



**BOARD OF ZONING APPEALS
REGULAR MEETING
Monday, September 13, 2021 – 7:00 PM**

**Board Meeting Room
39 Bank Street, SE,
Chatham, Virginia 24531**

AGENDA

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. MOMENT OF SILENCE**
- IV. APPROVAL OF AGENDA**
- V. APPROVAL OF MINUTES**
 - 1. BZA 08_09_2021 Minutes
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
- VIII. HEARING OF CITIZENS**

Each person addressing the Board under Hearing of the Citizens shall be a resident or land owner of the County, or the registered agent of such resident or land owner. Each person shall step up, give his/her name and district in an audible tone of voice for the record, and unless further time is granted by the Chairman, shall limit his/her address to three (3) minutes. No person shall be permitted to address the Board more than once during Hearing of the Citizens. All remarks shall be addressed to the Board as a body and not to any individual member thereof. Hearing of the Citizens shall last for a maximum of forty-five (45) minutes. Any individual that is signed up to speak during said section who does not get the opportunity to do so because of the aforementioned time limit, shall be given speaking priority at the next Board meeting. Absent Chairman's approval, no person shall be able to speak who has not signed up.

- IX. CHAIRMAN'S REPORT**

X. PUBLIC HEARING

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.

1. Public Hearing: Case S-21-009 Michael and Cynthia Flanigan; Special Use Permit for the sales, service, and repair of automobiles/public garage

XI. ADJOURNMENT



Board of Zoning Appeals

STAFF SUMMARY

Case:	Board of Zoning Appeals Minutes 08/09/2021	District:	
Zoning Request:			
Agenda Date:	September 13, 2021		
Meeting History:			

August 9, 2021
Regular Meeting

**Pittsylvania County Board of Zoning Appeals
Regular Meeting
August 9, 2021**

VIRGINIA: The Regular Meeting of the Pittsylvania County Board of Zoning Appeals was held on August 9, 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	6:24 PM
Ronald E. Merricks	Vice-Chairman	Present	6:21 PM
Ryland Brumfield	Board Member	Present	6:24 PM
Joseph A. Craddock	Board Member	Absent	6:24 PM
Ann Deering	Board Member	Present	6:24 PM
Hershel Stone	Board Member	Present	6:22 PM
Carroll Yeaman	Board Member	Present	6:20 PM

APPROVAL OF AGENDA

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

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

APPROVAL OF MINUTES

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

1. BZA Minutes 07122021

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

OLD BUSINESS

There was no old business.

NEW BUSINESS

Attachment: BZA 08_09_2021 Minutes (2722 : BZA 08_09_2021 Minutes)

Mrs. Ragsdale stated there will be one case for a Special Use Permit to be heard at the September meeting, Case S-21-009.

HEARING OF CITIZENS

No citizens came forward to speak.

CHAIRMAN'S REPORT

There was no Chairman's Report.

PUBLIC HEARING

- 1. Public Hearing: Case S-21-007 Rodney and Patricia Barker; Special Use Permit for a Kennel

Mr. Easley opened the public hearing at approximately 7:05 pm. Mrs. Ragsdale, Director of Community Development, reported that Patricia Barker petitioned for a Special Use Permit on a total of 4.75 acres, located on US Hwy 29 in the Westover Election District for a kennel for boarding and grooming dogs. Ms. Barker was not present to represent the petition, Mrs. Ragsdale stated she would answer any questions during the public hearing. There was opposition to the Special Use Permit from several residents of the neighborhood, Hunter Byrnes spoke on behalf of those residents. Their concerns included but were not limited to: noise levels, decrease in property values and access to the business through a residential entrance. Nancy Horton, who resides at 2057 Woodlake Drive, voiced concerns of increased traffic damaging the road which is already in need of repair at this time. The Board discussed the petition as the Committee of the Whole. A motion was made by Mr. Merricks, seconded by Mr. Yeaman, to deny the Special Use Permit. Motion passed by a six (6) to zero (0) vote (one (1) member, Mr. Craddock was absent).

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

- 2. Public Hearing: Case S-21-008 Gentry Farms, LLC; Special Use Permit for a Recreational Use, Event Use.

Mr. Easley opened the public hearing at approximately 7:36 pm. Mrs. Ragsdale, Director of Community Development, reported that Gentry Farms, LLC, petitioned for a Special Use Permit on a total of 14.70 acres, located on Clarks Mill Road in the Dan River Election District for an Event Venue. R. J. Lackey was present to represent the petition. There was no opposition to the petition. Mr. Easley closed the public hearing at 7:40. A motion was made by Mr. Yeaman, seconded by Ms. Deering, to grant the Special Use Permit. Motion passed by a six (6) to zero (0) vote (one (1) member, Mr. Craddock was absent).

