



Town of Farmville

Board of Zoning Appeals

July 24, 2025 at 3:00 PM
Council Chamber of the Town Hall
116 North Main Street, Farmville, VA

AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Determination of Quorum**
4. **Consideration of Minutes**
 - a. Minutes of the Regular Board of Zoning Appeals Meeting - May 15, 2025
5. **Hearing of Cases**

BZA25-003 - The applicant, Jon Atkinson, requests a 3' variance to the required 60' front yard setback in the R-3 High Density Residential District as stated in Section 29-22.b (Table 2), to construct a 5' x 10' porch onto an existing single-family residential dwelling. The proposed porch is to replace an existing front porch that is in disrepair. The 0.266 acre site is located at 512 East Second Street on Parcel Number 0023A05(01)13-003A.
6. **New Business**
7. **Adjournment**

**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

Pam Butler, Chairperson



Identification and Location Information

Applicant	Jon Atkinson
Property Owner	Jon Atkinson
Location	512 East Second Street; Parcel – 0023A05(01)13-003A
Ward	E
Acreage	0.266 acre
Zoning	R-3 High Density Residential
Existing Land Use	Single Family Dwelling
Future Land Use Recommendation	Urban Residential
Overlays	n/a
Adjacent Zoning	R-3 High Density Residential
Adjacent Uses	NORTH: Right of way EAST: Single family dwelling SOUTH: Right of way WEST: Vacant parcel
Staff Contact	Ashley Atkins-Austin, CZA: Director of Community Development Phone: 434-392-8465 Email: aaustin@farmvilleva.com Report by Robert W. Dvorak, Town Planner

Background

The applicant requests a 3’ variance to the required 60’ front yard setback in the R-3 High Density Residential District as stated in Section 29-22.b (Table 2), to construct a 5’ x 10’ porch onto an existing single-family residential dwelling. The proposed porch is to replace an existing front porch that is in disrepair. The façade of the existing single-family dwelling currently sits close to the 60’ setback. Despite the existing porch, the construction of the proposed porch constitutes a non-conforming expansion and requires a variance prior to issuance of zoning and building permits.

NOTICE

Zoning Ordinance Considerations

Dimension Standards- Section 29-22.b (table 2) of the Town Code lists the various bulk (dimensional) requirements for development in Town. The applicable dimension is highlighted below:

- (b) *Dimensional standards for base zoning districts. Dimensional standards within each zoning district shall apply as provided in table 2.*

(Table follows on next page)

Table 2: Dimension Standards for Base Zoning Districts *



Zoning District	Minimum Lot Size			Minimum Yard Size		Maximum Building Height
	Area	Setback	Frontage	Side	Rear	
R-3 High Density Residential	5,000sf, plus 2,500sf for each additional dwelling unit under 1 roof for lots served by public water and sewer Overall density shall not exceed 16 dwelling units per acre	35' or more from any street right-of-way which is 50' or greater in width	45', plus 15' for each additional dwelling unit	7' or 10% of lot width but not less than 4'.	15'	45'
		60' or more from the center of any street right-of-way less than 50' in width				
		Setbacks for townhouses shall be a minimum of 10' from the front, 15' from the rear yard and no side yard				

* Dimensions for other districts were removed for brevity and formatting.

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 generally meets the standards set forth in Section 29-13.d.2.d of the Town Code for granting a variance. Staff further finds the following:

1. The strict application of the 60' front yard setback in the R-3 District would not unreasonably restrict the use of the property. The property is currently in use as a single-family dwelling. 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 and would have no negative affects on adjacent properties;
4. The property was developed under previous regulations several decades ago, and the home's facade is within the 60' set back requirement
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 or amendment of the zoning ordinance was not in process at the time of the application.

Staff's Recommendations

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

I move to **APPROVE/ DENY** the request in BZA25-003-VAR for a 3 foot variance to the 60 foot required front yard setback in the R-3 High Density Residential District as stated in Section 29-22.b (Table 2), to construct a 5' x 10' porch structure on an existing single family residential dwelling.

Additional Information

While the Staff is recommending approval of the variance in this instance, it further recommends review and subsequent amendment of the bulk regulations chart to reduce the required front yard setback from 35' or 60' to a dimension that makes more sense for a "high density residential district". Currently, the front yard setback for ALL residential districts is 35'. Higher density residential districts generally feature shallower front yard setbacks to accommodate smaller lot sizes and to reflect an older, traditional neighborhood layout. Most older Farmville neighborhoods are located on smaller lots and are closer to the street.



116 North Main Street
Farmville, Virginia 23901
434-392-8465
www.farmvilleva.com

Department of Community Development

Staff Report: BZA25-003-VAR

Atkinson Front Yard Setback Variance

Meeting Date: Thursday, July 24, 2025 at 3pm

Any amendment to the zoning ordinance must go through the legislative process. The Planning Commission would need to make a recommendation to the Town Council, which would then decide the matter.

