

**CHARLOTTE COUNTY PLANNING COMMISSION**  
**PO BOX 608**  
**CHARLOTTE COURT HOUSE, VA 23923**

TO: Charlotte County Planning Commission  
FROM: Monica L. Elder, Planning Commission Secretary  
DATE: April 22, 2020  
SUBJECT: Meeting Notice

The regular monthly meeting of the Planning Commission will be held at **7:30 pm on Tuesday, April 28, 2020** in the Boardroom of the County Administration Office at 250 LeGrande Avenue, Suite A, Charlotte Court House. Information related to this meeting is enclosed.

Due to social distancing requirements, the Boardroom can currently accommodate no more than twenty attendees. All available seats will be marked and twelve of the seats will be identified as seats for Commissioners. If you are unable to attend, please let me know in advance so your seat can be made available to the public if needed.

In order to make the meeting available to anyone that wishes to participate but is not comfortable attending in person, we will set up the audio so individuals can call in on their cellphone or log-in on their computer and listen to the meeting as it occurs. The meeting will also be recorded.

If you have any questions regarding anything included in the meeting packet, please contact me prior to the meeting. Thank you!

**Tentative Agenda**

- Call to Order
- Invocation
- Approve Agenda
- Consider Approval of February 25, 2020 Meeting Minutes
- Public Comment Period
- Consider Zoning Text Amendment Request to Add Retreats as a Use in the General Agricultural District
- Review Zoning Ordinance Section 10-23-4 which prevents locating utility-scale solar within 1 mile of a town boundary (By Request of the Board of Supervisors)
- Review Zoning Ordinance Section 10-23-5 which limits the density of utility-scale solar to 3% of land area in a 5 mile radius (By Request of the Board of Supervisors)
- Staff Update:
  - BZA Application – Hermon Presbyterian Church Variance
  - Joint Public Hearings (Nonconforming Lot Amendment & US Cellular Tower application)
- Commissioners' Time

Charlotte County Planning Commission  
Regular Meeting  
February 25, 2020  
Charlotte County Administration Office

Present:

Andrew Carwile     Kerwin Kunath  
Cornell Goldman    W.V. Nichols  
Deborah Haskins   Clark Poindexter  
Kenny Howard      Gladys Reid

Absent:

George Sandridge  
David Watkins, II  
Eugene Wells

Board Representative & Staff in Attendance:

Kay Pierantoni, Board of Supervisors; Monica Elder, Assistant County Administrator

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Chairman Deborah Haskins called the meeting to order. Cornell Goldman gave the invocation.

Gladys Reid made the motion to approve the agenda as presented. Andrew Carwile seconded the motion and the motion carried with all members present voting yes.

Kerwin Kunath made the motion to approve the January 28th meeting minutes as presented. Kenny Howard seconded the motion and the motion carried with all members present voting yes.

Citizen Douglas Deaner addressed the Commission during the Public Comment period, expressing an interest in obtaining information regarding US Cellular's application for a conditional use permit (CUP) for the construction of a telecommunication tower on property owned by Blue Rock Resources that is located on Mapleton Road adjacent to his property.

Chairman Haskins called on Emilee Switzer Lauer with Old Dominion Professional Services, agent for US Cellular, to provide information on the application. Ms. Lauer provided a brief project overview. Staff representative Monica Elder then reviewed the staff report.

Citizen Henry Carwile, Jr. inquired about the tower placement due to the site's elevation. Ms. Lauer explained that tower placement was determined by the project engineer.

Mr. Deaner brought up concerns about the impact to the existing driveway that serves both his property and the tower site. In addition, he inquired about project notification. Ms. Lauer explained that the construction crew would be responsible for ensuring the driveway was left in the same condition it was in prior to the project and would be responsible for repairing any damage that occurred due to the project. Supervisor Pierantoni suggested that the Commission include a condition that would address the driveway in response to Mr. Deaner's concerns. Ms. Elder then reviewed the application review and hearing process, explaining advertising and notification requirements.

