



BOARD OF ZONING APPEALS

OCTOBER 13, 2020

**Board of Zoning Appeals
List of Members
2020**

Kenneth Talbott

January 16, 2022

R. Allan Easley

January 16, 2021

Ann Deering

January 14, 2025

Mrs. Helen Glass

January 16, 2021

Joseph A. Craddock

January 16, 2021

Ronald E. Merricks

January 14, 2025

Carroll Yeaman

January 14, 2025

For Information on the Board of Zoning Appeals

Please contact Karen Hayes at (434) 432-7752 or Karen.Hayes@pittgov.org

PITTSYLVANIA

COUNTY, VIRGINIA

PITTSYLVANIA COUNTY BOARD OF ZONING APPEALS REGULAR MEETING

Tuesday, October 13, 2020 - 7:00 p.m.

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

AGENDA

1. **Call to Order (Chairman remind Board Members and Staff to turn on and adjust Microphones)**
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - a. September 8, 2020
5. Old Business
6. New Business
 - a. Cases For Next Month:
 - Special Use Permit for a Recreational Facility and ATV Trails
 - Special Use Permit for a Utility Scale Solar Energy Facility
7. Chairman's Report
8. **Public Hearing**

- | | |
|---------------|---|
| Case S-20-013 | First Piedmont Corporation – Dan River Election District
<i>Special Use Permit for a Landfill</i> |
| Case S-20-014 | J. D. Shelton and Others – Dan River Election District
<i>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</i> |
| Case S-20-015 | Anissa Christine Weimer – Staunton River Election District
<i>Special Use Permit for a Kennel for Boarding Dogs</i> |
| Case S-20-016 | Rodney F. Shelton and Janet W. Shelton – Banister Election District
<i>Special Use Permit for Service and Repair of All-Terrain Vehicles (ATVs)</i> |
| Case S-20-017 | Randy Lynn Hogan – Westover Election District
<i>Special Use Permit for a Drive-In Movie Theater</i> |

9. Adjournment

PITTSYLVANIA COUNTY BOARD OF ZONING APPEALS

REGULAR MEETING

September 8, 2020

MINUTES

VIRGINIA: The Pittsylvania County Board of Zoning Appeals met on Tuesday, September 8, 2020, at the Community Center, Chatham, Virginia. Mr. Talbott, Chairman, called the meeting to order at approximately 7:00 p.m. Mrs. Ragsdale called the roll.

PRESENT

Kenneth Talbott
R. Allan Easley
Ann Deering
Helen Glass
Joseph "Jay" Craddock
Ronald Merricks
Carroll Yeaman
Emily Ragsdale
Karen N. Hayes
Christopher Dadak, Attorney

APPROVAL OF THE AGENDA

Upon motion of Mr. Merricks, seconded by Mrs. Glass, and by a unanimous vote, the agenda was approved as presented.

APPROVAL OF THE MINUTES

Upon motion of Mr. Yeaman, seconded by Mrs. Deering, and by a unanimous vote, the August 11, 2020, minutes were approved as presented.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mrs. Ragsdale reported there are five (5) Special Use Permit cases for October: Special Use Permits for a landfill; for an amendment to existing conditions attached to Case S-19-010 for recreational uses, ATV trails; a kennel for boarding dogs; for repair and service of all-terrain vehicles (ATVs); and for a drive-in movie theater.

CHAIRMAN'S REPORT

There was no Chairman's Report.

THE ZONING PRECEPTS WERE READ by Mr. Talbott **TO OPEN THE PUBLIC HEARING** at approximately 7:04 p.m.

Case S-20-011, Berry Hill Solar, LLC – Mr. Talbott opened the public hearing at 7: 04 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. She then stated the Planning Commission recommended by a 5 to 1 vote, with opposition, that the petitioner's request be granted subject to the 17 conditions as presented by staff in the Board packet with amended conditions as follows: (1) Allow 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 proposed access road from across the highway from Mr. Hardy's residence at 3028 Berry Hill Road, Danville, VA. She also stated the staff summary was located in the Board packet. Tom Terrell, Louis Iannone, Brent Niemann and Chris Kaila were present to represent the petition. Mr. Terrell and Mr. Iannone gave a brief overview of the Project and answered questions from the Board members. Lynwood Hardy and Joe Key spoke in opposition to the petition. Their concerns included, but were not limited to, the following: setbacks issues and excessive traffic on Buford Road. Mr. Terrell offered a rebuttal and addressed their concerns. Mr. Talbott closed the public hearing at 7:48 p.m. The Board discussed the petition as the Committee of the Whole. Upon motion of Mr. Merricks, seconded by Mr. Easley, the following motion was adopted: **Whereas**, Berry Hill Solar, LLC, has petitioned the Board of Zoning Appeals for a Special Use Permit for a utility-scale solar energy facility, **and, Whereas**, we find no substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the Ordinance, I move the Special Use Permit be **granted**. With the following conditions:

- 1. Site Development Plan; Location.** All solar panels and other above-ground equipment will be located within the "Project Area" shown on the Conceptual Site Plan included with the SUP application. All Site Plan requirements of Section 35-141 must be met before permits are issued.
- 2. Height.** Except for the collection yard and substation or otherwise as required by applicable building code, the maximum height of the solar panels and other above-ground equipment will be 18 feet.
- 3. Setbacks.** Except for fencing and any pole mounted electronic lines, consistent with the County ordinance, all above-ground equipment will have a minimum front setback of at least 60 feet from the centerline of the specified right-of-way, or 35 feet from the edge of the right-of-way, whichever is greatest. The side setback shall be 100 feet. The rear minimum setback shall be 100 feet. Maintain a setback of 200 feet along Buford Road down to the railroad track. Maintain a 500-foot separation from solar panels to any dwelling.
- 4. Fencing.** Fencing for the Project will be standard chain-link and at least 6 feet high. The Applicant shall maintain the fence for the life of the Project.
- 5. Landscaping.** Applicant will comply with Section 35-121 Fencing – Screening. At the perimeter locations shown on the Conceptual Site Plan, the setback will include a minimum 50-foot-wide landscaped area comprised of any existing vegetation supplemented as needed with a staggered row of planted trees or large shrubs. The vegetation shall be evergreen and designed to 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. Prior to construction and site plan approval, a landscaping maintenance plan will be submitted to the Zoning Administrator for approval, which shall provide for the posting of a bond or other surety in an amount sufficient to ensure that the plantings are successfully established and the landscaping is maintained or replaced during the life of the Project.

6. **Construction Management and Mitigation.** Prior to construction, the Applicant shall prepare and submit to the Zoning Administrator a construction management plan to address: traffic control methods,
7. **Road Repairs.** All public and private roads must remain open during construction. Any damage to roads caused by construction will be promptly repaired to preconstruction conditions and/or VDOT standards where deemed necessary.
8. **Erosion and Sediment Control.** Prior to construction, an approved erosion and sediment control plan will be implemented for the Project, and an erosion and sediment control bond will be provided.
9. **Stormwater Management.** Prior to construction, a Virginia Stormwater Management Program Permit from the Virginia DEQ will be obtained for the Project, including an approved Stormwater Pollution Prevention Plan.
10. **Operational Noise and Electrical Interference.** The Project will comply with all applicable County requirements for noise and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.
11. **Operational Light.** Fixed lighting at the perimeter of the Project will be limited to gates and will be shielded/downward facing to minimize light spillage and shall be motion-activated.
12. **Compliance.** The project shall be designed, constructed, and tested to meet all applicable local, state, and federal standards.
13. **Decommissioning.** In accordance with Section 35-141(E), the applicant shall completely decommission the facility within 12 months, if the facility ceases to generate electricity for a continuous period of 12 months, including all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities and structures. Prior to construction and approval of the site plan, a decommissioning plan will be submitted to the Zoning Administrator, which shall provide for the posting of a bond or other surety acceptable to the County in the amount of the decommissioning costs, not including salvage value, for the Project.
14. **Start of construction.** The SUP will expire unless construction of the Project is commenced within 3 years of the date of issuance of the SUP.
15. **Survival.** So long as the Project is operated in conformance with these conditions, the SUP shall continue for the life of the Project.
16. **Comply with all DEQ regulations regarding nonpoint source pollutants.** Chemical sprays used in weed control shall comply with DEQ regulations.
17. **Fire and Rescue Training.** The applicant shall provide annual training to the local fire department regarding battery storage.
18. The applicant shall dedicate land adequate to support a connector from U.S. Highway 311 to Buford Road at the time that an easement is granted to Berry Hill Solar for adequate access to a utility substation to be built.

Motion passed by a unanimous vote.

Case S-20-012, Shockoe Solar, LLC – Mr. Talbott opened the public hearing at 8:12 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. She then stated the Planning Commission recommended by a 6 to 0 vote, with opposition, that the petitioner’s request be granted with the 17 conditions as presented by staff in the Board packet. She also stated the staff summary was located in the Board packet. Charlie Falter was present to represent the petition. He gave a brief overview of the Project and answered questions from the Board members. Maurice Dodson and Patricia Jones spoke in opposition to the petition. Their concerns included, but were not limited to, the following: the solar facility is located in a residential community; solar panels are located in the residents’ backyards; glare from panels; lightning barriers; decrease in property values; and emissions from the solar panels. Mr. Falter offered a rebuttal and addressed their concerns. Mr. Talbott closed the public hearing at 8:41 p.m. The Board discussed the petition as the Committee of the Whole. Upon motion of Mr. Yeaman, seconded by Mr. Merricks, the following motion was adopted: **Whereas**, Shockoe Solar, LLC, has petitioned the Board of Zoning Appeals for a Special Use Permit for a utility-scale solar energy facility, **and, Whereas**, we find no substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the Ordinance, I move the Special Use Permit be **granted**. With the following conditions:

- 1. Site Development Plan; Location.** All solar panels and other above-ground equipment will be located within the “Project Area” shown on the Conceptual Site Plan included with the SUP application. All Site Plan requirements of Section 35-141 must be met before permits are issued.
- 2. Height.** Except for the collection yard and substation or otherwise as required by applicable building code, the maximum height of the solar panels and other above-ground equipment will be 15 feet.
- 3. Setbacks.** Except for fencing and any pole mounted electronic lines, consistent with the County ordinance, all above-ground equipment will have a minimum front setback of at least 60 feet from the centerline of the specified right-of-way, or 35 feet from the edge of the right-of-way, whichever is greatest. The side setback shall be 10 percent of the road frontage distance, with a minimum of 10 feet. The rear minimum setback shall be at least 40 feet. No setbacks are required between the parcels lines of parcels that are part of a single Project. Side setbacks from R-1, Residential Suburban Subdivision District, and RC-1, Residential Combined Subdivision District, shall be 75 feet. Side setbacks from all other districts shall be 60 feet.
- 4. Fencing.** Fencing for the Project will be standard chain-link and at least 6 feet high. The Applicant shall maintain the fence for the life of the Project.
- 5. Landscaping.** Applicant will comply with Section 35-121 Fencing – Screening. At the perimeter locations, the setback will include a minimum 15-foot-wide landscaped area comprised of any existing vegetation supplemented as needed with a staggered row of planted trees or large shrubs. The vegetation shall be evergreen and designed to 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. Prior to construction and site plan approval, a landscaping maintenance plan will be submitted to the Zoning Administrator for approval, which shall provide for the posting of a bond or other surety in an amount sufficient to ensure

that the plantings are successfully established and the landscaping is maintained or replaced during the life of the Project.

