

July 12, 2021
Regular Meeting

**Pittsylvania County Board of Zoning Appeals
Regular Meeting
July 12, 2021**

VIRGINIA: The Regular Meeting of the Pittsylvania County Board of Zoning Appeals was held on July 12, 2021 in the Board Meeting Room, 39 Bank Street, SE, Chatham, Virginia. Chairman R. Allan Easley, called the meeting to order at 7:00 PM. The following members were present:

Attendee Name	Title	Status	Arrived
R. Allan Easley	Chairman	Present	6:21 PM
Ronald E. Merricks	Vice-Chairman	Absent	
Ryland Brumfield	Board Member	Present	6:22 PM
Joseph A. Craddock	Board Member	Present	6:23 PM
Ann Deering	Board Member	Present	6:18 PM
Hershel Stone	Board Member	Present	6:22 PM
Carroll Yeaman	Board Member	Present	6:21 PM

APPROVAL OF AGENDA

Upon motion of Ms. Deering, seconded by Mr. Yeaman, and by a unanimous vote, the agenda was approved as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ann Deering, Board Member
SECONDER:	Carroll Yeaman, Board Member
AYES:	Easley, Brumfield, Craddock, Deering, Stone, Yeaman
ABSENT:	Merricks

APPROVAL OF MINUTES

Upon motion of Mr. Stone, seconded by Mr. Yeaman, and by a unanimous vote, the minutes were approved as presented.

1. BZA 06072021

June 7, 2021
Regular Meeting

Pittsylvania County Board of Zoning Appeals
Regular Meeting

June 7, 2021

VIRGINIA: The Regular Meeting of the Pittsylvania County Board of Zoning Appeals was held on June 7, 2021 in the Board Meeting Room, 39 Bank Street, SE, Chatham, Virginia. Chairman R. Allan Easley, called the meeting to order at 7:00 PM. The following members were present:

Attendee Name	Title	Status	Arrived
R. Allan Easley	Chairman	Present	6:38 PM
Ronald E. Merricks	Vice-Chairman	Present	6:37 PM
Ryland Brumfield	Board Member	Present	6:37 PM
Joseph A. Craddock	Board Member	Absent	
Ann Deering	Board Member	Absent	6:36 PM
Hershel Stone	Board Member	Present	6:38 PM
Carroll Yeaman	Board Member	Present	6:36 PM

Hearing of Citizens

No citizens came forward to speak.

Amendments to Agenda

1. Motion to Amend Agenda

Mr. Easley requested that Old Business and New Business items be moved to follow Approval of Minutes. Upon motion of Mr. Merricks, seconded by Mr. Brumfield, and by a unanimous vote, the motion to amend the agenda was approved.

RESULT: APPROVED [UNANIMOUS]
MOVER: Ronald E. Merricks, Vice-Chairman
SECONDER: Ryland Brumfield, Board Member
AYES: Easley, Merricks, Brumfield, Stone, Yeaman
ABSENT: Craddock, Deering

Approval of Agenda

Upon motion of Mr. Merricks, seconded by Mr. Brumfield, and by a unanimous vote, the agenda was approved as amended.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Ronald E. Merricks, Vice-Chairman
SECONDER: Ryland Brumfield, Board Member
AYES: Easley, Merricks, Brumfield, Stone, Yeaman
ABSENT: Craddock, Deering

Approval of Minutes

Upon motion of Mr. Yeaman, seconded by Mr. Stone, and by a unanimous vote, the minutes were approved as presented.

RESULT: APPROVED [UNANIMOUS]
MOVER: Carroll Yeaman, Board Member
SECONDER: Hershel Stone, Board Member
AYES: Easley, Merricks, Brumfield, Stone, Yeaman
ABSENT: Craddock, Deering

Old Business

There was no old business.

New Business

Mrs. Ragsdale stated that there will be two cases for July. Two Special Use Permit cases will be heard by the Board in July. Case S-21-005 Green Genie, LLC, and Case S-21-006 Kenneth Pierce.

Chairman's Report

There was no Chairman's Report.

Public Hearing

- 1. Case S-21-004 The Mill House at Motleys Mill, LLC; Special Use Permit for a Recreational Use, Event Venue

The Zoning Precepts were read by Mr. Easley to open the public hearing at approximately 7:06 pm. Mrs. Ragsdale, Directors of Community Development, reported that The Mill House at Motleys Mill, LLC, petitioned for a Special Use Permit to operate an Event Venue on the subject property. The subject property is one (1) parcel of land, a total of 14.70 acres, located at 572 Motley's Mill Road and shown on the Pittsylvania County Tax Map as GPIN # 2445-59-2174. There were no representatives from The Mill House at Motleys Mill, LLC present to represent the petition; however, Mrs. Ragsdale was available to answer any questions regarding the Special Use Permit. There was no opposition. The Public Hearing closed at 7:11 p.m. The Board discussed the petition as the Committee of the Whole. Whereas, The Mill House at Motleys Mill, LLC, has petitioned the Board of Zoning Appeals for a Special Use Permit for an Event Venue and, Whereas, we move the petition for a Special Use Permit be granted with the four (4) conditions recommended by staff.

