

Planning Commission Meeting Minutes September 14, 2026

The Tazewell Planning Commission met at 6:15 p.m. in the Town Hall Council Chambers.

Present:

Planning Commission Chair Larry Lutz
Planning Commission Member Jerry Cromer
Planning Commission Member Pete Davis
Planning Commission Member Benny Moore
Planning Commission Member Danny Willis
Planning Commission Member Gabrielle de Courcy

Absent:

Planning Commission Member Richard Taylor

Staff present were; Town Attorney, Brad Pyott; Town Building Official Chris Hurley; Clerk, Jessica Hayes.

Call to Order

Planning Commission Chair Lutz called the meeting to order at 6:20pm and lead the pledge of allegiance. Planning Commission Member Cromer gave the invocation.

Approval of Minutes

Motion to approve minutes so long as a correction of adding the missing word “not” in the paragraph in the miscellaneous section was made by Planning Commission Member de Courcy. The motion was seconded by Planning Commission Member Cromer to approve the August 3, 2026 meeting minutes. On vote: Planning Commission Member Willis, aye; Planning Commission Member P. Davis, aye. Planning Commission Member Cromer, aye; Planning Commission Chair Lutz, aye; Planning Commission Member B. Moore, aye. Planning Commission Member Gabrielle de Courcy, aye.

Inside Storage Building

Raj Chapra addressed the Planning Commission and apologized for his conduct at the previous meeting he attended. He stated that he holds himself to high standards and apologized for his outburst. He expressed his willingness to be available to answer any questions related to the project moving forward.

Mr. Nidifer of Interstate Realty addressed the Planning Commission and stated that he has worked successfully with Mr. Chapra on a number of projects. He explained that Interstate Realty is requesting six months to market the property to potential commercial users.

Mr. Nidifer explained that Interstate Realty would prepare marketing materials and distribute them at trade shows and other business recruitment events to attract businesses that are not currently located in the area. He emphasized that they are exploring a variety of potential uses for the property and that a restaurant is only one possibility.

Planning Commission Member Willis asked for clarification regarding the proposed marketing efforts. Mr. Nidifer explained that the goal is to actively market the site to potential businesses, including restaurants, coffee shops, pizza establishments, and other commercial users. Planning Commission Member Willis specifically encouraged outreach to breakfast restaurant chains. Mr. Nidifer noted that multiple businesses had already been contacted and that they would continue pursuing additional prospects. Building and Zoning Official Hurley referenced a letter submitted by Chris Wearmouth regarding the matter. Mr. Chapra explained that he was required to close on the property because an extension was not available from the seller. During the previous meeting Mr. Chapra was preparing to buy this property but now owns it. The applicants requested a six-month period to continue marketing the property for an alternative commercial use. If those efforts are unsuccessful, the project would revert to the previously approved plan for an indoor storage facility. Planning Commission Member Willis made a motion to approve the six-month extension. Planning Commission Member Cromer seconded the motion. On vote: Planning Commission Member Willis, aye; Planning Commission Member P. Davis, aye. Planning Commission Member Cromer, aye; Planning Commission Chair Lutz, aye; Planning Commission Member B. Moore, aye. Planning Commission Member Gabrielle de Courcy, nay.

House Bill 258- Terminology Change

Building and Zoning Official Hurley reported that Attorney Pyott has completed the proposed revisions to zoning terminology related to House Bill 258. He stated that he hopes to present those revisions, along with the proposed regulations for accessory dwelling units, for consideration at the same time. Building and Zoning Official Hurley recommended that the Planning Commission review both items and, at its next meeting, consider forwarding them to the Town Council for formal consideration and action at a subsequent Council meeting.

Planning Commission Member Willis expressed support for allowing flexibility for future updates and changes. However, Planning Commission Chair Lutz emphasized the importance of maintaining zoning restrictions that protect property owners from neighboring developments that could negatively affect the appearance or character of surrounding properties.

Planning Commission Member Willis referenced a recently installed modular home on Buckhorn Street and commented that it was an attractive addition to the area. Building and Zoning Official Hurley responded that modular homes are currently permitted in the applicable zoning district,

provided they are installed on a zoning-approved permanent foundation and meet all applicable zoning and building code requirements.

Building and Zoning Official Hurley also reminded those present that any changes resulting from the proposed ordinance amendments will not take effect until January.

Discussion of Storage Buildings

Planning Commission Member Moore raised concerns regarding the classification of storage buildings. He stated that when storage buildings are displayed on a lot for sale by a business with a valid business license, he considers those buildings to be inventory offered for retail sale. However, he argued that when the structures remain on a property for storage purposes rather than sale, they should be classified and regulated as storage buildings.

