

DEPARTMENT OF  
PLANNING & ZONING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Planning Commission  
From: Tim Padalino | Director | Department of Planning & Zoning  
Date: April 16, 2014

**Subject: Staff Report for Special Use Permit #2014-001 Application (Le Chic Picnic)**

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**Site Address / Location:** 27 Chapel Hollow Road / Afton / North District

**Tax Map Parcel:** #12-A-79A

**Parcel Size:** 5.22 acres

**Zoning:** Agriculture (A-1)

**Request:** Special Use Permit #2014-001 / pursuant to Article 4, Section 1-34a ("Restaurant")

### **Application Overview**

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The Department of Planning & Zoning received an application on March 14<sup>th</sup> from Ms. Danielle Savard, seeking approval for Special Use Permit #2014-001, to operate a restaurant at 27 Chapel Hollow Road. The applicant is a co-owner of the property; the other co-owner, Mr. Marcel McNicoll, has also signed the affidavit (item #5) on the application.

The property is located on the southwest corner of the intersection of Chapel Hollow Road (Rte. 709) and Rockfish Valley Highway (Rte. 151), with approximately 400' of frontage along Rte. 151. The 5.22-acre property is zoned Agricultural (A-1) and currently has multiple uses: as a residence; for a "boardinghouse" or "tourist home" with a total of 3 rooms; and for the Flying Fox Winery and tasting room. Please see the attached maps (pages 4 and 5).

### **Review of Requested Uses**

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Specifically, the applicant has stated that she wishes to operate a commercial kitchen for the preparation and sale of take-out meals or "picnics-to-go." The application states that Le Chic Picnic would be operated seasonally from March through November, to coincide with the heaviest agritourism visitation to Afton and Nelson County. The application also states that the kitchen would be open from Thursday to Monday, from 11:00am to 7:00pm. The applicant has stated those hours would be early enough in the day to accommodate the sale of "picnics-to-go" to people who may be on their way to various agritourism and/or recreation destinations for the afternoon; as well as being late enough to accommodate the sale of "dinners-to-go" for people who may be on their way home in the evening.

The kitchen equipment would be installed within a pre-fabricated trailer, which is approximately twenty-eight (28) feet in length, and which would be located on-site. The applicant noted that this method of having a stand-alone kitchen (in the form of a trailer) delivered and installed on-site was selected because the existing farmhouse, dating from the mid-19<sup>th</sup> century, would not have been able to accommodate the renovations and/or additions associated with the installation of a commercial kitchen, without compromising the structure's historical integrity and qualities.

The applicant has stated that the kitchen trailer would remain on the same spot on the premises virtually year-round, in a semi-permanent manner. The applicant has stated that she will likely have the kitchen trailer towed to a festival (or other similar special event) a small number of times each year; but except for infrequent attendance at such events, the kitchen would remain in place. Please note that the proposed location of the kitchen trailer would be largely screened from the public right-of-way on Rte. 151 by an existing stand of evergreen trees.

For more information, please reference the minor site plan; as well as the attached photos of the trailer, kitchen equipment, and the property as it currently exists (page 6, with captions on page 3).

### **Site Plan Review Committee Meeting and Comments**

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The Site Plan Review Committee convened on April 9<sup>th</sup> to review the application materials. The committee members' comments are as follows:

**VDOT:** Mr. Jeff Kessler expressed concern over the initial proposed location of the kitchen trailer. The original site plan showed the restaurant being located where the entrance driveway meets the existing parking lot. Out of concerns for mobility (traffic flow) and safety, Mr. Kessler recommended the location be modified. The applicant and her consultant, Mr. Massie Saunders, agreed to designate a different location for the restaurant – at the end of the parking lot nearest the farmhouse / tourist home. Please see the minor site plan for the location of the “proposed kitchen.”

Additionally, VDOT has requested additional information about the existing and anticipated traffic volumes. Specifically, Mr. Kessler has noted the following: “ITE Traffic generation figures are needed for both the existing use and proposed use to determine if modification to the commercial entrance surface is needed at this time.” That report was submitted to VDOT on Thursday, April 10<sup>th</sup>; and Mr. Kessler then requested that the report be resubmitted with two revisions. At the time of this report, no further information or update is available regarding the revised ITE trip generation report or any associated review comment(s) from VDOT.

**VDH:** Mr. Tom Eick of the Health Department was not in attendance, and has not provided comments at the time of this report.