Motion passed by a vote of 5 (five) ayes, 0 (zero) nays, and 2 (two) absent.

RESULT: APPROVED [UNANIMOUS]
MOVER: Carroll Yeaman, Board Member
SECONDER: Hershel Stone, Board Member
AYES: Easley, Merricks, Brumfield, Stone, Yeaman
ABSENT: Craddock, Deering

Adjournment

The meeting was adjourned at approximately 7:11 p.m.

RESULT: APPROVED [UNANIMOUS]
MOVER: Hershel Stone, Board Member
SECONDER: Carroll Yeaman, Board Member
AYES: Easley, Brumfield, Craddock, Deering, Stone, Yeaman
ABSENT: Merricks

OLD BUSINESS

There was no old business.

NEW BUSINESS

There will be two cases for the month of August.

HEARING OF CITIZENS

No citizens came forward to speak.

CHAIRMAN'S REPORT

Mr. Easley would like for the closest 911 address to be listed in the case information, to verify correct parcel identification for cases.

PUBLIC HEARING

1. Public Hearing: Case S-21-005 Green Genie, LLC; Special Use Permit for a Campground and a Recreational Use (ATV Trails).

SUBJECT

Requested by Green Genie, Inc., for a Special Use Permit for a Campground and Recreational Use (ATV Trails). The property 334.87 acres, located on State Road 686/Elkhorn Road, in the Banister Election District and shown on the Tap Map as GPIN # 2486-34-5505.

BACKGROUND/DISCUSSION

Green Genie, LLC is requesting a Special Use Permit to expand the current campground and operate ATV Trails on the subject property. The subject property is zoned A-1, Agricultural District. According to Pittsylvania County Code § 35-179, Recreational Uses and Campgrounds require a Special Use Permit.

The existing campground was in operation when the Zoning Ordinance was adopted in 1991, making the use legal non-conforming. According to Pittsylvania County Code § 35-164, non-conforming uses cannot be expanded or enlarged unless they can be brought into compliance.

A request to add eighteen (18) additional campsites was submitted to Community Development Staff and is shown on a site plan titled *Elkhorn Campground*. Additionally, the owners are requesting to operate ATV trails on the property in addition to the campground. The proposed trails are also shown on the site plan titled *Elkhorn Campground*.

If a Special Use Permit is granted, all additional campsites will be required to be approved by the Virginia Department of Health to ensure compliance with the State of Virginia Campground Regulations and any required construction activity will comply with the Building Code.

FUTURE LAND USE DESIGNATION

The Comprehensive Plan designates the future land use as Agricultural and Rural Residential.

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

A site plan is enclosed in the board packet.

RECOMMENDATION

Staff recommends APPROVAL of the SUP request for a Campground with the following conditions:

1. Any future construction activities must comply with flood plain regulations.
2. Must remain in compliance with all applicable Virginia Department of Health regulations.

Staff recommends APPROVAL of the SUP request for ATV Trails with the following conditions:

1. Days of operation shall be limited to Thursday-Sunday.
2. Hours of operation shall be limited to 10:00 a.m. to 8:00 p.m. Thursday through Saturday and 1:00 p.m. to 8:00 p.m. on Sunday.
3. No alcohol permitted on premises.
4. Must maintain a 100-foot vegetative buffer along all exterior property lines. This does not apply to interior property lines within the total project area.
5. Must maintain a natural buffer along all waterways.
6. Must remain in compliance with all applicable Erosion and Sediment Control and Stormwater regulations
7. Must remain in compliance with all applicable Health Department regulations
8. Night rides are permitted once per calendar year until 2:00 a.m.

PLANNING COMMISSION MOTIONS:

1. Recommend approval of Case S-21-005 as submitted.
2. Recommend approval of Case S-21-005 subject to conditions by staff.
3. Recommend approval of Case S-21-005 subject to conditions by the Planning Commission.
4. Recommend denial of Case S-21-005 as submitted.

PLANNING COMMISSION RECOMMENDATION:

On June 1, 2021, the Planning Commission recommended by an 8 to 0 vote, with no opposition, that the petitioners' request be granted with conditions recommended by staff.