6. **Construction Management and Mitigation.** Prior to construction, the Applicant shall prepare and submit to the Zoning Administrator a construction management plan to address: traffic control methods, site access, fencing, lighting, mitigation of construction operations, and hours of construction activity.
7. **Road Repairs.** All public and private roads must remain open during construction. Any damage to roads caused by construction will be promptly repaired to preconstruction conditions and/or VDOT standards where deemed necessary.
8. **Erosion and Sediment Control.** Prior to construction, an approved erosion and sediment control plan will be implemented for the entire Project, and an erosion and sediment control bond will be provided.
9. **Stormwater Management.** Prior to construction, a Virginia Stormwater Management Program Permit from the Virginia DEQ will be obtained for the Project, including an approved Stormwater Pollution Prevention Plan.
10. **Operational Noise and Electrical Interference.** The Project will comply with all applicable County requirements for noise and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.
11. **Operational Light.** Fixed lighting at the perimeter of the Project will be limited to gates and will be shielded/downward facing to minimize light spillage and shall be motion-activated.
12. **Compliance.** The project shall be designed, constructed, and tested to meet all applicable local, state, and federal standards.
13. **Decommissioning.** In accordance with Section 35-141(E), the applicant shall completely decommission the facility within 12 months, if the facility ceases to generate electricity for a continuous period of 12 months, including all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities and structures. Prior to construction and approval of the entire site plan, a decommissioning plan will be submitted to the Zoning Administrator, which shall provide for the posting of a bond or other surety acceptable to the County in the amount of the decommissioning costs, not including salvage value, for the Project.
14. **Start of construction.** The SUP will expire unless construction of the entire Project is commenced within 3 years of the date of issuance of the SUP.
15. **Survival.** So long as the Project is operated in conformance with these conditions, the SUP shall continue for the life of the Project.
16. **Comply with all DEQ regulations regarding nonpoint source pollutants.** Chemical sprays used in weed control shall comply with DEQ regulations.
17. **Fire and Rescue Training.** The applicant shall provide annual training to the local fire department regarding battery storage.

Motion passed by a unanimous vote.

This concludes the Special Use Permit cases.

Case V-20-001, The Dock at SML, LLC – Mr. Talbott opened the public hearing at approximately 8:53 p.m. Mrs. Ragsdale, Director of Community Development, reported that The Dock at SML, LLC, had petitioned for a Variance on 16.23 acres, located on Smith Mountain Road and on Locust Lane, in the Callands-Gretna Election District to Section 35-296. AREA REGULATIONS. (A.) Minimum Lot Size, 1. Area, of the Pittsylvania County Zoning Ordinance to allow for subdivision of the property. This section states, ‘To be considered as a residential planned unit development, a project’s area must include five (5) or more contiguous acres of land, none of which can be under water or within a flowage easement’ Mr. Jason Tuttle was present to represent the petition. Mr. Tuttle stated he wants to create a single parcel smaller than five (5) acres (waterfront only) for future retail use, residential sales, etc. Amy Smitherman, Lionel Root, Debbie Foor, Lloyd Ruona, Mike Murray, and Robin Lester spoke in opposition to the petition. Their concerns included, but were not limited to, the following: no maintenance on Locust Lane; no plans to manage the road during construction; traffic; boat and trailer storage; property values; barriers that control erosion; road needs repair; runoff issues; property owner should be open about future plans; traffic should be moved off Locust Lane, etc. Mr. Tuttle offered a rebuttal and stated he will adhere to fixing the road during construction, and he hopes for new structures on the property next season; however, at this time, he is not considering moving the entrance to the site. Mr. Talbott closed the public hearing at approximately 9:30 p.m. The Board discussed the petition as the Committee of the Whole. Upon motion of Mr. Easley, seconded by Mr. Yeaman, the following motion was adopted: **Whereas**, The Dock at SML, LLC, has petitioned the Board of Zoning Appeals for a Variance to Section 35-296. AREA REGULATIONS. (A.) Minimum Lot Size, 1. Area, of the Pittsylvania County Zoning Ordinance **and, Whereas**, the application does fulfill the minimum requirements for a variance from the provisions of the ordinance **and, Whereas**, the board finds that the strict application of the ordinance would produce undue hardship, that the hardship is not shared generally by other properties in the same zoning district and the same vicinity, that the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance **and, Whereas**, the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance, I move the Variance be **granted**. Motion passed unanimously.

This concludes the Variance case.

The meeting was adjourned at approximately 9:40 p.m.

Kenneth Talbott, Chairman

Kathy H. Belton, Clerk

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 Board of Zoning Appeals have been empowered to hear and decide specific applications and appeals in support of said ordinance. 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, other than the applicant, regarding zoning cases will be limited to (3) three minutes.

PUBLIC HEARING PROCEDURE

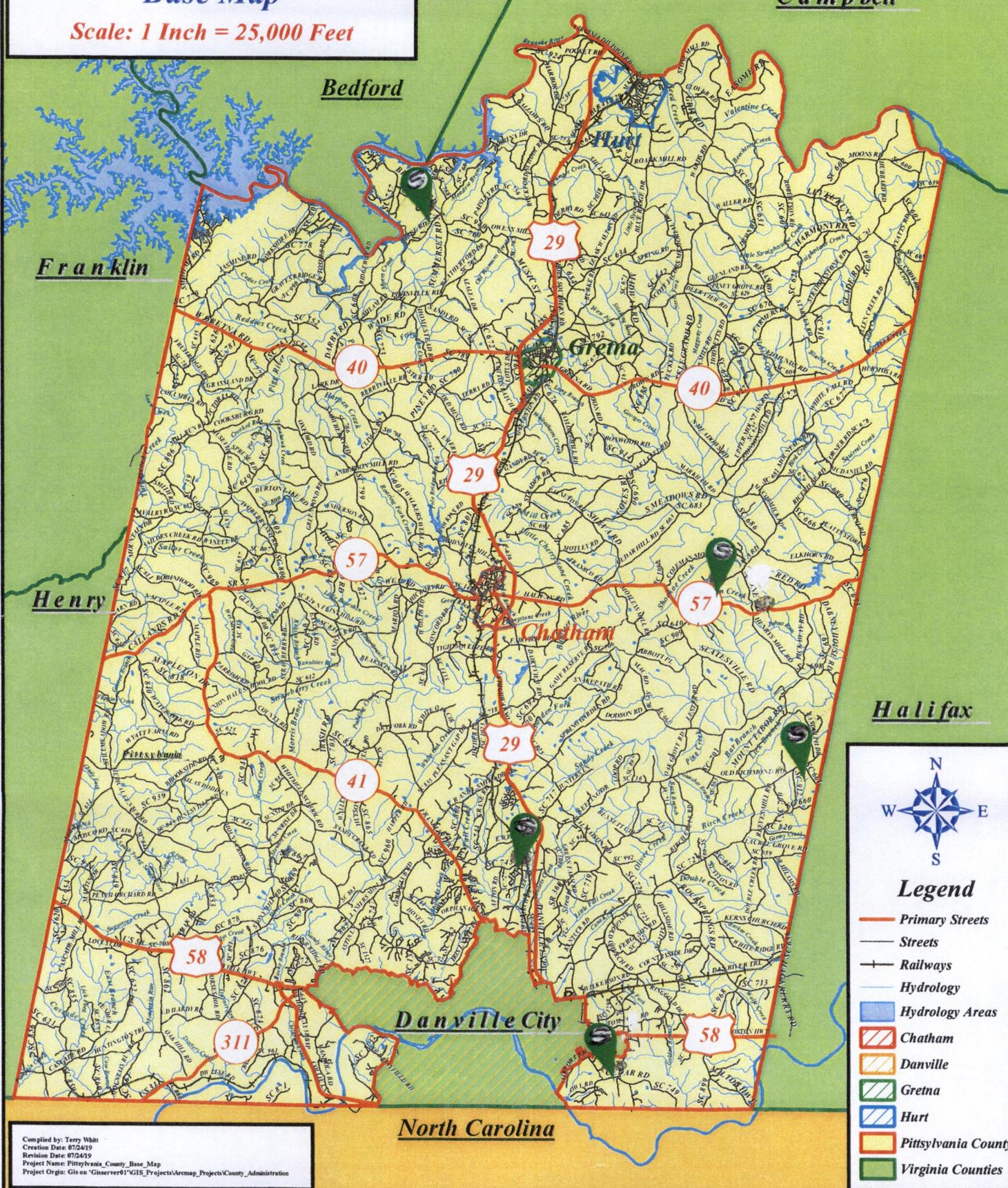
- A. Prior to opening Hearing, Chairman reviews zoning law precepts for all present.
 - B. Open Hearing by Chairman.
"Public Hearing in zoning case (case number) is now open. The time is (time)."
 - C. Zoning staff presents case and makes staff recommendations.
 - D. Chairman calls on applicant to state 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, VIRGINIA

Base Map

Scale: 1 Inch = 25,000 Feet



Legend

- Primary Streets
- Streets
- + Railways
- Hydrology
- Hydrology Areas
- Chatham
- Danville
- Gretna
- Hurt
- Pittsylvania County
- Virginia Counties

Compiled by: Terry White
 Creation Date: 07/24/19
 Revision Date: 07/24/19
 Project Name: Pittsylvania_County_Base_Map
 Project Origin: G:\gis\server01\GIS\Projects\Arcmap_Projects\County_Administration

**PITTSYLVANIA COUNTY CITIZENS
NOTICE OF PUBLIC HEARING
PITTSYLVANIA COUNTY BOARD OF ZONING APPEALS**

The Pittsylvania County Board of Zoning Appeals will hold a PUBLIC HEARING on Tuesday, October 13, 2020, beginning at 7:00 p.m., at the Community Center, Chatham, Virginia, on the following ZONING matters:

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 S-20-013

***FIRST PIEDMONT
CORPORATION***

POSITIVE MOTION: CASE S-20-013

Whereas, First Piedmont Corporation has petitioned the Board of Zoning Appeals for a Special Use Permit for a landfill, **and**,

Whereas, we find no substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are no significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **granted**.

With the following conditions:

NEGATIVE MOTION: CASE S-20-013

Whereas, First Piedmont Corporation has petitioned the Board of Zoning Appeals for a Special Use Permit for a landfill, **and**,

Whereas, we find substantial detriment to adjacent property, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **denied**.

STAFF SUMMARY

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

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-foot-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.

On October 6, 2020, the Planning Commission recommended by a 6 to 0 vote (two (2) members, Mrs. Henderson and Mr. Dudley, were absent), with opposition, that the petitioner's request be granted with Conditions 1 and 2 as recommended by Staff.



A 53 N Main St, Chatham, VA 24531

26 min , 22.4 miles

B 1224 Clarks Mill Rd, Ringgold, VA 24586

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 ▲ <i>Minor Congestion</i>	16.2 mi, 16 min
↑	3.	Keep straight onto US-58 W / US-29 S / Danville Expy S ▲ <i>Minor Congestion</i>	512 ft
	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



- 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 ▲ <i>Minor Congestion</i>	512 ft
	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
		Arrive at Cedar Rd / VA-735	
	9.	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

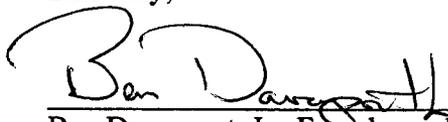
Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

Dear Mrs. Ragsdale:

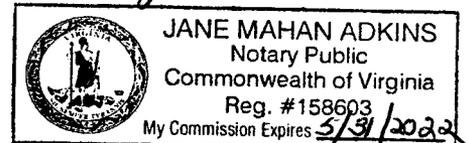
First Piedmont Corporation, as Owner, would like to apply to the Planning Commission/ Board of Zoning Appeals for a Special Use Permit on three (3) parcels of land, a total of 224.08 acres, located on State Road 734/Clarks Mill Road and on State Road 749/Cedar Road, in the Dan River Election District. 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



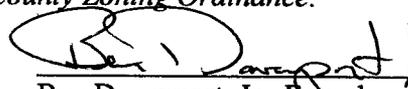
**PITTSYLVANIA COUNTY
APPLICATION FOR SPECIAL USE PERMIT**

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
4. Election District: Dan River Total Amt: \$ 365.00
Taken By: RNB
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 Trnsafer Building; 2346-35-7613 = 1990 Double Wide Mobile Home; 2346-57-5402 = Vacant
7. Proposed Land Use: Landfill

8. Check completed items:
- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Letter of Application | <input type="checkbox"/> Site Development Plan | <input checked="" type="checkbox"/> Legal Forms |
| <input checked="" type="checkbox"/> 11"x 17" Concept Plan | <input checked="" type="checkbox"/> Application Fee | <input checked="" type="checkbox"/> List of Adjoining Properties |
| <input checked="" type="checkbox"/> Plat Map | <input checked="" type="checkbox"/> Copy of Deed | <input type="checkbox"/> 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, 2020, 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: _____

TREASURER OF PITTSYLVANIA COUNTY

PAID SEP 09 2020

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

**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:

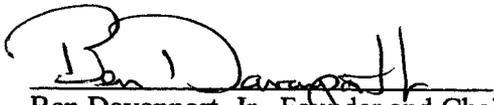
WHEREAS, your Petitioner, First Piedmont Corporation, as Owner, respectfully files this petition pursuant to Sections 35-713 of the Pittsylvania County Zoning Ordinance and in accordance with the Code of Virginia, 1950, as amended, and would respectfully show the following:

- (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.

