



**Agenda**  
**Louisa County Planning Commission**  
**Thursday, July 8, 2021**  
**7:00 PM**  
**Louisa County Public Meeting Room**

**CALL TO ORDER**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**I. CONSENT AGENDA**

- A. Approval of Agenda
- B. Approval of Planning Commission Minutes
  - 1. Minutes - May 13, 2021

**II. PUBLIC ADDRESS**

**III. UNFINISHED BUSINESS**

**IV. PUBLIC HEARINGS**

- A. Code Amendment - Addition to Yanceyville AFD - Joshua 19 LLC

**V. NEW BUSINESS**

**VI. DISCUSSION**

- A. Amending Chapter 86, Land Development Regulations - Towing Yard
- B. November Planning Commission Meeting Date
- C. Notification & Review - Variance Application - Vallerie Holdings LLC

**VII. REPORTS**

**ANNOUNCEMENTS AND ADJOURNMENT**

BY ORDER OF:  
HOLLY REYNOLDS, CHAIRMAN  
PLANNING COMMISSION  
LOUISA COUNTY, VIRGINIA



**Minutes**  
**Louisa County Planning Commission**  
**Thursday, May 13, 2021**  
**7:00 PM**  
**Louisa County Public Meeting Room**

**CALL TO ORDER**

Ms. Reynolds called the May 13, 2021, meeting of the Planning Commission to order at 7:00 p.m.

**ROLL CALL**

| <b>Attendee Name</b> | <b>Title</b>                   | <b>Status</b> | <b>Arrived</b> |
|----------------------|--------------------------------|---------------|----------------|
| Holly Reynolds       | Chairman                       | Present       |                |
| John Disosway        | Vice Chairman                  | Present       |                |
| Gordon Brooks        | Commissioner                   | Present       |                |
| Ellis Quarles        | Commissioner                   | Present       |                |
| Cyrus Weaver         | Commissioner                   | Present       |                |
| George Goodwin       | Commissioner                   | Present       |                |
| H. Manning Woodward  | Commissioner                   | Present       |                |
| Ed Jarvis            | Town of Mineral Representative | Absent        |                |
| Garland Nuckols      | Town of Louisa Representative  | Absent        |                |
| Tommy J. Barlow      | Board Liaison                  | Present       |                |

Others Present –Robert Gardner, Director of Community Development; Tom Egeland, Planning Associate; Jeff Ferrel, Assistant County Administrator of Operations; Jenny Carter, Community Development Office Manager, Hellen Phillips, County Attorney

**INVOCATION**

Mr. Goodwin led the invocation.

**PLEDGE OF ALLEGIANCE**

Mr. Disosway led the Pledge of Allegiance.

**CONSENT AGENDA**

No items

### **PUBLIC ADDRESS**

Ms. Reynolds opened the public address period and asked if anyone wished to speak on issues not on the agenda, there being none, Ms. Reynolds closed the public address.

### **UNFINISHED BUSINESS**

No items

### **PUBLIC HEARINGS**

#### **A. Amendment to the Zoning Ordinance - Section 86-501 Aq/Forestal Districts - Green Springs**

Mr. Gardner handed out some new information on this item and presented the staff report that newly submitted applications would add another 68 parcels and 6,990 acres more or less to this existing AFD for a minimum 10 year period. Mr. Harold Purcell removed several parcels before tonight's meeting. The AFD Committee met on March 24, 2021 and discussed the amendment and recommends PC approval.

Mr. Goodwin asked when parcels drop out are the acreage totals rechecked. Including the distance from the core areas. Mr. Gardner said they were.

Mr. Jim Riddell, chairman of the Louisa County Agricultural, Forestal, and Rural Preservation Committee, voiced his support for this zoning amendment, and urged support.

Mr. David Stone, vice chair of the above committee, also urged approval.

Mr. Goodwin asked if we have it backward, adding land zoned industrial to the AFD before amending that zoning. Mr. Gardner replied adding parcels with this type of designation would put property owners on notice where any future rezonings may go if you look at the adopted Future Land Use Map. The county land use taxation program may not allow this benefit for such property.

The Chairman closed the public hearing, made a motion to approve with changes passing the gavel passed this to the vice chair who called for a vote. The vote was unanimous for the amendment.

#### **B. Amendment to the Zoning Ordinance - Section 86-501 Aq/Forestal Districts - Trevilian Station**

Mr. Gardner handed out new application information and presented the staff report. Mr. Kubiean has since deleted parcel #12-17 and the Dietrich's added parcels 23-15 and 23-9. The newly submitted applications would create a new AFD consisting of 62 parcels and 4,332 acres more or less over a minimum 10 year period. VA Code 15.2-4301 allows ...“essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes” in AF districts. The AFD Committee met on March 24, 2021 and discussed the amendment and recommends PC approval.

Mr. Jerald Harlow, President of the Trevilian Station Battlefield Foundation, urged approval of the amendment.

Mr. David Stone, vice chair of the above committee, also urged approval.

Mr. Woodward and Ms. Reynolds suggested properties zoned industrial be examined in the future for A-1 or A-2 zoning before AFD applications come forward.

Mr. Woodward made a motion to approve the new AFD. Mr. Goodwin seconded and the vote was unanimous.

**C. CUP2021-01 Shelia Thurston Conditional Use Permit**

Mr. Egeland presented the staff report whereby staff is recommending approval of an Assisted Living Facility and Private School for parcel 23-62C with eleven conditions. The 2040 Louisa County Comprehensive Plan currently designates this area as Rural/Low Density Residential.

The applicant gave a presentation.

Mr. Brooks asked the applicant if all of the conditions are acceptable.

Mrs. Thurston responded in the affirmative.

Mr. Brooks suggested that the Commission should not limit the number of students and teachers and increase the number of allowed residents from 6 to 8.

Mr. Ferrel brought to the attention of the Commission the fact that there is existing parking there and that Mrs. Thurston should be made aware that increasing the number of parking space may require future permitting.

Mr. Weaver told Mrs. Thurston he believed what she was planning was tremendous and needed in the County.

Mr. Quarles made a motion to recommend approval of the amendment, seconded by Mr. Weaver, passing unanimously.

**D. Amending Chapter 86, Land Development Regulations - Ferncliff Growth Overlay District**

Mr. Gardner presented the staff report whereby staff is recommending amending LDR sec. 86-104 by expanding the Ferncliff Growth Area Overlay District boundaries to include all 19 Ferncliff Business Park parcels and one adjacent parcel 67-16-1 to the east. These parcels as designated for industrial use in the 2040 Plan's Growth Area and Future land Use map.

Mr. Goodwin asked if the proposal is too surgical as there may be similarly zoned land not receiving the same treatment so there is a fairness issue here.

Mr. Ferrel said this is not spot zoning, the area has always been included in the Ferncliff growth area, there are properties in there which are zoned industrial, and the amendment will remove additional unnecessary requirements. A larger growth area allowing more industrial zoning is in line with the Future Land Use map, however, there are a number of nearby farms and residences where owners need notification before we consider new industrial zoning designations.

Mr. Woodward said a nearby 30 acre parcel is zoned A2.

Mr. Quarles asked if the amendment is skipping any planning steps.

Mr. Ferrel said the no, the 2040 Comprehensive Plan and Future Land Use map already designates these parcels for industrial use.

The chairman opened and closed the public hearing.

Mr. Quarles said the BOS has already discussed this item and favor it.

The Chairman says she will support this because it's an area already identified in the Ferncliff Growth Area.

Mr. Quarles made a motion to recommend approval of the amendment, seconded by Mr. Goodwin, passing unanimously.

**E. CUP02-2021 Energix Aditya, LLC**

Mr. Egeland presented the staff report whereby staff is recommending approval of a Solar Generation Facility, Utility-Scale for parcel 42-86A with 31 conditions. The 2040 Louisa County Comprehensive Plan currently designates this area as Mixed Use within the Mineral Growth Area.

The applicant and members from the applicant's team then gave a presentation.

Mr. Disosway noticed on page 165 of the staff packet that the revenue they are proposing is different from what we normally see in solar projects.

Mr. Ferrell explained the Virginia State Code section that allows or prevents the County from collecting tax revenue from solar projects. Energix is tax exempt, but Energix has offered to provide voluntary yearly payments.

Mr. Disosway asked if staff looked into the effects this project would have on property values.

Mr. Egeland stated that staff attended both neighborhood meetings where the question of property values came up. Staff did talk to the County Assessor's office. Looking at the Belcher Project currently under construction and the existing Dominion Solar Project in the County, the County Assessor's office has not identified any impact on property values at this time.

Mr. Goodwin asked if staff would speak to the status of condition 29 still being under review.

Mr. Egeland stated that the original application language will be placed in condition 29.

Mr. Goodwin wanted to know if the applicant would be using local labor.

Ms. Sink stated that Energix anticipates the need for 55 construction jobs. After construction, one or two people will visit the site for mowing or maintenance. We do try to hire local contractors for different scopes of work.

Mr. Goodwin asked about the landscape layout and why the layout is designed in the manner that is shown.

Mr. Campbell with Draper Aden Associates stated that the plan is to group trees together to give more depth and space them out. The mix of trees is to protect against disease.

Mr. Goodwin asked Mr. Kirkland if he had received the Austin Texas Study.

Mr. Kirkland responded yes, he was cited in the Austin Texas study. Discussion ensued between Mr. Kirkland and members of the Planning Commission regarding property values, appraisal studies, noise, and the health and safety of solar panels.

Ms. Reynolds asked what impacts the degradation of solar panels have on properties.

Mr. Weaver stated that he understands the county wants to move on with solar and that staff has done an excellent job, but he is concerned about the property owners next to this and he is concerned with the number of conditions. The neighbors are being honest and speaking from their hearts.

Mr. Manning asked Mr. Kirkland that in all your vast experience is a 150 feet buffer more than you would see required from other communities.

Mr. Kirkland stated that he has data with houses in North Carolina as close as 100 feet to panels. Those houses were built after the solar panels. The Project's buffer is substantial compared to other areas Mr. Kirkland has looked at. Discussion ensued about the proposed buffer.

Mr. Brooks asked staff if this application is based on the 31 conditions staff has proposed or the 24 conditions the applicant has proposed.

Mr. Gardner stated staff works with the developer as much as they can, but it depends on the project. Staff learned a lot from the Belcher project.

Ms. Reynolds asked Mr. Gardner why Energix has located here as so many citizens asked that question tonight.

Mr. Gardner stated that they follow the major power lines in rural areas. Not so much in cities because of the price of land.

Ms. Reynolds asked what the make up of the property is. Is it all pines?

Mr. Gardner stated the property is currently in pines and had been logged in the past.

Ms. Reynolds asked how long it will be before it can be timbered again.

Ms. Sink said the property owner's plans to take more trees in the next ten years. Discussion ensued between staff and the Commission about trees.

Mr. Goodwin stated he is very concerned about traffic. When schools are gathering students traffic gets backed up. I don't know how much more Route 22 can take. I am concerned about School Bus Road because of the refuse collection on a blind curve. I am concerned about Route 33 and School Bus Road because there is no site distance. I wish we could see more from VDOT with a Traffic Analysis and traffic counts. I would like to see one of these conditions state we will lower the speed limit on school bus road to 35 miles per hour during construction. We are not given enough data. You want to have a nightmare, think about these two solar projects being constructed at the same time. Discussion ensued between the Commission and Staff about traffic and the solar project.

Mr. Goodwin suggested a change in wording on page 150 condition 19 A. I am suggesting it should read as that during the course of deconstruction structural members which break off 3 or more feet below ground level should be left.

Ms. Reynolds called for a vote to continue the meeting past 10:00 PM.

Mr. Weaver made a motion to table the meeting. The motion failed

The Planning Commission voted to continue the meeting. Mr. Goodwin Motioned and Mr. Disosway second. Mr. Weaver voted no.

Mr. Brooks asked for clarification from staff on the conditions proposed and conversation ensued about current and past conditions along with the new land development regulations.

Ms. Reynolds asked staff and the applicant questions about VDOT's comments on the proposed project's entrance and conversation ensued relating to access to the property.

Mr. Disosway motioned to recommend finding the Project to be in conformance of the comprehensive plan. Mr. Brooks seconded the motion and it passed 7-0

Mr. Disosway motioned to approve the Conditional Use Permit including the corrections to have condition 29 follow the applicant's application, modify the language in condition 19A, and the lowering of the speed limit to 35 during construction, if possible.

Mr. Disosway made a motion to recommend approval of the amendment, seconded by Mr. Brooks, which carried a vote of 5-2. Mr. Weaver and Mr. Goodwin voting against.

## **REPORTS**

None

**ANNOUNCEMENTS & ADJOURNMENT**

On the motion of Mr. Goodwin, seconded by Mr. Banks, which carried a vote of 7-0, the Planning Commission voted to adjourn the May 13, 2021, meeting at 9:00 p.m.

BY ORDER OF:

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HOLLY REYNOLDS, CHAIRMAN  
LOUISA COUNTY PLANNING COMMISSION

Attachment: Planning Commission 5 13 2021 (6706 : Minutes - May 13, 2021)



TO: Members – Planning Commission  
 FROM: Staff, Community Development Department  
 DATE: May 20, 2021  
 SUBJECT: **Public Hearing - Proposed Yanceyville Agricultural and Forestal District Addition – Joshua 19, LLC (Disosway)**  
**Thursday, July 8, 2021 at 7:00 p.m.**

This is to advise that the Louisa County Community Development Department has received the following request for review and consideration of an amendment to the Louisa County Zoning Ordinance, Section 86-501 Districts Described for an addition to the existing Yanceyville Agricultural and Forestal District, as follows:

| <b><u>OWNER'S NAME</u></b> | <b><u>TAX MAP PARCEL #</u></b> | <b><u>ACREAGE</u></b> |
|----------------------------|--------------------------------|-----------------------|
| Joshua 19 LLC              | 70-51                          | 96.708                |

### **Location**

The proposed district addition is located on the southwest side of Route 644 (Mt. Airy). The property is approximately 0.83 miles from one of the five land areas that make up the Yanceyville Agricultural and Forestal District located on the west side of Route 683 (Parrish Road), south of Route 640 (W. Old Mountain Road).

### **Zoning**

The subject parcel proposed to be included in the Yanceyville Agricultural and Forestal District is zoned Agricultural (A-2). In summary, the stated purpose for this zoning district is a compatible mixture of agricultural uses and limited residential development in rural areas to protect and retain the rural open character.

### **Sec. 86-151. - Agricultural (A-2) District - statement of intent; policy guidance.**

- (a) The Agricultural (A-2) District is provided to allow for the compatible mixture of agricultural uses and limited residential development in rural areas and protect and retain the rural open character of the countryside. Very low density residential uses are allowed along with agricultural uses that are compatible with residential activity to provide for community cohesion in the rural areas and encourage land use interdependence. Zoning standards are also included to ensure the co-existence of these uses with each other. The creation of lots fronting on existing state roads or federal highways is strongly discouraged.
- (b) Agricultural (A-2) District uses range from agricultural to neighborhood oriented commercial and community services. The use of development setbacks, shared access, reverse-front lots and roadside buffers are encouraged to retain the rural character of the county along-side the open farm activities prevalent in the county.

## 2040 Comprehensive Plan

The 2040 Louisa County Comprehensive Plan designates this location within a Rural Area of Louisa County.

