



**AGENDA**

**Board of Zoning Appeals**

**May 4, 2015**

**7:30 P.M.**

**General District Courtroom**

**84 Courthouse Square, Lovingson, Virginia**

- I. Call to Order
- II. Approval of Minutes from July 7, 2014 Meeting
- III. Zoning Appeal #2015-01 – Mr. Justin Shimp
- IV. Other Business
- V. Adjournment

Next Meeting: June 1, 2015 (as necessary)

**NELSON COUNTY BOARD OF ZONING APPEALS**  
July 7, 2014  
**MEETING MINUTES**

**Present:** Gifford Childs, Linda Russell, Kim Cash, Goffrey Miles, and Ron Moyer

**Absent:** John Bradshaw

**Staff:** Tim Padalino, Director, Planning & Zoning, and Stormy Hopkins, Secretary

**Call to Order:** Mr. Childs called the meeting to order at 7:33 P. M. in the General District Courtroom, County Courthouse, Lovingsston. There were five members present to establish a quorum.

**Approval of Minutes:**

Ms. Russell requested the following revisions:

Page 2 – Other Business / 4<sup>th</sup> paragraph / beginning with Ms. Russell suggests: 1. remove the “are” after driveways.

Page 2 – Other Business / 4<sup>th</sup> paragraph / beginning with Ms. Russell suggests: 4. remove the “s” at the end of permits.

Page 2 – Other Business / last paragraph / beginning with Ms. Cash suggests / 1<sup>st</sup> sentence: remove the “s” at the end of members.

**Mr. Moyer made a motion that the Board approve the minutes as amended for June 2, 2014. A second was made by Mr. Childs. The motion passed 5-0.**

**Variance Request #2014-001 / Mr. Johnny Lawhorne:** Mr. Padalino stated a complete application was received for Variance #2014-001 on June 11, 2014. Both the applicant and the property owner have signed the petition; a sketch drawing of the property was submitted; and the fee payment was received. Legal notice for advertising was published on June 19<sup>th</sup> and June 26<sup>th</sup>. The petitioner seeks a variance pursuant to the Board of Zoning Appeals authority granted in Article 14.2.4. The petitioner is seeking a variance in the front yard setback requirement, provisions found in Article 4 (Agricultural District); Section 3-1a.

The subject property is at 5532 Patrick Henry Highway, Roseland; further identified as Tax Map Parcel #64-A-189A; zoned A-1 (Agriculture); and is 0.77 acres in size. Mr. Padalino indicated that he went to the subject property and, with the petitioner, verified the measurements that were provided on the sketch submitted along with the application. The measurements were taken twice from the foot of the existing structure to the center line of Rt. 151, which was seventy-two (72) feet. The measurement did not include the existing concrete pad. The existing structure is three (3) feet inside of the required front yard setback, which makes this a non-conforming structure. Using the measurements, the petitioner is requesting an eleven (11) foot variance. If using the current three (3) feet non-conforming pad, the variance requested would be four (4) feet. Mr. Childs noted that the measurements do confirm what the applicant provided. Commissioner Russell stated that the new structure will be sixty-four (64) feet from the center of the road. Mr. Padalino indicated that is correct with regards to the design of the proposed porch, which would have a depth of eight (8) feet.

Mr. Padalino noted that he wanted to bring to the attention of the Board that the petition is being reviewed at the request of the property owner and their proactive application, and not due to a complaint or an issuance of a notice of violation letter.

Draft: July 10, 2014

Mr. Moyer noted that in the Staff Report it was stated that there are other existing homes in the neighborhood that are built closer than the current fifty (50) foot required setback. Mr. Padalino stated that was correct and referenced the pictures that were taken by Mr. Massie.

**Mr. Johnny Lawhorne-owner (Stacey Lawhorne-daughter) of 5532 Patrick Henry Highway, Roseland:** Mr. Lawhorne was sworn in by Mr. Childs before the Board. Mr. Lawhorne stated that he requested the variance. He stated that the hardship was that the house was already located within the required front yard setback; and it's sitting too close to the ground. He wants to pour a concrete pad, put a roof over it and keep as much of the water away from the house as possible, to keep it from going under the house. He stated that the corner of the house has been replaced once due to water damage. Mr. Lawhorne stated that he would like to spend the rest of his time sitting in a rocking chair on the porch and watch the cars go by.

Ms. Russell stated that if she recalls there is room on the south side of the home to put a porch and not necessarily in front of the house. Mr. Lawhorne stated that was correct but that would not help resolve the water issues and noted that the air conditioning unit is on that side of the house. Ms. Russell stated that some of the water issues have been resolved by putting the gravel on the side of the house. Ms. Russell stated that she is sympathetic with the applicant but noted the Board is very restricted in granting variances.

Mr. Childs opened the public hearing at 7:50 p.m.

**Tommy Bruguere of 187 Jack's Hill Road, Roseland:** Mr. Bruguere was sworn in by Mr. Childs. Mr. Bruguere stated that Mr. Lawhorne was like a lot of others who are within the seventy-five (75) foot setback; through no fault of their own. He stated that Zoning came in some time during or around 1973 and the houses were already built, and unfortunately, there is not grandfathering. The house is already three (3) feet in the setback and he doesn't see a problem with adding a porch. The road is not slated to have any expansion and it doesn't have heavy traffic like on the other side of Brent's Mountain. Eight (8) more feet for a porch is not going to bother anything or anyone. In regards to the south side, Mr. Lawhorne would have to move the heat pump and it would cost a lot more and they are trying to do this as cheap as possible. Mr. Bruguere stated that he would appreciate the granting of the variance to build the eight (8) foot porch.

No further comments were made and the public hearing was closed at 7:53 p.m.

Mr. Miles stated that he felt that it would be a good idea for Mr. Lawhorne to have an eight (8) foot porch, rather than to have to move everything else around. Mr. Moyer agreed with Mr. Miles. Ms. Cash stated that she does not agree and that the Board's job is typically not to increase non-compliance, making note that the structure is already in non-compliance. She stated that the issue with the water drainage is not a zoning issue but an on-site issue; and that adding the porch would increase the house further into the required front yard setback area. Ms. Cash stated that she understands that a variance would not be creating something that does not already exist and it wouldn't be detrimental to the traffic.

Ms. Russell stated that although she is struggling with this and understands the reasons for wanting a porch with a cover, she keeps going back to the Virginia State Code, which is where the Board receives its mandate, which says that, "an application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or cause a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant". Ms. Russell noted that she was sympathetic but not having a porch does not approach confiscation. She added that the State Supreme Court says that variances should be used very rarely.

**Mr. Moyer made a motion to approve Variance #2014-001 to grant an eleven (11) foot variance to allow an eight (8) foot porch to be added to the front of the existing structure based on meeting the hardship requirements.**

**A second was offered by Mr. Miles; vote 3-2 in favor with Ms. Cash & Ms. Russell voting against the motion.**

**Other Business:**

Chad Artz Case: Mr. Padalino stated that in regards to the Special Use Permit from 2009, Judge Eggleston is to hear the case on July 16<sup>th</sup> at 9:00 a.m. He stated that this is the final hearing for Mr. Artz to achieve full compliance with the orders of the BZA and the subsequent Court orders. Specifically, Mr. Artz needs to obtain a Certificate of Occupancy (C.O.) for his dwelling prior to the hearing. Mr. Padalino will contact Mr. Artz tomorrow as a reminder of the upcoming hearing and to get an update on his progress. Ms. Russell stated that she had asked Mr. Grant Massie if Mr. Artz had to be in compliance with his structure or the entire property; she noted that Mr. Massie stated that he believed that compliance needed to be on the entire property. Mr. Padalino stated that the issue before Judge Eggleston is whether or not he has the permitted primary use; which in this case is the single family dwelling. The issues that are active in this case are the existing sheds and as long as they are outside of the front yard setback; they are permissible, assuming he gets the C.O. for a dwelling. Ms. Russell stated that she just wanted to be sure that when staff goes to court they are prepared to deal with all issues of the property and not just the manufactured home.

