

*Campbell County Planning Commission  
Minutes  
January 23, 2023*

The regular meeting of the Campbell County Planning Commission was held on Monday, January 23, 2023, in the Board of Supervisors Meeting Room, Walter J. Haberer Building, Rustburg, Virginia. The following members were present:

Michael S Condrey  
K. William Kirk  
Tom Lawton  
Dean Monroe  
John Thilking  
Megan Wright  
Steve Shockley, Board of Supervisors Representative

Members Absent:

Timberlake District - Vacant

Staff Members present:

Paul E. Harvey, Community Development Director/Assistant County Administrator  
Austin R. Mitchell, Zoning and Subdivision Administrator II/Deputy Director  
Theresa P. Phillips, Staff Secretary

// Chairman Kirk called the meeting to order with the invocation followed by the Pledge of Allegiance at 7:00 p.m.

// **PUBLIC HEARINGS FOR CONSIDERATION**

// **PL-22-226 (Special Use Permit-3682 Oxford Furnace Road)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is from Norm Walton, agent for BDI Properties LLC, for a special use permit to operate an automobile sales and minor automobile repair business on property zoned Agricultural. The owner is seeking to use the property for automobile sales and minor automobile repair. The use of automobile sales would be internet sales as the site is not conducive for drive-by or in person sale of vehicles. There would be 30 automobiles or less on the site at any time. There is an existing gravel area adjacent to the garage that would be used for the storage of vehicles. The owner is also seeking to allow minor automobile repair in the existing garage to prepare the used vehicles for sale.

// Chairman Kirk opened the public hearing at 7:06 p.m., stating these public hearings would go before the Board of Supervisors at the March 7 meeting.

- // Mr. Norm Walton, Perkins and Orison, stated the proposed business for auto sales would be internet sales only with minor work such as changing a dead battery, changing the oil, or tires. Mr. Walton also stated at one time this property was used as commercial.
- // Commissioner Wright inquired to the number or employees and how would the vehicles be transported after being sold.
- // Mr. Walton responded there would be two at the most. Mr. Walton stated they would be trucked in or by a heavy-duty pick-up truck, once sold, the vehicles would be trucked out off-site.
- // Chairman Kirk asked about the vehicles currently on the property and would these vehicles be visible from the road. Commissioner Kirk also inquired if these would be salvage vehicles and sold as is.
- // Mr. Walton indicated no vehicles could be seen from the road. Mr. Walton also stated the vehicles would be a finished product and sold.
- // Commissioner Thilking inquired to the environmental issues.
- // Mr. Walton assured the Commissioners there would be no environmental issues.
- // Commissioner Condrey asked about the hours or operation and the use of security lighting.
- // Mr. Walton indicated the primary business would be conducted via the internet and the pick-up time for the sold vehicles would be between 8:00 a.m. to 5:00 p.m. with no security lighting needed.
- // With no one present to speak in favor Chairman Kirk asked those in opposition to come forward.
- // Mr. Lawrence Narehood, 3810 Oxford Furnace Road, Lynchburg, stated he and his wife are strongly opposed to this special use permit. Mr. Narehood stated the surrounding properties are currently zoned agricultural and are used for growing hay, grazing pastures and raising livestock. He questioned what would the environmental impact be to his and the neighboring properties with the potential for leaking fluids from the vehicles and what the danger could be to the natural resources. Mr. Narehood also stated there are

approximately 30 vehicles already on the property and this would allow for an additional 15 to 20.

// Mr. Nathan Sloan, 3483 Oxford Furnace Road, Lynchburg, stated his grandmother owns the adjoining property where the current driveway is used to access the property.

// Ms. Amy Lucas, 3576 Oxford Furnace Road, Lynchburg stated she and her husband are very concerned about a commercial property devaluing her property. Ms. Lucas stated since 2021 there have been numerous vehicles already on the property, the increase of heavy truck traffic and voiced her concerns on the environmental issues.

// Commissioner Wright stated she received a phone call from Ms. Joanne Langford voicing the same concerns.

// Mr. Walton stated it will be passenger vehicles only and cannot rebuild vehicles on site and only 30 vehicles on site including the vehicles currently on the property.

