



Agenda
Joint Meeting
Madison County Board of Supervisors
Wednesday, January 7, 2026 at 7:00 PM
Admin. Building Auditorium, 414 North Main
Street, Madison, Virginia 22727

Call to Order

Determine Presence of a Quorum/Adoption of Agenda

Public Comment

Public Hearings

A. (Case No. RZ-11-25-01) John Wright – Rezoning Request (Public Hearing)

John Wright has applied to rezone the parcel identified as Madison County tax map 46-39A from (split-zoned) A-1/C-1 to A-1. The purpose of this rezoning is to allow a future boundary line adjustment with an adjacent parcel.

B. (Case No. ZOA-05-25-01) Al Esh – Zoning Text Amendment (Public Hearing)

Al Esh has proposed changes to Article 7 (residential multiple family R-3) in order to facilitate more orderly development of housing projects.

C. (Case No. ZOA-05-25-03) Ordinance Amendment (Public Hearing)

The Board of Supervisors has directed the Planning Commission to consider removal, modification, or retention of Madison County Zoning Ordinance 5-2-1, and 5-1-1.

New Business

Information/Correspondence

Public Comment

Closed Session

Adjourn



AGENDA

Madison County Planning Commission & Board of Supervisors Joint Meeting

Madison County Administrative Auditorium

414 North Main Street, Madison, VA 22727

Wednesday, January 7th, 2026- 7:00 p.m.

YouTube: <https://www.youtube.com/channel/UC62By71sBkniEzxfQNAdEA/videos>

GoToMeeting: <https://meet.goto.com/346319589>

Call to Order

- Pledge of Allegiance & Moment of Silence
- Determine Presence of Quorum
- Microphone Reminder

Adoption of Agenda

General Public Comment

New Business

- Adoption of Minutes – December 17, 2025

Public Hearings

- **(Case No. RZ-11-25-01) John Wright – Rezoning Request (Public Hearing)**
John Wright has applied to rezone the parcel identified as Madison County tax map 46-39A from (split-zoned) A-1/C-1 to A-1. The purpose of this rezoning is to allow a future boundary line adjustment with an adjacent parcel.
- **(Case No. ZOA-05-25-01) Al Esh – Zoning Text Amendment (Public Hearing)**
Al Esh has proposed changes to Article 7 (residential multiple family R-3) in order to facilitate more orderly development of housing projects.
- **(Case No. ZOA-05-25-03) Ordinance Amendment (Public Hearing)**
The Board of Supervisors has directed the Planning Commission to consider removal, modification, or retention of Madison County Zoning Ordinance 5-2-1, and 5-1-1.

Other Items from the Planning Commission, Staff, or Public

Upcoming PC Workshop Items

- **(Case No. SU-12-25-1) Hal Mayer – Special Use Permit (Second Workshop)**
Hal Mayer has applied for a special use permit to convert an existing single-family home to a duplex on property identified as 4185 Orange Rd and further identified as Madison County tax map 57-118B. The subject property is zoned Agricultural (A-1) and is 1.489 acres (GIS). A duplex is a special permit use in the A-1 zoning district under Madison County Code of Ordinances, Appendix 1, Article 4-2-18.

- **(Case No. SU-12-25-2) Eden Ridge – Special Use Permit (Second Workshop)**
Stephen Found, on behalf of Leonard and Lori Peters, has applied for a special use permit seeking an event venue on property identified as 868 Novum Church Rd, and further identified as Madison County tax map 24-38. The subject property is zoned Agricultural (A-1) and is 152.624 acres (GIS). An event venue is a special permit use in the A-1 zoning district under Madison County Code of Ordinances, Appendix 1, Article 14-18.
- **(Case No. ZOA-11-25-01) Home Occupation/Rural Services Ordinance (Second Workshop)**
The Board of Supervisors has directed the Planning Commission to consider the adoption of a Rural Services/Contractor Use ordinance to allow for small-medium scale, low-impact, service or contracting businesses in rural areas, where such businesses are accessory to or compatible with agricultural, forestry, and low-density residential uses. This SUP is intended to support economic opportunity while ensuring protection of rural character, minimizing adverse environmental impacts, and preserving compatibility with adjacent properties.
- Other cases as referred by Preliminary Development Review Committee.

General Public Comment

Adjournment

Full Information Packet



Madison, Virginia 22727

Madison County Planning Commission Workshop Meeting Minutes December 17, 2025

The Madison County Planning Commission Workshop meeting was held in the Madison County Administrative Auditorium at 414 N. Main Street in the Town of Madison, Virginia it was called to order by Chairman Steve Carpenter at 6:30 PM.

Determine Presence of a Quorum & Microphone Reminder

Chairman Carpenter determined there was a quorum.

As a quorum was established the following members were present, Chairman Steve Carpenter, Vice-Chairman Pete Elliott, Commissioners James Graves, III, Nathan Cowan, Jim Smith, Mike Snider, and Zachary Whitman. Also present was Allen Nicholls, Zoning Administrator and Hannon Wright, County Attorney. Board of Supervisor members present were Chairman Clay Jackson and Vice Chairman Carty Yowell.

Adoption of Agenda

Cowan moved to adopt the agenda as presented, seconded by Whitman **Aye: Carpenter, Elliott, Graves, Smith, Cowan, Whitman, Snider. Nay: (0); Abstain (0); Absent: (0).** The motion passed unanimously.

Public Comment

The floor was opened for general public comment. Hearing none, the Chairman closed the floor for public comment.

New Business

Adoption of Minutes – November 19, 2025

Cowan made a motion to adopt the minutes from November 19, 2025, as presented, seconded by Whitman. **Aye: Carpenter, Elliott, Smith, Graves, Cowan, Whitman, Snider. Nay: (0); Abstain (0); Absent: (0).** The motion passed.

Adoption of Minutes – December 3, 2025

Cowan made a motion to adopt the minutes from December 3, 2025, as presented, seconded by Graves. **Aye: Carpenter, Elliott, Smith, Graves, Cowan, Whitman, Snider. Nay: (0); Abstain (0); Absent: (0).** The motion passed.

(Case No. RZ-11-25-01) John Wright – Rezoning Request (Second Workshop)

John Wright has applied to rezone the parcel identified as Madison County tax map 46-39A from (split-zoned) A-1/C-1 to A-1. The purpose of this rezoning is to allow a future boundary line adjustment with an adjacent parcel.

Nicholls- This has been advertised for public hearing in January. Just homogenizing the zoning for this parcel with the surrounding area.

Carpenter – No discussion or questions.

The floor was opened for public comment. Hearing none, the Chairman closed the floor for public comment.

(Case No. SU-12-25-1) Hal Mayer – Special Use Permit (First Workshop)

Hal Mayer has applied for a special use permit to convert an existing single-family home to a duplex on property identified as 4185 Orange Rd and further identified as Madison County tax map 57-118B. The subject property is zoned Agricultural (A-1) and is 1.489 acres (GIS). A duplex is a special permit use in the A-1 zoning district under Madison County Code of Ordinances, Appendix 1, Article 4-2-18.

Nicholls- the applicant is attending remotely. This property is located on Orange Rd, roughly 1.5 acres, which is already non-conforming lot size in A1 zoning. This has existed since before the ordinances were in place. A duplex is a single use, so this doesn't cause any additional non-conforming use. At PDRC VDOT didn't have any concerns, as this won't really cause any more traffic than two houses on a shared driveway. VDH does want a wastewater characterization, and change of use. The Building Official noted that there would be a need for a firewall between the units.

Smith – Will the septic be sufficient to serve the 2 units? Nicholls – VDH didn't raise a specific concern, but they'll make a final determination when they receive the items mentioned at PDRC. Worth noting is that the number of bedrooms will not change.

Elliott – Are we just splitting the building into 2 separate apartments? Mayer- I'll put a fire wall where they want me to and make one apartment on the left and second on the right.

Snider – Will they have to go to BZA? Nicholls- No, they are not changing the footprint. Snider- what makes it non-conforming? Nicholls- the fact that it is not 3 acres in A1 zoning.

Whitman – Has a soil scientist been hired yet, to see if the drain field will be sufficient? Mayer- No, I was waiting to see if I would be granted the SUP before I hire anyone else.

Elliott – Is this the house that belonged to Good Hope Church? Mayer – Yes, it is.

The floor was opened for public comment. Hearing none, the Chairman closed the floor for public comment.

(Case No. SU-12-25-2) Eden Ridge – Special Use Permit (First Workshop)

Stephen Found, on behalf of Leonard and Lori Peters, has applied for a special use permit seeking an event venue on property identified as 868 Novum Church Rd, and further identified as Madison County tax map 24-38. The subject property is zoned Agricultural (A-1) and is 152.624 acres (GIS). An event venue is a special permit use in the A-1 zoning district under Madison County Code of Ordinances, Appendix 1, Article 14-18.

Nicholls- Parcel is between Novum Church Road and Hoover Road. At PDRC – VDOT mentioned that the current entrance may be ok for light commercial, but they would have to upgrade in the future. VDH – stated that the porta potties would be acceptable to begin with but will need permanent facilities during future development phases. Pending comments from the Building Official.

Stephen Found – I am representing The Peters' during this proposal. I am a friend that wanted to help them with this process. The first phase would be to create a pad site for a tent structure and build permanent structures later. Future development has not been designed yet. The Peters love the land and the county, and want to preserve what is there. And let others share their love of the property. I have Leonard and Lori Peters here with me tonight, as well as their engineer, Mr. Marvin Hinchey.

Snider – How close is this from the houses on the neighboring properties? Peters - We are at least 400-500 yards from nearest house and those are both vacant. Found – we have a plan to meet with the neighbors and invite them over so that they can see what's going on. I'll be managing the property.

Elliott – how many people are you expecting for a wedding venue? Found – we are expecting to serve up to 200 people. We will have to work out the parking areas. Hinchey – we're anticipating up to 50 spaces.

Snider – how many events are you anticipating? Found – we'd love to have 1 each weekend. That's what we anticipate being able to handle. But weddings are typically an April to November timeframe, so maybe more like 38-40 per year. The Peters are open to other types of events, and those may be smaller.

Elliott – if this is approved, how soon do you expect to be in operation? Peters- If everything goes well, summer of 2026. Found- if we are given approval in February, we would begin right away.

Whitman – What is your timeline for phase two of the development? Peters- I think we'll play it by ear, as we see how phase one goes.

Carpenter – the neighbors are the biggest concern. Another concern is safety. You have a large area of flood plain. Almost your entire driveway is in the flood plain. You might have an issue moving traffic in and out in certain types of weather. What is the stream through there? Peters – It's Deep Run.

Elliott – Is there already a bridge? Peters- Yes, the previous owner rebuilt the bridge before we bought it, and it is a solid concrete bridge. Professionally built.

Snider – so the house that is closest to where you'll be building, you think it's empty right now? How close is that? Peters – approximately 300 yards.

Carpenter – What are your thoughts on screening the event venue from the neighbors? Peters- I have already started planting evergreens and would be open to more as needed.

Elliott – will there be live music? Peters – yes. And we'll have a cut off time of 9pm during the week and 10pm on the weekends. Speakers will not be facing out, to help with noise for the neighbors. And the same with any lighting.

The floor was opened for public comment.

Matt Lafley – I am an adjoining property. The house is not vacant; we are there often and will be permanent residents soon. I want to be a good neighbor, but I do have concerns. The site they will be building on is near to my home. And it's probably the highest site on their farm. I am concerned about noise and disrupted views. The parking area would be in my line of site as well. Tents in the beginning, that would be a challenge for the local neighbors.

Hearing nothing further, the Chairman closed the floor for public comment.

Snider – Is there a possibility of visiting the site? Peters- yes. Nicholls – We can put you in contact with the Peters' so that you can set up a meeting time.

(Case No. ZOA-11-25-01) Ordinance Amendment (First Workshop)

The Board of Supervisors has directed the Planning Commission to consider the adoption of a Rural Services/Contractor Use ordinance to allow for small-medium scale, low-impact, service or contracting businesses in rural areas, where such businesses are accessory to or compatible with agricultural, forestry, and low-density residential uses. This SUP is intended to support economic opportunity while ensuring protection of rural character, minimizing adverse environmental impacts, and preserving compatibility with adjacent properties.

Nicholls – We discussed this as a multi-tier ordinance. At what point do we decide that a person has a business that cannot be seen from the outside and then having to get a permit when operations begin to impact the neighbors.