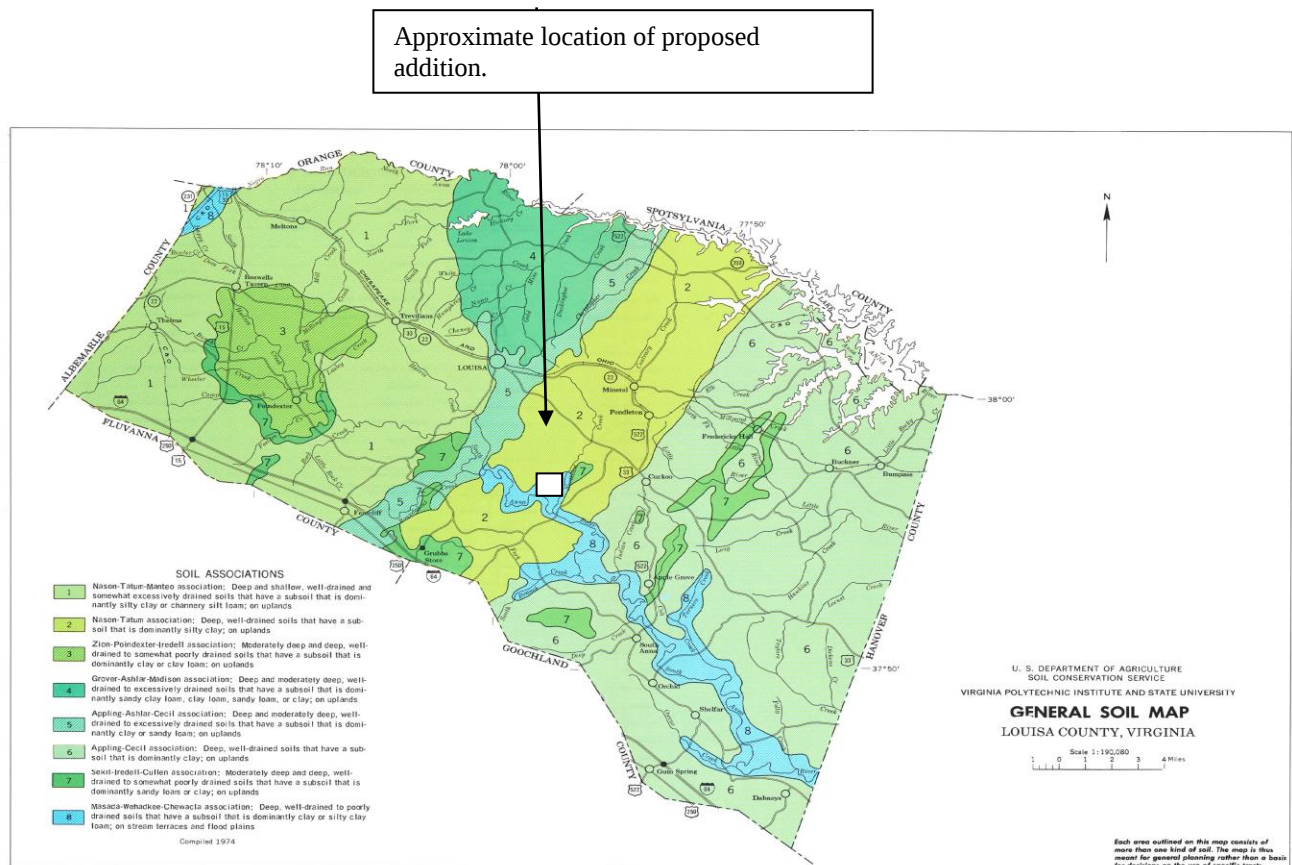
## Existing Uses

Based on information provided by the property owner, use of the subject parcel includes the following uses:

- Field crops, including corn, soybeans and winter wheat.
- Forested

## Soils

Based on the 1976 Louisa County Soil Survey from the U.S. Department of Agriculture Soil Conservation Service, the soils in this area are primarily made up of the Nason-Tatum soil association. In summary, this soil association is described as “deep, well-drained soils that have a sub-soil that is dominantly silty clay; on uplands.”



## **State Code of Virginia – Agricultural and Forestal Districts Act**

### **§ 15.2-4305. Application for creation of district in one or more localities; size and location of parcels.**

“.....any owner or owners of land may submit an application to the locality for the creation of a district or addition of land to an existing district within the locality. Each district shall have a core of no less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be included in a district:

- (i) if the nearest boundary of the parcel is within one mile of the boundary of the core,
- (ii) if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, or
- (iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.

No land shall be included in any district without the signature on the application, or the written approval of all owners thereof....”

### **§ 15.2-4306. Criteria for evaluating application.**

Land being considered for inclusion in a district may be evaluated by the advisory committee and the planning commission through the Virginia Land Evaluation and Site Assessment (LESA) System or, if one has been developed, a local LESA System. The following factors should be considered by the local planning commission and the advisory committee, and at any public hearing at which an application that has been filed pursuant to § [15.2-4303](#) is being considered:

1. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
2. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
3. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
4. Local developmental patterns and needs;
5. The comprehensive plan and, if applicable, the zoning regulations;
6. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
7. Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

### **§ 15.2-4307. Review of application; notice; hearing.**

Upon the receipt of an application for a district or for an addition to an existing district, the program administrator shall refer such application to the advisory committee.

The advisory committee shall review and make recommendations concerning the application or modification thereof to the local planning commission...

### **Conclusion**

The adopted Yanceyville Agricultural and Forestal District is comprised of seven (7) non-contiguous land areas. As required by State Code, several of these land areas could qualify as the “core” of the district containing a minimum of 200 acres. The subject parcel being requested for addition is located within one mile of one of those land areas; however, it is unclear which land area that makes up the existing Yanceyville Agricultural and Forestal District, is the core.

In part, § 15.2-4305, states:

A parcel not part of the core may be included in a district:

(iii) if the local governing body finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.

§ 15.2-4302. Definitions provides the definition for “Agriculturally and forestally significant land,” as “means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.”

### **Staff Recommendation**

Should the Committee determine that the subject property meets the criteria for inclusion in an agricultural and forestal district, Staff recommends approval of the requested amendment to the Louisa County Zoning Ordinance, Section 86-501 Districts Described for an addition to the existing Yanceyville Agricultural and Forestal District, as follows:

| <b><u>OWNER'S NAME</u></b> | <b><u>TAX MAP PARCEL #</u></b> | <b><u>ACREAGE</u></b> |
|----------------------------|--------------------------------|-----------------------|
| Joshua 19 LLC              | 70-51                          | 96.708                |

### **Agricultural, Forestal and Rural Preservation Committee**

At a regular meeting of the Agricultural, Forestal and Rural Preservation Committee held on April 28, 2021, the Committee voted to forward a favorable recommendation to the Planning Commission on the requested amendment to the Louisa County Zoning Ordinance, Section 86-501 Districts Described for an addition to the existing Yanceyville Agricultural and Forestal District, as follows:

| <b><u>OWNER'S NAME</u></b> | <b><u>TAX MAP PARCEL #</u></b> | <b><u>ACREAGE</u></b> |
|----------------------------|--------------------------------|-----------------------|
| Joshua 19 LLC              | 70-51                          | 96.708                |



**PLEASE INDICATE WHO THE CONTACT PERSON WILL BE FOR THE PROPOSED DISTRICT AND A PHONE NUMBER AND EMAIL ADDRESS WHERE THEY MAY BE CONTACTED**

Contact Name John Disosway  
Phone Number 540-967-9576  
Email Address rivermarsh@firstva.com

Attachment: Joshua 19 LLC Application (6657 : Public Hearing - Code Amendment - Addition to Yanceyville AFD - Joshua 19 LLC)

(Please use a separate sheet for each property owner to be included in the District.)

PROPERTY OWNER'S NAME: Joshua 19 LLC

- MAILING ADDRESS: 1009 Mt Airy Rd, Louisa, VA 23093

TAX MAP # 70-51

- SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_

- ACREAGE: 96.708 ZONING: A2

- PART OF THE CORE: YES ☐ or NO ☒

- WITHIN ONE MILE OF THE BOUNDARY OF THE CORE: YES ☒ or NO ☐

- IF THE PROPERTY IS NOT A PART OF THE CORE OR WITHIN ONE MILE OF THE BOUNDARY OF THE CORE THE PROPERTY MAY BE INCLUDED IN THE DISTRICT IF DETERMINED TO BE AGRICULTURALLY AND FORESTALLY SIGNIFICANT LAND AS DEFINED BY THE STATE CODE OF VIRGINIA (15.2-4302), as follows:

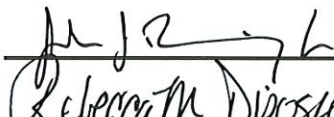
- "Agriculturally and forestally significant land" means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.
- "Agricultural products" means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.
- "Agricultural production" means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.
- "Forestal production" means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district. "Forestal products" includes, but is not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

(Describe in Detail the Use of the Subject Property)

Property is currently in field crops and forest and will remain so. Property is adjacent to a property that is currently in the district.

Field crops being raised are corn, soybeans and winter wheat.

We the undersigned have read the above mentioned conditions and request the property described above be designated an Agricultural and Forestal District.

  
Owner(s) Signatures

  
Witness

(Use a separate sheet for each owner. If an applicant owns more than one parcel, all parcels may be included on one sheet, EXCEPT for parcels that are not a part of the core or within one mile of the boundary of the core.)

**GIVE COMPLETE NAMES AND ADDRESSES (INCLUDING ZIP CODES) OF ALL OWNERS ADJACENT, ACROSS THE ROAD OR HIGHWAY FACING THE PROPERTY AND ACROSS ANY RAILROAD RIGHT-OF-WAY, CREEK, OR RIVER FROM SUCH PROPERTY, EVEN IF SUCH PROPERTY LIES IN ANOTHER COUNTY OR TOWN. THIS INFORMATION MUST BE OBTAINED BY THE APPLICANT. (Use additional sheets as necessary.)**

- \* PROPERTY OWNER'S NAME: John and Rebecca Disosway  
MAILING ADDRESS: 1009 Mt Airy Rd, Louisa, VA 23093  
TAX MAP # 70  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 50  
ACREAGE 61.114 ZONING A1
- \* PROPERTY OWNER'S NAME: Habron, Warner, Eppes, and Goodwin  
MAILING ADDRESS: 1228 Mt Airy Rd, Louisa, VA 23093  
TAX MAP # 70  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 49  
ACREAGE 182.992 ZONING A2
- \* PROPERTY OWNER'S NAME: Anthony Lanuzo  
MAILING ADDRESS: 311 Willow Grove Drive, San Antonio, TX 78245  
TAX MAP # 71  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 39  
ACREAGE 13.438 ZONING A2
- \* PROPERTY OWNER'S NAME: Carol Jacobs  
MAILING ADDRESS: 181 Mt Airy Rd, Louisa, VA 23093  
TAX MAP # 71  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 13-9  
ACREAGE 21.47 ZONING A2
- \* PROPERTY OWNER'S NAME: Brandon and Alicia Fields  
MAILING ADDRESS: 2113 Pony Farm Rd, Maidens, VA 23102  
TAX MAP # 71  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 13-5  
ACREAGE 21.95 ZONING A2
- \* PROPERTY OWNER'S NAME: Lyle Kossis and Kaicee Robertson  
MAILING ADDRESS: 11081 Shannon Hill Rd, Louisa, VA 23093  
TAX MAP # 71  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 13-2  
ACREAGE 22.298 ZONING A2

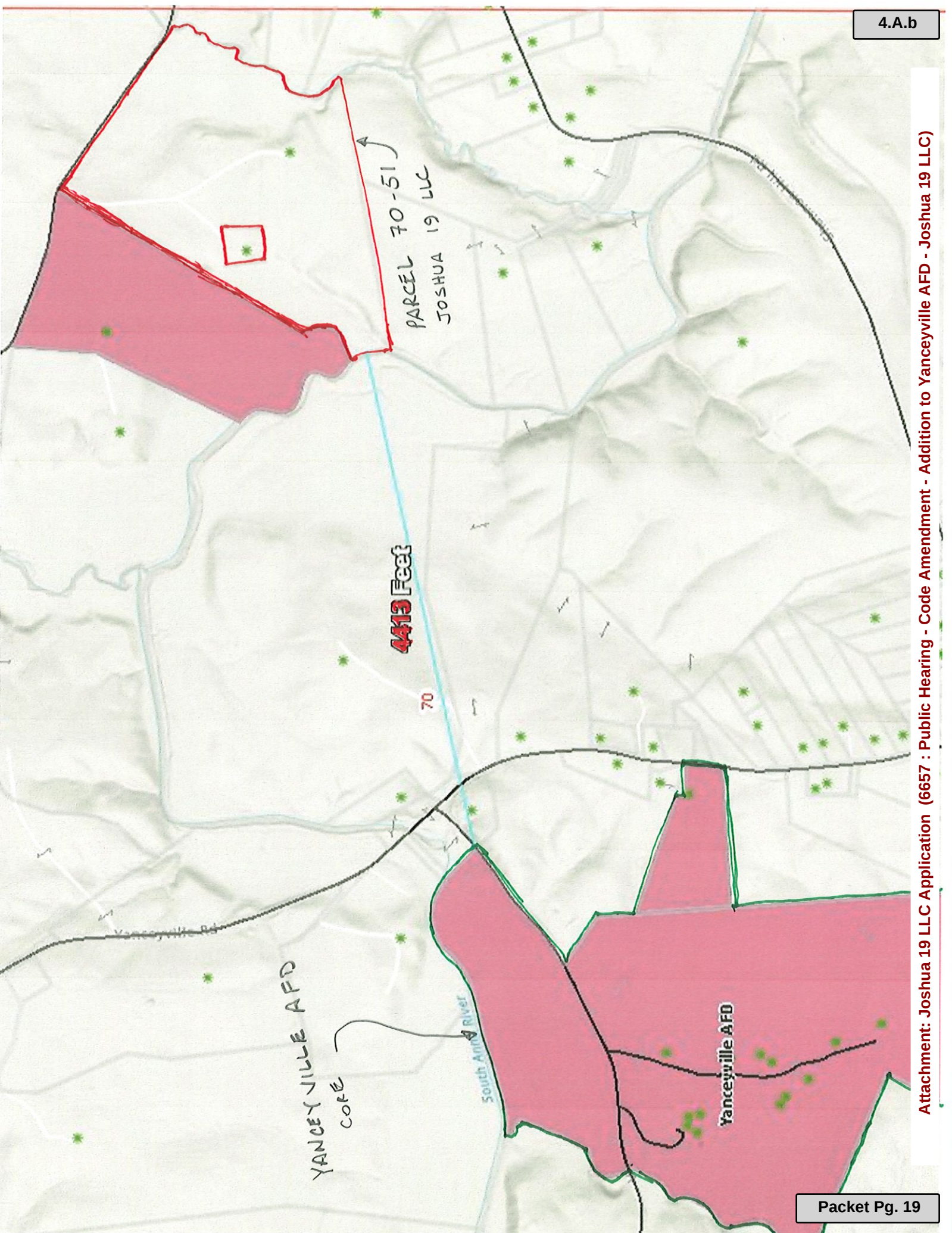
- \* PROPERTY OWNER'S NAME: Joseph Morgan  
MAILING ADDRESS: 2301 Hilliard Rd, Richmond, VA 23228  
TAX MAP # 70  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 54B  
ACREAGE 32.86 ZONING A2
- \* PROPERTY OWNER'S NAME: Joseph and Mary Morgan  
MAILING ADDRESS: 8207 Westmeath Ln, Richmond, VA 23227  
TAX MAP # 70  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 54A  
ACREAGE 33.44 ZONING A2
- \* PROPERTY OWNER'S NAME: George Payne  
MAILING ADDRESS: P. O. Box 846, Louisa, VA 23093  
TAX MAP # 70  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 41  
ACREAGE 197.56 ZONING A2
- \* PROPERTY OWNER'S NAME: Scott and Rhonda Renalds  
MAILING ADDRESS: 3795 Spaatz Rd, Monument, CO 80132  
TAX MAP # 70  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# 51A  
ACREAGE 2.392 ZONING A2
- \* PROPERTY OWNER'S NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
TAX MAP # \_\_\_\_\_  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_  
ACREAGE \_\_\_\_\_ ZONING \_\_\_\_\_
- \* PROPERTY OWNER'S NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
TAX MAP # \_\_\_\_\_  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_  
ACREAGE \_\_\_\_\_ ZONING \_\_\_\_\_

Section B: To be completed by the Local Governing Body.