Terry & Brenda Curro Case: Mr. Padalino stated that at this time, there is no update from Mr. Payne. He noted it has been submitted to Judge Gamble for his review. The next step is for Judge Gamble to determine if there will be a hearing or if he will throw it out. Mr. Padalino also explained that it was the County's obligation to compile the facts and to send them to the court, and that County staff assisted Mr. Payne with that effort. That information was provided to the court within the twenty-one (21) day requirement. Mr. Padalino stated that he would let the Board know if a hearing date is set or the disposition.

Ms. Russell stated that during the Curro case, the issue regarding driveways came up and how they fit in the Zoning Ordinance. She also noted that the BZA had asked for clarification if driveways are structures; the review process; if they required a Virginia Department of Transportation (VDOT) permit; and the required setbacks. Mr. Padalino stated that it's his understanding if driveways are at grade then they are not considered a structure. Ms. Russell asked that Mr. Padalino contact Mr. Payne if there is any legal court interpretations regarding driveways.

Meeting Procedures: Mr. Childs noted that he has prepared a draft of general procedures of how the meetings should be conducted. He stated that he would send a copy to all Board members to review and provide feedback.

Mr. Padalino noted that in regards to the Lawhorne case, there was the question of whether the application required an engineered survey or not. After inquiring and seeking counsel from Mr. Payne, he stated the BZA has the authority to set their own procedures. The way the application is written, it does not explicitly require it to be professionally prepared. Mr. Padalino suggested that a sketch site plan or survey is acceptable but also note that the Board reserves the right to request additional information; including, but not limited to, a professional scaled drawing, in order to make an accurate decision. Ms. Cash noted that it is imperative that Staff confirm measurements that are provided by an applicant. Mr. Bruguere added that this was no fault of the property owner; the County put the applicant in this particular situation.

**Adjournment:**

8:22 PM

Respectfully submitted,

Draft: July 10, 2014

Stormy V. Hopkins  
Secretary

DRAFT



To: Chair and Members, Nelson County Board of Zoning Appeals (BZA)  
Mr. Stephen A. Carter, County Administrator, Clerk of the BOS

From: Tim Padalino, Planning Director and Zoning Administrator

Date: April 20, 2015

Subject: **Appeal #2015-01 (Shimp / Major Site Plan #2015-004 "Zenith Quest – Afton Mountain"**

---

County staff have recently received a petition to the Nelson County Board of Zoning Appeals, regarding an administrative approval granted by the Zoning Administrator. The appeal is specifically related to the Zoning Administrator's acceptance and approval of the landscape plan for Major Site Plan #2014-005 ("Zenith Quest – Afton Mountain").

Please review the following materials, which contain all the pertinent details regarding the landscaping plan portion of the approved Major Site Plan #2014-005 for Zenith Quest International (ZQI). These materials have been arranged in chronological order, so that the entire process of site plan application, review, revision, resubmittal, and approval can be read sequentially.

Attached materials include:

1. Copy of Appeal #2015-01, submitted on April 2, 2015 by Mr. Justin Shimp of 148 Tanbark Drive. The appeal includes a letter written by the petitioner stating that, "*As a neighbor of this proposed development, and a citizen of the County, I am aggrieved by this decision.*" The petitioner also writes that his appeal, "*provides the facts which demonstrate that the landscape plan, as proposed and as approved by the Zoning Administrator, meets neither the conditions as imposed by the Planning Commission nor the Zoning Ordinance.*"
2. Official "review comments" prepared in connection with ZQI's first revised/resubmitted site plan; these review comments were provided in two formats:
  - A. Copy of "(Revised) Site Plan Review Comments" sent to ZQI's landscape architect consultant, Ms. Ammy George of Roudabush, Gale & Associates, Inc. on January 15, 2014. The total review comments comprised 8 pages; but this excerpt only contains the 3 pages that focus specifically on the landscape plan. My original comments were in normal font in bullet-list format; Ms. George's initial responses were in bold font; and my revised review comments were in bold font and blue ink.

- B. Copy of “comment sketch,” a graphic exhibit provided to the applicant team on January 15, which provided a visual depiction of the written review comments described above in 2A.
3. Copy of “updated landscape plan sketch” submitted by ZQI and dated January 28, 2015. This plan contains ZQI’s revisions in response to the January 15 review comments (described above in 2A and 2B). This sketch plan was presented to the Planning Commission (PC) during the January 28<sup>th</sup> PC meeting. At that meeting, the PC voted to provide the overall Major Site Plan #2015-004 with conditional approval, and required that the applicant finalize and re-submit this “updated landscape sketch plan” as a final landscape plan for review and approval by the Director of Planning & Zoning, on behalf of the PC.
4. Copy of the County approval letter, dated February 9, 2015, notifying ZQI of the conditional approval granted by the PC at their January 28<sup>th</sup> meeting. Within the overall PC motion granting conditional approval, four (4) conditions are specified; please see condition #2 regarding the revision, submission, and approval of a final landscape plan.
5. Copy of the final landscape plan submitted by Roudabush, Gale & Associates, Inc. on behalf of ZQI, dated February 11, 2015. This final version of the landscape plan incorporates many of the revisions identified in the “(Revised) Site Plan Review Comments” and “comment sketch” documents (described above in 2A and 2B), and many of the revisions discussed at the January 28<sup>th</sup> PC meeting, but not all of the requested revisions.
6. Copy of my correspondence with Zenith Quest International and Roudabush, Gale & Associates, dated March 4, 2015, providing acceptance and administrative approval of the final landscape plan in accordance with Planning Commission’s conditional approval.

**Conclusion:**

Please contact Department staff with any questions you may have regarding this staff report, the attached materials, or the broader review and approval process for Zenith Quest International’s Major Site Plan #2014-005 (“Zenith Quest – Afton Mountain”).

Zoning Interpretation  
Appeal  
Variance # 2015-01

**PETITION FOR APPEAL TO THE BOARD OF ZONING APPEALS**  
**Nelson County, Virginia**

**1. PETITIONER(S):**

Name: Justin Shimp  
Address: 148 Lombard Dr.  
Altan VA 22920

**2. PROPERTY OWNER(S):**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**3. TYPE OF APPEAL (CHECK ONE):**

- VARIANCE TO SECTION \_\_\_\_\_ OF THE ZONING ORDINANCE  
 INTERPRETATION OF SECTION \_\_\_\_\_ OF THE ZONING ORDINANCE  
 OTHER \_\_\_\_\_ (SPECIFY) (IF "OTHER", DO NOT ANSWER QUESTION #5)

Explanation and description of reason(s) for appeal:

Appeal of Zoning Administrator Decision, See attached Letter.

**4. LOCATION AND CHARACTERISTICS OF ANY PROPERTY INVOLVED WITH APPEAL:**

- a. Address of property: Route 151 and 6 in Altan, Zenith Quest site. See attached Letter.  
b. Subdivision: \_\_\_\_\_  
c. Official tax map number: 4-A-44A  
d. Acreage of property: 10  
e. Present use: \_\_\_\_\_  
f. Present zoning classification: Industrial (M-2)  
g. Zoning classification of surrounding properties: Residential (R-1) & Agricultural (A-1)

5. Will the appeal, if granted, have any effect on present or future street right-of-ways, setbacks, and other improvement plans? (Refer to the County, Nelson County Service Authority, Virginia Department of Transportation - Amherst Office, if applicable.) If yes, give explanation.