Cowan – I think it is clear that we need something to make it possible for folks to work from home in a rural area that is scattered. I don't understand the correlation between operating businesses that are "accessory to or compatible with agricultural, forestry, and low-density residential uses" and of different scale. Nicholls- I think we have been running into folks operating businesses with similar equipment. Think of a farmer that has similar equipment needed for landscaping, so they live on and operate their farm, but also have a landscaping business on the side. Cowan – there is definite crossover on equipment sometimes. Also, are we intending to allow some clients to be onsite for some of the more extensive tiers? Nicholls – your home occupation that cannot be seen from the outside, that could be by right use. If there is only one client at the home at a time, and only occasionally, that is not really a disturbance to the neighbors.

Cowan – I looked at zoning ordinances in neighboring counties, and there were allowed uses in 6 or 7 surrounding counties. I realize you are proposing this as an SUP. I'll look for that as well. Orange has a home occupation and home enterprise uses. Home occupations are generally by right and the next steps that are handled administratively. Nicholls – the more things that you want to make by right, I would be in favor of.

Elliott – One big concern I have, when we start looking at little businesses, and we start issuing SUPs all over the county, in my opinion, this is an alternative to spot zoning for business. We should have criteria to determine exactly who is able to operate out of their home, or who need to rezone to B1. Snider – I think we need to look at how many employees the business has, rather than how many clients are visiting the business/home. If there are 20 employees showing up to the home. Nicholls- yes, those are items to be debated to determine what those limits will be, and how we will determine each tier.

Snider – At the last meeting I wanted to see how this benefits the people of the county.

Cowan – The rural nature of the county, most of the land is A1 and C1. I agree that a SUP can be a type of spot zoning. Not in favor of issuing SUP for a business in A1. Nicholls- A difference

between spot zoning and the SUP: the SUP only gives a single use, rather than the whole bundle of business uses, that would be allowed in a B1 zoning. Wright- a benefit that I see for the SUP, it's case by case, and the conditions that can be imposed on them as the board sees fit. The other issue will be scale, and what is appropriate for the SUP vs. requiring a rezoning. We can create the criteria/requirements however we want, as needed for Madison County.

Snider – I think we are going to have to figure out enforcement.

Whitman – I have looked at how other counties are handling business permits and spot zoning. As they have transitioned from more agricultural to more business atmosphere.

Jackson – I think that we all got the draft. Only tier 3 would require an SUP. Tier 2 *may* need an SUP. A very few businesses in this county are going to be employing 20+ employees. If you read through this, it's likely that most businesses will be captured by tier 1. And that use would be by right.

Cowan – I understand there is a need for SUPs. There are plenty of examples in surrounding counties. I do want this to be designed for the working people of Madison County. One thing that I liked in the Orange County ordinance is that they charge a \$100 fee for up to 4 employees, and that allows for some tracking metrics.

Carpenter – Our ordinance states that any activity not specifically listed in the ordinance is not allowed. There are a lot of businesses around the county that are operating in a gray area. They are safe unless someone notices them. Most of those will be fine and fall under the by-right, tier 1 category.

Carpenter – In tier two you mention limited outdoor activity. How would that be quantified?

Nicholls- If you have employees arrive and leave to work off site, that would be limited activity. If they are performing work outside on the property, that might be a consideration. If you have customers coming to the house once or twice a month, that's limited. But if customers come daily, that probably doesn't qualify. Carpenter – What's going to be our objective characteristic of limited outdoor activity? Nicholls- I like language that we've used before, where we look at hours per day of activity outside. And it's something to be fleshed out.

Snider – how are we going to make sure that people report themselves and their activity? Nicholls – well, we are typically a complaint-based county. We don't have inspectors driving around the county looking for violations. We generally find them when there has been a complaint. When we find them, we typically send a notice of violation, and then we work to bring them into compliance. Snider – I do think one of the problems will be that if a complaint is made against 2 different businesses, we have to handle them fairly and equally.

Cowan – Do we require that you have 6 acres for a SUP if you have a home there as well?

Nicholls – That is typically what we have. I think that we have to discuss that and decide where we will draw the line in the sand. If they are truly a tier 1 home occupation, and it's by right, then is it a problem? If they have a larger scale business, and an SUP is needed, I think it would likely be considered an additional use. Cowan – but if we reach the need for an SUP? Nicholls- if you reach that point, you would need 3 acres per use, so 6 acres or more needed for a home and business.

The floor was opened for public comment. Hearing none, the Chairman closed the floor for public comment.

Informational/Correspondence

Upcoming Public Hearings and Workshops

(Case No. RZ-11-25-01) John Wright – Rezoning Request (Public Hearing)

John Wright has applied to rezone the parcel identified as Madison County tax map 46-39A from (split-zoned) A-1/C-1 to A-1. The purpose of this rezoning is to allow a future boundary line adjustment with an adjacent parcel.

(Case No. ZOA-05-25-01) Al Esh – Zoning Text Amendment (Public Hearing)

Al Esh has proposed changes to Article 7 (residential multiple family R-3) in order to facilitate more orderly development of housing projects.

(Case No. ZOA-05-25-03) Ordinance Amendment (Public Hearing)

The Board of Supervisors has directed the Planning Commission to consider removal, modification, or retention of Madison County Zoning Ordinance 5-2-1, and 5-1-1.

(Case No. SU-12-25-1) Hal Mayer – Special Use Permit (Second Workshop)

Hal Mayer has applied for a special use permit to convert an existing single-family home to a duplex on property identified as 4185 Orange Rd and further identified as Madison County tax map 57-118B. The subject property is zoned Agricultural (A-1) and is 1.489 acres (GIS). A duplex is a special permit use in the A-1 zoning district under Madison County Code of Ordinances, Appendix 1, Article 4-2-18.

(Case No. SU-12-25-2) Eden Ridge – Special Use Permit (Second Workshop)

Stephen Found, on behalf of Leonard and Lori Peters, has applied for a special use permit seeking an event venue on property identified as 868 Novum Church Rd, and further identified as Madison County tax map 24-38. The subject property is zoned Agricultural (A-1) and is 152.624 acres (GIS). An event venue is a special permit use in the A-1 zoning district under Madison County Code of Ordinances, Appendix 1, Article 14-18.

(Case No. ZOA-11-25-01) Ordinance Amendment (Second Workshop)

The Board of Supervisors has directed the Planning Commission to consider the adoption of a Rural Services/Contractor Use ordinance to allow for small-medium scale, low-impact, service or contracting businesses in rural areas, where such businesses are accessory to or compatible with agricultural, forestry, and low-density residential uses. This SUP is intended to support economic opportunity while ensuring protection of rural character, minimizing adverse environmental impacts, and preserving compatibility with adjacent properties.

Nicholls - I will put this in a format that matches our ordinances and I will send that out in advance of the agenda so that you have time to review it. If you have any individual thoughts on where any numbers need to be, please send that to me and I'll make note of that.

Other cases as referred by Preliminary Development Review Committee.

Other Items from the Planning Commission, Staff, or Public

General Public Comment

Snider – as this is my last meeting as a Planning Commissioner, I want to say it's been nice to be a part of this commission. I have learned a lot, and I want to thank the Board for putting me on this commission. I feel like I am a big part of the community.

Adjournment

Snider made a motion to adjourn the meeting, seconded by Cowan. Aye: Carpenter, Elliott, Smith, Graves, Cowan, Whitman, Snider. Nay: (0); Abstain (0); Absent: (0). The motion passed.

End of Minutes:

Attest:

Stephen Carpenter, Chairman of Planning Commission

Date:

Allen Nicholls, Secretary of Planning Commission

Date:



To: Madison County Planning Commission

From: Allen Nicholls, Planning and Zoning Administrator

Subject: Wright Rezoning Application

Date: January 7, 2026

Background

John Wright has applied to rezone the parcel identified as Madison County tax map 46-39A from (split-zoned) A-1/C-1 to A-1. The purpose of this rezoning is to allow a future boundary line adjustment with an adjacent parcel.

PDRC Comments

This case was heard at the June 3, 2025 meeting of the Preliminary Development Review Committee. The following are comments made by stakeholders:

VDOT: Present but no comments.

VDH: Present but no comments.

Madison County Building Official: Present but no comments.

Staff Recommendation

The subject property is currently split-zoned A-1 and C-1, which can create complications for property administration, land transfers, and boundary adjustments. Rezoning the parcel to a single A-1 district will eliminate this inconsistency and allow the property owner to complete a boundary line adjustment with an adjoining parcel. The proposed A-1 zoning is consistent with surrounding land uses, which are predominantly agricultural and rural in character. The request is consistent with the goals of the Madison County Comprehensive Plan. Staff finds that the proposed rezoning is consistent with existing land use patterns, creates no negative impacts on public facilities, infrastructure, or neighboring properties,

and serves a legitimate administrative and planning purpose. Based on this analysis, the lack of comments received during the PDRC review, and consistency with the Comprehensive Plan, staff recommends approval of the Wright Rezoning Application to rezone Tax Map Parcel 46-39A from split-zoned A-1/C-1 to A-1 (Agricultural).

MADISON COUNTY BUILDING & ZONING DEPARTMENT

410 N Main Street, Madison, VA 22727

Phone: (540) 948-6102

www.madisonco.virginia.gov

REZONING PERMIT APPLICATION INSTRUCTIONS

IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE THIS PACKET IN ITS ENTIRETY AND AS PRECISELY AS POSSIBLE.

This packet is considered complete when the following have been received:

☒ Rezoning Application (attached).

☒ A \$600.00 non-refundable fee is due when this application is submitted to our office.

****Plus: Minimum charge of >10 acres: Add \$100.00 per acre over 10****

☒ A narrative describing the purpose of the project.

☒ A survey plat of the property and/or a conceptional site plan must be submitted with this application. On the plat or plan, you must identify the location of any proposed or existing structures and/or buildings (including measurements to all property lines), any existing or proposed roads/rights-of-way/easements, location of entrance to the property, proposed parking, proposed signs, and any proposed fencing, buffering, and/or landscaping.

☒ A copy of the current paid real estate tax receipt for the property (may be obtained from the Madison County Treasurer's Office).

☒ You may be required to provide a copy of the deed to the property if staff cannot locate it in the clerk's office.

☒ Staff must have written comments from the following departments/agencies on the special use permit request prior to the scheduling of the public hearing. Also, staff may work with you on obtaining all comments except for the Property Owners Association which is the responsibility of the owner/applicant:

- The Madison County Health Department
- The Virginia Department of Transportation
- The Madison County Building Official
- The Property Owners Association- President, Vice President, or Secretary (*if in a subdivision*)

☐ Any other exhibits to support this request to be reviewed by the Planning Commission and Board of Supervisors should be submitted along with this application.

If you have any questions, please call the Madison County Building and Zoning Office at (540) 948-6102, Monday through Friday, 8:30 a.m. to 4:30 p.m.

*****ADDITIONAL INFORMATION MAY BE REQUIRED IF THE PLANNING & ZONING ADMINISTRATOR DETERMINES IT NECESSARY TO ENSURE CONFORMANCE AND TO PROVIDE ENFORCEMENT OF THE ORDINANCE(S). *****

MADISON COUNTY BUILDING & ZONING DEPARTMENT

410 N Main Street, Madison, VA 22727

Phone: (540) 948-6102

www.madisonco.virginia.gov

pg 005-1080

REZONING APPLICATION

- 1) The applicant is the: ☒ Owner ☐ Lessee ☐ Agent for Owner

Owner	Lessee or Agent for Owner (if applicable)
Name: <u>JOHN S. WRIGHT</u>	Name:
Mailing Address: <u>P.O. box 90</u>	Mailing Address:
<u>WOLF TOWN, VA 22748</u>	
Phone Number:	Phone Number:
Email:	Email:

- 2) E911 Address of Construction: 796 Trinity Ln., Madison, VA 22727 3/462

- 3) Please provide detailed directions to the site: From WOLF TOWN, TAKE RT 230 WEST
1 mile & turn Left onto Trinity Lane (RT 661)
ile. to property on Right.
Just prior to dead end.