**TJSWCD:** Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District was not in attendance, and has not provided comments at the time of this report. Because this project will involve “minimal” disturbance of the ground, County staff believe there should be no issues with erosion, sediment control, or stormwater management.

**Nelson County Building Code Official:** Mr. David Thompson was not in attendance, but provided comments prior to the meeting. Mr. Thompson's comments state that, “the Uniform Statewide Building Code (USBC) requires permits and inspections for all trade-regulated work activities.” He also stated that, “the DMV-licensed tow trailer is to be kept mobile and not permanently placed. Active DMV vehicle license tags are to remain on the mobile unit while it is open to the public for customer service and conducting business activity.”

Mr. Thompson added that, “if the unit is placed permanently or connected permanently to any site utilities, the unit must obtain a USBC-required Certificate of Use for operation as a commercial kitchen. Site utilities include any of the following: water, sewer, gas, or electric.” Mr. Thompson further stated that, “the unit may be affixed to a site and placed in use after obtaining a Certificate of Occupancy from the Authority Having Jurisdiction,” if the construction is verified as having been “properly performed and completed” pursuant to USBC requirements.

**Nelson County Planning Commission:** Mrs. Linda Russell questioned Ms. Savard and Mr. Saunders, who confirmed the following: a small new sign plate for Le Chic Picnic will be included on the existing business sign located along Rte. 151; existing outdoor lamps in the parking area will continue to be used; and the parking area currently contains 17 or 18 spaces. Section 12-7-6a of the Zoning Ordinance requires a minimum of 15 spaces for “drive-in restaurants.”

## **Summary**

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In summary, County staff agree with the applicant’s assertion that the proposed use would, “compliment the services offered by the Flying Fox and Le Bleu Ridge B&B,” and that the characteristics of the neighborhood and the district would not be negatively affected if the requested use is permitted.

With specific regard to nearby land uses in the A-1 District, the Rockfish River Elementary School is located across Chapel Hollow Road; a commercial landscape business (Windridge Landscaping) is located directly across Rockfish Valley Highway; and there is a similar take-away restaurant (Paulie’s Pig Out) located approximately one-quarter mile north on Rte. 151. Additionally, the subject property is located within a broader corridor of numerous agritourism destinations, and the proposed use seems to be consistent with the various small-scale agri-business and commercial operations and uses taking place along the Rte. 151 corridor.

With those considerations in mind, County staff recommend that the Planning Commission consider recommending approval for Special Use Permit #2014-001.

Thank you for your attention to this matter; please contact me if you have any questions about this report or this application, or if I may be of assistance in any other way.