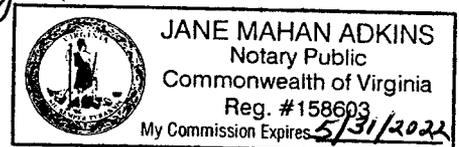
WHEREFORE, your Petitioner respectfully requests that the above-referenced parcels of land be issued a Special Use Permit as set out in Number 3.

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



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.

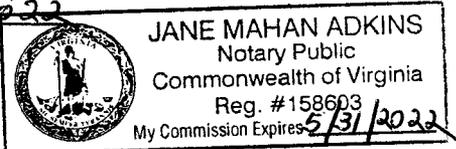
Any sign erected in compliance with this section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during 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 5-20-013 Applicant Ben Davenport, Jr. Date 8/25/20
Ben Davenport, Jr., Founder and Chairman

Sworn to and subscribed before me in my presence this 25th day of August, 2022 in my City and State aforesaid, by
Jane Mahan Adkins Notary Public. My commission Expires: May 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 Address: 700 Davis Drive
Tax Map Number: 2346-27-9330 (206528) Ringgold, VA 24586

Name: P. Michael Miller & Jeanette M. Ross Address: 2532 Franklin Turnpike
Tax Map Number: 2346-37-2514 (7129) Danville, VA 24540

Name: Walter Raymond Yarboro Address: 2661 Gap Road
Tax Map Number: 2346-68-9115 (144637) Chatham, VA 24531

Name: First Piedmont Corporation Address: Same As Applicant
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)

Name: Annie L. Butler Address: 4817 Bonnie Brae Road
Tax Map Number: 2346-65-4901 (211222) North Chesterfield, VA 23234

Name: Brenda C. Harris And Others Address: c/o Elijah J. Cunningham, Jr.
Tax Map Number: 2346-65-1561 (19987) 25 Old Halifax, Box 5
Danville, VA 24540

Name: George Douglas Carter Address: 1120 Barbara Ann Circle, Apt. 5
Tax Map Number: 2346-65-3132 (18464) Winston-Salem, NC 27103

Name: Andrew Cunningham Address: 2300 5th Avenue, #16F
Tax Map Number: 2346-65-2091 (19985) New York, NY 10037

Name: Mamie E. Nelson Address: 813 Stokes Street
Tax Map Number: 2346-64-0961 (206354) Danville, VA 24541

Name: Cliff Wade Address: 2841 Ringgold Depot Road
Tax Map Number: 2346-64-6806 (249173) Sutherlin, VA 24594

Name: Pencie L. Mitchell Address: c/o Zelma Brim
Tax Map Number: 2346-64-3684 (7298) P. O. Box 174
Milton, NC 27305

Name: David Lea & Margie B. Lea Address: 1657 Clarks Mill Road
Tax Map Number: 2346-64-0653, 2346-64-0575,
2346-64-0445 (5482) Ringgold, VA 24586

First Piedmont Corporation
Adjacent Property Owners
Page 2

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

First Piedmont Corporation
Adjacent Parcel Owners
Page 3

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 1×10^{-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.

Petition to Save our Rural Community

9/30/20 Attendees @ 1st Community Meeting - 957 Cedar Rd

For more than 40 years, First Piedmont Landfill in Ringgold, VA has continually expanded. The residents of the surrounding community have, over time, seen an increase in **negative environmental issues** arise as a result of the landfill's daily operation.

We, the undersigned, are concerned citizens who urge our leaders to act now to *Save our Rural Community!* By allowing First Piedmont to expand will further deteriorate our health and natural resources and continue to have a negative effect on our resident's quality of life!

Printed Name	Signature	Address	Phone	Date
1 Rickie Lacks		861 Owl Rd Ringgold, VA	434 728-4870	9-30-20
2 Jessica Lacks		861 Owl Rd, Ringgold, VA 24588	434-728-2725	9-30-20
3 Gerri Lamle		824 Cedar Rd	304 3201546	9-30-20
4 Gerri Lamle Jim Lamle		824 Cedar Rd	304 3201546	9-30-20
5 Wanda Hopkins		793 cedar Rd	434-709-5740	9-30-20
6 Allison Jones		793 Cedar Rd	434-709-5747	9-30-20
7 Angie Harris		1721 Cedar Rd, Ringgold	134 250-0878	9/30/2020
8 DONNA CHAI		205 EVANGEL DR.	434-822-7334	9/30/20
9 Clayton Myers		904 Cedar Rd	434-251-1689	9/30/20
10 Ashley Myers		904 Cedar rd	434-251-2138	9/30/20
11 Makenzie Myers		904 Cedar rd	434-822-3691	9/30/20
12 Tim Coke		2424 Cedar Rd	434-822-8925	9-30-20

9/30/20

Printed Name	Signature	Address	Email or phone	Date
13 Katherine Smith	K Smith	2424 Cedar Rd	434-822-8925	9-30-20
14 Jessica South	Jessica South	4998 Mt. Hill Rd	688 blue moon talkers @ 434- 822 5849	9-30-20
15 Lenore Peterson	Lenore Peterson	901 Chaney's Store Rd	434 822 6814	9-30-20
16 Julie Griffin	Julie Griffin	565 Cedar Rd	434-710-7633	9-30-20
17 Judy Talbort	Judy Talbort	600 Chaney's Store Rd	434-203-1559	9-30-20
18 Carolyn McCuey	Carolyn McCuey	88 Owl Rd Ringgold GA	CAROLYN MCCUEY @AMA-RECYCLING @ 434-251-0482	9-30-20
19 Pat Guthrie	Pat Guthrie	1111 MTN. Hill Rd	434 822-8290	9-30-20
20 Judy Williams	Judy Williams	2578 Mt. Hill Rd	434 822-7693	9-30-20
21 Jimmie Williams	Jimmie Williams	2578 Mt. Hill Rd	434 822-7693	9-30-20
22 Earl Guthrie	Earl Guthrie	1111 Mt. Hill Rd Ringgold	434-822-8290	9-30-20
23 Melvin Burnett	Melvin Burnett	441 Deere wood creek Rd	434 203-2252	9-30-20
24 Diane Owens	Diane Owens	1025 Mt. Hill Rd	434-251-4370	9-30-20
25 Will Gurnell	Will Gurnell	424 Chaney's Store Rd	434-250-8524	9-30-20
26 Dacten Gurnell	Dacten Gurnell	424 Chaney's Store Rd	434-251-5528	9-30-20
27 Robin Rossin	Robin Rossin	1125 Cedar Rd Ringgold	434-203-1992	9-30-20
28 Steve L. Rossin	Steve L. Rossin	1125 Cedar Rd Ringgold	434-203-1992	9-30-20

Petition to Save our Rural Community

For more than 40 years, First Piedmont Landfill in Ringgold, VA has continually expanded. The residents of the surrounding community have, over time, seen an increase in **negative environmental issues** arise as a result of the landfill's daily operation.

We, the undersigned, are concerned citizens who urge our leaders to act now to **Save our Rural Community!** By allowing First Piedmont to expand will further deteriorate our health and natural resources and continue to have a negative effect on our resident's quality of life!

Printed Name	Signature	Address	Email or phone	Date
29 Ashley Rossin	<i>Ashley Rossin</i>	1149 Cedar Rd	703-899-5523	9/30/20
30 Stephen Rossin	<i>Stephen Rossin</i>	1149 Cedar Rd	703-899-5523	9/30/20
31 Penny Funnell	<i>Penny Funnell</i>	2019 Mt Hill Rd.	434-791-2035	9/30/20
32 Nancy Newton	<i>Nancy Newton</i>	601 Coy Creek Lane	434-489-5306	9/30/20
33 Andy Newton	<i>Andy Newton</i>	601 Coy Creek Lane	434-489-5306	09/30/2020
34 Jerry Martin	<i>Jerry Martin</i>	837 Coy Creek Lane	434-250-2995	9/31/20
35 Angela Frith	<i>Angela Frith</i>	764 Chaney's Store Rd	frith.angela98@gmail.com 434-728-7720	9-30-20
36 Jean Martin	<i>Jean Martin</i>	837 Coy Creek Ln Ringgold	434-688-1554 coycreeksfarm@comcast.net	
37 Ann Arner	<i>Ann Arner</i>	Ringgold VA 24586	basmitte@lap.smilca.edu	9-30-20
38 Julie Owen	<i>Julie Owen</i>	495 Coy Creek Ln	Coy Creek Ln	9/30/20

Petition to Save our Rural Community

10/4/20 Attendees @ Non-denom. Christian Church - Mt. Hill Rd.

For more than 40 years, First Piedmont Landfill in Ringgold, VA has continually expanded. The residents of the surrounding community have, over time, seen an increase in **negative environmental issues** arise as a result of the landfill's daily operation.

We, the undersigned, are concerned citizens who urge our leaders to act now to **Save our Rural Community!** By allowing First Piedmont to expand will further deteriorate our health and natural resources and continue to have a negative effect on our resident's quality of life!

