

October 14, 2021
Regular Meeting

**Pittsylvania County Board of Zoning Appeals
Regular Meeting
October 14, 2021**

VIRGINIA: The Regular Meeting of the Pittsylvania County Board of Zoning Appeals was held on October 14, 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	6:40 PM
Ryland Brumfield	Board Member	Present	6:43 PM
Joseph A. Craddock	Board Member	Present	6:39 PM
Ann Deering	Board Member	Present	6:39 PM
Hershel Stone	Board Member	Present	6:42 PM
Carroll Yeaman	Board Member	Present	6:53 PM

APPROVAL OF AGENDA

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

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

APPROVAL OF MINUTES

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

1. BZA 08_09_2021 Minutes

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

OLD BUSINESS

There was no old business.

NEW BUSINESS

There will be one case for a Variance heard in November.

HEARING OF CITIZENS

No citizens came forward to speak.

CHAIRMAN'S REPORT

Mr. Easley apologized for not having a Board of Zoning Appeals meeting in the month of September due to not quorum not being reached.

PUBLIC HEARING

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

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.

The Zoning Precepts were read by Mr. Easley to open the public hearing at approximately 7: 04 pm. Mrs. Ragsdale, Director of Community Development, reported that Mike and Cynthia Flanigan petitioned for a Special Use Permit the sale, service, and repair of automobiles/public garage. The subject property is one (1) parcel of land, a total of 2.0 acres, located at 1415 WI Powell Road, in the Chatham-Blairs Election District and shown on the Tax Maps as GPIN # 1492-65-8123. Mike Flanigan was present to represent the petition. There was no opposition. The Public Hearing closed at 7:05 pm. The Board discussed the petition as the Committee of the Whole. Whereas, Mike and Cynthia Flanigan, have petitioned the Board of Zoning Appeals for a Special Use Permit for the sale, service, and repair of automobiles/public garage and, Whereas, we move the petition for a Special Use Permit be granted with the three (3) conditions recommended by staff.

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

2. Public Hearing: Case S-21-010; Roger & Debra Emerson; Special Use Permit for a Private Club

SUBJECT

Requested by Roger and Debra Emerson dba Da Spot, LLC, for a Special Use Permit for a private club. The property is 5.67 acres, located on State Road 750/Whitmell School Road, in the Chatham-Blairs Election District and shown on the Tap Maps as GPIN # 1480-76-0840.

BACKGROUND/DISCUSSION

The applicants are requesting a Special Use Permit to operate a private motorcycle club on the subject property. The subject property is zoned A-1, Agricultural District. According to Pittsylvania County Code § 35-179, Private Clubs are allowed by Special Use Permit. The club, known as Da Spot, has operated at this location for several years. Staff learned that the property was being used as a private club when members contacted Staff about regulations that might apply to a club event that they were planning to have on the property.

The property is occupied by a structure that was originally used as a single-family dwelling. It is now being used as the clubhouse for a private motorcycle club known as “Da Spot”.

DIRECTIONS

The address is 4953 Whitmell School 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 the request with the following conditions:

1. Any outdoor club events or outdoor music must end by 10:00 p.m. Monday-Thursday and by midnight (12:00 a.m.) Friday-Sunday.
2. Must remain in compliance with the Pittsylvania County Noise Ordinance.

PLANNING COMMISSION MOTIONS:

1. Recommend approval of Case S-21-010 as submitted.
2. Recommend approval of Case S-21-010 subject to conditions by staff.
3. Recommend approval of Case S-21-010 subject to conditions by the Planning Commission.
4. Recommend denial of Case S-21-010 as submitted.

ATTACHMENTS:

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

PLANNING COMMISSION RECOMMENDATION:

On September 7, 2021, the Planning Commission recommended by a 7 to 0 vote, with no opposition, that the petitioner’s request be granted.

Mr. Easley opened the public hearing at approximately 7: 09 pm. Mrs. Ragsdale, Director of Community Development, reported that Roger & Debra Emerson petitioned for a Special Use Permit for a private club. The subject property is one (1) parcel of land, a total of 5.67 acres, located at 4953Whitmell School Road, in the Chatham-Blairs Election District and shown on the Tax Maps as GPIN # 1480-76-0840. James Smith was present to represent the petition. There was no opposition. The Public Hearing closed at 7:11 pm. The Board discussed the petition as the Committee of the Whole. Whereas, Roger & Debra Emerson, have petitioned the Board of Zoning Appeals for a Special Use Permit for a private club, Whereas, we move the petition for a Special Use Permit be granted.

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

3. Public Hearing: Case S-21-11; David Roach; Special Use Permit for a Single-wide Mobile Home

SUBJECT

Requested by David Roach, for a Special Use Permit for a singlewide mobile home. The property is 2.5 acres, located on State Road 2415-42-7472, in the Banister Election District and shown on the Tap Maps as GPIN # 2415-42-7472.

BACKGROUND/DISCUSSION

David Roach is requesting a Special Use Permit to allow for the placement of a single-wide mobile home on his property to be used as his 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 Medium to High Density 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-21-011 as submitted.

PLANNING COMMISSION MOTIONS:

1. Recommend approval of Case S-21-011 as submitted.
2. Recommend approval of Case S-21-011 subject to conditions by the Planning Commission.
3. Recommend denial of Case S-21-011 as submitted.

