the property into compliance. The condition of the property remains unchanged, with no progress observed.

Please see the attached photos for reference from today's visit. All photos were taken from the public roadway, as Mr. King previously stated that he did not want me on the property and has now posted several "Private Property" signs.

Thank you,

Sarah Surratt
Code Compliance Officer I, CZO
[Albemarle County](#)

ssurratt2@albemarle.org
434-296-5832 Ext 3707
401 McIntire Rd, Charlottesville, VA 22902

This e-mail is not intended to be and shall not be deemed to be an official order, requirement, decision or determination made by the Zoning Administrator.

ZCPLT-2025-00139
1701 Old Forge Rd
2025-10-1

By Sarah Surratt















APZ-2025-002
Information submitted by Appellant



County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

401 McIntire Road, North Wing
Charlottesville, VA 22902-4579
Telephone: 434-296-5832
WWW.ALBEMARLE.ORG

NOTICE OF OFFICIAL DETERMINATION OF VIOLATION

The Date this Notice of Determination is given is September 5, 2025.

No: ZCPLT-2025-00139

CERTIFIED MAIL # 7021-0350-0000-3827-2565

Andrew Gee King
1701 Old Forge Rd
Charlottesville, VA 22901

CERTIFIED MAIL # 7021-0350-0000-3827-2558

Andrew Gee King
536 Pantops Center #111
Charlottesville, VA 22911

CERTIFIED MAIL # 7021-0350-0000-3827-0493

Andrew Gee King
1306 Saint Clair Ave, Unit A
Charlottesville, VA 22901

Properties: Parcel ID 060A0-05-0A-00100

Zoning: Residential [R4] District

Andrew Gee King
Owner of Record

Dear Andrew Gee King:

This notice is to inform you that the above-described Property is in violation of the Albemarle County Zoning Ordinance. This conclusion is based on the following observations of the above-described Property by a Code Compliance Officer on **September 4, 2025**.

- 1. The storage of multiple commercial vehicles, equipment and materials on this parcel constitutes a storage yard and is not a permitted use.**
- 2. The accumulation of auto parts, wood, plastic, household furniture and other miscellaneous materials on this property constitutes a junkyard and is not a permitted use.**
- 3. No truck with a gross weight of 12,000 pounds or major recreational equipment shall be parked in any residential district.**

Because this use of the Property or structure did not pre-exist the applicable Zoning Ordinance, it cannot be considered legal but non-conforming use or structure. Accordingly, the following section of the Zoning Ordinance has been violated:

- 1. Albemarle County Code §18-15.2 Permitted Uses**
- 2. Albemarle County Code §18-15.2 Permitted Uses**
- 3. Albemarle County Code §18-4.12.3(b.2)**

This violation of the Zoning Ordinance is unlawful, and may be subject to civil penalties, criminal penalties, injunctive relief and/or other remedies, pursuant to *Albemarle County Code § 18-36*.



COUNTY OF ALBEMARLE
Community Development Department
401 McIntire Road, Room 227
Charlottesville, Virginia 22902-4596

FAX (434) 972-4126

TELEPHONE (434) 296-5832

TTD (434) 972-4012

WHAT HAPPENS AFTER THE NOTICE OF VIOLATION:

The County's goal is voluntary compliance. If you come into compliance by the deadline cited in your letter, no further action will be taken against you. However, if you do not come into compliance and/or make significant progress towards compliance by the deadline cited in the letter, the County may proceed with a warrant in debt action in Albemarle County General District Court seeking civil penalties. The warrant in debt will be served by the Albemarle County Sheriff's Department.

Depending on the nature of the zoning violation cited, the first civil penalty will be \$200. Each civil penalty that follows is \$500. The County may issue a civil penalty once every ten (10) days until the property comes into compliance. Within three months, it is possible that a property in violation could be fined as much as \$5,000.

Paying the civil penalties does **not allow the zoning violation to continue.** The County may continue seeking civil penalties as often as every 10 days until the property comes into compliance with the Zoning Ordinance.

