



# **Nelson County Planning Commission Meeting Minutes April 27<sup>th</sup>, 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 March 23<sup>rd</sup>, 2022**

Ms. Proulx noted that on Page 7 there is a typo that the public hearing was opened twice and that it should be changed to show that it was opened and then closed.

**Mr. Amante made a motion to approve the March 23<sup>rd</sup> minutes with the noted correction. Mr. Hauschner seconded the motion.**

### **Yes:**

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

Robin Hauschner

Mary Kathryn Allen

Ms. Bishop noted that SUP #603 will be moved to the end of the agenda and that SUP #606 was withdrawn by the applicant.

## **Public Hearings**

### **SUP #577 – Campground - McCullough**

*Ms. Bishop presented the following information:*

## Nelson County Planning Commission

**To:** Planning Commission

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

**Date:** April 27, 2022

**Re:** SUP #3577 – 2-site Campground – McCullough (JEM Retreats LLC) –  
Crabtree Falls Hwy (Montebello)

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**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 – April 27; Board – June 14 (tentative)

Location / Election District: Crabtree Falls Hwy / West District

Tax Map Number(s) / Total acreage: 27-A-38 & 38A / 34.65 acres +/- total

Applicant/Owner Contact Information: James McCullough (JEM Retreats LLC), 5020  
Lynnhaven Pkwy 102, Virginia Beach, VA 23464, (916) 345-4445, jimbamac@gmail.com

Comments: This property is currently vacant with existing logging roads. The applicant is proposing rustic camping with outdoor activities such as forest bathing, fishing, yoga, and hiking. Two platforms are proposed to allow tent camping at two sites along an existing logging trail. These activities are not open to the general public. The applicant also intends to apply for a building permit this Spring for a single-family dwelling for personal use.

### DISCUSSION:

**Land Use / Floodplain:** This area is residential and agricultural in nature, in an area with large lot sizes. Joe's Creek borders the western boundary of the property, and the South Fork of the Tye river to the south. Zoning in the vicinity is A-1 and C-1 Conservation (George Washington National Forest). There creek and river are both located within approximated flood zones, where recreation activities are permitted. The property is approximately half a mile west of the Crabtree Falls Trailhead.

**Access / Traffic / Parking:** Property is accessed by Crabtree Falls Highway. Any comments from VDOT will be provided at the meeting.

**Utilities:** With only two rustic sites, a VDH campground permit is not required.

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.”

Should the Planning Commission recommend approval of this request, staff recommends the following conditions:

1. Only two tent sites are permitted.
2. The property and amenities shall not be accessible to the general public.

Attachments:

Application  
Narrative  
Site Plan  
Zoning

Jim McCullough owns JEM Retreats and is the applicant. He explained that this would be a simple and rustic outdoor experience. He wants to allow people on the property to either overnight camp or recreate in small guided groups. He explained that he is not looking to develop the land and wants to put a small single family dwelling on the property for personal use.

Ms. Proulx noted that on Attachment C of the application it says “flat (future)” and asked what that meant. Mr. McCullough noted that he had found that spot when the snow melted and that he might want to move one of the camp sites to that spot in the future. Mr. Harman asked what Forest Bathing was. Mr. McCullough explained that it is a Japanese term for getting people outdoors to improve their mental health. He explained that his partner is a forest bathing guide and that forest therapy is a better term to describe it.

Mr. Hauschener asked if the small groups visiting the location would be specific groups. He asked if there would be licenses required from individuals for fishing. Mr. McCullough noted that he will have a guide from Middle River Outfitters that would bring 2-4 people at a time to do catch and release fishing. He explained that only people camping there would be able to fish more than just catch and release. He noted that it is not a stocked stream. He noted that he expects a lot of the campers to be associated with the Appalachian Trail and that there is no cell reception there and it is very rustic.

*Chair Allen opened the public hearing at 7:15 PM.*

*Chair Allen closed the public hearing at 7:15 PM.*

Ms. Proulx asked if not being open to the general public meant that it would be limited guided groups. Ms. Bishop noted that it would not be open to the public in the way that Crabtree Falls is. Mr. McCullough noted that he would not want people coming onto the property regularly and that they would have to have a reservation/day pass to visit. Ms. Allen asked how people would reserve camp sites or day passes. Mr. McCullough noted that he would have a website for people to book reservations.

