COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4579
Phone (434) 296-5832 Fax (434) 972-4126

ALBEMARLE COUNTY BOARD OF ZONING APPEALS
ELECTRONIC MEETING VIA ZOOM
AGENDA
TUESDAY, SEPTEMBER 1, 2020 at 2:00 P.M.

1. Call to Order

2. Establish a Quorum

3. Public Hearings:
   A. Project Number: AP2019000[illegible] R. A. Yancey Lumber Corporation 55-111B, 55-112
   Property Owner/Appellant: R. A. Yancey Lumber Corporation
   Staff: Bart Svoboda

   WITHDRAWN

   B. Project Number: SP202000011 Pantops Corner Bundle Sign
   Property Owner: Pantops Way Self Storage, LLC
   Applicant: Rebkee Partners Pantops, LLC
   Staff: Rebecca Ragsdale

4. Approval of Minutes
   A. August 4, 2020

5. Old Business
   A. Granting deviations from certain setback regulations
   - Board of Supervisors of Fairfax County v. Robertson
   - Land Use Law Handbook § 12-200

6. New Business

7. Adjournment

This meeting is being held pursuant to Ordinance No. 20-A(8): An Ordinance to Ensure the Continuity of Government During the Covid-19 Disaster. Opportunities for the public to access and participate in this electronic meeting are (or will be) provided at https://www.albemarle.org/government/community-development/advisory-boards/board-of-zoning-appeals.

BOARD OF ZONING APPEALS ELECTRONIC MEETING GUIDELINES

Thank you for attending the Board of Zoning Appeals (BZA) electronic meeting. The following information is provided to help ensure the meeting proceeds as efficiently and effectively as possible. As a courtesy to others, please turn off all unused cell phones during the meeting.

General Information:

This meeting is recorded and later transcribed into minutes approved at a later meeting date.

Each item set for public hearing will begin with a presentation of the staff report. Next, the applicant or appellant for that item will be invited to speak. During the course of the process, the Chairman will open the public hearing to comments from the public. At the end of these proceedings the Chairman will announce that the public hearing is closed. Once the public hearing is closed, no further public comments will be allowed unless the Board asks for additional information from the applicant or appellant. For staff and applicants, there is a **15 minute time limit for presentations and a 5 minute time limit for rebuttal comments.**

The BZA reserves the right to digress from these guidelines in any particular case.

To Members of the Public:
If you wish to address the BZA during the public hearing, please follow the instructions below:
- Log in/call in early.
- Via Web: Use the "Raise Hand" icon to notify the BZA Clerk that you would like to sign up to address a public hearing item. The Clerk will acknowledge you and list your name on the sign-up sheet for the specific public hearing item. When the public hearing is opened, the Clerk will introduce each speaker for comment.
- Via Phone: Press *9 to notify the BZA Clerk that you would like to sign up to address a public hearing item. The Clerk will acknowledge you and list your name on the sign-up sheet for the specific public hearing item. When the public hearing is opened, the Clerk will introduce each speaker for comment.

If you do not sign up to speak prior to the meeting, an opportunity to sign up will be given prior to the close of the public hearing. When this opportunity is announced, follow the directions above to notify the BZA Clerk that you would like to provide comment on a public hearing item.

Time keeping is conducted through a timer. Each speaker is allotted **three (3) minutes** to comment. The timer will commence when you begin speaking; you will be notified when three minutes has ended, and you are requested to bring your comments to a close as your microphone will be muted after several seconds.

In order to give all speakers equal treatment and courtesy, the BZA requests that speakers adhere to the following guidelines:

- When called to address the BZA, please state your name. For uncommon spellings, please spell your name for the record.
- Address comments directly to the BZA as a whole - open public debate is prohibited.
- You may email written statements and other relevant material to BoardofZoningAppeals@albemarle.org to be included in the record.
- If you represent a group or organization, you may identify the group to be recognized.
- If you exceed your allotted time, you will be asked to end your comments and the microphone will be muted.
- If a speaker does not use all allocated time, the unused time may not be shared with another speaker.
- Speakers are permitted one opportunity to comment during each of the public comment periods per meeting.

Additional Guidelines for Applicants and Appellants addressing the Board:

- Understand that the Board of Zoning Appeals cannot change County ordinances.
- The BZA reserves the right to place additional time limitations on speakers, as necessary.

STAFF PERSON:	Rebecca Ragsdale, Principal Planner
BOARD OF ZONING APPEALS:	September 1, 2020
STAFF REPORT:	SP202000011 Pantops Corner Off-site Bundle Sign
APPLICANT:	Rebkee Partners Pantops, LLC c/o Ryan Perkins/Paul Sprouse
PROPERTY OWNER:	Pantops Way Self Storage, LLC
LOCATION:	Stony Point Road (Rt. 20N)/Pantops Corner Way
TAX MAP/PARCEL:	07800-00-00-005E0

PETITION: SP202000011 Pantops Corner Bundle Sign (Sign#58) – Pantops Way Self Storage LLC (owner) Rebkee Partners Pantops LLC (Applicant). Request for issuance of a special use permit to locate an off-site bundle sign (42.6 square feet in size and 11 feet 11 inches in height) at Pantops Corner Way and Stony Point Road (Rt 20N) pursuant to Albemarle County Code § 18-4.15.7(b) and § 18-34.5 for Wawa and future tenants. The proposed location is off the northbound lane of Stony Point Road, approximately 0.10 miles northeast from the intersection of Stony Point Road (Rt. 20N) and Richmond Road (Rt. 250E), and located across from Winding River Ln. The property, Tax Map Parcel (TMP) 07800-00-00-005E0 is zoned Highway Commercial and Entrance Corridor Overlay.

APPLICANT'S PROPOSAL: The Applicant proposes to erect an off-site bundle sign (42.6 square feet in size and 11 feet 11 inches in height) at the entrance to the Pantops Corner development to include three tenant panels (Wawa, Storage Sense, Future tenant) and an area for fuel price display. (Attachment A-Proposed Sign Design/Location). A bundle sign is a type of freestanding off-site sign that identifies two or more establishments or sites that are not part of a planned development district and share a common entrance or access road. The proposed sign will comply with the sign regulations in terms of size and height.

LOCATION AND DESCRIPTION OF THE PROPERTY: The subject property (TMP 07800-00-00-005E0) is 1.10 acres in size and located along the northbound lane of Stony Point Road (Rt. 20N) and Pantops Corner Way. (Attachment B-Location Map) The site is about .10 miles north of the intersection of Richmond Road (Route 250E) and Stony Point Road (Rt. 20N). It is associated with a development known as Pantops Corner which includes three other parcels between Stony Point Road and Richmond Road. The subject property is being developed for self-storage and is along Pantops Corner Way, which serves three other parcels including the future Wawa on 07800-00-00-005A0. The property is zoned Highway Commercial and is also located in an Entrance Corridor Overlay (Attachment C-Zoning Map).

CHARACTER OF THE AREA: The properties immediately surrounding Pantops Corner are zoned HC Highway Commercial and C1 Commercial. There is a mix of commercial uses (gas stations, fast food, auto dealership, auto parts store, etc.) along with office uses near this site. Pantops Corner will be developed with commercial uses including a self-storage facility, hotel, Wawa, and a future tenant.

PLANNING AND ZONING HISTORY:

ZMA201300002 Pantops Corner- A rezoning was approved December 11, 2013 to rezone 2.246 acres from the R-1 zoning district to the HC zoning district. The applicant/owner of that parcel also owned the two abutting properties to the south which were already zoned HC. The

owner wanted to market and develop the three properties cohesively along with establishing a common access road between Stony Point Road (Rt. 20N) and Richmond Road (Rt. 250E) known as Pantops Corner.

Since the rezoning, there have been subdivision plats approved to create a fourth parcel within the Pantops Corner development and shift parcel boundaries among other parcels and to establish a private street easement for the access road.

SDP201800089-Pantops Corner final site plan was approved December 31, 2019 for a 122-room hotel on 07800-00-00-058G1 and proffered access road on 07800-00-00-005A0, 07800-00-00-005B0, and 07800-00-00-005E00. The hotel and access road are under construction.

SDP201900013- A final site plan was approved March 30, 2020 for a Wawa gas station, with a canopy of approximately 8,892 square feet, and convenience store of approximately 6,049 square feet on 078000000005A0. Building permits are under review but have not yet been issued for construction of the Wawa.

SDP201900063- A final plan for Storage Sense was approved on February 18, 2020. The storage building is under construction.

ARB REVIEW: This property is located on Stony Point Road (Route 20N), which is an Entrance Corridor (EC). The Architectural Review Board (ARB) reviewed this request at its August 17, 2020 meeting. (Attachment D-ARB Action Letter)

The ARB approval criteria addresses such factors as sign base design, lighting and landscaping. These design criteria support the purposes of the sign regulations in terms of the general welfare, appearance of streets, and enhancement of the County's attractiveness for economic development.

