

**HALIFAX COUNTY BOARD OF SUPERVISORS
HALIFAX COUNTY PLANNING COMMISSION
Joint Meeting
County Administration Building
Board of Supervisors Meeting Room
1050 Mary Bethune Street
Halifax, VA 24558
March 21, 2023 / 6:30 PM**

A. CALL TO ORDER

Chairman Short called the Board of Supervisors meeting to order at 6:30 p.m.

Madam Chair Cowan reconvened the Planning Commission meeting at 6:30 p.m.

Commissioner Francis gave the invocation.

Chairman Short led the Pledge of Allegiance.

B. ATTENDANCE

Board of Supervisors members attending were: Mr. C. Short, ED1; Mr. L. Roller, ED2; Mr. H.W.H. Pannell, ED3; Mr. R. Duffey, ED4; Mr. D.E. Throckmorton, ED5; and Mr. G. Ricketts, ED7. Also attending was Mr. W. Smith, Tie Breaker.

Board members absent: Mr. S. Brandon, ED6; and Mr. W.B. Claiborne, ED8.

Staff members attending were: Mr. Scott Simpson, County Administrator; Mr. Detrick Easley, Planning/Zoning Administrator; Ms. Olivia Epps, Strategic Programs Coordinator; and Mrs. Charlene Hendricks, Executive Administrative Assistant.

News reporters attending were: Miranda Baines, The Gazette-Virginian; and Victoria Thompson, The News & Record.

Board of Supervisors conducted Roll Call and determined a quorum was present.

C. ADOPTION OF AGENDA

Chairman Short said there is an addition to the Agenda for Letter I, Number 4 for Consideration to Schedule a Public Hearing on April 18, 2023, for the Joint Meeting to Amend Chapter 53, Zoning, Section 53-353, M-1 Use Regulations.

Motion made by Supervisor Pannell, seconded by Supervisor Duffey, to adopt the Agenda as presented in the meeting packet, and the Additional Agenda Letter I, Number 4 for Consideration to Schedule a Public Hearing on April 18, 2023 at the Joint Meeting to Amend Chapter 53, Zoning, Section 53-353, M-1 Use Regulations.

VOTE

Motion passed 6-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H.W.H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton, and Mr. G. B. Ricketts

Nays: No one

Abstained: No one

Absent During Vote: Mr. S. Brandon and Mr. W.B. Claiborne

Absent During Meeting: Mr. S. Brandon and Mr. W.B. Claiborne

D. BUSINESS ITEMS

Public Hearings

Chairman Short said the first item on the agenda is the application for a Conditional Use Permit (CUP) by Philip & Jessica Watson to operate an auto repair garage at 3106 Mountain Road. He asked Mr. Easley to provide an overview.

E. BUSINESS ITEMS

Public Hearings:

1. Conditional Use Permit Application ED #3:

Applicant:	Philip & Jessica Watson
PRN	26835
Location:	3106 Mountain Road
Business Name:	Greasy Garage Auto Repair
Proposed Use:	Auto repair garage

a. Zoning Administrator Overview

Mr. Easley said Philip and Jessica Watson applied for a Conditional Use Permit (CUP) to operate an auto repair garage, Greasy Garage Auto Repair, at 3106 Mountain Road. Mr. Watson is proposing to use an existing garage on the property to operate the business. Mr. Easley presented a picture of the location and said if approved, it will be located directly behind the residence. He noted Mr. Watson was operating this garage before this application. He met with the applicants, and it was determined Mr. Watson was not aware that he needed a CUP to operate the garage. Mr. Easley emphasized the applicants have complied with County staff's request, and the garage has been out of operation since that meeting took place and the sign was removed.

Mr. Easley said VDOT has reviewed and approved the use of the existing entrance for a low volume commercial entrance and site conditions have been drafted. He pointed out that Mountain Road is a scenic highway, and there is a site condition included to not have more than five vehicles at the garage at any time in an effort to preserve the scenic highway, and with keeping the property maintained in an orderly fashion. He noted Mr. Watson has agreed to the site conditions.

Mr. Easley said there are no restrooms in the existing garage and commented the restrooms inside the residence will be used. He stated the applicant is not required to have a restroom in the garage according to the building code because customers will be dropping off vehicles and not going inside the garage. He said Mr. Watson would like to present a short presentation for his business before the public hearing is opened.

