

HENRY COUNTY BOARD OF ZONING APPEALS
MINUTES OF MEETING
March 26, 2025

The regular meeting of the Henry County Board of Zoning Appeals was held on Wednesday, March 26, 2025, in the Summerlin Board Room of the Henry County Administration Building at 1 pm. Paul Setliff, Lisa Spencer, Deborah Hairston, Stuart Warren, and Jay Hudson were in attendance. Recording Secretary, Wanda Setliff, Planner/Community Development Specialist, Micah Montgomery, and Director of Planning, Zoning, and Inspection Lee Clark were also in attendance.

Motion to approve the minutes of January 29, 2025, was made by Deborah Hairston, seconded by Lisa Spencer, and followed by a unanimous vote.

Stuart Warren moved that Paul Setliff be the Interim Chairman of the Board of Zoning Appeals. Deborah Hairston seconded the motion, which was unanimously approved.

S-25-02 Sobrius at Bassett, LLC

A request for a Special Use Permit was received under Section 21-302 of the Henry County Zoning Ordinance to allow for the establishment of a Substance Abuse Disorder Organization/halfway house. The facility intends to be licensed for up to 8 residents in each of the two dwellings. The property is located at 9940 and 9890 Virginia Avenue in the Reed Creek District and is zoned Agricultural District A-1, as shown on Tax Map 5.8/95A, 96, 97, 98 and 5.8/93. This request is adjacent to their existing facility licensed for 16 residents, at 9850 Virginia Avenue.

Staff has reviewed the application and suggests the BZA add the following minimum conditions as part of any motion to approve.

- Special Use Permit must be exercised within 5 years, or permit will expire
- Any expansion beyond the permitted residents will require an amendment of this Special Use Permit

The public hearing opened at 1:07.

Paul Setliff asked if anyone present would like to speak on behalf of the Special Use Permit.

Matt Feehery spoke on behalf of Sobrius, which operates a treatment center in Galax, Virginia, as well as in Henry County. We have a 16-bed residential facility dedicated to treating substance abuse in women, and we officially opened this facility in December. Although we have had the property for a couple of years, we have worked diligently to get it operational.

We are collaborating with our local Community Services Board (CSB), Piedmont Community Services, and other organizations in the area. Our approach includes a lot of cross-referencing

among the populations we serve, which include Henry County, Patrick County, the City of Martinsville, and several surrounding counties. We are proud to have a local staff and to be an integral part of the community providing these essential services.

The two properties we are seeking approval for are surrounded by our existing facilities. We believe that acquiring these properties will enable us to create a unified campus, allowing us to serve more clients effectively.

Stuart Warren asked, "Have you been operating since December? "

Mr. Feehery responded, "We had a start back in June 2023, but we encountered significant plumbing issues that needed to be repaired, so we officially opened in December 2024."

Stuart Warren then asked, "Do your clients come to you after they have completed initial detox?"

Mr. Feehery confirmed, "That is correct."

Mr. Warren inquired, "At your other facilities, what is the approximate time a client stays before moving to the next level of care?"

Matt Feehery explained, "We operate a licensed 3.5 residential treatment center program where clients arrive already detoxed, stable, and able to manage independently. The typical stay is around 30 days before they transition to the next level of care, and some clients may return home."

Jay Hudson asked, "What is your recidivism rate?" Mr. Feehery replied that this is very difficult to track. However, he noted that after 45 years of working in the field of substance abuse treatment, he believes they are operating in a manner that leads to a better success rate.

Mr. Setliff asked if anyone wanted to speak for or in opposition of this Special Use Permit and no one came forward.

The public hearing closed at 1:16.

Lee Clark stated that he has interacted a lot with Sobrius, and they have always maintained a very positive and professional relationship.

Stuart Warren made a motion to approve the Special Use Permit including the recommended conditions from staff. Jay Hudson seconded the motion followed by a unanimous vote of 5-0.

S-25-03 Ameresco, Inc.

A request for a Special Use Permit has been received under Section 21-1801 through 21-1808; and 21-302 of the Zoning Ordinance to allow for the construction of a Large-Scale Solar Energy Facility. The property is located on the north side of Jones Ridge Road, approximately 1.2-miles east of Stoney Mountain Road, in the Iriswood District, and is zoned as Agricultural District A-1. The Tax Map is 45.5/65,66. The proposal is to develop a 4.98MW solar facility on 16.5-acres of

a 154-acre tract. This project is intended to be developed as a "community solar" project under AEP's Shared Solar Program.

