

Planning Commission
January 10, 2022 at 6:00 p.m.

Commission
Members: Denis McCarthy
Jake Allman
Tom Watkins
Edwin Nash
Nathaniel Miller

Staff Present: Philip Vannoorbeeck
Jennifer Daniel

Chairman McCarthy called the meeting to order.

PUBLIC HEARINGS:

Conditional Use Permit Request – N. Main Street – Single Family Dwelling

*NOTICE OF PUBLIC HEARING
TOWN OF BLACKSTONE*

*The Town of Blackstone Planning Commission shall hold a Public Hearing on January 10, 2022 at 6:00 p.m., in the Town Council Chambers, 100 W. Elm Street, Blackstone, Va. The purpose of the Public Hearing is to consider a Conditional Use permit request from **George Olin Hardy, IV** to allow the construction of a single-family dwelling on property located in the B-G, General Business District. The subject property is located along N. Main Street and is designated as Nottoway County Tax Map Number 50A19-8-C-58. The Planning Commission may make a recommendation following this public hearing. Any person desiring to speak for or against the request should attend the Public Hearing at the above stated date and time.*

Chairman McCarthy opened the Public Hearing.

Mr. Olin Hardy requested building a stick built home on his property on N. Main Street. He said he talked to Mr. Dooley, a local contractor. He said depending on the footprint allowed, he hoped to have two bedrooms and two bathrooms. He said he had the property resurveyed.

Manager Vannoorbeeck said the property is 50' in width and the Board of Zoning Appeals does want to hear matters on lots of this size. He said if we follow the 15% setback rule, Mr. Hardy would have a 20' wide house. He said he told Mr. Hardy after tonight; he would also have to go to the Board of Zoning Appeals.

Chairman McCarthy asked if this house would be similar to those in the neighborhood. Manager Vannoorbeeck said it would be almost identical to the house next door, but not the houses behind him on Center Street.

Chairman McCarthy said this would be a less intensive usage than would otherwise be permitted.

Clerk Daniel said she sent out letters to the adjoining property owners. She said there was a property owner in the audience. The member from the audience said his only concern was with the setbacks and drainage.

Chairman McCarthy closed the Public Hearing.

Commission Member Nash made a motion to recommend to Council approving the Conditional Use Permit request from Mr. Olin Hardy for a single family dwelling in the General Business District. The motion was seconded by Commission Member Watkins.

VOTE:

Chairman McCarthy	–	Aye
Commission Member Nash	–	Aye
Commission Member Miller	–	Aye
Commission Member Watkins	–	Aye
Commission Member Allman	–	Aye

Text Amendment – R-2 District – Assisted Living Facilities

**NOTICE OF PUBLIC HEARING
TOWN OF BLACKSTONE**

The Town of Blackstone Planning Commission shall hold a Public Hearing on January 10, 2022 at 6:00 p.m., in the Town Council Chambers, 100 W. Elm Street, Blackstone, Va. The purpose of the Public Hearing is to consider a text amendment to the Blackstone Zoning Ordinance. This text amendment would permit Assisted Living Facilities as a Conditional Use in the R-2, Residential District. More specifically this text amendment request would permit certain facilities to house more than eight individuals. The Planning Commission may make a recommendation following this public hearing. Any person desiring to speak for or against the request should attend the Public Hearing at the above stated date and time.

Manager Vannoorbeeck said this request is from Ms. Judy Bennett for Jan’s Residential. He said in the Town’s definitions, we have Adult Care Facilities that are inspected by Social Services and a Group Home is inspected by the Department of Behavioral Health. He said based on the Ordinance, Jan’s Residential is an Assisted Living Facility.

Manager Vannoorbeeck asked Ms. Bennett if she had a staffer there 24/7. Ms. Bennett replied yes sir.

Manager Vannoorbeeck said the first request is to allow Assisted Living Facilities, as a Conditional Use, in the R-2 District.

Commission Member Miller said Ms. Bennett was asking to raise the limit from 8 residents to 12 residents. Manager Vannoorbeeck said this does not have a limit, but can be a condition.

Commission Member Miller said if this were approved, is there an inspection process before this can happen. Manager Vannoorbeeck said not by our Zoning now, but could be part of the approval process.

Commission Member Miller asked Ms. Bennett if she would be agreeable to having the Building Official do an inspection. Ms. Bennett replied yes. She said it is inspected by the Fire Marshall every year. Manager Vannoorbeeck asked Ms. Bennett to provide a report.

Commission Member Watkins said if this is approved, these facilities could be put anywhere in the R-2 District. Manager Vannoorbeeck said only as a conditional use. Commission Member Watkins added, this would be setting a precedent.

Manager Vannoorbeeck said it is mandated to permit 8 residents. Commission Member Watkins asked what will keep people from asking to house more residents. Manager Vannoorbeeck said perhaps in the text amendment, not to exceed 12. Commission Member Watkins said what about not to exceed 8. Manager Vannoorbeeck said that is already in place.

Commission Member Watkins asked why does the State say 8. Manager Vannoorbeeck believed years ago localities started seeing these types of facilities popping up and tried to create zoning that would not permit it. He said because Virginia is a Dillon Rule State, they said no we need to follow what the State tells us, and maybe after negotiating, they decided on 8.

Commission Member Watkins said if we grant 12, which is after the fact, what stops somebody else from coming in asking for 12, because we have set a precedent. He believed the State came up with 8, because maybe it is somewhat manageable. He said he was going to have a tough time voting on more than 8.

Chairman McCarthy opened the Public Hearing.

Manager Vannoorbeeck said if the text amendment is not approved, then the Conditional Use Permit request is moot.