**Mr. Hauschner made a motion to recommend approval of SUP 577 for a 2-site Campground. Mr. Amante seconded the motion.**

**Yes:**

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

Robin Hauschner

Mary Kathryn Allen

**Special Use Permit #611 – Class C Automobile Graveyard – Hughes**

*Ms. Bishop presented the following information:*

**Nelson County  
Planning Commission**

**To:** Planning Commission  
**From:** Dylan M. Bishop, Director of Planning & Zoning *DMB*  
**Date:** April 27, 2022  
**Re:** SUP #611 – Class C Automobile Graveyard – Hughes – James River Road (Shipman)

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**BACKGROUND:** This is a request for a special use permit for a class C automobile graveyard use on property zoned R-1 Residential/ A-1 Agriculture.

Public Hearings Scheduled: P/C – April 27; Board – June 14 (tentative)

Location / Election District: James River Rd / South District

Tax Map Number(s) / Total acreage: 68-A-208D / 12.51 acres +/- total

Applicant/ Owner Contact Information: Sam Jr. & Regina Hughes, 10271 James River Rd, Shipman, VA 22971, (434) 841-6598, hughesregina64@yahoo.com

Comments: The Planning & Zoning Department issued a violation notice for the property in October 2021 for an automobile graveyard. The owners are proposing to allocate an approximately quarter-acre portion of the property as a permitted automobile graveyard with a maximum of 10 vehicles. This area of the property is within the A-1 Agricultural zoning. According to the application, some of the vehicles are personal, and some are related to the logging business. Some are waiting for repair and others are used for parts.

**DISCUSSION:**

Land Use / Floodplain: This area is residential, agricultural, and industrial in nature. Zoning in the vicinity is A-1 Agriculture, R-1 Residential, and M-2 Industrial. There are no floodplains located on the property.

Access / Traffic / Parking: Property is accessed by an existing entrance on James River Rd. As a private non-commercial use that does not generate additional traffic, the existing access is adequate.

Utilities: No utilities are required for this use.

Comprehensive Plan: This property is located in an area designated Rural Village and Rural Residential in the Comprehensive Plan. The Rural Village models "a center of rural activity that captures the vitality and sense of community of Nelson's rural villages by promoting a mixture of uses – single family homes and other uses that support and enhance the daily needs and quality of life of its residents." The Rural Residential district "would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use."

Should the Planning Commission recommend approval of this request, staff recommends the following conditions:

1. The number of inoperable vehicles shall not exceed 10.
2. Landscaped screening as shown on the site plan shall be required to prevent the automobile graveyard from being visible to adjoining properties and roadways.

Attachments:  
Application  
Site Plan  
Zoning

Ms. Regina Hughes lives at 10271 James River Rd and is the applicant. She explained that they have a mixture of vehicles, some personal and some for their business. She added that only a few vehicles are truly inoperable. She explained that she keeps them as back up vehicles to repair if needed. She noted that the site where they are proposing to keep the vehicles is next to their current shop and that it already has a partial tree line surrounding it. She explained that it is a flat area that would allow them to remove and repair the vehicles easily. She noted that the screening that they would need to add would be minimal.

Mr. Amante asked if the clearing further back in the woods was a possible site. Ms. Hughes noted that it is all downhill and near the creek so it is not their first choice.

*Chair Allen opened the public hearing at 7:26 PM.*

Ms. Creed presented the following public comment and photos:

RE: SUP #611—Class C Automobile Graveyard, Sam and Regina Hughes

I am writing to express my observations concerning the above request for a special use permit for a Class C automobile graveyard on the property tax map 68-A-208D, owned by Sam and Regina Hughes.

I respect the right of the citizens of our county to use their land as they see fit, with consideration given to existing land use ordinances, as well as concern for the community in general. The Hughes's use of the property directly across the street from my home, is not being used with that in mind. They were found in violation of the current ordinance in October 2021, when they were found to have in excess of 5 abandoned vehicles on their property. Many of these vehicles were in clear sight of Rt. 56, and were also obvious to me from all windows in the front of my home. I understand they run a logging business, and some vehicles are on property for maintenance; however, there were a number of derelict automobiles, parts and other non-industrial vehicles in the mix. In addition, there was, and still is, an accumulation of trash and abandoned boards in clear view of the road and my property.

While I have noticed some movement of the vehicles to a location a little further back on the property, the vehicles and trash are still quite noticeable from my home and the road. I have reviewed their proposal, and it appears their current location is where they intend to keep them. They are proposing the planting of some additional screening, but are relying on existing "brush" (they look like weeds to me) to provide the majority of their cover. As you can see from my provided photos, they are not screening their junkyard/auto graveyard from the road or my property.