REASON FOR REVIEW (Attachment E): County Code §18-4.15.7 permits off-site bundle signs only by special use permit. This provision for bundle signs was added to the ordinance in 2014 during a text amendment process to update regulations for off-site signs. During that process, staff recommended approval of this type of bundle sign by-right. However, there were concerns about a proliferation of too many signs so the ordinance requires off-site bundle signs by special use permit. This is the first special use permit for an off-site bundle sign to be reviewed by the BZA.

b. Off-site bundle signs. A proposed off-site bundle sign shall satisfy the following:

1. ***Eligibility. The site whose owner is requesting the bundle sign must be located within an industrial, commercial, or residential district and share a common entrance or access road with one or more other establishments or sites.***

The proposed sign would be located within a commercial district on a property that shares a common entrance (Pantops Corner Way) and access road with three other sites.

2. ***Authorized locations. The sign shall be located on a lot having frontage on the intersection of a street and an access road serving all establishments or sites.***

The proposed sign would be located on a property with frontage on Stony Point Road (Rt. 20N) and frontage on an access road (Pantops Corner Way) shared with three other sites.

STAFF COMMENT:

Under County Code § 18-34.5(i), the board shall reasonably consider the following factors when it is reviewing and acting on a special use permit (underline emphasis added):

1. ***No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.***

The proposed sign would be perpendicular to Stony Point Road and as proposed will not impact sight distance. With the design of the sign as proposed and subject to the applicable ARB design criteria, staff believes that there will be no substantial detriment to adjacent lots and roadways, or the purpose and intent of the Entrance Corridor overlay district. The proposed sign will assist with wayfinding to businesses within Pantops Corner from Stony Point Road.

2. ***Character of the nearby area is unchanged. The character of the district will not be changed by the proposed special use.***

With the sign as proposed and subject to the applicable ARB design criteria, staff believes that there will be no change to the character of the district. The sign design and size are consistent with signage allowed on nearby properties.

3. ***Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the district, with the regulations provided in sections 4 and 5, as applicable, and with the public health, safety, and welfare.***

To consider a proposed sign in harmony with the purpose and intent of this chapter it must be consistent with the sign regulations of Section 4, including the size, height, number of signs permitted, and location of the sign.

The proposed sign is 42.6 square feet in size, including three tenant panels of 10.65 square feet each for Wawa, Storage Sense, and a future tenant plus 10.65 square feet for fuel price display. The sign complies with both the ordinance size and height restrictions.

This parcel is permitted one freestanding sign per street frontage. The proposed bundle sign will take the place of the allowable freestanding sign on this parcel and will not increase the number of freestanding signs that would be permitted.

Regarding sign setbacks and location, signs must be located a minimum of five (5) feet from property lines and from the edge of road right of way or in the case of an access easement, from the edge of the easement. Signs must also be located such that they do not adversely

affect easements. In this case, the variable width private street easement for Pantops Corner Way has been established along with an area for a sign easement. The proposed sign location is not shown within the platted sign easement area and will not meet setbacks from platted private street easement (Attachment F-Plat). The proposed sign exhibit (Attachment A) demonstrates the proposed sign location will comply with the ordinance setback requirements from the edge of the private street easement. However, in order for the sign to comply, the County must review and approve a plat that relocates the private street easement and relocates or removes the sign easement area. The applicant would like action on the special use permit to confirm the sign will be authorized before pursuing subdivision plat approval.

Staff believes that the bundle sign in the proposed location provided the noted issues are addressed will be in harmony with the purpose and intent of the sign regulations.

4. ***Consistency with the Comprehensive Plan.*** ***The proposed special use will be consistent with the Comprehensive Plan.***

The subject property is within the Pantops Master Plan Comprehensive Plan Area. The Comprehensive Plan does not directly address uses such as this. However, if the sign meets the ARB design criteria, it would be consistent with the Comprehensive Plan.

SUMMARY: Staff believes that the proposed sign satisfies the goals of the sign regulations and the criteria for issuance of a special use permit subject to the proposed conditions. Though staff does not typically attach conditions of approval that are already requirements of the Zoning Ordinance, compliance with the ARB design criteria is critical to this sign satisfying the criteria for issuance of a special use permit along with revising the plat for this parcel. Therefore, staff has included a condition referring to the certificate of appropriateness in order to incorporate the ARB's design criteria.

Staff recommends approval of this request, with the following conditions:

1. The sign must comply with a certificate of appropriateness as approved by the Architectural Review Board.

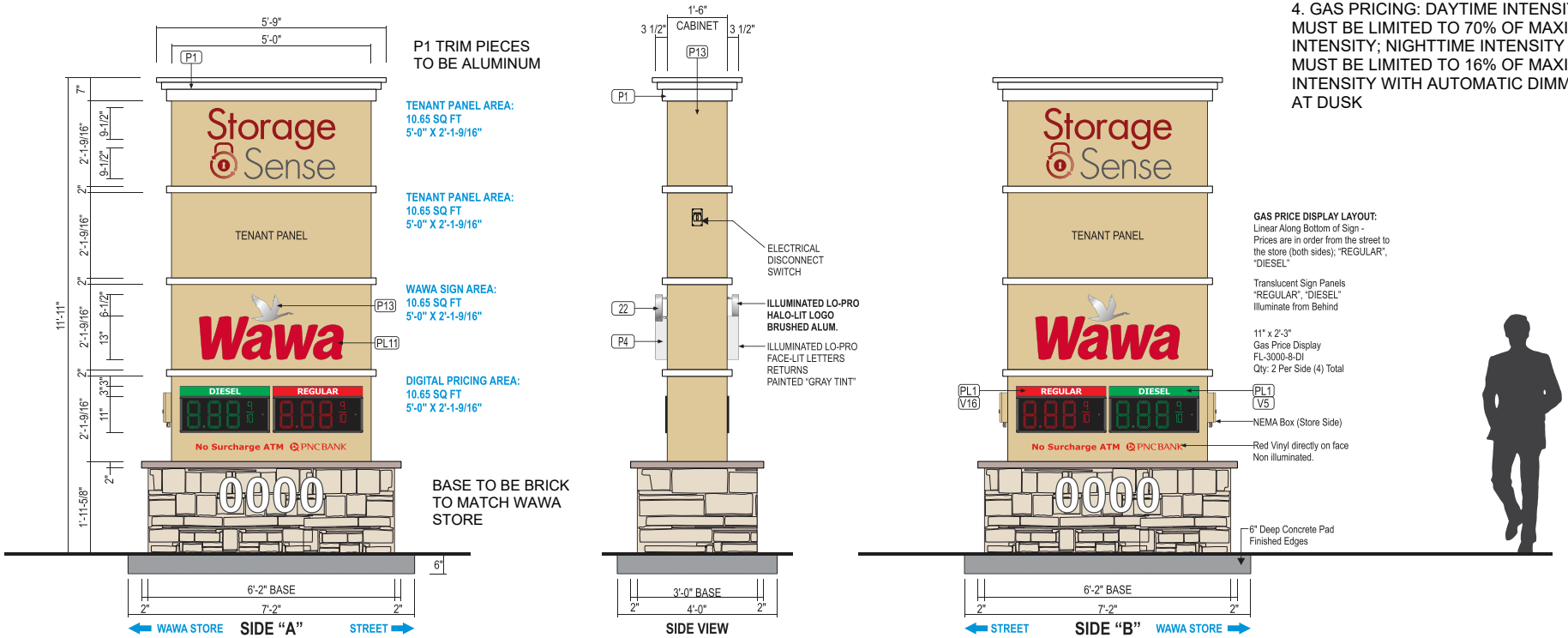
2. The sign location must be in general accord with the location as shown on Attachment A.

ATTACHMENTS:

A. Proposed Sign Design and Location
B. Location Map
C. Zoning Map
D. ARB Action Letter
E. Albemarle County Ordinance References
F. Plat

Attachment A

SIGNAGE NOTES:
1. BACKGROUND OF RED AND GREEN GAS PRICING LABELS TO BE OPAQUE.
2. THE REMAINING TENANT COLORS WILL BE LIMITED TO RED AND GREY.
3. ALL LETTERING FOR EACH TENANT TO BE CHANNEL STYLE LETTERING
4. GAS PRICING: DAYTIME INTENSITY MUST BE LIMITED TO 70% OF MAXIMUM INTENSITY; NIGHTTIME INTENSITY MUST BE LIMITED TO 16% OF MAXIMUM INTENSITY WITH AUTOMATIC DIMMING AT DUSK



8" / 2 PRODUCT

B2 CUSTOM D/F ILLUMINATED MONUMENT SIGN (42.6 SQ. FT.)

