



Town of Farmville Board of Zoning Appeals

Members
Pam Butler, Chair
Penny Pairet, CBZA, Vice Chair
Cameron Patterson
Sam Carey
Zach Preston

Town Council Chambers of the Town Hall, 116 North Main Street, Farmville, Virginia

Agenda for Thursday, February 22, 2024 @ 3:00pm

1. **Call to Order** (Please Silence Devices)
2. **Roll Call**
3. **Determination of Quorum**
4. **Consideration of Minutes**
 - a. Minutes of the Regular Board of Zoning Appeals Meeting – January 25, 2024
5. **Hearing of Cases**
 - a. **BZA24-001-VAR:** Walmart Real Estate-1800 Peery Drive, Tax Parcel #0037000(14)00-002.

Walmart Real Estate, property owner and applicant, requests a variance of fifteen additional wall signs to the two allowed per business per street frontage, a 339.79 square foot variance to the 100 square foot maximum sign area for wall signs, and a 534.79 square foot variance to the 150 square foot total signage allowed in the B-3 District as stated in Section 29-31.f.
 - Staff Report
 - Public Hearing
 - BZA Deliberation, Motion, Vote
6. **Unfinished Business**
7. **New Business**
 - a. Staff Updates/Other Items of Interest
8. **Adjournment**

**Town of Farmville Board of Zoning Appeals
Farmville Town Hall Council Chambers
116 North Main Street, Farmville, VA
Thursday January 25, 2024**

Members Present: Chairperson Pam Butler, Sam Carey, and Zachary Preston

Member Absent: Vice-Chair Penny Pairet, Cameron Patterson

Staff Present: Director of Community Development Ashley Atkins-Austin, Administrative Assistant II Michelle Watkins

Call to Order: Chairperson Butler called the meeting to order at 3:00 pm.

Determination of Quorum: With three (3) members being present, a quorum was established.

APPROVAL OF MINUTES

Minutes of Board of Zoning Appeals Meeting- February 23, 2023

On motion by Mr. Carey, Seconded by Mr. Preston, with all present members voting “aye”, the minutes were approved with no corrections.

ELECTIONS OF OFFICERS

Election of Chair-On a motion by Mr. Preston, seconded by Mr. Carey, and with all present members voting “aye”, Ms. Pam Butler was elected as Chair.

Election of Vice-Chair-On a motion by Mr. Carey, seconded by Mr. Preston, and with all present members voting “aye”, Ms. Penny Pairet was elected Vice-Chair.

HEARING OF THE CASE

BZA24-001-VAR-Walmart Real Estate, property owner and applicant, requests a variance of fifteen additional wall signs to the two allowed per business per street frontage, a 339.79 square foot variance to the 100 square foot maximum sign area for wall signs, and a 534.79 square foot variance to the 150 square foot total signage allowed in the B-3 District as stated in Section 29-31.f.

Ms. Ashley Atkins-Austin shared with the Board that case BZA24-001-VAR was deferred by the applicant until February 22, 2024.

UNFINISHED BUSINESS

There was no unfinished business before the board.

NEW BUSINESS

Adopt Standing Meeting Schedule for 2024

On a motion by Mr. Preston, Seconded by Mr. Carey, and with all present members voting “aye”, the standing meeting schedule for 2024 was adopted as presented.

Adopt 2023 Annual Report

On a motion by Mr. Carey, seconded by Mr. Preston, and with all present members voting

“aye”, the 2023 Annual Report was adopted as presented.

Certified BZA Course

Ms. Austin provided information to the Board regarding the upcoming Certified Board of Zoning Appeals program. This course is offered by the VCU Land Use and Development Education Program. The course is virtual, study materials are provided to participants. There is funding available, please reach out to Ms. Watkins to register.

Staff updates/Other items of interest

Board members need to submit conflict of interest forms to the Town Clerk, Ms. McKay if they have not already done so.

