



## THE BOARD OF ZONING APPEALS

April 28, 2026

6:30 pm

Colonial Courthouse

6504 Main Street

Gloucester, VA 23061

Pages

1. CALL TO ORDER
2. ROLL CALL AND ESTABLISHMENT OF A QUOROM
3. APPROVE JANUARY 27, 2026 MINUTES 1
4. APPEAL
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5. OLD BUSINESS
6. NEW BUSINESS
7. ADJOURNMENT

**AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF ZONING APPEALS HELD TUESDAY, JANUARY 27, 2026, AT 6:30 P.M. LOCATED IN THE COLONIAL COURTHOUSE IN THE COURT CIRCLE, GLOUCESTER, VIRGINIA**

**THERE WERE PRESENT:** Mark J. Gandolfo  
J. Wayne Horsley, Chairman  
Mark Holthaus  
Thomas Hostenske  
James S. Leigh, Vice-Chairman  
James Newton  
Robert N. Ottarson

**THOSE ABSENT:**

**ALSO IN ATTENDANCE:** Tripp Little, Planner III, Board of Zoning Appeals Staff Liaison  
Laura Lutinski, Assistant Zoning Administrator  
Nicole Flora, Board of Zoning Appeals Secretary

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**IN RE: CALL TO ORDER AND ROLL CALL / ESTABLISHMENT OF QUORUM**

J. Wayne Horsley, Chairman, called the January 27, 2026, meeting of the Gloucester County Board of Zoning Appeals to order. Roll calls established a quorum was present.

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**IN RE: APPROVAL OF THE OCTOBER 28, 2025, MINUTES**

**Mr. Horsley:** We have approval of the October 28, 2025, meeting minutes, any corrections? If no, I will entertain a motion to approve.

**Mr. Leigh:** I motion to approve the meeting minutes as written.

**Mr. Gandolfo:** I'll second.

**Mr. Hosley:** We have a motion and a second, all in favor say, aye.

**Board Members:** Aye.

**Mr. Horsley:** All opposed?

**There were none.**

**Mr. Horsley:** The minutes from October 28, 2025, are approved as written.

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**IN RE: OLD BUSINESS – PRESENT PLAQUE**

**Mr. Horsley:** We have a change in our agenda tonight because of this elderly lady. We're going to move the presentation of the plaque from old business to now. I think someone can't wait to walk down a driveway.

The Gloucester County Board of Zoning Appeals is please to honor Laura Lutinski in recognition of her outstanding service to the Gloucester County Board of Zoning Appeals from January 2022 – July 2025, thank you so much & please be careful.

**Ms. Lutinski:** Thank you.

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**IN RE: PUBLIC HEARING FORMAT**

**Mr. Horsley welcomed those in attendance and advised the public of the two special exception applications scheduled for tonight's meeting and stated the format would be as follows: 1) staff report; 2) comments by the applicant or his/her representative; 3) entertain public comments - anyone wishing to speak will be given the opportunity to speak for no more than three (3) minutes; 4) the public hearing closed; 5) decision by the Board to either act or delay decision for thirty days on the application. All speakers were requested to approach the podium, state their name, address, and the district in which they reside and sign in at the speakers' podium.**

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**IN RE: APPLICATION FOR SPECIAL EXCEPTION**

**Mr. Little:** At this time, I would like to enter the staff report and written findings into the minutes with Mr. Chair's permission.

Mr. Horsley: Yes.

Mr. Little gave a power point presentation at this time.

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SE-25-01

Staff Analysis

Background:

The applicant, Donna Combs, is requesting a Special Exception to establish a private animal shelter and to provide animal training services at her home located at 13512 George Washington Memorial Highway. The property is more formally identified as Tax Map parcel 8-4B, which contains approximately 7.14 acres, is zoned Rural Countryside (RC-1), and is located in the Petsworth Magisterial District. Ms. Combs is co-owner of the property and also resides there. Ms. Combs is requesting this Special Exception for the purpose of operating “Woody’s Second Chance Ranch” – which is a non-profit organization that rescues horses and provides equine training. Both uses – private animal shelters and animal training facilities – are permitted by Special Exception in the RC-1 zoning district.

This proposal entails utilization of approximately 5 acres (staff’s estimate) of the property for shelter, feed and equipment storage, and fenced pasture and enclosure areas. Ms. Combs operates the shelter/rescue/training facility with Richard Kurtz and, although this facility operates 24/7, their published operating hours are from 10 AM to 2 PM daily. A specific number for customer/client traffic has not been proposed; based on staff’s observation at the site, there appears to be adequate parking space to accommodate visitors and small riding classes; additional parking does not appear to be needed for the number of students that could (potentially) be accommodated. Staff counted a total of eight (8) horses on the site; however, at least two were “unrideable.”

Per §9B-3.10 and -3.20 of the (new) Zoning Ordinance, “all outdoor activities shall be conducted at least one hundred (100) feet from any watercourse or water body unless they are water dependent.” Based upon aerial photos and staff observations at the site, this criterion is met. Additionally, for private animal shelters, a minimum lot size of two (2) acres is required in the RC-1 zoning district; this criterion is also met.

**Special Exception Criteria:** Private animal shelters and animal training services in the RC-1 Zoning District 9B-3.10. - Animal care and/or training facility (Kennel) or Animal shelter, private.

The following regulations apply to Animal care and/or training facilities and private animal shelters.

- (1) All outdoor activities shall be conducted at least one hundred (100) feet from any watercourse or water body, unless they are water dependent.
- (2) A minimum lot size of two (2) acres is required in the RC-1, RC-2, C-2, and SC-1 districts.

9B-3.20. - Animal training services.

All outdoor activities shall be conducted at least one hundred (100) feet from any watercourse or water body unless they are water dependent.

Compliance with Standards:

- 1) Are private animal shelters and training facilities special exceptions and do they appear on the Official Schedule of District Regulations? Yes.
- 2) Will the shelter/training facility be harmonious with and in accordance with the general objectives of the County’s Comprehensive Plan and the Zoning Ordinance? This proposal does not appear to conflict with the Comprehensive Plan or Zoning Ordinance. The Future Land Use map (FLU) designates this area as “Rural Resources” – which “is intended as an agricultural district to maintain and conserve the character and economy of agricultural and forested lands.” The Future Land Use chapter also speaks specifically about how this FLU designation “maintains the rural character while recognizing property rights.” The proposed use, if approved by the BZA, would be in compliance with the Zoning Ordinance and the Comprehensive Plan.
- 3) Will the shelter/training facility be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will such use change the essential character of the same area? Horse farms are, and have been, a hallmark of Gloucester County – and the property adjacent to the Combs property to the west also keeps horses. Therefore, staff answers yes and no, respectively.
- 4) Will the shelter/training facility be hazardous or disturbing to existing or future neighboring uses? Based on the information provided and staff’s observations on-site, it appears that this proposal will not be hazardous to existing and future neighboring uses. The property has

direct access to US 17S, pasture areas are fenced in and well kept, and there is adequate area between neighboring properties to ensure that this use will not be “hazardous or disturbing.”

- 5) Will the shelter/training facility be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or will the persons or agencies responsible for the establishment of the shelter/training facility be able to provide adequately any such services? The dwelling is on private water and septic, and any additional traffic will access the site directly from US 17S, just south of Glenns. The property is adequately served in all respects.
- 6) Will the shelter/training facility create excessive additional requirements at public cost for public facilities and services and will it be detrimental to the economic welfare of the County? It appears that, with the exception of an occasional “welfare check” from Animal Control, no public services will be required. As a non-profit animal rescue, it could be argued that this proposal is providing a public service at no cost to the County; it will not be detrimental to the County’s economic welfare.

7) Will the shelter/training facility involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors? Based on the nature of the proposed shelter/training facility and staff’s observations on-site, it appears that smoke, fumes, glare, and odors would be non-factors. Traffic generation (above the owners’ daily trips) would also appear to be very limited; the only additional vehicle trips would be generated by the (small) riding classes.

8) Will the home occupation type II have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares? As of 2023, VDOT had an estimated average daily trip count (ADT) of approximately 8200 vehicles per day (VPD) for the segment of US 17 between Adner and Glenns; it is unlikely that this proposal will interfere with traffic on the surrounding public streets. The few additional daily trips likely to be generated would be indistinguishable on George Washington Memorial Highway (US 17S).

9) Will the shelter/training facility result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance? As there will be no alterations to the site beyond those extant, there would be no impact to any of these features – if they exist at this location. The site is not located near any known/mapped conservation areas and abuts US 17S as previously discussed.

**Special Exception Written Findings:**

As the Board is aware, before any Special Exception Permit shall be issued or modified, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable, for this specific proposal as presented and stipulated. Staff offers the following written findings, should the Board decide to adopt such as their own:

- 1) Ingress and egress to subject property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe; Ingress and egress appear adequate, as the proposed shelter/training facility would be accessed via the existing driveway.
- 2) Off-street parking and loading areas where required, with particular odor effects of the special exception on adjoining properties and properties generally in the district; Based on staff’s assessment of the site, it appears the existing driveway and space for on-site parking are adequate.
- 3) Refuse and service areas, with particular attention to the items in 1 and 2 above; based on staff’s observations at the site, these are adequate for this proposal. There were no stockpiles of manure or objectionable odors noted.
- 4) Utilities, with reference to locations, availability and compatibility; based on staff’s assessment of the site, these are adequate for this proposal, and no changes are proposed. The site is on private well and septic and there are automated water dispensing devices available.
- 5) Screening and buffering, with reference to type, dimensions, and character; based on staff’s observations at the site, the existing wooded buffers are adequate for the proposal; no additional clearing is proposed.
- 6) Signs, if any, and proposed exterior lighting, with reference to glare, properties in the district; no additional exterior lighting is proposed, and the sign is not illuminated. However, the sign was not permitted and exceeds the maximum square footage (20 s.f.) allowed in the RC-1 district.
- 7) Required yards and other open space; as no changes are proposed, these are adequate as existing.
- 8) General compatibility with adjacent properties and other property in the district; as of the writing of this report, staff had received no inquiries from adjoining property owners regarding this application. However, adjoining property owner (APO) notices had yet to be sent. As previously stated, there will be no changes to the site or the exterior of the dwelling or stalls/stable. Based on those factors, staff can conclude that the proposed use would be

generally compatible as proposed. Two neighbors provided written comments supporting the shelter/training facility as part of the application.

**Staff Recommendation:**

Staff recommends approval of SE-25-01 as proposed with the following conditions:

- 1) No zoning permit for a business license for the proposed use to be issued until the Building Official confirms that it is in compliance with all applicable USBC and ADA requirements for such a facility as part of the zoning permit application process.
  - a. The sign area will also need to be reduced to no larger than the 20 square feet allowed in the RC-1 district as part of the zoning permit process.
  - b. A sign permit for a compliant sign shall be submitted with the zoning permit application. The existing sign shall be replaced with a compliant sign within 6 months of the approval of the sign permit.
- 2) The use is to be legally established by obtaining zoning permit within 60 days of BZA approval. Should extension(s) to this Special Exception (SE-25-01) be required, the Zoning Administrator is hereby authorized to extend this approval for periods not to exceed six (6) months and provided the following:
  - a. The request for extension is made, in writing, by a person authorized to make such a request at least thirty (30) days prior to the expiration of the validity period;
  - b. The request provides documentation that the applicant has made progress toward completion, or if no progress has been made – documentation of why no progress has been made;
  - c. No changes to the BZA’s approval, other than an extension of time, are requested or granted; and
  - d. No zoning violations on the property have been documented since the previous approval.
- 3) The applicant shall operate and maintain the shelter/training facility in substantial accord with the narrative included with SE-25-01.
- 4) Per 9B-3.60 (which pertains to private stables), no more than ten (10) horses may be kept on the property at any time, unless the BZA grants a waiver to the acreage requirements as allowed per Article 14 of the zoning ordinance.
- 5) The hours of operation (open to the public) shall be 10 AM to 2 PM.

**Mr. Hosley:** Thank you, Mr. Little. Would the applicant or representative like to speak?

**Ms. Combs:** Hello, I am Donna Combs.

**Mr. Kurtz:** Chairman, members of the board, staff, we live in the Petsworth district, and we started Woody’s Second Chance Ranch some time ago. We’re just looking for this special exception so we can do this the right way.

**Ms. Combs:** It just kind of blew up. I’ve been in Gloucester since ’84 I’m from York County but I have been in Gloucester since ’84 and I never fit in with any of the horse barns around here, I just never, I just couldn’t find somewhere that my kids could ride and where we felt comfortable. So, it has always been a dream of mine to have something that is nothing fancy. I don’t have fancy horses; I’ve got throw-away horses. They were going to kill pen or they were being neglected. So, what I do is I fatten them up, we re-school them, and then eventually we, we do kind of a free lease type thing, where, if I put so much time and money into these guys, I don’t want them to go back into that cycle of the kill pen, get back into that.

So that’s what I’ve been doing. We started off with Woody, like y’all said. My husband had been diagnosed with cancer, and we had moved from Gloucester Point up to where we are now, and I wanted him to see this dream come true. So, I got Woody, kind of a spur of the moment thing. Didn’t have a fence, didn’t have a barn, brought him home just so he could see this dream happen.

Unfortunately, I lost him in 2019 so it just, we rescued the next one, worked him, vetted him, fed him. Most of them just need groceries and love, and then we find a home for them. So that’s what we do. We’ve been taking donations and teaching lessons to young kids. Most people that are here are riding horses, something they’ve always wanted to do. Ricky’s aunt was 80 years old; she came over and got on a horse. She said it was one of her dreams, one on her bucket list, and we made it happen. So, we’ve got some great horses, like I said, they’re just throw-a-ways.

Any questions?