QTY: 1

SCALE: 3/8"=1'-0"

STANDARD SPECS - SEE COLOR SPECIFICATION LIBRARY

COLOR REFERENCE

TC11	PL11	V1	V5	V16	V15	P4	P13	P1	20	21	22
Jewelite 'Red' Trim Cap	#2793 Red Acrylic	3M 7725-10 'White' *Opaque*	3M 3630-33 'Red' *Translucent*	3M 7725-46 'Kelly Green' *Opaque*	3M 7725-13 'Tomato Red' *Opaque*	Wawa 'Grey' Sherwin Williams SW 57970	Starky White to match Wawa Building	Painted White Smooth Satin	Limestone Cap By Others	Stone/Masonry Fascia Base By Others	Brushed Aluminum Metal Finish w/ Protective Clear Coat

Drawing prepared by: ICON

PROPOSED SIGNAGE

Location: Richmond & Stony Point, Charlottesville, VA 22901

Proj #: 3038

Loc #: 8667

File Path: Active\ACCOUNTS\W\Wawa\Locations\Project 3038\3038_8667_Charlottesville_VA_R5.cdr

Drawing prepared for: Wawa

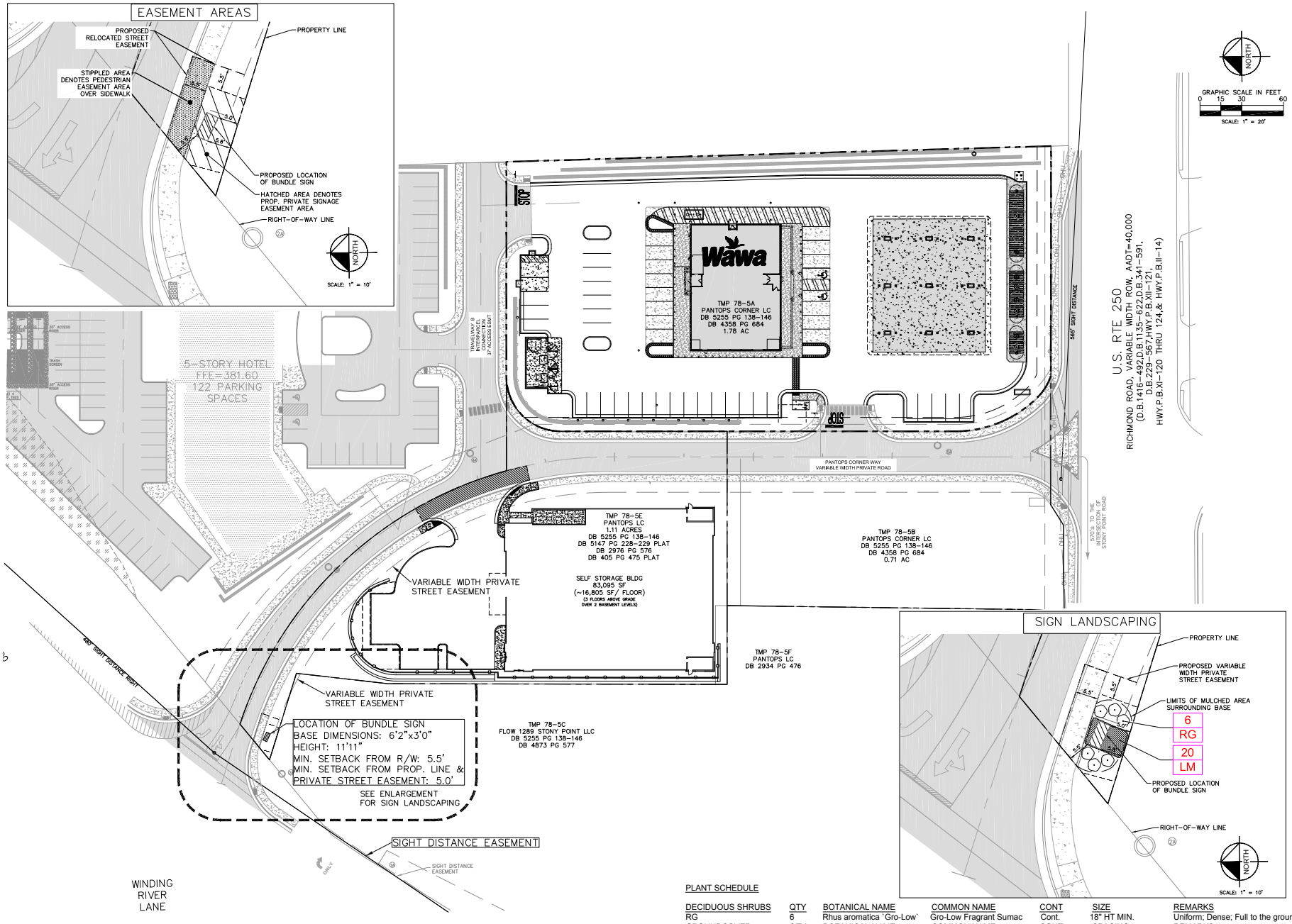
Rev #:	Req#:	Date:	Req. By:	Drawn By:	Revision Description:
Original	324311	03/20/20	JR	AM	
Rev 1	324810	03/26/20	JR	AM	Revise Monument to match that of location 3267 'Charlottesville' R7
Rev 2	325206	04/06/20	JR	AM	Remove sign B from cover site plan.
Rev 3	325385	04/10/20	JR	AM	Add Sign B Monument Option with Tenant Panels as requested; Ref. Revision notes for details
Rev 4	000000	04/22/20	JR	AM	Revise B2 Monument to be 48 SQ FT total
Rev 5	326798	05/26/20	JR	AM	Revise B2 Monument to match client provided drawing
Rev 6	000000	00/00/00	XXX	XXX	

Rev #:	Req#:	Date:	Req. By:	Drawn By:	Revision Description:
Rev 7	000000	00/00/00	XXX	XXX	
Rev 8	000000	00/00/00	XXX	XXX	
Rev 9	000000	00/00/00	XXX	XXX	
Rev 10	000000	00/00/00	XXX	XXX	
Rev 11	000000	00/00/00	XXX	XXX	
Rev 12	000000	00/00/00	XXX	XXX	
Rev 13	000000	00/00/00	XXX	XXX	

Drawings are the exclusive property of ICON. Any unauthorized use or duplication is not permitted.

Notes

Pg. 4



PLANT SCHEDULE

DECIDUOUS SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	REMARKS
RG	6	Rhus aromatica `Gro-Low`	Gro-Low Fragrant Sumac	Cont.	18" HT MIN.	Uniform; Dense; Full to the ground
GROUNDCOVER	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**SPACING**	**REMARKS**
LM	20	Liriope muscari 'Big Blue	Big Blue Liriope	#1	12" O.C.	

No.	REVISIONS	DATE	BY
1	BID SET	02/10/20	

Kimley»Horn

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1700 WILLOW LAWN DR, SUITE 200, RICHMOND, VA 23230
PHONE: 804-673-3862
WWW.KIMLEY-HORN.COM

KHA PROJECT 113160032
DATE 07/29/20
SCALE AS SHOWN
DESIGNED BY KRW
DRAWN BY KRW
CHECKED BY RRP

SIGNAGE EXHIBIT

PANTOPS CORNER
BUNDLE SIGN
RICHMOND ROAD AND
STONY POINT ROAD
ALBEMARLE COUNTY VIRGINIA

SHEET NUMBER
EX 1

Plotted By-Perkins, Ryan - Sheet Set:(Ex Layout)C5-(01 SITE & UTILITY PLAN July 29, 2020, 03:33:36pm K:\RIC_CIV\113160 - Wawa - Pantops\032 - Richmond Road and Stonewall Point - Albemarle County\CAD\Exhibits\Sign.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

SP202000011 Pantops Bundle Sign

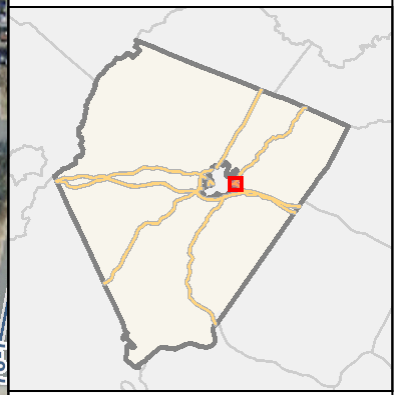
Attachment B

Legend

(Note: Some items on map may not appear in legend)

