

HENRY COUNTY BOARD OF ZONING APPEALS
MINUTES OF MEETING
August 27, 2025

The regular meeting of the Henry County Board of Zoning Appeals was held on Wednesday, August 27, 2025, in the Summerlin Board Room of the Henry County Administration Building at 1 pm. Paul Setliff, Lisa Spencer, Deborah Hairston, Stuart Warren, and Jay Hudson were in attendance. Recording Secretary, Wanda Setliff, Planner/Community Development Specialist, Micah Montgomery, and Director of Planning, Zoning, and Inspection Lee Clark were also in attendance.

Motion to approve the minutes of July 23, 2025, was made by Stuart Warren, seconded by Jay Hudson, and followed by a unanimous vote.

S-25-12 Danny Gardner

A request for a Special Use Permit was received under Section 21-302 of the Henry County Zoning Ordinance to allow for the establishment of a campground facility to accommodate up to 25 sites. The property is approximately 24-acres, located on the north east side of River Road and approximately 0.6-mile south of Field Avenue. The property is in the Horsepasture District, is zoned Agricultural District A-1, as shown on Tax Map 40.2/113A.

The property is not located within a designated Growth Area as defined by the Henry County Comprehensive Plan. This project should not generate significant traffic and will be served by public water and sewer. Staff considers this use to be consistent with the Comprehensive Plan.

Staff has reviewed the application and suggests the BZA add the following minimum conditions as part of any motion to approve.

- Must meet State Code / Virginia Department of Health guidelines for operating a campground

The public hearing opened at 1:06.

Paul Setliff asked if anyone present would like to speak on behalf of the Special Use Permit.

Danny Gardner spoke on his own behalf, expressing his plans to develop a 25-site RV park that would offer rentals on a daily, weekly, or monthly basis. Jay Hudson inquired about the proximity of the park to the walking trail and asked what type of vegetation would be planted between the trail and the RV park. In response, Danny Gardner admitted, "I don't know." Hudson then asked whether there was an easement for the trail through the property. Lee Clark confirmed, "Yes, there is an easement for the trail."

Deborah Hairston inquired about the maintenance of the RVs, asking if the space between them would be kept clean and the grass maintained. Danny Gardner responded that he would be responsible for the maintenance.

Stuart Warren inquired whether the Ozark RVs were movable. Danny Gardner confirmed that they are indeed movable.

Deborah Hairston then asked how long it would take to move the units if necessary. Danny Gardner replied that he didn't know because the units would need to be disassembled. Deborah Hairston further questioned who the potential renters for these units were. Danny Gardner indicated that he already had interested clients.

Jay Hudson asked what the target market was for these RVs. Mr. Gardner replied that it includes weekend stays, weekly rentals, and vacationers.

Finally, Lee Clark inquired about the approximate cost of each unit. Mr. Gardner stated that each unit would cost approximately \$60,000.

Paul Setliff asked if anyone would like to speak in favor to the Special Use Permit and no one came forward.

Paul Setliff asked if anyone present would like to speak in opposition to the Special Use Permit.

Lawrence Obermiller expressed concerns about the marketing scheme for this project, as Mr. Arrington owns the property. He fears it will lead to increased traffic from racing activities. The area is small, featuring two bridges, a railroad track, and a four-way intersection that serves as the entrance to the park, which is a very dangerous spot in Fieldale. This will be a one-way road with no alternative exits. If an emergency occurs, it could be challenging to get fire or rescue vehicles in if the intersection becomes blocked.

Molly Sumner, who lives at 2026 Dogwood Lane, has raised a concern about the lack of a guarantee regarding guest check-in. If guests are allowed to stay for one month, they may continue their stay indefinitely, which could lead to the property essentially becoming a residential area. When I purchased my property, I took great care to ensure it would be a safe environment for my child. I can no longer guarantee safety if this situation continues.

I understand that if this is an RV park, the owner could decide to sell. In that case, they could remove the \$60,000 RVs, and a new owner might choose to operate it as a typical RV park.

Additionally, I am concerned about the road issues. It is a narrow, one-way road, and there are times when I have to pull over to let sewer trucks pass by. While I recognize that economic growth is important, I feel that this development would negatively impact my property value.

Lee Clark stated that Molly Sumner is correct; once approved as an RV Park, it would be allowed to operate, whether they use park models or create spaces.