APZ-2025-002
Public Comments as of 11/14/25

Marsha Alley

From: Francis MacCall
Sent: Tuesday, November 18, 2025 11:51 AM
To: Marsha Alley
Subject: FW: Violations at 1701 Old Forge Road

Francis

From: Rodney Smith <smitrod65@gmail.com>
Sent: Friday, November 14, 2025 8:11 AM
To: Francis MacCall <FMACCALL@albemarle.org>
Cc: Tom Horton <tomhortonva@gmail.com>
Subject: Violations at 1701 Old Forge Road

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

I am a resident of the Old Forge community, which sits off Georgetown Road just west of the Charlottesville City Limits. I understand there is to be a Board of Zoning Appeals hearing on December 2 regarding zoning violations at 1701 Old Forge Road. This is to provide the Board with a neighbor's perspective.

Our community has a single entrance off Georgetown Road. 1701 Old Forge sits at that entrance. It is the first property one sees on entering the neighborhood and the last on departing, and in the three years I have resided here, it has been a persistent eyesore. There are various heavy trucks and trailers parked there at all times, despite the property being zoned residential. I'm told the property has been the subject of complaints in the past, and I appreciate the Board having taken this current action.

Rod Smith
102 Cannon Place
Charlottesville

Marsha Alley

From: Francis MacCall
Sent: Tuesday, November 18, 2025 11:51 AM
To: Marsha Alley
Subject: FW: 1701 Old Forge Road violations hearing

Francis

From: Diane Krehmeyer <dianekrehmeyer@gmail.com>
Sent: Friday, November 14, 2025 10:26 AM
To: Francis MacCall <FMACCALL@albemarle.org>
Cc: Dean Krehmeyer <KrehmeyerD@darden.virginia.edu>
Subject: 1701 Old Forge Road violations hearing

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Dear Mr. MacCall,

For the last 21 years, we have resided at 107 Sturbridge Road in the Old Forge Road community of Albemarle County, a community of 55 single-family homes built in the 1960s that sits off Georgetown Road, just west of the Charlottesville City Limits.

We understand there is to be a Board of Zoning Appeals hearing on December 2 regarding zoning violations at 1701 Old Forge Road, and we wanted to provide our thoughts to the Board of Zoning regarding the long-standing violations that have occurred at this location.

Our community has a single entrance off Georgetown Road, and 1701 Old Forge sits at that entrance. Every neighbor has to pass this property every time we enter or depart the neighborhood. In all of our time here, the property has been neglected, and frequently used as an illegal commercial storage space.

Back in 2018, we were successful in working with Keith Bradshaw at the County to bring the property owners, the Kings (now son Andrew King, as his parents are deceased) to court to have them fined for their illegal outdoor storage of commercial vehicles, cigarette machines, refrigerators, and other appliance-type items that belong in a junkyard.

What we have found is that the minute Mr. King is fined and forced to clean up the property, he slowly begins the process all over again, adding one decrepit vehicle/appliance at a time, until the neighborhood gets fed up and files complaints with the County. We did this again back in 2023, but at that time could not get the County's attention, so the situation has worsened to where it is finally bad enough to hopefully be dealt with this time. We don't know what recourse we as property owners have

against repeat offenders, but this endless use of our time and waste of taxpayer dollars taking him to court is very tiresome.

We find the property not only to be an eyesore, but also hazardous, with many rusty pieces of equipment scattered throughout the front yard, along with ancient commercial trucks (with antique license plates, which we guess is supposed to explain why they never move), often with expired tags. We have a number of children in this neighborhood, and we would like to think they are safe to play here, but this property does not feel safe.

Finally, it seems unreasonable that 54 out of 55 houses are able to remain compliant with Albemarle County law, but are also somehow at the mercy of the one individual who regularly evades legal responsibility to care for his property. Thank you for your attention to this issue. We are grateful to the County for its efforts to help.

Sincerely,
Diane and Dean Krehmeyer
107 Sturbridge Road
Charlottesville

,

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.

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

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

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

6. New Business

A. Budget Discussion

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

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

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

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

The Board of Zoning Appeals went into a closed session.