Adjournment

Planning Commission Member de Courcy made a motion to adjourn, and Planning Commission Member Cromer seconded it. On vote: Planning Commission Member Willis, aye; Planning Commission Member P. Davis, aye. Planning Commission Member Cromer, aye; Planning Commission Chair Lutz, aye; Planning Commission Member B. Moore, aye. Planning Commission Member Gabrielle de Courcy, aye.

Meeting adjourned at 6:45pm



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

P.O. BOX 2120

RICHMOND, VA 23218-2120

DATE: June 12, 2026

TO: State and Local Government Partners

FROM: Jeffrey S. Williams, Assistant Superintendent, Child Care Health and Safety

SUBJECT: House Bill 258—Terminology Change

This memo is to inform you that [House Bill 258](#), passed by the 2026 Virginia General Assembly, directs the Virginia Department of Education (the Department) to change two terms used throughout the *Code of Virginia*, the *Virginia Administrative Code*, and elsewhere.

- The term “family day home” will be changed to “home-based child care.”
- The term “family day system” will be changed to “home-based child care system.”

The following Titles of the *Code of Virginia* contain terminology that will change effective July 1, 2026:

- 9.1. Commonwealth Public Safety
- 15.2. Counties, Cities and Towns
- 18.2. Crimes and Offenses Generally
- 19.2. Criminal Procedure
- 20. Domestic Relations
- 22.1. Education
- 32.1. Health
- 63.2. Welfare (Social Services)

For a full list of statutory changes required by HB258, [view the full bill](#) on Virginia’s Legislative Information System.

What Does This Mean?

The Department will begin to update these terms over the coming months. Partners can expect to see the new terms on forms, documents, and communications. The Department will update the regulations that define and reference the terms. Over time, the Department will update

technology systems to reflect these new changes. For some time, partners may see or hear both terms in use as the Department implements the changes to comply with the requirement.

Recommended Actions for State and Local Government Partners

- Determine if your agency serves or regulates family day home providers in any capacity
- Ensure your team is aware of the terminology changes
- Review your materials for references to “family day home” or “family day system”
- Develop a plan to update materials to reflect new terminology identified in HB258

Questions?

If you have any questions related to this legislative change, please contact Alyson Williams, Ed.D., Legislative Consultant, at alyson.williams@doe.virginia.gov.

ORDINANCE NO.: 2026-__-__-__
PROPOSED AMENDMENT

Chapter 23
ZONING

Article VII. Permits and Certificates

Sec. 23-100.1. ~~Family day homes~~ Home-based child care

BE IT ORDAINED by the Council of the Town of Tazewell, Virginia, pursuant to '2-1 and 6-2 of the Town Charter, '23-6 of the Code of the Town of Tazewell, and "15.2-2292 and 22.1-289.02 of the Code of Virginia of 1950 (as amended), that it hereby AMENDS the following ordinance regarding the Town Zoning Administrator=s issuance of zoning permits for a *home-based child care residence* (formerly "family day home") as defined in Virginia Code '22.1-289.02:

Sec. 23-100.1. Zoning permits; ~~family day homes~~ home-based child care

Upon proper application to the Zoning Administrator for the Town of Tazewell, the Zoning Administrator shall be authorized to issue a zoning permit for a *home-based child care residence* ~~family day homes~~ as defined in '22.1-289.02 of the Code of Virginia (1950), as amended, serving five (5) through twelve (12) children, exclusive of the provider=s own children and any children who reside in the home, upon the applicant=s certification of compliance with the following provisions prior to the issuance of said permit:

- 1) Operator of a *home-based child care child day program* must be a licensed day care provider as approved and certified through the Virginia Department of Social Services;
- 2) No signs of any type shall be placed in the yard of the home which advertise the operation of the *home-based child care child day program* ~~the family day home~~;
- 3) No motorized play equipment of any type shall be permitted;
- 4) Operator shall schedule drop off and pick up times for said children in such a manner so that vehicles coming to and from the *home-based child care residence* ~~family day home~~ do not impede the free flow of traffic in the area, interfere with any neighboring resident from the access to their property, or in any way impede any neighbor=s normal and usual use of said property;
- 5) Operator shall apply for and obtain an annual business license from the Town; and
- 6) The issuance of the zoning permit shall be subject to an annual review by the Zoning Administrator, and to re-notification of adjacent landowners of the operator=s desire to continue operation as a *home-base child care child day program* ~~a family day home~~ for the coming year.

