



**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  
SEPTEMBER 3, 2024, AT 5:00 P.M. IN WARRENTON, VIRGINIA**

**PRESENT** Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair; Mr. Geoffrey Fiutak; Ms. Susan Helander; Mr. Van Baggett; Ms. Heather Jenkins, Zoning Administrator; Ms. Amber Heflin, Zoning Official

**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.

**APPROVAL OF AGENDA**

Mr. Kovalik asked for a motion.

Mr. Baggett motioned to approve the agenda. Ms. Maybach seconded. All in favor. The vote was as follows:

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

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

**APPROVAL OF MINUTES**

**Draft Minutes – August 6, 2024, Meeting**

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

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

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

## **PUBLIC HEARING**

### **BZA-24-2: 130-134 Haiti Street**

Mr. Kovalik requested an overview from staff.

Ms. Heflin gave a brief presentation on the proposed variance request, advising the request was for a 7' variance from the required 15' side yard setback requirement to reconstruct a triplex on the property.

Ms. Heflin advised the applicant was present for questions from the Board.

Mr. Kovalik asked the applicant to approach the dais.

Judge Ashwell, the applicant's representative, reiterated the reasoning for the variance and cited the need to provide affordable housing and Fauquier Habitat for Humanity's mission for the Haiti Street Neighborhood and its history.

Mr. Fiutak asked staff why a variance is being requested for new construction, citing Article 11-4 of the Zoning Ordinance as it relates to existing non-conforming uses and limitations on replacement of the structure.

Ms. Jenkins advised non-conforming structures that are granted a variance are not subject to the limitations on replacement found in Article 11-4.

Mr. Fiutak stated he did not interpret the Ordinance in that way and asked if the Town Attorney was present to offer an opinion.

Ms. Jenkins advised the Town Attorney was not available to attend the meeting.

There were no further questions.

Mr. Kovalik opened the public hearing at 5:18pm.

No one spoke.

Mr. Kovalik closed the public hearing at 5:18pm.

Mr. Kovalik asked for a motion.

Mr. Baggett motioned to approve variance application BZA-24-2. Ms. Helander seconded.

Ms. Maybach moved to amend the motion on the floor to include approval of the variance request as presented with suggested approval conditions by staff. Ms. Helander seconded. The vote was as follows:

**Ayes:** *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;  
Ms. Susan Helander; Mr. Van Baggett*  
**Nays:** *Mr. Geoffrey Fiutak*  
**Absent During Vote:**

There were no further questions.

## **WORK SESSION**

### **Closed Session-**

As permitted by Virginia Code § 2.2-3711 (A)(1), a personnel matter involving: Discussion, consideration, or interviews of prospective candidates for employment or appointment; OR assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town; specifically dealing with Board of Zoning Appeals legal representation.

Ms. Maybach moved to convene a closed session as permitted by Virginia Code § 2.2-3711 (A)(1), Councilmen Ms. Helander Seconded. All in favor. There was no discussion on the motion.

**Ayes:** *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;  
Mr. Geoffrey Fiutak Ms. Susan Helander; Mr. Van Baggett*  
**Nays:**  
**Absent During Vote:**

There was no further discussion on this item.

Mr. Fiutak moved to reconvene the board meeting after closed session as permitted by Virginia Code § 2.2-3711 (A)(1), Ms. Helander Seconded. There was no discussion on the motion.

**Ayes:** *Mr. Larry Kovalik, Chair; Ms. Melea Maybach, Vice Chair;  
Mr. Geoffrey Fiutak Ms. Susan Helander; Mr. Van Baggett*  
**Nays:**  
**Absent During Vote:**

## **UPDATES FROM STAFF**

### **October Board Meeting Discussion**

Ms. Jenkins advised the board will have an October meeting, and staff had received a variance request to allow a 8' fence on an Industrial zoned property off of Falmouth Street to be heard next month.

Ms. Heflin asked if the Board would be available to hold the meeting as regularly scheduled on October 1<sup>st</sup>.

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

There were no further questions or updates from staff.

### **ADJOURNMENT**

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

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

***Nays:***

***Absent During Vote:***

The meeting was adjourned at 6:06 pm.

**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 September 3, 2024.**

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Lawrence "Larry" Kovalik  
BZA Chair