

**MEMORANDUM**

To: Planning Commission

From: Matthew Sampa, Planner I

Date: August 16, 2024

Subject: Exception request for agricultural use in RR-1 on a lot less than two (2) acres at 301 Royal Lane

<b>Property Location</b>	301 Royal Lane	
<b>Tax Parcel Numbers</b>	347- 13 15	
<b>Parcel(s) Size</b>	1 acre	
<b>Present Zoning District</b>	RR-1 Rural Residential 1	
<b>Proposed Use</b>	Agriculture	
<b>Adjacent Zoning District</b>	<b>North:</b>	RR-1 Rural Residential 1
	<b>East:</b>	O Office
	<b>South:</b>	RR-1 Rural Residential 1
	<b>West:</b>	RR-1 Rural Residential 1
<b>Adjacent Uses</b>	<b>North:</b>	Single Family Residential
	<b>East:</b>	Vacant
	<b>South:</b>	Vacant
	<b>West:</b>	Single-family residential

**REQUEST, BACKGROUND, EXISTING CONDITIONS**

**Request**

The applicant, Anthony Grafsky, has submitted a request for an agricultural use in the RR-1 zoning district on a lot that is less than two acres. The subject parcel is approximately one acre, and is located in the Farmview subdivision at the corner of Farmview Drive and Royal Lane. The applicant is requesting to keep one pig and two goats on the property as pets.

**Background**

On April 16, 2024, Town staff was informed by a citizen that farm animals had been observed in the front yard of the applicant’s property. When staff visited the property to conduct an inquiry, they noticed two goats in the backyard, and a pig that was tethered by a chain tied to a tree in the front yard. On May 1, 2024, the applicant was notified by staff that the property was in violation of Zoning Ordinance Sections 3021 and 4101(b). More information on the applicable Zoning Ordinance Sections can be found later in the staff report. A violation letter was sent on June, 24, 2024. The applicant subsequently filed for a Special Exception to Zoning Ordinance section 4101(b) on July 7, 2024.

### **Existing Conditions**

As previously mentioned, the subject parcel is a one acre corner lot with frontage on Royal lane and Farmview Drive in the Farmview subdivision, located near the Town's southern border. The property is one of nine lots with single-family homes along the Royal Lane cul-de-sac. The lots range in size from one acre to around 2.5 acres. The parcel consists of a single-family dwelling with a fenced rear yard where the animals are currently kept.

### **EVALUATION OF APPLICATION**

Within the Town, Special Exceptions for agriculture uses are rare. Special Exceptions are typically Use and Design Standards such as parking in front of the building line or buffer yard modifications, and most Special Exceptions will be heard with an accompanying Conditional Use Permit or Rezoning and acted upon in conjunction with the action on the CUP or Rezoning petition. However, exception requests to Use and Design Standards may be made without an accompanying rezoning or CUP application.

Section 1112 indicates that Town Council may grant special exceptions to certain Zoning Ordinance requirements as authorized by Virginia Code §15.2-2286. Exceptions should be considered by Town Council with regard to the criteria stated in this section and detailed below. The application should also be evaluated for its conformance with the Town Code, Comprehensive Plan, the purposes of the zoning district, and the intent of the standard in question. Town Council may impose conditions on the exception, if approved, in order to minimize any adverse impacts anticipated.

### **COMPREHENSIVE PLAN**

Although the subject parcel is zoned RR-1, it is designated as Low Density Residential on the Future Land Use map. This designation is typically implemented in the Low Residential (R-4) and Planned Residential (PR) zoning districts. The parcel is also located in an Urban Development Area (UDA), and Suburban Residential Neighborhood. UDAs are intended to serve as a focal point for growth in the Town over the next 10 to 20 years, while Suburban residential neighborhoods are commonly made up of detached single-family homes on quarter acre or larger sized lots in low density neighborhoods. They are located near parks and recreational amenities, and have the ability to accommodate future pedestrian infrastructure and neighborhood scale services as they grow. *Although these neighborhoods commonly abut agricultural land and open space, agriculture is not a common use within these neighborhoods.*

### **ZONING ORDINANCE AND TOWN CODE**

#### **Zoning Ordinance**

Zoning Ordinance Section 3021 specifies the uses allowed by-right in the Rural Residential-1 Zoning District, including "Agriculture." The Zoning Ordinance definition of agriculture in Section 2103 is:

*The use of land for the production of food and fibre,[sic] including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry. A garden accessory to a residence shall not be considered agriculture. The keeping of a horse, cow, pig, sheep, goat, or chicken shall constitute agriculture regardless of the size of the animal and regardless of the purpose for which it is kept. Notwithstanding the foregoing, keeping six hens or less in accordance with the provisions of Town Code § 5-118 shall not be considered to be "agriculture."*

Agriculture has specific Use and Design Standards, specified in Section 4101. Section 4101(b) states that parcels used for Agriculture in the Rural Residential 1 and 2 Districts must have a minimum lot size of 2

acres. This standard is intended to provide for adequate space for the keeping of animals or other agricultural uses, but also for the minimization of impacts to surrounding properties.

### **Town Code**

Additionally, the Town Code regulates the keeping of hogs:

#### ***Town Code Section 5-105. Keeping of hogs.***

*(a) Any person who shall keep a hog in the town, except in an agricultural, forestal, or agricultural or forestal district established by the town council pursuant to chapter 3 of this Code, shall be guilty of a Class 3 misdemeanor. The word "hog" shall include all hogs and pigs regardless of age or size.*

*(b) The town manager shall require the keeper of a hog in violation of this section to remove it from the town.*

Zoning Ordinance Section 2103 and Town Code Section 5-105 are inconsistent with each other because one permits the keeping of hogs as part of an agricultural use while the other limits it. *If the Town Council wishes to grant the special exception, an amendment to Town Code Section 5-105 would also be necessary to allow the keeping of hogs in areas other than in an agricultural or forestal district.*

### **IMPACTS**

Town Council should evaluate the request with regard to impacts on surrounding properties such as: noise, dust, water quality, air quality, and odor.

### **Neighborhood Meeting**

A neighborhood meeting was held on August 7<sup>th</sup> 2024. Four of nine owners of adjacent properties on Royal Lane were in attendance and expressed a variety of concerns about the exception request. Among those concerns were the welfare of the animals, the number of animals the applicant planned to obtain in the future, and how it would affect the value of their homes. *Noise and odor were not among the concerns of the neighbors.*

The neighborhood meeting notes, sign in sheets, and other public comment items are attached to the staff report.

### **Summary**

The decision to grant an exception and any conditions that may be applied is a discretionary decision. The application shall be evaluated on compatibility with the Comprehensive Plan and to official Town policies, including the purposes and requirements of the Town Code, Zoning Ordinance, as well as the intent of the standard from which the exception is requested.

### **STAFF RECOMMENDED CONDITIONS:**



- 1) The "agriculture use" allowed on this parcel shall be restricted to the keeping of one pig and two goats. ***\*The pig would be permitted if Town Code Section 5-105. Keeping of hogs were to be amended.***
- 2) The keeping of the pig and two goats shall be restricted to inside the fenced rear yard as shown on the site layout in the application dated July 7, 2024.

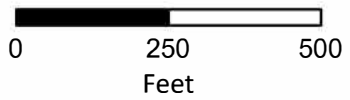
EXP-24-1 Grafsky Agriculture in RR-1  
301 Royal Ln.  
16 AUG 2024  
4

#### **ATTACHMENTS**

- Staff GIS maps
- Neighborhood meeting notes and sign-in sheets
- Public Comment
- EXP-24-1 application materials

