PITTSYLVANIA COUNTY BOARD OF ZONING APPEALS

REGULAR MEETING

June 14, 2016

MINUTES

VIRGINIA: The Pittsylvania County Board of Zoning Appeals met on Tuesday, June 14, 2016, in the General District Courtroom, Edwin R. Shields Courthouse Addition, Chatham, Virginia. Mr. Talbott called the meeting to order at approximately 7:00 p.m. The Board observed a moment of silence. Mr. Shelton called the roll.

PRESENT

Kenneth Talbott
Ronald Merricks
Helen Glass
Joseph "Jay" Craddock
R. Allan Easley
Carroll Yeaman
Leon Griffith
Odie H. Shelton, Jr.

APPROVAL OF THE MINUTES

By motion of Mr. Easley, seconded by Mr. Craddock, and by unanimous vote, the Minutes of the May 10, 2016, meeting were approved as presented.

Old Business

There was no old business.

New Business

Mr. Shelton reported on the case for the July, 2016 cycle.

CHAIRMAN'S REPORT

Mr. Talbott mentioned he had met with the Legislative Committee regarding regulations for a shooting range.

THE ZONING PRECEPTS WERE READ BY Mr. Talbott to **OPEN THE PUBLIC HEARING** at approximately 7:01 p.m.

Case S-1, Cloverdale Lumber Company, Inc., S-16-005 – Mr. Talbott opened the public hearing at approximately 7:03 p.m. Mr. Shelton, Director of Code Compliance/Zoning Administrator, reported Cloverdale Lumber Company, Inc., had petitioned for a Special Use Permit on 2,500 square feet, located on U. S. Highway 58 East/South Boston Highway, in the Dan River Election District. The applicant intends to remove an existing 80' telephone pole and replace it with a 138' steel monopole tower for nTelos. Mr.

Shelton stated the Planning Commission, with no opposition, recommended granting the petitioner's request. Mr. Shelton further stated the staff summary was enclosed in the Board Packet. The applicant, Max Wiegard with Gentry Locke Attorneys, was present to represent the petition. He stated this was to improve wireless communications in the area and they were replacing infrastructure. The Chairman closed the public hearing at approximately 7:06 p.m. The Board discussed the petition as the Committee of the Whole. There was no opposition to the petition. During the discussion it was stated there were no adverse effects and that the monopole towers were an improvement over the wooden telephone poles. Upon motion of Mr. Merricks, seconded by Mr. Yeaman, the following motion was adopted: **Whereas**, Cloverdale Lumber Company, Inc., has petitioned the Board of Zoning Appeals for a Special Use Permit for removal of an existing 80' telephone pole within a 20' x 20' (400 square feet) compound and construction of a 138' steel monopole tower within a 50' x 50' (2,500 square feet) compound for nTelos **and**, **Whereas**, we find no substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that use will be in harmony with the purpose and intent of the Ordinance, I move the Special Use Permit be **granted**. Motion passed unanimously.

Case S-2, Sandy Frances McCune, S-16-006 – Mr. Talbott opened the public hearing at approximately 7:08 p.m. Mr. Shelton, Director of Code Compliance/Zoning Administrator, reported Sandy Frances McCune had petitioned for a Special Use Permit on 5,625 square feet, located on State Road 855/Cascade Mill Road, in the Tunstall Election District. The applicant intends to remove an existing 82' wooden pole and replace it with a 113' steel monopole tower for nTelos. Mr. Shelton stated the Planning Commission, with no opposition, recommended granting the petitioner's request. Mr. Shelton further stated the staff summary was enclosed in the Board Packet. The applicant, Max Wiegard with Gentry Locke Attorneys, was present to represent the petition. He stated he had nothing to add. The Chairman closed the public hearing at approximately 7:10 p.m. The Board discussed the petition as the Committee of the Whole. There was no opposition to the petition. During the discussion it was stated this petition was the same as the previous one. Upon motion of Mr. Easley, seconded by Ms. Glass, the following motion was adopted: **Whereas**, Sandy Frances McCune has petitioned the Board of Zoning Appeals for a Special Use Permit for removal of an existing 82' wooden pole within a 20' x 20' (400 square feet) compound and construction of a 113' steel monopole tower within a 75' x 75' (5,625 square feet) compound for nTelos **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**. Motion passed unanimously.

Case S-3, Lottie Allen Lillard and Deborah Lillard Durham, S-16-007 – Mr. Talbott opened the public hearing at approximately 7:12 p.m. Mr. Shelton, Director of Code Compliance/Zoning Administrator, reported Lottie Allen Lillard and Deborah Lillard Durham had petitioned for a Special Use Permit on 900 square feet, located on U. S. Highway 58 West/Martinsville Highway, in the Tunstall Election District. The applicant intends to remove an existing 83' wooden pole and replace it with a 105.9' steel monopole tower for nTelos. Mr. Shelton stated the Planning Commission, with no opposition, recommended granting the petitioners' request. Mr. Shelton further stated the staff summary was enclosed in the Board Packet. The applicant, Max Wiegard with Gentry Locke Attorneys, was present to represent the petition. He stated he had nothing to add. The Chairman closed the public hearing at approximately 7:13 p.m. The Board discussed the petition as the Committee of the Whole. There was no opposition to the petition. During the discussion it was stated this petition was the same as the previous one. Upon motion of Mr. Griffith, seconded by Mr. Craddock, the following motion was adopted: **Whereas**, Sandy Frances McCune has petitioned the Board of Zoning Appeals for a Special Use Permit for removal of an existing 83' wooden

pole within a 20' x 20' (400 square feet) compound and construction of a 105.9' steel monopole tower within a 30' x 30' (900 square feet) compound for nTelos **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**. Motion passed unanimously.

This concludes the Special Use Cases.

Case V-1, Swansonville Pentecostal Holiness Church, V-16-002 - Mr. Talbott opened the public hearing at approximately 7:15 p.m. Mr. Shelton, Director of Code Compliance/Zoning Administrator, reported Swansonville Pentecostal Holiness Church had petitioned for a Variance on 3.31 acres, located on State Road 844/Mount Cross Road, in the Tunstall Election District to Section 35-226. Minimum Yard Dimensions. (B.) Side Setback, of the Pittsylvania County Zoning Ordinance requesting a variance of 30 feet Left Side Setback to allow for an addition to the existing structure. Mr. Shelton stated the Planning Commission, with no opposition, recommended granting the petitioner's request. Mr. Shelton further stated the staff summary was enclosed in the Board Packet. The applicant, Mike Hearp, Pastor of Swansonville Pentecostal Holiness Church, was present to represent the petition. He stated this addition was a dining area which would be an addition to the existing fellowship hall. The Chairman closed the public hearing at approximately 7:17 p.m. The Board discussed the petition as the Committee of the Whole. There was no opposition to the petition. During the discussion it was stated this site had been visited and this was the only practical way to locate the addition. Upon motion of Mr. Yeaman, seconded by Mr. Merricks, the following motion was adopted: **Whereas**, Swansonville Pentecostal Holiness Church has petitioned the Board of Zoning Appeals for a Variance to Section 35-226. Minimum Yard Dimensions. (B.) Side Setback, 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 such use supports the zoning precepts of the Pittsylvania County Zoning Ordinance, I move the Variance be **granted**. Motion passed unanimously.

This concludes the Variance Case.

The meeting adjourned at approximately 7:20 p.m.

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Kenneth Talbott, Chairman

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Hannah R. Orgain, Clerk