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. Staff's exhibit showing setbacks
3. Staff's pictures
4. Applicant's application, narrative, and exhibits

Farmville Board of Zoning Appeals

Public Hearing Notice

The Farmville Board of Zoning Appeals will hold a public hearing on Friday, June 27, 2025 at 3:00 P.M. in the Council Chamber, located on the second floor of the Town Hall, 116 North Main Street, Farmville Virginia to receive public comment on the following item:

- **Case BZA25-003-VAR:** The applicant, Jon Atkinson, requests a 3' variance to the required 60' front yard setback in the R-3 High Density Residential District as stated in Section 29-22.b (Table 2), to construct a 5' x 10' porch onto an existing single-family residential dwelling. The proposed porch is to replace an existing front porch that is in disrepair. The 0.266 acre site is located at 512 East Second Street on Parcel Number 0023A05(01)13-003A.

The Farmville Board of Zoning Appeals will consider the request following the public hearing. Any person(s) wishing to comment on the above matter should plan to attend this meeting or submit written comments. Please submit written comments to Michelle Watkins at mwatkins@farmvilleva.com or mail written comments to PO Drawer 368, Farmville, VA 23901 to arrive by 12:00 p.m. on Friday, June 27, 2025.

Questions and comments regarding cases may be directed to the Department of Community Development, 116 North Main Street, PO Drawer 368, Farmville, Virginia, 23901 or by calling (434) 392-8465, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

It is the intent of the Town to comply with the Americans with Disabilities Act. Should you need special accommodations, please contact C. Scott Davis, LP.D., Town Manager, at (434)392-5686, prior to the meeting.

Ashley Atkins-Austin, CZA
Director of Community Development

To the Farmville Herald

Please publish the above notice in the **Friday, June 13, 2025, and Friday, June 20, 2025** editions, and invoice this office.



COMMUNITY DEVELOPMENT DEPARTMENT

Ashley Atkins-Austin, CZA
Director of Community Development

John Ramsay, Building Official

Robert Dvorak, Town Planner

Michelle D. Watkins, CPT
Administrative Assistant II Permit Technician

Date: June 13, 2025

Re: Case # BZA25-003 Notice of Public Hearing for a front setback Variance.

Dear Property Owner,

You are receiving this letter because you own property next to a site that has applied for a variance as described below.

The Farmville Board of Zoning Appeals will hold a public hearing on **Friday, June 27, 2025, at 3:00 PM** in the Council Chamber, located on the second floor of the Town Hall, 116 North Main Street, Farmville Virginia, to receive public comment on the following item:

- **Case BZA25-003:** The applicant, Jon Atkinson, requests a 3' variance to the required 60' front yard setback in the R-3 High Density Residential District as stated in Section 29-22.b (Table 2), to construct a 5' x 10' porch onto an existing single-family residential dwelling. The proposed porch is to replace an existing front porch that is in disrepair. The .266 acre site is located at 512 East Second Street on Parcel Number 0023A05(01)13-003A.

The Farmville Board of Zoning Appeals will consider the request following the public hearing. Any person(s) wishing to comment on the above matter should plan to attend this meeting or submit written comments. Please submit written comments to Michelle Watkins at mwatkins@farmvilleva.com or by mail to PO Drawer 368, Farmville, VA 23901, to arrive by 12:00 p.m. on Friday, June 27, 2025.

Questions and comments regarding cases may be directed to the Department of Community Development, 116 North Main Street, PO Drawer 368, Farmville, Virginia, 23901 or by calling (434) 392-8465, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

It is the intent of the Town to comply with the Americans with Disabilities Act. Should you need special accommodations, please contact C. Scott Davis, LP.D., Town Manager, at (434) 392-5686, prior to the meeting.

Sincerely,

Ashley Atkins-Austin, CZA
Director of Community Development

AFFIDAVIT

COMMONWEALTH OF VIRGINIA,
Town of Farmville, to-wit:

Ashley Atkins-Austin, CZA, Director of Community Development for the Town of Farmville, Virginia, being duly sworn, deposes and states, on behalf of the Board of Zoning Appeals that the attached Notice of Public Hearing was sent by first class mail, pursuant to Code of Virginia Section 15.2-2204(B) on the 16th day of June 2025 to the following property owners of the Town of Farmville. The Notice of Public Hearing is for the following variance:

• **Case BZA25-003-VAR**

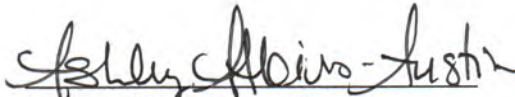
Hudson, Jeffrey & Charles James Wilkerson
514 East Second Street
Farmville, VA 23901

Piccioni, Bri & Benjamin
511 E Second Street
Farmville, VA 23901

Wolfe Zachary T & Taylor H
507 East Second Street
Farmville, VA 23901


Leatherwood C Jack & Linda L
517 East Second Street
Farmville, VA 23901

**Atkinson Jonathan David & Jennifer Nicole Hall-
Atkinson**
504 Rose Hill Avenue
Clarksville, VA 23927


Ashley Atkins-Austin, CZA,
Director of Community Development

Subscribed and sworn before me on this 16th day of June 2025.




