



## BOARD OF ZONING APPEALS MEETING

Tuesday, January 06, 2026 at 5:00 PM

### AGENDA

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**ELECTION OF OFFICERS.**

**CALL TO ORDER.**

**DETERMINATION OF A QUORUM.**

**APPROVAL OF MINUTES.**

- [1.](#) Draft Minutes- November 6, 2025

**WORK SESSION.**

- [2.](#) Board of Zoning Appeals- By Laws Adoption
- [3.](#) Remote Participation Policy- Adoption
- [4.](#) Rules of Procedure- Adoption

**UPDATES.**

**ADJOURN.**



**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  
NOVEMBER 6, 2025, AT 5:00 P.M. IN WARRENTON, VIRGINIA**

**PRESENT** Mr. Van Baggett, Vice Chair, Mr. Kenneth “Charlie” Mulliss, Ms. Elizabeth Scullin; Ms. Heather Jenkins, Zoning Administrator; Ms. Amber Heflin, Zoning Official

**ABSENT** Ms. Melea Maybach, Chair; Ms. Susan Helander

**CALL TO ORDER AND DETERMINATION OF A QUORUM**

The meeting was called to order at 5:00pm. There was a quorum of members present.

**APPROVAL OF MINUTES**

Draft Minutes – May 7, 2025, Meeting

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

**Ayes:** *Mr. Van Baggett, Vice Chair; Mr. Kenneth “Charlie” Mulliss, Ms. Elizabeth Scullin*

**Nays:**  
**Absent During Vote:** *Ms. Melea Maybach, Chair; Ms. Susan Helander*

**PUBLIC HEARING**

BZA-25-2- 130,132,134 Haiti Street

Ms. Heflin gave a brief presentation on the proposed variance request, advising the request was

for a variance of the minimum lot size, minimum lot frontage, and minimum side yard setbacks required by the Residential R-6 Zoning District so the existing and recently reconstructed three-family dwelling can be subdivided into three separate single-family dwellings on individual lots.

Ms. Heflin added the applicant would also be required to submit a final plat of subdivision for approval and recordation after the BZA approves the variance request, should it choose to do so.

Ms. Heflin advised the applicant and property owner, Melanie Burch with Fauquier Habitat for Humanity, was present for questions from the Board. She also added that the applicant's representative, Greg Ashwell, was also present.

Mr. Baggett asked if the applicant would like to speak to their variance request.

Mr. Ashwell advised the Board one of Habitat for Humanity's major projects is the revitalization of Haiti Street and have purchased several homes on the street that were in disrepair. He noted the property in question was one of them.

Mr. Ashwell added Habitat is trying to keep continuity throughout the Haiti Street neighborhood where they are able and also trying to work with Town officials to do things "by the book".

He stated they submitted a detailed statement of justification with background on the property that they felt explained the importance of the variance they respectfully asked the Board to consider. He also reiterated the appearance of the homes on the lot will not change due to this request.

Mr. Ashwell restated Ms. Heflin's previous statement about needing additional rezoning approvals prior to subdividing the property.

Ms. Scullin asked for additional information about the rezoning needed and pondered if rezoning the property would be considered spot zoning.

Ms. Jenkins advised the next step would not be a rezoning but would be a subdivision plat to subdivide the lots.

Ms. Scullin confirmed again that a rezoning is not required at all.

Ms. Heflin concurred and stated the final step in the process would be a subdivision plat to create the interior lot lines.

Ms. Scullin compared the requested zero side yard interior lot setbacks to those of townhouses.

Ms. Heflin affirmed.

Mr. Ashwell stated the proposal was a "townhouse without actually being a townhouse".

Mr. Baggett asked Mr. Ashwell for the reasoning behind the subdivision of the property into three lots.

Mr. Ashwell stated that Fauquier Habitat's aim was for homeownership for the individuals that will

be purchasing these properties. If the homes were to remain on one lot, that would preclude homeownership abilities for prospective buyers.

