



# CHARLES CITY COUNTY PLANNING COMMISSION AGENDA

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Government Administration Building  
Auditorium  
September 24, 2020  
7:00 P.M.

I. CALL TO ORDER

II. DEERMINATION OF QUORUM

III. PUBLIC HEARING

**REZ-03-2020**- Application by Tire Recyclers, Inc., to amend proffers associated with RZ-7-1991, RZ-1-2000, and RZ-1-2014. The specific proffers to be amended are Proffer 8, which addresses the methods used to sort and process the types and size of tires that are brought to the facility. Proffer 8 also identifies the processing areas and how tires will be managed during processing. The applicant proposes to eliminate Proffer 11, which addresses how tires not suitable for processing will be hauled off site. The Charles City County Comprehensive Plan identifies this property as part of the Roxbury Development Center with no specified density. The property is zoned M-2C and consists of 11.3± acres. The property is located on the East side of Roxbury Road (SR 106), beginning 500'± South of the intersection of Roxbury Road (SR 106) and Barnetts Road (SR 609), with 2,400'± of frontage along Roxbury Road (SR 106) and an average depth of 700'±. The property address is 2640 Roxbury Road and the Tax Parcel Number is 4-13A.

**SUP-03-2020**- Application by J. Jones to operate a Bed and Breakfast Inn as permitted by Division II, District Regulations, Section 5-3, Agricultural District (A-1), Uses with Special Permit, of the Charles City County Zoning Ordinance. This is a proposed owner-occupied Bed and Breakfast offering two suites for nightly rental. The property is zoned Agricultural (A-1) and consists of 5.67± acres. The property begins 3.1± miles Southeast from the intersection of Eagles Nest Road (SR 612) and Wilcox Neck Road (SR 623) with 40'± of frontage along Eagles Nest Road (SR 621) and an average depth of 540'±. The property address is 12500 Eagles Nest Road and the Tax Parcel Number is 58-12.

**SUP-04-2020**- Application by C. Evans for a surface mining operation to extract gravel and sand. The subject property has an existing Special Use Permit for a vegetative waste (*Mulching*) recycling center (*Approved 2-26-2008*). The property is zoned Agricultural (A-1) and consists of 372± acres of which 50± acres are proposed for gravel and sand mining. The property begins 2,952'± North of the intersection of Sturgeon Point Road (SR 614) and Courthouse Road (SR 155), fronts 4,395'± on the West side of Courthouse Road (SR 155) and has an average depth of 3,302'±. The property address is 5001 Courthouse Road and the Tax Parcel Number is 17-1.

**ZTA-01-2020**- Application by N. Nero to amend the Charles City County Zoning Ordinance to add a definition to Division One, General, Section 3-1, Definitions General of the Charles City County Zoning Ordinance for a Funeral Home/Crematorium.

**ZTA-02-2020**- Application by N. Nero to amend the Charles City County Zoning Ordinance to add Funeral Home/Crematorium as a permitted use to Division Two, District Regulations, Section 8-3, General Business District, Uses with Special Permit of the Charles City County Zoning Ordinance as a Special Use in the General Business (B-1) zoning district.

**SUP-05-2020**- Application by N. Nero for a Special Use Permit to operate a funeral home and crematorium at 5140 John Tyler Memorial Highway as proposed by ZTA-01-2020 and ZTA 02-2020. The property is zoned General Business (B-1) and consists of 1.4± acres. The property fronts on the North side of John Tyler Memorial Highway (SR 5), begins 1,033'± West of the intersection of John Tyler Memorial Highway (SR 5) and Harrison Lake Road (SR 665), with 119'± of frontage along John Tyler Memorial Highway (SR 5), and average depth of 340'±. The property address is 5140 John Tyler Memorial Highway and the Tax Parcel Number is 50-38.

**IV. VARIANCE APPLICATION REFERRAL**

**BZA-03-2020**- Mr. Carroll

**BZA-04-2020**- Mr. Bates

**V. PUBLIC COMMENT (TO OTHER ITEMS WHICH ARE NOT SUBJECT TO PUBLIC HEARING)**

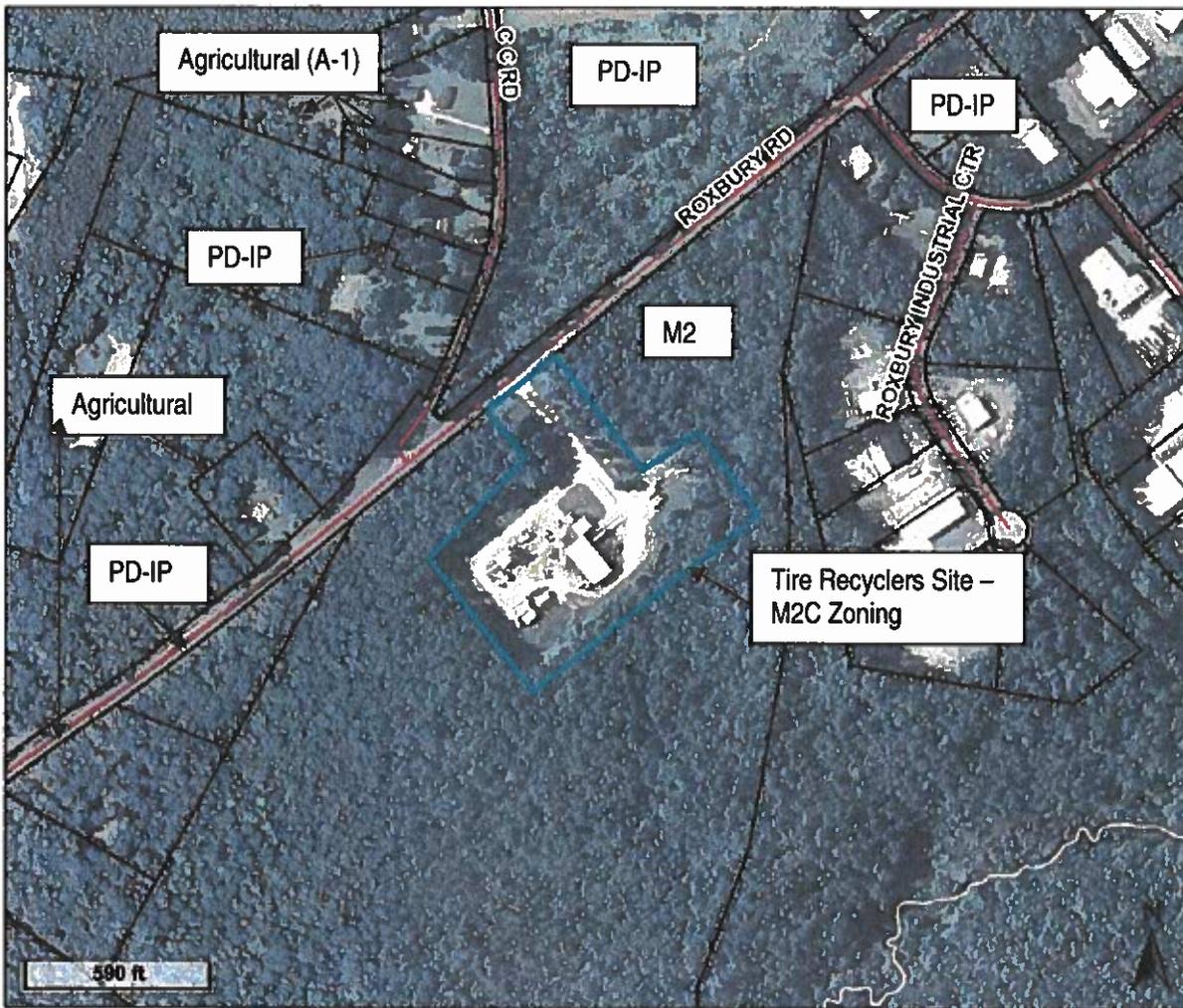
**VI. APPROVAL OF MINUTES**

**VII. COMMENTS FROM PLANNING COMMISSION**

**VIII. COMMENTS FROM PLANNING STAFF**

**IX. ADJOURNMENT**

# Tire Recyclers Rezoning/Proffer Amendment RZ-03-2020



## Overview



## Legend

- Parcels
- Lakes
- Rivers
- Roads

**PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT**

<b>PROJECT NAME:</b> Tire Recyclers Inc		<b>PC Meeting Date:</b> September 24, 2020	
<b>Case Number:</b> RZ-03-2020		<b>Applicant:</b> Tire Recyclers, Inc.	
<b>Project Status:</b>		<b>Owner:</b> Greenzone Investments LLC	
<input type="checkbox"/> Preliminary Sketch	<input checked="" type="checkbox"/> Rezoning Application	<b>Location:</b> 2640 Roxbury Road (SR 106)	
<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Special Use	<b>Voting District:</b> District 1	
<input type="checkbox"/> Final Plat	<input type="checkbox"/> Comprehensive Plan Amendment	<b>Parcel Number:</b> 4-13A	
<input type="checkbox"/> Final Plat	<input type="checkbox"/> Text Amendment	<b>Total Site Area:</b> 11.3±	
<input type="checkbox"/> Vacation		<b>Site Area Developed:</b> Tire recycling plant with office/warehouse	
<b>Existing Structures:</b> Tires Recycling Plant		<b>CBPA:</b> RMA/RPA is on the property along the river	
<b>Flood Hazard:</b> NA		<b>Additional Site Data:</b> NA	
<b>Current Zoning:</b> M-2C			
<b>Action Request:</b> Approval		<b>Staff:</b> G. Mitchell	<b>Date:</b> 9-16-2020

**Prior Actions / Case History**

<b>Rezoning:</b> RZ-7-91 (Exhibit 1), RZ-1-00 (Exhibit 2), RZ-1-14 (Exhibit 3)
<b>Special Use:</b> NA
<b>Variances:</b> NA
<b>Subdivisions:</b> NA
<b>Other Data:</b> NA

**REQUEST:**

**RZ-03-2020**- Application by Tire Recyclers, Inc., to amend proffers associated with RZ-7-1991, RZ-1-2000, and RZ-1-2014. The specific proffers to be amended are Proffer 8, which addresses the methods used to sort and process the types and size of tires that are brought to the facility. Proffer 8 also identifies the processing areas and how tires will be managed during processing. The applicant proposes to eliminate Proffer 11, which addresses how tires not suitable for processing will be hauled off site. The Charles City County Comprehensive Plan identifies this property as part of the Roxbury Development Center with no specified density. The property is zoned M-2C and consists of 11.3± acres. The property is located on the East side of Roxbury Road (SR 106), beginning 500'± South of the intersection of Roxbury Road (SR 106) and Barnetts Road (SR 609), with 2,400'± of frontage along Roxbury Road (SR 106) and an average depth of 700'±. The property address is 2640 Roxbury Road and Tax Parcel Number is 4-13A.

**INTRODUCTION**

Tire Recyclers, Inc. (applicant) has filed a request to amend the existing proffers associated with this industrial operation (see attached - Exhibit 5). The property was rezoned in 1991 (see Exhibit 1) to M-2C with 9 proffers. The zoning included a proffer that all tires stored on the property shall be under cover and only those tires necessary to maintain an orderly operation of the plant without interruption and that will not exceed a four-day supply. The proffers also addressed operational hours, auto-shut

off system to avoid any malfunctions of equipment, the retention of natural buffers and tree lines with a minimum setback of 250 feet from SR 106 (Roxbury Road) and the County officials have the right of entry to observe the tire recycling operation.

Subsequent rezoning/proffer amendments have been approved by the County in 2000 and 2014 (see Exhibit 2 & 3). Most recently the 2014 amendment reflects the current proffers and the current case is for proffer 11 to be eliminated and merged into proffer 8 with the remaining proffers being re-numbered to be in proper numerical sequence.

**Prior Actions / Case History/Adjacent Land Uses**

The Board of Supervisors approved the initial rezoning in 1991 (See Exhibit 1). The property was rezoned from PD-IP to M-2C. There were 9 conditions associated with that rezoning. These proffers were amended/alterd and superseded in subsequent rezonings in 2000 and 2014 (Exhibits 2 and 3). Adjacent to the site are other industrially zoned properties. There are a few parcels near the site that still have agricultural zoning (see Zoning Map). The site is within the Roxbury Development Center based upon the land use map in the Comprehensive Plan.

Year	Land Use/Zoning History
1991	Rezone 80+ acres to M2 for Tire Recyclers plant and office
2000	Rezone 80.7+ acres to M2C for Tire Recyclers operations
2014	Rezoning - Amend Proffers for conditional zoning Tire Recyclers for 11.326 acres

Note: See exhibits 1, 2, and 3

**ANALYSIS**

**Zoning**

The property is zoned M2-C. This district is established to provide certain areas in the County for the development of heavy industrial uses that are incompatible with residential uses because of dust, smoke, odor, vibration, noise, traffic and other activities that may create some nuisance. While tire recycling is not listed specifically in this district, it appears that staff at the time of the original rezoning placed this use within the existing use category of *Heavy Manufacturing*. This use is a principally permitted use in the ordinance. Heavy manufacturing is defined in Section 3 of the ordinance as:

*The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for the use for a different purpose, to include fabrication and assembly (Section 3, p. 27)*

Used tires are the resources required to create new materials and products used for energy production (fuel), cover for sanitary landfills, and many other products where the processed tires serve as a resource to be converted into new products. Such new products include but are not limited to shoes, traffic cones, landscape cover, artificial turf, and many other products.

**Health Department**

The health department has no comments relative to this proffer amendment.

**Public Works**

The Charles City Department of Public Works has no comments and recommends approval.

## Fire & Rescue

The Fires and Rescue Department has worked with the applicant extensively over the past year to ensure that appropriate safeguards have been and continue to be observed. An onsite inspection is required prior to final approval by the County.

## Building

The Building Official will conduct a site visit to ensure all requirements of the Uniform Statewide Building Code (USBC) have been adequately addressed for these types of operations. Community Development staff will inspect site as needed to ensure proffers and are being enforced appropriately. Staff did notice the presence of inoperable motor vehicles on the property. This is NOT a permitted use under this category and such storage needs to cease and any such storage needs to be removed from the property immediately.

## TRANSPORTATION

Provided that there are no new entrances/exits to the site the Virginia Department of Transportation has no comments relative to the proffer amendment.

## COMPREHENSIVE PLAN ANALYSIS

The Plan includes as a concern that the lack of a strong industrial and commercial Base to contribute to the local tax base, forces the County to rely on other sectors for revenues. This means that other types of development must either shoulder a larger than average portion of the tax bill or the county must go without some services. In response to these observations, the Plan includes goals that encourage appropriate commercial development. These goals include:

*GOAL: Provide areas for commercial development that support and enhance existing uses that will lead to complete economic communities. For example, both residential and commercial, lead to greater availability of mixed cost housing.*

*GOAL: New development will be consistent with the scenic integrity and quality of life of existing communities and be size and location appropriate.*

Furthermore, Goal 5 of the plan states,

*GOAL: Provide areas for industrial development.*

The applicant's operation is an existing industrial use (over 29 years) and provides jobs and tax base to the County. On June 23, 2020, the Charles City County Board of Supervisors provided a letter of unanimous support of the applicant's operation (Exhibit 4). This letter highlights the contributions of the applicant to the local economy such as over 20 full time employees, the applicant manages half the tire waste in Virginia, and contracts with other businesses to bring business to the County.

Staff believes that the approval of this rezoning/proffer amendment is supported by Charles City County's Comprehensive Plan.

## CONCLUSION:

Based on the above discussion and analysis staff believes this request complies with the County's Current Comprehensive Plan and provides a framework for future development in strengthening the County's economic development efforts.

**PLANNING COMMISSION RECOMMENDATION**

**PLANNING COMMISSION PAPER**

**AT THE REGULAR MEETING HELD, THURSDAY, SEPTEMBER 24, 2020 AT THE CHARLES CITY GOVERNMENT CENTER**

Whereas the Charles City County Planning Commission finds that public necessity, convenience, and general welfare and good zoning practice would be served by the recommending approval/disapproval of Rezoning-03-2020, Tire Recyclers proffer amendment.

**RZ-03-2020**- Application by Tire Recyclers, Inc., to amend proffers associated with RZ-7-1991, RZ-1-2000, and RZ-1-2014. The specific proffers to be amended are Proffer 8, which addresses the methods used to sort and process the types and size of tires that are brought to the facility. Proffer 8 also identifies the processing areas and how tires will be managed during processing. The applicant proposes to eliminate Proffer 11, which addresses how tires not suitable for processing will be hauled off site. The Charles City County Comprehensive Plan identifies this property as part of the Roxbury Development Center with no specified density. The property is zoned M-2C and consists of 11.3± acres. The property is located on the East side of Roxbury Road (SR 106), beginning 500'± South of the intersection of Roxbury Road (SR 106) and Barnetts Road (SR 609), with 2,400'± of frontage along Roxbury Road (SR 106) and an average depth of 700'±. The property address is 2640 Roxbury Road and Tax Parcel Number is 4-13A.

And,

Now therefore be it resolved that the Charles City County Planning Commission hereby recommends approval of Rezoning-03-2020 Tire Recyclers proffer amendment as presented and forwards to the Charles City County Board of Supervisors with a favorable/unfavorable recommendation in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

	AYE	NAY	ABSENT/ABSTAIN		AYE	NAY	ABESNT/ABSTAIN
Mr. Baber	___	___	___	Mr. Pittman	___	___	___
Mr. Bailey	___	___	___	Mr. Miles	___	___	___
Mr. Adams, Chairman	___	___	___	Mr. Black	___	___	___
Mr. Smith	___	___	___				

ADOPTED BY \_\_\_\_\_ TABLED FOR \_\_\_\_\_

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**EXHIBITS**

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**EXHIBITS**

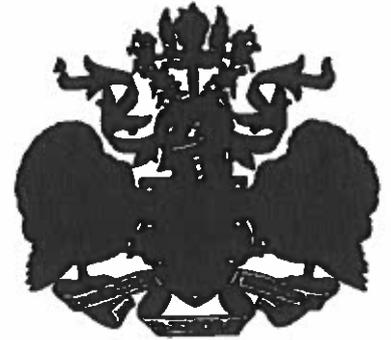
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**EXHIBITS**

COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY

BOARD OF SUPERVISORS  
Floyd H. Miles, Sr., Chairman  
Gilbert A. Smith, Vice-Chairman  
Rudolph V. Jones, Member

March 2, 1992



COUNTY ADMINISTRATOR  
Fred A. Darden

Charles City Tire Recycling  
Attention: Mr. Charles E. Ayers, Jr.  
710 North Hamilton Street  
Suite 210  
Richmond, Virginia 23221

Dear Mr. Ayers:

At the regular meeting of the Board of Supervisors held on February 11, 1992 the Board unanimously agreed to approve your request to rezone 80± acres of property from PD-IP to M-2-C in order to construct and operate a used tire recycling facility, building for corporate headquarters, a training facility and other support buildings located on Roxbury Road (Route 106).

The approval of the rezoning request is subject to adherence to the proffers presented in a letter dated January 23, 1992 from Charles E. Ayers, Jr.

If there are any questions please contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred A. Darden", with a long horizontal line extending to the right.

Fred A. Darden

FAD/era

cc: Mr. William R. Britton, Jr.

*Exhibit 1*

P.O. Box 128 Charles City, Virginia 23030  
(804) 829-9201 Fax (804) 829-5819

RECEIVED

JAN 23 1992

Office of  
County Administration

CHARLES E. AYERS, JR.  
GLENN E. AYERS  
SCOTT DAVID STOLTE  
GUY C. CROWGEY  
CYNTHIA A. MUNCIE

LAW OFFICES  
**AYERS & AYERS**  
A PROFESSIONAL CORPORATION  
HAMILTON PROFESSIONAL BUILDING  
710 N. HAMILTON STREET  
RICHMOND, VIRGINIA 23221-2035  
(804) 358-4731  
FAX (804) 358-6206

OF COUNSEL  
J. P. BOYLE\*

\*ADMITTED IN GEORGIA

FILE NO. BC91-0800

BY HAND

January 23, 1992

Mr. W. R. Britton, Jr.  
Director of Planning  
Charles City County  
P.O. Box 66  
Charles City, Virginia 23030

RE: Asset Holding Company  
Application #REZ-7-91

Dear Bill:

As we discussed on the phone earlier today, we are preparing for the public hearing to be held on Tuesday, January 28, 1992. We will have our engineers at the meeting from Resource International, Ltd. to answer any technical questions in regard to the process as well as Asset Holding Company's vice president and plant manager, Gary Meadows, and myself.

I would like to offer the following proffers to be made a part of the aforementioned zoning request which includes those that are already on file:

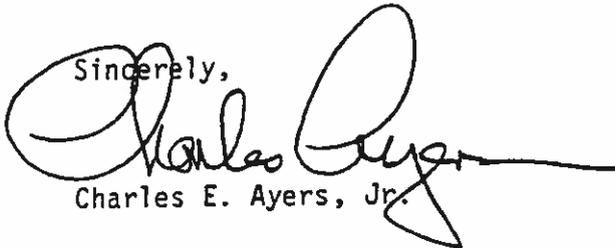
1. If at any time our process does not meet the State's regulatory agency requirements for a permit or if we cease operation of the plant for a period in excess of six months, then we agree to remove the plant from the site. We will be posting a closure bond with the State of Virginia and agree to include Charles City County on the bond.
2. In the event we desire to change or modify any of our permits with any state agency we will notify Charles City County before the requested changes are submitted.
3. We will only construct a used tire recycling facility, a building for a corporate headquarters, a training facility, and any other support structures approved by the County on the property.
4. Natural buffers and existing tree lines will be retained and we agree to set our plant back at least 250 feet off of Route 106 in order to maintain the natural beauty of Charles City County and screen it from Route 106.

Mr. W. R. Britton, Jr.  
January 23, 1992  
Page 2

5. If for any reason the plant should cease operation for a period in excess of six months we agree that the zoning will revert back to its original zoning, planned development-industrial park (PD-IP).
6. We agree that Charles City County can observe the testing of our facility with its engineers.
7. We agree to restrict the time for delivery of used tires to the facility between the hours of 7:00 a.m. and 8:00 p.m. These are the times established by the Virginia Department of Waste Management for delivery in their scrap tire disposal program.
8. As an additional safety feature the plant will be monitored by computer in order to facilitate an automatic shut-off in the event of a malfunction.
9. The only used tires to be stored on site will be under cover and will be only those necessary to maintain an orderly operation of the plant without interruption which will not exceed a four day supply. All tires stored on site will be maintained pursuant to a plan coordinated with and approved by the Charles City County Fire Chief. Further, we will comply with Section 9-2 of the Charles City County land use ordinances.

Thank you for your cooperation; and I look forward to seeing you Tuesday night.

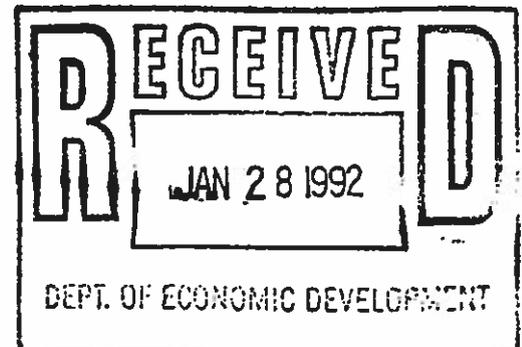
Sincerely,



Charles E. Ayers, Jr.

CEA/k1sK31-34

cc: Mr. Cecil E. Humphries, President  
Mr. Gary R. Meadows, Vice President



COUNTY OF CHARLES CITY  
CHARLES CITY, VIRGINIA

No. REZ-7-91  
Date 11/26/91

REZ  
1

APPLICATION FOR REZONING  
(Please Print or Type)

OWNER: Charles City County PARCEL NO.: 4-(A)-13  
APPLICANT: Charles City Tire Recycling Facility STREET LOCATION: East Route 106  
AGENT: Charles E. Ayers, Jr. MAGISTERIAL DIST.: \_\_\_\_\_  
ENGINEER/  
LAND SURVEYOR: Frank Potts TOTAL ACREAGE: 80<sup>±</sup>

REZONING REQUEST:

REZONE FROM: ~~M-1~~ PDIP <sup>2.5m.</sup> ZONING DISTRICT  
TO : M-2C ZONING DISTRICT

TOTAL ACREAGE PROPOSED TO BE REZONED: 80<sup>±</sup>

PLEASE PROVIDE INFORMATION RELATING TO THE NATURE OF THIS REQUEST WHICH WOULD ASSIST THE BOARD OF SUPERVISORS AND PLANNING COMMISSION IN THEIR REVIEW: Our Company is requesting a rezoning proposal in conjunction with the County's Comprehensive Land Development Plan, to erect on said property and operate a used tire recycling plant which will dispose of 4.5 million tires annually and recycle the oil, steel and carbon black with the only residue being approximately about four ounces of ash per tire. This facility along with the Virginia Department of Waste Management's Scrap tire Management Program will provide Virginia and the Nation a viable solution to an ever mounting problem across the Country. This unit, the first of its kind, was built and tested by Environmental Disposal Systems, Inc. of Claxton, Georgia. State solid waste and air quality permits will have to be in place before commercial operation of the unit can take place.

**LIST OF ADJACENT PROPERTY OWNERS:**

Adjacent property owners shall be notified by the applicant of this request at least six (6) days prior to the date of the public hearing. Notification shall be by registered mail or hand delivered. Approved acknowledgement of hand delivered notification shall be by signature of the owner. Notification should explain where and when this request will be considered and have attached to it a copy of this application and a location map.

The following are all of the owners of property adjacent to or across the street from the property sought to be rezoned (from records of the Commissioner of Revenue):

NAME	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I do hereby certify that to the best of my knowledge, all information contained within this application is true and correct. I have attached a survey plat of the area proposed for rezoning and the following additional materials:

A brief package explaining the operation of the unit, site location, by products, etc. is attached.

OWNERS SIGNATURE \_\_\_\_\_  
APPLICANT/AGENT SIGNATURE Charles C. [Signature]  
MAILING ADDRESS 710 N. Hamilton Street, Suite 210  
Richmond, Virginia 23221  
TELEPHONE NO. \_\_\_\_\_

**FOR OFFICE USE ONLY**

APPLICATION RECEIVED \_\_\_\_\_ APPLICATION DEEMED COMPLETE \_\_\_\_\_  
PROCESSING SCHEDULE: PUBLIC HEARING DATE \_\_\_\_\_  
ACTION OF PLANNING COMMISSION \_\_\_\_\_  
ACTION BY BOARD OF SUPERVISORS \_\_\_\_\_  
APPLICANT NOTIFIED OF FINAL ACTION \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY



**BOARD OF SUPERVISORS**

GILBERT A. SMITH, CHAIRMAN  
MICHAEL L. HOLMES, VICE-CHAIRMAN  
FLOYD H. MILES, SR., MEMBER

**COUNTY ADMINISTRATOR**

KENNETH L. CHANDLER

July 5, 2000

Mr. Scott D. Stolte  
Attorney at Law  
Ayers Stolte & Van Horn, P.C.  
710 North Hamilton Street  
Richmond, VA 23221

Dear Mr. Stolte:

At the regular meeting of the Board of Supervisors held ON Tuesday, June 27, 2000 the Board unanimously agreed to approve the request from Tire Recyclers, Inc. for conditional zoning of 83.7 (+0 acres to M-2-C (Industrial Conditional) Zoning. The rezoning request was approved subject to the following proffers dated May 22, 2000:

1. Tire Recyclers, Inc. agrees to post any closure bond required by the Commonwealth of Virginia and agrees to include Charles City County on any such bond to the extent required by Charles City County.
2. In the event that any owner or operator of the subject property desires to modify any of the permits that have been issued by any state agency, Charles City County will be notified before the requested changes are submitted.
3. Tire Recyclers, Inc., or any subsequent owner of the subject property shall construct and operate on the property: a used tire recycling facility, a building for a corporate headquarters, a training facility, and any other support structures approved by the County on the property.
4. Natural buffers and existing tree lines will be retained and no buildings or structures (with the exception of fencing and a sign to identify the facility) shall be constructed closer than 250 feet from Route 106 in order to provide a natural screen from Route 106 and to maintain the natural beauty of Charles City County.

