



**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 OCTOBER 3, 2023, AT 5:00 P.M. IN WARRENTON, VIRGINIA

PRESENT Mr. Larry Kovalik; Ms. Melea Maybach; Mr. Amos Crosgrove; Ms. Heather Jenkins, Zoning Administrator; Ms. Amber Heflin, Zoning Official; Mr. Martin Crim, Town Attorney

PRESENT VIA ZOOM

ABSENT Ms. Betsy Sullivan

CALL TO ORDER AND DETERMINATION OF A QUORUM

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

APPROVAL OF MINUTES

Draft Minutes – September 9, 2023 Meeting

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

Ayes: Mr. Larry Kovalik, Chair; Ms. Melea Maybach; Mr. Amos Crosgrove

Nays:
Absent During Vote: Ms. Betsy Sullivan

UPDATES

Remote Participation Policy

Ms. Jenkins gave a brief overview of the remote participation policy and advised the Board did not currently have this policy in place but had previously expressed interest in remote participation at prior meetings.

Mr. Kovalik pondered if this policy was similar to those used by the Town Council and Planning Commission.

Ms. Jenkins confirmed the policy was the same.

Mr. Kovalik asked if Section Two of the policy requiring a reason for remote participation be publicly disclosed was HIPPA compliant.

Mr. Crim advised the reasoning for remote participation does not necessarily need to be specific, but noted the Board can deny a remote participation request if they are not in agreement.

There were no further questions.

Mr. Crosgrove Motioned to approve the remote participation policy as presented, Seconded by Ms. Maybach. All in favor. The vote was as follows:

Ayes: *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;
Mr. Amos Crosgrove*

Nays:

Abstention:

Absent During Vote: *Ms. Betsy Sullivan*

Board of Zoning Appeals- By-Laws Update

Ms. Jenkins gave a brief overview of the By-Laws the Board currently has in draft form. She added the last time these were adopted was in November of 1996, and these documents were provided to the Board to review at last month's meeting.

The Board discussed changes to Article 2 of the By-Laws which states, "one of the five members of the Board shall be an active member of the Planning Commission." The Board requested this be updated to say, "may also be an active member of the Planning Commission".

Mr. Crim advised he is not the Board of Zoning Appeals legal counsel, he represents the Town of Warrenton only.

Mr. Kovalik pondered what protections the board has against legal proceedings.

Ms. Heflin and Ms. Jenkins advised they would research this matter and bring their findings to the next meeting of the Board.

Discussion ensued regarding the granting of several variances for fencing and when the Zoning Ordinance text amendment process is triggered.

Mr. Crim stated the Planning Commission should be notified in some way that a text amendment may be required due to the increasing number of variances granted for the same request.

The Board requested deletion of Article 3-8 of the By-Laws which discusses vacancies occurring within the Board. The Board felt that Article 3-7 of the By-Laws covered this topic in its entirety.

Mr. Kovalik questioned the yearly report requirement under Article 5-10 of the By-Laws.

Mr. Crim advised the report is a statutory requirement and must be provided.

The Board discussed Article 7 of the By-Laws relating to procedures for hearing cases and questioned when discussion on a motion is appropriate.

Ms. Heflin recalled last month's Board meeting, where a second was not received for an active motion and discussion ensued on the active motion.

Mr. Crim advised no second on an active motion is required to have discussion on the motion.

Ms. Heflin asked if the Board had any further questions for Mr. Crim.

There were no further questions.

Ms. Heflin stated staff would revise the By-Laws for Board consideration, and requested if the Board felt they needed input from the Town Attorney, to let staff know as far in advance as possible.

The board agreed and there was no further discussion.

ADJOURNMENT

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

Ayes: *Mr. Larry Kovalik, Chair; Ms. Melea Maybach; Mr. Amos Crosgrove*

Nays:
Absent During Vote: *Ms. Betsy Sullivan*

The meeting was adjourned at 5:45pm.