Ms. Burch added the properties would no longer be tenant-occupied and would be homeowners. She noted they could not sell the structure on one lot to three families. They would be required to rent without the subdivision into three separate lots.

Ms. Burch stated they have people ready to purchase these homes that are currently in overcrowded situations. She added it was important to get these people into these starter homes to have the opportunity to begin building generational equity.

Ms. Scullin pondered the current non-conforming status of the property and noted staff stated the property would become more non-conforming with the proposed subdivision.

Ms. Jenkins advised the existing three-family structure is non-conforming, and the request to subdivide would not necessarily make the property more non-conforming, but there would be new non-conformities created. She added that rather being a non-conforming use, it would become a conforming use by reestablishing single-family dwellings (a by-right use), but new non-conformities of setbacks, lot size, and lot frontage would be created by the subdivision.

Ms. Scullin asked about accessory structures and fences on the property.

Ms. Burch stated it would be helpful to have fences in the backyards for the safety and security of the homeowners.

Ms. Heflin stated the concern is not with fencing, but rather accessory structures. She added that the concern is if sheds are placed in the rear yard, the setbacks would limit placement of any accessory structure, noting accessory structures are currently required to meet a 5' setback from any side or rear property line. Ms. Heflin asked Ms. Jenkins about side yard setbacks for an interior lot.

Ms. Jenkins advised the variance is for the single-family dwelling structure only, and any future accessory structures would be required to meet the 5' side yard setback requirement. She added it appears that setbacks should be able to be met, but she could not definitively state that at this time.

Ms. Scullin asked if it was to the applicant's advantage to show fences on the site plan for the property.

Ms. Jenkins advised a fence does not have a setback unless it is greater than 4' tall in a front yard setback. She added that any rear yard fencing could certainly be on the property line.

Ms. Heflin added that the applicant is not required to show fencing on a site development plan or plat unless the applicant has the intent of installing at that time. She noted that fencing can be applied for separately at a later date.

Mr. Baggett asked for any further discussion.

There were no further questions or discussion.

Mr. Baggett opened the public hearing at 5:17pm.

No one spoke.

Mr. Baggett closed the public hearing at 5:17pm.

Mr. Baggett motioned to approve BZA-25-2 with the approval conditions as presented by staff, and Mr. Mulliss seconded. All in favor. No discussion. The vote was as follows:

**Ayes:** *Mr. Van Baggett, Vice Chair; Mr. Kenneth "Charlie" Mulliss, Ms. Elizabeth Scullin*

**Nays:**

**Absent During Vote:** *Ms. Melea Maybach, Chair; Ms. Susan Helander*

There were no further comments or questions.

### **UPDATES FROM STAFF**

#### **Cancellation of the Board's Regularly Scheduled December Meeting**

Ms. Heflin advised the Board there are no pending appeals or variance requests and there are no pending administrative tasks the Board needs to complete next month, and the December meeting can be cancelled should the Board wish to do so.

There was agreement from all Board members to cancel the regularly scheduled December meeting.

Ms. Scullin requested the date for the January meeting.

Ms. Jenkins stated the January meeting was scheduled for the 6<sup>th</sup>.

There were no further questions.

Mr. Baggett welcomed the new members to the Board for their first meeting.

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## **ADJOURNMENT**

There being no further business, Mr. Baggett adjourned the meeting at 5:20pm.

**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 November 6, 2025.**

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Melea Maybach  
BZA Chair

**TOWN OF WARRENTON, VIRGINIA**  
**BOARD OF ZONING APPEALS**  
**BY-LAWS**

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**ARTICLE 1 – MEMBERSHIP**

- 1-1 The Board of Zoning appeals of the Town of Warrenton, known hereafter as “The Board”, adopts the subsequent articles in order to facilitate its powers and duties in accordance with Article 15-2, Section 2309 of the 1950 Code of Virginia as amended and Article 11-2 Board of Zoning Appeals of the Town of Warrenton Zoning Ordinance.
- 1-2 The Board shall consist of five members who are residents of the Town and who shall be appointed by the Circuit Court of Fauquier County. The term of office shall be for five years. One of the five members appointed may be an active member of the Planning Commission. Members may be removed for just cause by the appointing authority upon written charges and a public hearing.