No.	Name	Signature	Address	Email or phone	Date
1	Tracy Roberts	<i>Tracy Roberts</i>	661 Dwyer Rd	434-257-4529	10-4-20
2	David Owen	<i>David Owen</i>	1406 Mt. Hill Rd.	434-728-3410	10-4-20
3	Stephanie Owen	<i>Stephanie Owen</i>	7406 Mathews Rd	434-489-9209	10/4/20
4	Josh Owen	<i>Josh Owen</i>	1406 Mathews Rd	434-200-3084	10/4/20
5	Sybil Williams	<i>Sybil Williams</i>	1406 Mt Hill Rd	434-483-7079	10/4/20
6	Kenneth Williams	<i>Kenneth Williams</i>	1406 Mt Hill Rd	434-483-7077	10/4/20
7	Marenie Scott	<i>Marenie Scott</i>	1406 Mt Hill Rd	434-250-4041	10/4/20
8	Mike Robertson	<i>Mike Robertson</i>	661 Dwyer Rd	434-257-9604	10/4/20
9	Kristina Owens	<i>Kristina Owens</i>	1406 Mt. Hill Rd	434-728-1361	10-4-20
10	Joanny Owens	<i>Joanny Owens</i>	1406 Mt. Hill Rd	434-250-7980	10-4-20
11	Cari DeMott	<i>Cari DeMott</i>	1406 Mt. Hill Rd.	434-234-4833	10-4-20
12	Jace DeMott	<i>Jace DeMott</i>	1406 Mt. Hill Rd	434-713-1095	10-4-20

9:30.20

* Rec'd 10/4/20



Printed Name	Signature	Address	Email or phone	Date
13 BROOKLYN OWEN	<i>Brooklyn Owen</i>	1400 1400 Mt. Hill Rd	(434)-713-4109	10/4/20
14 Roy Bibee Jr	<i>Roy Bibee Jr</i>	530 Cool Rd	910-265-2083	10/4/20
15 Wally Enauby Duchane	<i>Wally Enauby</i>	444 Shaming Stone Rd Leungsgold		10-4-20
16 Davren Cornell	<i>Davren Cornell</i>	1406 Mt. Hill Rd	(434) 334-4822	10-4-20
17 Verrigan Cornell	<i>Verrigan Cornell</i>	1406 Mt. Hill Rd	(434)-489-1134	10-4-20
18 Jacob Nelson	<i>Jacob Nelson</i>	2511 airview drive	(434) 728-3840	10-4-20
19 JAMES CORPENTINE	<i>James Corpenine</i>	2663 CEDAR ROAD	434 240 7103	10/4/20
20 Tammy Cassada	<i>Tammy Cassada</i>	4558 S. Boston Hwy, ^{VA} Tippah	434-251-4288	10-4-2020
21 Danny Cassada	<i>Danny Cassada</i>	4558 S. Boston Hwy, ^{VA} Tippah	434-251-6454	10-4-2020
22 F. de F. More	<i>F. de F. More</i>	572 Elizabeth St. ^{VA} Danville	434-251-4288	10-4-2020
23 Adam Hendrix	<i>Adam Hendrix</i>	1571 Twin Arch Dr. ^{VA} Danville	434-770-1496	10-4-20
24 Taylor Hendrix	<i>Taylor Hendrix</i>	1571 Twin Arch Dr. ^{VA} Danville	434-251-4876	10-4-20
25 Cj Robertson	<i>Cj Robertson</i>	601 Cool Rd	434-488-2799	10/04/2020
26 KISHA MEXWELL	<i>Kisha Mexwell</i>	6061 Cool Rd	434-770-5047	10-4-2020
27 Roy B Bibee	<i>Roy B Bibee</i>	Pineville, Va	434-532-7565	10-4-20
28 Linda Brockes	<i>Linda Brockes</i>	792 Chesapeake Street	434 822 7192	

Petition to Save our Rural Community

For more than 40 years, First Piedmont Landfill in Ringgold, VA has continually expanded. The residents of the surrounding community have, over time, seen an increase in **negative environmental issues** arise as a result of the landfill's daily operation.

We, the undersigned, are concerned citizens who urge our leaders to act now to *Save our Rural Community!* By allowing First Piedmont to expand will further deteriorate our health and natural resources and continue to have a negative effect on our resident's quality of life.

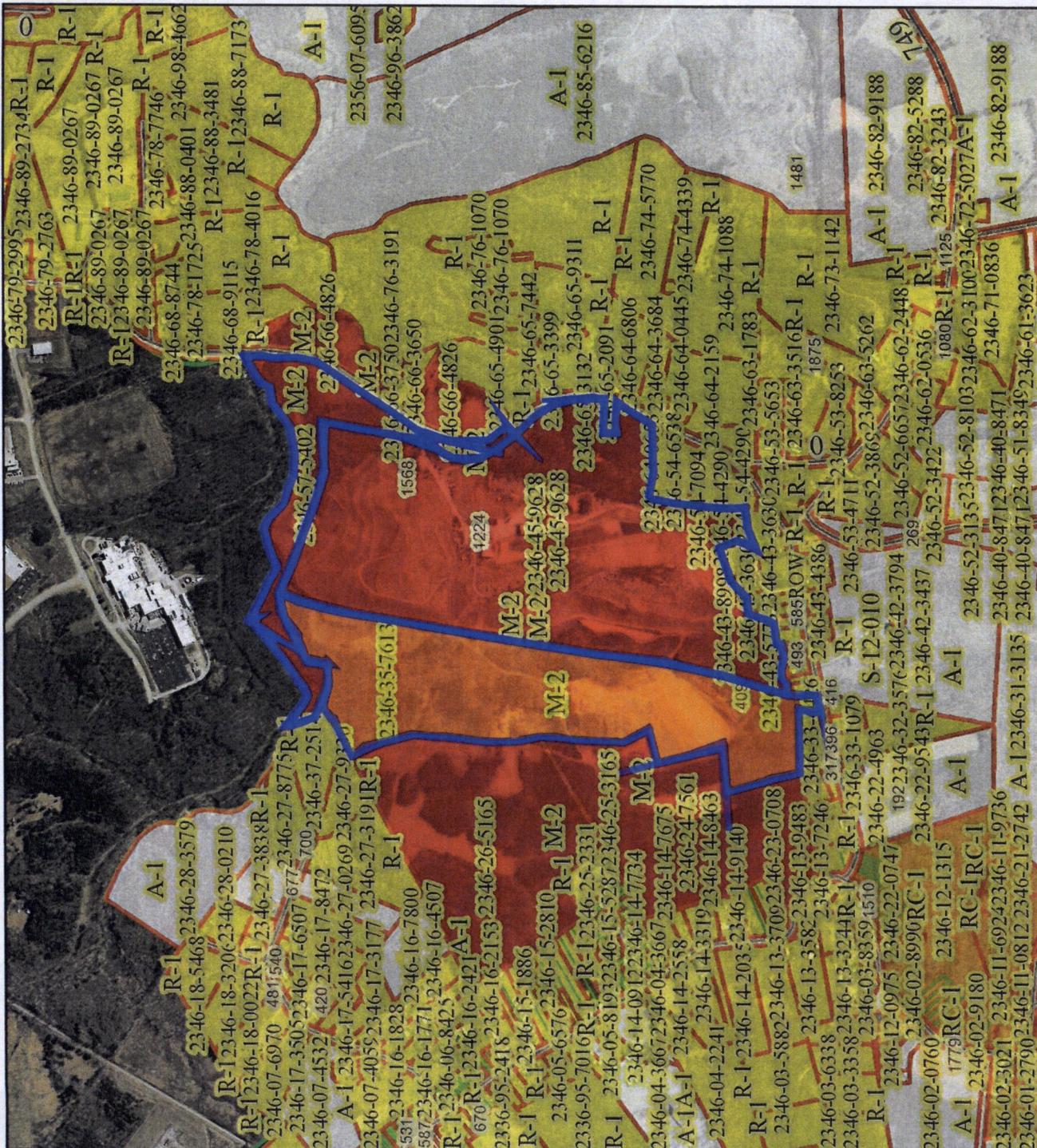
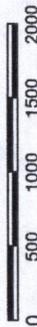
Printed Name	Signature	Address	Email or phone	Date
1 MIKE BASISTA	MA. Basista	1449 CEDAR RD. RINGGOLD, VA 24586	MIKEBASISTA@YAHOO.COM (336) 482-1776	10-1-20
2 Martha Chaney Basista	Martha Chaney Basista	"	434-489-9130	10-1-20
3 Todd Lilly	[Signature]	596 Holbrook Ave Danville 24541	434 203 6648	10-1-20
4 ANDREW C WALKER	Andrew C Walker	1114 CEDAR ROAD	434-709-6795	10-1-20
5 PEARL BURNETT	Pearl Burnett	1662 N.W. Hill Rd. Ringgold, Va. 24586	434 250 3995	10-3-20
6 JUSTIN BURNETT	Justin Burnett	1802 NW 4th Rd Ringgold, Va. 24586	434-872-8035	10-3-20
7 ANASTASIA STED WELCH	Anastasia Sted Welch	129 Jimnies Place Piedmont, WV 26439	304-308-1158 Request Victor	10-3-20
8 JIMMY WELCH	Jimmy Welch	129 Jimnies Place Piedmont, WV 26439	304-325-5166 Request Victor	10-3-20
9 JIM DOWELL	Jim Dowell	Piedmont, WV 26439	888-226-2159	10-3-20
10 CHARLES DOWELL	Charles Dowell	824 Cedar Rd Ringgold VA 24586	785-226-2150	10-3-20
11 JAMES E. JAMES	JAMES E. JAMES	824 CEDAR RD RINGGOLD VA 24586	106-564-8407	10-3-20
12 ALDA G BRYAN	LAMIE ALDA BRYAN	824 Cedar Rd Ringgold, VA 24586	3043201546	10-3-20

Printed Name	Signature	Address	Email or phone	Date
13 Thomas Bernard	Thomas Bernard	608 Bernard Rd Milton, VA	336-388-5145	10-3-20
14 Michelle Bernard	Michelle Bernard	608 Bernard Rd Milton	336-388-5145	10/3/20
15 Amee Chester	Amee Chester	3101 Reeksprings Rd ^{Ringsold} VA 24586	434 835-7091	10-3-20
16 Tim Chester	Tim Chester	3101 Reeksprings Rd ^{Ringsold} VA 24586	434-713 8426	10-3-20
17 Jerry G. Buden	Jerry G. Buden	Hardyck Lane	434 685 2480	10-3-20
18 Ann Smith	Ann Smith	985 Cedar Rd Ringsold	434-822 6443	10-3-20
19 Mike Morris	Mike Morris	985 Cedar Rd "	434 713 3495	10-3-20
David Ann Cheney II	David Ann Cheney II	1320 Cedar Rd Ringsold	434 228 3561	10/6/20

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 District
- RE = Residential Estates District
- RMF = Residential Multi-Family
- Subdivision District
- RPD = Residential Planned
- Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary

Feet



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.

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)

**RECOMMENDATION
(S-20-013)**

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

WHEREAS, your Petitioner, First Piedmont Corporation, has filed with the Secretary to the Board of Zoning Appeals a petition to obtain a Special Use Permit for a landfill.

WHEREAS, the petition was referred to the Planning Commission which considered this petition in a public hearing on October 6, 2020; and

WHEREAS, at that public hearing all parties in interest were afforded an opportunity to be heard; and

WHEREAS, the Planning Commission, after due consideration has recommended to the Pittsylvania County Board of Zoning Appeals that the Special Use Permit be **granted with conditions.**

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Pittsylvania County Board of Zoning Appeals that the above-referenced parcels of land be granted the Special Use Permit with conditions.

The above action was adopted on motion of Mr. Horne and upon the following recorded vote:

AYES: 6
NAYS: 0
ABSENT: 2
ABSTAIN: 0

Richard G. Motley, Chairman
Planning Commission
10-06-20
Date

Case S-20-014

SHELTON & OTHERS

POSITIVE MOTION: CASE S-20-014

Whereas, J. D. Shelton and Others have petitioned the Board of Zoning Appeals for 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, **and**,

Whereas, we find no substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are no significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **granted**.

With the following conditions:

NEGATIVE MOTION: CASE S-20-014

Whereas, J. D. Shelton and Others have petitioned the Board of Zoning Appeals for 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, **and**,

Whereas, we find substantial detriment to adjacent property, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **denied**.

STAFF SUMMARY

<u>CASE</u> S-20-014	<u>ZONING</u> A-1	<u>CYCLE</u> October 2020
<u>SUBJECT/PROPOSAL/REQUEST</u> 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.		PLANNING COMMISSION: October 6, 2020 BOARD OF ZONING APPEALS: October 13, 2020 ADVERTISED: September 23 & 30, 2020 REVIEWED BY: ESK
DISTRICT: Dan River		

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.

On October 6, 2020, the Planning Commission recommended by a 6 to 0 vote (two (2) members, Mrs. Henderson and Mr. Dudley, were absent), with opposition, that the petitioners' request be denied.



