



Nelson County Planning Commission  
Meeting Minutes  
December 18, 2024

**Present:** Chair Mary Kathryn Allen and Commissioners Mike Harman, Robin Hauschner, William Smith 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, Lovingston.

*Ms. Bishop presented the following information:*

## Nelson County Planning Commission

**To:** Planning Commission

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

**Date:** December 18, 2024

**Re:** REZ #240289 – Sunny Mountain Store – A-1 to B-1

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**BACKGROUND:** This is a request to rezone property from A-1 Agriculture to B-1 Business to align the zoning designation with the current use, and allow for additional permitted sign area.

*Public Hearings Scheduled:* PC – December 18 / Board – January 14 (tentative)

*Location / Election District:* 10761 Thomas Nelson Hwy / East Election District

*Tax Map Number / Total acreage:* 58-A-7, 7A / 1.7 acres +/- total

*Owner Information:* Raj Singla (Andy), 10761 Thomas Nelson Hwy, Lovington, VA / Sapna Bansal, 4630 Manor Glen Way, Glen Allen, VA

*Comments:* This property is commonly referred to as the “Sunny Mountain Store,” which operates as a convenience store, gas station, and restaurant (Indian Oven); all legally vested nonconforming uses. The owners are proposing to rezone the property from A-1 Agriculture to B-1 Business to align the zoning designation with the current uses. This rezoning would also allow them to expand their signage. In the A-1 District, only 50 square feet of sign area is permitted for businesses. The B-1 zoning designation would allow for up to 150 square feet of sign area. In 2023, the owners replaced the freestanding sign for Marathon, which totals close to the 50 square feet limit. They would like to expand the signage on the existing freestanding sign for additional advertisement of the business on site.

### DISCUSSION:

*Land Use / Floodplain:* The subject parcel is zoned A-1 Agriculture, and is adjoined by A-1 Agriculture zoning. There are regulatory flood zones on these properties, which restricts development through the Flood Hazard Ordinance. No additional uses are proposed for the properties.

*Access and Parking:* This property is currently accessed on Thomas Nelson Hwy (Route 29). VDOT will be required to review the proposed signage along the highway.

*Comprehensive Plan:* This property is within the Lovington Designation of the Future Land Use Map. The core concept is to prioritize regional scale development, redevelopment, and infill to protect the rural landscape, ensure more efficient and effective provision of community services, bolster economic development, and improve quality of life. Primary land use types include commercial such as retail, shopping, and dining, and business and employment. One planning guideline identified is to preserve existing structures and traditional patterns of development while allowing for a mix of uses.

*Proffers:* There are no proffers submitted with this request.

The approval of rezoning 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 / Floodplain Map

Marathon Sign Approval

Google Street View

Applicant Sapna Bansal at 10761 Thomas Nelson Hwy noted that it is hard for passersby to see their business on Route 29 so they want more signage to advertise their business.

Mr. Harman asked what the status of the residence is. Mr. Bansal noted that it is utilized as a temporary residence for himself when he is in town and is not a permanent residence.

Mr. Hauschner asked if the requested Business zoning would affect the existing apartment use. Ms. Bishop noted that it would not. He asked if the request originated as a result of seeking additional signage, and confirmed that this was not a result of the property being out of compliance. Ms. Bishop confirmed.

Chari Allen opened the public hearing at 7:04 p.m. The public hearing closed at 7:04 p.m. with no speakers present.

Ms. Proulx indicated that she doesn't have a problem with the rezoning but wanted to point out that even though they currently have no other plans for the property, by rezoning to B-1 any of those uses could go be approved in the future. Mr. Hauschner asked if future expansion crossed onto adjoining A-1 zoned land, would that have any effect. Ms. Bishop noted that both parcels are part of this request, and that this area is also located in a flood zone. She added that should they acquire additional property zoned A-1 and wanted to utilize it for expansion of the business use, they would have to apply to rezone that property as well. Chair Allen noted some of the by-right uses listed in the B-1 District. Mr. Harman asked if there was other B-1 zoning in the vicinity. Ms. Bishop indicated that this property is located in the northern area of Lovington, so is not immediately adjoined by B-1 zoning, but is in the vicinity as shown by the Comprehensive Plan Future Land Use Map. Mr. Hauschner noted that there are a few B-1 zoned parcels just south of the subject property on Cannery Loop. Ms. Bishop noted that there are sporadic commercial uses on Route 29, and believes that the Comprehensive Plan addresses this type of development on the Route 29 corridor. Mr. Smith noted that this is a long-time business in the County and should be supported being located on a 4 lane highway, and recalls when it used to be a pool hall.

**Mr. Harman made a motion to recommend approval of rezoning request #240289 for Sunny Mountain Store from A-1 to B-1. Mr. Smith seconded.**

**Yes:**

**Mike Harman**

**Ernie Reed**

**Mary Kathryn Allen**

**Phil Proulx**

**Robin Hauschner**

**William Smith**

Ms. Bishop indicated that she did not have the 2025 Schedule available for review yet. Chair Allen noted we had a joint work session this afternoon, and asked Mr. Hauschner what time he might be able to

attend to ensure adequate participation in the work sessions by all members. They suggested setting the time for the next work session at 6:00 p.m. Ms. Bishop noted that she could send a meeting poll to determine other days that might work, acknowledging the difficulty of coordinating this with other board and committee meetings. The Planning Commission consensus was for the next work session to be February 26 at 6:00 p.m.

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

Mr. Reed noted that the public hearing on Wild Rose SUP and siting agreement last week was held, and was really interesting and challenging because the comments were fairly evenly distributed. He acknowledged that all issues raised on both sides are fairly significant and will likely be on the Board's agenda for January. He indicated that there is concern that the state will take away local oversight for utility scale solar projects. Chair Allen asked if they would be voting at that meeting, and noted that the Board should not base their decision on potential legislation. Mr. Reed noted that this would be his last Planning Commission meeting and noted it has been beneficial to be a part of it and hopes he has contributed. He thanked the Commissioners. Ms. Proulx noted she was appreciative of how thorough he has been. Chair Allen noted that she appreciates his many years of service on the Commission. Mr. Harman noted that Mr. Reed has always been his expert on water and sewer. Mr. Smith also thanked him for his service.

**Ms. Proulx motioned to adjourn the meeting at 7:19 p.m. Mr. Hauschner seconded the motion.**

**Yes:**

**Phil Proulx**

**Mike Harman**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**William Smith**

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, CZA, CFM

Director of Planning & Zoning