**Mr. Horsley:** We will have some.

**Ms. Combs:** Would anyone else like to speak?

**Mr. Horsley:** Would anyone else like to speak for this application?

**Ms. Ramos:** Hello board, my name is Elizabeth Ramos. I have been Woody’s, been with Woody’s for almost a year now. I’m also the proud owner of one in the pictures, that big Belgium, Nacho. Because of Donna, my childhood dream of wanting to own my own horse has come true. After my mom passed away, I was searching for something I didn’t have the words for, a place where I felt grounded again, and where I could breathe. I found a place at Woody’s what started as a barn quickly became a place of healing for me and my family. Donna doesn’t just care for these horses. She cares deeply for the people. Everyone that walks onto the property feels welcome, supported, valued, the kind of environment changes lives.

I have three daughters, my oldest is with me today. I walked all the road with confidence through the time my oldest is a page middle schooler, in seventh grade, during her most recent IEP meeting, the teachers told me how much her confidence has increased, when they asked me what had changed. The answer was simple, it's been the horses, the responsibility, the trust, the sense of purpose. My girls are learning real horsemanship in daily care. They gain volunteer experience, and most importantly, they're learning empathy, accountability and compassion.

Woody's rescues these horses from this water pipeline. My Belgium alone was a throw away from an Amish farm. They gave him a second chance in a safe structure and environment. Andrea ensures every horse receives individual nutrition. She calculates their hay, their grain, their grass, any supplements they may need to heal and thrive. Allowing horses on this property means allowing more healing for families like mine and for horses who desperately need safety. Thank you.

**Mr. Horsley:** Anyone else to speak for this application?

**Ms. Thiry:** I just want to say thank you to all the members of the board showing us tonight and having us out as well. My name is Andrea Thiry, I am Woody's farm manager, so I am in charge of advising both Donna and Ricky with some of the decisions that we make around the ranch. First and foremost, I do want to say, with all the conditions that we are going to be required to do for this special exception, I will make sure that I do my best to get all of those things done with Donna and Ricky's help, as well as the rest of our team.

We already kind of covered from everyone talking as well as the presentation of what we do. But I did just want to reiterate that all of our lesson horses that we actually use at Woody's are rescues or were from neglectful situations. We do not have any fancy horses on the property that were actually purchased, actually we have two now, but the only one that was actually purchased was actually mine.

Otherwise, the entire herd are all rescues or from neglectful situations, also just to kind of go over the way we work things. When we do get a rescue in through the kill pens, we do use a quarantine protocol, so all these horses are quarantined for a minimum of thirty (30) days, or until they see a vet and are cleared by a vet. So, we make sure that we take seriously all of the unborn illnesses that can be passed around the herd, or the neighboring properties, since our neighbor does have horses, so we take it very seriously.

Sorry, I like came up with a whole thing and everybody already said everything I wanted to. So, I'm going through making sure my key points were defiantly covered. All of our lesson proceeds are by donation. So, we accept cash, feed, tack, anything that anyone wants to give us for our services, and all of that goes right back into the herd. So, we are fully non-profit. We have a 501C, we have that paperwork, I just didn't think about bringing it with us tonight, but we do have it. So, I just want to reiterate that as well. As for the feed, that is my bread and butter to all these horses, I promise you they are very well taken care of. The ones that do come from a kill pen or a neglectful situation will look malnourished when we first get them, but I do my best, backed by science, to make sure that they're getting all the nutrients and minerals and vitamins and everything that they need to be able to thrive with us. I actually am three quarters of the way done with a bachelor's degree in equine studies, so I use a lot of things that I've learned through my degree to help us make sure that these horses are safe and healthy and thrive with us.

Thank you for listening to me & thank you for coming out.

**Mr. Horsley:** Thank you, anyone else?

**Ms. Smith:** My name is Kasey Smith; I have lived in Gloucester my entire life. I've rode at a lot of different farms around here, and, you know, got the vibes from everywhere. A lot of these farms are just focused on; you learn how to ride. Since I've been at Woody's, we've got a focus on riding these horses, learning to love them, learning to care for them. How do you home them? How do you treat them when they've got something wrong with their feet? How do you get them to be healthy after being in this kill pen? How do you teach them to learn to be loved after they've been abused and neglected for basically, either most of their life or for these couple months, they've had this kill pen where they're stuck in these tiny stalls in these awful conditions, and we've learned how to help all these horses.

I've seen since I've been there and been riding there, I've seen so many hoses come in looking so skinny and so sad, and I've seen them grow and then become these listening horses. And all these kids come over there, and they just absolutely love these horses. They have just made these kids' day, just seeing these people come out there and be able to love on all these horses and learn all this stuff not only to be a good person, but how to properly care for animals, so that these animals don't get in these situations anymore. It's just been an absolutely amazing experience. And I truly love to go to Woody's after a long day at work, ne of the things that makes me the happiest Is to go there and love on some horses. What can be better than that? I can't think of it. But thank you for coming out, thank you for listening.

**Mr. Horsley:** Thank you.

**Ms. Matthews:** I hate speaking, so I have a six (6) year old granddaughter.

**Mr. Horsley:** Excuse me, give us your name please.

**Ms. Matthews:** sorry Sandra Matthews, I cry when I speak to people.

**Mr. Horsley:** Don't do that now.

**Ms. Matthews:** Especially when my granddaughter is involved. When we started at Donna's, it was like magic. And, Tate is, she has no fear of horses, and all she talks about is Donna's and loving on all those horses after she rides and she's finished, she can't ride anymore, she gets her hobby horse and runs behind the horses. She does that for hours, and she has her own little herd, horse toys at home that she plays with all day. But I grew up riding, and I just wanted her to have that experience that I had, not a snobby, uppity barn. And so, when we found this one, it was like, yes, it's everything I was looking for. And Donna tried to kick us out, she tried to send us to a better barn, because Tate's such a good rider. But I took Tate one time, and she said, no, I don't want to do this. She said, "I want to go back to Donna." So, that's what we did, and but, I came in taking your courses, teaches a kid's discipline, and it gives us a worth that society doesn't give them anymore.

When I was growing up riding horses, I never got in trouble because I spent all my time on my horse or out with my horse buddies or working in the barn. It wasn't until we got rid of my horse that I became a rebel. Now I'm back to horses because it's a lot safer. And it's not just for Tate but also for me, because I have a husband who has dementia, which makes it very hard to get away. But some days I just sit at Donna's for hours just to watch everybody and just to be around their horses. I can't imagine that area without them. I hope you guys really consider everything in your heart and grant this exception. Thank you, sorry for the tears.

**Mr. Hosley:** Anyone else to speak?

**Mr. Combs:** Good evening, board. I'm Travis Combs, Donna's son, But the people you see back there are just a small portion of the people impacted by what my mother's done. It's pretty incredible to see it from the outside. So, it's just it would mean the world to her, but also to so many people that, if you guys would make this exception for her. Think I'm the last one.

**Mr. Horsley:** Well, I got to ask, is there anyone here to speak against this application? We had some call ins?

**Ms. Flora:** Yes, do I have to go over there or can I read them here?

**Mr. Horsley:** Yeah, you can read them from right there.

**Ms. Flora:** The first one is from; can everyone hear me? Do I need to yell? No, ok.

The first one is from Shannon Walker, "Donna has done an amazing job with her horse rescue – Woody's Second Chance Ranch. My family and I are in favor of granting her request. She rescues horses that were sent to kill pens and rehabilitates them and adopts them out. I have known her for well over a year and have been to her horse rescue many times and took lessons there for several months while trying out a horse to adopt. She has a huge heart, and I hope Gloucester sees that we need a horse rescue here locally. Please grant her request."

The second is from Tammy Schick, "My comment is for Woody's Second Chance Ranch, Donna does an amazing job saving horses that need help getting them back to loving and trusting again, she only asks for donations because it's a huge job and the people that are their volunteer their time to help make it a success. I know Woody's Second Chance Ranch has saved me mentally and physically and I volunteer as well and it is the best place to be horses are wonderful with healing themselves and others. With love it goes a long way for these horses she rescues. Without Woody's s many would love the opportunity to get close to these magnificent creatures!"

The third is from Briana Latario, "Honorable members of the board, my name is Briana Latario, around Woody's I am known as Bri. I helped start Woody's and I'm here representing Woody's, a nonprofit organization dedicated to providing a safe haven for horses in need. When we founded Woody's, we recognized a pressing issue in our community: horses were suffering due to lack of resources and support. Over the past two years, we've worked tirelessly to address this issue, and I'm proud to share some of our successes.

We've rescued horses like Val, a starving horse found in a Gloucester County backyard and given him a second chance at life. He is now an award-winning show horse and beloved companion. We've helped place sassy, amber, and Maic in loving homes when their Gloucester County citizen and owner could no longer care for them. We've taken in a blind mare and a neglected pony from an undereducated citizen and showed them love and care, and they've become beloved companions for many, including children who learned the value of compassion and responsibility. All of these horses were suffering, in our community.

Woody's is more than just a ranch, it's a community where people from all walks of life come to find solace, connection, and healing. We've welcomed autistic children who find comfort in the horses' gentle presence and retired first responders or military service members who find peace in the quiet of our pastures.

This property may seem like just a piece of land to some, but to many, it's a sanctuary, a place where lives have been transformed, and love has been shared, I urge you to consider the lives we've touched and the impact we've had on our community when making your decision. Let's work together to preserve this vital resource and ensure that horses and most importantly people, in need continue to find refuge at Woody's.

Thank you for your consideration, for the horses. Bri,"

Lastly, this comment is from Julie Peyreau, "I am here to ask that the court grant special exception for the horses at Woody's Second Chance Ranch. This is a dynamic show of love, care and renewal for some outstanding horses. Some have even been former show horses and "put out to pasture," and are given a second chance to feel loved, valued and seen again. The ranch is impeccably run, and the utmost care is taken to vet each horse, to ensure they are healthy and happy. I've seen firsthand the amount of love and compassion shown by Donna and her team! Woody's extends the love and compassion into the community by offering riding lessons and small show participation to kids

and adults who might not otherwise have this extraordinary opportunity. Please grant this exception for this outstanding ranch to continue its meaningful and beautiful work of love!! I was raised in the Petsworth District, and this is a wonderful addition to the community.”

**Mr. Horsley:** Thank you, Nicole. With that, I will now close the public comment period. Question of the applicant, the board or the staff?

**Mr. Gandolfo:** Donna, how long do the horses that you rescued generally, how long do they live after you save them?

**Ms. Combs:** Well, it depends on what their age is. Of course, most of the horses that get into the pipeline, the kill pen pipeline is they could be in their late teens, early twenty's (20's). So, it kind of depends, you know, how old they are when you rescue them. Horses can live up to most of them lived, what about thirty (30) so we've got one that thirty-one (31) now, and unfortunately, we're going to have to retire her because she is having some issues. So, it just really depends on, on how much you use the like you know only one that we have is the pasture puff is what we call them, or a yard ornament is Woody. He's the only one that's unrideable. I'm not sure what his problem was, but he'll be there till the day he dies and my son, Travis, has had to catch him a couple times while I was out of town. We love everybody, everybody loves Woody, but he is unrivaled. So, he'll be there until he's put down. So, I've got a couple right now that I might have to put down in the spring, but most of them live till yeah, or they move on. You know, I'm definitely finding homes and that way after rescuing them so that's my whole goal.

**Mr. Gandolfo:** Super, I really am touched by what you do. It speaks to me that besides rescuing horses, you're rescuing people. I watch a lot of videos on YouTube, and there's a lot of people rescuing animals of all kinds. I've seen a lot of horse rescues on YouTube. Maybe we'll see videos of Woody's.

**Ms. Thiry:** I can make that happen.

**Mr. Horsley:** Any other questions?

**Mr. Newton:** No questions, but just a comment. I like to sort of echo what he just said, I think you're doing an amazing job for the community, and um, as I just sat up here and listened to your story, I'm really impressed with it. I do have a question for you on the medical of horses is that do they give you any discounts or anything?

**Ms. Combs:** We use Tidewater, which is out of Williamsburg, Dr. Lee. He does give us a few breaks. A lot of times he won't charge us like a farm call, which, you know, we have two or three of them that need to be done. You know that is, that is one thing, when you end up finding little quirks on these horses, that's the reason they were thrown away. You know that we don't slaughter them in the United States anymore. The only do it in Canada and Mexico. So that's why all these pens are set up all over the United States. So, they'll fill these pens up and some of these kill pens will allow somebody to come in and kind of evaluate some of them and pull them out. And then you buy them for the price of what the price of meat would be in Mexico or Canada. So, you know, you find the little quirks like, you know, Woody, you know, he was, he was in there. I remember the first time I had his feet done, and he was kicking and acting up. And the farrier said that's why he was in a kill pen. So, it's, there's little things that you find in them. A lot of them don't like to have their teeth done. I don't know if you know much about horses, but their teeth continuously grow, and they can't eat properly, and you have to have vets pop off the little points and file them down. So, Dr. Lee will do little things like that for me.

**Mr. Horsley:** He's good at that.

**Mr. Holthaus:** Just a question, it may have been brought up what is the capacity of the ranch, how many horses can you take in?

**Ms. Combs:** Ten to Twelve (10-12) is what I'm understanding.

**Mr. Horsley:** The recommendation is ten (10), I believe.

**Mr. Little:** The maximum is the (10) based on the acreage.

**Mr. Holthaus:** Thanks.

**Ms. Combs:** One thing I wanted to bring up about the acreage is Dr. Lee has also worked with me and Andrea on horses that need to be on dry lots. We had one horse that came to us and he was the only one that was way overweight. Most of them come to us very skinny. He came to us from Kilmarnock or um Topping Virginia, and he had, he was carrying way too much weight, which caused all kinds of other issues, and of course his feet. And they're like diabetics; they have to be off grass. Can't have all that sugar or it just causes all kinds of other medical problems. So, we have, what would you say our area is, it's a dry lot, probably an acre, acre and a half is considered our dry lot, and that is horses that have to be off grass, and then the rest are on the grass.

**Mr. Horsley:** Any other questions? If not, I'll close the public hearing. Okay? And closed okay, discussion.

I just have one thing, I should have asked before I closed it. But, do the children, they come there, they do the chores, they brush the horses, clean the feet, muck the stalls?