A 53 N Main St, Chatham, VA 24531

30 min , 22.8 miles

B 18465 Old Richmond Rd, Keeling, VA 24566

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
	<p>Arrive at VA-360 / Old Richmond Rd</p> <p>7. The last intersection is Buck Horne Rd If you reach High Point Rd, you've gone too far</p>	

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: KNB

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:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Letter of Application | <input checked="" type="checkbox"/> Site Development Plan | <input checked="" type="checkbox"/> Legal Forms |
| <input checked="" type="checkbox"/> 11"x 17" Concept Plan | <input checked="" type="checkbox"/> Application Fee | <input checked="" type="checkbox"/> List of Adjoining Properties |
| <input checked="" type="checkbox"/> Plat Map | <input checked="" type="checkbox"/> Copy of Deed
Or Covenants | <input type="checkbox"/> 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) **PETITION**
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.)

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 5-20-014 Applicant J. P. 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 Address: 802 New Hope Church Road
Tax Map Number: 2472-75-1857 (11639) Apex, NC 27523

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

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

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

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

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

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

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

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

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

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

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

Shelton

Adjacent Property Owners

Page 2

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

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

BUSINESS SAVVY. PEOPLE FRIENDLY.

Emily Ragsdale, Director of Community Development
Emily.ragsdale@pittgov.org

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

BUSINESS SAVVY. PEOPLE FRIENDLY.
Emily Ragsdale, Director of Community Development
Emily.ragsdale@pittgov.org

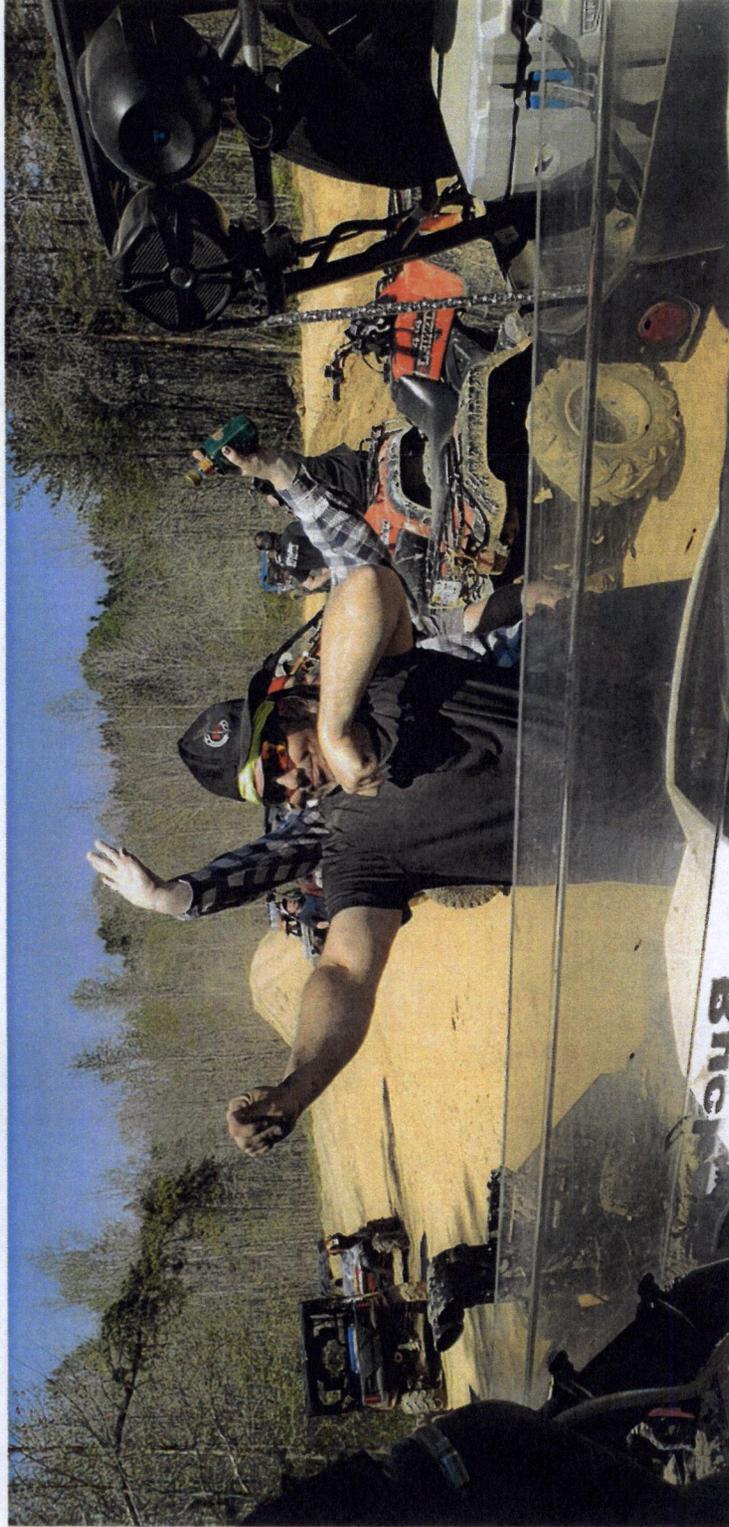


Red Oak Hollow ATV Trails
· April 27 ·

Antonio Hayes likes this.

View 1 comment

Most R



Red Oak Hollow ATV Trails

· April 16 ·



Most R

Author



Red Oak Hollow ATV Trails Mark Provo just a little sideways.

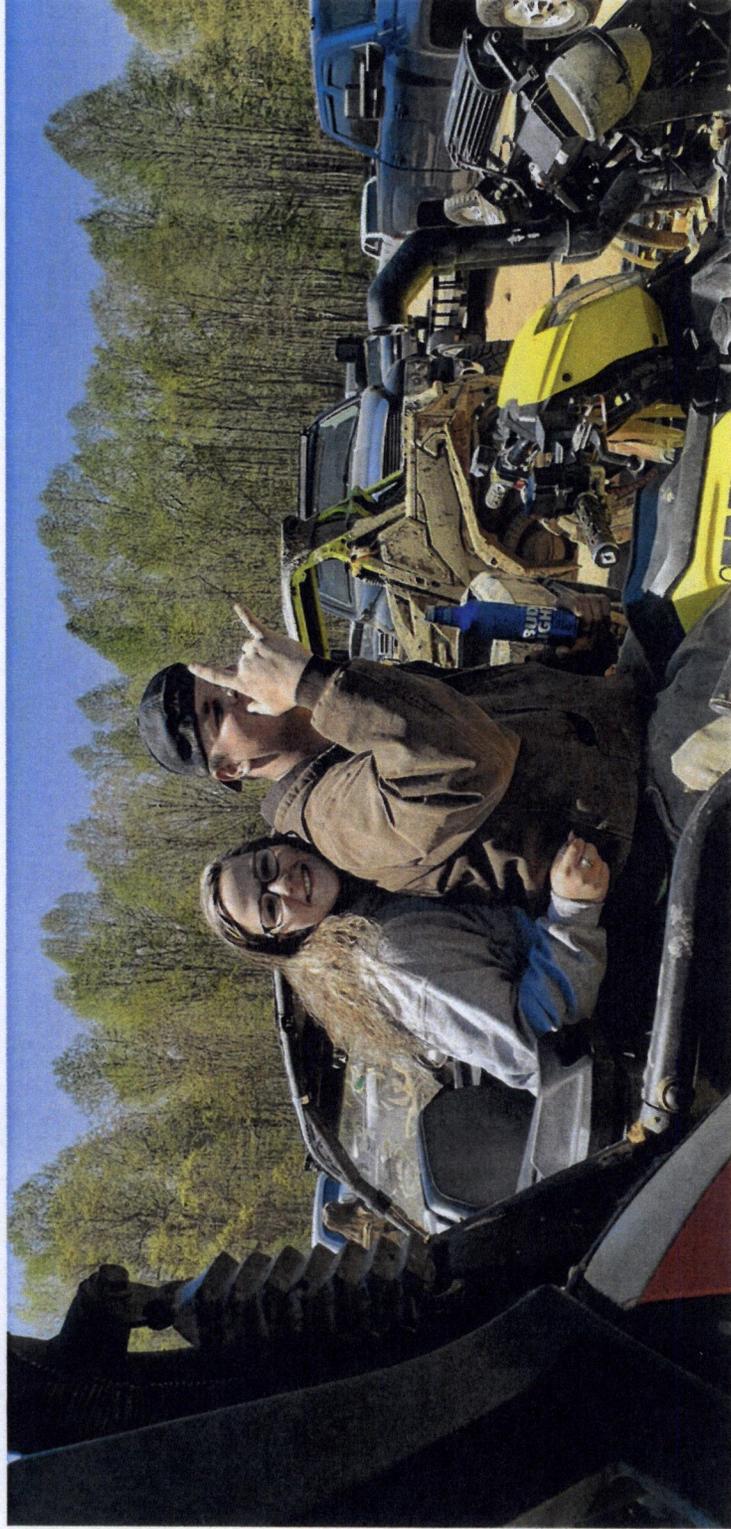
4w

Top Fan

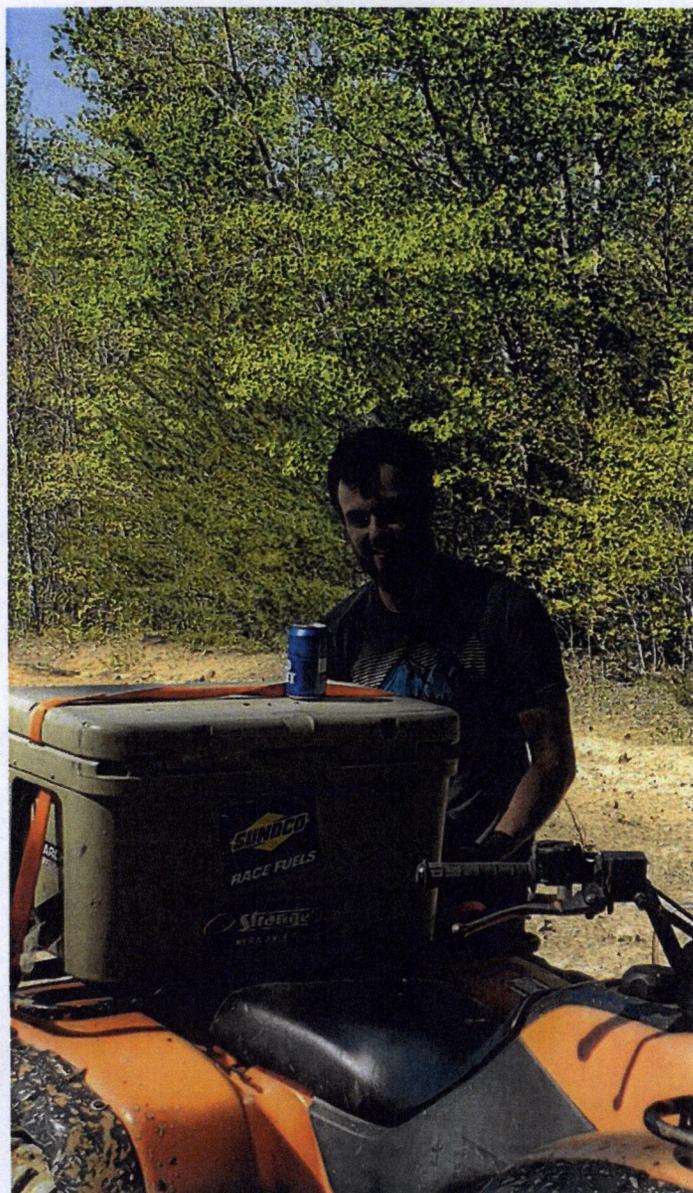


Mark Provo Red Oak Hollow ATV Trails love having a good time

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.

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

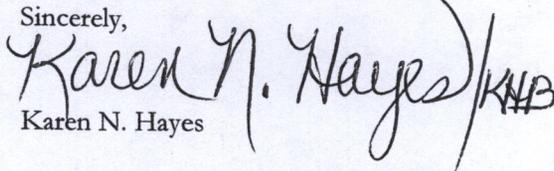
Dear Mr. & Mrs. Shelton:

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

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

BUSINESS SAVVY. PEOPLE FRIENDLY.

