TAPPAHANNOCK PLANNING COMMISSION
NOVEMBER 5, 2025
7:00 P.M.

PRESENT

Chair:	Dianna Carneal
Vice Chair:	Maria Pitts (*arrived late*)
Commission Members:	Myra Dickinson
	David Hammond
	Timothy Bradshaw
Assistant Town Manager	
Zoning Administrator:	James Knighton
Secretary:	Patsy K. Scates

- **CALLED TO ORDER**

Chair Carneal called the meeting to order.

- **MINUTES APPROVED**

On motion of Timothy Bradshaw, seconded by David Hammond, the Commission voted unanimously to approve the October 1, 2025, Planning Commission Public Hearing meeting minutes and the October 1, 2025, regular Planning Commission meeting minutes.

Votes were cast as follows:

Myra Dickinson:	Aye	David Hammond:	Aye
Dianna Carneal:	Aye	Timothy Bradshaw:	Aye

- **OLD BUSINESS**

  - *Bareford GMC Rezoning Application*

Chair Carneal stated the commission members should consider the application from Bareford GMC requesting to rezone lots known as tax parcel 32B (20) Parcels 75, 76, 76 A and 76B. The lots are approximately 0.73 acres and are located at the 500 block of Dangerfield St. in the Town of Tappahannock. The applicant is requesting to rezone the property from R-3 Town Residential to CG-2General Commercial.

Assistant Town Manager Knighton reminded the commission members that the public hearing portion of this application has been closed and according to the timeline a recommendation will need to be made tonight to the Town Council. He stated he will take the recommendation to the Town Council and tentatively a Public Hearing will be scheduled for the December Town Council meeting.

Assistant Town Manager Knighton reported the commission members have before them a letter from the Law Office of Dunton, Simmons, and Dunton, LLP, who represent the applications. He reviewed the concerns listed within the letter and addressed them. (See attached)

Assistant Town Manager Knighton asked for any questions.

- **MOTION TO DENY RECOMMENDTION TO THE TOWN COUNCIL FOR BAREFORD GMC REZONING APPLICATION**

On motion of Timothy Bradshaw, seconded by Myra Dickinson, the Commission voted unanimously to recommend to the Tappahannock Town Council to deny an application from Bareford GMC requesting to rezone lots known as tax parcel 32B (20) Parcels 75, 76, 76 A and 76B. The lots are approximately 0.73 acres and are located at the 500 block of Dangerfield St. in the Town of Tappahannock. The applicant is requesting to rezone the property from R-3 Town Residential to CG-2General Commercial.

Votes were cast as follows:

Myra Dickinson:	Aye	David Hammond:	Aye
Dianna Carneal:	Aye	Timothy Bradshaw:	Aye

- **NEW BUSINESS**

  - *Proposed Draft of the Tappahannock Zoning Ordinance – Article XX – Historical Overlay Zone*

Assistant Town Manager Knighton stated the language in the draft Historical Overlay Zone would be added to the existing language there would be some regulations removed to help relax on the restrictions in the Historic Overlay Zone and help improve economic development. He stated the goal for the amendment is to regulate only structures of significance. He stated the Structures of Significance that are listed in the National Register of Historic Places are:

1. Custom's House:	109 Prince Street
2. Scot's Arms Tavern:	123 Prince Street
3. Five Cents and Dollar Store:	200 Prince Street
4. Ritchie House:	227 Prince Street
5. Old Clerk's Office:	307 Prince Street
6. Essex County Court House:	Prince Street
7. Debtor's Prison:	321 Prince Street
8. Beale Memorial Baptist Church:	Church Lane
9. Henley House:	314 Water Lane
10. Anderton House:	314 Water Lane
11. Brockenbrough House:	Water Lane
12. St. Margaret's Hall	444 Water Lane
13. Roane-Wright House	203 Duke Street
14. St. John's Episcopal Church:	Duke Street

Commission Member Dickinson asked for some clarification. She stated it is correct that the Town is NOT proposing to change the Historic Overlay Zone language but to add the language of the Structures of Significance to the proposed language.