N/A

6. The Code of Virginia (Sec. 15.2 - 2309) and State case law contain specific requirements for the granting of a variance. Variance requests issued for reasons not related to these criteria constitute an invalid application of Board authority. The fact that the Board feels it is doing "justice", the request is considered necessary and essential by the applicant for personal, health, or other reasons, or the request is not opposed by nearby property owners does not, when standing alone, constitute valid reasons for the granting of a variance. The State Code requires that no variance shall be authorized unless the Board finds:

- a. The strict application of the ordinance would produce undue hardship.

Variance # 2015-01

- b. The hardship is not generally shared by other properties in the same zoning district and the same vicinity, i.e. the zoning requirement from which the variance is sought would not similarly restrict other properties which are zoned the same as the subject property.
- c. The authorization of the requested variance would not be a detriment to adjacent properties nor would the character of the zoning district be changed, if granted, i.e., the request would not reduce the amount of protection generally provided between adjoining properties under the existing Zoning Ordinance or would not permit a use or development which would be permitted if the property were rezoned to another zoning classification.
- d. The condition of the property or the proposed use is not of such a recurring nature in the community as to make the adoption of a general Zoning Ordinance amendment practical which would otherwise permit the proposed use by right, i.e., the variance would not have the effect of resolving recurring zoning problems shared generally by other property owners in the same district or vicinity.
- e. Approval of this and other similar requests would not have the effect of ultimately nullifying the zoning restriction.
- f. Financial loss is not the only hardship that would be inflicted by the Zoning Ordinance requirement but is a factor to be considered.
- g. The hardship is not self-inflicted in any manner.

The granting of the requested variance would alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience.

Identify and explain the hardship involved:

N/A

Under State law, applicants must show how their request meets the following criteria for the granting of a variance:

- a. The exceptional narrowness, shallowness, size or shape of the property, its topographic conditions, or other extraordinary conditions of the property, or use of immediately adjacent property effectively prohibit or unreasonably restrict the use of such property in a manner consistent with Zoning Ordinance requirements.

Identify any such special physical conditions associated with the property or adjacent property that justify the granting of a variance:

N/A

#### 7. AFFIDAVIT:

The undersigned petitioner certifies that this petition and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the petitioner gives permission for members of the Board of Zoning Appeals and County Staff to visit and view the subject property.

Signature: \_\_\_\_\_

Date: 4/2/15

Mailing Address: \_\_\_\_\_

Justin Shimp, 148 Tankard Dr. Atton VA

Telephone Number(s): 434-953-6116 Variance # 2015-01

**8. AFFIDAVIT PROPERTY OWNERS: (If not petitioner[s])**

The undersigned property owner(s) has authorized the submission of this Petition:

---

---

---

-----  
**TO BE COMPLETED BY BOARD OF ZONING APPEALS STAFF**

Completed application and \$ 150.00 fee received on April 2, 2015. Public Hearing notice published on 4-16-15 and 4-23-15 for hearing on May 4, 2015.  
Date of Decision: \_\_\_\_\_ Decision: \_\_\_\_\_

---

---

---

April 2, 2015

**Nelson County Board of Zoning Appeals**

C/O Mr. Tim Padalino  
Zoning Administrator  
Nelson County, Virginia  
P.O. Box 558  
Lovingston VA, 22949

*(Delivered by Hand and by E-mail)*

Dear Members of the Board of Zoning Appeals:

On March 4, 2015 the Zoning Administrator made a determination that the landscape plan as submitted by Zenith Quest international filed under Major Site Plan #2014-005 had satisfied the ordinance and condition of approval placed by the Planning Commission on the application.

As a neighbor of this proposed development, and a citizen of the County, I am aggrieved by this decision. Inadequate enforcement of zoning regulations are detrimental to the character of the neighborhood and to property values of nearby homes. On behalf of my family and my neighbors, I feel obliged to object to this plan – with inadequate design features – and to the approval granted by the Zoning Administrator. In accordance with section 14-4 of the Nelson County zoning ordinance, I hereby offer to the board of Zoning Appeals the facts which demonstrate that the landscape plan, as proposed and as approved by the Zoning Administrator, meets neither the conditions as imposed by the Planning Commission nor the Zoning Ordinance.

In review of the site plan the Commission took action on a plan that had only been submitted earlier in the day of the meeting. This plan could not have been reviewed by the Commission in that time and the Commission deferred review of the plan to Mr. Tim Padalino, the Planning Director and Zoning Administrator, to confirm that the plan met the requirements of the Ordinance and the additional specific directives that the Commission provided which were as follows:

*“Additional plantings to soften the overall impact must be provided. Final approval will rest with the Director of Planning & Zoning with advice from the Chairman of the Planning Commission. This should also include particular attention to heavy screening of the dumpster in the front of the warehouse.”*

Landscaping requirements for a site development plan are governed by the Zoning Ordinance. I have listed the sections of code or condition of approval noted by the Commission with an explanation of the specific deficiency found on the plan. This list is

not intended to be all-inclusive of any potential violations of the ordinance, but these deficiencies warrant revoking the approval granted by the Zoning Administrator.

Deficiency #1) Zoning Ordinance Section 12-7-8N, Loading space screening, states: *"Landscaping shall be designed and used to screen adjoining property from storage and loading operation."* The plan as submitted has a significant loading area in front of the building. This area, at least 155' in depth with no fewer than 9 separate loading areas, is only partially screened with a row of very short shrubs. The proposed shrubs for that area – Dwarf Japanese Barberry and Rutgers Pyracantha, 2' foot and 3' foot height at full growth, respectively – will not provide any meaningful screening of semi-trailers and box trucks and should not be accepted as adequate screening.

Deficiency #2) Zoning Ordinance Section 9-2-3 States: *"Sufficient area shall be provided to screen adequately permitted uses from adjacent business and residential district for off-street parking of vehicles incidental to the industry, its employees and clients."* Adequate screening has not been provided. None is provided for the parking lot adjacent to the proposed office, nor is any screening provided for the truck parking and loading area facing the Mount Armour LLC parcel. The landscaping that is provided against the loading area is not adequate to screen large trucks, as outlined above in deficiency #1.

Deficiency #3) In the conditions of approval the planning commission stated: *"Additional plantings to soften the overall impact must be provided."* While this statement was inclusive of many other requirements of the ordinance, there was a specific discussion at both the site review meeting and the planning commission meeting about providing landscape islands and trees along the front of the building. To this request, Ms. Ammy George, a representative of the applicant, replied that such plantings were problematic because of the required compaction of soil and security concerns. Having heard this statement from Ms. George, the commission did not ask any further questions. However, the condition as stated by Ms. Linda Russell still contained the requirement for additional plantings to soften the appearance of the building and these plantings were not provided.

The response by Ms. George, which was relied upon by the commission during the discussions and which, I believe, influenced the decision of the Zoning Administrator in his approval of the plans, contains two flaws. First, from a technical standpoint, it is entirely possible to create landscape beds adjacent to a building within a loading area. It is not necessary to compact soil under a landscape bed, compaction is only required under the parking and building. It was also not stated that much of the site area is in cut, not compacted fill. While it is true that compacted fill is not an ideal place for the placement of a tree, the whole story was not told to the Commission, which would have included a statement that landscape islands are most definitely technically possible in the location as requested by the Staff and Commission. Perhaps more troubling is the implication that because it is inconvenient, the applicant is somehow exempted from reasonable requirements of landscaping and screening. This is akin to stating that if building a 90,000 SF warehouse requires encroachment on a required setback, the

County should ignore those requirements for the convenience of the applicant rather than requiring the applicant to develop a plan that meets the requirements of the ordinance. Any inconveniences to the applicant, such as leaving small areas of uncomplicated soil for a tree planting island or some security concerns, cannot be considered justification for ignoring reasonable requirements within the County Code and the Planning Commission conditions of approval.

In conclusion, in determining that the landscape plan meets the conditions outlined by the planning commission and the requirements of the ordinance, the Zoning Administrator erred in his decision for the reasons described above. I respectfully request that the Board of Zoning Appeals reverse the decision of the Zoning Administrator in respect to the approval of the landscape plan.

