COPY

IN THE SUPREME COURT OF VIRGINIA

RECORD NO._____

IN RE: AUGUST 15, 2018 DECISION OF THE BOARD OF ZONING APPEALS OF ROANOKE COUNTY

STAN SEYMOUR, et al.,

Petitioners

v.

THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, et al.,

Respondents

PETITION FOR APPEAL

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ASSIGNMENTS OF ERROR

1. The Trial Court erred in finding that the Petitioners lack standing because they are not aggrieved by the Roanoke County Zoning Administrator's determinations regarding property located adjacent or proximate to their own property. (Preserved at Final Order dated January 24, 2020).

2. The Trial Court erred in finding that the Petitioners failed to meet the two-prong test for standing set forth by the Supreme Court of Virginia in *Friends of the Rappahannock v. Caroline Cnty. Bd. of Supervisors*, 286 Va. 38 (2013). (Preserved at Final Order dated January 24, 2020).

PRELIMINARY STATEMENT

Pursuant to Va. Code § 15.2-2314 and Roanoke County Zoning Ordinance § 30-24-5, Petitioners filed a petition for a Writ of Certiorari against Respondents. In their petition, Petitioners set forth a single assignment of error, that "[t]he Roanoke County Board of Zoning Appeals erred when it determined that the

Petitioners lack standing because they are not aggrieved persons." A trial was held in this matter on July 29, 2019, during which Petitioners provided additional documentary evidence regarding standing. In its final order, the Trial Court held that: 1) Petitioners lacked standing because they failed to meet the two-step test for standing set forth in *Friends of the Rappahannock v. Caroline Cnty. Bd. of Supervisors*,[1] and 2) Petitioners lack standing because they were not aggrieved by the Roanoke County Zoning Administrator's determinations regarding property located at 5985 Coleman Road, Roanoke, Virginia.

Petitioners, Stan Seymour and Jane Seymour, are the sole members of a limited liability company, Seymour2, LLC, that owns property immediately adjacent to the property located at 5985 Coleman Road that is the subject of this Petition. The Petitioners also own and reside on real property located in close proximity to the subject property. To access the 5985 Coleman Road

[1] *Friends of the Rappahannock v. Caroline Cnty. Bd. of Supervisors*, 286 Va. 38, 43 (2013).

property, people and vehicles must use easements that are in close proximity to or cross over the Petitioners' property. As a result, the Petitioners are directly and particularly harmed and aggrieved by any change in use of the 5985 Coleman Road property. Petitioners are particularly and directly aggrieved because no other persons or entities are obligated to allow vehicles and persons to cross over their privately-owned property or in such close proximity to their privately-owned property because of the use of the 5985 Coleman Road property.

Petitioners are also aggrieved by a diminishment of the fair market value of their properties, an increase in audible noise on their properties, and the construction of unsightly outdoor cages visible from their properties as a direct result of the use of the 5985 Coleman Road property as a wildlife rehabilitation center. Therefore, any change or increase in use on the 5985 Coleman Road property as a wildlife rehabilitation center, such as allowing the

construction of a large Raptor Building, is going to cause direct and particularized harm to the Petitioners and leave them aggrieved.

Given the clear impact of direct and particularized harm of the Zoning Administrator's decision on the Petitioners, the Trial Court's rulings that: 1) Petitioners failed to meet the "two-step test for standing" and 2) Petitioners "lack standing because they are not aggrieved by the Roanoke County Zoning Administrator's determination" are in error. Therefore, for the reasons elaborated below, this Court should grant the Petition for Appeal, reverse the judgment denying standing, and remand the case for hearing on Petitioner's Writ of Certiorari.

STATEMENT OF FACTS

The Properties

Respondent, 5985 Coleman Road, LLC ("Coleman Road"), owns the property located at 5985 Coleman Road,

Roanoke, Virginia (the "SVWC Property"). (Pet., ¶ 1).[2] Coleman Road leases, or otherwise allows the use of, the SVWC Property to Southwest Virginia Wildlife Center of Roanoke, Inc. ("SVWC") for wildlife rehabilitation purposes.[3] The SVWC Property is landlocked and has no public street frontage. (Ex. 8, at 15).[4]

Petitioners Stan Seymour and Jane Seymour (the "Seymours") own and live on the property located at 5942 Coleman Road, Roanoke Virginia (the "Seymour Property") that is in close proximity to the SVWC Property. (Pet., ¶ 3; Ex. 2). Petitioners Adrian Maver and Blaine Creasy ("Maver/Creasy") own and reside on property located at 5946 Coleman Road, Roanoke,

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[2] Unless otherwise indicated, the identified paragraphs are those set forth in the Petition's Facts and Procedural Posture section.

