PITTSYLVANIA COUNTY, VIRGINIA

PLANNING COMMISSION

OCTOBER 6, 2020

PLANNING COMMISSION
2020
LIST OF MEMBERS

Richard Motley, Chairman 796 Woodlawn Academy Drive Chatham, VA 24531 Home: 434-432-1721 Cell: 434-203-3651 richardmotley@comcast.net	November 30, 2020	Chatham-Blairs District
H. F. Haymore, Jr., Vice-Chairman 2361 Afton Road Danville, VA 24540 Home: 434-836-6318 hfhaymorejr@gmail.com	March 23, 2024	Westover District
Nathan Harker 256 Peninsula Place Hurt, VA 24563 Cell: 434-546-6403 srtimberjack@gmail.com	October 31, 2021	Staunton River
Morris Stowe 776 Mosco Road Axton, VA 24054 Cell: 434-251-5192 Work: 434-793-5511 NO EMAIL	December 4, 2021	Tunstall District
Janet Mease 11495 West Gretna Road Sandy Level, VA 24161 Cell: 540-525-6344 Home: 540-927-5245 NO EMAIL	July 31, 2024	Callands-Gretna District
Colette Henderson 848 East Gretna Road Gretna, VA 24557 Cell: 434-710-3176 chenderson0052@gmail.com	November 30, 2023	Banister District
Brian K. Horne 356 Barker Road Ringgold, VA 24586 Home: 434-822-6991 bkcchorne@verizon.net	December 31, 2021	Dan River District
Timothy W. Dudley 284 Clover Road Hurt, VA 24563 Cell: 434-770-3692 tim.dudley@pittgov.org	January 4, 2021	Board of Supervisors Rep.

PITTSYLVANIA COUNTY, VIRGINIA

PITTSYLVANIA COUNTY PLANNING COMMISSION
REGULAR MEETING

October 6, 2020 - 7:00 p.m.

Pittsylvania County Community Center
115 South Main Street
Chatham, Virginia 24531

AGENDA

1. Call to Order **(Chairman remind Commissioners and Staff to turn on and adjust microphones)**
2. Roll Call
3. Moment of Silence
4. Pledge of Allegiance
5. Hearing of Citizens
6. Approval of Agenda
7. Approval of Minutes
   a. September 1, 2020
8. Chairman's Report
9. **Public Hearing**

Case R-20-021 First Piedmont Corporation – Dan River Election District
R-1, Residential Suburban Subdivision District to M-2, Industrial District, Heavy Industry

Case R-20-022 John Martin Gregory – Banister Election District
A-1, Agricultural District & B-2, Business District, General to M-2, Industrial District, Heavy Industry

Case S-20-013 First Piedmont Corporation – Dan River Election District
Special Use Permit for a Landfill

Case S-20-014 J. D. Shelton and Others – Dan River Election District
Special Use Permit for an Amendment to the Conditions Attached to the Existing Special Use Permit S-19-010 that was Granted with Conditions on September 10, 2019, for Recreational Uses; ATV Trails

Case S-20-015 Anissa Christine Weimer – Staunton River Election District
Special Use Permit for a Kennel for Boarding Dogs

Case S-20-016 Rodney F. Shelton and Janet W. Shelton – Banister Election District
Special Use Permit for Service and Repair of All-Terrain Vehicles (ATVs)

Case S-20-017 Randy Lynn Hogan – Westover Election District
Special Use Permit for a Drive-In Movie Theater

10. Old Business
11. New Business
    Conservation Easement – SELF FARM, LLC
    Certification of "Substantially In Accord" Determination – Berry Hill Solar, LLC
    Certification of "Substantially In Accord" Determination - Monroe Solar Partners, LLC
12. Adjournment

ZONING PRECEPTS

(To be read by Chairman prior to opening public hearing)

Ladies and Gentlemen:

Pursuant to Article V, Division 7 of the Pittsylvania County Zoning Ordinance, we the Planning Commission have been empowered to hear and decide specific applications in support of said ordinance and to make recommendations to the Board of Supervisors or the Board of Zoning Appeals. In accomplishing this important task, we are charged with promoting the health, safety, and general welfare of the citizens of Pittsylvania County. We must insure that all our decisions and recommendations be directed to these goals and that each be consistent with the environment, the comprehensive plan and in the best interest of Pittsylvania County, its citizens and its posterity. Anyone here to speak to the board regarding zoning cases will be limited to (3) three minutes.

PUBLIC HEARING PROCEDURE

A. Prior to opening Hearing, Chairman reviews zoning law precepts for all present.

B. Open Hearing by Chairman.
"Public Hearing in zoning case (case number) is now open. The time is (time)."

C. Zoning staff presents case and makes staff recommendations.

D. Chairman calls on applicant to state case and present supporting documentation.

E. Chairman calls for any citizen input.

1. Each side proceeds without interruption.
2. Arguments are presented to the Board/Commission
3. No questioning or arguments between individuals.

The Board/Commission may direct questions to the applicant, to the citizens, or to the zoning staff in attendance.

F. Chairman closes Hearing.
"Public Hearing in zoning case (case number) is now closed at (time)."

G. Board/Commission commences internal discussions.

H. Board/Commission makes decision (votes) or delays as appropriate.

I. Chairman announces decision on case.

J. Chairman opens next Hearing.
"Public Hearing in zoning case (case number) is now open. The time is (time)."

K. Continue as before - repeating procedure.

L. Chairman adjourns meeting at end of final case decision.

PITTSYLVANIA COUNTY PLANNING COMMISSION

REGULAR MEETING

September 1, 2020

MINUTES

VIRGINIA: The Pittsylvania County Planning Commission met on Tuesday, September 1, 2020, at the Community Center in Chatham, Virginia. Mr. Motley, Chairman, called the meeting to order at approximately 7:00 p.m. Mr. Motley called the roll.

PRESENT

Richard Motley	Chatham-Blairs District
H. F. Haymore, Jr.	Westover District
Nathan Harker	Staunton River District
Colette Henderson	Banister District
Brian Horne	Dan River District
Timothy Dudley	Board of Supervisors Representative
Emily Ragsdale	Director of Community Development
Karen N. Hayes	Deputy Director of Community Development
J. Vaden Hunt	County Attorney

ABSENT

Morris Stowe	Tunstall District
Janet Mease	Callands-Gretna District

MOMENT OF SILENCE

The Board observed a moment of silence.

PLEDGE OF ALLEGIANCE

The Board recited the Pledge of Allegiance.

HEARING OF THE CITIZENS

No citizens came forward to speak.

APPROVAL OF THE AGENDA

Mr. Motley stated that Case V-20-001, The Dock at SML, LLC, is not a public hearing as shown on the agenda, but is listed under New Business. A motion was made by Mr. Haymore, seconded by Mr. Dudley, and by a 6 to 0 vote (two (2) members, Mrs. Mease and Mr. Stowe, were absent), the agenda was approved as written with corrections.

APPROVAL OF THE MINUTES

A motion was made by Mr. Dudley, seconded by Mr. Stowe, and by a 6 to 0 vote (two (2) members, Mr. Horne and Mr. Harker, were absent), the June 2, 2020, minutes were approved as presented.

CHAIRMAN'S REPORT

Mr. Motley welcomed Mr. Horne back to the meeting following his recent illness and knee surgery. Mr. Motley then read a thank you note from Mr. Horne to the Board members.

THE ZONING PRECEPTS WERE READ by Mr. Motley **TO OPEN THE PUBLIC HEARING** at approximately 7:07 p.m.

Case R-20-016, Bryan Scott Mayhew – Mr. Motley opened the public hearing at 7:07 p.m. Mrs. Ragsdale, Director of Community Development, reported that Bryan Scott Mayhew had petitioned to rezone 1.25 acres, located on Ben Annie Road, in the Callands-Gretna Election District from R-1, Residential Suburban Subdivision District, to A-1, Agricultural District, to combine with his adjacent parcel of land zoned A-1. She then stated once the property is rezoned to A-1, all uses listed under Section 35-178 are permitted. Bryan Mayhew was present to represent the petition. He stated he wanted to put both parcels back together. There was no opposition to the petition. Mr. Motley closed the public hearing at 7:09 p.m. A motion was made by Mr. Horne, seconded by Mr. Haymore, to recommend the Board of Supervisors grant the rezoning request. Motion passed by a 6 to 0 vote (two (2) members, Mr. Horne and Mr. Harker, were absent).

Case R-20-017, Carol A. Holley Hobbs & Roger Edward Hobbs – Mr. Motley opened the public hearing at 7:10 p.m. Mrs. Ragsdale, Director of Community Development, reported that Carol and Roger Hobbs had petitioned to rezone a total of three (3) parcels of land totaling 37.29 acres, located on Meadowview Drive, in the Westover Election District from R-1, Residential Suburban Subdivision District, and RC-1, Residential Combined Subdivision District, to A-1, Agricultural District, to resubdivide the properties into three (3) lots. She then stated once the properties are rezoned to A-1, all uses listed under Section 35-178 are permitted. Mrs. Hobbs and Laura Ashworth were present to represent the petition. Mrs. Hobbs stated she wanted to leave the family land to her children to build their homes on the properties. There was no opposition to the petition. Mr. Motley closed the public hearing at 7:12 p.m. During the discussion, it was stated the property should be zoned A-1 because the wooded area was a tobacco farm. A motion was made by Mr. Haymore, seconded by Mr. Dudley, to recommend the Board of Supervisors grant the rezoning request. Motion passed by a 6 to 0 vote (two (2) members, Mrs. Mease and Mr. Stowe, were absent).

Case R-20-018, Tony A. Wilson & Debbie S. Wilson – Mr. Motley opened the public hearing at 7:13 p.m. Mrs. Ragsdale, Director of Community Development, reported that Tony and Debbie Wilson had petitioned to rezone 1.31 acres, located on Fall Creek Drive, in the Westover Election District from R-1, Residential Suburban Subdivision District to B-2, Business District, General, to allow the single-family dwelling located on the property to be used as an office for their construction business. She then stated once the property is rezoned to B-2, all uses listed under Section 35-365 are permitted. Mr. and Mrs. Wilson were present to represent the petition. They stated they had nothing to add. There was no opposition to the petition. Mr. Motley closed the public hearing at 7:14 p.m. During the discussion, it was stated the structure has been

painted and remodeled and it is an enhancement to the area. A motion was made by Mr. Haymore, seconded by Mr. Dudley, to recommend the Board of Supervisors grant the rezoning request. Motion passed by a 6 to 0 vote (two (2) members, Mrs. Mease and Mr. Stowe, were absent).

Case R-20-019, Sammy T. Moore & Freda W. Moore – Mr. Motley opened the public hearing at 7:16 p.m. Mrs. Ragsdale, Director of Community Development, reported that Sammy and Freda Moore had petitioned to rezone 54.35 acres, located on Duncan Drive, in the Westover Election District from R-1, Residential Suburban Subdivision District to A-1, Agricultural District, to allow for subdivision of the property for family members. She then stated once the property is rezoned to A-1, all uses listed under Section 35-178 are permitted. Mr. Sammy Moore was present to represent the petition. He stated he had nothing to add. He then stated he wanted subdivide the property for his three (3) daughters and his grandchildren. There was no opposition to the petition. Mr. Motley closed the public hearing at 7:17 p.m. During the discussion, it was stated this is open land and is a nice area. A motion was made by Mr. Haymore, seconded by Mr. Horne, to recommend the Board of Supervisors grant the rezoning request. Motion passé by a 6 to 0 vote (two (2) members, Mrs. Mease and Mr. Stowe, were absent).

Case R-20-020, George Vann Dillion And Others – Mr. Motley opened the public hearing at 7:19 p.m. Mrs. Ragsdale, Director of Community Development, reported that George Dillion and Others had petitioned to rezone 0.129 acre, located on Oakland Drive, in the Westover Election District from RC-1, Residential Combined Subdivision District to A-1, Agricultural District, to combine with the adjacent parcel of land zoned A-1. She then stated once the property is rezoned to A-1, all uses listed under Section 35-178 are permitted. Mr. Dillion was present to represent the petition. He stated this would allow lot lines to be adjusted and prevent the existing driveway going to the garage from being cut off. There was no opposition to the petition. Mr. Motley closed the public hearing at 7:20 p.m. A motion was made by Mr. Haymore, seconded by Mr. Harker, to recommend the Board of Supervisors grant the rezoning request. Motion passé by a 6 to 0 vote (two (2) members, Mrs. Mease and Mr. Stowe, were absent).

This concludes the Rezoning cases.

Case S-20-011, Berry Hill Solar, LLC – Mr. Motley opened the public hearing at 7: 21 p.m. Mrs. Ragsdale, Director of Community Development, reported that Berry Hill Solar, LLC, had petitioned for a Special Use Permit on three (3) parcels of land, a total of 1,481.59 acres, located on Berry Hill Road, in the Westover Election District for a utility-scale solar energy facility. Tom Terrell and Louis Iannone, were present to represent the petition. Mr. Terrell and Mr. Iannone gave a brief overview of the solar Project and petition. Lynwood Hardy and Ken Moss spoke in opposition to the petition. Their concerns included, but were not limited to, the following: Solar panels are too close to the highway; access road is in front of Mr. Hardy's residence; requested a 500-foot setback barrier from the property line to the solar panels be honored; requested the height of the solar panels be maintained; requested the existing vegetation be allowed to remain. Mr. Terrell offered a rebuttal and stated the access road would be gated. During the discussion, it was stated the solar facility would produce no noise, no odor, and no traffic, and it would create additional revenue. Mr. Motley closed the public hearing at 8:10 p.m. A motion was made by Mr. Haymore, seconded by Mr. Horne, to recommend to the Board of Zoning Appeals that the Special Use Permit request be granted subject to the 17 conditions as presented by staff in the Board packet with the following amended conditions: (1) Maintain a 300 foot setback around the entire property; (2) Relocate the proposed access road from across the highway from Mr. Hardy's residence at 3028 Berry Hill Road, Danville, VA. Motion failed by a 2 to 4 vote (two (2) members, Mrs. Mease and Mr. Stowe, were absent). Those voting in favor of the motion

were as follows: Mr. Motley and Mr. Haymore. Those voting in opposition to the motion were as follows: Mr. Harker, Mrs. Henderson, Mr. Horne, and Mr. Dudley. A second motion was made by Mr. Harker, seconded by Mr. Dudley, to recommend to the Board of Zoning Appeals that the Special Use Permit be granted subject to the 17 conditions as presented by staff in the Board packet with amended conditions as follows:

(1) Maintain a reduced buffer of 200 feet along Buford Road down to the Dan River. All other setbacks are to be determined by the Zoning Ordinance.
(2) Relocate the propose access road from across the highway from Mr. Hardy's residence at 3028 Berry Hill Road, Danville, VA 24541.

Motion passed by a 5 to 1 vote (two (2) members, Mrs. Mease and Mr. Stowe, were absent).

Case S-20-012, Shockoe Solar, LLC – Mr. Motley opened the public hearing at 8:23 p.m. Mrs. Ragsdale, Director of Community Development, reported that Shockoe Solar, LLC, had petitioned for a Special Use Permit on fifteen (15) parcels of land, a total of 907.88 acres, located on Halifax Road and on Java Road, in the Banister Election District for a utility scale solar energy facility. Mr. Charlie Falter, Project Manager, and Stephanie Lauer with Shockoe Solar, LLC, were present to represent the petition. They provided a brief overview of the proposed solar project and answered questions from the Board members. Maurice Dodson and Pamela Fitzgerald Cooper spoke in opposition to the petition. Their concerns included, but were not limited to, the following: glare from the solar panels; protection from lightning, impact on families, wildlife panels located at the rear of properties, etc. Mr. Falter offered a rebuttal and addressed the concerns of Mr. Dodson and Ms. Cooper. Mr. Motley closed the public hearing at 8:48 p.m. A motion was made by Mrs. Henderson, seconded by Mr. Dudley, to recommend to the Board of Zoning Appeals that the Special Use Permit request be granted with the 17 conditions as presented by staff in the Board packet. Motion passed by a 6 to 0 vote (two (2) members, Mrs. Mease and Mr. Stowe, were absent).

This concludes the Special Use Permit cases.

OLD BUSINESS

There was no old business.

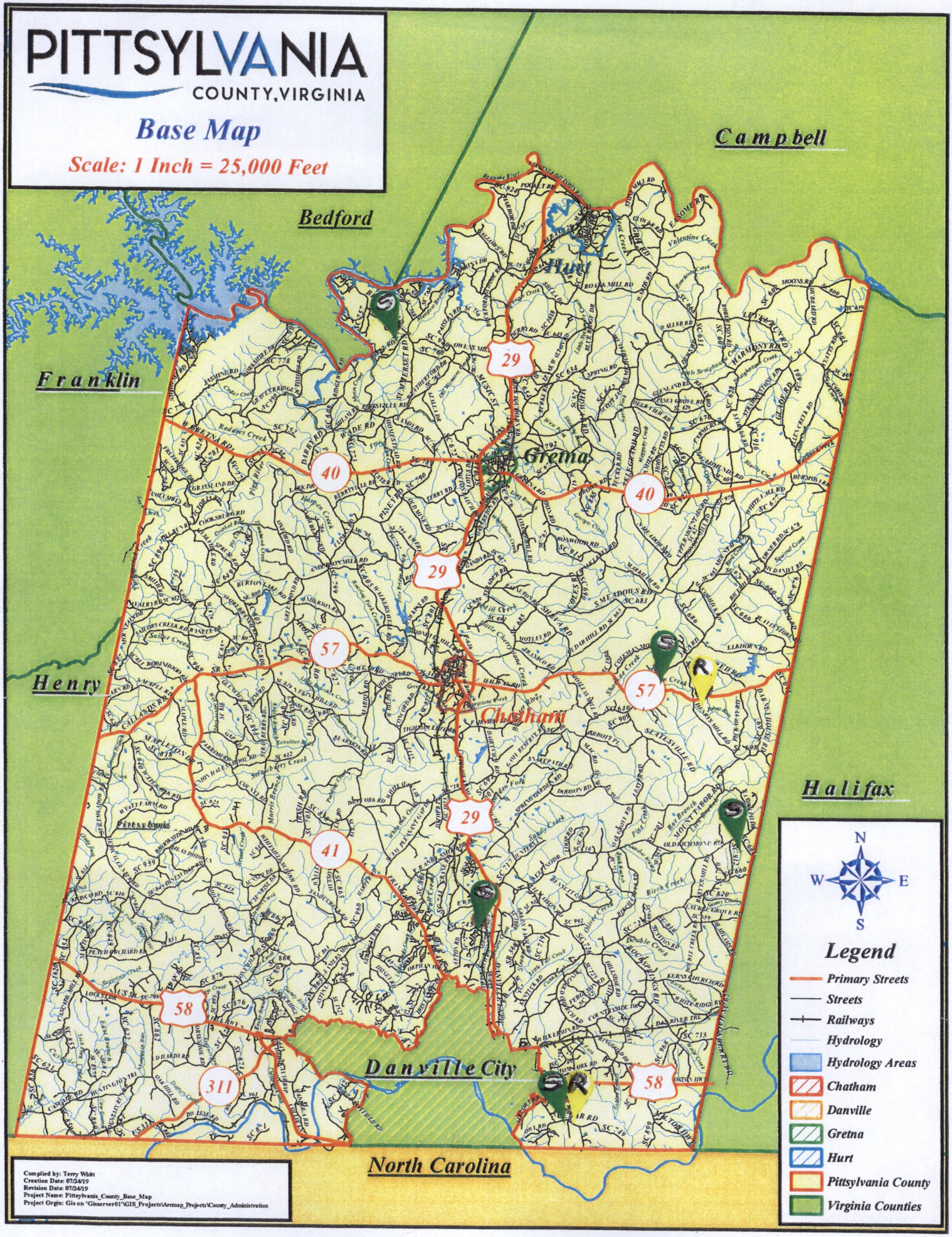
NEW BUSINESS

Mrs. Ragsdale presented a brief overview of Case V-20-001, The Dock at SML, LLC, to the Board members. She then stated the staff feels the variance request meets five (5) of the five (5) criteria needed to grant a variance. A motion was made by Mr. Haymore, seconded by Mr. Dudley, to recommend to the Board of Zoning Appeals the variance request meets the criteria for a variance. Motion passed by a 6 to 0 vote (two (2) members, Mrs. Mease and Mr. Stowe, were absent).

The meeting was adjourned at approximately 9:00 p.m.

_____
Richard G. Motley, Chairman

_____
Kathy H. Belton, Clerk


PITTSYLVANIA
COUNTY, VIRGINIA
Base Map
Scale: 1 Inch = 25,000 Feet
Campbell
Bedford
Franklin
Henry
Halifax
Danville City
North Carolina
Hurt
Gretna
Chatham
29
40
57
41
58
311
Legend
Primary Streets
Streets
Railways
Hydrology
Hydrology Areas
Chatham
Danville
Gretna
Hurt
Pittsylvania County
Virginia Counties
Complied by: Terry Whitt
Creation Date: 07/24/19
Revision Date: 07/24/19
Project Name: Pittsylvania_County_Base_Map
Project Orgin: Gis on 'Gisserver01'\GIS_Projects\Aremap_Projects\County_Administration

PITTSYLVANIA COUNTY CITIZENS
NOTICE OF PUBLIC HEARING
PITTSYLVANIA COUNTY PLANNING COMMISSION

The Pittsylvania County Planning Commission will hold a PUBLIC HEARING on Tuesday, October 6, 2020, beginning at 7:00 p.m., at the Community Center, Chatham, Virginia, on the following ZONING matters:

Case R-20-021 – Requested by First Piedmont Corporation, to rezone property located on State Road 734/Clarks Mill Road, in the Dan River Election District and shown on the Tax Map as GPIN# 2346-66-3650. The applicant is requesting to rezone 1.32 acres from R-1, Residential Suburban Subdivision District to M-2, Industrial District, Heavy Industry, to combine with their adjacent parcels of land zoned M-2. Once the property is rezoned to M-2, all uses listed under Pittsylvania County Code Section 35-402 are a Permitted Use. The Comprehensive Plan indicates the area is suitable for A-1, Agricultural District, and R-1, Residential Suburban Subdivision District, RC-1, Residential Combined Subdivision District, and M-2, Industrial District, Heavy Industry, uses. Zoning conditions and Ordinance standards shall control the density of allowable development.

Case R-20-022 – Requested by John Martin Gregory, to rezone properties located on Highway 57/Halifax Road, in the Banister Election District and shown on the Tax Map as GPIN#s 2475-39-9063 (210.15 acres), 2475-58-8076 (19.79 acres), and 2475-57-0828 (10.18 acres). The applicant is requesting to rezone three (3) parcels of land, a total of 240.12 acres, from A-1, Agricultural District, and B-2, Business District, General, to M-2, Industrial District, Heavy Industry, for lumber, wood products manufacturing, lumber storage, and a permanent sawmill. Once the properties are rezoned to M-2, all uses listed under Pittsylvania County Code Section 35-402 are a Permitted Use. The Comprehensive Plan indicates the area is suitable for A-1, Agricultural District, R-1, Residential Suburban Subdivision District, B-2, Business District, General, and M-2, Industrial District, Heavy Industry, uses. Zoning conditions and Ordinance standards shall control the density of allowable development.

Case S-20-013 – Requested by First Piedmont Corporation, for a Special Use Permit for a landfill. The properties are three (3) parcels of land, a total of 224.08 acres, located on State Road 734/Clarks Mill Road and on State Road 749/ Cedar Road, in the Dan River Election District and shown on the Pittsylvania County Tax Map as GPIN#s 2346-45-9628 (123.22 acres), 2346-35-7613 (78.03 acres), and 2346-57-5402 (22.83 acres). The Comprehensive Plan indicates the area is suitable for A-1, Agricultural District, R-1, Residential Suburban Subdivision District, RC-1, Residential Combined Subdivision District, B-2, Business District, General, RMF, Residential Manufactured Housing Park District, M-1, Industrial District, Light Industry, and M-2, Industrial District, Heavy Industry, uses. Zoning conditions and Ordinance standards shall control the density of allowable development.

Case S-20-014 – Requested by J. D. Shelton, Et Als, Gloria T. Shelton, Et Als, and Tammy Leigh Shelton Wiles, Et Als, for a Special Use Permit for an amendment to the conditions attached to the existing Special Use Permit S-19-010 that was granted with conditions on September 10, 2019, for recreational uses; ATV trails. The properties are four (4) parcels of land, a total of 450.00 acres, located on Route 360/Old Richmond Road, in the Dan River Election District and shown on the Pittsylvania County Tax Map as GPIN#s 2472-87-3158 (271.00 acres), 2472-79-8579 (56.00 acres), 2482-08-1932 (82.00 acres), and 2482-08-4676

(41.00 acres). The Comprehensive Plan indicates the area is suitable for A-1, Agricultural District, R-1, Residential Suburban Subdivision District, and RC-1, Residential Combined Subdivision District uses. Zoning conditions and Ordinance standards shall control the density of allowable development.

Case S-20-015 – Requested by Anissa Christine Weimer, for a Special Use Permit for a kennel for boarding dogs. The property is 53.56 acres, located on State Road 609/Brights Road, in the Staunton River Election District and shown on the Pittsylvania County Tax Map as GPIN# 2503-77-4866. The Comprehensive Plan indicates the area is suitable for A-1, Agricultural District, R-1, Residential Suburban Subdivision District, and B-2, Business District, General, uses. Zoning conditions and Ordinance standards shall control the density of allowable development.

Case S-20-016 – Requested by Rodney F. Shelton and Janet W. Shelton, for a Special Use Permit for service and repair of all-terrain vehicles (ATVs). The property is 8.57 acres, located on State Road 895/Coleman Mountain Road and on State Road 640/Java Road, in the Banister Election District and shown on the Pittsylvania County Tax Map as GPIN# 2466-42-2327. The Comprehensive Plan indicates the area is suitable for A-1, Agricultural District, R-1, Residential Suburban Subdivision District, RC-1, Residential Combined Subdivision District, and B-2, Business District, General, uses. Zoning conditions and Ordinance standards shall control the density of allowable development.

Case S-20-017 – Requested by Randy Lynn Hogan, for a Special Use Permit for a drive-in movie theater. The properties are two (2) parcels of land, a total of 9.09 acres, located on U.S. Highway 29 North and on State Road 745/Mount View Road, in the Westover Election District and shown on the Pittsylvania County Tax Map as GPIN#s 2420-64-1663 (7.11 acres) and 2420-64-2210 (1.98 acres). The Comprehensive Plan indicates the area is suitable for A-1, Agricultural District, R-1, Residential Suburban Subdivision District, B-1, Business District, Limited, B-2, Business District, General, and MHP, Residential Manufactured Housing Park District, uses. Zoning conditions and Ordinance standards shall control the density of allowable development.

During the Public Hearing, concerns from interested citizens supporting or opposing these matters will be solicited. The applications are on file and can be viewed in the Pittsylvania County Community Development Office, 53 North Main Street, Chatham, Virginia, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Case R-20-021

FIRST PIEDMONT CORPORATION

STAFF SUMMARY

CASE	ZONING REQUEST	CYCLE
R-20-021	R-1 to M-2	October 2020
SUBJECT/PROPOSAL/REQUEST First Piedmont Corporation is requesting to rezone the property from R-1, Residential Suburban Subdivision District, to M-2, Industrial District, Heavy Industry. **DISTRICT:** Dan River		**PLANNING COMMISSION:** October 6, 2020 **BOARD OF SUPERVISORS:** October 20, 2020 **ADVERTISED:** September 23 & 30, 2020 **REVIEWED BY:** ESR

STAFF
First Piedmont Corporation petitioned the Planning Commission/Board of Supervisors on August 27, 2020, to rezone from R-1, Residential Suburban Subdivision District to M-2, Industrial District, Heavy Industry, on 1.32 acres, located on State Road 734/Clarks Mill Road, in the Dan River Election District. The parcel is shown on our records as GPIN # 2346-66-3650.

