

Nissen Properties, LLC
Appeal

FRANKLIN COUNTY
APPEAL APPLICATION

Appeals: Any person aggrieved by a decision of the zoning administrator may appeal the decision to the Board of Zoning Appeals by filing such an appeal within 30 days of the decision.

Filing Deadline: Completed application must be received by 4:30 PM on the deadline date listed on the current hearing schedule. The hearing schedule is available online at <https://www.franklincountyva.gov/437/Board-of-Zoning-Appeals>, or in person at the Franklin County Development Services suite.

Incomplete applications will not be accepted nor advertised.

APPLICANT MUST SUBMIT A COMPLETE APPLICATION CONSISTING OF THE APPLICATION FORM, LETTER OF APPLICATION, CONCEPT PLAN (AS NEEDED), AND ANY OTHER PERTINENT INFORMATION TO BE CONSIDERED BY THE BOARD OF ZONING APPEALS.

Application Requirements:

1. **Letter of Appeal**, typed or printed in ink and signed by the applicant, including the property owner's consent and signature.

Fee Schedule:

Appeal	\$200
--------	-------

ALL required application fees must be paid at the time of application submittal. Applicants may pay by cash or check. Checks must be made out to the Franklin County Treasurer and can be mailed to 1255 Franklin Street, Ste. 103, Rocky Mount, VA 24151.

Posting of the Subject Property prior to Public Hearings:

Franklin County Department of Planning and Community Development will prepare and post a "Notice of Public Hearing" sign along any road that is adjacent to the property for which an appeal is requested. The notice will be posted by the county at least fourteen (14) days prior to the scheduled Board of Zoning Appeals hearing and will remain up until the Board of Zoning Appeals has decided on the application. If no public road abuts the property, then notice signs shall be erected on at least two (2) boundaries of the property abutting land not owned by the applicant.

The signs are property of Franklin County and must not be removed by the applicant or property owners.

Legal Advertisement Costs:

Each appeal request must be legally advertised in a newspaper of general circulation in accordance with established state and local regulations. Franklin County advertises hearings in the Franklin News Post. The Department of Planning and Community Development shall prepare the legal ads and shall send the ads to the newspaper for publication.

The cost of publishing the legal ad is the responsibility of the applicant. The newspaper will send an invoice to Planning staff, and staff will then notify the applicant of the cost of the legal ad. If payment is not received prior to the public hearing, the application may be tabled and delayed one (1) month until the next public hearing.

If the applicant requests that the public hearing be delayed after the publication of the legal ad, the applicant shall be responsible for all costs of re-advertisement. If the applicant requests to withdraw their application after the publication of the legal ad, the applicant will still be responsible for all costs of the advertisement.

For Further Information Contact:

Department of Planning and Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151

Phone: (540) 483-3027

Office Hours: Monday through Friday 8:00 AM to 4:30PM

*Except for approved County holidays & closures

FRANKLIN COUNTY APPEAL REQUEST PROCESS

STEP 1- PRE-APPLICATION MEETING

- Applicant meets with planning staff to discuss request, obtain forms, review process and identify required materials for the request. An application for an appeal request must be filed by the property owner or with the property owner's written consent.

STEP 2- APPLICATION

- **Application:** Applicant submits complete application packet to the Department of Planning and Community Development. Application and plans are available for public review.
- **Posting of Property:** The County shall post public notice signs on the property at least fourteen (14) days prior to the scheduled Board of Zoning Appeals public hearing. The sign will remain up until the Board of Zoning Appeals has reached a decision on the application.
- **Notification of Property Owners:** Planning staff notifies adjoining property owners of the request and dates of public hearings. A letter of notification is mailed out approximately twenty (20) days prior to the Board of Zoning Appeals public hearing.
- **Public Notice/Legal Advertisement:** Planning staff prepares required legal advertisement which is published in the local newspaper. Notification of requests and public hearings must appear in a local newspaper two (2) times within two (2) consecutive weeks prior to the public hearings. The applicant is responsible for the cost of Board of Zoning Appeals legal ad publication.