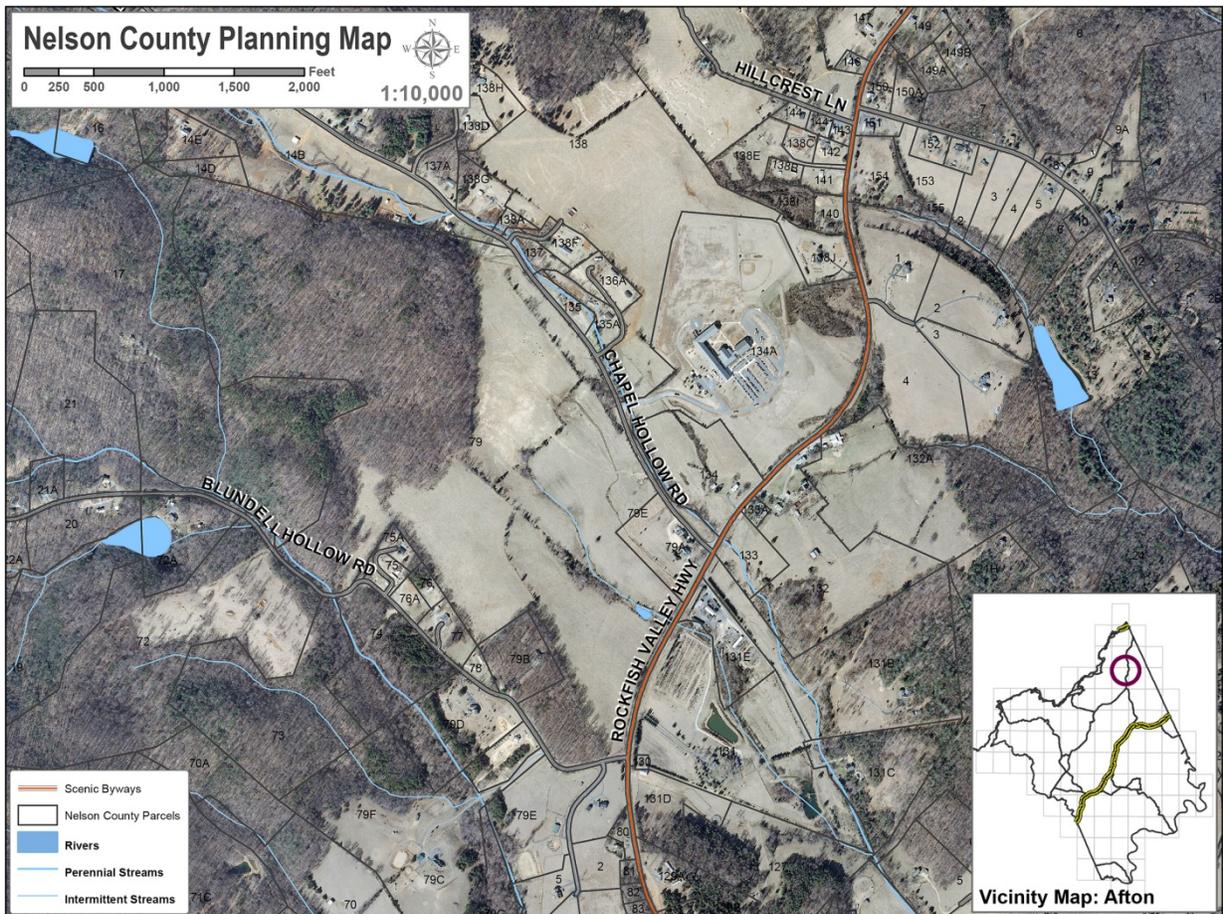
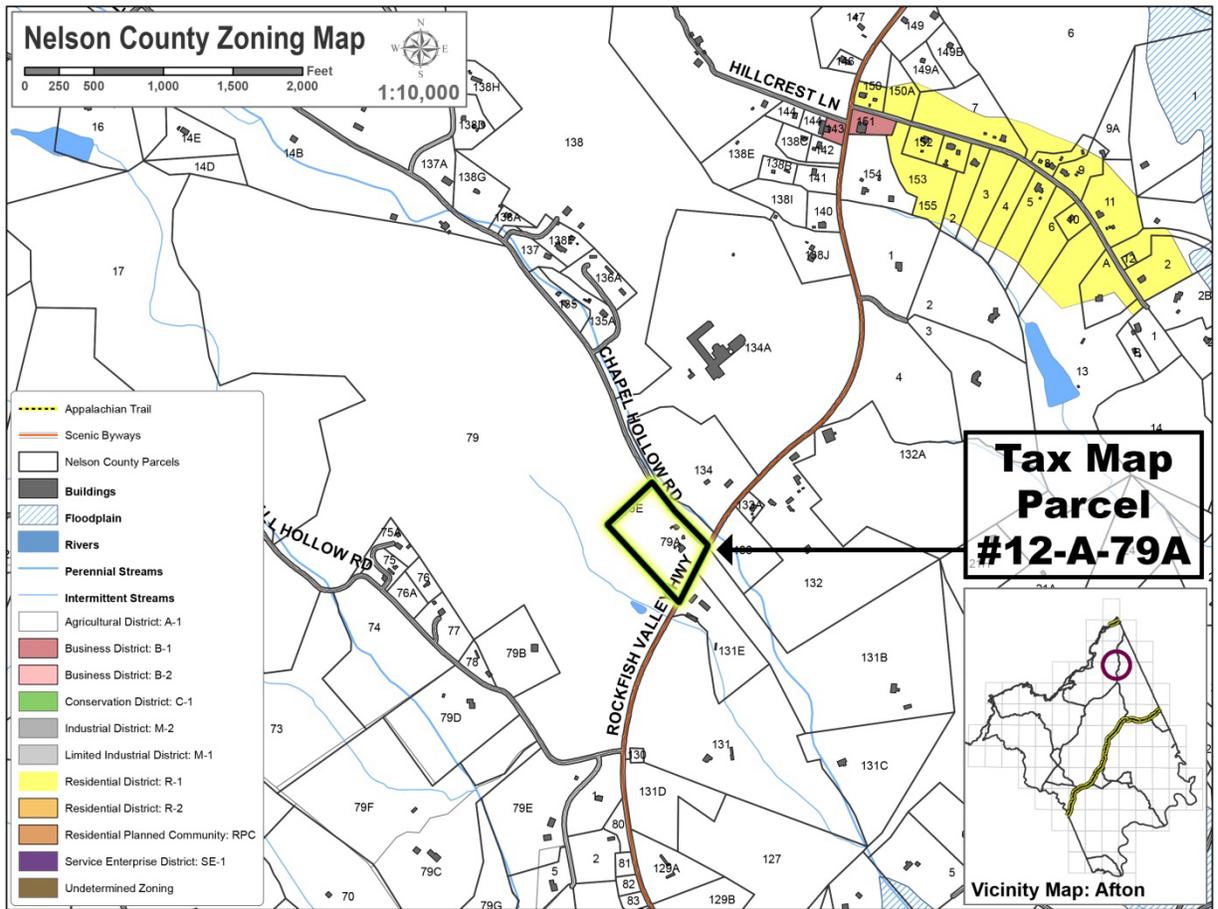
## **Captions for Photographs on Page 6:**

