



BOARD OF ZONING APPEALS

January 12, 2021

**Board of Zoning Appeals
List of Members
2021**

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allan@easleyhedrick.com

January 16, 2021

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January 14, 2025

Mrs. Helen Glass
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helenglass2018@gmail.com

January 16, 2021

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January 16, 2021

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rmerricks@iwsquirecoinc.com
keelinghorses@gmail.com

January 14, 2025

Carroll Yeaman
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carrollyeaman@comcast.net

January 14, 2025



**PITTSYLVANIA COUNTY BOARD OF ZONING APPEALS
REGULAR MEETING**

Tuesday, January 12, 2021 - 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. **Election of Chairman & Vice Chairman for the Year 2021**
 - A. Director of Community Development Announces Election of Chairman
 1. Nominations Are Taken
 2. Chairman is Announced
 - B. New Chairman Announces Election of Vice Chairman
 1. Nominations Are Taken
 2. Vice Chairman is Announced
4. Approval of Agenda
5. Approval of Minutes
 - a. December 8, 2020
6. Old Business
7. New Business
 - a. Cases For Next Month:
Michaux Solar; utility scale solar
8. Chairman's Report
9. **Public Hearing**
Case V-21-001 Heath Investments, LLC – Chatham-Blairs Election District
Requesting a Variance of 30 ft to the required rear 50 ft setback
10. Adjournment

PITTSYLVANIA COUNTY BOARD OF ZONING APPEALS

REGULAR MEETING

December 8, 2020

MINUTES

VIRGINIA: The Pittsylvania County Board of Zoning Appeals met on Tuesday, December 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
Helen Glass
Ronald Merricks
Carroll Yeaman
Emily Ragsdale
Karen N. Hayes
Christopher Dadak, Attorney

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

Upon motion of Mr. Merricks, seconded by Mr. Yeaman, and by a unanimous vote, the November 10, 2020, minutes were approved as presented.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mrs. Ragsdale reported there is a Variance for Heath Investments, LLC.

CHAIRMAN'S REPORT

There was no Chairman's Report. Mr. Talbott informed the board that the December meeting would be his last after serving on the board for 30 years, that he would be retiring. Mr. Easley presented Mr. Talbott with a paper copy of the proposed plaque that was ordered for his years of service on the Board

of Zoning Appeals. The members took turns expressing their thankfulness to Mr. Talbott.

THE ZONING PRECEPTS WERE READ by Mr. Talbott **TO OPEN THE PUBLIC HEARING** at approximately 7:00 p.m.

Case S-20-019, Axton Solar, LLC – Mr. Talbott opened the public hearing at 7:04 p.m. Mrs. Ragsdale, Director of Community Development, reported that Axton Solar, LLC had petitioned for a Special Use Permit on 1,359.74 acres, located on Medical Center Road, Sugar Barbour Road, Sandy River Road, Retreat Drive, Taylor Road, Mosco Road, Maple Springs Drive and Plantation Drive in the Tunstall Election District (*for a utility-scale solar energy facility*) Trey Lopez was in attendance to represent Axton Solar, LLC Mr. Easley questioned setbacks for several parcels of land and stated that the Board of Supervisors has made changes to the ordinance regarding this. The Planning Commission recommended by a 7 to 0 vote, with no opposition, that the petitioners' request be granted with the staff recommended conditions. The staff summary was enclosed in the Board Packet. Mr. Talbott closed the public hearing at 7:08 p.m. The Board discussed the petition as the Committee of the Whole. Upon motion of Mr. Easley, seconded by Mrs. Glass, the following motion was adopted: **Whereas**, Axton 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 conditions submitted by staff**.

Motion passed by a unanimous vote. 6 ayes, 1 absent.