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

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

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

B. Upcoming Meeting Information

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

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

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

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

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

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

1
2 Mr. Herrick explained that there are two cases that involve Mr. Kostelac personally; one of which is
3 Koste Lake, which involves a parcel in the Keswick area and is pending before the Circuit Court. The
4 other is Polo G. He noted that he was unsure of the status of that case.
5

6 Mr. Svoboda addressed the board stating that the Koste Lake case is the tree cutting case in the Keswick
7 area which is pending before the Circuit Court as Mr. Herrick stated. He added that the other case is off
8 of Polo Grounds Road, hence the name Polo G. He stated that the case did go to General District court
9 and based on notice issues, the letters were re-sent. He noted that the case is moving along; staff is
10 working with Mr. Kostelac to get permits for those structures, if possible, while assisting him in
11 navigating the issues related to streams and other features on the property with DCR and other agencies.
12

13 Mr. Shepherd asked if it is possible to permit those structures after the BZA's findings.
14

15 Mr. Svoboda stated he did not recall the particulars of the case at the moment but that with the structures
16 being industrialized buildings, there were some issues with the labeling and uses of the buildings. He
17 noted that staff is working to determine how the structures are classified through the building code. He
18 added that currently, Mr. Kostelac has been asked to either remove the structures because they have no
19 permits or apply for permits so that staff can identify what he is proposing. He stated that he cannot make
20 a ruling on something for which he has no information.
21

22 Mr. Shepherd stated that his personal opinion would be that this is a thing decided.
23

24 There was no additional business to discuss.
25

26 Mr. Carrington welcomed Jennifer Tevendale, Senior Assistant County Attorney, and noted that the board is
27 looking forward to working with her.
28

29 **7. Adjournment**

30
31 **MOTION:** Mr. Rosenberg moved to adjourn the meeting. Mr. Shepherd seconded the motion, which
32 passed unanimously (4-0).
33

34 The meeting adjourned at 2:46 p.m.
35

36 (Recorded and prepared by Marsha Alley)
37

38 Respectfully Submitted,
39
40
41
42

43 John Shepherd, Secretary Board of Zoning Appeals

Date

44
45 *This meeting may be viewed at <https://www.youtube.com/watch?v=y8TyjX7Uw8w>



Board of Zoning Appeals (BZA)

Provide the day, time, and location for the upcoming meeting schedule.

Only report attendance for members appointed by the Albemarle County Board of Supervisors and Albemarle County Board of Supervisor members who serve on the public body.

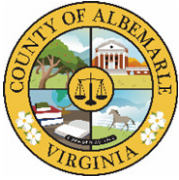
Enter the dates the meetings were held in the first row under “Meeting Dates” and enter “P” for present, “A” for absent, and “R” for resigned in the corresponding member attendance columns. If a member’s term expired during the reporting period, leave the boxes empty after the term expiration.

Provide a summary of the of the past year's key activities and activities that support your mission. You may include milestones, accomplishments, and challenges.

Please refer to the attached 2025 BZA Annual Report

Designated Point of Contact: Bart Svoboda

Prepared By: Marsha Alley



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:

<u>Member</u>	<u>Term Expiration</u>
<i>Marcia Joseph</i>	Reappointed May 23, 2025 for a five-year term to expire May 23, 2030.
<i>Kurt Burkhardt</i>	Appointed May 6, 2021 for a five-year term to expire May 24, 2026.
<i>John Shepherd</i>	Appointed May 23, 2022 for a five-year term to expire May 23, 2027.
<i>Edward "Bo" Carrington</i>	Reappointed May 22, 2023 for a five-year term to expire May 23, 2028.
<i>Ronald Rosenberg</i>	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.

<u>Application #</u>	<u>Appellant or Project Name</u>	<u>Issue</u>	<u>Action</u>
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.

<u>Application #</u>	<u>Applicant or Project Name</u>	<u>Issue</u>	<u>Action</u>
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.