John Ramsay is the new Residential Code Inspector for the Town of Farmville, his first day of employment was on October 30, 2023.

ADJOURNMENT

With no further business before the Board of Zoning Appeals, Chairperson. Butler called for a motion to adjourn.

On a motion by Mr. Preston, seconded by Mr. Carey, with all members present voting “aye”, the meeting was adjourned at 3:10 pm.

Respectfully submitted by Michelle D. Watkins, Administrative Assistant II

Pam Butler, Chairperson

Ashley Atkins-Austin,
Director of Community Development



Identification and Location Information

Applicant	Emily Wheaton, WD Partners
Property Owner	Walmart Real Estate
Location	1800 Peery Drive, Tax Map # 0037000(14)00-002
Ward	A
Acreage	25.175 acres
Zoning	B-3 Highway Commercial
Existing Land Use	Commercial/ Retail
Future Land Use Recommendation	General Commercial
Overlays	No overlays apply but site is located in the Enterprise Zone.
Adjacent Zoning	B-3 Highway Commercial to the north, R-2 Medium Density Residential to the west, B-3 Highway Commercial to the south; B-3 Highway Commercial and B-3 Highway Commercial to the east
Adjacent Uses	NORTH: Undeveloped land EAST: Undeveloped land zoned R-2 medium density residential SOUTH: Retail shopping center WEST: Restaurants and gas station
Staff Contact	Ashley Atkins-Austin, CZA, Director of Community Development Phone: 434-392-8465 Email: aaustin@farmvilleva.com

Background

The applicant requests a variance of fifteen additional wall signs to the two allowed per business per street frontage, a 339.79 square foot variance to the 100 square foot maximum sign area for wall signs, and a 534.79 square foot variance to the 150 square foot total signage allowed in the B-3 District as stated in Section 29-31.f. The applicant is proposing the following signage:

Proposed Signage	
Front Façade	
Walmart (wall sign)	158.41 SQFT
Grocery (wall sign)	41.05 SQFT
Home & Pharmacy (wall sign)	94.90 SQFT
Outdoor (wall sign)	20.67 SQFT
Pickup (wall sign)	32.37 SQFT
Auto Care > (wall sign)	16.25 SQFT
Vision (wall sign)	8.19 SQFT
Total Front Façade	371.84 SQFT
Auto Center Façade	
Auto Care (wall sign)	24.75 SQFT
Tire (x4) (four wall signs)	9.32 SQFT
Oil Change (wall sign)	9.33 SQFT
Bay Numeral (x5) (five wall signs)	24.55 SQFT



Auto Center Façade Total	67.95
Total Building Signage	439.79
Pylon Sign (per face)	95.00 SQFT
Total Signage per Business	534.79 SQFT

Notice was sent to adjacent property owners on January 11, 2024 and published in the *Farmville Herald* on Friday, January 12, and Friday, January 19, 2024.

Zoning Ordinance Considerations

Dimensional Requirements- Section 29-31.f of the Town Code lists the sign standards in the B-2 Transitional Commercial and B-3 Highway Commercial Districts. The applicable bulk (dimensional) requirements are highlighted below:

- (f) *Sign standards: B-2 and B-3 zoning districts.* Any business located within a B-2 and B-3 zoning districts shall be limited to displaying no greater than two (2) square feet of signage per foot of business frontage for freestanding buildings, or store frontage for in-line shopping center establishments. In no case shall any business display greater than one-hundred and fifty (150) square feet of signage. All signs are allowed to be internally illuminated if in compliance with all requirements set forth in this section. Individual signs shall be limited in their size and placement according to the following regulations:

Table 4: Maximum Sign Dimensions—B-2 and B-3 Zoning Districts

Sign Type	Number	Area	Height (ft.)
Window	Not limited	Lesser of 20% of window area or 6 sq. ft.	Not limited
Freestanding	1 per street frontage, limit 2 per lot	50 sq. ft.	15 ft.
Projecting	1 per business per street frontage	12 sq. ft.	No less than 9 ft.
Wall	2 per business per street frontage	100 sq. ft.	No limited
Canopy	Permitted	Letters not more than 12 inches high.	No less than 9 ft clearance; not to exceed canopy height.
A-Frame	1 per 30 feet of frontage	6 sq. ft. per side	4 ft.
Painted	1 on side or rear wall	Shall not exceed 50% of that wall area	As per other standards
Temporary (freestanding, banner, or wall only) ¹	Not limited	12 sq. ft.	4 ft.