Parcel Info

- Parcels



GIS-Web
Geographic Data Services
www.albemarle.org/gis
(434) 296-5832

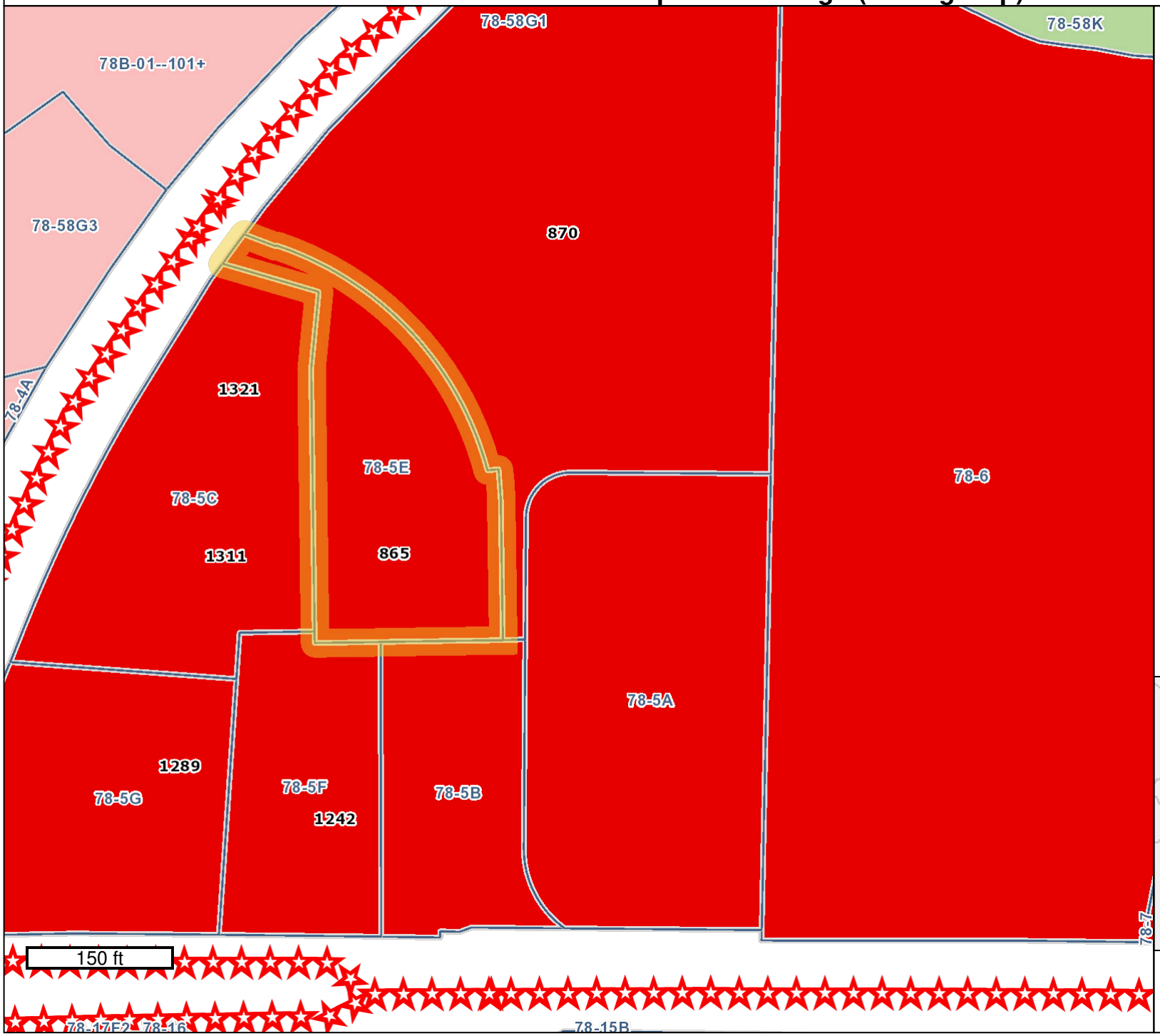
Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

August 18, 2020

Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)

SP202000011 Pantops Bundle Sign (Zoning Map)

Attachment C



Legend

(Note: Some items on map may not appear in legend)

Parcel Info

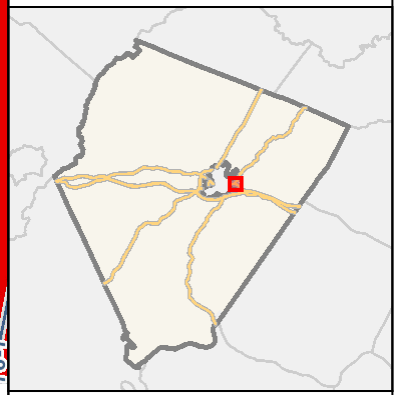
- Parcels

Zoning Info

- Zoning Entrance Corridors
- Natural Resource Extraction Overlay

Zoning Classifications

- Rural Areas
- Village Residential
- R1 Residential
- R2 Residential
- R4 Residential
- R6 Residential
- R10 Residential
- R15 Residential
- Planned Unit Development
- Planned Residential Development
- Neighborhood Model District
- Monticello Historic District
- C1 Commercial
- Commercial Office
- Highway Commercial
- Planned Development Shopping Ctr.
- Planned Development Mixed Comm.
- Downtown Crozet District
- Light Industry
- Heavy Industry
- Planned Development Industrial Par
- Town of Scottsville



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COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902

Phone (434) 296-5832 **Fax (434) 972-4126**

August 18, 2020

Ryan Perkins
Kimley Horn
1700 Willow Lawn Drive, Suite 200
Richmond, VA 23230

RE: ARB-2020-75: Pantops Corner Bundle – Sign (TMP 0780055AD30200**)**

Dear Ryan,

The Albemarle County Architectural Review Board, at its meeting on Monday August 17, 2020, completed a review of the above-noted request. The Board took the following actions.

Regarding the Special Use Permit/Rezoning, the Board, by a vote of 4:0, forwarded the following recommendation to the Board of Zoning Appeals:

> Because the sign elements derived from the bundle sign provision do not impose negative visual impacts on the sign design, the ARB has no objection to the proposed bundle sign, with the modifications outlined in the staff report.

Regarding the sign design and the Certificate of Appropriateness, the Board, by a vote of 4:0, approved the Certificate of Appropriateness with the conditions listed in the staff report, amended as follows, and pending approval of the Special Use Permit by the BZA:

1. Correct the illustration of the masonry on the sign base to reflect red brick to match the Wawa building.
2. Indicate on the drawing the specific colors of the Storage Sense letters. Show that the red matches the Wawa letters.
3. Provide on the drawings Pantone equivalents for the red and green gas price colors.
4. Consider flush mounted signs for all tenant panels. It is preferred that the depth of the channel letters should not exceed the depth of the moldings.
5. Revise the sign drawings to eliminate the note stating, “translucent sign panels regular, diesel illuminate from behind.”
6. Revise the plan to show sign and landscape locations coordinated with street tree planting on Pantops Corner Way.
7. Consider the street trees, the sign, and the landscaping at the base of the sign as a coordinated whole for an appropriate, unified appearance. Revise the landscaping accordingly.

Revised drawings addressing the comments listed above are required. Include updated revision dates on each drawing. Please provide a memo including detailed responses indicating how each comment has been addressed. If changes other than those requested have been made, identify those changes in the memo also. Highlighting the changes in the drawing with “clouding” or by other means will facilitate review and approval. Include the attached Resubmittal Form for proper tracking.

If you have any questions concerning any of the above, please feel free to contact me.

Sincerely,

Margaret Maliszewski
Chief of Planning/Resource Management
434-296-5832 x3276
mmaliszewski@albemarle.org

cc: Pantops Way Self Storage LLC
200 West Main Street, Ste 201
Charlottesville, VA 22902

File

Sec. 4.15.7 - Signs authorized by special use permit; off-site directional signs, off-site bundle signs, signs in a public right-of-way, electric message signs.

The following signs are authorized by a special use permit granted by the board of zoning appeals under section 34.5, provided that a sign permit required by section 4.15.5 is also obtained for the sign, the sign complies with all applicable requirements of this section 4.15, and the following:

b. *Off-site bundle signs*. A proposed off-site bundle sign shall satisfy the following:

1. *Eligibility*. The site whose owner is requesting the bundle sign must be located within an industrial, commercial, or residential district and share a common entrance or access road with one or more other establishments or sites.
2. *Authorized locations*. The sign shall be located on a lot having frontage on the intersection of a street and an access road serving all establishments or sites.

Sec. 4.15.11 - Maximum sign number, area, and height, and minimum sign setback in the C-1, CO, HC, PD-SC, PD-MC, HI, LI, and PD-IP zoning districts.

The maximum number of signs permitted, sign area, and sign height, and the minimum sign setback are as follows for each sign for each sign within the Commercial (C-1), Commercial Office (CO), Highway Commercial (HC), Planned Development-Shopping Center (PD-SC) and Planned Development-Mixed Commercial (PD-MC) Heavy Industry (HI), Light Industry (LI) and Planned Development-Industrial Park (PD-IP) districts:

Sign Type	Number of Signs Allowed (Maximum)	Sign Area (Maximum) [7, 8, 9, 10]	Sign Height (Maximum)	Sign Setback (Minimum)
Freestanding [2, 3]	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance on its frontage	32 square feet, plus bonus tenant panels; if more than 1 sign at an entrance, no single sign shall exceed 16 square feet	In the C-1 and HC districts, 12 feet; 16 feet in all other districts	5 feet

a. The following apply to the corresponding sign types and standards for which superscript numbers are in the table above:

3. *Freestanding signs; bundle signs; electric message signs.* The freestanding signage permitted may include one off-site bundle sign allowed by special use permit under section 4.15.7(b) and one electric message sign allowed by special use permit under section 4.15.7(d). An off-site bundle sign shall count as a freestanding sign on the lot on which the sign is located.
7. *Additional sign area for establishments at which gasoline or diesel fuel is dispensed*. Any establishment at which gasoline or diesel fuel, or both, is dispensed shall be entitled to additional sign area to display fuel prices of up to 50 percent of the primary sign area to which it is attached, or 16 square feet, whichever is less.

Bundle sign. "Bundle sign" means a freestanding off-site sign that identifies two or more establishments or sites that are not part of a planned development district and share a common entrance or access road.

Attachment F

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, RIGHT-OF-WAY DEDICATION AND EASEMENTS, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S), PROPRIETORS, AND/OR TRUSTEES, IF ANY.