// Mr. Delbert Beasley, 479 Beasley Road, Lynchburg, stated the trucks currently on the property belonged to someone behind on their taxes, were parked in Amherst County, and he had been contacted by the Campbell County Sheriff's Office asking him to park those vehicles on his property until the vehicles were sold at auction to recover the back taxes.

// Commissioner Thilking inquired about the shipping containers and box trucks on the property.

// Mr. Beasley stated he had sold property located in the City of Lynchburg and moved those to his property. He also stated farm equipment such as seed, hay and lumber that he uses on his farm is stored in the containers. Mr. Beasley also stated the containers were being moved off the property one by one.

// Commissioner Thilking inquired if a time frame could be set in order to have all the containers and abandoned vehicles cleaned up.

// Mr. Beasley stated it could be done in six months and stated the time frame could be added as a condition to the special use permit.

// Commissioner Condrey verified Mr. Beasley if the proposal is recommend for approval, is agreeing to cleaning the current conditions within six months and moving the driveway to his property.

// Mr. Beasley stated the property will be cleaned within six months and is willing to move the driveway onto his property.

// Chairman Kirk closed the public hearing at 7:30 p.m.

// Commissioner Wright offered an amendment to add the six month clean up and the hours of operation of 8:00 a.m. to 5:00 p.m. as conditions.

// Chairman Kirk made the motion to recommend approval of PL-22-266, for a special use permit to operate an automobile sales and minor automobile repair business on property zoned Agricultural with the conditions of cleaning up the property within six months and the hours of operation are between 8:00 a.m. and 5:00 p.m., stating good zoning. Commissioner Thilking seconded the motion.

The vote was: Aye: Condrey, Kirk, Lawton, Monroe, Thilking, and Wright  
Nay: None  
Absent: None

// **PL-22-227 (Special Use Permit – 112 English Commons Drive)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is from Alyssa Kinney for a special use permit to use an existing townhouse as a tourist house on property zoned Residential – Multi Family. The applicant is the owner of the property and wishes to rent out the entire home for overnight guests using a platform such as Airbnb when not filled by a tenant on a mid-term or long-term lease. The property will primarily be rented for more than 30 days catering to traveling nurses and other professionals. The short-term rentals would supplement the vacancy between longer rentals. There would be a maximum of four guests. There are two parking spaces available for tenants/guests.

// Chairman Kirk opened the public hearing at 7:35 p.m.

// Ms. Alyssa Kinney, 112 English Commons Drive, Lynchburg, stated the property would be rented 30 days or more and but would like to have the ability rent the property for short term rentals when not being leased in order to supplement her income. The maximum number of guest will be limited to four and the property is protected with a “smart lock” which she controls with an app on her phone to provide unique access codes for each guest checking in.

// Commissioner Lawton inquired to where Ms. Kinney will be living.

// Ms. Kinney stated she and her husband would be living in Arizona and managing the property remotely.

// Commissioner Lawton inquired if complaints were made, how would they be addressed.

// Ms. Kinney indicated her neighbors will have her phone number and the rules are signed when using rental platforms.

// Commissioner Condrey inquired if her neighbors were aware of her plans for using her property as a short-term rental.

// Ms. Kinney indicated at this time they did not.

// With no one present to speak in favor or opposition, Chairman Kirk closed the public hearing at 7:43 p.m.

// Commissioner Lawton inquired to the number of days constituting short-term rental.

// Mr. Austin Mitchell responded less than 31 days.

// Commissioner Monroe stated he had issues with the property owner being out of state.

// Chairman Kirk made the motion to recommend approval of PL-22-227 for a special use permit to use an existing townhouse as a tourist house on property zoned Residential – Multi Family, stating good zoning. Commissioner Lawton seconded the motion.

The vote was: Aye: None

Nay: Condrey, Kirk, Lawton, Monroe, Thilking, and Wright

Absent: None

// **PL-23-002 (Special Use Permit – 802 Peerman School Road)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this

request is from Lisa Moore, agent for L & D Moore Rental Properties LLC, for a special use permit to use an existing single-family dwelling as a tourist house on property zoned Agricultural. The applicant is the owner of the property and wishes to rent out the entire home for overnight guests using a platform such as Airbnb. The home was purchased and renovated by the applicant within the past year. The applicant is seeking to fill a need for visitors to companies and institutions in the area looking for housing for several weeks. The applicant lives in the vicinity and will be aware of the tenants.