With Best Regards,

A handwritten signature in blue ink, appearing to read 'Justin Shimp', with a large, stylized flourish extending from the bottom left.

Justin Shimp, P.E.  
148 Tanbark Drive  
Afton, Virginia 22920



To: Ammy George, Roudabush, Gale & Assoc., Inc.

From: Tim Padalino | Director of Planning & Zoning

Date: January 15, 2014

**Subject: (Revised) Site Plan Review Comments**

---

Ammy,

Thank you for attending the Site Plan Review Committee meeting on Wednesday, January 14<sup>th</sup> regarding the review of the (revised) site plan drawings for Zenith Quest Afton Mountain. Thank you for also providing your responses to my original review comments, addressing how the revisions (as shown in the revised submittal, dated 12/19) incorporate the original review comments.

I have used your responses (starting on page 2, below, in **bold**); and I have also added my own review comments (in **blue**) to convey the most recent review comments (in connection with the Site Plan Review Committee meeting on January 14<sup>th</sup> as well as subsequent follow-up questions and comments from members of the Planning Commission).

In addition to providing **my most recent review comments** to **your written responses** (starting on page 2), the following issues or questions also remain, and should be addressed at the January 28<sup>th</sup> Planning Commission meeting:

- *Color of building and color of roof material:*
  - o suggestion for the building material to be tan or gray in a “flat” finish;
  - o concern about the approximately 2-acre roof being “silver” (as described at Site Plan Review Committee meeting), and the roof’s visibility and impact on viewsheds from Afton properties and from Blue Ridge Parkway “Afton Overlook” and “Rockfish Valley Overlook”; suggestion to use tan (or other natural color) in “flat” / “matte” finish to minimize glare and reduce visibility
- *Compliance with fire access and emergency access requirements:*
  - o request to provide documentation that ZQI has legal right to access / use Family Lane (private road) for satisfying secondary emergency access requirements
  - o request to provide documentation of compliance with Fire Code requirements and Building Code requirements regarding the design and layout of the 20’ gravel fire access road

- Landscaping & Screening:

- Additional screening is needed along Route 151 (designated Virginia Scenic Byway), per the following Zoning Ordinance provisions:
  - (12-7-8G): “minimum of 50% of the road frontage shall be landscaped”.
  - (9-2-2): “landscaping may be required within any established or required front yard setback area”.

**A mix of predominately evergreen and deciduous shrubs have been added along the fence line facing Route 151. Approximately 75% of the total length of the road frontage has been landscaped.**

**The additional landscaping materials along Route 151 are a significant positive improvement. The proposed landscaping plan contains much more plant material, and is comprised of a very interesting and attractive plant palette.**

**However, please consider that the majority of the proposed canopy trees along Route 151 are deciduous, and will not provide effective screening for a large portion of the year. Therefore, please consider revising this portion of the landscape plan to include additional evergreen trees, staggered behind the proposed deciduous trees and shrubs. That revision would provide greater depth of vegetation materials, with year-round foliage, thereby providing effective screening. (Please reference the attached “comment sketch” for more information.)**

- Screening is required adjacent to parking lot and loading area(s) per the following Zoning Ordinance provisions:
  - (13-4-CC): “parking areas shall not be located between the adjacent public right-of-way and principal structure on the site unless topographic features or vegetation provide effective screening”.
  - (12-7-8N): “landscaping shall be designed and used to screen adjoining property from storage and loading operation”.

**The average full-grown height of the shrubs along the Route 151 is approximately 8-10’, which will provide adequate screening for the parking and loading areas. Additionally, the trees and shrubs have been located to maximize the screen of the loading and parking area. A portion of the site is located approximately eight (8) to ten (10) above Route 151; for these areas, the additional screening with landscaping was not needed.**

**The existing tree line for the Mount Armor property to the east of the project site has been added to the Landscape Plan. Evergreen trees have been added to the areas where the existing vegetation on the Mount Armor property is less than 10’ in depth to screen the loading area.**

As noted above, the additional landscaping materials along Route 151 (and along the property line with the Mount Armour property) are a significant positive improvement. However, there are no landscaping materials to provide screening adjacent to the loading area or the parking area. Please consider revising the landscape plan to include landscaping along the parking lot and loading area. (Please reference the attached “comment sketch” for more information.)

Also, please consider revising the landscape plan to provide for landscaping along portions of the very long façade of the warehouse facing the loading area. With a length of approximately 375’, this section of the warehouse must have some landscaping to provide better screening from Route 151 and from adjacent properties, and to reduce the visual impacts of the very large (long) industrial building. Such landscaping could be established in relatively thin “landscape areas” along the building, located in between the loading docks where they would not interfere with operations. A mixture of deciduous canopy trees and evergreen trees (in each landscape area) would provide the most effective screening. (Please reference the attached “comment sketch” for more information.)

- Other general screening considerations:
  - (9-2-1): “permitted uses may be required to be conducted ... within an area enclosed on all sides by a solid board fence or an evergreen hedge between six (6) and ten (10) feet in height”.
  - (9-2-3): “sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential district”.

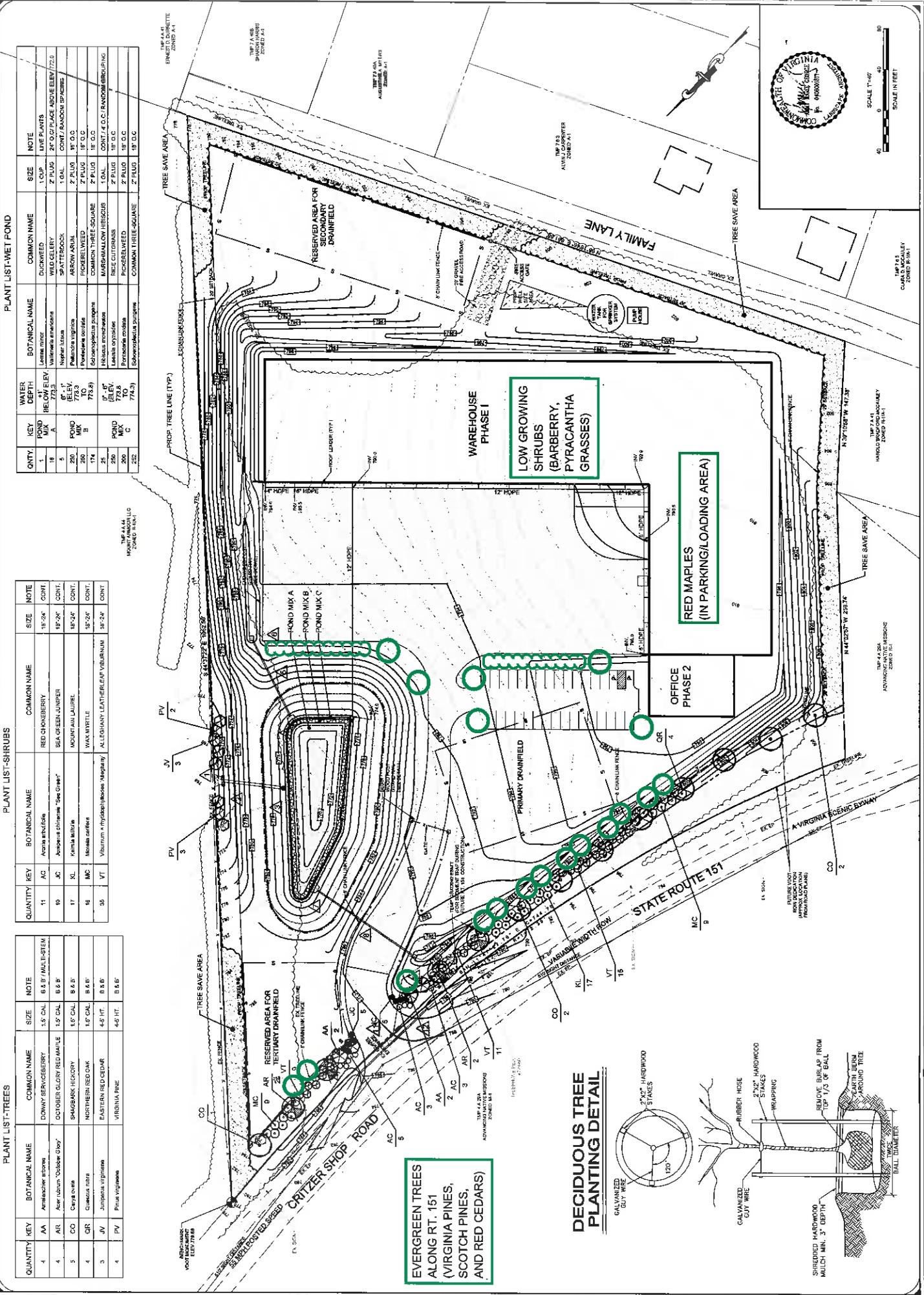
The dumpster will be located within the loading area. The landscape screening along Route 151 provides the same type of screening for the dumpster as it does the parking and loading areas.