**SCHEDULE FOR RECEIVING AND PROCESSING APPLICATIONS  
FOR THE CREATION OF  
AGRICULTURAL / FORESTAL DISTRICTS**

1. Application received by the Community Development Department \_\_\_\_\_
2. Program Administrator Refers Application to the Advisory Committee (Meeting Date)  
\_\_\_\_\_
3. First Public Hearing Notice to Paper Adjacent Owners are notified \_\_\_\_\_  
 \*The notice shall contain:
  - (i) A statement that an application for a district has been filed with the program administrator pursuant to this chapter;
  - (ii) A statement that the application will be on file open to public inspection in the office of the clerk of the local governing body;
  - (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the local planning commission within thirty days of the date of the notice;
  - (iv) A statement that any owner of additional qualifying land may join the application within thirty days from the date of the notice or, with the consent of the local governing body, at any time before the public hearing the local governing body must hold on the application;
  - (v) A statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the local governing body, at any time before the local governing body acts pursuant to § [15.2-4309](#); and
  - (vi) A statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to the requirements of the State Code.
4. Planning Commission Public Hearing. \_\_\_\_\_
5. Planning Commission Recommendation to Board of Supervisors \_\_\_\_\_
6. Second Notice to Paper and Adjacent Owners Notified \_\_\_\_\_
7. Board of Supervisors Public Hearing. \_\_\_\_\_
8. Information forwarded to Virginia Department of Agriculture and Consumer Services; Department of Forestry; and notification of the Commissioner of the Revenue Office \_\_\_\_\_

\_\_\_\_ Approved  
 \_\_\_\_ Modified  
 \_\_\_\_ Rejected





## 723 MT. AIRY ROAD

### Land and Value Information

**Parcel No:** 70 51  
**Property Address:** 723 MT. AIRY ROAD  
**Property City, St Zip:** LOUISA VA, 23093  
**Zoning:** A2  
**District Code:** 03  
**Total Acres:** 96.708  
**Parent:** 1  
**Land Value:** \$313,900  
**Improvement Value:** \$122,500  
**Total Assessed Value:** \$436,400

**Description 1:** S A RIVER & SMITH  
**Description 2:** N/A  
**Description 3:** DB 1697/404 96.708AC  
**Description 4:** N/A  
**Land Use Value:** 96300  
**Last Sale Value:** \$337,500  
**Deed Book:** 1697  
**Deed Page:** 404  
**Land in Acres:** 96.708  
**Land Use Code:** 5

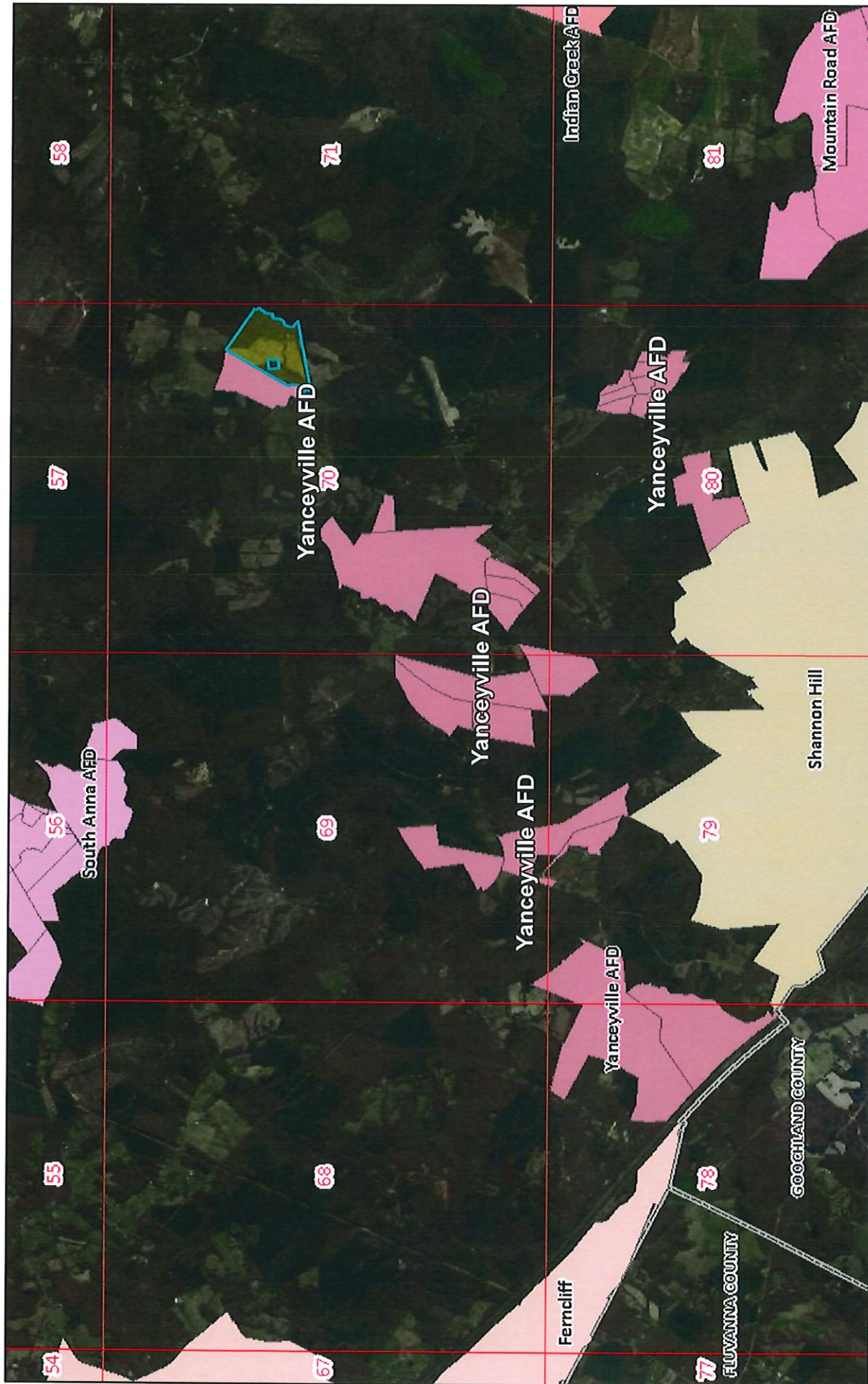
### Ownership

**Owner:** JOSHUA 19 LLC  
**Owner2:** N/A  
**Owner Address:** C/O HAMILTON GARNETT  
**Owner City, ST, Zip:** LOUISA, VA 23093

### Real Estate Assessment Information

**Assessment Link:** <http://louweb.louisa.org/assess/index.asp?action=Get Records&RecFilter=2743>

# Yanceyville AFD w/ Proposed Addition Parcel (TMP 70-51)



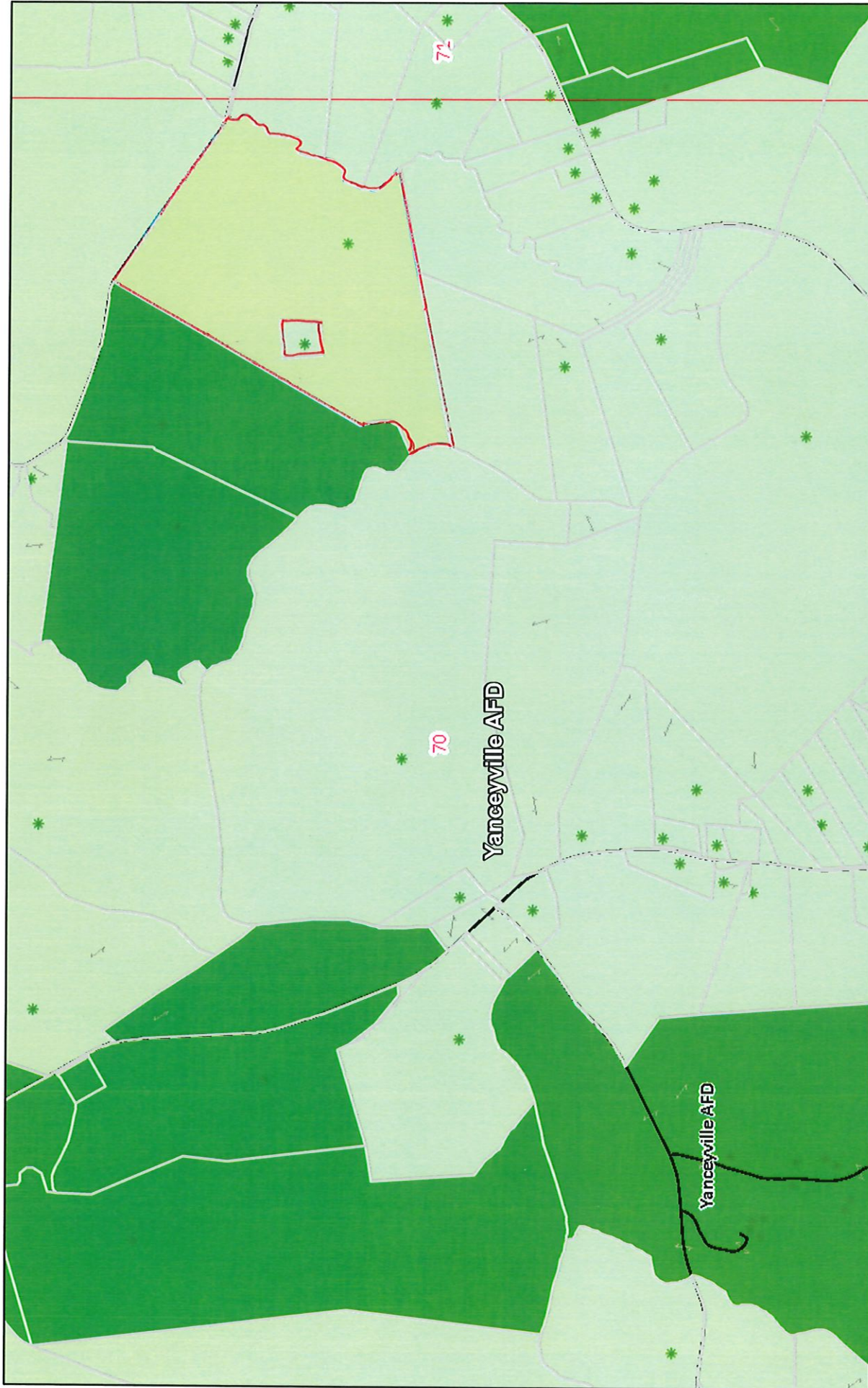
April 8, 2021

Packet Pg. 21

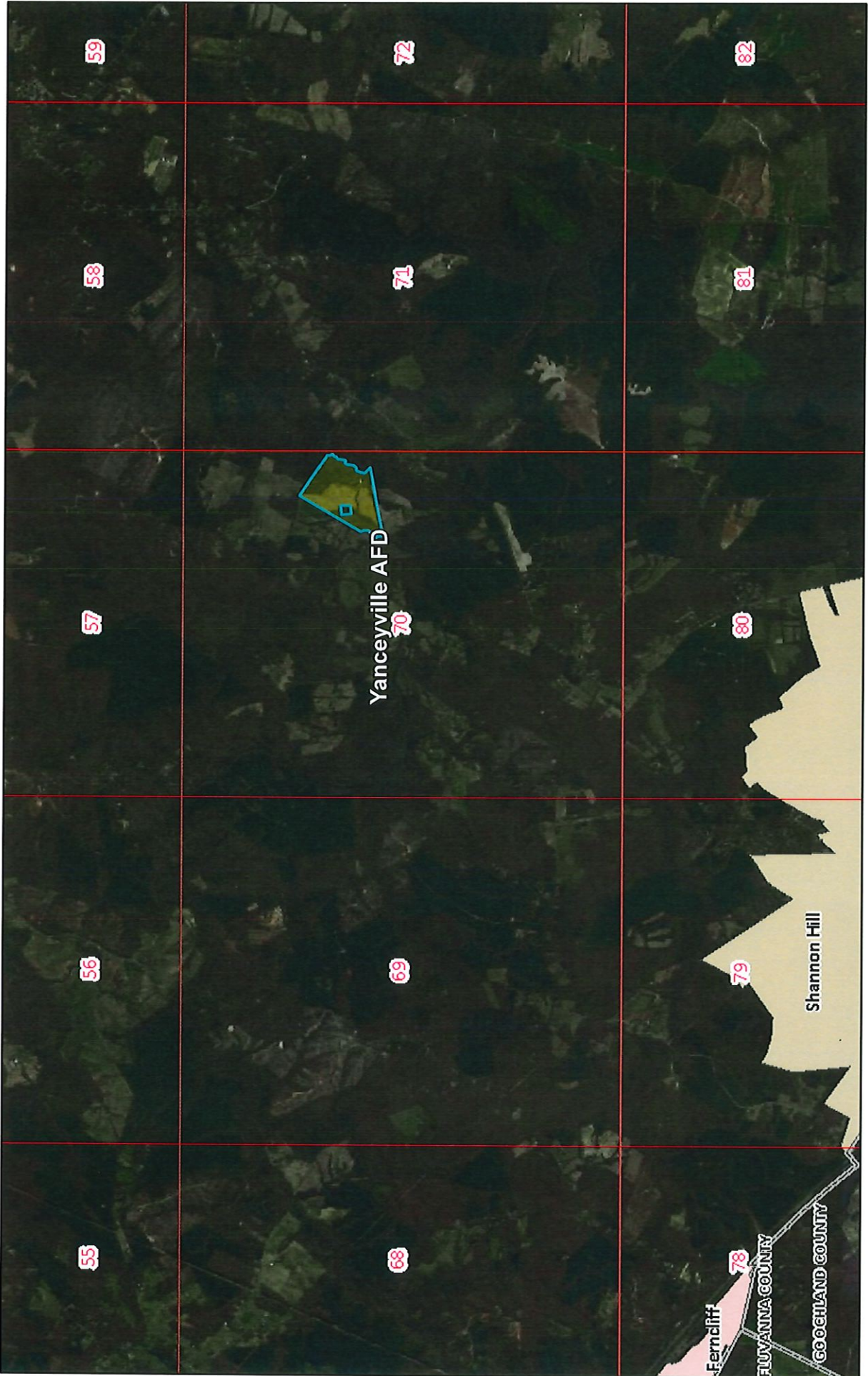
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0 0.5 1 1.5 2 mi  
0 0.75 1.5 3 km  
Virginia Geographic Information Network (VGIN)

4.A.d

# Yanceyville AFD (Part) w/ Proposed Addition Parcel (TMP 70-51) - Zoning Map



April 8, 2021



April 8, 2021

1:72,224  
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Virginia Geographic Information Network (VGIN)

**DRAFT AMENDMENT**

This amendment is to the following sections of Chapter 86 Land Development Regulations, to add a definition for a “towing yard” and establish the zoning districts where this use would be allowed:

86-13 Definitions

86-109. Matrix Table

86-206 Permitted uses with a conditional use permit (C-1 Zoning district)

86-224 Permitted uses with a conditional use permit (C-2 Zoning district)

86-242 Permitted uses with a conditional use permit (IND Zoning district)

86-261 Permitted uses with a conditional use permit (I-1 Zoning district)

86-279 Permitted uses with a conditional use permit (I-2 Zoning district)

86-412 Permitted uses with a conditional use permit (C-1 Growth Overlay District)

86-431 Permitted uses with a conditional use permit (C-2 Growth Overlay District)

86-449 Permitted uses with a conditional use permit (IND Growth Overlay District)

86-467 Permitted uses with a conditional use permit (I-1 Growth Overlay District)

86-484 Permitted uses with a conditional use permit (I-2 Growth Overlay District)

#### Section 86-13 Definitions

**Towing yard. The temporary outdoor storage of vehicles on property for not more than 48 hours which are towed, carried, hauled, or pushed from public or private property for impoundment. This term does not include automobile graveyard, junkyard, salvage and scrap service, or wrecking activity. An outdoor towing yard shall meet required setbacks and shall have adequate visual screening, fencing, and site lighting.**

#### Section 86-109 Matrix Table

**A towing yard allowable under a CUP in these zoning districts: Light Commercial C-1, General Commercial C-2, Industrial IND, Industrial Limited I-1, and Industrial General I-2 and the same zoning categories in the Growth Area Overlay Districts.**

86-206 Permitted uses with a conditional use permit (C-1 Zoning district)

Commercial

**Towing yard**

86-224 Permitted uses with a conditional use permit (C-2 Zoning district)

Commercial

**Towing yard**

#### TEXT LEGEND

**Bolded Text** = To Be Added

Regular Text = To Remain

~~Strikethrough Text~~ = To Be Removed

Draft RG 04232021;

86-242 Permitted uses with a conditional use permit (IND Zoning district)

Commercial  
**Towing yard**

86-261 Permitted uses with a conditional use permit (I-1 Zoning district)

Commercial  
**Towing yard**

86-279 Permitted uses with a conditional use permit (I-2 Zoning district)

Commercial  
**Towing yard**

86-412 Permitted uses with a conditional use permit (C-1 Growth Overlay District)

Commercial  
**Towing yard**

86-431 Permitted uses with a conditional use permit (C-2 Growth Overlay District)

Commercial  
**Towing yard**

86-449 Permitted uses with a conditional use permit (IND Growth Overlay District)

Commercial  
**Towing yard**

86-467 Permitted uses with a conditional use permit (I-1 Growth Overlay District)

Commercial  
**Towing yard**

86-484 Permitted uses with a conditional use permit (I-2 Growth Overlay District)

Commercial  
**Towing yard**

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TEXT LEGEND

**Bolded Text** = To Be Added

Regular Text = To Remain

~~Strikethrough Text~~ = To Be Removed

Attachment: draft amendment (6674 : Amending Chapter 86, Land Development Regulations - Towing Yard)



## MEMORANDUM

**To:** Planning Commission

**From:** Robert Gardner, Community Development Director

**Date:** ~~April 23, 2021~~ June 29, 2021

**Re:** Amending Chapter 86, Land Development Regulations (LDR) - Towing Yard

This is a follow up memo regarding several people interested in establishing towing yards in the County. One is a property owner of industrial land in the Crossroads Center wanting to lease part of his property for a towing yard. The other two provide towing services for towing yards in nearby communities and they would like to open similar businesses in the County. For your consideration is the following:

The LDR neither defines nor addresses a towing yard; therefore this use is not allowable at this time. There is a definition for "Impound Lot" however it is too broad and needs removing. In order to allow towing yards several amendments to the LDR are necessary. One is the creation of a new definition for "towing yard". The second is only allowing towing yards via the CUP process. The third is to determine the applicable zoning districts towing yards could fall under:

1. Sec. 86-13. – Definitions:

Add: Towing yard. The temporary outdoor storage of vehicles on private property by a towing service for not more than 90 days which are either towed, carried, hauled, or pushed from public or private property for impoundment. This term does not include automobile graveyard, junkyard, salvage and scrap service, or wrecking activity. An outdoor towing yard shall meet required setbacks and shall have adequate visual screening, fencing, and site lighting.

2. Sec. 86-109. Matrix table:

Add: A towing yard allowable under a CUP in these zoning districts: Light Commercial C-1, General Commercial C-2, Industrial IND, Industrial Limited I-1, and Industrial General I-2 and the same zoning categories in the Growth Area Overlay Districts.

These towing yard text amendments to Chapter 86 will not affect these existing definitions: automobile dealerships, automobile graveyard, automobile repair service, commercial vehicle repair service, or garage commercial, junkyard, or salvage and scrap service.

Attachments

Sec. 86-13 - Definitions

Sec. 86-109. – Matrix table

**Assisted living facility.** Is a residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as a single family residential occupancy. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to this Code. Assisted living facilities that have more than 8 occupants will be considered Commercial Assisted Living Facilities.

**Assisted living facility, commercial.** Is a commercial facility in which more than eight aged, infirm or disabled persons reside. Such facilities typically provide rooms, meals, personal care, and supervision of self-administered medication. They may provide additional services, such as recreation activities, financial services and transportation.

**Attic.** The part of a structure which is immediately below and wholly or partly within the roof framing. Where there are dormers greater than 50 percent of the length of the roof, then this area is not an attic.

**Automobile dealership.** The use of any building, land area or other premises for the display of new and used automobiles, trucks, vans, or motorcycles for sale or rent, including any warranty repair work and other major and minor repair service conducted as an accessory use.

**Automobile graveyard.** Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. Also see "junkyard," "salvage and scrap service."

**Automobile parts/supply, retail.** Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments which offer minor diagnostics and minor repair services such as battery or wiper blade replacements as an accessory use.

**Automobile rental/leasing.** Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies.

**Automobile repair service.** Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities, and where minor repairs, or routine maintenance take place.

**Aviation facility.** Also referred to as an airport. Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

**Awning.** A covering attached to a structure, erected on or over a window or door, and typically supported by a metal frame.

**Awning sign.** Any sign applied directly to the surface or incorporated into the design of an awning or canopy attached to a building facade.

**Banner.** A temporary sign, not exceeding 60 square feet, consisting of a piece of fabric or other flexible material, suspended from a fixed structure, rope, wire, string or cable. The display of banners may not exceed two weeks advertising a special event, product or group.

**Basement.** Any floor at least half of which is below ground level.

**Bed and breakfast.** A dwelling in which not more than 10 bedrooms provide overnight, 5 nights or less, lodging for guests for compensation. The serving of meals to guests is optional. Service of meals to customers other than overnight guests is not permitted.

**Bikeway.** A bicycle pathway: Either a bike lane, a bike trail, or bike route.

**Board of Zoning Appeals.** Also referred to as the BZA. A body appointed by the Circuit Court of Louisiana County to hear and decide appeals from any order, requirement, decision or determination made by an

**Cluster development.** A development design technique that concentrates buildings on a part of a site and use the remaining land for recreation, common open space, and the preservation of environmentally sensitive features.

**Cluster subdivision.** A development that may allow for a reduction in lot area and bulk requirements, and may provide for an increase in the number of lots permitted under a conventional subdivision (an increase in overall density of development), in proportion to the remaining land area that is devoted to open space.

**Code of Virginia.** The Code of Virginia of 1950, as amended. ("This Code," however, refers to the Code of the County of Louisa, Virginia.)

**Collocation.** The practice of installing and operating multiple wireless carriers, service providers, and/or radio licensees on the same antenna support structure or attached wireless communication facility using different and separate antennas, feed lines, and radio frequency emissions generating equipment.

**Combined antenna.** An antenna or antenna array designed and used to provide services for more than one wireless provider for the same or similar type of services.

**Commercial indoor amusement.** Establishments which provide multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Such devices would include pinball machines, video games, and other games of skill or scoring, and would include pool and/or billiard tables, whether or not they are coin operated. Typical uses include game rooms, billiard and pool halls, video arcades and bingo halls.

**Commercial indoor entertainment.** Predominantly spectator uses conducted within an enclosed building. Typical uses include, but are not limited to, motion picture theaters, and concert or music halls.

**Commercial indoor sports and recreation.** Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities.

**Commercial outdoor entertainment.** Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

**Commercial outdoor sports and recreation.** Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include, but are not limited to, driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, paintball facilities, and motorized model airplane flying facilities.

**Commercial speech.** Speech that is an expression related solely to the economic interest of the speaker and its audience, concerns lawful activity, and is not misleading.

**Commercial vehicle repair service.** Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs take place. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

**Commission.** The Planning Commission of the County.

**Commitment letter.** A letter, issued by the Louisa County Water Authority, confirming that it will serve a lot or subdivision with water and/or sewer service upon specified terms set forth in its adopted rules and regulations.

**Common area.** A tract or parcel of land not devoted to residential uses or structures; but directly related to and adjunct to a planned development, cluster development or subdivision and which is owned and/or controlled by the residents of owners of such development.

**Communications service.** Establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through electronic and telephonic mechanisms. Excluded from

**Farmland.** Land in active agricultural or horticultural use.

**Fascia.** One or more vertical faces of the roof of a canopy or structure.

**FCC.** The Federal Communications Commission.

**Festivals, entertainment and music.** See "outdoor gathering."

**Financial institution.** An establishment whose principal purpose is the provision of financial services, including banks, accounting offices, tax-preparation offices, lenders and securities brokers but not short-term lenders.

**Flag lot.** See "lot, pipe stem."

**Flood.** A general and temporary inundation of normally dry land areas.

**Flood elevation, base.** The Federal Emergency Management Agency designated 100 year water surface elevation.

**Floor area ratio (FAR).** The ratio of gross floor area of all structures on a lot compared to total lot area.

**Floor area, gross.** The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics. The surface area of tennis courts, swimming pools, driveways, surface parking spaces, decks, patios, and porches, is not included in the total gross floor area.

**Flood, one hundred year.** A flood of greater magnitude that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

**Floodplain:**

- (1) A relatively flat or lowland area adjoining a river, stream or watercourse which is subject to partial or complete inundation of water; or
- (2) An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Forestry.** The use of land for raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Such land shall be at least 20 acres, and be covered with more than 50 percent contiguous tree growth. Associated uses include timber tracts, tree farms, forest nurseries, sawmills, and on-site wood gathering for transport to a processing facility.

**Frontage road.** A service road, usually parallel to a highway, reducing the number of driveways that intersect the highway.

**Frontage, width.** See "lot frontage"

**Full cutoff luminaire.** An outdoor light fixture shielded in such a manner that projects all light emitted by the fixture below the horizontal plane; also a type of dark-sky lighting.

**Funeral home.** Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries and may include crematoriums.

**Garage, commercial.** See "auto repair service" or "commercial vehicle repair service."

**Garage, private.** An accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

**Garden center.** Establishments or places of business primarily engaged in retail sales from the premises including trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural,

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with certified historic preservation programs:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Hog farm, commercial.** A farm where hogs are kept, fed and transported from other places; also see "intensive agriculture."

**Home garden.** A garden in a residential district for the production of vegetables, fruits and flowers, generally for use or consumption by the occupants of the premises.

**Home occupation, class A.** An occupation, except for farming, conducted primarily on-site involving persons residing on the premises. Such occupations may require the use of accessory structures, and may include the service and repair of agriculture related vehicles and equipment. Such uses are customary, incidental and secondary to the property's primary residential purpose and must be generally compatible to the existing character of the surrounding area. No more than five clients or customers and two employees who do not live on the premises shall be allowed on the premises at any one time on a regular basis.

**Home occupation, class B.** An occupation, except for farming, conducted primarily on-site involving persons residing on the premises. Such occupations may require the use of accessory structures or outside areas, and may include the service and repair of agriculture related vehicles and equipment. Such uses are incidental and secondary to the property's primary residential purpose and must be generally compatible to the existing character of the surrounding area. No more than ten employees or clients shall be allowed on the premises at any one time on a regular basis.

**Hospital.** A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors.

**Hotel.** A building or group of attached or detached buildings containing lodging units accessible from the inside or outside and intended primarily for rental or lease to transients by the day, week or month. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms and/or recreation facilities.

**Household pet.** Domesticated animals kept for personal use or enjoyment within the home. Household pet shall include but is not limited to dogs, cats, birds, and rodents. Household pet does not include farm animals, such as horses, ponies, cows, pigs, chickens, goats, and sheep.

**Immediate family.** Any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, aunts, uncles, nieces and nephews or parent of the owner of whole or half blood, or by adoption or legal guardianship.

**Impound Lot.** A holding place for cars until they are placed back in the control of the owner, recycled for their metal, stripped of their parts at a wrecking yard or auctioned off for the benefit of the impounding agency.

**Industry, heavy.** Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

**Industry, light.** Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Use may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools

or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, any other product of a similar nature.

**Industry, medium.** Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc.

**Interior parking lot island.** An island or planting area surrounded on at least three sides by a parking lot or access road.

**Itinerant vendor.** Any person or temporary vendor, including but not limited to food trucks, fireworks stands and Christmas tree lots, who engages in, does, or transacts any temporary or transient business in the county and who, for the purpose of carrying on such business, occupies any location for a period of less than 45 days and requires the approval of a development permit.

**Junkyard.** The use of any area of land of more than 200 square feet in area for the buying or selling, storage, keeping, or abandonment of junk. For the purposes of this definition, junk shall refer to all scrap materials, discarded equipment and household items, parts of vehicles, and pieces of watercraft.

**Kennel, commercial.** The boarding, breeding, raising, grooming or training of two or more household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

**Kennel, private.** The keeping, breeding, raising, showing or training of four or more household pets over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

**Laboratory.** An establishment whose principal purpose is the research, compounding and/or packaging of scientific products, which may include light manufacturing.

**Lake Anna shoreland.** The land area owned by Dominion Energy between the property line, generally at an elevation of 255 feet above mean sea level of any parcel, and the waterline of Lake Anna.

**Landfill.** A permitted facility where refuse and other disposable materials are compacted and buried between layers of soil.

**Landmark.** An individual site or feature (which may or may not be a structure), or a site with a structure or structures on it, of particular importance because of its unique architectural, historical, cultural, or archaeological features, designated an historic district or eligible for designation on the state or National Register of Historic Places.

**Landscaping.** The improvement of the appearance of an area by the planting of trees, grass, shrubs, or other plant materials, or by the alteration of the contours of the ground.

**Laundry facility.** Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as "personal services." Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

**Life care facility.** A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related services are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents. An "assisted living facility" would be included in this definition.

**Light pollution.** Any adverse effect of man-made light including sky glow, glare, light trespass, light clutter, and decreased visibility at night.

**Light trespass.** Light sources casting excessive light upon adjacent property, body of water or upon a public right-of-way, also called light spillover.

**Road, privately maintained.** Any roadway with restricted hours of access by the public or by those who may use it. The definition shall include public roads maintained by the individuals living along or otherwise served by the road or by a property owners association created for purposes including maintenance of streets.

**Road, public.** A road providing principal means of access to abutting property, and encompassed by a right-of-way dedicated to public use and maintained by the commonwealth as a part of the state primary or secondary road system. The right-of-way width shall not be less than 50 feet.

**Road, service drive.** Also referred to as a "frontage road or reverse frontage road." A public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by controlling ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

**Road, state.** Any road maintained by VDOT as part of the secondary system of state highways or the State Highway System.