**Ms. Combs:** Yes.

**Mr. Horsley:** Good, that's a good lesson. Okay, well, far as I'm concerned, horses kept my daughters' interest away from boys for several years. So, I am all for this, and I know it's a good, good teaching lesson teaches a lot of responsibility to kids, and I'm for this 100% any other comments? If not, I'll entertain a motion to either approve or deny.

**Mr. Gandolfo:** I move that we approve SE-25-01, Woody's Second Chance Ranch, with the conditions of approval that are outlined in the staff report and that we adopt as our own the special exception written findings also in the staff report.

**Mr. Leigh:** I'll second it.

**Mr. Horsley:** We have a motion and a second to approved SE-25-01, all in favor, say, aye.

**Board members:** Aye.

**Mr. Horsley:** All opposed?

**There were none.**

**Mr. Horsley:** SE-25-01 is approved and good luck, keep the kids safe.

**Mr. Kurtz:** Next time, make sure you call us when you want to be entertained.

**Mr. Horsley:** Good luck. Mr. Little SE-25-02

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**IN RE: APPLICATION FOR SPECIAL EXCEPTION**

**Mr. Little:** Without further ado, SE-25-02; I'd like to enter the staff report into the meeting minutes with permission from Mr. Chair.

**Mr. Horsley:** Yes.

**Mr. Little presented a power point at this time.**

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SE-25-02

Staff Analysis

Background:

The applicant, Jameson Brown, is requesting a Special Exception to establish a Home Occupation Type II (HOP-II) to operate a firearm manufacturing business out of his home at 11667 Owl Trap Lane – which fronts on the private portion of this road. The property is more formally identified as Tax Map 9-4B, contains approximately 5.02 acres, is zoned Rural Countryside (RC-1), and is located in the Petsworth Magisterial District. Mr. Brown owns the property with his wife and resides there. Mr. Brown is requesting the Special Exception in order to obtain a Federal Firearms License (FFL) from the Bureau of Alcohol, Tobacco, and Firearms (BATF) to manufacture firearms for sale online and offsite at gun shows.

This proposal entails utilization of approximately 150 square feet of the dwelling and an accessory structure for work space, storage, and record-keeping; weapons storage will be in Mr. Brown's personal safe(s). Mr. Brown is to be the sole employee and business is to be conducted online and/or offsite only; although he does list business hours as being from 5 to 7PM Monday through Friday and 7AM to 4PM on weekends, having "business hours" is a required element of the FFL application which allows for a timeframe when inspections may be conducted by BATF. No client parking is proposed, as no customer traffic is anticipated; based on staff's observation, there appears to be adequate parking space to accommodate the occasional compliance visit(s) from local and federal law enforcement. With no client or customer traffic, additional parking would not be needed.

Per §9B-9.70 of the (new) Zoning Ordinance, a Home Occupation must be conducted within a structure which is the bona fide residence (or an accessory building thereto) of the principal practitioner, is limited to the equivalent of 25% of the cumulative, gross floor area of the residence and any accessory buildings, must be reasonably compatible with the (zoning) district in which it is located, and may have no signs on the property advertising the home occupation. No exterior alterations to the dwelling that would substantially alter its character as a dwelling are permitted, and none are contemplated in this application. With the property owner being the sole employee, less than 25% of the cumulative floor area of the onsite structures being utilized for the home occupation, the nature of development in the immediate vicinity (which is also zoned RC-1), and no proposed signage, these minimum standards appear to have been met. There are no exterior modifications proposed that would change the building's character as a dwelling. Staff noted during our site visit that the dwelling appears to be constructed with accessibility features already installed should they ever be needed.

As the Board of Zoning Appeals (BZA) is aware, in order to assess and address potential safety issues with this type of application, staff previously contacted Michael Matthews, a Supervisor in the Firearms Division of the Virginia State Police, and Ryan Cookson, Chief Deputy with the Gloucester County Sheriff's Office (GSO) to discuss FFL licensees at private residences. Neither the State Police nor the Sheriff's Office had any real concerns. Major Cookson stated that the Sheriff's Office may also visit the residence to conduct a "compliance

evaluation.” Sergeant Bradley Simmons (now retired, but formerly with GSO) informed staff that the Chief Law Enforcement Official (CLEO) for the locality must first sign off on the FFL application stating that there is “no reason why the FFL should not be issued” and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATF) must conduct a site visit prior to issuing the FFL. GSO may perform a follow-up visit after the license is issued to ensure that the location is secure and gather information to add to their database. Please refer to the application and applicant’s narrative for further information.

**Special Exception Criteria: Home Occupation Type II in the RC-1 Zoning District**

**9B-9.70.(5):**

- a. Type II Home Occupations are not permitted in accessory dwellings.
- b. Home occupations with employee, volunteer and/or customer traffic may be considered a place of public accommodation under the Uniform Statewide Building Code (USBC) and accessibility requirements for such uses shall be determined by the Building Official prior to review by the BZA for a Special Exception.
- c. All operations, storage, and vehicles associated with the home occupation shall be located on the same parcel as the business owner's bona fide residence.
- d. Any additional conditions imposed by the board of zoning appeals (BZA).

**Compliance with Standards:**

- 3) Is “Home Occupation Type II” a special exception and does it appear on the Official Schedule of District Regulations? Yes.
- 4) Will the home occupation type II be harmonious with and in accordance with the general objectives of the County’s Comprehensive Plan and the Zoning Ordinance? This specific proposal does not appear to conflict with the Comprehensive Plan or Zoning Ordinance. The Future Land Use map (FLU) designates this area as “Rural Resources” – where “limited low-density residential development and supporting businesses are also acceptable.” The Future Land Use chapter also speaks specifically about how this FLU designation “maintains the rural character while recognizing property rights.” The proposed use, if approved by the BZA, would be in compliance with the Zoning Ordinance and the Comprehensive Plan.
- 5) Will the home occupation type II be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will such use change the essential character of the same area? No changes have been made, and none are proposed, that would “substantially change (its) character... as a dwelling” per §9-9(2); therefore, staff answers yes and no, respectively.
- 4) Will the home occupation type II be hazardous or disturbing to existing or future neighboring uses? Based on the information provided, it appears to staff that this specific proposal, as presented, will not be hazardous to existing and future neighboring uses. No clients/customers will visit the premises, and all weapons will be securely stored in a “safe” state.
- 7) Will the home occupation type II be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or will the persons or agencies responsible for the establishment of the home occupation type II be able to provide adequately any such services? The dwelling is on private water and septic, and will generate no additional traffic. The access to the dwelling is via Owl Trap Road (SR611), which is located in northern Gloucester County near Glens. The property is adequately served in all respects.
- 8) Will the home occupation type II create excessive additional requirements at public cost for public facilities and services and will it be detrimental to the economic welfare of the County? It appears that, with the exception of a “compliance evaluation” by the Sheriff’s Office when/if Mr. Brown receives his manufacturers’ license (FFL), there will be no need for additional public services; as this is a one-time event, if conducted at all, staff would not deem this an “excessive additional cost.” Staff does not anticipate that this home occupation will be detrimental to the County’s economic welfare.
- 7) Will the home occupation type II involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors? Based on the nature of the proposed Home Occupation and information provided, it appears that smoke, fumes, glare, and odors would be non-factors. Traffic generation (above the owners’ daily trips) would also appear to be nearly zero; the only additional vehicle trips would be generated by occasional BATF compliance inspections.
- 8) Will the home occupation type II have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares? As of 2023, VDOT had an estimated average daily trip count (ADT) of 20 vehicles per day (VPD) for Owl Trap Road; it is unlikely that this proposal will interfere with traffic on the surrounding public streets. Owl Trap Road connects to Pampa Road (SR601) and George Washington Memorial Highway (US 17N) which both carry significantly more vehicles per day.

9) Will the home occupation type II result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance? As there will be no alterations to the site, there would be no impact to any of these features – if they exist at this location. The site is not located near any known/mapped conservation areas and abuts the “Carvers Creek” solar facility to the east.

**Special Exception Written Findings:**

As the Board is aware, before any Special Exception Permit shall be issued or modified, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable, for this specific proposal as presented and stipulated. Staff offers the following written findings, should the Board decide to adopt such as their own:

1) Ingress and egress to subject property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe; The applicant contacted the Building Official to get a determination whether the garage will need to meet the necessary standards for accessibility (USBC) and/or Americans with Disabilities Act (ADA) regulations. Per the Building Official, the ADA regulations are satisfied – as the home occupation does not contemplate members of the public entering, receiving goods and/or services in, and/or exiting the home/workshop; the portion of the dwelling hosting the proposed use was not considered a “place of public accommodation” – and the applicant has stated that there will be no public access to the dwelling. However, representatives from the Bureau of Alcohol, Tobacco, and Firearms (BATF) will need to visit the property to inspect the site and examine records on (at least) an annual basis. Ingress and egress appear adequate, as the proposed business would be accessed via the existing driveway and there appears to be an accessible route (handicap ramp) to the dwelling.

2) Off-street parking and loading areas where required, with particular odor effects of the special exception on adjoining properties and properties generally in the district; Based on staff’s assessment of the site, it appears the existing driveway and space for on-site parking are adequate.

3) Refuse and service areas, with particular attention to the items in 1 and 2 above; based on staff’s assessment of the site, these are adequate for this proposal.

6) Utilities, with reference to locations, availability and compatibility; based on staff’s assessment of the site, these are adequate for this proposal. No changes are proposed.

5) Screening and buffering, with reference to type, dimensions, and character; based on staff’s assessment of the site, these are adequate for the proposal. No changes are proposed.

6) Signs, if any, and proposed exterior lighting, with reference to glare, properties in the district; no additional exterior lighting is proposed, and signs are not permitted.

7) Required yards and other open space; as no changes are proposed, these are adequate as existing.

8) General compatibility with adjacent properties and other property in the district; as of the writing of this report, staff had received no inquiries from adjoining property owners regarding this application. However, adjoining property owner (APO) notices had yet to be sent.. As previously stated, there will be no changes to the site or the exterior of the dwelling or workshop, no signage, and no customer traffic. Based on those factors, staff can conclude that the proposed use would be generally compatible as proposed.

**Staff Recommendation:**

Staff recommends approval of SE-25-02 as proposed with the following conditions:

6) No zoning permit for a business license for the proposed use to be issued until the Building Official again confirms that it is in compliance with all applicable USBC and ADA requirements for such a facility as part of the zoning permit application process.

7) The use to be established within 12 months of issuance of a zoning permit, which shall be evidenced by provision of the FFL as required in condition #10, below. Should extension(s) to this Special Exception (SE-25-02) be required, the Zoning Administrator is hereby authorized to extend this approval for periods not to exceed six (6) months and provided the following:

e. The request for extension is made, in writing, by a person authorized to make such a request at least thirty (30) days prior to the expiration of the validity period;

f. The request provides documentation that the applicant has made progress toward completion, or if no progress has been made – documentation of why no progress has been made;

g. No changes to the BZA’s approval, other than an extension of time, are requested or granted; and

h. No zoning violations on the property have been documented since the previous approval.

8) The applicant shall operate and maintain the Home Occupation in substantial accord with the narrative included with SE-25-02.

9) The hours of operation (available to the public/BATF) shall be 5 to 7 PM, Monday through Friday, and 7 AM to 4 PM on weekends.

10) No employees other than the resident/owner.

11) No walk-in clientele.

12) All firearms (and ammunition, if any) to be kept secured unless being assembled, repaired, tested, or transported to/from the owners’ vehicle(s).

- 13) No signs on the premises advertising the home occupation, per §9-9.70(2) of the Zoning Ordinance.
- 14) Special Exception SE-25-02 shall be valid so long as the applicant is the owner/occupant of Tax Map Parcel 9-4B/RPC 31094.
- 15) Once (if) obtained, a copy of the FFL shall be provided to the Director of Planning, Zoning, and Environmental Programs.

**Mr. Horsley:** Thank you, Mr. Little, would the applicant or representative like to speak at this time?

**Mr. Brown:** I don't necessarily know what you want me to say.

**Mr. Horsley:** Anything you need to say pertaining to your application.

**Mr. Brown:** We're just I've been going to you...

**Mr. Horsley:** Are you Mr. Brown?

**Mr. Brown:** Yes, sir. I've been going to gunsmithing school for probably six (6), eight (8) years, I used to manage an indoor shooting range and stuff in Colonial Heights, and that's since closed down because the owner passed. This has always been a dream of mine. Since I was my son's age, it's taken forever I had all this in Colonial Heights going and then I found this beautiful blue-eyed girl out here, moved here, and this whole process has probably been, what about three years I've been trying to get all this going, trying to get all this done?

**Mr. Little:** Yes

**Mr. Brown:** That's how much different it is, in Colonial Heights, I said I want to be a firearms manufacturer. They said eighty-five (85) bucks a year. That was it, here, just like, you know, and yeah, so got thousands and thousands of dollars invested in this, and I can't legally do anything.

So, hope you grant me, yeah pricy, give me my license so I can start making some money.

**Mr. Horsley:** Okay, thank you. Well, I don't guess we have any "for's" or against's" so, any questions for the applicant or staff?

**Mr. Gandolfo:** Mr. Brown, so one of the conditions of approval is list hours of operation, and I know, you're not really going to have the public there. I just want to confirm for the report. That's really just so an inspector, BATF, those are the times they can come to your house.

**Mr. Brown:** Yes, I have to do that per BATF. I have to put some business hours, yeah, and that's for times when they can come.

**Mr. Gandolfo:** And, I guess I have one other question. So, you've got, you've got your garage, where is that? Is that where your safe going is to be?

**Mr. Brown:** No, the safe is in my house.

**Mr. Gandolfo:** In the house.

**Mr. Brown:** Yes, sir.

**Mr. Gandolfo:** And then the building on the plat, there's a hand drawn building, is that like a little shed?

**Mr. Brown:** It's a shop we built for this, and another business we have, which is Tidewater Sharpen. But yeah, we built that, that building, that's an 800 square foot building. Um, and that's for more, you know, like power tools, stuff like that, like a lathe and stuff.