Clark Poindexter made the motion to move forward with a request for a joint public hearing with the Board of Supervisors on US Cellular's conditional use permit application. Cornell Goldman seconded the motion and the motion carried with all members present voting yes.

Ms. Elder presented an application for a zoning text amendment to address the development of multiple cabins and associated facilities submitted by landowners Dave & Debbie Sanders. Commissioners discussed staff's report on regulations for retreats, cabins & recreational resorts used by other localities. The need to set an upper limit on the quantity of units and length of stays were discussed. Cornell Goldman made the motion to have staff craft recommended zoning ordinance language for retreats and present it at the next meeting. Kenny Howard seconded the motion. Cornell Goldman then amended his motion to remove "at the next meeting." Andrew Carwile seconded the amended motion and the amended motion carried with all members present voting yes.

Clark Poindexter made a motion to set a special called meeting on April 13<sup>th</sup> following the joint public hearing on the zoning amendment for nonconforming lots to prepare a recommendation. Kerwin Kunath seconded the motion and motion carried with all members present voting yes.

Ms. Elder reported that the Board of Supervisors had approved the Red House Solar I application and would soon be considering the adoption of fees associated with permits for solar development.

Ms. Elder also reported that Reuben Stoltzfus had notified staff that he was withdrawing his conditional use permit application for a log mat assembly operation.

Cornell Goldman made the motion to adjourn. Kenny Howard seconded the motion and the motion carried with all members present voting yes.



Charlotte County, Virginia  
Planning Commission Staff Report

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Date: April 3, 2020

Subject: Request for Zoning Text Amendment – Cabins & Associated Facilities

**SUBJECT HIGHLIGHTS**

Citizens Dave & Debbie Sanders submitted a zoning amendment request regarding their interest in locating three cabins for overnight lodging on their property identified as Tax Parcel #9-A-55 and located in the General Agricultural District. After reviewing their request & zoning regulations for similar uses in other Virginia localities, the Planning Commission requested that staff provide draft language for consideration.

**Staff recommendation:**

- Adding Retreats to Article 9 of the Zoning Ordinance as a Conditional Use in the Agricultural District
- Revising Article 12. Definitions as follows:

***Campground or Retreat.** Land designed for or used to accommodate paying guests in tents designed for single families or non-motorized travel trailers owned by the guests. A tract of land and accompanying structures and other facilities where two or more recreational vehicles, motor homes, travel trailers, tents, or cabins may be erected, parked or maintained for temporary habitation for recreational or vacation purposes.*

***Retreat – See Campground***

- Revising Section 10-16, Supplementary Regulations for Campgrounds as follows:

*Sec. 10-16. Campgrounds and Retreats.*

*10-16-1. The minimum parcel size or area of a parcel dedicated to the campground or retreat use may not be less than five (5) acres.*

*10-16-2. No campsite shall contain less than two thousand (2,000) square feet of area.*

*10-16-3. Maximum density of campsites shall not exceed fifteen (15) sites per gross acre.*

10-16-4. A minimum of twenty-five percent (25%) of the entire tract of land shall be open area and/or recreation area, of which no more than half can be a body of water. Campsites, service buildings, and roads shall not be considered as open and/or recreation area.

10-16-5 Uses customarily incidental to the operation of a campground or retreat shall be considered accessory uses. Service buildings shall be permanent structures complying with all applicable codes and regulations. Such establishments shall be located, designed and intended to primarily serve the needs of overnight guests and shall present no visible evidence of their commercial character outside the facility.

10-16-62. No structures, campsites or related athletic facilities shall conform to all minimum setback requirements for principal structures of the zoning district in which they are located may be located within or 100 feet, whichever is greater, unless otherwise prescribed by the Board of Supervisors as a condition of approval for a Conditional Use Permit. of any property line.

10-16-7. Campgrounds and retreats may contain one single-family dwelling for staff or operators of the facility.