- 4) Tax Map Number: 46-39A 5) Size of Property: 5.573

- 6) Is the parcel located in a subdivision? ☐ Yes ☒ No
If yes, which one: _____

- 7) Is the parcel located in the floodplain? ☐ Yes ☒ No

- 8) If applicable, is the proposed structure and/or building located in the floodplain? ☐ Yes ☒ No

- 9) Water and sewage disposal source for the property:
☒ Private Well ☒ Private Septic ☐ Public Water ☐ Public Sewer ☐ None

- 10) Please check which zoning district the parcel is located (If unknown, office staff can look this up for you):

☒ Conservation (C-1) <u>SPLIT Zoned</u>	☒ Agricultural (A-1)
☐ Residential, Limited (R-1)	☐ Residential, General (R-2)
☐ Residential, Multiple Family (R-3)	☐ Business, General (B-1)
☐ Industrial, Limited (M-1)	☐ Industrial, General (M-2)

- 11) Current use of property (Ex: Vacant, Residence, Farming, etc.): Residence

- 12) List existing structures and/or buildings that are currently on the property:

2 br mobile home, small util. shed, older pole barn (approx 20'x32')

- 13) It is requested that the property be rezoned from A-1 / C-1 (split) to A-1.

- 14) If rezoned, it is proposed that the property will be put to the following use:

TO FACILITATE A FUTURE BOUNDARY ADJUSTMENT WITH PARCEL 46-27

15) If rezoned, it is proposed that the following buildings and/or structures will be constructed:

NOTHING PLANNED AT PRESENT TIME.

16) Please provide a reason for the request and any additional comments you may have:

Parcel 46-39A is currently split zoned and I
Am requesting to change from A-1/C-1 to A-1.
This would allow a future boundary adjustment
with parcel 46-27 and this would provide
clear access to Trinity Lane (RT661)
46-27 contains 8AC and currently is
virtually landlocked, with only a deeded
ROW from an old deed, which provides an 8' row.

I (we), the undersigned, do hereby certify that the above information is true and correct. I (we) further understand that in granting approval of this application, the Planning Commission and Board of Supervisors may require that I (we) comply with certain conditions and that such approval shall not be considered valid until these conditions are met.


Signature of Owner

11/10/25
Date

Signature of Lessee and/or Agent for Owner

Date

Please list all names and mailing addresses of all adjoining landowners, including landowners across any road or right-of-way. Names and addresses of owners may be found on the Madison County website (www.madisonco.virginia.gov) under the GIS link.

Name	Mailing Address
Garrett, Glenna W & Wood, Jeremiah S	306 Berry St, Orange, VA 2960
Jones, David R or Wesley-Jones, Paula	PO Box 35, Wolftown, VA 22748
Wright, Gwladys Rae	PO Box 90, Wolftown, VA 22748
Deane, Benjamin D or Sherrill W	1495 Dunnes Shop Rd, Ruckersville, VA 22968
Trustees of the Holy Trinity Church Inc	1255 Good Hope Church Ln, Aroda, VA 22709

Adjoining Property Owner Verification

As applicant for this rezoning request, I (we), JOHN STEPHEN WRIGHT hereby acknowledge that I (we) have faithfully and correctly provided names and complete mailing addresses of all my adjoining property owners and those directly across the road or right-of-way. I understand that that failure to provide all adjoining property owners will leave me liable for additional cost for re-advertisement and notices mailed, and that my request may be delayed until proper notification has been given to all adjoining property owners and those property owners across the road or right-of-way.


Signature of Owner

11/6/25
Date

Signature of Lessee and/or Agent for Owner

Date



Madison County
Building & Zoning Department
410 N Main St
Madison, VA 22727
(540) 948-6102
www.madisonco.virginia.gov

Zoning Permit

Permit Number	2014
Date	11/06/2025
Permit Type	REZONING

PROPERTY NUMBER

46 39A

STREET ADDRESS

796 TRINITY

JURISDICTION

MADISON COUNTY

OWNER INFORMATION

NAME: WRIGHT JOHN STEPHEN
ADDRESS:

APPLICANT INFORMATION

NAME: WRIGHT JOHN STEPHEN
ADDRESS:

USE REQUESTED

REZONING FROM SPLIT ZONED A1/C1 TO A1

ZONE CODE

C-1

LOT ACREAGE**FIRM ZONE**

AREA OF MINIMAL HAZARD

REMARKS

I, the undersigned, hereby agree to comply with all Zoning and-or Subdivision Ordinances. I understand that it is my responsibility to notify the Building & Zoning Office if the approved plans in my permit change, and that any change requires approval from the County. I further acknowledge that this Zoning Permit is valid for one (1) year from the date of issuance.

Allen Nicholls Zoning Administrator
Approving Official

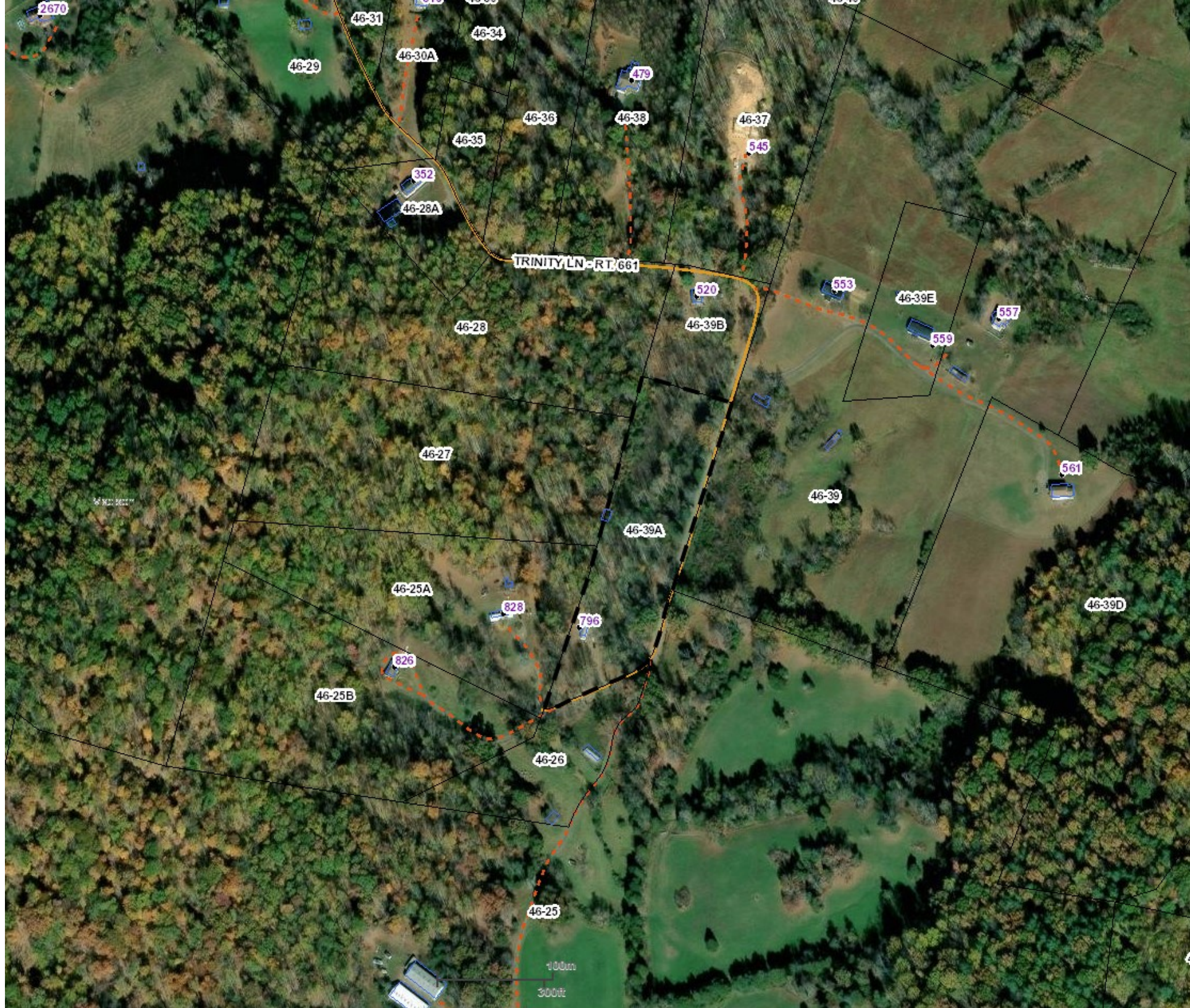
Owner/Contractor

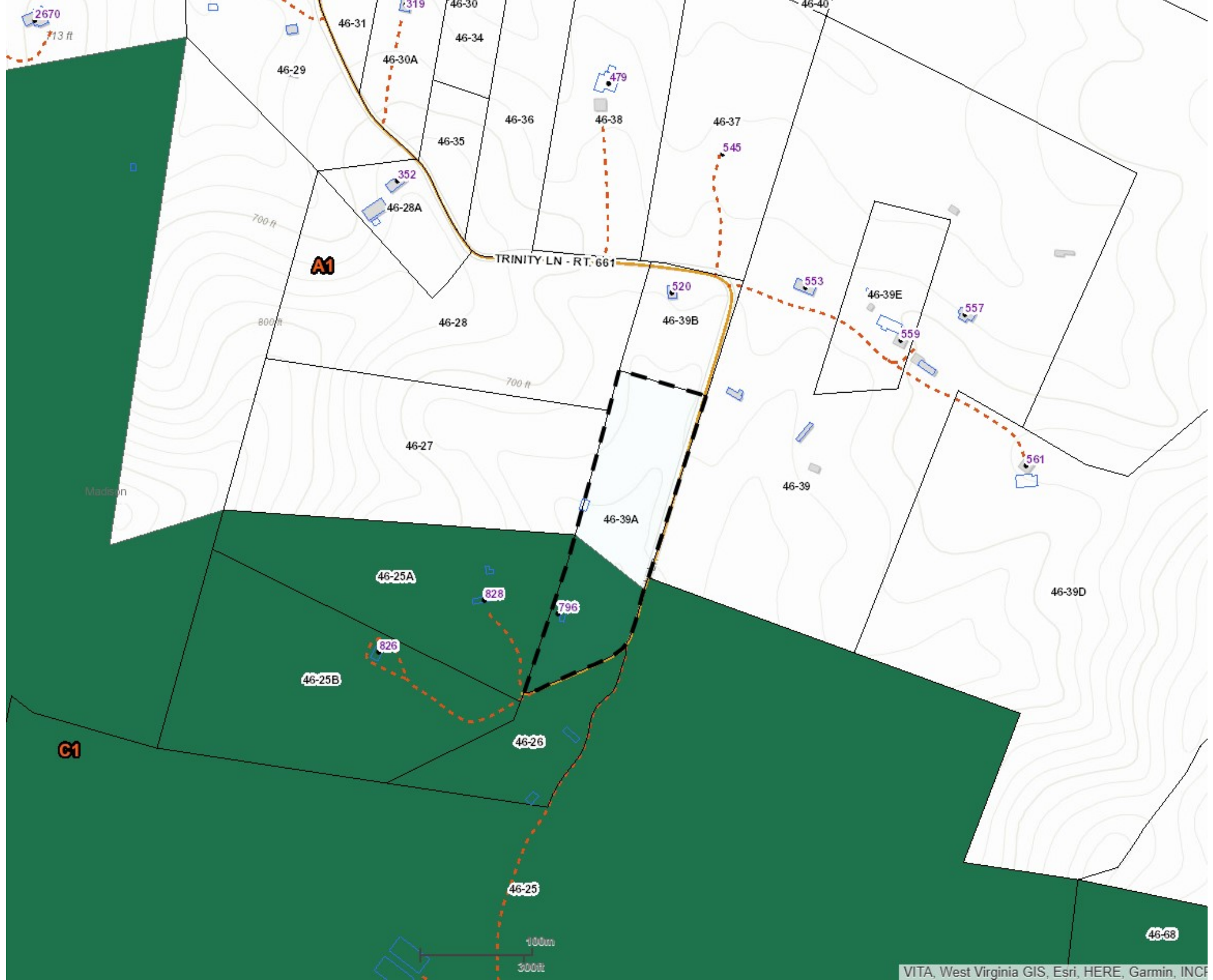
License Number

Date 11/06/2025

Application Number P2025-1080

Total Fees \$600.00







Madison County
Real Estate Account 10015523
WRIGHT, JOHN STEPHEN
1/1/2025 - 12/31/2025

Parcel/Account #: **46-39A**
Property Address: **796 TRINITY LN**
MADISON, VA 22727
Third Party Payer:

Current Balance: **\$225.93**
Total Balance: **\$225.93**
Delinquent Balance: **\$0.00**
Last Payment Date: **6/11/2025**
Last Payment Amount: **\$225.93**

General

Mail To Name: **WRIGHT, JOHN STEPHEN**
Mailing Address: **PO BOX 90**
WOLFTOWN, VA 22748
Contact E-Mail:

Contact Phone:
Alternate Number:
Fax Number:

Parcel Number: **46-39A**
Physical Location: **796 TRINITY LN**
MADISON, VA 22727
Previous Account Number: **45114**
Legal Description: **IN 200004132 5.573 AC**

Account Number: **10015523**
Deed Book: **Page 0**
Instrument Number: **200004132**
GPIN: **1842**
Subdivision:
Lot Size: **5.573 Acres**
Real Estate Property Class: **Single Family Residential**
(Suburban)
Status: **Active**
Account Created On: **1/1/2004**
Account Closed On:
Third Party Payer:

Note:

Bills

2025-2

Due: **12/5/2025** Status: **Active** Paper Bill: **Sent On 10/3/2025** Bill Cycle: **2**

Tax:	<u>\$225.93</u>
Total Owed:	<u>\$225.93</u>
Balance:	\$225.93

2025-1

Due: **6/20/2025** Status: **Paid In Full** Paper Bill: **Sent On 5/5/2025** Bill Cycle: **1**

Tax:	<u>\$225.93</u>
Total Owed:	<u>\$225.93</u>
Payments:	<u>(\$225.93)</u>
Balance:	\$0.00

MADISON
COUNTY, VA.
DEED No. 030000184

Tax Map 46-39A

THIS DEED, made and entered into this 20th day of January, 2003, by and between FRANKLIN ROOSEVELT **DEANE**, Grantor, and JOHN STEPHEN **WRIGHT** and DOROTHY MELANDER **WRIGHT**, husband and wife, as tenants by the entirety, with full rights of survivorship, Grantees, whose address is: Post Office Box 90, Wolftown, Virginia 22748

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said Franklin Roosevelt Deane, Grantor, does hereby GRANT, BARGAIN, SELL, and CONVEY with GENERAL WARRANTY OF TITLE and ENGLISH COVENANTS OF TITLE unto John Stephen Wright and Dorothy Melander Wright, husband and wife, as tenants by the entirety with full rights of survivorship, Grantees, the following described real estate, with all improvements thereon and appurtenances thereunto belonging, located in Madison County, Virginia, to-wit:

All the rest, residue and remainder of that certain 7.573 acres, being approximately 5.573 acres, lying and situate in the former Rapidan Magisterial District of Madison County, Virginia, about one mile southwest of Wolftown, on State Route 661, adjoining the land now or formerly owned by Henry Jack Peyton, Mary H. Jenkins, Gordon Holmes and the lot conveyed to Thelma Peyton and others.

AND BEING the same property conveyed to Franklin Roosevelt Deane a/k/a Franklin Roosevelt Dean by deed of partition from Franklin Roosevelt Deane and Donna Roudabush Deane, his wife, and Thelma Peyton Deane, divorced and not remarried, dated June 19, 1982, recorded in the Clerk's Office of the Circuit Court of Madison County, Virginia, in Deed Book 162, Page 584.

The life estate reserved by John Edgar Deane in a deed recorded in Deed Book 102, page 133 was extinguished by his death March 24, 1989.

Return to: Davies + Barrell

easements of record as the same may lawfully apply.

WITNESS the following signature and seal.

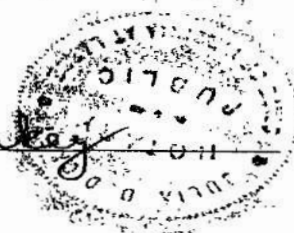
Franklin Roosevelt Deane [Seal]
Franklin Roosevelt Deane

STATE OF VIRGINIA
COUNTY OF MADISON, to-wit:

The foregoing deed was acknowledged before me the 20th day of January, 2003,
by Franklin Roosevelt Deane.

My commission expires: 2/28/05.

Julia D. Dickey
Notary Public



PREPARED BY: Berry & Early
Madison, VA 22727

INSTRUMENT #030000184
RECORDED IN THE CLERK'S OFFICE OF
MADISON ON
JANUARY 22, 2003 AT 09:58AM
\$35.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$17.50 LOCAL: \$17.50
CAROLINE WATTS, CLERK

BY: Ammanda D. Long (DC)



To: Madison County Planning Commission
From: Allen Nicholls, Planning and Zoning Administrator
Subject: Al Esh – Zoning Text Amendment
Date: January 7, 2026

Background

Al Esh has submitted an application for a zoning text amendment of the Madison County Code of Ordinances, Appendix 1 – Zoning, Article 7 (Residential Multiple Family R-3).

The proposed changes are attached in a redlined document below.

Timeline

First Workshop May 21st, 2025

Application Tabled for June, July Workshops

Second Workshop August 20th, 2025

Third Workshop September 17th, 2025

Public Hearing October 1st, 2025

- BOS sent back to Planning Commission

Fourth Workshop October 15th, 2025

Fifth Workshop November 19th, 2025

Staff Recommendation – Approval

The proposed amendments to Article 7 of the Zoning Ordinance improve the efficiency of land utilization within the R-3 district. By allowing narrower lot widths, the amendments support more efficient use of land and infrastructure, including reduced internal street length and utility extensions. This approach also encourages lot configurations that emphasize usable front and rear yard space rather than excessive side yards, resulting in more functional and desirable residential layouts. The proposed changes are consistent with the stated intent of the R-3 district. Therefore, staff recommends approval of the ordinance amendments.

ARTICLE 7. RESIDENTIAL MULTIPLE FAMILY R-3

Statement of Intent

This district is established to provide a mixture of multi-family dwellings, such as apartments, at a density not to exceed eight dwelling units per acre. The district is designed to be part of a viable residential neighborhood environment which includes households of varying types, including those with children. Because this zone permits the highest residential density in Madison County, development within an R-3 zone must include the careful design and construction of recreation and pedestrian circulation improvements, parking areas, and the adequate provision of useable open space.

To ensure orderly planning and development under this zone in conjunction with other residential neighborhoods, this zone shall be located adjacent to R-2 zones, or within or adjacent to existing towns, villages, or settlements of Madison County. An R-3 zone shall only be established where public water and sewer facilities are available. Further, this zone requires adequate, safe access to protect its residents and the surrounding uses. Therefore, the zone shall be located adjacent to a major transportation route or traffic collector of the County.

In addition to the zoning ordinance, uses in this zone may be subject to the requirements of Madison County Subdivision Ordinance, Site Plan Ordinance, Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance. All multiple family uses are subject to the Site Plan Ordinance.

7-1. Use Regulations.

In the Residential Multiple Family District R-3 no building shall be erected or altered and no building or premises shall be used for any purpose except the following:

Uses Permitted by Right

- 7-1-1. Single detached dwelling.
- 7-1-2. Multiple family dwelling (apartment).
- 7-1-3. Townhouse.
- 7-1-4. Public Service Corporation transmission lines, poles, pipes, meters, transformers and other facilities necessary for the transmission and maintenance of public service utilities. Subject to Code of Virginia, § 15.1-456, as amended.
- 7-1-5. Home occupation as defined.
- 7-1-6. Solar energy system (see Article 14-16, roof-mounted only).

7-2. Special Permit Uses. The following uses may also be permitted subject to securing a special use permit as provided in Article 14-3:

- 7-2-1. Agriculture exclusive of keeping of livestock or poultry.
- 7-2-2. Hospital, clinic, and nursing home.
- 7-2-3. Professional office (limited).
- 7-2-4. Water and sewage treatment or distribution facilities where same are required by state and/or federal regulations to protect the public health.
- 7-2-5. Club and lodge, without overnight lodging.
- 7-2-6. Small wind energy system.

(Ord. of 3-18-1998, § 4)

7-3. *Area Regulations.*

- 7-3-1. ~~The minimum lot area shall be 10,000 square feet plus 2,000 square feet for each additional dwelling unit. The Administrator may require a greater area if considered necessary by the Health Official.~~

No development within this district shall have a density greater than eight dwelling units per gross acre of site area nor shall buildings on any parcel within this district cover more than 35 percent of the total lot area.

7-3-1.1 Single-family dwellings shall require a minimum lot area of eight thousand (8,000) square feet.

7-3-1.2. Townhouse dwellings shall require a minimum lot area of two thousand (2,000) square feet or more per dwelling unit.

7-3-1.3. Multifamily dwelling may be constructed at a density of eight (8) units per acre.

- 7-3-2. Open Space Requirements. The site for any multiple family or single family attached dwellings, shall provide 40 percent of the lot area as open space. When individual ownership of dwelling units exist, this space may be privately owned by the homeowners.

- 7-3-3. Maximum Building Grouping. Not more than eight townhouses or attached dwelling units shall be included in any one grouping, and no more than eight dwelling units shall be included within any multiple-family dwelling, except affordable housing and/or senior housing not exceeding 60 dwelling units may be included within a multiple-family dwelling. ~~The maximum frontal length of any building or structure in this zone shall not exceed 200 feet, except such maximum frontal length shall not apply to a multiple-family dwelling used as affordable housing and/or senior housing not exceeding 60 dwelling units.~~

(Ord. No. 2020-16, 10-7-2020)

7-4. *Setback Regulations.*

- 7-4-1. Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the center line of any street right-of-way less than 50 feet in width.

- 7-4-2. All accessory buildings must be located ten feet or more from any property line except that no accessory building may be located closer to the front of a lot than the main structure.

7-5. *Lot Width Requirements.*

The minimum frontage for permitted uses shall be ~~150 feet~~ **measured** at the setback line, or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

7-5-1. All Single-family lots shall have a minimum width of 65 feet.

7-5-2 All Townhouse lots shall have a minimum width of 16 feet.

7-5-3. Multifamily lots shall have a minimum width of 150 feet.

(Ord. No. 2020-9, 3-4-2020)

7-6. *Yard Regulations.*

- 7-6-1. *Side.* Each main structure or group of structures shall have a side yard of ten feet.

7-6-2. *Rear.* Each main structure or group of structures shall have a rear yard of 25 feet or more.

7-7. *Sign Regulations.*

Signs shall conform to Article 12 of this ordinance.

7-8. *Height Regulations.*

7-8-1. Buildings may be erected up to 35 feet from the average adjacent ground elevation except that:

7-8-2. The height limit for dwellings may be increased ten feet and up to three stories provided there are two side yards for each permitted use, each of which is ten feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.

7-8-3. A public or semipublic building such as a school, church, library or hospital may be erected to a height of 60 feet from the average adjacent ground elevation provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

7-8-4. Church spires, belfries, cupolas, monuments, water towers, fire towers, chimneys, flues, television antennae, and radio aerials may exceed the height limitation by 25 feet.

7-8-5. Additional height requires a Special Use Permit as provided for under Article 14-3. Parapet walls may be up to four feet above the height of the building on which the walls rest.

7-8-6. All accessory buildings shall be less than the main building in height.

7-9. *Off-street Parking.*

Off-street parking is subject to section 14-9 of this ordinance.

7-10. *Entrance Regulations.*

7-10-1. The centerline of any entrance onto a Virginia primary road shall be 600 feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on a Virginia primary road and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the 600-foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

7-10-2. The centerline of any entrance onto U.S. Route 29 shall be 900 feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on U.S. Route 29 and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the 900-foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

ARTICLE 7. RESIDENTIAL MULTIPLE FAMILY R-3

Entrances shall be located at crossover points on U.S. Route 29 if feasible and required by the Virginia Department of Transportation.

The aforesaid entrance regulation shall not apply to U.S. Route 29 Business.

Chairman

Vice-Chairman

Board Members

**MADISON COUNTY
BOARD OF SUPERVISORS**

County Administrator
Jonathon Weakley

County Attorney
Hannon Wright

*414 N Main Street
P.O. Box 705
Madison, Virginia 22727
PH: (540) 948-7500
FAX: (540) 948-3843*

Ordinance Amendment # 2025-ZOA-05-25-01

**ORDINANCE TO AMEND A PORTION OF APPENDIX 1 (ZONING ORDINANCE) OF THE
MADISON COUNTY, VIRGINIA CODE**

WHEREAS, by Ordinance duly adopted, the Board of Supervisors of Madison County, Virginia, adopted Appendix 1, Zoning Ordinance of the Madison County Code, which has been amended from time to time; and

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendments to the Zoning Ordinances of Madison County, Virginia, would promote the health, safety, and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted, as amended, on May 7, 2025;

WHEREAS, the advertisement and notice requirements of Virginia Code Section 15.2-2204 have been complied with;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and is hereby amended to read as follows:

7-3. Area Regulations.

