

HENRY COUNTY BOARD OF ZONING APPEALS
MINUTES OF MEETING
April 23, 2025

The regular meeting of the Henry County Board of Zoning Appeals was held on Wednesday, April 23, 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 March 26, 2025, was made by Jay Hudson, seconded by Stuart Warren, and followed by a unanimous vote.

S-25-04 Roger and Deborah Wheatley

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 campground facility to accommodate up to 10 sites. The property is 1.056-acres, on the east side of Axton Road, and 0.3-mile south of Cascade Road. The property is in the Iriswood District, is zoned Agricultural District A-1, as shown on Tax Map 66.7/28N.

The property is not located within a designated Growth Area as defined by the Henry County Comprehensive Plan. This project should not generate significant traffic or demand for additional utilities, staff considers this use to be consistent with the Comprehensive Plan.

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

- Must meet State Code/Virginia Department of Health guidelines for operating a campground.
- A privacy fence and a double row of arborvitae green giants (min. 5' tall) be installed along the south property line.

The public hearing opened at 1:10.

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

Deborah Wheatley came forward to express an interest in establishing a campground facility to help accommodate individuals looking for accommodations while working in the area.

Jay Hudson asked, "Do you own the easement for the property?" Deborah Wheatley answered, "Yes."

Paul Setliff asked if anyone present would like to speak in favor or opposition to the Special Use Permit.

Melody Wood came forward with the following questions:

1. What will be the limit of cars allowed to park with the RV's?
2. What regulations will you put in place?
3. Can there be mobile homes on the property?
4. How will you determine who can stay in the RV park, will you be doing a sex offender lookup?
5. How will it work with the water supply?
6. How is waste management going to be maintained?
7. Is this going to be seasonal or open all year?
8. Does this mean more cell phone towers will be put in place?

Lee Clark noted that the application did not provide specific regulations, and the number of cars is not regulated by County ordinance. Mobile homes are not allowed on these RV sites. For cell towers, companies are required to obtain a Special Use Permit from the Board of Zoning Appeals (BZA). The locations of these towers are determined entirely by the cellular companies based on areas where their coverage is insufficient.

Roger Wheatley approached the podium to address Melody Wood's questions about the proposed campground. He stated that a dumpster would be placed at the bottom of the campground for waste management. Each campsite will be permitted a maximum of two additional vehicles, and a set of regulations will be posted at the entrance. Mr. Wheatley also stated that he would make every effort to screen the applicants. The park is planned to operate year-round, and public water will be available as he will be connecting to the PSA water system.

Paul Setliff inquired if there had been any communication with Clayton Homes who is placing homes next to this property. Mr. Wheatley replied, "Yes."

Stuart Warren asked, "Where do you live?" Roger Wheatley replied, "We live in Rockingham County, but we can reach the campground in 10 minutes."

Deborah Hairston expressed interest in the proposed customer base. Mr. Wheatley replied, "We are targeting the laborers."

Lisa Spencer asked if the Wheatley family had ever run an RV park before. Roger Wheatley replied, "No, but I have helped a lot at RV parks."

Mr. Lee Clark read the conditions to be applied if the BZA votes to approve.

The public hearing closed at 1:25.

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

S-12-03 Tobin Doman

A request for an amendment to an existing Special Use Permit was received under Section 21-902 of the Henry County Zoning Ordinance. In March of 2012 a Special Use Permit was granted to this property to operate a billiards and arcade business. One of the conditions of approval was that no ABC license would be issued to the establishment. The current applicant wishes to amend that condition to allow for him to apply for an “on premise wine and beer” license. The property is located at 6629 Greensboro Road, in the Ridgeway District, is zoned Commercial District B-1, as shown on Tax Map 62.4(34)/8-12.

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

- Must remain in compliance with all Virginia ABC regulations.

The public hearing opened at 1:26.

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

Owner and operator Tobin Doman spoke on his behalf, stating that we have been in operation for four years, with three of those years in Ridgeway. The business specializes in video games, old-school comic books, toys, and collectible items. In response to customer demand for more gaming options, we have added ten arcade units and six pool tables to the new side of the venue. Most of our clients are between 22 and 40 years old. Additionally, we will be offering cold cuts and alcohol.

Jay Hudson asked if there are other billiard establishments in the Ridgeway area and whether there have been any issues since opening. Mr. Doman responded, "There are no other billiards in the Ridgeway area, and we haven't encountered any problems that we couldn't handle."

Deborah Hairston asked if there would be any cooking at the business. Tobin Doman replied that we will not be cooking on-site, but we will have cold cuts available to comply with ABC regulations.

Stuart Warren, when you say kids are playing video games, is this separate from the area serving alcohol? Tobin Doman replied, “Yes, it is separate.”

Lisa Spencer asked if there would be security on-site if alcohol is served. Mr. Doman replied that he will act as security and has two individuals ready to assist if needed.

Paul Setliff asked if anyone present would like to speak in favor or opposition to the Special Use Permit, and no one came forward.

The public hearing closed at 1:30.

Jay Hudson made a motion to approve the Special Use Permit including the recommended condition from staff. Deborah Hairston 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 4.98MS 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.

