

FRANKLIN COUNTY
APPEAL REQUEST APPLICATION

I/We Glade Hill Land Company, 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: Glade Hill Land Company, LLC

Petitioner's Address: 1199 Muse Field Road Rocky Mount, VA 24151

Petitioner's Phone Number: 540-420-2133

Petitioner's Email Address: leeland@jlgardner.org & eferguson@fergusonlaw.net

Property Owner's Name: Glade Hill Land Company, LLC

Property Owner's Address: 100 Vineyard Road Glade Hill, VA 24092

Property Owner's Phone Number: 540-420-2133

Property Owner's Email Address: leeland@jlgardner.org & eferguson@fergusonlaw.net

Property Information:

A. Proposed Property Address: 100 Vineyard Road Glade Hill, VA 24092

B. Tax Map and Parcel Number: Q1650002.601

C. Election District: Union Hall

D. Size of Property: 25.805 acres

E. Existing Zoning: A1

F. Existing Land Use: wood storage / log yard

G. Is the property located within any of the following overlay zoning districts: NO

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): Eric H. Ferguson, Esq. for Glade Hill Land Company, LLC

Petitioner's Signature: Eric H. Ferguson, Attorney

Date: 8/2/2024

Mailing Address: 305 South Main Street
Rocky Mount, VA 24151

Phone Number: 540-483-5234

Email Address: eferguson@fergusonlaw.net

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

Owner's Name: _____

Owner's Signature: _____

Date: _____

Date Received by Planning Staff: _____

RHODES & FERGUSON

ATTORNEYS AT LAW

August 1, 2024

ERIC H. FERGUSON
eferguson@fergusonlaw.net

HUNTER W. NAFF
hnaff@fergusonlaw.net

RALPH B. RHODES
Retired

Franklin County Board of Zoning Appeals
Franklin County Department of Planning
& Community Development
1255 Franklin Street
Suite 103
Rocky Mount, Virginia 24151

Re: Glade Hill Land Company

Dear Franklin County Board of Zoning Appeals:

My client is in receipt of a decision of Lisa Cooper, Zoning Administrator, dated July 15, 2024. Please accept this correspondence as part of my client's appeal of this decision to the BZA.

May I first apologize to Lisa Cooper and the County Attorney for not filing my client's application for a special use permit in as timely of a fashion as they expected. I did not realize there was a time limit. We are filing it simultaneously with this appeal.

The letter states: "Staff observed multiple issues that were violations of the conditions of the special use permit." The only two were that the operation had expanded beyond the boundaries set by the permit and that the site plan was submitted timely but never approved or denied by the County Zoning Department.

First, my client submitted a concept plan at the onset that identified the use of this 7-acre parcel, along with the 25.805 acres. My clients initially met with Steve Sandy and explained that the 7 acres of the Perdues had been used as a log yard/sawmill prior to this use. See photos attached a part of the County tax sheets. They understood that this use was grandfathered in and no special use permit was needed. Consequently, they prepared and filed for a special use permit on their 25.805 acres only. This request was approved by the Board of Supervisors in 2018.

Glade Hill Land Company, LLC has used their 25.805 acres and 7 acres owned by Charles M. and Debra H. Perdue (Tax Map #0650002701) for a log yard and wood storage. No other or different use has been expanded from one lot to the other. Their use has been consistent with their understanding of what was needed and what was allowed by their site plan.

This brings me to the only other issue raised by Ms. Cooper's letter: the failure to have an approved site plan. Whose fault is that? My client submitted a site plan as is admitted in your letter. The County has never approved or denied the site plan. The County has never given any reason for that failure. In fact, to this day there has been no communication from the County regarding my client's site plan submitted over five (5) years ago. This site plan had the 7 acres shown as a part of my client's use of their property.

It is absolutely incredible and unbelievable that Franklin County has taken tax revenue from my client for over five (5) years without notifying him of his approval/denial of the site plan that the County now claims they are violating.

Franklin County Board of Zoning Appeals
Franklin County Department of Planning
& Community Development

Page 2

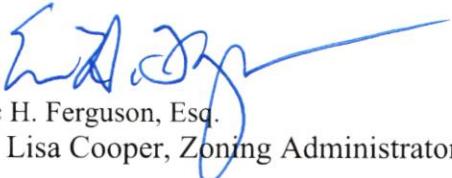
August 1, 2024

My client is not in violation of any special use permit because the County has not advised them of whether the site plan was approved. More importantly, there has been no indication as to why it is still in limbo/

Thank you for your attention to this matter.

Yours very truly,

FERGUSON & NAFF, ATTORNEYS



Eric H. Ferguson, Esq.

Cc: Lisa Cooper, Zoning Administrator

Department of Planning & Community Development



March 3, 2020

Mr. Herman Pasley Law
1866 Timber Ridge Road
Glade Hill, VA 24092

RE: Compliance with Special Use Permit (SUP) Conditions; Glade Hill Land Company,
Special Use Permit 03-18-15893

Mr. Law:

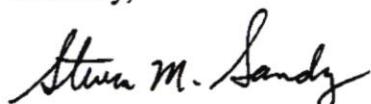
In response to complaints by you and your daughter we have completed our inspection of the Glade Hill Land Company property at the terminus of Vineyard Road in Glade Hill, Virginia. The purpose of the inspection was to ascertain compliance with the SUP conditions that were adopted by the Board of Supervisors as a part of SUP # 03-18-15893 approved on May 15, 2018. Your complaints were related to the required site plan and the blocking of the easement through this property. Based upon our inspection I have made the following determinations as Zoning Administrator for Franklin County:

1. The SUP Conditions required that a site plan of the property be prepared within 60 days of the approval of the SUP. Earth Environmental prepared a site plan that was submitted to the County on July 16, 2018 - within 60 days of the SUP approval. Therefore, it is my determination that the owner has complied with this condition/requirement.
2. The site plan complies with all the requirements of the SUP conditions except that it does not show required designated areas for the loading and unloading of wood products. We have advised Mr. Gardner that the site plan must be revised to show areas where it is permissible to load and unload wood products, and that these areas must be outside the 30 foot prescriptive easement that exists on the property. In order to comply with this requirement, we have required that this revision to the site plan be made within thirty (30) days.
3. We observed the farm-type gates that have been installed along the 30 foot prescriptive easement. It is my understanding that you, through your attorney, have been provided a key to the locks on these gates. Therefore, it is my determination that since you have a key to these gates, the gates do not prohibit ingress and egress to your property.

If you believe you have been aggrieved by these determinations, you have a right to file an appeal of my determinations to the Franklin County Board of Zoning Appeals within 30 days of the date of this letter. Any such appeal must be received in writing along with the required application fee of \$200.00.

If you should have any questions concerning these issues, please feel free to contact myself or Terry Harrington, Senior Planner at 540-483-3027.

Sincerely,



Steven M. Sandy, AICP, CZA
Director of Planning and Community Development
Franklin County Zoning Administrator

CC: Glade Hill Land Company, LLC
Ashland Law (via email)