



CITY OF BUENA VISTA BOARD OF ZONING APPEALS

9/9/2026 | 5:00 PM
Council Chambers – 2039 Sycamore Avenue

ADG #1: CALL TO ORDER

ADG #2: PUBLIC HEARING

1. Special Exception – 2408 Maple Ave

ADG #2: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

ADG #3: REVIEW AND ADOPTION OF MINUTES

ADG #4: OLD BUSINESS

1. None

ADG #5: NEW BUSINESS

1. Special Exception – 2408 Maple Ave

ADG #8: REPORT OF SECRETARY

1. None

ADJOURNMENT

MEMBERS AND TERM EXPIRATIONS

Dennis Hawes, Chairman, 12/31/2026

Leroy Wheeler, 12/31/2030

Christina Himes, 12/31/2030

Teri Fulwider, 12/31/2026

Patricia Mays, 12/31/2026

STAFF

Tom Roberts, Director of Community Development

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CITY OF BUENA VISTA BOARD OF ZONING APPEALS

MEETING MINUTES

6/17/2026 | 5:30 PM

Council Chambers – 2039 Sycamore Avenue

Members Present

Thomas Roberts, Staff Secretary

Dennis Hawes, Chair

Teri Fulwider

Christina Himes

Patricia Mays

Leroy Wheeler

Members Absent

None

CALL TO ORDER

PUBLIC HEARING

Variance – 322 E 17th Street

Mr. Hawes began by giving some history of the house, that there had been a fatal fire here many years ago that destroyed the house. It had been non-conforming so couldn't be rebuilt. Basically, this is a half lot and this is a variance to build a new house there. Mr. Roberts explained what variances are and explained that they are for situations where the property otherwise cannot be productively developed. Mr. Hawes invited the public to speak.

Tim Hickman, 107 Paxton St, Lexington VA – He is one of the owners of the property. He explained there was a confusing chain of communication with the City as to whether the lot was buildable or not, with Mr. Roberts saying it was buildable in 2025 during initial communications, but later qualifying that a variance would be needed. Mr. Hickman just wants to build a simple house on this lot.

Byron Honore, 1664 Chestnut Ave – He is adjacent property owner to the south. He is concerned about density of the neighborhood, the house will be the majority of the lot, and the setback will be only 10' from his property. If there is a fire, like there was years ago, will it be more likely to leap to his house because it's so close? There are existing drainage issues with water coming across the alley and settling in a low spot on the subject property; if a house were built there it could displace that runoff onto Mr. Honore's property.

There was some back and forth between Board members and Mr. Honore regarding the drainage issue and whether Mr. Honore had offered to purchase the subject property or the house on the front part of the lot. Then they discussed whether it might help to shift the proposed house closer to the alley, so that the setback would be 20' from the house on the front part of the lot instead of 10'.

Kim Kenny, 1656 Chestnut Ave – She lives on the same street another door down and remembers when the fire on the subject property occurred. She gave details from the day of the fire. Although she understands we need housing, she does not understand the desire of developers and the City to keep building houses everywhere on every open lot. She agreed that water ponds on the subject property after it runs across the alley, and noted that there used to be a low retaining wall at the edge of the property and the alley, but someone recently demolished it. The retaining wall helped to keep water from entering the property. She also believes that parking will be difficult here because there is a lot of traffic on the road and the street parking is already used by the church. She said that the owner of the house that burned was flatly turned down when he wanted to rebuild years ago.

Sam Campbell, 129 Malcolm Lane, Vesuvius VA – He owns the house at the corner, on the front part of the property, at 306 E 17th St. He tried to buy the property from the previous owner Ronnie Agnor. Mr. Agnor told him that it was not buildable. Mr. Campbell wanted to build a small office for himself there, but was told by Mr. Agnor that he would have to eradicate the lot line between the two parcels, which Mr. Campbell did not want to do. He wanted to have separate utility connections and separate ownership of a garage/office. He said he has been mowing the subject property for a couple years, and he agreed about standing water on it. One of the Board members asked if the low retaining wall could be built, but Mr. Campbell responded that the other part of the wall that was on 17th St was an inconvenience to him but he didn't want to tear it down.

Mr. Hawes closed the public hearing and asked if code required off-street parking, to which Mr. Roberts replied yes. There was brief discussion of where the driveway would be on the lot, and about a potential French drain to address the runoff ponding. He asked about curb & gutter, and Mr. Roberts replied that he had not evaluated the site for curb & gutter yet so did not know whether it would be required or not, noting that there is none to tie into on either side, and channelizing the flow can cause more problems than leaving the edge the same. Mr. Hawes suggested the developer could pay for curb & gutter all the way down to Chestnut Ave, including the portion along Mr. Campbell's property.

One of the board members suggested that the house be shifted toward the alley so that there was more space between the new house and Mr. Campbell's house. It was pointed out that the Campbell house is itself set back from the rear property line by 10 feet, so the actual distance

between houses would be 20'. There was consensus that the proposed house should be shifted closer to the alley. There was brief discussion about whether the City erred in telling Mr. Hickman that it was buildable, and the underlying land use question. Mr. Hawes stated that Mr. Agnor could not rebuild but the Code of Virginia allows the BZA to grant a variance for this use. He also noted that the house will meet the minimum square footage in R3 and will be setbacks other than the front and rear setbacks. Mr. Hawes noted that most of the remaining development sites in the City lack infrastructure or roads. Lastly, Mr. Hawes disclosed that he had been a friend of Mr. Campbell for many years, but did not intend to vote on this matter anyway so did not see a conflict of interest.