Additional information has been provided by the applicant for your review.

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

1. The site be maintained in compliance with standards contained in applicable federal, state, local building codes, as well as 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 landforms on the site shall be preserved to the maximum extent possible. The Applicant will maintain a minimum of a 100' setback along Jones Ridge Road and to Tax Parcel 118830001, with an additional landscaped strip at least twenty (20) feet wide that is located behind the required setback. The Applicant shall supplement the existing vegetation between the Project and Jones Ridge Road and between the Project and Tax Parcel 118830001 with an additional landscaped strip at least twenty (20) feet wide that is located behind the required setback. The buffer shall consist of installed landscaped strip consisting of at least two rows of staggered trees (including but not limited to green arborvitae) and other vegetation. This buffer should be made up of plant materials at least six (6) feet tall at the time of planting and that are reasonable expected to grow to a minimum height of ten (10) feet within three (3) years.
4. Must comply with all other requirements of Sections 21-1801 through 21-1808.
5. Sound curtains must be around pile driving machine during installation activities.
6. The Applicant, and if different than the Applicant, the facility owner and/or operator, shall provide the substantial cash payment set forth in this condition for substantial public improvements in compliance with Virginia Code 15.2-2288.8, as amended. The Applicant and the County acknowledge and agree that the County may identify in future budget years qualifying substantial public improvements that will be funded by these substantial cash payments to be provided by the Applicant, facility owner, and/or operator. The substantial cash payment set forth in this condition are in addition to any other taxes under the Code of the County of Henry, Virginia or revenue share ordinance that the County may adopt under Virginia Code Section 58.1-2636 and real estate taxes that the Applicant, facility owner, and/or operator must pay on the site and the facility. The substantial cash payment incorporated into this condition assumes an estimated project nameplate capacity of up to 5 MWac and the following payment shall be adjusted proportionally down if the nameplate capacity of the constructed Project differs from such estimate. The Applicant shall make a payment to the County in the amount of

\$25,000 per megawatt AC on or before the County's approval of the final building permit for the Project.

7. Special Use Permit must be exercised through the issuance of a land disturbance permit and building permits within 5 years.
8. Decommissioning bond must be submitted and approved prior to the issuance of any building or land disturbance permits. Value of this bond shall not include credit for salvage value.
9. A Noise Impact Report prepared by an Institute of Noise Control Engineering (INCE) certified Acoustic Engineer analyzing the noise impact from the inverters to the property shall be submitted to the Director of Planning, Zoning & Inspection for the approval prior to the issuance to any land disturbance permits or building permits.
10. The Applicant shall install "NOISEBLOCK barrier walls y Kenetics Noise" or equivalent. Prior to the issuance of the final electrical inspection and approval, but after the inverters are operational, the Applicant shall submit verification that the Project is in compliance with the decibel limitation. The noise impact of the inverters at the property line shall not exceed 40 dBA.
11. Traffic Management – Deliveries shall only occur between 7AM and 5PM Monday through Saturday and shall not occur during school bus route hours. No more than one delivery truck shall be on site at any given time. Trucks shall not be allowed to be staged on Jones Ridge Road or any nearby road while waiting to deliver on site. Trucks will be directed to wait at Pilot Travel Center, 110 Riverpoint Drive Danville, VA 24541 or Love's Travel Stop, 2105 Barnes Street Reidsville, NC 27320 while another delivery is onsite, or if they arrive outside of allowed delivery hours. Police details will be used for deliveries if available.
12. The owner of the solar energy facility shall coordinate with the Henry County Director of Public Safety to provide materials, education, and/or training that can be passed on to the first responders serving the solar facility in regard to how to safely respond to on-site emergencies. The coordination and delivery of such shall be verified prior to final electrical inspection and approval.

Tom Holt came forward to review the additional information the BZA board requested.

1. Inverter Noise Analysis

This analysis analyzes the decrease in decibels from the inverters over a distance assuming a spherical projection of sound without accounting for dampening from topography or existing vegetation. This results in a conservatively high number. We have engaged acoustical experts at HGC Noise Vibration Acoustics with staff licensed by Institute of Noise Control Engineering to conduct an in-depth Noise Impact Report considering topography and existing vegetation as well as sound barriers and issue a report. We have included spec sheets for the inverters and a sound barrier option. The spec sheets list the noise reduction starting at 24 dB, but we modeled at 5dB to be conservative. We are proposing a condition for no more than 45 dBA at the property line.

Jay Hudson asked if the 40-decibel limit could be tested once everything is set up. Tom Holt replied, "Yes."

2. Inverter Spec Sheet

Tom Holt inquired if there were any questions about the inverter specification sheet, but no one responded.

3. Noise Barrier Spec Sheet

Tom Holt explained the specification sheet for the noise barriers, mentioning that they offer customizable solutions for different applications to effectively reduce noise.

Stuart Warren asked about a warranty for the barriers, which seemed very sturdy and substantial. Tom Holt responded that while they design everything, he would need to gather more information regarding the warranty.

4. Noise Impact Report Proposal

Tom Holt inquired if there were any questions concerning the Noise Impact Report Proposal, but no one responded.