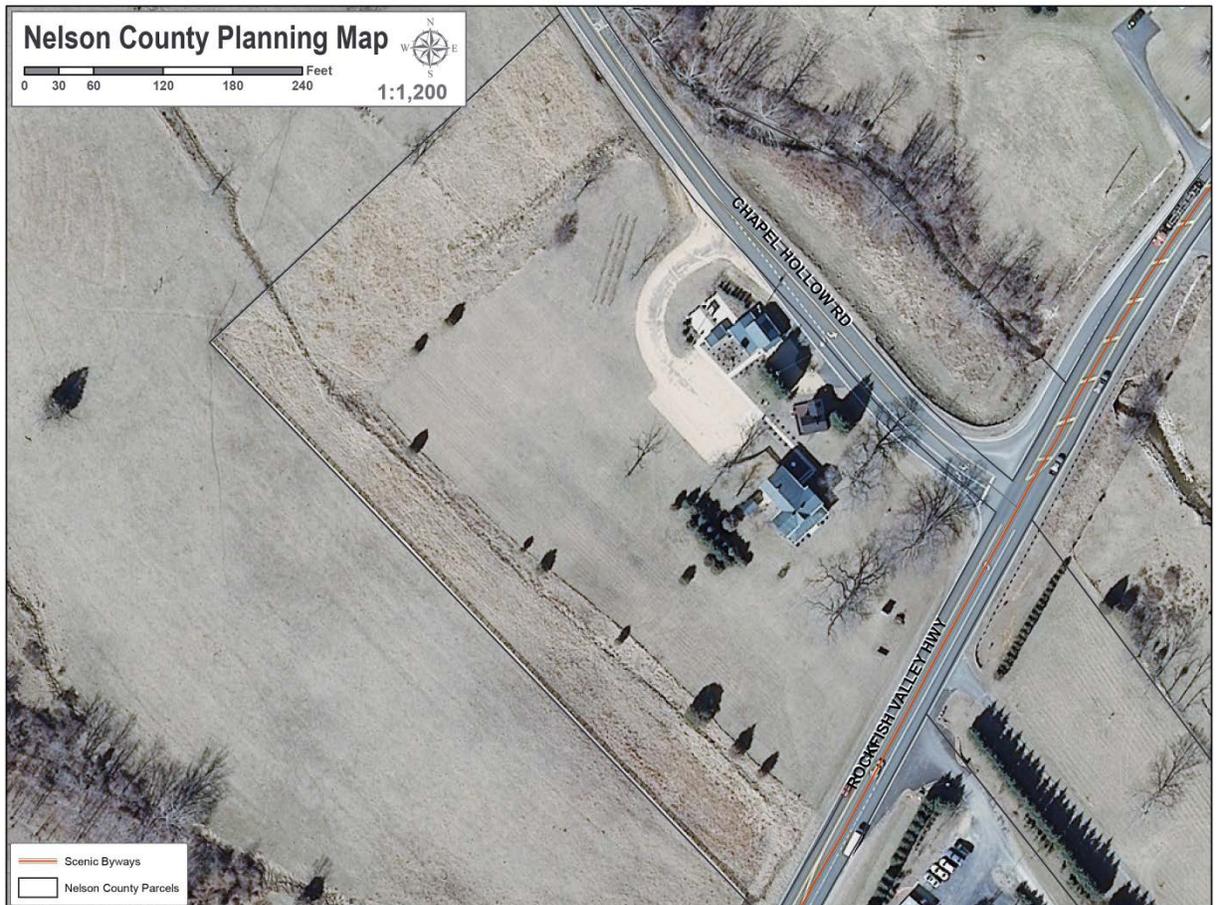
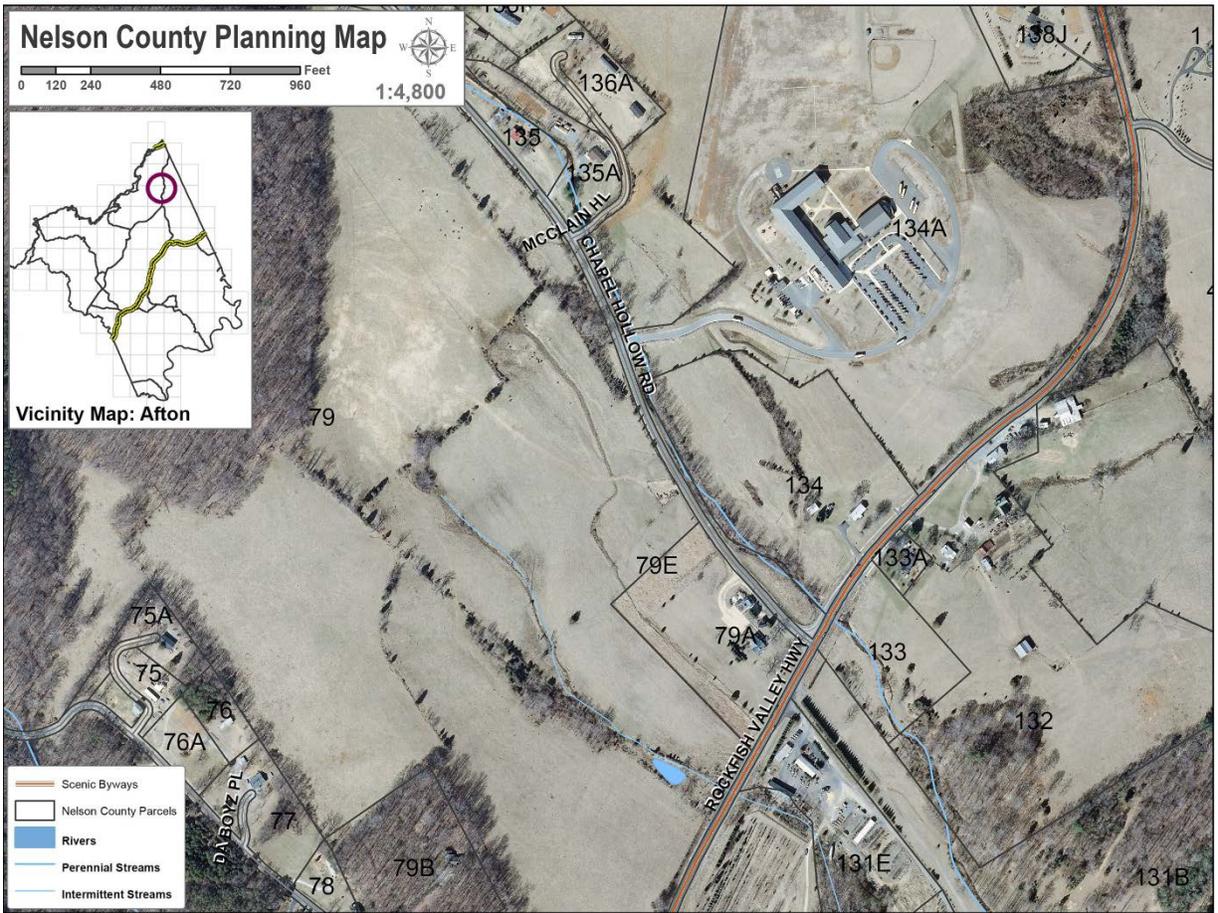
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**Top:** This panoramic photo shows the existing entrance off Chapel Hollow Road (left); the entrance driveway (center foreground); and the parking lot (right).

