

**BOARD OF ZONING APPEALS  
REGULAR MEETING  
Monday, May 8, 2023 - 6:00 PM**

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

**MINUTES**

**1. CALL TO ORDER**

The meeting was called to order at 6:04 p.m.

**2. ROLL CALL**

**3. MOMENT OF SILENCE**

The Board observed a moment of silence.

**4. PLEDGE OF ALLEGIANCE**

The Board recited the Pledge of Allegiance.

**5. APPROVAL OF AGENDA**

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

RESULT: Approved

MOVER: Ronald Merricks

SECONDER: Hershel Stone

AYES: Seven

NOES: None

ABSTAIN: None

**6. APPROVAL OF MINUTES**

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

a. BZA Minutes 03132023 (Staff Contact: Robin Vaughan)

BZA Minutes 03132023

RESULT: Approved

MOVER: Yeaman

SECONDER: Craddock

AYES: Allan Easley, Ann Deering, Carroll Yeaman, Hershel Stone, Ronald Merricks, Ryland Brumfield

NOES: None

ABSTAIN: None

## **7. CLOSED SESSION**

Motion to enter Closed Session. Mr. Easley moved the Board to enter Closed Session; Mr. Yeaman, seconded, by a unanimous vote, the Board entered Closed Session at 6:08 PM.

RESULT: Enter Closed Session

MOVER: Allan Easley

SECONDER: Carroll Yeaman

AYES: Allan Easley, Ann Deering, Carroll Yeaman, Hershel Stone, Joseph Craddock, Ronald Merricks, Ryland Brumfield

NOES: None

ABSTAIN: None

Motion to enter Closed Session. Mr. Easley moved the Board enter Closed Session, Mr. Yeaman, seconded, by a unanimous vote, the Board entered Closed Session at 6:08 PM.

## **8. RETURN TO OPEN SESSION & CLOSED SESSION CERTIFICATION**

Chris Dadak asked the Chairman for a roll call vote certifying to the best of each members knowledge only public business matters lawfully exempted from open meeting requirements from this Chapter and only such public business matters as was identified in that motion by the closed.

RESULT: Return to open session

MOVER: Allan Easley

SECONDER: Ronald Merricks

AYES: Allan Easley, Ann Deering, Carroll Yeaman, Hershel Stone, Joseph Craddock, Ronald Merricks, Ryland Brumfield

NOES: None

ABSTAIN: None

Chris Dadack asked the Chairman for a roll call vote certifying to the best of each members knowledge only public business matters lawfully exempted from open meeting requirements from this Chapter and only such public business matters as was identified in that motion by the closed session motion that the closed meeting was convened or heard, discussed, or considered in the meeting by the body. The Board unanimously voted to return to Open Session. Roll call vote was taken to close the Closed Session, Mr. Easley made the motion, seconded by Mr. Merricks to close the Closed session. The Board returned to Open Session at 6:38 PM.

## 9. OLD BUSINESS

- a. Case S-22-024: The Dock at SML, Inc.; Special Use Permit for a Marina and a Public Garage (Staff Contact: Emily Ragsdale)
- a. Case S-22-024: The Dock at SML, Inc.; Special Use Permit for a Marina and a Public Garage

Jim Gilbert - I'm an attorney. I practice in Franklin County; I've been practicing since 1995. In those 28 years, 26 of them, mainly in the Westlake area. It's interesting for me to come back and be here in front of the Board of Zoning Appeals for the Dock at SML. My grandparents, I'm one of the ones that can remember the slide that used to be at the SML Dock, as I was growing up in the seventies and eighties, so this was interesting to me when it came into my office. I have been asked to be here on behalf of my client as I understand that. At the last meeting there were a number of questions that were asked that they need to provide some more information on, some more detail to this board and that's why I'm here to speak. As you know, my client wants to basically do two things. First is, they want to be able to expand their marina operation by adding wet boat slips, they also want a special use permit to construct a dry storage stack and what I'm going to do this evening is, I understand that there's already been plenty of public comments, I know you know a lot about this, these issues. There's been plenty of stuff presented, so my goal tonight is to just go through the four or five hot topics that I picked up as I watched the video of the last meeting on You Tube, and I intend to go through those as quickly as possible as quickly as possible as not to take up too much of this board's precious time. The number one issue that our I think was absolutely clear that came out of the last meeting was how did my client arrive at the number of 120 dry boat slips in this storage stack and the answer that you gave that was given to you was that that number was backed into, now while that statement isn't completely inaccurate. There are two primary reasons as to how that number was arrived at first of all was if you'll turn to the blue packet. The blue packet is my packet, I don't like technology really more than anybody else does so I kind of do this old school and I put a packet of these exhibits together and what I'd like for you to do is to turn to tab five. Tab five is the Parker design concept plan and what you're going to see there is the location of the dry storage stack and you'll notice that the dry storage stack is close to the water, logically that makes common sense if you're going to have a dry storage stack, you want it to be close to the