# 301 Royal Lane Agriculture in RR-1 on Less than Two Acres EXP-24-1

-  Corporate Limits
-  Parcels
-  Subject Area










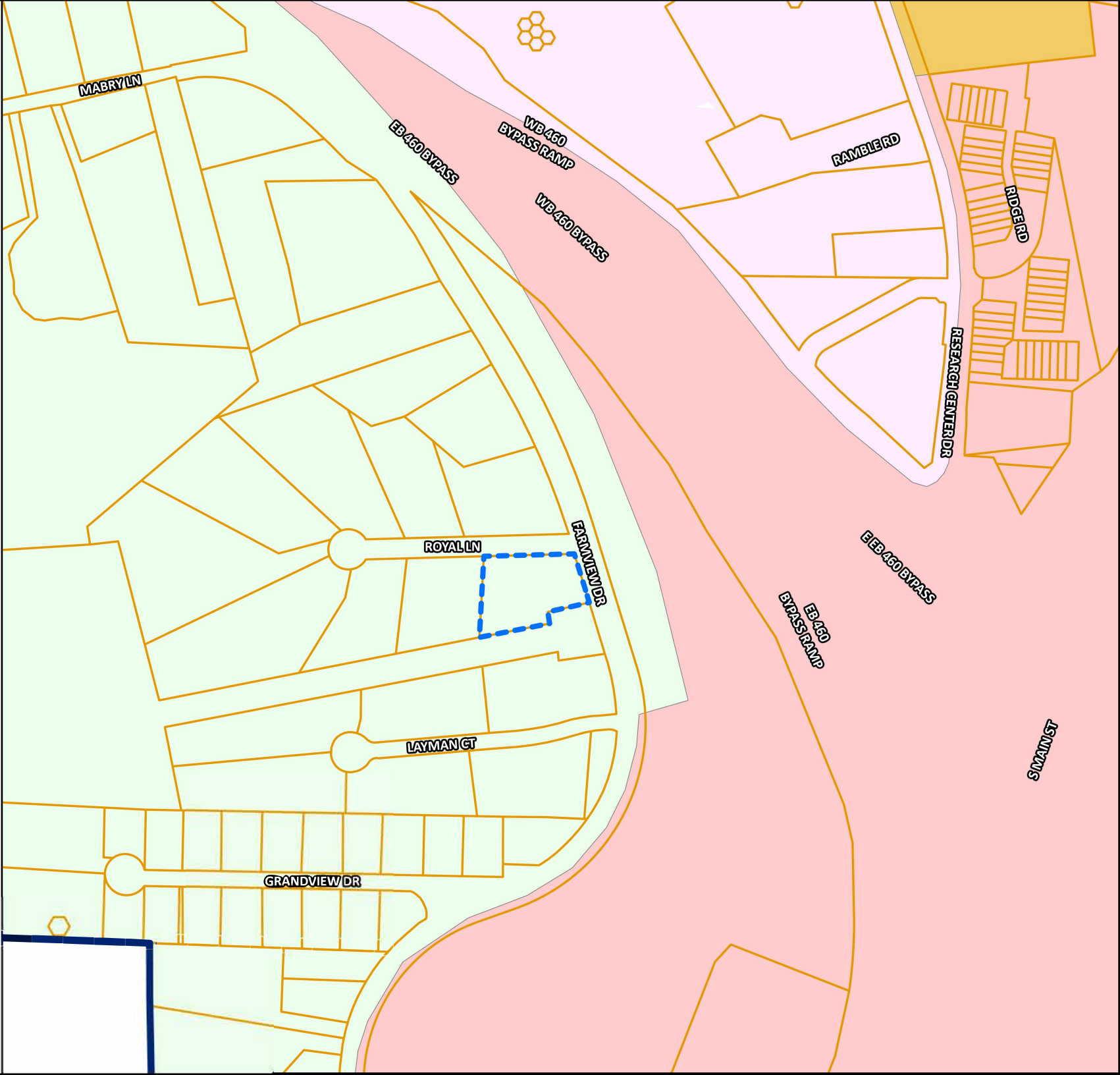
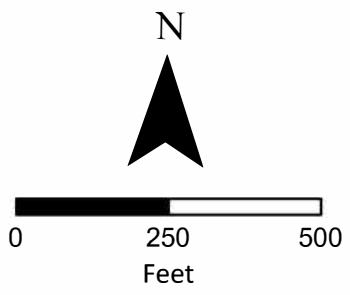
TOWN OF  
**Blacksburg**  
VIRGINIA



# 301 Royal Lane Agriculture in RR-1 on Less than Two Acres EXP-24-1

## Current Zoning

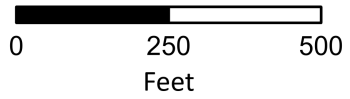
-  Corporate Limits
-  Parcels
-  Subject Area
-  O Office
-  RM-27 Low Density Multiunit Residential
-  RD Research and Development
-  RR-1 Rural Residential 1