Attachment: BZA 08_09_2021 Minutes (2722 : BZA 08_09_2021 Minutes)

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

ADJOURNMENT

The meeting was adjourned at approximately 7:42 pm.



Board of Zoning Appeals

STAFF SUMMARY

Case:	Public Hearing: Case S-21-009 Michael and Cynthia Flanigan	District:	Chatham-Blairs Election District
Zoning Request:	SUP		
Agenda Date:	September 13, 2021		
Meeting History:			

SUBJECT

Requested by Michael and Cynthia Flanigan, for a Special Use Permit the sales, service, and repair of automobiles/public garage. The property is 2.0 acres, located on W I Powell Road, in the Chatham Blairs Election District and shown on the Tap Maps as GPIN # 1492-65-8123.

BACKGROUND/DISCUSSION

The applicants are proposing to operate a public garage on the subject property. Due to the applicant's request to service automobiles, a Special Use Permit for a public garage is required in accordance with Pittsylvania County Code § 35-179. The applicants currently operate a towing and repair business in the City of Danville and have stated that this will not be an expansion of that operation. They will be using an existing structure on the property and plan to primarily restore antique vehicles.

Currently, the property is accessed by a shared driveway that provides access to the subject property and two neighboring properties. A maintenance agreement was signed in 1992 between the property owners stating that the private road could be used for access and the maintenance was to be shared between property owners using the road. This agreement is still in affect and a copy is included in the packet.

DIRECTIONS

The address is 1415 W I Powell Road.

SURROUNDING LAND USE AND ZONING DISTRICTS

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

SITE DEVELOPMENT PLAN

An existing building will be used for this operation.

RECOMMENDATION

Staff recommends APPROVAL of Case S-21-009 with the following conditions:

1. This property shall not be used for the sale of automobiles.
2. Repair activities shall be contained within an enclosed structure.
3. Inoperable vehicles shall not be stored on the property for longer than two (2) weeks and must be stored in an area screened in accordance with PCC § 35-121.

PLANNING COMMISSION MOTIONS:

1. Recommend approval of Case S-21-009 as submitted.
2. Recommend approval of Case S-21-009 subject to conditions by staff.
3. Recommend approval of Case S-21-009 subject to conditions by the Planning Commission.
4. Recommend denial of Case S-21-009 as submitted.

ATTACHMENTS:

- A. Application
- B. Letter of Intent
- C. Executive Summary
- D. Petition
- E. Sign Affidavit
- F. Adjacent Parcel Owners
- G. Road Maintenance Agreement

PLANNING COMMISSION RECOMMENDATION:

On August 3, 2021, the Planning Commission recommended by an 8 to 0 vote, with no opposition, that the petitioners' request be granted.

PITTSYLVANIA COUNTY
APPLICATION FOR SPECIAL USE PERMIT

We, Michael & Cynthia Flanigan, 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: Michael & Cynthia Flanigan
Address: 1415 W I Powell Rd, Dry Fork, VA 24549 Telephone: 434-251-3246

2. Location of Property: W I Powell Rd

3. Tax Map Number GPIN 1492-65-8123

4. Election District: Chatham-Blairs

Total Amt: \$350.00

Taken By: PP 1199 [Signature]

5. Size of Property: 2.0 acres

6. Existing Land Use: Single-family dwelling and related buildings

Existing Zoning: A-1, Agricultural District

7. Proposed Land Use: sales, service and repairs of automobiles/public garage

8. Check completed items:

- Letter of Application Site Development Plan Legal Forms
- 11"x 17" Concept Plan Application Fee List of Adjoining Properties
- Plat Map

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.

[Signature]
Michael Flanigan/Cindy Flanigan

OFFICE USE ONLY
Application Deadline: 06-24-2021
Received By: ER
B.Z.A. Meeting Date: 09-13-2021

Application No. S-21-009
P.C. Meeting Date: 08-03-2021
Date Received: 06-21-2021
Action: _____

Attachment: Case S-21-009 Michael Flanigan (2721 : Public Hearing: Case S-21-009 Michael and Cynthia Flanigan)

**VIRGINIA:
BEFORE THE BOARD OF SUPERVISORS OF PITTSYLVANIA COUNTY**

A 2.0 acre parcel of land,)
generally located at 1415 W I Powell Road)
within the Chatham-Blairs) **PETITION**
Election District, and recorded as)
parcel # 1492-65-8123)
in the Pittsylvania County tax records)

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY:

WHEREAS, your Petitioners, Michael & Cynthia Flanigan 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 owner 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 A-1, Agricultural District.
- (3) Your petitioner now desires to have a Special Use Permit issued for sales, service and repairs of automobiles/public garage.