5. Government References

Hanover County Board of Supervisor 4MW Ground Mount

F. Michael Herzberg

Cold Harbor District

804-304-8062

Senator Ryan T. McDougle

District Office: (804) 730-1026

Session Office: (804) 698-7526

Delegate Scott A. Wyatt

District Office: (804) 442-2737

Capitol Office: (804-698-1060)

Reston Town Center 1MW Garage-Top Carport

Joe Priddy

Fairfax County Chief Electrical Inspector

(571) 595-9537

Glen Burnie Landfill 3 MW Ground Mount

Rhody Holthaus

Deputy Director

Department of Public Works

(410) 222-7425

Stephen Krajcsik
Operation Administrator
Department of Public Works
Bureau of Waste Management Services
Office: 410-222-6105
Cell: 443-623-0602

6. Proposed Special Use Permit Conditions

Tom Holt discussed the following proposed conditions Ameresco has drafted should there be a favorable decision for the Special Use Permit.

1. The site shall be maintained in compliance with standards contained in applicable federal, state, local building codes, as well as 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 landforms 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 installation activities.
6. A Voluntary Payment Agreement must be submitted and accepted by the Henry County Board of Supervisors (following a properly advertised public hearing) and prior to any land disturbance permits or building permits being issued to the subject project.
7. Special Use Permit must be exercised through the issuance of a land disturbance permit and building permits within 5 years.
8. 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.
9. A Noise Impact Report prepared by an Institute of Noise Control Engineering (INCE) certified Acoustic Engineer analyzing the noise impact from the inverters to the property shall be submitted to the Director of Planning, Zoning & Inspection for approval prior to the issuance to any land disturbance permits or building permits.
10. At no time shall the noise impact of the inverters at the property line exceed 45 dBA during operation.
11. Traffic Management – Deliveries shall only occur between 7AM and 5PM Monday through Saturday and shall not occur during school bus route hours. No more than one delivery truck shall be on site at any given time. Trucks shall not be allowed to be staged on Jones Ridge Road or any nearby road while waiting to deliver on site. Trucks will be directed to wait at Pilot Travel Center, 110 Riverpoint Drive Danville, VA 24541 or Love's Travel Stop, 2105 Barnes Street Reidsville, NC 27320 while another delivery is onsite, or if they arrive outside of allowed delivery hours. Police details will be used for deliveries if available.

7. Wildlife Impact Statement

Tom Holt stated the proposed solar project is located primarily on flat or gently sloping cleared fields. Accordingly, there is minimal tree/brush clearing, no clearing of mature forest, and no major grading proposed, which will avoid significant habitat disturbance and fragmentation.

Additionally, the fenced in acreage represents just 10.6% of property, 89.4% of which will remain undeveloped and forested.

The site will be planted with a pollinator promoting seed mix, establishing a meadow of plants to sustain pollinators. The fence is proposed with a six-inch gap at the base to allow the passage of small animals through the project area. Larger animals such as deer are unlikely to be able to access the fenced in area but will still be able to access fields around the project outside of the fence.

8. Revised Plans

Tom Holt went over the revised plans from the proposed condition from 100 feet to include an additional 20-foot strip of landscape behind the required setback and along the Eskew property.

Lee Clark asked the Board if there were any direct questions for the applicant.

Stuart Warren commented that the noise study was a well-engineered assessment; however, applying the findings to a data center in an industrial park is quite different from considering a solar farm in a rural area. Despite this difference, all the measured noise levels are below 40 decibels. Additionally, incorporating a five-decibel cushion and adding vegetation should further help in reducing the noise. Once everything is set up, adjustments can be made if the noise levels are not satisfactory. Tom Holt confirmed, "Yes."

Lee Clark asked what examples are around 40 decibels. Tom Holt mentioned a quiet conversation in a library. Average room noise ranges from 30 to 50 decibels, while background noise is between 50 and 60 decibels, and average office noise is about 70 decibels.

Lee Clark requested that Micah Montgomery come forward to speak regarding the Governmental References.

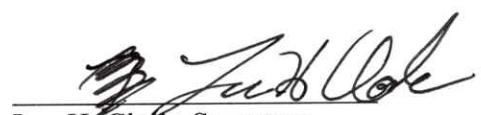
Micah Montgomery contacted Hanover County and was informed that the project had not yet been constructed. However, John Puvak disputed this claim. Hanover County did not have any complaints regarding Ameresco. In Fairfax County, there is a rooftop solar project on a garage, which is not relevant to us. Rhody Holthaus is working on a solar project in Maryland, which is a ground-mounted installation on a landfill owned by the county. The county purchases some of the power generated by this project, and there have been no complaints about Ameresco.

Paul Setliff asked for comments from the Board.

Jay Hudson's concern is the potential loss of value for property owners due to the solar farm's installation for society. Lisa Spencer states it absolutely affects property values.

Jay Hudson made a motion to deny the Special Use Permit citing Section 21.209 and 21.210. Lisa Spencer seconded the motion followed by a unanimous vote of 5-0.

The meeting adjourned at 2:23.


Lee H. Clark, Secretary