- 7-3-1. ~~The minimum lot area shall be 10,000 square feet plus 2,000 square feet for each additional dwelling unit. The Administrator may require a greater area if considered necessary by the Health Official.~~

No development within this district shall have a density greater than eight dwelling units per gross acre of site area nor shall buildings on any parcel within this district cover more than 35 percent of the total lot area.

7-3-1.1 Single-family dwellings shall require a minimum lot area of eight thousand (8,000) square feet.

7-3-1.2. Townhouse dwellings shall require a minimum lot area of two thousand (2,000) square feet or more per dwelling unit.

7-3-1.3. Multifamily dwelling may be constructed at a density of eight (8) units per acre.

7-3-2. Open Space Requirements. The site for any multiple family or single family attached dwellings, shall provide 40 percent of the lot area as open space. When individual ownership of dwelling units exist, this space may be privately owned by the homeowners.

7-3-3. Maximum Building Grouping. Not more than eight townhouses or attached dwelling units shall be included in any one grouping, and no more than eight dwelling units shall be included within any multiple-family dwelling, except affordable housing and/or senior housing not exceeding 60 dwelling units may be included within a multiple-family dwelling. ~~The maximum frontal length of any building or structure in this zone shall not exceed 200 feet, except such maximum frontal length shall not apply to a multiple-family dwelling used as affordable housing and/or senior housing not exceeding 60 dwelling units.~~

(Ord. No. 2020-16, 10-7-2020)

7-4. Setback Regulations.

7-4-1. Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the center line of any street right-of-way less than 50 feet in width.

7-4-2. All accessory buildings must be located ten feet or more from any property line except that no accessory building may be located closer to the front of a lot than the main structure.

7-5. Lot Width Requirements.

The minimum frontage for permitted uses shall be ~~150 feet~~ **measured** at the setback line or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

7-5-1. All Single-family lots shall have a minimum width of 65 feet.

7-5-2 All Townhouse lots shall have a minimum width of 16 feet.

7-5-3. Multifamily lots shall have a minimum width of 150 feet.

Except as amended above, Appendix 1, Zoning Ordinance, remains in full force and effect.

ENACTED and adopted by the Madison County Board of Supervisors and Its Chair on January 7, 2026.

, Chairman
Madison County Board of Supervisors

Jonathon Weakley
County Administrator

	Motion	Second	Aye	Nay	Absent
C. Yowell					
J. Buchanan					
N. Sharman					
J. Jewett					
M. Snider					

MADISON COUNTY BUILDING & ZONING DEPARTMENT

410 N Main Street, Madison, VA 22727

Phone: (540) 948-6102

www.madisonco.virginia.gov

ZONING TEXT AMENDMENT APPLICATION INSTRUCTIONS

- 1) The zoning text amendment application fee, as described in the Madison County Building & Zoning Fee Schedule, is due when this application is submitted to our office.
Current Fee: \$400
- 2) A written narrative is required from the applicant describing the rationale for the proposed new ordinance, change of the existing ordinance, or removal of an existing ordinance.
- 3) This application will be scheduled by the Planning and Zoning Administrator to go before the Madison County Planning Commission for a minimum of two workshops. This application will also be scheduled for a public hearing in a joint meeting with the Madison County Planning Commission and the Madison County Board of Supervisors. Attendance by the applicant, or the applicant's designated agent, is required at all workshops and the public hearing.
- 4) If you have any questions, please call our office at (540) 948-6102, Monday through Friday, 8:30 a.m. to 4:30 p.m.

ZONING TEXT AMENDMENT APPLICATION

	Name: Al Esh
g	Mailin Address: 18019 Countr v Store Dr Cul e er VA 22701
	Phone Number: [REDACTED]
	Email: [REDACTED]

- ☐ I am proposing a new zoning ordinance
- ☒ I am proposing modifying an existing zoning ordinance
- ☐ I am proposing the removal of a zoning ordinance
- ☐ I have attached my written narrative as required in application instruction 2.


Signature of Applicant

4-22-25
Date



Madison County
Building & Zoning Department
410 N Main St
Madison, VA 22727
(540) 948-6102
www.madisonco.virginia.gov

Zoning Permit

Permit Number 1205
Date 04/22/2025
Permit Type ZONING TEXT AMENDMENT

PROPERTY NUMBER	STREET ADDRESS	JURISDICTION
*0*0*	N/A	MADISON COUNTY

OWNER INFORMATION	APPLICANT INFORMATION
NAME: COUNTRY VIEW HOMES LLC	NAME: COUNTRY VIEW HOMES LLC
ADDRESS:	ADDRESS:

USE REQUESTED	ZONE CODE
ZONING TEXT AMENDMENT	
LOT ACREAGE	FIRM ZONE

REMARKS

I, the undersigned, hereby agree to comply with all Zoning and/or Subdivision Ordinances. I understand that it is my responsibility to notify the Building & Zoning Office if the approved plans in my permit change, and that any change requires approval from the County. I further acknowledge that this Zoning Permit is valid for one (1) year from the date of issuance.

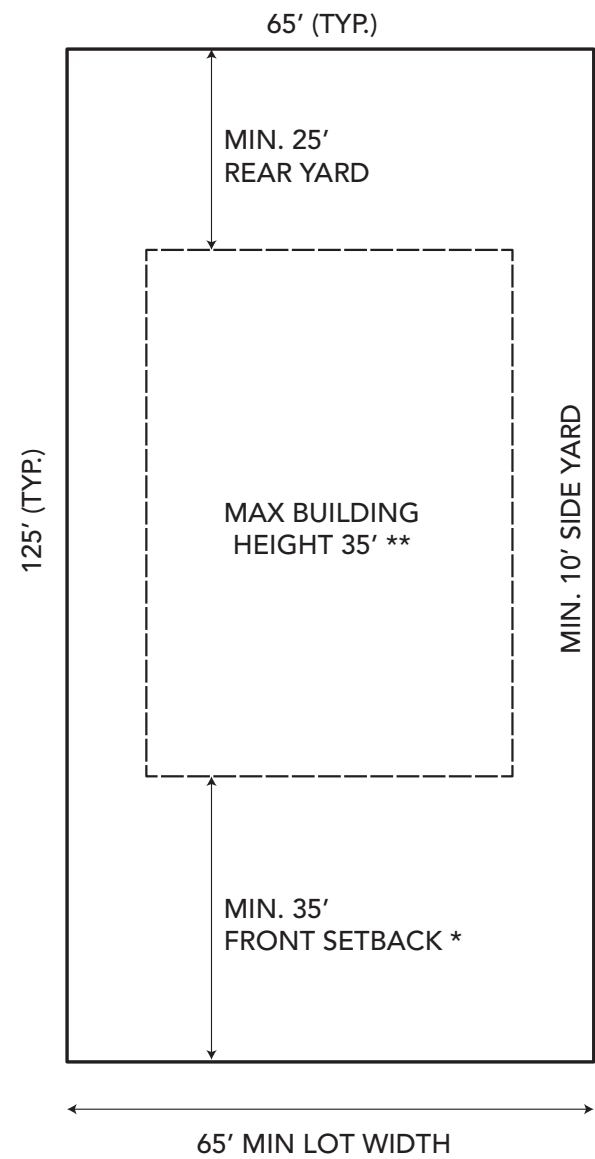
Allen Nicholls Zoning Administrator
Approving Official

License Number
Date 04/22/2025
Application Number P2025-664
Total Fees \$400.00

Owner/Contractor

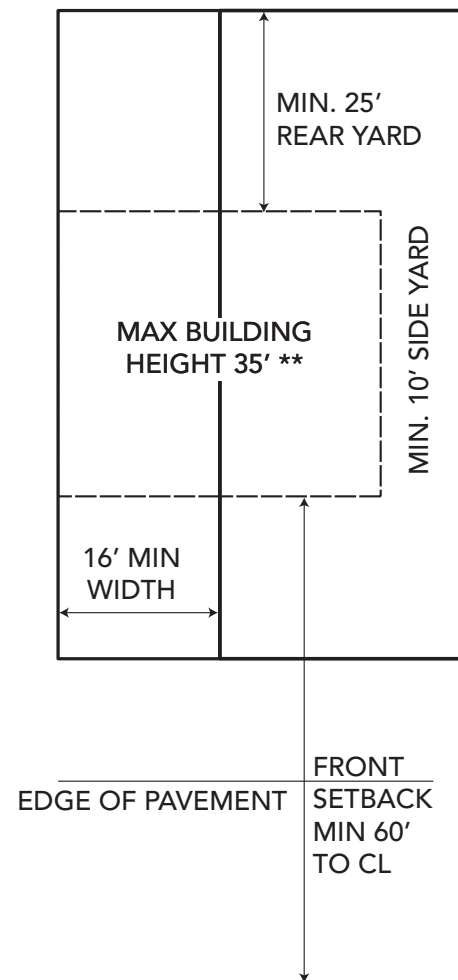


Amended R3 Rezoning Site Tabulations	
Site Area/R3 Rezoning Limits:	78.9 Acres (Parcel 40-48)
Proposed Use:	162 - Single Family Detached (SFD) 50 - Multiple family dwelling (MF) 50 - Townhouse (SFA)
Minimum Lot Area:	10,000 SF + 2,000 SF for each add. Unit
Maximum Density:	8 Dwelling Units per Acres (632 Units)
Proposed Density:	3.0 Dwelling Units per Acre (262 Units)
Maximum Lot Coverage:	35%
Minimum Open Space:	40% (MF & SFA) (31.6 Acres)
Maximum Building Grouping:	8 Units (MF & SFA) 60 Units (Affordable/Sr. MF)
Maximum Building Length:	200 FT; No Requirement for Affordable/Sr. MF
Minimum Front Setback:	35 FT to ROW ≥ 50 FT 60 FT to CL ROW < 50 FT
Minimum Lot Width:	65 FT (SFD) 150 FT (MF) 16 FT (SFA)
Minimum Side Yard:	10 FT
Minimum Rear Yard:	25 FT
Maximum Building Height:	35 FT; Up to 10 FT increase with add. 1:1 setback



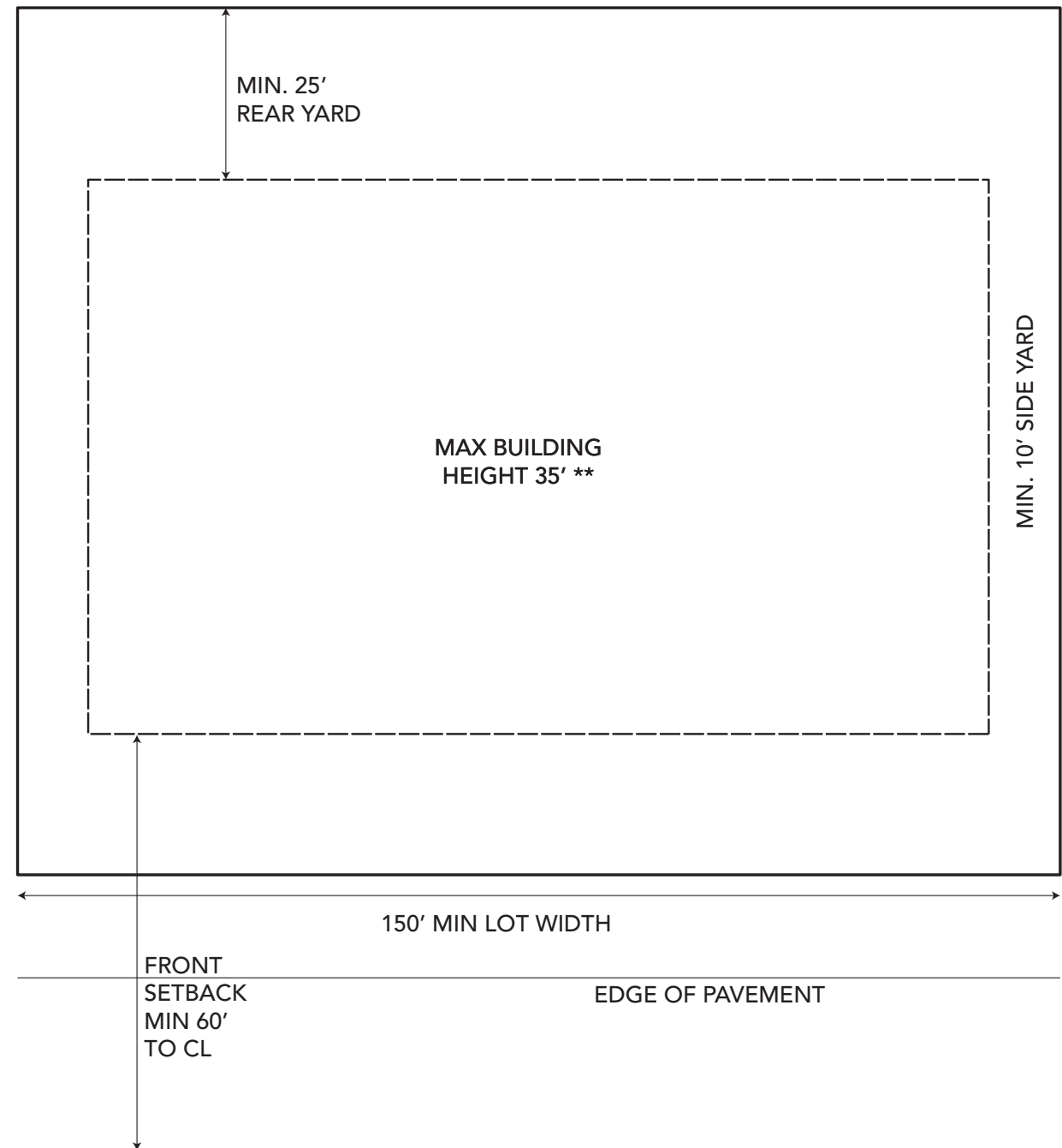
SFD

MAX LOT COVERAGE: 35%
MIN LOT SIZE: 1,200 SF
(8,000 SF MOD)