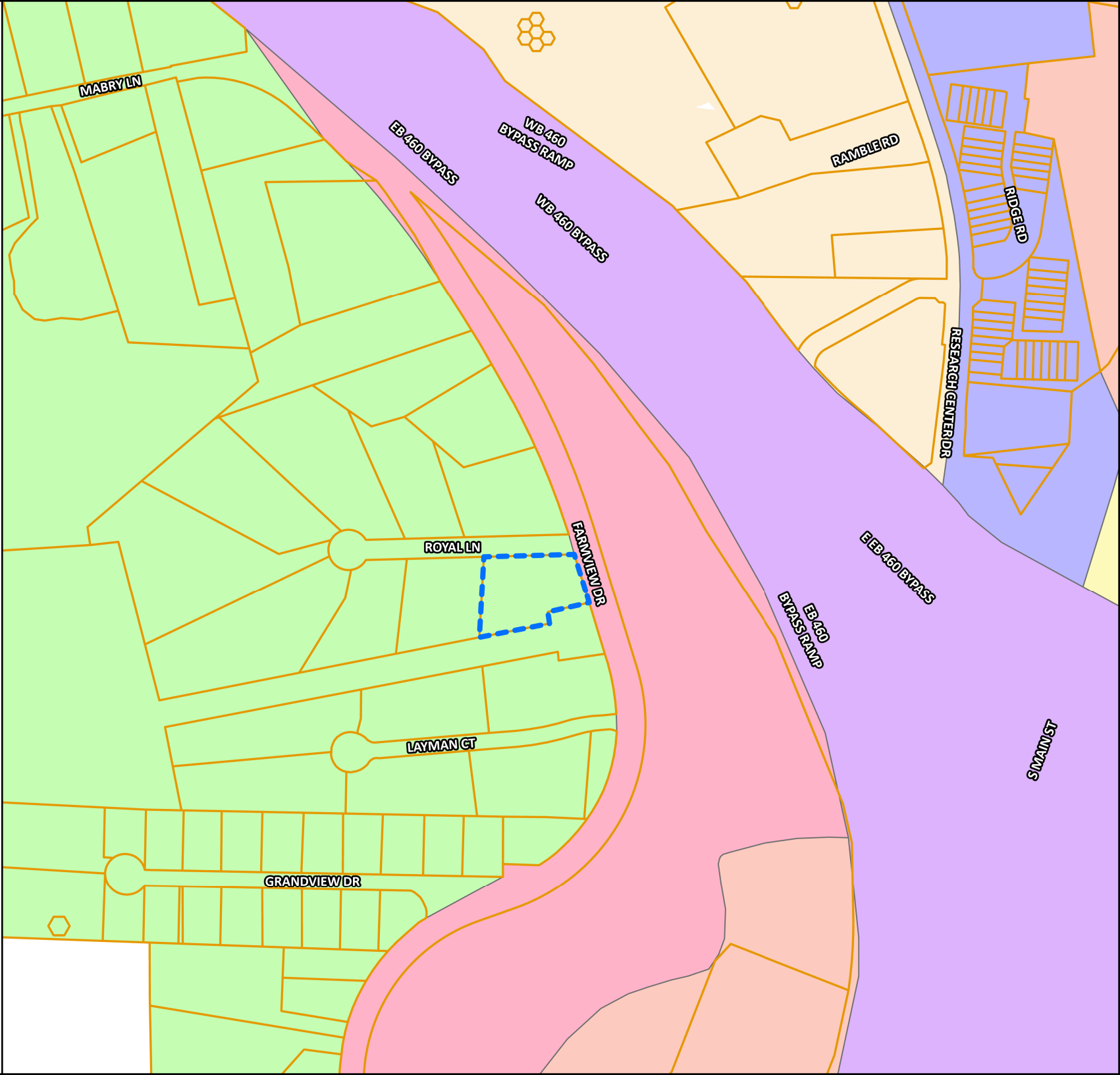
# 301 Royal Lane Agriculture in RR-1 on Less than Two Acres EXP-24-1

## Future Land Use

- Parcels
- Subject Area
- Civic
- Commercial
- High Density Residential
- Industrial
- Low Density Residential
- Park Land / Open Space / Resource Protection
- Research / Development
- US 460 Corridor



TOWN OF  
**Blacksburg**  
VIRGINIA



## Neighborhood Meeting for EXP-24-1

Grafsky Agriculture Use Exception Request in RR-1 at 301 Royal Lane

Wednesday, August 7, 2024

5:30 PM

Blacksburg Motor Company Building

400 South Main Street

A neighborhood meeting was held to discuss an exception for Agriculture Use on less than 2 acres of land in RR-1 Rural Residential 1 by Anthony and Jami Grafsky at 301 Royal Lane.