**Mr. Gandolfo:** But, basically, if I'm correct, you're just going to use that building to put the weapons together.

**Mr. Brown:** Yes, sir.

**Mr. Gandolfo:** Then they go back into the safe.

**Mr. Brown:** Yes.

**Mr. Gandolfo:** So, nothing is getting stored out in the shed?

**Mr. Brown:** No, nothing is stored in the shed.

**Mr. Little:** Mr. Chair, I took pictures of the security features but did not put them in the power point. But if you would like to ask the applicant what kind of security features he does have on the property.

**Mr. Horsley:** They are extensive, I'm sure. Okay, question?

**Mr. Gandolfo:** Sure, why not. I'm sure BATF and the sheriff's office are going to look at that; can you tell us a little about your security?

Mr. Brown: We've got cameras all over the house and the shop and in the wood line and stuff like that. We've got an alarm system on every window, so if a window opens up, we instantly are told, you know when and where and why, and it has a feed that you know it'll film that area right there. Also, the safe has an um. Anytime someone opens the safe, it will tell us. So, I'm the only one, well, my wife and I are the only ones that know the code to it, and the code gets automatically changed every three (3) months. We have an alarm system for the front door and stuff like that. But, yeah other than that.

**Mr. Horsley:** How old is your son?

**Mr. Brown:** two and a half (2 ½) , well almost three (3).

**Mr. Horsley:** Close enough, he will not have any access to anything? Is that correct? Because we just saw where a three (3) year old shot himself with his mother's gun.

**Mr. Brown:** No, all my firearms are locked up.

**Mr. Leigh:** Is your security system anyway, hooked into the sheriff's department?

**Mr. Brown:** No, sir.

**Mr. Leigh:** Just wondering.

**Mr. Newton:** Will it be hooked to your phone?

**Mr. Brown:** Yes, sir.

**Mr. Horsley:** Where you go, your security goes.

**Mr. Brown:** Yes, sir.

**Mr. Gandolfo:** Now your security system is in the public record, so hopefully people don't read the minutes.

**Mr. Brown:** Yeah...

**Mr. Horsley:** Okay, no other questions? Mr. Brown, you can be seated. I will now close the public hearing. Discussion?

No, I will entertain a motion to either approve or deny SE-25-02.

**Mr. Gandolfo:** I move that we approve Special Exception 25-02 Tidewater Armory, with the conditions of approval outlined in the staff report, and that we adopt as our own the Special Exception written findings also in the staff report.

**Mr. Leigh:** I'll second.

**Mr. Horsley:** We have a motion and a second to approved SE-25-02; all in favor, aye?

**Board Members:** Aye

**Mr. Horsley:** All opposed?

**There were none.**

**Mr. Horsley:** Special Exception SE-25-02 is approved, Good Luck Mr. Brown! Stay Safe.

**Mr. Brown:** Thank you, what do I do now?

**Ms. Flora:** I will email you and mail you a formal approval letter tomorrow, once I type it up and have it signed.

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**IN RE: NEW BUSINESS: APPROVAL OF 2026 MEETING SCHEDULE**

**Mr. Horsley:** New business, we have approval of the 2026 meeting schedule.

**Ms. Flora:** Highlighted you will see the days that fall very close to holidays.

**Mr. Horsley:** Whatever you fellows would like to do May 25<sup>th</sup> that's the day after Memorial Day.

**Mr. Leigh:** Well, do we want to change anything?

**Mr. Horsley:** I mean, that would be the only thing that we, I don't have any problem with it, normally the December one. We don't have anything anyway, right? Our staff is very good at wishing us a Merry Christmas, right?

**Mr. Leigh:** I move that we approve the 2026 meeting schedule as is.

**Mr. Ottarson:** I second that.

**Mr. Horsley:** Got a motion and a second to approve the 2026 meeting schedule, all in favor, say aye!

**Board Members:** Aye.

**Mr. Horsley:** All opposed?

**There were none.**

**Mr. Horsley:** Okay. The schedule is approved. I didn't hear about any meetings next month.

**Mr. Little:** No applicants at this point, but the cut off is in three (3) days, anything could happen at this point.

**Mr. Horsley:** Any update on those court cases?

**Mr. Little:** Anne is going to court.

**Ms. Flora:** That would be for Chilling on the River, right? I can look at our calendar.

**Mr. Horsley:** Yes.

**Ms. Flora:** I don't see anything for the next couple of weeks. But I can find out the date and email all of you.

**Mr. Gandolfo:** Tripp, I'm assuming the other hearing that we had that might have gone to appeal? The second one we did, after Chilling, they did not appeal to the court.

**Mr. Little:** They were going to appeal.

**Ms. Flora:** They did, but they did not appeal timely, I think. They were two days or a week behind the date to appeal. I believe Ted sent them a letter regarding it.

**Mr. Horsley:** Okay, we have one other item.

**Mr. Leigh:** I make a motion that we adjourn.

**Mr. Gandolfo:** Second.

**Mr. Horsley:** That's a motion and a second, all in favor, say, aye.

**Board Members:** Aye.

**Mr. Horsley:** All opposed?

**There were none.**

**Mr. Horsley:** We're adjourned, drive safely, watch out for the black ice.

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#### **IN RE: NEXT MEETING AND ADJOURNMENT**

The next regularly scheduled meeting of the Gloucester County Board of Zoning Appeals will be held on Tuesday, \_\_\_\_\_, 2026, at 6:30 p.m. in the Colonial Courthouse located in the Court Circle, Gloucester, Virginia.

Being no further business at this time, the Chairman adjourned the meeting, on motion by Mr. Leigh, seconded by Mr. Gandolfo, and carried unanimously by voice vote.

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J. Wayne Horsley, Chairman

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Nicole Flora, Secretary

**STAFF ANALYSIS**

As noted in the application for appeal, at issue is the Zoning Administrator’s denial of an after-the-fact zoning permit for an addition which was built upon a deck that was also constructed without permits. The reason for denial is that the addition does not meet the minimum side yard setbacks required in the Single Family Detached Residential District (SF-1). See “Denial of Permit Application 26020039 and NOTICE OF VIOLATION” dated February 23, 2026. The property is located at 7111 Tandems Way in Hayes; it is more formally identified as TM# 50E-10-18, RPC 18807.

The applicant’s reason for appeal is that the deck was located on the property at the time of purchase and that the addition does not extend beyond the footprint of the original deck. The application states that “The enclosure of the deck occurred under the good faith misunderstanding, as both the property owner and tenant believed that the appropriate permits had been obtained at the time of construction.” However, had the applicant applied for the required permits in order to construct the enclosure, they would have been informed that it was built without permits and did not meet the required setbacks.

In reviewing the zoning permit to enclose the deck, staff discovered a shed and garage which were also constructed without permits. See “NOTICE OF VIOLATION” dated February 23, 2026. They have applied for after the fact permits for these structures as well.

In their appeal, they note that there have been no complaints and that the matter came to light during a recent tax assessment review. “Given the long standing existence of the structure, the absence of complaints, and the good faith effort to resolve the issue, we respectfully request equitable consideration and approval of this appeal.”

Laura Lutinski, Assistant Zoning Administrator, researched the history of the property using the County’s records and aerial photos from 2011 to 2024 (attached). The County contracted with a company to take aerial photos of the county every two years in order to help with assessment, and these photos are available on the County’s Geographical Information System (GIS) page. As a result, we have reliable, visual documentation of when structures were built or modified even when there are no permits. Here is the timeline for the property from the research Ms. Lutinski conducted:

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- Owners: Mr. and Ms. Long obtained a Pool Permit: 1996 (attached) – no deck shown
- Checked all old permitting software- no other permits obtained for decks
- Purchase history: Long, Robert C- 8/18/1993
  - Foster, John C – 5/07/2007
  - Federal Home Loan Mortgage Corporation- 7/9/2009
  - Foster, Frances- 2/12/2010
  - Ann Foster Living Trust- 2/14/2022
- Removed back portion of deck: Between 2014 and 2017
- Built shed and Garage with no permits: Between 2014 and 2017
- Enclosed side portion of deck w/out permitting between 2018 and 2022
- Real Estate Assessment notified Zoning and Building Departments: June 5, 2024
- Tracy Foster applied for the addition (did not have a scaled plot plan that included addition): 7/19/2024
- Tracy Foster withdrew application: 9/12/2024
- Bob Foster came into Planning and Zoning’s lobby to discuss situation between 12/2025 and January 2026
- Application received: 2/10/2026 – Denied 2/23/2026
- During research discovered front deck replaced sometime between 2007 and 2011 also done without permits.
- AFTER-THE-FACT Zoning Application for the shed and garage were received on 3/25/2026
- Application for appeal of denial received 3/25/26

Although Ms. Foster indicates on her application that she “inherited” the deck at the time of purchase in 2010 and assumed “on good faith” that the “appropriate permits had been obtained” she, herself, did not obtain any of the appropriate permits for any of the work conducted on the property from 2010 until the present, including the addition over the deck, the front deck, shed, and a garage. As a result, and until it was discovered by the Assessor’s office, she did not pay taxes on any of those improvements, whereas those property owners that did get the appropriate permits did pay taxes on their authorized improvements. In her appeal she requests “equitable consideration” and approval of this appeal. From staff’s perspective, it is not equitable if she is treated differently than those that comply with the County’s regulations.

Section 15-1 (1) of the Zoning Ordinance states: *“No building, structure, or other improvement necessitating confirmation of zoning compliance shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor issued by the zoning administrator.”*

Section 5-1 of the Zoning Ordinance, Compliance with district regulations, states:

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The regulations for each district set forth by this ordinance shall be minimum regulations, except as otherwise specifically provided, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (1) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located;
- (2) Except as otherwise permitted, no yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

Sec. 13-1. - Office of zoning administrator.

- (1) This ordinance shall be administered and enforced by a zoning administrator who shall be appointed by the county administrator. The zoning administrator may confer his/her responsibilities and duties to others as may be necessary and appropriate.
- (2) Upon finding that any of the provisions of this ordinance are being violated, the zoning administrator shall work to achieve compliance in any of the following manners:
  - a) Notify in writing the person responsible for such violation(s) indicating the nature of the violation(s) and ordering the action necessary to correct such violation(s);
  - b) Order discontinuance of illegal uses of land, buildings, or structures;
  - c) Order the removal of illegal buildings or structures or illegal additions, alterations, or structural changes;
  - d) Order discontinuance of any illegal work being done;
  - e) Ensure compliance with the ordinance by bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to Va. Code § 15.2-2311;f.In specific cases, make findings of fact and, with concurrence of the county attorney, conclusions of law regarding determinations of rights accruing under Va. Code § 15.2-2307 or 15.2-2311(C); and
  - f) Take any other action authorized by this ordinance to ensure compliance with or to prevent violations of this ordinance. This may include the issuance of and action on zoning permits and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

Ms. Foster appealed the denial of the after-the-fact permit for the addition that did not meet setback requirements. Based on Section 13.1 above, the Zoning Administrator is

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required to pursue compliance. Had Ms. Foster applied for and obtained a zoning permit when she enclosed the deck, she would have been informed of the setback and complied. The Zoning Administrator had no choice but to deny the permit since it did not meet the requirements of the ordinance as outlined in the denial letter.

Section 14-6 of the Zoning Ordinance, Appeal of the zoning administrator decision, subsection 3, Action of the board of zoning appeals, states the following:

- a. *The board of zoning appeals shall fix a reasonable time for the hearing of an applicant's appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within sixty (60) days.*
- b. *The decision on such appeal shall be based on the board of zoning appeal's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his or her determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board of zoning appeals shall consider any applicable ordinances, laws, and regulations in making its decision.*
- c. *In exercising its powers, the board of zoning appeals may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination appealed from. The concurring vote of a majority of the membership of the board of zoning appeals is necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant.*

The appeal also asks the BZA to consider the pre-existing deck as a “lawful” non-conforming structure. Ms. Lutinski’s research found a zoning permit for 1996 for a pool. No deck was shown on that permit and no permit was issued for a deck. The zoning ordinance defines a non-conforming structure as “An otherwise **legal** building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located.” The deck was built without permits sometime after the pool was constructed and therefore, is not a legally non-conforming structure. In addition, had Ms. Foster applied for the appropriate permits to build an addition on her home, she would have been informed that the deck was built without permits and did not meet the required setbacks.

Finally, although Ms. Foster applied for an appeal of the zoning administrator’s decision to deny her after the fact application, she stated that she “seeks a variance or other appropriate relief from the setback requirement to allow the structure to remain.” Although she did not apply for a variance, it is clear that by not obtaining the necessary

## **A-2601 – Staff Report**

**Frances Ann Foster**

permits to enclose the deck, which would ensure compliance with the ordinance, that this is a self-created hardship. Had she applied for and obtained a zoning and building permit when the side portion of the deck was enclosed sometime between 2018 and 2022, she would have been told that the addition needed to be 15 feet from the side property line and the permit would not have been approved if it was not in compliance with the ordinance.

### Attachments:

1. Application for Appeal
2. Denial of Permit Application 26020039 and NOTICE OF VIOLATION dated February 23, 2026
3. NOTICE OF VIOLATION dated February 23, 2026
4. Aerial Photos from 2011-2024
5. 1996 Pool Permit Plan – no deck shown on plan
6. Email Chain between Tracy Foster and Laura (Walton) Lutinski regarding original permit submitted without addition shown
7. Application 26020039 - Denied

The following are the sections of the County's updated Zoning Ordinance that relate to the Zoning Board of Appeals and their responsibilities.

