



**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  
FEBRUARY 4, 2025, AT 5:00 P.M. IN WARRENTON, VIRGINIA**

**PRESENT** 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.

**ELECTION OF OFFICERS**

Ms. Maybach asked the Board for nominations for the Chair of the Board.

Ms. Helander motioned to nominate Ms. Maybach. Mr. Fiutak seconded. All in favor. The vote was as follows:

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

**Nays:**

**Absent During Vote:**

Ms. Heflin advised the Board they will also need to elect a Vice Chair and a Secretary.

Mr. Fiutak asked for clarity on the election of the secretary, noting the current Zoning Ordinance states the Town Manager shall elect a secretary from the Town Staff to serve the Board.

Ms. Jenkins advised she would quickly verify within the Zoning Ordinance and advised common practice has been for the Board to appoint its own secretary. She added that historically, it has been the Zoning Administrator or their designee.

Mr. Fiutak stated he did not have an issue with staff performing secretarial duties, but he wants to make certain the Board is following protocols as they are written in the Zoning Ordinance. He added there may be conflicts within the Board's current By-Laws that do not coincide with the current Zoning Ordinance requirements.

Mr. Fiutak moved to nominate Mr. Baggett. Ms. Helander seconded. All in favor. The vote was as follows:

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

Ms. Jenkins confirmed the Zoning Ordinance does require the Town Manager to appoint a secretary to the Board, but the Board could certainly make a recommendation or state their preference.

Mr. Fiutak motioned to recommend that the Town Manager appoint the Zoning Administrator or their designee for the secretary of the Board as has been done previously. Ms. Maybach seconded. All in favor. The vote was as follows:

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

Ms. Maybach thanked the staff for their work as the secretary.

### **APPROVAL OF AGENDA**

Ms. Maybach asked for a motion.

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

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

### **APPROVAL OF MINUTES**

Draft Minutes – December 3, 2024, Meeting

Mr. Baggett motioned to approve the minutes as presented, and Mr. Fiutak seconded. All in favor. The vote was as follows:

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

**Nays:**

**Absent During Vote:**

## **UNFINISHED BUSINESS**

### **BZA-24-4: 57 Madison Street**

Ms. Heflin gave a brief presentation on the proposed variance request, advising the request was for a 2' variance from the 10' minimum required side-yard setback to allow the construction of a 2,926 square foot home. She added the Board held a public hearing on this item in December and deferred the application until January. The January meeting was subsequently cancelled due to weather conditions, and the meeting was not readvertised as a result of closing the public hearing in December.

Ms. Heflin stated the applicant provided the requested rendering of the home but elected not to provide the solar diagram as requested by Mr. Fiutak. She added staff also communicated the Board's concerns regarding fire safety separation to the Building Official and Fire Marshal, who indicated the proposal was not a concern as presented. The Fire Marshal noted fire safety concerns do not become an issue until the structures are five feet apart or less.

Ms. Heflin advised the applicant, Mr. Dan Atkins, was present for questions from the Board.

There were no further questions for staff.

Ms. Maybach asked the applicant to approach the dais.

Ms. Dawn Arruda, Mr. Atkins' real estate agent, reiterated the reasoning for the variance is to provide a highly sought-after first-floor master suite. She presented the Board with large scale sets of plans for them to view the two different homes presented to them in the staff report.

Ms. Arruda questioned the approval condition limiting the ability to cover the rear deck, advising Mr. Atkins best-selling models typically include a covered deck.

Ms. Heflin reiterated the condition is tied only to the portion of the deck that encroaches beyond the required 10' side yard setback.

Ms. Arruda advised the home that is able to be built by-right is the same height as the one Mr. Atkins has requested a variance for and that is why they elected not to provide the solar diagram as requested by Mr. Fiutak.

Mr. Dan Atkins, the applicant, reiterated the reasoning for the variance and the reasoning for the home being larger than adjacent properties. He added the difference in size is due to the design

of the home, a first-floor master suite, which is popular currently with home buyers. He added both the homes are the same height and depth, but the proposed home is required to be wider due to the first-floor master.

Ms. Maybach asked if there were any further questions.

Mr. Fiutak asked how many variances for side yard setbacks Mr. Atkins has previously requested for other properties.