Assistant Town Manager Knighton stated that it was correct. He stated that if you currently are in the Historic Overlay Zone the Town is required to regulate every structure within that zone regardless of whether it is a contributing structure or not. He stated the goal with this language is to regulate only structures of significance which are listed above.

There was some discussion.

- *Article III. Administrative Mechanism*

Assistant Town Manager Knighton stated the Tappahannock Board of Zoning Appeals members considers variance applications. He stated citizens request a variance for setbacks because they cannot meet the setbacks due to the layout of the property which was done prior to the adoption of the zoning ordinance. He stated that state code provides a list of criteria that should be met to grant a variance. He stated there is a vehicle within the state code that would allow an issuance of an administrative variance for setbacks only. He stated the administrative variance would still require a public hearing and issue notice to the adjacent property owners. He stated he asked Summitt to "clean up" the language in the current zoning ordinance regarding variances and those proposed changes matches state code language.

There was some discussion.

Chair Carneal stated under **Section 22-29 Powers and Duties of the Zoning Administrator** the proposed language states, b. The Zoning Administrator is hereby authorized to grant administrative modifications of up to 50% to any provision of this chapter relating to physical requirements on a lot or parcel of land, including but not limited to size, location, or features of or related to any building, structure, or improvements, consistent with Sec. 22-61 and the Code of Virginia § 15.2-2286(A)(4).

Assistant Town Manager Knighton stated the above proposed language can be changed to just reference setbacks. He stated the below proposed language is the list of criteria that should be met for him to grant an administrative variance.

Required Findings. Administrative modifications may only be granted where the zoning administrator finds in writing that:

a. The strict application of the ordinance would produce undue hardship;
b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
c. The authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

2. Notification of adjoining property owners. Prior to the granting of a modification the zoning administrator shall give, or require the applicant to give, written notice of the request for modification to all adjoining property owners. The notice shall:
   a. Identify the subject property and the nature of the requested modification;
   b. Invite written comments; and
   c. Provide a deadline of 21 calendar days from the date of notice to submit a written response. The failure of an adjoining property owner to respond within the 21-day period shall be deemed a waiver of objection.
3. Decision and Record. The Zoning Administrator shall not render a decision until at least 21 days following the notice required by subsection (c).

- *Section 15.2-912.4 Regulations of tobacco and hemp product retail sale locations*

Assistant Town Manager Knighton stated the language in State Code 15.2-912.4 Regulation of tobacco and hemp product retail sale locations states,

Any locality may by ordinance regulate the retail sale locations of retail tobacco products, as such term is defined in § 18.2-371.2, or hemp products intended for smoking, as such term is defined in § 3.2-4112, for any such retail sale location and may prohibit a retail sale location on property within 1,000 linear feet

of a child day center as defined in § 22.1-289.02 or a public, private, or parochial school. An ordinance adopted pursuant to this section shall not affect (i) a licensee holding a valid license under § 4.1-206.3 or (ii) any retail sale location of retail tobacco products or hemp products intended for smoking operating before July 1, 2024.

2024, c. 536; 2025, cc. 595, 596.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Commission Member Hammond stated the ordinance he provided regarding vaping store was from Henrico and their ordinance states, **Vaping Shops.** A vaping shop must not be located within 1,000 feet of a school or within 2,000 feet of a religious institution, childcare center, public park, or an existing vaping shop.

There was some discussion regarding the vape shops and their approximately to schools and daycares.

- **PROPOSED DRAFTS OF THE TAPPAHANNOCK ZONING ORDINANCE**

On motion of Timothy Bradshaw, seconded by David Hammond, the Commission members voted unanimously to recommend approval to the Tappahannock Town Council to review the following draft ordinances. Article XX Historical Overlay Zone, Article III. Administrative Mechanisms, and Article V. Appeals, Variances, Interpretations. Section 22-61 Variances.