¹Temporary signs shall not count toward sign allotment for each business.



The BZA's Standards for Review- Section 29-13.d.2.d of the Town Code establishes the Board's standards and procedures for the review of and action on variance requests. In doing so, the Board may also set conditions of approval should it deem granting a variance appropriate.

(d) *Variance.*

(2) *Standards and procedures.*

- d. *Standards for review.* Pursuant to the Code of Virginia, § 15.2-2309(2), a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and:
1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to the ordinance;
 4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;
 5. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in this chapter pursuant to Code of Virginia, § 15.2-2309(6) or the process for modification of a zoning ordinance pursuant to Code of Virginia, § 15.2-2286(A)(4) at the time of the filing of the variance application.

Utilities, Transportation/ Streets, Environmental

Not impacted.

Findings and Recommendations

Staff's Findings

The application does not meet the standards set forth in Section 29-13.d.2.d of the Town Code for granting a variance.

1. The strict application of the maximum sign area and height in the B-3 district would not unreasonably restrict the use of the property. The property is currently in use as a retail store, as evidenced by the existence of an approximately 183,849 square foot building that was built in 1995. *The use can continue without a variance.*
2. The property was acquired in good faith and any hardship was not created by the applicant;
3. The granting of the variance would only affect this site;
4. There are no unique characteristics about the building or site that require a variance. This is a common request, and if deemed appropriate, an ordinance amendment could be formulated.



5. The granting of the variance in fact would not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;
6. Relief or remedy is not available through a special exception process. Special exceptions are not authorized for any reason by the Town Code, Chapter 29, Zoning and Subdivision Ordinance. Modification from the zoning ordinance is available with respect to the physical requirements on a lot or parcel of land.

Staff did reach out to the applicant to offer a compromise by considering the different entrances as separate units that would be allowed 100 sq. ft. of signage each. Walmart design standards have very specific uses to facilitate public guidance between the different components of their business and a compromise would not allow Walmart to achieve their design standards.

While the applicant has listed several reasons to justify a variance from the total signage allowed and the allowed sign area for wall signs, none of these are referenced in the standards for a variance review per Code of Virginia §15.2-2309 and repeated in Section 29-13.d.2.d of the Town Code:

1. The proposed sign plan reduces the current signage from 640.38 sq. ft. to 439.79 sq. ft.
2. Large retail building with multiple entrances and multiple retail components (indoor retail, grocery pickup, auto care, garden center).
3. Large retail building with multiple entrances that is set approximately 875 feet back from Main Street. This building is one of the largest and farthest located from the main road.
4. Corporate branding standards.

While the applicant cites the reduction (not elimination) of non-conformities, all new development (signs, in this case) must comply with the regulations in place at the time of application, and new signage is not entitled to the same square footage as existing signage approved under previous regulations (there were no regulations before) or with another applicant/ business.