Case S-20-020 Luffman Pyrtle Real Estate – Mr. Talbott opened the public hearing at 7:18 p.m. Mrs. Ragsdale, Director of Community Development, reported that Luffman Pyrtle Real Estate had petitioned for a Special Use Permit on 1.47 acres, located on Franklin Turnpike, in the Westover Election District (*for a kennel for boarding dogs*). Laura Luffman and Lisa Pyrtle were there to represent the petition. Jeanette Bell, who owns the property at 3608 Franklin Turnpike spoke in favor of the petition. Mr. Merricks voiced concerns regarding the yard of the home being used as an outdoor area for the dogs, Ms. Luffman stated that the outdoor area would not be expanded, and all dogs will be kept inside, no outdoor boarding at this facility. The Planning Commission recommended by a 7 to 0 vote, with opposition, that the petitioner's request be granted with the staff recommended condition. The staff summary was enclosed in the Board Packet. Mr. Talbott closed the public hearing at 7:24 p.m. The Board discussed the petition as the Committee of the Whole. Upon motion of Mr. Merricks, seconded by Mr. Yeaman, the following motion was adopted: **Whereas**, Luffman Pyrtle Real Estate has petitioned the Board of Zoning Appeals for a Special Use Permit for a kennel for boarding dogs **and, Whereas**, we move the petition for a Special Use Permit be **granted with conditions submitted by staff**.

Motion passed by a unanimous vote. 6 ayes, 1 absent.

The meeting was adjourned at approximately 7:41 p.m.

Kenneth Talbott, Chairman

Robin Vaughan, Clerk

**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, January 12, 2021, beginning at 7:00 p.m., at the Community Center, Chatham, Virginia, on the following ZONING matters:

Case V-21-001 – Requested by Heath Investments, Inc, for a Variance to Section 35-369. MINIMUM YARD DIMENSIONS. (C.) Rear Setback, No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters not residential district boundary. The property is 0.60 acres, located on US Highway 29, in the Chatham-Blairs Election District and shown on the Tax Map as GPIN# 2424-07-9143. The Comprehensive Plan identifies the future land use of this area as Commercial.

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.

ZONING PRECEPTS

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.

Jerry Heath

Narrative

Case V-21-001, Heath Investments, LLC, has petitioned for a Variance on 0.60 acres, located US Highway 29, in the Chatham-Blairs Election District to Section 35-369. MINIMUM YARD DIMENSIONS. (C.) Rear Setback, of the Pittsylvania County Zoning Ordinance.

The Planning Commission recommended by a _____ vote that the petitioners request be _____.

The staff summary is enclosed in the Board Packet.

Mr. Chairman, Mr. Jerry Lee Heath is here to represent the petition.

Motion _____, seconded by _____
to _____.
grant/deny

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

POSITIVE MOTION: CASE V-21-001

Whereas, Heath Investments, LLC, has petitioned the Board of Zoning Appeals for a Variance to Section 35-369. MINIMUM YARD DIMENTIONS (C.) REAR 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, 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**.

With the following conditions/no conditions:

1)

2)

NEGATIVE MOTION: CASE V-21-001

Whereas, Heath Investments, LLC, has petitioned the Board of Zoning Appeals for a Variance to Section 35-369. MINIMUM YARD DIMENTIONS (C.) REAR SETBACK, of the Pittsylvania County Zoning Ordinance, **and**,

Whereas, the application does not fulfill the minimum requirements for a variance from the provisions of the ordinance **and**,

Whereas, the strict application of the ordinance would not impose unnecessary hardship approaching confiscation,

I move the Variance be **denied**.