FOR: PANTOPS, LC, manager (T.M.78-5E)

FOR: PANTOPS CORNER, LC (T.M.78-5A, 5B & 58G1) manager

FOR: FLOW 1289 STONY POINT, LLC (T.M.78-5C)

~~CITY~~/COUNTY OF Albemarle
STATE OF VA
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS 31 DAY OF October
2019. BY Michael McGowan As Manager
FOR: PANTOPS, LC
NOTARY PUBLIC Gwendolyn Lacy # 187571
MY COMMISSION EXPIRES : 9/30/2022

GWENDOLYN LACY COMMONWEALTH OF VIRGINIA REGISTRATION NO. 187571 MY COMM. EXPIRES 09/30/2022 NOTARY PUBLIC

NOTARY SEAL

~~CITY~~/COUNTY OF Albemarle
STATE OF VA
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS 31 DAY OF October
2019. BY Michael McGowan As Manager
FOR: PANTOPS CORNER, LC
NOTARY PUBLIC Gwendolyn Lacy # 187571
MY COMMISSION EXPIRES : 9/30/2022

GWENDOLYN LACY COMMONWEALTH OF VIRGINIA REGISTRATION NO. 187571 MY COMM. EXPIRES 09/30/2022 NOTARY PUBLIC

NOTARY SEAL

CITY/COUNTY OF Forsyth
STATE OF NC
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME THIS 4 DAY OF November
2019. BY Donald E. Flow
FOR: FLOW 1289 STONY POINT, LLC
NOTARY PUBLIC Kenny Y. Zheng # 201910200058
MY COMMISSION EXPIRES : 4/8/24

KENNY Y. ZHENG NOTARY PUBLIC FORSYTH COUNTY, NC

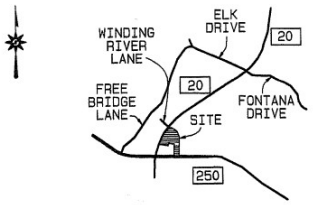
NOTARY SEAL

APPROVED FOR RECORDATION :

Jodi Lilordo (YUMA) 11/19/19
AGENT FOR THE BOARD OF SUPERVISORS DATE

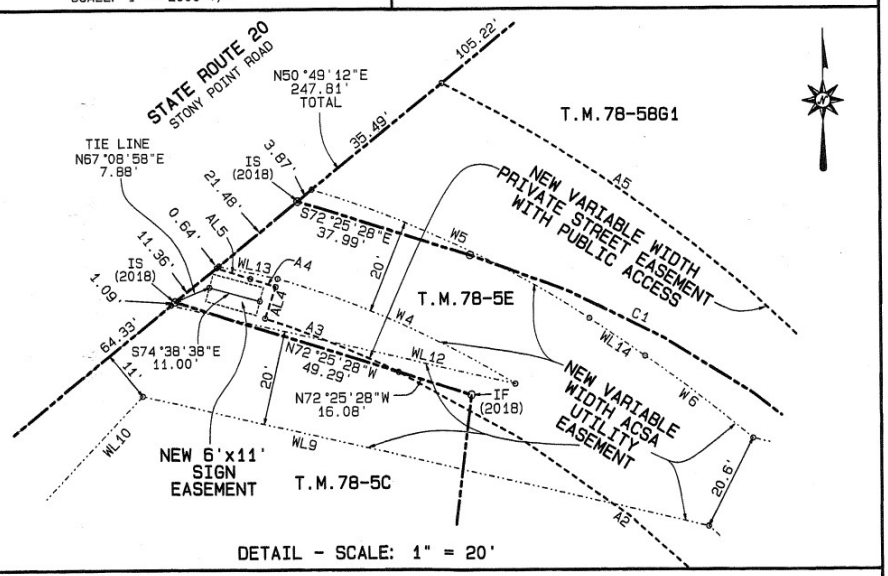
THE LAND USE NOTES SHOWN ON THIS PLAT ARE IMPOSED AT THE REQUEST OF THE DIRECTOR OF PLANNING. BY PLACING HIS/HER SIGNATURE ON THIS PLAT HE/SHE HAS DEEMED THAT THEY ARE CORRECT AND IN ACCORDANCE WITH THE ALBEMARLE COUNTY ZONING ORDINANCE IN EFFECT THIS DATE. THESE NOTES ARE NOT RESTRICTIVE COVENANTS RUNNING WITH THE LAND AND THEIR APPEARANCE ON THIS PLAT IS NOT INTENDED TO IMPOSE THEM AS SUCH. ANY REFERENCE TO FUTURE DEVELOPMENT RIGHTS SHOWN HEREON IS THEORETICAL.

A. T.M.78-5A IS ZONED HIGHWAY COMMERCIAL (ENTRANCE CORRIDOR, STEEP SLOPES (MANAGED) AND ZMA-2013-00002).
T.M.78-5B, 5C & 5E ARE ZONED HIGHWAY COMMERCIAL (ENTRANCE CORRIDOR & STEEP SLOPES (MANAGED)).
T.M.78-58G1 IS ZONED HIGHWAY COMMERCIAL (ENTRANCE CORRIDOR, FLOOD HAZARD OVERLAY, STEEP SLOPES (PRESERVED) & ZMA-2013-00002).
B. THESE PROPERTIES ARE IN THE JURISDICTIONAL AREA FOR WATER & SEWER.
C. ACCORDING TO THE COUNTY OF ALBEMARLE GIS WEBSITE, THESE PROPERTIES DO NOT LIE WITHIN A WATER SUPPLY WATERSHED.
D. ACCORDING TO THE COUNTY OF ALBEMARLE GIS WEBSITE, THESE PROPERTIES DO NOT LIE WITHIN AN AGRICULTURAL-FORESTAL DISTRICT.



VICINITY MAP
SCALE: 1" = 2000'+/-

COMMONWEALTH OF VIRGINIA
BRIAN S. RAY
Lic. No. 002281
10-24-19
LAND SURVEYOR



DETAIL - SCALE: 1" = 20'

NOTES:

1. OWNER(S) & ADDRESS:
T.M.78-5A, 5B & 58G1: PANTOPS CORNER, LC
T.M.78-5E: PANTOPS, LC
12704 CRIMSON COURT, SUITE 101
HENRICO, VIRGINIA 23233

T.M.78-5C
FLOW 1289 STONY POINT, LLC
1425 PLAZA DRIVE
WINSTON-SALEM, NC 27103

2. NO FIELD WORK WAS PERFORMED IN PREPARATION OF THIS PLAT.
ALL BOUNDARY DATA SHOWN HEREON IS BASED ON FIELD WORK PERFORMED BY THIS FIRM IN 2013, 2014, 2015, 2016 & 2018.
THE EXTERIOR BOUNDARY DATA SHOWN HEREON FOR T.M.78-5A, 5B, 5C, 5E & 58G1 WAS TAKEN FROM PLATS BY THIS FIRM RECORDED IN D.B.5904-164 & 165 AND D.B.5147-228 & 229 AND WAS NOT RESURVEYED THIS DATE.

3. T.M.78-5A IS SUBJECT TO A RETAINING WALL CONSTRUCTION/MAINTENANCE EASEMENT AND ACCESS EASEMENT AGREEMENT (D.B.4553-473).

4. T.M.78-5B IS SUBJECT TO AN EASEMENT TO VIRGINIA ELECTRIC & POWER COMPANY (D.B.275-92).

5. T.M.78-5C IS SUBJECT TO THE FOLLOWING:
A. AN EASEMENT TO VIRGINIA-WESTERN POWER COMPANY (D.B.184-127).
B. AN EASEMENTS TO VIRGINIA ELECTRIC & POWER COMPANY (D.B.344-323 & D.B.275-92).
C. AN EASEMENT TO VIRGINIA TELEPHONE & TELEGRAPH CO. (D.B.529-471).

6. T.M.78-5E IS SUBJECT TO AN EASEMENT TO VIRGINIA ELECTRIC & POWER COMPANY (D.B.275-92).

7. T.M.78-58G1 IS SUBJECT TO A RETAINING WALL CONSTRUCTION/MAINTENANCE EASEMENT AND ACCESS EASEMENT AGREEMENT (D.B.4553-473).

8. NO TITLE REPORT FURNISHED. ALL EASEMENTS KNOWN BY ME ARE SHOWN OR NOTED HEREON. THIS PROPERTY IS SUBJECT TO ANY ADDITIONAL CONDITIONS, UTILITIES, EASEMENTS AND/OR COVENANTS THAT MAY EXIST.