Staff's Recommendations

1. The Staff recommends **denial** of the variance request.
2. The Staff recommends the following motion:

I move to **APPROVE/ DENY** the request in BZA24-001-VAR for a variance of fifteen additional wall signs to the two allowed per business per street frontage, a 339.79 square foot variance to the 100 square foot maximum sign area for wall signs, and a 534.79 square foot variance to the 150 square foot total signage allowed in the B-3 District as stated in Section 29-31.f

Additional Information

As stated above, the Staff does not support the variance request by the applicant. While variance applications are to be considered on their own merits on a case-by-base basis, it is Staff's general opinion that the denial of a variance for sign area, height, and number does not restrict the use of the property. In the staff report for a previous sign variance heard by the BZA on **November 8, 2021**, the zoning administrator (Town Manager Scott Davis) stated:

"The granting of a variance for this parcel is not within the adopted comprehensive plan or the best practices of zoning, and it would reverse the shared aspirations of the planning commission, town council, professional consultants, town staff and the participant citizens for the future of this area of the community."

This is the first application for a sign variance since the adoption of Ordinance No. 212, Amending Section 29-31 of Article IV of Chapter 29 – Zoning and Subdivision on September 14, 2022.

Appeals

Section 29-13.e.3 states the recourse for appeal.

Appeals. Any person jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, commission, or the town, within thirty (30) days of the date of the decision, may appeal the decision of the board of zoning appeals on a variance to the circuit court of Prince Edward County in accordance with Code of Virginia, § 15.2-2314.

Attachments

1. Vicinity and aerial maps
2. Applicant's application, narrative, and exhibits



**APPLICATION
REQUEST FOR RELIEF FROM THE
BOARD OF ZONING APPEALS**

Part I and Part II of the application must be completed and submitted to: Town of Farmville Zoning Administrator at 116 N. Main Street, P. O. Drawer 368, Farmville, VA 23901.

PART I

DATE OF REQUEST: December 21, 2023

ADDRESS OF REQUEST: 1800 Peery Drive, Farmville VA

APPLICANT INFORMATION

PROPERTY OWNER: Walmart Real Estate

ADDRESS OF OWNER: 2608 SE J Street Bentonville AR 72712

TELEPHONE NUMBER: 479 273 4000

EMAIL ADDRESS: emily.wheaton@wdpartners.com

DEVELOPER (IF APPLICABLE): N/A

ENGINEER (if applicable): N/A

CONTRACTOR (if applicable): TBD

CONTACT NAME: Emily Wheaton, applicant

TELEPHONE NUMBER: 380-206-6432

EMAIL ADDRESS: emily.wheaton@wdpartners.com

PART II

RELIEF REQUESTED

TYPE OF RELIEF REQUESTED:

Variance from sign code for number of signs allowed, increase square footage per sign, and total square footage allowed for business

LIST THE PROVISIONS OF THE ZONING ORDINANCE THAT RELIEF IS NEEDED:

ARTICLE: Article IV **SECTION:** Sec 29-31

PARAGRAPH: e

SITE PLAN INFORMATION

PARCEL IDENTIFICATION NUMBER: 0037000(14)00-002

ACREAGE: 25.175 acres

ZONING DISTRICT: B3

LAND USE: Commercial/ Retail

***ATTACH CONCEPTUAL SITE PLANS TO THE APPLICATION**

EXPLAIN FULLY THE REASONS AND JUSTIFICATION FOR THIS REQUEST, SPECIFICALLY ADDRESSING THE FOLLOWING:

1. DESCRIBE ANY PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS THAT WOULD RESULT IF THIS REQUEST WERE DENIED.

The current Walmart signage was put into place prior to the current sign ordinance requirements. This new code is a drastic reduction from Walmart's existing sign plan. To meet this new regulation, would cause difficulty in Walmart meeting their brand standard that is in place on their stores nationally. The proposed sign plan does reduce the signage from 640.38 sf to 439.79 sf.