Following the submission of an application for a zoning permit, but prior to its issuance, the Zoning Administrator shall notify each adjacent property owner, by registered or certified letter to the adjacent owner=s last known address, of the pending application, and of the property owner=s right to object to the issuance of the permit. The applicant shall be responsible for payment of the costs associated with notification. The Zoning Administrator shall inform said adjacent owners that any objection must be made in writing and forwarded to the attention of the Zoning Administrator within thirty (30) days of the date of the sending of the notification letter. If the Zoning Administrator does not receive a written objection from any person so notified within thirty (30) days of the sending of the letter, and determines that the *home-based child care residence* ~~family day home~~ is otherwise in compliance with the provisions set forth herein, the Zoning Administrator may issue the permit.

If the application is denied, the Zoning Administrator shall inform the applicant of the denial in writing, and of the applicant=s option to request, in writing, that his/her application be considered

by the Council at a hearing. The hearing shall be held following public notice as provided in '15.2-2204 of the Code of Virginia (1950), as amended, the cost of which notice shall be borne by the applicant.

(Ord. of - -2026)

First Reading:

Second Reading:

VOTE:	Cline	_____
	Fox	_____
	Hankins	_____
	Keen	_____
	Takach	_____
	Willis	_____

Mayor

Clerk

Effective Date (*30 days from passage, unless passed as emergency*):

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 895

An Act to amend the Code of Virginia by adding a section numbered 15.2-2292.3, relating to zoning; development and use of accessory dwelling units.

[S 531]

Approved April 13, 2026

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.3 as follows:

§ 15.2-2292.3. Development and use of accessory dwelling units.

A. As used in this section, "accessory dwelling unit" or "ADU" means an attached or detached dwelling unit on a residential dwelling lot that:

- 1. Provides complete independent living facilities for one or more individuals;*
- 2. Is located on the same lot as a proposed or existing primary residence; and*
- 3. Includes facilities for living, sleeping, eating, cooking, and sanitation.*

B. Zoning ordinances for single-family residential zoning districts shall be deemed to include accessory dwelling units as a permitted accessory use, and no locality shall require compliance with any other requirements except as provided in this section.

C. Any person proposing an ADU shall first obtain an ADU permit from the locality, for which the locality may charge a fee of no more than \$500. Such fee shall be in addition to any other applicable fees, including inspection, site, or building permit fees, that may be required in connection with the ADU. A locality shall issue the permit if the applicant demonstrates that the ADU complies with the requirements of this section and the local codes and ordinances referenced herein.

D. Localities may require the following:

- 1. A lease term for the rental of an ADU of 30 consecutive days or longer;*
- 2. Replacement of a primary dwelling's required parking if the construction of the ADU eliminates such parking;*
- 3. Dedicated parking for the ADU;*
- 4. Limits on floor area, lot coverage, and impervious area of an ADU of no less than (i) 350 square feet on lots less than 2,500 square feet and (ii) 500 square feet on lots 2,500 square feet or greater;*
- 5. Compliance with (i) building codes, including the requirements of the Uniform Statewide Building Code (§ 36-97 et seq.), for an accessory dwelling unit if the ADU is attached or for a dwelling unit if the ADU is detached; (ii) water, sewer, septic, emergency access, flood zone, and stormwater requirements; (iii) historic and architectural districts and corridor protection restrictions; and (iv) Air Installations Compatible Use Zone restrictions;*
- 6. Owner occupancy of the ADU or the primary dwelling, but not both, only at the time an application is submitted to construct or convert an accessory dwelling unit;*
- 7. That the ADU shall be no more than 500 feet from the primary dwelling;*
- 8. No ADUs on a residential lot that has more than one dwelling unit; and*
- 9. No ADUs sold separately or subdivided from the primary dwelling.*

E. Localities shall not require the following:

- 1. Rear or side setbacks for the ADU that are greater than the setback required for the primary dwelling or the setback required for accessory structures on the residential lot, whichever is less;*
- 2. Restrictions for ADUs that are more restrictive than those for single-family dwellings within the same zoning area with regard to height, rear or side setbacks, lot size or coverage, or building frontage;*
- 3. A restrictive covenant concerning an ADU on a lot or parcel zoned for residential use by a single-family dwelling;*
- 4. Improvements to public streets as a condition of allowing an ADU, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the ADU; or*
- 5. Consanguinity or affinity between the occupants of an ADU and the primary dwelling.*

F. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

G. Nothing in this section shall apply to any existing permits for an ADU approved by the locality prior to July 1, 2027.

H. Nothing in this section shall be construed to restrict a locality's passage prior to July 1, 2027, of an ADU ordinance, or a subsequent amendment thereof, that substantially complies with the requirements of this section.

I. Nothing in this section shall apply to a locality that adopted an ADU ordinance prior to January 1, 2026.

2. That the provisions of this act shall become effective on July 1, 2027.