APZ-2025-002
1701 Old Forge Road - Appeal

Additional Information Provided
after Initial Distribution

MAYNARD SIPE LAW PLC
420 PARK STREET
CHARLOTTESVILLE, VA 22902
434-249-9134

24 November 2025

Francis MacCall, Deputy Zoning Administrator
Community Development Department
County of Albemarle
401 McIntire Road
Charlottesville, VA 22902

Re: Appeal to Board of Zoning Appeals - APZ-2025-00002

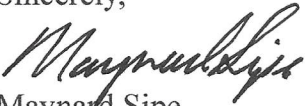
Dear Mr. MacCall,

I represent Mr. Andrew King, who was served with a Notice of Official Determination of Violation (ZCPLT-2025-00139) that alleged three zoning violations on Mr. King's property located in Albemarle County at 1701 Old Forge Road and identified in Albemarle County records as Tax Map Parcel 060A0-00-00-00100.

Mr. King filed an appeal of this Notice prior to hiring me to represent him (APZ-2025-00002). The appeal hearing has been scheduled for the December 2, 2025 Board of Zoning Appeals. This December hearing date conflicts with another standing commitment I have which cannot be rescheduled. I thus must ask the BZA for a continuance of the matter to their meeting scheduled for January 6, 2026. I can commit to the January 6 date.

A continuance would also be warranted as I have submitted a letter to Ms. Lisa Green, Manager of Code Compliance, offering to abate one of the alleged violations within the next two weeks and explaining why the other allegations do not actually comprise violations. A continuance would permit a bit more time for me to work with staff to potentially resolve all of the alleged violations.

Sincerely,



Maynard Sipe

cc: Lisa Green
Andrew King

MAYNARD SIPE LAW PLC
420 PARK STREET
CHARLOTTESVILLE, VA 22902
434-249-9134

21 November 2025

Lisa Green, Manager of Code Compliance
Community Development Department
County of Albemarle
401 McIntire Road
Charlottesville, VA 22902

Re: Notice of Official Determination of Violation ZCPLT-2025-00139

Dear Ms. Green,

I represent Mr. Andrew King, who was served with a Notice of Official Determination of Violation which alleged three violations of regulations set forth in Albemarle County's zoning ordinance exists on Mr. King's property located at 1701 Old Forge Road and identified in the County's records as Tax Map Parcel 060A0-00-00-00100 (the "Property").

The first alleged violation is that "storage of multiple commercial vehicles, equipment and materials on this parcel constitutes a storage yard and is not a permitted use."

The second alleged violation is that "the accumulation of auto parts, wood, plastic, household furniture and other miscellaneous materials on this property constitutes a junkyard and is not a permitted use."

The third and final alleged violation is that "[n]o truck with a gross weight of 12,000 pounds or major recreational equipment shall be parked in any residential district."

As to the first violation, the zoning ordinance defines a storage yard as "an area used for parking, storing and/or maintaining equipment, vehicles and materials used off-site in the trade, business or other commercial or industrial activity of the owner or occupant." Mr. King does not use the equipment, vehicles and materials located on his property to engage in any trade, business or other commercial or industrial activity. The equipment, vehicles and materials located on his property are solely for his occasional personal use, particularly maintaining his real properties. The trucks located on his property are registered with the Division of Motor Vehicles (DMV) as antique vehicles and thus cannot be used for commercial or industrial activities.

The second allegation revolves around various items of personal property that were present in Mr. King's front yard at the time your staff made an inspection. Mr. King is in the midst of clearing out the residence on the property following the death of his mother. This naturally involves temporarily moving some items out of the house and garage. Items of personal property set in the

driveway include a wooden work bench, patio furniture in good condition and a replacement door for a van owned by Mr. King.

A junkyard is defined in the County's zoning ordinance as:

Junkyard. "Junkyard" means any land or structure used for the abandonment, baling, collection, dismantling, maintenance, recycling, sale, salvaging, storage, or wreckage of junk.

Mr. King is not engaged in any of the activities or uses cited in the definition. The small amount of personal property items temporarily placed in the driveway and yard do not rise to the level of a "junkyard." Nevertheless, I have discussed with Mr. King clearing the driveway and yard of various personal items which he has agreed to do. This should be completed within the next two weeks.