Staff has reviewed the application and suggest the BZA add the following minimum conditions as part of any motion to approve.

1. The site shall be maintained in compliance with standards contained in applicable federal, state, local building codes, and erosion and sedimentation control standards and regulations.
2. Site must be developed in substantial compliance with the submitted concept plan.
3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
4. Must comply with all other requirements of Sections 21-1801 through 21-1808.
5. Sound curtains must be around pile driving machine during use.
6. Special Use Permit must be exercised through the issuance of land disturbance and building permits within 5 years
7. Decommissioning bond must be submitted prior to the issuance of any building or land disturbance permits. Value of this bond shall not include credit for salvage value.

The public hearing opened at 1:21.

Paul Setliff asked if anyone present would like to speak on behalf of the Special Use Permit.

Tom Holt spoke on behalf of Ameresco proposing to construct a large-scale community solar project on Jones Ridge Road in Axtion, Virginia. This project is a fixed-t ilt, ground-mounted, photovoltaics solar energy generating facility, and has an electric power generating capacity of approximately 4.98 MW of alternating current within a fence secured area of approximately 16.5 acres. The project will interconnect into American Electric Power's distribution system and intends to sell the generated power primarily to local low -to-moderate income households in the local community and within AEP's service territory via AEP's Shared Solar program.

The location was chosen in part due to the following factors:

- Significant solar radiation (insolation)
- Site accessibility for service and construction vehicles
- Avoidance of environmentally sensitive areas
- Limited tree and vegetative clearing
- Limited visibility from offsite locations and/or ability to effectively screen with plantings
- Required setbacks from adjacent properties and public roads

The proposed project will consist of the following key components:

- Solar Modules and Racking
- Underground Electrical Conductors
- Balance of System Equipment
- Gravel Access Road
- Security Fencing

The site will be accessed via existing gravel entrance from Jones Ridge Road located at the south side of the parcel. The proposed 16' wide gravel access road will extend east through the proposed access gate to a truck turn-around. The balance of the proposed access road internal to the fenced facility is proposed as a 16-foot wide gravel roadway section to prevent vehicle rutting, erosion and minimize dust. The access road will have hammerhead turnarounds to accommodate maintenance and emergency vehicles. The road design will accommodate emergency vehicles and designed in compliance with County standards. The entrance from Jones Ridge Road will be designed in compliance with VDOT's low-volume commercial entrance standard.

The solar facility's panel array and equipment will be enclosed within a 7-foot tall chain link security fence in compliance with the National Electric Safety Code. The security fence will have at least one vehicle access gate on each end of the array boundary, which will always remain locked except during operations and maintenance activities. The lock system will accommodate access by County emergency services.

Lee Clark asked Mr. Holt if the 100-foot screening at the front would remain undisturbed. Mr. Holt replied, "That is correct."

Mr. Clark inquired about the inverters and switchgear located at the rear of the project, noting that each inverter and the H-frame produces a certain decibel level. He asked what formula is used to calculate the output decibel level and what that measurement would be at the property line.

Mr. Holt responded, "We could run that analysis, as we have done it before. Typically, with one inverter, we see noise levels within 150 feet. With all 30 inverters, it should be around 1,000 feet or more, and we can demonstrate that. This should bring it down to background noise levels." He explained that the sound measurement at the property line should be between 40 and 50 decibels. He expressed confidence that the surrounding vegetation would mitigate the noise effectively. Additionally, he mentioned that sound mitigation barriers could also be implemented.

Mr. Clark agreed that sound barriers would be a good idea and requested a formal audio plan that outlines the proposed decibel levels at the property line, including the sound installation barriers around the inverters.

Mr. Jay Hudson questioned whether this project would be viable without Appalachian Power. Tom Holt responded, "Yes." Hudson then asked why the submitted documents indicate an intention to sell instead of stating they will sell. Holt explained that the program opens on July 1st for a limited 50 MW capacity, and they need a Clean Energy Plan (CEP) and a Small Generator Interconnection Agreement (SGIA) to apply for the program. Hudson further inquired if they would proceed with the project if they don't secure the program. Holt replied, "Yes, we could sell to AEP or the wholesale market." Hudson then asked if this project is still not a community solar project. Holt agreed that it is not.