### **Section 13-3. Board of Zoning Appeals.**

- (1) Terms of Office and Appointments.
  - a. The board of zoning appeals shall consist of seven (7) residents of Gloucester County, who shall be appointed by the circuit court of Gloucester County. The terms of office shall be for five (5) years each, staggered in accordance with original appointments and Virginia law.
  - b. The secretary of the board of zoning appeals shall notify the circuit court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the circuit court promptly if any vacancy occurs. A member whose term expires shall continue to serve until his successor is appointed and qualifies.
  - c. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.
  - d. Members of the board of zoning appeals shall hold no other public office in Gloucester County except that one may be a member of the local planning commission, and any member may be appointed to serve as an officer of election as defined in Va. Code § 24.2-101.
- (2) Election of Officers. With the exception of its secretary, the board of zoning appeals shall elect from its own membership its officers, who shall serve annual

## **A-2601 – Staff Report**

**Frances Ann Foster**

terms as such and may succeed themselves. The board of zoning appeals may elect as its secretary either one of its members or a qualified individual who is not a member of the board of zoning appeals. A secretary who is not a member of the board of zoning appeals shall not be entitled to vote on matters before the board of zoning appeals.

- (3) Rules of procedures; records; compensation; removal.
  - a. The board of zoning appeals may make, alter and rescind rules and forms of its procedures, consistent with ordinances of the county and general laws of the commonwealth.
  - b. The board of zoning appeals shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under Va. Code § 15.2-2314 and the staff of the county.
  - c. The board of zoning appeals shall keep a full public record of its proceeding and shall submit a report of its activities to the board of supervisors at least once each year.
  - d. Within the limits of funds appropriated by the board of supervisors, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
  - e. Members of the board may receive such compensation as may be authorized by the board of supervisors.
  - f. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him, after a hearing held after at least fifteen (15) days' notice.
  - g. The board of zoning appeals may fix a schedule of regular meetings and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Va. Code § 15.2-2204 shall be conducted at the continued meeting and no further advertisement is required.
- (4) Proceedings of the Board of Zoning Appeals.
  - a. The board of zoning appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance.
  - b. Meetings shall be held at the call of the chairman and at such other times as the board of zoning appeals may determine.

## A-2601 – Staff Report

Frances Ann Foster

- c. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
  - d. All meetings shall be open to the public.
  - e. The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be filed in the office of the board of zoning appeals.
  - f. For the conduct of any hearing or the taking of any action, a quorum shall not be less than a majority of all the members of the board of zoning appeals.
- (5) Powers and duties of the board of zoning appeals.
- a. No provision of this code shall be construed as granting the board of zoning appeals the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the board of supervisors.
  - b. For the purpose of this ordinance, the board of zoning appeals has the following specific powers and duties.
    - i. Appeals.
      - (a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer.
      - (b) To hear and decide appeals from the decision of the zoning administrator. However, no such appeal shall be heard except after notice and hearing as provided by Va. Code § 15.2-2204.
      - (c) In exercising its duties, the board of zoning appeals may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as ought to be made.
    - ii. Variances. To authorize upon appeal or original application in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be

**A-2601 – Staff Report**  
**Frances Ann Foster**

observed and substantial justice done; following the provisions of article 14 section 14-5 et seq.

- iii. Interpretation of the district map. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary after following the guidance provided in section 3-5 Interpretation of district boundaries. After notice to the owners of the property affected by the question-and after public hearing with notice as required by Va. Code § 15-2-2204, the board of zoning appeals may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The board of zoning appeals shall not have the power to change substantially the locations of district boundaries as established by ordinance.
- iv. Special Exceptions.
  - (a) To hear and decide upon applications for special exceptions as may be authorized in the district regulations and use table. The board of zoning appeals may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. No special exception (SE) may be granted except after notice and public hearing as provided in Va. Code § 15.2-2204.
  - (b) To revoke a special exception previously granted by the board of zoning appeals if the board of zoning appeals determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by Va. Code § 15.2-2204.

**Section 13-4. Matters of Appeal.**

Duties of zoning administrator, board of zoning appeals, legislative authority and courts on matters of appeal.

- (1) All questions of interpretation and enforcement shall be first presented to the administrator, and such questions shall be presented to the board of zoning appeals only on appeal from the decision of the zoning administrator, and recourse from the decisions of the board of zoning appeals shall be to the courts as provided by law.

**A-2601 – Staff Report**

**Frances Ann Foster**

- (2) The duties of the board of supervisors in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise, except as authorized by state law and this ordinance.
- (3) Appeal procedures shall be as set forth in articles 14 and 15 of this ordinance.



County of Gloucester  
 Department of Planning and Zoning  
 6489 Main Street  
 Gloucester, Virginia 23061  
 (804) 693-1224

20030049

**FOR OFFICE USE ONLY**

Date Rec'd 3-25-26  
 Case No. A-26-01  
 Tax Map/Parcel No. 18807  
 Receipt No. 10217201  
 Received by L. Luhnski

**APPLICATION FOR APPEAL**

**A. APPLICANT INFORMATION:**

Applicant Name: Frances Ann Foster  
 Mailing Address: 4374 Taliaferro Lane Gloucester Va 23061  
 Phone: 804-815-8972 Email Address: bobfoster1942@gmail.com

**B. PROPERTY INFORMATION:**

E-911 Address: 7111 Tandems Way Hayes VA 23072  
 Tax Map/Parcel #: 50E-10-18 Magisterial District: Gloucester point  
 Zoning District: SF-1  
 Property Owner(s) Name: Frances Ann Foster  
 Mailing Address: 4374 Taliaferro Lane Gloucester, VA 23061  
 Phone: 804-815-8972 Email Address: bobfoster1942@gmail.com

**C. STATE WHAT IS BEING APPEALED AND WHY:** (Please attach separate page(s) if more space is needed)

We respectfully submit this appeal of denial of the zoning/building permit for an existing dining room addition over a pre-existing deck. The structure in question is a 15'x12' enclosed dining room built upon a deck that existed prior to the current ownership of the property which began on July 9, 2009. The deck is believed to have been in place for a substantial period before that date and was inherited as part of the property at the time of purchase. The permit denial is based on the structure encroaching into the setback. However, the current addition does not extend beyond the footprint of the original deck. The enclosure of the deck occurred under good faith misunderstanding, as both the property owner and tenant believed that the appropriate permits had been obtained at the time of construction. We respectfully request that the Board recognize the pre-existing 15'x12' deck as a lawful nonconforming structure and consider that the enclosed dining room was constructed within that same footprint. Based on these circumstances, we seek a variance or other appropriate relief from the setback requirement to allow the structure to remain. Additionally, we note that there have been no complaints, objections, or adverse impacts reported by neighboring property owners or the public regarding this structure. The condition has existed for two decades or more in a manner consistent with peaceful use and without incident. The matter has only come to light following a recent tax assessment review, rather than as a result of any demonstrated harm or nuisance. Given the long standing existence of the structure, the absence of complaints, and the good faith effort to resolve the issue, we respectfully request equitable consideration and approval of this appeal.

**D. LIST THE NAMES AND ADDRESSES OF OWNERS OR OCCUPANTS OF ALL ABUTTING PROPERTY AND PROPERTY IMMEDIATELY ACROSS THE STREET, ROAD OR HIGHWAY. ADDRESSES SHOULD COINCIDE WITH THOSE IN THE COMMISSIONER OF THE REVENUE PROPERTY RECORDS. (Please Print)**

NAME	MAILING ADDRESS	TAX MAP/PARCEL#
John D Coates	7099 Tandems Way Hayes VA 23072	50E-10-17
Britney N Hartleben	7124 Westminster Dr Hayes VA 23072	50R(1)-1
road-state route 1232		
road -Tandems Way		

**PRIVACY ACT STATEMENT:** Information provided in this application will be used in the application review process and is a matter of public record once the application is filed.

**CERTIFICATION:** I agree to allow the members and representatives of the Board of Zoning Appeals and duly authorized personnel of Gloucester County to enter upon said premises at reasonable times to inspect and/or photograph site conditions for review of this application. In addition, I certify under penalty of law that this document and all attachments were prepared by myself or under my direction or supervision and the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

**NOTICE:** *If the property owner(s) does not sign this application (below), written notice will be given to the property owner(s) within 10 days of the receipt of this application as required by Virginia Code § 15.2-2204.*

**E. APPLICANT / PERSON REPRESENTING THE APPLICATION:**

Applicant (print): Frances Ann Foster

Applicant Signature: *Frances Ann Foster* Date: 3/25/2026

**OWNER(S) OF THE PROPERTY:**

Property Owner (print): SAME AS ABOVE

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner (print): \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: A completed Conflict of Interest Form must be submitted for each applicant and each property owner.**

*Appeals to the BZA may be taken by any person aggrieved, or by any officer, department, board, or bureau of the County affected, by any decision of the Zoning Administrator pursuant to section 14-11 of the Zoning Ordinance. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing a notice of appeal, specifying the grounds thereof, with the Administrator and the BZA. An application for appeal, filed according to the above procedure, shall be given a case number within five (5) working days. Applications for appeals will be assigned for hearing in the order in which they are received. The BZA shall fix a reasonable time for the hearing of an applicant's appeal, and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from. The appellant may appear on his own behalf at the hearing, or be represented by counsel or an agent. Both the appellant and Zoning Administrator may speak to the appeal and, at the discretion of the Chair, the appellant and/or Zoning Administrator may be given additional opportunity for rebuttal. The BZA's decision on any appeal shall be based on the Board's judgment of whether the administrative officer was correct. (§15.2-2309)*

**SUBMIT APPLICATION TO:** Gloucester County Department of Planning & Zoning  
County Office Building Two, 6489 Main Street, Gloucester VA 23061 (804) 693-1224

**APPLICATION FEE: \$275.00; Make check payable to Gloucester County; Payment is required with application and is NOT REFUNDABLE**

### Conflict of Interest Statement

In accordance with Section 14-22 of the Gloucester County Zoning Ordinance, I certify that my application for X variance, \_\_\_ zoning appeal, or \_\_\_ special exception is subject to the following:

Does any member of the Planning Commission, Board of Zoning Appeals, Historic Landmarks Commission, or governing body (Board of Supervisors) have any interest in the **property** which is the subject of this application/petition, either individually, or by ownership of stock in a corporation owning such land or partnership?

Yes \_\_\_\_\_ No X

Does a member of the immediate household of any member of the Planning Commission, Board of Zoning Appeals, Historic Landmarks Commission, or governing body (Board of Supervisors) have any interest in the **property** which is the subject of this application/petition?

Yes \_\_\_\_\_ No X

If yes to either question above, please state:

Person's name: \_\_\_\_\_

Member of: \_\_\_\_\_

Nature of their interest: \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that the information contained in this conflict of interest statement is true and correct to the best of my knowledge.

Frances Ann Foster 3/25/2026  
(Signature) Date

CITY/COUNTY OF Gloucester  
COMMONWEALTH OF VIRGINIA

The foregoing instrument was subscribed and sworn before me this 25<sup>th</sup> day of

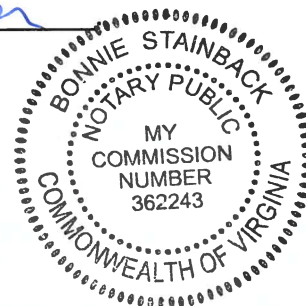
March, 2026 by Frances Ann Foster

Bonnie Stainback  
Notary Public

(Seal)

Notary Registration Number: 362243

My commission expires: 9/30/2029



**Conflict of Interest Statement**

In accordance with Section 14-22 of the Gloucester County Zoning Ordinance, I certify that my application for \_\_\_ variance, \_\_\_ zoning appeal, or \_\_\_ special exception is subject to the following:

Does any member of the Planning Commission, Board of Zoning Appeals, Historic Landmarks Commission, or governing body (Board of Supervisors) have any interest in the **property** which is the subject of this application/petition, either individually, or by ownership of stock in a corporation owning such land or partnership?

Yes \_\_\_\_\_ No \_\_\_\_\_

Does a member of the immediate household of any member of the Planning Commission, Board of Zoning Appeals, Historic Landmarks Commission, or governing body (Board of Supervisors) have any interest in the **property** which is the subject of this application/petition?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes to either question above, please state:

Person's name: \_\_\_\_\_

Member of: \_\_\_\_\_

Nature of their interest: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I, \_\_\_\_\_, hereby certify that the information contained in this conflict of interest statement is true and correct to the best of my knowledge.

*Frances Ann Foster*  
\_\_\_\_\_  
(Signature) \_\_\_\_\_ Date

CITY/COUNTY OF Gloucester  
COMMONWEALTH OF VIRGINIA

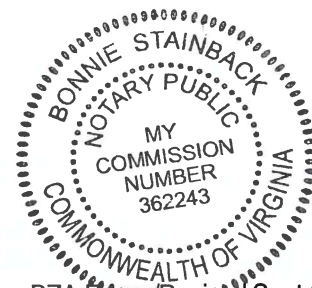
The foregoing instrument was subscribed and sworn before me this 25<sup>th</sup> day of March, 2026 by Frances Ann Foster.

*Brie Stainback*  
\_\_\_\_\_  
Notary Public

(Seal)

Notary Registration Number: 362243

My commission expires: 9/30/2029



BZA Forms Revised Sept 2010



**GLOUCESTER COUNTY**  
**Planning, Zoning & Environmental**  
**Programs Department**  
 6489 Main Street  
 Gloucester, VA 23061  
 (804) 693-1224  
[www.gloucesterva.info](http://www.gloucesterva.info)

**Denial of Permit Application 26020039 and NOTICE OF VIOLATION**  
 Certified Mail & First Class Mail

February 23, 2026

Frances Ann Foster  
 P.O. Box 190  
 North, VA 23128

RE: Zoning Permit Application No. 26020039; 7111 Tandems Way; Tax Map Parcel 50E (10)-18; Zoned Single Family, SF-1, RPC# 18807

Dear Ms. Foster:

This office has reviewed your zoning permit application no. 26020039 to enclose a deck as a dining room addition.