STAFF SUMMARY

<u>CASE NUMBER:</u> V-21-001	<u>ZONING</u> B-2	<u>CYCLE DATE:</u> September 2020
<u>AGENDA TITLE:</u> A Variance to Section 35-369. MINIMUM YARD DIMENSIONS. (C.) Rear Setback, of the Pittsylvania County Zoning Ordinance.		<u>PLANNING COMMISSION</u> January 5, 2021
<u>SUBJECT/PROPOSAL/REQUEST:</u> Heath Investments, LLC is requesting a variance from the required rear yard setback.		<u>BOARD OF ZONING APPEALS</u> January 12, 2021
<u>DISTRICT</u> Chatham-Blairs		<u>ADVERTISED</u> December 23 & 30, 2020
		<u>REVIEWED BY:</u>

BACKGROUND:

Heath Investments, LLC petitioned the Board of Zoning Appeals on November 19, 2020, requesting a Variance to Section 35-369. MINIMUM YARD DIMENSIONS. (C.) Rear Setback, of the Pittsylvania County Zoning Ordinance, on 0.60 acres, shown on the records as GPIN # 2424-07-9143, located on US Highway 29, in the Chatham-Blairs Election District.

DISCUSSION:

The subject property is currently zoned B-2, Business District, General. The property is currently being developed by Heath Investments, LLC for the sale of landscaping materials. The applicant is requesting a variance to allow the placement of an office building and covered storage area twenty (20) feet from the rear property line, placing them within the required fifty (50) foot setback.

As stated in the Pittsylvania County Zoning Ordinance, Section 35-369. MINIMUM YARD DIMENSIONS. (C.) Rear Setback, "No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary." The subject property borders a R-1, Residential Suburban Subdivision District, requiring the fifty (50) foot setback.

If the variance is approved, the applicant will work with staff to ensure all other applicable requirements of the Zoning Ordinance are met.

CRITERA ANALYSIS

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability,

- 1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;**

The property was acquired in good faith. The hardship claimed by the applicant is due to the size and location of the property. The subject property is approximately 160 feet wide. The proposed buildings are approximately thirty (30) feet deep. If the applicant met the the required fifty (50) foot rear setback, this would leave approximately eighty (80) feet between the right of way and the front of the building. According the to applicant, this would not leave adequate space for tractor trailers making deliveries to access the property and be able to turn around to leave. Additionally, this lot is not wide enough to meet VDOT spacing standards to allow for an additional commercial entrance to be added that would allow tractor trailers to access the property from one entrance and exit from another. Therefore, this application **does** meet this criterion.

- 2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;**

Due to the layout of this property, an embankment will separate the proposed use from the two adjacent residential properties. All other adjacent properties are currently zoned B-2, Business District, General. Additionally, the property is located on US Highway 29 near a large, developed intersection. Based on these factors, it is not anticipated that this use will generate a substantial increase in noise or other detrimental factors that are not already present. Reducing the rear yard setback to allow for the placement of an office building and covered storage area is not expected to increase these. Therefore, this application **does** meet this criterion.

- 3. 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;**

Generally, there is no rear setback required for properties zoned B-2, Business District, General, unless it is adjacent to a residential district. This property is also restricted based on its size and location, creating a unique situation that reduces the applicant's ability to place the buildings in a location that meets both the needs of the proposed business and the requirements of the Zoning Ordinance. Therefore, this application **does** meet this criterion.

- 4. the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;**

The granting of a variance does not change the zoning classification or allow for a use that is not otherwise permitted. Therefore, this application **does** meet this criterion.

- 5. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.**

The special exception process does not apply to this situation. An amendment to the Zoning Ordinance is not needed for this situation as the need for this variance is due to the narrowness of the subject property. Therefore, this application **does** meet this criterion.

This variance request meets **five (5)** of the **five (5)** criteria needed to grant a variance.

SITE DEVELOPMENT PLAN

Included in the packet

ATTACHMENTS

- A. Application
- B. Map
- C. Letter of Intent
- D. Executive Summary
- E. Petition
- F. Sign Affidavit
- G. Adjacent Parcel Owners
- H. Site Plan

November 19, 2020

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

Dear Mrs. Ragsdale:

I, Jerry Lee Heath, as Owner, am requesting a variance from the required 50' rear yard setback on 0.60 acres, located on US Highway 29, in the Chatham-Blairs Election District. The property is shown as GPIN # 2424-07-9143. Based on the narrowness of the lot, the proposed buildings will need to be a maximum of 20' off the rear property line to allow adequate room for tractor trailers to deliver materials.