// Ms. Lisa Moore, 1623 Peerman School Road, Altavista, stated the property was purchased in April of 2022. Ms. Moore stated the property has been renovated and they would like to operate this as a tourist home. Ms. Moore stated she and her husband owned property within the town limits of Altavista where business visitors have stayed

anywhere from a week to six months. Ms. Moore also stated the Altavista area was lacking in quality extended stay options. Ms. Moore also indicated she and her husband own five additional single-family homes and a quadruplex on Peerman School Road. Ms. Moore also stated this property is less than one half mile from their personal farm and they travel Peerman School Road many times a day.

// Commissioner Condrey inquired if the targeted renters would be long term and if she would be managing the property.

// Ms. Moore responded yes.

// Commissioner Lawton inquired to the number or tenants were expected in a year.

// Ms. Moore responded it was hard to say, depending on the length of stay for each rental period.

// Mr. Clarke Scott, 450 Peerman School Road, stated his property adjoined Ms. Moore's property on three sides and is very impressed with the renovations to the property. Mr. Scott did state he was concerned if this would create rezoning within the neighborhood and protecting agricultural land.

// Chairman Kirk closed the public hearing at 7:56 p.m.

// Chairman Kirk made the motion to recommend approval of PL-23-002 for a special use permit to use an existing single-family dwelling as a tourist house on property zoned Agricultural, stating good zoning. Commissioner Lawton seconded the motion.

// Commissioner Lawton stated he too lived on Peerman School Road and has spoken to several neighbors who are very pleased with the renovations and respect the Moore's.

// Chairman Kirk stated with the proximity to neighbors and the owners living close to the rental he felt this was a good fit.

// Commissioner Thilking stated he agreed with the location of the property to the owners.

// Commissioner Condrey inquired if the property transferred, would the special use permit follow the property.

// Mr. Mitchell responded the special use permit would follow the property, unless the intended purpose for the permit was not used for two years.

The vote was: Aye: Condrey, Kirk, Lawton, Monroe, Thilking, and Wright  
Nay: None  
Absent: None

// **PL-23-003 (Rezoning 45-A-58)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is to rezone 12.592 +/- acres from Agricultural to Residential – Single Family for use as a single-family subdivision. The applicant is seeking to rezone 12.592 acres of the parcel to Residential – Single Family for use as a single-family subdivision. The preliminary plan shows a proposed eleven (11) building lots for single-family dwellings. The proposed lots would have frontage on East Ferry Road and meet the required minimum lot area and lot width for the Residential – Single Family zoning district. The 127.491-acre residue of the property would remain zoned Agricultural.

// Chairman Kirk opened the public hearing at 8:03 p.m.

// Ms. Crystal Smith, 148 Crystal Lane, Evington, stated Mossy Creek LLC purchased the property in July of 2022, and would like to rezone 12.592 acres to Residential-Single Family in order to create approximately eleven lot to build single-family dwellings, the remaining 127.49 acres would remain in pine trees for harvesting. The dwellings would be stick built with a restriction on the square footage and the exterior would be brick, rock, or vinyl. Preliminary soil work has been conducted and the Virginia Department of Transportation has no concerns. The asking price for the lots would be approximately \$45,000 or less per lot.

// Mr. Mike Goin, Dickerson Surveying LLC, stated these lots would be 90' to 100' feet wide and not using the minimum lot size. Mr. Goin also stated the soil work has been completed and each will perk.

// With no one present to speak in favor, Chairman Kirk asked those in opposition to come forward.

// Mr. Charlie Elliott, 1201 Elliott Road, Gladys, stated he owned 130 acres adjacent to this property and was a full time farmer. Mr. Elliott also stated he currently has three subdivisions in site of his home and feels there is not a need for more.

// Ms. Lorraine Potter, 126 Mason Lane, Gladys, stated she is presenting a petition with 36 signatures on East Ferry and adjoining roads, asking for denial of this rezoning. Stating the following reasons:

1. East Ferry Road is a narrow, curvy secondary road.
2. No subdivisions currently on East Ferry Road, the dwellings built on East Ferry Road were built prior to Campbell County adopting a zoning ordinance.
3. Approximately 14 years ago a proposed subdivision less than a mile away was rejected.

