



Nelson County Planning Commission

Meeting Minutes

March 23rd, 2022

Present: Chair Mary Kathryn Allen and Commissioners Chuck Amante, Mike Harman, Mary Kathryn Allen, Phil Proulx, Jesse Rutherford and Robin Hauschner

Staff Present: Dylan Bishop, Director and Emily Hjulstrom, Planner/Secretary

Call to Order: Chair Allen called the meeting to order at 7:00 P. M. in the General District Courtroom, County Courthouse, Lovington.

Review of the Minutes February 23rd, 2022

Mr. Rutherford made a motion to approve the February 23rd minutes. Mr. Amante seconded the motion.

Yes:

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

Robin Hauschner

Abstain:

Mary Kathryn Allen

Public Hearings

SUP #406 – Campground - Mann

Ms. Bishop presented the following information:

Nelson County Planning Commission

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning *DMB*
Date: March 23, 2022
Re: SUP #406 – Campground (16 sites) – Corner of Redbud Ln. & Hunting Lodge Rd. – Daryl Mann

BACKGROUND: This is a request for a special use permit for a campground use on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – March 23; Board – April 12 (tentative)

Location / Election District: 27 Redbud Lane (Wingina) / East District

Tax Map Number(s) / Total acreage: 71-A-32P / 1.916 acres +/- total

Applicant/Owner Contact Information: Daryl Mann, 2365 Hunting Lodge Road, Schuyler, VA 22969, 434-531-4903, silverleafhuntclub@gmail.com

Comments: The applicant is proposing to establish 16 RV campsites for rental purposes to members of the Silver Leaf Hunt Club. According to the applicant, he has been utilizing the property for this purpose for approximately 10 years. He applied for an electrical permit, which was the impetus for this application. The use is not legally nonconforming, and would be required to secure a Special Use Permit. The barn "lodge" structure and port-a-johns are used by the lodgers for restroom facilities. The plat provided by the applicant does not indicate specific sites; the request is for 16 unspecified RV sites. If this application is not approved, he would not be permitted to utilize the property as a campground, and would be required to have all present RVs removed from the site.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. There are no floodplains on this property or in the vicinity.

Access / Traffic / Parking: The property is currently accessed from Redbud Lane. There is a second entrance located on Hunting Lodge Road. Comments from VDOT will be provided at the meeting.

Utilities: Restroom facilities currently include several port-a-johns as well as the restroom in the barn structure. Campgrounds require the provision of potable water and sanitary facilities. Comments from VDH will be provided at the meeting.

Comprehensive Plan: This property is located in an area designated rural and farming in the Comprehensive Plan, which “would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses.”

Should Planning Commission recommend approval, staff would recommend the following conditions:

1. Only 16 total RV sites shall be permitted.
2. The sites shall be utilized exclusively by members of the Hunt Club. The sites shall not be rented to lodgers that are not affiliated with the Hunt Club.
3. A minor site plan shall be submitted that indicates the locations of the proposed sites that shall be approved by all applicable agencies.

Attachments:

Application
Plat
Zoning
Aerial

Ms. Bishop noted that VDH would need a campground permit with an engineer designed septic system and a public waterworks well. She added that VDOT indicated that they would need to demonstrate a feasible commercial entrance.

Mr. Amante asked if the campground was grandfathered in. Ms. Bishop noted that it is an illegal nonconforming use and that it only would have been grandfathered in if it had been legal when it was established and the applicant had a permit for it.

Mr. Hauschner asked if a dump station could be used as an alternative to the septic system. Ms. Bishop that it could be possible but that would have to come from VDH. She noted that the the comments from VDH only mentioned an engineer designed septic system.

Mr. Daryl Mann lives at 2365 Hunting Lodge Rd in Schuyler and is present with Ms. Teresa Mann. Mr. Mann explained that he wants to put a campground in. Ms. Mann noted that the RVs have been there as well as an existing well system, she added that they are trying to add more power to the site. Mr. Harman asked if the RVs would be hooked up to electric. Ms. Mann noted that they are currently using power from either the cabin or the barn. Mr. Harman asked if there would be a sewer on each site or a dump station. Ms. Mann explained that they use the porta potties. She explained that they had tried to get another electric hook up so that they could connect the RVs with individual power hookups.