2. DESCRIBE ANY UNUSUAL CONDITIONS, UNIQUE TO THE PROPERTY.

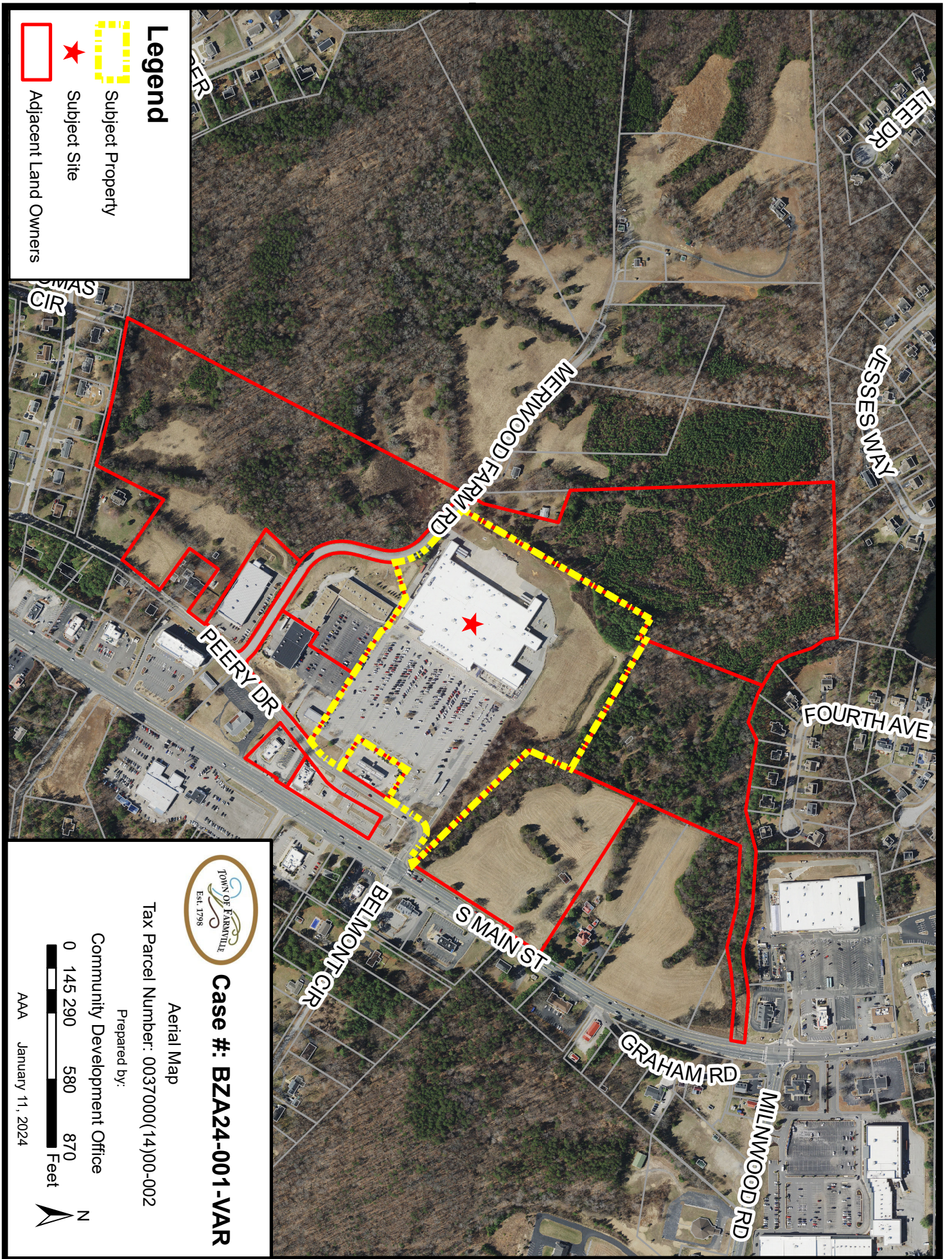
This is a large retail building that has multiple entrances and multiple retail components (Indoor retail, grocery pickup, auto care, garden center) that require the use of multiple signs to provide adequate public wayfinding signage.

3. DESCRIBE HOW THE CONDITIONS ARE UNIQUE TO THE PROPERTY AND NOT SO GENERAL OR RECURRING SO AS TO HAVE NEIGHBORHOOD OR TOWN WIDE APPLICABILITY.




