



**BOARD OF ZONING APPEALS OF THE TOWN OF WARRENTON  
TOWN HALL  
21 MAIN STREET  
WARRENTON, VIRGINIA 20186**

**MINUTES**

**A REGULAR MEETING OF THE BOARD OF ZONING APPEALS WAS HELD ON JUNE 4, 2024, AT 5:00 P.M. IN WARRENTON, VIRGINIA**

**PRESENT** Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair; Mr. Geoffrey Fiutak; Ms. Heather Jenkins, Zoning Administrator; Ms. Amber Heflin, Zoning Official; Mr. Martin Crim, Town Attorney

**ABSENT**

**CALL TO ORDER AND DETERMINATION OF A QUORUM**

The meeting was called to order at 5:00pm. There was a quorum of members present.

**ELECTION OF OFFICERS**

Ms. Maybach motioned to keep the existing Chair and Vice Chair in their roles. Mr. Fiutak seconded. The vote was as follows:

***Ayes: Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;  
Mr. Geoffrey Fiutak***

***Nays:***

***Absent During Vote:***

**APPROVAL OF MINUTES**

**Draft Minutes – October 3, 2023, Meeting**

Ms. Maybach motioned to approve the minutes, and Mr. Fiutak seconded. All in favor. The vote was as follows:

**Ayes:** *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;  
Mr. Geoffrey Fiutak*

**Nays:**

**Absent During Vote:**

### **AGENDA REVISION**

Mr. Kovalik motioned to amend the agenda to include citizen's time to allow any citizen wishing to address the board to do so, and Mr. Fiutak seconded. All in favor. The vote was as follows:

**Ayes:** *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;  
Mr. Geoffrey Fiutak*

**Nays:**

**Absent During Vote:**

### **CITIZENS' TIME**

Mr. Kovalik opened citizens' time at 5:02 pm. No one spoke.

Mr. Kovalik closed citizens' time at 5:02 pm.

### **UPDATES**

#### **Remote Participation Policy**

Mr. Crim advised the Remote Participation Policy has come before the Board again due to changes in the Virginia State Code, requiring localities to re-adopt their electronic participation policies on an annual basis. He added there were also changes to the policy for Americans with Disabilities Act (ADA) requirements.

A discussion ensued regarding the policy, and what constitutes a disability as well as HIPAA requirements and the requirement to disclosure sensitive health information.

Mr. Crim clarifies all points of discussion regarding the State Code update.

There were no further questions.

#### **Discussion of Board By-Laws**

Ms. Heflin gave a brief overview of the draft By-Laws before the Board, stating the updates the Board requested have been made as well as additional revisions due to changes in the State Code.

Mr. Kovalik did not have any additional changes.

Mr. Fiutak asked to remove Articles 3-6(a) and 3-9 from the By-Laws citing redundancy. He added the information contained at the beginning of the By-Laws; Article 2-6 covers the

requirement for the Vice-Chair to assume the duties of the Chair in their absence.

Mr. Crim advised redundancy can be favorable. Mr. Kovalik agreed.

Ms. Heflin advised she would make the requested changes and bring the revised document forward next month for consideration.

There were no further questions.

Ms. Jenkins advised the Board that staff had additional items to share with the Board.

#### Board of Zoning Appeals Handbook

Ms. Heflin gave a brief overview of the handbook provided to the Board stating the handbook is a guide for use by the Board members. It contains pertinent information for their roles on the Board of Zoning Appeals such as frequently used references from Robert's Rules of Order, Freedom of Information Act/Conflict of Interest Act (FOIA/COIA), guidelines for motions/ meeting procedures, and staff contact information.

Ms. Heflin advised the board is not required to adopt this document as it is a reference document only.

The Board thanked Ms. Heflin for the information.

There were no further questions.

#### Discussion Regarding Retention of Legal Counsel

Mr. Kovalik expressed interest in obtaining separate legal counsel for the Board citing a recent appeal application.

Ms. Jenkins advised staff would look into this option.

Mr. Crim discusses ex parte communications with the Board.

Mr. Kovalik again expressed his concerns about the recent appeal application and felt it was appropriate for the Board to see any appeal application filed with the Town.

Mr. Crim advised the appeal in question is pending a circuit court determination.

Mr. Kovalik stated he feels the events have been dismissive of the Board functions.

Mr. Crim stated the issue in question is whether the appeal falls within the scope of The Board of Zoning appeals or should go to another body.

Mr. Kovalik outlined his interpretations of the by-laws in favor of hearing the appeal.

Mr. Crim reiterates that the matter is pending determination with the circuit court.

Mr. Kovalik states the Board is ready to hear the appeal should it come to them.

### Live Streaming of Meetings

Ms. Jenkins shared the projected cost of live streaming meetings with the Board.

Mr. Kovalik asked about the process to request streaming BZA meetings.

Ms. Jenkins advised a written request from the Board would be needed to submit for review and potential allocation of funding by the Town Council.

Mr. Kovalik asked if other Board members have questions and restates his reasons for pursuing this line of questioning.

Ms. Heflin advised the Board of Zoning Appeals is not the only body not providing live streamed meetings.

Mr. Crim clarified the process to request funding for live streaming.

Mr. Kovalik stated that he is open to cheaper alternatives that protect the character and integrity of the Board. He added transparency is paramount.

### Digital Devices

Ms. Jenkins advised no tablets are available for the Board currently and a motion to request them would be needed.

### July Board Meeting Discussion

Ms. Jenkins advised the Board the next scheduled meeting of the Board fell on the same week as a holiday and requested the Board provide their ability to attend a July 2<sup>nd</sup> meeting date.

All members of the Board advised they would be available to attend the July meeting.

There were no further questions or updates from staff.

### **ADJOURNMENT**

Mr. Fiutak motioned to adjourn. Ms. Maybach seconded, all in favor. No discussion. The vote was as follows:

**Ayes:**

**Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;  
Mr. Geoffrey Fiutak**

***Nays:***  
***Absent During Vote:***

The meeting was adjourned at 5:33pm.

**I hereby certify that this is a true and exact record of actions taken by the Board of Zoning Appeals of the Town of Warrenton on June 4, 2024.**

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Lawrence “Larry” Kovalik  
BZA Chair