Alex Alley, who resides at 2142 Dogwood Lane, expressed that most of his concerns have already been addressed, but he would like to focus on the issue of traffic. This morning, he waited at the intersection for over five minutes before he could cross the road, and the waiting

time varies depending on the time of day. Additionally, the bridge has a weight limit, which raises concerns about how park models will be transported there.

Last week, workers were installing trusses on a home under construction and had to contact VDOT to remove the signs to get the rafters down the road. He is also concerned about the safety of pedestrians using the trail. In his opinion, this is not the right location for an RV park.

Terri Cook approached the podium in the absence of her parents, Carl and Joyce Odell, who live on Dogwood Lane. I walk down Dogwood Lane every day, and the traffic coming in and out of this road is terrible due to the four-way intersection.

The public hearing closed at 1:33.

Jay Hudson made a motion to deny the Special Use Permit. Stuart Warren seconded the motion followed by a unanimous vote of 5-0.

S-25-13 Roger and Deborah Wheatley

A request for a Special Use Permit was received under Section 21-302 of the Henry County Zoning Ordinance to allow for the establishment of a campground facility to accommodate up to 20 sites. The property is in the south east corner of the intersection of Riverside Drive and Governor Stanley Highway, in the Blackberry District. The parcel is scheduled to be considered for rezoning to Agricultural District A-1, by the Henry County Board of Supervisors on August 26, 2025. The Tax Map number is 15.8/163A.

The property is located within the Bassett/Stanleytown designated Growth Area as defined by the Henry County Comprehensive Plan. This project will be served by both public water and sewer, and staff considers this use to be consistent with the Comprehensive Plan.

Staff has reviewed the application and suggest the BZA add the following minimum conditions as part of any motion to approve.

- Must meet State Code / Virginia Department of Health guidelines for operating a campground.
- Must be completed within 18 months.
- No modular residences shall be allowed to be constructed/setup within the park. The park is intended for temporary occupancy by Recreational Vehicles, with no year-round residences. (6-month maximum) Non-occupied storage of RV's shall be allowed in a designated, fenced storage area, but not in numbered RV spaces.

The public hearing opened at 1:39.

Paul Setliff asked if anyone present would like to speak on behalf of the Special Use Permit.

Deborah Wheatley spoke on behalf of herself and her husband, expressing their desire to operate a 20-site RV park. They believe this would help bring revenue into the community, especially with Philpott Lake nearby. Deborah and her husband plan to handle the property's maintenance.

Deborah Hairston inquired about the plans for the existing trees. Mrs. Wheatley replied that while some trees will be removed, they intend to keep some for shade in the campground.

Paul Setliff asked if anyone present would like to speak in favor or in opposition of this Special Use Permit and no one came forward.

The public hearing closed at 1:41.

Stuart Warren made a motion to approve the Special Use Permit including the recommended condition from staff. Deborah Hairston seconded the motion followed by a unanimous vote of 5-0.

S-25-15 Whitney Sligh

A request for a Special Use Permit was received under Section 21-702 of the Henry County Zoning Ordinance to offer a transitional living opportunity for young adults aging out of the foster system. The property is located at 1850 Daniels Creek Road, is proposed to be rezoned to Office and Professional District B-3, as shown on Tax Map 29.7(60)/6.

The property is located within the Fieldale/Collinsville Growth Area as defined by the Henry County Comprehensive Plan.

Staff has reviewed the application and suggests the BZA add the following minimum conditions as part of any motion to approve.

- Use shall remain in compliance with all Building Code and State Code requirements.
- Adequate off-street parking shall be provided.
- No more than 3 residents.

The public hearing opened at 1:46.

Paul Setliff asked if anyone present would like to speak on behalf of the Special Use Permit.

Whitney Sligh addressed the audience to speak on her own behalf, indicating that she is the owner and founder of Futures to Success. She respectfully submitted a request for a Special Use Permit to operate as an independent living home aimed at supporting youth aged 17 to 21 who are in foster care and preparing for the transition to independent living.

Our mission is to bridge the critical gap between foster care and adulthood by providing a safe, stable, and nurturing environment where young people can develop the life skills, confidence, and resources necessary for long-term independence. We take a holistic, trauma-informed approach to ensure that each resident's emotional, social, and practical needs are met, empowering them to build successful futures one step at a time.

We recognize that achieving independence is not an overnight process; it requires time, guidance, and a secure place to grow. Our homes serve as transitional environments where young adults can cultivate self-sufficiency without feeling overwhelmed or left behind. We combine the

structure of foster care with the freedom of independent living, offering youth the support they need while encouraging autonomy and responsibility.