[3] There is a factual dispute as to whether the wildlife rehabilitation performed by SVWC in the structures located on the SVWC Property rises to the level of a veterinary hospital/clinic under the relevant Roanoke County Ordinance.

[4] Unless otherwise stated, the exhibits referred to herein are those introduced at the July 29, 2019 trial and identified in the record. Many of the exhibits are not properly numbered. Therefore, unless otherwise noted the page number refers to the sequential physical page in the cited exhibit.

Virginia that also is in close proximity to the SVWC Property. (Pet., ¶ 4; Ex. 3). Seymour2, LLC, a Virginia limited liability company whose sole members are the Seymours, owns the property and residence located at 5960 Coleman Road. (Pet. Motion to Reconsider, at 5; Ex. 4). On November 30, 2018, the Seymours transferred the property located at 5960 Road to Seymour 2, LLC (the "Seymour 2, LLC Property"). (Ex. 5.) Seymour2, LLC is not a party to this matter.

The Easements

The SVWC Property is only accessible via a combination of a prescriptive easement and a deeded easement that cross over the Maver/Creasy Property and the Seymour2, LLC Property, respectively. (Pet. ¶ 5; Ex. 7 at 9-10). Exhibit B to SVWC's special use permit application (the "SUP Application") shows a 30' prescriptive easement or right-of-way crossing over the Maver/Creasy Property (the "Maver/Creasy Easement") from Coleman Road to the Seymour 2, LLC Property that is necessary to access the SVWC Property. (Ex. 7, at

10). Exhibit B to the SUP Application also shows a deeded 15' ingress/egress easement across the Seymour2, LLC Property (the "Seymour2, LLC Easement," together with the Maver/Creasy Easements, the "Easements") from the Maver/Creasy Easement to the SVWC Property that is also necessary, in conjunction with the Maver/Creasy Easement, to access the SVWC Property. (Ex. 7, at 10). The only access to these easements passes in front of the Seymours' residence located on the Seymour Property. (Ex. 7, at 10; Ex. 10, at 4-5).

The Special Use Permit

SVWC filed the SUP Application with the Roanoke County Department of Planning & Zoning on March 9, 2018. (Ex. 7). Pursuant to the SUP Application, the SVWC requested a special use permit for the construction of a building to rehabilitate raptors (the "Raptor Building"). (Ex. 7, at 7, 9). Nowhere in the SUP Application does SVWC address the impact of the Raptor Building, or other existing structures on the SVWC Property, on the Easements. (Ex. 7, generally).

The Zoning Administrator's Determinations

On March 30, 2018, John F. Murphy, the Roanoke County Zoning Administrator (the "Zoning Administrator), issued a written zoning determination for the SVWC Property (the "March 30 Determination Letter"). (Ex. 8, at 15-16).[5] In the March 30 Determination Letter, the Zoning Administrator determined, in part, that: 1) the present use of the SVWC Property is conforming and properly classified as a veterinary hospital/clinic; and 2) the proposed Raptor Building will require a special use permit because of the lack of public road frontage. (Ex. 8, generally).

On May 17, 2018, the Zoning Administrator issued a second written zoning determination letter for the SVWC Property (the "May 17 Determination Letter"). (Ex. 9,

[5] A copy of the March 30 Determination Letter was attached to Petitioners' April 27, 2018 Administrative Appeal as Exhibit A.

at 21-23).[6] In the May 17 Determination Letter, the Zoning Administrator determined, in part, that: 1) the required setback for the proposed Raptor Building is approved because it will be considered the primary structure on the SVWC Property; 2) SVWC use/proposed use of the SVWC Property does not require a variance rather than a special use permit; and 3) the already existing cages on the SVWC Property also require a special use permit. (Ex. 9, generally).

Petitioners' Opposition to the SUP

On April 27, 2018, Petitioners, through counsel, jointly filed an administrative appeal to the Roanoke Board of Zoning Appeals (the "Roanoke BZA") requesting the review of the determinations set forth by the Zoning Administrator in his letter the March 30 Determination Letter (the "April 27 Administrative Appeal"). (Pet., ¶ 9; Ex. 8). In their April 27 Administrative Appeal, Petitioners challenged the

[6] A copy of the May 17 Determination Letter was attached to Petitioners' June 15, 2018 Administrative Appeal as Exhibit 1.

