

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

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.

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.

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.

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.

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.

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

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.

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.

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 25th 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.

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.

J. Wayne Horsley, Chairman

Nicole Flora, Secretary