**Middle:** This panoramic photo shows the Flying Fox Winery tasting room (right); a portion of the parking lot (center foreground); and the driveway looking back towards the entrance onto Chapel Hollow Road. Please note that the applicant initially proposed for the kitchen trailer to be located along the outer curve of the driveway (left portion of this photo); but has since revised their site plan to propose that the kitchen trailer be located off the back corner of the opposite end of the parking area.

**Bottom:** These two photos show the interior of the restaurant, including the commercial equipment which has recently been installed. The left photo shows the side of the trailer which has the windows for serving customers; and the right photo shows the side of the trailer containing much of the cooking equipment and sinks.







**TO THE ZONING ADMINISTRATOR:**

1. **The undersigned** hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- |   |  |
|---|--|
| <input type="checkbox"/> Rezoning from _____ to _____       | <input type="checkbox"/> Subdivision – Regular Preliminary |
| <input checked="" type="checkbox"/> Special Use Permit      | <input type="checkbox"/> Subdivision – Regular Final       |
| <input type="checkbox"/> Site Plan – Preliminary (Optional) | <input type="checkbox"/> Site Plan - Minor                 |
| <input type="checkbox"/> Site Plan – Final                  | <input type="checkbox"/> Site Plan - Major                 |
| <input type="checkbox"/> Amend text of Zoning Ordinance     | <input type="checkbox"/> Other - _____                     |

Pursuant to Article 4, Section 1-34-A of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

Reason(s) for request: This request is for the addition of a retail store, which will sell take out meals. The operation will be seasonal from March to end of November, and will be opened from 11 am to 7 pm from Thursday to Monday. This operation will have between 2 and 3 employees beside the owner.

2. **Applicant(s) and Property Owner(s):** (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

Applicant     Property Owner    Name: Danielle Savard  
Address: 27 Chapel Hollow Road, Afton, VA 22920  
Tel. No.: 434-361-1213    Cell No. 301-792-8662    E-mail addr. danielle@lechicpicnic.com  
Relationship (if applicable): \_\_\_\_\_

Applicant     Property Owner    Name: Marcel McNicoll  
Address: 27 Chapel Hollow Road, Afton, VA 22920  
Tel. No.: 434-361-1213    Cell No. 301-385-8201    E-mail addr. marcelmcnicoll@gmail.com  
Relationship (if applicable): Husband

Applicant     Property Owner    Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_    Cell No. \_\_\_\_\_    E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

Applicant     Property Owner    Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. No.: \_\_\_\_\_    Cell. No. \_\_\_\_\_    E-mail addr. \_\_\_\_\_  
Relationship (if applicable): \_\_\_\_\_

(Use reverse if more space is needed.)

3. **Location and Characteristics of Property:**

a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: Afton, Route 709, 27 Chapel Hollow Road, Rockfish District, Nelson County, Virginia

Magisterial District: 03  
Official tax map number: 12 A 79A

b. Acreage of property: 5.22 acres

c. Present use: Three guestrooms Bed and Breakfast, residence, rental to the Flying Fox wine tasting room

d. Present zoning classification: Agricultural District A-1

e. Zoning classification of surrounding properties: Agricultural

(Continued on reverse.)

4. **Names of Adjacent Property Owners:** Henry T Page III, Richard G. Page  
\_\_\_\_\_  
\_\_\_\_\_

5. **Affidavit:** The undersigned applicant(s) and/or property owner(s) certifies that this application 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 applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: *Janielle Savard*  
Signature: *[Signature]*  
Signature: \_\_\_\_\_  
Signature: \_\_\_\_\_

6. **Additional information:** i-ii: The addition of a take-out meals store is in sync with the Comprehensive Plan's in regard of tourism. Our project brings diversity to the local economy and adds three new jobs. Our building choice of a prefabricated kitchen respects the resources and will not disturb the land. We believe in a local economy and we will buy our ingredients from local farms. iii-iv: The property is surrounded by a pasture farm, the 151. and Chapel Hollow Road in Afton. The addition of a place offering meals to go will complement the services offered by the Flying Fox and Le Bleu Ridge B&B, and the neighborhood will stay the same.

7. **Please note:** In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

\*\*\*\*\*TO BE COMPLETED BY PLANNING & ZONING OFFICE\*\*\*\*\*

Completed application and fee (\$ 300.00 ) received on 3-14-2014  
Hearing Notice published on 3-4-2014 and 4-10-2014  
Planning Commission action: Date of Hearing: 4-23-2014  
Recommendation: \_\_\_\_\_

Board of Supervisor action: Date of Hearing: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Action: \_\_\_\_\_