Thank you for including the specifications / details for the “dumpster fence enclosure” on Sheet 7.

- “Tree Save” area correlates with the minimum setback requirements (20’) as required by (9-4) ... are there opportunities to increase this tree save area to better “buffer” adjacent residential areas?

The Tree Save has been maximized for the proposed improvements on the site. The area outside of the Tree Save area along the southern property contains a secondary drain field, the well and secondary fire access road. The area to the east of the site entrance onto Route 151 contains a tertiary drain field. These areas have been included on the Landscape Plan to illustrate the extents of the improvements proposed on the site and the limits of the Tree Save areas.





**PLANT LIST - WET POND**

QNTY.	KEY	WATER DEPTH	BOTANICAL NAME	COMMON NAME	SIZE	NOTE
1	POND MIX A	8" - 1' (ELEV. 773.3)	<i>Lemna minor</i>	DUCKWEED	1 CUP	LIVE PLANTS
18	POND MIX A	8" - 1' (ELEV. 773.3)	<i>Wolffia arrabidaensis</i>	WILD CELERY	2" PLUG	24" O.D. PLACE ABOVE ELEV. 772.0
5	POND MIX B	12" - 18" (ELEV. 778.8)	<i>Sparganium angustifolium</i>	SPATTERDOCK	1 GAL.	CONT. RANDOM SPECIES
250	POND MIX B	12" - 18" (ELEV. 778.8)	<i>Potamogeton amplifolius</i>	ARROW ARUM	2" PLUG	18" O.C.
250	POND MIX B	12" - 18" (ELEV. 778.8)	<i>Potamogeton amplifolius</i>	PICKERELWEED	2" PLUG	18" O.C.
174	POND MIX C	12" - 18" (ELEV. 778.8)	<i>Scheuchzeria palustris</i>	COMMON THREE-SQUARE	2" PLUG	18" O.C.
25	POND MIX C	12" - 18" (ELEV. 778.8)	<i>Hydrilla verticillata</i>	MARSH MALLOW HERBSCUS	1 GAL.	CONT. F.O.C. RANDOM SPECIES
250	POND MIX C	12" - 18" (ELEV. 778.8)	<i>Potamogeton amplifolius</i>	RICE CUTGRASS	2" PLUG	18" O.C.
200	POND MIX C	12" - 18" (ELEV. 778.8)	<i>Potamogeton amplifolius</i>	PICKERELWEED	2" PLUG	18" O.C.
200	POND MIX C	12" - 18" (ELEV. 778.8)	<i>Potamogeton amplifolius</i>	COMMON THREE-SQUARE	2" PLUG	18" O.C.
200	POND MIX C	12" - 18" (ELEV. 778.8)	<i>Potamogeton amplifolius</i>	COMMON THREE-SQUARE	2" PLUG	18" O.C.

**PLANT LIST - SHRUBS**

QUANTITY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTE
11	AC	<i>Arctostaphylos</i>	RED CHONKBERY	18" x 24"	CONT.
10	AC	<i>Aspidistra filifolia</i>	SEA GREEN JUMPER	18" x 24"	CONT.
17	KL	<i>Kalmia latifolia</i>	MOUNTAIN LAUREL	18" x 24"	CONT.
18	MC	<i>Massa carolinensis</i>	WAX MYRTLE	18" x 24"	CONT.
35	VT	<i>Viburnum acerifolium</i>	ALLEGHANY LEATHERLEAF VIBURNUM	18" x 24"	CONT.

**PLANT LIST - TREES**

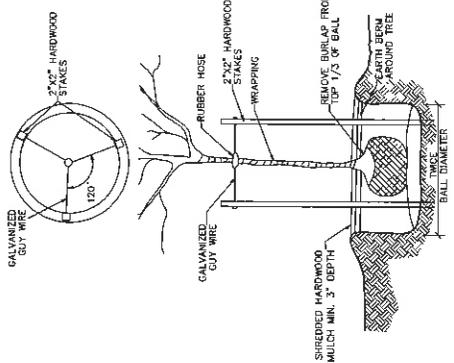
QUANTITY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTE
4	AA	<i>Amelanchier alnifolia</i>	DOWNY SERVICEBERRY	1.5' CAL.	8.5' / MULTI-STEM
4	AR	<i>Aspen</i>	ASPEN	1.5' CAL.	8.5' B
5	CO	<i>Carya glabra</i>	COBBLER GLORY RED MAPLE	1.5' CAL.	8.5' B
4	QR	<i>Quercus rubra</i>	SHAGBARK HICKORY	1.5' CAL.	8.5' B
3	JV	<i>Juniperus virginiana</i>	NORTHERN RED OAK	4.5' HT.	8.5' B
4	PV	<i>Pinus virginiana</i>	EASTERN RED CEDAR	4.5' HT.	8.5' B
4	PV	<i>Pinus virginiana</i>	VIRGINIA PINE	4.5' HT.	8.5' B

**EVERGREEN TREES ALONG RT. 151 (VIRGINIA PINES, SCOTCH PINES, AND RED CEDARS)**

**LOW GROWING SHRUBS (BARBERRY, PYRACANTHA GRASSES)**

**RED MAPLES (IN PARKING/LOADING AREA)**

**DECIDUOUS TREE PLANTING DETAIL**



DEPARTMENT OF  
PLANNING & ZONING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

CERTIFIED MAIL

February 9, 2015

Mr. Hanri Kaya, CFO  
Zenith Quest International, LLC  
522 Chinquapin Drive  
Lyndhurst, VA 22952

Hello Mr. Kaya,

Greetings from Nelson County. I am contacting you as the listed applicant for Major Site Plan #2014-005 on behalf of Zenith Quest International, LLC.