10-16-8. Any cabin or camping unit shall be occupied by the day or week only and shall not be utilized as a permanent, year-round residence. No guest shall reside in the campground or retreat for more than sixty (60) days within one (1) calendar year.

10-16-93. No zoning permit shall be issued for such use until the applicant has furnished evidence that the proposed development meets all applicable state and local health requirements.

10-16-104. All sites must have access to a potable water supply and communal toilet and bathing facilities that meet local and state Health Department standards.

10-16-115. The establishment must have safe access to and from the public road. Each building intended to accommodate guests shall be accessible via an all-weather road suitable to accommodate emergency vehicles serving the property.

10-16-612. All parking lots and loading areas must be visually screened from adjacent properties.





Charlotte County, Virginia  
Planning Commission Staff Report

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Date: April 22, 2020

Subject: Review of Zoning Ordinance Section 10-23-4 which prevents locating utility-scale solar within 1 mile of a town boundary

**SUBJECT HIGHLIGHTS**

NOVI Energy has expressed an interest in submitting an application for a utility-scale solar project located less than one mile from the town limits of Charlotte Court House. However, Zoning Ordinance Section 10-23-4 prohibits solar development within 1 mile of town limits.

The County Attorney indicated a variance from the Board of Zoning Appeals (BZA) would probably not afford the applicant relief & recommended considering a zoning amendment. Therefore, the Board of Supervisors has referred the regulation to the Planning Commission for review, requesting the Commission consider amending the restriction to ½ mile from town boundaries.

**History:**

7/12/16 – First solar zoning regulations approved by Charlotte County; Regulations did not address proximity to town limits

5/31/17 - Report prepared by the Berkley Group for Mecklenburg County recommended amending their comprehensive plan to identify growth area boundaries around each town or appropriate population center and providing additional public review and comment opportunity for land use applications within a growth area boundary, within a specified distance from an identified growth area boundary, or within a specified distance from identified population centers (e.g., town limits);

July 2017 – PC's work on solar amendments began in response to concerns about buffers, setbacks, decommissioning & application process.

10/24/17 – PC voted to request a joint hearing on draft amendments including a regulation prohibiting utility-scale solar within 1 mile of town limits similar to Mecklenburg's regulation

12/11/17 – Joint public hearing with Board referring amendments back to the PC

6/11/18 - Second joint public hearing was held; In response to additional comments from Terry Ramsey the PC worked on additional revisions

10/4/18 - Third joint public hearing with Board with approval 10/9/18

**Project Information:**

While County staff has had a preliminary meeting with the applicant on the proposed project, an application has not been received. Staff expects to have a project overview from the applicant available at the Planning Commission meeting.



Charlotte County, Virginia  
Planning Commission Staff Report

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Date: April 22, 2020

Subject: Review of Zoning Ordinance Section 10-23-5 which restricts density for utility scale solar development to 3% of land area within any given 5 mile radius

**SUBJECT HIGHLIGHTS**

SolUnesco has expressed an interest in submitting an application for a utility-scale solar project that exceeds the current 3% density regulation. When looking at a similar type of issue, the County Attorney indicated a variance from the Board of Zoning Appeals (BZA) would probably not afford the applicant relief & recommended considering a zoning amendment. Therefore, the Board of Supervisors requested that the Planning Commission review Section 10-23-5 of the Zoning Ordinance.

**History:**

7/12/16 – First solar zoning regulations approved by Charlotte County; Regulations did not address density or restrict project size

5/31/17 - The Berkley Group's report for Mecklenburg County recommended establishing parameters for solar in the comprehensive plan including a suggested maximum acreage to mitigate impact

July 2017 – The PC began working on solar amendments in response to concerns about buffers, setbacks, decommissioning & application process. Staff reports from October 2017 & January 2018 indicated localities seeing significant solar development were looking at size restrictions; Mecklenburg added a 500 acre recommended maximum in their comp plan; Southampton adopted a 1000 acre limit; & Halifax reduced maximum density from 5% to 2.5%.