9. THE NEW VARIABLE WIDTH PRIVATE STREET EASEMENT WITH PUBLIC ACCESS SHOWN HEREON SHALL BE OPEN TO PUBLIC ACCESS.

10. THE NEW ACSA EASEMENTS SHOWN HEREON SHALL BE CENTERED ON AS-BUILT LOCATIONS.

RIGHT-OF-WAY DEDICATION
0.07 ACRE, A PORTION OF T.M.78-5A AND 0.01 ACRE, A PORTION OF T.M.78-5B
HEREBY DEDICATED TO THE COMMONWEALTH OF VIRGINIA FOR PUBLIC USE
AND
EASEMENT PLAT SHOWING
NEW VARIABLE WIDTH PRIVATE STREET EASEMENT WITH PUBLIC ACCESS ON TAX MAP 78 PARCELS 5A, 5B, 5C, 5E AND 58G1,
NEW VARIABLE WIDTH PRIVATE ACCESS EASEMENT ON TAX MAP 78 PARCELS 5A AND 58G1,
NEW VARIABLE WIDTH ACSA UTILITY EASEMENT ON TAX MAP 78 PARCELS 5A, 5B, 5C, 5E AND 58G1,
NEW 20'SHARED PRIVATE DRAINAGE EASEMENT ON TAX MAP 78 PARCELS 5A, 5B, 5E AND 58G1,
NEW 6'X 11'SIGN EASEMENTS ON TAX MAP 78 PARCELS 5B AND 5E,
NEW SIGHT DISTANCE EASEMENT ON TAX MAP 78 PARCEL 5C
ALSO
NEW VARIABLE WIDTH SHARED PRIVATE DRAINAGE EASEMENT,
NEW 30'PUBLIC DRAINAGE EASEMENT,
NEW PUBLIC SWM EASEMENT AND
NEW 12'SWM ACCESS EASEMENT
ON TAX MAP 78 PARCEL 58G1
LOCATED ON U.S.ROUTE 250 (RICHMOND ROAD) & STATE ROUTE 20 (STONY POINT ROAD)
AT PANTOPS
RIVANNA MAGISTERIAL DISTRICT
ALBEMARLE COUNTY, VIRGINIA

SCALE: 1" = 50'

DATE: MARCH 28, 2019
REVISED: JUNE 17, 2019
REVISED: AUGUST 6, 2019
REVISED: AUGUST 27, 2019
REVISED: OCTOBER 23, 2019
REVISED: OCTOBER 24, 2019

FOR
SHIMP ENGINEERING, P.C.

ROGER W.RAY & ASSOC., INC.
663 BERKMAR COURT
CHARLOTTESVILLE, VIRGINIA 22901
TELEPHONE: (434) 293-3195
RAYSURVEYING.COM

DB 5246 P 159

GL

COURSES ALONG EDGE OF NEW VARIABLE WIDTH PRIVATE STREET EASEMENTS

LINE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
A1	57°49'54"	19.00	19.18	10.50	18.37	N29°15'36"E
A2	64°43'51"	254.50	287.53	161.30	272.48	N32°01'17"W
A3	6°48'51"	254.50	30.27	15.15	30.25	N67°47'39"W
A4	1°13'24"	261.50	5.58	2.79	5.58	N71°48'46"W
A5	23°09'18"	313.00	126.49	64.12	125.63	S51°13'26"E
A6	18°07'36"	302.50	95.70	48.25	95.30	S30°34'58"E
A7	21°39'11"	24.00	9.07	4.59	9.02	S78°49'45"E
A8	60°40'04"	39.00	41.30	22.82	39.39	S60°00'37"W
A9	60°34'10"	79.00	83.51	46.14	79.68	S29°56'26"E
A10	0°39'13"	302.50	3.45	1.73	3.45	S21°11'34"E

COURSE ALONG CENTERLINE OF NEW 12'SWM ACCESS EASEMENT

LINE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
SWA11	71°23'49"	34.00	42.37	24.43	39.68	N36°59'58"W

COURSES ALONG EDGE OF NEW VARIABLE WIDTH ACSA UTILITY EASEMENT

LINE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
W1	26°12'49"	264.35	120.94	61.55	119.89	N13°02'16"W
W2	18°07'21"	264.35	83.61	42.16	83.27	N39°32'33"W
W3	1°39'25"	1392.40	40.27	20.13	40.26	N34°25'14"E
W4	15°17'19"	205.54	54.85	27.59	54.68	N65°51'02"W
W5	16°24'18"	225.54	64.58	32.51	64.36	N64°51'56"W
W6	5°44'50"	284.35	28.52	14.27	28.51	S52°30'45"E

COURSES ALONG EDGE OF NEW VARIABLE WIDTH ACSA UTILITY EASEMENT

LINE	BEARING	DISTANCE
WL1	N00°05'15"W	26.62
WL2	N89°39'21"W	13.40
WL3	N00°20'39"E	20.00
WL4	S89°39'21"E	13.25
WL5	N00°05'15"W	271.55
WL6	S60°29'55"W	9.60
WL7	N29°30'05"W	20.00
WL8	N60°29'55"E	10.01
WL9	N76°56'56"W	122.18
WL10	S43°30'28"W	87.54
WL11	N58°00'31"W	11.38
WL12	S76°56'56"E	74.32
WL13	N77°45'47"W	12.64
WL14	S55°38'36"E	14.08
WL15	S76°57'09"E	23.62
WL16	S38°24'29"E	62.71
WL17	N51°48'56"E	14.86
WL18	S38°11'04"E	20.00
WL19	S51°48'56"W	14.78
WL20	S38°24'29"E	55.10
WL21	S00°37'41"E	225.81
WL22	S89°39'21"E	8.67
WL23	S00°20'39"W	20.00
WL24	N89°39'21"W	8.33
WL25	S00°37'41"E	48.75
WL26	S89°53'25"E	11.58
WL27	S00°09'00"W	19.96
WL28	N89°53'24"W	11.31
WL29	S00°37'41"E	40.82
WL30	S89°22'19"W	11.86
WL31	S00°02'04"E	66.58

COURSES ALONG CENTERLINE OF NEW 20'& 30' SHARED PRIVATE DRAINAGE EASEMENTS

LINE	BEARING	DISTANCE
D1	N00°20'44"E	121.64
D2	N44°41'51"W	44.05
D3	N26°05'36"E	74.05
D4	N41°29'25"W	99.30
D5	N39°51'26"W	49.28
D6	N30°19'44"W	71.90
D7	N50°54'50"E	59.16
D8	S49°05'11"W	30.82
D9	N31°55'12"E	57.03
D10	N36°34'54"E	27.38
D11	N00°20'39"E	29.00
D12	N00°20'39"E	5.00
D13	N24°45'42"E	138.80
D14	S86°42'11"E	28.90
D15	N03°46'58"E	104.38
D16	N10°24'59"W	149.91
D17	S79°35'01"W	11.21
D18	S04°15'49"W	135.24

LINE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	57°40'35"	220.00	221.46	121.14	212.23	S43°35'10"E
C2	15°05'31"	220.00	57.95	29.14	57.78	S07°12'07"E
C3	6°42'35"	1392.40	163.06	81.62	162.97	N26°34'44"E
C4	5°18'54"	1392.40	129.17	64.63	129.12	N32°35'29"E