Sincerely,


Jerry Lee Heath

**PITTSYLVANIA COUNTY
APPLICATION FOR VARIANCE**

I, Jerry Lee Heath (Heath Investments, Inc), as Owner of the below described property, hereby apply to the Pittsylvania County Board of Zoning Appeals for a Variance to the Pittsylvania County Zoning Ordinance as hereinafter described:

1. Property Owner's Name: Jerry Lee Heath (Heath Investments, Inc)
Address: 3617 Banister Road, Chatham, VA 24531 Phone: (434) 250-7722
2. Location of Property: on US Highway 29
3. Tax Map Number: 2424-07-9143.
4. Election District: Chatham-Blairs Total Amount: \$ 200.00
Taken By: ESR Check # 21173
5. Size of Property: 0.6 Acres
6. Existing Land Use: Vacant
Existing Zoning: B-2. Business District General
7. Section(s) of the Zoning Ordinance to which Variance is requested: Section 35-369. Minimum Yard Dimensions. (C.) Rear Setback, of the Pittsylvania County Zoning Ordinance.
8. Reason for requesting Variance: A Variance of 30 feet from the required rear setback is needed to allow for two structures to be placed on the property for an office and to provide a covered storage area for materials. The required 50 foot rear setback will not allow enough room in front of the buildings for delivery trucks to access the property.
9. Check completed items:

<input checked="" type="checkbox"/> Justification Letter	<input checked="" type="checkbox"/> 11"x17" Concept Plan	<input checked="" type="checkbox"/> Site Development Plan or Waiver
<input checked="" type="checkbox"/> Legal Forms	<input checked="" type="checkbox"/> List of Adjoining Properties	<input checked="" type="checkbox"/> Copy of Deed
<input checked="" type="checkbox"/> Application Fee	<input checked="" type="checkbox"/> Plat Map	<input type="checkbox"/> Copy of Deed
		Restrictions/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.


Jerry Lee Heath

OFFICE USE ONLY

Received By: ESR

Application Deadline: 11-19-20

Date Received: 11-19-20

Application No.: V-20-002

P.C. Meeting Date: 01-05-20

B.Z.A. Meeting Date: 01-12-20

Action: _____

VIRGINIA:

BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

A 0.6 acre parcel of land,)
generally located on US Highway 29)
within the Chatham-Blairs)
Magisterial District, and recorded as)
parcel # 2424-07-9143 in the)
Pittsylvania County tax records.)

PETITION

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY:

WHEREAS, your Petitioner, Jerry Lee Heath (Heath Investments, Inc), respectfully files this petition pursuant to Sections 35-850 and 35-851 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 owners of the above-referenced parcel of land, or are filing with the owner's consent.
- 2) The property is presently zoned under the provisions of the Pittsylvania County Zoning Ordinance as B-2, Business District, General.
- 3) Your Petitioners now desire to have issued a Variance to Section 35-369, Minimum Yard Dimensions, (C.) Rear Setback, of the Pittsylvania County Zoning Ordinance.

WHEREFORE, your Petitioner respectfully requests relief from the strict application of the Zoning Ordinance of Pittsylvania County and requests that the above-referenced parcel of land be issued a Variance as set out in Number 3.

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

Respectfully submitted,


Jerry Lee Heath

HEARN, KAREN LYNN & HEARN, GRANT
WAYNE
276 LOOSE GRIP LN
CHATHAM, VA 24531

MOSS, JOHN DAVID & MOSS, AUDREY T
104 WESTRIDGE DR
DANVILLE, VA 24541

ROGERS, WILLIAM H JR & ROGERS, JUDITH R
460 CARTER LODGE RD
BLAIRS, VA 24527

YOUNGER, CARROLL WAYNE LIFE TENANT
ET ALS &
YOUNGER, NANCY N LIFE TENANT ET ALS
268 SAMUEL HARRIS LANE
CHATHAM, VA 24531

DALTON, DEBORAH Y
MARLOWE, CATHY Y
C/O DEBORAH Y DALTON
8676 ROCKFORD SCHOOL RD
GRETNA, VA 24557

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 V-20-002 Applicant Jerry Hatt Date 12 14 20

Sworn to and subscribed before me in my presence this _____ day of _____, in my City and State aforesaid, by

Notary Public. My commission Expires: _____

Legend

- Assessed Parcels
- Parcels
- Zoning**
- 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:

Date: 12/23/2020

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.