**ARTICLE 2 – ANNUAL MEETING; DUTIES OF OFFICERS**

- 2-1 The first meeting of the Board in the calendar year, to be held in January, shall be its annual meeting, and the first items of business shall be as follows:
- a. Election of Officers.
  - b. Appointment of persons to accept service on behalf of the Board.
- 2-2 If no items are to be considered in January, the nominations shall take place at the next regularly scheduled meeting.
- 2-2 The officers elected from the Board membership consist of a Chairman, Vice-Chairman, and a secretary. The Board secretary may be a member of staff.
- 2-3 Each candidate for office shall be nominated and seconded by two members of the board. A majority vote shall be required to be elected to office.

- 2-4 In the event any officer's position becomes vacant at any time during the year, an elections must be held at the earliest opportunity to fill the vacancy.
- 2-5 The Chair presides at all meetings and hearings of the Board. The Chair decides all points of order and procedure, subject to appeal to the full Board. The Chair shall:
- a. announce the business before the assembly in its proper order;
  - b. preserve order and decorum;
  - c. state and put all questions properly before the assembly;
  - d. rule on all procedural questions;
  - e. be informed immediately of any official communication and report same at the next regular meeting; and
  - f. affix his signature to all orders issued by the Board as evidence of such approve.
- 2-6 The Vice-Chair assumes the duties of the Chair in the Chair's absence.
- 2-7 The secretary may be appointed by the Board in accordance with the Code of Virginia. The duties of the secretary are as follows:
- a. prepare official correspondence at the direction of the Board;
  - b. send out notices of hearings as required by these By-laws, the Town of Warrenton Zoning Ordinance, and the Code of Virginia;
  - c. keep minutes and records of the Board's proceedings and other official actions;
  - d. keep a file on each case which comes before the Board;
  - e. send copies of appeals and applications to the Planning Commission as required by the Zoning Ordinance;
  - f. maintain and certify other Board records;
  - g. in response to Writs of Certiorari served upon the Board, prepare and file with the court, in a timely fashion, certified copies of the record of any Board decision that has been appealed;
  - h. prepare for the Board's review and approval the Annual Report of the Board with the Town Council and file it when approved by the Board; and
  - i. notify the Board promptly of any appeals filed from actions of the Board, any legal challenges to the Board's actions, and any notices to the Board.
- 2-8 The secretary must notify the Circuit Court of any vacancies on the Board and must perform duties as assigned by the Board.



- 2-9 The Board shall submit a report of its activities to the Town Council at least once each year per Article 11-2.3.6 of the 2006 Zoning Ordinance.

### **ARTICLE 3 – MEETINGS, QUORUM, VOTING, AND MINUTES**

- 3-1 The Board shall hold its regular meetings on the first Tuesday of the month at 5:00pm except when a meeting is cancelled as provided in these By-laws.
- 3-2 If the regular meeting date falls on a legal holiday, the meeting shall be held on the following Tuesday unless otherwise designated by the Chairman.
- 3-3 When there are no cases pending, no meeting shall be held.
- 3-4 All meetings are open to the public in accordance with the requirements and exceptions of Title 2.2, Chapter 37 of the 1950 Code of Virginia as amended unless a closed meeting is held pursuant to the Virginia Freedom of Information Act.
- 3-5 Quorum
- a. A quorum is necessary to transact any Board business. In the absence of a quorum, the Board may not vote on any Board business except adjournment. However, the Board may engage in discussion of internal matters such as training, procedures, or personnel in open session without a quorum. The secretary must record such discussion in the meeting minutes.
  - b. Except as otherwise provided by law, a quorum consists of three (3) members (i.e., a majority) of the Board assembled in person.
- 3-6 Voting
- a. Except when the Board adopts a different method of voting, all votes will be by roll call, with the Chairman calling the roll.
  - b. The concurring vote of three (3) members (including any members participating remotely, to the extent provided in these By-laws) is required to:
    - i. grant variances;
    - ii. reverse decisions or determinations of the Zoning Administrator (i.e., appeals);
    - iii. grant a rehearing;
    - iv. reject an appeal;

