

**TOWN OF WEST POINT
BOARD OF ZONING APPEALS
APRIL 5, 2021**

I. Call to Order

The West Point Board of Zoning Appeals held a meeting on Monday, April 5, 2021. Chairman Redd, III called the meeting to order.

Members Present: Charles Redd, III, Chairman
Chase Evans, Vice-Chairman
Stuart Daniel
Garland Jenkins
Linda Smith

Staff Present: Holly N. McGowan, Director of Community Development
Shari Carnell, Recording Aide

Virtually Present: Andrea Erard, Town Attorney

II. Board of Zoning Appeals Training

Mrs. Erard welcomed all Board of Zoning Appeal members for being present for training. A packet was provided to each member and staff to follow along with.

Mrs. Erard explained that the Board of Zoning Appeals is appointed by the circuit court, and what the Virginia code states about the law, and what is expected of the BZA and what is allowed as far as procedures and regulations. It was also mentioned that communication between members such as text and emails if it involves a case are subject to FOIA. Any discussions that take place about a case prior to the meeting could be viewed as a violation of due process, and discussions about upcoming meetings could be viewed as an illegal meeting and a violation of due process also.

Mrs. Erard explained the BZA and Variances. Mrs. Erard then gave the members some scenarios to think about to see which cases would require a variance to be granted or not, and if it would alleviate a hardship.

Mr. Evans asked when discussing a case if there could be a closed session. Mrs. Erard replied that there could not, open discussion should happen during the meeting and any communication about the case prior to a meeting or after a meeting would violate an applicant's right to due process. Mr. Redd asked if it would be beneficial to have an attorney present during a BZA meeting as well as a Wetlands board meeting. Mrs. Erard said that she could recommend some attorneys that would be an asset to the BZA and the Wetlands board. Mrs. Erard stated that way if you have any questions during a meeting an attorney can give you legal options. Ms. McGowan stated that she will accept Mrs. Erard's list of recommendations, the BZA and Wetlands board has a budget and we can discuss those options.

Mrs. Erard concluded the training presentation with the BZA with the appeals process. The BZA must decide whether the administrative officer was correct. The decision of the administrative officer is presumed to be correct. It is up to the applicant to provide the burden of proof to claim that they are correct by the quality of evidence to support it. Mrs. Erard then gave the members a scenario to think about when dealing with an appeal. Is the decision of the Zoning Administrator supported by facts? Is there an applicable ordinance?

Chairman Redd and BZA members thanked Mrs. Erard for the BZA presentation.

III. Adoption of Minutes

Ms. McGowan stated to the Board of Zoning Appeals that there are two different sets of minutes before you; they are both drafts with grammatical corrections being made to them. One set of drafted minutes is an extended verbatim set of minutes that will be submitted to the Town Attorney and one set is our standard BZA minutes. Both sets of minutes need to be adopted with corrections. Ms. McGowan asked the board members to review the minutes content for accuracy and the grammatical errors would be corrected before being submitted to the Town Attorney.

Mr. Daniel made a motion to adopt both sets of minutes from the February 16, 2021 Board of Zoning Appeals meeting upon Chairman Redd checking and approving them prior to Ms. McGowan submitting them to the Town Attorney. Mrs. Smith seconded the motion. Chairman Redd asked for vote by roll call.

Mr. Daniel, "Aye."

Mr. Evans, "Aye."

Mr. Redd, "Aye."

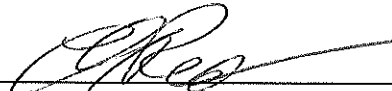
Mrs. Smith, "Aye."

Mr. Jenkins, "Aye."

Five were in agreement. No one opposed. Motion carried.

IV. Motion to Adjourn

Mr. Jenkins made a motion to adjourn. Mr. Daniel seconded the motion. All in favor responded "Aye." No one opposed. Motion carried.



Charles T. Redd, III, Chairman
West Point Board of Zoning Appeals

Board Members Term's

Charles T. Redd	804-843-4188	09/30/2024	ctredd@cox.net
Linda Smith	804-843-2144	09/30/2021	lvs3750@cox.net
Stuart Daniel	804-843-3082	09/30/2021	sddaniel14@msn.com
Chase Evans	804-737-9044	09/30/2024	chase@eci-inc.com
Garland Jenkins	804-843-2974	09/30/2025	gjenkins559@gmail.com