Manager Vannoorbeeck said Ms. Bennett was not hiding anything, she asked about expanding, and he asked her how many residents she had, and at that time it was 11, but she has had as many as 12. He said she self-reported, it did not come from complaints.

Chairman McCarthy said the concern is not just with this property, but the entire R-2 District. He said if we make it 12 residents, that becomes the de facto amount of people. Manager Vannoorbeeck said you are not obligated to approve all conditional use permits, but if you turn one down, there needs to be a justification.

Commission Member Miller suggested tabling this until we get an inspection report. Manager Vannoorbeeck said items can be tabled up to 90 days.

Commission Member Nash said he agreed with Commission Member Watkins. He said he lives in R-2, and he would not want a home next to him that had 12 people. Manager Vannoorbeeck said you could have 8. Commission Member Nash said at least there is some control, this request is to increase what the State requires, by 50%.

Commission Member Watkins said 12 is not a number the Town is establishing; it is a number being presented after the fact. He said he has difficulty dealing with something after the fact.

Ms. Bennett said Mr. Al Ellington told her she could have 12 residents. She said she did not know about the maximum being 8.

Manager Vannoorbeeck said when Madeline's House was in Town, they got a permit.

Commission Member Allman asked Ms. Bennett how many rooms she had in her house. Ms. Bennett replied, 6 rooms. She said DSS (Department of Social Services) approved each room.

Commission Member Allman asked if there was a minimum space requirement per occupant. Ms. Bennett replies yes, when DSS comes to issue the license, they measured the rooms.

Commission Member Allman asked Ms. Bennett if she knew the square footage of her home. Ms. Bennett replied no sir. She said it was three rooms upstairs and 3 rooms downstairs. She said DSS approved 12.

Commission Member Allman asked Ms. Bennett if she provided 24 hour staffing. Ms. Bennett replied yes sir. She said if the residents are left alone, they would close her down. Commission Member Allman asked Ms. Bennett if she had back-up power for the facility. Ms. Bennett replied, yes sir.

Commission Member Miller said it sounds like Ms. Bennett has a legitimate business, but just has a Zoning issue.

Manager Vannoorbeeck said he got a police report from the past two years, there had been some calls, and only a few were criminal.

Ms. Bennett said she has RNs, LPNs and med techs in the facility, and had been operating since 2006.

Commission Member Watkins said this is more or less a business, and no longer a residence if this is approved. He said it is being allowed in a residential area. He believed you almost need a separate area and zoning in Town. Manager Vannoorbeeck said maybe it would make more sense as a Residential Business District. He said the property backs up to General Business.

Commission Member Watkins said that would preclude this from just moving into a residential area at anybody's discretion. Manager Vannoorbeeck said Residential Business also allows for nursing homes.

Manager Vannoorbeeck asked if the Commission wanted to address the entire block as Residential Business. Commission Member Allman suggested doing it as a case by case basis.

Manager Vannoorbeeck said anywhere a single family home is Use By Right, residents of 8 are allowed. He said the State was protecting property owners from localities to say we don't want any congregate types of living.

Chairman McCarthy closed the Public Hearing.

Manager Vannoorbeeck said he could readvertise as a Conditional Rezoning, along with the text amendment.

Manager Vannoorbeeck asked Ms. Bennett if she would agree to the Building Official doing an inspection. Ms. Bennett agreed.

The Commission asked for a copy of the Fire Marshall inspection as well.

Commission Member Watkins made a motion to table the request heard tonight. The motion was seconded by Commission Member Miller.

VOTE:

- Chairman McCarthy – Aye
- Commission Member Nash – Aye
- Commission Member Miller – Aye
- Commission Member Watkins – Aye
- Commission Member Allman – Aye

Conditional Use Permit Request – 307 N. High Street – Assisted Living Facility

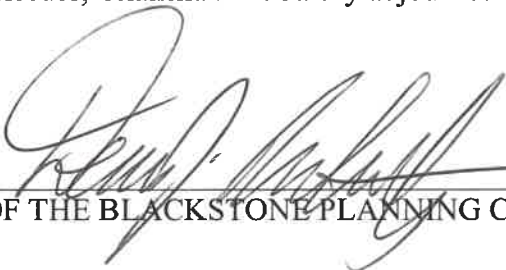
**NOTICE OF PUBLIC HEARING
TOWN OF BLACKSTONE**

The Town of Blackstone Planning Commission shall hold a Public Hearing on January 10, 2022 at 6:00 p.m., in the Town Council Chambers, 100 W. Elm Street, Blackstone, Va. The purpose of the Public Hearing is to consider a Conditional Use permit request from Jan’s Residential to allow the operation of an Assisted Living Facility on property located in the R-2, Residential District. The subject property is located at 307 N. High Street and is designated as Nottoway County Tax Map Number 50A27-1-M-38. The Planning Commission may make a recommendation following this public hearing. Any person desiring to speak for or against the request should attend the Public Hearing at the above stated date and time.

Manager Vannoorbeeck said because the first request was tabled, this portion is moot at this time.

Manager Vannoorbeeck clarified, the setbacks for Mr. Eric Nash’s mini warehouse request on South Main Street should be 50’. He said the road or parking lot can be in the setback. He said a setback is strictly for a structure.

There being no additional business to discuss, Chairman McCarthy adjourned the meeting at 6:50 p.m.



CHAIRMAN
OF THE BLACKSTONE PLANNING COMMISSION

April 1, 2024 APPROVED AND ADOPTED



TOWN CLERK
OF THE TOWN OF BLACKSTONE, VIRGINIA