

MINUTES
BOARD OF ZONING APPEALS SPECIAL MEETING
THURSDAY, FEBRUARY 23, 2023 7:00 PM
TOWN HALL COUNCIL CHAMBERS

Meeting video can be found at the following link: <https://purcellvilleva.new.swagit.com/videos/208969>

PRESENT: John Payne, Board member (*via remote participation due to medical condition*)
Marcos Salinas, Vice Chairman
Eric Zimmerman, Chairman
Tyler Marquardt, Board member
Jonathan Wright, Board member

OTHERS PRESENT: Heather Bardot, Special Counsel to Board of Zoning Appeals

STAFF: Sally Hankins, Town Attorney; Martha Semmes, Interim Zoning Administrator; Jordan Andrews, Planning Operations Coordinator

CALL TO ORDER:

Chair Zimmerman called the meeting to order at 7:00pm. The Pledge of Allegiance followed.

APPOINTMENT OF CHAIR/VICE CHAIR

Board Member Payne moved that the Board of Zoning Appeals appoint Eric Zimmerman to serve a one-year term as Chair, and Marcos Salinas as Vice Chair of the BZA from February 23, 2023 through February 23, 2024.

Second: Board member Wright

(Carried: 5-0, Payne: Aye, Zimmerman: Aye, Salinas: Aye, Marquardt: Aye, Wright: Aye)

PUBLIC HEARINGS (Action Items):

- a. BZA-22-01 Appeal of Zoning Determination 22-01 for the subject property Zoned CM-1: Local Service Industrial**

Chair Zimmerman disclosed his previous representation of the seller of the subject property years prior. Chair Zimmerman stated his involvement was limited to an advisory capacity, and he may have made a public comment during an application process, speaking to the need of affordable housing in Purcellville. Following the unsuccessful vote on the project, he was discharged as attorney for the owner.

Town Attorney Hankins gave a presentation which is available on the Town's website with agenda materials as well as with Town Clerk's office. Randall Minchew, attorney for appellant KMG Hauling, gave a presentation regarding the Zoning Determination Appeal. This presentation is also available on the Town's website with agenda materials as well as with Town Clerk's office.

The Board members verified details of the petition and questions pertaining to the topics citing the Zoning Ordinance through an open discussion in the meeting with all that were in attendance.

CLOSED SESSION:

Jonathon Wright, Board Member, moved that the Board of Zoning Appeals for the Town of Purcellville convene a closed session under the Virginia Freedom of Information Act, pursuant to Virginia Code section 2.2-3711(A)(7), for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to the December 2, 2022 Appeal of Zoning Determination 22-01, for the property identified as PIN 452-25-4468, KMG HAULING, INC. (Appellant).

Second: Vice Chair Salinas

(Carried: 5-0, Payne: Aye, Zimmerman: Aye, Salinas: Aye, Marquardt: Aye, Wright: Aye)

Jonathan Wright moved that the Board of Zoning Appeals for the Town of Purcellville having this day, February 23, 2023, adjourned into closed meeting for the purposes stated in the resolution authorizing such a meeting, does hereby certify that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Board of Zoning Appeals in the closed meeting.

Second: Board member Payne

(Carried: 5-0, Payne: Aye, Zimmerman: Aye, Salinas: Aye, Marquardt: Aye, Wright: Aye)

Adjourned into Closed Meeting at:

8:04p.m.

Adjourned out from Closed Meeting at:

8:36p.m.

CITIZEN COMMENTS:

None.

Board member Wright made a motion to close the public hearing.

Second: Board member Payne

(Carried: 5-0, Payne: Aye, Zimmerman: Aye, Salinas: Aye, Marquardt: Aye, Wright: Aye)

The public hearing was closed at 8:38p.m.

Board member Wright made a motion to defer the decision on the appeal until the BZA reconvenes on March 2, 2023 at 7:00pm.

Chair Zimmerman requested confirmation from the applicant that the specified date and time would be acceptable. Mr. Minchew confirmed March 2, 2023 on behalf of the applicant.

Second: Board member Marquardt

(Carried: 5-0, Payne: Aye, Zimmerman: Aye, Salinas: Aye, Marquardt: Aye, Wright: Aye)

APPROVAL OF MEETING MINUTES:

John Payne moved that the Board of Zoning approve the meeting minutes of the February 23, 2022 BZA meeting as presented and waive reading.

Second: Vice Chair Salinas

(Carried: 4-0-1, Payne: Aye, Salinas: Aye, Marquardt: Aye, Wright: Aye, Zimmerman: abstained due to absence)

ADJOURNMENT:

With no further business, Board member Wright made a motion to adjourn the meeting at 8:39PM and passed unanimously.

Eric Zimmerman, Chairman

Jordan Andrews, Planning Operations Coordinator