ATTACHMENTS:

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

PLANNING COMMISSION RECOMMENDATION:

On September 7, 2021, the Planning Commission recommended by a 7 to 0 vote, with no opposition, that the petitioners’ request be granted.

Mr. Easley opened the public hearing at approximately 7: 15 pm. Mrs. Ragsdale, Director of Community Development, reported that David Roach petitioned for a Special Use Permit for placement of a single-wide mobile home to be used as his primary residence. The subject property is one (1) parcel of land, a total of 2.5 acres, located State Road 822/Beverly Heights Road, in the Banister Election District and shown on the Tax Maps as GPIN # 2415-42-7472. David Roach was present to represent the petition. There was no opposition. The Public Hearing closed at 7:16 pm. The Board discussed the petition as the Committee of the Whole. Whereas, David Roach, has petitioned the Board of Zoning Appeals for a Special Use Permit for placement of a single-wide mobile home, Whereas, we move the petition for a Special Use Permit be granted.

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

- 4. Public Hearing: Case S-21-013; Mount Hermon Volunteer Fire & Rescue, Inc.; Special Use Permit for a Cell Tower

SUBJECT

Requested by Mount Hermon Volunteer Fire & Rescue, Inc., for a Special Use Permit for the placement/construction of a cell tower. The property is 3.45 acres, located on State Road 41/Franklin Turnpike, in the Chatham-Blairs Election District and shown on the Tap Maps as GPIN # 2410-37-1640.

BACKGROUND/DISCUSSION

The applicants are requesting a Special Use Permit to allow a cell tower to be constructed on the subject property. The subject property is zoned M-1, Industrial District, Light Industry. According to Pittsylvania County Code § 35-384, Towers are allowed by Special Use Permit. The proposed tower will occupy approximately 0.092 acres and will be approximately 260 feet tall. After the installation of the lightning rod, the total height of the tower will be approximately 266 feet. Parallel Infrastructure is leasing this property from Mount Hermon Volunteer Fire & Rescue and will own the tower. AT&T equipment will be installed once the tower is constructed.

DIRECTIONS

The address is 4268 Franklin Turnpike.

SURROUNDING LAND USE AND ZONING DISTRICTS

Mostly surrounded by R-1, Residential Suburban Subdivision District, B-1, Business District, Limited, and B-2, Business District, General, zoned properties.

SITE DEVELOPMENT PLAN

Included in the packet.

RECOMMENDATION

Staff recommends APPROVAL of the request.

PLANNING COMMISSION MOTIONS:

1. Recommend approval of Case S-21-013 as submitted.
2. Recommend approval of Case S-21-013 subject to conditions by the Planning Commission.
3. Recommend denial of Case S-21-013 as submitted.

ATTACHMENTS:

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

PLANNING COMMISSION RECOMMENDATION:

On September 7, 2021, the Planning Commission recommended by a 7 to 0 vote, with opposition, that the petitioner's request be granted.

Mr. Easley opened the public hearing at approximately 7: 18 pm. Mrs. Ragsdale, Director of Community Development, reported that Mount Hermon Volunteer Fire & Rescue petitioned for a Special Use Permit for placement/construction of a new cell phone tower to be placed behind the Fire Department. The subject property is one (1) parcel of land, a total of 3.45 acres, located at 4268 Franklin Turnpike, in the Chatham-Blairs Election District and shown on the Tax Maps as GPIN # 2410-37-1640. Kelly Young was present to represent the petition on behalf of Parallel Infrastructure. The new tower height will be 260 feet-266 feet with light, the new tower will enhance coverage with AT & T and offer 5G service. Ed Donahue was present to oppose the petition, stating that the current tower on Hunting Hills Road is sufficient and will not improve coverage for AT & T. He stated that the height of the current SBA tower could be increased (it is currently 190 feet and does not require a light bar) he also stated that the tower could be moved 250 feet, and that a new tower is redundant. T-Mobile and Verizon currently have equipment on the SBA tower as well as AT & T. H.F. Haymore spoke on behalf of Mount Hermon Volunteer Fire Rescue stating that the new tower is needed due to dead spots in our area and stating that residents have needed to leave the site of an accident to get cell coverage to dial 911 to get the call to get through to dispatch. Ms. Young stated that the current tower will not continue to meet the needs of AT & T. SBA has made it difficult for AT & T to maintain and improve service, it is more feasible to construct a new tower. Steven Howard stated that the lease agreement between

SBA & AT & T has expired, AT & T has tried to enter into a new lease agreement, SBA has not. He also states that the area will benefit significantly from the new tower with more coverage. The Public Hearing closed at 7:29. The Board discussed the petition as the Committee of the Whole. Mr. Stone stated that he does not have cell service in his office which is located on Franklin Turnpike, and Mr. Yeaman stated that the tower benefiting the Fire Department is a positive thing. Whereas, Mount Hermon Volunteer Fire & Rescue has petitioned the Board of Zoning Appeals for a Special Use Permit for placement/construction of a new cell phone tower, Whereas, we move the petition for a Special Use Permit be granted.

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

Adjournment

The meeting was adjourned at 7:32 p.m.