



County of Albemarle  
**COMMUNITY DEVELOPMENT DEPARTMENT**

401 McIntire Road, North Wing  
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**ALBEMARLE COUNTY BOARD OF ZONING APPEALS**  
**AGENDA**  
**TUESDAY, SEPTEMBER 1, 2026 at 2:00 P.M**  
**LANE AUDITORIUM**

1. Call to Order
2. Establish a Quorum
3. Public Hearings:
  - A. There are no public hearings scheduled.
4. Approval of Minutes
  - A. [March 3, 2026](#)
5. Old Business
6. New Business
  - A. BZA Legal Services Contract renewal for FY2026-27
    - i. Convene to Closed Meeting under *Virginia Code* § 2.2-3711(A)(1) – to discuss, consider, or interview prospective candidates for employment – BZA Legal Services Contract renewal for FY2026-27
    - ii. Reconvene to Open Meeting – Certify Closed Meeting
    - iii. Take Action on business discussed during Closed Meeting, if applicable
  - B. [BZA Annual Report](#)
  - 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.

**ALBEMARLE COUNTY BOARD OF ZONING APPEALS  
REGULAR MEETING  
TUESDAY, MARCH 3, 2026—2:00 P.M.**

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

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, Deputy County Attorney

BZA Attorney: James Bowling, IV

**1. Call to Order**

The meeting was called to order at 2:00 p.m. by Deputy Zoning Administrator Francis MacCall.

**2. Establish a Quorum**

Mr. MacCall established a quorum.

The following members were present: Kurt Burkhart, John Shepherd, Marcia Joseph, Ronald Rosenberg, and Edward Carrington.

The following members were absent: None.

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

**3. Annual Organizational Meeting**

**A. Election of Officers**

Mr. Carrington nominated a slate of officers as follows: Mr. Burkhart as Chair, Mr. Rosenberg as Vice Chair, and Ms. Joseph as Secretary. Mr. Shepherd seconded the nomination.

Given no additional nominations, Mr. MacCall closed the floor to nominations. The nominees accepted the nomination.

**MOTION:** Mr. Carrington motioned to elect the slate of officers as follows: Mr. Burkhart as Chair, Mr. Rosenberg as Vice Chair, and Ms. Joseph as Secretary. Mr. Shepherd seconded the motion, which passed unanimously (5-0). Mr. Burkhart took his seat as Chair.

**B. Review and Re-Adopt Rules of Procedures**

Mr. Burkhart reviewed the procedure for amending or readopting the Rules of Procedure. After discussion by the BZA, there were no proposed amendments.

**MOTION:** Mr. Rosenberg motioned to re-adopt the Rules of Procedure as presented. Mr. Carrington seconded the motion, which passed unanimously (5-0).

### **C. Review and Adopt 2026 Meeting Schedule**

Mr. Burkhart asked the members to review the proposed schedule and provide any dates that may present a conflict. Mr. Carrington and Mr. Rosenberg mentioned that they would be unavailable for the April 7, 2026 date. There was discussion regarding the April date and a likely appeal being scheduled. It was noted that the appellant is working with staff to abate the violation and may be withdrawn; therefore, the April meeting may not be held.

**MOTION:** Mr. Carrington moved to adopt the 2026 Meeting Schedule as presented. Mr. Rosenberg seconded the motion, which passed unanimously (5-0).

### **4. Public Hearings**

**A.** There were no public hearings scheduled for this meeting.

### **5. Approval of Minutes**

#### **A. December 2, 2025**

Ms. Joseph pointed out that on page 2 of the minutes, packet page 14, the statement reads that Mr. Sipe *presented a letter*. She noted that a letter was not presented to the BZA and asked that the wording be revised to *referred to a letter*. Mr. Shepherd asked that the signature line reflect the newly elected Secretary as he did not attend that meeting and the signature would occur after the recent election.

**MOTION:** Mr. Shepherd moved to approve the minutes for December 2, 2025, with the proposed revisions. Mr. Rosenberg seconded the motion, which passed (4-0). (Mr. Carrington abstained as he was not present at the December meeting.)

### **6. Old Business**

#### **A. Budget Update**

Mr. Burkhart asked staff for a budget update. Mr. Svoboda stated that the departmental budget has been submitted for review by the Board of Supervisors. He added that the \$1,000 increase (from \$5,000 to \$6,000) in the Professional Legal Services line item was included in that request. Mr. Burkhart asked if there had been any mention regarding alternate appointments for the BZA. Mr. Svoboda stated that there had not been any mention of alternate members. Ms. Joseph informed the members that she had spoken with Fred Missel, recently elected BOS member, and that she has shared with him the information that had been previously shared with the previous Board members. Mr. Shepherd shared that he believes it is important to have an alternate member.