- v. amend these By-laws
- c. The concurring vote of a majority of all members present and voting, or such other greater number as may be required by the Code of Virginia, is required to effect all other actions of the Board.
- d. Disclosure by a Board member.
  - i. A member must make a disclosure of the member's interest in a specific matter before the Board when required by law.
  - ii. Any disclosure must be announced and made part of the record of the Board prior to the case being heard or as soon as the basis for disclosure is discovered, except as otherwise provided by law.
- e. Disqualification and recusal of a Board member
  - i. A member is disqualified to act on a specific matter before the Board only as provided by law. The reason for disqualification must be made a part of the record of the Board.
  - ii. Members may recuse themselves from voting under any circumstance which in the opinion of the individual member would create an appearance of impropriety or unfairness. The decision to recuse must be entered into the record of the Board, but a member need not disclose the reasons for the recusal.
  - iii. Any disqualification or recusal must be announced and made a part of the record of the Board prior to the case being heard or as soon as the basis for disqualification or recusal is discovered.

3-7 The Order of business at all regular meetings of the Board is as follows unless adjusted by majority vote of the Board members present and voting:

- a. Call to Order by Chairman
- b. Determination of a Quorum
- c. Adoption of Minutes
- d. Public Hearings
  - i. Unfinished Business
  - ii. New Business
- e. Board Member's Discussion
- f. Adjournment

3-8 Special provisions addressing remote participation by the Board members are addressed in the separate “Remote Participation” document adopted by the Board on October 3, 2023.

3-9 In the event of inclement weather or other conditions that require closure of the Town of Warrenton Town Hall building, or if the Chair finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting, all agenda items scheduled to be heard must be rescheduled promptly to be heard at the next available meeting.

3-10 The Board may approve as its minutes any of the following document formats: (a) the video recording of its meeting, (b) a transcript thereof, (c) a set of resolutions, (d) a summary of its meetings, or (e) any combination of formats (a) through (d). It may adopt such formats for any meeting, including meetings held prior to adoption of these By-laws. If the Board approves one format of minutes, it may later approve a different format as the official minutes of that meeting.

#### **ARTICLE 4 – DUTIES**

4-1 It is the duty of the Board, in accordance with the provisions of the Code of Virginia to hear and decide cases involving the following:

1. Variances in accordance with the provisions of the Zoning Ordinance and Code of Virginia.
2. Appeals from a decision of the Zoning Administrator, or other administrative officer, in accordance with the provisions of the Zoning Ordinance and the Code of Virginia.
3. Applications for the interpretations of the district map where there is any uncertainty as to the location of the district boundary.

#### **ARTICLE 5 – APPLICATIONS TO THE BOARD**

5-1 All applications to the Board for appeals, variances, and district map interpretations must be made on forms supplied by Town staff. All other applications or requests, for which there is no required form, must be made in writing. The Board may make, alter, or rescind these forms, consistent with the Zoning Ordinance and general laws of the Commonwealth.

5-2 All applications must include all of the information required by the Zoning Ordinance before being scheduled for public hearing.