Votes were cast as follows:

Myra Dickinson:	Aye	David Hammond:	Aye
Dianna Carneal:	Aye	Timothy Bradshaw:	Aye

- **COMMENT TIME**

  - Staff Comments

Assistant Town Manager Knighton stated he will present the Council members with the recommendations from the zoning ordinance and the Bareford GMC and a public hearing will be scheduled.

  - *Commission Comments*

Chair Carneal asked other comments.

There being none, the meeting was adjourned.

Dianna Carneal
Dianna Carneal, Chair

Patsy K Scates
Patsy K. Scates, Secretary

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November 4, 2025

VIA EMAIL
Planning Commission c/o Zoning Administrator
Town of Tappahannock
Tappahannock Municipal Building
915 Church Lane
Tappahannock, VA 22560

RE: Bareford-Ball Inc., property owner, Bareford GMC Corporation, agent ("Applicants"), Rezoning application, dated March 6, 2025 for property addresses 517 & 523 Dangerfield Street (Tax maps 32B 20 75, 32B 20 76, 32B 20 76B) from R-3 to GC-2 ("Application")

Dear Chairperson Carneal and Members of the Planning Commission:

Dunton, Simmons & Dunton LLP represents the Applicants in the above-referenced Application process. We were asked to review all file materials, including the Application, the Comprehensive Plan, County of Essex GIS Mapping, the Staff Report, the Applicant's slide show and the audio of the Planning Commission hearing held on October 1, 2025 ("Materials"). Following this review, we were also asked to identify issues which may have been omitted or misstated on the record.

There are several of these issues to address, namely:

I. The Comprehensive Plan Supports this Rezoning.

The Application is consistent with the Comprehensive Plan (2024). It supports the following Objectives:

- Land Use Chapter – Objectives 1 & 5 met
  This Application supports Objectives 1 and 5 which call for expanding the US 17 commercial district, and strengthening and diversifying the Town's economic base by encouraging and facilitating the land use needs of industries associated with higher wages. Route 17 is the natural business corridor in Town. The Applicant has been in business at its location in Tappahannock for nearly 80 years and has contributed greatly to the tax base, employment, heritage and history of the Town. The discussion detailed that Applicant employs a number of individuals who are well-paid (well above the Town average stated on page 20) and who spend money at other businesses

within the Town. The Applicant described its desire to use the subject properties for its expanding business. It was stated that this rezoning and expansion may result in additional employee or employees. Growth correlates to inventory, and more inventory potentially means more people. Applicants expect that the Town wants to keep and encourage a thriving business to stay in the Town, with all of the benefits that having a thriving business in Town offer. These facts are directly supported by the Comprehensive Plan and support a recommendation of approval of the Application.

The staff position during the public hearing that the Application "does not align" with the Land Use Chapter, is not a correct statement. The Staff Report says the Map 2: Future Land Use Plan does not support the rezoning request. See pages 5, 6, and 8.

As stated above, the Application meets several Objectives in the Comprehensive Plan Land Use Chapter. Yet staff cites Map 2 as the reason that the Application does not align. As will be addressed later below, the Comprehensive Plan directs that none of its maps may be relied upon to make a zoning decision.

In addition, on page 10, the Comprehensive Plan explains that the document contains broad recommendations, "…rather than narrowly defining decisions for land use at specific sites. The Plan, like most communities, is ever-changing and should be fluid as changes become necessary. Although adopted as an official public document, the Comprehensive Plan is not a development ordinance." This language acknowledges internal inconsistencies among Objectives in Land Use Chapter, such that no single parcel can meet all Objectives simultaneously. Therefore, the staff interpretation is not consistent with the language of the Comprehensive Plan on this issue and a recommendation of denial on this basis would not be proper.

The Staff Report does admit at the end on page 8 that there are Objectives in the Land Use Chapter that are met by this Application.

- Economic Development Chapter- All 4 Objectives met

  There are four (4) Objectives stated on page 89, and the Application supports all four and makes these bases for recommending approval of the Application to Council.