BACKGROUND/DISCUSSION
The subject parcel is located across the street from First Piedmont Corporation's current landfill operation and is surrounded by properties owned by the applicant. The property was previously occupied by a doublewide mobile home that has been removed. The applicants would like to rezone the property to make the zoning consistent with their adjacent parcels of land zoned M-2. Their future plans are to construct an office on the property.

Once the property is rezoned to M-2, all uses listed under Section 35-402 are a permitted use.

DIRECTIONS
See Map Quest directions. The petitioned parcel is located at 1181 Clarks Mill Road, Ringgold, VA 24586.

RELATIONSHIP TO THE SURROUNDING LAND USE AND NEIGHBORING AREAS
The current surrounding land uses are residential and industrial. The Comprehensive Plan identifies the future land use of the subject property as Industrial.

ZONING OF SURROUNDING PROPERTIES
The subject property is adjacent to properties zoned R-1, Residential Suburban Subdivision District and M-2, Industrial District, Heavy Industry.

SITE DEVELOPMENT PLAN
N/A

RECOMMENDATION
Staff recommends APPROVAL of Case R-20-021, submitted by First Piedmont Corporation requesting to rezone 1.32 acres, located on State Road 734/Clarks Mill Road, in the Dan River Election District, from R-1, Residential Suburban Subdivision District to M-2, Industrial District, Heavy Industry. The subject property

is adjacent to properties currently zoned M-2, Industrial District, Heavy Industry and the proposed rezoning would be consistent with the Comprehensive Plan.

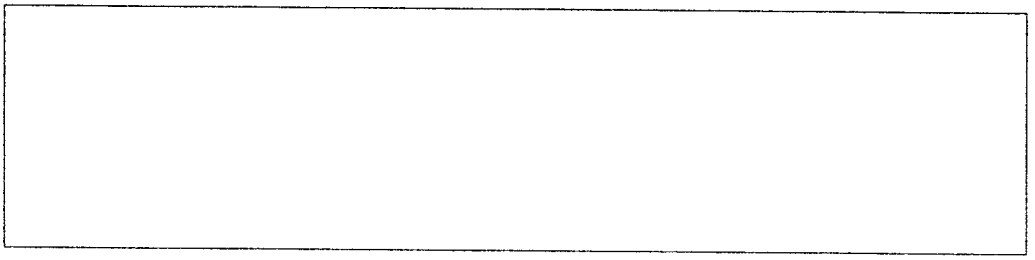
PLANNING COMMISSION OPTIONS:

1. Recommend approval of Case R-20-021 as submitted.
2. Recommend denial of Case R-20-021 as submitted.

bing maps

A 53 N Main St, Chatham, VA 24531
B 1181 Clarks Mill Rd, Ringgold, VA 24586

25 min , 22.3 miles
Light traffic
Via US-29 S, US-58 E



A 53 N Main St, Chatham, VA 24531

↑	1.	Head **southwest** on **US-29 S Bus / N Main St** toward center St	1.6 mi
↑	2.	Keep **straight** onto **US-29 S / US Highway 29** Pass Circle K in 5.3 mi	16.2 mi, 15 min
↑	3.	Keep **straight** onto **US-58 W / US-29 S / Danville Expy S** ▲ *Minor Congestion*	512 ft
360	4.	Take ramp **right** for **US-58 / US-360 East** toward **Richmond / South Boston**	0.4 mi
↑	5.	Keep **straight** onto **US-58 E / US-360 E / S Boston Rd**	3.0 mi
↱	6.	Turn **right** onto **Clarks Mill Rd**	1.0 mi
	7.	Arrive at **Clarks Mill Rd** The last intersection is Logan Ln If you reach Evangel Dr, you've gone too far	

B 1181 Clarks Mill Rd, Ringgold, VA 24586

First Piedmont CORP
WASTE REMOVAL & DISPOSAL

August 27, 2020

Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

Dear Mrs. Ragsdale:

First Piedmont Corporation, as Owner, would like to apply to the Planning Commission/Board of Supervisors to rezone 1.32 acres, located on State Road 734/Clarks Mill Road, in the Dan River Election District from R-1, Residential Suburban Subdivision District to M-2, Industrial District, Heavy Industry. The property is shown on the records as GPIN # 2346-66-3650.

We would like to rezone the property to make the zoning consistent with our adjacent parcels of land zoned M-2.

Sincerely,

Thomas Wade
Director of Environmental Operations
First Piedmont Corporation

Sworn to and subscribed before me in my presence this 24 *day of* August, 20 20, *in my City and State aforesaid, by* Lauren McGregor Ragsdale, *Notary Public. My commission expires:* 10/31/2021

LAUREN McGREGOR RAGSDALE
NOTARY PUBLIC
REG # 7743458
MY COMMISSION EXPIRES
10/31/2021
COMMONWEALTH OF VIRGINIA

Rely On RED

P.O. Box 1069 • Chatham, VA 24531 • 434.432.0211 • Fax: 434.432.0278 • www.fpcwaste.com

PITTSYLVANIA COUNTY
APPLICATION FOR REZONING

First Piedmont Corporation, as Owner of the below described property, hereby applies to the Pittsylvania County Board of Supervisors to amend the Pittsylvania County Zoning Maps as hereinafter described:

1. Property Owner's Names: First Piedmont Corporation
   Address: P. O. Drawer 1069, Chatham, VA 24531

2. Location of Property: on State Road 734/Clarks Mill Road

3. Tax Map Number: 2346-66-3650 (392)

4. Election District: Dan River

5. Size of Property: 1.32 Acres

Telephone: (434) 251-2171
(Tom Wade)
CK#128093
Total Amount: $ 311.90
Taken By: TNB

6. Existing Land Use: Cinderblock Garage (Poor Condition)

   Existing Zoning: R-1, Residential Suburban Subdivision District

7. Proposed Land Use: To Make The Zoning Consistent With Their Adjacent Parcels of Land Zoned M-2

   Proposed Zoning: M-2, Industrial District, Heavy Industry

8. Are conditions being proffered: ____ Yes __X__ No

9. Check completed items:

_X_ Letter of Application	___ Site Development Plan or Waiver	_X_ Legal Forms
___11"x 17" Concept Plan	_X_ Application Fee	_X_ List of Adjoining Properties
_X_ Plat Map	_X_ Copy of Deed	____ Copy of Deed Restrictions Or Covenants

Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.

Thomas Wade
Director of Environmental Operations
First Piedmont Corporation

LAUREN McGREGOR RAGSDALE NOTARY PUBLIC REG # 7743458 MY COMMISSION EXPIRES 10/31/2021 COMMONWEALTH OF VIRGINIA

Sworn to and subscribed before me in my presence this 24 *day of* August, 20 20, *in my City and State aforesaid, by* Lauren McGregor Ragsdale *Notary Public. My commission expires:* 10/31/2021

OFFICE USE ONLY
Application Deadline: 08/27/20
Received By: ESR
B.O.S. Meeting Date: 10/20/20

Application No. R-20-021
P.C. Meeting Date: 10/06/20
Date Received: 08/27/20
Action: _____

TREASURER OF PITTSYLVANIA COUNTY
PAID SEP 09 2020

VIRGINIA:
BEFORE THE BOARD OF SUPERVISORS OF PITTSYLVANIA COUNTY

A 1.32 acre parcel of land,	)	
generally located on State Road 1734/Clarks Mill Road	)	
within the Dan River	)	**PETITION**
Election District, and recorded as	)	
parcel # 2346-66-3650	)	
in the Pittsylvania County tax records	)	

TO THE HONORABLE SUPERVISORS OF PITTSYLVANIA COUNTY:

WHEREAS, your Petitioner, First Piedmont Corporation, respectfully files this petition pursuant to Sections 35-806 and 35-807 of the Pittsylvania County Zoning Ordinance and in accordance with the Code of Virginia, 1950, as amended, and would respectfully show the following:

(1) The Petitioner is the Owner of the above-referenced parcel of land, or is filing with the owner's consent.

(2) The property is presently zoned under the provisions of the Pittsylvania County Zoning Ordinance as R-1, Residential Suburban Subdivision District.

(3) Your petitioner now desires to have the property rezoned to M-2, Industrial District, Heavy Industry, to make the zoning consistent with their adjacent parcels of land zoned M-2.

WHEREFORE, your Petitioner respectfully requests that the Zoning Ordinance of Pittsylvania County be amended and that the above-referenced parcel of land be rezoned as set out in Number 3.

FURTHER, your Petitioner respectfully requests that this petition be referred by the Director of Community Development to the Pittsylvania County Planning Commission for its consideration and recommendation.

Respectfully submitted,

Thomas Wade
Director of Environmental Operations
First Piedmont Corporation

Sworn to and subscribed before me in my presence this 24 *day of* August, 20 20, *in my City and State aforesaid, by* Lauren McGregor Ragsdale *Notary Public. My commission expires:* 10/31/2021

LAUREN McGREGOR RAGSDALE
NOTARY PUBLIC
REG # 7743458
MY COMMISSION EXPIRES
10/31/2021
COMMONWEALTH OF VIRGINIA

PITTSYLVANIA COUNTY, VIRGINIA

OFFICE OF COMMUNITY DEVELOPMENT
P.O. DRAWER D
Chatham, Virginia 24531
(434) 432-1771

SIGN AFFIDAVIT

Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-
At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

Sec. 35-818. POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-
When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817 above.

Sec. 35-819. MAINTENANCE AND REMOVAL OF SIGNS.
Any sign erected in compliance with this section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant within fourteen (14) days following the public hearing for which it was erected.

I have read and understand Sections 35-817, 35-818, and 35-819 of the Pittsylvania County Zoning Ordinance. I understand it is my responsibility to post, maintain and remove this/these sign or signs, according to Section 35-817, Section 35-818, and 35-819. If this sign is removed or destroyed, I understand it is my responsibility to obtain another sign from the Zoning office, post the property and maintain the sign(s), according to the above Sections of the Pittsylvania County Zoning Ordinance.

Should the property not be posted and the sign(s) maintained as required above, I understand the board may defer the case.

Case R-20-021 Applicant [signature] Date 8-24-2020

Thomas Wade
Director of Environmental Operations
First Piedmont Corporation

Sworn to and subscribed before me in my presence this 24 *day of* August, 20, *in my City and State aforesaid by* [signature] *Notary Public. My commission Expires:* 10/31/2021

LAUREN McGREGOR RAGSDALE NOTARY PUBLIC REG # 7743458 MY COMMISSION EXPIRES 10/31/2021 COMMONWEALTH OF VIRGINIA

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every Property adjacent to the site and directly across from any public right-of-way adjoining this site. Names and addresses are available in the County Tax Commissioners office in the Courthouse.

Tax Map Number: 2346-66-3650 (392)

Name: First Piedmont Corporation
Tax Map Number: 2346-57-5402, 2346-66-3750, 2346-76-3191
2346-66-4826 (392) (93256)

Address: Same As Applicant

Name: Annie L. Butler
Tax Map Number: 2346-65-4901 (211222)

Address: 4817 Bonnie Brae Road
North Chesterfield, VA 23234

Kathy H. Belton

From: Craddock, Joseph <joseph.craddock@vdot.virginia.gov>
Sent: Friday, September 4, 2020 3:41 PM
To: Kathy H. Belton
Cc: Emily Ragsdale
Subject: Re: First Piedmont Corporation - Case R-20-021

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Kathy,

I looked at the entrance to this property today, and in its current state, it does not have adequate sight distance, even for a low volume commercial entrance. However, I believe that the surrounding land is also owned by First Piedmont, and another entrance could be installed to meet the minimum requirements if that is what they choose to do.

Let me know if you have any questions or need any additional information.

Thanks,

Jay

On Wed, Aug 26, 2020 at 10:53 AM Kathy H. Belton <kathy.belton@pittgov.org> wrote:

> Jay,
>
> Please find attached application and site map for Rezoning Case R-20-021, First Piedmont Corporation, for your review.
>
> The applicant is rezoning the property to make the zoning consistent with their adjacent parcels of land zoned M-2. Their future plans are to construct an office on the property.
>
> Thank you.
>
> Kathy H. Belton
> Administrative Assistant
> Community Development

PITTSYLVANIA COUNTY, VIRGINIA

Legend

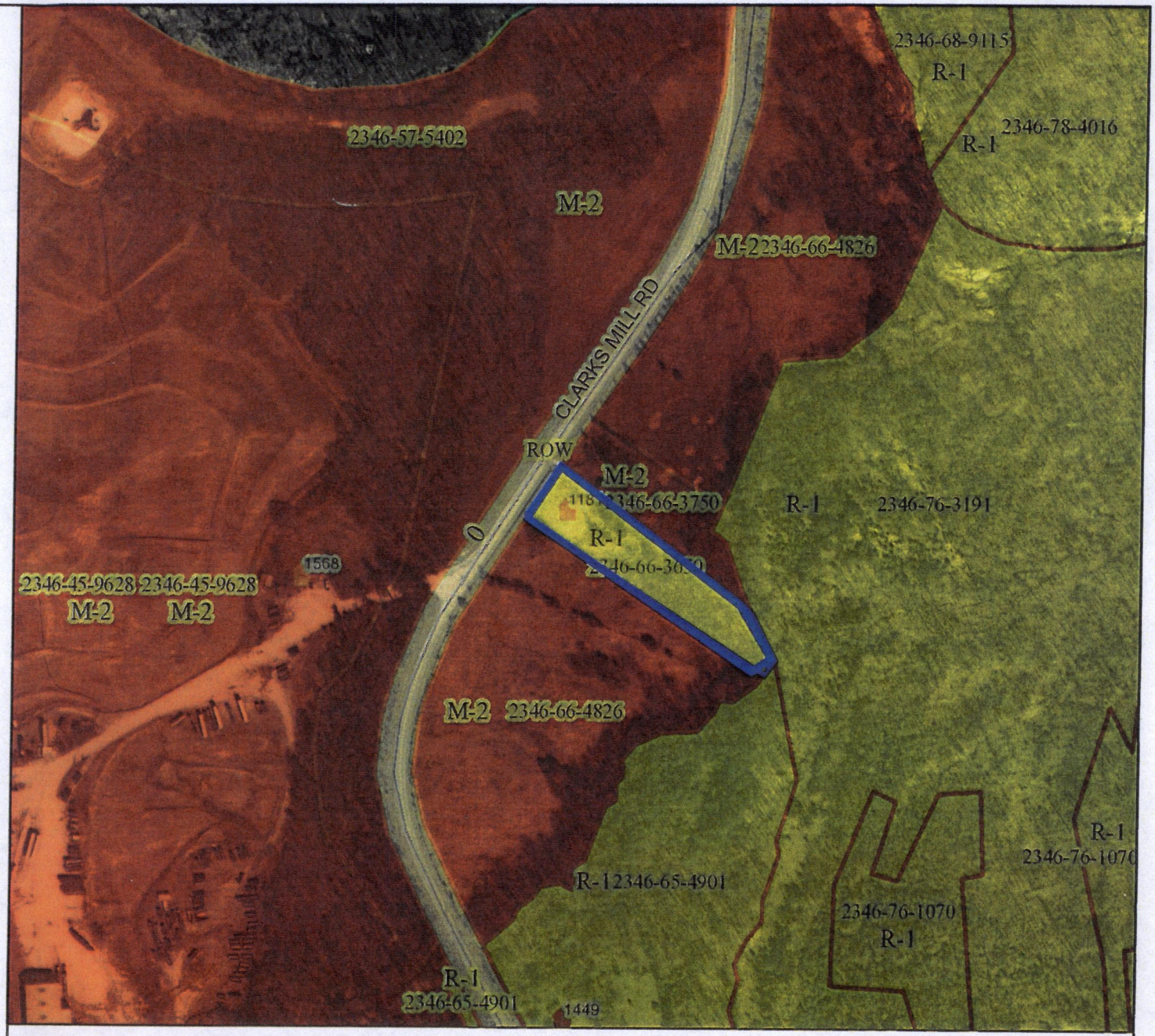
- Assessed Parcels
- Parcel ID Number
- Parcels
- Address Points
- Route Numbers
- Appeals
- Rezoning
- Signs
- Special Uses
- Variances

Zoning

- Unknown
- A-1 = Agricultural District
- B-1 = Business District, Limited
- B-2 = Business District, General
- C-1 = Conservation District
- DZ = Double Zoned Parcels
- M-1 = Industrial District, Light Industry
- M-2 = Industrial District, Heavy Industry
- MHP = Residential Manuf. Housing Park District
- R-1 = Residential Suburban Subdivision District
- RC-1 = Residential Combined Subdivision Distric
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision Distric
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary

Feet

0 100 200 300 400



Title: FIRST PIEDMONT CORP - CASE R-20-021 **Date: 8/14/2020**

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Pittsylvania County is not responsible for its accuracy or how current it may be.

Case R-20-022

GREGORY

STAFF SUMMARY

CASE	ZONING EQUEST	CYCLE
R-20-022	A-1 & B-2 to M-2	October 2020
SUBJECT/PROPOSAL/REQUEST John Martin Gregory is requesting to rezone the properties from A-1, Agricultural District, and B-2, Business District, General, to M-2, Industrial District, Heavy Industry.		**PLANNING COMMISSION:** October 6, 2020 **BOARD OF SUPERVISORS:** October 20, 2020 **ADVERTISED:** September 23 & 30, 2020
DISTRICT: Banister		**REVIEWED BY:** ESR

SUBJECT

John Martin Gregory petitioned the Planning Commission/Board of Supervisors on August 27, 2020, to rezone from A-1, Agricultural District, and B-2, Business District, General, to M-2, Industrial District, Heavy Industry on three (3) parcels of land, a total of 240.12 acres, located on Highway 57/Halifax Road, in the Banister Election District. The parcels are shown on our records as GPIN #s 2475-39-9063 (210.15 acres), 2475-58-8076 (19.79 acres), and 2475-57-0828 (10.18 acres).

BACKGROUND/DISCUSSION

The subject properties are currently occupied by a permanent sawmill, wood products manufacturing and lumber storage that were in operation before the Zoning Ordinance was adopted in 1991. The properties are currently zoned A-1, Agricultural District and B-2, Business District, General making the current operations legal non-conforming uses.

The applicant is submitted a proposal to the Community Development office requesting to add an additional structure to expand his current operation. Due to the non-conforming status, the applicant's proposal was denied because according to Pittsylvania County Code § 35-164, non-conforming uses cannot be expanded or enlarged. The petitioner would like to rezone the properties to M-2, Industrial District, Heavy Industry to allow for lumber, wood products manufacturing, lumber storage, and a permanent sawmill, bringing the current operation into compliance with the Zoning Ordinance.

DIRECTIONS

See Map Quest directions. One of the petitioned parcels is located at 12121 Halifax Road, Java, VA 24565.

RELATIONSHIP TO THE SURROUNDING LAND USE AND NEIGHBORING AREAS

The properties are surrounded by mostly residential and agricultural uses. The Comprehensive Plan does not identify future land use for this area.

ZONING OF SURROUNDING PROPERTIES

Adjacent to A-1, Agricultural District, R-1, Residential Suburban Subdivision District, and B-2, Business District, General, zoned properties.

SITE DEVELOPMENT PLAN

N/A

RECOMMENDATION

Staff recommends APPROVAL of Case R-20-022, submitted by John Martin Gregory, requesting to rezone 240.12 acres, located on Highway 57/Halifax Road, in the Banister Election District, shown on our records as GPIN #s 2475-39-9063, 2475-58-8076, and 2475-57-0828, for lumber, wood products manufacturing, lumber storage, and a permanent sawmill.

PLANNING COMMISSION OPTIONS:

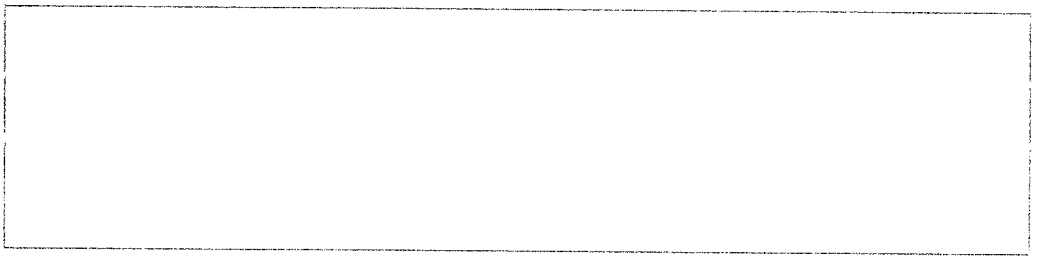
1. Recommend approval of Case R-20-022 as submitted.
2. Recommend denial of Case R-20-022 as submitted.

We are updating our Terms of Use. Learn more

bing maps

A 53 N Main St, Chatham, VA 24531
B 12121 Halifax Rd, Java, VA 24565

16 min , 11.9 miles
Light traffic
Via US-29 S Bus, Halifax Rd
· Local roads



A 53 N Main St, Chatham, VA 24531

↑	1.	Head **southwest** on **US-29 S Bus / N Main St** toward center St	0.4 mi
↰	2.	Turn **left** onto **Halifax Rd / VA-832**	11.5 mi, 15 min
	3.	Arrive at **Halifax Rd / VA-832** The last intersection is Stone Rd / VA-698 If you reach Pickaway Rd / VA-729, you've gone too far	

B 12121 Halifax Rd, Java, VA 24565

August 27, 2020

Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

Dear Mrs. Ragsdale:

I, John Martin Gregory, as Owner, would like to apply to the Planning Commission/Board of Supervisors to rezone three (3) parcels of land, a total of 240.12 acres, located on Highway 57/Halifax Road, in the Banister Election District from A-1, Agricultural District, and B-2, Business District, General, to M-2, Industrial District, Heavy Industry. The properties are shown on the records as GPIN #s 2475-39-9063, 2475-58-8076, and 2475-57-0828.

I would like to rezone the properties for lumber, wood products manufacturing, lumber storage, and a permanent sawmill.

Sincerely,

John Martin Gregory

PITTSYLVANIA COUNTY
APPLICATION FOR REZONING

I, John Martin Gregory, as Owner of the below described properties, hereby apply to the Pittsylvania County Board of Supervisors to amend the Pittsylvania County Zoning Maps as hereinafter described:

1. Property Owner's Names: John Martin Gregory
   Address: 12121 Halifax Road, Java, VA 24565

2. Location of Property: on Highway 57/Halifax Road Telephone: (434) 432-2337 (John Gregory)

3. Tax Map Number: 2475-39-9063, 2475-58-8076, 2475-57-0828 (1825) (152506)

CK#8330

4. Election District: Banister Total Amount: $ 365.20
   Taken By: KWB

5. Size of Property: **A Total of 240.12 Acres, Three (3) Parcels of Land:** 2475-39-9063 (210.15 Acres), 2475-58-8076 (19.79 Acres), 2475-57-0828 (10.18 Acres)

6. Existing Land Use: 2475-39-9063 = 7 Sheds, 4 Tenant Houses, 1 Shop, 3 Pole Sheds; 2475-58-8076 = Vacant; 2475-57-0828 = Sawmill, Shop, Sorter Shed, Debarker Metal Building, Magnetic Separator Shelter, Log Conveyor Support, Warehouse

   Existing Zoning: 2475-39-9063 & 2475-58-8076 = A-1, Agricultural District; 2475-57-0828 = B-2, Business District, General

7. Proposed Land Use: Lumber, Wood Products Manufacturing, Lumber Storage, Permanent Sawmill

   Proposed Zoning: M-2, Industrial District, Heavy Industry

8. Are conditions being proffered: ____ Yes __X__ No

9. Check completed items:

_X_ Letter of Application	___ Site Development Plan or Waiver	_X__ Legal Forms
___11"x 17" Concept Plan	_X_ Application Fee	_X__ List of Adjoining Properties
_X_ Plat Map	_X__ Copy of Deed	____ Copy of Deed Restrictions Or Covenants

Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.

John Martin Gregory

OFFICE USE ONLY
Application Deadline: 08/27/20
Received By: ESR
B.O.S. Meeting Date: 10/20/20

Application No. R-20-022
P.C. Meeting Date: 10/06/20
Date Received: 08/27/20
Action: _____

TREASURER OF PITTSYLVANIA COUNTY
PAID SEP 09 2020

VIRGINIA:
BEFORE THE BOARD OF SUPERVISORS OF PITTSYLVANIA COUNTY

A total of 240.12 acres, three (3) parcels of land,	)	
generally located on Highway 57/Halifax Road	)	
within the Banister	)	**PETITION**
Election District, and recorded as	)	
parcel #s 2475-39-9063, 2475-58-8076, 2475-57-0828	)	
in the Pittsylvania County tax records	)	

TO THE HONORABLE SUPERVISORS OF PITTSYLVANIA COUNTY:

WHEREAS, your Petitioner, John Martin Gregory, respectfully files this petition pursuant to Sections 35-806 and 35-807 of the Pittsylvania County Zoning Ordinance and in accordance with the Code of Virginia, 1950, as amended, and would respectfully show the following:

(1) The Petitioner is the Owner of the above-referenced parcels of land, or is filing with the owner's consent.

(2) The properties are presently zoned under the provisions of the Pittsylvania County Zoning Ordinance as A-1, Agricultural District, and B-2, Business District, General.

(3) Your petitioner now desires to have the properties rezoned to M-2, Industrial District, Heavy Industry, for lumber, wood products manufacturing, lumber storage, and a permanent sawmill.

WHEREFORE, your Petitioner respectfully requests that the Zoning Ordinance of Pittsylvania County be amended and that the above-referenced parcels of land be rezoned as set out in Number 3.

FURTHER, your Petitioner respectfully requests that this petition be referred by the Director of Community Development to the Pittsylvania County Planning Commission for its consideration and recommendation.

Respectfully submitted,

John Martin Gregory
John Martin Gregory

PITTSYLVANIA COUNTY, VIRGINIA

OFFICE OF COMMUNITY DEVELOPMENT
P.O. DRAWER D
Chatham, Virginia 24531
(434) 432-1771

SIGN AFFIDAVIT

Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-
At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

Sec. 35-818. POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-
When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817 above.

Sec. 35-819. MAINTENANCE AND REMOVAL OF SIGNS.
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I have read and understand Sections 35-817, 35-818, and 35-819 of the Pittsylvania County Zoning Ordinance. I understand it is my responsibility to post, maintain and remove this/these sign or signs, according to Section 35-817, Section 35-818, and 35-819. If this sign is removed or destroyed, I understand it is my responsibility to obtain another sign from the Zoning office, post the property and maintain the sign(s), according to the above Sections of the Pittsylvania County Zoning Ordinance.

Should the property not be posted and the sign(s) maintained as required above, I understand the board may defer the case.

Case R-20-022 Applicant John Morton Dragon Date 8/24/20

Sworn to and subscribed before me in my presence this 24th *day of* August, 2020, *in my City and State aforesaid, by* Kathy H. Belton *Notary Public. My commission Expires:* 8/31/2020

Kathy H. Belton
Commonwealth of Virginia
Notary Public
Commission No. 7168352
My Commission Expires 8/31/2020

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every Property adjacent to the site and directly across from any public right-of-way adjoining this site. Names and addresses are available in the County Tax Commissioners office in the Courthouse.

