



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:	October 14 th , 2025.
Agenda Title:	BZA resignation- Request to advertise
Requested Action:	Authorize advertisement of an open BZA position.
Department / Agency Lead:	Town Clerk
Staff Lead:	Stephen Clough, CMC, Town Clerk

EXECUTIVE SUMMARY

On December 31st, 2024, Councilman Kovalik resigned his appointment to the Board of Zoning appeals to not conflict with state law due to his newly elected office. Ms. Elizabeth D. Scullin was appointed to the Board of Zoning Appeals on February 26th, 2025, to finish the remainder of his term which will end on December 31st, 2025. Ms. Scullin has stated that she will be seeking reappointment. The Courts have outlined that the process would remain the same for filling the vacancy after the expiration of her term.

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:

Charlie Mulliss- Term Expires March 14th, 2028.
Van Baggett- Term Expires March 14th, 2029.
Elizabeth D. Scullin- Term Expires December 31st, 2025.

Melea Maybach-Term expires April 2026.
Susan Helander – Term expires June 19th, 2029

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 will collect letters of interest.
3. Staff will submit all letters of interest, a copy of the advertisements, to the Chief Judge.
 - a. Staff will prepare a letter, outlining the request of to appoint a new member to the BZA which would include- term length, start and end date, and which existing member(s) the applicant(s) would be replacing.
4. The Circuit Court will review the applications and will make the decision to appoint the new member of the Board of Zoning appeals and communicate their decision to the Town Clerk and the Clerk of the Circuit Court for swearing in.

Service Level/Collaborative 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.. The current board bylaws state the board must consist of five members.

Policy Direction/Warrenton Plan 2040

The BZA helps to ensure that citizens have a way to seek relief from zoning regulations that do not fit their specific circumstances and pose an unfair hardship on their use of their property.

Fiscal Impact

There is an unexpected fiscal impact to add additional advertisement in the local Newspapers.

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