SFA

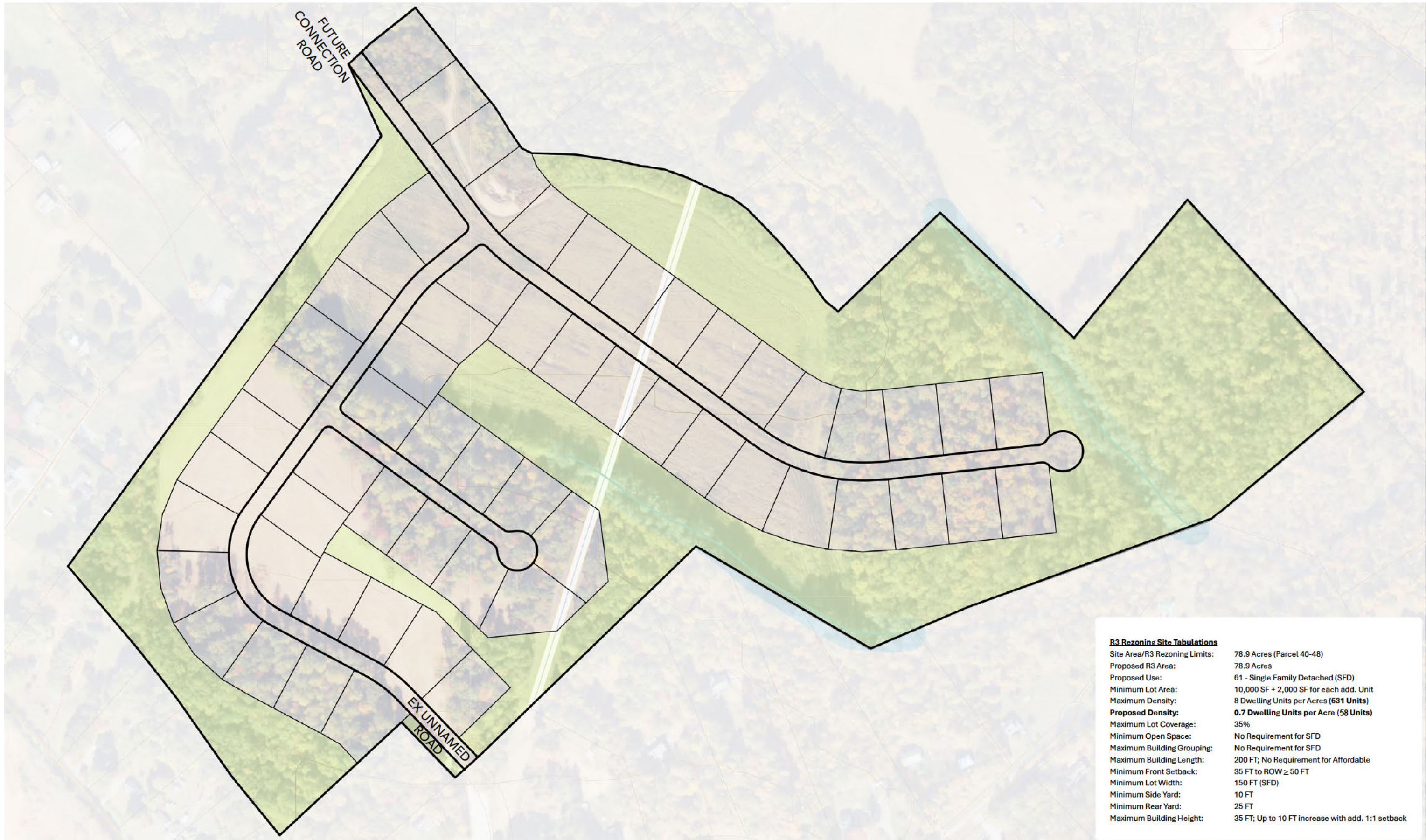
MAX LOT COVERAGE: 35%
MIN LOT SIZE: 2,000 SF



MF

MAX LOT COVERAGE: 35%
MIN LOT SIZE: NONE
MAX DENSITY: 8 DU/AC

* ROW FRONTAGE 50'+ WIDE. ** INCREASE UP TO 10' WITH ADDITIONAL 1:1 SETBACK.



Joint Meeting Madison County Board of Supervisors / Madison County Planning Commission

Wednesday, October 1 2025 at 7:00 PM

Statement of James H Smith, CPC

IN RE: ZOA-05-25-01, Al Esh - Zoning Text Amendment. Mr. Esh proposes changes to Article 7 (residential multiple family R-3) “in order to facilitate more orderly development of housing projects.”

The applicant comes before us requesting an amendment to Article 7. Residential Multiple Family R, which would allow even greater density than what is currently allowed by Madison County’s highest residential density zone.

These comments have nothing to do with being pro-development or anti-development; they have everything to do with our responsibility to perform due diligence and be fiscally responsible to our County in advising our Board of Supervisors. § 15.2-2296 §15.2-2318, 2320

CONCLUSION AND RECOMMENDATION

A vote in favor of this proposal is a vote in favor of a tax increase to those property owners other than the ones purchasing the R-3 development as the capital and operating burden contributed by the R-3 property owners will be inequitably transferred to the existing property owners, creating a cross subsidy that should be against public policy. The ONLY beneficiaries would be

- 1) the developer who would not be required to recognize and pay for the financial impact on the county and
- 2) the new purchasers who would not only get a “free ride” for a significant portion of the county services but also diminish the existing capacity which places the county nearer to the need to expand those capabilities (e.g., schools, fire, public safety, emergency management, etc.)

While the proffer system is sidestepped by the developer friendly SB 974, proffers are allowed under the Code of Virginia in rezonings. Therefore, the prudent recommendation would be for the Board of Supervisors to consider

- a) Downzoning the current R-3 (See: *Turner v. Board of County Supervisors of Prince William County* 263 VA 283 (2000)
<https://caselaw.findlaw.com/court/va-supreme-court/1197325.html>
- b) Create new intensive zoning classifications and

Incorporate a template for zoning requests that incorporates provisions, tailored for Madison County, found in Loudoun County's Capital Intensity Factor approach. The Capital Intensity Factor (CIF) is the dollar amount of the estimated capital facilities impact of a new residential unit that is calculated using county capital facility standards and demographic inputs. The CIF is used to assess the capital facilities impacts of new residential development and provide a guideline for proffer negotiations during residential rezonings. <https://www.loudoun.gov/2530/Capital-Intensity-Factor>

DISCUSSION

My rationale for the recommendation to reject the proposal and embark on the downzoning and rezoning is to reset the adverse action of SB 974 by allowing for proffers in the rezoning process. In support of this recommendation is the following examination of what is Known and what are the Known Unknowns in the landscape.

KNOWN AND KNOWN UNKNOWN

What we know includes but is not limited to:

- 1) SB 974 essentially precludes the ability for the citizens of Madison to directly voice their concerns regarding a development and further eliminates their appointed commissioners on the Planning Commission from evaluating a proposal and their elected representatives on the Board of Supervisors from approving or denying a proposed development. In so doing, the General Assembly has eliminated the ability of the locality to collect proffers to offset costs to the locality.
- 2) The acreage under review fails to satisfy some of the fundamental requirements for its existing zoning under ARTICLE 7. RESIDENTIAL MULTIPLE FAMILY R-3, viz,
 - i) this zone shall be located adjacent to R-2 zones and it is not;
 - ii) An R-3 zone shall only be established where public water and sewer facilities are available and they are not
 - (1) In Madison County, water and sewer service is available primarily within the Town limits and its immediate surroundings
 - (2) Other systems near the Town limits that are failing should receive priority
 - (3) It is unclear if there are, in fact, any housing currently existing in R-3

- iii) the zone shall be located adjacent to a major transportation route or traffic collector of the County and it is not (furthermore, the recently approved event venue is being evaluated for traffic and will have priority.
- 3) RSA is currently in the planning stage for increasing the capacity of its wastewater system but we know absolutely nothing about the details. We have been informed (heard rumors) that RSA has secured financing and is obtaining rights-of-way in the county but we have no knowledge.
- a) Is the financing structured as a mortgage or an indenture?
 - b) What security is provided for the financing?
 - c) Does RSA have eminent domain rights within the County or must rights-of-way be obtained by the applicant?
 - d) Rapidan Service Authority Posted Connection & Availability Fees provides that
 - i) New connections to Rapidan Service Authority's water or sewer systems are subject to review by RSA **and other local authorities [emphasis supplied]**. Availability Charges will be assessed per EDU, if not already collected for the property in question. Once these charges have been collected and formal plans for connecting to RSA's infrastructure have been approved, additional Connection Costs will apply to cover the cost of making the connection.
 - ii) Availability Fee: \$10,000 per EDU (water) and \$10,000 per EDU (sewer)
See: <https://rapidan.org/connection-and-availability-fees>
 - iii) "Equivalent Dwelling Unit" (EDU) is a specific volume of water or sewer usage set by RSA, from time to time, based on actual usage experience or other appropriate data. An EDU generally represents the volume of water or sewer used by a single family. EDU calculations are made at the sole discretion of RSA management
 - iv) Is there any requirement on when, to whom and under what conditions RSA can/will transfer EDUs?
 - v) The term "other local authority" is not defined nor is the power of the locality in decision-making addressed.
 - vi) While the developer will pay RSA \$20,000 per dwelling unit for water and sewer connections, nothing is being paid to the county for the **\$ 9,689.42** annual fiscal impact per household or **\$16,644.30** total annual expenditure per public school student.
- 4) Our Economic Development Committee has demonstrated that our property taxes will increase over 50 percent in the near future if the tax base is not

expanded and it is working toward seeking appropriate development of the Rt 29 corridor

- a) Development of commercial sites on the corridor will require adequate water, wastewater and sewer.
 - b) Exactly who is making the determination as to what entity will benefit from the Madison expansion of the RSA facilities—RSA, Residential Real Estate Developers or the locality government
 - c) What say does Madison County have regarding the placement of infrastructure along Rt. 29?
 - d) Should there be a requirement imposed by the County to reserve water and sewer EDU connects for existing and future commercial development on the Rt 29 Corridor?
- 5) In the workshop meetings and prelude to the Joint Hearing of April 3, 2023, CASE NO. SP-0-24-02, Madison Holdings LLC, there were significant discussions of the overall plan of the subject parcel. That discussion included the construction of the storage facility which was apparently to support an apartment building of single bedroom (plus a bonus room). Concept sketches of the apartments, a convenience store, and storage units were provided by the Planning and Zoning Administrator. Is the construction of an apartment building currently under consideration? Did the application and permit granted for the site include an apartment building? How many units were proposed for the apartment building? Is there documented evidence regarding the sewerage requirements of the apartments and convenience store?
- 6) During the workshops regarding the instant proposal, raw figures regarding the Fiscal Impact of housing units as presented during the recent Economic Development Committee / Board of Supervisors Town Hall were presented and discussed. The concerns were summarily dismissed as it has not been addressed, notwithstanding the provisions of Code of Virginia § 15.2-2296, (Conditional zoning; declaration of legislative policy and findings; purpose) which specifically addresses the **offering of proffers by applicants** in such a conditional rezoning request. No proffers have been offered.
- a) Ignoring taxes from other than Residential taxes, the Fiscal Impact of each housing unit in Madison is \$ 9,689.42 and the total Fiscal Impact limited to local taxes is \$ 5,256.62
 - b) The total annual expenditure per public school student is \$16,644.30 and the tax per proposed unit will not begin to cover that cost. Moreover, a project this size, represented to be “starter homes” which suggests “starter families” will result in a population of school age children that will seriously threaten

the capacity of the current school system, thus requiring significant capital expenditures.