#### **B. Application Process Questions**

Mr. Burkhart introduced the item and asked staff to provide insight. Mr. Svoboda stated that the heading had been included on the agenda due to the expressed interest in the application process at the previous meeting. He reviewed how staff assist applicants at the lobby kiosks. Mr. MacCall explained that forms are not used as the submittal is electronic. Ms. Joseph voiced concern regarding the potential for an applicant not understanding information included by the assistance of staff. Mr. Shepherd suggested that an affidavit be used to declare that the applicant acknowledges that assistance was received and that staff assure that any assistance was provided at the direction of the applicant.

1 **7. New Business**

2  
3 **A. Upcoming Meeting Information**

4 Mr. MacCall informed the BZA of a submitted appeal that is currently scheduled for the April meeting.  
5 He added that the appellant may consider withdrawing the appeal as it is likely that the issue will be  
6 abated before the April meeting.  
7

8 **8. Adjournment**

9  
10 **MOTION:** Ms. Joseph moved to adjourn the meeting. Mr. Carrington seconded the motion, which passed  
11 unanimously (5-0).  
12

13 The meeting adjourned at 2:38 p.m.

14  
15 (Recorded and summarized by Marsha Alley)

16  
17 Respectfully Submitted,  
18  
19  
20  
21

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22 Marcia Joseph, Secretary Board of Zoning Appeals  
23

24 \*This meeting may be viewed at <https://youtu.be/ubmR4TEYDK0>.



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**ALBEMARLE COUNTY BOARD OF ZONING APPEALS**

**FY2026 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, 2025, through June 30, 2026 (FY2026).

**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 FY2026 were:

| <b><u>Member</u></b>          | <b><u>Term Expiration</u></b>                                          |
|-------------------------------|------------------------------------------------------------------------|
| <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. |
| <i>Marcia Joseph</i>          | Reappointed May 23, 2025, for a five-year term to expire May 23, 2030. |
| <i>Kurt Burkhardt</i>         | Reappointed May 23, 2026, for a five-year term to expire May 23, 2031. |

**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 March 3, 2026.

**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 FY26, the Board of Supervisors provided funding for BZA compensation at the rate of \$88 per meeting. Compensation expenses for FY2026 totaled \$704.00.

The BZA continued its legal services engagement with James Bowling, IV, Esq. for FY2026 in the amount of \$350 per hour with an annual cap of \$5,000. Legal counsel expenses for FY2026 totaled \$3,850.

County staff working with the BZA included the Zoning Administrator, Deputy Zoning Administrator, County Attorney, Deputy County Attorney, Planners, Code Compliance Officers, and a Management Analyst III who serves as the Recording Clerk.

## V. ACTION SUMMARY

The BZA held two meetings in FY2026. The submittals and actions considered by the BZA are shown in the following tables:

### Appeals

One appeal was forwarded to the BZA in FY2026.

| <u>Application #</u> | <u>Appellant<br/>or<br/>Project<br/>Name</u> | <u>Issue</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>Action</u>                                                                                                                                                                                                                                                                   |
|----------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APZ-2025-002         | Andrew King                                  | <p>Appeal of a Notice of Official Determination of Violation (ZCPLT-2025-00139), dated September 5, 2025, finding three zoning violations:</p> <ol style="list-style-type: none"> <li>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.)</li> <li>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.)</li> <li>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))</li> </ol> | <p>On 12/2/2025, after considering all the arguments of counsel, the BZA dismissed the Appeal by a 3:0 vote due to the Appellant's failure to specify the grounds of the Appeal in accordance with <i>Virginia Code § 15.2-2311(A)</i> and <i>County Code § 18-34.3(C)</i>.</p> |

### Special Use Permits

No Special Use Permits were considered by the BZA in FY2026.

### **Variance**

No Variances were considered by the BZA in FY2026.

### **Business/Organizational Meetings**

An organizational meeting of the BZA was held March 3, 2026, to elect new officers and review procedural business.

In addition to the election of officers, the BZA also conducted the following business on March 3, 2026:

- The BZA voted affirmatively by a 5:0 vote to readopt the Rules of Procedure with no amendments.
- The BZA also voted affirmatively by a 5:0 vote to adopt the 2026 Meeting Schedule and the Minutes from the December 2, 2025, meeting with revisions.

### **VI. COURT ACTION**

During FY2026, one decision of the BZA was appealed to Circuit Court:

- In re: December 2, 2025, Decision of the BZA [APZ-2025-002] -- On December 30, 2025, Andrew King, Pro Se Petitioner, filed a Petition for Writ of Certiorari for the Circuit Court (Case No. CL25-2489) to review the December 2, 2025, 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.