WHEREFORE, your Petitioners respectfully request that the above referenced parcel 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 Zoning Administrator to the Pittsylvania County Planning Commission for its consideration and recommendation.

Respectfully submitted,


Michael Flanigan/Cynthia Flanigan

Attachment: Case S-21-009 Michael Flanigan (2721 : Public Hearing: Case S-21-009 Michael and Cynthia Flanigan)



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

SIGN AFFIDAVIT

Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-

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

Sec. 35-818. POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-

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

Sec. 35-819. MAINTENANCE AND REMOVAL OF SIGNS.

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

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

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

Case S-21-009 Applicant M. W. Flanigan Date 7-26-2021

Attachment: Case S-21-009 Michael Flanigan (2721 : Public Hearing: Case S-21-009 Michael and Cynthia Flanigan)

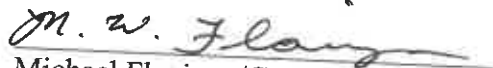
July 23, 2021

Mrs. Emily Ragsdale
Director of Community Development
P. O. Drawer D
Chatham, VA 24531

Dear Mrs. Ragsdale:

Michael & Cynthia Flanigan, as owners, would like to apply to the Planning Commission/Board of Zoning Appeals for a Special Use Permit to operate a public garage and sales, service, and repairs of automobiles on a total of 2.0 acres, GPIN 1492-65-8123, located at 1415 W I Powell Road, in the Chatham-Blairs Election District.

Sincerely,


Michael Flanigan/Cynthia Flanigan

GPIN	ACCOUNT_NAME1	ACCOUNT_NAME2
1492-65-3285	RICHARDSON, BONNIE H LIFE TENANT	RICHARDSON, ANGELA RENEE REMAINDERMAN ET ALS
1492-65-9450	MITCHELL, MICHAEL L	MITCHELL, AMY K
1492-74-0952	SIMPKINS, EDWARD JOHN	SIMPKINS, PEGGY MARIE
1492-75-1097	TURNER, FRANK L JR	
1492-65-4172	HUDSON, MARK LANDON	

ROAD MAINTENANCE AGREEMENT

92-4548

THIS AGREEMENT, made this 25th day of June, 1992, by and between **MICHAEL W. FLANIGAN** and **CYNTHIA E. FLANIGAN**, husband and wife, parties of the first part; and **RUBY CUNDIFF STOOTTS, GARRY J. CUNDIFF, MILDRED CUNDIFF HARRIS, JOSEPHINE CUNDIFF SPIVEY, JUNE CUNDIFF LEE,** and **AUDREY CUNDIFF KUYKENDALL**, sole heirs-at-law of Martha A. Cundiff, (one and same person as Martha Ames Cundiff) deceased, parties of the second part;

WHEREAS, Michael W. Flanigan and Cynthia E. Flanigan, husband and wife, are purchasing Lot No. 1 containing two acres on State Road No. 839, Blairs Magisterial District, Pittsylvania County, Virginia with access from a private soil access road, on property owned by the parties of the second part; and

WHEREAS, the private road, which is not State maintained, provides the right of ingress and egress from State Road 839, to Lot No. 1, as well as Lot No. 2 owned by the parties of the second part; and

WHEREAS, the parties to this Agreement wish to provide for maintenance of this private road.

NOW, THEREFORE,

WITNESSETH

THAT for the consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the parties do hereby agree as follows:

Attachment: Case S-21-009 Michael Flanigan (2721 : Public Hearing: Case S-21-009 Michael and Cynthia Flanigan)

1. The parties, by their signatures to this Agreement, do hereby promise and agree to jointly maintain the private road leading from their properties to State Road 839, located in Pittsylvania County, Virginia. The parties agree to maintain said road in such condition so as to make the same passable for motor vehicle traffic at all times, and to maintain same from State Road 839 to their respective properties. The parties further agree that the cost of the maintenance of said road shall be shared between the parties to this Agreement.

2. The parties agree that this Maintenance Agreement shall be binding upon themselves, their heirs, assigns and successors in title.