Notary Public



My commission expires 12/31/2026

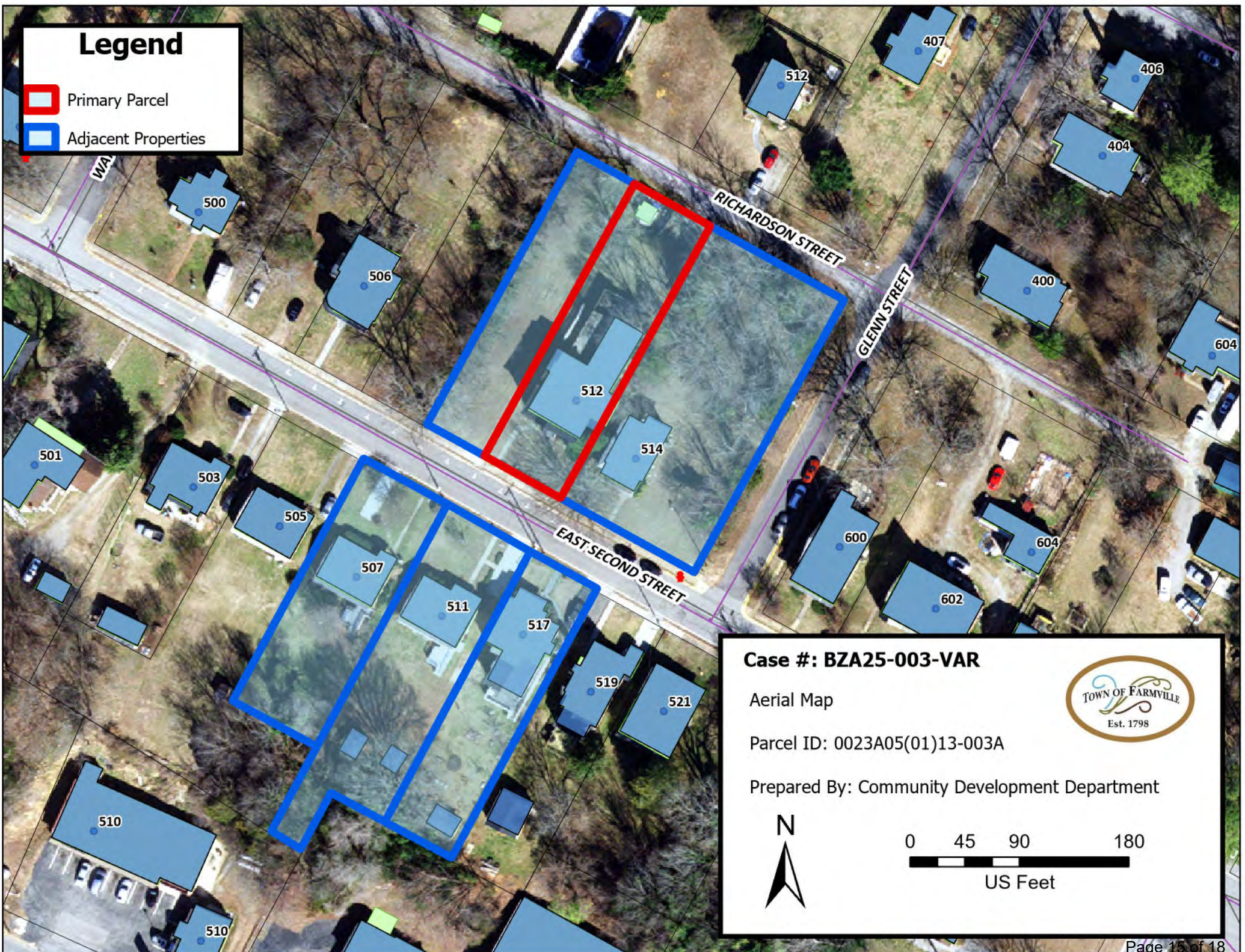
Registration Number: 7981993

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

Parcel Number	Owner	Column1	Mail1	Mail2	City	State	Zip
0023A05(01)13-004	Hudson, Jeffree & Charles James Wilkerson		514 East Second Street		Farmville	VA	23901
0023A04(23)04-006I	Piccioni, Bri & Benjamin		511 E Second Street		Farmville	VA	23901
0023A04(23)04-006F	Wolfe Zachary T & Taylor H		507 East Second Street		Farmville	VA	23901
0023A04(23)04-007	Leatherwood C Jack & Linda L		517 East Second Street		Farmville	VA	23901
0023A05(01)13-003	Atkinson Jonathan David & Jennifer Nicole Hall		504 Rose Hill Avenue		Clarksville	VA	23927

Legend

-  Primary Parcel
-  Adjacent Properties




Case #: BZA25-003-VAR

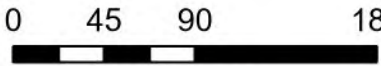

Aerial Map

Parcel ID: 0023A05(01)13-003A

Prepared By: Community Development Department





TOWN OF FARMVILLE
Est. 1798



0 45 90 180
US Feet

Legend

-  Primary Parcel
-  Adjacent Properties



Case #: BZA25-003-VAR

Vicinity Map

Parcel ID: 0023A05(01)13-003A

Prepared By: Community Development Department

