
ZONING & PLANNING - VIRGINIA

Drewry v. Board of Supervisors of Surry County

Court of Appeals of Virginia, Richmond - April 22, 2025 - S.E.2d - 2025 WL 1160824

Neighboring landowner filed complaint seeking declaratory judgment that approval by county board of supervisors of conditional use permit for methane gas conditioning facility to be operated on property zoned agricultural/residential was void ab initio due to board's alleged failure to follow required statutory procedures.

The Surry Circuit Court sustained board's and permit applicant's demurrers. Landowner appealed.

The Court of Appeals held that:

- Landowner waived any challenge on ground that he received deficient notice of planning commission's public hearing and county board of supervisors' subsequent hearings;
- Planning commission did not violate notice requirements by non-advertised, non-public meeting after holding public hearing; and
- Landowner had no private right of action to challenge planning commission's finding that proposed use was in substantial accord with comprehensive land use plan.

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