STEP 3- APPEALS PROCEDURE

- Appeal is filed with the Board of Zoning Appeals and the Zoning Administrator by submitting the above information to the Department of Planning and Community Development.
- Appeal is legally advertised and scheduled for the public hearing by the Board. Public notice of the appeal is handled by the Planning office.
- Any zoning materials on record will be transmitted to the Board by the Zoning Administrator for their review and consideration.
- An appeal shall stay all proceedings on the action appealed unless the Zoning Administrator certifies that a stay would cause imminent peril to life or property.
- A decision by the Board of Zoning Appeals is effective immediately.
- If a party is aggrieved by a decision of the Board, the matter may be appealed to the circuit court within 30 days in accordance with Virginia Code Section 15.2-2314.

FRANKLIN COUNTY
APPEAL REQUEST APPLICATION

I/We Nissen Properties, LLC as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Zoning Appeals for a variance on the property described below:

Petitioner's Name: Nissen Properties, LLC

Petitioner's Address: 3547 Booko T. Wall Hwy Rocky Mt VA 24151

Petitioner's Phone Number: 540-815-5445

Petitioner's Email Address: Bill@dockolutions.com

Property Owner's Name: Nissen Properties LLC

Property Owner's Address: _____

Property Owner's Phone Number: _____

Property Owner's Email Address: _____

Property Information:

A. Proposed Property Address: 048030 8300 Windmere Trl 1

B. Tax Map and Parcel Number: _____

C. Election District: _____

D. Size of Property: _____

E. Existing Zoning: R1

F. Existing Land Use: _____

G. Is the property located within any of the following overlay zoning districts:

Corridor District Westlake Overlay District Smith Mountain Lake Surface District

H. Is any land submerged under water or part of Smith Mountain Lake? YES NO

I. If yes, please explain: _____

Checklist for Completed Items:

- Application Form
- Letter of Appeal
- Concept Plan (as needed)
- Application Fee

I certify that this application for a variance request and the information submitted is herein complete and accurate. I authorize County staff to access this property for purposes related to the review and processing of this application.

Petitioner's Name (Printed): Nissen Properties LLC
Petitioner's Signature: William Nissen II Member
Date: 7/26/24
Mailing Address: 3547 Booker T. Wash Hwy Rocky Mt VA 24151

Phone Number: 540-815-5445

Email Address: Bill@doctorsolutions.com

Owner's consent, if petitioner is not property owner:

Owner's Name: _____

Owner's Signature: _____

Date: _____

Date Received by Planning Staff: _____

Concept Plans (as needed)

Purpose of a Concept Plan:

A Concept Plan is dependent upon the needs of a particular appeal. The purpose of the Concept Plan is to provide information on site conditions and general understanding of the proposed use of the property. Typically, a concept plan contains information on the property such as the property address, parcel boundaries, adjacent roads, natural features (including water courses) and neighboring properties. A concept plan also includes the locations of any existing or planned physical structures such as buildings, parking, streets, community facilities, buffering or screening, boat docks, signs, and lighting, as well as the proposed densities of development.

Concept Plan versus Site Development Plan:

A concept plan is not the same as a site development plan, which is more detailed to ensure compliance with development regulations and obtain construction permits. A concept plan may be the first step in creating a Site Development Plan. It is important to note that the approval of a variance request with a concept plan does not mean that a site development plan has been or will be approved.

Required Contents of the Concept Plan:

- ❖ Project title, name of applicant, project engineer/architect/surveyor/planner
- ❖ Plan Date
- ❖ North arrow and graphic scale
- ❖ Size of entire parcel and if applicable, size of portion of parcel requested for rezoning, accompanied by meets and bounds description
- ❖ Adjacent streets, railroads, natural features, historic sites, streams or bodies of water, floodplains, and other information that may help describe site conditions
- ❖ Locations, dimensions, and heights of all existing and proposed structures
- ❖ Locations and dimensions of proposed pedestrian and vehicular access points, driveways, parking areas/spaces and other facilities
- ❖ Natural areas or historic sites to be preserved
- ❖ Location and description of existing vegetation or any landscaping, screening or buffering proposed within the lot or along the perimeter of the development
- ❖ Location of proposed signs, including type of sign, size and height
- ❖ Lighting information, if applicable
- ❖ Building elevations or renderings of the proposed development, if available
- ❖ Accessory use information such as the location of storage yards, recreation spaces, refuse collection areas, septic drain fields, wells, or water tank locations, ETC

- ❖ Number, type, and size of dwellings proposed, and the residential density per acre
- ❖ Number and square footage of retail and office use proposed
- ❖ Location, size and type of recreational amenities, parking facilities, and utility information
- ❖ Other items that may be recommended by staff