Mr. Atkins responded he has not requested any other variances.

Ms. Jenkins and Ms. Heflin confirmed Mr. Atkins has not requested any other variances for other properties.

Mr. Fiutak asked how many variances from setbacks have been approved by/for other builders over the last two years.

Ms. Jenkins advised the number of variance cases heard by the Board over the past five years is within the annual report provided. She noted there were 4 reductions of setback requirement approved for residential structures.

Mr. Fiutak stated he concern is putting the BZA in a position of spot zoning. He added if there are many properties in Town that do not meet the minimum lot width requirements, the proper recourse would be an amendment to the Zoning Ordinance rather than a variance.

Mr. Fiutak asked where the tipping point was for the number of variances to trigger a zoning text amendment.

Ms. Jenkins advised there is not a specific number, but rather if the Board or Planning Commission feels there have been an inordinate number of setback variance requests. She added the Planning Commission can initiate or the Board can request they initiate a text amendment to reduce the side yard setbacks.

Mr. Fiutak asked for confirmation again that the Zoning Ordinance update being worked on currently is not proposing changes to existing setbacks.

Ms. Jenkins confirmed it was not, and advised there is the possibility of adding an administrative approval process for small reductions of setbacks at the staff level, but this was not definite.

Mr. Atkins stated the proposed home has the same setbacks requested as those on Washington and Green Street, adding that the proposed 8' setback is not uncommon in Town.

Mr. Fiutak stated he understood that the proposed 8' setback was common in Town but reiterated the variance process is not the forum for widespread changes to Zoning. He added the Board is not elected, and the Town Council, as elected officials, must authorize changes to the existing Zoning Ordinance.

Mr. Fiutak stated he does not want to put the Board into a situation where setback variances

become so common they should be addressed through a Zoning Ordinance text amendment rather than variances.

Ms. Maybach added the Committee for the Zoning Ordinance update is examining exactly what Mr. Fiutak mentioned as part of the update because they want to prevent situations where multiple variances are being requested for the same reason.

Ms. Maybach asked if there were any other questions for the applicant.

Mr. Fiutak responded he did not have any more questions.

There were no further questions.

Ms. Maybach asked for a motion.

Mr. Baggett motioned to approve BZA-24-4 with the approval conditions as presented by staff, and Ms. Helander seconded. The vote was as follows:

<b>Ayes:</b>	<b><i>Ms. Melea Maybach, Chair; Mr. Van Baggett, Vice Chair; Ms. Susan Helander</i></b>
<b>Nays:</b>	<b><i>Mr. Geoffrey Fiutak</i></b>
<b>Absent During Vote:</b>	

## **UPDATES FROM STAFF**

### **Annual Report**

Ms. Jenkins gave a brief overview of the annual report for the BZA. She advised the annual report would have normally been presented in January, but the cancellation of the January meeting prevented that.

Ms. Jenkins advised the report includes the appeal that was received for the site development plan approval for the Amazon data center. She added the appeal is currently in litigation, and the appeal remains open for the Board.

### **Zoning Ordinance Update**

Ms. Jenkins advised the staff will continue to work with the consultant, Clarion, hired to complete the Zoning Ordinance update. She added the information will be available on the Town's website and invited the Board to view the draft documents and provide feedback as well as attend the public meetings.

Ms. Jenkins advised the next step in the update process will be the draft of the first half of the updated Zoning Ordinance a few months from now.

Ms. Maybach asked if the consultant would be willing to meet with the Board to allow them to state their experiences with the current Ordinance as well as any concerns the Board has.

Ms. Jenkins stated she would pass the request on to the consultant team.

Ms. Jenkins stated if the Board had no changes to the annual report, it would be provided to the Town Council at their next regularly scheduled meeting.

The Board did not have any changes.

#### Vacancy on the BZA

Ms. Heflin advised the Board staff has not received any applications for the vacant seat.

#### **ADJOURNMENT**

Mr. Fiutak motioned to adjourn. Mr. Baggett seconded, all in favor. No discussion. The vote was as follows:

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

**Nays:**

**Absent During Vote:**

The meeting was adjourned at 5:29 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 February 4, 2025.**



Melea Maybach  
BZA Chair