**Salvage and scrap service.** Place of business engaged in the storage, sale, dismantling or other processing of uses or waste materials not for reuse in their original forms. Typical uses included paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobiles parts and supplies or scrap.

**Satellite earth station.** A single or group of parabolic (or dish) antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

**Sawmill, permanent.** A sawmill permanently located for the purpose of processing timber from the property on which located, from adjoining property, or from other properties removed from the sawmill or its environs without regard to point of origination. This definition does not include logging operations that are not regulated by the County.

**Sawmill, temporary.** A portable sawmill temporarily located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto. This definition does not include logging operations that are not regulated by the County.

**Sawmill, temporary non-commercial.** A portable sawmill temporarily located on private property for the non-commercial processing of timber cut only from that property or from property immediately contiguous and adjacent thereto. Non-commercial sawmills may only be operated for 21 calendar days. This definition does not include logging operations or personal property maintenance work which are not regulated by the County.

**School, private.** Any building or group of buildings the use of which meets state requirements for elementary, secondary or higher education which use does not secure the major part of its funding from any governmental agency.

**Screening.** A method of visually shielding or obscuring abutting or nearby structures or uses from another by opaque fencing, walls, or densely planted vegetation.

**Service area.** A geographic area established by the board of supervisors and designated in the Louisa County comprehensive plan or an element thereof in which a public water or sewer system is authorized to offer its services.

**Setback.** The minimum distance of separation by which any building or structure must be have in relationship to the property lines.

**Setback line.** See "building setback line."

**Setback projections.** Certain residential property improvements may project into the required yards or setbacks in all zoning districts according to the table found in sec. 86-118.

county, including all land, water areas, and waterways. Unless district boundary lines are fixed by dimensions, or otherwise clearly shown or described; and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning map, the following rules shall apply:

- (1) Where district boundaries are approximate and following or being at right angles to the centerlines of streets, highways, alleys or railroad main tracks, such centerlines or lines at right angles to such centerlines are such boundaries, as the case may be.
- (2) Where a district boundary follows a river, creek or branch or other body of water, such boundary shall follow the centerline at low water or at the limit of jurisdiction, and in the event of change in the shoreline, such boundary shall move with the actual shoreline.
- (3) If no distance, angle, curvature description or other means is available to determine a boundary line accurately and the foregoing provisions do not apply, a determination of the line shall be by the scale shown on the zoning map. In case of a subsequent dispute, a referral to the Louisa County Board of Zoning Appeals shall be necessary to determine the boundary.

### DIVISION III. ZONING DISTRICT USE MATRIX

**Sec. 86-109. – Matrix table.** Uses allowable by-right or by conditional use permit or disallowable within the county's specific zoning districts, are identified within this matrix. A list of uses run down the first column and a list of zoning districts run across the top row. The intersection between the first column and the rows shows the particular uses for a particular zoning district. B=allowable by-right; C=conditional use permit; X=not allowable.

|                                          | A-1 | A-1<br>(GAOD) | A-2 | A-2<br>(GAOD) | R-1 | R-1<br>(GAOD) | R-2 | R-2<br>(GAOD) | C-1 | C-1<br>(GAOD) | C-2 | C-2<br>(GAOD) | IND | IND<br>(GAOD) | I-1 | I-1<br>(GAOD) | I-2 | I-2<br>(GAOD) | RD |
|------------------------------------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|----|
| <b>Agricultural</b>                      |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |    |
| Abattoir                                 | C   | C             | C   | C             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | X  |
| Agricultural Activity Passive            | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B  |
| Agricultural Operation                   | B   | B             | B   | B             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C  |
| Agricultural Operation - Intensive       | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Animal waste treatment system            | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Brewery, Limited                         | B   | B             | B   | B             | X   | X             | X   | X             | C   | C             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Brewery, Major                           | C   | C             | C   | C             | X   | X             | X   | X             | C   | C             | C   | B             | B   | B             | B   | B             | B   | B             | X  |
| Dairy                                    | B   | C             | B   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Distillery, Farm                         | B   | B             | B   | B             | X   | X             | X   | X             | C   | C             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Distillery, Major                        | C   | C             | C   | C             | X   | X             | X   | X             | C   | C             | C   | B             | B   | B             | B   | B             | B   | B             | X  |
| Farm employee housing                    | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Farm sales                               | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Forestry use                             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B  |
| Livestock market                         | B   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Sawmill, permanent                       | C   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | B   | B             | X  |
| Sawmill, temporary                       | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | B   | B             | B   | B             | B   | B             | X  |
| Sawmill, temporary non-commercial        | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | X  |
| Stable, commercial                       | B   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C  |
| Stable, private                          | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C  |
| Wayside stand                            | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Winery, Farm                             | B   | B             | B   | B             | X   | X             | X   | X             | C   | C             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Winery, Major                            | C   | C             | C   | C             | X   | X             | X   | X             | C   | C             | C   | B             | B   | B             | B   | B             | B   | B             | X  |
| <b>Residential</b>                       |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |    |
| Accessory dwelling unit                  | B   | B             | B   | B             | B   | B             | B   | B             | C   | C             | X   | X             | C   | X             | X   | X             | X   | X             | B  |
| Cottage                                  | C   | C             | C   | C             | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | B  |
| Dormitory                                | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Group home                               | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Guest home                               | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Guestroom                                | B   | B             | B   | B             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Manufactured home                        | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Multi-family dwelling                    | X   | X             | X   | X             | X   | X             | X   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Single-family dwelling, attached         | X   | X             | X   | X             | X   | C             | X   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | B  |
| Single-family dwelling, detached         | B   | B             | B   | B             | B   | B             | B   | B             | X   | B             | B   | B             | X   | X             | X   | X             | X   | X             | B  |
| Temporary family health care structure   | B   | B             | B   | B             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | B  |
| Two-family dwelling                      | X   | X             | C   | C             | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | B  |
| <b>CIVIC</b>                             |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |    |
| Civic use                                | C   | C             | C   | C             | C   | B             | C   | B             | C   | B             | C   | B             | C   | B             | C   | B             | X   | X             | B  |
| Club                                     | C   | C             | C   | C             | C   | C             | C   | C             | C   | B             | C   | B             | C   | B             | C   | X             | X   | X             | B  |
| Correction facility                      | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Cultural services                        | X   | X             | C   | C             | C   | C             | C   | B             | C   | B             | B   | B             | X   | X             | X   | X             | X   | X             | B  |
| Educational facility, college/university | C   | C             | C   | C             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Educational facility, primary/secondary  | C   | C             | C   | C             | C   | B             | C   | B             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | C  |
| Emergency shelter                        | X   | X             | C   | C             | X   | X             | X   | X             | C   | B             | B   | B             | C   | B             | C   | B             | X   | X             | X  |
| Post office                              | C   | C             | C   | C             | X   | X             | X   | X             | C   | B             | B   | B             | C   | B             | C   | B             | X   | X             | B  |
| Public assembly                          | C   | C             | C   | C             | X   | X             | X   | X             | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | C  |
| Public maintenance and service facility  | C   | C             | C   | C             | X   | X             | X   | X             | C   | B             | C   | B             | C   | B             | C   | B             | C   | B             | X  |
| Public park and recreational area        | C   | C             | C   | C             | C   | B             | C   | B             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Public recreation assembly               | C   | C             | C   | C             | C   | C             | C   | C             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Recycling center                         | C   | C             | C   | C             | C   | C             | C   | C             | C   | B             | C   | B             | C   | B             | C   | B             | C   | B             | X  |
| Refuse collection site                   | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | B             | X  |
| Religious assembly                       | C   | C             | C   | C             | C   | B             | C   | B             | C   | B             | C   | B             | C   | B             | C   | B             | C   | B             | B  |
| Shelter                                  | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | C   | C             | X   | X             | X  |
| Utility service, major                   | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | X  |
| Utility service, minor                   | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B  |

|                                          | A-1 | A-1<br>(GAOD) | A-2 | A-2<br>(GAOD) | R-1 | R-1<br>(GAOD) | R-2 | R-2<br>(GAOD) | C-1 | C-1<br>(GAOD) | C-2 | C-2<br>(GAOD) | IND | IND<br>(GAOD) | I-1 | I-1<br>(GAOD) | I-2 | I-2<br>(GAOD) | RD |
|------------------------------------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|-----|---------------|----|
| <b>Commercial</b>                        |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |    |
| Assisted living facility                 | X   | X             | C   | C             | C   | C             | C   | C             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | C  |
| Automobile dealership                    | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | B   | X             | X   | X             | X   | X             | X  |
| Automobile parts/supplies, retail        | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Automobile rental/leasing                | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Automobile repair service                | C   | C             | C   | C             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Bed and breakfast                        | C   | C             | C   | C             | C   | C             | C   | C             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Boardinghouse                            | C   | C             | C   | C             | C   | C             | C   | C             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Business or trade school                 | X   | X             | C   | C             | X   | X             | X   | X             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Business support service                 | X   | X             | X   | X             | X   | X             | X   | X             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Camp                                     | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Campground                               | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Car wash                                 | X   | C             | X   | C             | X   | X             | X   | X             | C   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Cemetery                                 | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Clinic                                   | X   | X             | C   | C             | X   | X             | X   | X             | B   | B             | B   | B             | C   | B             | C   | B             | X   | X             | C  |
| Commercial Assisted Living Facility      | X   | X             | X   | X             | X   | X             | X   | X             | X   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X  |
| Commercial indoor amusement              | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | B  |
| Commercial indoor entertainment          | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | C  |
| Commercial indoor sports and recreation  | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | C  |
| Commercial outdoor entertainment         | X   | X             | C   | C             | X   | X             | X   | X             | C   | C             | X   | B             | X   | X             | X   | X             | X   | X             | C  |
| Commercial outdoor sports and recreation | X   | X             | C   | C             | X   | X             | X   | X             | C   | C             | X   | B             | X   | X             | X   | X             | X   | X             | C  |
| Commercial vehicle repair service        | X   | C             | X   | C             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Communications service                   | X   | X             | C   | C             | X   | X             | X   | X             | B   | B             | C   | B             | C   | B             | C   | B             | X   | X             | X  |
| Construction sales and service           | X   | C             | X   | C             | X   | X             | X   | X             | C   | C             | C   | C             | C   | B             | C   | B             | C   | X             | X  |
| Construction yard                        | X   | C             | X   | C             | X   | X             | X   | X             | C   | C             | C   | C             | C   | B             | C   | B             | C   | B             | X  |
| Consumer repair service                  | X   | C             | X   | C             | X   | X             | X   | X             | B   | B             | B   | B             | C   | B             | C   | B             | C   | X             | X  |
| Custom manufacturing                     | C   | C             | C   | C             | C   | C             | C   | C             | B   | B             | B   | B             | C   | B             | C   | B             | C   | B             | X  |
| Contractor's Offices and Shop            | C   | C             | C   | C             | X   | X             | X   | X             | C   | B             | C   | B             | B   | B             | B   | B             | B   | B             | X  |
| Dance hall                               | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Day care                                 | B   | B             | B   | B             | C   | C             | C   | C             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | C  |
| Day care center                          | X   | C             | C   | C             | C   | C             | C   | C             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | C  |
| Entertainment establishment, adult       | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Equipment sales and rental               | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | B             | C   | B             | C   | B             | X   | X             | X  |
| Family day care home                     | B   | B             | B   | B             | C   | C             | C   | C             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | C  |
| Farmers Market                           | C   | C             | C   | C             | X   | X             | X   | X             | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X  |
| Financial institution                    | X   | X             | X   | X             | X   | X             | X   | X             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | C  |
| Foster home                              | X   | X             | X   | X             | X   | X             | X   | X             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | X  |
| Garden center                            | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Gasoline station                         | X   | X             | C   | C             | X   | X             | X   | X             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| General office                           | C   | C             | C   | C             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | B  |
| Golf course                              | X   | X             | C   | C             | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | B  |
| Grocery store                            | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | B   | B             | X   | X             | X   | X             | X   | X             | C  |
| Guidance services                        | X   | X             | X   | X             | X   | X             | X   | X             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | X  |
| Halfway house                            | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | X  |
| Home occupation, class A                 | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | B  |
| Home occupation, class B                 | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Hospital                                 | X   | C             | X   | C             | C   | C             | C   | C             | C   | B             | B   | B             | C   | B             | C   | B             | X   | X             | X  |
| Hotel                                    | X   | C             | X   | C             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | B  |
| Itinerant Vendor                         | C   | C             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Kennel, Commercial                       | X   | X             | C   | C             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Life care facility                       | X   | C             | X   | C             | C   | C             | C   | C             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | C  |
| Manufactured home sales                  | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Marina                                   | X   | X             | X   | X             | X   | X             | X   | X             | X   | C             | B   | B             | X   | X             | X   | X             | X   | X             | B  |
| Medical office                           | X   | C             | X   | C             | X   | X             | X   | X             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B  |
| Mini-warehouse                           | X   | C             | X   | C             | X   | X             | X   | X             | C   | B             | B   | B             | C   | B             | C   | B             | X   | X             | C  |
| Nursing home                             | X   | C             | X   | C             | C   | C             | C   | C             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | C  |
| Parking facility                         | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | C   | B             | C   | B             | X   | X             | C  |
| Pawn shop                                | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Personal improvement services            | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | B   | B             | X   | X             | X   | X             | X   | X             | B  |
| Personal services                        | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | B   | B             | X   | X             | X   | X             | X   | X             | B  |
| Private School                           | C   | C             | C   | C             | C   | C             | C   | C             | C   | B             | B   | B             | X   | X             | X   | X             | X   | X             | C  |
| Recreational vehicle sales and service   | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | X   | X             | X   | X             | X   | X             | X  |
| Restaurant                               | X   | X             | C   | C             | X   | X             | X   | X             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | B  |
| Restaurant, drive-in                     | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Shooting range, indoor                   | C   | C             | C   | C             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C  |
| Shooting range, outdoor                  | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | X  |
| Special Occasion Facility                | C   | C             | C   | C             | X   | X             | X   | X             | C   | C             | B   | X             | X   | X             | X   | X             | X   | X             | C  |
| Specialty shop                           | X   | X             | C   | C             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | C  |
| Store, adult                             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Store, general                           | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Store, neighborhood convenience          | C   | C             | C   | C             | X   | X             | X   | X             | C   | B             | C   | B             | X   | X             | X   | X             | X   | X             | B  |
| Studio, fine arts                        | X   | X             | C   | C             | X   | X             | X   | X             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X  |
| Surplus sales                            | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | X  |
| Transportation terminal                  | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | X  |
| Truck terminal                           | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | X  |
| Veterinary hospital/clinic               | C   | C             | C   | C             | X   | X             | X   | X             | B   | B             | B   | B             | B   | B             | B   | B             | X   | X             | C  |
| <b>Industrial</b>                        |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |    |
| Industrial, light                        | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | C   | B             | X  |
| Industrial, medium                       | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | X  |
| Industrial, heavy                        | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | X  |
| Laboratory                               | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | C   | B             | X  |
| Railroad facility                        | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | B             | C   | B             | C   | B             | X  |
| Research and development                 | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | B             | C   | B             | C   | B             | X  |
| Resource extraction                      | C   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | X  |
| Salvage and scrap service                | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | X  |
| Transfer station                         | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | C   | C             | X  |
| Warehousing and distribution             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | B             | C   | B             | C   | B             | C   | B             | X  |
| <b>Miscellaneous</b>                     |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |     |               |    |
| Amateur radio tower                      | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B  |
| Aviation facility                        | C   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | X  |
| Broadcasting or communication tower      | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | X  |
| Cemetery, private                        | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | B  |
| Kennel, private                          | B   | B             | B   | B             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |
| Outdoor gathering                        | C   | C             | C   | C             | X   | X             | X   | X             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | X  |
| Solar Generation Facility, Small-Scale   | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B   | B             | B  |
| Solar Generation Facility, Minor-scale   | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C  |
| Solar Generation Facility, Utility-scale | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C   | C             | C  |
| Temporary conditional uses               | C   | C             | C   | C             | C   | C             | C   | C             | X   | X             | X   | X             | X   | X             | X   | X             | X   | X             | X  |

# COUNTY OF LOUISA

COMMUNITY DEVELOPMENT DEPARTMENT  
1 WOOLFOLK AVENUE, STE 201  
LOUISA, VIRGINIA 23903

(540) 967-3430  
FAX (540) 967-3486

## MEMORANDUM

TO: Members, Louisa County Planning Commission  
FROM: Linda Buckler, Deputy Zoning Administrator / Subdivision Agent  
SUBJECT: November Planning Commission Meeting  
DATE: 6/29/2021

This year the regular November Planning Commission meeting date falls on November 11<sup>th</sup>; which is the Veteran's Day Holiday.