Chair Allen asked if this was just during hunting season and asked if the RVs were removed when hunting season is over. Ms. Mann noted that some are left there year round but no one is using them

outside of hunting season. Mr. Harman asked if the hunting lodge used adjoining properties for hunting. Ms. Mann noted that they lease 6500 acres for them to hunt on.

Chair Allen opened the public hearing at 7:10 PM.

Chair Allen closed the public hearing at 7:10 PM.

Ms. Proulx asked if a Special Use Permit could have a condition to only be open to the hunt club. She also asked what could happen if the applicants were to sell the parcel. She noted that she was unsure about being able to limit the use to one group of people. Ms. Bishop noted that a condition on the Special Use Permit would prevent someone else from being able to use it as a campground open to the public. She added that 16 sites only during hunting season would be a smaller impact than 16 sites year round. Ms. Bishop added that if the use is not utilized for a period of two years the property will lose the Special Use Permit. Ms. Proulx noted her concern that being a hunt club member was an easy thing to achieve and that it wouldn't prevent someone else from operating the site like a normal campground if they charge a \$10 membership fee. Ms. Bishop confirmed that that was possible. Mr. Rutherford noted that the hunt club has been there for a very long time and that he has relatives and friends that have frequented down there. He noted that he has not heard of any concerns aside from the public comment that was submitted before the meeting. He added that they could add the condition that it is only open to Silver Creek Hunt Club specifically. He also noted that their big hurdle would be with the VDH and that their requirements might limit the amount of sites due to the acreage.

Ms. Proulx asked why the applicant requested 16 sites. Ms. Mann noted that they have 16 sites there currently. Chair Allen asked how many of the 16 RVs remain there year round. Ms. Mann noted that right now all of them are still there because the owners have not needed them over the winter. She added that the owners will usually get them when the weather gets warmer to take trips.

Ms. Proulx asked if they would need to come back with a site plan. Ms. Bishop noted that they would not come back to the Planning Commission but that they would have to have a Minor Site Plan that is approved by VDOT and VDH. Ms. Bishop noted that Minor Site Plan will need to show the sites and a plan for VDH and VDOT. Ms. Mann noted that they have an entrance on Hunting Lodge Rd and on Red Bud Ln. Ms. Bishop explained that VDOT would require them to upgrade to a commercial entrance.

Chair Allen noted that in the public comment the neighbor noted that the RVs are there year round and are an eye sore. Ms. Bishop added that they had discussed hunting season but not specific dates. Mr. Rutherford asked if it would be possible for all of the RVs to be removed when not in hunting season. Ms. Mann noted that there is a season in October to January and in the spring they have turkey season. Mr. Rutherford noted that they could limit the RVs to not be in place longer than 90 days.

Ms. Proulx asked if they owned any of the RVs themselves. Ms. Mann noted that they did not. Mr. Rutherford predicted that VDH would limit the amount of RVs by probably half. Ms. Mann noted that the hunt club has been there since the 1970s. Mr. Rutherford noted that they could limit the campground specifically to Silver Leaf Hunt Club and 90 day RV placements. Mr. Harman noted that leaving them there allows the owners to store the RVs there and not at their home. Ms. Proulx asked if anything was being improved by removing the RVs. Mr. Amante asked what would happen if they moved the RV to another site after 90 days. Mr. Mann added that they also have some activity year round. Mr. Hauschner asked if anything else was done throughout the year. Ms. Mann noted that

people also come to fish. Mr. Hauschner noted that a 90 day restriction would limit their ability to be there year round. Mr. Mann noted that some people come from West Virginia. Mr. Hauschner noted that it being an eyesore is subjective but that he is worried about the waste water. Ms. Mann noted that they are not using the restrooms in the camper but they are using the porta potties. Mr. Rutherford noted that he expects VDH to limit the number of sites because of the amount of effluent.