Zoning Administrator's determinations, arguing: 1) SVWC's present use of the SVWC Property as a veterinary hospital clinic is not in conformance with Roanoke County Code because such uses have not been properly approved; 2) SVWC Property is not eligible for a special use permit; and 3) SVWC's use of the SVWC Property is not that of a "veterinary hospital/clinic" because SVWC is boarding animals in violation of Roanoke County Code (Ex. 8, generally).

On June 15, 2018, Petitioners, through counsel, jointly filed a second administrative appeal to the Roanoke BZA requesting the review of the determinations set forth by the Zoning Administrator in his May 17 Determination Letter (the "June 15 Administrative Appeal"). (Ex. 9). In their May 17 Administrative Appeal, Petitioners challenged the Zoning Administrator's determinations, arguing: 1) the proposed Raptor Building is not the principal building on the SVWC Property; and 2) the Zoning Administrator incorrectly determined that a special use permit for

the proposed Raptor Building can be based upon certain Roanoke County Code sections because the SVWC Property is non-conforming due to its lack of public street frontage and already has nonconforming structures situated there. (Ex. 9).

The Roanoke BZA's Determination

On August 15, 2018, the Roanoke BZA held a hearing regarding the April 27 Administrative Appeal and the June 15 Administrative Appeal. (Exs. 12, 13). At the hearing and in a final decision dated August 16, 2018, the Roanoke BZA determined that Petitioners lacked standing to appeal the Zoning Administrator's determinations. (Pet., ¶ 11; Exs. 13, 14.) In rendering its decision, the Roanoke BZA provided no specific written findings of fact or conclusions of law. (Pet., at 12; Ex. 14.)

Petitioners file their Petition

On September 13, 2018, Petitioners filed their Petition with the Trial Court. In the Petition, Petitioners set forth a number of direct or

particularized harms that they would suffer as a result of the Roanoke BZA's decision, which were argued to the Roanoke BZA prior to its determination. (Pet., at 9). The particularized harm set forth in the Petition are:

- Diminishment in the fair market value of their properties;
- Increase in noise audible from their properties because of increased animal presence on the 5985 Property;
- Construction of unsightly outdoor cages visible from their properties, particularly the proposed raptor cage along the property line shared by the 5985 Property and the [Seymour2, LLC Property]; and
- Increased traffic on the easement connecting to Coleman Road, which will require additional maintenance and upkeep, as well as increase [in] the use of the Easement for ingress and egress, causing additional traffic and noise, disturbance from car headlights, and increased potential of hazardous traffic near the Mavers Property at all hours, which exposes the Mavers' children who play in the yard to increased traffic danger from inattentive drivers.

(Pet., at 9).

Petitioners ask the Trial Court to Reconsider its Decision

On November 8, 2019, Petitioners filed a Motion and Memorandum in Support of Motion to Reconsider the Court's Ruling on Standing ("Motion for Reconsideration"). In their Motion for Reconsideration, Petitioners outlined additional particularized harm suffered by them that were previously argued to the Trial Court (Mot. for Recons., at 7). The additional particularized harm set forth in the Motion to Reconsider are:

- The absence of adequate landscaping buffers along common boundary lines and along the access easement adjacent to the Maver/Creasy Property;

- The volume of traffic on the easement used by the Petitioners to access their properties which ranged between 33-78 cars a day during the month of June 2018;

- The speed of the traffic crossing the easement to reach the wildlife center with some of the traffic estimated to be between 40-45 miles an hour;

- Maintenance needed on the right-of-way [easements] from all the traffic going to and from the wildlife center; and

- The improper disposal of carcasses, of medical and biological wastes, and of chemicals and hazardous substances.

(Mot. for Recons., at 7).

NATURE OF THE CASE AND MATERIAL PROCEEDINGS BELOW

In their Petition, filed on September 13, 2018, the Petitioners alleged that the Roanoke BZA erred in holding that they lacked standing because they were not aggrieved persons. (Pet., ¶¶ 11-14). The Petitioners asked the Trial Court, in part, to issue a Writ of Certiorari for review of the August 15, 2018 decision of the Roanoke BZA's decision, and that the Trial Court reverse the August 15, 2018 decision of the Roanoke BZA. (Pet., Prayer for Relief).

