



## TOWN OF WARRENTON

Community Development Department

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May 22, 2024

Mr. Michael Brady  
1021 E. Cary Street  
Suite 1700  
Richmond, VA 23219

**RE: Rejection of Appeal Application**

Dear Mr. Brady,

Your application to appeal the approval of a site plan at 719 Blackwell Road is rejected. We offer the following explanation for this rejection.

First, your request asks the Board of Zoning Appeals (BZA) to hold a Town Ordinance invalid, which the BZA lacks the power to do. Only a court can hold a Town ordinance invalid.

Second, the attempted appeal relates to a site plan but, by statute, only the proponent of the site plan can appeal (and that appeal goes to Circuit Court). Under Virginia precedent, a third party has no right to challenge a subdivision plat; site plans are governed by the same statutes as subdivision plats.

Nothing in Virginia law gives third parties a right to challenge a site plan. Site plans are governed by specific statutes which limit who has authority to appeal a decision. Calling the site plan a "zoning determination" does not change what it is. The local government has the sole authority to determine whether a site plan complies with the zoning ordinance. The clear legislative intent of the General Assembly is to vest in the governing body and its authorized agents the sole power to enforce its subdivision ordinances.

Sincerely,

Rob Walton  
Director of Community Development  
Town of Warrenton

CC: Martin Crim, Town Attorney  
Heather Jenkins, Zoning Administrator  
File