This is to notify you that your application for a zoning permit has been **denied** under Gloucester County Code Appendix B. Zoning, Article 15. Enforcement Section 15-1. Zoning Permits required and Section 5-30.3. Regulations for Zoning District SF-1, Single-Family Detached Residential District (5) Setback requirements, based on the following:

***Section 15-1. Zoning permits required.***

- (1) *No building, structure, or other improvement necessitating confirmation of zoning compliance shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor issued by the zoning administrator.*

***5-30.3. Regulations for Zoning District SF-1, Single Family Detached Residential District.***

- (1) *Setback requirements.*
  - a. *Setback table.*

	Front	Side	Rear
Principal Building / Structure	35 feet	15 feet	30 feet
Accessory Building / Structure	35 feet	5 feet	5 feet

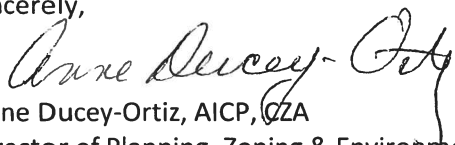
**Staff have researched and found that permits were never applied for or issued for the existing deck and currently it does not meet the required 15' setback. In order to get into compliance, you must revise your application so that it meets the ordinance which would include modification to the existing structure to meet the side yard setback. Failure to bring the addition into compliance within sixty (60) days (April 20,**

**2026) will put you in violation of Section 15-1. Zoning Permits required and Section 5-30.3 Setback requirements and will obligate this office to pursue appropriate legal action pursuant to section 15-8. If found guilty, it would result in a misdemeanor charge and potential fines.**

In accordance with Section 15.2-2311 of the Code of Virginia of 1950 as amended, you have the right to appeal this decision. To exercise this right, you must file a written request for appeal with the Board of Zoning Appeals within thirty (30) days of the date of this notice. The appeals form can be obtained from this office or from our website at <https://gloucesterva.gov/planning-zoning/zoning-division#appeals> and completed and returned to this office, accompanied with a two hundred and seventy-five dollar (\$275) filing fee. If you fail to do so within the time allowed your right to appeal will be irrevocably lost, and this determination shall be final. Please note that a link to the Board of Zoning Appeals' meeting schedule with application cutoff dates is located at the top of the webpage.

If you have any questions regarding this letter, please contact the Planning & Zoning Office at 804-693-1224 and ask for the zoning division.

Sincerely,



Anne Ducey-Ortiz, AICP, CZA

Director of Planning, Zoning & Environmental Programs/Zoning Administrator

pc: Laura Lutinski, Assistant Zoning Administrator  
Ted Wilmot, County Attorney  
Nicole Flora, Zoning Technician  
Building Inspections Department

Enclosure: Copy Application No. 26020039 (Denied)



**GLOUCESTER COUNTY**  
**Planning, Zoning & Environmental**  
**Programs Department**  
6489 Main Street  
Gloucester, VA 23061  
(804) 693-1224  
[www.gloucesterva.info](http://www.gloucesterva.info)

---

**NOTICE OF VIOLATION**

Certified Mail & First-Class Mail

February 23, 2026

Frances Ann Foster  
P.O. Box 190  
North, VA 23128

RE: Tax Map Parcel 50E (10)-18; 7111 Tandems Way; Zoned Single Family, SF-1, RPC# 18807

Dear Ms. Foster:

Upon review of your zoning permit application no. 26020039 to enclose a deck as a dining room addition, staff discovered a shed and garage which were also constructed without permits.

As a result you are in violation under Gloucester County Code Appendix B. Zoning, Article 15. Enforcement Section 15-1. Zoning Permits required on the following:

***Section 15-1. Zoning permits required.***

- (1) *No building, structure, or other improvement necessitating confirmation of zoning compliance shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor issued by the zoning administrator.*

**In order to get into compliance, you must submit an application with Zoning for the shed and garage. Failure to bring the structures into compliance within thirty (30) days (March 23, 2026) will put you in violation of Section 15-1. Zoning Permits required and will obligate this office to pursue appropriate legal action pursuant to section 15-8. If found guilty, it would result in a misdemeanor charge and potential fines.**

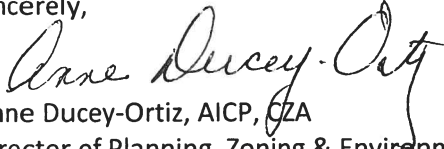
**Please be aware you will also need to apply with the Building Inspections department for the garage, but not the shed because it is less than 256sqft. However, if there is electricity to the shed, you may need a trades permit for that as well.**

In accordance with Section 15.2-2311 of the Code of Virginia of 1950 as amended, you have the right to appeal this decision. To exercise this right, you must file a written request for appeal with the Board of Zoning Appeals within thirty (30) days of the date of this notice. The appeals form can be obtained from this office or from our website at <https://gloucesterva.gov/planning-zoning/zoning-division#appeals> and completed and returned to this office, accompanied with a two hundred and seventy-five dollar (\$275) filing fee. If you fail to do so within the time allowed your right to appeal will be irrevocably lost, and this determination shall be final. Please note

that a link to the Board of Zoning Appeals' meeting schedule with application cutoff dates is located at the top of the webpage.

If you have any questions regarding this letter, please contact the Planning & Zoning Office at 804-693-1224 and ask for the zoning division.

Sincerely,

A handwritten signature in cursive script that reads "Anne Ducey-Ortiz". The signature is written in black ink and is positioned above the printed name.

Anne Ducey-Ortiz, AICP, ~~QZA~~

Director of Planning, Zoning & Environmental Programs/Zoning Administrator

pc: Laura Lutinski, Assistant Zoning Administrator

Ted Wilmot, County Attorney

Nicole Flora, Zoning Technician

Building Inspections Department

Feb 2022



02/06/2022 - 03/11/2022

Feb 2024



© 2024 All EagleView Technology Co.

02/04/2024

DEC 2011-JAN 2012



12/13/2011

Dec 2013- Feb 2014



12/18/2013

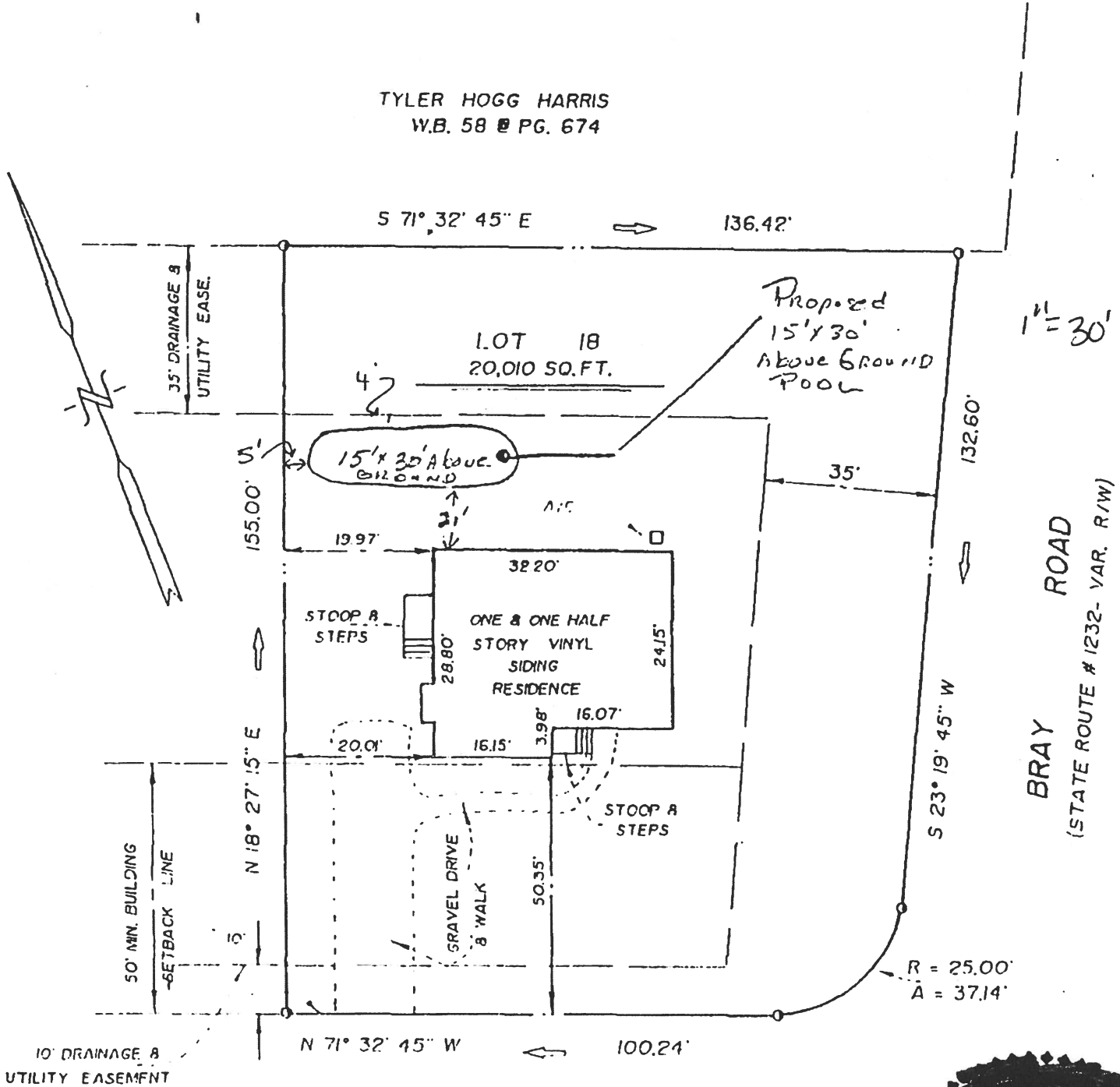
DEC 2017 - Feb 2018



12/29/2017

2 P-96-655

TYLER HOGG HARRIS  
W.B. 58 @ PG. 674



TANDEM'S WAY  
50' R/W

BRAY ROAD  
(STATE ROUTE # 1232- VAR. R/W)

Signed: *Nancy J. Long*



NOTE: THIS RESIDENCE IS NOT LOCATED IN A F.E.M.A. DEFINED SPECIAL FLOOD HAZARD ZONE. (ZONE "X") COMM. # 510071, PANEL 65 "B" DATED AUG. 4, 1987

THIS IS TO CERTIFY THAT ON AUG. 11, 1993 I SURVEYED THE PROPERTY SHOWN ON THIS



Permit # 24070232  
Date Received: 7/19/24

CU-10-10  
HAR-HVE-FACT

APPLICATION FOR ZONING/BUILDING PERMIT – GLOUCESTER COUNTY, VA

I. Name of Applicant (Note: Must be INDIVIDUAL) (please print): Frances Ann Foster  
Company Name: \_\_\_\_\_  
Applicant Mailing Address (include city, state, zip): P.O. Box 190 North VA 23128  
Contact Phone Number(s): (804) 815-8972 email: tfoster@abbitt.com

II. Name of Property Owner(s): Frances Ann Foster  
Mailing Address P.O. Box 190 North VA 23128 (C,S,Z) \_\_\_\_\_  
Contact Phone Number(s): (804) 815-8972 email: tfoster@abbitt.com

III. Property Information:  
Street Address: 7111 Tadems Way Hayes Va 23072  
Recorded Subdivision Name or Legal Description of Property: \_\_\_\_\_  
RPC: 18807 Tax Map # 50E-10-18

IV. Describe the current use of the property: residence

V. List the type of project(s) being applied for (please give description of all proposed work) including proposed use: \_\_\_\_\_  
addition of a dining room enclosing existing porch to make a dining room  
For Dwelling(s): Number units proposed: 1 Number of stories: 1 Building height in feet: \_\_\_\_\_ Square footage: 192sf  
Number of Bedrooms: \_\_\_\_\_ Estimated cost upon completion: \$ 20,000.00  
Projects other than dwellings (describe): \_\_\_\_\_ # of stories: \_\_\_\_\_ Building height in ft: \_\_\_\_\_ Sq. ft.: \_\_\_\_\_  
Cost: \$ \_\_\_\_\_

\*\* NOTE: If this proposal is for an accessory apartment or accessory dwelling, please complete and sign page three (3)

VI. Attach plans drawn to scale showing the following:  
-The dimensions and shape of parcel(s) to be built upon.  
-Existing primary and accessory buildings  
-Proposed new structures, accessory buildings or alterations thereto showing front, rear and side yard setback lines.

Note: Plans (surveys) for principal buildings are required to bear the seal of a licensed architect, engineer, or surveyor

VII. Contractor homeowner  
Address \_\_\_\_\_  
Phone: \_\_\_\_\_ State License # \_\_\_\_\_ Expiration Date \_\_\_\_\_

VIII. Mechanic's Lien Agent: n/a  None designated  
Address: \_\_\_\_\_ Telephone No. \_\_\_\_\_

IX. IF APPLYING FOR A MANUFACTURED HOME ONLY: New  Replacement  Relocate; if so, from where \_\_\_\_\_  
Make/Model/Year \_\_\_\_\_ # of Bedrooms \_\_\_\_\_ Cost when purchased: \$ \_\_\_\_\_

X. MANUFACTURED HOMES:  
Virginia Uniform Statewide Building Code (USBC) 419.2.2 Skirting. Manufactured homes installed or relocated shall have skirting installed within 60 days of occupancy of the home. As used in this section, "skirting" means a weather-resistant material used to enclose the space from the bottom of the manufactured home to grade.

MUST SELECT BUILDING CODE: 2018 USBC 2021 USBC (circle applicable)

**PRIVACY ACT STATEMENT:** Information provided in this application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

**CERTIFICATION:** I am hereby applying for all permits typically issued by the County of Gloucester for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify that this document and all attachments were prepared under my direction or supervision and the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware of penalties pursuant to Section 15-10 for violation to the Gloucester County Zoning Ordinance for submitting false information.

It is the applicant's responsibility to ensure compliance with all applicable local, state and federal regulations required for the proposed use.

*Frances Ann Foster*  
dotloop verified  
07/16/24 9:41 AM EDT  
XZZT-D3WS-K0SH-VAB8

APPLICANT'S SIGNATURE

**PROPERTY OWNERS' AFFIDAVIT**

Owners obtaining building permits and not listing a contractor please complete and sign property owners' affidavit below (notary not required)

I, Frances Ann Foster  
of (address) P.O. Box 190 North VA 23128 affirm that I am the owner  
of a certain tract or parcel of land located at 50E-10-18 and that I have applied for a building permit. I affirm that I am familiar with the prerequisites of Section 54.1-1111 of the Code of Virginia and I am not subject to licensure as a contractor or subcontractor.