Mr. Harman made a motion to recommend approval of SUP #406 Campground. Contingent on: Only 16 total RV sites shall be permitted.

- **The sites shall be utilized exclusively by members of the Hunt Club. The sites shall not be rented to lodgers that are not affiliated with the Hunt Club.**
- **A minor site plan shall be submitted that indicates the locations of the proposed sites that shall be approved by all applicable agencies.**

Ms. Proulx seconded the motion.

Yes:

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

Robin Hauschner

Mary Kathryn Allen

Rezoning #552 – A-1 to B-1 – Lovington Vet

Ms. Bishop presented the following information:

**Nelson County
Planning Commission**

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning *DMB*
Date: March 23, 2022
Re: REZ #552 – A-1 to B-1 – 8151 Thomas Nelson Hwy – Lovington Herd Health LLC

BACKGROUND: This is a request to rezone property from A-1 Agriculture to B-1 Business, to allow the existing veterinary clinic to complete construction of a second building and bring the use into compliance.

Public Hearings Scheduled: P/C – March 23 / Board – April 12 (tentative)

Location / Election District: 8151 Thomas Nelson Hwy / East Election District

Tax Map Number / Total acreage: 67-A-9D / 1.00 acre +/- total

Applicant/Owner Contact Information: Lovington Herd Health LLC (Jessica Ligon), P.O. Box 304, Lovington, VA 22949 / (434) 263-4881 / jessligon@gmail.com

Comments: According to the applicant, this structure has been utilized as a veterinary clinic since the early 1970s. Because it is located within the A-1 district where veterinary clinics require a Special Use Permit, this is considered a nonconforming use. With the adoption of the revised Nonconforming Ordinance in March 2021, it became prohibited to expand a nonconforming use. The applicant would like to complete construction on the second proposed building, which is accessory to the vet clinic. A site plan will provided at the meeting.

DISCUSSION:

Land Use / Floodplain: The subject parcel is zoned A-1 Agricultural. The property is adjoined by both A-1 Agricultural and B-1 Business zoning. This area is mixed use in nature, with a combination of agricultural, residential, and commercial uses. Vito's Pizza & Grill adjoins the parcel to the east. There are no floodplains on the property.

Access and Parking: This property is accessed by an existing entrance on Henry Hill Lane. Any comments from VDOT will be provided at the meeting.

Utilities: The property is served by existing utilities. Any comments from the Health Department will be provided at the meeting.

Comprehensive Plan: This property is in an area designated as "Mixed Commercial" on the Future Land Use Map (west of Route 29 in Lovington). This is "a commercial center offering regional shopping and county-wide services as well as multifamily housing near a primary highway but dependent on internal access and connectivity so all stores and attractions may be reached without continued reliance on the primary highway."

Proffers: There are no proffers submitted with this application.

RECOMMENDATION: The approval of requests should be based on one or more of the following factors:

1. Good Zoning Practice
2. Public Necessity
3. General Welfare
4. Convenience

Attachments:
Application
Zoning
Aerial

She added that VDOT requests that the entrance on Route 29 be paved. She noted that this is something that the Planning Commission can add as a condition but that it is not a requirement from VDOT because they are not generating any more traffic with the new structure. She added that there were no VDH requirements because they are on public water and sewer.

Jessica Ligon is the applicant and owner of Lovington Herd Health. She explained that she would like to rezone so that she can move forward with finishing the building behind the vet clinic. She explained that originally plans were to expand the practice by adding a building for larger animals but things have changed and now they would like to use it for mostly storage. She explained that they already have most of the staff parking by the new building site. She added that once she removes the existing storage behind the office, the area can be used for more parking. Mr. Harman noted that he has gone to the vet clinic for 25 years and is very familiar with the site. He noted that the clinic has been in business for over 50 years. He noted that this is one of those properties that is not zoned properly and needs to be rezoned to B-1.

Chair Allen opened the public hearing at 7:32 PM.