The residence will feature three bedrooms and one bathroom and will initially accommodate two youth residents, along with a designated office space for staff support and oversight. Plans are in place to add an additional bathroom in the future, ensuring that each youth has a private and comfortable living arrangement. The property is currently under construction and is being customized to meet the unique needs of the program and its residents.

Paul Setliff asked if anyone would like to speak in favor or opposition of this Special Use Permit, and no one came forward.

The public hearing closed at 1:51.

Stuart Warren made a motion to approve the Special Use Permit. Jay Hudson seconded the motion followed by a unanimous vote of 5-0.

S-25-14 Miller Brothers Racing, LLC

A request for a Special Use Permit was received under Section 21-302 of the Henry County Zoning Ordinance to allow for the re-opening of the former Oak Level Raceway to host motorsports events and other types of entertainment. The property is located at the end of Raceway Drive, in the Reed Creek District. The property is zoned as Agricultural District A-1, as shown on Tax Map 6.4/11G, 6.7/11K & 6.4(3)/3.

The property is not located within a designated Growth Area as defined by the Henry County Comprehensive Plan.

Staff has reviewed the application and suggests the BZA consider the following issues as part of any motion to approve.

- Hours and days of operation
- Number of race events in a year
- Dust control
- Mud on the road
- Litter/garbage along road
- Truck/trailer traffic on rural road

The public hearing opened at 1:56.

Carl Miller spoke on his own behalf, requesting a Special Use Permit to reopen Oak Level Raceway, located in Henry County, Virginia, for the purpose of hosting motorsports events and community-oriented entertainment. Our vision for the reopening of Oak Level Raceway is to revitalize a cherished local venue and transform it into a welcoming destination for motorsports enthusiasts and families alike. The proposed activities will include organized racing events, car shows, local vendor fairs, and family-friendly gatherings that foster community fellowship and positive engagement. We are committed to operating in accordance with all safety, noise, and traffic regulations set forth by the county. We aim to create economic opportunities by

attracting visitors, supporting local businesses, and contributing to the tax base. We believe this endeavor will provide a meaningful boost to the local economy while preserving the spirit of community that defines Henry County. We respectfully request approval of this application and welcome the opportunity to present our plans in greater detail.

Paul Setliff asked if anyone would like to speak in favor of this Special Use Permit.

A gentleman in the crowd said we are all in favor of this Special Use Permit.

Paul Setliff inquired if anyone present in support of the Special Use Permit could raise their hand. Approximately 38 individuals raised their hands in support. He then asked how many of them lived in Henry County, to which around 24 individuals raised their hands. Stuart Warren followed up by asking how many lived within a mile of the track, and approximately 6 individuals raised their hands.

Paul Setliff asked if anyone would like to speak in opposition of this Special Use Permit.

Kirk Wohlford spoke out, explaining that he owns 75 acres of farmland that directly borders the proposed racetrack property. His land shares a 1,500-foot boundary with this site, which means that his family, livestock, property, wildlife, and livelihood will be directly impacted more than most. Kirk has worked in Salem as a manager for several departments for 30 years, commuting a total of 2 hours each day. He is away for more than 12 hours, 5 days a week, because he values the farming lifestyle and the quiet it offers.

Additionally, Kirk is a state-certified firefighter and serves as a Lieutenant at House 8.

Though his views may differ from those of others, he feels it is important to stay true to the way of life he cherishes.

Kirk strongly opposes the permit and would like to explain why.

First, let's talk about noise. Race cars typically produce sound levels exceeding 95 to 100 decibels, which is similar to the noise made by a jackhammer. Unlike a one-time event, this proposal involves cars racing on the track 2 to 3 weekends each month for 9 months, along with practice runs during the week. This means that the noise will continue late into the night, past the current noise ordinance of 10 PM. As a result, the noise will not be temporary; it will be constant, intrusive, and unavoidable.

- According to Sec. 13-200 – Excessive and disturbing sounds, “It shall be unlawful: To operate, install, have, maintain, or permit on or about any residence, store, shop, business establishment, warehouse or other commercial building in the County, any loudspeaker or other sound-producing device capable of emitting music, noise, sounds, tones, or the human voice such that music, noise, sounds, tones, or human voices can be heard on any public sidewalk or public street, except for outside intercoms, paging speakers, bells or buzzer signaling the time to begin or stop work or school, which are only used intermittently for the transmission of the human voice for announcing, summoning, or paging an individual person or for the beginning or stopping of work or school.”

