

**Town of Farmville Board of Zoning Appeals  
Farmville Town Hall Council Chambers  
116 North Main Street, Farmville, VA  
Friday, January 24, 2025**

**Members Present:** Chairperson Pam Butler, Vice-Chair Penny Pairet, Dr. Miller, Zachary Preston and Sam Carey

**Member Absent:** None

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

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

**Determination of Quorum:** With all five (5) members being present, a quorum was established.

**APPROVAL OF MINUTES**

**Minutes of Board of Zoning Appeals Meeting- February 22, 2024**

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

**ELECTIONS OF OFFICERS**

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

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

**HEARING OF THE CASE**

**BZA25-001-to consider the appeal of subdivision administrator’s decision filed by Smart Development, LLC, regarding a boundary line adjustment of Tax Map parcels 37-7-5 and 37-7-5A. \_**

Chairperson Butler set forth case BZA25-001 to the Board Members.

On a motion by Dr. Miller, Seconded by Ms. Pairet, and with all present member voting “aye”, the public hearing was opened.

Ms. Ashley Atkins-Austin provided a summary of the case. The applicant, Dale G. Mullen, Esq., on behalf of Smart Development, LLC has requested an appeal of the Subdivision Administrator’s decision to approve a boundary line adjustment and composite map for Tax Map Parcels 37-7-5 and 37-7-5A, owned by Longwood Village Housing Foundation, LLC.

On Friday, September 13, 2024, staff received an email from Lori Blackwood with the Longwood University Real Estate Foundation that contained a preliminary plat for review. Staff forwarded the preliminary plat to a third-party reviewer for review and comments. Received comments from third-party reviewer on Monday, September 16, 2024, to say the plat meets all ordinance requirements and there are no known overlay districts associated with the parcels except zoning.

On Tuesday, September 24, 2024, Ms. Blackwood dropped off five copies of the final plat for signatures. Staff completed a review of the final plat on Monday, September 30, 2024.

The Subdivision Administrator begins the review verifying compliance with the dimensional standards for base zoning districts listed in Sec. 29-22(b) of the Zoning Code. Then proceeds with the review based on Sec. 29-63(b)(2) and Sec. 29-64 of the Zoning Code.

Per Town Code Sec. 29-64.a.1.b, the agent may permit a boundary line adjustment, vacation, or the separation of one (1) parcel from a tract of land without complying with all requirements of the zoning chapter if it meets the following four items:

1. Not in conflict with the general meaning and purpose of the chapter.
2. No new streets are required to serve the parcel.
3. Meets or exceeds all zoning requirements
4. In this case, only one (1) line shall be required and shall be labeled “subdivision agent”.

The submitted plat was viewed as a boundary line adjustment based on Sec. 29-66(b) of the Zoning Code. Boundary Lines. As allowed by Code of Virginia, § 15.2-2275, the boundary lines of any lot or parcel of land may be vacated, relocated, or otherwise altered as part of an otherwise valid and properly recorded plat of subdivision or resubdivision approved as provided in this article or properly recorded prior to the applicability of this article, and executed by the owner or owners of the land. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein. The Subdivision Administrator found that no new parcels were created and no new streets were required to serve the parcels. There is no minimum lot size area or lot street frontage requirement for the B-3 Highway Commercial zoning district. Based on compliance with the dimensional standards and no new streets required, the plat was found to be in agreement with the general meaning of the chapter.

Staff signed five copies of the plat, returning four to the Longwood Real Estate Foundation and keeping one copy for staff records.

Based on the ordinance provisions as noted above, the subdivision administrator’s decision is correct and the appeal has no merit.

Staff recommends that the Board of Zoning Appeals uphold the subdivision administrator’s decision and deny appeal BZA25-001 of the Subdivision Administrator’s decision to approve a boundary line adjustment and composite map for Tax Map Parcels 37-7-5 and 37-7-5A, as the decision was in compliance with the Town Zoning Code.

During the Public Participation period, Mr. Wayne Zumbro spoke in opposition to the Boundary Line Adjustment (BLA). He believes that the infrastructure such as streets, utilities, and future land use was not taken into consideration.

Mr. Mark Flynn, Attorney on behalf to the Town of Farmville’s Subdivision Administrator; provided a brief summary to the Board. Mr. Flynn discussed some clarifying items with Ms. Atkins-Austin, Subdivision Administrator, such as:

- Her authority to implement a BLA is consistent with the Town and State Code.
- Confirming that the BLA does not have to go to the Planning Commission or Town

Council.

- There were no additional changes to the parcels except adjusting the interior lot line.
- Plat information, original date of subdivision which was in 2003.
- Confirming there were no streets and easements moved.
- The BLA did not affect the adjacent properties to her knowledge.
- Confirming the Longwood Village Housing Foundation; BLA applicant, is not part of the Town of Farmville Government Organization.

There was a brief discussion with the Board.

Mr. Dale Mullen, Esq. on behalf of the Appellant, Smart Development, LLC provided a brief introduction to the Board. He also introduced his colleague Cameron Palmore, a surveyor, on behalf of the appellant. They shared information supporting the displays, handouts, and power-point presentation that was provided to the Board.