*Frances Ann Foster* (Affiant signature)

Signed and acknowledged in the county of Gloucester, VA, on the 17 day of July, 2024, in the presence of the

undersigned witness.

*[Signature]* (Witness)

**To be signed only if property is located in a flood zone:**

Federal law requires that a flood insurance policy be obtained as a condition of a federally backed mortgage or loan that is secured by the building. Flood insurance is available in Gloucester County.

\_\_\_\_\_ A determination of the building's exact location cannot be made on the FIRM. A copy of the FIRM is attached for your information.

NOTE: This determination is based on the Flood Insurance Rate Map for the County. This statement does not imply that the referenced property will or will not be free from flooding or damage. A property not in a Special Flood Hazard Area may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This statement does not create liability on the part of the County, or any officer or employee thereof, for any damage that results from reliance on this determination.

Building Inspection staff has explained the requirements in Chapter 8.5 of the Gloucester County Code entitled "Floodplain Management" to me. I understand that it is my responsibility to have the "under construction" and "finished construction" elevation certificates completed and signed by a certified engineer or certified land surveyor and returned to the Building Inspection office.

\_\_\_\_\_  
LANDOWNER/APPLICANT

\*\*\*

RETURN TO: Planning & Zoning/Building Inspection, 6489 Main Street Gloucester, VA 23061

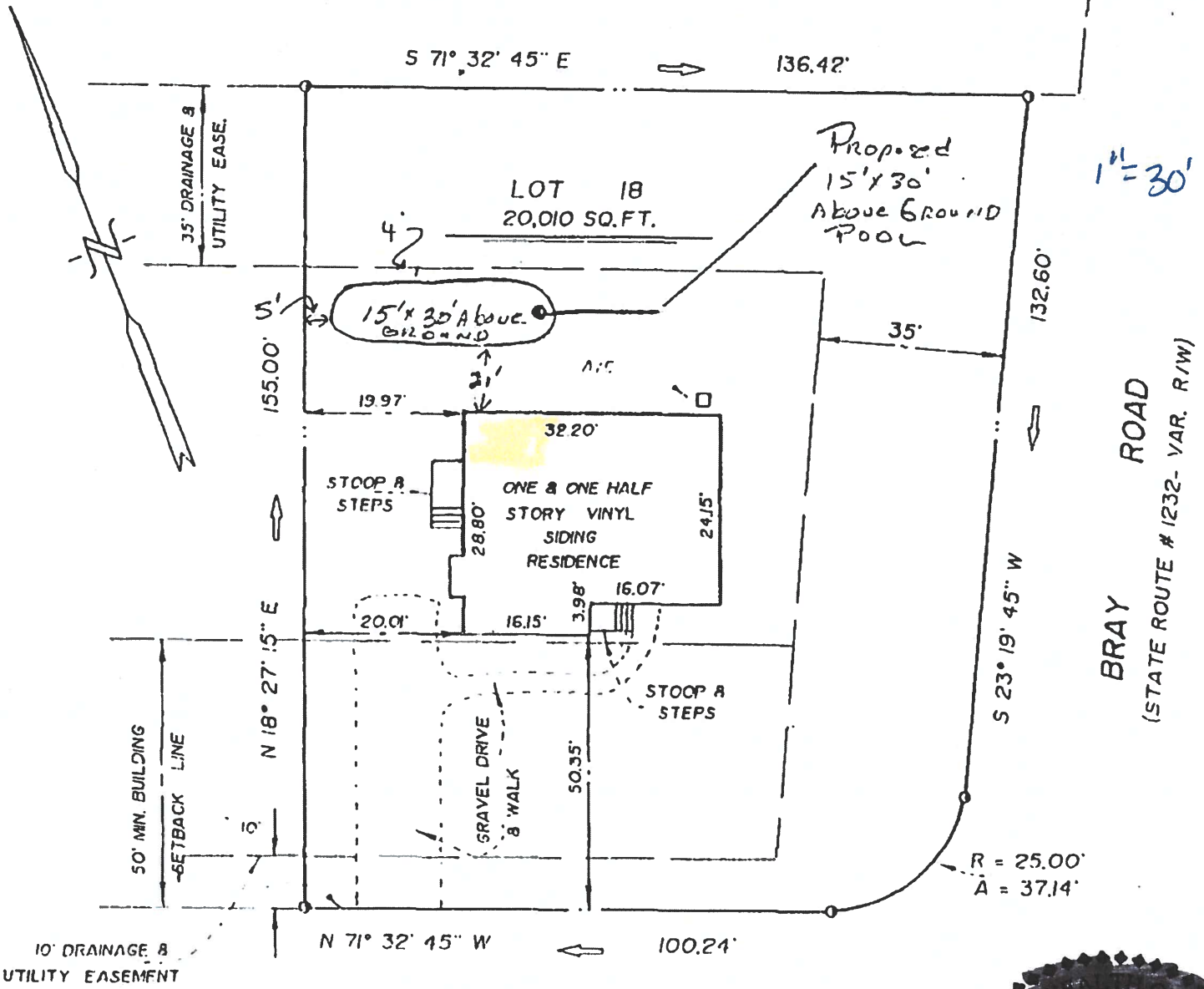
Telephone: Building Inspection: (804) 693-2744 Zoning: (804) 693-1224

Zoning Application Fee: \$35.00; Make check payable to Gloucester County; Payment is required with application and is NOT REFUNDABLE

Building Permit Fees will be calculated at time of issuance

2P-96-655

TYLER HOGG HARRIS  
W.B. 58 @ PG. 674



1" = 30'

BRAY ROAD  
(STATE ROUTE # 1232 - VAR. R/W)

TANDEM'S WAY  
50' R/W

UNDERGROUND UTILITIES

Signed: *Nancy J. Long*



NOTE: THIS RESIDENCE IS NOT LOCATED IN A F.E.M.A. DEFINED SPECIAL FLOOD HAZARD ZONE. (ZONE "X") COMM. # 510071, PANEL 65 "B" DATED AUG. 4, 1987

THIS IS TO CERTIFY THAT ON AUG. 11, 1993 I SURVEYED THE PROPERTY SHOWN ON THIS

## Lutinski, Laura

---

**From:** Walton, Laura  
**Sent:** Thursday, September 12, 2024 11:06 AM  
**To:** tfoster@abbitt.com  
**Subject:** RE: FW: 7111 Tandems Way

Sounds good, thank you.



**Laura Walton**  
Zoning Specialist  
PLANNING & ZONING  
O: 804-693-1224

NOTICE: Email messages from Gloucester County are intended solely for the use of those to whom they are addressed and may contain confidential or legally privileged information. While all reasonable precautions have been taken to ensure that emails are virus-free, Gloucester County is not responsible for any damages from viruses or corrupted contents of emails and suggests that you subject these to your virus checking procedures prior to use. If you have received this message in error, please notify the sender and delete or destroy all copies.

---

**From:** Tracy A. Foster <tafoster17@gmail.com>  
**Sent:** Thursday, September 12, 2024 10:46 AM  
**To:** Walton, Laura <lwalton@gloucesterva.info>  
**Subject:** Re: FW: 7111 Tandems Way

**CAUTION:** This email originated from a source outside of Gloucester County. Avoid clicking on links or attachments unless you are sure of the sender and know that the content is safe.

Yes ma'am. Thanks for reaching out. If you would withdraw it and we will be in touch once the survey with the buildings is found or created.

Thanks,

**Tracy A. Foster-Realtor**

Abbitt Realty Company, LLC

**804-725-6603 cellular**

[tracy.abbittrealty.com](http://tracy.abbittrealty.com) /[tfoster@abbitt.com](mailto:tfoster@abbitt.com)

Williamsburg Office (757)253-7600

Gloucester Office (804)642-2300

Fax (804) 642-6950  
Cell (804) 725-6603

On Wed, Sep 11, 2024 at 1:32 PM Walton, Laura <[lwalton@gloucesterva.info](mailto:lwalton@gloucesterva.info)> wrote:

Tracy,

Would you like me to withdraw this application until a survey can be pt together or found? We are past our 30 days and if we withdraw it I can avoid denying it and reopen it later with a new application date.



**Laura Walton**  
Zoning Specialist  
PLANNING & ZONING  
O: 804-693-1224

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---

**From:** Tracy A. Foster <[tafoster17@gmail.com](mailto:tafoster17@gmail.com)>  
**Sent:** Sunday, August 18, 2024 8:22 PM  
**To:** Walton, Laura <[lwalton@gloucesterva.info](mailto:lwalton@gloucesterva.info)>  
**Cc:** [tfoster@abbitt.com](mailto:tfoster@abbitt.com); Robert Foster <[bobfoster1942@gmail.com](mailto:bobfoster1942@gmail.com)>  
**Subject:** Re: FW: 7111 Tandems Way

**CAUTION:** This email originated from a source outside of Gloucester County. Avoid clicking on links or attachments unless you are sure of the sender and know that the content is safe.

Hi Laura,

It looks like this would require a surveyor. We are trying to find whether there is an old survey that can be updated or if a new survey, locating the outbuildings will be necessary. I'll reach back out to Al Ramsey in the morning to get this moving along.

Thank you,

## **Tracy A. Foster-Realtor**

Abbitt Realty Company, LLC

**804-725-6603 cellular**

[tracy.abbittrealty.com](http://tracy.abbittrealty.com) / [tfoster@abbitt.com](mailto:tfoster@abbitt.com)

Williamsburg Office (757)253-7600

Gloucester Office (804)642-2300

Fax (804) 642-6950

Cell (804) 725-6603

On Thu, Aug 1, 2024 at 3:11 PM Walton, Laura <[lwalton@gloucesterva.info](mailto:lwalton@gloucesterva.info)> wrote:

Thank you!



**Laura Walton**

Zoning Specialist  
PLANNING & ZONING  
O: 804-693-1224

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---

**From:** Tracy A. Foster <[tafoster17@gmail.com](mailto:tafoster17@gmail.com)>  
**Sent:** Thursday, August 1, 2024 2:58 PM  
**To:** Walton, Laura <[lwalton@gloucesterva.info](mailto:lwalton@gloucesterva.info)>  
**Subject:** Re: FW: 7111 Tandems Way

**CAUTION:** This email originated from a source outside of Gloucester County. Avoid clicking on links or attachments unless you are sure of the sender and know that the content is safe.

received. Thank you Laura. I'll get back to you soon!

Tracy

## Tracy A. Foster-Realtor

Abbitt Realty Company, LLC

**804-725-6603 cellular**

[tracy.abbittrealty.com](http://tracy.abbittrealty.com) / [tfoster@abbitt.com](mailto:tfoster@abbitt.com)

Williamsburg Office (757)253-7600

Gloucester Office (804)642-2300

Fax (804) 642-6950

Cell (804) 725-6603

On Thu, Aug 1, 2024 at 2:55 PM Walton, Laura <[lwalton@gloucesterva.info](mailto:lwalton@gloucesterva.info)> wrote:

I am reaching out again to make sure you received the original email. We are trying to verify the location of the enclosed area as the aerial shows a section to the left of the house that is not shown on this survey. Could you please verify where this addition is on the survey?



**Laura Walton**  
Zoning Specialist  
PLANNING & ZONING  
O: 804-693-1224

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**From:** Walton, Laura <[lwalton@gloucesterva.info](mailto:lwalton@gloucesterva.info)>

**Sent:** Monday, July 29, 2024 12:50 PM

**To:** [tfoster@abbitt.com](mailto:tfoster@abbitt.com)

**Subject:** 7111 Tandems Way

Good Afternoon,

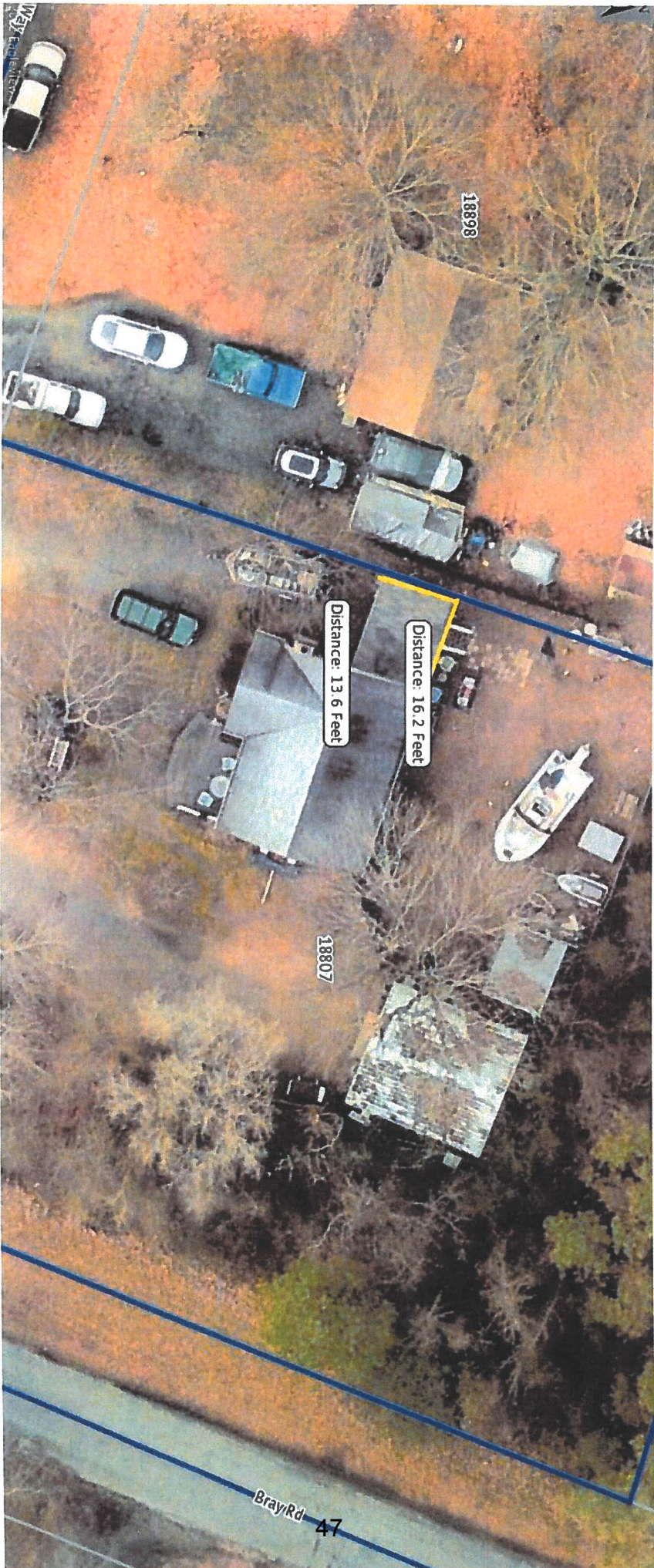
I am currently reviewing the application for the enclosed porch that is after the fact. In reviewing aerials and the survey that was with the application and marked in yellow where the porch is located. I noticed the addition on the side was not reflected.