This is a large retail building with multiple entrances that is set approximately 875 feet back from Main Street. The current sign code is restrictive to such a building being adequately signed to branding standards. This building is one of the largest and farthest located from the main road.

EXISTING SIGNAGE	
Front Façade:	
Walmart	298.00 SQFT
Market	28.17 SQFT
Home & Pharmacy	97.66 SQFT
Outdoor Living	77.14 SQFT
Auto Center >	34.55 SQFT
Pickup	65.43 SQFT
Front Façade Total	600.98 SQFT
Auto Center Façade	
Auto Center	31.51 SQFT
Tire	2.38 SQFT
Tire	2.38 SQFT
Lube	3.13 SQFT
Auto Center Façade Total	34.40 SQFT
Total Building Signage	
	640.38 SQFT
Pylon Sign (Per Face)	95.00 SQFT

NEW SIGNAGE	
Front Façade	
Walmart	158.41 SQFT
Grocery	41.05 SQFT
Home & Pharmacy	94.90 SQFT
Outdoor	20.67 SQFT
Pickup	32.37 SQFT
Auto Care >	16.25 SQFT
Vision	8.19 SQFT
Total Front Façade	371.84 SQFT
Auto Center Façade	
Auto Care	24.75 SQFT
Tire (x4)	9.32 SQFT
Oil Change	9.33 SQFT
Bay Numeral (x5)	24.55 SQFT
Auto Center Façade Total	67.95
Total Building Signage	
	439.79
Pylon Sign (per face)	95.00 SQFT