- 5-3 All applications must be filed with Town staff. The processing and scheduling of applications must comply with the requirements of the Town of Warrenton Zoning Ordinance and the Code of Virginia.
- 5-4 The secretary of the Board must, in accordance with the Code of Virginia and the Zoning Ordinance, cause to be advertised by publication, in a newspaper of general circulation in the area of the application, the required legal notice of the application.
- 5-5 The secretary of the Board must, in accordance with the Code of Virginia and the Zoning Ordinance, send applicable property notification letters to adjacent and vicinity property owners at the expense of the applicant for the appeal/variance request.
- 5-6 The Board, Town staff, and applicants must comply with the Code of Virginia with respect to ex parte communications.

## **ARTICLE 6 – PROCEDURES FOR HEARING CASES**

- 6-1 The following is intended to serve as a general guideline for Public Hearing procedures of the Board:
  - 1. Call to Order
  - 2. Chairman calls the item with the starting time of the hearing item
    - a) The Chairman may, in its discretion, remind all parties present that the Code of Virginia requires a concurring vote of three (3) members of the Board to approve a variance, and, in an appeal, to reverse the determination of the Zoning Administrator or other officer.
  - 3. Comments/Presentations from the Town staff
  - 4. Comments/Presentations from the applicant
  - 5. Questions on Staff report from Board Members
  - 6. Questions of Applicant presentation from Board Members
  - 7. Comments from the public.
    - a) When the last person from the public has finished speaking, the Chairman shall declare the public hearing closed.
    - b) This testimony is limited to three (3) minutes for individuals and five (5) minutes for representatives of groups, e.g., civic, condominium, and homeowner's associations.
  - 8. The hearing item reverts back to the Board at this point.
    - a) No comments from anyone other than the Board and Staff are permitted.
  - 9. Discussion and motions are made
  - 10. Discussion of main motion and amendments, if necessary
  - 11. Chairman repeats motion and question is called

12. Vote on motion

## **ARTICLE 7 – AMENDMENTS**

- 7-1 These by laws may be amended by affirmative vote of the majority of the members of the Board at a regularly scheduled meeting, provided that the proposed amendment to these By-Laws be delivered to members of the Board at least 30 days prior to the meeting at which the vote on the amendment is to be taken.

ADOPTED: July 2, 2024

TOWN OF WARRENTON BOARD OF ZONING APPEALS  
POLICY ON REMOTE PARTICIPATION OF MEMBERS

**AUTHORITY AND SCOPE:**

*This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.*

1. Members of the Town of Warrenton Board of Zoning Appeals (“BZA”) may participate from remote locations in meetings where a quorum is physically assembled at a single meeting place when consistent with Virginia law and this policy. (The BZA may only hold a virtual meeting, where members of the BZA participate from remote locations without a quorum physically assembled at a single meeting place, when authorized under Virginia law during a declared emergency; this policy applies to such virtual meetings when authorized.)
2. This policy must be reviewed and readopted annually. (Va. Code § 2.2-3708.3(D).)
3. The Chair of the BZA is responsible for implementing this policy on remote participation meetings.
4. This policy must be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
5. This policy does not prohibit or restrict any individual member of a public body who is lawfully either participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body.
6. Remote participation is subject to the approval of the Chair, appealable to the body as a whole in accordance with Robert’s Rules of Order.

**DEFINITIONS**

- a. **“BZA”** means the Town of Warrenton Board of Zoning Appeals
- b. **“Member”** means any member of the Board of Zoning Appeals or “BZA”
- c. **“Remote participation”** means participation by an individual member of the BZA by electronic communication means in a public meeting where a quorum of the BZA is physically assembled, as defined by Va. Code § 2.2-3701.

- d. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.
- e. **“Notify”** or **“notifies”** for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.
- f. **“Person with a disability”** means a person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment.;
- g. **“Caregiver”** means an adult related by blood, marriage, or adoption or the legally appointed guardian of the person with a disability for whom he is caring.