CONCEPT PLANS MUST BE LEGIBLE

***NOTE* If you wish to display your concept plan or any other supporting materials during the Board of Zoning Appeals public hearings, there is an overhead projector available, as well as a computer projector. Applicants MUST bring a flash drive to display their presentation on the computer, or submit presentation materials to staff AT LEAST 24 HOURS in advance.**

bill@docksolutions.com

From: Dock Solutions, Inc. <bill@docksolutions.com>
Sent: Wednesday, July 24, 2024 9:53 AM
To: Cooper, Lisa
Subject: Re: Lot 62 Windmere point

Thanks for your email. Can you please give me the dates that you have been down to my property to observe the operation of business from lot 62 and give me specifics on what activity is considered business. I will need this in order to appeal your decision. As far as the garage goes I will move it and apply for a larger one.

Best Regards

Bill Nissen
President
Dock Solutions, Inc.
1-877-777-DOCK (3625)
www.docksolutions.com

On Jul 23, 2024, at 10:47 PM, Cooper, Lisa <Lisa.Cooper@franklincountyva.gov> wrote:

Mr. Nissen:

This is a follow up to our conversation on Friday, July 19th.

You came in the office to file the appeal last Friday, July 19th. We discussed that the link concerning the appeal was wrong on the violation letters of operating a business and the shed being on the property without a principal structure (House). Also, we discussed the shed and the shed having a garage door. I have completed my research and still have not changed my opinion concerning the operation of a business in a R-1 district and a shed being on your property without a principal structure.

Because of our discussion last Friday, and you not submitting your application for appeal(s) you have until Friday, July 26th at 4:00 p.m. to file the appeal(s) to the Board of Zoning Appeals for one or both violations.

Our office is denying your land use application (LAND-07-2024-66584) to obtain a land use permit for the shed on lot 62 of Windmere Point as we discussed an accessory structure (shed) is not allowed without a principal structure (house/single-family dwelling).

I am out of office until Thursday if you have any questions concerning this email. If you want to turn in the appeal(s) tomorrow Samantha will be in the office to accept them. Thanks, Lisa

Lisa Cooper, CZA and CTM
Director of Planning
Development Services
Department of Planning and Zoning

WW
S

1255 Franklin Street, Suite 103
Rocky Mount, VA 24151
lisa.cooper@franklincountyva.gov
540-483-6642

7/26/2024 APPEAL TO LETTER RE:0480308300 LISA COOPER

APPEAL TO VIOLATION LETTER

TO WHOM IT MAY CONCERN:

Nissen Properties, LLC. Is a real estate holding company falsely accused of running a business out of a R1 zoned property. Nissen Properties, LLC is not and never has run a business out of this property and has been under constant harassment from Franklin County Building Dept as well as the next door neighbor to this property. Nissen Properties on multiple occasions requested time and date the property was inspected by a zoning dept employee and has not received any response. Nissen Properties has also requested **evidence** of any business operating from this property and has not received any reply.

Dock Solutions has also been defamed from false accusations from Lisa Cooper at Franklin County Zoning dept. Dock Solutions, Inc. has never run a business from this property. Dock Solutions, Inc. has previously completed allowed dock renovations at this property and occasionally parks trucks (allowed zoning off street parking) and also occasionally parked licensed watercraft at the dock (AEP PROPERTY). The boats at the dock are completely **OUT** of the jurisdiction of the Franklin County Zoning Department per case AEP vs William W. Nissen II.

On several occasions Lisa Cooper at Franklin County Zoning has given false statements on what can and cannot be done under current zoning law. Zoning is law and not a personal opinion of Lisa Cooper or adjoining neighbors. Policies of this department must be reviewed.P



07/26/2024

William W. Nissen II, member



Department of Planning & Community Development



July 15, 2024

Certified Mail # 7006 2150 0000 4505 4960
Certified Mail # 7006 2150 0000 4505 4953

Nissen Properties LLC
3547 Booker T. Washington Hwy.
Rocky Mount, VA 24151

William Nissen II
162 Windmere Trail
Moneta, VA 24121

Subject: Second Notice of Violation; Tax Map/Parcel #: 0480308300; Windmere Trail

Dear Mr. Nissen:

My office has continued to receive complaints concerning activities of operating a business on the property you own identified as tax map number 0480308300 located on Windmere Trail. You and I had a conversation on June 24, 2024, concerning a part of your business being operated on your R-1 property and dock on Windmere Trail. Even after our conservation it is still my determination that you are operating a business on your property identified as tax map number 0480308300.