On September 25, 2018, the Roanoke BOS filed its answer, arguing that the Roanoke BZA did not commit error in finding that the Petitioners lacked standing because they were not aggrieved by the Zoning

Administrator's determinations regarding the SVWC Property, and asked that the Trial Court dismiss the Petition with prejudice. (Answer of Roanoke BOS, prayer for relief). Similarly, on October 9, 2018, Coleman Road filed its answer to the Petition and adopted and incorporated the facts, standard of review and legal argument set forth by the Roanoke BOS in its Answer. (Answer of Coleman Road, at 1-2). On July 1, 2018, Petitioners filed a Motion for Summary Judgment to which the Roanoke BOS and Coleman Road responded on July 15, 2018.

A trial was held in this matter on July 29, 2019. At the trial, additional evidence in the form of documentary evidence was presented regarding standing. (See Exs., generally). On October 3, 2019, the Trial Court issued a letter opinion finding that Petitioners lacked standing because they failed to meet the second prong of the Court's standing test set forth in *Friends of the Rappahannock*. Petitioners filed a Motion to Reconsider on November 18, 2019. On December 19, 2019,

the Trial Court held a hearing on Petitioners' Motion to Reconsider. On January 24, 2020, the Trial Court entered a Final Order in this matter.

AUTHORITIES AND ARGUMENT

I. The Trial Court erred in holding that Petitioners lacked standing.

A. Standard of Review for Petitioners' First and Second Assignments of Error

Questions of standing are questions of law that this Court reviews de novo. *See Thorsen v. Richmond Soc'y for the Prevention of Cruelty to Animals*, 292 Va. 257, 267, (2016) (holding that "[s]tanding is a question of law which we review de novo.") Id. (citing *Kelley v. Stamos*, 285 Va. 68, 73, (2013)); *Moreau v. Fuller*, 276 Va. 127, 133 (2008) (holding that the question of whether or not a litigant has standing is a "question[ ] of law subject to de novo review on appeal.") Under the de novo standard, this Court may determine for itself, based on the record, whether Petitioners have standing.

The Trial Court's legal conclusions that the Petitioners lack standing because they are not aggrieved persons and failed to meet the test for standing set forth in *Friends of the Rappahannock* are erroneous. (Final Order, generally). As explained below, the Petitioners have standing to challenge the determinations of the Zoning Administrator.

B. Standing Generally

"The purpose of requiring standing is to make certain that a party who asserts a particular position has the legal right to do so and that his rights will be affected by the disposition of the case. Thus, a party claiming standing must demonstrate a personal stake in the outcome of the controversy." *Goldman v. Landsidle*, 262 Va. 364, 371, (2001) (citations omitted). Critically, "[s]tanding to maintain an action is a preliminary jurisdictional issue having no relation to the substantive merits of an action." *Andrews v. American Health & Life Ins. Co.*, 236 Va. 221, 226 (1988).

Accordingly, standing does not concern itself with whether a party will ultimately prevail on the legal merits of its claims but rather whether a party can demonstrate a sufficient connection to, and actual or potential harm from, the law or action challenged such that it should be allowed to seek redress through the courts in the first place. See *Biddison v. Virginia Marine Res. Comm'n*, 54 Va. App. 521, 527, (2009). Here, Petitioners have alleged and shown facts to prove a sufficient connection to and the actual or potential harm from the Zoning Administrator's decisions to meet the legal standard for standing.

C. The Petitioners have standing.

1. First Assignment of Error: The Petitioners are aggrieved parties.

Va. Code Ann. § 15.2-2314 provides that:

> Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals . . . may file with the clerk of the circuit court for the county or city a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of [locality name]" specifying the grounds on which aggrieved within

> 30 days after the final decision of the board.