Karen N. Hayes, Deputy Director
karen.hayes@pittgov.org

George W. and Claudia Rice
18 Horton Avenue
Bridgeton, NJ 08302
(856) 459-1392

October 2, 2020

Via E-Mail: Emily.ragsdale@pittgov.org

Emily Ragsdale, Director of Community Development
Pittsylvania County, Virginia
Community Development
P.O. Drawer D
53 N. Main Street
Chatham, VA 24531

Re: Special Use Permit Application #S-20-014
Hearing Dates: October 6, 2020 (Planning Commission) & October 13, 2020 (Zoning Appeals)

Dear Ms. Ragsdale:

Following up on my wife, Claudia's emails of October 1, 2020, please accept this letter in further opposition to Mr. Shelton's application to eliminate the 300 foot setback requirement and allow the ATV trails to open at noon on Sundays.

First, I would ask that you provide me with a list of names and email addresses of all individuals who make up the Planning Commission and Zoning Appeals and/or have anything to do with the approval to amend Mr. Shelton's Special Use Permit #S-19-010 and #S-20-014. If this is not possible, I would request confirmation that anyone who has anything to do with the approval of the above application received a copy of this opposition email.

As you may know, we are the owners of 18828 Old Richmond Road in Keeling, Virginia - the property directly across the road from the subject Shelton's ATV trail property. We had initially objected to his original application, citing ordinances referring to Noise Control, as well as ATVs driving on public roads, e.g. 360, etc. (See attached September 2, 2019 correspondence). Our objections apparently were rejected and Mr. Shelton's application #S-19-010 was granted, albeit with minimum conditions.

We are objecting to Mr. Shelton's proposed amendment with respect to eliminating the 300 foot setback requirement. It appears as if Mr. Shelton has already been operating the ATV trails with a less than 300 foot setback. Please confirm if anyone from the County has inspected the current 300 setback and/or has been monitoring Mr. Shelton's compliance to operate his ATV business according to the 300 foot setback already in place. Mr. Shelton's ATV trails consist of over 450 acres. Apparently, that's not enough. The elimination of what is essentially a buffer zone for us, as well as the neighboring residents - whose peace and quiet have already been

shattered with the County's approval of the ATV trails in the first place - is ridiculous. Does Mr. Shelton have no respect at all for the people who actually reside in his noise zone?? As stated in our original objections of September 2, 2019, when Mr. Shelton was illegally operating the ATV trails prior to his even submitting a formal application to do so, ATV riders were driving up and down Route 360 right in front of our residence which, as the County is aware, is illegal.

The 300 foot setback acts as a sound/noise barrier and prevents the ATV riders from riding on public roads and, more specifically, Route 360. I again bring this to the Board's attention so that if, and apparently more likely when, Mr. Shelton's application is approved and an accident involving ATV riders occurs, we have documentation illustrating that the Board was made aware of this potential outcome and that same could have been prevented had the Board done its due diligence and denied Mr. Shelton's application to eliminate the 300 foot setback.

In addition, if the Board allows Mr. Shelton to eliminate the 300 foot setback, what little noise buffer we, as well as our neighbors, now have while at our residences will essentially be eliminated, making it sound as if the ATV riders are riding right across our front lawn. This possibility should be investigated prior to the elimination of any setback. If this 300 foot setback is eliminated, then Mr. Shelton should be responsible for erecting a noise/sound barrier applicable by a plan. The granting of Mr. Shelton's initial application for ATV trails across from our property may already serve as a detriment should we wish to sell this property in the future. However, the elimination of the 300 foot setback would make the noise already experienced unbearable. Should the value of our property decrease as a result of the Board's granting of the elimination of the 300 foot setback, we will be seeking damages in the absence of the Board's due diligence. I would ask the Board to ask themselves a question prior to their granting of Mr. Shelton's amendment proposal - would you approve such an application if your home was located adjacent to the subject ATV trails?

Finally, Mr. Shelton is seeking to open the ATV trails at noon rather than 1:00 p.m. as currently scheduled. We believe that the ATV trails shouldn't even be open at all on Sundays since Sundays should remain sacred - and peaceful. However, since it is obvious that the opinions of the residents who actually live near the ATV trails and have to tolerate the noise already really does not matter, another hour really does not make that much of a difference.

Since we currently reside in New Jersey and will not be able to attend the hearings in person, please advise if the Community Center in Chatham, Virginia has Zoom or another program available for virtual attendance and, if so, what the procedure would be to attend these hearings virtually.

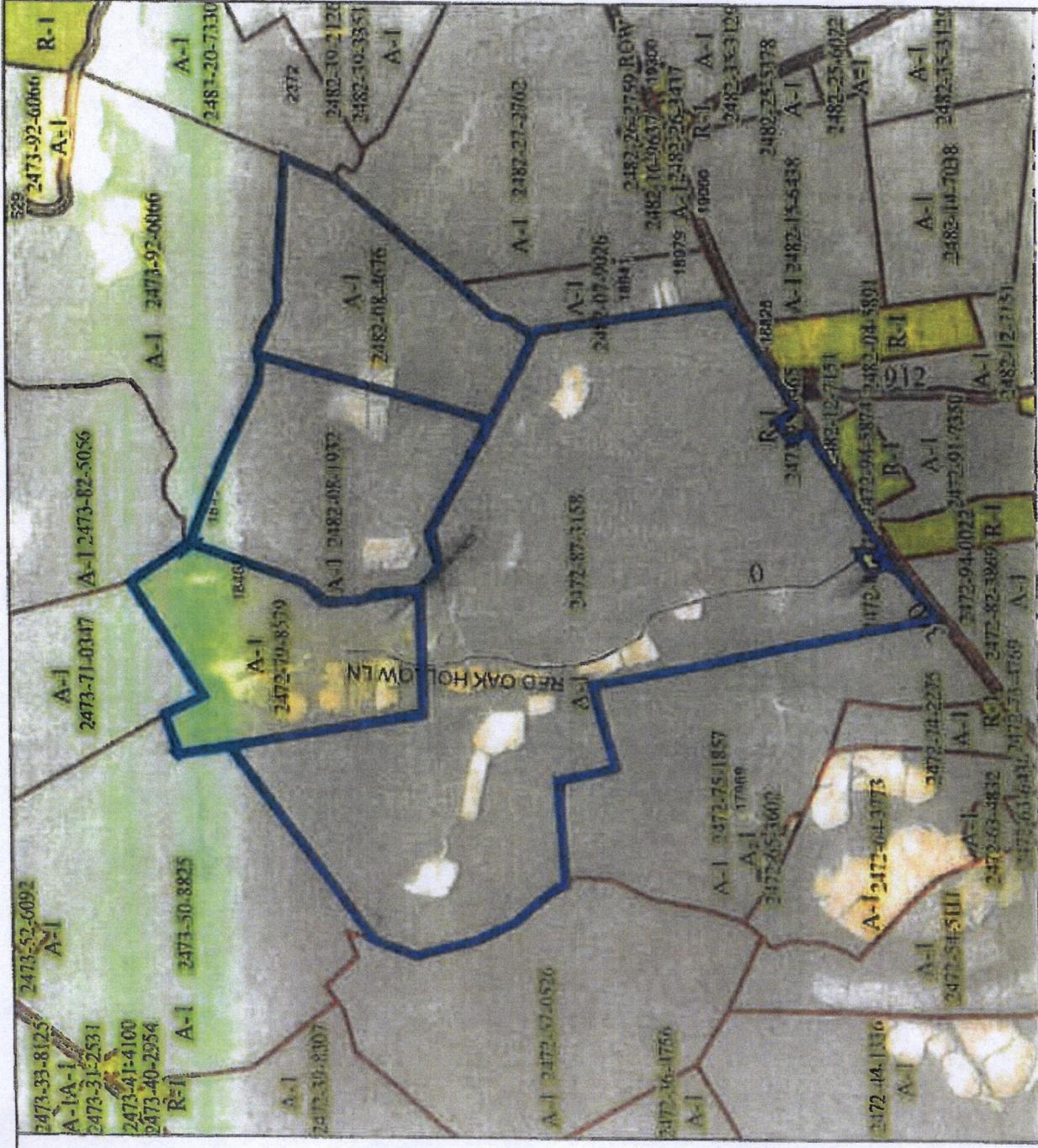
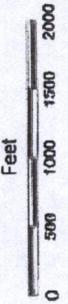
Thank you for your assistance and consideration. Should you have any questions, or require anything further, please feel free to contact me at the number above, or my email address, i.e. crice5220@gmail.com

Respectfully submitted,

GEORGE W. RICE
18828 Old Richmond Road
Keeling, VA 24566

Legend

- Assessed Parcels
- Parcel ID Number
- Parcels
- Route Numbers
- Appeals
- Rezoning
- Signs
- Special Uses
- Variations
- 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 District
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision District
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary



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.

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)

**RECOMMENDATION
(S-20-014)**

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, have filed with the Secretary to the Board of Zoning Appeals 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.

WHEREAS, the petition was referred to the Planning Commission which considered this petition in a public hearing on October 6, 2020; and

WHEREAS, at that public hearing all parties in interest were afforded an opportunity to be heard; and

WHEREAS, the Planning Commission, after due consideration has recommended to the Pittsylvania County Board of Zoning Appeals that the Special Use Permit be **denied**.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Pittsylvania County Board of Zoning Appeals that the above-referenced parcels of land **not** be granted the Special Use Permit.

The above action was adopted on motion of Mr. Horne and upon the following recorded vote:

AYES: 6
NAYS: 0
ABSENT: 2
ABSTAIN: 0

Richard G. Motley, Chairman
Planning Commission
10-06-20
Date

Case S-20-015

WEIMER

POSITIVE MOTION: CASE S-20-015

Whereas, Anissa Weimer has petitioned the Board of Zoning Appeals for a Special Use Permit for a kennel for boarding dogs, **and**,

Whereas, we find no substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are no significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **granted**.

With the following conditions:

NEGATIVE MOTION: CASE S-20-015

Whereas, Anissa Weimer has petitioned the Board of Zoning Appeals for a Special Use Permit for a kennel for boarding dogs, **and**,

Whereas, we find substantial detriment to adjacent property, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **denied**.

STAFF SUMMARY

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

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 accommodate 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. Recommended approval of Case S-20-015 with conditions by the Planning Commission.
4. Recommend denial of Case S-20-015 as submitted.

On October 6, 2020, the Planning Commission recommended by a 5 to 0 vote (three (3) members. Mrs. Henderson, Mr. Dudley, and Mr. Horne, were absent), with no opposition, that the petitioner's request be granted.