Section 7-135 of the current automobile graveyard code states "If the property on which the graveyard is located is within 2000 feet and visible from any residence or residential property, it shall be similarly screened or fenced so as to prevent visibility from the residence or residential property". The Hughes's proposed graveyard does not provide screening to prevent visibility, and I doubt their proposed additions will do so.

Section 7-138 states "New permittees are to pay license fees, construct screens **prior** to placing vehicles on site". The Hughes did neither; vehicles have been on site for at least a year, and in some cases many more. Screens have not been constructed; they are relying on existing scrub to hide their vehicles from view.

I feel the only way to properly hide their auto graveyard/junkyard from view is to erect thick evergreen cover at least 5 feet tall close to the Rt. 56 road edge of the property line. The current stand of pines on the side of the lot looks like it properly shields the other adjoining homes from view of the abandoned vehicles, but I cannot speak from that perspective as I do not live on that side of the property.

I do not think this special use permit should be approved until a proper shielding cover has been erected and inspected, as per the code. The way the lot is utilized now is directly affecting my property value. This is in opposition to the objectives stated on the Nelson County Planning and Zoning website, which includes the statement to "protect and enhance property values".

I therefore object to approval of this special use permit application.



*Chair Allen closed the public hearing at 7:30 PM.*

Mr. Hauschner asked if they could add a minimum height requirement for screening. Ms. Bishop noted that they could. Mr. Hauscher asked if the Health Department had any input on environmental toxins. Ms. Bishop noted that they did not provide any comments.



Ms. Proulx noted that they could require a limited number of unregistered vehicles vs inoperable vehicles. Ms. Proulx asked if there could be a time frame requirement to establish the screening. Ms. Bishop noted that they could impose a time frame as a condition. Ms. Allen asked how large the trees that were planned would be. Ms. Hughes noted that her research has led her to arborvitae which grow fairly quickly at 2-3 feet a year. She explained that they would like to keep the screening as natural as possible and plant the trees staggered so that they would grow fully and quickly.

Mr. Rutherford asked how long they had been operating out of that location. Ms. Hughes noted that they had been there since 1990. Mr. Hughes explained that he had been in the logging business for 52 years. Mr. Rutherford noted that his family has a history of being contractors and that they would have parts vehicles on their property. He noted that the best example of a barrier that he has heard are Blue Spruces. He explained that he would like to be supportive of the logging businesses in Nelson County but that he wants to be cognizant of neighbors as well.

Mr. Rutherford added that Blue Spruce is a good covering that he has seen. Ms. Proulx noted that there are moths that are a pest to Blue Spruce and would need to be treated. Mr. Rutherford noted that they would probably be able to get plants that are chest high at best to start with.

Mr. Hauschner asked if fluids are removed from the vehicles when they are decommissioned. Ms. Hughes noted that they have not and that there are only three vehicles that are completely inoperable and used for parts and that they do not have anything in them. She explained that the vehicles still in need of repair have everything in them but that they are not rusted or leaking. Ms. Proulx asked if any of them were registered. Ms. Hughes noted that none of them are registered.

Mr. Amante asked how far the residential zoning went back on the property. Ms. Hjulstrom noted that it extended back about 100 feet from the road. Mr. Amante asked how close it would be to the stream. Chair Allen noted that any SUP they approve would stay with the land. Ms. Bishop noted that DEQ is likely who would regulate the stream. Mr. Hauschner asked how close it would be to the well. Mr. Hughes noted that it was about 300 feet. Mr. Hauschner noted that one condition he would like is that the vehicles be drained of fluid. Mr. Hughes noted that if you take the fluids out everything would rust. He noted that the location down the hill is closer to the creek and slopes towards the creek. He added that he has a brush pile between the proposed site and the creek.

Mr. Rutherford asked how Mr. Hughes felt about a 3-4 foot starter tree height. Mr. Hughes noted that they might be able to start with a fence until the trees grow in. Mr. Amante asked how many deer they have. Mr. Hughes noted that they have a lot. Ms. Allen asked if doing a fence were a possibility. Mr. Hughes noted that a 6 foot fence wouldn't be able to fully screen the trucks. Ms. Allen asked if the three trucks used for parts could be partially contained in a shed. Mr. Rutherford noted that a shed to contain one of the vehicles would be very expensive. Mr. Rutherford noted that he would be comfortable approving this as presented with some fast growing plants.