Legend

-  Subject Property
-  Subject Site
-  Adjacent Land Owners



Case #: BZA24-001-VAR

Aerial Map

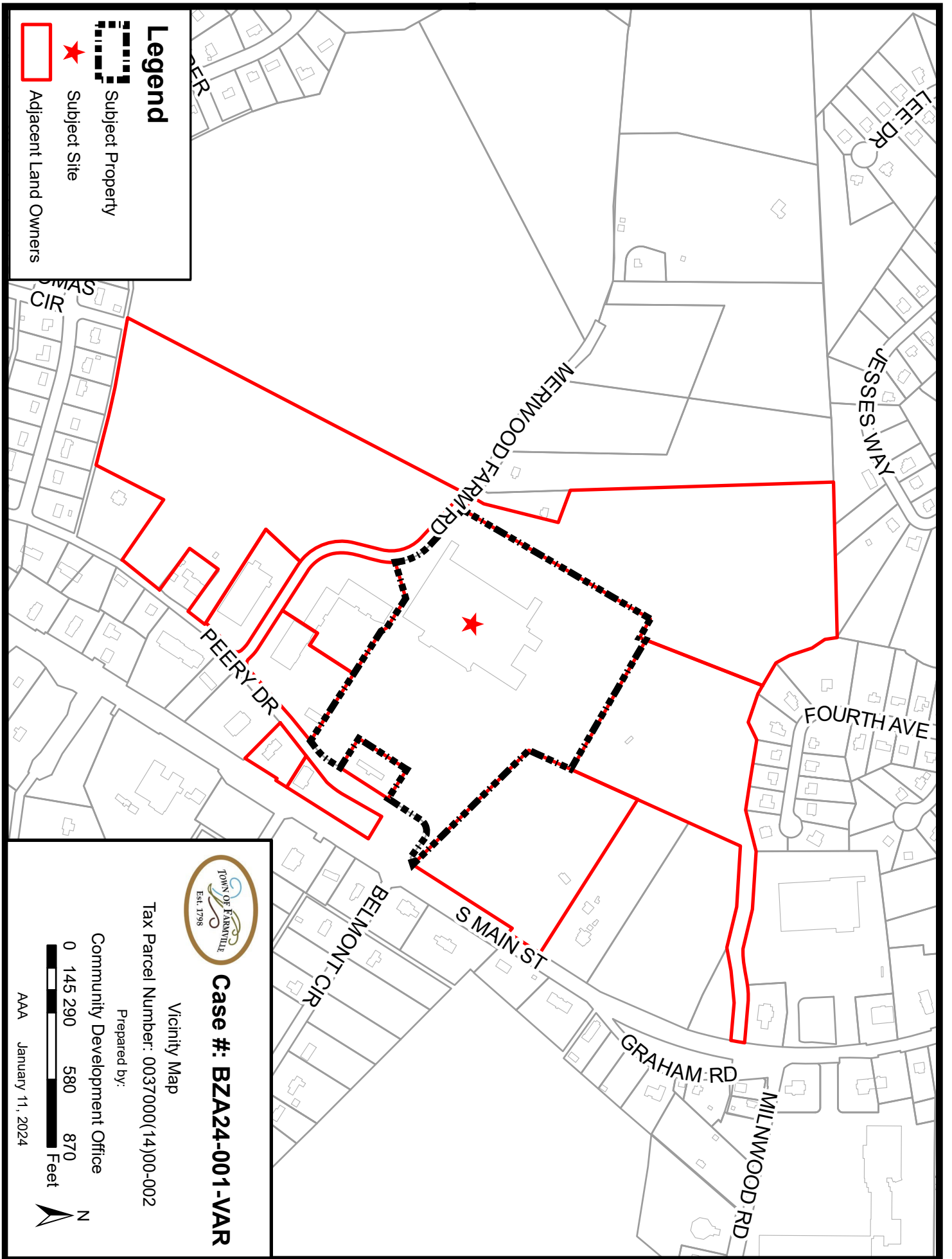
Tax Parcel Number: 0037000(14)00-002

Prepared by:

Community Development Office



AAA January 11, 2024



Legend

Subject Property

Subject Site

Adjacent Land Owners



Case #: BZA24-001-VAR

Vicinity Map

Tax Parcel Number: 0037000(14)00-002

Prepared by:

Community Development Office



AAA January 11, 2024



MEETING DATE: Thursday, February 22, 2024 (Board of Zoning Appeals)

ITEM NO.: 5

REQUEST: BZA24-001-VAR-requesting a variance of fifteen additional wall signs to the two allowed per business per street frontage, a 339.79 square foot variance to the 100 square foot maximum sign area for wall signs, and a 534.79 square foot variance to the 150 square foot total signage allowed in the B-3 District as stated in Section 29-31.f.

BACKGROUND: Written staff report, other supporting materials, and verbal report by Ashley Atkins-Austin Director of Community Development.

RECOMMENDATION: Staff recommends denial of variance request BZA24-001-VAR

RECOMMENDED MOTION: Move to **APPROVE/ DENY** the request in BZA24-001-VAR for fifteen additional wall signs to the two allowed per business per street frontage, a 339.79 square foot variance to the 100 square foot maximum sign area for wall signs, and a 534.79 square foot variance to the 150 square foot total signage allowed in the B-3 District as stated in Section 29-31.f.

MOTION: _____

SECONDED: _____

Members	Yes	No
Mr. Carey		
Ms. Pairet		
Ms. Butler		
Mr. Patterson		
Mr. Preston		



MEMORANDUM

To: C. Scott Davis, LPD, Town Manager
From: Ashley Atkins-Austin, CZA, Director of Community Development
Date: February 5, 2024
Subject: Director's Monthly Report (January 2024), Department of Community Development

Statistics

Item	Amounts	Notes
Zoning Permits	16	
Building Permits	15	
	1	New duplex construction
	3	Trades (mechanical, electrical, plumbing)
	1	Other Structural (interior renovations)
	7	Other Structural (exterior improvements, decks, accessory buildings, porches, etc.)
	2	Signs
	1	Certificate of Occupancy
FAB Ridership	8,836 riders, 14,777 miles, 1,100 service hours	
Fuel Sold at KVVX	16 sales totaling \$4,126.27 781 Gallons	162.70 gallons AV 618.30 gallons Jet A
Arrivals/Departures at KVVX	See chart	Figures represent 7-day trailing averages only. South Boston (W78) also provided for comparison.