- Maps are not appropriate to determine uses for specific sites –

  With respect to the maps supplied in the Comprehensive Plan, page 10 says "This mapped information is general in nature and not appropriate for determining the suitability of specific sites for any specific use." This is a directive of the Comprehensive Plan, therefore, no maps in the Comprehensive Plan may be used as the basis for a zoning decision about any specific parcel. Despite this directive, debate occurred in the October 1 meeting about Map 2: Future Land Use Plan, on page 26, whether it is valid or correct, which is not relevant because it cannot be used. The map is flawed and the Comprehensive Plan prohibits its use to determine a

zoning decision, yet staff, as referenced above in Section I first bullet point, improperly cited Map 2 as part of its reasoning for alleged non-alignment of this Application with the Comprehensive Plan Land Use Chapter.

- Housing and Population Trends Effect on Residential Needs –

  Opponents have suggested that the subject parcels should remain residential. However, the Comprehensive Plan (page 18) and census data show a declining population trend in both Tappahannock and Essex County over the next century. Approximately 18% of residential units in Town are already vacant (page 83). Recent residential development proposals in the area (mostly seeking multiple unit properties) have stalled due to lack of demand or economic feasibility. The Town's housing needs do not justify preserving these parcels as underutilized R-3 lots.

- Comprehensive Plan is a policy guide-

  Under Virginia law, all localities must create a comprehensive plan which is a policy guide for land use. VA Code §15.2-2283 The Town of Tappahannock's Comprehensive Plan 2024 is a guide for its land use decisions including this rezoning Application. When localities follow their plans, doing so provides solid legal protection against challenges and is the best approach to accomplishing local goals.

II. Compatibility with Surroundings, Zoning Precedents Exist, the Subject Properties Should be Treated Similarly

The subject properties will be compatible with surroundings if rezoned CG-2. They are currently surrounded on three sides by commercial uses. Two sides are zoned commercial, and the third side is zoned R-3 but is used as a multi- unit apartment building.

Many precedents already exist for CG-2 zoning along both sides of Route 17. There exists a precedent on Dangerfield Street where CG-2 already exists directly across the street from the subject properties, and the across-the-street precedent sits further west of Route 17 than the subject properties. Likewise, there are a number of other precedents where CG-2 already exists on streets to the north and south of Dangerfield, along both sides of Route 17, with these precedent parcels pushing further west and east, respectively, of Route 17, than do the subject properties. (See attached Essex GIS maps.)

This is not a case of first impression. Substantially similar properties already exist and are zoned CG-2. These should be treated similarly.

III. Prior Use Was Commercial; Proposed Improvements Address Complaints, Add Value

The subject property furthest to the west has been used for commercial purposes for decades and even has an approved commercial parking plan. The proposed rezoning is not a departure but a continuation of historical use. The Applicants' plan includes substantial improvements: fencing, buffering, removal of dilapidated structures, and consolidation of inventory storage. These

changes will reduce on-street parking, improve safety, and enhance the visual character of the area.

The properties were acquired by the Applicants three and four years ago, respectively. Claims during the hearing that "nothing has been done in ten years" are factually inaccurate, pre-date Applicants' ownership, and ignore the Applicants' proactive efforts to improve the parcels since acquisition. This process was undertaken almost one year ago.

Opposers said, without supporting data, that their property values will decrease if the subject properties are rezoned. There was no evidence presented to support this belief. Clearly, opposers want the subject properties to remain zoned R-3, yet that zoning classification has not benefitted the Town or these opposers for years as these properties are in disrepair and underutilized. The proposed plan is much better than what has been in existence for years, so it would be hard to argue that values would decrease because of this plan.