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
		Arrive at Brights Rd / VA-609	
	10.	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 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)
4. Election District: Staunton River
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

Total Amt: \$ 355.00 *PA Cash*
Taken By: RNB

8. Check completed items:
- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Letter of Application | <input type="checkbox"/> Site Development Plan | <input checked="" type="checkbox"/> Legal Forms |
| <input checked="" type="checkbox"/> 11"x 17" Concept Plan | <input checked="" type="checkbox"/> Application Fee | <input checked="" type="checkbox"/> List of Adjoining Properties |
| <input checked="" type="checkbox"/> Plat Map | <input checked="" type="checkbox"/> Copy of Deed | <input type="checkbox"/> 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 No. <u>S-20-015</u>
Application Deadline: <u>08/27/20</u>	P.C. Meeting Date: <u>10/06/20</u>
Received By: <u>OHS.JR</u>	Date Received: <u>08/27/20</u>
BZA Meeting Date: <u>10/13/20</u>	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:

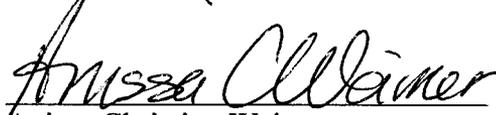
WHEREAS, your Petitioner, Anissa Christine Weimer, as Owner, respectfully files this petition pursuant to Sections 35-713 of the Pittsylvania County Zoning Ordinance and in accordance with the Code of Virginia, 1950, as amended, and would respectfully show the following:

- (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 5-20-015 Applicant Anissa Clebamer Date 08/26/2020

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)

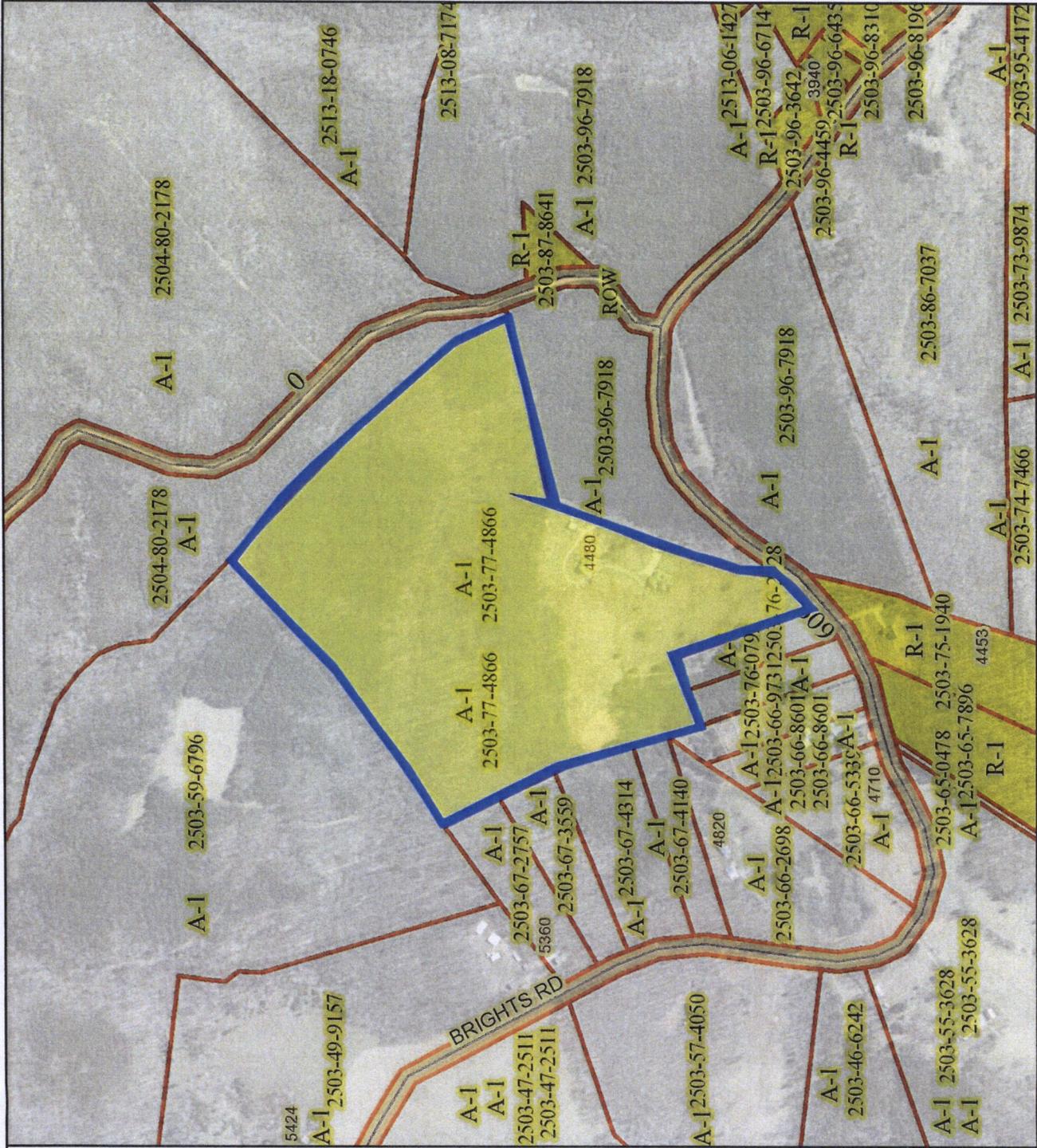
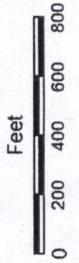
Address: 4196 Owens Mill Road
Gretna, VA 24557

Name: Independent Timber, Inc.
Tax Map Number: 2504-80-2178 (150256)

Address: 425 Tobacco Road
Dry Fork, VA 24549

Legend

- Assessed Parcels
- Parcel ID Number
- Parcels
- Route Numbers
- Appeals
- Rezoning
- Signs
- Special Uses
- Variations
- 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 District
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision District
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary



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.

VIRGINIA:

BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

A <u>53.56 acre parcel</u> of land,)	
generally located <u>on State Road 609/Brights Road</u>)	
within the <u>Staunton River</u>)	RECOMMENDATION
Election District and recorded as)	(S-20-015)
parcel # <u>2503-77-4866</u>)	
in the Pittsylvania County tax records)	

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

WHEREAS, your Petitioner, Anissa Christine Weimer, has filed with the Secretary to the Board of Zoning Appeals a petition to obtain a Special Use Permit for a kennel for boarding dogs.

WHEREAS, the petition was referred to the Planning Commission which considered this petition in a public hearing on October 6, 2020; and

WHEREAS, at that public hearing all parties in interest were afforded an opportunity to be heard; and

WHEREAS, the Planning Commission, after due consideration has recommended to the Pittsylvania County Board of Zoning Appeals that the Special Use Permit be **granted**.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Pittsylvania County Board of Zoning Appeals that the above-referenced parcel of land be granted the Special Use Permit.

The above action was adopted on motion of Mr. Harker and upon the following recorded vote:

AYES: 5
NAYS: 0
ABSENT: 3
ABSTAIN: 0

Richard G. Motley, Chairman
Planning Commission
10-06-20
Date

Case S-20-016

SHELTON

POSITIVE MOTION: CASE S-20-016

Whereas, Rodney and Janet Shelton have petitioned the Board of Zoning Appeals for a Special Use Permit for service and repair of all-terrain vehicles (ATVs), **and,**

Whereas, we find no substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are no significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **granted.**

With the following conditions:

NEGATIVE MOTION: CASE S-20-016

Whereas, Rodney and Janet Shelton have petitioned the Board of Zoning Appeals for a Special Use Permit for service and repair of all-terrain vehicles (ATVs), **and**,

Whereas, we find substantial detriment to adjacent property, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **denied**.

CODE COMPLIANCE SUMMARY

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

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

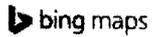
Staff recommends APPROVAL of Case S-20-016, filed by Rodney & Janet Shelton, requesting a Special Use Permit on 8.57 acres, shown on the Pittsylvania County Tax Maps as GPIN# 2466-42-2327, located on State Road 895/Coleman Mountain Road and State Road 640/Java Road, in the Banister Election District.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

On October 6, 2020, the Planning Commission recommended by a 5 to 0 vote (two (2) members. Mrs. Henderson and Mr. Dudley, were absent, and one (1) member, Mr. Horne, abstained), with no opposition, that the petitioners' request be granted with conditions by Staff and maintain a 35-foot setback from property lines.



A 53 N Main St, Chatham, VA 24531

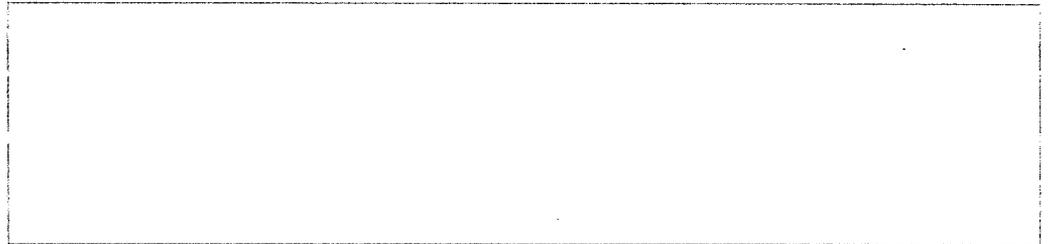
B 3840 Coleman Mountain Rd, Java, VA 24565

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
<p>Arrive at VA-895 / Coleman Mountain Rd</p> <p>5. The last intersection is Java Rd / VA-640 If you reach Basel Rd, you've gone too far</p>			

B 3840 Coleman Mountain Rd, Java, VA 24565

August 27, 2020

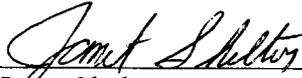
Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

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)
4. Election District: Banister
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

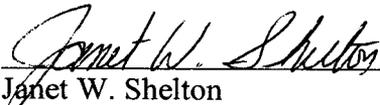
Total Amt: ~~\$360.00~~ 353,55 ^{Cash}
Taken By: ESR ^{ESR}

7. Proposed Land Use: Service and Repair of All-Terrain Vehicles (ATVs)

8. Check completed items:

<input checked="" type="checkbox"/> Letter of Application	<input type="checkbox"/> Site Development Plan	<input checked="" type="checkbox"/> Legal Forms
<input checked="" type="checkbox"/> 11"x 17" Concept Plan	<input checked="" type="checkbox"/> Application Fee	<input checked="" type="checkbox"/> List of Adjoining Properties
<input checked="" type="checkbox"/> Plat Map	<input checked="" type="checkbox"/> Copy of Deed	<input type="checkbox"/> Copy of Deed Restrictions Or Covenants

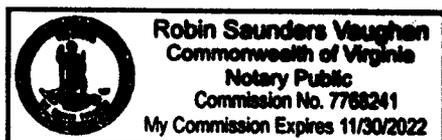
Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.



Janet W. Shelton

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 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 5-20-016 Applicant Jamie 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