Bo Delk (George Herbert Junior) owns TM# 67-A-13. He noted that it is a one acre business lot that adjoins the vet clinic. He noted that he is in favor of this request and that it is bad that the Nonconforming Ordinance has changed. He added that the vet clinic is a prime example of a valuable asset to the County. He added that the partial structure is very unique and should be finished.

Chair Allen closed the public hearing at 7:34 PM.

Ms. Proulx noted that years ago they tried to rezone that whole strip to B-1 but couldn't get the cooperation.

Mr. Rutherford made a motion to recommend approval of Rezoning #552 A-1 to B-1. Mr. Hauschner seconded the motion.

Yes:

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

Robin Hauschner

Mary Kathryn Allen

Rezoning #553 – B-1/R-1 to M-2 – Ramsey Sawmill

Ms. Bishop presented the following information:

Nelson County Planning Commission

To: Planning Commission

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: March 23, 2022

Re: REZ #553 – B-1/R-1 to M-2 Industrial – 3535 Patrick Henry Hwy – B.T. Ramsey & Sons Inc.

BACKGROUND: This is a request to rezone property from B-1 Business and R-1 Residential to M-2 Industrial, to allow the existing sawmill to construct a new building and bring the use into compliance.

Public Hearings Scheduled: P/C – March 23 / Board – April 12 (tentative)

Location / Election District: 3535 Patrick Henry Hwy / West Election District

Tax Map Number / Total acreage: 64-A-80 & 81 / 8.15 acres +/- total

Owner Contact Information: B.T. Ramsey & Sons Inc. / P.O. Box 556, Piney River, VA 22964 / (434) 989-4276 / mill44rat@aol.com

Applicant Contact Information: David Collins (agent) / 1188 Berry Hill Road, Nellysford, VA 22958 / (434) 361-1113 / dlc.ls.pe@gmail.com

Comments: According to the owner, this property has been in operation as a sawmill since the 1920's, and the Ramseys located there in 2008. Because it is located within the B-1 district where sawmills are not permitted, this is considered a nonconforming use. With the adoption of the revised Nonconforming Ordinance in March 2021, it became prohibited to expand a nonconforming use. The owner is proposing to construct a new building that is 3,920 square feet.

DISCUSSION:

Land Use / Floodplain: The subject parcel is split-zoned B-1 Business with a buffer of R-1 Residential to the west. The property is adjoined by both B-1 Business and R-1 Residential zoning. This area is mixed use in nature, with a combination of agricultural, residential, commercial, and industrial uses. There are no floodplains on the property.

Access and Parking: This property is accessed by an existing entrance on Patrick Henry Highway. Any comments from VDOT will be provided at the meeting.

Utilities: The property is served by existing utilities. Any comments from the Health Department will be provided at the meeting.

Comprehensive Plan: This property is in the Piney River area, which is designated as "Secondary Light Industrial" on the Future Land Use Map. The Light Industrial Model "combines both industrial uses and an activity center of residences, shops, and amenities that support the nearby industries, all within a walkable, clearly defined area."

Proffers: There are no proffers submitted with this application.

RECOMMENDATION: The approval of requests should be based on one or more of the following factors:

1. Good Zoning Practice
2. Public Necessity
3. General Welfare
4. Convenience

Attachments:
Application
Site Plan
Zoning
Aerial

Ms. Bishop added that VDOT requested that the open access along the state roadways be channelized for public safety and roadway function in accordance with VDOT's commercial entrance standards and spacing but that it is not a requirement. She noted that if there is any plumbing they would have to have an engineer do the septic system for the new building.

David Collins of 1188 Berry Hill Rd in Nellysford is the applicant for the project. Ray Ramsey is one of the owners of the property, he explained that the plan is to move the existing mill and add a second mill. He explained that when they do this they will not need to use the whole entrance and will be able to put up a barrier from the old mill to the new mill.