#### **PROCESS TO REQUEST REMOTE PARTICIPATION:**

- 7. On or before the day (in advance) of a meeting, a member of the BZA wishing to participate remotely must notify the Chair that such member is unable to attend the meeting due to:
  - a. a temporary or permanent disability or other medical condition that prevents physical attendance,
  - b. a medical condition of a member of the member's family requiring the member to provide care that prevents the member's physical attendance, or the member is a caregiver who must provide care for a person with a physical disability at the time of the meeting;
  - c. the member's principal residence being more than 60 miles from the meeting location identified in the required notice for such meeting; or
  - d. the member being unable to attend the meeting due to personal reasons, in which case the member must identify with specificity the nature of the personal reason.
- 8. The requesting member shall also notify the Board of Zoning Appeals staff liaison of their request, but their failure to do so shall not affect their ability to remotely participate.
- 9. For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is either a person with a disability or who must act as a caregiver at the time of the meeting for a person with a disability, and is thus prevented from physically attending the meeting and who thus uses remote participation, will count toward the quorum as if the individual was physically present;

10. A member's participation from a remote location will only be approved if the member's voice is clearly audible to BZA members and citizens at the BZA's central meeting location and if the member can hear persons speaking into the microphones at that location.
11. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval must be recorded in the minutes with specificity.
12. Each member's remote participation due to personal reasons is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
13. Members participating in person must be physically assembled at the meeting location that was announced in the notice of the meeting or, if no location was specified, at Town Hall.
14. The BZA must record in its minutes all instances of remote participation, and the remote location from which a member participates. The remote location need not be open to the public and may be identified in the minutes by a general description.
15. The Chair (or Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.
16. If participation is approved pursuant to subdivision 7.a. or 7.b. of this Policy, the BZA must include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance.
17. If participation is approved pursuant to subsection 7.c., the BZA must also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.
18. If participation is approved pursuant to subsection 7.d., the BZA must also include in its minutes the specific nature of the personal matter cited by the member.
19. A statutorily conforming policy must be adopted by this Board at least once annually.

Introduced on 07/02/2024  
 Approved on 08/06/2024

  
 Secretary, Board of Zoning Appeals  
 Town of Warrenton





**TOWN OF WARRENTON BOARD OF ZONING APPEALS'**  
**RULES OF PROCEDURE REGARDING APPEALS**

*Adopted October 5, 2021*

The following procedural rules govern appeals before the Town of Warrenton's Board of Zoning Appeals ("BZA"):

**A. Definitions:**

**Appellant:** Any person aggrieved or any officer, department, board, commission, or authority of the Town affected by any decision of the Zoning Administrator or by any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the Town of Warrenton's Zoning Ordinance.

**Appeal:** Action taken to contest a decision of the Zoning Administrator or to contest any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the Town of Warrenton's Zoning Ordinance

**B. Appellant to receive copy of Rules:**

Town staff shall provide the appellant a copy of the BZA's Rules of Procedure Regarding Appeals upon appellant's request or no later than at the time appellant files its land development application noting its appeal. All appeals shall include as an Addendum, a statement by the appellants acknowledging receipt of these Rules of Procedure.

**C. Submission requirements of written materials:**

- (1) The appellant shall file a land development application and filing fee noting its appeal, along with a detailed statement of justification of the grounds for the appeal, in accordance with the relevant provisions of the Code of Virginia and the Town of Warrenton Zoning Ordinance, with the Town's Department of Community Development located at 21 Main Street, Warrenton, Virginia 20186. The appellant shall file eight (8) complete copies plus a digital copy of the statement of the justification, including copies of all exhibits, at the time of filing.
- (2) The appeal shall be placed on the BZA's next agenda for which it can be properly advertised, consistent with the legal notice requirements of the Code of Virginia and the Town of Warrenton Zoning Ordinance. There may be instances in which an appellant must file an appeal to protect its rights but appellant and Town staff are actively pursuing a resolution to the issue which resulted in the appeal. In those instances, appellant and Town staff can consent to postpone scheduling of the appeal. In those instances, the appeal will not be placed on the BZA's public meeting agenda until either party notifies the Secretary

of the BZA of the need to schedule it; however, both parties' consent to the postponement of the appeal shall be placed on the BZA's agenda.