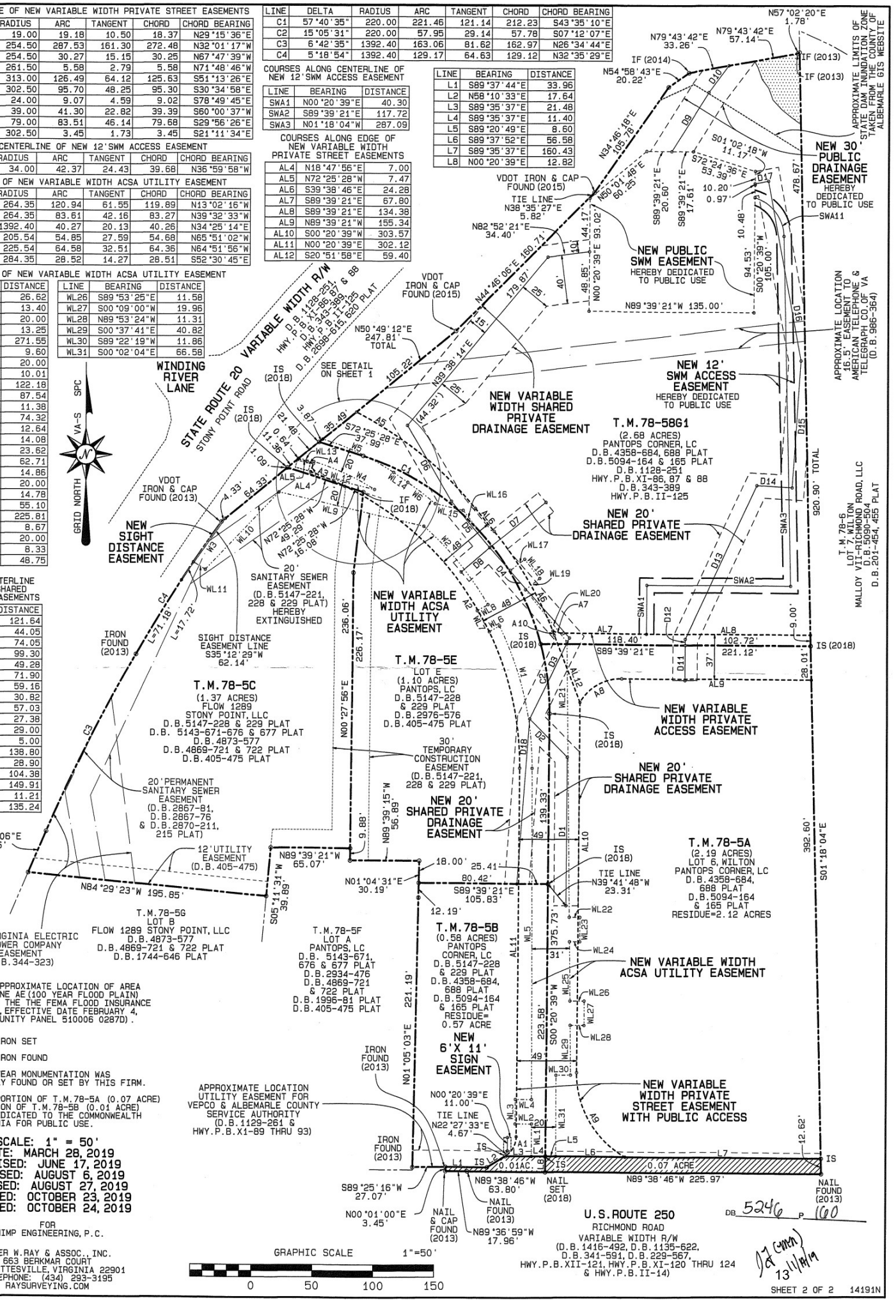
COURSES ALONG CENTERLINE OF NEW 12'SWM ACCESS EASEMENT

LINE	BEARING	DISTANCE
SWA1	N00°20'39"E	40.30
SWA2	S89°39'21"E	117.72
SWA3	N01°18'04"W	287.09

COURSES ALONG EDGE OF NEW VARIABLE WIDTH PRIVATE STREET EASEMENTS

AL4	N18°47'56"E	7.00
AL5	N72°25'28"W	7.47
AL6	S39°38'46"E	24.28
AL7	S89°39'21"E	67.80
AL8	S89°39'21"E	134.38
AL9	N89°39'21"W	155.34
AL10	S00°20'39"W	303.57
AL11	N00°20'39"E	302.12
AL12	S20°51'58"E	59.40

LINE	BEARING	DISTANCE
L1	S89°37'44"E	33.96
L2	N58°10'33"E	17.64
L3	S89°35'37"E	21.48
L4	S89°35'37"E	11.40
L5	S89°20'49"E	8.60
L6	S89°37'52"E	56.58
L7	S89°35'37"E	160.43
L8	N00°20'39"E	12.82



DENOTES APPROXIMATE LOCATION OF AREA WITHIN ZONE AE (100 YEAR FLOOD PLAIN) ACCORDING THE THE FEMA FLOOD INSURANCE RATE MAPS, EFFECTIVE DATE FEBRUARY 4, 2005 (COMMUNITY PANEL 510006 0287D).

IS DENOTES IRON SET

IF DENOTES IRON FOUND

(0000) DENOTES YEAR MONUMENTATION WAS PREVIOUSLY FOUND OR SET BY THIS FIRM.

DENOTES PORTION OF T.M.78-5A (0.07 ACRE) AND PORTION OF T.M.78-5B (0.01 ACRE) HEREBY DEDICATED TO THE COMMONWEALTH OF VIRGINIA FOR PUBLIC USE.

SCALE: 1" = 50'
DATE: MARCH 28, 2019
REVISED: JUNE 17, 2019
REVISED: AUGUST 6, 2019
REVISED: AUGUST 27, 2019
REVISED: OCTOBER 23, 2019
REVISED: OCTOBER 24, 2019

FOR
SHIMP ENGINEERING, P.C.

ROGER W.RAY & ASSOC., INC.
663 BERKMAR COURT
CHARLOTTESVILLE, VIRGINIA 22901
TELEPHONE: (434) 293-3195
RAYSURVEYING.COM

GL

DB 5246 P 160

13 11/14/19

ALBEMARLE COUNTY BOARD OF ZONING APPEALS
ELECTRONIC MEETING
TUESDAY, AUGUST 4, 2020 – 2:00 P.M.

Board Members:	John Shepherd, Chairman Ed Robb, Vice-Chairman Marcia Joseph, BZA Secretary Randy Rinehart
Staff Members:	Bart Svoboda, Zoning Administrator Marsha Alley, BZA Recording Clerk
County Attorney:	Andy Herrick, Deputy County Attorney
BZA Attorney:	James Bowling, IV

1. Call to Order

The meeting was called to order at 2:00 p.m. by Chairman John Shepherd. He said this is an electronic meeting and asked for patience as they become familiar with this meeting alternative and virtual process. He stated that this meeting is being held in pursuant to and in compliance with Emergency Ordinance #20-A(8), "An Emergency Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Shepherd said the persons responsible for receiving public comment are the Board of Zoning Appeals of Albemarle County. He said the opportunities for the public to access and participate in the electronic meetings are posted on the Albemarle County website, on the Board of Zoning Appeals homepage, and on the Albemarle County calendar.

2. Establish a Quorum

The BZA established a quorum, with four members present.

Mr. Shepherd said the BZA members who are electronically present at this meeting were: John Shepherd, Randy Rinehart, Marcia Joseph (Secretary), and Ed Robb (Vice Chair). Ms. Joseph, Mr. Robb, Mr. Rinehart, and Mr. Shepherd each stated their presence.

Mr. Shepherd introduced others in attendance: James Bowling (BZA Attorney); Andy Herrick (Deputy County Attorney); Bart Svoboda, Zoning Administrator; Marsha Alley, BZA Recording Clerk; and Ms. Valerie Long and Mr. Patrick May (representatives for the applicant).

3. Request to Extend Deferral

A. Project Number: AP202000001 R. A. Yancey Lumber Corporation 55-111B, 55-112

Property Owner/Appellant: R. A. Yancey Lumber Corporation

Mr. Shepherd noted that the BZA had granted the appellant a deferral the month prior. He said that at that time, both staff and the appellants had provided background information, and the BZA understands the situation. He said the underlying reason for deferral was that the BZA wanted to allow the Board of Supervisors to complete the process of looking at all the issues facing this site. He said they had

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completed most of their work and that there was a meeting scheduled the following day to address it again.

Mr. Shepherd said Mr. Svoboda would provide the staff report and the County's view on this matter.

Mr. Svoboda stated that the request is to extend the deferral that was granted at the last meeting. He said this was an opportunity for the appellant to correct the violation through other actions, which would be the Board's action. He said the BZA granted the deferral for the appeal on June 2nd, and the Board of Supervisors granted some of the special permit requests on July 15th. He said they would hear the remaining number of requests on August 5th (the following day).

Mr. Svoboda said they want to follow the BZA's last decision (as they do not feel that any of the circumstances have changed) and allow the appellant to move through the special exception process, with the final decision by the Board hopefully coming the following day. He stated that the appellant is therefore requesting this extension of deferral to the first meeting and that their email was attached.

Mr. Svoboda said they are still in the process of special exceptions and that they were granted an opportunity to pursue it through that process which was not yet complete.

Mr. Shepherd informed the appellant that they had 15 minutes to speak.

Ms. Valerie Long said she is with the law firm of Williams Mullen and is representing the appellant in this action. She said she was joined by Mr. Patrick May of Yancey Lumber Company. She said the appellant did not have anything to add beyond what Mr. Svoboda added and that, as stated in their email to Mr. Svoboda on July 21, she believed the request was fairly straightforward.

Ms. Long said that on July 15th, the Board of Supervisors approved the majority of the special exception requests and deferred action on three items to provide time for the appellant to work with staff to clarify the conditions of approval that would apply to those three special exceptions. She said that during the Board meeting, they discussed the fact that the appellant was happy to do that, but that it did create a logistical or timing situation regarding the appeal. She said they discussed the fact that they would need to come back before the BZA and request that the deferral be extended to accommodate the Board of Supervisors meeting on August 5th. She said the Supervisors are aware of that request and understood that this would be part of the appellant's request.

Ms. Long said that for all of the reasons stated in the appellant's email and in the letter sent on May 22, 2020, they would respectfully request that the BZA extend this deferral in order to allow the Board of Supervisors to finally resolve the matter so that they can move forward and hopefully dispense with the need for further hearings before the BZA.

Ms. Long said she would be happy to answer any questions or provide additional information that any BZA members might need, as would Mr. May.

Mr. Shepherd asked Mr. May if he had anything to add.

Ms. Long said Mr. May had informed her that he had no need to respond unless there were questions for him.

Mr. Shepherd turned deliberation over to the BZA.

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Mr. Robb, Mr. Rinehart, and Ms. Joseph said they had no comments or questions.

Mr. Shepherd stated that he watched the Board of Supervisors meeting and found it to be interesting. He said he had the sense that the stacker/sorter was the item that gave the Supervisors the most pause, which is what was being worked on currently and would be addressed on August 5th. He said it was good that the BZA was able to stand back and allow that process to take place, and he believed it was almost complete. He said it does seem somewhat complicated and that he didn't know that it would actually be finished the following day; but he hoped it would be.

Mr. Shepherd said all his reasoning from the previous month remains unchanged this month in terms of his approach to this.

Mr. Shepherd said he thinks the BZA has a choice about deferring this for one more month or to some other date certain. He said alternatively, they could defer it to a time when the Board of Supervisors has completed its deliberations, come to final conclusions, and finished its work. He asked if anyone else had thoughts or questions on the topic.

Mr. Shepherd asked Mr. Robb if he had concerns about the length of time the BZA would defer this.

Mr. Robb replied that he felt it was proper and sensible to defer until the next regular meeting of the BZA.