water, you don't want a forklift moving multi thousand-pound boats around for hundreds and hundreds and hundreds of feet, so one of the primary thought processes in not only the location of the dry storage stack but also the size of the dry storage stack was the topography of this property. This was an area that the footprint of his building could be put be put with and really in this area, this was really the best size for this area and it came out when you take the footprint, the length and the width and you figure out how many levels you're going to have, it came out to approximately 120 boat slips and that's where that number came from. In addition to that, there was a second primary reason, as many of you probably are aware already, when you construct an operation like this, you have to have sufficient restroom facilities pursuant to the VDH requirements. You have to have septic capacity because people are coming to your place of business and they need to go to the bathroom, and you have to have enough septic capacity for toilets to flush, so there's a mathematical equation that you come to as to what septic capacity you have to have. Under the VDH requirements and basically where we came to the 120 slips was based upon septic capacity that's available to the project. Couldn't really go over 120 slips because of that reason. so that's the answer to why 120 slips. Now, 120 dry storage stack slips, it sounds like a lot. Since the last meeting, I asked my client to start doing some due diligence research in regard to other dry storage stacks that are not only around here locally, but with other marinas that have these types of facilities. While 120 dry slips first glance sounds like a lot, it's actually a pretty small facility in regard to dry storage stacks. We basically interviewed the operators of ten marina's, not only here in Virginia, but also in North Carolina and South Carolina, and what we found after asking these questions, I'm going to tell you what we found. The questions, the main questions we asked of the operators of all of these marinas was this, how many dry storage slips did they have the average number of drops or splashing the boat. How many boats do they put in the water on regular weekdays, weekends, and then what I call the big three: Memorial Day, Labor Day and July 4th. How they control their traffic, how do they logistically do that and the number of years of experience that each of them had, which by the way was most of them was more than 20 years' experience operating these stacks. And just for the board's reference, the number of slips in each of these stacks, the highest was 402 slips, the average across the 10 was about 210. So, the average being 210 are the 120 that we're talking about is actually the smallest of all the ones that we talked with the exception of one. Here's what we learned, on the smaller facilities like the one that we will have when you have one forklift and one guy operating a forklift, you don't have but so much time and manpower to get boats in the water.

One of the concerns that was addressed in the last meeting was, what would we do if 120 people showed up all at the same time wanting to get their boats on the water. While I understand that concern, it's probably not a realistic situation and again, here's the reason why. On the busiest of weekends, if we have an experienced forklift operator going pretty much as fast as he can go which we wouldn't recommend because we want the guy to be safe, the fastest you can get boats in the water is about one every 10 minutes. So, we're talking about splashing six boats an hour, if in fact we go as fast as we can go. It's probably going to be more like 4 or 5 per hour. With the larger facilities, there's something else we learned, while the larger facilities may drop about 30 in a day on a summer weekend, like a Saturday or Sunday, and this is one that had 400 and something slips, would drop 30 or 35 a day, but they got two forklifts running. On the smaller facilities the drops on a typical weekend day during the summer, so about 16 to 18 weeks on Saturdays and Sundays is about 10 to 15 boats, per Saturday, per Sunday. The number goes up a little bit again for the big three, Memorial Day, Labor Day and July it runs up to about 18 or 20, but that's about the most that you'll have on an average day. One marina operator even told us that in his busiest day, the busiest day that they ever had, that they only put approximately 25 percent in the dry storage stack in the water on that particular day and that was the busiest day they ever had at that marina. So, what we have basically, are boats going in the water for about three to four hours, maybe five because again, our operating hours are going to be nine to seven. It makes common sense to think that most people who want to have about put in the water, they're going to want that done between nine and one or two, it's going to be rare where someone's going to come in at three or four o'clock and just have the boat taken right back out at six. One of the marinas that we spoke with that gave us this information was a marina over in Bedford County, Crystal Shores, many of you might remember it as the Smith Mountain Lake Yacht Club. Smith Mountain, sorry Not Smith Mountain Lake Yacht Club, Crystal Shores has a dry storage stack, you'll see that in tab six of my blue booklet. You'll see an aerial picture, you'll see an aerial picture of Crystal Shores Marina and in the very top picture, you see the dry storage stack in the back, there's a closer up picture of it, which is the second picture, in that second picture is I believe something that would be analogous to what we're talking about. Now that storage stack holds 94 slips, so that storage set we would be adding approximately thirty dry slips to what looks like that. Crystal Shores told us that their average daily launch on weekends, again the same thing is approximately fifteen, maybe as high as twenty on a Saturday or Sunday. The maximum they can launch is six per hour, and interestingly enough, this surprised me, they told us that most of their