*Exhibit 2*

Mr. Scott D. Stolte

Page 2

July 5, 2000

5. Charles City County and its engineers shall have the right to observe the testing of the tire recycling facility.
6. The time for delivery of used tires to the facility shall be restricted to between the hours of 7:00 a.m. and 8:00 p.m. These are the times established by the Virginia Department of Waste Management for delivery in its scrap tire disposal program.
7. The tire recycling facility shall be monitored by computer in order to facilitate an automatic shut-off in the event of a malfunction.
8. The only used tires to be stored on the site will be under cover and will be only those tires necessary to maintain an orderly operation of the plant without interruption and that will not exceed a four day supply. All tires stored on the site will be maintained pursuant to a plan coordinated with the approval of the Charles City County Fire Chief. In addition Tire Recyclers, Inc., agrees to comply with Section 9-2 of the Charles City County land use ordinances.
9. In the event that Tire Recyclers, Inc., its successors or assigns, shall cease (For a period in excess of two (2) years) the operation of its tire recycling plant as permitted by the Commonwealth of Virginia Department of Environmental Quality and all reasonable efforts made by Tire Recyclers, Inc., its successors or assigns to rectify the situation that has caused the cessation of operation have been exhausted , then the tire recycling plant shall be removed from the property.

If there are any questions please do not hesitate to contact my office.

Sincerely,

Kenneth L. Chandler

KLC/era

cc; Mr. William R. Britton



COPY

COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY  
P.O. BOX 128  
CHARLES CITY, VIRGINIA 23030

BOARD OF SUPERVISORS  
GILBERT A. SMITH, CHAIRMAN  
FLOYD H. MILES, SR., VICE-CHAIRMAN  
WILLIAM G. COADA, MEMBER

COUNTY ADMINISTRATOR  
ZACH TROGDON

January 26, 2015

Green Zone Investments, LLC  
2640 Roxbury Road  
Charles City, Virginia 23030

RE: REZ-01-2014, Green Zone Investments, LLC  
County Tax Map Parcel #4-13A

Dear Sir:

At the regular meeting of the Board of Supervisors held on December 18, 2014, the Board unanimously approved the request to amend proffers for conditional zoning for application #REZ-01-2014, Tax Map #4-13-A. This property is located at 2640 Roxbury Road and consists of 11.326 acres.

If you have any questions or concerns, please feel free to contact us.

Sincerely,

Zach Trogdon  
County Administrator

Enclosure

Exhibit 3



COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY

**Amended Proffers**  
**County Tax Map Parcel #4-13A**  
**#REZ-01-2014**

The following proffer amendments dated November 13, 2014 were submitted by Bilal Elomari of Green Zone Investments, LLC for consideration and approval:

\* **Proffer #1**

Green Zone Investments, LLC, dba Tire Recyclers, ("GZI") agrees to comply with the financial assurance regulations of the Commonwealth of Virginia, which is a requirement of its operating permit for the facility. GZI will provide acceptable financial instruments i.e. bonds, letters of credit or other forms acceptable and described by regulation. These instruments will be kept in place for the benefit of Commonwealth of Virginia to assure the proper facility closure.

\* **Proffer #2**

In the event that any owner or operator of the subject property desires to modify any of the permits that been issued by any state agency, Charles City County will be notified before the requested changes are submitted.

\* **Proffer #3**

GZI, or any subsequent owner of the subject property shall construct and operate on the property: a used tire recycling and processing facility, an administration and control building, and any other uses approved by the County Director of Planning on the property as are otherwise permitted by the zoning ordinance.

\* **Proffer #4**

Natural buffers and existing tree lines will be retained and no buildings or structures (with the exception of fencing and a sign to identify the facility) shall be constructed no closer than 250 feet from Route 106 in order to provide a natural screen from Route 106 and to maintain the natural beauty of Charles City County.

\* **Proffer #5**

Charles City County and its representatives shall have the right to inspect the facility property and operations and will comply with site safety control measures and procedures.

\* **Proffer #6**

The time for delivery of used tires to the facility shall be restricted to between the hours of 7:00 a.m. and 8:00 p.m. 7 days per week, and in accordance with the facilities VDEQ permit.

- \* **Proffer #7**  
The GZI facility will have full time administrative and supervisory personnel on-site during normal operations. The operating equipment to include shredders and conveyors are monitored by plant personnel who can manually stop the process at any time.
- \* **Proffer #8**  
Less-than-trailer load quantities of tires will be unloaded by hand and fed by hand to the processing line conveyors. Typically these loads are unscheduled and depending on volume and time of day receipt, may not be processed at the time of delivery. In addition, equipment down time due to maintenance and repair may not permit the immediate processing of these tires. In these cases, tires may remain on the tire receiving pad. A 4-day supply of these smaller loads may accumulate on the receiving pad until normal feed and processing operations are restored at which time all tires will be removed from the pad by hand feeding to the process conveyors.

All activities performed on the site will be conducted pursuant to a plan coordinated with the approval of the Charles City County Fire Chief. Green Zone Investments will operate in compliance applicable state and local regulations.

- \* **Proffer #9**  
Green Zone will maintain financial surety in accordance with the Financial Assurance regulations of the Commonwealth of Virginia. In the event that the facility ceases operation, the facility will be closed in accordance with its Closure Plan that is part of its permit with the Virginia Department of Waste Management. In the event that closure is not completed in accordance with the plan, the surety in place with the state will be used by the state to clean the site of environmental impacts. When clean, plant buildings and facilities that remain on site will be maintained for the benefit of a future owner or user.
- \* **Proffer #10**  
Used tires identified for resale will be loaded into trucks for transport to an off-site used tire retailer. During tire feeding operations, inspectors may place these tires on the production floor and receiving pad until they can be loaded into the transport truck.
- \* **Proffer #11**  
Tires and materials not suitable for processing will be placed in containers and hauled offsite for proper disposal. Unsuitable materials will not be stored on site in piles.
- \* **Proffer #12**  
The GZI facility production produces Tire Derived Fuel (TDF) and a non-TDF material that is currently used as Alternative Daily Cover (ADC) for landfills. The facility production line creates no waste products. TDF will be loaded by conveyors into transport trailers for hauling to end users.

Non-TDF material is discharged on the production floor and then transported by front-end loader and or by conveyor to the designated area within the production building. ADC Transport trailers which are parked on a loading pad adjacent to the production floor. In the event that a transport trailer is not available the ADC stockpile will be maintained in the designated area until a trailer arrives. If the circumstances create an extended delay in the arrival of a transport trailer, the ADC stockpile may extend into the loading pad outside the production building for a short period of time. This temporary outside stockpile ADC will

be operated in accordance with the Solid Waste Regulations (9VAC20-81-95) until a transport trailer is available usually on the next business day.

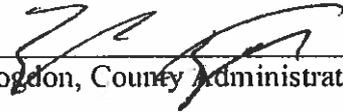
\* **Proffer #13**

Cooling water that reaches the production floor will be collected and drained to the grit chambers. When full these chambers will be pumped and hauled for proper disposal.

Approved the 18<sup>th</sup> day of December, 2014.

**CHARLES CITY COUNTY**

By: \_\_\_\_\_

  
Zach Trogdon, County Administrator



COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY  
P.O. BOX 128  
CHARLES CITY, VIRGINIA 23090

**BOARD OF SUPERVISORS**  
WILLIAM G. COADA, CHAIRMAN  
GILBERT A. SMITH, VICE-CHAIRMAN  
LEWIS E. BLACK, III, MEMBER

**COUNTY ADMINISTRATOR**  
MICHELLE JOHNSON

June 23, 2020

David K. Paylor, Director  
Department of Environmental Quality  
Commonwealth of Virginia  
1111 E. Main Street Suite 1400  
Richmond Virginia 23219

Dear Director Paylor:

On behalf of the Board of Supervisors of Charles City County, we are stating our support of the continued business by Green Zone Investments, LLC, d/b/a Tire Recyclers, which is a local enterprise that provides the unique service of renewable energy to our county and the Commonwealth of Virginia. Green Zone is an asset to Charles City County and represents the type of industrial growth that Charles City is seeking to support per our own Comprehensive and Economic Development Strategic Plans.

As you may know, the Green Zone business is based on the shredding of post-consumer waste tires which are recycled into cube-sized bits known as tired-derived fuel ("TDF"). Green Zone then sells the TDF cubes to energy producers which uses them as fuel for energy plants. The shredding residue, which cannot be used as TDF, is converted into alternative daily cover ("ADC"), which is used in Virginia landfills as a daily layer over new refuse.

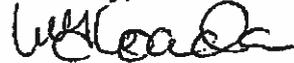
Green Zone has been a growing business that has steadily increased its market share over the past ten (10) years; and therefore, a consistent source of revenue to the County. Currently, Green Zone has twenty full-time workers on-site, who handle half the tire waste generated in Virginia, or approximately 3.5 million tires. (It is the largest tire recycler within the state of Virginia). The business also contracts with dozens of independent truckers who deliver the materials, bringing business to the County.



Because of its unique business, Green Zone has the chance to form business alliances with other manufacturers, including manufacturers who can use TDF or "carbon black," a similar byproduct derived from tire waste. These are real opportunities for our County. The aforementioned business opportunity and the current services provided by Green Zone are the kinds of ventures that Charles City County has made a commitment to support per our Comprehensive and Economic Development Strategic Plans.

Please consider this endorsement of Green Zone Investments, LLC, and our county's continued commitment to supporting and growing our local industries, especially an enterprise such as Green Zone, which is on the forefront of renewable energy production.

Sincerely,



William G. Coad,  
Chairman, Board of Supervisors  
Charles City County

cc: Mr. Bilal El-Omari  
Mr. Charles Ayers  
Mr. Hisham El-Omari  
Chap Petersen, Esq.

LAND DEVELOPMENT APPLICATION

PAID  
SEP 02 2020



Charles City County  
Department of Community Development  
[www.co.charles-city.va.us](http://www.co.charles-city.va.us)

CHARLES CITY TREASURER  
THANK YOU!

**Application for (please check one) a plat or site plan must accompany this application**

<input type="checkbox"/> Boundary Line Adjustment	<input type="checkbox"/> Site Plan, Major
<input type="checkbox"/> Lot Consolidation	<input type="checkbox"/> Site Plan, Minor
<input type="checkbox"/> Subdivision, Minor (includes Family)	<input type="checkbox"/> Special Use Permit
<input type="checkbox"/> Subdivision, Major	<input checked="" type="checkbox"/> Rezoning
<input type="checkbox"/> Preliminary	<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> Final	<input type="checkbox"/> Variance
<input type="checkbox"/> Subdivision, Large Lot	<input type="checkbox"/> Administrative Appeal
<input type="checkbox"/> Subdivision, Commercial	<input type="checkbox"/> Administrative Variance
<input type="checkbox"/> Preliminary	<input type="checkbox"/> Comprehensive Plan Amendment
<input type="checkbox"/> Final	<input type="checkbox"/> WQIA, Major/Minor
<input type="checkbox"/> Bay Act Exception/Administrative Waiver	<input type="checkbox"/> Land Disturbance
<input checked="" type="checkbox"/> Other: <u>Proffer Amendment</u>	<input type="checkbox"/> Zoning

This application must be completed in its entirety. Please list all owners and applicants. Use additional sheets if needed.

**General Project Information:**

- Project Title: Tire Recyclers Proffer Amendment
- Property Location: 2640 Roxbury Road
- Tax Map Number(s): #4-13A
- Total Acreage: 11.326
- Acreage to be Developed: N/A
- Acreage to be Disturbed: N/A
- Responsible Land Disturber: N/A RLD #: \_\_\_\_\_
- Current Number of Lots: N/A
- Proposed Number of Lots: N/A
- Current Zoning: M-2C
- Proposed Zoning: M-2C
- Current Use(s): Tire Recycling Facility
- Proposed Use(s): Tire Recycling Facility

*Exhibit 5*

**LAND DEVELOPMENT APPLICATION- (Continued)**

**Contact Information:**

14. Property Owner: Green Zone Investments, LLC (dba Tire Recyclers, Inc.)
15. Owner Address: 2640 Roxbury Road
16. Owner Telephone: 804-966-9770 Email: ericap@ayerslaw.com
17. Applicant: Green Zone Investments, LLC (dba Tire Recyclers, Inc.)
18. Applicant Address: 2640 Roxbury Road
19. Applicant Telephone: 804-966-9770 Email: ericap@ayerslaw.com
20. Representative: Bob Hundley
21. Representative Address: 9560 Kings Charter Drive, Ashland, VA 23005
22. Representative Telephone: 804-550-9222 Email: bhundley@resourceintl.com
23. Correspondence to be sent to: Applicant  CDP  Owner
24. Preferred form of Contact: E-mail  US Mail

**Zoning Setback Information:**

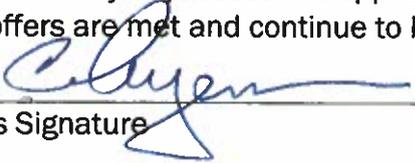
- Front: N/A (no changes proposed) Feet
- Left Side: "" Feet
- Right Side: "" Feet
- Rear: "" Feet
- From other structure(s): "" Feet

Other Information/Description: New proffers are for Tax parcel 4-13A, a legal lot subdivided from Tax parcel 4-13 that are more reflective of the nature of the operations that are associated with the Green Zone Investments, LLC industrial facilities.

---

**Owner Affidavit:**

I have read this application, understand its intent, and freely consent to its filing. The information provided is complete and accurate to the best of my knowledge and capabilities. I understand that the county may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission for county officials or other governmental officials on official business to enter the property to make such investigations and inspections as they deem necessary to process this application and to ensure all requirements, conditions, codes, and proffers are met and continue to be met in perpetually.

  
Owner's Signature

9/1/20  
Date

Owner's Signature

Date

  
Applicant/Agent's Signature

9/1/20  
Date

Applicant/Agent's Signature

Date

**For Office Use Only:**

Application Number: RC-03-2020

Submission Date: \_\_\_\_\_

Completeness Date: \_\_\_\_\_

Application Fee: \$1200 Date Paid: 9-1-20

Taxes Paid?  Yes  No

Environmental Review:  Floodplain  Wetlands  Highly Erodible Soils

Resource Protection  Resource Management

Additional Review Req.:  WQIA  CBPA Board  Wetland Board

Outcome:  Approved  Conditionally Approved



**GREEN ZONE INVESTMENTS, LLC**  
**t/a TIRE RECYCLERS**

2640 Roxbury Road  
Charles City, Virginia 23030  
(804) 358-4731

September 2, 2020

Via Email ([gmitchell@co.charles-city.va.us](mailto:gmitchell@co.charles-city.va.us))

Mr. Gary Mitchell  
Charles City County

RE: Proffer Amendment Request

Dear Gary:

Pursuant to our conversation this morning and your email, this is to confirm that I am the Managing Member and Co-Owner of Green Zone Investments, LLC. Also, I am the authorized party to accept service as an agent for the limited liability company.

Thank you for your cooperation, and if you need any additional information, please do not hesitate to contact me.

Sincerely,



Charles E. Ayers, Jr.  
Managing Member/Co-Owner

cc: Mr. Robert L. Hundley, Jr. (via e-mail)

Exhibit A  
Green Zone Investments, LLC  
Proffer by Proffer Comparison

Key: *Original Proffer*  
*Proposed Proffer*

**Proffer Number 1**

*Green Zone Investments, LLC, dba Tire Recyclers, ("GZI") agrees to comply with the financial assurance regulations of the Commonwealth of Virginia, which is a requirement of its operating permit for the facility. GZI will provide acceptable financial instruments i.e. bonds, letters of credit or other forms acceptable and described by regulation. These instruments will be kept in place for the benefit of Commonwealth of Virginia to assure the proper facility closure.*

No Change Proposed

**Proffer Number 2**

*In the event that any owner or operator of the subject property desires to modify any of the permits that have been issued by any state agency, Charles City County will be notified before the requested changes are submitted.*

No Change Proposed

**Proffer Number 3**

*GZI, or any subsequent owner of the subject property shall construct and operate on the property: a used tire recycling and processing facility, an administration and control building, and any other uses approved by the County Director of Planning on the property as are otherwise permitted by the zoning ordinance.*

No Change Proposed

**Proffer Number 4**

*Natural buffers and existing tree lines will be retained and no buildings or structures (with the exception of fencing and a sign to identify the facility) shall be constructed closer than 250 feet from Route 106 in order to provide a natural screen from Route 106 and to maintain the natural beauty of Charles City County.*

No Change Proposed

**Proffer Number 5**

*Charles City County and its representatives shall have the right to inspect the facility property and operations and will comply with site safety control measures and procedures.*

No Change Proposed

**Proffer Number 6**

*The time for delivery of used tires to the facility shall be restricted to between the hours of 7:00 a.m. and 8:00 p.m. 7 days per week, and in accordance with the facility's VDEQ permit.*

No Change Proposed

**Proffer Number 7**

*The GZI facility will have full time administrative and supervisory personnel on-site during normal operations. The operating equipment to include shredders and conveyors are monitored by plant personnel who can manually stop the process at any time.*

No Change Proposed

**Proffer Number 8**

*Less-than-trailer load quantities of tires will be unloaded by hand and fed by hand to the processing line conveyors. Typically, these loads are unscheduled and depending on volume and time of day receipt, may not be processed at the time of delivery. In addition, equipment down time due to maintenance and repair may not permit the immediate processing of these tires. In these cases, tires may remain on the tire receiving pad. A 4-day supply of these smaller loads may accumulate on the receiving pad until normal feed and processing operations are restored at which time all tires will be removed from the pad by hand feeding to the process conveyors.*

*All activities performed on the site will be conducted pursuant to a plan coordinated with the approval of the Charles City County Fire Chief. GZI will operate in compliance with applicable state and local regulations.*

Tires will be delivered to the facility by tractor trailer with occasional smaller loads delivered in panel trucks, pick-up trucks, or smaller trailers. Incoming tire deliveries will be directed by the on-site Operations Manager to one of the following areas in accordance with the Facility Site Plan:

- Main Tire Processing Area for unloading to Process Lines #1 or #2
- Line #3 Processing Area
- Less-than-Trailer Load Unloading Area
- Open Tire Containment Areas
- Tire Trailer Parking/Holding Area

During tire unloading, site personnel will identify and separate tire input products unsuitable for processing. This operation will include tires on rims, oversize tires, truck tires, re-saleable tires. These tires will be set aside and will be moved during the operating day to specific collection and staging areas identified on the Site Plan. From those designated areas, tires will be loaded into separate trailers or panel trucks that when fully loaded will be hauled off-site to alternative tire processing operations.

Tires on rims will be moved to the tire de-rimming area. Rims will be placed in recycle containers for hauling to metal recycler and the tires will be moved to the tire processing area.

Two open tire containment areas using "Jersey" barrier walls will be located adjacent to Line #3 for the unloading and placement of tires exceeding the shredding capacity of the plant during periods of high input tire volume. Tires contained in these open areas will be moved to the tire processing shredder lines by rubber tire loaders when tire shredding capacity is available.

To assure continuity of incoming tire flow and TDF production, the facility will maintain a tire feed pile equivalent to a maximum of four (4) days of production capacity (150T/day), which is equivalent to approximately 600 tons of waste tires. The facility will have a maximum production capacity of 175 tons per day if needed to reduce excess tire storage.

All activities performed on the site will be conducted pursuant to a plan coordinated with the approval of the Charles City County Fire Chief. Green Zone Investments will operate in compliance with applicable state and local regulations.

### **Proffer Number 9**

*Green Zone will maintain financial surety in accordance with the Financial Assurance regulations of the Commonwealth of Virginia. In the event that the facility ceases operation, the facility will be closed in accordance with its Closure Plan that is part of its permit with the Virginia Department of Environmental Quality. In the event that closure is not completed in accordance with the plan, the surety in place with the state will be used by the state to clean the site of environmental impacts. When clean, plant buildings and facilities that remain on site will be maintained for the benefit of a future owner or user.*

No Change Proposed

### **Proffer Number 10**

~~*Used tires identified for resale will be loaded into trucks for transport to an off site used tire retailer. During tire feeding operations, inspectors may place these tires on the production floor and receiving pad until they can be loaded into the transport truck.*~~

Propose eliminating in lieu of revisions to Proffer Number 8.

### **Proffer Number 11**

~~*Tires and materials not suitable for processing will be placed in containers and hauled off-site for proper disposal. Unsuitable materials will not be stored on site in piles.*~~

Propose eliminating in lieu of revisions to Proffer Number 8.

### **Proffer Number 12 revised to Proffer Number 10**

*The GZI facility production produces Tire Derived Fuel (TDF) and a non-TDF material that is currently used as Alternative Daily Cover (ADC) for landfills. The facility production line creates no waste products. TDF will be loaded by conveyors into transport trailers for*

hauling to end users.

Non-TDF material is discharged on the production floor and then transported by front-end loader and or by conveyor to the designated area within the production building. ADC Transport trailers which are parked on a loading pad adjacent to the production floor. In the event that a transport trailer is not available the ADC stockpile will be maintained in the designated area until a trailer arrives. If the circumstances create an extended delay in the arrival of a transport trailer, the ADC stockpile may extend into the loading pad outside the production building for a short period of time. This temporary outside stockpile ADC will be operated in accordance with the Solid Waste Regulations (9VAC20-81-95) until a transport trailer is available usually on the next business day.

No Change Proposed other than renumbering

**Proffer Number 13 revised to Proffer 11**

Cooling water that reaches the production floor will be collected and drained to the grit chambers. When full these chambers will be pumped and hauled for proper disposal

No Change Proposed other than renumbering

**Proffer Number 12**

The applicant shall have the approval letter (To-Witt) recorded in the Clerk's office within 30-days of the approval and provide a copy of the recorded document to the Department of Community Development.

The Owner of Record of the Property, and the Applicant, do hereby voluntarily proffer all the conditions stated above, which conditions shall have the effect specified in Section 15.2-2298 of the Code of Virginia, 1950, as amended.

Witness the following signature(s):

Applicant: *[Signature]* <sup>owner & agent</sup> Date: 9/17/20  
Green Zone Investments, LLC

Property Owner: *[Signature]* <sup>owner & agent</sup> Date: 9/17/20

Commonwealth of Virginia  
County of Richmond to-witt:  
city

The foregoing document was acknowledged before me on this 17<sup>th</sup> day of September, 2020, by Green Zone Investments, LLC.

My Commission Expires: 2/29/2024

*[Signature]*



Green Zone Investments, LLC  
Comparison of Proffers  
September 1, 2020



**GREEN ZONE INVESTMENTS, LLC**  
**t/a TIRE RECYCLERS**

2640 Roxbury Road  
Charles City, Virginia 23030  
(804) 358-4731

September 16, 2020

Vandover Associates, LLC  
c/o Ayers & Stolte, P.C.  
710 N. Hamilton Street  
Richmond, VA 23221

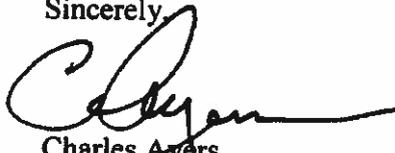
**RE: Green Zone Investments, LLC (dba Tire Recyclers), Parcel #413A  
Proffer Amendments**

Dear Preston:

Green Zone Investments, LLC dba Tire Recyclers (at 2640 Roxbury Rd, Charles City, VA 23030) has presented an application for amendment of the facility's current site proffers to Charles City County for consideration. The proposed amendments to the site proffers provide for an organized storage of tires within delineated areas at the site and identify an appropriate amount of raw tire storage consistent with the daily processing rate of the facility.

The proffer amendment application will be presented to the Planning Commission at its upcoming meeting on September 24, 2020, at 7:00 p.m. at the Government Administration Building Auditorium. The application is available for review at the County Planning Office, and you may direct any questions regarding the application to Mr. Gary Mitchell at (804-652-4707).

Sincerely,



Charles Ayers  
Manager/Co-Owner

cc: Gary Mitchell, Assistant Planning and Zoning Administrator, Charles City County, VA

Site Plan/Rezoning/SUP/Subdivision  
Review Form (Accompanies Cover Memo)

Date: 9-1-2020

Case # RZ-03-2020 - Proffer Amend

Project Name: Tire Recyclers

Applicant Name: Greenzone Investments, Inc.

Owner Name: Charles Air

Tax Map # 4-13A

Location: 2640 Roxbury Road

# of Acres in  
Parcel: 11.326

# of Acres  
Requested: 11.326

Rezone to: Proffer Amendment Existing Zoning: M-2C

SUP Request: \_\_\_\_\_

Site Plan: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

Please Return Comments to the Planning Department by: \_\_\_\_\_

Approved

Approved with comments/conditions

Disapproved

Comments/Conditions:

Site inspection needs to be done prior to full approval.



Signature

Fire

Department

9/17/2020

Date



COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY  
P.O. BOX 128  
CHARLES CITY, VIRGINIA 23030

**BOARD OF SUPERVISORS**  
WILLIAM G. COADA, CHAIRMAN  
GILBERT A. SMITH, VICE-CHAIRMAN  
LEWIS E. BLACK, III, MEMBER

**COUNTY ADMINISTRATOR**  
MICHELLE JOHNSON

**ASST. CO. ADMINISTRATOR/DIRECTOR OF COMMUNITY DEVELOPMENT**  
RHONDA RUSSELL, AICP

**ASSISTANT PLANNING & ZONING ADMINISTRATOR**  
GARY D. MITCHELL, AICP

September 17, 2020

**AFFIDAVIT**

I hereby affirm that I, Gary D. Mitchell, Duty Zoning Admin.  
FULL NAME JOB TITLE

for the County of Charles City, Virginia, did prepare and send notice via first class mail to all

adjoining property owners regarding application RZ-03-2020 as required by Va.  
APPLICATION NUMBER

Code Ann. § 15.2-2204(B) and the Zoning Ordinance of Charles City County, Virginia Section

30-2(2). Said notice was mailed on 9-11-2020 and conforms to all standards for  
DATE MAILED

notice under law.