10/24/17 – The PC voted to request a joint hearing on draft amendments including a 500 acre project size limit

12/11/17 – Public hearing conducted; In response to concerns that proposed regulations would prohibit solar facilities from locating within a mile of one another no matter their size, the Board referred the issue back to the PC



1/11/18 – The PC voted to remove the one mile proximity restriction, limit project size to 250 acres and adopt a 2% density regulation. A hearing was set for March, but was cancelled due to inclement weather

3/27/18 - Francis Hodson with SolUnesco presented concerns about the 250 acre restriction & offered to have a consultant prepare a capacity assessment

4/24/18 – SolUnesco presented the capacity report & the PC then voted to remove the 250 acre restriction from proposed amendments & increase the density to 3%

6/11/18 – The second joint public hearing was held and in response to additional comments from Terry Ramsey a definition for project area associated with density was added.

7/24/18 – The PC revised the project area definition and made other minor changes in response to citizen comments

10/4/18 – A third joint public hearing was held with Board approval 10/9/18

**Project Information:** <https://www.solunesco.com/portfolio-items/randolph-solar/>



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## Randolph Solar

- Randolph Solar is a 500 MW-AC photovoltaic solar project proposed in Charlotte County, Virginia. The solar array will connect to Dominion's grid at Clover substation. This project has achieved full site control and PJM Feasibility Study is currently underway
- SolUnesco retains day-to-day project development responsibilities including landowner relations, community relations, site diligence, local permitting, support of the interconnection process, and support for commercial offtake agreements
- Final Site Plan pending.

## Project Details

### SIZE:

500 MWac.

### LOCATION

Charlotte County, VA

### SITE PLAN



OFFICE USE ONLY

FEE PAID:

DATE: 3/18/2020

### COUNTY OF CHARLOTTE APPLICATION FOR VARIANCE

This application and accompanying information must be submitted in full before the variance can be referred to the Board of Zoning Appeals. The application and accompanying information will become conditions of approval and be binding on the property if the permit is granted. Please contact the Zoning Department at (434) 542-5117 for application and deadline or questions.

Request is hereby made by the principle officer of applicant or undersigned owner of the below listed property for consideration of a Variance as provided for in Section 2-7-1 & 2 and 2-8-8 of The Code of the County of Charlotte, Virginia.

Applicant Information

Name: Trustees of Hermon Presbyterian Church      Phone Number: 434-372-4879

Address: 9640 Scuffletown Road, Randolph, VA 23962

Property Information

Property Owner(s): Trustees of Hermon Presbyterian Church      Phone Number: 434-372-4879

Property Address or Location: 9640 Scuffletown Road, Randolph, VA 23962

Parcel ID Number: ~~85-3-34~~ 69-A-36

Present Zoning District: Roanoke Magisterial District

Purpose of Request

Description of the proposed variance (or site modification):  
see attached

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Please demonstrate how strict enforcement of the County's Zoning Ordinance, would produce an undue hardship.

see attached

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(Use separate pages if additional space is required)

Please demonstrate that the hardship is not shared generally by other properties in the same zoning district and the same vicinity.

see attached \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use separate pages if additional space is required)

Please demonstrate that authorization of the requested variance will not be a substantial detriment to adjacent property and that the character of the district will not be changed by granting of the variance.

see attached \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use separate pages if additional space is required)

The following items must accompany this application:

1. The written consent of the owner or agent for the owner (only if the applicant is not the owner). If the applicant is the contract purchaser, the written consent of the owner is required.
2. One copy of a site plan for the property showing the lot, structures, site improvements, parking areas and spaces, and any other information necessary to determine the ability to meet the Zoning Ordinance site development standards, use and design standards, and physical compatibility with the neighborhood.
3. Vicinity map (may be included on the site plan).
4. Variance fee of \$300 to be applied to the cost of advertising, administrative expense, first class postage, appropriate signage, and processing this application. Please make your check or money order payable to CHARLOTTE COUNTY.
5. Any item submitted that is greater than 11"x 17" paper size or in color, as deemed necessary as by the applicant, requires fifteen (15) copies.

