

MEMORANDUM

4-1

To: Board of Supervisors *R. David Laurell 1/4 BOS*

From: Paul E. Harvey, Community Development Director *PEH*  
Sandra M. Shackelford, Planner *SMS*

Subject: Special Use Permit Request #10-00637 (5 Swan Creek Road)

Date: November 24, 2009

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**BACKGROUND:** This request is from Rodney Childress for a special use permit to operate an automobile graveyard/junkyard on property zoned Agricultural.

Public hearings scheduled: P/C: November 23, 2009; B/S: January 4, 2010

Location / Election District: 5 Swan Creek Road / Brookneal Election District

Tax map number(s) / total acreage: 87E-2-23 / 3.36 +/- acres

Magisterial District and Population: Patrick Henry; 7,090 in 2000 increasing to 7,103 by 2010.

Owner/ Applicant contact information: Rodney Childress; 5 Swan Creek Road, Gladys, VA 24554; 610-2900.

Comments: The client would like to continue operation of his automobile graveyard/junkyard for his personal use.

**DISCUSSION:**

**Land Use/Floodplain:** The area is rural in nature. Zoning in the vicinity is Agricultural (A-1). The property does not lie within any FEMA 100-yr. flood plains.

**Access and Traffic:** The area can be accessed from Covered Bridge Road (Route 705 – avg. daily traffic 60 vehicles) or Swan Creek Road (Route 821 – avg. daily traffic 140 vehicles). The request would have minimal impact on daily traffic counts; no traffic study is required.

**Utilities:** Private well and septic system.

**Conditions:** The Planning Commission may recommend, and the Board of Supervisors may impose any reasonable conditions upon approval of the permit. Staff recommends the following conditions if approved: 1) the applicant complies with all County and Commonwealth regulations and obtains proper permits for this operation; and 2) the applicant develops the site in substantial conformance with the site plan submitted including any additions mandated by the Board of Supervisors.

**Comprehensive Plan:** Property is located in an area designated to remain rural.

**RECOMMENDATION:** The planning commission **recommended denial** of this request with a vote of 7-0, citing a lack of public necessity, general welfare, good zoning practice, or convenience.

§ 15.2-2200. Declaration of legislative intent.

This chapter is intended to encourage localities to improve the public health, safety, convenience and welfare of its citizens and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities; that the need for mineral resources and the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surroundings for family life; that agricultural and forestal land be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds.

§ 15.2-2283. Purpose of zoning ordinances.

Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § [15.2-2200](#). To these ends, such ordinances shall be designed to give reasonable consideration to each of the following purposes, where applicable: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (v) to protect against destruction of or encroachment upon historic areas; (vi) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers; (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; (ix) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; (x) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and (xi) to provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard. Such ordinance may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in § [62.1-255](#).