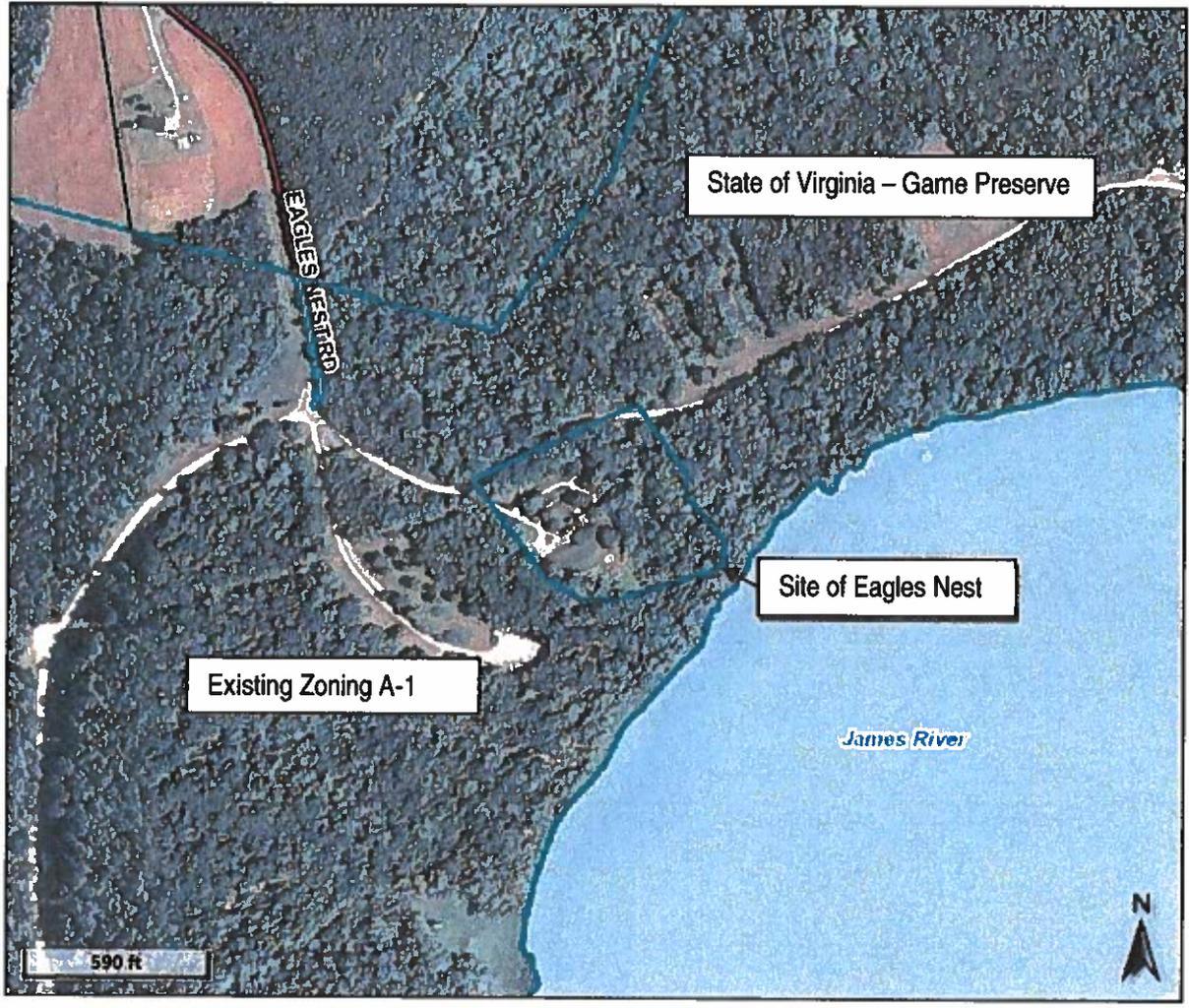
[Signature]  
SIGNATURE

PAULETTE L. JONES  
NOTARY PUBLIC  
REG. #222654  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES DEC. 31, 2020

COMMONWEALTH OF VIRGINIA  
COUNTY OF CHARLES CITY  
The foregoing instrument was subscribed and  
sworn before me this 17<sup>th</sup> day of  
September 2020 by  
Paulette L. Jones  
Notary Public

# Eagles Nest – Zoning/Location Map

SUP-03-2020



## Overview



## Legend

- Parcels
- Lakes
- Rivers
- Roads

**PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT**

<b>PROJECT NAME:</b> Eagles Best Bed & Breakfast (Inn)		<b>PC Meeting Date:</b> September 24, 2020	
<b>Case Number:</b> SUP-03-2020		<b>Applicant:</b> Jennifer Jones	
<b>Project Status:</b>		<b>Owner:</b> Jennifer Jones	
<input type="checkbox"/> Preliminary Sketch	<input type="checkbox"/> Rezoning Application	<b>Location:</b> Terminus of Eagles Nest Road	
<input type="checkbox"/> Preliminary Plat	<input checked="" type="checkbox"/> Special Use	<b>Voting District:</b> District 3	
<input type="checkbox"/> Final Plat	<input type="checkbox"/> Comprehensive Plan Amendment	<b>Parcel Number:</b> 58-12	
<input type="checkbox"/> Final Plat	<input type="checkbox"/> Text Amendment	<b>Total Site Area:</b> 5.67	
<input type="checkbox"/> Vacation		<b>Site Area Developed:</b> Historic home site, vacant forest land, and river frontage	
<b>Existing Structures:</b> Historic House & Grounds		<b>CBPA:</b> RMA/RPA is on the property along the river	
<b>Flood Hazard:</b> lower portion of property has flood zoning – over 300 feet from home and home sits on bluff approximately 30+ ft. higher than the water level.		<b>Additional Site Data:</b> NA	
<b>Current Zoning:</b> A-1 Agricultural			
<b>Action Request:</b> Approval		<b>Staff:</b> G. Mitchell	<b>Date:</b> 9-15-2020

**Prior Actions / Case History**

<b>Rezoning:</b> NA
<b>Special Use:</b> NA
<b>Variances:</b> NA
<b>Subdivisions:</b> NA
<b>Other Data:</b> NA

**REQUEST:**

**SUP-03-2020**- Application by J. Jones to operate a Bed and Breakfast Inn as permitted by Division II, District Regulations, Section 5-3, Agricultural District (A-1), Uses with Special Permit, of the Charles City County Zoning Ordinance. This is a proposed owner-occupied Bed and Breakfast offering two suites for nightly rental. The property is zoned Agricultural (A-1) and consists of 5.67± acres. The property begins 3.1± miles Southeast from the intersection of Eagles Nest Road (SR 612) and Wilcox Neck Road (SR 623) with 40'± of frontage along Eagles Nest Road (SR 621) and an average depth of 540'±. The property address is 12500 Eagles Nest Road and the Tax Parcel Number is 58-12.

**INTRODUCTION**

Jennifer Jones applied to operate a small Bed and Breakfast Inn at the historic Eagles Nest (Circa 1685), a Virginia Historic Landmark (See Exhibit 1). Referred to as the Armiger-Tyree-Lamb House. The home sits on a bluff overlooking Chickahominy River. The former owners began the restoration of the main structure and grounds in 1981. Additionally, the home was enlarged which includes first floor master/bath, kitchen, and family room. Property also includes oversize garage that is currently used as workshop and catering kitchen, 20x30 pool with slate surround and pool house for storage. The new addition blends with the old portion of the house seamlessly. The original structure employs

English Bond brickwork with glazed headers, original doors and period windows, original heart pine flooring, 2 over 2 rooms on each side of center passageway, full cellar, 3 fireplaces converted to gas and 2 non-working fireplaces. The property is surrounded by 5000-acre Chickahominy Wildlife Management Area which offers a great, secluded location for a Bed and Breakfast.

## **ANALYSIS**

### **Zoning**

The property is zoned Agricultural (A-1). This district is established to provide opportunities for a mixture of land uses that are considered necessary and beneficial to the residents and the economy of Charles City County. Certain limited commercial operations would be beneficial to the rural character of the district provided the operation serves, preserves, and enhances the character of the area. Any such commercial uses must contribute to the overall wellbeing of the County. The operation of an Inn is a use permitted with a special use permit in the Agricultural District (A-1). An *Inn* is defined in the ordinance as;

*One or more buildings operated as a unit offering lodging accommodations to the general public having no more than 14 guest rooms, with or without meals. An inn or the tract of land where it is located shall be occupied by the owner or manager of the facility and shall be secondary to the use of the property as a residence (Section 3-1, page 24).*

Ms. Jones has stated in her application (See Exhibit 2) that this is her primary residence and she will reside on the property. Her application meets the definition of an inn as specified above.

### **Health Department**

Currently there is an existing 4-bedroom septic system serving the property. The health department has no further comments about this use.

### **Public Works**

The Charles City Department of Public Works has no comments and recommends approval.

### **Fire & Rescue**

The Fires and Rescue department has no comments on this project.

### **Building**

The Building Official will conduct a life/safety inspection to ensure basic life safety measures per Uniform Statewide Building Code (USBC) have been adequately addressed. These measures include items such as but not limited to a fire extinguisher, illuminated fire exit signs, and smoke alarms. Since there is no additional construction on the site (buildings, etc.) there is no need to have a site plan for this property.

## **TRANSPORTATION**

The Institute of Transportation Engineers (ITE) 5<sup>th</sup> edition of *Trip Generation*, states that the trip generation rate per room for a resort hotel is 0.44 trips per room. The closest land use category in the Trip Generation is a resort hotel. The trip generator for a resort hotel ranges between 0.65 to 0.21 trips per room. Based on a 2 room Inn, the amount of traffic generated offers no measurable impact to the traffic capacity on Eagles Nest Road. Using most recent VDOT traffic counts for Eagles Nest Road, the average daily traffic count is 70. Using an average of the ITE multipliers above the number

of trips would increase by 1.4 percent. Staff recommends no transportation improvements related to this commercial operation.

### **COMPREHENSIVE PLAN ANALYSIS**

The Plan includes as a concern that the lack of a strong industrial and commercial Base to contribute to the local tax base, forces the County to rely on other sectors for revenues. This means that other types of development must either shoulder a larger than average portion of the tax bill or the county must go without some services. In response to these observations, the Plan includes goals that encourage appropriate commercial development. These goals include:

*GOAL: Provide areas for commercial development that support and enhance existing uses that will lead to complete economic communities. For example, both residential and commercial, lead to greater availability of mixed cost housing.*

*GOAL: New development will be consistent with the scenic integrity and quality of life of existing communities and be size and location appropriate.*

Furthermore, Goal 4 of the plan states,

*GOAL: Promote and preserve the heritage, cultural diversity, and quality of life of the County for residents and visitors alike.*

The operation of this Inn at a historic site is supporting this goal. The Plan further states under Economic Development Resources objective:

*GOAL: Promote tourist-oriented activities.*

Finally, the Plan states that the promotion of tourism can be accomplished

*...by the County's long tradition of hunting and fishing. It also has plantations for touring and bed and breakfast inns.*

Staff believes that the approval of this special use permit is a positive development for the County.

### **CONCLUSION:**

Based on the above discussion and analysis staff believes this request complies with the County's Current Comprehensive Plan and provides a framework for future development in strengthening the County's tourism sector.

Recommendation: Approval with conditions as outlined below:

1. The applicant shall have the approval letter (To-Witt) recorded in the Clerk's office within 30-days of the approval and provide a copy of the recorded document to the Department of Community Development.
2. Upon approval the applicant shall schedule a life/safety inspection with the Building Official to ensure proper safeguards are in place prior to receiving a Change of Use Certificate and opening for guests.

**PLANNING COMMISSION RECOMMENDATION**

**PLANNING COMMISSION PAPER**

**AT THE REGULAR MEETING HELD, THURSDAY, SEPTEMBER 24, 2020 AT THE CHARLES CITY GOVERNMENT CENTER**

Whereas the Charles City County Planning Commission finds that public necessity, convenience, and general welfare and good zoning practice would be served by the recommending approval/disapproval of Special Use Permit (SUP-03-2020) Eagles Nest Bed and Breakfast Inn.

**SUP-03-2020-** Application by J. Jones to operate a Bed and Breakfast Inn as permitted by Division II, District Regulations, Section 5-3, Agricultural District (A-1), Uses with Special Permit, of the Charles City County Zoning Ordinance. This is a proposed owner-occupied Bed and Breakfast offering two suites for nightly rental. The property is zoned Agricultural (A-1) and consists of 5.67± acres. The property begins 3.1± miles Southeast from the intersection of Eagles Nest Road (SR 612) and Wilcox Neck Road (SR 623) with 40'± of frontage along Eagles Nest Road (SR 621) and an average depth of 540'±. The property address is 12500 Eagles Nest Road and the Tax Parcel Number is 58-12.

And,

Now therefore be it resolved that the Charles City County Planning Commission hereby recommends approval of Special Use Permit (SUP-03-2020), as presented with conditions and forwards SUP-03-2020 Eagles Nest Bed and Breakfast Inn to the Charles City County Board of Supervisors with a favorable/unfavorable recommendation in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

**MOVED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

	AYE	NAY	ABSENT/ABSTAIN		AYE	NAY	ABESNT/ABSTAIN
Mr. Baber	___	___	___	Mr. Pittman	___	___	___
Mr. Bailey	___	___	___	Mr. Miles	___	___	___
Mr. Adams, Chairman	___	___	___	Mr. Black	___	___	___
Mr. Smith	___	___	___				

**ADOPTED BY** \_\_\_\_\_ **TABLED FOR** \_\_\_\_\_

---

**EXHIBITS**



Exhibit 1



COMMONWEALTH OF VIRGINIA  
 COUNTY of CHARLES CITY  
 P.O. BOX 128  
 CHARLES CITY, VIRGINIA 23030

**BOARD OF SUPERVISORS**

WILLIAM G. COADA, CHAIRMAN  
 GILBERT A. SMITH, VICE-CHAIRMAN  
 LEWIS E. BLACK, III, MEMBER

**COUNTY ADMINISTRATOR**

MICHELLE JOHNSON

**ASST. CO. ADMINISTRATOR/DIRECTOR OF COMMUNITY DEVELOPMENT**

RHONDA RUSSELL, AICP

**ASSISTANT PLANNING & ZONING ADMINISTRATOR**

GARY D. MITCHELL, AICP

September 17, 2020

**AFFIDAVIT**

I hereby affirm that I, Gary D. Mitchell, Dist. Zoning Admin.  
FULL NAME JOB TITLE

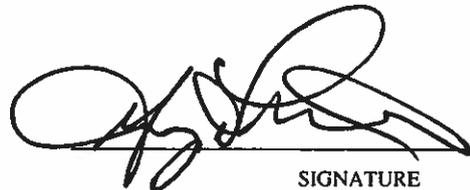
for the County of Charles City, Virginia, did prepare and send notice via first class mail to all

adjoining property owners regarding application SR-03-2020 as required by Va.  
APPLICATION NUMBER

Code Ann. § 15.2-2204(B) and the Zoning Ordinance of Charles City County, Virginia Section

30-2(2). Said notice was mailed on 9-11-2020 and conforms to all standards for  
DATE MAILED

notice under law.

  
 SIGNATURE

PAULETTE L. JONES  
 NOTARY PUBLIC  
 REG. # 222654  
 COMMONWEALTH OF VIRGINIA  
 MY COMMISSION EXPIRES DEC. 31, 2020

COMMONWEALTH OF VIRGINIA  
 COUNTY OF CHARLES CITY  
 The foregoing instrument was subscribed and  
 sworn before me this 17<sup>th</sup> day of  
September 2020 by  
Paulette L. Jones  
 Notary Public



# LAND DEVELOPMENT APPLICATION

## Application for (please check one):

<input type="checkbox"/>	Boundary Line Adjustment	<input type="checkbox"/>	Subdivision, Major (Preliminary)
<input type="checkbox"/>	Land Disturbance Permit	<input type="checkbox"/>	Subdivision, Major (Final)
<input type="checkbox"/>	Site Plan	<input type="checkbox"/>	Subdivision, Minor
<input checked="" type="checkbox"/>	Special Use Permit	<input type="checkbox"/>	Variance Request
<input type="checkbox"/>	Subdivision, Commercial	<input type="checkbox"/>	Zoning Appeal
<input type="checkbox"/>	Subdivision, Family	<input type="checkbox"/>	Zoning Map Amendment/Rezoning
<input type="checkbox"/>	Subdivision, Large Lot	<input type="checkbox"/>	Zoning Text Amendment

**This application must be completed in its entirety. Please list *all* owners and applicants. Use additional sheets if needed.**

## General Project Information:

1. Project Title: INN AT EAGLES WATCH
2. Property Location: 12500 EAGLES NEST RD
3. Tax Map Number(s): 5B-12
4. Total Acreage: 5.67
5. Acreage to be Developed: N/A
6. Acreage to be Disturbed: N/A
7. Responsible Land Disturber: — RLD #: —
8. Current Number of Lots: 1
9. Proposed Number of Lots: N/A
10. Current Zoning: A-1
11. Proposed Zoning: A-1
12. Current Use(s): RESIDENCE
13. Proposed Use(s): RESIDENCE / BED & BREAKFAST

## Contact Information:

14. Property Owner: EAGLES NEST, LLC
15. Owner Address: 12500 EAGLES NEST RD
16. Owner Telephone: 724-494-0057 Email: jennifer@studio2131.com

DEPARTMENT OF COMMUNITY DEVELOPMENT  
P.O. BOX 66, CHARLES CITY, VA 23030

**PAID**  
AUG 19 2020

CHARLES CITY TREASURER

17. Applicant: EAGLES NEST, LLC

18. Applicant Address: 12500 EAGLES NEST RD

19. Applicant Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

20. Representative: JENNIFER JONES

21. Representative Address: 12500 EAGLES NEST RD

22. Representative Telephone: 724-414-0057 Email: jennifer@studio2131.com

23. Correspondence to be sent to:  Applicant  Owner  Representative

24. Preferred form of Contact:  Email  Mail

**Owner Affidavit:**

I have read this application, understand its intent, and freely consent to its filing. The information provided is complete and accurate to the best of my knowledge and capabilities. I understand that the county may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission for county officials on official business to enter the property to make such investigations and inspections as they deem necessary to process this application.

  
 \_\_\_\_\_  
 Owner's Signature

8-17-2020  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Owner's Signature

\_\_\_\_\_  
 Date

**For Office Use Only:**

Application Number: \_\_\_\_\_

Submission Date: \_\_\_\_\_

Completeness Date: \_\_\_\_\_

Application Fee: \_\_\_\_\_ Date Paid: \_\_\_\_\_

Taxes Paid?  Yes  No

Environmental Review:  Floodplain  Wetlands  Highly Erodible Soils  
 Resource Protection  Resource Management

Additional Review Req.:  WQIA  CBPA Board  Wetland Board

Outcome:  Denied  Approved  Conditionally Approved

← CHICKAHOMINY RIVER →

DECK  
16'x22'

SHED  
8'6" x 10'4"

OLD  
HAND-DOG  
WELL  
3'x3'

COTTAGE  
26'4" x 28'

1982  
ADDITION

ORIGINAL  
HOUSE

FENCED YARD

SHED  
13'x8'

WELL

DRIVEWAY

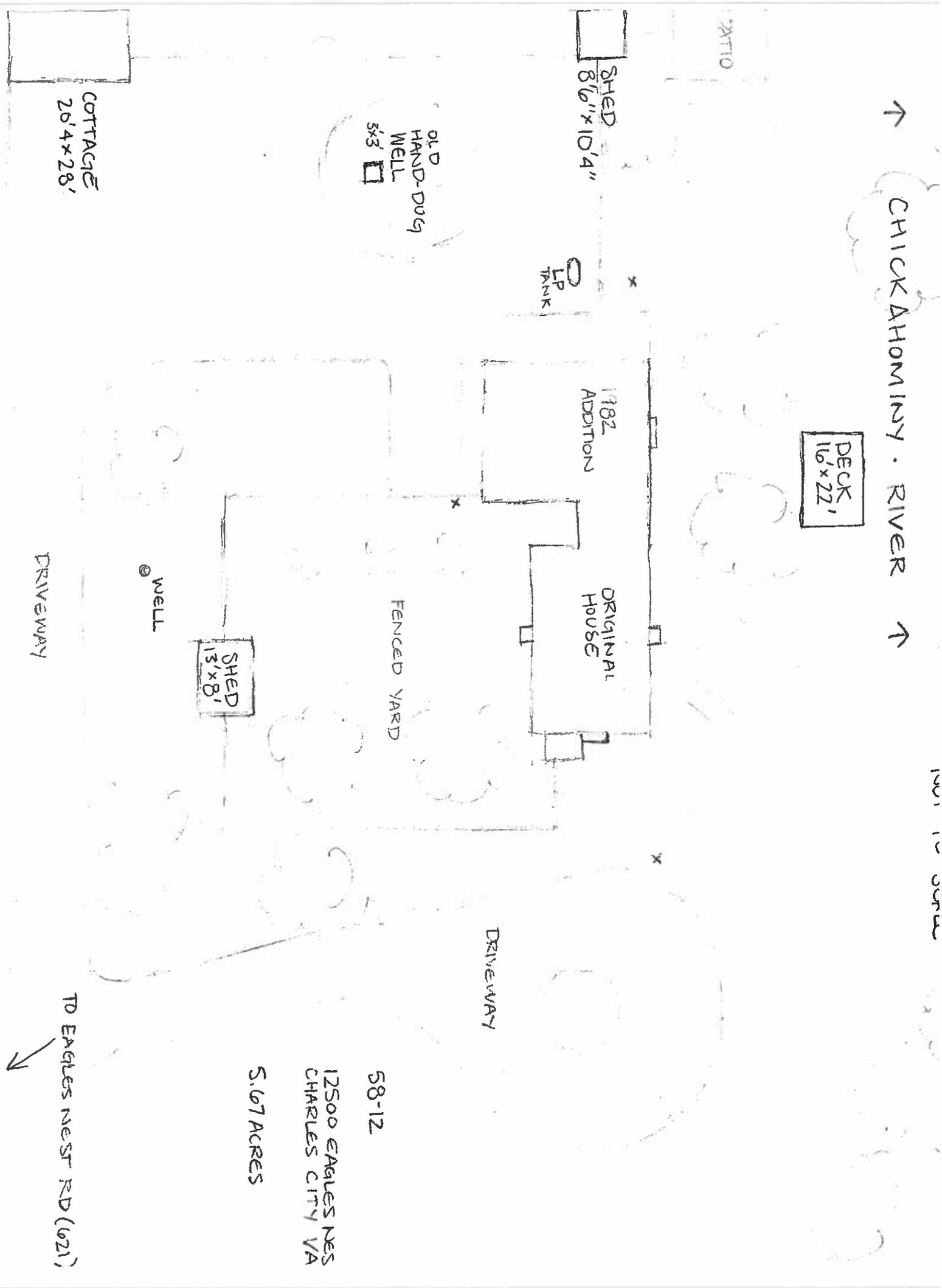
DRIVEWAY

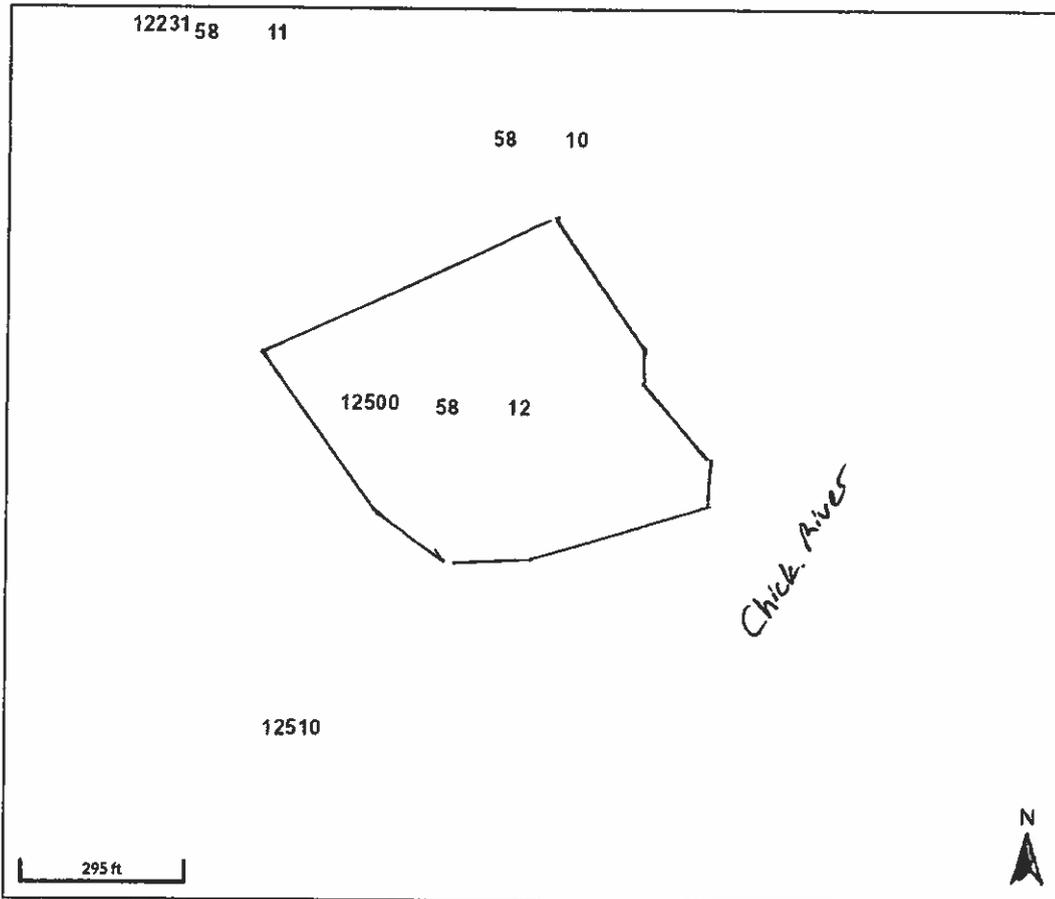
58-12

12500 EAGLES NEST  
CHARLES CITY VA

5.67 ACRES

TO EAGLES NEST RD (621)





Overview

Legend

- Parcels
- Parcel Numbers
- Address Numbers
- Lakes
- Rivers
- Roads

Parcel ID	58 10	Alternate ID	4348	Owner Address	COMMISSIONER OF VIRGINIA COMMISSION OF GAME & FISHERS	Last 2 Sales			
Sec/Twp/Rng	n/a	Class	DWELLING			Date	Price	Reason	Qual
Property Address	12510 EAGLES NEST ROAD CHARLES CITY	Acreage	4290.77			1/1/1900	0	n/a	U
						n/a	0	n/a	n/a

District CHICKAHOMINY  
 Brief Tax Description BELFAST BANKS DB65-600 PS#557,558,559 IN#18-296

[Note: Not to be used on legal documents]

Date created: 7/24/2020  
 Last Data Uploaded: 7/17/2020 8:50:52 PM

Developed by Schneider GEOSPATIAL

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The property at 12500 Eagles Nest Road is, and will continue to be, my primary residence.  
**I am seeking approval to operate a two-room bed & breakfast.**  
Please see the bulleted items for plan details.

- Full-service, owner-occupied Bed & Breakfast in existing dwelling
- Two guest suites will be available for rent on a nightly basis
- Guest Room A: One King bedroom + ensuite bath (accommodates 2 registered guests)
- Guest Room B: One King bedroom + Bedroom with 2 Double beds + dedicated bathroom (accommodates up to 4 registered guests)
- One meal per day will be provided to each registered guest
- Registered guests only, no additional persons permitted on property unless prior arrangements have been made with the owner

Thank you,  
Jennifer Jones

Jennifer Jones  
Eagles Nest, LLC  
dba Inn at Eagles' Watch  
12500 Eagles Nest Rd  
Charles City, VA 23030  
jennifer@studio2131.com  
(724) 494-0057

---

Site Plan/Rezoning/SUP/Subdivision  
Review Form (Accompanies Cover Memo)

Date: 8-28-2020

Case # SUP-03-2020

Project Name: Inn at Eagles Watch

Applicant Name: Jennifer Jones

Owner Name: same

Tax Map # 58-12

Location: 12500 Eagles Nest Rd

# of Acres in Parcel: 1.5 acres

# of Acres Requested: same

Rezone to: \_\_\_\_\_ Existing Zoning: A-1

SUP Request: operation of a BnB

Site Plan: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

Please Return Comments to the Planning Department by: September 18, 2020

Approved

Approved with comments/conditions

Disapproved

Comments/Conditions:

No comments

PS Hill  
Signature

Public Works  
Department

9/2/2020  
Date



# COMMONWEALTH of VIRGINIA

IN COOPERATION WITH THE  
STATE DEPARTMENT OF HEALTH

## CHICKAHOMINY HEALTH DISTRICT

12312 WASHINGTON HIGHWAY  
ASHLAND, VIRGINIA 23005-7546  
PHONE: (804) 365-4313  
FAX: (804) 365-4355

CHARLES CITY HEALTH DEPARTMENT  
GOOCHLAND HEALTH DEPARTMENT  
HANOVER HEALTH DEPARTMENT  
NEW KENT HEALTH DEPARTMENT

To: Gary Mitchell, AICP  
Charles City Planning Department

From: Eric Smither, OSE *QWS*  
EH Onsite Supervisor  
Grayson Hodge  
EHSS

Date: September 16, 2020

Re: BnB at Eagle Watch – TM 58-12  
12500 Eagles Nest Road

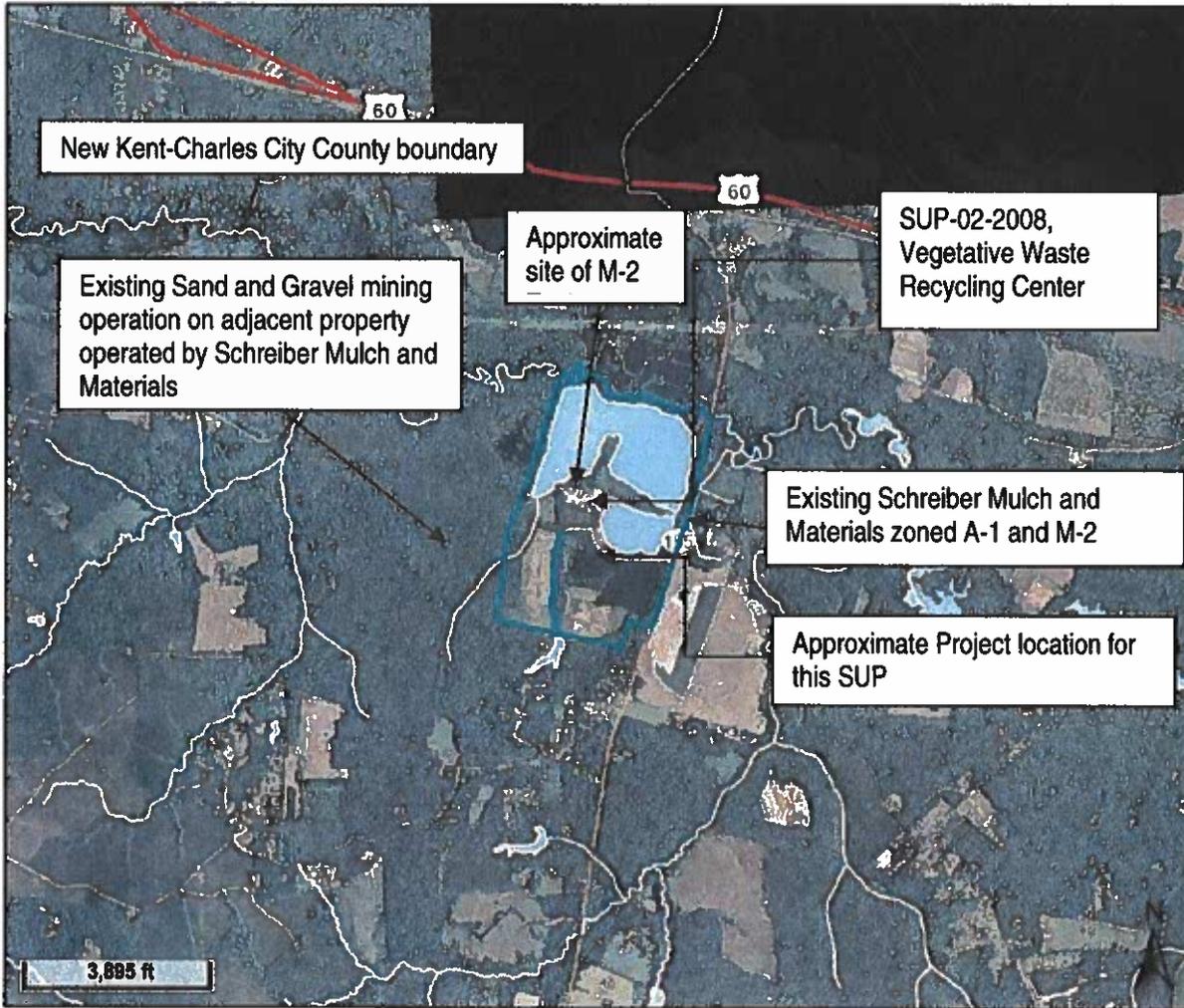
Gary -

We have reviewed the packet for BnB at Eagle Watch. The owner will need to submit the attached Hotel Permit Application and Plan Review form along with the fees. The septic system is safe, adequate and proper for the proposed use.