"The word 'aggrieved' in a statute contemplates a substantial grievance and means a denial of some personal or property right, legal or equitable, or imposition of a burden or obligation upon the petitioner different from that suffered by the public generally." *Virginia Beach Beautification Comm'n v. Bd. of Zoning Appeals of City of Virginia Beach*, 231 Va. 415, 419-20 (1986) (quoting *Insurance Ass'n v. Commonwealth*, 201 Va. 249, 253, (1959)). Thus, to be an aggrieved person, "it must affirmatively appear that such person had some direct interest in the subject matter of the proceeding that he seeks to attack" such that the petitioner will suffer a burden different than the general public. *Id.* at 419-20 (1986) (citing *Nicholas v. Lawrence*, 161 Va. 589, 592 (1933)).

a. <u>Petitioners own and/or occupy real property in close proximity to the SVWC Property and its access road.</u>

The Seymours own the Seymour Property and occupy the residence thereon which is located approximately

793 Feet from the SVWC Property, and Maver/Creasy own the Maver/Creasy Property and occupy the residence located thereon, which is approximately 574 feet from the SVWC Property. (Ex. 10, at 4). Thus, each of the Petitioners own and occupy real property within close proximity to the SVWC Property. *See Riverview Farm Associates Virginia Gen. P'ship v. Fs. Of Sup'rs of Charles City County*, 259 Va. 419, 427 (2000) (finding that "plaintiffs live within sufficiently close proximity to the property . . . . to possess a justiciable interest in the litigation" where all plaintiffs owned property located within about 2,000 feet of either the property at issue or the access road serving the property at issue.) (internal quotations and citations omitted). See also *WANV v. Houff*, 219 Va. 57, 64 (1978) (recognizing that those who may be adversely affected by a construction project are those who live in close proximity to it).

Petitioners own property directly affected by the Zoning Administrator's determination, giving them a

direct property interest in the decision. Specifically, Petitioner, Maver/Creasy, as well as Seymour2, LLC, own property over which the Easements providing access to the SVWC Property cross. (Ex. 7, at 10). The Maver/Creasy residence is less than 100 feet from the Easements. (See Ex. 10, at 4-5). The Seymour Property sits immediately adjacent to the Easements. (Ex. 10, at 3-4). Petitioners are responsible for maintaining the Easements, so any increase in the use of the Easements has a direct pecuniary effect on Petitioners. (Mot. to Recons., at 10). Therefore, any decision changing the use or purported use of the SVWC Property or allowing construction on the SVWC Property has a direct impact on Petitioners' property rights and making them aggrieved persons under Va. Code Ann. § 15.2-2314.

b. <u>The Seymour2, LLC Property is immediately adjacent to the SVWC Property.</u>

The Seymour2, LLC Property is immediately adjacent to the SVWC Property. (Pet., ¶ 2). This Court has

recognized that "[n]eighbors who own property or reside adjacent to rezoned land ordinarily have interest sufficiently affected to confer upon them standing . . ." *Braddock, L.C. v. Bd. of Sup'rs of Loudoun Cnty*, 268 Va. 420, 424 n.1 (2004).

Therefore, the Seymours are aggrieved persons because they have a direct justiciable interest, as the sole members of Seymour2, LLC, in the property impacted by the Zoning Administrator's determinations. *See Virginia Beach Beautification Comm'n v. Bd. of Zoning Appeals of City of Virginia Beach*, 231 Va. 415, 419 (1986) (holding that an aggrieved person is someone with "some direct interest in the subject matter of the proceeding that he seeks to attack"). As aggrieved persons under the applicable statute, Va. Code Ann. § 15.2-2314, the Seymours have standing to challenge the Roanoke BZA's determination that they do not have standing without meeting the two-part test set forth in *Friends of the Rappahannock*. Therefore, the Trial

Court erred in holding that Petitioners were not aggrieved by the Zoning Administrator's determinations.

2. Second Assignment of Error: The Petitioners meet the two-part *Friends of the Rappahannock* test.

Assuming, arguendo, that the two-part test set forth by this Court in *Friends of Rappahannock* is applicable here, Petitioners pass the test. In *Friends of Rappahannock*, the Court set forth a two-prong test for determining standing in land use matters where the challenging party does not hold an ownership interest in the property that is subject to the land use determination. *Friends of the Rappahannock v. Caroline County Bd. of Sup'rs*, 286 Va. 38, 48-49, (2013). The two-part test provides:

> First, the complainant must own or occupy real property within or in close proximity to the property that is the subject of the land use determination, thus establishing that it has a direct, immediate, pecuniary, and substantial interest in the decision.
>
> Second, the complainant must allege facts demonstrating a particularized harm to some personal or property

> right, legal or equitable, or imposition of a burden or obligation upon the petitioner different from that suffered by the public generally.

Friends of the Rappahannock v. Caroline County Bd. of Sup'rs, 286 Va. 38, 48-49, (2013) (internal citations and quotations omitted).

