



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

<b>Council Meeting Date:</b>	December 10 <sup>th</sup> , 2024,
<b>Agenda Title:</b>	BZA resignation- Request to advertise
<b>Requested Action:</b>	Authorize advertisement of an open BZA position.
<b>Department / Agency Lead:</b>	Town Clerk
<b>Staff Lead:</b>	Stephen Clough, CMC, Town Clerk

## EXECUTIVE SUMMARY

Town Staff has received a letter from Mr. Kovalik anticipating his resignation from the Board of Zoning appeals with the results of the November 5<sup>th</sup>, 2024, Election. State code dictates that a member of the BZA cannot hold any other public office

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  
Van Baggett- Term Expires 2029  
Larry Kovalik-Term expires 2026- Resigning December 31st, 2024.  
Melea Maybach-Term expires 2026.  
Susan Helander – Term expires 2029

## **STAFF RECOMMENDATION**

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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. 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.
4. The Circuit Court will 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**

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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.

## **Policy Direction/Warrenton Plan 2040**

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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**

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

## **Legal Impact**

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

## **ATTACHMENTS**

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1. BZA Bylaws