Mr. Amante noted that the proposed building is close to the existing office building. Mr. Ramsey explained that the lumber comes off of both sides of the A-frame building. He explained that they may have to take down the steel building that adjoins the office building. He noted that when they first came in they removed an old building that was an eyesore. Mr. Amante asked if they were removing the existing sawmill. Mr. Ramsey noted that it would stay. Mr. Harman noted that the previous owner was Jimmy Parr and that he was born in the existing building. He added that the sawmill has been in existence for over 100 years and has been very successful.

Chair Allen opened the public hearing at 7:42 PM.

Chair Allen closed the public hearing at 7:42 PM.

Mr. Amante made a motion to recommend approval of Rezoning #553 B-1/R-1 to M-2. Mr. Harman seconded the motion.

Yes:

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

Robin Hauschner

Mary Kathryn Allen

Proposed Zoning Ordinance Amendment – Kennel

Ms. Bishop presented the following information:

DRAFT

Memo

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning
Date: March 23, 2022
Re: Zoning Ordinance Update - Kennels

PC PUBLIC HEARING – MARCH 23 / BOS PUBLIC HEARING – APRIL 12

The Planning & Zoning Department has received two inquiries regarding permitting for commercial kennels as the primary use of property. To facilitate these applications, staff is proposing an update to the current definition for “Kennel” as well as its use classification in A-1 and SE-1 Districts.

CURRENT:

“Kennel: A place prepared to house, board, breed, handle, or otherwise keep or care for dogs, cats or similar small animals for sale or in return for compensation.”

- Currently a by-right use in the A-1 (Agricultural), SE-1 (Service Enterprise), and M-2 (Heavy Industrial); indoor kennel in connection with a veterinary hospital is by-right in B-2 (Light Business).
- Not a Special Use Permit in any other district.
- “Kennel, commercial” requires 1 parking space for each 500 square feet of public floor area.

PROPOSED:

“Kennel: A place where the primary use is prepared to house, board, breed, handle, groom, train, or otherwise keep or care for dogs, cats or similar small animals for sale or in return for compensation. Kennels may include associated facilities necessary to support the operation including but not limited to office space, meeting space, and temporary lodging accommodations exclusive to those clients training with the animals.”

- Add “groom and train” to definition. Include associated facilities.
- Remove kennel as by-right use in A-1 and SE-1, add as Special Use Permit in A-1 and SE-1.

Chair Allen opened the public hearing at 7:45 PM.

Chair Allen closed the public hearing at 7:45 PM.

Mr. Hauschner asked if this would change anything for any kennels that are existing. Ms. Bishop noted that anything already existing would be grandfathered in. She added that any kennels that are accessory to single family dwellings are home occupations and will continue to be by right.

Mr. Harman made a motion to recommend approval for the Zoning Ordinance Update – Kennels as described in the memo dated 3/23/2022. Mr. Amante seconded the motion.

Yes:

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

Robin Hauschner

Mary Kathryn Allen

Proposed Subdivision Ordinance Amendment – Family Trusts

Ms. Bishop presented the following information:

**Nelson County
Planning & Zoning**

Memo

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning
Date: March 23, 2022
Re: Subdivision Ordinance Update – Family Division from Trust

PC PUBLIC HEARING – MARCH 23 / BOS PUBLIC HEARING – APRIL 12

The Planning & Zoning Department sometimes receives questions regarding the requirements for family divisions of land. There are protections that the state provides to reduce the requirements for family divisions, as opposed to subdivisions of land for sale. For example, the minimum lot size requirement for a subdivision is 2 acres, while a family division only requires one acre.

State code allows localities to adopt an ordinance that would permit family divisions of land to beneficiaries of trusts. The purpose of this ordinance update and public hearing is to reflect state code and allow family divisions to be gifted to beneficiaries of a trust.

Section 3-2(A)(4) Nelson County Subdivision Ordinance

“A single division of a tract or parcel of land for the purpose of sale or gift to a member of the immediate family of the property owner or of the beneficiary of a family trust if the property owner agrees to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of five (5) years. Any parcel thus created having less than five (5) acres shall have a right-of-way of no less than thirty (30) feet wide providing ingress and egress to and from a dedicated recorded public street. Only one (1) such division shall be allowed per family member, and shall not be for the purpose of circumventing this ordinance. For the purpose of this subsection, a member of the property owner’s immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner. It shall be noted on the plat and in the deed that this is a family division of property pursuant to this subsection.”