- (3) Town staff shall file seven (7) copies plus a digital copy of its written response to the appeal, including copies of all exhibits, with the Secretary of the BZA within fourteen (14) business days of the date appellant filed its appeal. Staff shall also transmit by hand delivery, facsimile, or email a complete copy of its response to the appeal, including copies of all exhibits, to the appellant, so that the appellant receives its copy by 4:30 p.m. the same day staff files its response with the Secretary of the BZA.
- (4) The appellant may, but is not required to, file a written reply to staff's submission with the Department of Community Development. If appellant elects to file a written reply, it shall be filed within five (5) business days of the date staff filed its response to the appeal. The appellant shall file eight (8) complete copies plus a digital copy of its reply, including copies of all exhibits, at the time of filing.
- (5) If appellant raises new or different arguments in its written reply to Town staff's submission, staff may, but is not required, to file a reply with the Secretary of the BZA. If staff elects to file a reply, it shall be filed within three (3) business days of the date appellant filed its reply. Staff shall file seven (7) copies plus a digital copy of its reply, including copies of all exhibits, at the time of filing. Staff shall also transmit by hand delivery, facsimile, or email a complete copy of its reply, including copies of all exhibits, to the appellant, so that the appellant receives its copy by 4:30 p.m. the same day staff files its reply with the Secretary of the BZA.
- (6) There is no page limit for written submissions.
- (7) Untimely submission of written materials may preclude or hinder the BZA's consideration of them but shall not be grounds for delay of consideration except at the discretion of the BZA.

#### **D. Oral argument at the public meeting:**

- (1) Order of oral argument:
  - a. Town staff shall explain the basis for his/her determination; such determination is presumed to be correct. Town staff shall have twenty (20) minutes for this presentation.
  - b. Appellant or the appellant's representative has the burden to rebut the presumption of the determination's correctness by a preponderance of the evidence. Appellant shall have twenty (20) minutes to present their arguments.
  - c. Town staff shall have the opportunity to rebut the issues presented by Appellant. Staff's rebuttal is limited to five (5) minutes.
  - d. Appellant may only reply to Town staff's rebuttal if Town staff raises new issues during its rebuttal. Appellant's reply is limited to five (5) minutes.

- (2) The time periods set forth regarding presentation of appeals at the public meeting may be modified at the discretion of the BZA. The Chairperson shall enforce the time limitations so that the hearing is held in a fair and orderly manner.
- (3) Appeals will be heard in the order in which they appear on the agenda unless a majority of the membership of the BZA votes to modify the agenda.
- (4) If either party presents an exhibit at the public meeting which was not submitted with its written submission, then a copy shall be submitted to the Secretary for the BZA at the public meeting. That copy shall be included in the BZA's official record relating to the appeal. Untimely submission of exhibits may preclude or hinder the BZA's consideration of them but shall not be grounds for delay of consideration except at the discretion of the BZA.

**E. Requests for deferral of appeals:**

- (1) A request for a deferral of an appeal shall be in writing, shall be addressed to the BZA, and delivered to the Secretary of the BZA. The party requesting the deferral shall transmit a copy of the request for a deferral to the opposing party or its representative by hand delivery, facsimile, or email so that the opposing party receives its copy by 4:30 p.m. the same day the request for deferral is delivered to the Secretary of the BZA.
- (2) A request shall include the reason(s) why deferral is necessary.
- (3) A decision regarding a deferral shall be made by the BZA at the public meeting at which the case is scheduled to be considered.
- (4) The parties shall be prepared to proceed with argument of the appeal in the event the request for deferral is denied.

**TOWN OF WARRENTON'S BOARD OF ZONING APPEALS**

**Addendum to Land Development Application**

I hereby acknowledge receipt and have read the Town of Warrenton Board of Zoning Appeals' *Rules of Procedure Regarding Appeals*.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date