Tax Map Number: 2475-39-9063, 2475-58-8076, 2475-57-0828 (1825) (152506)

Name: John Martin Gregory, II
Tax Map Number: 2475-37-1301 (185828)
Address: 11881 Halifax Road
Java, VA 24565

Name: Samuel Stone Gregory, III, Revocable Trust Dated 4/20/18, Samuel Stone Gregory, III, Trustee
Tax Map Number: 2475-25-9702, 2475-26-4217, 2475-05-3151 (240561)
Address: 11340 Halifax Road
Java, VA 24565

Name: John Martin Gregory
Tax Map Number: 2475-16-8682, 2475-17-3722, 2475-47-4722 (1825)
Address: Same As Applicant

Name: Joseph Daniel White & Pamela Dawn Ford
Tax Map Number: 2475-28-2455 (160641)
Address: 300 Stone Road
Java, VA 24565

Name: Pink Wimbish, III, Et Als, Roderick Wimbish, Et Als, Lynne D. Coleman, Et Als, Kermit Barbour, Et Als, Richetta Acker, Et Als, James A. Strader, Et Als, Sylvester Barbour, Et Als, Ann Barbour, Et Als, Aaron Shingler, Et Als, Calvin Shingler, Et Als
Tax Map Number: 2476-00-7614 (248612)
Address: c/o Sylvester Barbour
11608 Rowlade Road
Clinton, MD 20735

Name: Cloverdale Lumber Company, Inc.
Tax Map Number: 2476-31-8758 (900)
Address: 5863 South Boston Highway
Sutherlin, VA 24594

Name: Janice Lee Way, LLC
Tax Map Number: 2475-78-2434 (199462)
Address: 135 Janice Court
Danville, VA 24541

SPECIAL POWER OF ATTORNEY

Property Description (Tax Map Number, Street Address or Common Description, Borough):
12121 Halifax Rd., PO Box 100
Java, VA 24565

Tax Map # 2475-39-9063, 2475-58-8076, 2475-57-0828

(I)/we John Martin Gregory (am)/are:

___✓___ the applicant for the above-referenced application

___✓___ the owner(s) of the property described above

(I)/we do hereby make, constitute, and appoint Gretchen Clark, authorized agent of John Martin Gregory, (my)/our true and lawful attorney-in-fact, and grant unto (my)/our attorney-in-fact full power and authority to make any and all applications and execute any related documents required in connection with all zoning and/or permitting matters related to rezoning, on the above described property (the "Property"), and to perform all acts and make all agreements as such person shall deem necessary or appropriate in regard to said zoning and/or permitting matters, including but not limited to the following authority: the authority to negotiate with localities; to sign and submit proffers that would constitute binding conditions on the Property; to agree to conditions and bind the Property with conditions, whether through proffers or other agreements; to sign and submit applications, agreements and/or other documents in connection with rezoning, conditional rezoning, special use permits, conditional use permits, special exceptions, zoning variances, building permits and/or any other permits related to rezoning, on the Property; and to modify or amend any documents in whole or in part relating to such applications, agreements and related documents.

(I)/we ratify all actions taken to date in connection with the zoning and/or permitting of the Property related to rezoning, on the Property.

John Martin Gregory

Owner: Print Name John Martin Gregory

Kathy H. Belton
Commonwealth of Virginia
Notary Public
Commission No. 7168352
My Commission Expires 8/31/2020

Commonwealth of Virginia City (County) of Pittsylvania, to-wit:

Subscribed and sworn to before me this 24th day of August 2020, in my City and State aforesaid, by Kathy H. Belton Notary Public.

My Commission Expires: 8/31/2020.

PITTSYLVANIA COUNTY, VIRGINIA

Legend

- Assessed Parcels
- Parcel ID Number
- Parcels
- Route Numbers
- Appeals
- Rezoning
- Signs
- Special Uses
- Variances

Zoning

- Unknown
- A-1 = Agricultural District
- B-1 = Business District, Limited
- B-2 = Business District, General
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- DZ = Double Zoned Parcels
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- M-2 = Industrial District, Heavy Industry
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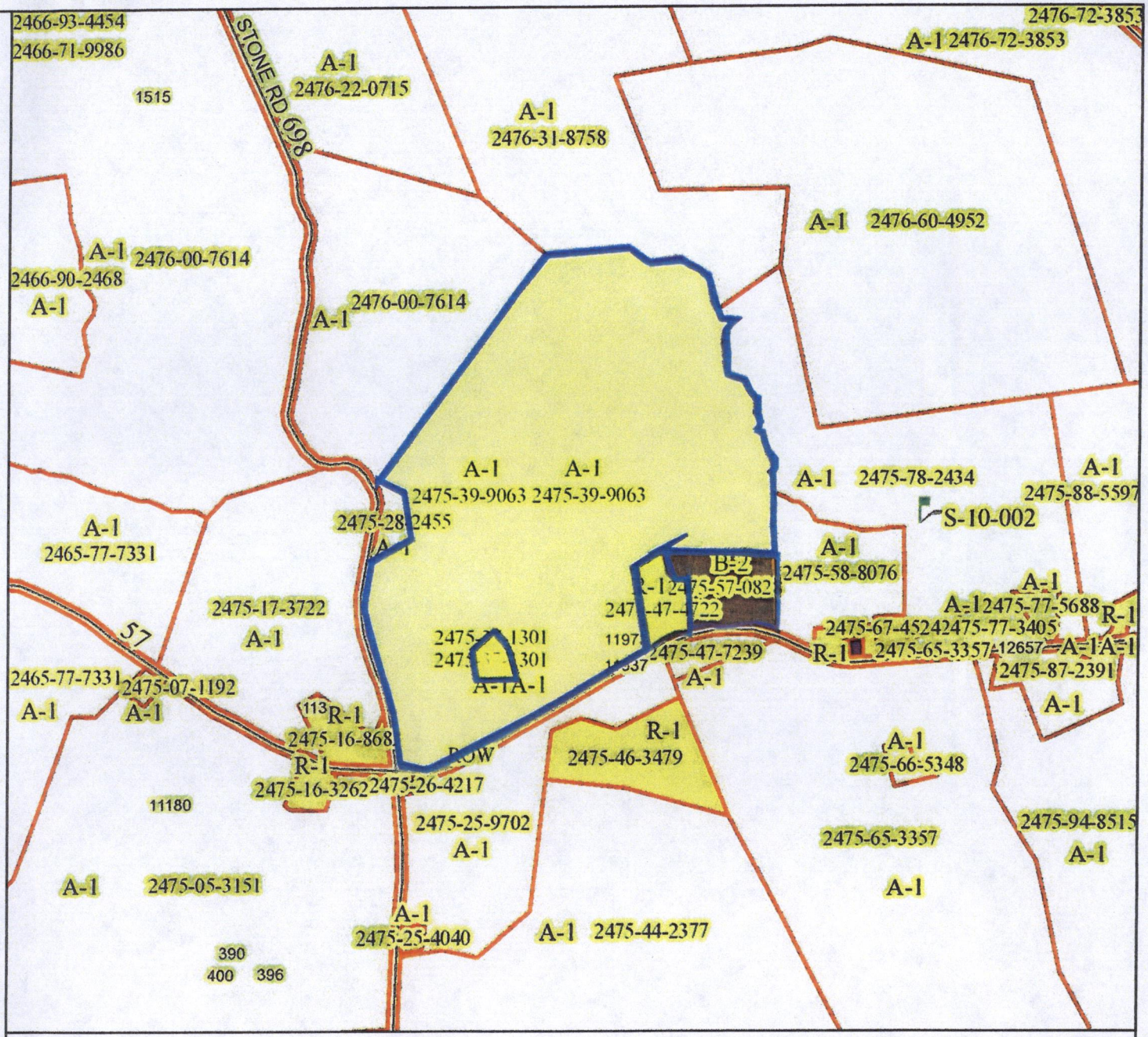
- R-1 = Residential Suburban Subdivision District
- RC-1 = Residential Combined Subdivision Distric
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision Distric
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary

Feet

0 500 1000 1500 2000



Title: GREGORY - CASE R-20-022 **Date: 9/11/2020**

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Pittsylvania County is not responsible for its accuracy or how current it may be.

Case S-20-013

FIRST PIEDMONT CORPORATION

STAFF SUMMARY

CASE	ZONING	CYCLE
S-20-013	M-2	October 2020
SUBJECT/PROPOSAL/REQUEST First Piedmont Corporation is requesting a Special Use Permit for a landfill.		**PLANNING COMMISSION:** October 6, 2020 **BOARD OF ZONING APPEALS:** October 13, 2020
DISTRICT: Dan River		**ADVERTISED:** September 23 & 30, 2020 **REVIEWED BY:** ESR

SUBJECT

First Piedmont Corporation petitioned the Planning Commission/Board of Zoning Appeals on August 27, 2020, requesting a Special Use Permit on three (3) parcels of land, a total of 224.08 acres, shown on the Pittsylvania County Tax Maps as GPIN #s 2346-45-9628, 2346-35-7613, and 2346-57-5402, located on State Road 734/Clarks Mill Road and on State Road 749/Cedar Road in the Dan River Election District.

BACKGROUND/DISCUSSION

A landfill is currently in operation on these properties that was in operation when the Zoning Ordinance was adopted in 1991, making the use legal non-conforming. The applicant submitted a proposal to the Community Development Office requesting to move the existing transfer station. Due to the non-conforming status, the applicant's proposal was denied. According to Pittsylvania County Code § 35-164, non-conforming uses cannot be expanded or enlarged unless they can be brought into compliance. First Piedmont Corporation is requesting a Special Use Permit for a landfill to bring the property into compliance in accordance with Pittsylvania County Code § 35-403, allowing the transfer station to be relocated.

If the Special Use Permit is denied, the landfill will still be allowed to continue as a legal non-conforming use; however, they will not be allowed to modify any of the existing structures.

DIRECTIONS

See Map Quest Directions. The properties are located at 1224 Clarks Mill Road, and 409 Cedar Road, Ringgold, VA 24586.

RELATIONSHIP TO THE SURROUNDING LAND USE AND NEIGHBORING AREAS

The surrounding properties are mostly residential and industrial uses. The Comprehensive Plan identifies this property as an industrial use.

ZONING OF SURROUNDING PROPERTIES

Mostly surrounded by A-1, Agricultural District, R-1, Residential Suburban Subdivision District, RC-1, Residential Combined Subdivision District, B-2, Business District, General, RMF, Residential Multi-Family District, M-1, Industrial District, Light Industry, and M-2, Industrial District, Heavy Industry, zoned properties.

SITE DEVELOPMENT PLAN

N/A

RECOMMENDATION

Staff recommends APPROVAL of Case S-20-013, submitted by First Piedmont Corporation requesting to a Special Use Permit to operate a landfill with the following conditions:

1. A landscape buffer a minimum 20-feet-wide comprised of any existing vegetation supplemented as needed with a staggered row of planted trees or large shrubs shall be installed along any residential property lines. The vegetation shall be at least 15 feet in height at maturity of any new plantings and shall be a minimum of 6 feet in height at time of planting. Existing vegetation shall be maintained and supplemented with new plantings as needed to maintain required screening.
2. The landfill must remain permitted through the Department of Environmental Quality and in compliance with all requirements of that permit.
3. Must maintain a minimum of 100-foot setback from any residential property line.

PLANNING COMMISSION OPTIONS:

1. Recommend approval of Case S-20-013 as submitted.
2. Recommend approval of Case S-20-013 with conditions by Staff.
3. Recommend approval of Case S-20-013 with conditions by the Planning Commission.
4. Recommend denial of Case S-20-013 as submitted.

bing maps

A 53 N Main St, Chatham, VA 24531

B 1224 Clarks Mill Rd, Ringgold, VA 24586

26 min , 22.4 miles
Light traffic
Via US-29 S, US-58 E

THIS IS THE SITE ADDRESS OF ONE OF THE PETITIONED PARCELS.

A 53 N Main St, Chatham, VA 24531

↑	1.	Head **southwest** on **US-29 S Bus / N Main St** toward center St	1.6 mi
↑	2.	Keep **straight** onto **US-29 S / US Highway 29** Pass Circle K in 5.3 mi ▲ *Minor Congestion*	16.2 mi, 16 min
↑	3.	Keep **straight** onto **US-58 W / US-29 S / Danville Expy S** ▲ *Minor Congestion*	512 ft
360	4.	Take ramp **right** for **US-58 / US-360 East** toward **Richmond / South Boston**	0.4 mi
↑	5.	Keep **straight** onto **US-58 E / US-360 E / S Boston Rd**	3.0 mi
↱	6.	Turn **right** onto **Clarks Mill Rd**	1.2 mi
	7.	Arrive at **Clarks Mill Rd** The last intersection is Logan Ln If you reach Evangel Dr, you've gone too far	

B 1224 Clarks Mill Rd, Ringgold, VA 24586

bing maps

A 53 N Main St, Chatham, VA 24531
B 409 Cedar Rd, Ringgold, VA 24586

27 min , 22.5 miles
Light traffic
Via US-29 S

THIS IS THE SITE ADDRESS OF ONE OF THE PETITIONED PARCELS (REFER TO GIS MAP).

A 53 N Main St, Chatham, VA 24531

↑	1.	Head **southwest** on **US-29 S Bus / N Main St** toward center St	1.6 mi
↑	2.	Keep **straight** onto **US-29 S / US Highway 29** Pass Circle K in 5.3 mi	16.2 mi, 15 min
↑	3.	Keep **straight** onto **US-58 W / US-29 S / Danville Expy S** ▲ *Minor Congestion*	512 ft
360	4.	Take ramp **right** for **US-58 / US-360 East** toward **Richmond / South Boston**	0.4 mi
↑	5.	Keep **straight** onto **US-58 E / US-360 E / S Boston Rd**	1.8 mi
↱	6.	Turn **right** onto **Dodson Dr**	0.3 mi
↱	7.	Turn **right** onto **Mountain Hill Rd / VA-947**	1.7 mi
↰	8.	Bear **left** onto **Cedar Rd / VA-735**	0.3 mi
	9.	Arrive at **Cedar Rd / VA-735** The last intersection is Mountain Hill Rd / VA-947 If you reach Evangel Dr, you've gone too far	

B 409 Cedar Rd, Ringgold, VA 24586

August 27, 2020

Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

Dear Mrs. Ragsdale:

First Piedmont Corporation, as Owner, would like to apply to the Planning Commission/ Board of Zoning Appeals for a Special Use Permit on three (3) parcels of land, a total of 224.08 acres, located on State Road 734/Clarks Mill Road and on State Road 749/Cedar Road, in the Dan River Election District. The properties are shown on the Tax Maps as GPIN #s 2346-45-9628, 2346-35-7613, and 2346-57-5402.

First Piedmont Corporation would like a Special Use Permit for a landfill.

Sincerely,

Ben Davenport, Jr., Founder and Chairman
First Piedmont Corporation

Sworn to and subscribed before me in my presence this 25th *day of* August, 2020, *in my City and State aforesaid, by* Jane Mahan Adkins *Notary Public. My commission expires:* May 31, 2022

JANE MAHAN ADKINS
Notary Public
Commonwealth of Virginia
Reg. #158603
My Commission Expires 5/31/2022

PITTSYLVANIA COUNTY
APPLICATION FOR SPECIAL USE PERMIT

First Piedmont Corporation, as Owner of the below described properties, hereby applies to the Pittsylvania County Board of Zoning Appeals to amend the Pittsylvania County Zoning Maps as hereinafter described:

1. Property Owner's Names: First Piedmont Corporation
   Address: P. O. Drawer 1069, Chatham, VA 24531 Telephone: (434) 334-4115 (Nick Setliff)
2. Location of Property: on State Road 734/Clarks Mill Road & on State Road 749/Cedar Road
3. Tax Map Number: 2346-45-9628, 2346-35-7613, 2346-57-5402 (392) CK#128093
   Total Amt: $ 365.00
4. Election District: Dan River Taken By: KNB
5. Size of Property: **A Total of 224.08 Acres, Three (3) Parcels of Land:** 2346-45-9628 (123.22 acres); 2346-35-7613 (78.03 acres); 2346-57-5402 (22.83 acres)
6. Existing Land Use: 2346-45-9628 = 70 x 80 Metal Shop, 50 x 85 Metal Office, Double Wide Mobile Home, Metal Trsnafer Building; 2346-35-7613 = 1990 Double Wide Mobile Home; 2346-57-5402 = Vacant
7. Proposed Land Use: Landfill
8. Check completed items:

X Letter of Application	___ Site Development Plan	X Legal Forms
X 11"x 17" Concept Plan	X Application Fee	X List of Adjoining Properties
X Plat Map	X Copy of Deed	___ Copy of Deed Restrictions Or Covenants

Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.

Ben Davenport, Jr., Founder and Chairman
First Piedmont Corporation

Sworn to and subscribed before me in my presence this 25th *day of* August, 20 20, *in my City and State aforesaid, by* Jane Mahan Adkins *Notary Public. My commission expires:* May 31, 2022

OFFICE USE ONLY
Application Deadline: 08/27/20
Received By: ESR
BZA Meeting Date: 10/13/20

Application No. S-20-013
P.C. Meeting Date: 10/06/20
Date Received: 08/27/20
Action: _____

JANE MAHAN ADKINS
Notary Public
Commonwealth of Virginia
Reg. #158603
My Commission Expires 5/31/2022

TREASURER OF PITTSYLVANIA COUNTY
PAID SEP 09 2020

VIRGINIA:
BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

A total of 224.08 acres, three (3) parcels of land, generally located on State Road 734/Clarks Mill Road and on State Road 749/Cedar Road within the Dan River Election District, and recorded as parcel #s 2346-45-9628, 2346-35-7613, 2346-57-5402 in the Pittsylvania County tax records.	)	**PETITION**

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY:

WHEREAS, your Petitioner, First Piedmont Corporation, as Owner, respectfully files this petition pursuant to Sections 35-713 of the Pittsylvania County Zoning Ordinance and in accordance with the Code of Virginia,1950, as amended, and would respectfully show the following:

(1) The Petitioner is the Owner of the above-referenced parcels of land, or is filing with the owner's consent.

(2) The properties are presently zoned under the provisions of the Pittsylvania County Zoning Ordinance as M-2, Industrial District, Heavy Industry.

(3) Your petitioner now desires to have a Special Use Permit issued for a landfill.

WHEREFORE, your Petitioner respectfully requests that the above-referenced parcels of land be issued a Special Use Permit as set out in Number 3.

FURTHER, your Petitioner respectfully requests that this petition be referred by the Director of Community Development to the Pittsylvania County Planning Commission for its consideration and recommendation.

Respectfully submitted,

Ben Davenport, Jr., Founder and Chairman
First Piedmont Corporation

Sworn to and subscribed before me in my presence this 25th *day of* August, 2020, *in my City and State aforesaid, by* Jane Mahan Adkins *Notary Public. My commission expires:* May 31, 2022

JANE MAHAN ADKINS
Notary Public
Commonwealth of Virginia
Reg. #158603
My Commission Expires 5/31/2022

PITTSYLVANIA COUNTY, VIRGINIA

OFFICE OF COMMUNITY DEVELOPMENT
P.O. DRAWER D
Chatham, Virginia 24531
(434) 432-1771

SIGN AFFIDAVIT

Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-
At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

Sec. 35-818. POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-
When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817 above.

Sec. 35-819. MAINTENANCE AND REMOVAL OF SIGNS.
Any sign erected in compliance with this section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant within fourteen (14) days following the public hearing for which it was erected.

I have read and understand Sections 35-817, 35-818, and 35-819 of the Pittsylvania County Zoning Ordinance. I understand it is my responsibility to post, maintain and remove this/these sign or signs, according to Section 35-817, Section 35-818, and 35-819. If this sign is removed or destroyed, I understand it is my responsibility to obtain another sign from the Zoning office, post the property and maintain the sign(s), according to the above Sections of the Pittsylvania County Zoning Ordinance.

Should the property not be posted and the sign(s) maintained as required above, I understand the board may defer the case.

Case S-20-013 Applicant _____ Date 8/25/20
Ben Davenport, Jr., Founder and Chairman

Sworn to and subscribed before me in my presence this 25th *day of* August, 2020 *in my City and State aforesaid, by* Jane Mahan Adkins *Notary Public. My commission Expires:* May 31, 2022

JANE MAHAN ADKINS
Notary Public
Commonwealth of Virginia
Reg. #158603
My Commission Expires 5/31/2022

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every Property adjacent to the site and directly across from any public right-of-way adjoining this site. Names and addresses are available in the County Tax Commissioners office in the Courthouse.

Tax Map Number: 2346-45-9628, 2346-35-7613, 2346-57-5402 (392)

Name: Peggy Whitlow Tax Map Number: 2346-27-9330 (206528)	Address: 700 Davis Drive Ringgold, VA 24586
Name: P. Michael Miller & Jeanette M. Ross Tax Map Number: 2346-37-2514 (7129)	Address: 2532 Franklin Turnpike Danville, VA 24540
Name: Walter Raymond Yarboro Tax Map Number: 2346-68-9115 (144637)	Address: 2661 Gap Road Chatham, VA 24531
Name: First Piedmont Corporation Tax Map Number: 2346-66-4826, 2346-66-3750, 2346-66-3650, 2346-43-2578, 2346-43-1552, 2346-33-4426, 2346-24-7561, 2346-26-5165 (392)	Address: Same As Applicant
Name: Annie L. Butler Tax Map Number: 2346-65-4901 (211222)	Address: 4817 Bonnie Brae Road North Chesterfield, VA 23234
Name: Brenda C. Harris And Others Tax Map Number: 2346-65-1561 (19987)	Address: c/o Elijah J. Cunningham, Jr. 25 Old Halifax, Box 5 Danville, VA 24540
Name: George Douglas Carter Tax Map Number: 2346-65-3132 (18464)	Address: 1120 Barbara Ann Circle, Apt. 5 Winston-Salem, NC 27103
Name: Andrew Cunningham Tax Map Number: 2346-65-2091 (19985)	Address: 2300 5th Avenue, #16F New York, NY 10037
Name: Mamie E. Nelson Tax Map Number: 2346-64-0961 (206354)	Address: 813 Stokes Street Danville, VA 24541
Name: Cliff Wade Tax Map Number: 2346-64-6806 (249173)	Address: 2841 Ringgold Depot Road Sutherlin, VA 24594
Name: Pencie L. Mitchell Tax Map Number: 2346-64-3684 (7298)	Address: c/o Zelma Brim P. O. Box 174 Milton, NC 27305
Name: David Lea & Margie B. Lea Tax Map Number: 2346-64-0653, 2346-64-0575, 2346-64-0445 (5482)	Address: 1657 Clarks Mill Road Ringgold, VA 24586

Name: William D. Murrell, Jr. Tax Map Number: 2346-54-6538 (232989)	Address:	215 Majorca Road St. Augustine, FL 32080
Name: Mark Timothy Bowling Tax Map Number: 2346-64-2159 (154761)	Address:	180 Bowling Lane Ridgeway, VA 24148
Name: Donna A. Clay Tax Map Number: 2346-54-4290 (62442)	Address:	205 Evangel Drive Ringgold, VA 24586
Name: Evangel Assembly of God, A Virginia Non-Stock Corp. Tax Map Number: 2346-43-3630 (214164)	Address:	c/o Robin Rosson 1125 Cedar Road Ringgold, VA 24586
Name: Thomas B. Chaney Map Number: 2346-43-8998 (18918)	Address:	621 Cedar Road Ringgold, VA 24586
Name: Loretta Jean George Tax Map Number: 2346-43-6899 (75348)	Address:	2548 Airview Drive Danville, VA 24540
Name: Donald N. Barley & Barbara Jean A. Barley Tax Map Number: 2346-43-5773 (190944)	Address:	601 Cedar Road Ringgold, VA 24586
Name: Laverne Gayle Wilmoth Tax Map Number: 2346-43-4672 (7630)	Address:	438 Cedar Road Ringgold, VA 24586
Name: Jon Franklin Griffin & Julie Whitlow Griffin Tax Map Number: 2346-43-3660 (240686)	Address:	565 Cedar Road Ringgold, VA 24586
Name: Ricky Brian Meadows Tax Map Number: 2346-43-0531 (81478)	Address:	493 Cedar Road Ringgold, VA 24586
Name: Kathy Tucker Hammack, Et Als, Keith Garrett Tucker, Et Als, Karen Tucker McGuire, Et Als, Kerri Tucker Burchett, Et Als, Kaye Tucker Whitt, Et Als Tax Map Number: 2346-33-9439 (173252)	Address:	Kaye T. Whitt 473 Cedar Road Ringgold, VA 24586
Name: Scarlett L. Duncan Tax Map Number: 2346-33-8438 (166387)	Address:	453 Cedar Road Ringgold, VA 24586
Name: William Elwood Wilmoth & Laverne Gayle Wilmoth Tax Map Number: 2346-42-3437 (128616)	Address:	438 Cedar Road Ringgold, VA 24586
Name: Ernesto Manzanales Blanco & Carolyn L. Anzanales Tax Map Number: 2346-33-6245 (206932)	Address:	416 Cedar Road Ringgold, VA 24586

Name: William Joseph Puccio
Tax Map Number: 2346-33-5200 (122517)

Address: 396 Cedar Road
Ringgold, VA 24586

Name: James Paul Poythress
Tax Map Number: 2346-33-1326, 2346-23-9494 (217954)

Address: 317 Cedar Road
Ringgold, VA 24586

CITY OF DANVILLE

Name: City of Danville
Parcel ID: 77075

Address: 427 Patton Street
Danville, VA 24541

Virginia Administrative Code
Title 9. Environment
Agency 20. Virginia Waste Management Board
Chapter 81. Solid Waste Management Regulations

9VAC20-81-120. Siting Requirements.

The siting of all new sanitary, CDD and industrial landfills shall be governed by the standards set forth in this section.

A. Floodplains. No new landfill shall be sited in a 100-year floodplain.

B. Stable areas. New landfills shall be sited in geologically stable areas where adequate foundation support for the structural components of the landfill exists. At a minimum, factors to be considered when determining stable areas shall include:

1. Onsite or local soil conditions that may result in differential settling and subsequent failure of structural components or containment structures; and

2. Onsite or local geological or manmade features or events that may result in sudden or nonsudden events and subsequent failure of structural components or containment structures.

C. Restrictions (distances are to be measured in the horizontal plane).

1. No disposal unit or leachate storage unit shall be closer than:

a. 200 feet from any residence, school, daycare center, hospital, nursing home, or recreational park area in existence at the time of application;

b. 100 feet from any perennial stream or river;

c. 50 feet from the facility boundary;

d. 500 feet from any well, spring, or other groundwater source of drinking water in existence at the time of application; and

e. 1,000 feet from the nearest edge of the right-of-way of any interstate or primary highway or 500 feet from the nearest edge of the right-of-way of any other highway or city street, except the following:

(1) Units that are screened by natural objects, plantings, fences, or other means so as to minimize the visibility from the main-traveled way of the highway or city street, or otherwise removed from sight;

(2) Units that are located in areas that are zoned for industrial use under authority of state law or in unzoned industrial areas as determined by the Commonwealth Transportation Board; or

(3) Units that are not visible from the main-traveled way of the highway or city street.

2. No new landfill shall be constructed in any park or recreational area, wildlife management area, or area designated by the federal or state agency as the critical habitat of any endangered species.