Hudson also inquired about the planned timeline for starting and completing the project. Holt stated it would likely begin next spring. Hudson asked if they develop and then resell these projects. Holt confirmed, "Yes, occasionally." Hudson then wanted to know how they finance these projects. Holt replied that they would finance through banks.

Finally, Hudson asked if Ameresco could provide a governmental reference to help assess what kind of neighbor they would be in the County.

Mr. Setliff asked if anyone wanted to speak for or in opposition of this Special Use Permit.

Gary Williams, who owns property adjacent to the proposed project site, opposes this project due to several concerns:

- Real (not imaginary) Health Issues
- Visual Impact/Aesthetics
- Glare
- Noise
- Habitat loss for wildlife
- Heat Island Effect
- Increased Runoff
- Property Depreciation
- Herbicide Use

A significant concern regarding the proposed Jones Ridge Road Solar Project is its proximity to existing and potential homes. It is generally recommended that residential areas be situated at least 0.3 miles away from large-scale farms. This project would be much closer than that. The heat generated by these large-scale solar installations could increase the likelihood of tick infestations and Lyme disease.

In conclusion, I urge the Board of Zoning Appeals to prevent the Jones Ridge Road Solar Project from moving forward.

Gayle Wade came forward to explain that her husband and she purchased land on Jones Ridge Road 45 years ago with the intention of moving to the countryside to raise their family. They wanted a place where they could hunt, fish, and roam freely on their property, and now their grandchildren are enjoying the same experiences. This project is set to be built just 1,200 feet from our back door, and I fear that our peaceful country living is about to come to an end. My husband and I, along with all our neighbors, are opposed to this project.

Pastor Benny Dodson shared that thirty years ago, he purchased property at the end of Jones Ridge Road. He has since built and sold a spec house, as well as a home for his son, who currently lives there. Recently, he bought 8 acres with plans to build a home for himself. Additionally, his youngest son has acquired property in the area to reside there too. While the family desires to live on Jones Ridge Road, they are now facing concerns due to a proposed solar project. They do not want to see or hear this development next to their homes.

Sonny Wade pointed out that all opposition voices live on Jones Ridge Road, while the property owner does not reside here.

Lisa Eskew, from 1491 Jones Ridge Road, states that her home is the closest to this project and that she can see this land in any season. She opposes the project 100% due to its proximity to her home. Lisa believes this project will negatively impact her privacy, peace of mind, and the well-being of herself and her family. She is also concerned that her property value will decrease; although the developers may claim otherwise, they do not experience the situation firsthand.

Additionally, she owns property at 324 Eskew Lane on 610 Road, which is adjacent to a large solar farm between Centerville Road and Splendors Gate Road. Her daughter, who resides in that home, has been experiencing headaches from the buzzing noise of the solar farm. Lisa notes that her daughter cannot even go outside to enjoy the land.

The public hearing closed at 2:12.

Paul Setliff asked for comments from the board.

Lee Clark states, "I think we have covered all the issues. The question is, do we have enough assurance that all the issues are being adequately dealt with?"

Jay Hudson suggested we get a decibel reading to the property line.

Stuart Warren requests more information about the barriers surrounding the inverters, as well as the decibel reading study conducted from the property line. Additionally, he would like to understand the process for transporting the equipment in and out, ensuring that the roads are not damaged.

Mr. Lee Clark would like to receive a list of localities in Virginia, along with their contact information, in counties where solar projects have been installed.

Interim Chairwoman, Paul Setliff asked the Board if there was a motion to defer the meeting until April 23, 2025. Stuart Warren made a motion for the meeting to be deferred and Jay Hudson seconded the motion. It was passed by a unanimous vote.

The Public Hearing Case S-25-03, Ameresco Inc. was tabled until April 23, 2025. Lee Clark let everyone know this was not another public hearing, but a time for the Board to revisit the case and acknowledge any new information or changes to the case.

The meeting adjourned at 2:37.



Lee H. Clark, Secretary