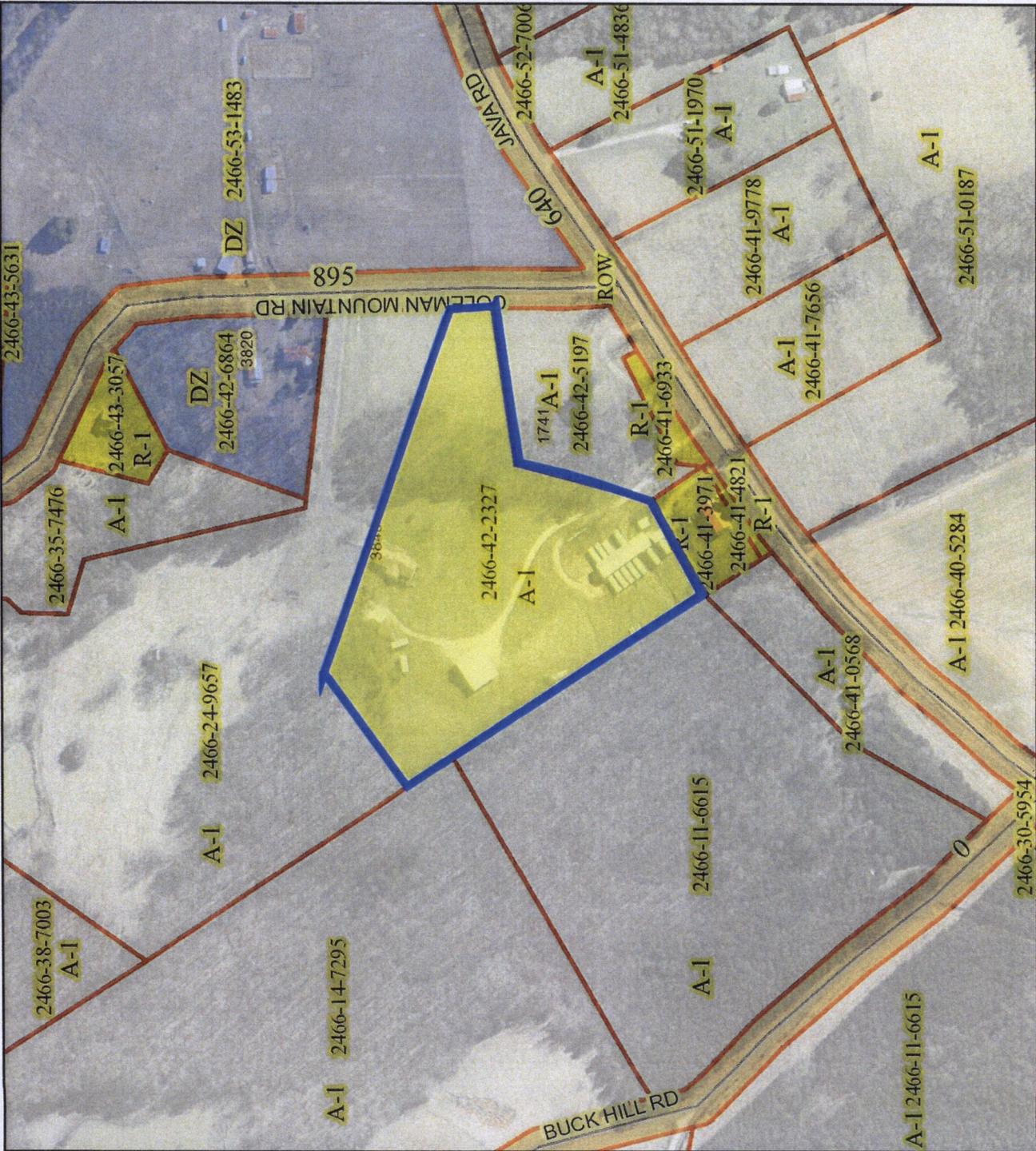
Name: Thomas Fitzgerald Rogers, Et Als, Sidney Mills
Rogers, III, Et Als, Nancy Gwendolyne Volk, Et Als
Tax Map Number: 2466-11-6615 (232695)

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

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 District
-  RE = Residential Estates District
-  RMF = Residential Multi-Family Subdivision District
-  RPD = Residential Planned Development District
-  TZ = Town Zoning
-  UK = Unknown
-  County Boundary

Feet



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.

VIRGINIA:

BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

An <u>8.57 acre parcel</u> of land,)	
generally located <u>on State Road 895/Coleman Mountain Road</u>)	
<u>and on State Road 640/Java Road</u>)	RECOMMENDATION
within the <u>Banister</u>)	(S-20-016)
Election District and recorded as)	
parcel # <u>2466-42-2327</u>)	
in the Pittsylvania County tax records)	

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

WHEREAS, your Petitioners, Rodney F. Shelton and Janet W. Shelton, have filed with the Secretary to the Board of Zoning Appeals a petition to obtain a Special Use Permit for service and repair of All-Terrain Vehicles (ATVs).

WHEREAS, the petition was referred to the Planning Commission which considered this petition in a public hearing on October 6, 2020; and

WHEREAS, at that public hearing all parties in interest were afforded an opportunity to be heard; and

WHEREAS, the Planning Commission, after due consideration has recommended to the Pittsylvania County Board of Zoning Appeals that the Special Use Permit be **granted with conditions**.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Pittsylvania County Board of Zoning Appeals that the above-referenced parcel of land be granted the Special Use Permit with conditions.

The above action was adopted on motion of Mr. Harker and upon the following recorded vote:

- AYES: 5**
- NAYS: 0**
- ABSENT: 2**
- ABSTAIN: 1**

Richard G. Motley, Chairman
Planning Commission
10-06-20
Date

Case S-20-017

HOGAN

POSITIVE MOTION: CASE S-20-017

Whereas, Randy Hogan has petitioned the Board of Zoning Appeals for a Special Use Permit for a drive-in movie theater, **and,**

Whereas, we find no substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are no significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **granted.**

With the following conditions:

NEGATIVE MOTION: CASE S-20-017

Whereas, Randy Hogan has petitioned the Board of Zoning Appeals for a Special Use Permit for a drive-in movie theater, **and**,

Whereas, we find substantial detriment to adjacent property, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the Ordinance, **and**

Whereas, (there are significant adverse effects upon adjacent property that cannot be mitigated through conditions)

I move the Special Use Permit be **denied**.

STAFF SUMMARY

<u>CASE</u> S-20-017	<u>ZONING</u> B-2	<u>CYCLE</u> October 2020
<u>SUBJECT/PROPOSAL/REQUEST</u> 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 ADVERTISED: September 23 & 30, 2020 REVIEWED BY: ESR
DISTRICT: Westover		

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.

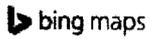
SITE DEVELOPMENT PLAN

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.

On October 6, 2020, the Planning Commission recommended by a 6 to 0 vote (two (2) members, Mrs. Henderson and Mr. Dudley, were absent), with opposition, that the petitioner's request be denied.



A 53 N Main St, Chatham, VA 24531

14 min , 11.7 miles

B 4220 US Highway 29, Danville, VA 24540

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
<p>Arrive at US-29 S Bus / US Highway 29</p> <p>4. The last intersection is Mount View Rd / VA-745 If you reach Blairmont Dr, you've gone too far</p>			

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

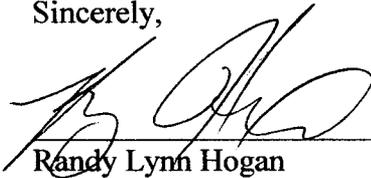
Mrs. Emily Ragsdale
Director of Community Development
P. O. Box 426
Chatham, VA 24531

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) Total Amt: \$ 365.00 *Cash*
Taken By: ESR
4. Election District: Westover
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:

<input checked="" type="checkbox"/> Letter of Application	<input type="checkbox"/> Site Development Plan	<input checked="" type="checkbox"/> Legal Forms
<input checked="" type="checkbox"/> 11"x 17" Concept Plan	<input checked="" type="checkbox"/> Application Fee	<input checked="" type="checkbox"/> List of Adjoining Properties
<input checked="" type="checkbox"/> Plat Map	<input checked="" type="checkbox"/> Copy of Deed	<input type="checkbox"/> 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 5-20-017 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 Brackenhous 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 Brackenhous 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 Brackenhous 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

Hogan
Adjacent Parcel Owners
Page 2

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



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

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

PROPOSED CONCEPT PLAN FOR:

RANDY HOGAN
 PARCEL ID - 2420-64-1663 AND 2420-64-2210
 BLAIRS, VIRGINIA 24527
 434-250-0556

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

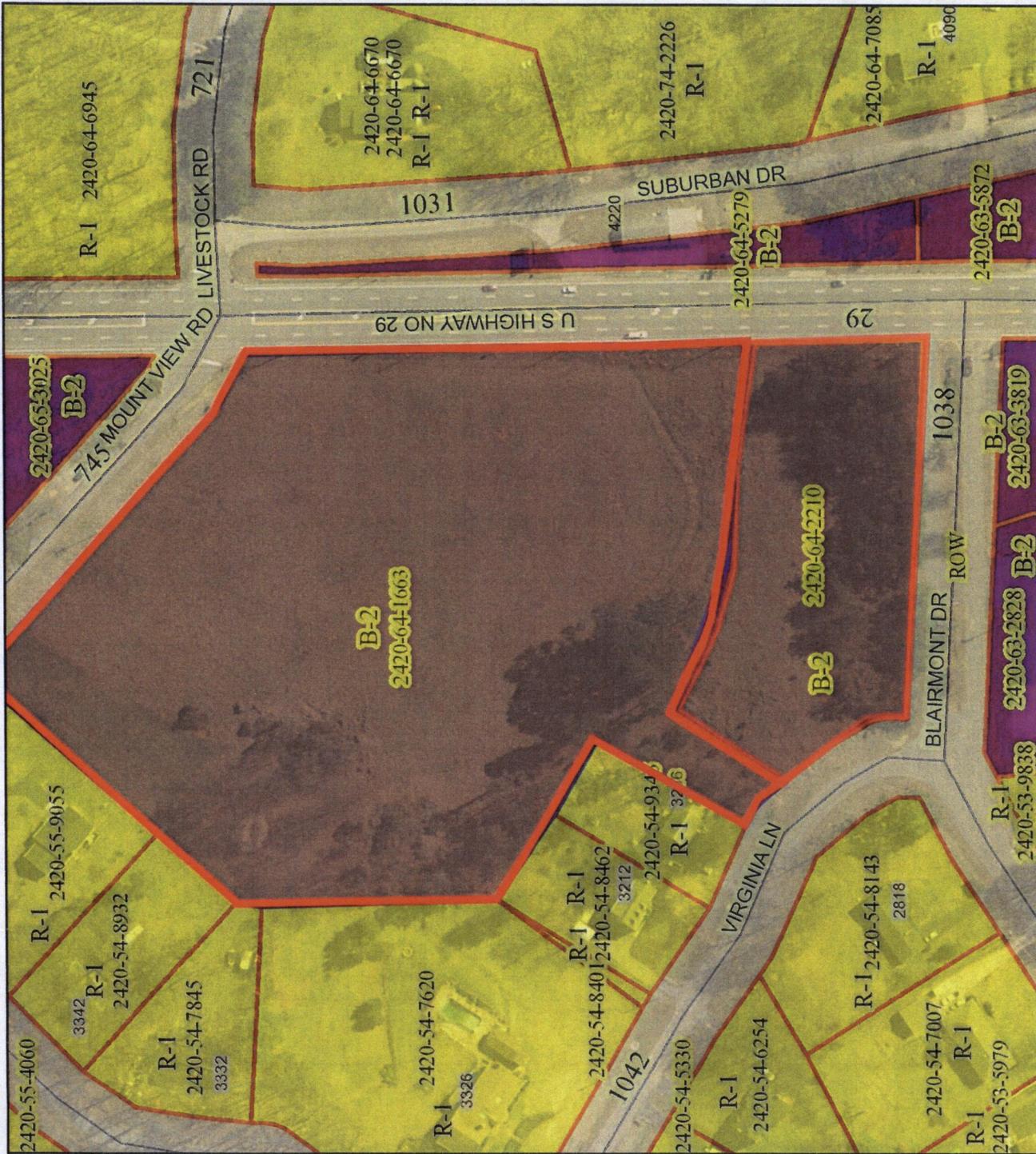
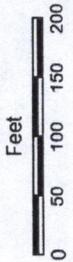
Wendy Bryant-Cook

DRAFTING BY DESIGN

PHONE: 434-489-4781
 wendy.draftingbydesign@gmail.com

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 District
- RE = Residential Estates District
- RMF = Residential Multi-Family Subdivision District
- RPD = Residential Planned Development District
- TZ = Town Zoning
- UK = Unknown
- County Boundary



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.

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)	RECOMMENDATION
within the Westover)	(S-20-017)
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, has filed with the Secretary to the Board of Zoning Appeals a petition to obtain a Special Use Permit for a drive-in movie theater.

WHEREAS, the petition was referred to the Planning Commission which considered this petition in a public hearing on October 6, 2020; and

WHEREAS, at that public hearing all parties in interest were afforded an opportunity to be heard; and

WHEREAS, the Planning Commission, after due consideration has recommended to the Pittsylvania County Board of Zoning Appeals that the Special Use Permit be **denied**.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Pittsylvania County Board of Zoning Appeals that the above-referenced parcels of land **not** be granted the Special Use Permit.

The above action was adopted on motion of Mr. Haymore and upon the following recorded vote:

- AYES: 6**
- NAYS: 0**
- ABSENT: 2**
- ABSTAIN: 0**

Richard G. Motley, Chairman
Planning Commission
10-06-20
Date