3. Sanitary landfills.

a. No new sanitary landfill area shall be constructed:

(1) Within a one mile upgradient of any existing surface or groundwater public water supply intake or reservoir;

(2) Within three miles upgradient of any existing surface or groundwater public water supply intake or reservoir except as allowed under the provisions of § 10.1-1408.4 B 3 of the Code of Virginia;

(3) In any area vulnerable to flooding resulting from dam failures;

(4) Over a sinkhole or less than 100 feet over a solution cavern associated with karst topography; or

(5) Over a fault that has had displacement in Holocene time.

b. No new sanitary landfill or expansion of an existing sanitary landfill shall be constructed:

(1) Within 200 feet of a fault that has had displacement in Holocene time unless the owner or operator demonstrates to the director that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the facility and will be protective of human health and the environment; or

(2) Within seismic impact zones, unless the owner or operator demonstrates to the director that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

D. Groundwater.

1. No new facility shall be located in areas where groundwater monitoring cannot be conducted in accordance with 9VAC20-81-250 unless this requirement is suspended by the director pursuant to subdivision A 1 c of that section. Factors to be considered in determining whether or not a site can be monitored shall include:

a. Ability to characterize the direction of groundwater flow within the uppermost aquifer;

b. Ability to characterize and define any releases from the landfill so as to determine what corrective actions are necessary; and

c. Ability to perform corrective action as necessary;

E. Wetlands.

1. Sanitary landfills.

a. New sanitary landfills and expansions of existing landfills, other than those impacting less than 2.0 acres of nontidal wetlands, shall not be constructed in any tidal wetland or nontidal wetland contiguous to any surface water body.

b. After July 1, 1999, construction at existing permitted facilities (allowed under the provisions of § 10.1-1408.5) only will be allowed with approvals under the provisions of 9VAC25-210. In addition, the demonstration noted in subdivision 3 of this subsection must be made by the owner or operator to the director.

2. New CDD or industrial landfills and expansions of existing CDD or industrial landfills shall not be located in wetlands, unless the owner or operator can make the demonstration noted in subdivision 3 of this subsection.

3. Demonstration.

a. Where applicable under § 404 of the Clean Water Act or § 62.1-44.15:5 of the Code of Virginia, the presumption is clearly rebutted that a practicable alternative to the proposed landfill exists that does not involve wetlands;

b. The construction and operation of the landfill will not:

(1) Cause or contribute to violations of any applicable water quality standard;

(2) Violate any applicable toxic effluent standard or prohibition under § 307 of the Clean Water Act;

(3) Jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973; and

(4) Violate any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of a marine sanctuary;

c. The landfill will not cause or contribute to significant degradation of wetlands. The owner or operator shall demonstrate the integrity of the landfill and its ability to protect ecological resources by addressing the following factors:

(1) Erosion, stability, and migration potential of native wetland soils, muds, and deposits used to support the landfill;

(2) Erosion, stability, and migration potential of dredged and fill materials used to support the landfill;

(3) The volume and chemical nature of the waste managed in the landfill;

(4) Impacts on fish, wildlife, and other aquatic resources and their habitat from release of the solid waste;

(5) The potential effects of catastrophic release of waste to the wetland and the resulting impacts on the environment; and

(6) Any additional factors, as necessary, to demonstrate that ecological resources in the wetland are protected;

d. To the extent required under § 404 of the Clean Water Act or applicable Virginia wetlands laws, steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent practicable as required by subdivision 3 of this subsection, then minimizing unavoidable impacts to the maximum extent practicable, and finally offsetting remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of manmade wetlands); and

e. Information is available to enable the department to make a reasonable determination with respect to these demonstrations.

F. Limiting site characteristics.

1. Certain site characteristics may prevent approval or require substantial limitations on the site use or require incorporation of sound engineering controls. Such site characteristics shall be identified and an explanation of precautions necessary to assure compliance with the provisions of this chapter shall be provided. Examples include, but are not limited to:

a. Excessive slopes (greater than 33%);

b. Lack of readily available cover materials on site, or lack of a firm commitment for adequate cover material from a borrow site;

c. Springs, seeps, or other groundwater intrusion into the site;

d. The presence of gas, water, sewage, or electrical or other transmission lines under the site; or

e. The prior existence on the site of an open dump, unpermitted landfill, lagoon, or similar unit, even if such a unit is closed, will be considered a defect in the site unless the proposed unit can be isolated from the defect by the nature of the unit design and the groundwater for the proposed unit can be effectively monitored.

G. Specific site conditions may be considered in approving an exemption of a site from the following:

1. The limiting site characteristics in subsection F of this section for all landfills; and

2. The groundwater monitoring in subsection D of this section for CDD and industrial landfills.

H. Acceptable landfill sites shall allow for adequate area and terrain for management of leachate.

I. Airport safety.

1. Owners or operators of all sanitary landfills that are located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft shall demonstrate that the units are designed and operated so that the landfill does not pose a bird hazard to aircraft.

2. Owners or operators proposing to site new sanitary landfill and expansions of an existing landfill within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration (FAA). Owners and operators should also be aware that 49 USC § 44718(d), restricts the establishment of landfills within six miles of public airports under certain conditions. Provisions for exemptions from this law also exist.

J. For CDD landfills located in strip mine pits, all coal seams and coal outcrops shall be isolated from solid waste materials by a minimum of five feet of natural or compacted soils with a hydraulic conductivity equal to or less than $1x10^{-7}$ cm/sec.

Statutory Authority

§ 10.1-1402 of the Code of Virginia; 42 USC § 6941 et seq.; 40 CFR Part 258.

Historical Notes

Derived from Virginia Register Volume 27, Issue 12, eff. March 16, 2011.

PITTSYLVANIA COUNTY, VIRGINIA

Legend

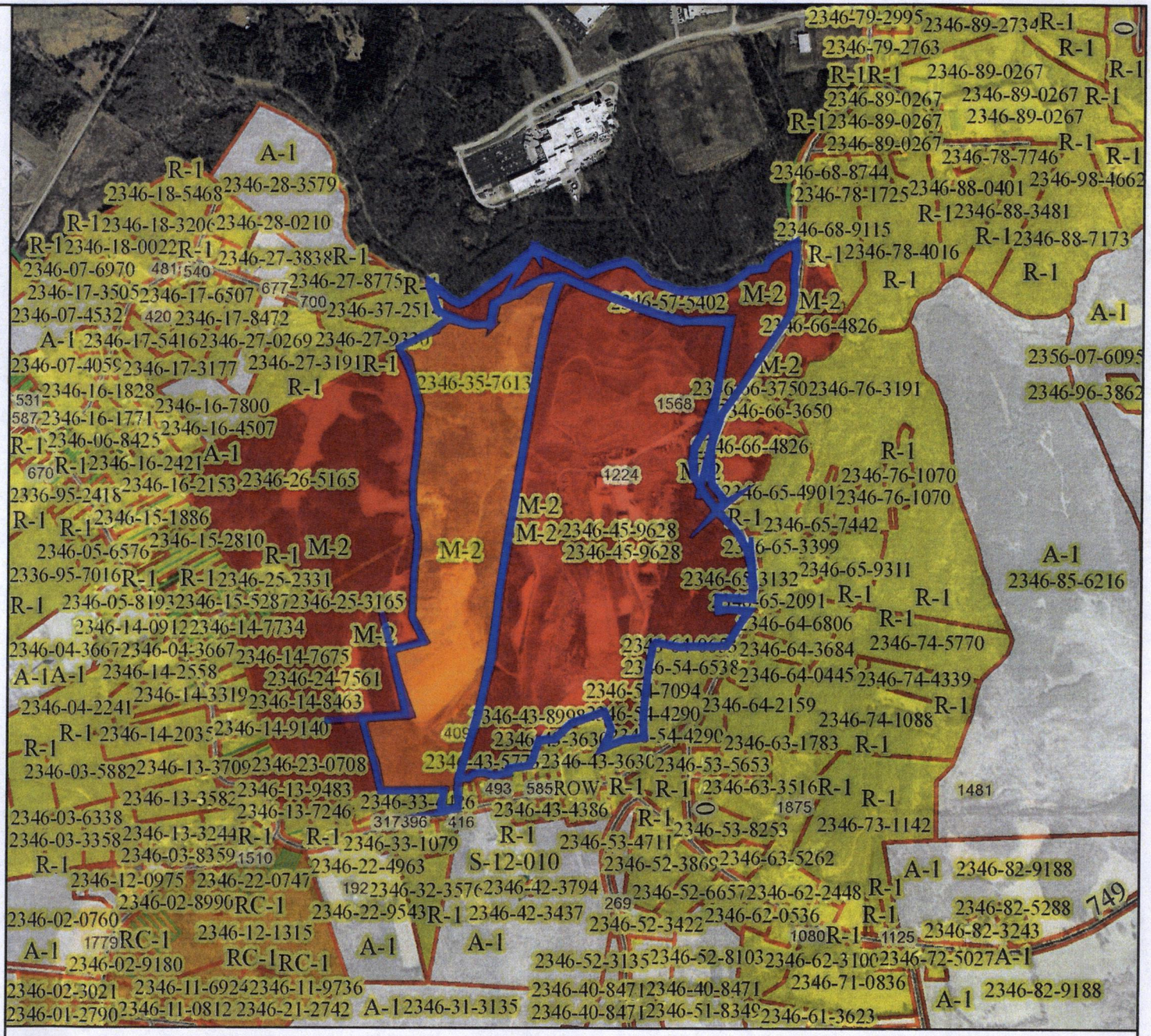
- Assessed Parcels
- Parcel ID Number
- Parcels
- Route Numbers
- Appeals
- Rezoning
- Signs
- Special Uses
- Variances

Zoning

- Unknown
- A-1 = Agricultural District
- B-1 = Business District, Limited
- B-2 = Business District, General
- C-1 = Conservation District
- DZ = Double Zoned Parcels
- M-1 = Industrial District, Light Industry
- M-2 = Industrial District, Heavy Industry
- MHP = Residential Manuf. Housing Park District
- R-1 = Residential Suburban Subdivision District
- RC-1 = Residential Combined Subdivision Distric
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision Distric
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary

Feet

0 500 1000 1500 2000



Title: FIRST PIEDMONT CORP - CASE S-20-013 **Date: 9/13/2020**

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Pittsylvania County is not responsible for its accuracy or how current it may be.

Case S-20-014

SHELTON & OTHERS

STAFF SUMMARY

CASE	ZONING	CYCLE
S-20-014	A-1	October 2020
SUBJECT/PROPOSAL/REQUEST J. D. Shelton, Et Als, Gloria R. Shelton, Et Als, and Tammy Leigh Shelton Wiles, Et Als, are requesting an amendment to the conditions attached to Special Use Permit S-19-010, that was granted with conditions on September 10, 2019, for recreational uses; ATV trails. **DISTRICT:** Dan River		**PLANNING COMMISSION:** October 6, 2020 **BOARD OF ZONING APPEALS:** October 13, 2020 **ADVERTISED:** September 23 & 30, 2020 **REVIEWED BY:** ESR

SUBJECT

J. D. Shelton, Et Als, Gloria T. Shelton, Et Als, and Tammy Leigh Shelton Wiles, Et Als, petitioned the Planning Commission/Board of Zoning Appeals on August 27, 2020, requesting an amendment to the conditions attached to the existing Special Use Permit S-19-010 that was granted with conditions on September 10, 2019, for recreational uses; ATV trails. The properties are four (4) parcels of land, with a total of 450.00 acres, shown on the Pittsylvania County Tax Maps as GPIN #s 2472-87-3158 (271.00 acres), 2472-79-8579 (56.00 acres), 2482-08-1932 (82.00 acres), and 2482-08-4676 (41.00 acres), located on Route 360/Old Richmond Road, in the Dan River Election District.

BACKGROUND/DISCUSSION

Special Use Permit S-19-014 was granted with conditions on September 19, 2019 for a recreational use, allowing ATV trails to be operated on the subject properties. The applicants are requesting to amend the conditions placed on the original Special Use Permit to eliminate the required 300-foot setback and amend the restriction placed on the hours of operation to allow them to open at 12:00 p.m. on Sundays.

Staff has received multiple complaints that the current operation is not abiding by the conditions set forth in the original Special Use Permit including noncompliance with the 300-foot setback requirement, consumption of alcohol by riders, excessive noise and operating after 8:00 p.m. Staff issued violation letters on January 31, 2020, June 5, 2020, and August 12, 2020 regarding noncompliance with the conditions of the Special Use Permit.

A copy of the Final Order for Special Use Permit Case S-19-010 is enclosed in the Board packet.

DIRECTIONS

See Bing Maps Directions.

RELATIONSHIP TO THE SURROUNDING LAND USE AND NEIGHBORING AREAS

Surrounding properties are mostly agricultural and residential uses.

ZONING OF SURROUNDING PROPERTIES

Mostly surrounded by A-1, Agricultural District, R-1, Residential Suburban Subdivision District, and B-2, Business District, General, zoned properties.

SITE DEVELOPMENT PLAN

N/A

RECOMMENDATION

Staff recommends DENIAL of Case S-20-014 submitted by J. D. Shelton, Et Als, Gloria T. Shelton, Et Als, and Tammy Leigh Shelton Wiles, Et Als requesting that the conditions attached to Special Use Permit S-19-010 be amended to eliminate the 300-foot setback and allow operation at 12:00 p.m. on Sunday.

PLANNING COMMISSION OPTIONS:

1. Recommend approval of Case S-20-014 as submitted.
2. Recommend approval of Case S-20-014 with conditions by Staff.
3. Recommend approval of Case S-20-014 with conditions by the Planning Commission.
4. Recommend denial of Case S-20-014 as submitted.

bing maps

A 53 N Main St, Chatham, VA 24531

B 18465 Old Richmond Rd, Keeling, VA 24566

30 min , 22.8 miles
Light traffic
Via US-29 S, VA-360

FOLLOW RED OAK HOLLOW LANE TO THE SITE ADDRESS (SEE GIS MAP). THE PETITIONED PARCELS ARE ADJACENT TO THIS SITE ADDRESS.

A 53 N Main St, Chatham, VA 24531

↑	1.	Head **southwest** on **US-29 BR** toward Center St	1.3 mi
↑	2.	Keep **straight** onto **S Main St**	0.1 mi
29	3.	Take ramp **left** and follow signs for **US-29 South**	7.7 mi
↑	4.	Keep **right** onto **US-29 S BR**	0.5 mi
↰	5.	Turn **left** onto **Malmaison Rd**	3.4 mi
↰	6.	Turn **left** onto **VA-360 / Old Richmond Rd**	9.7 mi
	7.	Arrive at **VA-360 / Old Richmond Rd** The last intersection is Buck Horne Rd If you reach High Point Rd, you've gone too far	

B 18465 Old Richmond Rd, Keeling, VA 24566

August 27, 2019

Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

Dear Mrs. Ragsdale:

We, J. D. Shelton, Et Als, Gloria T. Shelton, Et Als, and Tammy Leigh Shelton Wiles, Et Als, as Owners, would like to request an amendment to the conditions attached to the existing Special Use Permit S-19-010 that was granted with conditions on September 10, 2019, for recreational uses; ATV Trails.

The four (4) properties are a total of 450.00 acres, located on Route 360/Old Richmond Road, in the Dan River Election District. They are shown on GIS as GPIN #s 2472-87-3158, 2472-79-8579, 2482-08-1932, and 2482-08-4676.

Sincerely,

J. D. Shelton

PITTSYLVANIA COUNTY
APPLICATION FOR SPECIAL USE PERMIT

We, J. D. Shelton, Et Als, Gloria T. Shelton, Et Als, & Tammy Leigh Shelton Wiles, Et Als, as owners of the below described properties, hereby apply to the Pittsylvania County Board of Zoning Appeals to amend the Pittsylvania County Zoning Maps as hereinafter described:

1. Property Owner's Names: J. D. Shelton, Et Als, Gloria T. Shelton, Et Als, & Tammy Leigh Shelton Wiles, Et Als
   Address: 18465 Old Richmond Road, Keeling, VA 24566 Telephone: (434) 797-4403 (J. D. Shelton)

2. Location of Property: on Route 360/Old Richmond Road

3. GPIN Numbers: 2472-87-3158, 2472-79-8579, 2482-08-1932, 2482-08-4676 (190052) (239853) (239852)

4. Election District: Dan River Total Amt: $370.00 Cash
   Taken By: KMB

5. Size of Properties: **A Total of 450.00 Acres, Four (4) Parcels of Land**: 2472-87-3158 (271.00 acres), 2472-79-8579 (56.00 acres), 2482-08-1932 (82.00 acres), 2482-08-4676 (41.00 acres)

6. Existing Land Use: 2472-87-3158 = Single Family Dwelling; 2472-79-8579 = Single Family Dwelling, Storage Building, Garage, Cabin, Picnic Shelter, Outbuilding; 2482-08-1932 = Double-wide Mobile Home, Outbuilding, Metal Carport; 2482-08-4676 = Vacant

   Existing Zoning: A-1, Agricultural District

7. Proposed Land Use: An Amendment to the Conditions Attached to the Existing Special Use Permit S-19-010 that was Granted with Conditions on September 10, 2019, for Recreational Uses; ATV Trails

8. Check completed items:

_X_ Letter of Application	_X_ Site Development Plan	_X_ Legal Forms
_X_ 11"x 17" Concept Plan	_X_ Application Fee	_X_ List of Adjoining Properties
_X_ Plat Map	_X_ Copy of Deed Or Covenants	___ Copy of Deed Restrictions

Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.

J. D. Shelton

OFFICE USE ONLY
Application Deadline: 08/27/20
Received By: ESR
B.Z.A. Meeting Date: 10/13/20

Application No. S-20-014
P.C. Meeting Date: 10/06/20
Date Received: 08/27/20
Action: _____

TREASURER OF PITTSYLVANIA COUNTY
PAID SEP 09 2020

VIRGINIA:
BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

A total of 450.00 acres, four (2) parcels of land generally located on Route 360/Old Richmond Road within the Dan River Election District, and recorded as parcel #s 2472-87-3158, 2472-79-8579, 2482-08-1932, 2482-08-4676 in the Pittsylvania County tax records.	)	**PETITION**

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY:

WHEREAS, your Petitioners, J. D. Shelton, Et Als, Gloria T. Shelton, Et Als, and Tammy Leigh Shelton Wiles, Et Als, respectfully file this petition pursuant to Sections 35-713 of the Pittsylvania County Zoning Ordinance and in accordance with the Code of Virginia, 1950, as amended, and would respectfully show the following:

(1) The Petitioners are the owners of the above-referenced parcels of land, or are filing with the owner's consent.

(2) The properties are presently zoned under the provisions of the Pittsylvania County Zoning Ordinance as A-1, Agricultural District.

(3) Your petitioners now desire to have a Special Use Permit issued for an amendment to the conditions attached to the existing Special Use Permit S-19-010 that was granted with conditions on September 10, 2019, for recreational uses; ATV Trails.

WHEREFORE, your Petitioners respectfully request that the above-referenced parcels of land be issued a Special Use Permit as set out in Number 3.

FURTHER, your Petitioners respectfully request that this petition be referred by the Director of Community Development to the Pittsylvania County Planning Commission for its consideration and recommendation.

Respectfully submitted,

J. D. Shelton

PITTSYLVANIA COUNTY, VIRGINIA

OFFICE OF COMMUNITY DEVELOPMENT
P.O. DRAWER D
Chatham, Virginia 24531
(434) 432-1771

SIGN AFFIDAVIT

Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-
At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

Sec. 35-818. POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-
When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817 above.

Sec. 35-819. MAINTENANCE AND REMOVAL OF SIGNS.
Any sign erected in compliance with this section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant within fourteen (14) days following the public hearing for which it was erected.

I have read and understand Sections 35-817, 35-818, and 35-819 of the Pittsylvania County Zoning Ordinance. I understand it is my responsibility to post, maintain and remove this/these sign or signs, according to Section 35-817, Section 35-818, and 35-819. If this sign is removed or destroyed, I understand it is my responsibility to obtain another sign from the Zoning office, post the property and maintain the sign(s), according to the above Sections of the Pittsylvania County Zoning Ordinance.

Should the property not be posted and the sign(s) maintained as required above, I understand the board may defer the case.

Case 5-20-0114 Applicant J. W. Shelton Date 9-4-20

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every Property adjacent to the site and directly across from any public right-of-way adjoining this site. Names and addresses are available in the County Tax Commissioners office in the Courthouse.

Tax Map Number: 2472-87-3158, 2472-79-8579, 2482-08-1932, 2482-08-4676 (190052) (239853) (239852)

Name: CMJ Farms, LLC
Tax Map Number: 2472-75-1857 (11639)
Address: 802 New Hope Church Road
Apex, NC 27523

Name: Ralph Norman Alderson & Betty Woodall Alderson
Tax Map Number: 2472-57-0526 (187652)
Address: 3869 Mount Tabor Road
Keeling, VA 24566

Name: Jane W. White Declaration of Trust Dated 9/26/03,
William C. Guerrant, Jr., Trustee
Tax Map Number: 2473-50-8825 (203234)
Address: c/o Wiliam Guerrant, Jr., Trustee
5962 Slatesville Road
Keeling, VA 24566

Name: J. D. Shelton, Et Als, Gloria R. Shelton, Et Als,
Tammy Leigh Shelton Wiles, Et Als
Tax Map Number: 2473-71-0347 (190052)
Address: Same As Applicant

Name: Henry Douglas Hankins & Violet Steele Hankins
Tax Map Number: 2473-82-5056 (203835)
Address: c/o Violet S. Hankins
330 Westwood Drive
Suffolk, VA 23434

Name: James Fitzgerald Hankins & Mina Koons Hankins
Tax Map Number: 2473-92-6066 (13164)
Address: 128 Clarendon Circle
Danville, VA 24541

Name: Tanner L. Owen & Julie M. Owen
Tax Map Number: 2483-20-7330 (165486)
Address: 1150 Hankins Lane
Keeling, VA 24566

Name: ACR Properties, LLC
Tax Map Number: 2482-27-2762 (207571)
Address: c/o Averett R. Simpson, Jr.
1373 Pickaway Road
Vernon Hill, VA 24597

Name: Paul M. White & Vickie S. White
Tax Map Number: 2482-07-9026 (14812)
Address: 18941 Old Richmond Road
Keeling, VA 24566

Name: C. William Eastwood Properties, LLC
Tax Map Number: 2482-15-6438 (161653)
Address: P.O. Box 337747
Greeley, CO 80633

Name: George W. Rice & Claudia Rice
Tax Map Number: 2482-04-5891, 2482-05-1366 (202597)
Address: 18 Horton Avenue
Bridgeton, NJ 08302

Name: Cloverdale Lumber Company, Inc.
Tax Map Number: 2482-12-7151 (900)
Address: 5863 South Boston Highway
Sutherlin, VA 24594

Name: Chauntel A. Bercaw Custodian For Arrin Marie F. Goodman Under The VA Uniform Transfers To Minor Act (21)
Tax Map Number: 2472-95-8465 (207390)
Address: 18697 Old Richmond Road
Keeling, VA 24566

Name: Kenneth J. Hudgins & Linda D. Hudgins
Tax Map Number: 2472-94-5874, 2472-94-0022 (3767)
Address: 2448 Ringgold Church Road
Ringgold, VA 24586

Name: Illinois Municipal Retirement Fund
Tax Map Number: 2472-91-7350 (88401)
Address: c/o Forest Investors Association
15 Piedmont Center, Suite 1250
Atlanta, GA 30305

Name: Virginia L. King
Tax Map Number: 2472-84-6777 (199088)
Address: 1191 Spring Hill Road
Virgilina, VA 24598

Name: William C. Whitney & Darlene F. Whitney
Map Number: 2472-82-3869 (14878)
Address: 18156 Old Richmond Road
Keeling, VA 24566

We, J. D. Shelton, Et Als, Gloria T. Shelton, Et Als, and Tammy Leigh Shelton Wiles, Et Als, as owners, would like to amend the conditions attached to Special Use Permit S-19-010 that was granted with conditions on September 10, 2019, as follows:

(1) Eliminate the 300-foot setback.

(2) Open at 12:00 p.m. on Sunday.

Sincerely,

J. D. Shelton

VIRGINIA:

BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

A total of 450.00 acres, four (4) parcels of land, generally located on Route 360/Old Richmond Road within the Dan River Election District, and recorded as parcel #s 2472-87-3158, 2472-79-8579, 2482-08-1932, 2482-08-4676 in the Pittsylvania County tax records.	)	**FINAL ORDER (S-19-010)**

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

WHEREAS, your Petitioners, J. D. Shelton, Et Als, Gloria T. Shelton, Et Als, and Tammy Leigh Shelton Wiles, did petition the Pittsylvania County Board of Zoning Appeals to issue a Special Use Permit for the above-referenced parcels of land for recreational uses; ATV trails.

WHEREAS, after due legal notice as required by Section 15.2-2204 of Code of Virginia of 1950, as amended, the Planning Commission did hold a public hearing on September 3, 2019, at which time all parties in interest were given an opportunity to be heard; and

WHEREAS, after full consideration at the public hearing held on September 10, 2019, at which time all parties in interest were given an opportunity to be heard; and the Pittsylvania County Board of Zoning Appeals determined that the Special Use Permit be **granted with conditions.**

NOW, THEREFORE BE IT ORDERED that the aforementioned parcels of land, which are contained in the Pittsylvania County tax maps as parcel #s 2472-87-3158, 2472-79-8579, 2482-08-1932, and 2482-08-4676 and legally described below, be **granted** the Special Use Permit request **with conditions.**

DESCRIPTION OF PROPERTY: A total of 450.00 acres, four (4) parcels of land, generally located within the Dan River Election District, and recorded as parcel #s 2472-87-3158, 2472-79-8579, 2482-08-1932, and 2482-08-4676 in the Pittsylvania County tax records.

CONDITIONS ATTACHED TO THE SPECIAL USE PERMIT:

(1) Primitive camping only.
(2) Night rides allowed once a year until 2:00 a.m.
(3) Hours of operation shall be limited to 10:00 a.m. to 6:00 p.m., Eastern Standard Time, and 10:00 a.m. to 8:00 p.m., Daylight Savings Time.
(4) Factory mufflers only.
(5) Control erosion.
(6) Days of operation shall be Thursday through Sunday; No Sunday operation before 1:00 p.m.
(7) Never ride under the influence of alcohol or drugs.
(8) Maintain setback of 300 feet.
(9) Comply with Health Department regulations.
(10) Comply with Noise Ordinance.
(11) Maintain vegetative buffer.

BE IT FURTHER ORDERED that a copy of this order be transmitted to the Deputy Director of Community Development and that she be directed to reflect that change on the official Zoning Map of Pittsylvania County.

ADOPTED on the motion of BZA Member Mr. Yeaman and upon the following recorded vote:

AYES: 6
NAYS: 1
ABSENT:0
ABSTAIN: 0

Pittsylvania County Board of Zoning Appeals
09-10-19
Date

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N Main Street
Chatham, Virginia 24531
Phone (434) 432-7974

August 12, 2020

J.D. Shelton, Et Als, Gloria T. Shelton, Et Als, Tammy Leigh Shelton Wiles, Et Als
18465 Old Richmond Road
Keeling, VA 24566

Sent by Certified Mail, Receipt No. 7018 2290 0001 8009 1822
Property GPIN # 2472-87-3158, 2472-79-8579, 2482-08-1932, 2482-08-4676 (190052) (239853) (239852); Old Richmond Road; Special Use Permit S-19-010

Re: Compliance with Special Use Permit Conditions

Dear Mr. Shelton:

We have received complaints that you are operating after 8:00 p.m. and are still not meeting the required setbacks, violating of your Special Use Permit conditions, specifically condition three (3) regarding the hours of operation and condition eight (8) requiring that you maintain a setback of 300 feet, specifically along the property lines of GPIN # 2473-82-5056 and 2473-92-6066. The conditions imposed on the approved SUP are as follows:

CONDITIONS ATTACHED TO THE SPECIAL USE PERMIT:

1. Primitive camping only.
2. Night rides allowed once a year until 2:00 a.m.
3. Hours of operation shall be limited to 10:00 a.m. to 6:00 p.m., Eastern Standard Time, and 10:00 a.m. to 8:00 p.m., Daylight Savings Time.
4. Factory mufflers only.
5. Control erosion.
6. Days of operation shall be Thursday through Sunday; No Sunday operation before 1:00 p.m.
7. Never ride under the influence of alcohol or drugs.
8. Maintain setbacks of 300 feet.
9. Comply with Health Department regulations.
10. Comply with Noise Ordinance.
11. Maintain vegetative buffer.

