



**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 AUGUST 1, 2023, AT 5:00 P.M. IN WARRENTON, VIRGINIA

PRESENT Mr. Larry Kovalik; Ms. Melea Maybach; Mr. Amos Crosgrove; Ms. Betsy Sullivan; Mr. Rob Walton, Director of Community Development; Ms. Heather Jenkins, Zoning Administrator; Ms. Amber Heflin, Zoning Official.

PRESENT VIA ZOOM

ABSENT

CALL TO ORDER AND DETERMINATION OF A QUORUM

The meeting was called to order at 5:05pm. There was a quorum of members present.

ELECTION OF OFFICERS

Ms. Heflin briefly speaks on the appointment of an official secretary.

Mr. Kovalik asks for clarifications on the criteria for and responsibilities of the official secretary.

Ms. Heflin provides the requested information.

Mr. Kovalik asks for any motions.

Ms. Maybach moves to appoint the Zoning Administrator or their designee to the position of Secretary. Mr. Kovalik seconds. All in favor.

Ayes: *Mr. Larry Kovalik, Chair; Ms. Melea Maybach; Ms. Betsy Sullivan*

Nays:

Absent During Vote: *Mr. Amos Crosgrove*

APPROVAL OF MINUTES

Draft Minutes – JUNE 6, 2023

Ms. Maybach motioned to approve the minutes for previous meetings, as presented. Mr. Kovalik Seconded. All in favor.

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

Nays:

Absent During Vote:

PUBLIC HEARING

BZA 2023-2 – 576 Galina Way

Ms. Heflin provides an overview of the application and the Boards previous review of the application during the June meeting.

Ms. Heflin provides a review of the criteria for a BZA decision.

Mr. Kovalik asks if there are any questions for staff.

Mr. Sullivan asks staff to clarify what is considered the rear plain of the house.

Ms. Heflin provides the clarification.

Mr. Kovalik asks if the public hearing was advertised to the surrounding residents and if responses were received.

Ms. Heflin responds.

Mr. Kovalik opens the public hearing at 5:14pm.

Mr. Travis Simoes, applicant and resident of 576 Galina Way, comes forward to speak.

Mr. Simoes provides further details to the Board, discussing the findings of the surveyor.

Mr. Kovalik asks for any other speakers.

No further speakers are present.

Mr. Kovalik closes the public hearing at 5:17pm.

Mr. Kovalik asks for any discussion or a motion.

Mr. Kovalik moves to deny the variance based on the following Board finding, the strict applications of the ordinance does not reasonably restrict utilization of the property, the strict applications of the ordinance does not alleviate a hardship due to the physical condition of the property or improvements thereof at the time of the effective date of the ordinance, the variance would be contrary to the intent and purpose of the ordinance, the granting of the would not result in substantial justice being done, the relief requested can be granted only through the modification of the zoning ordinance. No second, the motion fails.

Mr. Kovalik asks for another motion.

Mr. Cosgrove begins to motion to approve the variance.

Ms. Heflin advises that the board can discuss the issue in question.

Mr. Kovalik details his review of the property and the variance request along with his concerns for what approval of the variance request could invite.

Mr. Kovalik invites the applicant, Mr. Simoes, to come forward to speak.

Mr. Simoes outlines discussions with Town staff regarding the positioning of the proposed fence.

Mr. Kovalik asks for any other discussion.

Mr. Cosgrove asks about the effect that the storm water drain and easement on the property effects should have on the Boards consideration.

Mr. Kovalik responds with his considerations regarding the storm water issue easement and concerns that approval could set precedence for future variance requests.

Mr. Kovalik asks for any other discussion.

With no further discussion forthcoming, Mr. Kovalik asks the Board for a motion.

Mr. Cosgrove moves to approve the variance, with the applicants' fence not to exceed six feet in height and no portion of the fence over four feet in height shall extend closer to Galina way than the rear plain of the house. Seconded by Ms. Maybach.

Mr. Kovalik asks the Board for any discussion.

Mr. Kovalik asks that conditions be added to prevent the addition of illuminated post caps to the fence.

The vote was as follows:

Ayes:

Ms. Melea Maybach, Vice Chair; Mr. Amos Crossgrove; Ms. Betsy Sullivan

Nays: *Mr. Larry Kovalik, Chair*
Abstention:
Absent During Vote:

UPDATES

Ms. Heflin advises that there may be a September BZA meeting.
No updates from the Board.

ADJOURNMENT

Ms. Maybach motioned to adjourn. Mr. Kovalik seconded, all in favor. No discussion.

The meeting was adjourned at 5:36pm.