In the Final Order, the Trial Court determined that Petitioners met the first prong of the *Friends of the Rappahannock* test. (Final Order, at 2). Petitioners are not challenging the Trial Court's standing decision in this regard because it is correct. Accordingly, the only issue before this Court is whether the Petitioners have set forth sufficient facts to show a particularized harm to some property right or an imposition of a burden or obligation greater than that suffered by the public generally such that Petitioners meet the second part of the *Friends of the Rappahannock* test. For the reasons set forth below, Petitioners have met their burden of alleging particularized harm or the imposition of burden not suffered by the public

generally, to meet the second prong of the *Friends of the Rappahannock* test.

In their Petition, the Petitioners set forth a litany of particularized harm or personal burden. Specifically, Petitioners alleged that the approval of the SUP Application will: 1) diminish the fair market value of their respective properties; 2) increase the noise audible from their properties because of increased presence of animals on the SVWC Property; 3) cause the construction of unsightly outdoor cages visible from their properties; 4) cause increased traffic on the Easements; 5) require additional maintenance and upkeep of the Easements due to the increased traffic; and 6) cause additional noise, disturbance from car headlights, and increased potential of hazardous traffic near the Maver/Creasy Property because of increased traffic, which exposes the Maver/Creasy children who play in the yard to increased traffic danger from inattentive drivers. (Pet., at 9).

In their Motion for Reconsideration, Petitioners outlined additional or more specific particularized harm and personal burden suffered by them (Mot. for Recons., at 7). The additional particularized harms set forth in the Motion for Reconsideration were: 1) the absence of adequate landscaping buffers along common boundary lines and along the access easement adjacent to the Maver/Creasy Property; 2) the volume of traffic on the Easements ranged between 33-78 cars a day during the month of June 2018; 3) the speed of the traffic crossing the Easements to reach the SVWC Property, which was estimated to be between 40-45 miles an hour; and 4) the improper disposal of carcasses, of medical and biological wastes, and of chemicals and hazardous substances. Id. Petitioners further alleged that the costs of maintaining the Easements are borne exclusively by them. (Mot. for Recons., at 10).

Taken together, the facts set forth above show indisputable particularized harm. The increased traffic over the Easements will put additional dust

into the air. (Mot. for Recons., at 11). Dust can cause health issues, especially breathing issues. The large Raptor Building is to be built on the front property line of the SVWC Property immediately adjacent to the Seymour 2, LLC Property, and in close proximity to the Maver/Creasy Property and the Seymour Property. (Ex. 10, at 3-4). This will cause a diminution in property values as alleged by Petitioners. (Pet., at 9). The Petitioners, not the general public, bear the costs of maintaining the Easements. (Mot. for Recons., at 10). Adrian Maver's and Blaine Creasy's children are also subject to an increased risk of danger because of drivers using the Easements to access the SVWC Property. (Mot. for Recons., at 10).

The alleged facts set forth above meet Petitioners' burden under the second prong of the *Friends of the Rappahannock* test to show some particularized harm to a personal or property right or the imposition of a burden or obligation different from that suffered by the public generally. *See Friends of the Rappahannock*

v. Caroline County Bd. of Sup'rs, 286 Va. 38, 48-49 (2013). Here, Petitioners rightly have alleged that the increase in traffic on the Easements near or across their properties and the resulting dust, noise and potential danger along with the construction and nuisance of unsightly cages will result in the diminution of their property values and physical health and safety. This is harm that is particularized and suffered by the Petitioners and not the public in general. Therefore, Petitioners have met their burden to establish standing under *Friends of the Rappahannock*.

CONCLUSION

For the foregoing reasons, this Court should grant the Petition for Appeal, reverse the judgment holding that Petitioners do not have standing to appeal the Roanoke County BZA's determinations and remand the case to the Trial Court for a ruling on the merits.

Respectfully submitted,

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CERTIFICATE

In accordance with Rule 5:17(i), I hereby certify that:

1. The names of the Appellants are Stan Seymour, Jane Seymour, Adrian Maver, and Blaine Creasy, who are represented by:

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2. The name of the Appellees are The Board of Supervisors of Roanoke County, Virginia, and 5985 Coleman Road, LLC, who are represented by:

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3. Counsel for Appellants requests oral argument before a panel of the Court, in person, as to why its Petition for Appeal should be granted.

4. I hereby certify that a true copy of this Petition was sent by first class mail to counsel for Appellees this 15th day of April, 2020.