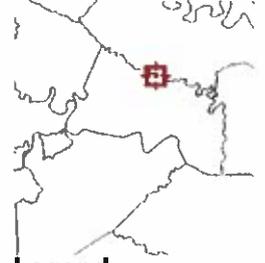


# Schreiber Mulch & Materials

## SUP-04-2020



### Overview



### Legend

- Parcels
- Lakes
- Rivers
- Roads

Note: All land areas shown above are zoned Agriculture (A-1) unless otherwise noted

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT	
PROJECT NAME: Schreiber Mulch & Materials SUP	PC Meeting Date: September 24, 2020
Case Number: SUP-04-2020	Applicant: Carter Evans
<b>Project Status:</b> <input type="checkbox"/> Preliminary Sketch <input type="checkbox"/> Rezoning Application <input type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Special Use <input type="checkbox"/> Final Plat <input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Final Plat <input type="checkbox"/> Text Amendment <input type="checkbox"/> Vacation	Owner: Charles Schreiber
	Location: 5001 Courthouse Road
	Voting District: District 2
	Parcel Number: 17-1
	Total Site Area: 372± acres
	Site Area Developed: 50 acres for a gravel mine operation
Existing Structures: Shop, Office, and Small Cabin	CBPA: RMA/RPA is on the property along the river
Flood Hazard: NA	Additional Site Data: NA
Current Zoning: A-1 Agricultural	
Action Request: Approval	Staff: G. Mitchell      Date: 9-16-2020

Prior Actions / Case History

Rezoning: NA
Special Use: SUP-02-2008 - vegetative waste recycling center - Exhibit 1
Variations: NA
Subdivisions: NA
Other Data: NA

REQUEST:

**SUP-04-2020** Application by C. Evans for a surface mining operation to extract gravel and sand as permitted by Division II, District Regulations, Section 5-3, Agricultural District (A-1), Uses with Special Permit, of the Charles City County Zoning Ordinance. The subject property has an existing Special Use Permit for a vegetative waste (*Mulching*) recycling center (*Approved 2-26-2008*). The property is zoned Agricultural (A-1) and consists of 372± acres of which 50± acres are proposed for gravel and sand mining. The property begins 2,952'± North of the intersection of Sturgeon Point Road (SR 614) and Courthouse Road (SR 155), fronts 4,395'± on the West side of Courthouse Road (SR 155) and has an average depth of 3,302'±. The property address is 5001 Courthouse Road and the Tax Parcel Number is 17-1.

INTRODUCTION

Carter Evans (applicant) has submitted a request for a special use permit to operate a sand and gravel mining operation on 50± acres of a 372± acre tract of land. Once zoning has been approved the Virginia Department of Mines, Minerals and Energy (DMME) will commence with the specific licensing requirements for the operation of the mining operation. DMME will not issue or license any such operation without the applicant obtaining local zoning approval.

### Prior Actions / Case History/Adjacent Land Uses

The Board of Supervisors approved a Special Use Permit application in 2008 for a vegetive waste recycling center on the subject property ( SUP-01-2008, See Exhibit 1). This operation as well as the existing sand and gravel operation on the adjoining parcel (SUP-01-2014) shall continue as it has been for the past 6 years (See Exhibit 2). The conditions provided by the applicant and recommended by staff are essentially the same conditions on the adjoining parcel with some minor modifications.

### ANALYSIS

#### Zoning

The property is zoned A-1, Agricultural and a mining activity is a use permitted by a special use permit under Section 5-3 on Charles City County Zoning ordinance. The purpose of the Agricultural district is to offer a variety of land uses which are beneficial to the County and the County's economic development. In terms of economic development over half of all economic development is a result of expansion of existing businesses. The expansion of the mine offers needed supplies to the local market as well as offering an export product to other communities. The effect of the export brings money and businesses into the County.

#### Health Department

The Health Department has no comments relative to this special use permit request.

#### Public Works

The Charles City Department of Public Works has no comments and recommends approval.

#### Fire & Rescue

The Fires and Rescue Department has no comments on this special use permit request

#### Building

The Building Official has no comments on this special use permit request

### TRANSPORTATION

Provided that there are no new entrances/exits to the site the Virginia Department of Transportation (VDOT) has no comments relative special use permit request.

### COMPREHENSIVE PLAN ANALYSIS

The Plan includes as a concern that the lack of a strong industrial and commercial Base to contribute to the local tax base, forces the County to rely on other sectors for revenues. This means that other types of development must either shoulder a larger than average portion of the tax bill or the county must go without some services. In response to these observations, the Plan includes goals that encourage appropriate commercial development. These goals include:

*GOAL: Provide areas for commercial development that support and enhance existing uses that will lead to complete economic communities. For example, both residential and commercial, lead to greater availability of mixed cost housing.*

*GOAL: New development will be consistent with the scenic integrity and quality of life of existing communities and be size and location appropriate.*

Additionally, mining is a type of industrial operation and the resource (sand and gravel) that is being mined cannot be moved to different location. Therefore, the rationale for mines to be in rural areas by special use permit. Additionally, the Plan states under *Rural Areas*, (page 9-6),

*Strategy: Some rural areas contain valuable natural resources, and therefore, necessitate the location of resource dependent activities such as mining.*

The plan continues by stating *...to closely regulate resource dependent activities to assure that the location and operation is sensitive to the natural environment...* (p.9-6)

Therefore, based upon these considerations staff believes that the rationale for the special use permit is warranted and meets the comprehensive plan objectives.

### **CONCLUSION:**

Based on the above discussion and analysis staff believes this request complies with the County's Current Comprehensive Plan and provides a framework for future development in strengthening the County's economic development. Staff recommends approval. The applicant provided the following conditions as follows:

1. Mining is restricted to 50 acres as shown attached map(s) to mine aggregates and fill material
2. Abide by all Federal, State, and local laws and regulations. Where is a variance or difference between State, Federal, and Local laws, ordinances, regulations, or any conditions required by this permit, the most stringent will control
3. Compliance with the general and specific descriptions of the operations/drainage/reclamation plans, proposed mining operations, of C. H. Schreiber Contracting, Inc., dated January 2020.
4. The hours of mine operation are Monday-Saturday 7:00 AM to 5:00 PM with no operations on Sunday or national holidays (i.e. Thanksgiving, Christmas, New Years Day, Memorial Day, July 4<sup>th</sup>, and Labor Day).
5. Noise levels at adjoining property lines shall not exceed 65 decibels. Non-compliance will occur if there is more than 30 consecutive minutes of noise above 65 decibels or any occurrence above 80 decibels.
6. The permit shall be valid for 5 years and will automatically renew every 5 years provided there have been no unresolved violations at time of renewal. Should there be unresolved violations renewal will require a public hearing, and approval by the Board of Supervisors. The Zoning Administrator shall have the authority to determine if there are any unresolved violations.
7. All buffers and berms will be maintained in accordance with the Virginia Department of Mines, Minerals and Energy guidelines. Additional plantings with evergreen and other required vegetation to further improve the site preservation, noise reduction, and visual screening shall be required by the Zoning Administrator should the permittee fail to meet the required standard. The Zoning Administrator will use guidance received from the Department of Conservation and Recreation (VA DCR) and other like agencies in determining needed berm and buffer improvements to meet the necessary standard.
8. All traffic shall use the existing entry/exit point from Courthouse Road. No other entry/exit point shall be established without amending this specific restriction.
9. While conducting site preparation and mining operations, should the operators encounter previously unidentified archaeological or other cultural resources, the operator shall immediately stop and notify the County and Virginia Department of Historic Resources (DHR)
10. Dust from unpaved roads will be controlled with appropriate measures.
11. The private access road's entrance onto Courthouse Road (SR 155) shall be swept as needed to ensure that it is free of spillage material and/or mud from the site. All trucks shall be free of all spillage material and/or mud on exterior of truck before exiting onto Courthouse Road.

12. If it is determined that the mining operation has adversely impacted a property's owners ground water supply, the water supply will be replaced at the applicant's expense.
13. Reclamation shall be per Department of Mines, Minerals, and Energy (DMME) and Operations/Drainage/Reclamation Plans, dated January 2020.

**PLANNING COMMISSION RECOMMENDATION**

**PLANNING COMMISSION PAPER**

**AT THE REGULAR MEETING HELD, THURSDAY, SEPTEMBER 24, 2020 AT THE CHARLES CITY GOVERNMENT CENTER**

Whereas the Charles City County Planning Commission finds that public necessity, convenience, and general welfare and good zoning practice would be served by the recommending approval/disapproval of Rezoning-03-2020, Tire Recyclers proffer amendment.

**SUP-04-2020-** Application by C. Evans for a surface mining operation to extract gravel and sand as permitted by Division II, District Regulations, Section 5-3, Agricultural District (A-1), Uses with Special Permit, of the Charles City County Zoning Ordinance. The subject property has an existing Special Use Permit for a vegetative waste (*Mulching*) recycling center (*Approved 2-26-2008*). The property is zoned Agricultural (A-1) and consists of 372± acres of which 50± acres are proposed for gravel and sand mining. The property begins 2,952'± North of the intersection of Sturgeon Point Road (SR 614) and Courthouse Road (SR 155), fronts 4,395'± on the West side of Courthouse Road (SR 155) and has an average depth of 3,302'±. The property address is 5001 Courthouse Road and the Tax Parcel Number is 17-1.

And,

Now therefore be it resolved that the Charles City County Planning Commission hereby recommends approval of Rezoning-03-2020 Tire Recyclers proffer amendment as presented and forwards to the Charles City County Board of Supervisors with a favorable/unfavorable recommendation in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

MOVED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

	AYE	NAY	ABSENT/ABSTAIN		AYE	NAY	ABESNT/ABSTAIN
Mr. Baber	___	___	___	Mr. Pittman	___	___	___
Mr. Bailey	___	___	___	Mr. Miles	___	___	___
Mr. Adams, Chairman	___	___	___	Mr. Black	___	___	___
Mr. Smith	___	___	___				

ADOPTED BY \_\_\_\_\_ TABLED FOR \_\_\_\_\_

---

**EXHIBITS**

COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY



**BOARD OF SUPERVISORS**

GILBERT A. SMITH, CHAIRMAN  
SHERRI M. BOWMAN, VICE-CHAIRMAN  
TIMOTHY W. COTMAN, SR., MEMBER

June 30, 2008

**COUNTY ADMINISTRATOR**

JOHN F. MINICLIER, JR.

Mr. Charles H. Schreiber  
5201 Pleasant Ridge Drive  
Providence Forge, VA 23140

Dear Mr. Schreiber:

At the regular meeting of the Board of Supervisors held on Tuesday, February 26, 2008, the Board unanimously agreed to approve your request for a special use permit to operate a vegetative waste recycling facility that uses a stump grinder or other similar mechanical equipment to include the incidental sale of firewood. The recycling facility will be located on 10 acres of 372± parcel (T.M. #17-1) at 4701 Courthouse Road.

The permit was approved subject to the following conditions:

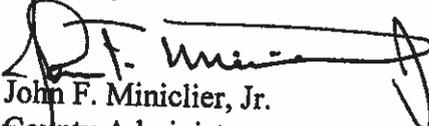
- 1) Abide by all Federal, State, Local laws and requirements. Where there is a conflict between these requirements, the more stringent will apply. County of Charles City is to be provided copies of all outside agency (i.e. DEQ) reviews.
- 2) Comply with conditions detailed in the proposed operations plan, dated January 4, 2008.
- 3) That the permit will renew automatically, annually on the anniversary date of the original approval provided there have been no unresolved violations at the time of renewal. Should there be unresolved violations; renewal will require a joint public hearing, recommendation of the Planning Commission and approval by the Board of Supervisors. The Department of Development will determine if there are any unresolved violations.

*Exhibit 1*

Mr. Charles H. Schreiber  
Page 2  
June 30, 2008

If there are any questions please do not hesitate to contact my office.

Sincerely,

  
John F. Minicler, Jr.  
County Administrator

C: Mr. William R. Britton, Jr.

CHARLES CITY COUNTY  
SPECIAL USE PERMIT

No. 2008-01

This day the Charles City County Board of Supervisors has issued a special  
use permit to Charles H. Schreiber

whose address is 5201 Pleasant Ridge Drive, Providence Forge, VA 23140

Charles City County, Virginia, for the purpose of permitting him (or her) to

Operate a Vegetative Waste Recycling Facility on 10 acres of a 372± acre parcel

(T.M. #17-1) at 4701 Courthouse Road

in Charles City County, pursuant to the authority granted in the County Ordinance on

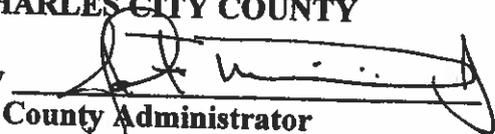
Zoning - Section 5: Agricultural District (A-1) subject to these conditions:

\*See attached letter dated June 30, 2008

This permit is valid only if all licenses and taxes are paid in connection  
with the property and use described above.

THE BOARD OF SUPERVISORS OF  
CHARLES CITY COUNTY

Dated: 6/30/08

By 

County Administrator



COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY  
P.O. BOX 128  
CHARLES CITY, VIRGINIA 23030

BOARD OF SUPERVISORS  
WILLIAM G. COAD, CHAIRMAN  
GILBERT A. SMITH, VICE-CHAIRMAN  
FLOYD H. MILES, SR., MEMBER

COUNTY ADMINISTRATOR  
ZACH TROGDON

August 8, 2014

Mr. Charles Schreiber  
5201 Pleasant Ridge Drive  
Providence Forge, Virginia 23140

RE: SUP-01-2014, C.H. Schreiber Contracting Inc.

Dear Mr. Schreiber:

At the regular meeting of the Board of Supervisors held on Tuesday, July 22, 2014, the Board unanimously approved the request of C.H. Schreiber Contracting, Inc. for issuance of a Special Use Permit to mine aggregates and fill dirt materials from 50 acres of a 278 acre parcel (TM#16-29) owned by James & Linda Hanabass. This site area is located to the west of existing mining site off Courthouse Road (Rt. 155) and Rt. 610, on the north side of Rt. 610.

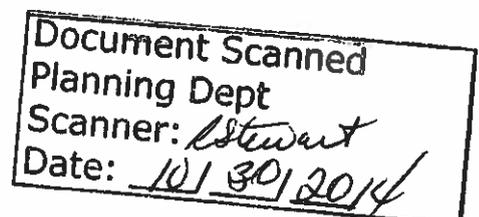
If you have any questions or concerns, please feel free to contact us.

Sincerely,

Zach Trogdon  
County Administrator

Exhibit 2

Enclosure





COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY

Document Scanned  
Planning Dept  
Scanner: *R Stewart*  
Date: *10/30/2014*

**Special Use Permit  
#SUP-01-2014**

The Charles City County Board of Supervisors hereby issues a Special Use Permit to C.H. Schreiber Contracting, Inc. to mine aggregates and fill dirt materials from 50 acres of a 278 acre parcel (TM#16-29) owned by James & Linda Hanabass. This site area is located to the west of existing mining site off Courthouse Road (Rt. 155) and Rt. 610, on the north side of Rt. 610.

This permit is issued subject to the following conditions:

- 1) This special use permit shall be issued to C.H. Schreiber Contracting Inc. to mine aggregates and fill dirt materials from 50 acres of Tax Map Parcel #16-29, owned by James & Linda Hanabass.
- 2) Abide by all Federal, State and Local laws and regulations. Where there is a variance or difference between State, Federal and Local laws, ordinances, regulations or any conditions required by this permit, the most stringent will control.
- 3) Compliance with the general and specific descriptions of the Operations/Drainage/Reclamation Plans, Proposed Mining Operations, C.H. Schreiber Contracting Inc., dated January 2014.
- 4) The hours of operation for mining, loading or transporting of materials will be Monday-Friday from 7:00 A.M. to 5:00 P.M., Saturday from 7:00 A.M. to Noon. Hours of operation will exclude Sundays and national holidays (Ex. New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving & Christmas).
- 5) Noise levels at adjoining property lines shall not exceed 65 decibels. Non-compliance will occur if there is more than thirty (30) consecutive minutes of noise above 65 decibels or any occurrence above 80 decibels.
- 6) There shall be no processing, structures, or maintenance on site (Parcel #16-29).
- 7) This permit shall be for five (5) years and will automatically renew every five (5) years provided there have been no unresolved violations at the time of renewal. Should there be unresolved violations renewal will require a joint public hearing, and recommendation of the Planning Commission and approval by the Board of Supervisors. The Zoning Administrator shall have the authority to determine if there are any unresolved violations.
- 8) All buffers and berms will be maintained in accordance with the Virginia Department of Mines, Minerals and Energy guidelines. Additional plantings with evergreen and other

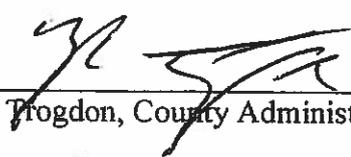
required vegetation to further improve the site preservation, noise reduction, and visual screening shall be required by the Zoning Administrator should the permittee fail to meet the required standard. The Zoning Administrator will use guidance received from the Department of Conservation and Recreation (VA DCR) and other like agencies in determining needed berm and buffer improvements to meet the necessary standard.

- 9) All mining traffic shall use the proposed and existing haul road through Parcels #16-29 and #17-1 onto Courthouse Road (Rt. 155). No trucks to enter onto Green Oak Road (Rt. 610).
- 10) While conducting site preparation and mining operations, should the operators encounter previously unidentified archaeological or other cultural resources, the operator shall immediately stop and notify the County and the Virginia Department of Historic Resources (DHR).
- 11) Dust from unpaved roads will be controlled with appropriate measures.
- 12) The private access road's entrance onto Courthouse Road (Rt. 155) shall be swept as needed to ensure that it is free of spillage material and/or mud from the site. All trucks shall be free of all spillage material and/or mud on exterior of truck before exiting onto Courthouse Road.
- 13) If it is determined that the mining operation has adversely impacted a property owner's ground water supply, the water supply will be replaced at the company's expense.
- 14) Reclamation shall be per Department of Mines, Minerals & Energy and Operations/Drainage/Reclamation Plans, dated January 2014.

Issued the 22<sup>nd</sup> day of July, 2014.

**CHARLES CITY COUNTY**

By: \_\_\_\_\_

  
Zach Frogdon, County Administrator

Document Scanned  
Planning Dept

Scanner: *Stewart*  
Date: *10/30/2014*



# COMMONWEALTH of VIRGINIA

IN COOPERATION WITH THE  
STATE DEPARTMENT OF HEALTH

## CHICKAHOMINY HEALTH DISTRICT

12312 WASHINGTON HIGHWAY  
ASHLAND, VIRGINIA 23005-7646  
PHONE: (804) 365-4313  
FAX: (804) 365-4355

CHARLES CITY HEALTH DEPARTMENT  
GODFREYLAND HEALTH DEPARTMENT  
HAMOVER HEALTH DEPARTMENT  
NEW KENT HEALTH DEPARTMENT

To: Gary Mitchell, AICP  
Charles City Planning Department

From: Eric Smither, OSE *EMS*  
EH Onsite Supervisor

Date: September 10, 2020

Re: Site Plan Review for Schreiber Mulch and Materials

Gary -

I have reviewed the site plan for Schreiber Mulch and Materials. This project does not appear to be increasing the number of staff nor encroaching onto the drainfield area. Therefore, the CCHD has no further comments.



Site Plan/Rezoning/SUP/Subdivision  
Review Form (Accompanies Cover Memo)

Date: 8-28-2020

Case # SUP-03-2020

Project Name: Schreiber Mulch & Materials

Applicant Name: Carter Evans

Owner Name: Charles Schreiber

Tax Map # 17-1

Location: Courthouse Road

# of Acres in  
Parcel: 372

# of Acres  
Requested: 50

Rezone to: \_\_\_\_\_ Existing Zoning: A-1

SUP Request: expansion of existing mining activities

Site Plan: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

Please Return Comments to the Planning Department by: September 18, 2020

Approved

Approved with comments/conditions

Disapproved

Comments/Conditions:

No comments

  
Signature

Public Works  
Department

9/2/2020  
Date



COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY  
P.O. BOX 128  
CHARLES CITY, VIRGINIA 23030

**BOARD OF SUPERVISORS**  
WILLIAM G. COADA, CHAIRMAN  
GILBERT A. SMITH, VICE-CHAIRMAN  
LEWIS E. BLACK, III, MEMBER

**COUNTY ADMINISTRATOR**  
MICHELLE JOHNSON

**ASST. CO. ADMINISTRATOR/DIRECTOR OF COMMUNITY DEVELOPMENT**  
RHONDA RUSSELL, AICP

**ASSISTANT PLANNING & ZONING ADMINISTRATOR**  
GARY D. MITCHELL, AICP

September 17, 2020

**AFFIDAVIT**

I hereby affirm that I, Gary Mitchell, Deputy Zoning Admin.  
FULL NAME JOB TITLE

for the County of Charles City, Virginia, did prepare and send notice via first class mail to all

adjoining property owners regarding application SUP 04-2020 as required by Va.  
APPLICATION NUMBER

Code Ann. § 15.2-2204(B) and the Zoning Ordinance of Charles City County, Virginia Section

30-2(2). Said notice was mailed on 9-14-2020 and conforms to all standards for  
DATE MAILED

notice under law.

[Signature]  
SIGNATURE

PAULETTE L. JONES  
NOTARY PUBLIC  
REG. #222654  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES DEC. 31, 2020

COMMONWEALTH OF VIRGINIA  
COUNTY OF CHARLES CITY  
The foregoing instrument was subscribed and  
sworn before me this 17<sup>th</sup> day of  
September, 2020 by  
Paulette L. Jones  
Notary Public

**C. H. SCHREIBER CONTRACTING INC**

**SCHREIBER MULCH & MATERIALS  
5001 COURTHOUSE ROAD  
PROVIDENCE FORGE VA 23140**

**SCHREIBERMATERIALS@GMAIL.COM**

**MAILING ADDRESS  
PO BOX 296  
PROVIDENCE FORGE VA 23140**

**OFFICE  
804-966-1251**

**September 10, 2020**

**To whom it may concern,**

**RE: SUP 04-2020 Special Use Permit**

**C.H. Schreiber Contracting Inc. would like to formally inform its adjoining neighbors of its intent to add 50 acres to their current mining permit with the Department of Mines and Minerals. In the addition of the acreage a new special use permit is being filed with Charles City County to be heard at the Planning Commission meeting 9/24/2020. The additional acreage will not change any pre existing regulations currently held with Department of Mines and Minerals. Operations will resume as they have for the last 6 years. All truck traffic will enter and exit the commercial entrance at 5001 Courthouse Rd Providence Forge, VA 23140.**

**If you have any questions or concerns please do not hesitate to contact Carter Evans at 804-966-1251.**

**Sincerely,  
Carter Evans  
Vice President**

Areas have been pre approved by DMME as additional acreage under current mining permit #90529AA

Hannabass  
16-29

Location of  
1000 ft perimeter



Rock check dam to piped  
discharge into adjoining pond

Enoch  
16-28

Schreiber  
17-1

Cherry Bottom LLC  
16-24

Robin L Schreiber  
Living Trust  
17-1B

Buffalo Ranch  
LLC 16-30

Testerman  
16-4-B-6

Hoffmeyer  
16-23



610

16-32

16-33

Leasact Ridge Dr

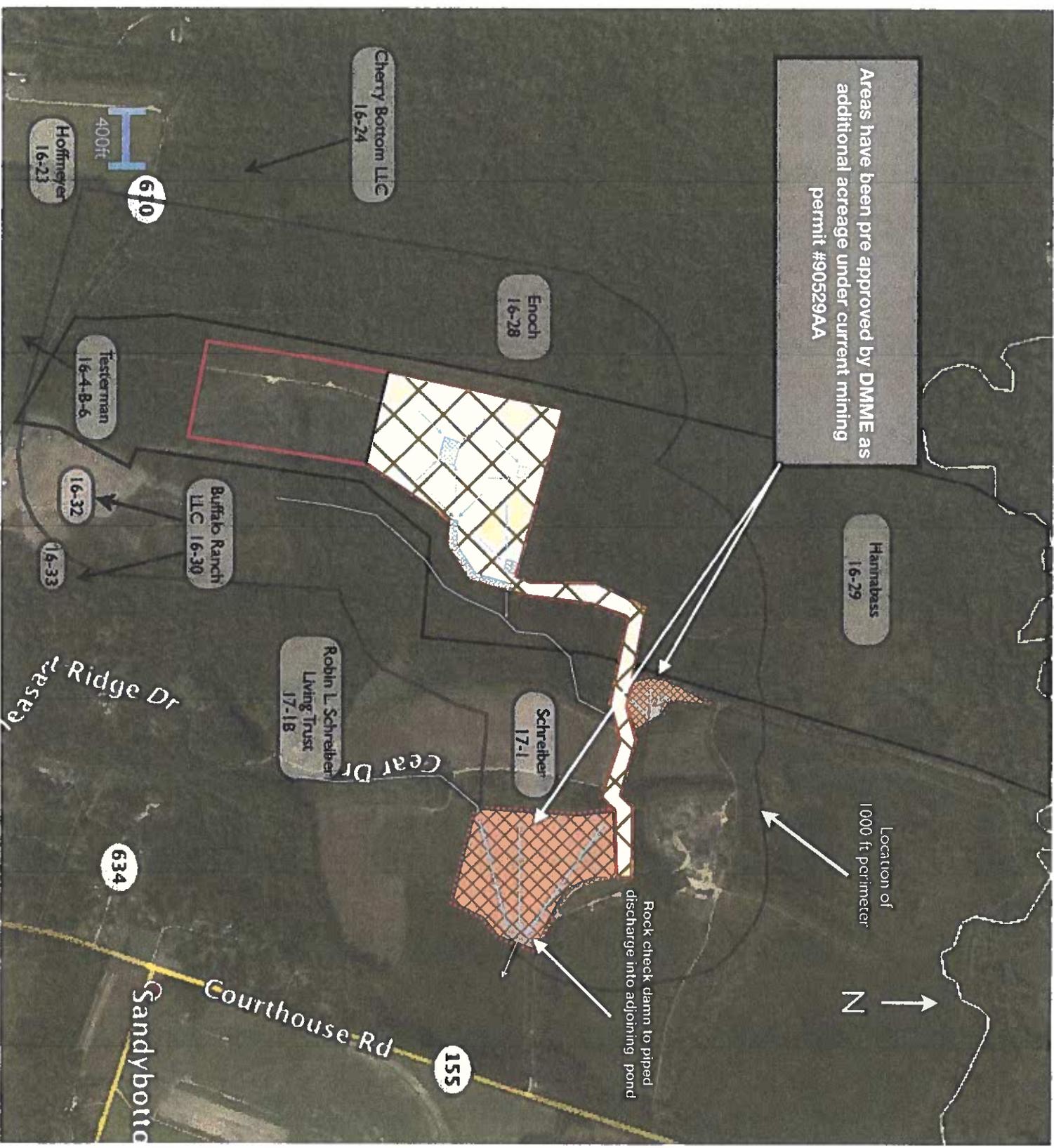
Gear Dr

634

Sandybottom

Courthouse Rd

155



# LAND DEVELOPMENT APPLICATION

Charles City County  
 Department of Community Development  
[www.co.charles-city.va.us](http://www.co.charles-city.va.us)



**Application for (please check one) a plat or site plan must accompany this application**

- |  |  |
|--|--|
| <input type="checkbox"/> Boundary Line Adjustment                | <input type="checkbox"/> Site Plan, Major              |
| <input type="checkbox"/> Lot Consolidation                       | <input type="checkbox"/> Site Plan, Minor              |
| <input type="checkbox"/> Subdivision, Minor (includes Family)    | <input checked="" type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Subdivision, Major                      | <input type="checkbox"/> Rezoning                      |
| <input type="checkbox"/> Preliminary                             | <input type="checkbox"/> Zoning Text Amendment         |
| <input type="checkbox"/> Final                                   | <input type="checkbox"/> Variance                      |
| <input type="checkbox"/> Subdivision, Large Lot                  | <input type="checkbox"/> Administrative Appeal         |
| <input type="checkbox"/> Subdivision, Commercial                 | <input type="checkbox"/> Administrative Variance       |
| <input type="checkbox"/> Preliminary                             | <input type="checkbox"/> Comprehensive Plan Amendment  |
| <input type="checkbox"/> Final                                   | <input type="checkbox"/> WQIA, Major/Minor             |
| <input type="checkbox"/> Bay Act Exception/Administrative Waiver | <input type="checkbox"/> Land Disturbance              |
| <input type="checkbox"/> Other: _____                            | <input type="checkbox"/> Zoning                        |

This application must be completed in its entirety. Please list *all* owners and applicants. Use additional sheets if needed.