**This letter acknowledges that on January 28<sup>th</sup>, 2015, the Nelson County Planning Commission conducted a review of (revised) Major Site Plan #2014-005 "Zenith Quest – Afton Mountain."**

**Specifically, this letter confirms that the Planning Commission provided conditional approval of the site plan with the following motion, which was provided by Commissioner Russell, seconded by Commissioner Harman, and which received unanimous "yes" votes from the five (5) Commissioners present:**

***Commissioner Russell made a motion in relation to the Major Site Plan application #2014-005 for construction of an 80,000 square foot storage warehouse, which would be one-story and a 10,000 square foot two-story attached office for storage of ammunition and light assembly of handheld guns. Supporting documents including a nineteen (19) page submittal by Roudabush, Gale & Associates, dated September 19, 2014, revised December 19, 2014; and preliminary building plans submitted by Harman Construction Company dated November 26, 2014, consisting of pages A101 and A201. This project is approved with the following conditions:***

- 1. The roof and siding colors shall be non-reflective and blend with the surrounding area to reduce impact on designated public overlooks, along Scenic Byways and the Blue Ridge Parkway. Final approval will rest with the Director of Planning & Zoning.***
- 2. Additional plantings to soften the overall impact must be provided. Final approval will rest with the Director of Planning & Zoning with advice from the Chairman of the Planning Commission. This should also***

***include particular attention to heavy screening of the dumpster in the front of the warehouse.***

- 3. A written clarification should be provided of the availability of Family Lane as a legal access for Nelson County fire department.***
- 4. This approval is also subject to final approval by required state agencies, such as, but not limited to the Department of Conservation and regulations for a VSAP permit, and Health Department for septic and drainfield permits.***

Therefore, Major Site Plan #2014-005 has obtained County approval with conditions. Please note the following information, regarding the conditions specified in the Planning Commission's conditional approval:

- o Please endeavor to satisfy the language contained in the first condition. When those details are finalized, please submit appropriate documentation representing the color/finish of the roof materials and siding materials for my review and acceptance.
- o Please submit a revised landscaping plan for my review and approval, in accordance with the issues and concerns that were discussed during the review of the site plan drawings at the January 28<sup>th</sup> PC meeting.
- o The review and approval of Registered Land Disturbance Permits, Building Permits, and/or Certificate(s) of Occupancy are administered by the Building Inspections Department. All such reviews and approvals take place after site plan approval is obtained; therefore, you may now proceed with those permit applications.
- o Please proceed with securing all necessary approvals and authorizations from applicable state agencies.

If you have any questions or comments, or if we may provide additional assistance, please don't hesitate to let us know.

Thanks very much; sincerely,



Timothy M. Padalino

Director of Planning & Zoning

TMP/svh

*Copy to: Ms. Ammy George, Roudabush Gale & Associates*

PLANT LIST-TREES

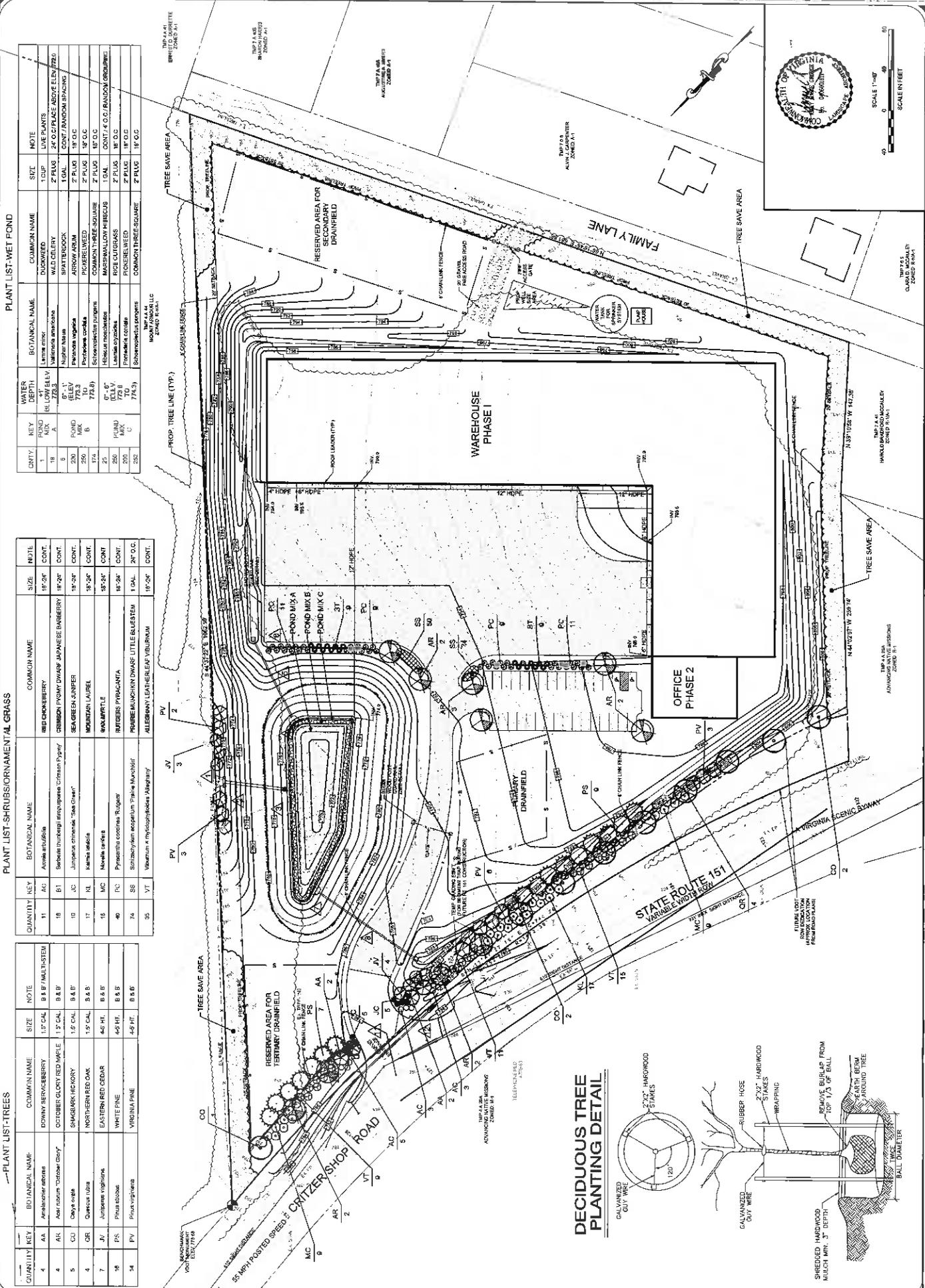
QUANTITY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTE
4	AA	<i>Ambrosia artemisiifolia</i>	DOWNY BIRCHBERRY	1 1/2" CAL	B & B / MULTISTEM
4	AK	<i>Aster racemosa</i>	ROCKY MOUNTAIN ASTER	1 1/2" CAL	B & B
5	CU	<i>Carya ovata</i>	SHAGBARK HICKORY	1 1/2" CAL	B & B
4	OE	<i>Quercus rubra</i>	NORTHERN RED OAK	1 1/2" CAL	B & B
7	JV	<i>Juniperus virginiana</i>	EASTERN RED CEDAR	4-5 FT.	B & B
16	PS	<i>Pinus strobus</i>	WHITE PINE	4-5 FT.	B & B
14	PV	<i>Pinus virginiana</i>	VIRGINIA PINE	4-5 FT.	B & B

PLANT LIST-SHRUBS/ORNAMENTAL GRASS

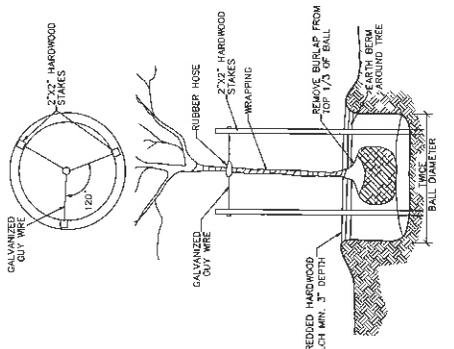
QUANTITY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTE
11	AG	<i>Artemisia arbuscula</i>	RED CHOCBERY	18" SQ.	CONT.
18	B1	<i>Spiraea thunbergii</i>	THUNBERG SPIRAEA	18" SQ.	CONT.
10	JC	<i>Juniperus chinensis</i>	SEA GREEN JUNIPER	18" SQ.	CONT.
17	KL	<i>Kalmia latifolia</i>	MOUNTAIN LAUREL	18" SQ.	CONT.
16	MC	<i>Monarda mollis</i>	WILD MONARD	18" SQ.	CONT.
40	PC	<i>Prunella coccinea</i>	RUTEBERRY	18" SQ.	CONT.
34	SS	<i>Spiraea alba</i>	WHITE SPIRAEA	18" SQ.	CONT.
35	VT	<i>Viburnum acerifolium</i>	BLACK HAW VIBURNUM	18" SQ.	CONT.