Mr. Mullen expressed that he did not lay blame on the subdivision administrator or the BLA applicant; he argued that the action of the summary review was done with flawed information, and the plat was made without the benefit of a title search. He mentioned that if a title search had been done, then it would have shown a parcel that is owned by a third-party that was not accounted for in the plat. It would have also shown that there is no dedication of a public street nor does a public street exist. Also, there are utilities that had not been accounted for on the plat.

Mr. Mullen expounded on the state and local code (Sec.29-64.a.b) in relation to a summary review for a boundary line adjustment. He argued that the BLA did not meet the requirements as stated in the code. An agent may permit a boundary line adjustment, vacation or the separation of one (1) parcel from a tract of land without complying with all requirements of this chapter if it is:

- 1) Not in conflict with the general meaning and purpose of this chapter.
- 2) No new streets are required to serve the parcel.
- 3) Meets or exceeds all zoning requirements.
- 4) Only one signature line required and shall be labeled "Subdivision Agent".

He believes that all four (4) requirements failed, most importantly; a new street will be required to serve the parcel. He also pointed out that a subdivision administrator is not the same as a subdivision agent.

Mr. Palmore briefly spoke to the Board regarding deficiencies found in the review of the BLA plat when a field survey and observation was conducted. He pointed out items not shown on the plats such as private utilities, adjacent property owners, the existing street does not have the proper turn around per the town ordinance, additional drainage structures are not shown, 60-foot easement not labeled correctly, and no right of way access to parcel. He also shared that the BLA was not reviewed by VDOT, Planning Commission, or Town Council.

There was a brief discussion with the board and Mr. Palmore clarifying some of the items previously mentioned.

Dr. Miller clarified with Mr. Palmore that a street would not be considered by VDOT because of the presence of the property owned by Spring Valley Trust.

Mr. Mullen asked Ms. Atkins-Austin some clarifying questions regarding the plat, definition of a public street, title search, environmental review, VDOT Review. Ms. Atkins-Austin shared that

the parcel was not in a flood plain and that the Town regulates their own streets, not VDOT.

In summary, Mr. Mullen reiterated on the four (4) criteria items listed in the Town Code that must be met to allow Ms. Atkins-Austin to approve the BLA. His focus was on the criteria item “No new streets are required to serve the parcel”. He argues that indeed there will be a requirement for a new street and therefore, Ms. Atkins-Austin does not meet the criteria to approve the BLA. He stated that it doesn’t mean that the applicant can’t receive their Boundary Line Adjustment (BLA), it just means that the review process will have to be based upon a new street requirement. He expressed to the Board that he feels that Ms. Atkins-Austin is a good Professional and the Town of Farmville is very fortunate to have her, however; the Town also deserves to have a review that is in accordance with the State law and the Town Code where new streets are required, new utilities will be required, and the potential for adjacent property owners to be notified. He stressed that this BLA simply does not meet the criteria of a summary review.

Mr. Flynn spoke in response to Mr. Mullen’s Summary. He reiterated some items with Ms. Atkins-Austin in regard to the streets and right of ways on the subject parcel. In conclusion, he stated that the only question for the Board would be, Is this a proper Boundary Line Adjustment? There is no evidence that the BLA would impact items listed in the criteria. He shared that a Site Plan would be the more appropriate avenue to discuss the items shared by the appellant, not a BLA.

Mr. Blackburn, on behalf of Longwood Village Housing Foundation, LLC, Spoke to the Board in opposition to the appeal. He expressed that the BLA was a simple adjustment and believes it was done properly. He mentioned that an appellant would have to be an aggrieved party to challenge the BLA and he does not see any evidence that Smart Development, LLC, the Appellant is aggrieved.

Mr. Mullions reiterated the definition of a public street and there being no evidence of dedication to a public street. The fact that a public street is required means the BLA does not meet the requirement of the summary process.

A conflict-of-interest statement was read by Ms. Pairet, Mr. Carey, Mr. Preston, and Dr. Miller.

On a motion by Mr. Preston, seconded by Ms. Pairet, and with all present members voting “aye”, the motion was passed to deny the appeal.

### **UNFINISHED BUSINESS**

There was no unfinished business before the Board.

### **NEW BUSINESS**

#### **Adopt Standing Meeting Schedule for 2025**

On a motion by Mr. Carey, Seconded by Ms. Pairet, and with all present member voting “aye” the 2025 Board of Zoning Appeals meeting schedule was adopted.

#### **Adopt 2024 Annual Report**

On a motion by Mr. Preston, Seconded by Mr. Carey, and with all present member voting “aye” the 2024 Board of Zoning Appeals annual report was adopted.

### **ADJOURNMENT**

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

motion to adjourn.

On a motion by Ms. Pairet, seconded by Mr. Preston, with all members present voting “aye”, the meeting was adjourned at 4:33 pm.

Respectfully submitted by Michelle D. Watkins, CPT Administrative Assistant II

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Pam Butler, Chairperson