**General Project Information:**

1. Project Title: C.H. Schreiber Contracting Inc
2. Property Location: Area west of Rt. 155 ; between Rt. 610 ; Court Line
3. Tax Map Number(s): # 17-1
4. Total Acreage: 372 Ac Total
5. Acreage to be Developed: \_\_\_\_\_
6. Acreage to be Disturbed: 50 Ac
7. Responsible Land Disturber: \_\_\_\_\_ RLD #: \_\_\_\_\_
8. Current Number of Lots: ~~\_\_\_\_\_~~
9. Proposed Number of Lots: ~~\_\_\_\_\_~~
10. Current Zoning: A1
11. Proposed Zoning: A1
12. Current Use(s): Commercial / Agricultural
13. Proposed Use(s): Mining (50 Ac) / Commercial / Agricultural

**LAND DEVELOPMENT APPLICATION- (Continued)**

**Contact Information:**

- 14. Property Owner: Charles Schreiber
- 15. Owner Address: 5201 Pleasant Ridge Dr. Provo Forge, VA 23140
- 16. Owner Telephone: (204) 966-1251 Email: schreibermaterials@gmail.com
- 17. Applicant: Same as above
- 18. Applicant Address: ↓
- 19. Applicant Telephone: ↓ Email: ↓
- 20. Representative: CARTER EVANS
- 21. Representative Address: 5600 Pleasant Ridge Dr. Provo Forge VA 23140
- 22. Representative Telephone: Same as Email: above
- 23. Correspondence to be sent to: Applicant  CDP  Owner
- 24. Preferred form of Contact: E-mail  US Mail

**Zoning Setback Information:**

- Front: \_\_\_\_\_ Feet
- Left Side: \_\_\_\_\_ Feet
- Right Side: \_\_\_\_\_ Feet
- Rear: \_\_\_\_\_ Feet
- From other structure(s): \_\_\_\_\_ Feet

Other Information/Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Owner Affidavit:**

I have read this application, understand its intent, and freely consent to its filing. The information provided is complete and accurate to the best of my knowledge and capabilities. I understand that the county may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission for county officials or other governmental officials on official business to enter the property to make such investigations and inspections as they deem necessary to process this application and to ensure all requirements, conditions, codes, and proffers are met and continue to be met in perpetually.

Owner's Signature

Date

7-15-2020

Owner's Signature

Date

Applicant/Agent's Signature

Date

7/15/2020

Applicant/Agent's Signature

Date

**For Office Use Only:**

Application Number:

SUP-04-2020

Submission Date:

\_\_\_\_\_

Completeness Date:

\_\_\_\_\_

Application Fee:

\$1,000.00

Date Paid:

\_\_\_\_\_

Taxes Paid?

Yes

No

Environmental Review:

Floodplain

Wetlands

Highly Erodible Soils

Resource Protection

Resource Management

Additional Review Req.:

WQIA

CBPA Board

Wetland Board

Outcome:

Approved

Conditionally Approved

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**ZTA 01-2020**

**ZTA 02-2020**

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PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT	
PROJECT NAME: N. Nero Funeral Home	PC Meeting Date: September 24, 2020
Case Number: ZTA 01-2020 & ZTA 02-2020	Applicant: N. Nero
<b>Project Status:</b> <input type="checkbox"/> Preliminary Sketch <input type="checkbox"/> Rezoning Application <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Special Use <input type="checkbox"/> Final Plat <input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Text Amendment <input type="checkbox"/> Vacation	Owner: N/A
	Location: N/A
	Voting District: N/A- Countywide
	Parcel Number:
	Total Site Area:
	Site Area Developed:
Existing Structures: N/A	CBPA: N/A
Flood Hazard: N/A	Additional Site Data: NA
Current Zoning: N/A	
Action Request: Approve	Staff: Russell      Date: 9-17-2020

**REQUESTS:**

**ZTA-01-2020-** Application by N. Nero to amend the Charles City County Zoning Ordinance to add a definition to Division One, General, Section 3-1, Definitions General of the Charles City County Zoning Ordinance for a Funeral Home/Crematorium.

**ZTA-02-2020-** Application by N. Nero to amend the Charles City County Zoning Ordinance to add Funeral Home/Crematorium as a permitted use to Division Two, District Regulations, Section 8-3, General Business District, Uses with Special Permit of the Charles City County Zoning Ordinance as a Special Use in the General Business (B-1) zoning district.

**BACKGROUND:**

The catalyst for the proposed Ordinance amendments is a proposal to purchase and use the former Charity's Funeral home for its historical use. The original structure was built in 1967 and continued in operation until it's closure more than twenty-four months ago. Because the use is no longer protected by the nonconforming provisions of the Ordinance, any new user must satisfy current Ordinance requirements. The Charles City County Zoning Ordinance does not have prescriptive regulations for the placement of funeral homes. Planning & Community Development staff proposes to include a definition for "Funeral Home" that include crematory services and itemize the "Funeral Home" as a permitted use with an approved Special Use Permit.

**SUMMARY OF AMENDMENT ZONING ORDINANCE**

The applicant requested that staff propose Ordinance language for funeral home establishments. The following table summarizes a survey of Ordinance definitions and regulations for the proposed used.

The applicant prefers the proposed language outlined in yellow below; however, staff opines that the definition is narrowly defined and would not facilitate the regulation of funeral home uses countywide. Staff recommends the language highlighted in green below.

LOCALITY	ZONING ORDINANCE DEFINITION
Caroline County	CREMATORY- a building or portion of a building containing a furnace used to reduce a human body to ash. (Adopted 11/24/09)
Caroline County	FUNERAL HOME A facility used for the preparation of the deceased for burial and for ceremonies before burial or cremation, and may include storage of caskets, funeral urns, and other related funeral supplies and the storage of funeral vehicles – Caroline County
	Funeral home - a facility for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. Such uses may include funeral chapels and crematoriums.
Amherst County	FUNERAL HOME - Establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals, includes mortuaries
Spotsylvania County	Crematory or crematorium means a facility containing a furnace for cremation of deceased human bodies.
Spotsylvania County	Funeral home means a facility primarily used for human funeral services. Such a building may contain facilities for (a) embalming and the performance of other services used in the preparation of deceased human bodies for burial, (b) the storage of caskets, funeral urns, and other related funeral supplies, (c) storage of funeral vehicles, and (e) cremation of deceased human bodies.
Washington	Funeral home - means a facility primarily used for human funeral services. Such a facility may contain space and equipment for embalming and the performance of other services used in the preparation of the human dead for burial; the performance of autopsies and other surgical procedures associated with preparing human bodies for burial; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles and facilities for cremation. The term shall include funeral parlor, funeral chapel, and crematorium
Wyoming	Crematorium - means a location containing a properly installed, certified apparatus intended for use in the act of cremation
California	Mortuary – an establishment providing services such as preparing the human dead for burial and arranging and managing funerals
Washington	Funeral Chapel – A building or portion thereof used for human funeral services. Such building may contain space and facilities for embalming and performance of other services used in preparation of the dead for burial
Goochland County	Funeral home. An establishment used for the preparation of the deceased for burial, the display of the deceased, and associated rituals

**RECOMMENDATION:**

Approval of the proposed amendments is recommended. Please see attached proposed prescriptive Ordinance language.

*Prescriptive proposed Ordinance language noted by underscored font*

## **SECTION 3 - DEFINITIONS**

### **3-1 GENERAL**

The definitions in this section are applicable to the land use ordinances of Charles City County except where specific ordinances contain definitions that differ from these, in which case the specific definition shall control.

**FUNERAL HOME** - means a facility primarily used for human funeral services. Such a building may contain facilities for: (a) embalming and the performance of other services used in the preparation of deceased human bodies for burial, (b) the storage of caskets, funeral urns, and other related funeral supplies, (c) storage of funeral vehicles, and (e) cremation of deceased human bodies.

## **SECTION 8 - GENERAL BUSINESS DISTRICT (B-1)**

### **8-1 STATEMENT OF INTENT**

The purpose of this district is to provide sufficient land in appropriate locations for a wide variety of retail, service and public activities, generally serving large portions of the County and the region. General commercial development is encouraged to locate in appropriate Development Centers, at or near the intersections of major roads or other locations convenient to large populations. The clustering of commercial development is to be encouraged as opposed to scattered or strip development. Permitted uses do not include large warehouses or other facilities that require constant, heavy trucking, as opposed to stocking and delivery of light retail goods, or facilities which generate nuisance factors such as dust, odor or noise. Commercial uses should be developed in a manner that is compatible with surrounding land uses and road capacities, properly screened and provided with appropriate internal circulation patterns. Through or cross-transit to other or different zones would be permitted.

### **8-3 USES WITH SPECIAL USE PERMIT**

#### **12.2 Funeral Home (Amended October 2020)**

# LAND DEVELOPMENT APPLICATION

Charles City County  
Department of Community Development  
[www.co.charles-city.va.us](http://www.co.charles-city.va.us)



## Application for (please check one) a plat or site plan must accompany this application

- |   |   |
|---|---|
| <input type="checkbox"/> Boundary Line Adjustment             | <input type="checkbox"/> Site Plan, Major                 |
| <input type="checkbox"/> Lot Consolidation                    | <input type="checkbox"/> Site Plan, Minor                 |
| <input type="checkbox"/> Subdivision, Minor (includes Family) | <input checked="" type="checkbox"/> Special Use Permit    |
| <input type="checkbox"/> Subdivision, Major                   | <input type="checkbox"/> Rezoning                         |
| <input type="checkbox"/> Preliminary                          | <input checked="" type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Final                                | <input type="checkbox"/> Variance                         |
| <input type="checkbox"/> Subdivision, Large Lot               | <input type="checkbox"/> Administrative Appeal            |
| <input type="checkbox"/> Subdivision, Commercial              | <input type="checkbox"/> Administrative Variance          |
| <input type="checkbox"/> Preliminary                          | <input type="checkbox"/> Comprehensive Plan Amendment     |
| <input type="checkbox"/> Final                                | <input type="checkbox"/> WQIA, Major/Minor                |
| <input type="checkbox"/> Bay Act Exception                    | <input type="checkbox"/> Land Disturbance                 |
| <input type="checkbox"/> Other: _____                         | <input type="checkbox"/> Zoning                           |

This application must be completed in its entirety. Please list all owners and applicants. Use additional sheets if needed.

### General Project Information:

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Project Title:              | <u>Charity Funeral Home</u>      |
| <input type="checkbox"/> Property Location:          | <u>540 John Tyler Hwy</u>        |
| <input type="checkbox"/> Tax Map Number(s):          | <u>50-39</u>                     |
| <input type="checkbox"/> Total Acreage:              | <u>1.4 +/-</u>                   |
| <input type="checkbox"/> Acreage to be Developed:    | <u>1.4 +/-</u>                   |
| <input type="checkbox"/> Acreage to be Disturbed:    | <u>NA</u>                        |
| <input type="checkbox"/> Responsible Land Disturber: | <u>NA</u> RLD #: <u>—</u>        |
| <input type="checkbox"/> Current Number of Lots:     | <u>2</u>                         |
| <input type="checkbox"/> Proposed Number of Lots:    | <u>2</u>                         |
| <input type="checkbox"/> Current Zoning:             | <u>B-1</u>                       |
| <input type="checkbox"/> Proposed Zoning:            | <u>B-1</u>                       |
| <input type="checkbox"/> Current Use(s):             | <u>Funeral Home + Asso. Bldg</u> |
| <input type="checkbox"/> Proposed Use(s):            | <u>same</u>                      |

January 2020

# LAND DEVELOPMENT APPLICATION- (Continued)

## Contact Information:

- Property Owner: Tim Edwards
- Owner Address: \_\_\_\_\_
- Owner Telephone: \_\_\_\_\_ Email: \_\_\_\_\_
- Applicant: \_\_\_\_\_
- Applicant Address: 111 ADAMS DRIVE Newport News VA 23061
- Applicant Telephone: (757) 532-9060 Email: NOELFINERO@AOL.COM
- Representative: none
- Representative Address: \_\_\_\_\_
- Representative Telephone: \_\_\_\_\_ Email: \_\_\_\_\_
- Correspondence to be sent to  Applicant  Certified Design Professional
- Preferred form of Contact  E-mail  US Mail

## Zoning Setback Information:

Front: \_\_\_\_\_ Feet  
Left Side: \_\_\_\_\_ Feet  
Right Side: \_\_\_\_\_ Feet  
Rear: \_\_\_\_\_ Feet  
From other structure(s): \_\_\_\_\_ Feet

Other Information/Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Owner Affidavit:**

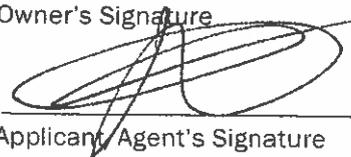
I have read this application, understand its intent, and freely consent to its filing. The information provided is complete and accurate to the best of my knowledge and capabilities. I understand that the county may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission for county officials or other governmental officials on official business to enter the property to make such investigations and inspections as they deem necessary to process this application and to ensure all requirements, conditions, codes, and proffers are met and continue to be met in perpetually.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

X \_\_\_\_\_  
Applicant/Agent's Signature

\_\_\_\_\_  
Date

8-28-2020

\_\_\_\_\_  
Applicant/Agent's Signature

\_\_\_\_\_  
Date

**For Office Use Only:**

Application Number: \_\_\_\_\_

Submission Date: \_\_\_\_\_

Completeness Date: \_\_\_\_\_

Application Fee: Taxes

Paid? \_\_\_\_\_

Date Paid: \_\_\_\_\_

Environmental Review:

Yes

No

Floodplain

Wetlands

Highly Erodible

Resource

Resource Management

Additional Review Req.:

WQIA

CBPA Board

Wetland Board

Outcome:

Approved

Conditionally Approved

January 2020

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT	
<b>PROJECT NAME:</b> N. Nero Funeral Home	<b>PC Meeting Date:</b> September 24, 2020
<b>Case Number:</b> ZTA 01-2020 & ZTA 02-2020	<b>Applicant:</b> N. Nero
<b>Project Status:</b> <input type="checkbox"/> Preliminary Sketch <input type="checkbox"/> Rezoning Application <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Special Use <input type="checkbox"/> Final Plat <input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Final Plat <input checked="" type="checkbox"/> Text Amendment <input type="checkbox"/> Vacation	<b>Owner:</b> N/A
	<b>Location:</b> N/A
	<b>Voting District:</b> N/A- Countywide
	<b>Parcel Number:</b>
	<b>Total Site Area:</b>
	<b>Site Area Developed:</b>
<b>Existing Structures:</b> N/A	<b>CBPA:</b> N/A
<b>Flood Hazard:</b> N/A	<b>Additional Site Data:</b> NA
<b>Current Zoning:</b> N/A	
<b>Action Request:</b> Approve	<b>Staff:</b> Russell
	<b>Date:</b> 9-17-2020

**REQUESTS:**

**ZTA-01-2020-** Application by N. Nero to amend the Charles City County Zoning Ordinance to add a definition to Division One, General, Section 3-1, Definitions General of the Charles City County Zoning Ordinance for a Funeral Home/Crematorium.

**ZTA-02-2020-** Application by N. Nero to amend the Charles City County Zoning Ordinance to add Funeral Home/Crematorium as a permitted use to Division Two, District Regulations, Section 8-3, General Business District, Uses with Special Permit of the Charles City County Zoning Ordinance as a Special Use in the General Business (B-1) zoning district.

**BACKGROUND:**

The catalyst for the proposed Ordinance amendments is a proposal to purchase and use the former Charity's Funeral home for its historical use. The original structure was built in 1967 and continued in operation until it's closure more than twenty-four months ago. Because the use is no longer protected by the nonconforming provisions of the Ordinance, any new user must satisfy current Ordinance requirements. The Charles City County Zoning Ordinance does not have prescriptive regulations for the placement of funeral homes. Planning & Community Development staff proposes to include a definition for "Funeral Home" that include crematory services and itemize the "Funeral Home" as a permitted use with an approved Special Use Permit.

**SUMMARY OF AMENDMENT ZONING ORDINANCE**

The applicant requested that staff propose Ordinance language for funeral home establishments. The following table summarizes a survey of Ordinance definitions and regulations for the proposed used.

The applicant prefers the proposed language outlined in yellow below; however, staff opines that the definition is narrowly defined and would not facilitate the regulation of funeral home uses countywide. Staff recommends the language highlighted in green below.

*Prescriptive proposed Ordinance language noted by underscored font*

### **SECTION 3 - DEFINITIONS**

#### **3-1 GENERAL**

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**FUNERAL HOME** - means a facility primarily used for human funeral services. Such a building may contain facilities for: (a) embalming and the performance of other services used in the preparation of deceased human bodies for burial, (b) the storage of caskets, funeral urns, and other related funeral supplies, (c) storage of funeral vehicles, and (e) cremation of deceased human bodies.

### **SECTION 8 - GENERAL BUSINESS DISTRICT (B-1)**

#### **8-1 STATEMENT OF INTENT**

The purpose of this district is to provide sufficient land in appropriate locations for a wide variety of retail, service and public activities, generally serving large portions of the County and the region. General commercial development is encouraged to locate in appropriate Development Centers, at or near the intersections of major roads or other locations convenient to large populations. The clustering of commercial development is to be encouraged as opposed to scattered or strip development. Permitted uses do not include large warehouses or other facilities that require constant, heavy trucking, as opposed to stocking and delivery of light retail goods, or facilities which generate nuisance factors such as dust, odor or noise. Commercial uses should be developed in a manner that is compatible with surrounding land uses and road capacities, properly screened and provided with appropriate internal circulation patterns. Through or cross-transit to other or different zones would be permitted.

#### **8-3 USES WITH SPECIAL USE PERMIT**

##### **12.2 Funeral Home (Amended October 2020)**

# LAND DEVELOPMENT APPLICATION

Charles City County  
Department of Community Development  
[www.co.charles-city.va.us](http://www.co.charles-city.va.us)



## Application for (please check one) a plat or site plan must accompany this application

- |   |   |
|---|---|
| <input type="checkbox"/> Boundary Line Adjustment             | <input type="checkbox"/> Site Plan, Major                 |
| <input type="checkbox"/> Lot Consolidation                    | <input type="checkbox"/> Site Plan, Minor                 |
| <input type="checkbox"/> Subdivision, Minor (includes Family) | <input checked="" type="checkbox"/> Special Use Permit    |
| <input type="checkbox"/> Subdivision, Major                   | <input type="checkbox"/> Rezoning                         |
| <input type="checkbox"/> Preliminary                          | <input checked="" type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Final                                | <input type="checkbox"/> Variance                         |
| <input type="checkbox"/> Subdivision, Large Lot               | <input type="checkbox"/> Administrative Appeal            |
| <input type="checkbox"/> Subdivision, Commercial              | <input type="checkbox"/> Administrative Variance          |
| <input type="checkbox"/> Preliminary                          | <input type="checkbox"/> Comprehensive Plan Amendment     |
| <input type="checkbox"/> Final                                | <input type="checkbox"/> WQIA, Major/Minor                |
| <input type="checkbox"/> Bay Act Exception                    | <input type="checkbox"/> Land Disturbance                 |
| <input type="checkbox"/> Other: _____                         | <input type="checkbox"/> Zoning                           |

**This application must be completed in its entirety. Please list all owners and applicants. Use additional sheets if needed.**

### General Project Information:

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Project Title:              | <u>Charity Funeral Home</u>      |
| <input type="checkbox"/> Property Location:          | <u>5140 John Tyler Hwy</u>       |
| <input type="checkbox"/> Tax Map Number(s):          | <u>50-39,</u>                    |
| <input type="checkbox"/> Total Acreage:              | <u>1.4 +/-</u>                   |
| <input type="checkbox"/> Acreage to be Developed:    | <u>1.4 +/-</u>                   |
| <input type="checkbox"/> Acreage to be Disturbed:    | <u>NA</u>                        |
| <input type="checkbox"/> Responsible Land Disturber: | <u>NA</u> RLD #: <u>    </u>     |
| <input type="checkbox"/> Current Number of Lots:     | <u>2</u>                         |
| <input type="checkbox"/> Proposed Number of Lots:    | <u>2</u>                         |
| <input type="checkbox"/> Current Zoning:             | <u>B-1</u>                       |
| <input type="checkbox"/> Proposed Zoning:            | <u>B-1</u>                       |
| <input type="checkbox"/> Current Use(s):             | <u>Funeral Home + Asso. Bld.</u> |
| <input type="checkbox"/> Proposed Use(s):            | <u>Same</u>                      |

January 2020

# LAND DEVELOPMENT APPLICATION- (Continued)

## Contact Information:

- Property Owner: Tim Edwards
- Owner Address: \_\_\_\_\_
- Owner Telephone: \_\_\_\_\_ Email: \_\_\_\_\_
- Applicant: \_\_\_\_\_
- Applicant Address: 111 ADAMS DRIVE Newport News VA 23061
- Applicant Telephone: (757) 532-9060 Email: NOELFNERO@AOL.COM
- Representative: none
- Representative Address: \_\_\_\_\_
- Representative Telephone: \_\_\_\_\_ Email: \_\_\_\_\_
- Correspondence to be sent to  Applicant  Certified Design Professional
- Preferred form of Contact  E-mail  US Mail

## Zoning Setback Information:

Front: \_\_\_\_\_ Feet  
Left Side: \_\_\_\_\_ Feet  
Right Side: \_\_\_\_\_ Feet  
Rear: \_\_\_\_\_ Feet  
From other structure(s): \_\_\_\_\_ Feet

Other Information/Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Owner Affidavit:**

I have read this application, understand its intent, and freely consent to its filing. The information provided is complete and accurate to the best of my knowledge and capabilities. I understand that the county may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission for county officials or other governmental officials on official business to enter the property to make such investigations and inspections as they deem necessary to process this application and to ensure all requirements, conditions, codes, and proffers are met and continue to be met in perpetually.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

X 

\_\_\_\_\_  
Applicant/Agent's Signature

8-28-2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Agent's Signature

\_\_\_\_\_  
Date

**For Office Use Only:**

Application Number: \_\_\_\_\_

Submission Date: \_\_\_\_\_

Completeness Date: \_\_\_\_\_

Application Fee: Taxes \_\_\_\_\_

Paid? \_\_\_\_\_ Date Paid: \_\_\_\_\_

Environmental Review:

Yes

No

Floodplain

Wetlands

Highly Erodible

Resource

Resource Management

Additional Review Req.:

WQIA

CBPA Board

Wetland Board

Outcome:

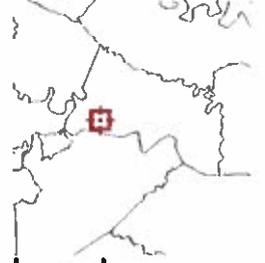
Approved

Conditionally Approved

# Noel Nero Funeral Home SUP-05-2020



## Overview



## Legend

- Parcels
- Lakes
- Rivers
- Roads

Note: All land areas shown above are zoned Agriculture (A-1) unless otherwise noted

**PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT**

<b>PROJECT NAME:</b> N. Nero Funeral Home	<b>PC Meeting Date:</b> September 24, 2020	
<b>Case Number:</b> SUP-05-2020	<b>Applicant:</b> N. Nero	
<b>Project Status:</b>  <input type="checkbox"/> Preliminary Sketch <input type="checkbox"/> Rezoning Application  <input type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Special Use  <input type="checkbox"/> Final Plat <input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Final Plat <input type="checkbox"/> Text Amendment  <input type="checkbox"/> Vacation	<b>Owner:</b> Timothy Edwards	
	<b>Location:</b> 5140 John Tyler Memorial Highway/SR 5	
	<b>Voting District:</b> District 1	
	<b>Parcel Number:</b> 50-38	
	<b>Total Site Area:</b> 1.4±	
	<b>Site Area Developed:</b>	
<b>Existing Structures:</b> Approximately 5,000 square foot existing nonresidential structure built in 1967 formerly used as a funeral home.	<b>CBPA:</b> NA	
<b>Flood Hazard:</b> NA	<b>Additional Site Data:</b> NA	
<b>Current Zoning:</b> B-1 General Business District		
<b>Action Request:</b> Approve		
	<b>Staff:</b> Russell	<b>Date:</b> 9-17-2020

**REQUEST:**

**SUP-05-2020** Application by N. Nero for a Special Use Permit to operate a funeral home and crematorium at 5140 John Tyler Memorial Highway as proposed by ZTA-01-2020 and ZTA 02-2020. The property is zoned General Business (B-1) and consists of 1.4± acres. The property fronts on the North side of John Tyler Memorial Highway (SR 5), begins 1,033'± West of the intersection of John Tyler Memorial Highway (SR 5) and Harrison Lake Road (SR 665), with 119'± of frontage along John Tyler Memorial Highway (SR 5), and average depth of 340'±. The property address is 5140 John Tyler Memorial Highway and the Tax Parcel Number is 50-38.

**INTRODUCTION**

The applicant is the contract owner for the subject property, formerly Charity's Funeral Home and proposes to continue the property's use for this purpose. Onsite improvements consist of a nonresidential building, approximately 5,000 square feet constructed in 1967 and remodeled in 1994. The Charles City County Zoning Ordinance does not itemize funeral homes or crematoriums as a permitted use in the B-1 General District, which suggest that the prior use of the property for this purpose predated the adoption of the Zoning Ordinance and therefore operated as a nonconforming use after adoption of the Ordinance. Because the property has not been actively used as a funeral home/crematorium for more than twenty-four consecutive months, the use is not grandfathered under the nonconforming use provisions of the Ordinance.

**Prior Actions / Case History/Adjacent Land Uses**

The Commission considered a Special Use Permit application last year to permit an Adult Care Facility at this property. The Board of Supervisors approved the Special Use Permit request, however, development of the property for this purpose failed to proceed and marketing of the property for an appropriate reuse continued. Existing onsite improvements were constructed in 1967, prior to the adoption of the Charles City County Zoning Ordinance. The property's use as a Funeral Home continued uninterrupted until it's closure. Adjacent uses are primarily residential.

## **ANALYSIS**

### **Zoning**

The Funeral Home industry is regulated by the Virginia Board of Funeral Directors and Embalmers. Licensing, Et. al operational requirements include stipulations for licensure, license renewal and reinstatement, embalming and refrigeration, material disposal, equipment maintenance, etc. Attached as an addendum are the Virginia regulations.