Mr. Amante asked if they would be required to do soils work. Ms. Bishop noted that any division (including family) would require soils work and a drainfield located on the new lot before it is recorded. Mr. Amante asked how a one acre instead of two acre requirement would change things. Ms. Hjulstrom explained that family divisions are already permitted with a minimum lot size of one acre. She noted that this update was just to allow family divisions from a trust. Ms. Proulx asked if the County were required to adopt the language to allow trusts. Ms. Bishop noted that they are not. Mr. Amante noted that there is a loophole where the family member can sell the parcel after 5 years. Mr. Rutherford noted that you can fit a septic on one acre. Ms. Hjulstrom added that it is rare that they see someone trying to

do a family division from a trust but when it does happen families are still able to do it, it just takes them longer because they need to deed it to one family member and then divide it. Ms. Hjulstrom added that the Subdivision Ordinance limits one family division per family member. Mr. Hauschner asked if a family division could be gifted to an LLC. Ms. Bishop noted that it would have to be natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner. Ms. Proulx asked if this was limiting enough. Mr. Rutherford noted that it is an expensive process to put land into a trust. Ms. Bishop explained that this is language from Amherst County Ordinance that was given to them by Nelson County Attorney Phil Payne.

Chair Allen opened the public hearing at 7:53 PM.

Chair Allen closed the public hearing at 7:53 PM.

Mr. Harman made a motion to recommend approval of Zoning Ordinance Update – Family Division from Trust as described in the memo dated 3/23/2022. Mr. Hauschner seconded the motion.

Yes:

Charles Amante

Mike Harman

Jesse Rutherford

Robin Hauschner

Mary Kathryn Allen

No:

Phil Proulx

Board of Supervisors Report:

Mr. Rutherford noted that they have been discussing the Comprehensive Plan. Ms. Bishop noted that the staff kick off meeting will be next Wednesday (3/30).

He noted the major comprehensive projects and capital improvements that they are looking at are very exciting. He added that they are looking at more recreation activities for youth.

He added that they are very optimistic that they will look into Zoning after the Comprehensive Plan update is complete. He added that he had a very long meeting earlier in the day with the regional housing partnership about affordable housing. He noted that there is less and less availability as time goes by. He noted that a lot of people do not know that it is important for them to participate and advocate for affordable housing. He noted that it is expected that our region will suffer even more in

terms of housing opportunities. He explained that over the recent pandemic housing prices have increased exponentially.

Ms. Bishop noted that SUP #516 - Campground was denied by the BOS.

Ms. Bishop added that the Valley Green Shopping Center in Nellysford is zoned RPC which is not regulated by the County. She explained that sometime in the 1980's it was removed from the Wintergreen Master Plan. She explained that currently neither the County or the WPOA regulate it. She noted that after talking with Phil Payne and the owner's daughter Sarah Holman, she recommends rezoning it to B-1.

Ms. Proulx asked if this included the parking and storage space behind the main buildings. Ms. Bishop noted that they would be included.

Ms. Proulx made a motion to recommend rezoning of TM# 21-A-78 from non-zoning to B-1. Mr. Hauschner seconded the motion.

Yes:

Mark Stapleton

Charles Amante

Mike Harman

Phil Proulx

Mary Kathryn Allen

Robin Hauschner

Chair Allen made a motion to adjourn the meeting at 8:02 PM. Mr. Amante seconded the motion.

Yes:

Mark Stapleton

Charles Amante

Mike Harman

Phil Proulx

Mary Kathryn Allen

Robin Hauschner

Respectfully submitted,

A handwritten signature in black ink that reads "Emily Hjulstrom". The signature is written in a cursive style with a long horizontal flourish at the end.

Emily Hjulstrom

Planner/Secretary, Planning & Zoning

DRAFT