Mr. Easley opened the public hearing at 7:05 pm. Mrs. Ragsdale, Director of Community Development, reported that Green Genie, LLC is requesting a Special Use Permit to expand the current campground and operate ATV Trails on the subject property. Thomas Brooks was on hand to represent the petition. The subject property is zoned A-1, Agricultural District. The existing campground was in operation when the Zoning Ordinance was adopted in 1991, making the use legal non-conforming. According to Pittsylvania County Code § 35-164, non-conforming uses cannot be expanded or enlarged unless they can be brought into compliance. A request to add eighteen (18) additional campsites was submitted to Community Development Staff and is shown on a site plan titled *Elkhorn Campground*. Additionally, the owners are requesting to operate ATV trails on the property in addition to the campground. The proposed trails are also shown on the site plan titled *Elkhorn Campground*. There was no opposition to the petition, Mr. Easley closed the public hearing at 7:07pm. A motion was made by Mr. Yeaman, seconded by Mr. Stone to recommend the Board of Zoning Appeals grant the Special Use Permit request. Motion passed by a six (6) to zero (0) vote, one (1) absent. The Special Use Permit was granted with the following conditions:

Conditions for Campground:

1. Any future construction activities must comply with flood plain regulations.
2. Must remain in compliance with all applicable Virginia Department of Health regulations.

Conditions for ATV Trails:

1. Days of operation shall be limited to Thursday-Sunday.
2. Hours of operation shall be limited to 10:00 a.m. to 8:00 p.m. Thursday through Saturday and 1:00 p.m. to 8:00 p.m. on Sunday.
3. No alcohol permitted on premises.
4. Must maintain a 100-foot vegetative buffer along all exterior property lines. This does not apply to interior property lines within the total project area.
5. Must maintain a natural buffer along all waterways.
6. Must remain in compliance with all applicable Erosion and Sediment Control and Stormwater regulations
7. Must remain in compliance with all applicable Health Department regulations
8. Night rides are permitted once per calendar year until 2:00 a.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carroll Yeaman, Board Member
SECONDER:	Hershel Stone, Board Member
AYES:	Easley, Brumfield, Craddock, Deering, Stone, Yeaman
ABSENT:	Merricks

2. Public Hearing: Case S-21-006 Kenneth and Ann Pierce; Special Use Permit for a Double-Wide Mobile Home.

SUBJECT

Requested by Kenneth and Ann Pierce, for a Special Use Permit for a Double-Wide Mobile Home. The property is 1.29 acres, located on State Road 633/Easome Road in the Staunton River Election District and shown on the Tap Map as GPIN # 2565-68-3036.

BACKGROUND/DISCUSSION

Kenneth and Ann Pierce are requesting a Special Use Permit to allow for the placement of a double-wide mobile home on their property to be used as their personal residence. PCC § 35-223 requires a Special Use Permit for mobile homes under the R-1 zoning classification. The property is currently vacant. There are other single-wide mobile homes and double-wide mobile homes in the general area. If a Special Use Permit is granted, all applicable setback requirements and Building Code regulations would have to be met before the mobile home could be placed on the property.

FUTURE LAND USE DESIGNATION

The Comprehensive Plan designates the future land use as Agricultural and Rural Residential.

ZONING OF SURROUNDING PROPERTIES

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

SITE DEVELOPMENT PLAN

N/A

RECOMMENDATION

Staff recommends APPROVAL of Case S-21-006 as submitted.

PLANNING COMMISSION MOTIONS:

1. Recommend approval of Case S-21-006 as submitted.
2. Recommend approval of Case S-21-006 subject to conditions by the Planning Commission.
3. Recommend denial of Case S-21-006 as submitted.

PLANNING COMMISSION RECOMMENDATION:

On June 1, 2021, the Planning Commission recommended by a 8 to 0 vote, with no opposition, that the petitioners' request be granted.

Mr. Easley opened the public hearing at 7:13 pm. Mrs. Ragsdale, Director of Community Development, reported that Kenneth Pierce is requesting a Special Use Permit to allow for the placement of a double-wide mobile home on their property to be used as their personal residence. The property is currently vacant, there are other manufactured homes in the general area. Kenneth and Ann Pierce were present to represent the petition. There was no opposition to the petition, Mr. Easley closed the public hearing at 7:15pm. A motion was made by Mr. Craddock, seconded by Mr. Stone to recommend the Board of Zoning Appeals grant the Special Use Permit request. Motion passed by a six (6) to zero (0) vote, one (1) absent.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joseph A. Craddock, Board Member
SECONDER:	Hershel Stone, Board Member
AYES:	Easley, Brumfield, Craddock, Deering, Stone, Yeaman
ABSENT:	Merricks

ADJOURNMENT

The meeting was adjourned at 7:17 p.m.