Two proposed Zoning Text amendments accompany the Special Use Permit request. They include a proposed definition for Funeral Home/Crematorium and a proposal to permit the use in the B-1, General Business District with an approved Special Use permit. If the Commission recommends approval of the proposed Zoning Text Amendments and the Amendments are subsequently approved by the Board, the Special Use Permit requests can be considered by both the Commission and Board on the same agenda.

### **INTERDEPARTMENTAL COMMENTS SUMMARY**

A request for interdepartmental comments received a response from the Department of Health that reported the facility is served by an approved well and septic system. Because the building is existing a site plan will likely not be required for permitting other than the commercial entrance and parking lot design. The Building Official will conduct a life/safety inspection to ensure basic life safety measures per Uniform Statewide Building Code (USBC) have been adequately addressed. These measures include items such as but not limited to a fire extinguisher, illuminated fire exit signs, and smoke alarms.

### **TRANSPORTATION**

The Institute of Transportation Engineers (ITE) 5<sup>th</sup> edition of *Trip Generation*, does not include trip generation data for funeral homes. However, an inquiry to traffic consultant contacts noted that most trips would occur during viewings and burial processions, which is assumed would not occur during peak traffic periods.

### **COMPREHENSIVE PLAN ANALYSIS:**

The Charles City County Comprehensive Plan existing land use map designates the subject property for Commercial land use. The Plan recognizes that the county's slowly growing commercial base is comprised of small businesses primarily dispersed throughout the county. Small clusters of commercial uses exist at road intersections and found at Adkins Store, Ruthville, the Courthouse, and the intersection of Sandy Point Road (Route 613) and John Tyler Memorial Highway (Route 5).

Typical commercial establishments found in the county are country stores, service stations, or a combination of country stores and service stations. Other types of commercial uses include automotive body repair shops, gift or antique stores, florists/greenhouses, and a bank. A small number of service-oriented businesses, such as beauty and barber shops and restaurants, are also found within the county. The Plan pays special attention the to Route 5 Corridor which is designated as a Scenic By-way by the Commonwealth. According to the Virginia Department of Transportation, the purpose of the By-way program is to identify outstanding road segments and to conserve them for the enjoyment of Virginians and out of state tourists.

The Route 5 corridor is important to county residents for several reasons. The tree lined corridor is a symbol of the quiet, undisturbed character of the county. In addition, Route 5 links together several historic sites, either directly or by access to other county roads.

The Plan recognizes that limited commercial development in the County, adversely impacts residents. First, residents purchase most goods and services outside the County, stripping the County of essential

tax revenues. Additionally, County residents lose potential employment opportunities offered by commercial development.

The Plan includes as a concern that the lack of a strong industrial and commercial Base to contribute to the local tax base, forces the County to rely on other sectors for revenues. This means that other types of development must either shoulder a larger than average portion of the tax bill or the county must go without some services. In response to these observations, the Plan includes goals that encourage appropriate commercial development. These goals include:

**GOAL:** Provide areas for commercial development that support and enhance existing uses that will lead to complete economic communities. For example, both residential and commercial, lead to greater availability of mixed cost housing.

**GOAL:** New development will be consistent with the scenic integrity and quality of life of existing communities and be size and location appropriate.

**COMPLIANCE WITH PLAN-** The proposed use of the property returns the property as an active commercial use consistent with how the property was historically used.

#### **COMMUNITY MEETING**

The applicant elected to forward a letter regarding his proposed reuse plans for the property in lieu of a community meeting, copy attached.

#### **CONCLUSION:**

Based on the above discussion and analysis staff believes this request complies with the County's Current Comprehensive Plan and provides a framework for future development in strengthening the County's economic development.

Recommendation: Approval with conditions as outlined below:

1. The applicant shall record the To-Witt (approval form) with the Charles City County Circuit Court Clerk's office within 30-days of receipt or prior to Certificate Occupancy issuance. Provide a copy of the recorded document to the Community Development Department with the Deed Book and Page number affixed;
2. All staff as well as the operator of the funeral home and crematorium shall have the proper licenses and endorsements from the State of Virginia as required by law prior to opening for operation(s);
3. The applicant shall comply with all health department requirements and shall not be issued a Certificate of Occupancy (CO) until the State Health Department has certified that such improvements have been accomplished.
4. The applicant shall comply with all VDOT requirements including the installation of a single commercial entrance for the funeral home and crematorium.
5. The applicant shall have a minor site plan to address entrance and parking areas prepared and submitted for review by the County. The site plan must be prepared by an engineer licensed by the Commonwealth of Virginia and receive County approval prior to obtaining a Certificate of Occupancy.
6. All site improvements shall be installed prior to the issuance of a Certificate of Occupancy or place a cash bond payable to Charles City County to cover costs of site improvements in the event of default by the applicant.
7. Trash cans/dumpsters shall be located to the rear of the existing parking lot and be screened with a board on board fence enclosure so as not to be visible from the public right-of-way;

8. The parking lot shall be a dustless surface via utilizing asphalt, concrete, or surface treatment (tar and chip) with all parking stalls identified and parking bumpers installed in accordance with industry standards;
9. The applicant shall have a certified design professional prepare the plan(s) for any modifications required by the USBC for the appropriate use group;
10. Zoning and building permits for the sign shall be obtained prior to opening the business;
11. Upon inspection/review of the plan by the Building Official, the applicant shall install any life/safety measures required by the Building Official;
12. The owner shall comply with all other applicable Federal, State, and Local laws and/or ordinances.

**APPLICANT'S ACKNOWLEDGEMENT:**

Three conditions are proposed for the Special Use Permit request. The applicant was forwarded an electronic copy of the staff evaluation for review prior to the September 24<sup>th</sup> Planning Commission meeting.

**PLANNING COMMISSION RECOMMENDATION**

**PLANNING COMMISSION PAPER**

**AT THE REGULAR MEETING HELD, THURSDAY, SEPTEMBER 24, 2020 AT THE CHARLES CITY GOVERNMENT CENTER**

Whereas the Charles City County Planning Commission finds that public necessity, convenience, and general welfare and good zoning practice would be served by the recommending approval/disapproval of Special Use Permit (SUP-05-2020) N. Nero.

~~SUP-05-2020~~ Application by N. Nero for a Special Use Permit to operate a funeral home and crematorium at 5140 John Tyler Memorial Highway as proposed by ZTA-01-2020 and ZTA 02-2020. The property is zoned General Business (B-1) and consists of 1.4+ acres. The property fronts on the North side of John Tyler Memorial Highway (SR 5), begins 1,033'+ West of the intersection of John Tyler Memorial Highway (SR 5) and Harrison Lake Road (SR 665), with 119'+ of frontage along John Tyler Memorial Highway (SR 5), and average depth of 340'+. The property address is 5140 John Tyler Memorial Highway and the Tax Parcel Number is 50-38.

And,

Now therefore be it resolved that the Charles City County Planning Commission hereby recommends approval of Special Use Permit (SUP-05-2020), as presented with conditions and forwards SUP-05-2020 N. Nero to the Board of Supervisors with a favorable/unfavorable recommendation in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

**MOVED BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

	AYE	NAY	ABSENT/ABSTAIN		AYE	NAY	ABESNT/ABSTAIN
Mr. Baber	___	___	___	Mr. Pittman	___	___	___
Mr. Bailey	___	___	___	Mr. Miles	___	___	___
Mr. Adams, Chairman	___	___	___	Mr. Black	___	___	___
Mr. Smith	___	___	___				

ADOPTED BY \_\_\_\_\_ TABLED FOR \_\_\_\_\_

---

**EXHIBITS**

## Noel F Nero

111 Adams Dr Newport News VA 23601

Email [Noelfnero@aol.com](mailto:Noelfnero@aol.com)

Phone # 757 532-9060.

Dear adjoining neighbor

Allow me to introduce myself I am Noel Nero of the above address.

Due to the current pandemic and to facilitate social distancing we are not holding in person community meetings.

Instead we are sending letters that would explain our plans for opening a business in your community

The purpose of this letter is to share with you who I am and what my plans are for the J Leroy Charity Funeral Home which has been a land mark in your community for many years.

AS the new owner of the J Leroy Charity Funeral Home I am going to reopen the facility

Continuing the legacy of Leroy J Charity Sr.

The following is my Education, Experience and plan for the Funeral Home.

Education.

AA.S Major in Funeral Service. John Tyler Community College. Chester County

V A –May 2005

B A Criminology and Sociology. St Leo University. FT Eustis Campus. Ft Eustis. V A- June 2001

Fountain National Academy Professional Embalming Skills Springfield. Missouri –September 2017

Embalming Skills September .2017

Advance Post Mortem Reconstructive Surgery September 2017

Advance 11 Post Mortem Reconstructive surgery September 2017

Licensure: Funeral Service provider. DHP. Commonwealth of Virginia: Current

Experience

Howard Funeral Home 8710 George Washington Memorial highway Gloucester. VA 23061

Oct 2009 –Present Post Mortem Reconstructive Surgery.

Soft tissue injury

---

Burns

Gunshot Wounds

Massive head and face trauma

Plan.

To make total death care affordable to members of the Charles City Community and its surrounding areas.

Regardless of their creed color race or economic status.

Giving each member and friend an opportunity to say their good byes in their own respective way.

To provide all service that a family cannot do or find difficult to do for themselves during this dark experience called death, with an emphasis on

1. Embalming.
2. Special preparation of the body and after care.
3. Post Mortem reconstructive Surgery.

Combining these three Principles we will make the un-acceptable acceptable and the un-viewable viewable.

Allowing everyone the home going celebration we all deserve and are entitled to.

This is my plan for your community.

This is my passion my calling it is what I am devoted to, this my neighbors is my livelihood

Thank you Noel Nero.

.....

# LAND DEVELOPMENT APPLICATION

Charles City County  
 Department of Community Development  
[www.co.charles-city.va.us](http://www.co.charles-city.va.us)



**Application for (please check one) a plat or site plan must accompany this application**

- |   |   |
|---|---|
| <input type="checkbox"/> Boundary Line Adjustment             | <input type="checkbox"/> Site Plan, Major                 |
| <input type="checkbox"/> Lot Consolidation                    | <input type="checkbox"/> Site Plan, Minor                 |
| <input type="checkbox"/> Subdivision, Minor (includes Family) | <input checked="" type="checkbox"/> Special Use Permit    |
| <input type="checkbox"/> Subdivision, Major                   | <input type="checkbox"/> Rezoning                         |
| <input type="checkbox"/> Preliminary                          | <input checked="" type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Final                                | <input type="checkbox"/> Variance                         |
| <input type="checkbox"/> Subdivision, Large Lot               | <input type="checkbox"/> Administrative Appeal            |
| <input type="checkbox"/> Subdivision, Commercial              | <input type="checkbox"/> Administrative Variance          |
| <input type="checkbox"/> Preliminary                          | <input type="checkbox"/> Comprehensive Plan Amendment     |
| <input type="checkbox"/> Final                                | <input type="checkbox"/> WQIA, Major/Minor                |
| <input type="checkbox"/> Bay Act Exception                    | <input type="checkbox"/> Land Disturbance                 |
| <input type="checkbox"/> Other: _____                         | <input type="checkbox"/> Zoning                           |

**This application must be completed in its entirety. Please list all owners and applicants. Use additional sheets if needed.**

**General Project Information:**

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Project Title:              | <u>Charity Funeral Home</u>      |
| <input type="checkbox"/> Property Location:          | <u>5140 John Tyler Hwy</u>       |
| <input type="checkbox"/> Tax Map Number(s):          | <u>50-39</u>                     |
| <input type="checkbox"/> Total Acreage:              | <u>1.4 +/-</u>                   |
| <input type="checkbox"/> Acreage to be Developed:    | <u>1.4 +/-</u>                   |
| <input type="checkbox"/> Acreage to be Disturbed:    | <u>NA</u>                        |
| <input type="checkbox"/> Responsible Land Disturber: | <u>NA</u> RLD #: <u>    </u>     |
| <input type="checkbox"/> Current Number of Lots:     | <u>2</u>                         |
| <input type="checkbox"/> Proposed Number of Lots:    | <u>2</u>                         |
| <input type="checkbox"/> Current Zoning:             | <u>B-1</u>                       |
| <input type="checkbox"/> Proposed Zoning:            | <u>B-1</u>                       |
| <input type="checkbox"/> Current Use(s):             | <u>Funeral Home + Asso. Bld.</u> |
| <input type="checkbox"/> Proposed Use(s):            | <u>same</u>                      |

# LAND DEVELOPMENT APPLICATION- (Continued)

## Contact Information:

- Property Owner: Tim Edwards
- Owner Address: \_\_\_\_\_
- Owner Telephone: \_\_\_\_\_ Email: \_\_\_\_\_
- Applicant: \_\_\_\_\_
- Applicant Address: 111 ADAMS DRIVE NEWPORT NEWS VA 23600
- Applicant Telephone: (757) 532-9060 Email: NOELFNERO@ADL.COM
- Representative: none
- Representative Address: \_\_\_\_\_
- Representative Telephone: \_\_\_\_\_ Email: \_\_\_\_\_
- Correspondence to be sent to  Applicant  Certified Design Professional
- Preferred form of Contact  E-mail  US Mail

## Zoning Setback Information:

Front: \_\_\_\_\_ Feet  
Left Side: \_\_\_\_\_ Feet  
Right Side: \_\_\_\_\_ Feet  
Rear: \_\_\_\_\_ Feet  
From other structure(s): \_\_\_\_\_ Feet

Other Information/Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Owner Affidavit:**

I have read this application, understand its intent, and freely consent to its filing. The information provided is complete and accurate to the best of my knowledge and capabilities. I understand that the county may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission for county officials or other governmental officials on official business to enter the property to make such investigations and inspections as they deem necessary to process this application and to ensure all requirements, conditions, codes, and proffers are met and continue to be met in perpetually.

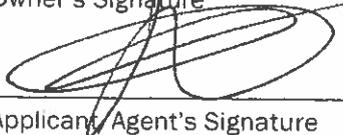
\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

X

  
Applicant/Agent's Signature

\_\_\_\_\_  
8-28-2020  
Date

\_\_\_\_\_  
Applicant/Agent's Signature

\_\_\_\_\_  
Date

**For Office Use Only:**

Application Number: \_\_\_\_\_

Submission Date: \_\_\_\_\_

Completeness Date: \_\_\_\_\_

Application Fee: Taxes \_\_\_\_\_

Paid? \_\_\_\_\_

Date Paid: \_\_\_\_\_

Environmental Review:

Yes

No

Floodplain

Wetlands

Highly Erodible

Resource

Resource Management

Additional Review Req.:

WQIA

CBPA Board

Wetland Board

Outcome:

Approved

Conditionally Approved

January 2020

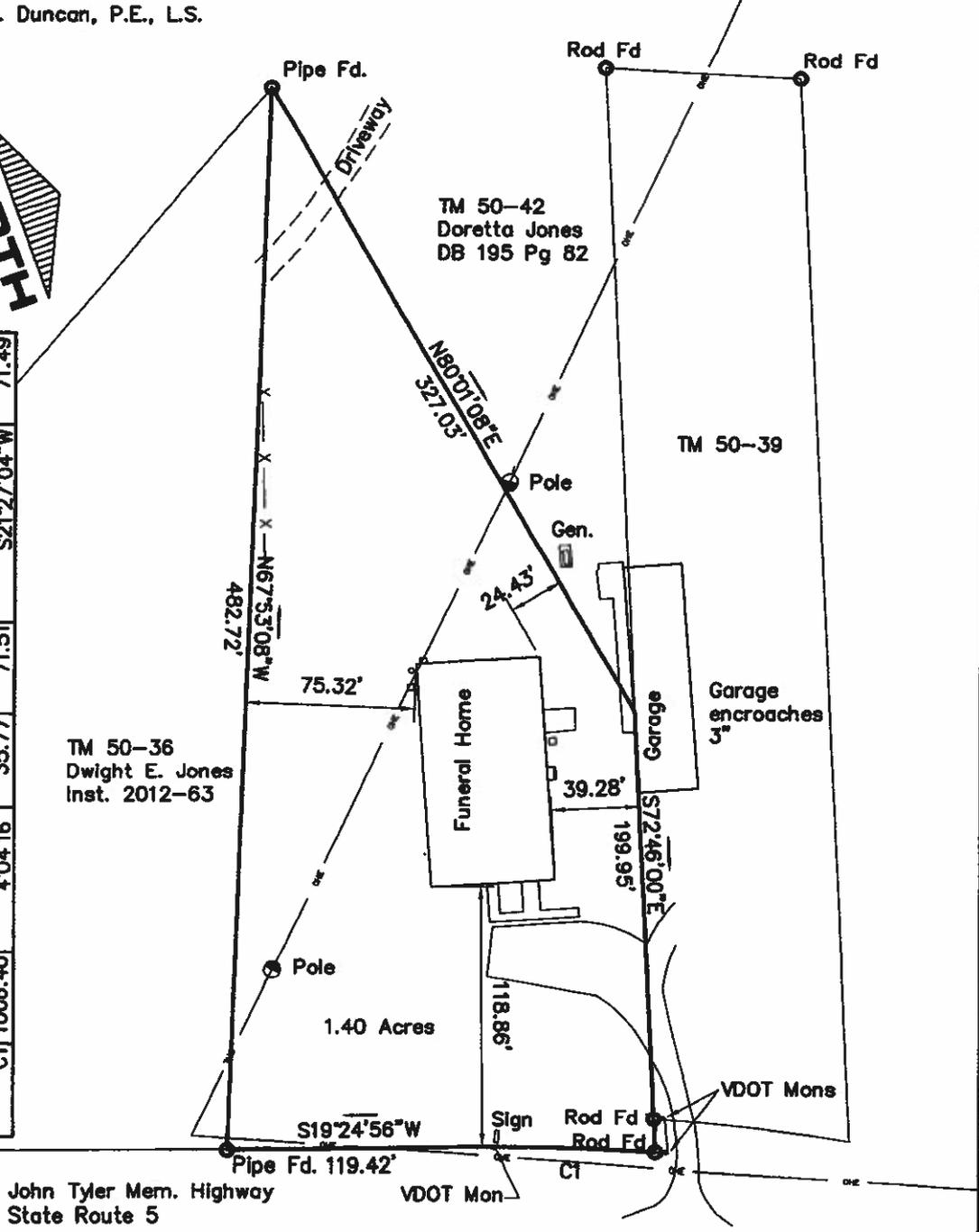
I hereby certify that an accurate survey of the property was made on April 6, 2018 and that any encroachments are noted hereon. This survey was made without benefit of a title report and there may be encumbrances present that are not shown.

*Carl E. Duncan*

Carl E. Duncan, P.E., L.S.



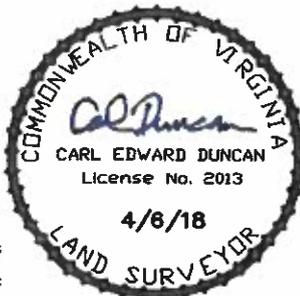
CURVE TABLE			
CURVE	RADIUS	DELTA	CHORD
1/3	1006.40	4°04'16"	521°27'04"W
		35.77	71.49
		1.51	
		482.72'	
		119.42'	



Plat Showing the  
Physical Improvements to  
TM 50-38  
5130 John Tyler Memorial Highway  
BB&T Bank

---

Harrison District  
Charles City County



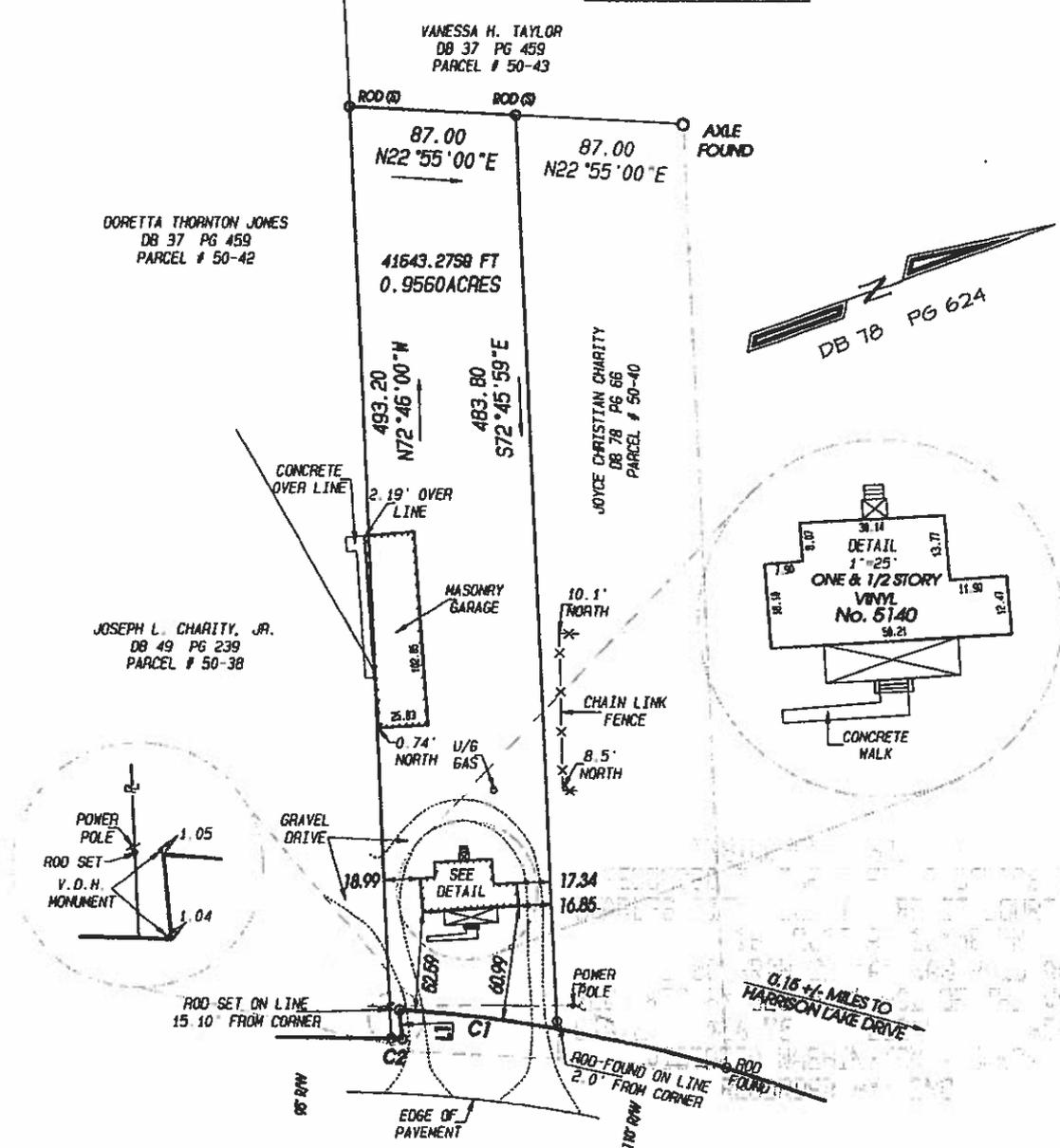
C. E. Duncan & Associates, Inc.  
2808 Rocky Oak Road  
POWHEATAN, VIRGINIA 23139  
(804) 598-8240 Fax (804) 598-9240  
DATE: 4/6/18 SCALE: 1"=60'  
DRAWN BY: CED JOB NO.: 18-0542

EXHIBIT A

NOTES: THIS PROPERTY IS LOCATED IN E.M.A. FLOOD ZONE "X".  
 SURVEY BASED ON PLATS OF RECORD AND MONUMENTATION FOUND  
 PLAT REFERENCES: DB 78 PG 624  
 DB 73 PG 889  
 CURRENT OWNER: JOSEPH L. JR & GLORIA B CHARITY  
 DB 37 PG 158

L. LINE	LENGTH	W. A.S.	DELTA	CHORD BEARING	CHORD
C1	82.90	771.20	6°09'31"	S26°47'58"W	82.86
C2	5.66	756.20	0°25'43"	N23°41'34"E	5.66

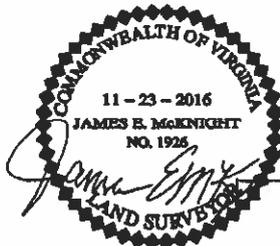
L. LINE	BEARING	DISTANCE
L1	S75°36'41"E	15.21



**JOHN TYLER MEMORIAL HIGHWAY**  
 (ROUTE 5)

**PLAT SHOWING IMPROVEMENTS ON  
 No. 5140 JOHN TYLER MEMORIAL HIGHWAY,  
 IN THE HARRISON DISTRICT OF  
 CHARLES CITY COUNTY, VIRGINIA.**

THIS IS TO CERTIFY THAT ON NOVEMBER 22, 2016, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.



**McKNIGHT & ASSOCIATES, P.C.**  
 LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE  
 RICHMOND, VIRGINIA 23235  
 TELEPHONE (804) 320-2646  
 JOB NUMBER: 94032640

SCALE: 1" = 60'

---

[Noelfnero@aol.com](mailto:Noelfnero@aol.com)

The funeral home located at 5130 John Tyler Memorial Highway will be reopened as a funeral home, using the name Charity funeral home continuing the legacy of Mr. Leroy J Charity Sr.

Leroy J Charity Jr will hold no managerial position in this new organization however we will be utilizing his expertise as to the running of the generator and operation of the well on the property.

The house which is located at 5140 John Tyler Memorial Highway will be occupied as living quarters while conducting business at the funeral Home.

The land on which the house sits [5140] has two entrances one entrance will be used to gain access to the funeral home for conducting business.

Purpose of the Funeral Home and services it will provide.

TO make total death care affordable to members of the Charles city community and its surrounding areas

Regardless to their creed color race or economic status.

Giving each member and friend an opportunity to say their good byes in their own respective way.

To provide all services that a family cannot do or find difficult to do for themselves during this dark experience we call death with emphasis on

1. Embalming.
2. Post mortem reconstructive surgery.

Combining these two principles we will make the un-acceptable acceptable and the un-viewable viewable.

Allowing everyone the home going celebration we are all entitled to.

---

## Gary Mitchell

---

**From:** tim edwards <edwardswt1207@gmail.com>  
**Sent:** Thursday, September 3, 2020 10:40 AM  
**To:** Gary Mitchell  
**Subject:** Special use permit for 5130 John Tyler Memorial Hwy.

Dear Mr Mitchell,

As you are aware,I am under contract to sell the two parcels located at 5130 and 5140 John Tyler Memorial Highway to Noel F Nero. Mr. Nero wishes to apply for a Special Use Permit to re-Open Charity Funeral Home at 5130 John Tyler Memorial Highway. I fully support his effort and grant my permission for him to make application for this permit.

His desire is to close on the sale as quickly as possible. The attorney is conducting the necessary title searches and we plan on closing the sale within the month of September.

Mr. Nero has extensive experience in the funeral industry and shows tremendous energy and ambition towards making this enterprise an asset to Charles City County. He has been delightful to work with on this sale.

Please let me know if I can provide any further information.

Best regards,

*Tim Edwards*

*Associate Broker  
Virginia Capital Realty  
(804) 513-8694*

Charles City County Domain User's Disclaimer (co.charles-city.va.us) Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachment(s) is intended only for the use of the intended recipient and may be confidential and/or privileged. If any reader of this communication is not the intended recipient, unauthorized use, disclosure, or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return e-mail, and delete the original message and all copies from your system. Should you have questions please contact Wendy J. Payne at wpayne@co.charles-city.va.us Thank You



# COMMONWEALTH of VIRGINIA

IN COOPERATION WITH THE  
STATE DEPARTMENT OF HEALTH

## CHICKAHOMINY HEALTH DISTRICT

12312 WASHINGTON HIGHWAY  
ASHLAND, VIRGINIA 23005-7646  
PHONE: (804) 365-4313  
FAX: (804) 365-4355

CHARLES CITY HEALTH DEPARTMENT  
GOOCHLAND HEALTH DEPARTMENT  
HANOVER HEALTH DEPARTMENT  
NEW KENT HEALTH DEPARTMENT

To: Gary Mitchell, AICP  
Charles City Planning Department

From: Eric Smither, OSE *EMS*  
EH Onsite Supervisor

Date: September 10, 2020

Re: Site Plan Review for Funeral Home & Crematorium – Tax Map 50-39

Gary -

I have reviewed the site plan for the funeral home. This project is connected to an approved well and septic systems.