WITNESS the following signatures and seals:

Michael W. Flanigan (SEAL)
MICHAEL W. FLANIGAN

Cynthia E. Flanigan (SEAL)
CYNTHIA E. FLANIGAN

Ruby Cundiff Stoots (SEAL)
RUBY CUNDIFF STOOTS

Garry J. Cundiff (SEAL)
GARRY J. CUNDIFF

Mildred Cundiff Harris (SEAL)
MILDRED CUNDIFF HARRIS

Josephine Cundiff Spivey (SEAL)
JOSEPHINE CUNDIFF SPIVEY

June Cundiff Lee (SEAL)
JUNE CUNDIFF LEE

Attachment: Case S-21-009 Michael Flanigan (2721 : Public Hearing: Case S-21-009 Michael and Cynthia Flanigan)

Audrey Cundiff Kuykendall (SEAL)
AUDREY CUNDIFF KUYKENDALL

STATE OF VIRGINIA - AT LARGE
CITY OF DANVILLE, to-wit:

The foregoing instrument was acknowledged before me this 7th
day of July, 1992, by **MICHAEL W. FLANIGAN** and
CYNTHIA E. FLANIGAN, husband and wife.

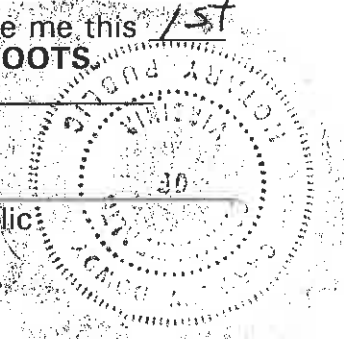
My commission expires: 12/28/92

Jane M. Estes
Notary Public

STATE OF VIRGINIA - AT LARGE
~~CITY~~/COUNTY OF Pittsylvania

The foregoing instrument was acknowledged before me this 1st
day of June, 1992, by **RUBY CUNDIFF STOOTS**
My commission expires: 4 Oct - 92

Carol M. Duddy
Notary Public

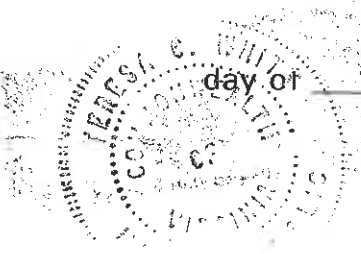


STATE OF VIRGINIA - AT LARGE
CITY/COUNTY OF Danville

The foregoing instrument was acknowledged before me this 3rd
day of July, 1992, by **GARRY J. CUNDIFF**.

My commission expires: May 31, 1995

F.eresa C. Whitt
Notary Public



Attachment: Case S-21-009 Michael Flanigan (2721 : Public Hearing: Case S-21-009 Michael and Cynthia Flanigan)

STATE OF VIRGINIA - AT LARGE
CITY/COUNTY OF Pittsylvania

The foregoing instrument was acknowledged before me this 6th
day of July, 1992, by **MILDRED CUNDIFF HARRIS.**

My commission expires: 02/28/95

Maile S. Brown
Notary Public

STATE OF N.C.
CITY/COUNTY OF Randolph

The foregoing instrument was acknowledged before me this 28th,
day of June, 1992, by **JOSEPHINE CUNDIFF SPIVEY.**

My commission expires: 7-6-96

Embossed Hereon is My
Randolph County, N. C., Notary Public Seal
My Commission Expires July 6, 1996
DAVID M. KING

David M. King
Notary Public

STATE OF PENNSYLVANIA
CITY/COUNTY OF BRADFORD

The foregoing instrument was acknowledged before me this 30
day of JUNE, 1992, by **JUNE CUNDIFF LEE.**

My commission expires: _____

Ruth A. Schrader, Notary Public
Sayre Boro, Bradford County
My Commission Expires Sept. 4, 1993

Ruth A. Schrader
Notary Public

STATE OF VIRGINIA
CITY/COUNTY OF Henry

The foregoing instrument was acknowledged before me this 29th
day of June, 1992, by **AUDREY CUNDIFF KUYKENDALL.**

My commission expires: My Commission Expires Dec. 27, 1992

NOTARY PUBLIC
HENRY COUNTY, VA

Billy H. Joyce
Notary Public

LAW OFFICES
SINCLAIR & HEARD
219 PATTON STREET
DANVILLE, VIRGINIA 24541

-4-

VIRGINIA:
St. R. Tax _____
Co. R. Tax _____
Transfer _____
Clerk 12.00
Grantor Tax _____
VSLF 1.00
Total \$ 13.00

CLERK'S OFFICE OF THE CIRCUIT COURT OF PITTSYLVANIA COUNTY
The foregoing instrument with acknowledgement was admitted to
record on July 7 19 92 at 3:46 P. M. in
D.B. 926 Page 299
Teste: H.F. HAYMORE, JR. CLERK
By: Marion H. Henry De

Attachment: Case S-21-009 Michael Flanigan (2721 : Public Hearing: Case S-21-009 Michael and Cynthia Flanigan)

Legend

- Assessed Parcels
- 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:

Date: 6/21/2021

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.