Our ordinance requires that the drawings show existing and proposed. I would need the piece I marked in measurements to be drawn to scale on the survey. Also, if that is the actual enclosed porch and not the area highlighted on the survey I would need that changed and indicated.



**Laura Walton**  
Zoning Specialist  
PLANNING & ZONING  
O: 804-693-1224

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02/06/2022 - 03/11/2022



Denied 2/23/2020

Permit # 26020039  
Date Received: 2-10-2020

50E-10-18

APPLICATION FOR ZONING/BUILDING PERMIT – GLOUCESTER COUNTY, VA

I. Name of Applicant (Note: Must be INDIVIDUAL) (please print): Frances Ann Foster

Company Name: \_\_\_\_\_

Applicant Mailing Address (include city, state, zip): P.O. Box 190 North VA 23128

Contact Phone Number(s): (804) 815-8972 email: tfoster@abbitt.com

II. Name of Property Owner(s): Frances Ann Foster

Mailing Address P.O Bix 190 North VA 23128 (C,S,Z)

Contact Phone Number(s): (804) 815-8972 email: tfoster@abbitt.com

III. Property Information:

Street Address: 7111 Tadems Way Hayes Va 23072

Recorded Subdivision Name or Legal Description of Property: Village Trace Sec 11, Lot 18

RPC: 18807 Tax Map # 50E-10-18

IV. Describe the current use of the property: residence

V. List the type of project(s) being applied for (please give description of all proposed work) including proposed use: addition of a dining room

For Dwelling(s): Number units proposed: 1 Number of stories: 1 Building height in feet: \_\_\_\_\_ Square footage: 192sf

Number of Bedrooms: \_\_\_\_\_ Estimated cost upon completion: \$ 20,000.00

Projects other than dwellings (describe): \_\_\_\_\_ # of stories: \_\_\_\_\_ Building height in ft: \_\_\_\_\_ Sq. ft.: \_\_\_\_\_

Cost: \$ \_\_\_\_\_

**\*\* NOTE: If this proposal is for an accessory apartment or accessory dwelling, please complete and sign page three (3)**

VI. Attach plans drawn to scale showing the following:

- The dimensions and shape of parcel(s) to be built upon.
- Existing primary and accessory buildings
- Proposed new structures, accessory buildings or alterations thereto showing front, rear and side yard setback lines.

Note: Plans (surveys) for principal buildings are required to bear the seal of a licensed architect, engineer, or surveyor

VII. Contractor homeowner

Address \_\_\_\_\_

Phone: \_\_\_\_\_ State License # \_\_\_\_\_ Expiration Date \_\_\_\_\_

VIII. Mechanic's Lien Agent: n/a  None designated

Address: \_\_\_\_\_ Telephone No. \_\_\_\_\_

IX. IF APPLYING FOR A MANUFACTURED HOME ONLY: New  Replacement  Relocate; if so, from where \_\_\_\_\_

Make/Model/Year \_\_\_\_\_ # of Bedrooms \_\_\_\_\_ Cost when purchased: \$ \_\_\_\_\_

X. MANUFACTURED HOMES:

Virginia Uniform Statewide Building Code (USBC) 419.2.2 Skirting. Manufactured homes installed or relocated shall have skirting installed within 60 days of occupancy of the home. As used in this section, "skirting" means a weather-resistant material used to enclose the space from the bottom of the manufactured home to grade.

MUST SELECT BUILDING CODE: 2018 USBC 2021 USBC (circle applicable)  
48

**PRIVACY ACT STATEMENT:** Information provided in this application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

**CERTIFICATION:** I am hereby applying for all permits typically issued by the County of Gloucester for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify that this document and all attachments were prepared under my direction or supervision and the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware of penalties pursuant to Section 15-10 for violation to the Gloucester County Zoning Ordinance for submitting false information.

It is the applicant's responsibility to ensure compliance with all applicable local, state and federal regulations required for the proposed use.

*Frances Ann Foster*  
dotloop verified  
07/16/24 9:41 AM EDT  
XZZT-D3WS-KOSH-VAB8  
APPLICANT'S SIGNATURE

**PROPERTY OWNERS' AFFIDAVIT**

Owners obtaining building permits and not listing a contractor please complete and sign property owners' affidavit below (notary not required)

I, Frances Ann Foster

of (address) P.O. Box 190 North VA 23128 affirm that I am the owner

of a certain tract or parcel of land located at 50E-10-18 and that I have applied for a building permit. I affirm that I am familiar with the prerequisites of Section 54.1-1111 of the Code of Virginia and I am not subject to licensure as a contractor or subcontractor.

*Frances Ann Foster*  
(Affiant signature)

Signed and acknowledged in the county of Gloucester, VA, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the presence of the undersigned witness.

*[Signature]*  
(Witness)

**To be signed only if property is located in a flood zone:**

Federal law requires that a flood insurance policy be obtained as a condition of a federally backed mortgage or loan that is secured by the building. Flood insurance is available in Gloucester County.

\_\_\_\_\_ A determination of the building's exact location cannot be made on the FIRM. A copy of the FIRM is attached for your information.

NOTE: This determination is based on the Flood Insurance Rate Map for the County. This statement does not imply that the referenced property will or will not be free from flooding or damage. A property not in a Special Flood Hazard Area may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This statement does not create liability on the part of the County, or any officer or employee thereof, for any damage that results from reliance on this determination.

Building Inspection staff has explained the requirements in Chapter 8.5 of the Gloucester County Code entitled "Floodplain Management" to me. I understand that it is my responsibility to have the "under construction" and "finished construction" elevation certificates completed and signed by a certified engineer or certified land surveyor and returned to the Building Inspection office.

\_\_\_\_\_  
LANDOWNER/APPLICANT

\*\*\*

RETURN TO: Planning & Zoning/Building Inspection, 6489 Main Street Gloucester, VA 23061

Telephone: Building Inspection: (804) 693-2744 Zoning: (804) 693-1224

Zoning Application Fee: **\$35.00**; Make check payable to *Gloucester County*; Payment is required with application and is NOT REFUNDABLE  
Building Permit Fees will be calculated at time of issuance

CURVE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	37.14'	N65°53'30"E	25.00'	85°07'30"	33.82'	22.96'

LOT 17

TAX MAP 50E PARCEL (10)-17  
N/F JOHN D. COATS  
INST. 96-3850  
C.P.B. 22 PG. 715

TANDEM'S WAY  
S.R. 1273 50' R/W

N71°32'45"W  
100.24'

LOT 18

N18°27'15"E  
155.00'

TAX MAP 50R PARCEL (1)-1  
N/F BRITNEY N. HARTLEBEN  
INST. 20-2818  
C.P.B. 25 PGS. 434 & 435

LOT 1

"BRAY WOODS"

C.P.B. 22



THIS TO DECLARE THAT I, ON JANUARY 15 & 17, 2025 SURVEYED THE PROPERTY SHOWN HEREON, AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SURVEY APPEARS TO LIE WITHIN ZONE X, AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN, ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR GLOUCESTER COUNTY, VIRGINIA REFERENCE PANEL NO. 51073C-0195 F DATED 10/21/2021.

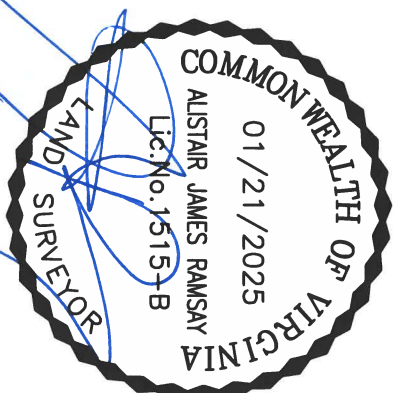
THE EXISTENCE OF: VEGETATED, AND/OR TIDAL WETLANDS, AND/OR HAZARDOUS WASTES, WAS NEITHER INVESTIGATED NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.

NOTES:

1. REFERENCE C.P.B. 22 PG. 715.
2. FLOOD ZONE SCALED FROM FEMA MAP.
3. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, AND AS SUCH MAY NOT REFLECT ALL TITLE MATTERS AFFECTING THE SUBJECT PROPERTY.
4. PROPERTY IS ZONED SF-1.

**SITE STATISTICS:**

TAX MAP 50E PARCEL (10)-18  
N/F ANN FOSTER LIVING TRUST  
INST. 22-0933  
C.P.B. 22 PG. 715  
0.46 ACRE



**PHYSICAL SURVEY OF**

LOT 18  
SEC 2  
VILLAGE TRACE

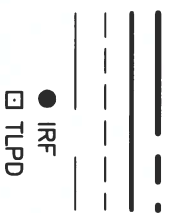
GLOUCESTER POINT MAGISTERIAL DISTRICT  
GLOUCESTER COUNTY, VIRGINIA  
SCALE: 1" = 30' DATE: 01/21/2025

**ALISTAIR J. RAMSAY L.S., P.C.**

7319 MARTIN STREET SUITE 6 GLOUCESTER, VIRGINIA 23061 804-824-9374

**Legend**

- PROPERTY LINE
- RIGHT-OF-WAY EASEMENT
- SETBACK LINE
- IRON ROD FOUND
- TELEPHONE PEDESTAL



GRAPHIC SCALE

1" = 30'



BRAY ROAD

S.R. 1232

50' R/W

TO U.S. 17

S23°19'45"W 132.60'

54.57'

IRF

S71°32'45"E 136.42'

TLPD

24-220



**GLOUCESTER COUNTY**  
**Planning, Zoning & Environmental**  
**Programs Department**  
 6489 Main Street  
 Gloucester, VA 23061  
 (804) 693-1224  
[www.gloucesterva.info](http://www.gloucesterva.info)

**Denial of Permit Application 26020039 and NOTICE OF VIOLATION**  
 Certified Mail & First Class Mail

February 23, 2026

Frances Ann Foster  
 P.O. Box 190  
 North, VA 23128

RE: Zoning Permit Application No. 26020039; 7111 Tandems Way; Tax Map Parcel 50E (10)-18; Zoned Single Family, SF-1, RPC# 18807

Dear Ms. Foster:

This office has reviewed your zoning permit application no. 26020039 to enclose a deck as a dining room addition.

This is to notify you that your application for a zoning permit has been **denied** under Gloucester County Code Appendix B. Zoning, Article 15. Enforcement Section 15-1. Zoning Permits required and Section 5-30.3. Regulations for Zoning District SF-1, Single-Family Detached Residential District (5) Setback requirements, based on the following:

***Section 15-1. Zoning permits required.***

- (1) *No building, structure, or other improvement necessitating confirmation of zoning compliance shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor issued by the zoning administrator.*

***5-30.3. Regulations for Zoning District SF-1, Single Family Detached Residential District.***

- (1) *Setback requirements.*

a. *Setback table.*

	Front	Side	Rear
Principal Building / Structure	35 feet	15 feet	30 feet
Accessory Building / Structure	35 feet	5 feet	5 feet

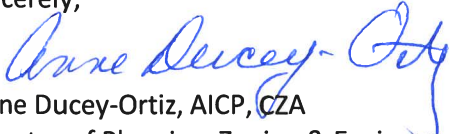
**Staff have researched and found that permits were never applied for or issued for the existing deck and currently it does not meet the required 15' setback. In order to get into compliance, you must revise your application so that it meets the ordinance which would include modification to the existing structure to meet the side yard setback. Failure to bring the addition into compliance within sixty (60) days (April 20,**

**2026) will put you in violation of Section 15-1. Zoning Permits required and Section 5-30.3 Setback requirements and will obligate this office to pursue appropriate legal action pursuant to section 15-8. If found guilty, it would result in a misdemeanor charge and potential fines.**

In accordance with Section 15.2-2311 of the Code of Virginia of 1950 as amended, you have the right to appeal this decision. To exercise this right, you must file a written request for appeal with the Board of Zoning Appeals within thirty (30) days of the date of this notice. The appeals form can be obtained from this office or from our website at <https://gloucesterva.gov/planning-zoning/zoning-division#appeals> and completed and returned to this office, accompanied with a two hundred and seventy-five dollar (\$275) filing fee. If you fail to do so within the time allowed your right to appeal will be irrevocably lost, and this determination shall be final. Please note that a link to the Board of Zoning Appeals' meeting schedule with application cutoff dates is located at the top of the webpage.

If you have any questions regarding this letter, please contact the Planning & Zoning Office at 804-693-1224 and ask for the zoning division.

Sincerely,



Anne Ducey-Ortiz, AICP, CZA

Director of Planning, Zoning & Environmental Programs/Zoning Administrator

pc: Laura Lutinski, Assistant Zoning Administrator  
Ted Wilmot, County Attorney  
Nicole Flora, Zoning Technician  
Building Inspections Department

Enclosure: Copy Application No. 26020039 (Denied)