Site Plan/Rezoning/SUP/Subdivision  
Review Form (Accompanies Cover Memo)

Date: 8-28-2020

Case # SUP-01-2020

Project Name: Funeral Home & Crematorium

Applicant Name: Noel Nero

Owner Name: Tim Edwards

Tax Map # 50-39

Location: 5140 John Tyler Highway

# of Acres in Parcel: 1.5 acres

# of Acres Requested: same

Rezone to: \_\_\_\_\_ Existing Zoning: B-1

SUP Request: operation of Funeral Home and Crematorium

Site Plan: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

Please Return Comments to the Planning Department by: September 18, 2020

Approved

Approved with comments/conditions

Disapproved

Comments/Conditions:

No comment.

[Signature]  
Signature

Public Works  
Department

9/2/2020  
Date



COMMONWEALTH OF VIRGINIA  
COUNTY of CHARLES CITY  
P.O. BOX 128  
CHARLES CITY, VIRGINIA 23030

**BOARD OF SUPERVISORS**  
WILLIAM G. COADA, CHAIRMAN  
GILBERT A. SMITH, VICE-CHAIRMAN  
LEWIS E. BLACK, III, MEMBER

**COUNTY ADMINISTRATOR**  
MICHELLE JOHNSON

**ASST. CO. ADMINISTRATOR/DIRECTOR OF COMMUNITY DEVELOPMENT**  
RHONDA RUSSELL, AICP

**ASSISTANT PLANNING & ZONING ADMINISTRATOR**  
GARY D. MITCHELL, AICP

September 17, 2020

**AFFIDAVIT**

I hereby affirm that I, Gary D. Mitchell, Deputy Zoning Admin.  
FULL NAME JOB TITLE

for the County of Charles City, Virginia, did prepare and send notice via first class mail to all

adjoining property owners regarding application SUP-05-2020 as required by Va.  
APPLICATION NUMBER

Code Ann. § 15.2-2204(B) and the Zoning Ordinance of Charles City County, Virginia Section

30-2(2). Said notice was mailed on 9-11-2020 and conforms to all standards for  
DATE MAILED

notice under law.

[Signature]  
SIGNATURE

PAULETTE L. JONES  
NOTARY PUBLIC  
REG. #222654  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES DEC. 31, 2020

COMMONWEALTH OF VIRGINIA  
COUNTY OF CHARLES CITY  
The foregoing instrument was subscribed and  
sworn before me this 17<sup>th</sup> day of  
September, 2020 by  
Paulette L. Jones  
Notary Public

Property Identification Run Dt: 6/12/2020 Owner Name/Address  
 MAP #: 50 38 EDWARDS, WALTER TIMOTHY  
 ACCT #: 000002029-001 4306 SPRINGHILL AVE  
 Address: 005130 JOHN TYLER MEMORIAL HWY RICHMOND, VA 23225  
 City/St: CHARLES CITY, VA 23030

Legal Description: 001 of 02  
 PART OF LITTLE BERKLEY  
 DB49-239, 65-570 IN#17-829  
 DB210-11 PB4-6 WB24-169  
 IN#17-829  
 Inst#: 2018 0000888

Occupancy: COMMERCIAL  
 Dwl Type: FUNERAL HM  
 Use/Class: /COMMERCIAL & INDUSTRIAL  
 Year Assd: 2018  
 Zoning: AGRICULTURAL  
 Dist: 01 HARRISON  
 Improvement Description: On Site Date: (PB) 1/24/2018  
 Review Date: ( )

Year Built: 1967  
 Year Rmld: 1994  
 Year Eff: 1994  
 Condition: 1994  
 Exterior: Interior  
 EXTR-ALUM VINYL WALL-DRYWALL  
 EXTR-CINDER BLK  
 FNDT-CONCRETE BLK  
 FNDT-SLAB  
 FUEL-ELECTRIC  
 RWMT-COMP SHINGLE  
 RPTV-GABLE  
 STRP-PAVED  
 TOP-LEVEL  
 UTIL-ELECTRIC  
 UTIL-SEPTIC SYSTEM  
 UTIL-WELL

Site  
 STRP-PAVED  
 TOP-LEVEL  
 UTIL-ELECTRIC  
 UTIL-SEPTIC SYSTEM  
 UTIL-WELL

Item Size Rate Value  
 AIR COND 5345 2.50 13362  
 HEAT CENTR 5345  
 Replacement Cost New 13400  
 Phys Depr. % (.280 ) 3752  
 Total Bldg. Value 9600

Commercial Valuation  
 Cls Grad YEFF Description Str/# Size Rate Pct Value  
 054M D 1975 MORTUARY 1.0 3300 80.26 .40 119186  
 054M D 1994 MORTUARY 1.0 945 80.26 .15 48351  
 084M D 1975 STORAGE ROOM 1.0 210 12.56 .40 1186  
 054 MORTUARY 1.0 1100 80.26 .10 79457  
 062 PORCH 1.0 24 30.32 .10 654  
 Total Market Value 248834 A

Land Valuation  
 M Cls Desc G Size Dpth Rate FV/Pct Value C  
 A 71 COMMERCIAL G 1.00 39000.00 39000 D  
 A 91 WELLSERPTI G 1.00 4800.00 4800 E  
 A 11 RES-PAVED G .39 4000.00 1560  
 Total Land Value 45400

Comments: Land  
 Cur. Value 45400 Prev. Value 45400 %Chg.  
 2020 Charlottesville Home qPublic.net Printed Tuesday, June 16, 2020

UNLAWFULLY USUALLY STUPIDLY APPRAISED STUPIDLY REVULSIVE VALUE  
 The Charleston County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the working taxroll and is subject to change

Improvements	258400	258400	%
Total	303800	303800	
Average Price Per Acre	29180		
Sale Date/Amount	11/16/2018	79000	

FUNERAL HOME 20X55 ADDITION 1994 & NEW ROOF

Total Property Value 303800

*Commonwealth of Virginia*



**REGULATIONS  
OF THE  
VIRGINIA BOARD OF  
FUNERAL DIRECTORS AND EMBALMERS**

**Title of Regulations: 18 VAC 65-20-10 et seq.**

**Statutory Authority: § 54.1-2400 and Chapter 28  
of Title 54.1 of the *Code of Virginia***

**Revised Date: February 21, 2019**

9960 Mayland Drive, Suite 300  
Henrico, VA 23233-1463

(804) 367-4479 (TEL)  
(804) 939-5973 (FAX)  
email: fanbd@dhp.virginia.gov

## TABLE OF CONTENTS

Part I. General Provisions.....	4
18VAC65-20-10. Definitions.....	4
18VAC65-20-15. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.....	4
18VAC65-20-20 to 18VAC65-20-40. [Repealed].....	5
18VAC65-20-50. Posting of license.....	5
18VAC65-20-60. Accuracy of information.....	5
18VAC65-20-70. Required fees.....	6
18VAC65-20-80 to 18VAC65-20-100. [Repealed].....	8
18VAC65-20-110. Additional fee information.....	8
Part II. Renewals and Reinstatement.....	8
18VAC65-20-120. Expiration dates.....	8
18VAC65-20-130. Renewal of license; registration.....	8
18VAC65-20-140. Reinstatement of expired license or registration.....	8
18VAC65-20-150. [Repealed].....	9
18VAC65-20-151. Continued competency requirements for renewal of an active license.....	9
18VAC65-20-152. Continuing education providers.....	10
18VAC65-20-153. Documenting compliance with continuing education requirements.....	11
18VAC65-20-154. Inactive license.....	11
Part III. Requirements for Licensure.....	12
18VAC65-20-160. [Repealed].....	12
18VAC65-20-170. Requirements for an establishment license.....	12
18VAC65-20-171. Responsibilities of the manager of record.....	12
18VAC65-20-180 to 18VAC65-20-230. [Repealed].....	13
18VAC65-20-235. Approval of educational programs.....	13
18VAC65-20-236. Requirements for Students Assisting with Embalming.....	13
18VAC65-20-240. Requirements for funeral service licensure by examination.....	13
18VAC65-20-250 to 18VAC65-20-340. [Repealed].....	14
18VAC65-20-350. Requirements for licensure by reciprocity or endorsement.....	14
18VAC65-20-360 to 18VAC65-20-390. [Repealed].....	14
Part IV. Registration.....	14
18VAC65-20-400. Registration of surface transportation and removal services.....	14
18VAC65-20-420. Misrepresentation.....	15
18VAC65-20-430. [Repealed].....	15
18VAC65-20-435. Registration of crematories.....	15
18VAC65-20-436. Standards for registered crematories or funeral establishments relating to cremation.....	16
Part V. Issuance of Courtesy Cards.....	17
18VAC65-20-440. Courtesy cards.....	17
18VAC65-20-450 to 18VAC65-20-490. [Repealed].....	18
Part VI. Refusal, Suspension, Revocation, and Disciplinary Action.....	18
18VAC65-20-500. Disciplinary action.....	18
Part VII. Standards for Embalming and Refrigeration.....	19
18VAC65-20-510. Embalming report.....	19
18VAC65-20-520. [Repealed].....	20
18VAC65-20-530. [Repealed].....	20
18VAC65-20-540. Preparation room requirements.....	20

---

18VAC65-20-550 to 18VAC65-20-560. [Repealed].....	20
18VAC65-20-570. Condition of preparation room.....	20
18VAC65-20-580. Preparation room equipment.....	20
18VAC65-20-581. Refrigeration requirements.....	21
18VAC65-20-590. Disposal of waste materials.....	21
18VAC65-20-600 to 18VAC65-20-610. [Repealed].....	21
Part VIII. Pricing Standards and Forms.....	21
18VAC65-20-620. [Repealed].....	21
18VAC65-20-630. Disclosures.....	21
18VAC65-20-640 to 18VAC65-20-690. [Repealed].....	22
18VAC65-20-700. Retention of documents.....	22

## **Part I. General Provisions.**

### **18VAC65-20-10. Definitions.**

Words and terms used in this chapter shall have the definitions ascribed in §54.1-2800 of the Code of Virginia or in 16 CFR Part 453, Funeral Industry Practices, of the Federal Trade Commission, which is incorporated by reference in this chapter. In addition, the following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Branch" or "chapel" means a funeral service establishment that is affiliated with a licensed main establishment and that conforms with the requirements of §54.1-2811 of the Code of Virginia.

"Courtesy card" means the card issued by the board which grants limited and restricted funeral service privileges in the Commonwealth to out-of-state funeral service licensees, funeral directors, and embalmers.

"Cremation container" means a container in which human remains are transported to the crematory and placed in the retort for cremation.

"Cremation urn" means a wood, metal, stone, plastic, or composition container or a container of other material, which is designed for encasing cremated ashes.

"Cremation vault" or "cremation outer burial container" means any container that is designed for encasement of an inner container or urn containing cremated ashes. Also known as a cremation box.

"FTC" means the Federal Trade Commission.

"Manager of record" means a funeral service licensee or licensed funeral director who is responsible for the direct supervision and management of a funeral service establishment or branch facility.

### **18VAC65-20-15. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.**

#### **A. Decision to delegate.**

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

**B. Criteria for delegation.** Cases that may not be delegated to an agency subordinate, except with the concurrence of a committee of the board, are those that involve:

1. Intentional or negligent conduct that causes or is likely to cause injury;
2. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public;

3. Impairment with an inability to practice with skill and safety;
4. Inappropriate handling of dead human bodies;
5. Sexual misconduct;
6. Misappropriation of funds;
7. Aiding or abetting unauthorized practice; or
8. Felony conviction by an applicant.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.
2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.
3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.

**18VAC65-20-20 to 18VAC65-20-40. [Repealed]**

**18VAC65-20-50. Posting of license.**

- A. Each licensee shall post an original or photocopy of his license in a place conspicuous to consumers of funeral services in each establishment or branch where he is employed.
- B. The establishment license shall be posted in a place conspicuous to consumers of funeral services.

**18VAC65-20-60. Accuracy of information.**

- A. All changes in the address of record or the public address, if different from the address of record, or in the name of a licensee or registrant shall be furnished to the board within 30 days after the change occurs.
- B. Any change in ownership or manager of record for an establishment or crematory shall be reported to the board within 14 days of the change.
- C. A surface transportation and removal service shall notify the board within 30 days of any change in the name of the manager on record with the board.

D. All notices required by law and by this chapter to be mailed by the board to any registrant or licensee shall be validly given when mailed to the latest address of record on file with the board and shall not relieve the licensee, funeral service intern, establishment, crematory, or firm of obligation to comply.

**18VAC65-20-70. Required fees.**

A. The following fees shall apply for initial licensure or registration:

- |  |       |
|--|-------|
| 1. License to practice funeral service or as a funeral director or an embalmer | \$325 |
| 2. Funeral service establishment license                                       | \$600 |
| 3. Surface transportation and removal service registration                     | \$325 |
| 4. Courtesy card   | \$325 |
| 5. Crematory   | \$250 |
| 6. Waiver of full-time manager requirement                                     | \$150 |

B. The following fees shall apply for renewal of licensure or registration:

- |  |       |
|--|-------|
| 1. License to practice funeral service or as a funeral director or an embalmer | \$225 |
| 2. Funeral service establishment license                                       | \$400 |
| 3. Surface transportation and removal service registration                     | \$300 |
| 4. Courtesy card   | \$300 |
| 5. Crematory   | \$200 |
| 6. Waiver of full-time manager requirement                                     | \$100 |

C. The following fees shall apply for late renewal of licensure or registration up to one year following expiration:

- |  |       |
|--|-------|
| 1. License to practice funeral service or as a funeral director or an embalmer | \$75  |
| 2. Funeral service establishment license                                       | \$135 |
| 3. Surface transportation and removal service registration                     | \$100 |
| 4. Courtesy card   | \$100 |
| 5. Crematory   | \$75  |
| 6. Waiver of full-time manager requirement                                     | \$35  |

D. The following fees shall apply for reinstatement of licensure or registration:

1. License to practice funeral service or as a funeral director or an embalmer	\$400
2. Establishment license	\$635
3. Surface transportation and removal service registration	\$425
4. Courtesy card	\$425
5. Crematory	\$275
6. Reinstatement following suspension	\$1,000
7. Reinstatement following revocation	\$2,000

E. Other fees.

1. Change of manager or establishment name	\$100
2. Verification of license or registration to another state	\$50
3. Duplicate license, registration, or courtesy card	\$25
4. Duplicate wall certificates	\$60
5. Change of ownership	\$100
6. Nonroutine reinspection (i.e., structural change to preparation room, change of location or ownership)	\$400

F. Fees for approval of continuing education providers.

1. Application or renewal for continuing education provider	\$400
2. Late renewal of continuing education provider approval	\$100
3. Review of additional courses not included on initial or renewal application	\$300

G. For each renewal in the two years after January 14, 2015, the following shortfall reduction fee shall be assessed:

1. License to practice funeral service or as a funeral director or an embalmer	\$40
2. Funeral service establishment license	\$75
3. Surface transportation and removal service registration	\$60
4. Courtesy card	\$60
5. Crematory	\$40
6. Continuing education provider	\$75

**18VAC65-20-80 to 18VAC65-20-100. [Repealed]**

**18VAC65-20-110. Additional fee information.**

- A. There shall be a fee of \$35 for returned checks.
- B. Fees shall not be refunded once submitted.
- C. The fee for the Virginia State Board Examination shall be paid directly to the examination service contracted by the board for its administration.

**Part II. Renewals and Reinstatement.**

**18VAC65-20-120. Expiration dates.**

- A. A funeral service establishment license, crematory registration, or surface transportation and removal service registration shall expire on March 31 of each calendar year.
- B. The funeral service license, funeral director license, or embalmer license shall expire on March 31 of each calendar year.
- C. Courtesy cards expire on March 31 of each calendar year.

**18VAC65-20-130. Renewal of license; registration.**

- A. A person, establishment, crematory, courtesy card holder or surface transportation and removal service that desires to renew its license or registration for the next year shall, not later than the expiration date as provided in 18VAC65-20-120, submit the renewal form and applicable fee.
  - 1. In order to renew an active funeral service, director or embalmer license, a licensee shall be required to comply with continuing competency requirements set forth in 18VAC65-20-151.
  - 2. The board shall not renew a license for any licensee who fails to attest to compliance with continuing competency requirements on the renewal form.
- B. A person who or entity which desires to renew an expired license for up to one year following expiration shall comply with requirements of subsection A of this section and also submit the applicable fee for late renewal.
- C. A person who or entity which fails to renew a license, registration, or courtesy card by the expiration dates prescribed in 18VAC65-20-120 shall be deemed to have an invalid license, registration, or courtesy card and continued practice may subject the licensee to disciplinary action by the board.

**18VAC65-20-140. Reinstatement of expired license or registration.**

A. The board may consider reinstatement of an expired license or registration that has not been renewed within one year of expiration for up to three years following expiration. An application request for reinstatement shall be submitted to the board and shall include payment of the reinstatement fee prescribed in 18VAC65-20-70.

B. If the Virginia license of a funeral service provider, funeral director and embalmer is lapsed three years or less and the applicant is seeking reinstatement, he shall provide evidence of having completing the number of continuing competency hours required for the period in which the license has been lapsed.

C. When a license is not reinstated within three years of its expiration date, an applicant shall reapply for licensure and pass the state examination.

**18VAC65-20-150. [Repealed]**

**18VAC65-20-151. Continued competency requirements for renewal of an active license.**

A. Funeral service licensees, funeral directors or funeral embalmers shall be required to have completed a minimum of five hours per year of continuing education offered by a board-approved sponsor for licensure renewal in courses that emphasize the ethics, standards of practice, preneed contracts and funding, or federal or state laws and regulations governing the profession of funeral service.

1. One hour per year shall cover compliance with laws and regulations governing the profession, and at least one hour per year shall cover preneed funeral arrangements. The one-hour requirement on compliance with laws and regulations may be met once every two years by attendance at a meeting of the board or at a committee of the board or an informal conference or formal hearing.

2. One hour of the five hours required for annual renewal may be satisfied through delivery of professional services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for one hour of providing such volunteer services, as documented by the health department or free clinic. For the purposes of continuing education credit for volunteer service, an approved sponsor shall be a local health department or free clinic.

B. Courses must be directly related to the scope of practice of funeral service. Courses for which the principal purpose is to promote, sell or offer goods, products or services to funeral homes are not acceptable for the purpose of credit toward renewal.

C. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

D. The board may grant an exemption for all or part of the continuing education requirements for one renewal cycle due to circumstances determined by the board to be beyond the control of the licensee.

**18VAC65-20-152. Continuing education providers.**

A. Unless disqualified by action of the board, courses offered by the following providers are approved for continuing education credit:

1. Local, state or federal government agencies;
2. Regionally accredited colleges and universities; or
3. Board-recognized national, regional, state and local associations or organizations as follows:
  - a. National Funeral Directors Association and state chapters;
  - b. National Funeral Directors and Morticians Association and state chapters;
  - c. Association of Independent Funeral Homes of Virginia;
  - d. Cremation Association of North America;
  - e. American Board of Funeral Service Education;
  - f. International Conference of Funeral Service Examining Boards;
  - g. Virginia Morticians Association; and
  - h. Other similar associations or organizations as approved by action of the board.

B. Course providers not listed in subsection A of this section may apply for approval by the board as continuing education providers.

1. To be considered for board approval, a continuing education provider shall submit 60 days prior to offering a continuing education course:
  - a. Documentation of an instructional plan and course objectives for continuing education courses that meet the criteria set forth in 18VAC65-20-151 B;
  - b. A syllabus of the course or courses to be offered with the credentials of the course instructors, a description of each session, including number of continuing education hours; and
  - c. The continuing education provider fee set forth under 18VAC65-20-70.
2. Board approval of continuing education providers under this subsection shall expire on July 1 of each year and may be renewed upon resubmission of documentation on courses and instructors and the provider fee as required by the board.

3. Continued approval of a continuing education provider may be granted without submission of the provider fee if the provider submits a statement that courses and instructors offered for the coming year will not change from the previous year. If there will be additions or alterations to the continuing education offerings of a provider, resubmission of documentation and a provider fee is required.

C. Continuing education providers approved under subsection A or B of this section shall:

1. Maintain and provide to the board upon request documentation of the course titles and objectives and of licensee attendance and completion of courses for a period of two years;
2. Monitor attendance at classroom or similar educational experiences for compliance with law and regulations; and
3. Provide a certificate of completion for licensees who successfully complete a course.

**18VAC65-20-153. Documenting compliance with continuing education requirements.**

A. All licensees with active status are required to maintain original documentation for a period of two years after renewal.

B. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirement for that renewal period.

C. Upon request, a licensee shall provide documentation within 14 days as follows:

1. Official transcripts showing credit hours earned from an accredited institution; or
2. Certificates of completion from approved providers.

D. Compliance with continuing education requirements, including the subject and purpose of the courses as prescribed in 18VAC65-20-151 B, the maintenance of records and the relevance of the courses to the category of licensure is the responsibility of the licensee. The board may request additional information if such compliance is not clear from the transcripts or certificates.

E. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

**18VAC65-20-154. Inactive license.**

A. A funeral service licensee, funeral director, or embalmer who holds a current, unrestricted license in Virginia shall, upon a request for inactive status on the renewal application and submission of the required renewal fee of \$115, be issued an inactive license. The fee for late renewal up to one year following expiration of an inactive license shall be \$40.

1. An inactive licensee shall not be entitled to perform any act requiring a license to practice funeral service in Virginia.

2. The holder of an inactive license shall not be required to meet continuing education requirements, except as may be required for reactivation in subsection B of this section.

B. A funeral service licensee, funeral director or embalmer who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the year in which the license is being reactivated; and

2. Providing proof of completion of the number of continuing competency hours required for the period in which the license has been inactive, not to exceed three years.

### **Part III. Requirements for Licensure.**

#### **18VAC65-20-160. [Repealed]**

#### **18VAC65-20-170. Requirements for an establishment license.**

A. No person shall maintain, manage, or operate a funeral service establishment in the Commonwealth, unless such establishment holds a license issued by the board. The name of the funeral service licensee or licensed funeral director designated by the ownership to be manager of the establishment shall be included on the license.

B. Except as provided in §54.1-2810 of the Code of Virginia, every funeral service establishment and every branch or chapel of such establishment, regardless of how owned, shall have a separate manager of record who has responsibility for the establishment as prescribed in 18VAC65-20-171. The owner of the establishment shall not abridge the authority of the manager of record relating to compliance with the laws governing the practice of funeral services and regulations of the board.

C. At least 30 days prior to opening an establishment, an owner or licensed manager seeking an establishment license shall submit simultaneously a completed application, any additional documentation as may be required by the board to determine eligibility, and the applicable fee. An incomplete package will be returned to the licensee. A license shall not be issued until an inspection of the establishment has been completed and approved.

D. Within 30 days following a change of ownership, the owner or licensed manager request a reinspection of the establishment, submit an application for a new establishment license with documentation that identifies the new owner, and pay the licensure and reinspection fees as required by 18VAC65-20-70. Reinspection of the establishment may occur on a schedule determined by the board, but shall occur no later than one year from the date of the change.

E. The application for licensure of a branch or chapel shall specify the name of the main establishment.

#### **18VAC65-20-171. Responsibilities of the manager of record.**

A. Every funeral establishment shall have a manager of record who is employed full time by and in charge of the establishment.

B. The manager shall be fully accountable for the operation of the establishment as it pertains to the laws and regulations governing the practice of funeral services, to include but not be limited to:

1. Maintenance of the facility within standards established in this chapter;
2. Retention of reports and documents as prescribed by the board in 18VAC65-20-700 during the period in which he serves as manager of record; and
3. Reporting to the board of any changes in information as required by 18VAC65-20-60.

**18VAC65-20-180 to 18VAC65-20-230. [Repealed]**

**18VAC65-20-235. Approval of educational programs.**

All applicants for funeral service licensure are required to have graduated from a funeral service program offered by a school of mortuary science or funeral service accredited by the American Board of Funeral Service Education, Incorporated.

**18VAC65-20-236. Requirements for Students Assisting with Embalming.**

In accordance with § 54.1-2805 of the Code of Virginia, a student who is duly enrolled in a mortuary education program in the Commonwealth and who is not registered with the board as a funeral intern may assist in embalming in a funeral service establishment provided the following requirements are met:

1. The funeral establishment holds a current, unrestricted license issued by the board;
2. The funeral establishment and funeral service licensee or embalmer providing student supervision meet the accreditation standards of the American Board of Funeral Service Education and the Commission on Accreditation for off-campus embalming instruction;
3. Students shall receive instruction and shall observe embalming of a dead human body prior to assisting with an embalming in a funeral service establishment and shall assist with embalming in conjunction with an embalming laboratory course;
4. A funeral service licensee or embalmer may supervise up to three students under his immediate supervision, which shall mean the supervisor is physically and continuously present in the preparation room with the students to supervise each task to be performed;
5. A funeral service establishment shall include on the form granting permission to embalm information disclosing that the establishment is a training facility for mortuary education students and that a student may be assisting the licensee with embalming; and
6. The embalming report shall include the names of students assisting with an embalming and shall be signed by the supervisor.

**18VAC65-20-240. Requirements for funeral service licensure by examination.**

A. Application requirements.

1. Applicants shall submit school transcripts and national examination board scores as part of an application package, including the required fee and any additional documentation as may be required to determine eligibility.
2. An individual applying for the state examination shall submit the application package not less than 30 days prior to an examination date. The board may, for good cause shown by the applicant, waive the time for the filing of any application.

B. National examination requirements. Prior to applying for licensure by examination, every applicant shall pass the National Board Examination of the International Conference of Funeral Service Examining Boards.

C. State examination requirements. All applicants shall pass the Virginia State Board Examination.

**18VAC65-20-250 to 18VAC65-20-340. [Repealed]**

**18VAC65-20-350. Requirements for licensure by reciprocity or endorsement.**

A. Licenses for the practice of funeral service or its equivalent issued by other states, territories, or the District of Columbia may be recognized by the board and the holder of such license or licenses may be granted a license to practice funeral service within the Commonwealth. Licenses may be granted to applicants by the board on a case-by-case basis if the applicant holds a valid license for the practice of funeral service or its equivalent in another state, territory, or the District of Columbia and possesses credentials which are substantially similar to or more stringent than required by the Commonwealth for initial licensure at the time the applicant was initially licensed.

B. An applicant for licensure by reciprocity or endorsement shall pass the Virginia State Board Examination.

**18VAC65-20-360 to 18VAC65-20-390. [Repealed]**

**Part IV. Registration.**

**18VAC65-20-400. Registration of surface transportation and removal services.**

All persons applying to own or operate a surface transportation and removal service, according to requirements of §54.1-2819 of the Code of Virginia, shall submit an application package for registration which shall include:

1. A completed and signed application;
2. The fee prescribed in 18VAC65-20-70 A 3; and
3. Additional documentation as may be required by the board to determine eligibility of the applicant, including, but not limited to, evidence of training in compliance with standards of the Occupational Safety and Health Administration (OSHA) for universal precautions and blood-borne pathogens; and
4. The name of the manager for the service.

**18VAC65-20-410. [Repealed]**

**18VAC65-20-420. Misrepresentation.**

A person employed or operating a surface transportation and removal service shall not in any manner misrepresent himself to the public as being an official of any local jurisdiction, the Commonwealth, federal, or any other governmental body unless granted such authority. This shall include the name and title of the company or service, uniforms, equipment, vehicles, and any other instruments used or proffered by the services or its agents.

**18VAC65-20-430. [Repealed]**

**18VAC65-20-435. Registration of crematories.**

A. At least 30 days prior to opening a crematory, any person intending to own or operate a crematory shall apply for registration with the board by submitting a completed application and fee as prescribed in 18VAC65-20-70. The name of the individual designated by the ownership to be the crematory manager shall be included on the application. The owner of the crematory shall not abridge the authority of the crematory manager relating to compliance with the laws governing the practice of funeral services and regulations of the board.

B. Every crematory, regardless of how owned, shall have a manager who has (i) achieved certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board and (ii) received training in compliance with standards of the Occupational Health and Safety Administration (OSHA) for universal precautions and blood-borne pathogens.

C. The manager shall be fully accountable for the operation of the crematory as it pertains to the laws and regulations governing the practice of funeral services, to include but not be limited to:

1. Maintenance of the facility within standards established in this chapter;
2. Retention of reports and documents as prescribed by the board in 18VAC65-20-436 during the period in which he serves as crematory manager; and
3. Reporting to the board of any changes in information as required by 18VAC65-20-60.