Ms. Proulx questioned whether or not they should use registered or inoperable in the language. Ms. Bishop noted that not having registration is how vehicles are determined as inoperable. Ms. Bishop read the following definition from the Zoning Ordinance for inoperative vehicle:

*Inoperative motor vehicle:* An inoperative motor vehicle shall mean one or more of the following: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle

which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and/or wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal. However, this definition shall not apply in connection with properties: (i) lawfully used as an automobile dealership, public garage, automobile salvage operation or scrap processor; or (ii) when a Special Use Permit provides for the storage of inoperative vehicles.

Mr. Hauschner proposed that whatever is planted has a projected height of above 10 feet and that the sprawl at maturity would be enough to close the gap between plantings.

**Mr. Harman made a motion to recommend approval of Special Use Permit #611 for a Class C Automobile Graveyard with the following conditions:**

- **The number of inoperable vehicles shall not exceed 10.**
- **Landscaped screening as shown on the site plan shall be required to prevent the automobile graveyard from being visible to adjoining properties and roadways. Plantings must be evergreen, which shall have a projected height of at least 10 feet at maturity and be staggered so that sprawl will prevent gaps in the natural buffer.**

**Mr. Rutherford seconded the motion.**

**Yes:**

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

Robin Hauschner

Mary Kathryn Allen

**Special Use Permit #603– General Advertising Signs – Blue Mountain Barrel House**

*Ms. Bishop presented the following information:*

## Nelson County Planning Commission

**To:** Planning Commission

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

**Date:** April 27, 2022

**Re:** SUP #603 – General Advertising Signs for Blue Mountain Barrel House – Taylor Smack (Cangialosi) – Thomas Nelson Hwy (Arrington – Colleen)

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**BACKGROUND:** This is a request for a special use permit for general advertising use on property zoned B-1 Business.

Public Hearings Scheduled: P/C – April 27; Board – June 14 (tentative)

Location / Election District: Thomas Nelson Hwy / West District

Tax Map Number(s) / Total acreage: 66-A-42A / 0.384 acres +/- total

Applicant Contact Information: Blue Mountain Barrel House, 495 Cooperative Way, Arrington, VA 22922, (434) 263-4002, [taylor@bluemountainbrewery.com](mailto:taylor@bluemountainbrewery.com)

Owner Contact Information: Mary Kim Cangialosi (Bible Ridge Farms LLC), 2986 Allens Creek Rd, Gladstone, VA, (434) 944-0959, [bibleridgefarms@gmail.com](mailto:bibleridgefarms@gmail.com)

Comments: This property is currently vacant. Blue Mountain Barrel House placed two trailers on the lot, with vinyl advertising signs that are approximately each 384 square feet in size (48'x8' each). They are required to secure a permit from VDOT and the County in order for the advertising signs to remain in this location.

### DISCUSSION:

Land Use / Floodplain: This area is primarily commercial in nature with some surrounding industrial and residential uses. Zoning in the vicinity is primarily B-1 Business. There are no floodplains located on the property. This property has frontage on Thomas Nelson Hwy, Colleen Rd, and Stage Rd, and is located between the old BP gas station and the old Colleen Drive In.

Access / Traffic / Parking: Property is accessed by an entrance on Stage Rd. VDOT requires County approval of the advertising signs before they will issue a permit.

Utilities: None.

Comprehensive Plan: This property is located in an area designated Light Industrial/ Mixed Commercial in the Comprehensive Plan. "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." The Mixed Commercial model 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."

Should the Planning Commission recommend approval of this request, staff recommends the following conditions:

1. Total sign area shall not exceed 768 square feet.

Attachments:  
Application  
Photos  
Zoning

Ms. Bishop added an additional recommended condition that only 2 signs are permitted and shall not advertise other than Blue Mountain Barrel House.

Mr. Harman asked who owned the property. Ms. Bishop noted that the Cangialosis (Bible Ridge Farm LLC) own the parcel and that the Barrel House has an arrangement with them.