According to the Planning Commission By-Laws, Section II. Meetings, item #1, "if such meeting falls on any legal holiday, then it shall be held on another day designated by the Commission." See language below:

### II. Meetings

1. Regular meetings of the Commission shall be held in the Louisa County Public Meeting Room, County Office Building, on the second Thursday of each month. **If such meeting falls on any legal holiday, then it shall be held on another day designated by the Commission.**

In order for staff to adjust the scheduling calendar for filing deadlines, public notices, etc. a replacement meeting date should be chosen as soon as possible.

At this time, the following dates are available options with meeting room availability: and have been tentatively reserved on the public meeting room and executive board room calendars.

- Thursday, November 4<sup>th</sup>
- Wednesday, November 10<sup>th</sup>
- Thursday, November 18<sup>th</sup>

If you have any questions, please contact our office.

*Law Offices*  
**LEMING AND HEALY P.C.**  
P. O. BOX 445  
GARRISONVILLE, VA 22463



H. CLARK LEMING  
PATRICIA A. HEALY  
PETER R. BASANTI

(540) 659-5155  
FAX (540) 659-1651  
Email: lemingandhealy1@msn.com

May 25, 2021

**VIA FEDEX OVERNIGHT DELIVERY**

Robert Gardner, Director  
Department of Community Development  
Louisa County  
1 Woolfolk Avenue  
Louisa, VA 23093

RE: Vallerie Holdings of Virginia, LLC's Variance Application for Tax Map Parcel  
Number 47-11-B2 (the "Property")

Dear Mr. Gardner:

Enclosed please find Vallerie Holdings of Virginia, LLC's ("VHOV") Variance Application for the Property. Given the requirements of Virginia Code § 15.2-2312 which the Board of Supervisors previously utilized to reverse the BZA's granting of this variance, we request that this Variance Application not be scheduled for hearing unless and until all seven BZA members have confirmed their availability for that hearing.

The following Variance Application submission materials are enclosed:

1. A check in the amount of \$630.00 representing the filing fee;
2. Completed Land Use Amendment/Variance Application Form;
3. County GIS/Tax Map showing the Property;
4. Certified site plan/survey plat of the Property;
5. Proposed deck plan; and
6. Variance Narrative Justification and Exhibits.

Yours very truly,

H. Clark Leming

Enclosures

Attachment: Submitted Application Package (6673 : Notification & Review - Variance Application - Vallerie Holdings LLC)

1224

LEMING & HEALY PC  
P.O. BOX 445  
GARRISONVILLE, VA 22463  
(540) 659-5155

**BB&T**  
BRANCH BANKING AND TRUST COMPANY  
VIRGINIA  
68-426/514

5/25/2021

PAY TO THE  
ORDER OF

Treasurer, County of Louisa

\$ \*\*630.00

DOLLA

Six Hundred Thirty and 00/100\*\*\*\*\*

Treasurer, County of Louisa

MEMO

Tax Map 47-11-B2 Variance Application

*Patricia D. Healy*  
AUTHORIZED SIGNATURE

⑈00012243⑈ ⑆051404260⑆0005139216549⑈

Attachment: Submitted Application Package (6673 : Notification &amp; Review - Variance Application - Vallerie Holdings LLC)

## LAND USE AMENDMENT APPLICATION

For the purpose of assuring good arrangement, appearance, function, harmony with surroundings and adjacent uses, and compliance with the requirements of the Louisa County Zoning Ordinance regulations, the following information is required when applications are submitted for the following: Rezoning, Conditional Use Permits, Temporary Conditional Use Permits, Variances, Proffer Amendment, Comprehensive Plan Amendment, Comprehensive Plan Public Facilities and Special Exceptions. **A pre-application meeting must be scheduled with staff for all application types.**

### Checklist for Land Use Amendment Application

**\*\*To be Completed by the Firm or Person(s) Submitting the Application\*\***

- ☒ **COMPLETED APPLICATION**  
(If the applicant is different from the owner - signatures are required from the applicant and the record owner.)
- ☐ **COPY OF CONTRACT** (if applicable)
- ☒ **COUNTY TAX MAP** showing the subject property
- ☒ **CERTIFIED PLAT** of the subject property (Only the Zoning Administrator can waive this requirement.)
- ☒ **PRELIMINARY SITE PLAN** - which includes the following:
  - Location of proposed or existing structure(s) - including the dimensions, distance from all property lines and distance from all other structures.
  - Parking areas, driveways and entrances - including the number of parking spaces, location of driveway and length and any pertinent information from the Highway Department regarding site distance, type of entrance, etc.
  - Location of proposed and/or existing utilities - including well, septic, telephone, power lines, etc. Also include any pertinent information from the Health Department regarding installation or upgrade of well and septic system.
  - All building restriction lines, highway setback lines, utility easements, covenants, reservations and rights-of-ways.
  - Owner(s), present use and zoning of all contiguous or abutting property - including that in a subdivision, across any highway, railroad right-of-way, creek or river, even if the property lies in another County or Town.
  - Recreation and open spaces.
  - Any provisions for buffering.
  - Any other applicable plans, renderings, elevations or photographs.

Reviewer: \_\_\_\_\_ Case # VAR04-20  
 Fee Rcv'd: \_\_\_\_\_ Rept # \_\_\_\_\_  
 Date & Time Rcv'd: 5/26/2021  
 Pre-App Meeting: \_\_\_\_\_

## LAND USE AMENDMENT APPLICATION

Board of Supervisors of Louisa County, Virginia

The following information shall be typed or printed and completed in full. Attach additional pages where necessary.

### 1. IDENTIFICATION OF REQUEST:

- A: REZONING: From \_\_\_\_\_ ( ) to \_\_\_\_\_ ( )
- B: CONDITIONAL USE: \_\_\_\_\_  
 \_\_\_\_\_
- C: TEMPORARY CONDITIONAL USE: \_\_\_\_\_  
 \_\_\_\_\_
- D: VARIANCE: Variance from County Code Sec. 86-18.1 to allow the entryway of the upper level of the residence on the parcel enter the 5' setback to the Dominion property line.
- E: PROFFER AMENDMENT: \_\_\_\_\_  
 \_\_\_\_\_
- F: COMP PLAN AMENDMENT: \_\_\_\_\_  
 \_\_\_\_\_
- G: COMP PLAN PUBLIC FACILITIES: \_\_\_\_\_  
 \_\_\_\_\_
- H: SPECIAL EXCEPTION: \_\_\_\_\_  
 \_\_\_\_\_

### 2. APPLICANT, PROPERTY OWNER, AGENT

- A. NAME OF APPLICANT: Vallerie Holdings of Virginia, LLC  
 If a corporation, name of agent: H. Clark Leming
- B. MAILING ADDRESS: P.O. Box 445 Garrisonville, VA 22463  
Email: lemingandhealy1@msn.com Telephone # 540-6595155
- C. NAME OF PRESENT OWNER OF PROPERTY ON WHICH THIS REQUEST WILL OCCUR:  
Vallerie Holdings of Virginia, LLC
- D. MAILING ADDRESS: 6473 Tarpleys Tavern Road, Williamsburg, VA 23188  
 Telephone # 443-790-4075

If the applicant is not the owner of the property in question, explain: N/A

Attachment: Submitted Application Package (6673 : Notification & Review - Variance Application - Vallerie Holdings LLC)

A copy of pending contract or option agreement shall be attached hereto and made a part of this application.

E. NAME OF PERSON TO BE NOTIFIED IN ADDITION TO THE APPLICANT AND/OR  
PROPERTY OWNER: H. Clark Leming

F. ADDRESS: P.O. Box 445 Garrisonville, VA 22463

Email: lemingandhealy1@msn.com

Telephone #: 540-659-5155

3. **LOCATION OF PROPERTY** (Assistance will be given in obtaining the following information upon request).

A. VOTING DISTRICT \_\_\_\_\_ B. TAX MAP # 47-11-B2

C. SUBDIVISION NAME Pleasants Landing D. LOT/PARCEL # B2

E. PROPERTY LOCATION 349 Pleasants Landing Road Bumpass, Virginia 23024

F. IS PARCEL UNDER LAND USE TAXATION PROGRAM? \_\_\_\_\_ YES \_\_\_\_\_ No \_\_\_\_\_ NO

4. **EXPLAIN FULLY THE PROPOSED USE, TYPE OF DEVELOPMENT, OPERATION PROGRAM, ETC., AND THE REASON OF THIS REQUEST:**

See attached Narrative Justification.

(Attach applicable plans, renderings, elevations, photographs.)

5. **STATE HOW THIS REQUEST WILL NOT BE MATERIALLY DETRIMENTAL TO ADJACENT PROPERTY, THE SURROUNDING NEIGHBORHOOD OR THE COUNTY IN GENERAL. INCLUDE, WHERE APPLICABLE, INFORMATION CONCERNING: USE OF PUBLIC UTILITIES; EFFECT OF REQUEST ON PUBLIC SCHOOLS; EFFECT ON TRAFFIC--INCLUDE MEANS OF ACCESS TO THE NEAREST PUBLIC ROAD; EFFECT ON EXISTING AND FUTURE AREA DEVELOPMENT, ETC.**

This request has no effect on adjacent properties, public utilities, public schools, traffic, or existing and future area development.

6. **EXPLAIN ANY EXISTING USE PERMIT, SPECIAL EXCEPTION, (Prior) CONDITIONAL USE PERMIT, TEMPORARY CONDITIONAL USE PERMIT OR VARIANCE PREVIOUSLY GRANTED ON THE PARCEL IN QUESTION:**

**7. INDICATE THE FOLLOWING WITH RESPECT TO THE SUBJECT PARCEL:**

- A. EXISTING LAND USE(S): single-family residential, marina, outdoor commercial entertainment
- B. EXISTING STRUCTURE(S): One single-family residential structure
- C. EXISTING ZONING: C-2, Commercial
- D. ACREAGE OF REQUEST: 7.296 acres (but the structure at issue is approximately 1120 sq ft.)
- E. UTILITIES: Existing private well and drainfield.  
(Intended use, example: public water and/or sewer; individual well and/or septic tank; other source.)
- F. IS THIS PROJECT IN OR NEAR A PINE PLANTATION? No
- G. IS THIS PROJECT IN AN AG/FORESTAL DISTRICT? No

**8. IF REQUESTING A VARIANCE, EXPLAIN THE UNIQUE PHYSICAL HARDSHIP OR EXTRAORDINARY SITUATION THAT IS THE JUSTIFICATION FOR THE VARIANCE:**

This is no longer the standard for a variance in Virginia. See the attached Narrative Justification for the analysis of this request under the current variance criteria set forth in Virginia Code Sec. 15.2-2309(2).

**9. GIVE COMPLETE NAMES AND ADDRESSES (INCLUDING ZIP CODES) OF ALL OWNERS ADJACENT, ACROSS THE ROAD OR HIGHWAY FACING THE PROPERTY AND ACROSS ANY RAILROAD RIGHT-OF-WAY, CREEK, OR RIVER FROM SUCH PROPERTY, EVEN IF SUCH PROPERTY LIES IN ANOTHER COUNTY OR TOWN. (THIS INFORMATION MUST BE OBTAINED BY THE APPLICANT).**

- \* PROPERTY OWNER'S NAME: Terry T. Godbolt
- MAILING ADDRESS: 13291 Ashland Road  
Ashland, VA 23005 TAX MAP # 47-11-2A
- SUBDIVISION NAME \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_
- ACREAGE 3.541 ZONING R-2
- \* PROPERTY OWNER'S NAME: Terry T. Godbolt
- MAILING ADDRESS: 13291 Ashland Road  
Ashland, VA 23005 TAX MAP # 47-11-2B
- SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_
- ACREAGE 1.122 ZONING C-2

- \* PROPERTY OWNER'S NAME: Carolyn and Katherine Marsh Harris  
MAILING ADDRESS: 2341 Greens Corner Road  
Bumpass, VA 23024 TAX MAP # 47-25  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_  
ACREAGE 30.83 ZONING A-1
- \* PROPERTY OWNER'S NAME: Teresa S. Hall  
MAILING ADDRESS: P.O. Box 103  
Bumpass, VA 23024 TAX MAP # 47-11-B1  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_  
ACREAGE 3.66 ZONING A-2
- \* PROPERTY OWNER'S NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_ TAX MAP # \_\_\_\_\_  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_  
ACREAGE \_\_\_\_\_ ZONING \_\_\_\_\_
- \* PROPERTY OWNER'S NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_ TAX MAP # \_\_\_\_\_  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_  
ACREAGE \_\_\_\_\_ ZONING \_\_\_\_\_
- \* PROPERTY OWNER'S NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_ TAX MAP # \_\_\_\_\_  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_  
ACREAGE \_\_\_\_\_ ZONING \_\_\_\_\_
- \* PROPERTY OWNER'S NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_ TAX MAP # \_\_\_\_\_  
SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_  
ACREAGE \_\_\_\_\_ ZONING \_\_\_\_\_
- \* PROPERTY OWNER'S NAME: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_ TAX MAP # \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_ TAX MAP # \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_

ACREAGE \_\_\_\_\_ ZONING \_\_\_\_\_

\* PROPERTY OWNER'S NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_ TAX MAP # \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_

ACREAGE \_\_\_\_\_ ZONING \_\_\_\_\_

\* PROPERTY OWNER'S NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_ TAX MAP # \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_ LOT/PARCEL# \_\_\_\_\_

ACREAGE \_\_\_\_\_ ZONING \_\_\_\_\_

**10. HERewith IS DEPOSITED THE FEE REQUIRED. CHECKS OR MONEY ORDERS  
 MADE PAYABLE TO TREASURER, COUNTY OF LOUISA.**

|                                     |                     |
|-------------------------------------|---------------------|
| A. REZONING                         | \$1000 + \$10/Acre* |
| B. CONDITIONAL USE PERMIT           | \$500.00*           |
| C. TEMPORARY CONDITIONAL USE PERMIT | \$250.00*           |
| Temporary Housing*                  |                     |
| Extension or Amendment*             |                     |
| Other*                              |                     |
| D. VARIANCE                         | \$500.00*           |
| E. PROFFER AMENDMENT                | \$500.00*           |
| F. COMP PLAN AMENDMENT              | \$500.00*           |

\*IN ADDITION TO THE STANDARD FEE, AN ADDITIONAL \$50.00 WILL BE CHARGED FOR EACH REQUEST AS A DEPOSIT ON A ZONING SIGN AND WILL BE REFUNDED UPON THE RETURN OF THE SIGN BY THE APPLICANT ONCE THE REQUEST HAS BEEN ACTED UPON.