- 7) Goal 3.5 (page 55) of our current Comprehensive Plan provides that we shall: “Avoid initiatives that would result in the need to expand unreimbursed service capacity of county services.” This initiative would, without proffers, fail the established goal.

KNOWN UNKNOWNNS

- 1) Initiatives are underway to appeal or amend SB 974 to restore the rights of citizens that were summarily stripped by the General Assembly but the success of that initiative is uncertain.
- 2) Staff suggests that we should anticipate initiatives from the General Assembly to require “affordable housing.” Given other initiatives of the statists in the General Assembly, we can anticipate other diminution of citizen rights in zoning matters, viz, solar farms, affordable housing, data centers, etc.
- 3) Initiatives are underway in Madison to recruit candidates for economic development. We know that water and sewerage will be necessary on the Rt 29 Commercial Corridor but the unknown is how taps and EDUs can be set aside for economic development.
- 4) Black Swans.



To: Madison County Planning Commission

From: Allen Nicholls, Planning and Zoning Administrator

Subject: Livestock on lots less than two acres

Date: January 7, 2026

Case Summary

The Board of Supervisors has directed the Planning Commission to consider amendments to Madison County Zoning Ordinance, Article 5-2-1 (and by extension, 5-1-1). This directive comes as a result of a special use permit application (Case No. SU-05-25-01, approved November 5, 2025) being submitted to keep goats on R-1 zoned property.

Background

The Planning Commission has been tasked with reviewing Appendix 1, Article 5-2-1 of the Madison County Code of Ordinances. This section currently classifies the keeping of livestock on parcels under two acres as a Special Use Permit (SUP) activity.

There are three options:

- Recommend maintaining the ordinance as written.
- Recommend revising or amending the ordinance.
- Recommend striking the ordinance, thereby making the keeping of livestock on lots less than two acres a by-right use.

Timeline

First Workshop June 18th, 2025

Second Workshop August 20th, 2025

Public Hearing, October 1st, 2025

- During the public hearing the Planning Commission was unable to make a decision. Subsequently, the Board of Supervisors directed the Planning Commission to continue work on evaluating the ordinance.

Third Workshop October 15th, 2025

Fourth Workshop November 19th, 2025

Key Issues and Considerations

1. Regulatory Redundancy

Madison County Animal Control currently has broad authority to enforce standards regarding animal welfare, nuisance conditions, neglect, and abuse, regardless of lot size. As such, the SUP requirement in 5-2-1 is redundant, adding a layer of bureaucratic review without necessarily enhancing public or animal welfare outcomes.

2. Land Use and Property Rights

Striking the ordinance would affirm property owners' rights to reasonably use their land, especially for personal or small-scale agricultural purposes. Madison County's rural character supports a culture of self-sufficiency and small homesteading. The current restriction may inhibit traditional rural uses and deter sustainable living practices.

3. Administrative Burden

Requiring a Special Use Permit imposes time and cost burdens on both applicants and County staff, often without significant land use impact. Removing the SUP requirement for livestock on smaller lots could streamline administrative processes, reducing demand on planning resources.

4. Consistency and Fairness

The two-acre threshold is arbitrary in some contexts; it does not account for lot layout, type of livestock, or management practices. This is especially true when considering that there is no minimum size of parcels for livestock in the C-1 and A-1 districts.

5. Enforcement and Oversight

Concerns about runoff and animal welfare can be addressed through existing health codes and Animal Control regulations. Any egregious cases of poor animal care or neighbor impact is still actionable under current law, even without a SUP framework.

Staff Recommendation: Strike Article 5-2-1

Given the existing oversight powers of Madison County Animal Control, and in support of minimizing unnecessary regulation, the Planning Commission is encouraged to recommend to the Board of Supervisors the striking of Article 5-2-1 in its entirety, thereby making the keeping of livestock on lots smaller than two acres a by-right use. This approach promotes individual landowner freedom, respects the county's rural values, eliminates duplicative regulatory hurdles, and places enforcement where it belongs, which is under existing animal welfare laws.

ARTICLE 5. RESIDENTIAL, LIMITED R-1

Statement of Intent

This district is established to provide quiet, low density residential areas in those portions of the County where they currently exist and where expansion of such low density areas can reasonably occur. The regulations of this district are designed to promote harmonious residential communities and suitable environments for family life. Permitted uses thus are limited to relatively low concentrations of single family dwellings and complementary uses such as schools, churches, and parks and public facilities that serve the district's residents more intense uses such as commercial and industrial are considered inappropriate.

In addition to the zoning ordinances, uses in this zone may be subject to the requirements of Madison County's Subdivision Ordinance, Site Plan Ordinance, and/or Soil Erosion and Sedimentation Control Ordinance, and/or Floodplain Management Ordinance.

5-1. *Use Regulations.*

In the Residential, Limited (R-1) District, no building shall be erected or altered and no building or premises shall be used for any purpose except:

Uses Permitted by Right

- 5-1-1. Agriculture as defined, including gardens, excluding livestock on lots less than two acres.
- 5-1-2. Single family dwelling.
- 5-1-3. Church, parish hall, and rectory.
- 5-1-4. Public park and playground.
- 5-1-5. Public school.
- 5-1-6. Library.
- 5-1-7. Public Service Corporation transmission lines, poles, pipes, meters, transformers and other facilities necessary for the transmission and maintenance of public service utilities. Subject to Code of Virginia, § 15.1-456, as amended.
- 5-1-8. Accessory use and building.
- 5-1-9. Home occupation as defined.
- 5-1-10. Small wind energy system.
- 5-1-11. Solar energy system (see Article 14-16).
- 5-1-12. Short-Term Lodging Unit, see Article 20-160A (Definitions).

5-2. *Special Permit Uses.* The following uses may also be permitted subject to securing a special use permit as provided for in Article 14-3:

- 5-2-1. Livestock on lots less than two acres. **However, if such livestock is for the purpose of a child's education or participation in 4-H, Future Farmers of America, Scouting America, or similar group, activity, or curriculum, then it is by right but only after approval by the zoning administrator. The zoning administrator shall provide the livestock application form and require qualifying documentation such as from the child's faculty advisor or counselor or sworn statement from the child's parent or guardian. The fee for the application shall be set by the Board of Supervisors.**
- 5-2-2. Wayside stand.

- 5-2-3. Cemetery.
- 5-2-4. Lodge, inn, or hotel with interior eating facilities or overnight lodging.
- 5-2-5. Private school and day care center.
- 5-2-6. Water and sewage treatment or distribution facilities where same are required by state and/or federal regulations to protect the public health.
- 5-2-7. Private park and playground.
- 5-2-8. Public or community building.
- 5-2-9. Two family dwelling (duplex).
- 5-2-10. Golf course.
- 5-2-11. Golf driving range.
- 5-2-12. Country club.
- 5-2-13. Professional office (limited).
- 5-2-14. Rooming or boarding house.
- 5-2-15. Antique, craft, or gift shop in a structure under 2,500 square feet.

(Ord. of 3-18-1998, § 2; Ord. No. 2022-OA-10-22-26, § 4, 10-5-2022)

5-3. *Area Regulations.*

The minimum lot area for permitted uses shall be 1.5 acres (65,340 square feet) without public water and sewer systems, and one acre (43,560 square feet) with public water and sewer systems. All dwellings located on a parcel without public water and sewer shall require a minimum of 1.5 acres per dwelling; all dwellings located on a parcel with public water and sewer shall require a minimum of one acre per dwelling.

(Ord. No. 2020-8, 3-4-2020)

5-4. *Setback Regulations.*

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 60 feet or more from the center line of any street right-of-way less than 50 feet in width.

All accessory structures must be located ten feet or more from any property line.

(Ord. No. 2020-7, 3-4-2020)

5-5. *Lot Width Requirements.*

The minimum frontage for permitted uses shall be 150 feet at the setback line, or measured at the location of the foundation of the subject parcel's principal dwelling or accessory building. The minimum distance which the building is required to be located from the street right-of-way or center line shall be known as the setback line.

(Ord. No. 2020-9, 3-4-2020)

5-6. *Yard Regulations.*

- 5-6-1. *Side.* Each main structure shall have side yards of 15 feet or more.

5-6-2. *Rear.* Each main structure shall have a rear yard of 35 feet or more.

5-7. *Sign Regulations.*

Signs shall conform to Article 12 of this ordinance.

5-8. *Height Regulations.*

5-8-1. Buildings may be erected up to 35 feet in height from the average adjacent ground elevation except that:

5-8-2. The height limit for dwellings may be increased up to 45 feet and up to three stories provided each of the two side yards is ten feet, plus one foot or more for each additional foot of building height over 35 feet.

5-8-3. A public or semi-public building such as a school, church, library, or hospital may be erected to a height of 60 feet provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

5-8-4. Church spires, belfries, cupolas, monuments, water towers, fire towers, flues, flagpoles, television antennae, and radio aerials may exceed the height limit by no more than 25 feet. Parapet walls may be up to four feet above the height of the building on which the walls rest.

5-8-5. Additional height above the stated height regulations requires a special use permit as provided for under Article 14-3 of this ordinance.

5-8-6. No accessory building which is within 20 feet of any party lot line shall be more than 15 feet high. All accessory buildings shall be less than the main building in height.

5-9. *Off-street Parking.*

Off-street parking is subject to section 14-9 of this ordinance.

5-10. *Entrance Regulations.*

5-10-1. The centerline of any entrance onto a Virginia primary road shall be 600 feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on a Virginia primary road and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the 600-foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

5-10-2. The centerline of any entrance onto U. S. Route 29 shall be 900 feet or more from the centerline of any adjacent entrance; provided, however, each parcel of land that fronts on U. S. Route 29 and is recorded in the Clerk's Office of the Circuit Court of Madison County prior to June 20, 1990, shall be permitted to have at least one such entrance; and provided further that the aforesaid distance between entrances may be decreased to a point of nearest relief upon application by special use permit if the Board of Supervisors after recommendation from the Planning Commission and approval of the Virginia Department of Transportation finds that exceptional topographical conditions such as rock formations or floodplain areas justify such decrease.

Each application for a special use permit under this paragraph shall include a plat of survey showing both the 900 foot entrance point and the point of nearest relief. After approval, said plat of survey shall be recorded by the applicant in the Clerk's Office of the Circuit Court of Madison County.

Entrances shall be located at crossover points on U. S. Route 29 if feasible and required by the Virginia Department of Transportation.

The aforesaid entrance regulation shall not apply to U.S. Route 29 Business.

Chairman

Vice-Chairman

Board Members

**MADISON COUNTY
BOARD OF SUPERVISORS**

County Administrator
Jonathon Weakley

County Attorney
Hannon Wright

414 N Main Street
P.O. Box 705
Madison, Virginia 22727
PH: (540) 948-7500
FAX: (540) 948-3843

Ordinance Amendment # 2025-ZOA-05-25-03

**ORDINANCE TO AMEND A PORTION OF APPENDIX 1 (ZONING ORDINANCE) OF THE
MADISON COUNTY, VIRGINIA CODE**

WHEREAS, by Ordinance duly adopted, the Board of Supervisors of Madison County, Virginia, adopted Appendix 1, Zoning Ordinance of the Madison County Code, which has been amended from time to time; and

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendments to the Zoning Ordinances of Madison County, Virginia, would promote the health, safety, and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted, as amended, on May 7, 2025;

WHEREAS, the advertisement and notice requirements of Virginia Code Section 15.2-2204 have been complied with;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and is hereby amended to read as follows:

- 5-2-1. Livestock on lots less than two acres. **However, if such livestock is for the purpose of a child's education or participation in 4-H, Future Farmers of America, Scouting America, or similar group, activity, or curriculum, then it is by right but only after approval by the zoning administrator. The zoning administrator shall provide the livestock application form and require qualifying documentation such as from the child's faculty advisor or counselor or sworn statement from the child's parent or guardian. The fee for the application shall be set by the Board of Supervisors.**

Except as amended above, Appendix 1, Zoning Ordinance, remains in full force and effect.