PLANT LIST-WET POND

KEY	DEPTH	BOTANICAL NAME	COMMON NAME	SIZE	NOTE
1	1' - 2'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	LIVE PLANTS
2	2' - 3'	<i>Scirpus americanus</i>	WILD CELERY	2" PLUG	21" O.C. PLACE ABOVE ELEV. 775.0
3	3' - 4'	<i>Sagittaria arifolia</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
4	4' - 5'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
5	5' - 6'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
6	6' - 7'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
7	7' - 8'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
8	8' - 9'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
9	9' - 10'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
10	10' - 11'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
11	11' - 12'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
12	12' - 13'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
13	13' - 14'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
14	14' - 15'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
15	15' - 16'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
16	16' - 17'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
17	17' - 18'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
18	18' - 19'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
19	19' - 20'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
20	20' - 21'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
21	21' - 22'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
22	22' - 23'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
23	23' - 24'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
24	24' - 25'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
25	25' - 26'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
26	26' - 27'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
27	27' - 28'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
28	28' - 29'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
29	29' - 30'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
30	30' - 31'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
31	31' - 32'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
32	32' - 33'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
33	33' - 34'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
34	34' - 35'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
35	35' - 36'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
36	36' - 37'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
37	37' - 38'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
38	38' - 39'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
39	39' - 40'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
40	40' - 41'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
41	41' - 42'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
42	42' - 43'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
43	43' - 44'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
44	44' - 45'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
45	45' - 46'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
46	46' - 47'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
47	47' - 48'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
48	48' - 49'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
49	49' - 50'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
50	50' - 51'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
51	51' - 52'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
52	52' - 53'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
53	53' - 54'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
54	54' - 55'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
55	55' - 56'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
56	56' - 57'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
57	57' - 58'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
58	58' - 59'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
59	59' - 60'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
60	60' - 61'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
61	61' - 62'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
62	62' - 63'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
63	63' - 64'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
64	64' - 65'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
65	65' - 66'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
66	66' - 67'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
67	67' - 68'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
68	68' - 69'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
69	69' - 70'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
70	70' - 71'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
71	71' - 72'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
72	72' - 73'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
73	73' - 74'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
74	74' - 75'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
75	75' - 76'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
76	76' - 77'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
77	77' - 78'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
78	78' - 79'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
79	79' - 80'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
80	80' - 81'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
81	81' - 82'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
82	82' - 83'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
83	83' - 84'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
84	84' - 85'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
85	85' - 86'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
86	86' - 87'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
87	87' - 88'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
88	88' - 89'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
89	89' - 90'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
90	90' - 91'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
91	91' - 92'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
92	92' - 93'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
93	93' - 94'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
94	94' - 95'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
95	95' - 96'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
96	96' - 97'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
97	97' - 98'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
98	98' - 99'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING
99	99' - 100'	<i>Sparganium angustifolium</i>	WATER SPARGANUM	1" PLUG	CONT./RANDOM SPACING



DECIDUOUS TREE PLANTING DETAIL



**ROUDABUSH, GALE & ASSOCIATES, INC.**  
 ENGINEERS, SURVEYORS AND LAND PLANNERS  
 A PROFESSIONAL CORPORATION  
 SERVING VIRGINIA SINCE 1958  
 514 KENNESAW - KENNESAW, VIRGINIA 22024  
 PHONE 434-877-0265 - FAX 434-998-5233 - EMAIL INFO@ROUDABUSH.COM

REVISIONS  
 18/10/2014 Comments  
 02/11/2015 Comments

DATE  
 Sept. 18, 2014

SCALE  
 1" = 40'

CONTOUR INTERVAL  
 2 Feet

LANDSCAPING PLAN  
**ZENITH QUEST**  
 SITE PLAN  
 NELSON COUNTY, VIRGINIA

FILE NUMBER  
 9572

SHEET  
 17 of 19

## Tim Padalino

---

**From:** Tim Padalino  
**Sent:** Wednesday, March 04, 2015 4:01 PM  
**To:** Ray Miles (ray@zenithquestintl.com) (ray@zenithquestintl.com); Ammy George (AGeorge@roudabush.com)  
**Cc:** Stormy Hopkins  
**Subject:** FW: Zenith Quest Conditional Approval (LANDSCAPING)

Hello Ammy,

I'm writing to follow up with you regarding the most recently revised landscaping plan (dated 2/11/2015) for "Zenith Quest – Afton Mountain Site Plan."

Thank you for revising the landscape plan to introduce the additional red maples, shrubs, and grasses adjacent to the loading area and parking lot; and to introduce additional vegetation (such as the Virginia pines and white pines) along the scenic byway.

More specifically, I am writing to confirm that I accept the referenced landscape plan as satisfying the corresponding condition in the PC's motion for conditional approval of Major Site Plan #2014-005. As such, this condition is now complete.

I will continue to coordinate with Ray regarding the other Planning Commission conditions.

Thanks once again; sincerely,  
Tim

Tim Padalino  
[434]-263-7090

---

**From:** Ray Miles [mailto:ray@zenithquestintl.com]  
**Sent:** Wednesday, March 04, 2015 12:03 PM  
**To:** Tim Padalino  
**Subject:** Re: Zenith Quest Conditional Approval

Hi Tim,

Thanks for meeting with me Monday afternoon. Here's a summary of my understanding of the process for us to meet the Conditions placed upon our approved major site plan.

### 1. Roof and wall colors

I'll look to hear from you about the roof color soon as you can.

You have the Butler Mfg color chart as well as the galvalume roof sample I provided. Please do let me know if further info or clarification is needed from me. We are hoping that the original galvalume roof color will be approved, since it is in the color range off white / gray depending on weather conditions (full sun / cloudy). This galvalume undergoes a patina process as it weathers. Also per my communications with Butler Mfg, this original finish is used about 70% of the time in large warehouse structures similar to ours. If any other color will be required, please let me know right away because the extra cost (estimated \$60,000 or higher) would need to be considered and somehow offset within the project, and time is of the essence with the Spring construction calendar fast approaching.

Please publish April 16<sup>th</sup> & April 23<sup>rd</sup>, 2015 in Nelson County Times:

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARINGS**

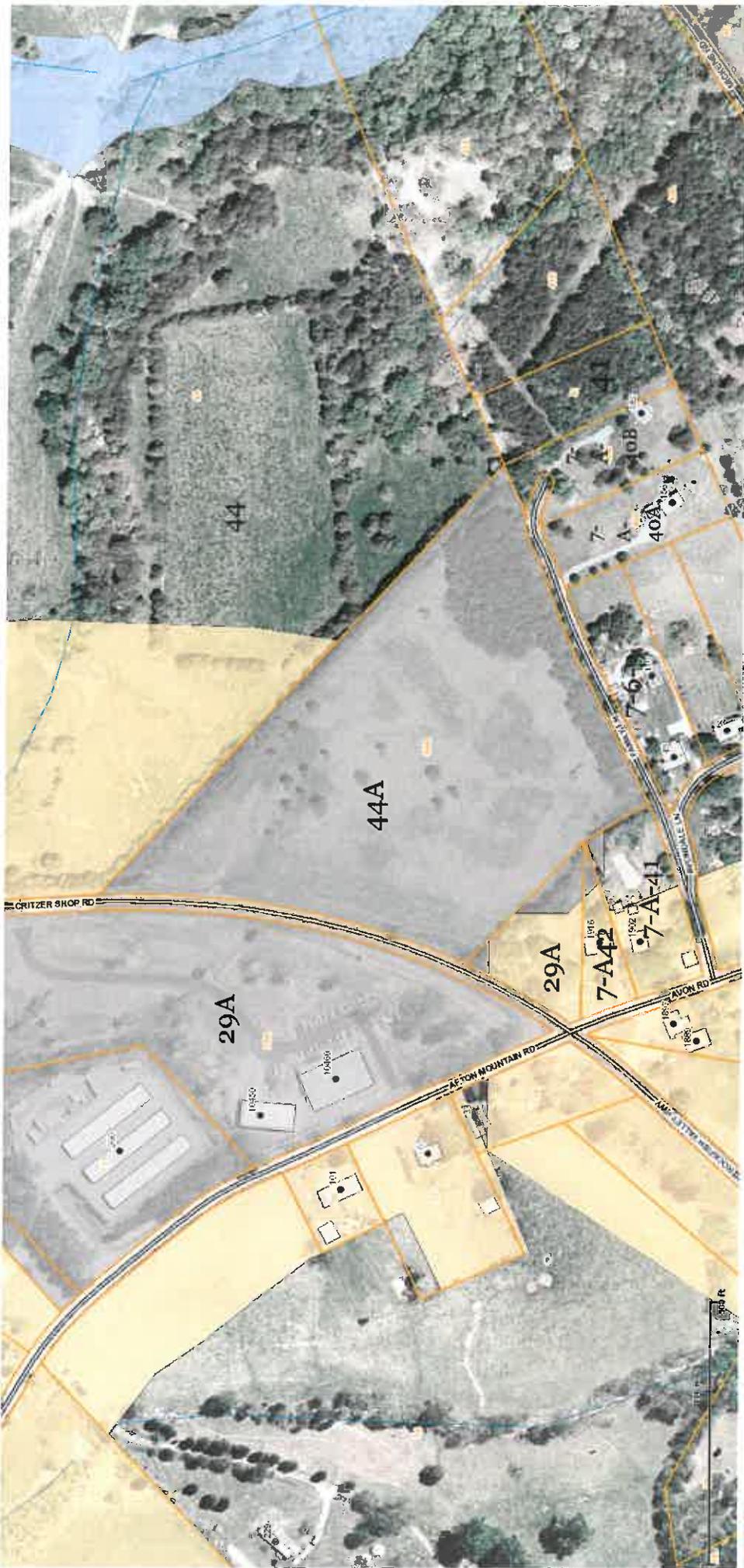
In accordance with Section 15.2 of the Code of Virginia, 1950, as amended, and pursuant to Sections 15.2-2285, 5.2-2310, and 15.2-2204 of the Code of Virginia, as amended, the **Nelson County Board of Zoning Appeals** hereby gives notice that a Public Hearing will start at **7:30 p.m., Monday, May 4, 2015**, in the General District Courtroom on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingsston, Virginia. The purpose of this hearing is to consider the following:

**Public Hearing**

**Zoning Appeal #2015-01 – Mr. Justin Shimp**

Consideration of a petition dated April 2, 2015, submitted by Mr. Justin Shimp, seeking to appeal the Zoning Administrator's approval of the revised final landscape plan for Major Site Plan #2014-005 (Zenith Quest International). The Nelson County Planning Commission provided Major Site Plan #2014-005 with conditional approval on January 28, 2015. The Zoning Administrator subsequently determined that the revised final landscape plan (dated February 11) satisfied the terms of the applicable condition, and approved the landscape plan on March 4. The petition states that, "As a neighbor of this proposed development, and a citizen of the County, I am aggrieved by this decision. Inadequate enforcement of zoning regulations are detrimental to the character of the neighborhood and to property values of nearby homes. On behalf of my family and my neighbors, I feel obliged to object to this plan – with inadequate design features - and to the approval granted by the Zoning Administrator. In accordance with section 14-4 of the Nelson County zoning ordinance, I hereby offer to the board of Zoning Appeals the facts which demonstrate that the landscape plan, as proposed and as approved by the Zoning Administrator, meets neither the conditions as imposed by the Planning Commission nor the Zoning Ordinance."

**Copies of the files referenced above are available for review in the Department of Planning and Zoning, 80 Front Street, Lovingsston, Virginia, Monday through Friday, 9:00 a.m. to 5:00 p.m. or you may call the Planning and Zoning Office at 434 263-7090 or toll free at 888-662-9400, selections 4 and 1.**



Parcel ID  
4-A-44A

Parcel Address

Owner Name

Adjoining Property Owners:

- |                 |                           |
|-----------------|---------------------------|
| 4-A-41          | DURRETTE, ERNEST D        |
| 7-A-40A         | MYERS, AUGUSTINE A        |
| 7-A-40B         | HARRIS, SHARON            |
| 4-A-29A         | ADVANCING NATIVE MISSIONS |
| 4-A-44          | MOUNT ARMOUR LLC          |
| 7-A-41 & 7-A-42 | MCCAULEY, HAROLD BRADFORD |
| 7-6-3           | CARPENTER, ALVIN J        |

DEPARTMENT OF  
PLANNING & ZONING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

April 20, 2015

Dear Property Owner:

The following petition has been made to the Nelson County Board of Zoning Appeals (BZA), regarding a tract of land adjacent to or near property you own in Nelson County:

**Zoning Appeal #2015-01 – Mr. Justin Shimp**

Consideration of a petition dated April 2, 2015, submitted by Mr. Justin Shimp, seeking to appeal the Zoning Administrator's approval of the revised final landscape plan for Major Site Plan #2014-005 (Zenith Quest International).

The Nelson County Planning Commission (PC) provided Major Site Plan #2014-005 with conditional approval on January 28, 2015. The Zoning Administrator subsequently determined that the revised final landscape plan (dated February 11) satisfied the terms of the applicable condition, and approved the landscape plan on March 4. The petition states that, "As a neighbor of this proposed development, and a citizen of the County, I am aggrieved by this decision. Inadequate enforcement of zoning regulations are detrimental to the character of the neighborhood and to property values of nearby homes. On behalf of my family and my neighbors, I feel obliged to object to this plan – with inadequate design features - and to the approval granted by the Zoning Administrator. In accordance with section 14-4 of the Nelson County zoning ordinance, I hereby offer to the [BZA] the facts which demonstrate that the landscape plan, as proposed and as approved by the Zoning Administrator, meets neither the conditions as imposed by the [PC] nor the Zoning Ordinance."

This application will be considered by the **Nelson County Board of Zoning Appeals on Monday, May 4, 2015 at 7:30 P.M.** in the **General District Courtroom on the third floor** of the County Courthouse, Lovingson.

As required, this notice is being sent to inform adjoining property owners of this request. If you wish to learn more about this request or to comment on it, you may contact or visit the Nelson County Department of Planning & Zoning, or attend the meeting. Please contact staff with any questions or requests for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim M. Padalino".

Timothy M. Padalino  
Nelson County Director of Planning & Zoning

TMP/svh

Copy to: **Mr. Justin Shimp**  
Mr. Ray Miles

**Zoning Appeal #2015-01 – Mr. Justin Shimp**

Applicant

Mr. Justin Shimp  
148 Tanbark Drive  
Afton, VA 22920

Parcel ID

6-A-36

Property Owner:

ZENITH QUEST INTERNATIONAL LLC  
675 Peter Jefferson Pkwy  
Charlottesville, VA 22911

4-A-44A

Adjoining Property Owners

Ernest D Durette  
8385 Batesville Re  
Afton, VA 22920

4-A-41

Sharon Harris  
182 Family Lane  
Afton, VA 22920

7-A-40B

Advancing Native Missions  
PO Box 5303  
Charlottesville, VA 22905

4-A-29A

Mount Armour LLC  
12769 Patricia Drive  
North Royalton, OH 44133

4-A-44

Harold Bradford McCauley  
1916 Avon Road  
Afton, VA 22920

7-A-41

7-A-42

Alvin J Carpenter  
PO Box 1  
Afton, VA 22920

7-6-3