\*THERE WILL BE A \$20.00 FEE CHARGED PER ADJACENT/ADJOINING PROPERTY OWNER FOR NOTIFICATION AND ADVERTISEMENT. THERE WILL ALSO BE AN ADDITIONAL \$250.00, PLUS A

**\$20.00 FEE CHARGED PER ADJACENT/ADJOINING PROPERTY OWNER FOR RENOTIFICATION AND RE-ADVERTISEMENT EACH TIME AN APPLICATION IS DELAYED OR POSTPONED AT THE REQUEST OF THE APPLICANT OR NECESSARY DUE TO SOME FAILURE TO ACT ON THE PART OF THE APPLICANT.**

11. ENCLOSED WITH THIS APPLICATION IS A SITE PLAN OR TENTATIVE PLAN.
12. ENCLOSED WITH THIS APPLICATION IS THE APPROPRIATE COUNTY TAX MAP WITH THE PROPERTY MARKED AND A SURVEYED PLAT OF THE ENTIRE PARCEL.

\*\*\*\*\*

13. I/WE HEREBY CERTIFY THAT TO THE BEST OF MY/OUR KNOWLEDGE ALL OF THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ANY EXHIBITS TRANSMITTED ARE TRUE AND THAT THE ADJACENT PROPERTY OWNERS LIST HEREWITH ARE THE OWNERS OF RECORD AS OF THE DATE OF APPLICATION.

**NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. ANY REQUEST WHICH REQUIRES PLANS MUST BE ACCOMPANIED BY THOSE PLANS AT THE TIME OF SUBMISSION OF THE APPLICATION.**

DATE: May 25, 2021.

Michael J Vallerie  
SIGNATURE OF APPLICANT  
(Same Name as Used in Item 2-A, Page 1)

Michael J Vallerie  
APPLICANT'S NAME  
(Typed or Printed)

Michael J Vallerie  
SIGNATURE OF OWNER  
(Same Name as Used in Item 2-C, Page 1)

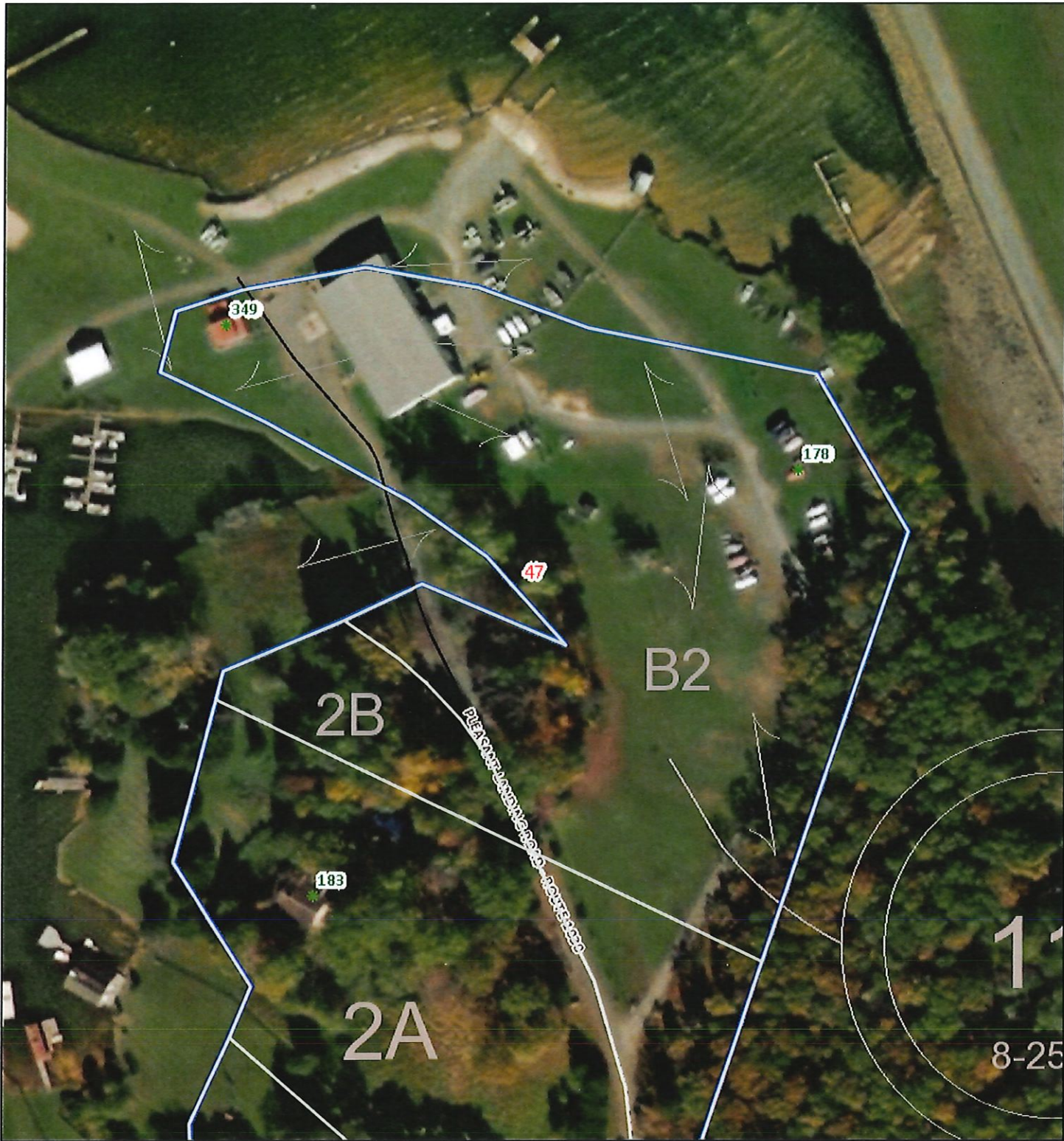
Michael J VALLERIE  
OWNER'S NAME  
(Typed or Printed)

H. Clark Leming  
SIGNATURE OF AGENT  
(Name of Person Other Than, but Acting for the Applicant, Responsible for this Application)

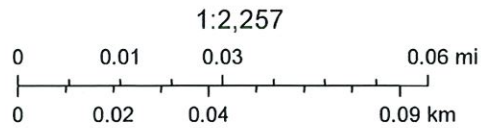
H. CLARK Leming  
AGENT'S NAME  
(Typed or Printed)

**NOTICE TO TEMPORARY CONDITIONAL USE PERMIT APPLICANTS**

In accordance with Section 86-22, of the Louisa County Zoning Ordinance, any Temporary Conditional Use Permit granted shall be considered canceled if the applicant does not avail himself/herself of the privilege within ninety (90) days from the date of issuance of the Temporary Conditional Use Permit.



May 25, 2021

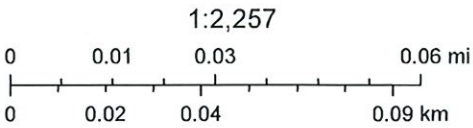


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Attachment: Submitted Application Package (6673 : Notification & Review - Variance Application - Vallerie Holdings LLC)



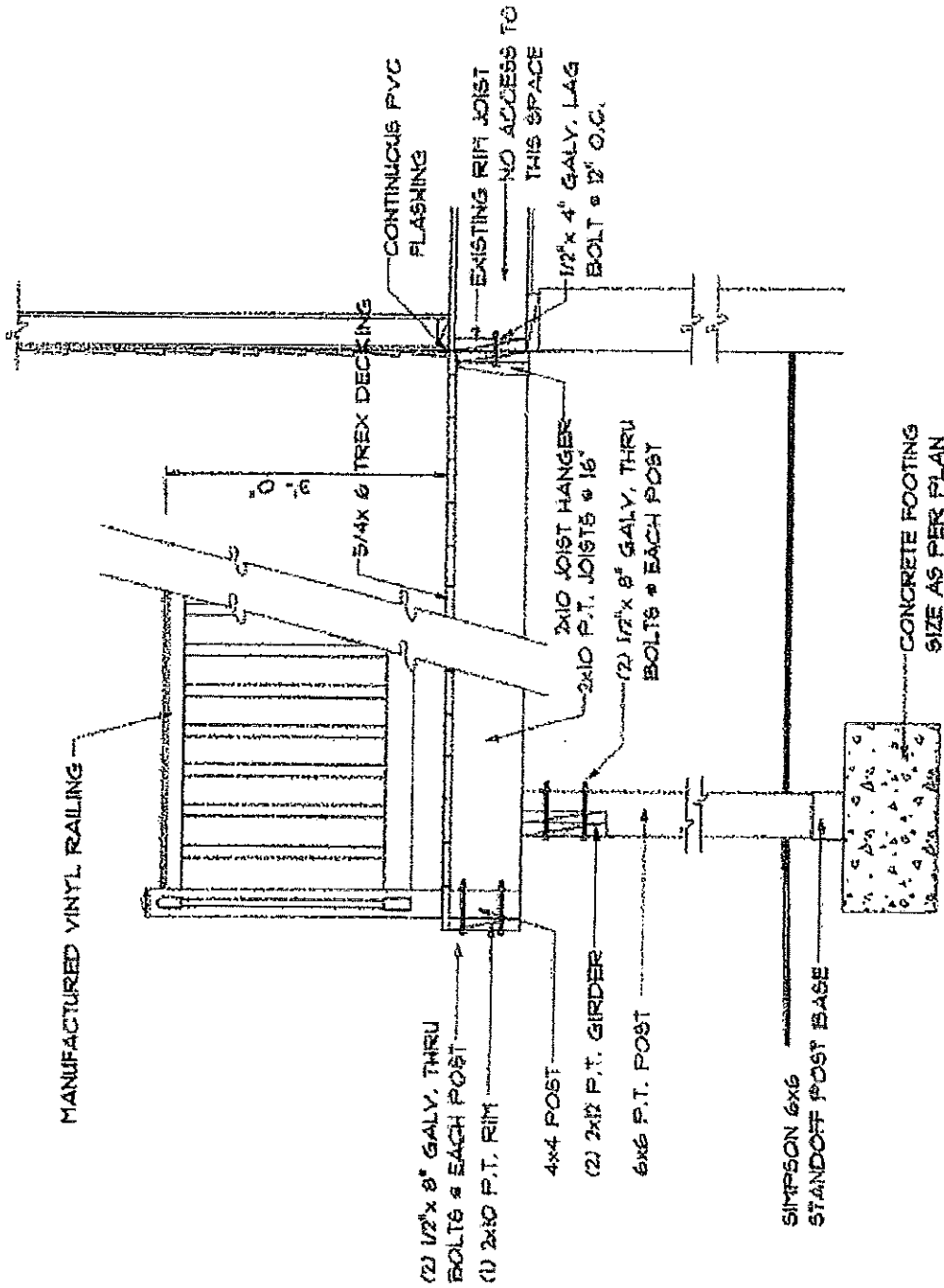
May 25, 2021



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

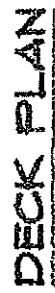






## DECK SECTION "A"

3/4" = 1'-0"


$$14^4 = 10^3$$

## VARIANCE NARRATIVE JUSTIFICATION

The Applicant, Vallerie Holdings of Virginia, LLC (“VHOV” or the “Applicant”), hereby requests from the Louisa County Board of Zoning Appeals (“BZA”) a variance from Louisa County (“County”) Code Sec. 86-18.1(a) in order to allow a portion of the access entryway to VHOV’s second floor residence (the “residence”) located at 349 Pleasants Landing Road, Bumpass, Virginia 23024 (the “Property”) to encroach within five feet (5’) of the shared boundary line between the Property and the adjacent parcel controlled by Dominion Energy (the “Dominion Property”). The requested variance would reduce the setback from 5’ to 0’ for an approximately 50 square foot (50-sf) corner of the entryway to the residence, as generally depicted on Sheet 2 of the approved Site Plan submitted with this variance application.

### Background

#### Construction and renovations prior to the Applicant’s acquisition of the Property.

The residence is approximately 400 square feet (“400-sf”) and is located on the second floor of an existing two-story structure. The structure was initially erected on the Property over forty (40) years ago. The southwest corner of the structure was constructed approximately 5.8’ from the Dominion Property line. The photograph attached hereto as Exhibit A shows the original structure in its previous, blighted condition, as the structure and residence were repeatedly burglarized and vandalized while the Property was vacant prior to VHOV’s purchase.

The residence is inaccessible internally due to renovations made by a previous owner. Previous access to the residence was therefore accomplished through an external staircase depicted on Exhibit A. This staircase encroached within 5’ of the Dominion Property line and constituted a lawful nonconformity. The lawfully nonconforming staircase was, however, removed by a previous owner, as shown on the photograph taken on September 12, 2015 and attached as Exhibit B.

#### The Applicant’s acquisition of the Property and construction of the entryway.

The Applicant acquired the Property in December of 2015. At the time, the second-floor residence was completely inaccessible. The Applicant could not construct internal access due to the prohibitive size limitations of the 400-sf residence. The only conceivable location for such interior access would be through the existing second-floor kitchen. This interior access was infeasible not only due to size constraints, but also due to the preexisting layout of the walls, plumbing, and appliances of the kitchen. The construction of an interior staircase would have required demolishing the existing walls, plumbing, and drainpipes and reconstructing them on the opposite side of the structure. As shown on the sketch and cost estimate prepared by the Applicant’s contractor and attached as Exhibit C, this demolition and reconstruction to accommodate interior access would cost the Applicant approximately \$25,000.00 to \$30,000.00 to undertake.

With internal access practically unavailable and financially costs-prohibitive, the Applicant constructed external access to the second-floor residence which consisted of stairs, a balcony, and an approximately 50-sf corner which connects the stairs to the balcony (collectively the “entryway”). The entryway was constructed in the same general area as the original lawfully nonconforming staircase, with only the 50-sf corner encroaching within 5’ of the Dominion Property line.

The construction of the entryway allowed the Applicant to make needed repairs to the deteriorated and repeatedly burglarized residence and the second-floor kitchen serving the residence. As detailed in the Affidavit of Michael Vallerie, attached hereto as Exhibit D, the Applicant’s repairs to the second-floor kitchen were limited to repairing and replacing appliances, cabinetry, and countertops which were damaged, vandalized or stolen prior to the Applicant’s purchase of the Property.

The Applicant’s other by-right uses of the Property.

In addition to occupying the by-right residence, the Applicant operates the by-right Pleasants Landing Marina (the “Marina”) on the Property. The Applicant also rents the outdoor areas of the Property facing the waterfront to third parties for by-right Outdoor Commercial Entertainment events such as concerts and farmer’s markets.

It is imperative that access to its second-floor residence be visible while operating the Marina to enable the Applicant to monitor the residence. This visibility is necessary due to the repeated burglarizing and vandalization of the residence prior to the Applicant’s acquisition of the Property. This visibility is further necessary during Outdoor Commercial Entertainment events because patrons routinely attempt to access the residence during events to get a better view of the stage or because they mistake the residence for a First Aid area. The current location of the entryway is the only location on the Property that allows for this visibility from the Marina.

The County’s approval of the Applicant’s Site Plan for the Property.

In 2016, the Applicant made application for its Site Plan for the foregoing by-right uses of the Property. The Site Plan showed the 50-sf corner of the entryway within 5’ of the Dominion Property line. Even though the entryway is located approximately eighty feet (80’) from the Lake Anna shoreline as shown in the photographs attached as Exhibit E, the County nevertheless took the position that the entryway was “within five feet from the property line(s) fronting along the water body” in alleged violation of County Code § 86-18.1.