ENACTED and adopted by the Madison County Board of Supervisors and Its Chair on January 7, 2026.

Jonathon Weakley
County Administrator

	Motion	Second	Aye	Nay	Absent
C. Yowell					
J. Buchanan					
N. Sharman					
J. Jewett					
M. Snider					

MADISON COUNTY BUILDING & ZONING DEPARTMENT
410 N Main Street, Madison, VA 22727
Phone: (540) 948-6102
www.madisonco.virginia.gov

Application For Livestock On R-1 Zoned Properties Less Than Two Acres

1. Applicant Information

Child's Name:
Parent/Guardian Name:
Parent/Guardian Phone Number:
Parent/Guardian Email Address:

2. Property Information

Property Address:
Parcel Number (Tax Map):
Lot Size (Acres):

3. Livestock Request Details

Type(s) of Livestock:
Number of Animals:
Purpose:
 ☐ ☐ 4-H Program
 ☐ ☐ FFA (Future Farmers of America)
 ☐ ☐ Scouting/Similar Educational Program
 ☐ ☐ Other Educational Activity (Describe):
Program/Activity Name:
Program Advisor/Instructor Name:
Advisor/Instructor Contact Information:

4. Required Documentation

Attach letter/statement from faculty advisor, counselor, or program leader **OR** sworn statement from parent/guardian.

5. Acknowledgment & Signatures

I certify that the information provided is true and correct. I understand that approval is required prior to keeping livestock on a R-1 zoned lot less than two acres.

Signature of Parent Guardian: _____ Date: _____

Zoning Administrator Use Only

Application Received On:
Application Fee Paid \$:
Approved / Denied:

- ☐ Approved
☐ Denied

Conditions of Approval/Permit Validity Period (12 months from issuance if not specified):

Signature: _____ Date: _____

Joint Meeting Madison County Board of Supervisors / Madison County Planning Commission

Wednesday, October 1 2025 at 7:00 PM

Statement of James H Smith, CPC

IN RE: Case No. ZOA-05-25-03) Ordinance Amendment the Board of Supervisors has directed the Planning Commission to consider removal, modification, or retention of Madison County Zoning Ordinance 5-2-1, and 5-1-1.

Case No. ZOA-05-25-03, Proposes the following amendments to Code of Ordinances, County of Madison, Virginia,

STRIKE Appendix 1, Article 5-2-1, which requires a special use permit for livestock on lots less than two acres and

STRIKE Appendix 1, Article 5-1-1 to remove the exclusion of livestock on lots less than two acres as a by-right use.

This proposal would result in eliminating any enforcement of the zoning by the Building and Zoning Department regarding the keeping of livestock on residential parcels of less than two acres and placing the matter in the purview of the health department and State Veterinarian. Those “remedies” exist today but their focus is on the welfare of the animals, not the taxpaying land owners.

I VEHEMENTLY OBJECT AND OFFER A SUBSTITUTE AMENDMENT

RATIONALE:

This proposal ignores and abandons the fiber of our political culture.

We are preparing to celebrate the 250th anniversary of our Declaration of Independence from Great Britain. In addition, it so happens that we shall also celebrate the 250th anniversary of the first Constitution of the Commonwealth of Virginia.

When we look back on our history, the Declaration in stating that government derives its “just powers from the consent of the governed” eliminated the overarching authority of Great Britain and set the collective Colonies adrift, without a rule of law other than natural law. Through the Articles of Confederation and the ratification of the Constitution in 1788, the American Order began.

Guided in large part by the philosophical ideas on natural rights and government by British philosopher John Locke, our founding documents are guided by the common theme of the notion of the social contract.

The social contract is a foundational idea in political philosophy that describes an implicit agreement among individuals to form a society and abide by its rules in exchange for protection and benefits from the state. Individuals in a hypothetical “state of nature,” without established political order, voluntarily agree to surrender some personal freedoms. The purpose of this agreement is to safeguard natural rights and maintain societal order.

The idea of the social contract had a huge impact on the American Founding Fathers, especially Thomas Jefferson (1743–1826) and James Madison (1751–1836). The U.S. Constitution starts with the three words, “We the people...,” embodying this idea of popular sovereignty in the very beginning of this key document. Following from this principle, a government established by the free choice of its people is required to serve the people, who in the end have sovereignty, or supreme power, to keep or overthrow that government.

Fast forward to 1974 when the Board of Supervisors of Madison County, Virginia abandoned unfettered property rights and adopted its first Zoning Ordinance. In that action, a social contract was created between property owners and the government.

Purchasers of property zoned Residential, Limited R-1 had every expectation to experience the quiet enjoyment of their property as they

followed the allowed uses with the full expectation that their similarly zoned neighbors would do the same and that the government, as a party to the social contract, would ensure adherence to the ordinance that, among other things, requires a “special use permit” to allow livestock on lots of less than two acres.

In a county where the overwhelming majority of real estate is zoned for Agricultural use, there is no reason to allow intensive livestock operations on small residential lots as there is an abundance of property zoned A-1.

PROPOSAL

Rather than vacating the responsibility of our Building and Zoning Department to maintain the social order of our Zoning Ordinances, I offer the following with changes highlighted in red as a substitute that would allow livestock under the noted limited conditions. I disclosed and discussed the proposal with Ms. Lynnsey Kauffman, Ag Science Instructor and FFA Advisor at MCHS as a subject matter expert and she suggested a size rather than hen limit for poultry and agreed to the suggested certification requirements. The hen limit contained in the proposal is based on ordinances in the Commonwealth, relying heavily on Roanoke. The profile of allowing hens and certification for student projects were initially suggested by Commissioner Elliott as well as neighbors who spoke at a workshop of the Planning Commission:

Appendix 1, ZONING*

(***Note**— Set forth below are the zoning provisions of Madison County, Virginia. The document contains the original zoning ordinance adopted on March 29, 1974, as amended (multiple times) through June 5, 2013. Additions made for clarity are indicated by brackets.)

ARTICLE 5. - RESIDENTIAL, LIMITED R-1

5-1. Use Regulations.

In the Residential, Limited (R1) District, no building shall be erected or altered and no building or premises shall be used for any purpose except:
Uses Permitted by Right

5-1-1 Agriculture as defined, including gardens, excluding livestock on lots less than two acres **but allows poultry as follows:**

In Residential, Limited (R1) District, a maximum of 10 poultry animals may be kept on a parcel with less than 20,000 square feet. A maximum of 40 poultry animals may be kept on a parcel with 20,000 square feet or more. [1 acre = 43,560 sq ft]

All poultry must be kept in securely and suitably fenced areas, and no fenced area or pen for poultry shall be permitted closer than 50 feet to any house or other building used for residential purposes by anyone other than the person maintaining such poultry or her/his immediate family.

Poultry must be provided adequate space in a covered, predator-proof shelter that is thoroughly ventilated, provides sun, shade, and protection from the elements and is designed to be easily accessed and cleaned.

Poultry must be kept humanely and hygienic at all times. Coops must be cleaned regularly to prevent perceptible odors at the property boundaries.

No poultry shall be permitted to roam at large.

5-2.Special Permit Uses.

The following uses may also be permitted subject to securing a special use permit as provided for in Article 14-3:

5-2-1 Livestock on lots less than two acres. However, if such livestock is for the purpose of a student's 4H, FFA, Scouting, etc. project and documentation from the faculty advisor or counselor is provided with the special use permit application as described in Article 14-3, the use shall be granted and there will not be an application fee imposed on the student for such request.

(Ord. of 3-18-1998, § 2; Ord. No. 2022-OA-10-22-26, § 4, 10-5-2022)

Thank you for your patience and consideration.

BIBLIOGRAPHY

John Locke, *Second Treatise of Civil Government*, 1690, in *Two Treatises on Government* (London: George Routledge and Sons, 1884), 240-241.

Kelly, Martin. "The Social Contract In American Politics." Thoughtco, Apr. 29, 2025, [Thoughtco.Com/Social-Contract-In-Politics-105424](https://www.thoughtco.com/social-contract-in-politics-105424/).

Legal Clarity Team, "Is the Social Contract in the Declaration of Independence?" Aug 29, 2025:[//legalclarity.org/is-the-social-contract-in-the-declaration-of-independence/](https://legalclarity.org/is-the-social-contract-in-the-declaration-of-independence/)

Kamrath, Angela E., "The American Social Contract in the Declaration and Constitution," American Heritage Education Foundation, americanheritage.org/the-american-bible-inspired-social-contract/

Kamrath, Angela E. *The Miracle of America: The Influence of the Bible on the Founding History and Principles of the United States of America for a People of Every Belief*". Second Edition. Houston, TX: American Heritage Education Foundation, 2014, 2015

SUPPLEMENTAL AND RELATED PROVISIONS FOR REFERENCE

[ARTICLE 6. - RESIDENTIAL, GENERAL R-2](#)

6-2. *Special Permit Uses.* The following uses may also be permitted subject to securing a special use permit as provided in Article 14-3:

6-2-4. Agriculture exclusive of keeping of livestock or poultry.

[ARTICLE 7. - RESIDENTIAL MULTIPLE FAMILY R-3](#)

7-2. *Special Permit Uses.* The following uses may also be permitted subject to securing a special use permit as provided in Article 14-3:

7-2-1. Agriculture exclusive of keeping of livestock or poultry.

- **ARTICLE VIII. - CONTROL OF LIVESTOCK, HORSES, AND FOWL**
- **Sec. 6-199. - Maintenance of premises where animals and fowl are kept.**

Each stable, pen, coop, or other place where any animal or fowl is kept shall be maintained at all times in a safe and sanitary condition.

ARTICLE 20. - DEFINITIONS

Defined herein are those terms and names used which might be subject to other interpretations. Where terms are sufficiently identified within the text of the ordinance, the definition item will refer to that section number.

The words "used for" include "designed for", and vice versa; words used in the present tense include the future; words in singular number include the plural number and vice versa; the word "building" includes the word "structure", the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot", and the word "shall" is mandatory and not director[y].

20-107. *Livestock*. Domestic animals normally raised on a farm such as draft horses, cows, swine, goats, sheep, poultry, etc. This definition specifically excludes light horses or ponies used primarily for pleasure riding and dogs or cats.

20-144. *Poultry*. Domestic fowl normally raised on a farm such as chickens, ducks, geese, turkeys, peafowl, guinea fowl, etc.

https://library.municode.com/va/madison_county/codes/code_of_ordinances?nodeId=CD_ORD_APX1ZO_ART20DE

RE: G. Fuchs SUP

From Greg Cave <gcave@madisonco.virginia.gov>

Date Mon 7/14/2025 2:57 PM

To Allen Nicholls <anicholls@madisonco.virginia.gov>

Cc Jonathon Weakley <jweakley@madisonco.virginia.gov>; Brian Gordon <bgordon@madisonco.virginia.gov>

Allen,

I would like to share my thoughts on the proposed modification to zoning ordinances 5-2-1 and 5-1-1 that would allow livestock ownership on R-1 properties.

I spoke with the Virginia Department of Agriculture Consumer Services (VDACS) about this, and they informed me that Augusta County/City of Waynesboro were reviewing similar code modifications as well as they have the right to under code section [§ 3.2-6543. Governing body of any locality may adopt certain ordinances.](#)

If the county chooses to pursue, please review code section [§ 3.2-6544. Regulation of keeping of animals and fowl](#). It is recommended to follow the **keeping of animals** and avoid trying to list or redefine **care of animals** since there is already a code that specifies care [§ 3.2-6503.1. Care of agricultural animals by owner; penalty](#). Only the keeping of animals is allowed because we do not have the authority to redefine care.

For an example, the keeping of goats on a one-acre parcel should be no more than four to five goats minimum.

As previously mentioned, animal control's perspective on this is that we will evaluate each situation individually to determine whether it is sufficient which would fall under the care of the animals. [§ 3.2-6503.1. Care of agricultural animals by owner; penalty](#).

Hope this helps!

Thanks,

Greg A. Cave

Chief Animal Control Officer

Madison County, VA

PO Box 705

Madison, VA 22727

Office: 540-948-7042

Fax: 540-948-7052

gcave@madisonco.virginia.gov

