



# Nelson County Planning Commission

## Meeting Minutes

### September 25, 2024

**Present:** Chair Mary Kathryn Allen and Commissioners Mike Harman, Robin Hauschner, Chuck Amante and Phil Proulx. Board of Supervisors Representative Ernie Reed

**Staff Present:** Dylan Bishop, Director

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

#### **Review of August 28, 2024 – Joint Worksession Minutes**

Ms. Proulx made a motion to approve the August 28, 2024 Joint Worksession minutes. Mr. Harman seconded the motion.

Yes:

Mike Harman

Ernie Reed

Mary Kathryn Allen

Chuck Amante

Phil Proulx

Abstain:

Robin Hauschner

#### **Review of August 28, 2024 – Planning Commission Minutes**

Mr. Harman made a motion to approve the August 28, 2024 Planning Commission minutes. Mr. Hauschner seconded the motion.

Yes:

Mike Harman

Robin Hauschner

Ernie Reed

Phil Proulx

Mary Kathryn Allen

Chuck Amante

**Public Hearings:**

**SUP 24-0213 – Public Garage**

*Ms. Bishop presented the following information:*

**Nelson County  
Planning Commission**

**To:** Planning Commission  
**From:** Dylan M. Bishop, Director of Planning & Zoning *DME*  
**Date:** September 25, 2024  
**Re:** SUP #2400213 – Public Garage – 4365 Tye River Road

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

*Public Hearings Scheduled:* PC – September 25; BOS – October 8 (tentative)

*Location / Election District:* 4365 Tye River Road / South District

*Tax Map Number(s) / Total Acreage:* 92-2-6 / 5.37 acre +/- total

*Applicant/Owner Contact Information:* Donna & Jay Hogston, 4365 Tye River Road, Amherst, VA 24521, (540) 448-8005 / (434) 907-9440, dgogston@gmail.com / cobrajh69yahoo.com

*Comments:* The owners are proposing to construct a 1,200 sf garage to utilize for automotive repair of 2-3 vehicles a year. The owners reside on the subject property and all vehicles will be screened from adjacent properties and roadways. A public garage is defined as “a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.” Private garages are accessory to dwellings and utilized for storage only.

**DISCUSSION:**

*Land Use / Floodplain:* This area is primarily agricultural and low density residential in nature. Zoning in the vicinity is A-1 Agriculture, and the adjacent lots are currently undeveloped. There are no floodplains or streams located on this property.

*Access / Traffic / Parking:* The property is accessed by an existing entrance from Tye River Road and requires no improvements.

*Utilities:* There are no utilities proposed or required for the requested use.

*Comprehensive Plan:* This property is located in a Rural Area as designated by the Nelson 2042 Future Land Use Map. The core concept is the ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses.

*Recommendation:* Should the Planning Commission recommend approval of SUP #240213 for a public garage, staff would recommend the following conditions:

1. There shall be no more than 5 project vehicles located on the property at one time.
2. All vehicles and equipment shall be screened from view by adjacent properties and roadways.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Attachments:

Application  
Site Plan  
Zoning

Applicants/owners Donna and Jay Hogston, 4365 Tye River Road. Mr. Hogston noted it would be a 30x40 building for rebuilding salvage vehicles and is only planning on doing 2-3 vehicles per year. Their plan is to sell online or as rental cars. Rent-a-wreck is a program to save people money and still get them in a car. Also would like to help get some of these cars out of peoples' front yards and help clean it up and has equipment to move them. There would be no storage of these vehicles on the property. He noted that Mr. Harman visited the property and indicated that the project would not be visible from the road. There is a back entrance to the shop and they will put in a privacy fence. They have a Mazda outside which was totaled, they were able to restore it and enjoy driving it, and want other people in the county to be able to do the same things.

Chair Allen asked for clarification on the property lines being incorrect on GIS, how far the closest residence is, and confirmed which structure on the property is their dwelling. Mr. Amante asked if the clearing in the back is where they planning to build and if that's the reason they are proposing a privacy fence. Ms. Hogston noted that they are known to do restorations from Washington DC and enjoy what they do, and want to do it as part of their retirement.

Mr. Harman noted he visited the site today; Tye River Road is a long winding road and the property is several miles down, their house and business is well off the road and can't see anything from the road, surrounded by forest and trees and didn't see any homes nearby, looks like a good place for a small business and thinks the conditions are appropriate.

*Chair Allen opened the public hearing at 7:09 PM*

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

**Mr. Harman made a motion to recommend approval of SUP #24-0213 with the following conditions:**

- 1. There shall be no more than 5 project vehicles located on the property at one time.**
- 2. All vehicles and equipment shall be screened from view by adjacent properties and roadways.**

**Mr. Amante seconded the motion.**

**Yes:**

**Phil Proulx**

**Mike Harman**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**Chuck Amante**

**Other Business:**

**MSP 1100 – The Delander at Nelson**

Ms. Bishop noted that they have to break ground by October 11 for their SUP to remain valid, they have all the approvals from various agencies except Planning & Zoning. Mr. Harman confirmed that all agencies have approved the site plan; Ms. Bishop confirmed and noted that the Stormwater Plan was approved by DEQ, Erosion and Sediment Control Plan approved by Building Inspections, Health Department, and VDOT have also approved. Ms. Proulx asked if this site plan reflected the amendment requested by the applicants regarding the location of the fencing. Ms. Bishop checked the site plan and confirmed that this was the case. She reminded the Commissioners that the applicants requested an amendment to a condition on the SUP that previously required fencing along the property lines.