This is the final notice regarding failure to comply with conditions of your Special Use Permit. Continued failure to comply with the conditions will result in the Special Use Permit being revoked. You shall have five (5) days from the date of this letter to bring the property into compliance. Any trails located within the required 300' setback shall be closed and areas where ATV's have been riding within the setback shall be stabilized with seed and straw. After the five-day time period, the property will be inspected. Should you have any questions regarding this matter, you may contact me at (434) 432-7974.

Sincerely,

Emily S. Ragsdale

c: Richard Hicks, Assistant County Administrator
J. Vaden Hunt, County Attorney
Christopher Dadak, BZA Attorney
Honorable Board of Zoning Appeals Members

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N Main Street
Chatham, Virginia 24531
Phone (434) 432-7974

June 5, 2020

J.D. Shelton, Et Als, Gloria T. Shelton, Et Als, Tammy Leigh Shelton Wiles, Et Als
18465 Old Richmond Road
Keeling, VA 24566

Sent by Certified Mail, Receipt No. 7018 2290 0001 8009 1013
Property GPIN # 2472-87-3158, 2472-79-8579, 2482-08-1932, 2482-08-4676 (190052) (239853) (239852); Old Richmond Road; Special Use Permit S-19-010

Re: Compliance with Special Use Permit Conditions

Dear Mr. Shelton:

Please be advised that you are in violation of your Special Use Permit conditions, specifically condition seven (7) regarding the consumption of alcohol by riders and condition eight (8) requiring that you maintain a setback of 300 feet, specifically along the property lines of GPIN # 2473-82-5056 and 2473-92-6066. The conditions imposed on the approved SUP are as follows:

CONDITIONS ATTACHED TO THE SPECIAL USE PERMIT:

1. Primitive camping only.
2. Night rides allowed once a year until 2:00 a.m.
3. Hours of operation shall be limited to 10:00 a.m. to 6:00 p.m., Eastern Standard Time, and 10:00 a.m. to 8:00 p.m., Daylight Savings Time.
4. Factory mufflers only.
5. Control erosion.
6. Days of operation shall be Thursday through Sunday; No Sunday operation before 1:00 p.m.
7. Never ride under the influence of alcohol or drugs.
8. Maintain setbacks of 300 feet.
9. Comply with Health Department regulations.
10. Comply with Noise Ordinance.
11. Maintain vegetative buffer.

Failure to comply with the conditions after due notice can cause the Special Use Permit to be revoked. You shall have fifteen (15) days to bring the property into compliance. After the fifteen-day time period, the property will be inspected. Should you have any questions regarding this matter, you may contact me at (434) 432-7974.

Sincerely,

Emily S. Ragsdale

c: Richard Hicks, Assistant County Administrator
J. Vaden Hunt, County Attorney
Christopher Dadak, BZA Attorney
Honorable Board of Zoning Appeals Members

Red Oak Hollow ATV Trails
· April 27 ·

Antonio Hayes likes this. Most R

View 1 comment

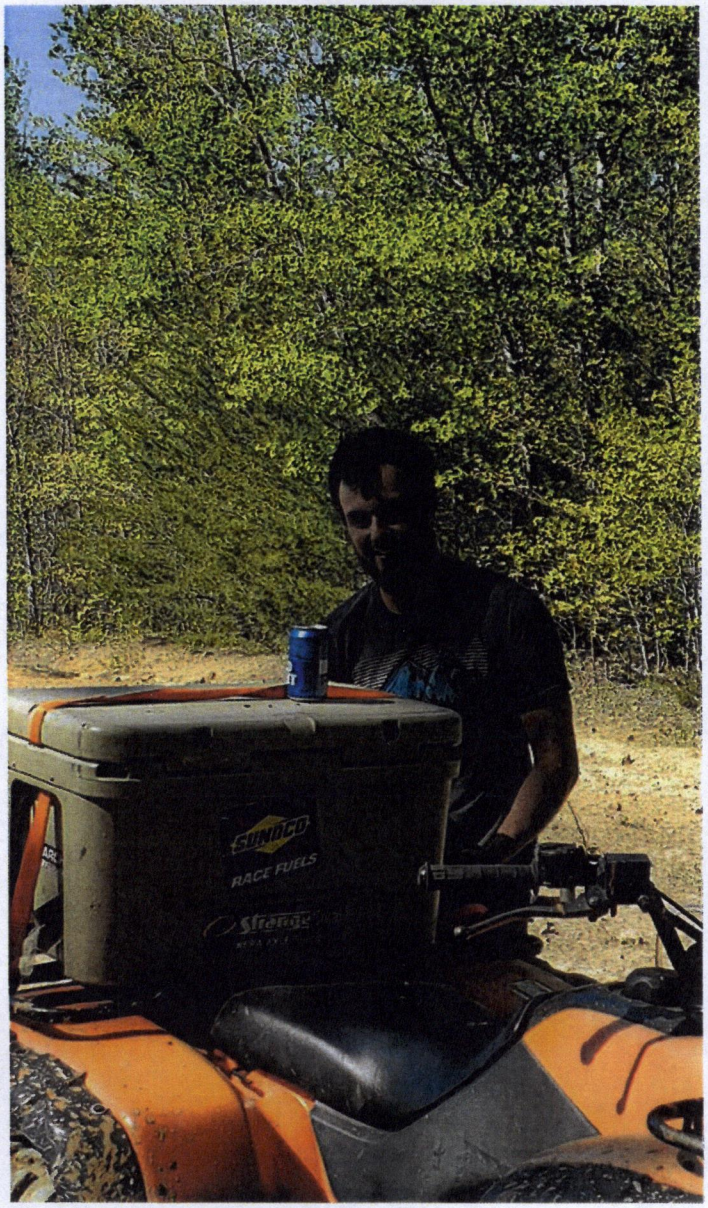
Red Oak Hollow ATV Trails
· April 16 ·

Most R

Author
Red Oak Hollow ATV Trails Mark Provc just a little sideways.
4w

Top Fan
Mark Provo Red Oak Hollow ATV Trails love having a good time
4w · Edited

Red Oak Hollow ATV Trails
Like This Page · April 16 ·



Red Oak Hollow ATV Trails
· April 21 ·

Elliott Terry and Red Oak Hollow ATV Trails like this.

PITTSYLVANIA COUNTY, VIRGINIA

COMMUNITY DEVELOPMENT
P.O. Drawer D • 53 N. Main Street
Chatham, Virginia 24531
Phone (434) 432-7752

January 31, 2020

J. D. Shelton and Gloria Shelton, Et Als
18465 Old Richmond Road
Keeling, VA 24566

Sent by Certified Mail, Receipt No. 7018 2290 0001 8009 2911
Property GPIN # 2472-87-3158 & 2472-79-8579

Re: Complaint

Dear Mr. & Mrs. Shelton:

A complaint was filed from an adjoining property owner that the park was open other times that were not allowed under the SUP conditions. The complainant also reported high levels of noise inside his house. The Board has requested a reminder of the conditions imposed on the approved SUP. They are as follows:

(1) Primitive camping only.
(2) Night rides allowed once a year until 2:00 a.m.
(3) Hours of operation shall be limited to 10:00 a.m. to 6:00 p.m., Eastern Standard Time, and 10:00 a.m. to 8:00 p.m., Daylight Savings Time.
(4) Factory mufflers only.
(5) Control erosion.
(6) Days of operation shall be Thursday through Sunday; No Sunday operation before 1:00 p.m.
(7) Never ride under the influence of alcohol or drugs.
(8) Maintain setback of 300 feet.
(9) Comply with Health Department regulations.
(10) Comply with Noise Ordinance.
(11) Maintain vegetative buffer.

Please be advised that failure to comply with the conditions, after due notice; can cause the Special Use Permit to be revoked. Should you have any questions regarding this matter, you may contact me at (434) 432-7752.

Sincerely,

Karen N. Hayes/KNH

Karen N. Hayes

c: Richard Hicks, Assistant County Administrator
J. Vaden Hunt, County Attorney
Honorable Board of Zoning Appeals Members

PITTSYLVANIA COUNTY, VIRGINIA

Legend

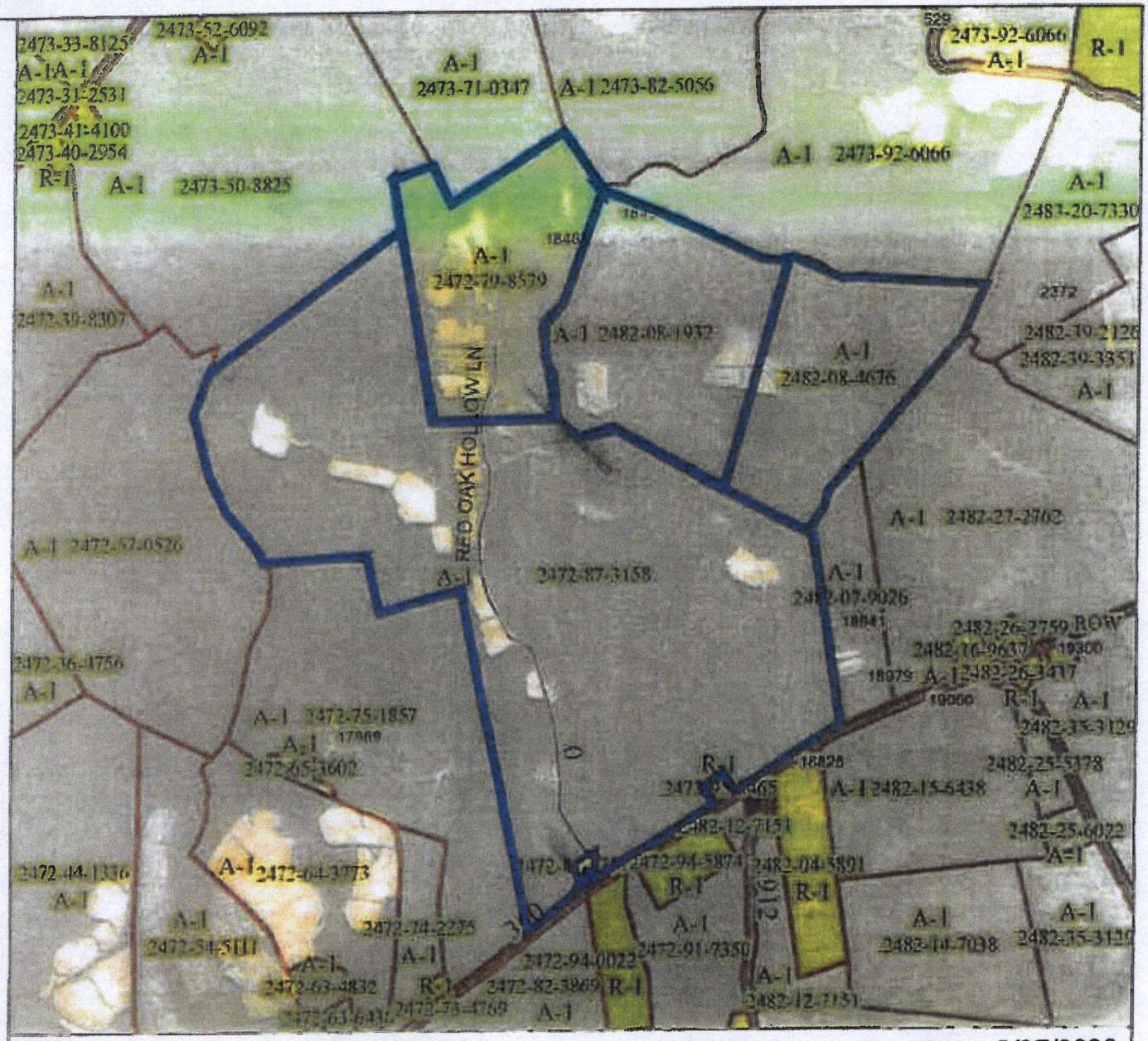
- Assessed Parcels
- Parcel ID Number
- Parcels
- Route Numbers
- Appeals
- Rezoning
- Signs
- Special Uses
- Variances

Zoning

- Unknown
- A-1 = Agricultural District
- B-1 = Business District, Limited
- B-2 = Business District, General
- C-1 = Conservation District
- DZ = Double Zoned Parcels
- M-1 = Industrial District, Light Industry
- M-2 = Industrial District, Heavy Industry
- MHP = Residential Manuf. Housing Park District
- R-1 = Residential Suburban Subdivision District
- RC-1 = Residential Combined Subdivision Distric
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision Distric
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary

Feet

0 500 1000 1500 2000



Title: SHELTON – CASE S-20-014 **Date: 8/27/2020**

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Pittsylvania County is not responsible for its accuracy or how current it may be.

Case S-20-015

WEIMER

STAFF SUMMARY

CASE	ZONING	CYCLE
S-20-015	A-1	October 2020
SUBJECT/PROPOSAL/REQUEST Anissa Christine Weimer is requesting a Special Use Permit for a kennel for boarding dogs.		**PLANNING COMMISSION:** October 6, 2020
DISTRICT: Staunton River		**BOARD OF ZONING APPEALS:** October 13, 2020
		ADVERTISED: September 23 & 30, 2020
		REVIEWED BY: ESR

SUBJECT

Anissa Christine Weimer as Owner, petitioned the Planning Commission/Board of Zoning Appeals on August 27, 2020, requesting a Special Use Permit on 53.56 acres, shown on the Pittsylvania County Tax Maps as GPIN # 2503-77-4866, located on State Road 609/ Brights Road, in the Staunton River Election District.

BACKGROUND/DISCUSSION

The subject property is approximately 53.56 acres and is zoned A-1, Agricultural District. The applicant, Anissa Weimer, is requesting a Special Use Permit to operate a kennel in accordance with Pittsylvania County Code § 35-179.

Currently, there is a single family dwelling and multiple accessory structures on the property. The applicant is proposing to board dogs at this location. She stated that there will be a maximum of four (4) kennels at the site that can accomodate a maximum of 16 dogs. The dogs will be contained in a fenced-in area that has both indoor and outdoor space for the dogs.

DIRECTIONS

See Map Quest Directions. The site address of the property is 4480 Brights Road, Pittsville, VA.

RELATIONSHIP TO THE SURROUNDING LAND USE AND NEIGHBORING AREAS

Mostly surrounded by A-1, Agricultural District, R-1, Residential Suburban Subdivision District, and B-2, Business District, General, zoned properties.

ZONING OF SURROUNDING PROPERTIES

No change to the zoning.

SITE DEVELOPMENT PLAN

N/A

RECOMMENDATION

Staff recommends APPROVAL of Case S-20-015, filed by Anissa Christine Weimer, a Special Use Permit 53.56 acres, shown on the Pittsylvania County Tax Maps as GPIN #2503-77-4866, located on State Road 609/ Brights Road, in the Staunton River Election District. Staff recommends the following conditions be added:

1. Dogs shall not be outside between the hours of 8:00 p.m. and 7:00 a.m.

PLANNING COMMISSION OPTIONS:

1. Recommend approval of Case S-20-015 as submitted.
2. Recommend approval of Case S-20-015 with conditions by Staff.
3. Recommned approval of Case S-20-015 with conditions by the Planning Commission.
4. Recommend denial of Case S-20-015 as submitted.

bing maps

A 53 N Main St, Chatham, VA 24531
B 4480 Brights Rd, Pittsville, VA 24139

31 min , 18.2 miles
Light traffic
Via US-29 N, Brights Rd

A 53 N Main St, Chatham, VA 24531

↑	1.	Head **northeast** on **US-29 N Bus / N Main St** toward Lanier Ave	1.8 mi
29	2.	Take ramp **left** for **US-29 North** toward **Gretna**	6.1 mi
29	3.	At exit **US Highway 29**, take ramp **left** for **US-29** toward **Lynchburg**	1.8 mi
↱	4.	Take ramp **right** for **VA-40** toward **Rocky Mount / Smith Mtn Dam**	0.2 mi
↰	5.	Turn **left** onto **VA-40 / Vaden Dr** toward **Rocky Mount / Smith Mtn Dam**	1.2 mi
↱	6.	Turn **right** onto **Pittsville Rd**	1.7 mi
↑	7.	Keep **left** to stay on **Pittsville Rd**	1.5 mi
	8.	Turn sharp **right** onto **Brights Rd / VA-609**	0.1 mi
↑	9.	Keep **left** to stay on **Brights Rd / VA-609**	3.8 mi
	10.	Arrive at **Brights Rd / VA-609** The last intersection is Hines Chapel Rd If you reach Leesville Lake Dr, you've gone too far	

B 4480 Brights Rd, Pittsville, VA 24139

August 27, 2020

Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

Dear Mrs. Ragsdale:

I, Anissa Christine Weimer, as Owner, would like to apply to the Planning Commission/ Board of Zoning Appeals for a Special Use Permit on 53.56 acres, located on State Road 609/Brights Road, in the Staunton River Election District. The property is shown on the Tax Maps as GPIN # 2503-77-4866.

I would like a Special Use Permit for a kennel for boarding dogs.

Sincerely,

Anissa C Weimer

Anissa Christine Weimer

PITTSYLVANIA COUNTY
APPLICATION FOR SPECIAL USE PERMIT

Anissa Christine Weimer, as Owner of the below described property, hereby applies to the Pittsylvania County Board of Zoning Appeals to amend the Pittsylvania County Zoning Maps as hereinafter described:

1. Property Owner's Names: Anissa Christine Weimer
   Address: 4710 Brights Road, Pittsville, VA 24139 Telephone: (434) 441-0137

2. Location of Property: on State Road 609/Brights Road

3. Tax Map Number: 2503-77-4866 (213202)

Pd. Cash

Total Amt: $ 355.00

4. Election District: Staunton River Taken By: TKNB

5. Size of Property: 53.56 Acres

6. Existing Land Use: 28 x 76 Garage with Porch & Basement, Single Family Dwelling

   Existing Zoning: A-1, Agricultural District

7. Proposed Land Use: Kennel for Boarding Dogs

8. Check completed items:

X Letter of Application	___ Site Development Plan	X Legal Forms
X 11"x 17" Concept Plan	X Application Fee	X List of Adjoining Properties
X Plat Map	X Copy of Deed	____ Copy of Deed Restrictions Or Covenants

Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.

Anissa C Weimer
Anissa Christine Weimer

OFFICE USE ONLY
Application Deadline: 08/27/20
Received By: OHS.JR
BZA Meeting Date: 10/13/20

Application No. S-20-015
P.C. Meeting Date: 10/06/20
Date Received: 08/27/20
Action: _____

TREASURER OF PITTSYLVANIA COUNTY
PAID SEP 09 2020

VIRGINIA:
BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

A 53.56 acre parcel of land,	)	
generally located on State Road 609/Brights Road	)	
within the Staunton River	)	**PETITION**
Election District, and recorded as	)	
parcel # 2503-77-4866	)	
in the Pittsylvania County tax records.	)	

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY:

WHEREAS, your Petitioner, Anissa Christine Weimer, as Owner, respectfully files this petition pursuant to Sections 35-713 of the Pittsylvania County Zoning Ordinance and in accordance with the Code of Virginia,1950, as amended, and would respectfully show the following:

(1) The Petitioner is the Owner of the above-referenced parcel of land, or is filing with the owner's consent.

(2) The property is presently zoned under the provisions of the Pittsylvania County Zoning Ordinance as A-1, Agricultural District.

(3) Your petitioner now desires to have a Special Use Permit issued for a kennel for boarding dogs.

WHEREFORE, your Petitioner respectfully requests that the above-referenced parcel of land be issued a Special Use Permit as set out in Number 3.

FURTHER, your Petitioner respectfully requests that this petition be referred by the Director of Community Development to the Pittsylvania County Planning Commission for its consideration and recommendation.

Respectfully submitted,

Anissa Christine Weimer

PITTSYLVANIA COUNTY, VIRGINIA

OFFICE OF COMMUNITY DEVELOPMENT
P.O. DRAWER D
Chatham, Virginia 24531
(434) 432-1771

SIGN AFFIDAVIT

Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-
At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

Sec. 35-818. POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-
When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817 above.

Sec. 35-819. MAINTENANCE AND REMOVAL OF SIGNS.
Any sign erected in compliance with this section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant within fourteen (14) days following the public hearing for which it was erected.

I have read and understand Sections 35-817, 35-818, and 35-819 of the Pittsylvania County Zoning Ordinance. I understand it is my responsibility to post, maintain and remove this/these sign or signs, according to Section 35-817, Section 35-818, and 35-819. If this sign is removed or destroyed, I understand it is my responsibility to obtain another sign from the Zoning office, post the property and maintain the sign(s), according to the above Sections of the Pittsylvania County Zoning Ordinance.

Should the property not be posted and the sign(s) maintained as required above, I understand the board may defer the case.

Case S-20-015 Applicant Anissa Clodfelter Date 08/20/2020

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every Property adjacent to the site and directly across from any public right-of-way adjoining this site. Names and addresses are available in the County Tax Commissioners office in the Courthouse.

Tax Map Number: 2503-77-4866 (213202)

Name: Acie Lee Valentine & Samuel Keith Valentine
Tax Map Number: 2503-96-7918 (60728)
Address: 577 Summerset Road North
Gretna, VA 24557

Name: Steve Allen Shelton & Johanna Tyler Shelton
Tax Map Number: 2503-75-1940 (142896)
Address: 4453 Brights Road
Pittsville, VA 24139

Name: Anissa Christine Weimer
Tax Map Number: 2503-76-2728, 2503-76-0792, (213202)
Address: Same As Applicant

Name: Eric Marston Weimer & Anissa Christine Weimer
Tax Map Number: 2503-66-9731 (163131)
Address: Same As Applicant

Name: Wilton E. McGehee & Dora Lee McGehee
Tax Map Number: 2503-66-2698 (130961)
Address: 4280 Brights Road
Pittsville, VA 24139

Name: Alvis G. Rowland & Virginia Rowland
Tax Map Number: 2503-67-4140, 2503-67-4314, 2503-67-3559 (68164)
Address: 4902 Brights Road
Pittsville, VA 24139

Name: Allen Ray Brumfield
Tax Map Number: 2503-67-2757 (162919)
Address: 5360 Brights Road
Pittsville, VA 24139

Name: Berkley Goad & Linda H. Goad
Tax Map Number: 2503-59-6796 (1503)
Address: 4196 Owens Mill Road
Gretna, VA 24557

Name: Independent Timber, Inc.
Tax Map Number: 2504-80-2178 (150256)
Address: 425 Tobacco Road
Dry Fork, VA 24549

PITTSYLVANIA COUNTY, VIRGINIA

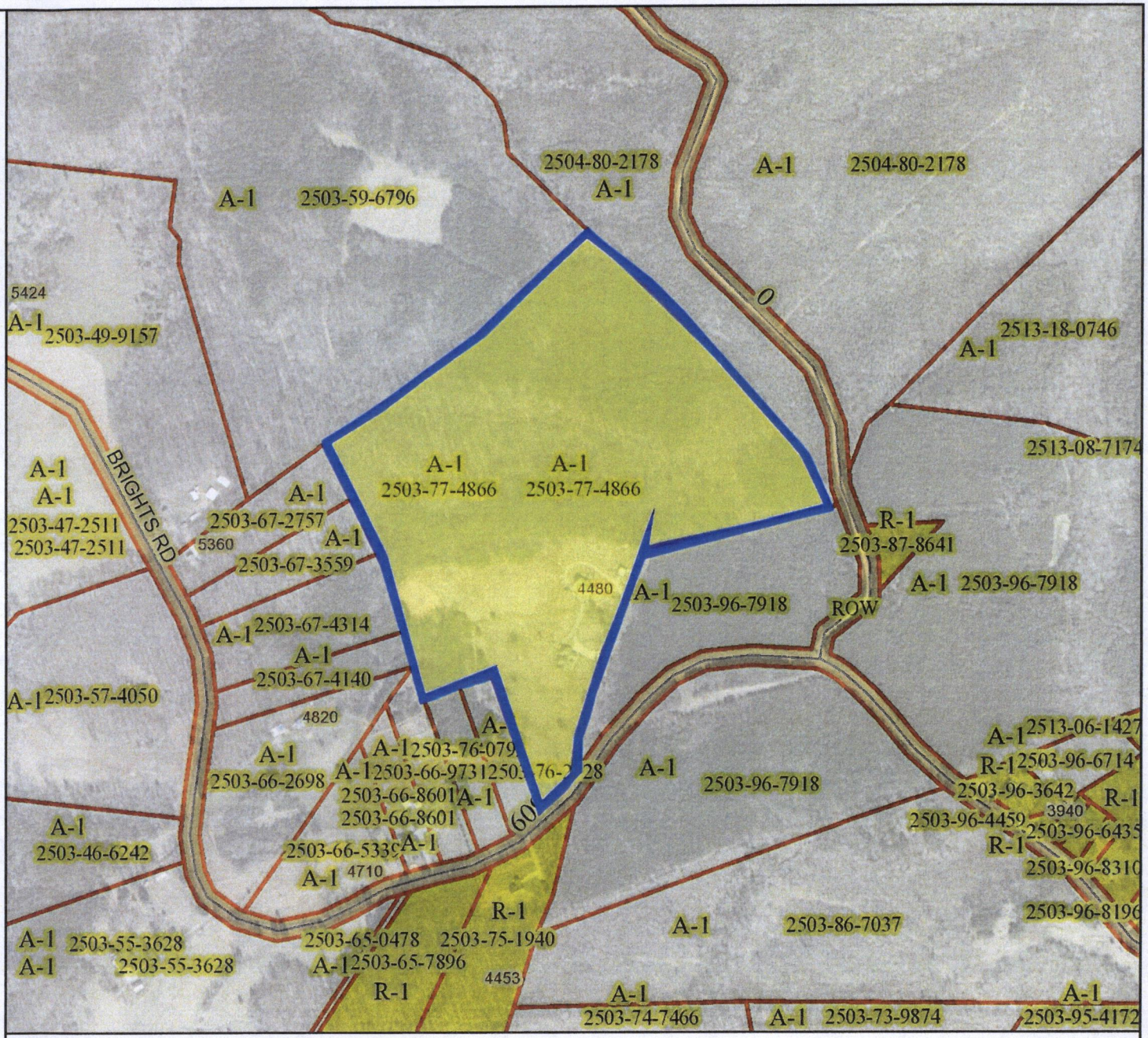
Legend

- Assessed Parcels
  Parcel ID Number
- Parcels
- Route Numbers
- Appeals
- Rezoning
- Signs
- Special Uses
- Variances

Zoning

- Unknown
- A-1 = Agricultural District
- B-1 = Business District, Limited
- B-2 = Business District, General
- C-1 = Conservation District
- DZ = Double Zoned Parcels
- M-1 = Industrial District, Light Industry
- M-2 = Industrial District, Heavy Industry
- MHP = Residential Manuf. Housing Park District
- R-1 = Residential Suburban Subdivision District
- RC-1 = Residential Combined Subdivision Distric
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision Distric
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary

Feet
0 200 400 600 800



Title: WEIMER - CASE S-20-015 **Date: 9/13/2020**

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Pittsylvania County is not responsible for its accuracy or how current it may be.