Mrs. Fulwider motioned to approve the variance for the new house, with the modification that the house have a 10' setback from the alley (closer to the alley than the Campbell property). Mrs. Himes seconded. Mrs. Fulwider and Mrs. Himes voted yes, Mrs. Mays and Mr. Wheeler voted no, and Mr. Hawes broke the tie by voting yes.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

REVIEW AND ADOPTION OF THE MINUTES

For minutes of 5/27/2026 meeting:

Corrections: Mrs. Mays stated that the minutes did not correctly reflect her vote on the matter, but that it didn't make a difference. She did not ask that the minutes be changed.

Motion to approve: Mrs. Mays 1st, Mr. Wheeler 2nd, all voted yes

Abstentions: Mrs. Fulwider and Mrs. Himes because they was not present

NEW BUSINESS

None

SECRETARY'S REPORT

None

Adjournment

5:50 PM

Approval by Chairman:

Signature

Date



STAFF REPORT

TYPE: Special Exception – Home Occupation
PROJECT: 2408 Maple Ave - Let's Play Music
DATE: 8/24/2026

SYNOPSIS

Applicant Katie King proposes to conduct children's music classes as a home occupation. These classes would exceed the maximum number of concurrent customers under the home occupation regulations. A Special Exception is required to deviate from these regulations.

ANALYSIS

Proposed Activity

Katie King proposes to conduct in-person group music education classes for children as a home occupation. Having recently moved to Buena Vista, she has operated similar classes elsewhere as a home occupation for about nine years. Details on the classes:

- Generally operate on a 15-week semester and would be age-banded, with separate classes for 0-4 years, 5-6 years, and 7-12 years.
- Each class would be limited to six students.
- The youngest age group class includes a parent, and some students in the middle age group class bring a parent while some are dropped off, and the oldest age group is generally only the students.
- A total of 4-6 classes at any given time, depending on demand.

Analysis

The proposed home occupation is not permitted under Section 705.03-4 of the home occupation regulations because the number of customers (students) in a class exceeds the maximum number found in the regulations:

705.03-4 Customer or client traffic to the premises must be on a pre-arranged appointment basis. Home occupations may not offer products or services to the general public on premises on a drop-in basis, except for wayside stands as herein defined. The number of on-premise customer or client appointments may not exceed three (3) at any given time, and a total of twelve (12) per day.

Only the students are counted as customers, even though their parents may accompany them, because the parents are accessory and not the purpose of the visit, and each student and his/her parent will typically arrive at the same time in the same vehicle (if driving). The intent of this provision of the regulations is to limit excessive customer traffic, both pedestrian and vehicular, which might negatively impact neighbors and diminish the residential character of the neighborhood.

The proposed business complies with all other provisions of the home occupation regulations. Applicants may deviate from these regulations if a Special Exception is granted by the Board of Zoning Appeals:

705.05-1 Home occupations which do not conform to the provisions of Section 705.03 General Requirements or Section 705.04 Additional Provisions may be permitted by Special Exception approved by the Board of Zoning Appeals. The following criteria shall be considered:

705.05-1.1 Impact on pedestrian and vehicular traffic and parking

705.05-1.2 Potential for noise, dust, odors, glare, vibrations, or other hazards or nuisances

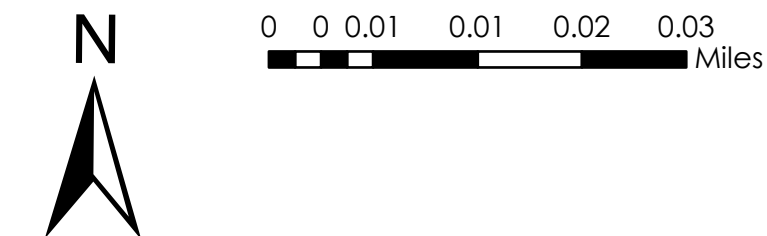
705.05-1.3 Impact on surrounding property values

705.05-1.4 Economic impact and community value of product or service

Staff believe that the proposed home occupation is an acceptable deviation from the regulations and will not significantly negatively impact the neighborhood:

- There is ample street parking at this location, and the applicant will provide two off-street spaces for customers (parents) in their driveway. This home sits on a large corner lot at 24th St and Maple Ave, with space for at least three vehicles in front of their house on Maple and at least two vehicles on 24th Street. Additionally, the home across Maple Ave has a similarly large lot, meaning there is a lower density of homes on this block and fewer resident vehicles parked on the street. Staff do not believe that concurrent parking of six customer/parent vehicles on the street will negatively impact neighbors.
- Music classes are held inside the home with minimal noise or vibrations heard by others.
- Art and music classes are an important community amenity and this business can enhance the quality of life and development of our children.

Staff recommend approval of the Special Exception.



2408 Maple Ave