Madam Chair Cowan asked how long was the garage in operation before it was recognized that Mr. Watson did not have a CUP. Mr. Easley said he received a complaint about two weeks ago, but it is his understanding the garage had been in operation for approximately six months. Mr. Easley said when the complaint came in, Mr. Watson went to obtain his business license from the Commissioner of Revenue, and then he was sent to him for the sign for the business. Mr. Easley advised Mr. Watson at that time that a CUP is required to operate the business.

Madam Chair Cowan wanted to know how many employees would be at the garage. Mr. Watson verified the only other employee would be his brother. Mr. Easley stated he spoke with the Building Official and according to the building code, Mr. Watson is not required to have a restroom in the garage since the home is close enough to the garage. The Code allows Mr. Watson to use the existing restroom in the existing home.

b. Applicant Presentation

Mr. Watson said the business will offer general repairs such as installing engines, brakes, and exhaust work. He stated there is enough space available for adequate parking, and he plans to install a new graveled driveway around the backside of the residence. He said he intends to put stones around the sign at the existing driveway. He emphasized he only accepts work that can be completed within the same week to avoid having vehicles sit for any amount of time. He said the customer would only wait if the repair would take approximately 15 minutes, but noted the majority of the time, customers would be dropping off their vehicles. He stated they will also offer to give customers a ride back to their homes if needed. He thanked the Board members for their time and asked if they had any questions.

Commissioner Francis asked at the time the garage was in operation, how many vehicles did he have per week. Mr. Watson said it would vary, but on average one to two cars daily. He stated most of the customers that came to the garage have come back for other services.

Madam Chair Cowan asked Mr. Watson if he is currently doing work out of the garage now. Mr. Watson stated he is only working on his trucks and tractors and cleaning up some of the land.

Commissioner Francis referenced the picture Mr. Easley had on display and asked Mr. Watson where the property line is located in relation to the house to the right of the garage. Mr. Easley asked Mr. Watson if he had the property surveyed, and Mr. Watson verified that is correct. Mr. Watson said the property line is located at the spot in the grass that has a 4-inch pipe, which has been spray painted orange.

Madam Chair Cowan asked if there is a dwelling on the lot to the right of the garage, and Mr. Easley verified there is a home on the adjacent property.

Mr. Easley said concerns had been expressed about oil changes and antifreeze being disposed of on the ground. He stated site condition number 10 will address those concerns because it requires them to keep the fluids, such as motor oil and antifreeze, in a water-tight container which needs to be disposed of at a recycling center that accepts those types of fluids.

Chairman Short said if there are no other questions, we could open the public hearing.

c. Board of Supervisors Open Public Hearing
Planning Commission Open Public Hearing

Board of Supervisors Chairman Short opened the Public Hearing on behalf of the Board of Supervisors. Planning Commission Madam Chair Cowan opened the Public Hearing on behalf of the Planning Commission.

d. Public Comment

Madam Chair Cowan asked if anyone wanted to speak in favor to please come forward.

Ryland Davis

Mr. Davis introduced himself and said he met Mr. Watson and his brother about 3 years ago when he saw their business sign. He stated they are good mechanics, and they know what they are doing. He said their garage will be an asset and a good business because they can fix anything.

Madam Chair Cowan asked if anyone wanted to speak in opposition.

Ann Spangler

Ms. Spangler introduced herself and said she owns the adjacent property to the right of the garage, which is a framed, stick-built house that was built in 1960. She said her daughter and fiancé are going through the process of purchasing the home. She expressed concerns about the number of people coming to the garage and staring at her daughter and grandchildren when they are at the pool in the backyard. She commented when you go out of the backdoor, people at the garage are staring at you. She stated in the beginning she didn't have a problem with the garage, but now there are so many people over there and too much stuff is going on. She also spoke with Mr. Watson about the trash issue and nothing is being done about it. She said the houses are stones apart from each other. She stated Mr. Watson wants to put a driveway on the property line between the two houses to store more vehicles. She emphasized it is not a great place for children now and something different needs to be done.