customers only take their boat out on the water one or two times per year, that it's really no more than that. Things that my client intends to do is to control the traffic, there's going to be a reservation system this is something that we learned from one of the marina operators, they actually have an app for everything now on your phone. They have an app that you can get on your marina app and reserve your time to put the boat in the water. That's important because we certainly don't want all of our customers showing up as the board mentioned all at the same time and getting upset with us, we don't want that more than anyone else. So, with that said, we will have a reservation system. When a customer signs the agreement forms to store the boat, they will be well informed up-front that they need to make their reservation well in advance. This will be like tee times on a golf course. If you try to play golf at a nice public golf course on a Saturday, good luck if you don't have a tee time, this will be the same thing. Our clients will know not to show up if they haven't made that reservation. In regard to parking, keep in mind that the boats are already in dry storage, there's not going to be vehicles coming with trailers attached to them. You'll see in the concept plan, which is under tab five again, you'll see there are thirty parking spaces that are near the shoreline that are right there near the marina, and they are. It's really hard to see because it is right there at bottom and its fine print, I apologize for that, I could not make it any larger but there's thirty parking spaces that are dedicated to this dry storage stack. Our written lease with our customers will tell them that they need to strictly, strictly observe the no wake concerns. Now one thing that I would point out that I think is an important analogy is public boat ramps. Ours isn't a public boat ramp, but there is a public boat ramp that is the Anthony Ford number four boat ramp, if you go past our place and make a right. You have a public boat ramp there and so I started doing a little research on public boat ramps and under the DWR website, you'll find this information right on their website [Virginia.gov](http://Virginia.gov) backslash boating, backslash building, dash, boat, dash, ramps-they say if they have one launching lane, that they only need approximately thirty to thirty five parking spaces due to the turnover that they have at the boat launch, that one launching lane can accommodate eighty launches per day. I think personally that's very high but that's not even close to where we're going to be. We'll most likely be right along the average of every other marina that has one of these dry storage stacks, and we will control it based upon a reservation system. I mentioned to you the no wake buoys, you'll see on tab seven of our documents that we have the approval from DWR for the no wake buoys. My understanding is that the buoys are in place, both buoys are in place. They are in the location that we were told to put them by DWR and TLAC, they gave us coordinates and that's where they are placed.

They are my understanding inspected once a year around April, I don't know if the inspection has occurred this year or not, but we've not heard anything that tells us that they are not in the proper location. I've already addressed parking. Road maintenance, this is probably one of the hotter topics, is involving Locust Lane. So, I wanted to give you a little bit of history on what I found in regard to Locust Lane and this information is just information I've pulled right from the land records, right here out of the courthouse here in Pittsylvania County. Locust Lane is actually shown on a survey for H.W. Lumpkin in November of 1962. Then when the Munson's had the property, there was a road maintenance agreement that was entered into in 1986 and just for your record that's at deed book 788 page 416. This road maintenance agreement was sort of a unilateral agreement, Richard Munson signed it on behalf of the owner of the property where the point is and Roberta Munson signed it on behalf of Smith Mountain Dock, so they entered into this agreement on behalf of these properties but what's important is, is that it reaffirmed that there was a road there. Smith Mountain Dock agreed to maintain the roadway in a reasonable and passable condition for vehicular traffic and this agreement was binding upon all of their heirs, successors and assigns so the 1986 road maintenance agreement, that there is a road maintenance agreement for this property, it was recorded in 1986 and is still in the land records binding upon everybody that owns property there. Now with that said, is it the best worded road maintenance agreement? It's a little older, it's from 1986, it simply states that they are going to keep the road in passable condition for normal vehicular traffic. What my client proposes is something a little bit different, we propose putting a record, a formal declaration of road maintenance, it's in your packet that is under number eight, proposed new maintenance agreement. Yesterday, I had the pleasure and opportunity to speak with Mr. Smitherman on the phone for approximately 45 minutes and we talked about a number of issues. The phone call was cordial, one thing I don't like about our society is that when people disagree, they are not cordial with each other, our phone call was pleasant, cordial-we agreed to maybe disagree on a couple of things, but one thing that I heard and my client heard was that despite the fact that the Declaration of road maintenance agreement that we're proposing, it was a formally drafted document I didn't draft it, another lawyer drafted it to me it looks like a fairly standard road maintenance agreement that folks use when they're trying to get a loan on a property and they need a road maintenance agreement. One of the things that I took out of my conversation with Mr. Smitherman is that we needed some more substance in the road maintenance agreement. So, I went back to some road maintenance agreements that I had prepared over the years, and you'll see in tab