Second, dust and air quality. A dirt racetrack will generate clouds of dust that will travel directly onto my home, swimming pool, cars, and solar panels. This will result in inefficient energy production, incurring higher costs. It will settle on my pastures and affect my livestock. This is not just an annoyance—it's a real environmental and health hazard for both people and animals.

Third, property value. Numerous studies show that properties exposed to persistent noise and dust pollution suffer measurable declines in value—often 10 to 20 percent or more. This project will devalue the land I've worked hard to maintain and harm the broader property tax base of this community.

- According to Sec. 21-209-Special use permit, “A special use should be approved only if it is found that the location is appropriate and not in conflict with the Comprehensive Plan, that the public health, safety, morals and general welfare will not be adversely affected, that adequate off-street parking facilities will be provided, and necessary standards for the protection of surrounding property, persons and neighborhood values will be maintained.”
- According to Sec. 21-210-B-Application and procedure: Standards-1. “That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; 2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;”

Fourth, let's discuss traffic and safety. A grandstand designed for 1,000 people would overwhelm our rural roads, leading to increased traffic, headlights late into the night, and a higher risk of accidents, which is incompatible with a quiet farming community. All four access roads to the potential racetrack are narrow and have blind corners. Addressing these issues would impose a significant financial burden on taxpayers and property owners.

Lastly, consider compatibility. Our zoning regulations were designed to protect agricultural land and rural living. A commercial racetrack is completely inconsistent with that purpose. It will fundamentally alter the character of this community and impose burdens on every resident living nearby.

I urge this board to consider not only the profit of a single landowner but also the daily harm that this racetrack will cause to neighbors, farmers, and the wider community. I respectfully ask you to reflect on whether you would want a racetrack in your backyard and to deny this special permit.

Jay Hudson asked Mr. Wohlford when he purchased the property. Kirk Wohlford replied, “I bought it in 2021. When I purchased the property, I was very curious about the racetrack and whether it could be reopened. I was told no, because it hadn't operated every year and had lost its Special Use Permit. That was one of the conditions; otherwise, I wouldn't have bought the property.”

William Myers, from 2739 Rockwood Park, stated that he has lived in the area for 31 years. He mentioned that he was a resident for 18 years while Oak Level Raceway was in operation. There are well over 50 homes within a mile of the property. The noise on Friday nights was unbearable, but the worst part was the practice that took place throughout the week. Due to his COPD, Friday

nights became particularly difficult for him, making it impossible to stay at home, which adversely affected his health. Additionally, traffic was an issue, as every Saturday morning, residents had to deal with broken bottles and litter scattered everywhere.

Stuart Warren asked Mr. Myers how many miles he lives from the racetrack, and William Myers replied, "about half a mile."

My name is Nancy Bleckley, and I live at 2651 Rockwood Park. I have been a resident here since 1968 and have experienced three different owners of the racetrack. The noise from the cars practicing throughout the week and on weekends is unbearable. Additionally, the dirt from the track forces me to pressure wash my home and clean the windows at the end of each season. When the cars leave the track, the drivers often act as if they are still racing, speeding, honking their horns, and leaving trash all over the roads.

Kerri Ratcliff mentioned that she and her husband own 20 acres on Rockwood Park Road, not far from the racetrack. When they first moved there, they weren't concerned about their location because it was at the top of the hill on the other side of the road. However, they soon discovered several issues. One major problem has been the amount of trash accumulating along the roadside. Kerri even gave up trying to maintain a nice mailbox because people frequently target it. Additionally, the road itself is very narrow, and she believes it needs improvement. She is also worried about the amount of alcohol consumed at the racetrack, especially when people return from the events.

Jay Hudson asked how long Mrs. Ratcliff had lived at this residence. Mrs. Ratcliff replied, "Since 1993."

Jeremy Hammock approached the podium and stated, "I live close to Kirk Wohlford and grew up in this area. I worked at the racetrack when I was thirteen and fourteen, picking up trash. The issue I noticed was that there were bottles and trash everywhere. If this is going to be a drinking venue, will there be an enforcement plan in place? I could hear the PA system from my porch while growing up, and I could tell you who was winning the race. I don't see how the Oak Level Community will benefit from this."