Case S-20-016

SHELTON

STAFF SUMMARY

CASE	ZONING	CYCLE
S-20-016	A-1	October 2020
SUBJECT/PROPOSAL/REQUEST Rodney & Janet Shelton are requesting Special Use Permit for the service and repair of all-terrain vehicles (ATV's). **DISTRICT:** Banister		**PLANNING COMMISSION:** October 6, 2020 **BOARD OF ZONING APPEALS:** October 13, 2020 **ADVERTISED:** September 23 & 30, 2020 **REVIEWED BY:** ESR

SUBJECT

Rodney & Janet Shelton, petitioned the Planning Commission/Board of Zoning Appeals on August 27, 2020, requesting a Special Use Permit for the service and repair of all-terrain vehicles (ATVs). The property is 8.57 acres, shown on the Pittsylvania County Tax Maps as GPIN #2466-42-2327 (8.57 acres), located on State Road 895/Coleman Mountain Road and State Road 640/Java Road, in the Banister Election District.

BACKGROUND/DISCUSSION:

The subject property is approximately 8.57 acres and is occupied by a single-family dwelling and accessory structures and barns used as part of a current farming operation. The applicants are requesting a special use permit to allow their son to operate an ATV service and repair shop at this location in accordance with Pittsylvania County Code § 35-179.

The business will be operated out of an existing building located on the property.

DIRECTIONS

See Bing Maps Directions.

RELATIONSHIP TO THE SURROUNDING LAND USE AND NEIGHBORING AREAS

Mostly surrounded by A-1, Agricultural District and R-1, Residential Suburban Subdivision District zoned properties.

ZONING OF SURROUNDING PROPERTIES

No change to the zoning.

SITE DEVELOPMENT PLAN

N/A

RECOMMENDATION

Staff recommends APPROVAL of Case S-20-016, filed by Rodney & Janet Shelton, requesting a Special Use Permit on 8.57 acres, shown on the Pittsylvania County Tax Maps as GPIN #2466-42-2327, located on State Road 895/Coleman Mountain Road and State Road 640/Java Road, in the Banister Election District. Staff recommends the following conditions be added:

1. ATVs must be stored in an enclosed area that is screened from the right of way.

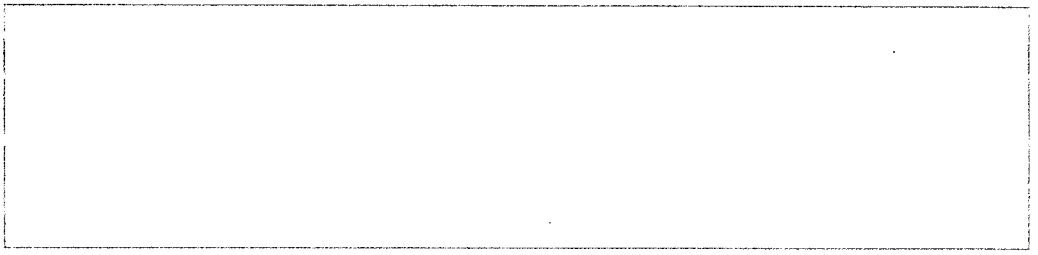
PLANNING COMMISSION OPTIONS:

1. Recommend approval of Case S-20-016 as submitted.
2. Recommend approval of Case S-20-016 with conditions by Staff.
3. Recommend approval of Case S-20-016 with conditions by the Planning Commission.
4. Recommend denial of Case S-20-016 as submitted.

bing maps

A 53 N Main St, Chatham, VA 24531
B 3840 Coleman Mountain Rd, Java, VA 24565

15 min , 10.2 miles
Light traffic
Via Halifax Rd, Java Rd
· Local roads



A 53 N Main St, Chatham, VA 24531

↑	1.	Head **southwest** on **US-29 S Bus / N Main St** toward center St	0.4 mi
↰	2.	Turn **left** onto **Halifax Rd / VA-832**	8.2 mi
↰	3.	Turn **left** onto **Java Rd / VA-640**	1.6 mi
↰	4.	Turn **left** onto **VA-895 / Coleman Mountain Rd**	505 ft
	5.	Arrive at **VA-895 / Coleman Mountain Rd** The last intersection is Java Rd / VA-640 If you reach Basel Rd, you've gone too far	

B 3840 Coleman Mountain Rd, Java, VA 24565

August 27, 2020

Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

Dear Mrs. Ragsdale:

We, Rodney Shelton & Janet Shelton, as Owners, would like to apply to the Planning Commission/ Board of Zoning Appeals for a Special Use Permit on 8.57 acres, located on State Road 985/Coleman Mountain Road and State Road 640/Java Road, in the Banister Election District. The property is shown on the Tax Maps as GPIN # 2466-42-2327.

Our son would like to open an ATV shop to do service and repair of all-terrain vehicles.

Sincerely,

Janet Shelton

PITTSYLVANIA COUNTY
APPLICATION FOR SPECIAL USE PERMIT

We, Rodney F. Shelton & Janet W. Shelton, as Owners of the below described property, hereby apply to the Pittsylvania County Board of Zoning Appeals to amend the Pittsylvania County Zoning Maps as hereinafter described:

1. Property Owner's Names: Rodney F. Shelton & Janet W. Shelton
   Address: 3840 Coleman Mountain Road, Java, VA 24565 Telephone: (434) 251-7556 (Janet Shelton)
2. Location of Property: on State Road 895/Coleman Mountain Road & on State Road 640/Java Road
3. Tax Map Number: 2466-42-2327 (62537)

Cash

Total Amt: ~~$360.00~~ 353.55 ESR
4. Election District: Banister Taken By: ESR

5. Size of Property: 8.57 Acres
6. Existing Land Use: Single Family Dwelling, Two (2) Carports, Two (2) Sheds, Garage, Bulk Barn

   Existing Zoning: A-1, Agricultural District
7. Proposed Land Use: Service and Repair of All-Terrain Vehicles (ATVs)
8. Check completed items:

X Letter of Application	___ Site Development Plan	X Legal Forms
X 11"x 17" Concept Plan	X Application Fee	X List of Adjoining Properties
X Plat Map	X Copy of Deed	____ Copy of Deed Restrictions Or Covenants

Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.

Janet W. Shelton

Janet W. Shelton

OFFICE USE ONLY
Application Deadline: 08/27/20
Received By: OHS.JR
BZA Meeting Date: 10/13/20

Application No. S-20-016
P.C. Meeting Date: 10/06/20
Date Received: 08/27/20
Action: _____

Robin Saunders Vaughan
Commonwealth of Virginia
Notary Public
Commission No. 7768241
My Commission Expires 11/30/2022

Robin S Vaughan 8/27/20

TREASURER OF PITTSYLVANIA COUNTY
PAID SEP 09 2020

VIRGINIA:
BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

A 8.57 acre parcel of land,	)	
generally located on State Road 895/Colement Mountain Road	)	
& State Road 640/Java Road	)	
within the Banister	)	**PETITION**
Election District, and recorded as	)	
parcel # 2466-42-2327	)	
in the Pittsylvania County tax records.	)	

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY:

WHEREAS, your Petitioners, Rodney & Janey Shelton as Owners, respectfully files this petition pursuant to Sections 35-713 of the Pittsylvania County Zoning Ordinance and in accordance with the Code of Virginia,1950, as amended, and would respectfully show the following:

(1) The Petitioners are the Owners of the above-referenced parcel of land, or is filing with the owner's consent.

(2) The property is presently zoned under the provisions of the Pittsylvania County Zoning Ordinance as A-1, Agricultural District.

(3) Your petitioner now desires to have a Special Use Permit issued for the service and repair of all-terrain vehicles.

WHEREFORE, your Petitioners respectfully requests that the above-referenced parcels of land be issued a Special Use Permit as set out in Number 3.

FURTHER, your Petitioners respectfully requests that this petition be referred by the Director of Community Development to the Pittsylvania County Planning Commission for its consideration and recommendation.

Respectfully submitted,

Janet Shelton

PITTSYLVANIA COUNTY, VIRGINIA

OFFICE OF COMMUNITY DEVELOPMENT
P.O. DRAWER D
Chatham, Virginia 24531
(434) 432-1771

SIGN AFFIDAVIT

Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-
At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

Sec. 35-818. POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-
When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817 above.

Sec. 35-819. MAINTENANCE AND REMOVAL OF SIGNS.
Any sign erected in compliance with this section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant within fourteen (14) days following the public hearing for which it was erected.

I have read and understand Sections 35-817, 35-818, and 35-819 of the Pittsylvania County Zoning Ordinance. I understand it is my responsibility to post, maintain and remove this/these sign or signs, according to Section 35-817, Section 35-818, and 35-819. If this sign is removed or destroyed, I understand it is my responsibility to obtain another sign from the Zoning office, post the property and maintain the sign(s), according to the above Sections of the Pittsylvania County Zoning Ordinance.

Should the property not be posted and the sign(s) maintained as required above, I understand the board may defer the case.

Case S-20-016 Applicant Janet W. Shelton Date 9-8-20

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every Property adjacent to the site and directly across from any public right-of-way adjoining this site. Names and addresses are available in the County Tax Commissioners office in the Courthouse.

Tax Map Number: 2466-42-2327 (62537)

Name: Rodney F. Shelton & Janet W. Shelton
Tax Map Number: 2466-41-3971, 2466-42-2327, 2466-24-9657 (62537)

Address: Same As Applicant

Name: Mary McDaniel Crowder
Tax Map Number: 2466-14-7295 (221707)

Address: 300 Buck Hill Road
Java, VA 24565

Name: Nancy Motley Rogers Estate
Tax Map Number: 2466-41-0568 (140232)

Address: c/o S. Mills Rogers
463 Dogwood Drive
Danville, VA 24541

Name: Elizabeth Coles Geyer
Tax Map Number: 2466-52-6864 (75817)

Address: 3820 Coleman Mountain Road
Java, VA 24565

Name: Franklin H. Shelton
Tax Map Number: 2466-42-5197 (206)

Address: 301 Buck Hill Road
Java, VA 24565

Name: Thomas Fitzgerald Rogers, Et Als, Sidney Mills Rogers, III, Et Als, Nancy Gwendolyne Volk, Et Als
Tax Map Number: 2466-11-6615 (232695)

Address: c/o Thomas Fitzgerald Rogers
9033 Waldelock Place
Mechanicsville, VA 23116

PITTSYLVANIA COUNTY, VIRGINIA

Legend

- Assessed Parcels
  Parcel ID Number
- Parcels
- Route Numbers
- Appeals
- Rezoning
- Signs
- Special Uses
- Variances

Zoning

- Unknown
- A-1 = Agricultural District
- B-1 = Business District, Limited
- B-2 = Business District, General
- C-1 = Conservation District
- DZ = Double Zoned Parcels
- M-1 = Industrial District, Light Industry
- M-2 = Industrial District, Heavy Industry
- MHP = Residential Manuf. Housing Park District
- R-1 = Residential Suburban Subdivision District
- RC-1 = Residential Combined Subdivision Distric
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision Distric
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary

Feet
0 100 200 300 400

Title: SHELTON - CASE S-20-016 **Date: 9/13/2020**

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Pittsylvania County is not responsible for its accuracy or how current it may be.

Case S-20-017

HOGAN

STAFF SUMMARY

CASE	ZONING	CYCLE
S-20-017	B-2	October 2020
SUBJECT/PROPOSAL/REQUEST Randy Lynn Hogan is requesting a Special Use Permit for a drive-in movie theater.		**PLANNING COMMISSION:** October 6, 2020 **BOARD OF ZONING APPEALS:** October 13, 2020
DISTRICT: Westover		**ADVERTISED:** September 23 & 30, 2020 **REVIEWED BY:** ESB

SUBJECT

Randy Lynn Hogan petitioned the Planning Commission/Board of Zoning Appeals on August 27, 2020, requesting a Special Use Permit on two (2) parcels of land, a total of 9.09 acres, shown on the Pittsylvania County Tax Maps as GPIN #s 2420-64-1663 (7.11 acres) and 2420-64-2210 (1.98 acre), located on U.S. Highway 29 North and on State Road 734/Mount View Road, in the Westover Election District.

BACKGROUND/DISCUSSION

The subject properties, located at the intersection of U.S. Highway 29 South and State Road 734/Mount View Road, are currently vacant and zoned B-2, Business General. The applicant is requesting a Special Use Permit to operate a drive-in movie theater in accordance with Pittsylvania County Code § 35-366.

Pittsylvania County Code § 35-118 requires that the minimum area of the site shall be five (5) acres and that screens must be positioned in a way that will be reasonably unintrusive to view from any major street or highway. A site plan submitted by the applicant shows the screen located on the south west portion of the property, requiring the movie screen be completely screened from U.S. Highway 29. Additionally, the property is adjacent to Blairmont, a residential subdivision, as well as other residential properties on Mount View Drive.

After review by a building inspector, the property will be required to provide permanent restroom facilities and meet all applicable ADA regulations. Currently, the applicant's site plan shows temporary restroom facilities.

DIRECTIONS

See Map Quest Directions. The properties are located across the highway from 4220 U.S. Highway 29, Blairs, VA.

RELATIONSHIP TO THE SURROUNDING LAND USE AND NEIGHBORING AREAS

Mostly surrounded by R-1, Residential Suburban Subdivision District, B-1, Business District, Limited, B-2, Business District, General, and M-1, Industrial District, Light Industry, zoned properties.

ZONING OF SURROUNDING PROPERTIES

No change to the zoning.

SITE DEVELOPMENT PLAN
N/A

RECOMMENDATION
Staff recommends DENIAL of the Case S-20-017 submitted by Randy Hogan requesting a Special Use Permit to operate a drive-in theatre on two (2) parcels of land, a total of 9.09 acres, shown on the Pittsylvania County Tax Maps as GPIN #s 2420-64-1663 (7.11 acres) and 2420-64-2210 (1.98 acre), located on U.S. Highway 29 North and on State Road 734/Mount View Road, in the Westover Election District. The property is adjacent to U.S. Highway 29. The proposed site plan shows a landscape buffer along all property lines; however, the proposed buffer will not be adequate to screen the movie screen from U.S. Highway 29. Additionally, the buffer will need to be moved further into the property away from U.S. Highway 29 so that it does not interfere with line-of-sight for traffic entering U.S. 29 from Mount View Road. Moving the buffer will increase the height needed to provide adequate screening to meet requirements of the Zoning Ordinance. Additionally, this property borders multiple residential properties. Staff does not feel that impacts on the adjacent residential properties can be mitigated through conditions.

bing maps

A 53 N Main St, Chatham, VA 24531
B 4220 US Highway 29, Danville, VA 24540

14 min , 11.7 miles
Light traffic
Via US-29 S Bus, US-29 S

THE PETITIONED PARCELS ARE LOCATED ACROSS THE HIGHWAY FROM THIS SITE ADDRESS (REFER TO GIS MAP).

A 53 N Main St, Chatham, VA 24531

↑	1.	Head **southwest** on **US-29 S Bus / N Main St** toward center St	1.6 mi
↑	2.	Keep **straight** onto **US-29 S / US Highway 29**	7.6 mi
29	3.	Take ramp **right** for **US-29 Bus** toward **Blairs / Danville**	2.5 mi
	4.	Arrive at **US-29 S Bus / US Highway 29** The last intersection is Mount View Rd / VA-745 If you reach Blairmont Dr, you've gone too far	

B 4220 US Highway 29, Danville, VA 24540

Download the new Microsoft Edge to get the best of the web. Maybe later D

August 27, 2020

Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

Dear Mrs. Ragsdale:

I, Randy Lynn Hogan, as Owner, would like to apply to the Planning Commission/ Board of Zoning Appeals for a Special Use Permit on two (2) parcels of land, a total of 9.09 acres, located on U.S. Highway 29 North and on State Road 745/Mount View Road, in the Westover Election District. The properties are shown on the Tax Maps as GPIN #s 2420-64-1663 (7.11 acres) and 2420-64-2210 (1.98 acres).

I would like a Special Use Permit for a drive-in movie theater.

Sincerely,

Randy Lynn Hogan

PITTSYLVANIA COUNTY
APPLICATION FOR SPECIAL USE PERMIT

I, Randy Lynn Hogan, as Owner of the below described properties, hereby apply to the Pittsylvania County Board of Zoning Appeals to amend the Pittsylvania County Zoning Maps as hereinafter described:

1. Property Owner's Names: Randy Lynn Hogan
   Address: 6475 Old Richmond Road, Danville, VA 24540 Telephone: (434) 250-0556 (Randy Hogan)
2. Location of Property: on U.S. Highway 29 North & on State Road 745/Mount View Road

73. Tax Map Number: 2420-64-1663, 2420-64-2210 (174467) Cash

Total Amt: $ 365.00

4. Election District: Westover Taken By: ESR

5. Size of Property: **A Total of 9.09 Acres, Two (2) Parcels of Land:** 2420-64-1663 (7.11 Acres), 2420-64-2210 (1.98 Acre)

6. Existing Land Use: Vacant

   Existing Zoning: B-2, Business District, General

7. Proposed Land Use: Drive-In Movie Theater

8. Check completed items:

_X_ Letter of Application	___ Site Development Plan	_X_ Legal Forms
_X_ 11"x 17" Concept Plan	_X_ Application Fee	_X_ List of Adjoining Properties
_X_ Plat Map	_X_ Copy of Deed	____ Copy of Deed Restrictions Or Covenants

Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.

Randy Lynn Hogan

OFFICE USE ONLY
Application Deadline: 08/27/20
Received By: OHS.JR
BZA Meeting Date: 10/13/20

Application No. S-20-017
P.C. Meeting Date: 10/06/20
Date Received: 08/27/20
Action: _____

TREASURER OF PITTSYLVANIA COUNTY
PAID SEP 09 2020

VIRGINIA:
BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

A total of 9.09 acres, two (2) parcels of land,	)	
Generally located on U.S. Highway 29 North	)	
and on State Road 745/Mount View Road	)	
within the Westover	)	**PETITION**
Election District, and recorded as	)	
parcel #s 2420-64-1663 & 2420-64-2210	)	
in the Pittsylvania County tax records.	)	

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY:

WHEREAS, your Petitioner, Randy Lynn Hogan, as Owner, respectfully files this petition pursuant to Sections 35-713 of the Pittsylvania County Zoning Ordinance and in accordance with the Code of Virginia,1950, as amended, and would respectfully show the following:

(1) The Petitioner is the Owner of the above-referenced parcels of land, or is filing with the owner's consent.

(2) The properties are presently zoned under the provisions of the Pittsylvania County Zoning Ordinance as B-2, Business District, General.

(3) Your petitioner now desires to have a Special Use Permit issued for a drive-in movie theater.

WHEREFORE, your Petitioner respectfully requests that the above-referenced parcels of land be issued a Special Use Permit as set out in Number 3.

FURTHER, your Petitioner respectfully requests that this petition be referred by the Director of Community Development to the Pittsylvania County Planning Commission for its consideration and recommendation.

Respectfully submitted,

Randy Lynn Hogan

PITTSYLVANIA COUNTY, VIRGINIA

OFFICE OF COMMUNITY DEVELOPMENT
P.O. DRAWER D
Chatham, Virginia 24531
(434) 432-1771

SIGN AFFIDAVIT

Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-
At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

Sec. 35-818. POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-
When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817 above.

Sec. 35-819. MAINTENANCE AND REMOVAL OF SIGNS.
Any sign erected in compliance with this section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant within fourteen (14) days following the public hearing for which it was erected.

I have read and understand Sections 35-817, 35-818, and 35-819 of the Pittsylvania County Zoning Ordinance. I understand it is my responsibility to post, maintain and remove this/these sign or signs, according to Section 35-817, Section 35-818, and 35-819. If this sign is removed or destroyed, I understand it is my responsibility to obtain another sign from the Zoning office, post the property and maintain the sign(s), according to the above Sections of the Pittsylvania County Zoning Ordinance.

Should the property not be posted and the sign(s) maintained as required above, I understand the board may defer the case.

Case S-20-017 Applicant _____ Date 9-01-20

ADJACENT PROPERTY OWNERS

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every Property adjacent to the site and directly across from any public right-of-way adjoining this site. Names and addresses are available in the County Tax Commissioners office in the Courthouse.

Tax Map Number: 2420-64-1663, 2420-64-2210 ()

Name: Danny C. McCormick & Deborah H. McCormick
Tax Map Number: 2420-54-9346()
Address: 3206 Virginia Lane
Danville, VA 24540

Name: Jeffrey L. Massey & Cathy M. Massey
Tax Map Number: 2420-54-7845 ()
Address: 3332 Brackenhouse Road
Danville, VA 24540

Name: Evelyn Kay Giles
Tax Map Number: 2420-65-3025, 2420-64-6945 ()
Address: 4340 U.S. Highway 29
Blairs, VA 24527

Name: Randolph S. Jones & Lucille A. Jones
Tax Map Number: 2420-55-9055 ()
Address: 5244 Mount View Road
Danville, VA 24540

Name: Mark I. Fitzgerald
Tax Map Number: 2420-64-6670 ()
Address: 4112 Suburban Drive
Danville, VA 24540

Name: Valerie Frances Holland
Tax Map Number: 2420-54-8143()
Address: 2818 Blairmont Drive
Danville, VA 24540

Name: V & K Virginia, LLC
Tax Map Number: 2420-64-5279 ()
Address: 5022 Cobblestone Drive
Danville, VA 24540

Name: Artie M. Tompkins, Jr.
Tax Map Number: 2420-54-8401, 2420-54-7620 ()
Address: 3326 Brackenhouse Road
Danville, VA 24540

Name: Floyd J. Graves & Eva D. Graves
Tax Map Number: 2420-54-6254 ()
Address: 3209 Virginia Lane
Danville, VA 24540

Name: Calvin P. Stephens, Jr., & Susan D. Stephens
Tax Map Number: 2420-54-8932 ()
Address: 3342 Brackenhouse Road
Danville, VA 24540

Name: Zachory Todd Isom
Tax Map Number: 2420-54-8462 ()
Address: 3212 Virginia Lane
Danville, VA 24540

Name: Lesley Shelton Emerson
Tax Map Number: 2420-65-1557 ()
Address: 188 River Bend Drive
Timberlake, NC 27583

Name: Carrie Allison Burnett
Tax Map Number: 2420-53-9838 ()
Address: 2819 Blairmont Drive
Danville, VA 24540

Name: Shining Light Baptist Church
Tax Map Number: 2420-63-2828 ()

Address: P. O. Box 4841
Danville, VA 24543

Name: Richard Cameron Compton & Zachary Alexander Compton
Tax Map Number: 2420-63-3819 ()

Address: 2825 Blairmont Drive
Danville, VA 24540

Name: Property Unlimited, LLC
Tax Map Number: 2420-63-5872 ()

Address: P. O. Box 126
Axton, VA 24054

NOTE: AERIAL IMAGE PROVIDED BY THE PITTSYLVANIA COUNTY GIS WEBSITE.

SITE ADDRESS:

HIGHWAY 29
(CORNER LOT AT MOUNT VIEW RD.)
BLAIRS, VIRGINIA 24527
BLAIRS MAGISTERIAL DISTRICT

PARCEL INFORMATION

OWNER OF BOTH PARCELS: RANDY HOGAN

① 7.11 AC. – PARCEL NO. 2420–64–1663

② 1.98 AC. – PARCEL NO. 2420–64–2210

PROPOSED SCOPE OF WORK:

DEVELOPMENT OF APPROXIMATELY 6+ AC. OF EXISTING 9.09 AC. SITE TO BE USED FOR DRIVE–IN MOVIE THEATER. SCREEN SIZE IS APPROXIMATELY 50' WIDE X 25' HIGH. BASE OF SCREEN ELEVATION IS APPROXIMATELY 50' BELOW HWY 29 ELEVATION.

ZONING:

EXISTING: (B–2) BUSINESS DISTRICT, GENERAL

CONCEPT PLAN

NOT TO SCALE

Wendy Bryant–Cook
DRAFTING BY DESIGN
PHONE: 434–489–4781
wendy.draftingbydesign@gmail.com

PROPOSED CONCEPT PLAN FOR:
RANDY HOGAN
PARCEL ID – 2420-64-1663 AND 2420-64-2210
BLAIRS, VIRGINIA 24527
434-250-0556

SHEET	1 OF 1
DATE	8/20/2020
FILE	2020–39
SCALE	N.T.S.

PITTSYLVANIA COUNTY, VIRGINIA

Legend

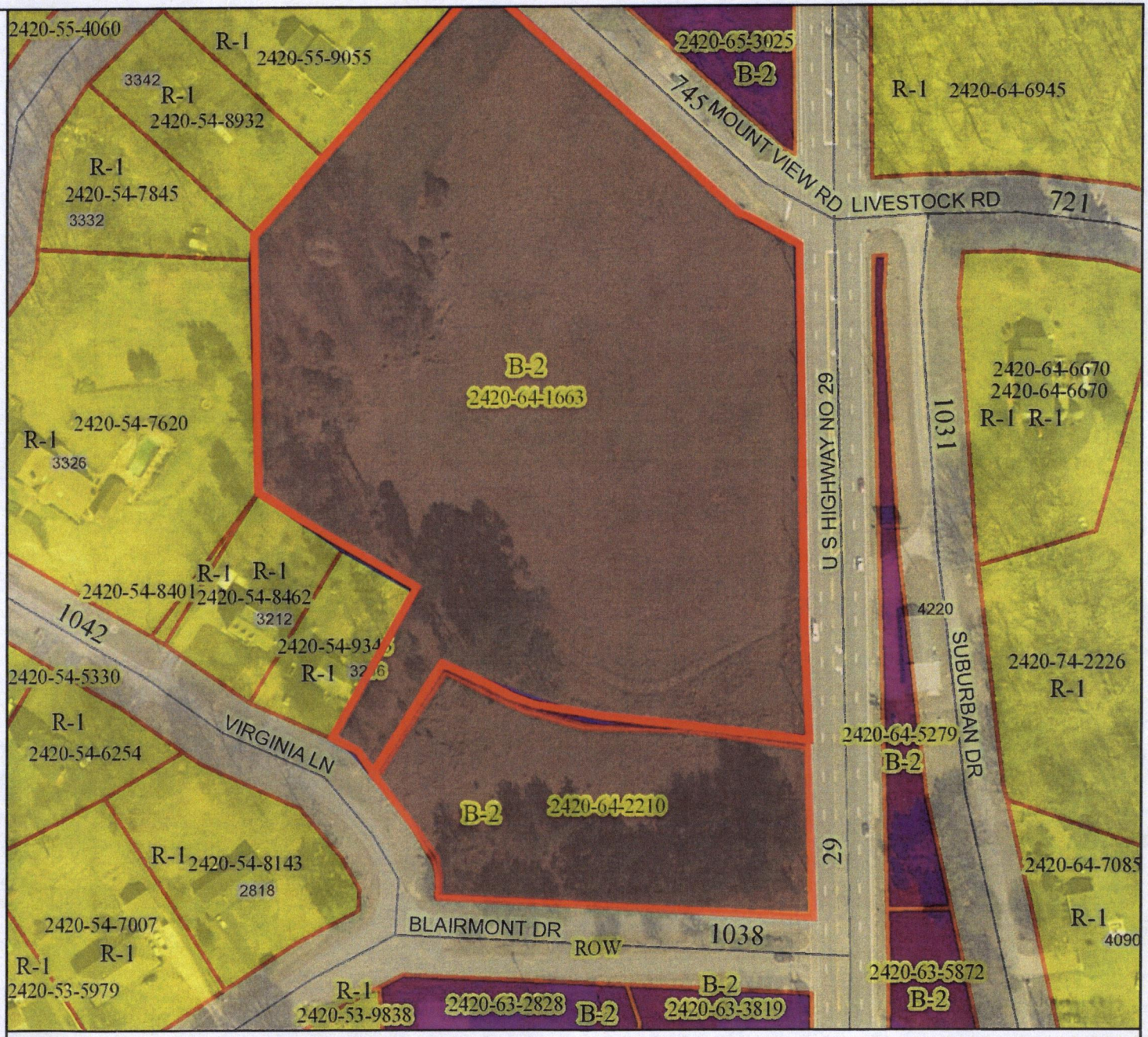
- Assessed Parcels
- Parcel ID Number
- Parcels
- Route Numbers
- Appeals
- Rezoning
- Signs
- Special Uses
- Variances

Zoning

- Unknown
- A-1 = Agricultural District
- B-1 = Business District, Limited
- B-2 = Business District, General
- C-1 = Conservation District
- DZ = Double Zoned Parcels
- M-1 = Industrial District, Light Industry
- M-2 = Industrial District, Heavy Industry
- MHP = Residential Manuf. Housing Park District
- R-1 = Residential Suburban Subdivision District
- RC-1 = Residential Combined Subdivision Distric
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision Distric
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary

Feet

0 50 100 150 200



Title: HOGAN - CASE S-20-017

Date: 9/13/2020

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Pittsylvania County is not responsible for its accuracy or how current it may be.