eight, the very last page of tab eight is what we propose to additionally insert into the proposed road maintenance declaration that we have already proposed so this paragraph adds a provision that defines road maintenance and it says the term maintenance and repair shall include but not be limited to repairing the road surface adding stone, clearing obstructions, grading or scraping the road as necessary, cleaning or precutting ditches as necessary, trimming brush along the roadside, removing snow, unplugging or opening culverts or drain pipes and performing any and all necessary work required to maintain the road in a condition that will allow for reasonable and safe access of standard passenger vehicles. Of course, this is not an obligation for any party to have to upgrade the road to a superior condition, just simply a declaration that the parties will maintain the road at least in its current condition and do those things to make that happen. One of the concerns I understand is how would this be enforced? I think that we've got if not dozens, hundreds of pictures of Locust Lane, we can look from video and pictures as to what the status and repair of Locust Lane is right now and if my client doesn't if this Board of Zoning Appeals says one of the conditions we're going to put on you is you record and execute this declaration along with that additional language, it would be silly for my client not to maintain that road because they're getting ready to invest a ton of money into this marina based upon a Special Use Permit, that couple be terminated if they didn't comply with the conditions. I don't think the county would have to send an inspector down there to make sure we're doing it because I'm sure that if we don't, you'll get a phone call. So, this is how we propose dealing with Locust Lane. In regard to the construction of the dry storage stack, one of the conditions that Ms. Ragsdale had suggested in the last meeting that there be a separate entrance off of the State Road which I think is Route 626. My client strongly believes that they have the right to use the road that has been on their property, that is located on their property and has been used by their marina since the 1960's. Notwithstanding, if this BZA board believes that there should be some kind of separate entrance for construction, the construction of the dry storage stack specifically, then it's something that they would certainly be open to and consider especially for the mainly, well primarily only for the dry storage stack. In conclusion, I have some other documents that are in this table of contents in this blue packet, one of the questions involved AEP. We have a letter from AEP here, we have a certificate to operate from VDH, we have this as I mentioned the DWR buoy approval concept plan and you know the main thing that I would suggest that you look at also was the before pictures. Look at the before pictures under tab four and I would challenge anybody, I've been out to the property a couple of times now,