Carl Miller returned to the podium to discuss a meeting he had with Mr. Wohlford, noting that his property is 1,500 feet from the track, separated by a dense, thick tree line. One of the main concerns being raised is about trash. It would be an understatement to say that we haven't done anything for the community; in fact, we have already initiated several community service actions.

Friends of Oak Level Raceway will monitor Raceway Drive Road consistently. After each race, we will go one mile in each direction from Raceway Drive to pick up trash and litter. We are also collaborating with local law enforcement to potentially have an officer present at all our events to ensure safety and encourage respectful behavior among attendees.

While we will not be selling alcohol, we cannot control what happens inside individuals' vehicles. To date, nearly 300 people have visited the track. Regarding noise concerns, we plan to begin our activities at 7 PM and hope the board will permit us to continue until midnight.

Stuart Warren asked Mr. Miller about the location of his personal residence and his experience in running a racetrack. Mr. Miller replied, "I live at Smith Mountain Lake. I have purchased two homes on Raceway Drive, and I will have a part-time residence there. I have been a business owner for 22 years, a part of the racing community since 2011, and a fan for my entire life."

Deborah Hairston inquired with Mr. Miller about the planned racing schedule. Carl Miller responded, "We aim to race from March until October, depending on the weather. If we experience significant rain, we may decide to extend the season. I intend to hold races every other week, and during the off weeks, we will organize events such as horse pulls, car shows, and tractor pulls."

Deborah Hairston also questioned the presence of police at the track. Mr. Miller mentioned that he has spoken with two officers, and in case they are unable to attend, security will be provided.

Ms. Hairston asked whether the bleachers and concession stand meet safety codes. Mr. Miller replied that renovations are necessary for both the bathrooms and the concession area.

Deborah Hairston then asked how many people are expected to attend the races or what the track's capacity is. Mr. Miller estimated attendance at around 500 to 1,000 people.

Lee Clark read two letters in opposition.

Good Morning Dr. Cobler,

When I learned from a neighbor that the old Fork Mountain Race Way has again been sold, I was less than pleased.

My husband and I own land that joins the track land. When we bought land over 40 years ago the track was not operating. However, it was put back into racing soon afterwards. Several years have passed and several different owners as well. After French Grimes bought and did not have races for many years, the grandfathered use for a racetrack passed as I understood.

I have concerns about the track reopening. First is the fact that the noise ordinance that I was told in place in Henry County did not seem to apply. There were times that the loud speakers and roar of the cars continued up to and beyond 3 am. There are many family residences nearby and the noise at all hours was never monitored. I also wonder how the noise will affect my neighbors who have livestock. There is lots of wildlife in our area that cross the road regularly. I would hate the wildlife or anyone driving on our road to get hurt.

No only did we get trash pushed into our fields from the track people, but the roadway was very littered with food containers, bottles, cans and lots of beer cans.

When the race was over the fans were often very reckless in their driving. Some even ran into the ditches. It was not uncommon to meet a car hauler coming to the race with the racecar and be forced to take a ditch as Rockwood Park Road is a narrow and crooked country road. The road shoulders are very overgrown, the ditches are very deep now making it more dangerous.

If Henry County grants a Special Use Permit to reopen the track, I would urge you to set standards and monitor to see those standards are met.

I want to be a good neighbor and I would hope that if the track does operate, it will be operated as a good neighbor also.

Sincerely,

Carol C. Will

Dr. Pam Cobler,

I am writing to you because of my close proximity of the track to my home. I have enjoyed a peaceful existence at my residence since the track has been closed for many years.

In the past, when the track was operating, my neighborhood dealt with mud on the main road from where traffic exited raceway drive when it was raining. The road surface couldn't be seen for a distance on the main road. In my opinion, this creates a traffic hazard as well as leading to mud on paved or concrete surface driveways of residences from rain run off taking mud with it. As for trash, I don't want to have to go out in my yard and clean up after irresponsible people. I think that people should have fun, but not at the inconvenience of others.

In conclusion, I don't agree with the opening of this track.

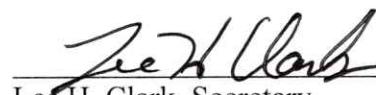
Thank you for your time.

Duane Peters

The public hearing closed at 2:37.

Jay Hudson made a motion to deny the Special Use Permit. Deborah Hairston seconded the motion followed by a unanimous vote of 5-0.

The meeting adjourned at 2:57.


Lee H. Clark