CONSERVATION EASEMENT

NOTE TO TITLE EXAMINERS: This deed of conservation easement contains restrictions on permitted uses and activities on the property described below, which run with the land and are applicable to the property in perpetuity.

Deed Prepared By / Return To:
Stephen W. Lemon, Esq.
VSB No. 33900
Martin, Hopkins & Lemon
1000 Wells Fargo Tower
10 S. Jefferson St.
Roanoke, VA 24011-1314

TAX PARCEL/GPIN: 2427-23-5940
Title Insurance Underwriter: Unknown

Exempt from recordation tax
under Section 58.1-811 (D),
Code of Virginia, 1950, as amended.

THIS DEED OF GIFT OF EASEMENT (this "Easement"), made this ___ day of _____, 2020, between **SELF FARM, LLC**, a Virginia limited liability company ("Grantor"); and the **BLUE RIDGE LAND CONSERVANCY**, a Virginia nonprofit nonstock corporation ("Grantee") (the designations "Grantor" and "Grantee" referring to Grantor and Grantee and their respective successors and assigns):

RECITALS:

R-1 Grantor is the owner in fee simple of certain real property situated in Pittsylvania County, Virginia, containing in the aggregate 75.931 acres, more or less, as further described below (the "Property"), and desires to give, grant, and convey to Grantee a perpetual conservation easement over the Property as herein set forth.

R-2 Grantee is a charitable corporation exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code (and is further a "qualified organization" and "eligible donee" under Section 170(h)(3) of the United States Internal Revenue Code of 1986, as amended, and the applicable regulations and rulings issued thereunder, or the corresponding provisions of any subsequent federal tax laws and regulations) (hereinafter the "IRC"), and a "qualified organization" and "eligible donee" under Section 170(h)(3) of the IRC and Treasury Regulation Section 1.170A-14(c)(1) and.) Grantee is willing to accept a perpetual conservation easement over the Property as herein set forth.

R-3 The Virginia Conservation Easement Act, Chapter 10.1 of Title 10.1, Sections 10.1-1009 through 10.1-1016, Code of Virginia, 1950, as amended (the "Virginia Conservation Easement Act") authorizes a charitable corporation, association or trust exempt from taxation pursuant to IRC Section 501(c)(3) to hold a non-possessory interest in real property for the purposes of

retaining or protecting natural or open-space values of real property, and the Blue Ridge Land Conservancy qualifies as such a charitable corporation.

R-4 The limitation on division, residential construction, and commercial and industrial uses contained in Section II ensures that the Property will remain perpetually available for agriculture, livestock production, forest and/or open-space use, all as more particularly set forth below.

R-5 The limitations and obligations created under this Easement conform in all respects to the County of Pittsylvania Comprehensive Plan adopted on May 18, 2010. The Property is designated as _____ on the county's future land use map.

R-6 This Easement is intended to constitute (i) a "qualified conservation contribution" as defined in IRC Section 170(h)(1) as more particularly explained below, and (ii) a qualifying "interest in land" under the Virginia Land Conservation Incentives Act of 1999 (Section 58.1-510, *et seq.*, Code of Virginia, 1950, as amended).

R-7 This Easement is intended to be a grant "exclusively for conservation purposes" under IRC Section 170(h)(1)(C), because it effects "the preservation of open space (including farmland and forest land)" under IRC Section 170(h)(4)(A)(iii). Specifically, the preservation of open space on the Property is pursuant to clearly delineated state governmental conservation policies, is for the scenic enjoyment of the general public, and will yield a significant public benefit.

R-8 This Easement constitutes a restriction granted in perpetuity on the use that may be made of the Property, and is in furtherance of and pursuant to the clearly delineated governmental conservation policies set forth below:

(i) Land conservation policies of the Commonwealth of Virginia as set forth in:

(a) Section 1 of Article XI of the Constitution of Virginia, which states that it is the Commonwealth's policy to protect its atmosphere, lands and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth;

(b) The Virginia Conservation Easement Act cited above; and

(c) The Virginia Land Conservation Incentives Act, Chapter 3 of Title 58.1, Sections 58.1-510 through 58.1-513, Code of Virginia, 1950, as amended, cited above, which supplements existing land conservation programs to further encourage the preservation and sustainability of the Commonwealth's unique natural resources, wildlife habitats, open spaces, and forest resources; and

(ii) Land use policies of Pittsylvania County as delineated in:

(a) Its comprehensive plan adopted on May 18, 2010 (the "Comprehensive Plan") to which plan the restrictions set forth in this Easement conform and which contains the following goals, objectives and strategies:

Chapter II, Natural and Cultural Environment:

Goal #1: "To protect and enhance the natural environment." (*See* Comprehensive Plan, Ch. II, p. 21)

Strategy #5: "Support the use of conservation easements to protect and preserve open space, agricultural areas and environmentally sensitive areas where such uses are compatible with the Future Land Use Map." (*See* Comprehensive Plan, Ch. II, p. 23)

Chapter VIII, Natural and Cultural Environment:

"There are a number of tools and programs available for use by the County, as well as private efforts that rural property owners may want to take to preserve their agricultural land. Some of these tools are voluntary and may involve a partnership between the landowner and a government agency. Among the options are: ...

Conservation Easements
A conservation easement is a legal agreement in which a landowner retains ownership of his/her property while conveying certain specified rights to the easement holder. Conservation easements are usually given to a non-profit, charitable land conservation organization or a public entity. Easements can be tailored to meet the owner's wishes regarding the future use of his/her land. They can be for a specific time period, or can be granted in perpetuity. Typically a conservation easement restricts development or uses that would destroy natural, scenic, or historic areas while at the same time allowing other traditional uses such as farming. Depending upon the terms and timing of the easement, significant tax savings can accrue to the property owner granting the easement. Conservation easement requests have to be reviewed and approved by the Planning Commission to verify that the area of the potential easement is proposed for agricultural or conservation use in the Future Land Use Map, or that protection of the specific parcels involved is consistent with the overall intent of the Future Land Use Map and there is a public benefit to the easement. The Commission needs to verify that an easement is not granted in a prime commercial or industrial growth area. It also needs to verify that the landowner fully understands the terms of the conservation easement." (*See* Comprehensive Plan, Ch. VIII, p. 12)

"The Future Land Use Map seeks to encourage the appropriate future land uses based on the following land use categories: ...

Agricultural and Rural Residential
This category is characterized by agriculture, farming, forestry, open space and low density residential, commercial or recreational uses. Residential lots should be larger to accommodate private wells and septic systems and the extension of public water and sewer into these rural areas should generally not be expected. Lots should also be larger to maintain the rural, open space atmosphere, with an option for cluster developments with smaller lots. Residential development should accept the agricultural nature of these areas and accept the environmental conditions associated with agricultural activities. Local commerce and service needs can be met through small business cluster areas scattered throughout the rural area." (*See* Comprehensive Plan, Ch. VIII, pp. 13-14)

"Support efforts of conservation organizations and the Virginia Outdoors Foundation to acquire and provide stewardship for locally obtained conservation easements where such land conservation and preservation is compatible with the Future Land Use Plan and approved by the Planning Commission." (*See* Comprehensive Plan, Ch. VIII, p. 23)

(b) Chapter 6, Article II, Section 6-12 of Pittsylvania County Code, which provides for use value assessment of real estate devoted to agricultural, forestal, horticultural, or open-space uses, the Property having been approved for use value assessment by the county.

R-9 The Property has certain important attributes, referred to herein collectively as the "conservation values of the Property," the protection of which by this Easement will provide significant benefits to the citizens of the Commonwealth of Virginia. The conservation values of the Property include, but are not limited to, the following:

An easement on the Property supports Governor Northam's state land conservation strategy of identifying and protecting high value lands and conservation sites across the Commonwealth of Virginia. Approximately 20 acres of the Property are located on the Governor's Conserve Virginia Map under the Agriculture and Forestry category.

Agriculture: Approximately 20 acres of the Property scores Class V and approximately 25 acres of the Property scores Class IV on a scale of Class I (Low Suitability) and Class V (High Suitability) on the Virginia Department of Conservation and Recreation's (DCR) Agricultural Model. The Virginia Agricultural Model is a tool that quantifies the relative suitability of lands for agricultural activity. Agricultural value is assessed primarily based on inherent soil suitability, but also accounts for current land cover as well as travel time between agricultural producers and consumers. This Easement prevents uses and development of the Property that would impair the availability of the Property for productive agricultural use, thus providing an important benefit to the general public.

Watershed Preservation: The preservation of the open-space character of the Property prevents excessive development, soil disturbance, and pollution on the Property, thus enhancing water quality as well as aquatic and riparian habitat as follows:

The Property includes approximately 400 feet of an unnamed tributary to Mill Creek, which is a tributary of Whitethorn Creek. Whitethorn Creek flows into the Banister River in the Banister Watershed (U.S.G.S. Cataloging Unit No. 03010105) within the greater Albemarle-Pamlico Estuarine System. Waters from the Property thus also flow to the John H. Kerr Reservoir and Lake Gaston; Lake Gaston is a source of public water for the City of Virginia Beach and the City of Chesapeake as well as the municipalities served by the Roanoke River Service Authority, including the Town of South Hill. The riparian buffers required by this Easement and the preservation of the open-space character of the Property prevents excessive development, soil disturbance, and pollution on the Property, thus enhancing water quality in the Falling River and waters downstream to the Albemarle-Pamlico Estuary, including the John H. Kerr Reservoir and Lake Gaston.

Mill Creek is listed as "Fully Supporting" aquatic life by the Virginia Department of Environmental Quality. The provisions of this Easement, which require riparian buffers along the unnamed tributary and further require that livestock be excluded from such buffers except in specified circumstances, will help preserve the water quality in Mill Creek.

Scenic: The Property fronts on approximately 560 feet of US Highway 29 and State Route 689 (Strader Road) and in that respect portions of the Property provide a prominent scenic view enjoyed by the motoring public. This Easement will protect the public viewshed on the Property and ensure the public will continue to have the opportunity to appreciate the Property's scenic values.

General Open Space: The Property is a largely-unimproved expanse of open space containing forests and fields. The preservation of the open-space character of the Property helps to preserve the scenic local and regional landscape in general, which attracts tourism and commerce to the area and enhances the quality of life for area residents. The preservation of the open-space character of the Property prevents development of the Property, which existing and foreseeable trends in the vicinity of the Property indicate is increasing and which would lead to or contribute to the degradation of the scenic, natural, and historic character of the area. The preservation of the open space character of the Property is consistent with existing conservation programs in the area.

R-10 Grantee has engaged in a rigorous review, considered and evaluated the benefits provided by this Easement to the general public as set forth in these recitals, and concluded that the protection afforded the open-space character of the Property by this Easement will yield a significant public benefit and will further the natural or open-space conservation objectives of Grantee and the Commonwealth of Virginia.

R-11 This Easement will yield significant public benefit to the citizens of the Commonwealth as set forth in these recitals and in Section I below.

R-12 Grantor and Grantee desire to protect in perpetuity the conservation values of the Property as specified in Section I by restricting the use of the Property as set forth in Section II.

R-13 Grantee has determined that the restrictions set forth in Section II (the Restrictions) will preserve and protect in perpetuity the conservation values of the Property and will limit use of the Property to those uses consistent with, and not adversely affecting, the conservation values of the Property and the governmental conservation policies furthered by this Easement.

NOW THEREFORE, in consideration of the foregoing recitals, incorporated herein and made a part hereof, and in consideration of the mutual covenants herein and their acceptance by Grantee, Grantor does hereby give, grant, and convey to Grantee a conservation easement in gross (this "Easement") over, and the right in perpetuity to restrict the use of, the Property, which is described below and consists of 75.931 acres, more or less, located in Pittsylvania County, Virginia, near the Town of Chatham, fronting on State Route 689, Strader Road and along the northeast side of U. S. Highway 29, to-wit:

Tract 1B, containing 75.931 acres, fronting on the northwest margin of State Road 689 (Strader Road) as shown on plat entitled "Plat of Survey Showing Existing Tract 2 & New Tracts 1A & 1B For Jane Self Ellis and Laura Jane Toler", dated October 30, 2017, prepared by Patrick T. Crane, Land Surveyor, a copy of which plat is recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia, in Map Book 44, Page 234 L, to which plat reference is hereby made for a more particular description of the realty herein conveyed; and BEING the same realty conveyed by Laura Jane Toler to SELF FARM, LLC, a Virginia limited liability company, by deed dated November 19, 2019, recorded December 06, 2019 as Instrument No. 190005850 in the Clerk's Office of Circuit Court of Pittsylvania County, Virginia.

This conveyance is expressly made subject to all unexpired conditions, covenants, restrictions, reservations, and easements of record insofar as they may lawfully apply to the Property hereby conveyed.

The Property is shown as Tax Map No. 2427-23-5940 among the land records of Pittsylvania County, Virginia. Even if the Property consists of more than one parcel in the future for real estate tax or any other purpose, it shall be considered one parcel for purposes of this Easement, and the restrictions and covenants of this Easement shall apply to the Property as a whole.

Grantee hereby accepts the grant of this Easement and agrees to hold this Easement in perpetuity exclusively for the Purpose set forth in Section I below.

SECTION I - PURPOSE

The purpose of this Easement is to preserve and protect the conservation values of the Property in perpetuity by imposing the restrictions on the use of the Property set forth in Section II and providing for their enforcement in Section III. The conservation values of the Property are described in the above recitals, are documented in the Baseline Documentation Report described

in Section IV below, and include the Property's open-space values and its value as land preserved for rural uses such as forestry and/or agriculture (including livestock production).

Pursuant to the Virginia Land Conservation Foundation's Conservation Value Review Criteria, the further conservation purpose of this Easement is preservation of land for agricultural use, forestal use, watershed preservation, and preservation of scenic open space.

Grantor covenants that no acts or uses are currently being conducted or will be conducted on the Property which are: (i) inconsistent with the conservation purposes of this Easement; or (ii) consistent with the conservation purposes of this Easement, but are destructive of other significant conservation interests unless such acts or uses are necessary for the protection of the conservation interests that are the subject of this Easement.

SECTION II - RESTRICTIONS

Restrictions are hereby imposed on the use of the Property pursuant to the public policies set forth above. The acts that Grantor covenants to do and not to do upon the Property, and the restrictions that Grantee is hereby entitled to enforce, are and shall be as follows:

1. DIVISION.

(i) The Property shall not be divided or subdivided into, or separately conveyed as, more than two (2) parcels (one division permitted).

(ii) Grantor shall give Grantee written notice prior to making the/a division of the Property.

(iii) For purposes of this Easement, division of the Property includes, but is not limited to, creation or recordation of a subdivision plat, judicial partitioning of the Property, testamentary partitioning of the Property, or pledging for debt of a portion of the Property.

(iv) Boundary-line adjustments with adjoining parcels of land are permitted and shall not be considered separate conveyances of portions of the Property or divisions or subdivisions of the Property, provided that all of the following conditions are met:

(a) Any portion of the Property transferred and incorporated into the adjacent parcel remains expressly subject, in perpetuity, to the restrictions as set forth in this Easement;

(b) Grantee approves such adjustments;

(c) Grantee is made party to any deed creating a boundary-line adjustment;

(d) The entire adjacent parcel is subject to a recorded conservation easement owned by Grantee or an "eligible donee" as defined in Treasury Regulation Section 1.170A-14(c); and

(e) Such boundary-line adjustments do not affect this Easement's perpetual duration, conflict with or be contrary to or inconsistent with the conservation purpose of this Easement, or reduce the protection of the conservation values of the Property protected by this Easement.

(v) The acquisition by a governmental entity of a *de minimis* portion of the Property adjacent to Route 689 (Strader Road) for minor road improvements shall not be considered a division or subdivision of the Property, and neither the acquisition of such a *de minimis* portion of the Property nor the use of the portion of the Property so acquired shall be prohibited by this Easement, provided that Grantee approves such conveyance or taking. Grantee's approval shall be contingent upon the project including all reasonable actions, such as landscaping and/or topographic improvements, to minimize the project's impact on the Property and to prevent harm to its conservation values. Grantor reserves its separate rights to approve such acquisition. Use of the Property for such a project is limited to minor improvements to Route 689 in its present alignment, including, but not limited to, maintenance, correction, repair, or upgrading of the existing public road. Such improvements could include, but are not limited to, the addition or renovation of ditches, box culverts, drainage swales, side slopes, curbing, regrading, or enhancements, such as pull-offs, bicycle lanes, and restoration projects. For purposes of this paragraph, "minor road improvements" does not include the addition of new travel lanes, except for non-motorized travel such as bicycle lanes. Any portion of the Property acquired from Grantor pursuant to this paragraph shall remain subject to the terms and restrictions of this Easement.

(vi) In the event that the permitted division of the Property requires a road or street dedication, such dedication shall not be considered a separate conveyance of a portion of the Property or a division of the Property, and this Easement shall remain in force with respect to the dedicated portion.

2. BUILDINGS, STRUCTURES, ROADS, AND UTILITIES.

(i) Terms used herein such as buildings, structures, dwellings and other terms shall be as defined by the Virginia Uniform Statewide Building Code.

(ii) Grantor shall submit plans sixty (60) days before beginning construction or enlargement of any new structure, building, road or utility permitted by Section II, Paragraph 2(iii) below to Grantee for its review and approval prior to commencement of construction, which review and approval shall be limited to consideration of the impact of the quantity, footprint, size, height, siting, colors, and materials of the proposed improvement on the scenic and conservation values of the Property, and to ensure that they promote a rural building presentation from (conservation value to be protected). Grantor shall have the right to repair, maintain, renovate, and replace any existing structure, building, road, or utility permitted by Section II Paragraph 2(iii) below within the limitations set forth in this Easement.

(iii) **Permitted buildings, structures, roads, and utilities.** No buildings, structures, roads, or utilities, other than the following, are permitted on the Property:

(a) **Dwellings and nonresidential outbuildings and structures**. One single-family dwelling or dwelling unit, such as a detached or attached dwelling or barn or garage

apartment, which shall not exceed an aggregate of 5,000 square feet of above-ground enclosed living area and nonresidential outbuildings and structures commonly and appropriately incidental to such dwelling sized appropriately to serve as amenities to residential use, subject to the following:

(1) Such dwelling shall not exceed 5,000 square feet of above-ground enclosed living area without Grantee's prior review and written approval, which approval shall take into consideration the impact of the size, height, and siting of the proposed dwelling on the scenic and other conservation values of the Property. The dwelling currently existing on the Property shall be counted in the number of permitted dwellings and in the permitted aggregate square feet of above-ground enclosed living area.

(2) To protect the conservation values of the Property, the permitted dwelling shall not be constructed in, or moved to, any location other than the "Dwelling Building Envelopes" identified on Exhibit "A" attached hereto and by this reference made a part thereof.

(3) One habitable dwelling exists on the Property as of the date of this Easement as documented in the baseline documentation report.

(b) **Farm buildings and structures**. Farm buildings and structures, except that a farm building or farm structure exceeding 4,500 square feet in ground area may not be constructed on the Property unless prior written approval for the building or structure shall have been obtained from Grantee. For purposes of this paragraph (b), a farm building or structure shall mean a building or structure originally constructed and used for the activities specified in Section II, Paragraph 3(i)(a) below; and

(c) **Buildings for the processing and sale of farm or forest products or for certain animal-related uses**. Buildings not exceeding four thousand five hundred (4,500) square feet of enclosed area in the aggregate and not individually exceeding two thousand five hundred (2,500) square feet of enclosed area for the processing and sale of farm or forest products produced or partially produced on the Property or, with Grantee's prior written approval, buildings for kennels, wildlife rehabilitation centers or similar enterprises. For purposes of this paragraph (c), a building for the processing and sale of farm or forest products or for animal-related uses shall mean a building originally constructed and used for the activities specified in Section II, Paragraph 3(i)(b) below. Approval of buildings for animal-related uses shall be contingent upon Grantee's determination that the construction of such buildings is consistent with the conservation purposes of this Easement and protective of the conservation values identified herein and that the buildings are located at sites on the Property not adversely impacting such conservation values. In the event of division of the Property as provided in Section II, Paragraph 1, the grantor making the division retains all permitted rights to buildings for the processing and sale of farm or forest products or for certain animal-related uses unless the right to construct such building or buildings is allocated between the parcels in the instrument creating the division or another recorded instrument;

(d) **Roads, driveways, and trails.** Roads, driveways, and trails, specifically:

(1) Private roads and driveways to serve permitted buildings or structures and roads with permeable surfaces for permitted uses and activities, such as farming or forestry;

(2) Private roads and driveways and access easements over same to serve adjacent properties, provided that such roads or driveways have the prior written approval of Grantee, which approval shall take into consideration the impact of the roads or driveways on the conservation values of the Property. Grantee is aware of the fact that the Property is encumbered by, and that this Easement is subject to, existing, recorded, right of way easements.

(3) Public roads required to be constructed in conjunction with permitted division of the Property, provided that Grantee determines that the construction and maintenance of such public roads will not impair the conservation values of the Property and gives prior written approval of such construction. Dedication of required road(s) for such division shall not be considered (an additional division/additional divisions) of the Property and this Easement shall remain in effect with respect to the portion of the Property so dedicated.

(4) Pervious trails for non-motorized use, including, but not limited to, hiking, biking, and equestrian trails; and

(e) **Utilities**. Public or private utilities to serve permitted buildings or structures. Grantor reserves its separate rights to approve such public or private utilities. Public or private utilities to be constructed in whole or in part to serve other adjacent properties shall not be constructed on, under, or over the Property unless Grantee determines that the construction and maintenance of such utilities will cause no impairment of the conservation values of the Property and gives its prior written approval for such construction and maintenance. Approval or disapproval of such construction and maintenance shall take into consideration the visibility and any other adverse impact of such utilities on the conservation values of the Property. Grantor reserves its separate rights to approve or disapprove such public or private utilities. Grantee is aware of the fact that this Property is encumbered by, and that this Easement is subject to, existing, recorded, utility easements including, without limitation, a natural gas pipeline easement; and

(f) **Small-scale miscellaneous buildings and structures**. Small-scale miscellaneous buildings and structures, the existence of which is consistent with the conservation purposes of this Easement and which will not impair the conservation values protected herein, such as hunting stands, wildlife observation structures, fences, boardwalks, or structures for crossing streams or wetlands (subject to the restrictions contained in Section II, Paragraph 5(ii) below)]; and

(g) **Alternative energy structures**. Alternative energy structures used to harness natural renewable energy sources, such as sunlight, wind, water, or biomass, and scaled to provide electrical energy or pump water for permitted dwellings and other buildings,

structures, and activities on the Property, which limitation shall not be deemed to prohibit the sale of excess power generated incidentally in the operation of such structures and associated equipment; and alternative energy structures constructed in whole or in part to serve other properties, provided that Grantee determines that the construction and maintenance of such structures will cause no impairment of the conservation values of the Property and gives its prior written approval for such construction and maintenance. Approval of such construction and maintenance shall take into consideration the visibility and any other possible adverse impact of such structures on the conservation values of the Property.

(iv) **Construct, use and maintain**. Grantor shall have the right to construct and use any dwellings, other buildings, structures, roads, driveways, trails, and utilities permitted in Section II, Paragraph 2(i) above and to repair, maintain, renovate, expand, and replace any permitted dwellings, other buildings, structures, roads, driveways, trails, and utilities on the Property, within the limitations set forth in this Easement.

(v) **Alternative use of square footage of dwelling.** All or a portion of the aggregate allowable square footage for the dwelling set forth in Section II, Paragraph 2(iii)(a) above may be allocated to any number of buildings or structures, to be used for educational, scientific, or recreational, or religious purposes, provided that Grantee determines that the conversion of dwellings or the construction of new buildings or structures and their intended use(s) are consistent with the conservation purposes of this Easement, determines that such conversion or construction and use(s) will not impair the conservation values protected herein, and gives prior written approval of such conversion or construction. The approval of such construction shall take into consideration the impact of the size, height, and siting of the proposed building(s) on the conservation values of the Property.

(vi) **Siting of buildings and structures.** To protect the scenic values of the Property, and the agricultural soils on the Property, no buildings or structures larger than 500 square feet in ground area shall be constructed in any area other than the permitted building area shown on Exhibit "A", attached hereto and by this reference made a part hereof.

(vii) **Collective footprint limitation**. For the purpose of this paragraph, the collective footprint is the ground area measured in square feet of the buildings and structures set forth in Section II, Paragraph 2(iii) above and all other impervious surfaces, excluding linear surfaces, such as roads, driveways, walls, fences, and boardwalks. The collective footprint shall not exceed one percent (1%) of the total area of the Property, provided that if Grantor can demonstrate that an increase in the collective footprint would result in increased protection of the conservation values of the Property, Grantee may approve such increase. In the event of division of the Property, the collective footprint of each created parcel shall not exceed one percent (1%) of the total area of such parcel unless otherwise allocated in the instrument of transfer or another recorded instrument or allocated de facto by conveyance of a parcel with existing structures.