I would challenge anybody to say that the property doesn't look better than it did before. I think my client has done a wonderful job cleaning it up, so here in conclusion this is what we suggest to the board. We suggest approval of both Special Use Permits. We would like condition number one to state the applicant will execute and record the Declaration of Road Maintenance Agreement as proposed with the additional paragraph. Condition number two would be Locust Lane not to be used as a construction entrance for the construction of the dry storage stack, but instead a separate entrance for construction of the dry storage stack will be located off Route 626. And of course, the other two the applicant stays in compliance with the regulations of VDH and the applicant stays in compliance with AEP. We asked the board to approve both of these requests, however if the board is not inclined to approve the dry storage stack, we'd ask you to separate them out and approve the special use permit for expansion of the marina so that we can do the wet slips. Thank you. I should ask, does the board have any questions? Allan Easley - Any questions for the applicant? Jim Gilbert - Thank you. Allan Easley - Is Mr. Smitherman here? Would you like to speak for the group for three minutes sir? David Smitherman - Good afternoon, Mr. Chairman, the petitioner got twenty-seven minutes and as that I'm speaking for a group would you allow me to speak for ten? Allan Easley - Great. David Smitherman - Thank you sir. It's a frustrating position we find ourselves in, especially limited to the amount of time that we get to speak with you and our interactions have been limited and we're not really sure why, this is a legislative hearing, not a quasi-judicial hearing, so you're allowed to speak to us at any time to gather information, so I don't know if that's a misinterpretation between our attorney and your attorney, but this is a legislative hearing not a quasi-judicial. The road maintenance is not an issue for us, the road is in better shape today than it has been in three years because we've been maintaining it most, particularly the part between Smith Mountain Road and the entrance to their property which was maintained just two weekends ago by us and they've not maintained that road since they've acquired it. This is an issue about zoning. This is a residential zone, the applicant has not proposed any residences on this property, only commercial and in the beginning of the division seven of your ordinance that articulates what the RPD zoning is, it talks about a unique living environment. The applicant has proposed no uses that include living in any way, much less a unique living environment. We very much care about the residential neighbor of neighborhood the RPD zone, The Sanctuary which is selling lots for seven hundred thousand dollars on average which is an RPD zone across this cove. Tanglewood which is in an RPD zone which is complied with the RPD zoning just like Mr. Plyler has in The Sanctuary, our neighborhood of Locust Lane is also a

residential zone, and this property ladies and gentlemen is a residential property and has been a residential property since 2006. This does not comply with your comprehensive plan and the conditions that have been proposed do not mitigate the harm it most to our neighborhood. We were very impressed with our consideration of the Hillandale Solar Farm and all the solar farms that you have with and the quality of the presentations that have been provided. We deserve that same level of quality. The presentation provided this evening in this blue book, if you will notice on tab five, that's a drawing from September 2022. There have been numerous revisions to this plan since September 2022. Including parking, reference by Mr. Gilbert, and I had a great conversation with him yesterday and I wish Mr. Gilbert was involved six months ago when this began. I think we would have had a much better outcome being able to talk, because we want this marina to thrive. This is a critical element of our community, and we love it. All of us used to go down there, see the carp, eat, do all these things, but we're not welcome anymore because there has been an adversary relationship between a group from Raleigh that has come here and bought something and they're not trying to ram a plan down our throats, down your throats that resembles their plan, their marina which they surveyed in Lake Wylie, South Carolina and Lake Norman, North Carolina where they're doing the same thing and it's called monthly recurring Revenue, you stick up some storage, you throw some boats in there, you get month-to-month revenue without having to hire people and you're able to send money back to Raleigh that is what is happening here. They proposed to use a new entrance, Mrs. Ragsdale recommended that they use a new entrance, so not to use Locust Lane's construction, they do not want to do that. We spoke to their attorney yesterday; we asked that the road be brought to VDOT standards and that we participate financially in that construction and that the road extend the entirety of their property which is 550 beyond which their road maintenance agreement outlines, and we would financially participate in that. The response was my client does not want to spend that amount of money because that's what we're dealing with this about, quick revenue and sending it back to Raleigh. The economic impact to this county is far less than it would be if it was residential. Mr. Plyler seven hundred thousand dollars on average for one lot, that's where the money is on the lake, not rental units just like self-storage units, that's what these are self-storage units for boats. The boats will be registered at the home of the owner, not in Pennsylvania County. I can tell you the tax rate outside of Pittsylvania County for personal property is far less than within Pennsylvania County, especially in North Carolina where most of the customers that use the lake on this side of the lake, the South side of the lake come from. Finally, Mr. Chairman, I would like to comment about the