D. All persons who operate the retort in a crematory shall have certification by the Cremation Association of North America (CANA); the International Cemetery, Cremation and Funeral Association (ICCFA); or other certification recognized by the board. Persons receiving training toward certification to operate a retort shall be allowed to work under the supervision of an operator who holds certification for a period not to exceed six months.

E. A crematory providing cremation services directly to the public shall also be licensed as a funeral service establishment or shall be a branch of a licensed establishment.

F. The board may take disciplinary action against a crematory registration for a violation of § 54.1-2818.1 of the Code of Virginia or for the inappropriate handling of dead human bodies or cremains.

**18VAC65-20-436. Standards for registered crematories or funeral establishments relating to cremation.**

**A. Authorization to cremate.**

1. A crematory shall require a cremation authorization form executed in person or electronically in a manner that provides a copy of an original signature in accordance with § 54.1-2818.1 of the Code of Virginia.
2. The cremation authorization form shall include an attestation of visual identification of the deceased from a viewing of the remains or a photograph signed by the person making the identification. Visual identification may be made by viewing unique identifiers or markings on the remains. The identification attestation shall either be given on the cremation authorization form or on an identification form attached to the cremation authorization form.
3. In the event visual identification is not feasible, a crematory may use other positive identification of the deceased in consultation with law enforcement, a medical examiner, or medical personnel as a prerequisite for cremation pursuant to § 54.1-2818.1 of the Code of Virginia.

**B. Standards for cremation. The following standards shall be required for every crematory:**

1. Every crematory shall provide evidence at the time of an inspection of a permit to operate issued by the Department of Environmental Quality (DEQ).
2. A crematory shall not knowingly cremate a body with a pacemaker, defibrillator or other potentially hazardous implant in place.
3. A crematory shall not cremate the human remains of more than one person simultaneously in the same chamber of the retort or cremation unit, unless the crematory has received specific written authorization to do so from the person signing the cremation authorization form.
4. A crematory shall not cremate nonhuman remains in a retort permitted by DEQ for cremation of human remains.
5. Whenever a crematory is unable to cremate the remains within 24 hours upon taking custody thereof, the crematory shall maintain the remains in refrigeration at approximately 40 degrees Fahrenheit or less, unless the remains have been embalmed.

**C. Handling of human remains.**

1. Human remains shall be transported to a crematory in a cremation container and shall not be removed from the container unless the crematory has been provided with written instructions to the contrary by the person who signed the authorization form. A cremation container shall substantially meet all the following standards:
  - a. Be composed of readily combustible materials suitable for cremation;
  - b. Be able to be closed in order to provide complete covering for the human remains;

- c. Be resistant to leakage or spillage; and
- d. Be rigid enough for handling with ease.

2. No crematory shall require that human remains be placed in a casket before cremation nor shall it require that the cremains be placed in a cremation urn, cremation vault or receptacle designed to permanently encase the cremains after cremation. Cremated remains shall be placed in a plastic bag inside a rigid container provided by the crematory or by the next-of-kin for return to the funeral establishment or to the next-of-kin. If cremated remains are placed in a biodegradable container, a biodegradable bag shall be used. If placed in a container designed for scattering, the cremated remains may be placed directly into the container if the next-of-kin so authorized in writing.

3. The identification of the decedent shall be physically attached to the remains and appropriate identification placed on the exterior of the cremation container. The crematory operator shall verify the identification on the remains with the identification attached to the cremation container and with the identification attached to the cremation authorization. The crematory operator shall also verify the identification of the cremains and place evidence of such verification in the cremation record.

D. Recordkeeping. A crematory shall maintain the records of cremation for a period of three years from the date of the cremation that indicate the name of the decedent, the date and time of the receipt of the body, and the date and time of the cremation and shall include:

- 1. The cremation authorization form signed by the person authorized by law to dispose of the remains and the form on which the next-of-kin or the person authorized by § 54.1-2818.1 to make the identification has made a visual identification of the deceased or evidence of positive identification, if visual identification is not feasible;
- 2. The permission form from the medical examiner;
- 3. The DEQ permit number of the retort used for the cremation and the name of the retort operator; and
- 4. The form verifying the release of the cremains, including date and time of release, the name of the person and the entity to whom the cremains were released and the name of the decedent.

## **Part V. Issuance of Courtesy Cards.**

### **18VAC65-20-440. Courtesy cards.**

A. An out-of-state person applying for a courtesy card pursuant to §54.1-2801 B of the Code of Virginia shall hold a valid license for funeral service, funeral directing, or embalming in another state, territory, or the District of Columbia.

B. An applicant for a courtesy card shall submit:

- 1. A completed application and prescribed fee; and

2. Verification of a current funeral service license in good standing from the applicant's licensing authority.

C. The holder of a Virginia courtesy card shall only engage in the practice for which he is currently licensed in another jurisdiction.

**18VAC65-20-450 to 18VAC65-20-490. [Repealed]**

## **Part VI. Refusal, Suspension, Revocation, and Disciplinary Action.**

### **18VAC65-20-500. Disciplinary action.**

In accordance with the provisions of §54.1-2806 of the Code of Virginia, the following practices are considered unprofessional conduct and may subject the licensee to disciplinary action by the board:

1. Breach of confidence. The unnecessary or unwarranted disclosure of confidences by the funeral licensee.

2. Unfair competition.

a. Interference by a funeral service licensee, funeral director, or registered surface transportation and removal service when another has been called to take charge of a dead human body and the caller or agent of the caller has the legal right to the body's disposition.

b. Consent by a funeral service licensee or funeral director to take charge of a body unless authorized by the person or his agent having the legal right to disposition.

3. False advertising.

a. No licensee or registrant shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, an advertisement of any sort regarding services or anything so offered to the public which contains any promise, assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

b. The following practices, both written and verbal, shall constitute false, deceptive, or misleading advertisement within the meaning of subdivision 4 of §54.1-2806 of the Code of Virginia:

(1) Advertising containing inaccurate statements; and

(2) Advertisement which gives a false impression as to ability, care, and cost of conducting a funeral, or that creates an impression of things not likely to be true.

c. The following practices are among those which shall constitute an untrue, deceptive, and misleading representation or statement of fact:

(1) Representing that funeral goods or services will delay the natural decomposition of human remains for a long term or indefinite time; and

(2) Representing that funeral goods have protective features or will protect the body from gravesite substances over or beyond that offered by the written warranty of the manufacturer.

4. Inappropriate handling and storage of dead human bodies, consistent with § 54.1-2811.1 of the Code of Virginia and regulations of the board. Transportation and removal vehicles shall be of such nature as to eliminate exposure of the deceased to the public during transportation. During the transporting of a human body, consideration shall be taken to avoid unnecessary delays or stops during travel.

5. Failure to furnish price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used in connection with the disposition of deceased human bodies.

6. Conducting the practice of funeral services in such a manner as to constitute a danger to the health, safety, and well-being of the staff or the public.

7. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.

8. Failure to register as a supervisor for a funeral service intern or failure to provide reports to the board as required by the Code of Virginia and 18VAC65-40-320.

9. Failure to comply with applicable federal and state laws and regulations, including requirements for continuing education.

## **Part VII. Standards for Embalming and Refrigeration.**

### **18VAC65-20-510. Embalming report.**

A. In accordance with the provisions of subdivision 26 of § 54.1-2806 and subsection B of § 54.1-2811.1 of the Code of Virginia, express permission by a next of kin for embalming means written authorization to embalm as a specific and separate statement on a document or contract provided by the funeral establishment. Express permission may include direct, verbal authorization to embalm, provided it is followed as soon as possible by a written document or statement signed by the next of kin confirming the verbal authorization to embalm and including the time, date, and name of the person who gave verbal authorization.

B. Every funeral establishment shall record and maintain a separate, identifiable report for each embalming procedure conducted, which shall at a minimum include the following information:

1. The name of the deceased and the date of death;
2. The date and location of the embalming;
3. The name and signature of the embalmer and the Virginia license number of the embalmer; and
4. If the embalming was performed by a funeral service intern, the name and signature of the supervisor.

**18VAC65-20-520. [Repealed]**

**18VAC65-20-530. [Repealed]**

**18VAC65-20-540. Preparation room requirements.**

A. Every funeral service establishment at which embalming of dead human bodies is performed shall have at least one room used exclusively for embalming or preparation of the body.

B. The following are required of the preparation room or rooms:

1. The walls shall extend floor to ceiling;
2. The floor and wall surfaces shall be of a material or covered by a material impervious to water; and
3. The material shall extend from wall to wall with all joints tight and sanitary.

C. All functions connected with embalming shall be performed within the preparation room.

**18VAC65-20-550 to 18VAC65-20-560. [Repealed]**

**18VAC65-20-570. Condition of preparation room.**

A. The preparation room or rooms shall be kept in a clean and sanitary condition at all times, subject to inspection.

B. Inventories of embalming and preparation materials shall be stored in a container and in a manner that makes them impervious to water and protects them from contamination.

C. Any items or supplies not directly used in an embalming procedure shall not be stored in the preparation room.

**18VAC65-20-580. Preparation room equipment.**

The preparation room or rooms shall be equipped with:

1. A ventilation system which operates and is appropriate to the size and function of the room;
2. Running hot and cold water;
3. Flush or slop sink connected with public sewer or with septic tank where no public sewer is available;
4. Metal, fiberglass or porcelain morgue table;
5. Covered waste container;

6. Instruments and apparatus for the embalming process;
7. A means or method for the sterilization of reusable instruments by chemical bath or soak; autoclave (steam); or ultraviolet light;
8. Disinfectants and antiseptic solutions;
9. Clean gowns or aprons, preferably impervious to water;
10. Rubber gloves for each embalmer or intern using the room;
11. An electric aspirator or hydroaspirator equipped with a vacuum breaker;
12. An eye wash station that is readily accessible; and
13. A standard first aid kit, which is immediately accessible, either in the preparation room or outside the door to the preparation room.

**18VAC65-20-581. Refrigeration requirements.**

A. If a dead human body is to be in the possession of a funeral establishment or crematory for more than 48 hours from the time the funeral establishment or crematory takes physical possession of the body until embalming, cremation, or burial, the body shall be placed and maintained in refrigeration in a mechanical refrigeration unit suitable for storing human remains in accordance with subsection B of § 54.1-2811.1 of the Code of Virginia.

B. The mechanical refrigeration unit may be located in the funeral establishment or crematory, or the funeral establishment or crematory may enter into an agreement or contract with another funeral establishment, crematory, or other licensed entity for refrigeration in a mechanical refrigeration unit.

C. Evidence of compliance with the requirement for refrigeration shall be maintained as a log entry or other documentation indicating times of placement in and removal of a body from refrigeration.

**18VAC65-20-590. Disposal of waste materials.**

Disposal of all waste materials shall be in conformity with local, state, and federal law and regulations to avoid contagion and the possible spread of disease. Upon inspection, the establishment shall provide evidence of compliance, such as a copy of a contract with a medical waste disposal company.

**18VAC65-20-600 to 18VAC65-20-610. [Repealed]**

**Part VIII. Pricing Standards and Forms.**

**18VAC65-20-620. [Repealed]**

**18VAC65-20-630. Disclosures.**

Funeral providers shall make all required disclosures and provide accurate information from price lists pursuant to the rules of the Federal Trade Commission. Price lists shall comply with requirements of the FTC and shall contain the information included in:

APPENDIX I - General Price List;

APPENDIX II - Casket Price List, Outer Burial Container Price List; and

APPENDIX III - Itemized Statement of Funeral Goods and Services Selected.

**18VAC65-20-640 to 18VAC65-20-690. [Repealed]**

**18VAC65-20-700. Retention of documents.**

A. The following retention schedule shall apply to retention of embalming reports, price lists, and itemized statements:

1. Price lists shall be retained for three years after the date on which they are no longer effective;
2. Itemized statements shall be retained for three years from the date on which the arrangements were made; and
3. Embalming reports shall be retained at the location of the embalming for three years after the date of the embalming.

B. The manager of record shall be responsible for retention and maintenance of all required documents.

C. Documents shall be maintained on the premises of the funeral establishment and made available for inspection.

D. In instances where the funeral establishment is sold, documents shall be transferred to the new owner, unless the existing firm is relocating to a new facility.

Gary D. Mitchell, AICP  
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MEMO

TO: Planning Commission  
FROM: Gary D. Mitchell, AICP  
DATE: 09-24-2020  
RE: Notification of Variance Application/Request

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Per the Code of Virginia, 15.2-2310, whenever a petition for a zoning variance is requested the application shall be presented the Planning Commission for comment (see bold print below).

**§ 15.2-2310. Applications for special exceptions and variances.**

*Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau. Applications shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps or plans, or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. No special exceptions or variances shall be authorized except after notice and hearing as required by § 15.2-2204. The zoning administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the board or appear as a party at the hearing. Any locality may provide by ordinance that substantially the same application will not be considered by the board within a specified period, not exceeding one year.*

The Planning Commission has no authority over the approval or disapproval of the request but as stated above it may offer comment to the Board of Zoning Appeals or it may appear at the hearing and offer comment.

**APPLICATION DETAILS**

We have two (2) applicants requesting variances to front and rear yard setbacks. The first applicant's variance request will enable him to upgrade the existing single-wide mobile home to a new mobile home. The new mobile home offers an upgraded living quarters. The drainfield location impacts the location that the new mobile home can be placed. Staff supports this request due to the unique shape of the parcel (trapezoid) and the impact of the location of the drainfield.

***BZA-03-2020 - Application by C. Carroll for a rear setback variance to permit the replacement of an existing singlewide trailer with a new dwelling unit. The applicant seeks to vary requirements of Division II District Regulations, Section 5, Agricultural District (A-1), Setback Requirements (5-5), of the Charles City County Zoning Ordinance which stipulates front setback of 100', and rear yard setback of 50'. The front yard setback variance would result in 50±' front yard and the rear yard setback variance would result in 20±' rear yard. The subject property consists of ±1.72 acres, zoned Agricultural District (A-1), and is located on the North side of Deerfield Rd. (SR 654), with approximately 462' of frontage on Deerfield Rd. (SR 654) and an average depth of 156'. The Tax Parcel Identification Number is 15-134 and the property address is 10100 Deerfield Road.***

The second applicant's variance request will enable him to add an additional bedroom/bath that will allow him and his spouse to "age in place". The home was built many years ago (1950s) and the lot is quite small. Staff supports this request due to the small lot size (exceptionally narrow lot).

***Application by R. Bates for a front setback variance to permit an addition. The applicant seeks to vary requirements of Division II District Regulations, Section 5, Agricultural District (A-1), Setback Requirements (5-5), of the Charles City County Zoning Ordinance which stipulates a front yard setback of 100'. The front yard setback variance would result in a 50' front yard. The subject property consists of 0.939± acre, is zoned Agricultural District (A-1), and is located on the West side of Wilcox Neck Rd. (SR 623), with approximately 210±' of frontage on Wilcox Neck Rd. (SR 623), and an average depth of 194±'. The Tax Parcel Identification Number is 70-44 and the property address is 13411 Wilcox Neck Road.***

Any comments from the Commission will be transmitted to the BZA in the staff report for these 2 cases.



1  
2  
3  
4 **CHARLES CITY COUNTY**  
5 **PLANNING COMMISSIONS BOARD**  
6 **Minutes**  
7  
8

9 **VIRGINIA:**

10 The meeting of the Charles City Planning Commission was held at the Charles City County Government  
11 Administrative Building on August 27, 2020 at 7:00 p.m.  
12

13 **PRESENT:**

14 Andrew Adams - Chairman  
15 Edward L. Baber Jr.  
16 William Bailey  
17 Gilbert Smith  
18 Reynard Black  
19 Clyde Miles  
20

21 **ABSENT:** None  
22

23 **OTHERS:** Rhonda L. Russell, Asst. Co Administrator Community/Director Community Development  
24 Gary Mitchell/Planner/Assistant Zoning Administrator  
25 Peggy J. Sullivan/Community Development Specialist  
26 William Coad/Chairman Board of Supervisors  
27 B. Randy Boyd, County Attorney, Participated via teleconference  
28

29 **RE: CALL TO ORDER:**

30 The Planning Commission meeting was called to order by Mr. Adams, Acting Chairman at 7:02 P.M.  
31 Mr. Adams determined there was a quorum.  
32

33 **MINUTES: July 23, 2020**

34  
35 Mr. Adams asked if Commissioners recommended corrections to the minutes from the July 23, 2020  
36 Planning Commission meeting. Commissioners made recommendations for corrections to the minutes that were  
37 captured by staff for amendments.  
38

39 **MOTION:**

40 Mr. Adams asked for a motion to approve the minutes, Mr. Smith moved that the minutes be approved with  
41 the corrections. The motion was seconded by Mr. Bailey. Mr. Adams asked that all Commissioners in favor of the  
42 motion raise their hands. Mr. Baber abstained. Mr. Adams, Mr. Bailey, Mr. Smith, Mr. Miles, and Mr. Black all  
43 raised their hands in favor of the motion. The minutes were approved.  
44

45 **UNFINISHED BUSINESS:**

46  
47 **RZ-02-2020 Virginia Grounds** – C. Fenton filed application to rezone 2.0 acres from Agricultural (A-1) to General  
48 Business (B-1) to permit a landscaping contractor's office and storage yard. The property is located off a private  
49 drive which connects to Wilcox Neck Road (SR 623). Furthermore, it is approximately +/-2,500 ft. from the  
50 intersection of John Tyler Memorial Highway (SR5) and Wilcox Neck Road (SR 623). The Property is further  
51 identified as tax map number 70-5-2.  
52

53 **PRESENTATION:**

54  
55 Mr. Mitchell stated Virginia Grounds is looking to move their business operations to Charles City County.  
56 and has 10 – 15 employees based on seasonal needs. They may hire temporary workers if needed. Mr. Mitchell

57 referenced the photographs displayed and stated the property's tax identification number is 70-5-2 which is located  
58 at the lower righthand corner and the property is currently zoned A-1, Agricultural District. The applicant is seeking  
59 to rezone the property to B-1, General Business District. Adjacent land uses include modest residential uses. Mr.  
60 Fenton owns the right-a-way going to the property. Per VDOT he needs a standard commercial entrance off Wilcox  
61 Neck Road (SR 623). Mr. Fenton has voluntarily agreed to several conditions as part of the Rezoning Proffer:

- 62 \* Site will be developed in accordance with the site layout.
- 63 \* Business operations are from 6:00 am - 11:00 pm (Monday – Saturday)
- 64 \* Additional ROW dedication as specified on the Comprehensive Plan.
- 65 \* In the future if an extension/spur of the VA Capital Trail occurs along Wilcox Neck Road and  
66 upon request of the County additional ROW will be provided (20' maximum).
- 67 \* Limited other uses of the property, without first obtaining County approvals to amend  
68 conditions.

69  
70 To change any of the conditions once approved, Mr. Fenton would have to come back to the Planning  
71 Commission and the Board of Supervisors and apply to amend these conditions, not rezone the property. Outdoor  
72 storage will be screened in bins or some type of structure, dump truck loads of mulch will be organized. He will not  
73 store motor vehicles on his property unless they are directly associated with his business. The parking lot will have  
74 an industrial service, herbicides or other harmful chemicals will be stored inside a building. The director of Fire and  
75 Rescue request Material Safety Data Sheets (MSDS) to be submitted to the Fire Department. Fuel tanks will be  
76 installed under the Fire Director's direction. Planning and Community Development staff recommends this goes to  
77 the Board of Supervisors for approval.

78  
79 **QUESTIONS:**

80  
81 Mr. Smith asked how far the closest house is to the business. Mr. Fenton replied about 60 yards. Mr.  
82 Smith said the reason I ask is because you may have equipment you load early in the morning. Mr. Adams asked  
83 what the typical hours of operation is. Mr. Fenton said it is Monday through Friday 8:00 am and they usually finish  
84 between 4:00 – 6:30 pm, unless it rains, we may work on Saturday. Mr. Baber asked how he is going to dedicate  
85 10' from the center line of the road. Mr. Adams read the proffer included on Exhibit #1 on page 3. The applicant  
86 shall dedicate 10' from the center line of (SR 623) Wilcox Neck Road for public purposes. Mr. Miles stated you can  
87 not own the center of the road. Mr. Adams asked Mr. Fenton to elaborate, Mr. Fenton stated he believed it to be  
88 from the edge of the road. Mr. Adams asked Mr. Mitchell and he stated, the ROW according to VDOT is from the  
89 center line of the road. To dedicate an additional ROW, you go from the center line and go out. Mr. Baber stated  
90 he is not sure you can require a speculative proffer. Mr. Adams asked Mr. Boyd, is the Proffer dated May 07, 2020  
91 speculative and is that permitted as a Proffer considering it is based upon something else happening. Mr. Adams  
92 read the Proffer: Upon request the applicant shall dedicate an additional 20' along frontage Wilcox Neck Road (SR  
93 623) if in the future the County/VDOT constructs a multiuse path as an extension or spur of the Virginia Capital  
94 Trail. Mr. Boyd said he believes it to be a valid Proffer. Mr. Miles stated he cannot do anything with the 20' if it is  
95 a setback, he feels it does not need a proffer. Mr. Fenton asked, are we changing it to the edge or staying at the  
96 center line of the road. Mr. Adams stated it is stating the measurement is from centerline. We cannot change the  
97 Proffer. The Board of Supervisors would have to change them. Mr. Mitchell stated that the applicant has voluntarily  
98 conveyed the proffer statement and we must take it as face value of what it is here.

99  
100 **PUBLIC HEARING:**

101  
102 Corey Fenton introduced himself and stated that he is a native of Williamsburg Virginia. I have owned the  
103 property here in Charles City County for 10 years and owned Virginia Grounds since 2002. We have 14 employees  
104 and I agreed to voluntarily proffer the conditions to support the rezoning application. It is not going to be a car  
105 junkyard. I am a Landscaper; we mow about 300 yards a week. We do sod, mulching and pruning. Mr. Adams  
106 asked anyone else to speak on this matter REZ-02-2020 Virginia Grounds. No one else spoke. The public hearing  
107 was closed.

108  
109 **QUESTIONS:**

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111 Mr. Baber asked are we using the Planning Commission paper to pass along to the Board of Supervisors.  
112 Mr. Adams asked Ms. Russell if she intends us to use the sheets provided for the public hearing. Ms. Russell said  
113 yes along with the staff evaluation and the presentation. Mr. Miles asked Mr. Fenton if he had spoken to the  
114 surrounding homes, because no one came to speak against it. Mr. Fenton said yes, he knows them all. Mr. Mitchell

115 stated that adjacent property letters went out to the neighboring property owners. Mr. Adams asked for signed paper  
116 that residents had been notified for future reference. Mr. Mitchell said they have an affidavit from the neighbors.  
117

118 **MOTION:**  
119

120 Mr. Bailey asked for a motion to pass RZ-02-2020, with a positive recommendation to the Board of  
121 Supervisors. Mr. Bailey made the motion to pass on to the Board of Supervisors and Mr. Miles seconded the  
122 motion. Mr. Adams asked all Commissioners in favor of the motion to raise their hands. Mr. Baber abstained. Mr.  
123 Adams, Mr. Bailey, Mr. Smith, Mr. Miles, and Mr. Black all raised their hands. The motion to recommend  
124 conditional approval of RZ-02-2020 Virginia Grounds to the Board of Supervisors passed.  
125

126  
127 **NEW BUSINESS: SUP-02-2020**  
128

129 **GREEN BUILDING HOUSE LOUNGE AT CUL'S COURTHOUSE GRILL:**

130 Application B. Whittaker and C. Jenkins for a Lounge to be operated in a separate building from the existing  
131 restaurant that will offer live music and dancing on ±1 acre of the 7 acres. The Property is an irregularly shaped  
132 parcel located ±875 ft. east of the intersection of John Tyler Memorial Hwy. (SR 5) and Courthouse Road (SR 155)  
133 and ±1042 ft. west of the intersection of Courthouse Road(SR 155) and the intersection of John Tyler Memorial  
134 Hwy (SR 5). The site is ±211 ft. North from the Charles City Historic Courthouse. The property is further  
135 identified as Tax Map Number 40-17.  
136

137 Mr. Gary Mitchell, Planner/Assistant Zoning Administrator stated that the applicants propose to operate a  
138 lounge as part of their existing restaurant and Bed & Breakfast business. They are proposing to use the green metal  
139 building at the rear portion of the site. This building will offer additional seating for the restaurant as well as a  
140 venue for live music and a dance floor area and include the sale and consumption of alcoholic beverages. Alcohol  
141 sales will require them to get an amended ABC License. The property was rezoned to General Business (B-1) in  
142 2006. The area's existing zoning pattern includes General Business B-1 and Agricultural District (A-1). The  
143 property was rezoned in 2006 to (B-1) with conditions. Proposed conditions include requirements for a standard  
144 commercial entrance driveway off Courthouse Rd within two years of County approval. Conditions from the 2006  
145 rezoning are still reflective as well as any established uses that occurred of that rezoning. The earlier rezoning  
146 action included a lounge as a permitted use. After staff consulted with the County Attorney because the applicant  
147 did not establish the lounge and the ordinance changed to require a special use permit, they are required to secure the  
148 permit to proceed. There are no environmental constraints on the property. Delivery trucks will need to use the  
149 entrances into the property and refrain from parking along Courthouse Rd. Upon request from the County if  
150 we need road improvement at John Tyler Memorial Hwy and Courthouse Road, the applicants would be willing to  
151 dedicate some ROW. Staff recommends approval of the application with the recommended conditions.  
152

153 **PUBLIC HEARING:**  
154

155 Cullen Jenkins, 1081 Courthouse Rd. I work at Cul's Courthouse Grill and I am speaking on behalf of my  
156 mother. For eleven years we have had one goal to treat everyone with kindness and respect. We employ 15 -17  
157 people. During Covid 19 we have fought to stay alive, we need to go forward stronger and better. The Green  
158 Building is going to be an extension of the Grill. It will be a gathering area where folks can come and enjoy Charles  
159 City County, play corn hole, have a cold beverage, sandwich, and listen to a live band.  
160

161 **QUESTIONS:**  
162

163 Mr. Miles asked the applicant, are you going to call it the Green Building Lounge. Mr. Jenkins said they  
164 may call it the Sparrow's Nest. Mr. Miles commented that the property is in a historical area and lounge does not  
165 seem to go with this area. The Green Building Lounge will not be the name of it. Mr. Adams asked are you  
166 planning to have supervision for alcoholic beverages, what is your prevention for customers getting back into their  
167 vehicles. Mr. Jenkins said we already have the area fenced in. We sent a sketch to the agent at the ABC Board, it  
168 has the boundaries that is suitable for them. Mr. Bailey asked if the owner is not involved with any of these  
169 improvements except for making the right-a-way available. Mr. Mitchell stated that in the future they are not  
170 responsible financially for right-a-way improvements off John for Tyler Highway and Court House Road.  
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172 **CLOSED PUBLIC HEARING:**

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Mr. Adams stated that he does not see a problem with this and asked for a motion from Commissioners. Mr. Miles made a motion to recommend approval of SUP-02-2020, The Green Building House Lounge, to the Board of Supervisors with conditions. Mr. Smith seconded the motion.

Mr. Adams asked Commissioners in favor of the motion to raise their hands. Mr. Baber abstained. Mr. Adams, Mr. Bailey, Mr. Smith, Mr. Miles, and Mr. Black all raised their hands. The motion to recommend conditional approval of SUP-02-2020, The Green Building House Lounge, to the Board of Supervisors passed.

**PLANNING COMMISSION:**

Mr. Mitchell stated that Planning & Community Development staff has two Conservation Easement requests to share with the Commission. The first one is the Marston Property which consists of 100 acres near Barnetts Rd. The second is the Douglas property off Sturgeon Point Road which consists of 175 acres. Mr. Glubiak, Esquire, is also present and represent the owners of both parties. Planning & Community Development staff completed an analysis on both properties. Our review found that both comply with recommendations of the County's Comprehensive Plan designations for both areas. There is no requirement for the Commission to vote on the conservation easement requests. Staff just wanted to share this information with the Commission in case you had concerns or issues.

Ms. Russell said after the July 27<sup>th</sup> Planning Commission Meeting Mr. Blankenship did withdraw his Rezoning request the very next day, and that it will not go forward to the Board of Supervisors. Ms. Russell also stated that a training opportunity is available through the Virginia Certified Planning Commissioners program and asked if Commissioners were interested in participating. Mr. Adams, Mr. Black, and Mr. Miles stated that they are interested.

**ADJOURNMENT:**

Mr. Adams adjourned the meeting at 8:16 pm.