Mr. Rinehart said Mr. Shepherd may have some points to make for deferring it until a different time in the future but that he himself supported Mr. Robb's position.

Ms. Joseph said if the BZA goes with the September meeting, they are assuming that the Board of Supervisors will have worked through everything they need to do. She said the only topic they were concerned about was the sorter/stacker, as this was the only one that was in the cease and desist or determination letter that was sent out. She said that if the Board of Supervisors doesn't come to some conclusion in their next meeting, the BZA may have to then defer it until October. She said perhaps this would not make any difference.

Mr. Shepherd agreed that he would like to defer this to the certain date in September. He said he was expecting this to conclude fairly rapidly; however, he recognized that there is a possibility that this could go on for quite some time but that he really did not know. He said there may come a point where the BZA would want to go ahead and act on the appeal itself, depending on the timing.

Mr. Shepherd said he did not want to defer it indefinitely. He said he knew some Board members had talked about that, and they were hoping the BZA would let the process completely play itself out. He said he believed it should go to September, however.

Mr. Shepherd said he believed the BZA members were all in agreement. He asked if there was any further discussion. Hearing none, he asked for a motion.

MOTION: Mr. Rinehart moved to defer AP202000001 R.A. Yancey Lumber Corporation to the next BZA meeting on September 1, 2020. Mr. Robb seconded the motion, which passed unanimously (4-0).

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4. Approval of Minutes

A. June 2, 2020

MOTION: Ms. Joseph moved to approve the revised minutes for June 2, 2020. Mr. Rinehart seconded the motion, which passed unanimously (4-0).

Mr. Shepherd said the numbers that were now in the minutes were very helpful, and he appreciated the "track changes" mechanism that was used to highlight the changes in the June 2 minutes. He said this made the changes easy to find and talk about. He said although these were small things, they make things easier in the long run.

B. July 7, 2020

Ms. Joseph asked for the pages to be numbered. She also said that on page 6, line 14, the word "were" should be "was."

Ms. Joseph said if everyone agreed, they could approve it if Mr. Bowling or Mr. Herrick agreed, as she was sent a clean copy.

Mr. Bowling said this was correct if everyone accepted the change.

Mr. Shepherd stated that on page 1, line 40, he was not sure that he had identified everyone's job description on the board—but since Mr. Robb was noted as the Vice Chair, Ms. Joseph should be identified as the Secretary.

Mr. Shepherd said on page 4, line 22, "what the sun would look like" should be changed to "what the sign should look like."

MOTION: Mr. Rinehart moved to approve the July 7, 2020 minutes with the noted changes. Ms. Joseph seconded the motion, which passed unanimously (4-0).

5. Old Business

Mr. Svoboda said he did not have an update on the new BZA member and that it was still in a holding pattern.

6. New Business

Ms. Joseph said she was looking through and trying to figure out special exceptions and variances and got extremely confused. She said the ordinance has obviously changed the way that setbacks are addressed. She said that the Albemarle County Zoning Ordinance says that any minimum setback in industrial districts may be reduced by special exception. She said what she finds fascinating about this is that a reduction in the setback is normally called a variance, and to her, it is normally something that comes before the BZA.

Ms. Joseph said the ordinance also speaks to the fact that the duties of the BZA are to grant variances or to not grant variances, and they are the body that looks at a variance. She said the ordinance is very clear as to the issues to be considered before a variance can be granted by the BZA. She said that it was fascinating that the Board of Supervisors can essentially grant a variance for a setback without going through the whole list of criteria, such as whether the need for a variance is the result of a self-imposed situation.

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Ms. Joseph said what she was trying to figure out—and what she would love to receive from staff—is what to tell people coming in. She asked if they should tell them that it is self-imposed and to therefore, go before the Board of Supervisors to get a special exception; or, if it is a matter that is due to the topography or shape of the lot, to then go to the BZA and look at the specific list of criteria the applicant needs to meet before they are granted a variance.

Ms. Joseph said she did not expect an answer immediately but that she would love to be able to have an extended conversation about this, perhaps at the BZA's September meeting, so that the difference between the two can be explained and about how staff offers advice to applicants when they come in. She expressed that this very much confused her and that she could see why the Yancey Lumber matter came before the BZA because it was stuck in the middle in terms of what they would do. She said the letter comes to the BZA because the applicant has done something that was in violation and yet, the BZA hears it and it then goes to the Board of Supervisors.

Ms. Joseph said she would like to have a conversation at which everyone is prepared to talk about this. She said when going through the ordinance and finding this information, she wondered what was going on. She said it may not be as complicated as she was making it out in her mind but that she would appreciate staff preparing something that they could discuss in September.

Mr. Svoboda said they could get this on the agenda and make sure they have sufficient time. He said there are certain areas where the Board of Supervisors reserves the right to grant special exceptions, which is a different criteria than the variance that Ms. Joseph pointed out. He said they will need to talk about it in more detail, however, for understanding.

Mr. Rinehart said this made a lot of sense and thanked Ms. Joseph for bringing it up, adding that it created questions of his own.

Mr. Shepherd said he was confused by this as well. He said it seems there is a contradiction. He said he would like to think it is resolved in the ordinance but that he did not see it there now.

Mr. Shepherd said he assumed that it could possibly come into play with the setback for the debarker machine (the Yancey Lumber machine that was across the VDOT right of way). He said he has seen the list of findings that the Board of Supervisors made and that they have granted that setback. He said he didn't expect them to change that finding, but the BZA might be addressing both of those items in terms of the appeal having to do with the Notice of Violation, which includes the debarker as well as the stacker/sorter. He said it is the time and place, if the BZA hears and does the appeal, to have a clear finding from the County on how to interpret that. He said he did not know how to interpret it.

Mr. Shepherd said he was glad they raised the issue. He said he didn't know if the Board of Supervisors, Mr. Fritz, or anyone was interested in considering that now and that he would leave it to Mr. Svoboda and Mr. Herrick taking it from there.

Mr. Herrick suggested that if and when the Yancey item came back before the BZA, it could be addressed as part of that discussion. He said that if the Yancey matter were substantially resolved without further BZA involvement, staff could brief the BZA about the specific issues afterwards.

Mr. Shepherd said he appreciated that. He said the Yancey matter may or may not bring this issue front and center. He said he suspects that it will not because the Board of Supervisors has already made a finding on it and that he imagined the BZA would simply accept this and move on. He said he was not

doubting it, either. He said hypothetically, however, it is important that it is clear either to the BZA (as they may not be looking at it correctly) or in the ordinance as to what criteria is brought to the analysis for minimizing a setback. He said the question is if it is the criteria in the variance section, or if it was the more subjective criteria that is in the special exceptions criteria. He said it was not just Yancey that he was interested in and that he was almost more interested in the case beyond the horizon.

Ms. Joseph said this should not be read as a challenge to the Board of Supervisors from her, as this was not what was going on here. She said the legislative branch is allowed to do the things they are allowed to do, while the judicial branch is allowed to do the things they are allowed to do and that this seems to be messy in her mind.

Mr. Herrick said that since this may come up as an issue in a pending case, he would suggest that they defer further discussion of this particular issue until that case is back on the table and all the participants are there. He said that if this case were resolved without the BZA's involvement, they could address this issue separately. His thought was to defer the discussion until that item and all the participants were back in the room.

Mr. Shepherd said he understood.

Mr. Robb asked what the BZA's standing is regarding this subject. He said he appreciated Ms. Joseph's research on this matter but that he wanted to know what standing the BZA has as far as suggesting that the Board of Supervisors do anything about identifying if there is an error here or an effort to confuse.

Mr. Shepherd said he would try to answer that, adding that Mr. Herrick should stop him if he needs to be corrected on anything.

Mr. Rinehart expressed that the BZA seemed to be going down a rabbit hole and that he could read from the body language of staff that they needed to pause this discussion until they can address the Yancey item. He said while he applauded Ms. Joseph for raising the issue, he believed the discussion should be paused until the next month or beyond.

Mr. Shepherd said this was his point—that what was in front of the BZA was a deferral and what was in the notice of violation. He said this is what they are dealing with and that everything else was not front and center for them.

Ms. Joseph clarified that the only reason it came up had nothing to do with how this affects Yancey, but it has to do with the words in the ordinance. She said she was not interested in telling the Board of Supervisors how to do their job. She said it just came up because of this particular project.

Mr. Svoboda said as part of the discussion next month, one way or another, staff will clarify the criteria for a variance versus the criteria for a special exception. He said this should address all the questions that he has heard, and if he missed one, he was sure the BZA would let him know next month.

Mr. Rinehart asked what time the Board of Supervisors meeting was the next day so that he could log on to watch.

Mr. Herrick said the Yancey Lumber item was on the Board of Supervisors' August 5th meeting agenda.

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Mr. Svoboda directed Mr. Rinehart on how to access the meeting and said he would send a link to the page.

7. Adjournment

MOTION: At 2:36 p.m., Mr. Robb moved to adjourn the meeting. Mr. Rinehart seconded the motion, which passed unanimously (4-0).

(Recorded by Marsha Alley and transcribed by Beth Golden)

Respectfully Submitted,

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Marcia Joseph, Secretary Board of Zoning Appeals

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