Lauren Spangler

Ms. Spangler introduced herself and said she lives next door to Mr. Watson, but her mother owns the property. She stated she has lived in the home since 2007, and she has always had great neighbors. She commented she does not have a problem with Mr. & Mrs. Watson, but expressed concerns about being able to use the pool without someone staring into their backyard. She stated there have been as many as 20 to 30 people at the garage and feels like it is an invasion of their privacy. She said there have been discussions about a driveway being installed along the property line, and she is concerned for family pets, children, elderly neighbors, and visitors who come to their house.

Joseph Dunn

Mr. Dunn introduced himself and said he is Ms. Spangler's fiancé. He stated he is a construction inspector so his work schedule varies. He said he is not opposed to Mr. Watson having any kind of business, but commented he would like to see a privacy fence installed between the two properties. He expressed concerns about their privacy and the possibility of personal belongings being stolen.

Mr. Easley said County staff received three letters by email from individuals who are in opposition to the garage and their names are as follows: Joseph Dunn, who just commented, Connie Humphries, and Clyde and Sharon Church. He noted copies of those letters were handed out to the Board members and Planning Commissioners before the meeting started.

e. Planning Commission Close Public Hearing
Board of Supervisors Close Public Hearing

Planning Commission Madam Chair Cowan closed the Public Hearing on behalf of the Planning Commission. Board of Supervisors Chairman Short closed the Public Hearing on behalf of the Board of Supervisors.

Madam Chair Cowan asked Mr. Watson to come forward to discuss the privacy fence. She asked him if he would agree to install a privacy fence. Mr. Watson said he is in agreement to install a privacy fence. She asked him if he had read the site conditions, and if he is in agreement to no more than five vehicles being allowed at the garage at one time. Mr. Watson confirmed he agrees to all of the site conditions.

Vice Chairman Watts asked if there is another place the driveway could be located. Mr. Watson stated he could locate the driveway on the other side of the house. He said the marker was placed so he could get a better idea of the property line and commented he had already anticipated the installation of a privacy fence. He stated his thought process was to widen the existing driveway, which would allow a place for his personal vehicles to be parked. Mr. Easley said VDOT would need to approve the location of the driveway. He stated VDOT has already approved the existing driveway for a low volume commercial entrance, so if the driveway is relocated, VDOT would need to approve the new location.

Commissioner Beard asked what is the distance between the garage and the house, and he also wanted to know where the cars would be parked. Mr. Watson said the vehicles could be parked on the right side or behind the house. He stated he owns an acre of land on the left side of his residence, and the cars could be parked there if needed.

Supervisor Pannell said the proposed garage is located in his district, and he had spoken with Mr. Watson and his brother. He asked Mr. Watson if he had spoken with his neighbors about the business. Mr. Watson stated that he had spoken with most of his neighbors, but not all of them. Madam Chair Cowan asked Mr. Watson if he had spoken with Ms. Spangler. He said no, but Ms. Spangler has had a few oil changes at the garage.

Commissioner Francis addressed the trash concerns, and he asked if there is a site condition that holds Mr. Watson responsible for keeping the site clean of trash and debris. Mr. Easley stated he is not required to have a commercial trash can, but there is a site condition requiring Mr. Watson to keep the site clean.

Supervisor Pannell asked Mr. Watson if he was familiar with the opposition letter Mr. Dunn sent to the County office. Mr. Easley provided a copy of the letter to Mr. Watson.

Supervisor Roller asked if the access road on the west side of the house is owned by Mr. Watson, and Mr. Easley said that is correct, and he noted there is also a church on that side of the property.

Madam Chair Cowan asked if the swimming pool needed to be enclosed. Commissioner Francis said inground swimming pools are required to be enclosed, but not aboveground swimming pools.

Chairman Short asked Ms. Spangler to verify the length and type of privacy fence being requested. Mr. Dunn said they would like to see the fence start at the second pine tree and extend 25 to 50 feet past the garage. He stated the fence would need to be some type of material that you can't see through such as wood. Chairman Short asked how tall the fence needed to be, and Mr. Dunn said maybe 8 feet or at least tall enough that nobody can see over it.

Supervisor Pannell stated he wanted to add a final comment. He said Mr. Watson spoke highly of his neighbors, and he would like to see them remain good neighbors.

Madam Chair Cowan wanted to know if a site condition could be added to address the privacy fence.