IV. Opposition Based on Non-Zoning Factors

Several individuals voiced opposition during the public hearing based on speculative, incorrect and irrelevant concerns. These objections lack legal merit and should not influence the Commission's recommendation:

- Opposers #1: This couple owns CG-2 zoned property located further west on Dangerfield Street than the subject parcels. Their property abuts a commercial warehouse, yet they oppose rezoning parcels east of them—closer to Route 17—to the same classification. Notably, they purchased their property in 2019 as a rental investment, fully aware of the surrounding commercial context. In contrast, Bareford GMC has operated continuously in Tappahannock since 1947 and remains a pillar of the Town's commercial community. Their opposition is self-serving and inconsistent with their own investment choices. Their public call for the Applicants to "leave the Town" and that Applicants "shouldn't be rewarded" with a rezoning is unwarranted and suggests, incorrectly, that the Applicants have violated some law or regulation. The Applicants have a clean regulatory record and have never been cited for any violation by the Town in the nearly 80 year history of the business at this same location. This was never corrected by the staff in the hearing. The position taken by this couple was not only inappropriate and unreasonable but underscores the absence of any legitimate zoning concern.

- Opposer #2: This individual, the spouse of a Planning Commission member, made the demonstrably false claim that "they built a parking lot next to my house." In fact, Bareford GMC has been using the adjacent lot for decades prior to the construction of their home in 1986. This statement is materially untrue and misrepresents the historical use of the property. Falsehoods of this nature undermine the integrity of the zoning process and should be publicly corrected.

- Opposer #3: While this resident has lived in the area for many decades, Bareford GMC's presence predates their ownership by several decades. During the hearing, this speaker claimed that "nothing had been done in ten years" to improve the subject properties. This

is factually inaccurate. The Applicants have only owned the parcels for three and four years, respectively. The properties were acquired in their current condition and have since been targeted for improvement through this rezoning application, which process was undertaken almost one year ago. Their opposition is based on misstatements, not planning principles.

These objections are not grounded in zoning law, planning policy, or facts. They reflect personal animus, preferences and speculative fears, not legitimate public interest. The Commission should give them no weight in its deliberations.

V. Procedural Concerns; Request for Recommendation of Approval

A Planning Commission member's inquiry regarding proffers was inappropriate. Virginia law prohibits conditioning approval on proffers unless offered voluntarily. This line of questioning should not influence the Commission's recommendation.

Applicants respectfully request that the Planning Commission recommend the Application to Council for approval. No relevant, proper or reasonable objections have been raised to the Application by the Staff Report, or the speakers in the public hearing. The Staff Report and speakers utilized either irrelevant or improper reasons for their arguments. To consider personal attacks, factually incorrect statements or other bases not consistent with the Comprehensive Plan or zoning law, would be unreasonable, arbitrary and capricious.

VI. Conclusion Based on Zoning Concepts

The Application overwhelmingly is supported by and supports the Comprehensive Plan, specifically Objectives listed in its Land Use and Economic Development Chapters. The subject properties, if rezoned, will be compatible with nearby properties. There are other properties already zoned CG-2 on two sides of the subject properties, and a third side, while zoned residential, is used as a multi-unit apartment building (whose owner supports the Application). There is an east-west alley on the north side of the subject properties separating them from several residential parcels. There is a warehouse across the street from the subject properties. One of the subject properties has already been used commercially. There are precedents in Town on both sides of the Route 17 corridor where CG-2 already exists and at distances further from Route 17 than the subject properties. Similarly-situated properties should be treated similarly. The economic use of the subject properties supports an existing and expanding business with long history in the Town. Applicants' business is one which supports high paying jobs in the community, and results in a workforce that supports other Town businesses on a regular basis. There will be low impact on streets and facilities, inasmuch as the subject properties will: (i) be used to house inventory of the business which will be shielded from the public with appropriate buffers, (ii) result in reduced traffic and reduced parking of inventory on streets, and (iii) result in no access to the north boundary on the alley due to buffer and fencing.

Town of Tappahannock
Planning Commission
November 4, 2025

Thank you very much for your time and attention.