process, I think for no other reason than the process that's been followed. This proposal will be overturned by the Circuit Court. It has been a helter skelter, knee-jerk process from day one. It started as a process for a SUP for marina, then it was hand scratched out and became an application for two special use permits, in a single application which I have a master's degree in public administration, I've been a Zoning Administrator, I've never in my life seen two special use permits on one application. The applicant did not submit their materials by your stated deadline and have still submitted new materials like a road maintenance agreement as recently as this evening, this is not a fair and transparent process. Our neighborhood has not been afforded the opportunity to review the materials or converse with you about our very specific and legally defensible reasons that this proposal does not comply with the Pittsylvania County zoning ordinance. We respectfully request that you deny this proposal this evening. Thank you, sir, for the opportunity to speak. Allan Easley - Thank you. Members of the board, you have heard from the applicant, and you have heard from the community, so we now have to make a decision as to whether we entertain a positive motion or negative motion. This staff recommends that we approve it with five conditions, those be that Smith Mountain Road be used as the sole public access for the public, for the property, excuse me, Locust Lane cannot be utilized as a construction entrance for any future construction plans. The current no wake buoy must be maintained in the cove and the applicant must apply and exercise reasonable and good-faith efforts to secure an additional no-wake buoy. Must remain in compliance with all applicable Virginia Department of Health regulations. Must remain in compliance with AEP regulations. So, those are the recommendations from the staff. I think what I would ask the board is if someone is of the opinion that we read a positive motion, that we can consider five recommendations and add to them as the board sees fit. Ronald Merricks - So I can comment without making a motion, is that what you say? Allan Easley - Go ahead if you would like to make a comment. Ronald Merricks - Well, I studied this at length and trying to understand I still have reservations about who is responsible for the safety of the neighbors and the people in that little cove with the number of boats and it may not be a lot of boats, but I'm not a boat person, but as I mentioned last meeting, common sense me that little narrow cove with not only what's happening at Sanctuary Bay, but also with the people that have already lived there is a problem so I'm worried about safety, it seems like AEP has no interest in safety or the wildlife people or the Health Department. I don't know, but I just don't see it anywhere. I think it's personally; I'm concerned about the zoning of that lot of land, and this is an opinion and it's so vague, everything is so vague, but it's a residential

neighborhood and this will adversely affect now what happens on the water is one thing and I had no problem with that but what happens outside of that, I got a big problem with it and so I cannot support a positive motion for this storage. With that being said, I will support the expansion of the marina as the wet slips, but not the storage, so there, I said it. Allan Easley - Any comments? Ann Deering - Mr. Easley, could you read those recommendations again? Allan Easley - I'm Sorry. Ann Deering - Can you read the recommendations again? Allan Easley - Okay, the recommendations are staff recommendations and of course, we can add to or take away from if we go with a positive motion, excuse me. Smith Mountain Road, which is 626, will be used as the sole public access for the property. Locust Lane cannot be utilized as a construction entrance for any future construction plans. The current no wake buoy must be maintained in the cove and the applicant must apply and exercise reasonable and good faith efforts to secure an additional no wake buoy. Must remain in compliance with all applicable Virginia Department of Health regulations. Must maintain compliance with, must remain in compliance with AEP regulations. And that is the staff recommendation for the Special Use Permits that have been requested. I'm concerned with the public garage. I cannot really understand why a public garage is needed for a marina. Again, I don't know a lot about marinas, but a public garage is extremely broad, and it could turn into a used boat lot. Ma'am, Sir, Sir, please, oh, I'm sorry. I just, my comment was I'm concerned about a public garage. Any other comments? Ryland Brumfield - I do have some comments. I believe in Pittsylvania County it's very important that we support businesses, but on the other hand, I think it's very important that when a business has been in operation for a number of years, and I remember going to the waterslide when I was younger, but I believe it's important that businesses be part of the community that they be good neighbors. From listening to this case, I have been quite uneasy, because of the, I'll just put it out there, we have attorneys and we're fighting. What I don't understand is we have a deeded right-of-way to the property it's been used for years, but I don't understand from one side of the business and the business side is why not upgrade the road, why not make it nice, why not make it nice for the community, why not make it nice for public access? All of these conditions, myself personally I feel uneasy about this particular case. But normally I'm a big supporter of business but right business that's right for the community and I believe this business can be right for the community, but I don't know if I'm making myself clear there, but I'm uneasy because I don't sense this business is working with the community here in Pittsylvania County. Allan Easley - Comments? Mr. Stone. Hershel Stone - Mr. Chairman, I know you have expressed my concerns before about the