Bunley L. Jato  
Signature of Owner  
Daryl J. Lockie  
Signature of Owner

3-25-2020  
Date  
3-25-2020  
Date

**NOTE: THIS PERMIT APPLICATION IS NOT VALID UNLESS SIGNED AND DATED BY ALL PROPERTY OWNERS.  
IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SIGNATURE PAGES.**

## PURPOSE OF REQUEST

### 1. DESCRIPTION OF THE PROPOSED VARIANCE

Hermon Presbyterian Church seeks a variance to accomplish a proposed transfer of real estate from the Church to a newly-created non-stock corporation known as Hermon Presbyterian Church Cemetery, Inc. in the Roanoke Magisterial District of Charlotte County.

The current Charlotte County Zoning Ordinance prohibits the creation of parcels of real estate that are less than three acres in size in areas zoned as Agricultural. The property in question is located in an area zoned Agricultural and the proposed conveyance would be for a parcel less than three acres in size.

The purpose of the transfer is to effectuate the permanent and perpetual care for a cemetery that is currently located on property owned by Hermon Presbyterian Church. As many small, rural churches are having to shutter their doors due to lack of membership and church attendance, many Presbyterian Churches are taking the step of transferring the real estate on which their cemeteries are located to newly-created non-stock corporations (that will eventually obtain 501(c)(3) status) to ensure that the cemeteries are perpetually kept up and cared for.

Title to the real estate in Presbyterian Churches is held by church trustees. Nevertheless, if a Presbyterian Church permanently closes, then title reverts to the Presbytery (the governing body of the Presbyterian Church), thus removing title from the hands of the members who are often the ancestors of those laid to rest in the church cemeteries.

In Charlotte County alone, Drakes Branch Presbyterian Church, Wylliesburg Presbyterian Church, and others have all taken the exact same steps as those proposed now by Hermon Presbyterian Church within the last five years in order to provide for the perpetual care of their cemeteries by a local board of directors (who are generally also members of the Church). The only difference in this particular situation is that Hermon's real estate is located in an area zoned as Agricultural. Outside of this one detail, the transaction sought to be effectuated by Hermon Presbyterian Church is the exact same as what has already been approved by Charlotte County and consummated in Charlotte County by multiple other Presbyterian Churches.

### 2. PLEASE DEMONSTRATE HOW STRICT ENFORCEMENT OF THE COUNTY'S ZONING ORDINANCE WOULD PRODUCE AN UNDUE HARDSHIP.

If the zoning ordinance were applied strictly, it would preclude the members of Hermon Presbyterian Church from being able to take matters involving the upkeep and perpetual care of the cemetery into their own hands. It would create a situation wherein future ownership of the cemetery would be in question, and while Virginia law permits descendants to visit and maintain a cemetery, it does not permit descendants the right to be buried together with their ancestors in a cemetery that is owned by some third-party. Strict application of the zoning ordinance would potentially result in the cemetery being owned by an unknown third-party that might not permit those affiliated with the church through their ancestry or community ties from being buried in the cemetery.