MB 43 PG 384K



(Office)

16 x 28
metal storage building

30 x 48
metal shed

16 ft
PIPE

10' off R

CARROLL WAYNE YOUNGER, ET ALS
GPIN 2424-07-7131
LR 15-02154

MYRTLE B. YOUNGER
GPIN 2424-07-7062
DB 346 PG 97

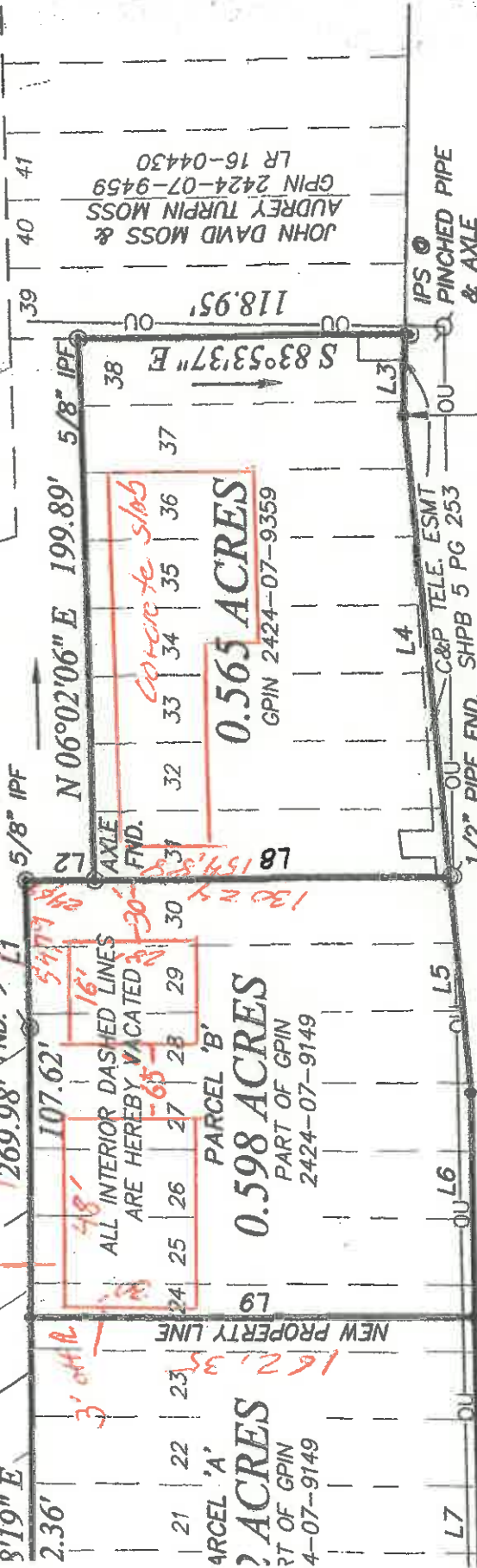
BARBARD, SR. &
WIBBARD
1987

145 146 147 148 149 150
PC 1 SL 277A

269.98' FND.

KAREN LYNN HEARN &
GRANT WAINE HEARN
GPIN 2424-07-8236
DB 184 PG 540
MB 43 PG 254B

LOOSE GRIP LANE



U.S. HIGHWAY 29

53.6' VARIABLE WIDTH R/W
SHPB 5 PG 253 & 279

26'

73.9'



82