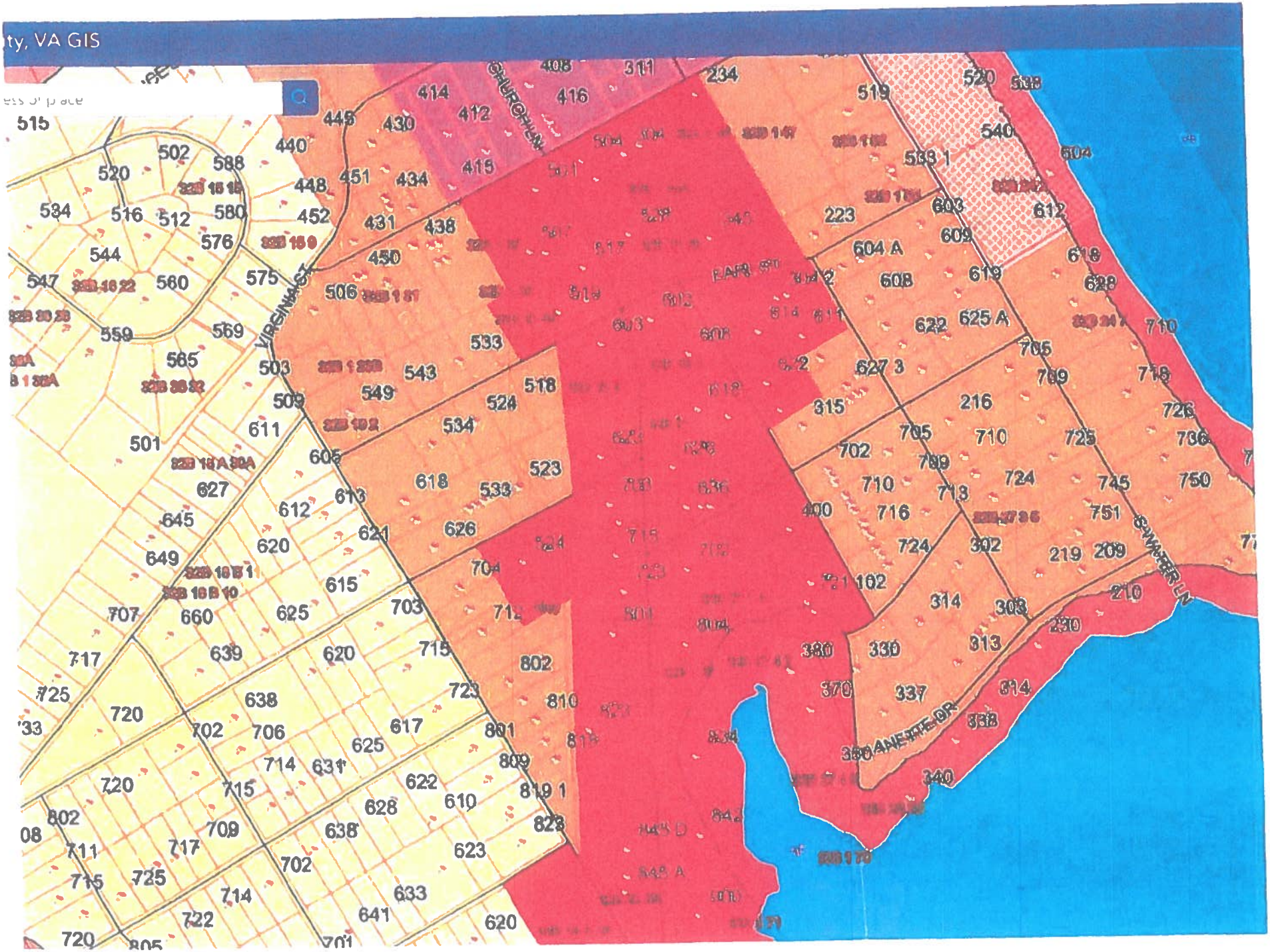
Respectfully submitted,

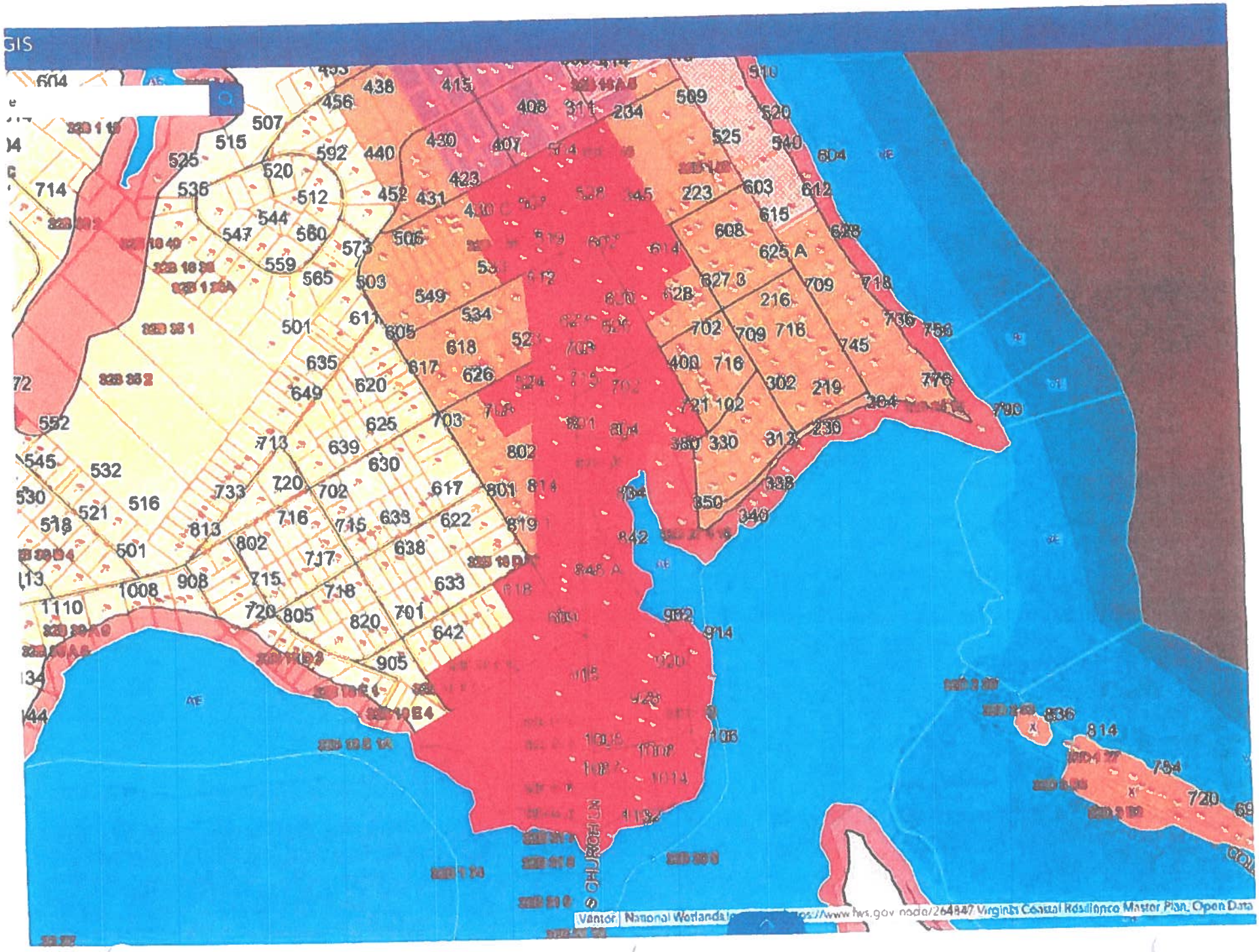
Nancyellen Keane

Nancyellen Keane

Attachments

cc: James Knighton, Zoning Administrator jknighton@tappahannock-va.gov
Carter P. Ball (via email)


ty, VA GIS
CHURCH LN
VIRGINIA ST
EARL ST
SWAGGER LN
ANESTHESIA DR


GIS
CHURCH LN
Vantor
National Wetlands
https://www.fws.gov/node/264947 Virginia Coastal Resilience Master Plan: Open Data