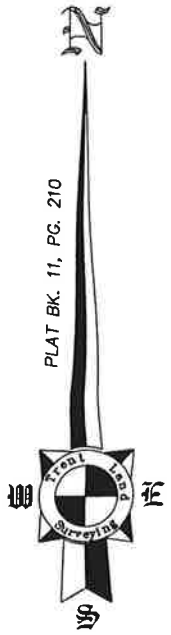
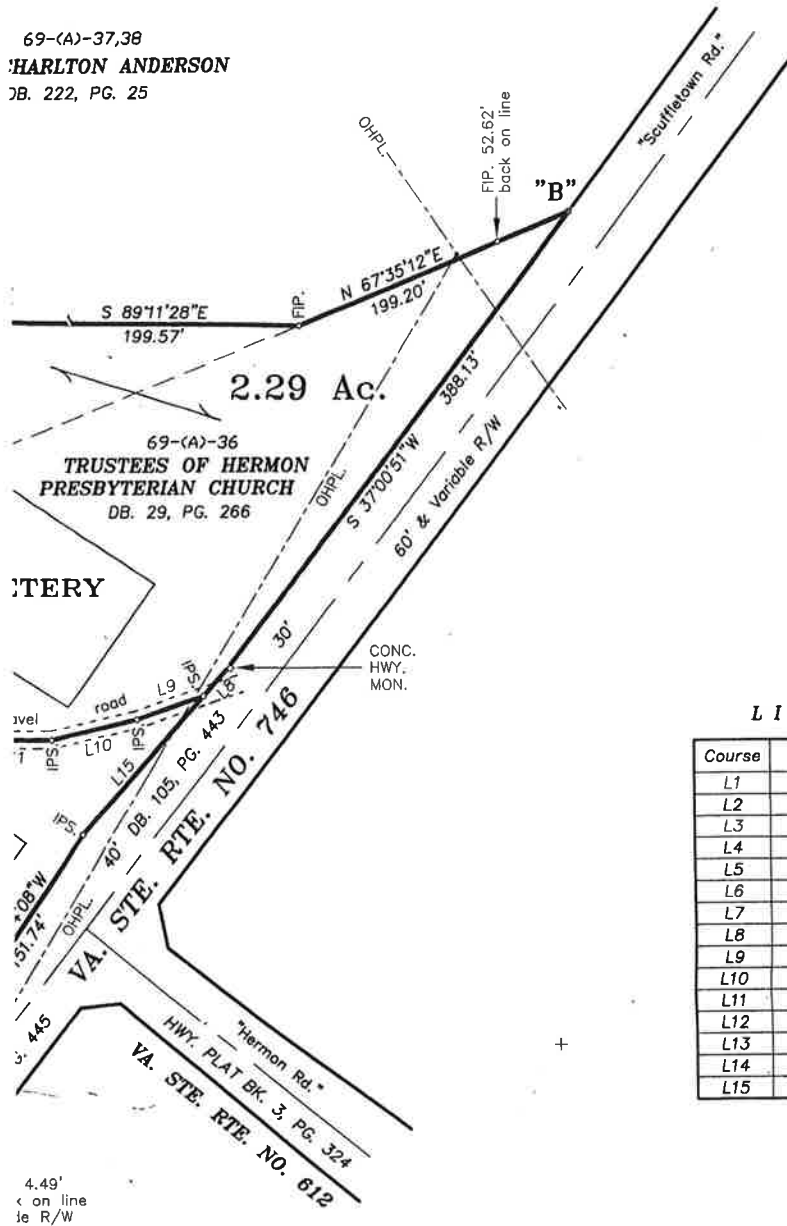
3. PLEASE DEMONSTRATE THAT THE HARDSHIP IS NOT SHARED GENERALLY BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT AND THE SAME VICINITY.

This is a hardship that (based on the type of use) is not likely to be shared by other properties. This is a unique request that deals specifically with a parcel of land used as a cemetery. This is not a buildable lot. Presumably, the Zoning Ordinance is designed to limit higher-density growth in areas zoned as Agricultural. In this particular instance, there is literally nothing that could be changed regarding the current use of the property by the applicant. It is now, and will forever be a cemetery.

4. PLEASE DEMONSTRATE THAT AUTHORIZATION OF THE REQUESTED VARIANCE WILL NOT BE A SUBSTANTIAL DETRIMENT TO ADJACENT PROPERTY AND THAT THE CHARACTER OF THE DISTRICT WILL NOT BE CHANGED BY GRANTING OF THE VARIANCE.