**Ms. Proulx made a motion to approve MSP 1100 for The Delander at Nelson (multifamily dwellings) dated August 6, 2024. Mr. Amante seconded the motion.**

**Yes:**

**Phil Proulx**

**Mike Harman**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**Chuck Amante**

Ms. Bishop noted that she provided copies of the meeting flyer for the public engagement sessions to the Commissioners. The first one will be Tuesday, October 22 at RVCC; the second one will be Wednesday, October 30 at the Nelson Center, both from 6-8pm. She encouraged the Commissioners to attend if possible. Renaissance Ridge has not acquired documentation from FEMA yet so the plan will not be revisited at the Planning Commission's October meeting. At the earliest this would be on the November agenda. Ms. Bishop noted that Mr. Hauschner and Ms. Proulx have attended the first session of the Certified Planning Commissioner Training. The Commissioners discussed which locality's Planning Commission meeting they would attend as part of the course's curriculum. Ms. Bishop provided a copy of the Planning Commission's bylaws and noted they were amended in 2015. She noted that they should have a copy to review. Ms. Bishop noted that there was some interest from the Board to discuss short term rentals and if there could be some amendments made in the interim since the full ordinance update will take some time. She asked for direction from the Planning Commission on holding a worksession on the topic or including this on October's regular agenda. Chair Allen noted that with extra

meetings scheduled, it would make the most sense to have this discussion on the October meeting agenda. Ms. Proulx noted that the market for short term rentals has declined recently but doesn't have an issue with discussing this. Chair Allen noted that there are a multitude of issues that need to be addressed, and could potentially address short term rentals during the lull before it changes again. Ms. Bishop noted she would put some materials together. She then noted that there was one public hearing scheduled for October for dwellings in the B-1 Business district on Front Street.

Chuck Amante noted that this would be his last meeting. He has enjoyed meeting and working with the other Planning Commissioners. In light of the recent drama with Mr. Reed, he needs to address the real reason he is stepping down. He planned to step down after the Comp Plan was adopted and was convinced to stay. He was hesitant to approve the draft of the June minutes because in other business, his statement that Ernie was on the PC for 3 years was not included in the public record. He noted that it is not unprecedented but is rare that a Board member sat on a Planning Commission for 2 years in a row, but not 3, and this is patently unfair to all the other districts in the county. An agreement was made (not in writing) that Mr. Reed would stay to finish the comp plan and would then step down and allow the next Board appointment. He asked his supervisor why Mr. Reed was still on, made it an official matter at the meeting in June, and it was never addressed. He approached Mr. Reed as to why he was still here and his response was "I know, I know," and claimed that no one has complained about his being here and that no one else wants to serve, which are false statements. He noted that Dr. Ligon is here to take Mr. Reed's place whenever he is willing to step down, and said it could be done tonight. Aside from that, he noted he does not have 2 years left of honest effort to put into the zoning ordinance, has too many other things on his plate to make a promise he can't keep, and the ordinance deserves more attention. He then compared Commission meetings to coming to a couples' divorce session and asked to take sides. He noted the necessity of common sense, and respect for individual liberty and private property. When Thomas Jefferson wrote the Declaration of Independence, he said we hold these truths to be self-evident, not voted on. Without respect of private property, there is no path to happiness.

Chari Allen noted she appreciated all the time Mr. Amante has dedicated to Planning Commission; it's a lot of work and the public doesn't always see that, including the extent of the Certified Planning Commissioner training. It's a lot of effort and time devoted for little reward or pay and Mr. Amante's time is appreciated.

### **Board of Supervisors Report:**

Mr. Reed noted that at the Board's September 10 meeting, they voted (2-1) to remove him from Planning Commission appointment, approved the SUP for St. Dunstan's sawmill, as well as the North Fork AFD. The Board of Supervisors retreat was last Thursday, and there was a motion made to rescind the motion to remove him from the Planning Commission appointment and passed unanimously. He noted that the Virginia Code only allows the removal of an appointed Commission member only under certain circumstances which were not met. At the Board retreat, they had a report from Davenport \* Company financial advisors and discussed debt service, margins, and investments. They have provided numerous updates over the years looking at capital planning. He noted that they completed an exercise on a year in review – what went well and what didn't. They also did an exercise to look at comp plan

implementation matrix, ranked short term priorities and strategies, and discussed short term rentals as well as prioritizing things that were not ordinance based. He indicated that he stopped by Belties today to meet with the project team, who indicated they dug a well for water which is a good thing.

Ms. Proulx asked if the Belties project ended up utilizing Aqua Virginia for sewer, or a septic drainfield, as there was concern regarding extending this service across Route 151 and the potential for increased development as a result. Ms. Bishop responded that she could not recall at this time but would check.

Chair Allen noted that for capital improvements, she hopes there is some plan for youth complex. She noted that her kids won't benefit from this at their age, but will continue to advocate for youth activities that bring and keep younger residents and visitors here. She noted that many are playing sports outside of the county.

Mr. Reed noted that this topic was at the forefront and working on infrastructure; another priority is housing. He noted that the debt service would be lowered in another 2 years which will increase the county's borrowing power, and there are other funding opportunities that need to be considered. He then noted that they discussed the budget and will have requests submitted sooner in order to meet with departments and staff regarding their funding requests for the next fiscal year.

**Ms. Proulx motioned to adjourn the meeting at 7:41 PM. Chair Allen seconded the motion.**

**Yes:**

**Phil Proulx**

**Mike Harman**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**Chuck Amante**

Respectfully submitted,

A handwritten signature in black ink that reads "Dylan M Bishop". The signature is written in a cursive, flowing style.

Dylan M. Bishop

Director of Planning & Zoning