The third and final alleged violation is that under Section 18-4.12.3(b.2) of the zoning ordinance, "[n]o truck over a gross weight of 12,000 pounds shall be parking in any residential district." This appears to be a misreading of the zoning ordinance's language.

Section 18-4.12.3(b.2) states:

Trucks with minimum gross vehicle weight or major recreational equipment. No truck with a gross vehicle weight of 12,000 pounds or major recreational equipment shall be parked in any residential district other than the rural areas (RA) zoning district, except for purposes of making pickups or deliveries, in any location other than an off-street parking area shown on an approved site plan or subdivision plat. (Emphasis added).

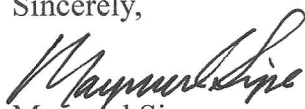
This language does not completely prohibit trucks over 12,000 pounds from being parked in any residential district. Rather, it limits them to being parked in "an off-street parking area shown on an approved site plan or subdivision plat." The intent of this limitation is to prevent the parking of large trucks along streets, or in yards or other areas of residential lots not designed and intended for the parking of vehicles.

Mr. King's two truck are neatly parked on a paved off-street parking area which is intended for parking of vehicles on the lot. They are thus not parked in violation of Section 18-4.12.3(b.2).

I would appreciate the opportunity to schedule a meeting or conference call with staff to discuss the alleged violations and the points I have addressed here. As noted, my client will take steps that should abate the alleged junkyard on the property. I request scheduling a site visit by your staff in the next couple weeks to confirm this has been satisfactorily accomplished.

I appreciate the opportunity to work with you to resolve this matter. If any questions arise or to schedule the site visit requested, I can be reached at 434-249-9134.

Sincerely,


Maynard Sipe

cc: Andrew King

Marsha Alley

From: Andy Herrick
Sent: Wednesday, November 26, 2025 9:34 AM
To: Marsha Alley
Cc: Bart Svoboda; Francis MacCall; Jennifer Tevendale
Subject: RE: Request for Continuance of BZA case - APZ-2025-00002
Attachments: King Request for BZA Continuance APZ-2025-00002.pdf

Marsha,

I understand that Mr. King's counsel has just requested a continuance of his appeal, which has been advertised for December 2. Given both (a) the lateness of this request, well after the public hearing has been scheduled and advertised, and (b) the number of neighbor complaints received, the County objects to this request, and would like to be heard by the BZA on the requested continuance.

Moreover, as noted in the staff report, the County would like to be heard first on a motion to dismiss, given the appellant's failure to file any grounds for the appeal. If granted, a motion to dismiss would dispose of both the appellant's motion to continue and the underlying appeal itself.

In short, the County would anticipate the following order for the public hearing:

1. County's motion to dismiss the appeal
2. Appellant's motion for continuance (if the County's motion to dismiss not granted)
3. Underlying appeal (if neither prior motion granted)

Regardless of the outcome of this public hearing, the BZA meeting should still proceed as scheduled, as the BZA has other business besides this public hearing.

I'd suggest sharing both the appellant's request for a continuance and the County's response with both the BZA and the appellant (through his attorney). Please let me know of any questions. Thank you.

Andy Herrick

Albemarle County Attorney

[Albemarle County](#)

aherrick@albemarle.org

434-972-4067

401 McIntire Road, Suite 325, Charlottesville, VA 22902

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From: Maynard Sipe <sipelawfirm@gmail.com>
Sent: Tuesday, November 25, 2025 2:03 PM
To: Francis MacCall <FMACCALL@albemarle.org>
Subject: Request for Continuance of BZA case - APZ-2025-00002

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Francis,

Attached is a letter requesting a continuance of the BZA appeal by Mr. King. I am unavailable on December 2 due to a prior commitment that cannot be altered.

A continuance would also allow time to possibly resolve the alleged violations. I have sent a letter to Ms. Green addressing them.

Also, I know that advertisements and notices of the public hearing were sent out, but if the BZA would take up the matter from its agenda and approve the continuance at its meeting, further advertising would not be necessary.