Town staff present were Matthew Sampa and Kasey Thomsen.

Anthony and Jami Grafsky were in attendance as the applicant and owners of the property.

Matthew Sampa gave an overview of the exception request, purpose of the neighborhood meeting and overall meeting timeline in the public hearing schedule. Sampa directed everyone in attendance to the Town of Blacksburg website where the current application, meeting schedule and any and all future documents and additions to the application can be found.

Anthony Grafsky, applicant and landowner, made a statement to the group. He gave background information on how his family obtained the pig and the two goats and where and how they house them. Grafsky stated that they are not requesting to be rezoned to agricultural but just asking for an exception for this particular situation for their family only.

Grafsky ended his statement by saying that although the animals are livestock, they are viewed as pets by the family.

The meeting was opened to all questions and comments.

-An attendee stated that this exception is for 2 goats and a pig. Does the applicant foresee the need for any further exception requests?

-An attendee asked if the applicant planned to get these animals. (The two goats and the pig).

-The direct neighbor of the applicant stated that since the fence has been placed on the property, there are no issues with sound or smell. The neighbor did state that she wants this to be the only exception request for this property.

-A neighbor stated they are concerned about property values and salability of the homes. In addition, the neighbor does not feel reassured that the applicant's livestock will not increase.

-Another neighbor stated that her concerns are regarding the animals and their welfare. Do they have an enclosed shed for colder temperatures and shade for hot days? Is their waste removed every day? The neighbor asked if there was anyone else who could take the animals before the applicant decided to keep them.

-An attendee stated they have shown their property to two real estate agents and they have stated that animals would lower the property value.



-An attendee asked if the chicken coop could be moved so it is not next to the road.

-A neighbor stated that in the beginning, all the Town ordinances were being ignored and the animals were out of control and in other people's yards.

-A neighbor stated that there is a concern that if this exception is approved, other exception requests may follow.

-A neighbor asked why the applicant knowingly violated the ordinance against having more than 6 chickens.

-An attendee stated that the applicant has already said that they didn't apply for any exceptions for the existing animals so what reassurance do we have that you won't add any more animals.

-The closet neighbor of the applicant said she has the upmost confidence in the Town that any violations will be addressed.

-An attendee asked Town staff for clarity on the exception(s) requested and terms and conditions regarding the exception if granted.

-Another attendee stated that it would give us (the neighborhood) confidence if the exception was made very clear about what it is for and what will happen if it is violated.

-An attendee stated that he has seen many people charged with animal cruelty who are nice people that just got overwhelmed.

The attendees agreed that if the exception terms could be made very clear and specific, they would support the Grafsky's request.

Anthony Grafsky submitted a letter of support to Town staff from Bruce and Rebecca Herman of 300 Layman Court who are neighbors who live behind them.

The meeting was adjourned at 6:29 pm.

Name	Address	Email
Shalley & Jan Blumenthal	308 Royal Lane	<del>j</del> jsb.jandlum@gmail.com
JAMI & ANTHONY GRAFSKY	301 Royal Lane	anthonygrafsky@yahoo.com

Please Print Legibly

Name	Address	Email
Joyce & Charles Sink	300 Royal Lane	jsobiasink@aol.com; csink@aol.com
Kevin Bishop	308 Royal Lane	kevin.bishop@vfu.edu
Emily Bishop	"	empennin@vt.edu
Lisa Sedvak	303 Royal Ln	lsedvak72@gmail.com

Please Print Legibly

To the Blacksburg Planning Commission and Blacksburg Town Council,

In reference to EXP-24-1 Exception Request for Agricultural Use, at 301 Royal Lane, we feel that both the Planning Commission and the Town Council should be made fully aware of issues and concerns that were not fully discussed in the August 7, 2024 Neighborhood Meeting due to the tension and stressful atmosphere of the session.

Obviously the Grafsky's have a love for animals and good hearts to want to rescue and give them a loving home. Many in the neighborhood, including us, share the same love and have rescued pets currently, providing them a loving, safe home. But, we question why they purchased a home in town over two years ago, if the life style they wish to have includes numerous farm animals that are not allowed on their one-acre RR-1 property. We feel the acquisition of these animals and getting attached to them before having checked the town's applicable ordinances was irresponsible to both their neighbors and their animals.