As was stated above, the character of this property will not change. It is now, and will forever be a cemetery. The impact to adjoining properties will be non-existent.

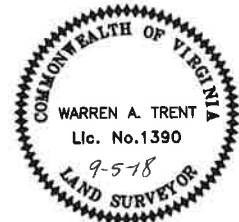
69-(A)-37,38  
**HARLTON ANDERSON**  
 DB. 222, PG. 25



LINES TABLE :

Course	Bearing	Distance
L1	N 17°13'38" W	32.17'
L2	N 17°13'38" W	57.70'
L3	N 17°15'40" W	119.40'
L4	N 24°11'04" W	22.13'
L5	S 76°58'43" E	65.09'
L6	N 72°46'46" E	51.94'
L7	N 81°07'50" E	85.21'
L8	S 40°47'34" W	26.23'
L9	S 70°38'01" W	47.84'
L10	S 76°40'19" W	59.98'
L11	S 89°25'33" W	52.74'
L12	N 20°09'19" W	73.91'
L13	N 49°12'00" W	51.12'
L14	S 68°21'35" W	51.79'
L15	S 40°47'34" W	125.51'

OF BOUNDARY SURVEY OF TWO PARCELS OF  
 CONTAINING A TOTAL OF 3.71 ACRES TO  
 RATE THE CHURCH BUILDING FROM THE  
 TERY; CONVEYED TO THE TRUSTEES OF  
 ON PRESBYTERIAN CHURCH IN DEED BOOK  
 AGE 266 AND IN DEED BOOK 323, PAGE  
 LOCATED IN THE ROANOKE MAGISTERIAL  
 ICT OF CHARLOTTE COUNTY, VIRGINIA.



*Warren A. Trent*  
 WARREN A. TRENT - PLS. NO. 1390



**NOTES :**

SEE TAX MAP NO. 69-(A)-36, 36A.

THE PROPERTY SHOWN HEREON WAS SURVEYED WITHOUT BENEFIT OF A TITLE REPORT AND THEREFORE PLAT MAY NOT REFLECT ALL ENCUMBRANCES TO SAID PROPERTY.

IPS. denotes IRON PIN SET. FIP. denotes FOUND IRON PIN.  
OHPL. denotes OVERHEAD POWER LINE.

THE BOUNDARY SURVEY SHOWN HEREON FROM POINT "A" TO POINT "B" IS BASED ON PLAT BY RAY M. MASON DATED AUGUST 6, 2001 IN PLAT BOOK 11, PAGE 210 AND WAS NOT RESURVEYED BY THIS SURVEYOR ON THIS DATE. ALL OTHER SURVEY INFORMATION SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY BY THIS SURVEYOR.

SEE ORIGINAL PLAT OF CHURCH PROPERTY IN PLAT BOOK 6, PAGE 67.

LOCATION OF EXISTING DRAINFIELD AND RESERVE AREA TAKEN FROM SCHEMATIC DRAWING OF SEWAGE DISPOSAL SYSTEM ID.# 01-119-0197 OBTAINED FROM CHARLOTTE COUNTY HEALTH DEPARTMENT.

SEE PLAT BY RAY M. MASON OF THREE PARCELS DATED AUGUST 6, 2001 IN PLAT BOOK 11, PAGE 210.