I will be in touch. Thank you for your consideration in this matter.

Sincerely,
Maynard
434-249-9134

Francis MacCall

From: James Johnston <jamesc_johnston@comcast.net>
Sent: Sunday, November 23, 2025 2:25 PM
To: Francis MacCall
Subject: 1701 old Forge road violations

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Dear Mr. MacCall,

For the last 17 years We have lived ion 1708 Old Forge Road in a community of Albemarle County, a community of 55 single-family homes built in the 1960s that sits off Georgetown Road, just west of the Charlottesville City Limits.

We understand there is to be a Board of Zoning Appeals hearing on December 2 regarding zoning violations at 1701 Old Forge Road, and we wanted to provide our thoughts to the Board of Zoning regarding the long-standing violations that have occurred at this location.

Our community has a single entrance off Georgetown Road, and 1701 Old Forge sits at that entrance. Every neighbor has to pass this property every time we enter or depart the neighborhood. In all of our time here, the property has been neglected, and frequently used as an illegal commercial storage space. taking him to court is very tiresome.

We find the property not only to be an eyesore, but also hazardous, with many rusty pieces of equipment scattered throughout the front yard, along with ancient commercial trucks (with antique license plates, which we guess is supposed to explain why they never move), often with expired tags. We have a number of children in this neighborhood, and we would like to think they are safe to play here, but this property does not feel safe.

Finally, it seems unreasonable that 54 out of 55 houses are able to remain compliant with Albemarle County law, but are also somehow at the mercy of the one individual who regularly evades legal responsibility to care for his property. Thank you for your attention to this issue. We are grateful to the County for its efforts to h

Nina and Jim Johnston

Sent from my iPhone
Jim Johnston

Francis MacCall

From: Patricia Phillips <pPhillips692@gmail.com>
Sent: Wednesday, November 19, 2025 10:39 PM
To: Francis MacCall
Subject: 1701 Old Forge Rd Violations Hearing

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Dear Mr. MacCall,

We have lived at 1711 Old Forge Road for eleven years. We would like to add our voices to those of our neighbors, in asking the County to effectively deal with longstanding and repeated zoning violations by Mr. Andrew King, owner of the property at 1701 Old Forge Road.

Our Old Forge neighborhood is a special community of friends and neighbors. We take pride in maintaining our homes and yards in a way that adds to our enjoyment and expresses respect for our neighbors and the community at large.

Each time we turn into Old Forge Road, or pass Mr. King's property on our way onto Georgetown Road, we get a little angry. Angry at Mr. King for the mess that is his yard, and disappointed that the County has not been successful in bringing Mr. King into permanent compliance.

We plan to attend the Hearing on December second, and hope for a fair and effective outcome.

Sincerely,

Pat and Randy Phillips
1711 Old Forge Road
Charlottesville

Marsha Alley

From: Francis MacCall
Sent: Monday, December 1, 2025 1:16 PM
To: Marsha Alley
Subject: Fw: 1701 Old Forge Road

Another one to get to the B BZA for the meeting.

Francis

From: Gretchen Arnold <gretchenarnold@gmail.com>
Sent: Friday, November 28, 2025 2:42:04 PM
To: Francis MacCall <FMACCALL@albemarle.org>
Subject: 1701 Old Forge Road

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Hello Ms MacCall

I would like to express my concern about the conditions of the property located at 1701 Old Forge Road. For many years this property has existed as an eyesore in an otherwise properly maintained neighborhood. It serves as a commercial storage site for numerous numbers of heavy equipment and vehicles. The equipment and the overall sad sate of the property reflects negatively on other properties. There seems to be a willful disregard on the part of the resident to make any improvements and a consistent pattern of worsening conditions.

I strongly encourage the County to exert all efforts to force the resident to rectify this issue immediately and to extol upon him the importance of not letting it deteriorate again. Other community members are entitled to live in a respectfully maintained neighborhood where members abide by local ordinances

Thank you very much much for allowing me to share my thoughts.

Respectfully

Gretchen Arnold
106 Whetstone Pl

Sent from my iPhone