The Grafsky's obtained their first group of chickens (total of four) a little over two years ago. The chickens were left during the day to roam freely, and were frequently found in our and other neighbor's yards as well as in the roadway. Lisa Browning, the town of Blacksburg Zoning/Code Inspector, who was very helpful, was contacted months ago about the chickens not being contained as required. We were informed by Lisa that a town permit was required to have chickens, but the Grafskys had not applied. After being informed that the chickens had to be contained the violation continued. This incident was resolved when the chickens gradually disappeared. During this time, the goats were allowed to roam free in their yard. Also, the pig which was tethered many times, pulled loose. Both the pig and the goats were often found in neighbor's yards and had to be returned by that neighbor. At times, Anthony apologized for the incident, however, the situation was never corrected. There were other times when this occurred when no one was home, leaving them unaware of the situation. These violations continued over a period of months appearing that it was not corrected until given a deadline by the town. A chicken coop has now been constructed, but contains a number in excess of the town's limit of six, and a rooster which is not allowed. After being informed by the town that an exception was required or the animals would need to be removed, the Grafsky's have requested the exception. Had this been done before acquiring the animals and having a conversation with neighbors, much stress, frustration, and hard feelings could have been avoided.

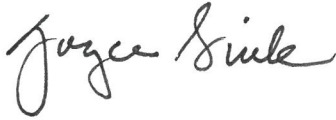
Following the election of Mr. Graftsky to the Montgomery County Board of Supervisors, the repeated disregard of Blacksburg town ordinances continued. This demonstrates an indifference for the authority of his position in local government.

A final concern of many in the neighborhood is a drop in property value due to the number of animals and general appearance of the 301 Royal Lane property.

Regardless of the outcome of the Blacksburg Town Council's decision, we hope to move forward as an inclusive neighborhood. We greatly appreciate your time, fairness, and thoughtful consideration of all members of the neighborhood.

Respectfully,

Joyce Sink, 300 Royal Lane

A handwritten signature in black ink that reads "Joyce Sink". The signature is written in a cursive style with a large, looped initial "J".

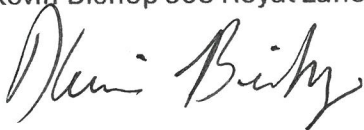
Charles Sink, 300 Royal Lane

A handwritten signature in black ink that reads "Charles Sink". The signature is written in a cursive style with a large, looped initial "C".

Emily Bishop 308 Royal Lane

A handwritten signature in green ink that reads "Emily Bishop". The signature is written in a cursive style with a large, looped initial "E".

Kevin Bishop 308 Royal Lane

A handwritten signature in black ink that reads "Kevin Bishop". The signature is written in a cursive style with a large, looped initial "K".

August 11, 2024

To the Blacksburg Planning Commission and Blacksburg Town Council,

In reference to EXP-24-1-Exception Request for Agricultural Use at 301 Royal Lane, we, the neighbors and adjacent property owners, **support** this exception for one pig and two goats on less than two acres in the RR-1 zoning district.

We expressed our concerns with the Grafskys in the neighborhood meeting held on August 7, 2024 at the Blacksburg Motor Company building. The Grafskys have satisfactorily addressed our concerns about the care and safety of the animals, the number of animals on the property, and the containment of the animals.

We ask that you approve EXP-24-1.

Thank you,

Lisa Sedlak Lori Sedlak 303 Royal Ln. lsedlak72@gmail.com  
NEIL SEDLAK Neil Sedlak 303 ROYAL LN. cx1162@gmail.com  
Bruce & Rebecca Herman Bruce Herman - 303 Layman Ct. hermansports@comcast.net  
Jan Blumenthal Jan Blumenthal 304 jsb, janblum@gmail.com  
Shelley Blumenthal Shelley Blumenthal 306 Royal Lane shelleysblumenthal32@gmail.com

Chrome File Edit View History Bookmarks Profiles Tab Window Help

Montgomery County, VA

realestate.montva.com/maps/map.aspx?sIndex=0&idx=1&LMparent=20&fullmap=true

Parcel ID: 025581

GRAFSKY ANTHONY  
301 ROYAL LN

Record Navigator

1 of 2

Return to Search Results

Actions

Buffer Search

Reports

Property Record Card

Go

Enclosure Area

Fenced Area

POWERED BY esri

-----  
Fenced  
Area