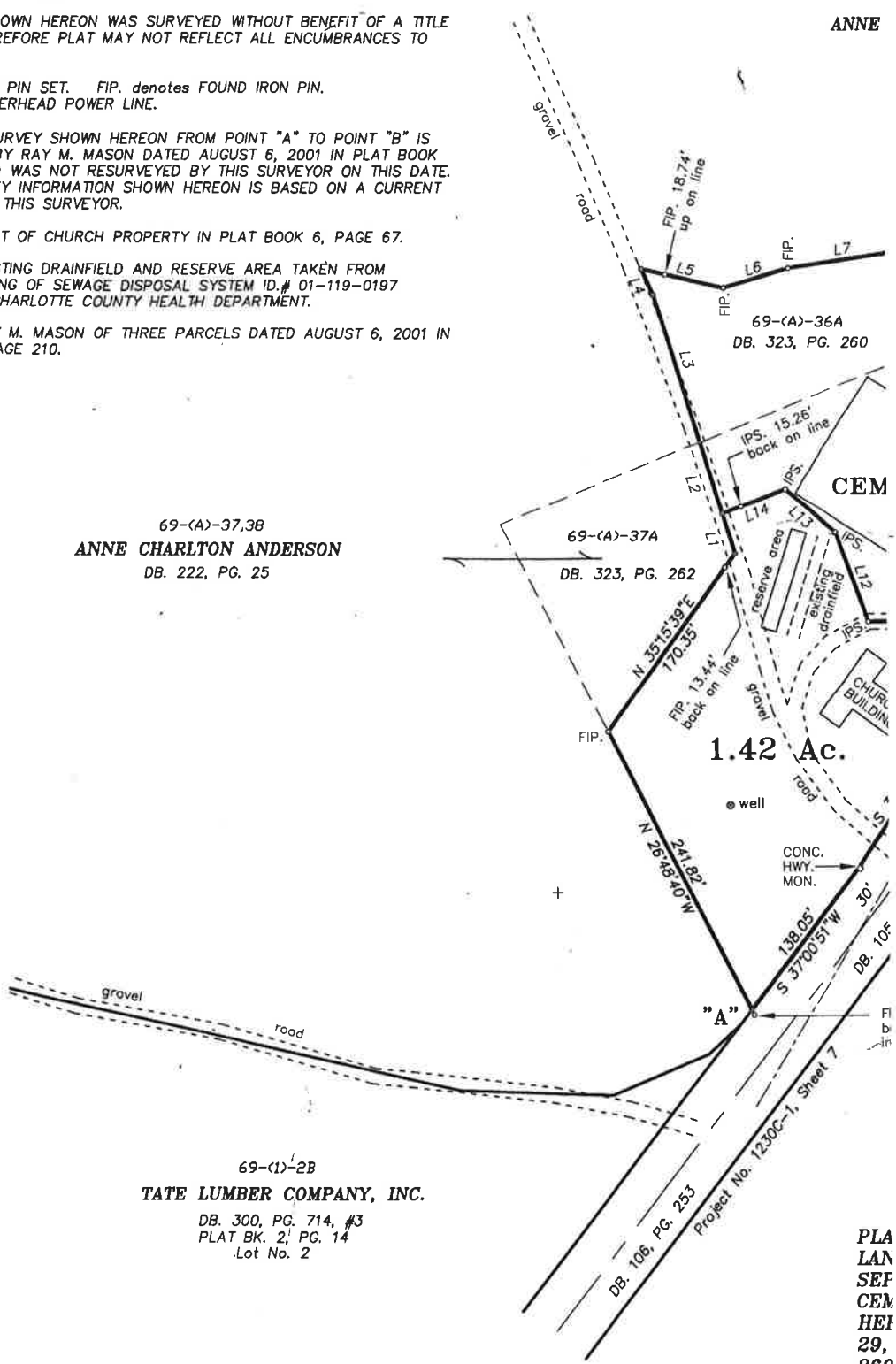
69-(A)-37,38  
**ANNE CHARLTON ANDERSON**  
DB. 222, PG. 25

69-(A)-37A  
DB. 323, PG. 262

69-(A)-36A  
DB. 323, PG. 260

69-(1)-2B  
**TATE LUMBER COMPANY, INC.**  
DB. 300, PG. 714, #3  
PLAT BK. 2, PG. 14  
Lot No. 2

**PLA  
LAN  
SEP  
CEM  
HEI  
29,  
260  
DIS**



DATE: SEPTEMBER 5, 2018