The property is zoned R-1, Residential Suburban Subdivision District. This district is a residential district with permitted uses and special use permits associated with the primary use of the property being residential. You are in violation of Section 25-222 permitted uses in the R-1 zoning district of the Franklin County Code.

“Section 25-222. Permitted uses.

Within the Residential Suburban Subdivision District (R-1), structures to be erected or land to be used shall be permitted for one (1) of the following uses:

Accessory uses.

Churches.

Conservations area (public and private).

Garages-Private for storage of personal property.

Gardens, private.

Horses-(see section 25-232).

Manses, church-owned dwelling unit.

Private dock, pier, and boathouse.

Playgrounds (public)

Off-street parking.

Roads, streets, rights-of-way, easements.

Signs.

Single-family detached dwellings.

Small cell and micro-wireless facilities, subject to the requirements of section 25-128(d).

Temporary construction facilities, subject to the requirements of section 25-224.

Water systems.”

The operation of the business shall cease and desist and any materials and/or equipment will need to be removed from the property and dock within the next fifteen (15) days.

If you feel that I have erred in the decision that you are in violation of the above Franklin County Code, you may appeal this by filing an application for appeal to the Board of Zoning Appeals. The application for the appeal and the \$200 fee to file the appeal must be received no later than 30 days from the date of first notice of violation dated June 20, 2024. Additional information regarding the filing of an appeal can be found at <https://www.franklincountyva.gov/DocumentCenter/View/295/Appeals-Application-PDF> and Franklin County Government Center, Development Service Department, 1255 Franklin Street, Suite 103, Rocky Mount, VA. If you fail to file a notice of appeal within 30 days of the June 20, 2024 notice, the determination of your violation contained herein shall be considered final and not appealable.

Thank you in advance for your compliance with this notice.

Sincerely,

Lisa Cooper, CZA and CTM
Zoning Administrator

W
⑨

PLAN DETAILED REPORT APRQ-07-2024-18051

FOR FRANKLIN COUNTY

Plan Type: Appeals Request **Project:** **App Date:** 07/26/2024
Work Class: None **District:** Gills Creek **Exp Date:** 07/25/2029
Status: Under Review **Square Feet:** 0.00 **Completed:** NOT COMPLETED
Valuation: \$0.00 **Assigned To:** **Approval**
Description: **Expire Date:**

Parcel: 0480308300	Main	Address:	Zone:
			R1(R1 - IMPORTED FOR ENERGOV)
			RPD(Residential Planned Unit Development)

Owner **Applicant**
NISSEN PROPERTIES LLC NISSEN PROPERTIES LLC
3547 BOOKER T 3547 BOOKER T
WASHINGTON HWY WASHINGTON HWY
ROCKY MOUNT, VA 24151 ROCKY MOUNT, VA 24151
Business: 5407211259 Business: 5407211259
Mobile: 5405802033 Mobile: 5405802033

Invoice No.	Fee	Fee Amount	Amount Paid
00056944	Appeal	\$200.00	\$200.00
Total for Invoice 00056944		\$200.00	\$200.00
Grand Total for Plan		\$200.00	\$200.00

[Zoom to](#)

Parcels: 0480308300

Primary Details

Parcel ID	0480308300
Map Number	048.03
Parcel Number	083.00
Owner	NISSEN PROPERTIES LLC
Owner Address	3547 BOOKER T WASHINGTON HWY ROCKY MOUNT VA 24151
City	ROCKY MOUNT
State	VA
Zip Code	24151
Physical Address	WINDMERE POINT
Legal Description 1	LOT 62
Legal Description 2	R1
Zoning	GILLS CREEK
District	7.39
Acreage	\$152,000.00
Land Value	\$3,600.00
Building Value	\$155,600.00
Assessed Total	\$0.00
Land Use Value	FLORA CONSTRUCTION INCORPORATED
Grantor	\$160,000.00
Consideration	1/5/2022, 7:00 PM
Instrument Yr	2022
Instrument No	201
Subdivision	WINDMERE POINT
Deed Book	1177
Deed Page	1031
Plat Book	775
Plat Page	878
Property Card	View Card