2. Ordinance 2023-5 Amending Chapter 53, Zoning, Section 53-162, Revenue Sharing

Chairman Short said the next item on the agenda is Ordinance 2023-5 Amending Chapter 53, Zoning, Section 53-162, Revenue Sharing. He asked Mr. Simpson to provide an overview to the Board members and Planning Commission.

a. County Administrator Overview

Mr. Simpson said over the last several years, the County instituted Revenue Sharing for solar projects, which increased revenue to the County through machinery and tools taxation. In May 2022, the Board of Supervisors amended the Revenue Sharing Ordinance to add verbiage to what the General Assembly allowed for indexing by ten percent every 5 years beginning in July 2026. In the last legislative session, the General Assembly made some more changes to the revenue sharing legislation, and one of those addressed projects of 5 megawatts and smaller which were originally exempted from revenue share. He stated that was removed in the last legislative session and part of having the County Ordinance mimic the State Code is to have a public hearing and consider the elimination of the 5 megawatts exemption from the County's Ordinance. The public hearing would allow comments on removing the 5 megawatts and smaller exemptions for Solar projects and Energy Storage projects. He emphasized the matter has nothing to do with solar density or any specific Conditional Use Permits.

b. Board of Supervisors Open Public Hearing
Planning Commission Open Public Hearing

Board of Supervisors Chairman Short opened the Public Hearing on behalf of the Board of Supervisors. Planning Commission Madam Chair Cowan opened the Public Hearing on behalf of the Planning Commission.

c. Public Comment

Madam Chair Cowan asked if anyone wanted to speak in favor to please come forward.

No one wished to speak in favor.

Madam Chair Cowan asked if anyone wanted to speak in opposition.

Stacey Long

Mrs. Long introduced herself and thanked the Board members and Planning Commissioners for allowing her to speak about the solar issues in the County. She stated she tries to bring new information and research every time she speaks. She has recently been researching new technology coming concerning solar storage energy and according to experts in approximately 10 years, the solar industry will have the technology to store the energy collected using lithium ion batteries. She discussed the raw materials used to manufacture the batteries and said the use of the chemicals together is severely combustible and has been known to cause fires. She stated the fires

occurring can expose people to burns, electrical shock, and toxic substances and said solar facilities are remotely monitored which is disturbing.

Mrs. Long said Pittsylvania County is having a meeting on Solar facilities tonight, and they are proposing several items to limit the number of solar facilities coming into their County. One item being discussed is that no solar facility can be located within 5 miles of an existing facility, and another item is no more than 2 percent of the total acreage within a single zoning district can be approved for a utility scale solar facility. She stated surrounding Counties are getting stricter with what is being allowed and commented Halifax County needs to follow suit.

Mrs. Long said she lives in the Alton area where the Powell's Creek Solar project is being built and stated the facility was sold to Engie Bluestone Solar Holdings for over \$3 million. Some of the research has been showing that this happens to a large percentage of solar companies due to them going bankrupt. She commented it seems more research needs to be done and future projects need to be put on hold. She said she understands the vote being discussed for tonight is to change the wording to allow revenue sharing of 5 megawatts or less. She stated if the vote to change the wording is allowed, it just opens the door for more facilities to come into the area. She understands the State of Virginia has changed the wording Statewide, but she said the Board members and Planning Commissioners have the power to save Halifax County and its residents from any more solar facilities being built.

- d. Planning Commission Close Public Hearing
Board of Supervisors Close Public Hearing

Planning Commission Madam Chair Cowan closed the Public Hearing on behalf of the Planning Commission. Board of Supervisors Chairman Short closed the Public Hearing on behalf of the Board of Supervisors.

F. PLANNING COMMISSION RECESS FOR 5 MINUTES

Madam Chair Cowan said the Planning Commission would recess for 5 minutes at 7:05 p.m.

G. BOARD OF SUPERVISORS ADJOURN

Motion made by Supervisor Duffey, seconded by Supervisor Pannell, to adjourn their meeting.

VOTE

Motion passed 6-0 by the following vote:

Ayes: Mr. C. Short, Mr. L. Roller, Mr. H.W.H. Pannell, Mr. R. E. Duffey, Mr. D. E. Throckmorton,
and Mr. G. B. Ricketts

Nays: No one

Abstained: No one

Absent During Vote: Mr. S. Brandon and Mr. W.B. Claiborne

Absent During Meeting: Mr. S. Brandon and Mr. W.B. Claiborne

The Board of Supervisors adjourned at 7:06 p.m.