3. ACTIVITIES ON THE PROPERTY.

(i) Industrial or commercial activities on the Property are prohibited, with the exception of the following:

(a) Agriculture (including livestock production), equine activities, agritourism (as defined by Section 3.2-6400, Code of Virginia, 1950, as amended), or forestry;

(b) Processing or sale of farm or forest products produced or partially produced on the Property and approved animal-related uses in buildings permitted in Section II Paragraph 2(i)(c) above;

(c) Small-scale incidental commercial or industrial operations compatible with activities set forth in (a) above that Grantee approves in writing as being consistent with the conservation purposes of this Easement;

(d) Activities that can be and in fact are conducted within permitted buildings without material alteration to their external appearance;

(e) The sale of excess power generated incidentally in the operation of approved alternative energy structures;

(f) Activities to restore or enhance wetlands or streams or restore, enhance, or develop other ecosystem functions on the Property including, but not limited to, stream bank restoration, wetland and stream mitigation, biological carbon sequestration and biodiversity mitigation, provided that such activities are not in conflict or inconsistent with the conservation purposes of or the restrictions set forth in this Easement and that prior written approval for same shall have been obtained from Grantee. Grantee is not responsible for monitoring any such activities and has no obligation to enforce the provisions of any permit(s), restriction(s), or easement(s) therefor. Subject to Grantee's approval, Grantor is free to participate in same in Grantor's discretion and to retain any remuneration derived therefrom. Grantee reserves the right to impose a cost recovery charge for evaluation of ecosystem function projects on the Property;

(g) Temporary or seasonal outdoor activities or events ("activities") that do not permanently alter the physical appearance of the Property and that do not impair the conservation values of the Property herein protected, except that such activities involving 100 or more people shall not exceed seven consecutive days or more than 14 days in the aggregate in any 30 day period unless Grantee gives its prior written approval of such activities, which approval shall take into consideration the number of people involved, the duration of such activities, and any other aspects thereof that may have an impact on the conservation values being protected herein. Approval may be subject to the requirement that at the conclusion of the activity Grantor shall restore the Property to its preexisting condition.

(ii) Educational, recreational, scientific, or religious activities are permitted on the Property, provided that they are consistent with the conservation purposes of this Easement and do not impair the conservation values protected herein. (Recreational activities may include, but are not limited to, use of all or a portion of the Property as a park for passive recreational activities, such as hiking, photography, bird watching, and nature study.)

4. MANAGEMENT OF FOREST.

(i) When any timber harvest or land-clearing activity (other than those in the following paragraph) of one (1) acre in total or more per occurrence is undertaken, Grantor shall adhere to the following: Best Management Practices (BMPs), as defined by the Virginia Department of Forestry at the time, shall be used to control erosion and protect water quality. All timber harvest activities on the Property shall be guided by a Forest Stewardship Management Plan approved by Grantee. A pre-harvest plan consistent with the Forest Stewardship Management Plan shall be submitted to Grantee for approval no earlier than one year nor later than thirty (30) days before beginning any material timber harvest, which approval shall be limited to determination of whether or not the pre-harvest plan is in compliance with the Forest Stewardship Management Plan and is consistent with the terms of this Easement. The pre-harvest plan shall require the marking of Streamside Management Zones (SMZs) by appropriate means before any harvesting is undertaken. Without limiting the foregoing requirement regarding submission of pre-harvest plans, Grantee shall be notified not later than thirty (30) days prior to the clearing of forestland for conversion into grassland, crop land, or in association with the construction of permitted buildings.

(ii) Provided that their scope is less than 1 acre in total per occurrence, neither a Forest Stewardship Management Plan nor a pre-harvest plan shall be required for the following permitted noncommercial activities: (a) cutting of trees for the construction of permitted roads, utilities, buildings and structures, (ii) cutting of trees for trail clearing, (iii) cutting of trees for firewood, or for other domestic uses of Grantor, (iv) removal of trees posing an imminent hazard to the health or safety of persons or livestock, or (v) removal of non-native or invasive species or trees that are diseased or have died naturally.

5. RIPARIAN BUFFER(S).

To protect water quality, riparian buffer strips shall be maintained as follows:

(i) A 35-foot forested riparian buffer strip shall be maintained along the edge of the unnamed perennial stream as measured from the centerline of the watercourse as indicated as "Riparian Buffer" on Exhibit "B".

(ii) Within the buffer strip(s) there shall be

(a) No buildings or other substantial structures constructed;

(b) No new paved roads or paving of existing roads without Grantee's approval;

(c) No storage of compost, manure, fertilizers, chemicals, machinery or equipment;

(d) No removal of trees except

(1) Removal of non-native or invasive species,

(2) Removal of dead, diseased, or dying trees,

(3) Trees posing a threat to human or livestock health or safety;

(4) Minimal removal of trees for the purpose of maintaining existing roads or for construction and maintenance of new permitted roads, stream crossings, dams, and any other structures permitted in subparagraph (iii) below;

(e) No mowing, bushhogging or disturbance of the understory or root mat;

(f) No plowing, cultivation, filling, or other earth-disturbing activity, except as may be reasonably necessary for the activities set forth in Section II Paragraph 5(ii) below.

(iii) If present, livestock shall be excluded from the buffer strip by fencing, except during emergencies, at permitted stream crossings, or with the approval of the Grantee. Said fencing shall be constructed to USDA Natural Resource Conservation Service standards at the time for exclusion of livestock.

(iv) Notwithstanding the foregoing, permitted within the buffer strip, subject to any applicable laws and regulations, are:

(a) Erosion control or restoration, enhancement, or development of ecosystem functions on the Property as permitted and limited under Section II, Paragraph 3 (i)(f) above;

(b) Fencing along or within the buffer strip(s);

(c) Construction and maintenance of stream crossings (including improvements over the buffer strip to access crossings) for pedestrians, livestock and vehicles, which crossings are constructed to USDA Natural Resource Conservation Service standards at the time;

(d) Creation and maintenance of trails with unimproved surfaces;

(e) Removal of non-native or invasive species or dead, diseased or dying trees;

(f) Minimal removal of individual trees or trees posing a threat to human or livestock health or safety;

(g) Planting of trees, shrubs, grasses, or other vegetation;

(h) Dam construction to create and maintain ponds;

(i) Diversion of water for agricultural use on the Property.

(v) Should the perennial stream meander or change course naturally, or as a result of the restoration, enhancement, or development of ecosystem functions on the Property as permitted and limited under Section II, Paragraph 3 (i)(f) above, the buffer strip(s) shall remain the same width, but move relative to the movement of the stream. In such event, any buildings or structures that were outside of the original buffer strip and are determined to be within the new buffer strip shall

not be considered in violation of these restrictions and may be maintained at such location(s) but may not be replaced at such location(s) without Grantee's prior written consent.

6. GRADING, BLASTING, FILLING AND MINING.

(i) Grading, blasting, filling, excavation, dredging or earth removal shall not materially alter the topography of the Property, including any watercourses on the Property, except (a) for dam construction to create ponds, (b) for the maintenance of any ponds on the Property, (c) for restoration, enhancement, or development of ecosystem functions on the Property as permitted and limited under Section II, Paragraph 3 (i)(f) above, (d) for erosion and sediment control pursuant to an erosion and sediment control plan, or (e) as required in the construction or maintenance of permitted buildings, structures, roads, driveways, trails, and utilities. Such maintenance shall not impair the conservation values of the Property. Grantee may require appropriate sediment and erosion control practices to be undertaken for buildings, structures, roads, or utilities that require Grantee's approval in Section II, Paragraph 2(iii) above as a condition of such approval.

(ii) Grading, blasting, filling, excavation or earth removal in excess of one acre for the purposes set forth in (a) through (d) in subparagraph (i) above require a minimum of thirty (30) days' prior notice to Grantee. Generally accepted agricultural activities, including the conversion of forest land into farmland, shall not constitute a material alteration. Surface mining, subsurface mining, dredging on or from the Property, or drilling for oil or gas on the Property is prohibited. Extraction of minerals, sand, or gravel from the Property is prohibited.

7. ACCUMULATION OF TRASH.

Additional accumulation or dumping of trash, refuse, junk or toxic materials after the date of this Easement is not permitted on the Property. This restriction shall not prevent generally accepted agricultural or wildlife management practices, such as creation of brush piles, composting, or the storage of farm machinery, organic matter, agricultural products or agricultural byproducts on the Property.

8. SIGNS.

No billboards or other signs may be displayed on the Property, except for signs that relate to the Property or to permitted activities (including commercial activities) thereon. Temporary political signs are allowed. No sign visible from outside the Property shall exceed thirty-two (32) square feet in size.

SECTION III - ENFORCEMENT

1. RIGHT OF INSPECTION.

Grantee may enter the Property from time to time for purposes of inspection (including photographic documentation of the condition of the Property) and enforcement of the terms of this

Easement after permission from or reasonable notice to Grantor or Grantor's representative, provided, however, that in the event of an emergency, entrance may be made to prevent, terminate or mitigate a potential violation of these restrictions with notice to Grantor or Grantor's representative being given at the earliest practicable time.

2. ENFORCEMENT.

(i) Grantee, in accepting this Easement, commits to protecting the conservation purposes of the Easement and has the resources necessary to enforce the restrictions set forth herein. Grantee has the right to bring a judicial proceeding to enforce the restrictions, which right specifically includes the right to:

(a) Require restoration of the Property to its condition at the time of the donation;

(b) In Grantee's discretion, to require restoration of the Property to its condition prior to a violation of the terms hereof, provided that such prior condition was in compliance with the restrictions and consistent with the purpose of this Easement;

(c) Recover any damages arising from noncompliance;

(d) Enjoin noncompliance by *ex parte* temporary injunction or by permanent injunction. If the court determines that Grantor failed to comply with this Easement, Grantor shall reimburse Grantee for any reasonable costs of enforcement, including costs of restoration, court costs and attorney's fees, in addition to any other payments ordered by the court. Grantee's delay shall not waive or forfeit its right to take such action as may be necessary to ensure compliance with this Easement, and Grantor hereby waives any defenses of waiver, estoppel, or laches with respect to any failure to act by Grantee.

(ii) Notwithstanding any other provision of this Easement, Grantor shall not be responsible or liable for any damage to the Property or change in the condition of the Property (a) caused by fire, flood, storm, Act of God, governmental act or other cause outside of Grantor's control or (b) resulting from prudent action taken by Grantor to avoid, abate, prevent, or mitigate such damage to or changes in the condition of the Property from such causes.

(iii) Nothing in this Easement shall create any right in the public or any third party to maintain any judicial proceeding against Grantor or Grantee. Nothing shall prohibit Grantee from seeking enforcement assistance from the Commonwealth of Virginia or any political subdivision or agency thereof.

SECTION IV – DOCUMENTATION

Grantor has made available to Grantee, prior to donating this Easement, documentation sufficient to establish the condition of the Property at the time of the gift, and documentation retained in the office of Grantee including, but not limited to, the Baseline Documentation Report

(BDR), describes the condition and character of the Property at the time of the gift. The Baseline Documentation Report may be used to determine compliance with and enforcement of the terms of this Easement. However, the parties are not precluded from using other relevant evidence or information to assist in that determination. The parties hereby acknowledge that the Baseline Documentation Report contained in the files of Grantee is an accurate representation of the Property and contains a statement signed by Grantor and a representative of Grantee as required by Treasury Regulation Section 1.170A-14(g)(5)(i).

SECTION V – GENERAL PROVISIONS

1. DURATION.

This Easement shall be perpetual. It is an easement in gross that runs with the land as an incorporeal interest in the Property. The covenants, terms, conditions, and restrictions contained in this Easement are binding upon, and inure to the benefit of, the parties hereto and their successors and assigns, and shall continue as a servitude running in perpetuity with the Property. The rights and obligations of an owner of the Property under this Easement terminate upon proper transfer of such owner's interest in the Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

2. NO PUBLIC ACCESS AND GRANTOR'S RETENTION OF USE.

Although this Easement will benefit the public as described above, nothing herein shall be construed to convey to the public a right of access to, or use of the Property. Subject to the terms hereof, Grantor retains the exclusive right to such access and use [*Optional addition*: including, but not limited to, the right to hunt, fish, or trap on the Property].

3. GRANTOR'S REPRESENTATIONS AND WARRANTIES.

Grantor represents, covenants, and warrants that (a) Grantor has good fee simple title to the Property (including the mineral rights located under the surface of the Property), (b) Grantor has all right and authority to give, grant and convey this Easement, (c) the Property is free and clear of all encumbrances (other than restrictions, covenants, conditions, and utility and access easements of record), including, but not limited to, any leases, option contracts, mortgage liens, deeds of trust liens, or other liens not subordinated to this Easement, (d) no consent of any third party is required for Grantor to enter into this Easement, (e) each person signing on behalf of Grantor is authorized to do so, and (f) Grantor is duly organized and legally existing under the laws of he Commonwealth of Virgina.

4. ACCEPTANCE.

Acceptance of this conveyance by Grantee is authorized by its Board and is evidenced by the signature of its Executive Director.

5. INTERACTION WITH OTHER LAWS.

This Easement does not permit any use of the Property that is otherwise prohibited by federal, state, or local law or regulation. Neither the Property, nor any portion of it, has been or shall be dedicated as open space within, or as part of, a residential subdivision or any other type of residential or commercial development; dedicated as open space in, or as part of, any real estate development plan; or dedicated for the purpose of fulfilling density requirements to obtain approvals for zoning, subdivision, site plan, or building permits. No development rights that have been encumbered or extinguished by this Easement shall be transferred to any other property pursuant to a transferable development rights scheme, cluster development arrangement, or otherwise.

6. CONSTRUCTION AND INTERPRETATION.

Pursuant to the public policy of the Commonwealth of Virginia favoring land conservation, any general rule of construction to the contrary notwithstanding (including the common law rule that covenants restricting the free use of land are disfavored and must be strictly construed), it is the intent of the parties hereto that this Easement and all language contained herein shall be liberally construed in favor of the grant to effect the purposes of the Easement and the policy and purposes of Grantee. If any provision of this Easement is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid. Lawful acts or uses consistent with the purpose of and not expressly prohibited by this Easement are permitted on the Property. Grantor and Grantee intend that the grant of this Easement qualify as a "qualified conservation contribution" as that term is defined in IRC Section 170(h)(1) and Treasury Regulation Section 1.170A-14, and the restrictions and other provisions of this Easement shall be construed and applied in a manner that will not prevent this Easement from being a qualified conservation contribution.

7. REFERENCE TO EASEMENT IN SUBSEQUENT DEEDS.

This Easement shall be referenced by deed book and page number, instrument number or other appropriate reference in any deed or other instrument conveying any interest in the Property. Failure of Grantor to comply with this requirement shall not impair the validity of the Easement or limit the Easement's enforceability in any way.

8. NOTICE TO GRANTEE AND GRANTOR.

For the purpose of giving notices hereunder the current address of Grantee is 27 Church Ave SW, Roanoke, VA 24011, and any notice to Grantor shall be given to the recipient at the

address at which the real estate tax bill is mailed for the Property or portion thereof that is the subject of the notice and which is currently c/o Laura J. Toler, 5914 Forest Ridge Drive, Durham, NC 27713.

Grantor shall notify Grantee in writing at or prior to closing on any *inter vivos* transfer, other than a deed of trust or mortgage, of all or any part of the Property.

In addition, Grantor agrees to notify Grantee in writing before exercising any reserved right that Grantor believes may have an adverse effect on the conservation or open-space values or interests associated with the Property. The purpose of requiring such notice is to afford Grantee an adequate opportunity to monitor such activities to ensure that they are carried out in a manner consistent with the purpose of this Easement. Such notice shall describe the proposed activity in sufficient detail to allow Grantee to judge the consistency of the proposed activity with the purpose of this Easement.

Failure of Grantor to comply with these requirements shall not impair the validity of the Easement or limit its enforceability in any way.

9. TAX MATTERS.

The parties hereto agree and understand that any value of this Easement claimed for tax purposes as a charitable gift must be fully and accurately substantiated by an appraisal from a qualified appraiser as defined in Treasury Regulation Section 1.170A-13(c)(5)), and that the appraisal is subject to

10. REVIEW AND AUDIT BY ALL APPROPRIATE TAX AUTHORITIES.

Grantee makes no express or implied warranties that any tax benefits will be available to Grantor from donation of this Easement, or that any such tax benefits might be transferable, or that there will be any market for any tax benefits that might be transferable. By its execution hereof, Grantee acknowledges and confirms receipt of the Easement and further acknowledges that Grantee has not provided any goods or services to Grantor in consideration of the grant of the Easement.

11. NO MERGER.

Grantor and Grantee agree that in the event that Grantee acquires a fee interest in the Property, this Easement shall not merge into the fee interest, but shall survive the deed and continue to encumber the Property.

12. ASSIGNMENT BY GRANTEE.

Grantee may not transfer or convey this Easement unless Grantee conditions such transfer or conveyance on the requirement that (i) all restrictions and conservation purposes set forth in

this Easement are to be continued in perpetuity and (ii) the transferee then qualifies as an eligible donee as defined in IRC Section 170(h)(3) and the applicable Treasury Regulations.

13. GRANTEE'S PROPERTY RIGHT.

Grantor agrees that the donation of this Easement to Grantee gives rise to a property right, immediately vested in Grantee, with a fair market value that is equal to the proportionate value that the perpetual conservation restriction at the time of the gift bears to the value of the Property as a whole at that time.

14. PERPETUAL EASEMENT.

Grantor and Grantee intend that this Easement be perpetual.

15. EXTINGUISHMENT.

Should an attempt be made to extinguish this Easement in whole or in part, such extinguishment can be carried out only by judicial proceedings and only if in compliance with IRC Section 170 (h) and applicable Treasury Regulations. In a sale or exchange of the Property subsequent to and resulting from an extinguishment, Grantee shall be entitled to a portion of the proceeds at least equal to the proportionate value of this Easement computed as set forth in Section V Paragraph 12 above, but not to be less than the proportion that the value of this Easement at the time of extinguishment bears to the then value of the Property as a whole. Grantee shall use all its share of the proceeds from the sale of the Property in a manner consistent with the conservation purpose of this Easement.

16. AMENDMENT.

Grantee and Grantor may amend this Easement to enhance the Property's conservation values or add real property subject to the restrictions set forth in this deed to the restricted property by an amended deed of easement, provided that no amendment shall (i) be inconsistent with the public interest or the mission of the Grantee; (ii) violate any applicable federal, state, or local laws; (iii) affect this Easement's perpetual duration; (iv) be inconsistent with the documented intent of the Grantor, or any direct funding source used, if applicable; (v) permit development, improvements, or uses prohibited by this Easement on its effective date; (vi) conflict with or be contrary to or inconsistent with the conservation purposes of this Easement; (vii) reduce the protection of the conservation values; (viii) affect the qualification of this Easement as a "qualified conservation contribution" or "interest in land"; (ix) affect the status of Grantee as a "qualified organization" or "eligible donee"; or (x) create an impermissible private benefit or private inurement in violation of federal tax law. No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor and recorded in the Clerk's Office of the Circuit Court of Pittsylvania, Virginia.

17. JOINT OWNERSHIP.

If Grantor at any time owns the Property or any portion of or interest therein in joint tenancy, tenancy by the entirety, or tenancy in common, all such tenants shall be jointly and severally liable for all obligations of Grantor set forth herein.

18. SEVERABILITY.

If any provision of this Easement or its application to any person or circumstance is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this Easement shall not be affected thereby.

19. ENTIRE AGREEMENT.

This instrument sets forth the entire agreement of the parties with respect to this Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement.

20. CONTROLLING LAW.

The interpretation and performance of this Easement shall be governed by the laws of the Commonwealth of Virginia, resolving any ambiguities or questions of the validity of specific provisions in order to give maximum effect to its conservation purpose.

21. RECODIFICATION AND AMENDMENT OF STATUTES AND REGULATIONS.

This Easement cites various federal and state statutes and regulations applicable to open-space easements. In the event that such statutes or regulations are re-codified or amended, this Easement will be interpreted and enforced according to the re-codified or amended statutes and regulations most closely corresponding to those cited herein and carrying out the purposes recited herein.

22. RECORDING.

This Easement shall be recorded in the land records in the Circuit Court Clerk's Office of the County of Pittsylvania, Virginia, and Grantee may re-record it any time as may be required to preserve its rights under this Easement.

23. COUNTERPARTS.

This Easement may be executed in one or more counterpart copies, each of which, when executed and delivered shall be an original, but all of which shall constitute one and the same

Easement. Execution of this Easement at different times and in different places by the parties hereto shall not affect the validity of the Easement.

24. REVIEW FEES.

Grantee reserves the right to charge Grantor, and Grantor agrees to pay to Grantee, a fee to reimburse Grantee for its actual and reasonable expenses (including those of its staff) incurred for Grantee to review and approve any right that is reserved by Grantor in this Easement, and which is required by this Easement to be reviewed and approved by Grantee before being exercised, in accordance with the policies of the Grantee at the time the review is made. Grantee also reserves the right to recover its costs incurred in responding to requests initiated by Grantor involving matters such as boundary-line adjustments, easement amendments, project reviews for ecosystem services, preparation of reports to facilitate sales, and access or utility easements over the Property.

25. INDEMNIFICATION OF GRANTEE.

Grantor hereby agrees to indemnify and hold harmless Grantee and its directors, officers, agents, volunteers, and employees (collectively, the "Indemnified Parties") from and against any and all liabilities, penalties, causes of action, claims, demands, orders, judgments, or administrative actions against Indemnified Parties, including, without limitation, reasonable attorney's fees arising from Grantee's interest in the Property as Grantee under this Easement and in connection with: (i) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due to the negligence of any of the Indemnified Parties or arising out of Indemnified Parties' physical presence on the Property; Indemnified Parties acknowledge that the Property is an active farming, forestry and agritourism property and that there are inherent dangers in connection with same; (ii) the violation or alleged violation of, or other failure to comply with, any federal, state, or local law, regulation, ordinance or requirement, by any person other than any of the Indemnified Parties, in any way affecting, involving, or relating to the Property which directly leads to a loss suffered by Indemnified Parties; (iii) the presence or release in, on, from, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, ordinance or requirement as hazardous, toxic, polluting or otherwise contaminating or harmful to human health or the environment which directly leads to a loss suffered by Indemnified Parties unless caused solely by any of the Indemnified Parties.

26. CONSTRUCTIVE DENIAL.

For activities or uses that are expressly permitted by the terms of this Easement only with the Grantee's approval, the Grantor's request for approval shall be in writing and shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity or use in sufficient detail to permit the Grantee to make an informed determination regarding approval or denial of the request. Such a request shall be delivered to the Grantee at least sixty (60) days prior to the anticipated start date of such activity or use, unless otherwise specified elsewhere in this Easement. Grantee agrees to use reasonable diligence to respond to such a request

prior to the anticipated start date of such activity or use. Grantee's failure to respond to such a request prior to the anticipated start date of such activity or use shall be deemed a constructive denial. Because a constructive denial is not a decision by the Easement holder based on the merits of the Grantor's request, it is not final or binding on the Grantee, and the Grantor may resubmit the same or a similar request for approval.

WITNESS the following signatures and seals:

SELF FARM, LLC, a Virginia limited liability company

_____

By:
Title:

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, TO WIT:

The foregoing instrument was acknowledged before me this ___ day of _____, 2020 by _____of SELF FARM, LLC, a Virginia limited liability company.

_____
Notary Public

My commission expires: _____
(SEAL) Registration No. _____

[Counterpart signature page 2 of 2]

Accepted:
BLUE RIDGE LAND CONSERVANCY,

By: _____
Title: _____

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____, 2020 by David C. Perry, _____, the Executive Director of the Blue Ridge Land Conservancy.

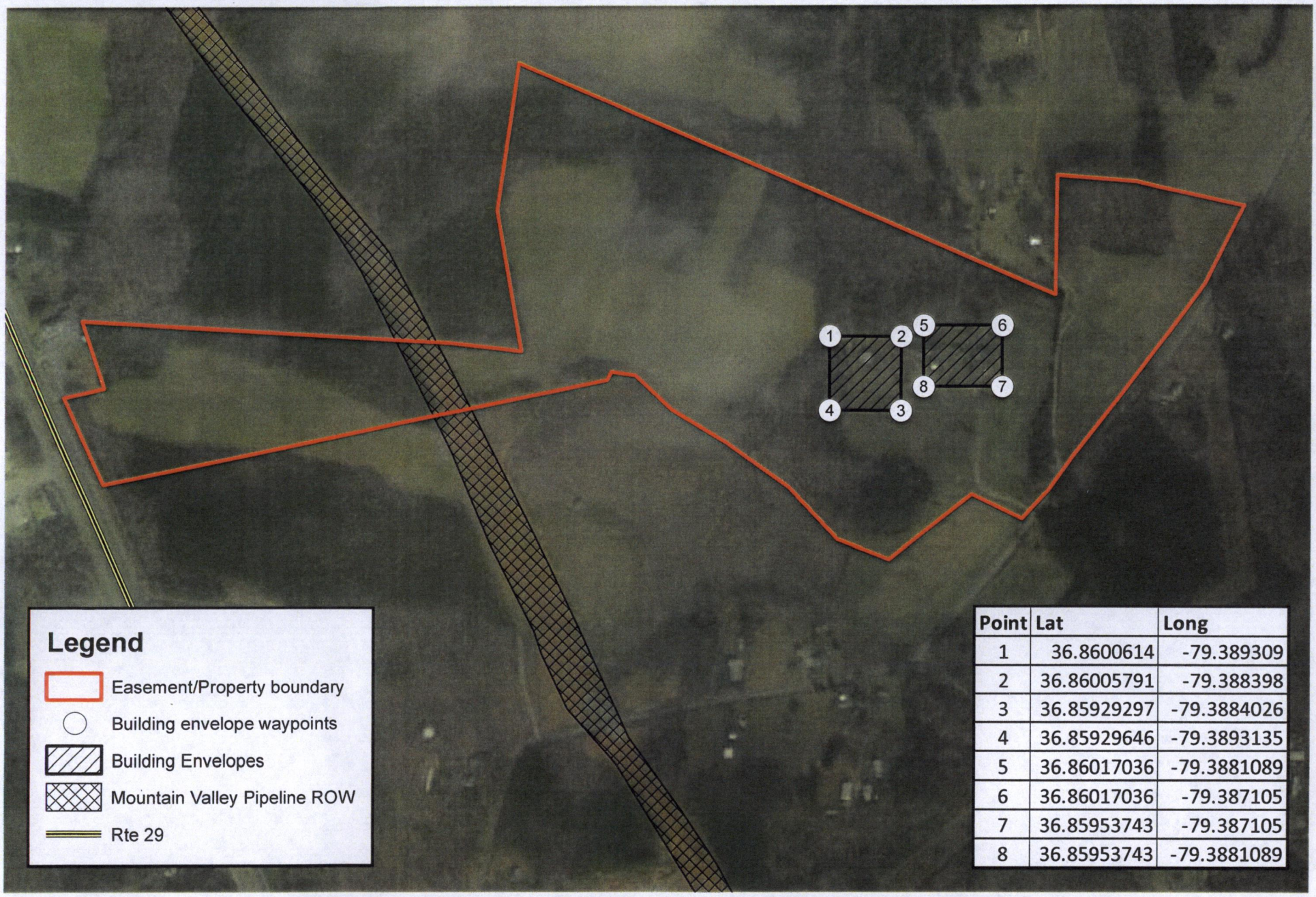
_____
Notary Public

My commission expires: _____
(SEAL) Registration No. _____

EXHIBIT "A"
BUILDING ENVELOPES

EXHIBIT "B"
RIPARIAN BUFFER

Exhibit A



Point	Lat	Long
1	36.8600614	-79.389309
2	36.86005791	-79.388398
3	36.85929297	-79.3884026
4	36.85929646	-79.3893135
5	36.86017036	-79.3881089
6	36.86017036	-79.387105
7	36.85953743	-79.387105
8	36.85953743	-79.3881089

BLUE RIDGE

USGS Quad: Chatham
Created by: Meagan Cupka
Created on: 09/11/2020
For reference purposes only.

0 500 1,000 2,000 Feet

N

Exhibit B

BLUE RIDGE

USGS Quad: Chatham
Created by: Meagan Cupka
Created on: 09/11/2020
For reference purposes only.

0 500 1,000 2,000 Feet

N