Mr. Taylor Smack of 495 Cooperative Way is the applicant. He explained that the owner of the property has recently passed away. He noted that they planned to do year to year leases and they have now started working with the deceased owner's partner. He noted that they intend to renew the lease if they assess that the advertising is effective. Mr. Amante asked how long the signs have been there. Mr. Smack noted that the first sign has been there for approximately a year. Mr. Amante noted that the signs are confusing. Mr. Smack noted that only one sign at a time is visible from either the north or south bound lanes and that it is not confusing when viewed from those angles. Ms. Proulx asked if the intention is to leave them on the trailers. Mr. Smack noted that there are VDOT restrictions and that they thought having signs on the tractor trailers would be a loophole. He added that VDOT has stated they will be ok with the signs if the SUP is acquired from the County.

*Chair Allen opened the public hearing at 7:59 PM.*

*Chair Allen closed the public hearing at 7:59 PM.*

Ms. Proulx asked how VDOT felt about having the signs on the trailers. Ms. Bishop noted that the only contact she has had with VDOT has been with Dwaine Ware and that he stated that if the County approves it then they are fine with it.

Mr. Rutherford noted that he thinks it's in their best interest to support business on Route 29. Mr. Amante noted that if they approve this they will be setting a precedent. Mr. Rutherford noted that

another loophole could be to paint the sign on the trailers. He explained that when his father had Nelson Homes they weren't allowed to have a sign so they painted it on a box truck instead. Chair Allen noted that she doesn't know who owns the rainbow building but that in her opinion it is more of an eyesore than the signs. Ms. Proulx noted that she doesn't see the rainbow building as an eyesore. Mr. Harman asked if the sign is lit. Chair Allen noted that it has not been lit. Mr. Amante asked if painting the sign on the trailers made a difference. Ms. Bishop noted that it would still be considered a sign if it was painted. Mr. Amante that he has no problem with these signs but he hesitates to set a precedent.

Chair Allen noted that the SUP will stay with the property and they should ensure that this approval is for the Blue Mountain Barrel House signs specifically. Mr. Hauschner asked if they should give preference to an individual entity. Ms. Proulx noted that there is a distinction between directional signs and advertising signs and that they might be able to limit to just directional signs so that a business not located nearby would not be able to advertise. Ms. Bishop explained that directional signs are permitted at a max of 2 square feet. She added that the ordinance does not address billboards specifically. Mr. Hauschner asked if they could add a condition to limit the promiximity of the business that is advertised on the signs.

**Mr. Harman made a motion to recommend approval of SUP 603 for General Advertising Signs for Blue Mountain Barrel House, contingent on:**

- **Total sign area shall not exceed 768 square feet.**
- **Only 2 signs/trailers may be permitted**
- **That it only advertise Blue Mountain Barrel House**

**Mr. Rutherford seconded the motion.**

**Yes:**

Charles Amante

Mike Harman

Phil Proulx

Jesse Rutherford

Robin Hauschner

Mary Kathryn Allen

**Board of Supervisors Report:**

Mr. Rutherford noted that May 31<sup>st</sup> was planned as the Comprehensive Plan afternoon meeting and County tour. He noted that they are working on finalizing the budget and that he is optimistic with wrapping up some SUPs. Ms. Bishop noted that the Mobile Home Park will be going to the May meeting and that the SUPS they just recommended will be at the June meeting. Mr. Rutherford noted that he and Mr. Barton's birthdays are the day of the next Board meeting, May 10<sup>th</sup>.

Mr. Rutherford noted that they are working on filling out the staff with the TJPDC and that he is looking forward to more applications related to transportation and planning. Ms. Bishop noted that she had a meeting that day with TJPDC about that. Mr. Rutherford explained that they wouldn't have to outsource out to consultant groups as much due to this.

Mr. Rutherford noted that the regional housing partnership would be having an in person or virtual conference this year and encouraged everyone to participate to learn more about by-right affordable housing around the Commonwealth. He noted that they would be having the tax rate hearing the next evening and encouraged everyone to attend. He added that the 6-year improvement plan would also be the next day. Ms. Bishop added that Rick Youngblood would be presenting at the day session in May on the Smart scale applications.

Mr. Rutherford noted that they are looking to fill the County Administrator role. Ms. Bishop noted that the kennel will be discussed at the Board day session in May so that the they can direct the Planning Commission on how to proceed.

**Ms. Proulx made a motion to adjourn the meeting at 8:21 PM. Chair Allen seconded the motion.**

**Yes:**

Mark Stapleton

Charles Amante

Mike Harman

Phil Proulx

Mary Kathryn Allen

Robin Hauschner

Respectfully submitted,



Emily Hjulstrom

Planner/Secretary, Planning & Zoning