details that we're receiving on the marina. And just having the information that we need to make a decision; I feel like he's lacking to make an approved motion. Allan Easley - I'm sorry. Hershel Stone - The information that we're receiving, I do not feel it's easy to make a decision in favor of the marina with the information that we have. Allan Easley - So is it of the opinion that we read a negative motion? Ronald Merricks - How can we allow the wet slips and how can we separate, or can we? Chris Dadack - I would read a separate motion on the SUP for the marina, I'm sorry, I think these microphones are acting up a little today. I would read a motion on the separate motion on the marina and a separate motion on the public garage. Ronald Merricks - Okay. Allan Easley - But now which motion would include the dry slips? Ronald Merricks - I think the garage. Allan Easley - The garage is tied to the dry slips. Ronald Merricks - Yeah. Chris Dadack - My understanding is the public garage is the dry stack storage, yes? Ronald Merricks - We only have one application. I agree. Allan Easley - But we have one application. Let me ask this question for my knowledge. If we deny the Special Use Permit for the marina and the public garage, when can they come back and reapply? Is it twelve months? Chris Dadack - Twelve months. Allan Easley - Okay, is there a way for us to make it less than twelve months? Chris Dadack - I believe you could, you would have to look at your zoning ordinance, you could specify in that motion if you wish, but I can't tell you off the top of my head whether you could circumvent the zoning ordinance. I know you can in a withdrawal, you can specify that there's less time you can specify in that motion. Allan Easley - But we had already closed the public hearing so we could not withdraw their application. Ronald Merricks - I would entertain a negative motion. Allan Easley - All right, I'm going to read a negative motion, and then we will vote on it. Whereas the Dock at SML, LLC has petitioned the Board of Zoning Appeals, for a Special Use Permit for a marina and a public garage, and whereas we find substantial detriment to adjacent property that the character of the zoning district will be changed thereby and that such use will not be in harmony with the purpose and intent of the ordinance and whereas there is significant adverse effects upon adjacent property that cannot be mitigated through conditions, I move the Special use Permit be denied. Ronald Merricks - So moved. Allan Easley - We've got a motion. Hershel Stone - Second. Allan Easley - We have a second from Mr. Stone. You going to do a roll call on that Robin? Robin Vaughan - Mr. Easley? Allan Easley - Yes. Robin Vaughan - Mrs. Deering? Ann Deering - Yes. Robin Vaughan - Mr. Yeaman? - No. Robin Vaughan - Mr. Stone? Hershel Stone - Yes. Robin Vaughan - Mr. Craddock? Joseph Craddock - Yes. Robin Vaughan - Mr. Merricks? Ronald Merricks - Yes. Robin Vaughan - Mr. Brumfield? Ryland

Brumfield - Yes. Allan Easley - Okay, so the negative motion was passed by a six to one vote. Thank you all for coming up. We'll take a five-minute break, let everybody go that needs to go, wants to go.

RESULT: Deny

MOVER: Ronald Merricks

SECONDER: Hershel Stone

AYES: Allan Easley, Ann Deering, Hershel Stone, Joseph Craddock, Ronald Merricks, Ryland Brumfield

NOES: Carroll Yeaman

ABSTAIN: None

## **10. NEW BUSINESS**

There will be three Special Use Permit cases for the month of June, so we will not have a July meeting. The bi-monthly Zoning Ordinance update will be Thursday June 8th.

## **11. CHAIRMAN'S REPORT**

There was no Chairman's Report.

## **12. 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 ensure 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-23-003 Christy Hicks; Special Use Permit for a Summer Camp (Staff Contact: Emily Ragsdale)

Mr. Easley opened the public hearing at 7:29 after a five-minute break. Mr. Easley read the zoning precepts. Mrs. Ragsdale, Director of Community Development reported that Christy Hicks has petitioned for a Special Use Permit on 13.47 acres, located on State Road 724/Mill Creek Road in the Westover Election District to allow for a summer camp. Christy Hicks represented the case. Mr. Easley closed the public hearing at 7:34. There was no opposition to the case. Miss Hicks must remain in compliance with all applicable uniform Statewide Building Codes and remain in compliance with all applicable Virginia Department of Health regulations. Miss Hicks agreed to the two conditions. A motion was made by Mr. Yeaman, seconded by Mr. Brumfield, that the Board of Zoning

Appeals grant the Special Use Permit.

RESULT: Approve

MOVER: Carroll Yeaman

SECONDER: Ryland Brumfield

AYES: Allan Easley, Ann Deering, Carroll Yeaman, Hershel Stone, Joseph Craddock, Ronald Merricks, Ryland Brumfield

NOES: None

ABSTAIN: None

### **13. ADJOURNMENT**

The meeting was adjourned at 7: 38 p.m.

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R. Allan Easley, Chairman

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Robin S. Vaughan, Clerk