Ms. Potter then asked for members of the audience to stand if they had signed the petition, there were 11 including Ms. Potter in attendance.

// Mr. Patrick Tompkins, 2528 East Ferry Road, Gladys, asked if this project is approved what would stop the owners from developing more residential lots. Mr. Tompkins also shared his concern on the remaining acreage and the pine needles creating a fire.

// Mr. Jonathan Heusinger, 2568 East Ferry Road, Gladys, stated the water tables in that area are terrible and there will be well problems.

// Mr. Dennis Hurt, Sr, 2202 East Ferry Road, Gladys, was concerned about the run off from clearing the lots for development creating issues on his property. Mr. Hurt also stated his concerns with water problems in the area.

// Ms. Crystal Smith informed the Commissioners the applicant was withdrawing the application.

// Chairman Kirk closed the public hearing at 8:22 p.m.

// **PL-22-004 (Special Use Permit – 157 Springlake Road)**

// Mr. Austin Mitchell, Zoning and Subdivision Administrator II/Deputy Director, stated this request is from Brent Baker for a special use permit to operate as a rebuilder and salvage dealer on property zoned Agricultural. The applicant is seeking to operate as a rebuilder and salvage dealer on the property. The applicant currently operates an automotive repair business on the property. A special use permit was approved for an automobile sales lot at an existing auto repair shop on September 9, 1998 with the conditions of hours of operation Monday – Friday, 8 am – 5 pm, ½ day on Saturdays, and no more than 10 vehicles on the property at any given time. The applicant previously had a salvage license on the property that expired in 2015. Since more than two years has passed since operating as a rebuilder and salvage dealer, the applicant must apply for a new special use permit for those uses.

// Chairman Kirk opened the public hearing at 8:23 p.m.

// Mr. Brent Baker, 157 Springlake Road, Lynchburg, stated he would like to renew the special use permit. Mr. Baker stated he was late on renewing his certificate for operating as a rebuilder and salvage dealer by six days and because of that, he has to travel to North Carolina. Mr. Baker also stated to receive ordered parts is timely. There are no fluids remaining in the vehicles when they arrive at his site. Mr. Baker also stated the adjoining property owners were family members.

// Commissioner Monroe inquired to the number of vehicles on the property.

// Mr. Baker responded no more than 30 to 40 vehicles at a time.

// Commissioner Lawton asked if the hours would remain 8:00 a.m. to 5 p.m.



// Mr. Baker responded they would.

// With no one present to speak in favor or opposition, Chairman Kirk closed the public hearing at 8:32 p.m.

// Chairman Kirk made the motion to recommend approval of PL-22-004 a special use permit to operate as a rebuilder and salvage dealer on property zoned Agricultural, stating good zoning. Commissioner Wright seconded the motion.

The vote was: Aye: Condrey, Kirk, Lawton, Monroe, Thilking, and Wright  
Nay: None  
Absent: None

// **SUBDIVSION MATTERS FOR CONSIDERATION**

// Proposed is a 19-lot subdivision on Brookneal Highway and Marshall Mill Road, to be known as Marshall Mill Road Estates, in the Brookneal Election District. The parcel is zoned Agricultural and is owned by J H Fitzgerald Jr.

// Chairman Kirk made the motion to recommend approval of Marshall Mill Road Estates.

The vote was: Aye: Condrey, Kirk, Lawton, Monroe, Thilking, and Wright  
Nay: None  
Absent: None

// **MATTERS FROM THE COMMUNITY DEVELOPMENTDIRECTOR/  
ASSISTANT COUNTY ADMINISTRATOR**

None

// **MATTERS FROM THE ZONING AND SUBDIVSION ADMINSTRATOR**

None

// **MATTERS FROM THE PLANNING COMMISSION**

// Next scheduled meeting is February 27, 2023.

// Commissioner Wright stated she would not be in attendance.

// Chairman Kirk adjourned the meeting at 8:34 p.m.

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K. William Kirk, Chairman