Items of interest

- The Staff participated in the following meetings and trainings in January:
 - Local Board of Building Appeals Training (Watkins)
 - Empathy, Equity and You (APA Webinar) (Austin)
 - Virginia Association of Zoning Officials Check-in (Austin)
 - 2024 Dam Safety Grants Training (Austin)
 - Local Building Officials check-in (Ramsay)
 - VBCOA Monthly Meeting (Ramsay)
 - DHCD Core Class (Ramsay)

- Farmville Regional Airport (KFVX) updates:
 - Additional airport usage figures are attached. Flightaware.com provides 7-day trailing averages for free, and more specific data is available for purchase. For comparison, Staff includes the same data for William M. Tuck Airport (W78) in South Boston.

- The Planning Commission met on January 17, 2024.
 - Cameron Patterson was re-appointed as Chair, Jerry Davenport was appointed as Vice - Chair, and Abigail O'Connor was appointed as Secretary.
 - There were no public hearings scheduled and no applications filed.

- The Board of Zoning Appeals met on January 25, 2024.
 - Pam Butler was re-appointed as Chair, Penny Pairet was re-appointed as Vice-Chair.
 - Case BZA24-001-VAR – Requesting a variance allowing 534.79 sq. ft. of total signage where 150 sq. ft. maximum is allowed, a variance allowing a total of 18 wall signs where two (2) are allowed, and a variance allowing 439.79 sq. ft. of wall signage where 100 sq. ft. maximum is allowed, was deferred at the request of the applicant until February 22, 2024.

Staff Contacts | Department of Community Development

Ashley Austin	Director of Community Development	aaustin@farmvilleva.com	434-392-2114
Phillip Moore	Building Official	pmoore@farmvilleva.com	434-392-8465
John Ramsay	Residential Code Inspector	jramsay@farmvilleva.com	434-392-8465
Michelle Watkins	Administrative Assistant II / Permit Tech	mwatkins@farmvilleva.com	434-392-8465

January 2024 Arrivals and Departures

Farmville Regional Airport KFBX

Date	Day	KFBX Arrivals & Departures *	KFBX Notes Farmville	W78 Arrivals & Departures * South Boston
1/1/2024	MONDAY	0		3
1/2/2024	TUESDAY	0		3
1/3/2024	WEDNESDAY	2		3
1/4/2024	THURSDAY	0		3
1/5/2024	FRIDAY	3		3
1/6/2024	SATURDAY	0		0
1/7/2024	SUNDAY	3		0
1/8/2024	MONDAY	4		4
1/9/2024	TUESDAY	0		0
1/10/2024	WEDNESDAY	4		3
1/11/2024	THURSDAY	4		4
1/12/2024	FRIDAY	4		4
1/13/2024	SATURDAY	0		4
1/14/2024	SUNDAY	0		0
1/15/2024	MONDAY	0		0
1/16/2024	TUESDAY	4		0
1/17/2024	WEDNESDAY	4		4
1/18/2024	THURSDAY	4		4
1/19/2024	FRIDAY	0		4
1/20/2024	SATURDAY	2		0
1/21/2024	SUNDAY	4		0
1/22/2024	MONDAY	4		4
1/23/2024	TUESDAY	4		4
1/24/2024	WEDNESDAY	4		4
1/25/2024	THURSDAY	0		0
1/26/2024	FRIDAY	4		4
1/27/2024	SATURDAY	4		3
1/28/2024	SUNDAY	4		3
1/29/2024	MONDAY	4		3
1/30/2024	TUESDAY	5		4
1/31/2024	WEDNESDAY	4		3

* Source: FlightAware.com- 7-day trailing averages