



Office of the Town Manager

Frank Cassidy

STAFF REPORT

Warrenton Town Council

Carter Nevill, Mayor

Heather Sutphin, Ward 1

William Semple, Ward 2

Brett Hamby, Ward 3

James Hartman, Ward 4 Vice Mayor

Eric Gagnon, Ward 5

Paul Mooney, At Large

David McGuire, At Large

Council Meeting Date:	April 9 th , 2024.
Agenda Title:	Discussion of Board of Zoning Appeals Appointments
Requested Action:	Receive the update from Staff and consider direction of appointment of one new BZA member.
Department / Agency Lead:	Town Clerk
Staff Lead:	Stephen Clough

EXECUTIVE SUMMARY

At the December 12th, 2023, Regular Town Council Meeting, The Town Council initiated the process to fill vacancies on the Board of Zoning appeals. Town Staff advertised the vacancies in the Fauquier Times, on the Town’s website, and through the Town’s social media. Staff received three applicants and forwarded their information to the Circuit Court for consideration of the appointment.

On March 14th, 2024, the Circuit Court appointed Mr. Geoffrey P. Fiutak and Mr. Van Baggett to the Board of Zoning Appeals for a 5-year term ending March 14th, 2029.

Staff has subsequently received the resignation of Ms. Betsy Sullivan from the Board of Zoning appeals and her position will be vacant.

The Board of Zoning Appeals is a quasi-judicial body that is appointed by the Circuit Court, consisting of a minimum of five members that serve five-year terms. The BZA makes decisions on Variances, Appeals of a Zoning Administrator’s Determination, and the location of Zoning District boundaries when there is a disagreement.

The actions of the BZA are regulated by State Code, Section 15.2-2308. The BZA is strictly required to follow the process for appeals, standards for granting of Variances, and purpose for determining Zoning District boundaries as laid out in State Code. The BZA does not have the ability to rezone property, make changes to the Zoning Ordinance, or substantially change zoning district boundaries. When an applicant disagrees with the decision of the BZA, an appeal is made directly to the Circuit Court.

BZA members cannot hold any other public office, except that one member of the BZA may also be on the Planning Commission. Board members may be appointed for consecutive terms. If a Board member leaves prior to the end of their five-year term, a replacement is appointed only for the remainder of their term.

BACKGROUND

The Warrenton Board of Zoning Appeals (BZA) holds regular meetings on the first Tuesday of each month, as needed. The duties of the BZA are governed by Virginia State Code § 15.2-2309.

Members of the BZA are appointed by the Circuit Court of Fauquier County for a five-year term.

Current members:

- Geoffrey P. Fiutak -Term expires 2029- Newly Appointed
- Van Baggett- Term Expires 2029- Newly Appointed
- Larry Kovalik-Term expires 2026.
- Melea Maybach-Term expires 2026.
- Betsy Sullivan-Term expires 2026 – Resigned.

STAFF RECOMMENDATION

Staff recommends directing staff to advertise for the position, reviewing the applications for recommendations to the Circuit Court of Fauquier County for Appointment of vacancies as follows:

1. Staff must publish an advertisement for the vacancies in the local newspaper requesting letters of interest with a resume.
2. Staff must collect the letters of interest and provide them to the Town Council to receive recommendations for appointment of the vacancies to the Board.
3. Staff will submit all letters of interest, a copy of the advertisement, and a recommendation letter from the Town Council to the Chief Judge.
 - a. With the recommendation letter, staff must include the term length, start and end date, and which existing member(s) the applicant(s) would be replacing.

Service Level/Policy Impact

The State Code requires that a Board of Zoning Appeals must retain a minimum of three members for a quorum to hold a meeting. At this time, with the resignations received, the Board currently has four members. The current board bylaws state the board must consist of five members.

Fiscal Impact

No additional financial impact is expected at this time.

Legal Impact

The Board of Zoning Appeals will be unable to hold a meeting if a quorum of three members is not maintained.

ATTACHMENTS

- 1) BZA Bylaws
- 2) Order to appoint Two Members to the Town of Warrenton Board of Zoning Appeals Pursuant to Virginia Code Section 15.2-2308