The County consequently approved the Applicant's Site Plan on or about October 28, 2016 with a note stating in pertinent part: "Deck shown is within the 5' building setback line and will require a variance from the Board of Zoning Appeals . . ."<sup>1</sup>

The Applicant's repeated attempts to obtain this variance.

This Application marks the fifth attempt by the Applicant to apply for and obtain this variance from the BZA in accordance with the approved Site Plan. The first attempt occurred in 2017; the BZA denied that request, causing the Applicant to remove the entryway.

In 2019, the Applicant reapplied and the BZA granted this variance on a 3-1 vote, and the Applicant reconstructed the entryway in good faith reliance on that approval. The County challenged the approval, and the Court reversed it by Order dated March 10, 2020 on the ground that the BZA did not approve the variance by the concurring vote of a majority of membership as required under Virginia Code § 15.2-2312.

After the Court's reversal, the Applicant resubmitted the variance application a third time on April 6, 2020. The Zoning Administrator refused to process the application based on County Code Sec. 86-290(2), which states: "Upon the denial by the board of zoning appeals of any application . . . substantially the same application shall not be reconsidered within 12 months of the date of denial." The cited Code Section was clearly inapplicable, as neither the BZA nor the Court denied the 2019 variance application. The application was merely void.

The Applicant submitted the variance application a fourth time on December 1, 2020; this application was withdrawn for the reasons stated in counsel for Applicant's May 19, 2021 letter to the BZA Chairman.

### **Standard of Review and Analysis**

Virginia Code § 15.2-2309(2) mandates that "a variance *shall* be granted" by the BZA if the evidence shows "that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property" or, alternatively, "that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon" and the following additional criteria are met:

- (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (ii) the granting of the variance will not be of substantial detriment to adjacent

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<sup>1</sup> While the note also refers to a special exception from the Board of Supervisors, the appropriate remedy is a variance from the BZA as detailed herein. The County concurred in its April 16, 2021 Staff Report regarding this variance request.

property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

The Applicant meets the criteria for a variance for the following reasons:

1. The granting of the variance “would alleviate a hardship due to a physical condition relating to the property or improvements thereon.”

As explained above, the residence is internally inaccessible due to renovations made by a prior owner, and a prior owner also removed the previous lawfully nonconforming exterior access to the residence which was constructed in the same general location as the entryway at issue. In addition, it is infeasible to construct an interior staircase for access to the residence due to the significant size constraints and the preexisting layout of the residence. The foregoing preexisting physical conditions require the Applicant to provide external access to the second-floor residence. The current location of the entryway not only restores the previous access to the residence, it is the only location which provides for safe and secure external access to the residence that can be monitored by the Applicant from the Marina. Because the structure was constructed approximately 5.8’ from the Dominion Property line over 40 years ago, it is not possible to restore this access without encroaching into the 5’ setback.

The BZA’s granting of the variance would thus alleviate multiple hardships due to the preexisting physical condition of the structure and the second-floor residence, as it would: (i) enable the Applicant to restore access to the residence in the same general location as the original lawfully nonconforming staircase which was removed by the prior owner; (ii) enable the Applicant to provide safe and secure access to the residence which can be monitored from the by-right Marina to ensure no unauthorized entry from patrons or vandals; and (iii) alleviate the approximately \$25,000.00-\$30,000.00 financial hardship associated with remodeling the 400-sf residence to accommodate interior access.

2. Strict application of County Code Sec. 86-18.1 would “unreasonably restrict the utilization of the property.”

While the variance request is only required to meet one of the first two criterion, this variance request nevertheless satisfies both. As detailed above, the Applicant operates the by-

right Marina on the Property and further utilizes the Property for by-right Outdoor Commercial Entertainment purposes. Strict enforcement of the 5' setback would unreasonably restrict the Applicant's by-right utilization of the Property, as it would: (i) deprive the Applicant of the ability to safely monitor access to the residence from the Marina to ensure no unauthorized entry; (ii) deprive the Applicant of the ability to restore secure access to the by-right residence in the same general area as the previous lawfully nonconforming access which was removed by the prior owner; and (iii) would result in the Applicant having to construct an interior staircase to ensure safe and secure access to the residence, which would be both unreasonably expensive (\$25,000.00 to \$30,000.00) and would unreasonably restrict the use of the 400-sf residence due to the relatively significant amount of space that an interior staircase would occupy.

In addition, the purpose of the 5' setback requirement in County Code Sec. 86-18.1 is to protect ground level structures from flooding caused by fluctuating sea levels. This rationale is irrelevant to the proposed entryway. The entryway is located approximately ten feet (10') above ground and approximately 80' away from the Lake Anna shoreline as shown in Exhibit E. As such, the entryway is not susceptible to flooding or damage caused by fluctuating sea levels. Thus, strict enforcement of the 5' setback would unreasonably restrict the Applicant's utilization of the Property while doing nothing to serve the purpose of the Ordinance.<sup>2</sup>

3. "The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance."

The Applicant acquired the Property in good faith and has restored and renovated the previously blighted Property (and structure) into an aesthetic waterfront destination which is an asset to the County and the surrounding community. As previously detailed, the hardship in this case was not created by the Applicant. Rather, it was created by previous owners who made renovations which rendered the residence internally inaccessible and who removed the previous lawfully nonconforming staircase which served as access to the residence.

4. "The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area."

As shown on the County's property assessment record for the adjacent parcel attached hereto as Exhibit F, there is no adjacent property owner who is affected by the proposed encroachment. While Dominion owns Lake Anna, the entryway is located approximately 80' from the shoreline and has no impact on Lake Anna. No other properties would be impacted by the granting of this variance. Accordingly, the granting of this variance will have no adverse

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<sup>2</sup> The foregoing also demonstrates that the BZA's granting of this variance is "not contrary to the purpose" of County Code Sec. 86-18.1 in accordance with the definition of "variance" found in Virginia Code § 15.2-2201.

impact, nor any impact, on adjacent or nearby properties, and simply would provide substantial alleviation of the Applicant's challenge to access the residence safely and securely as has historically been done on the Property.

5. "The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance."

The condition or situation of the Property is plainly unique and not general or recurring in nature, specifically: (i) the preexistence of a structure constructed just 5.8' from the Dominion Property line; (ii) the preexistence of a by-right second-floor residence within that structure which, due to improvements made by a prior owner, was only accessible externally through a lawfully nonconforming staircase constructed within 5' of the Dominion Property line; (iii) the removal of that staircase by the prior owner such that a variance from a BZA is the only available remedy for the Applicant to restore that access; (iv) the County's approval of a Site Plan showing the entryway at issue within 5' of the Dominion Property line with a note requiring that the Applicant apply for and obtain this variance from the BZA.<sup>3</sup>

6. "The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property."

The Applicant's residential use of the structure is a by-right use in the County's C-2 Zoning District. As such, the BZA's granting of the setback variance does not result in a use that is not otherwise permitted or a change in the zoning classification of the Property.

7. "The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application."

The State law definitions of "variance" and "special exception" make clear that the variance process, not the special exception process, is the appropriate and available remedy for the building setback reduction requested by the Applicant.

Virginia Code § 15.2-2201 defines "variance" in pertinent part as "a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or *location of a building or structure . . .*" (Emphasis added.) Virginia Code §

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<sup>3</sup> The foregoing also demonstrates that the "need for a variance would not be shared generally by other properties" in accordance with the definition of "variance" found in Virginia Code § 15.2-2201.

15.2-2201 defines “special exception” as “*a special use that is a use not permitted in a particular district* except by a special use permit under the provisions of this chapter and any zoning ordinances adopted herewith.” (Emphasis added.)

A variance is the appropriate and available remedy under Virginia Code § 15.2-2201 as the Applicant is requesting “a reasonable deviation from those provisions regulating the . . . location of a building or structure.” The special exception process is inapplicable because the Applicant’s residential use of the building is a permitted, by-right use in the County’s C-2 Zoning District, and is thus not “special use that is a use not permitted in a particular district” as required for invocation of the special exception process under Virginia Code § 15.2-2201.

Furthermore, the County does not authorize zoning modifications pursuant to Virginia Code § 15.2-2286(A)(4) for the extent of the setback reduction (from 5’ to 0’) requested herein.

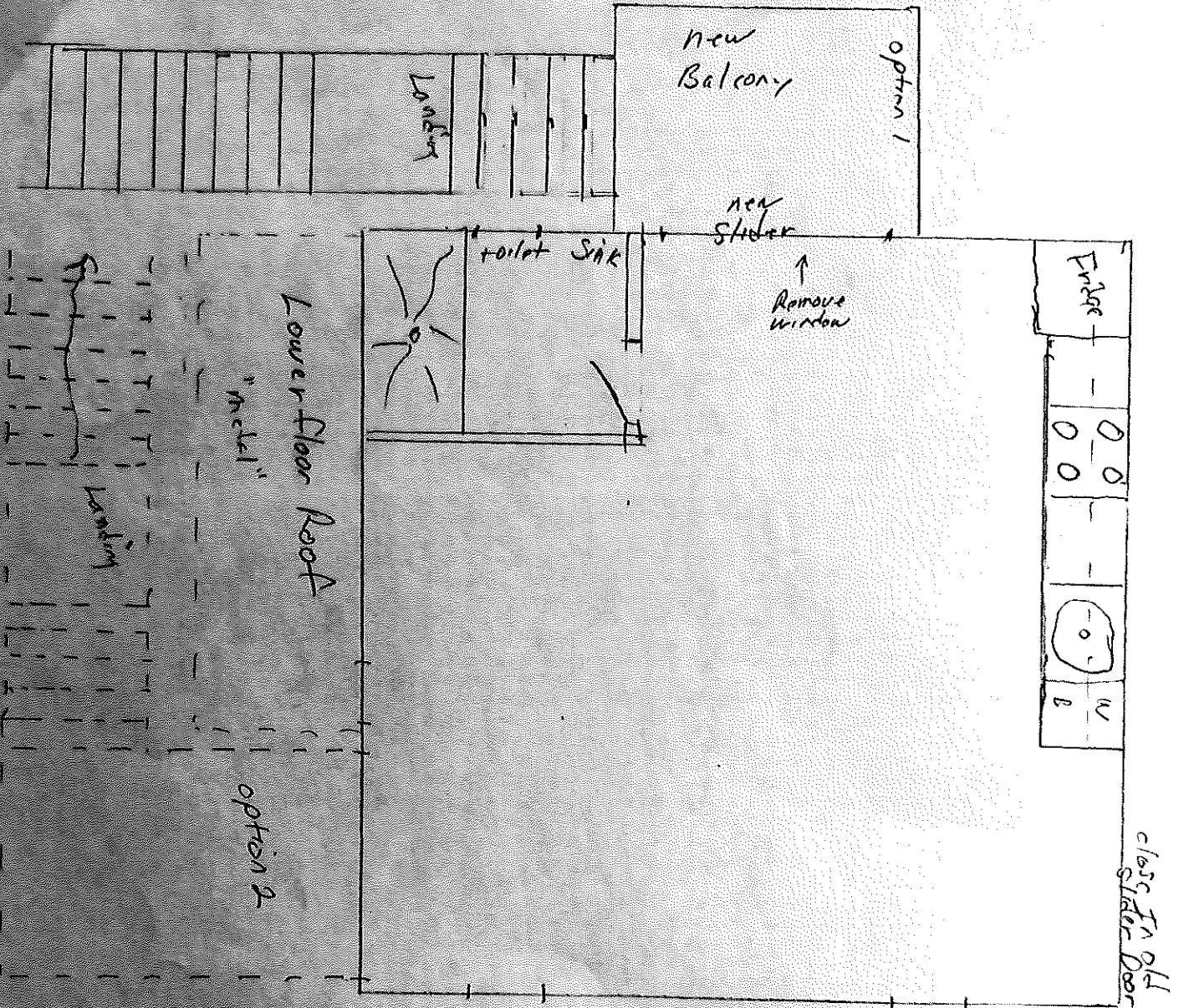
### **Conclusion**

For the foregoing reasons, the Applicant respectfully requests that the BZA grant this request for a variance from County Code Sec. 86-18.1(a) to reduce the setback from 5’ to 0’ for an approximately 50-sf corner of the entryway to the residence.





Exhibit C



- New
- 1 - New tile and pergo flooring
  - 2 - Rewire & Replumb kitchen
  - 3 - Drywall & paint
  - 4 - close in old slider door cut in new location
  - 5 - Rebuild Deck & Stairway
  - 6 - may need to move ac wall split unit to new location
  - 7 - Drywall work and paint in lower level Do to plumbing & wire changes

Remodel  
25000.00 - 30000.00

all measurements are approximate  
1/4" scale



Existing

Exhibit D

## AFFIDAVIT OF MICHAEL VALLERIE

I, Michael Vallerie, am a Member and Manager of Vallerie Holdings of Virginia, LLC ("VHOV"). VHOV acquired the property located at 349 Pleasants Landing Road, Bumpass, Virginia 23024 (the "Property") in December of 2015. At the time of purchase, there was an existing kitchen which served the second-floor residence. The layout and location of the walls, plumbing, and appliances of the preexisting kitchen made it cost-prohibitive to "remodel" the kitchen to construct interior access to the second-floor residence. As a result, VHOV did not change the layout and did not alter the walls, plumbing, or structural components of the second-floor kitchen. VHOV's renovations to the second-floor kitchen were limited to replacing appliances, cabinetry, and countertops which were damaged or stolen prior to VHOV's purchase of the Property.

Date: 5/14/2021

By: Michael Vallerie  
 Michael Vallerie  
 Member and Manager  
 Vallerie Holdings of Virginia, LLC

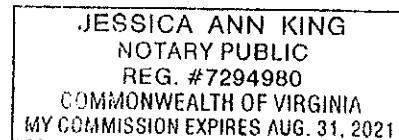
COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF James City County to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Michael Vallerie, as a Member and Manager of Vallerie Holdings of Virginia, LLC, whose name is signed to the foregoing instrument, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this 14 day of May 2021.

Jessica Ann King  
 Notary Public

Registration Number: 7294980My commission expires: August 31, 2021

Attachment: Submitted Application Package (6673 : Notification &amp; Review - Variance Application - Vallerie Holdings LLC)







## 285 CATAMARAN COURT

### Land and Value Information

|                                              |                             |
|----------------------------------------------|-----------------------------|
| <b>Parcel No:</b> WATER                      | <b>Description 1:</b> N/A   |
| <b>Property Address:</b> 285 CATAMARAN COURT | <b>Description 2:</b> N/A   |
| <b>Property City, St Zip:</b> N/A            | <b>Description 3:</b> N/A   |
| <b>Zoning:</b> W                             | <b>Description 4:</b> N/A   |
| <b>District Code:</b> N/A                    | <b>Land Use Value:</b> N/A  |
| <b>Total Acres:</b> N/A                      | <b>Last Sale Value:</b> N/A |
| <b>Parent:</b> 1                             | <b>Deed Book:</b> N/A       |
| <b>Land Value:</b> N/A                       | <b>Deed Page:</b> N/A       |
| <b>Improvement Value:</b> N/A                | <b>Land in Acres:</b> N/A   |
| <b>Total Assessed Value:</b> N/A             | <b>Land Use Code:</b> N/A   |

### Ownership

**Owner:** N/A  
**Owner2:** N/A  
**Owner Address:** N/A  
**Owner City, ST, Zip:** N/A

### Ownership

**Owner:** N/A  
**Owner2:** N/A  
**Owner Address:** N/A  
**Owner City, ST, Zip:** N/A