

Town of Hurt, Virginia
Board of Zoning Meeting Minutes
May 10, 2023

Hurt Board of Zoning held a business meeting Wednesday, May 10, 2023, at Town Hall. The meeting opened at 7:00 PM by Paul Johnson with a quorum present.

Roll Call

Members present: Mr. Paul Johnson, Mr. Jeffry Blaesing, and Mr. Kenneth Cruz

New Business; Consideration of a Variance Application submitted by Lynchburg Mobile Estates, LLC, operators of Pine Acres Mobile Home Park located on Dogwood Lane in Hurt.

Public Hearing

Jeffrey stated we came up with a plan here to outline what we are trying to do. With this, it's pretty much standard throughout all of our parks from Georgia to South Carolina to North Carolina, Virginia and Kentucky. We are basically pulling out the old trailers, and I was just telling Gary, in Amherst at one of our parks we have some empty lots and we can't do anything with them right not because we have to change the whole septic system. Here in this park it is a little bit different, we are replacing them with brand new units and I know that in this particular park we do have issues with the trash and the trees which will we will be addressing. We have a plan to do all the repairs. With this park we want to pull out the ones that are not repairable cost effectively, some of them are very expensive, mainly the floors, that's our biggest problems. We also have some roofs that are bad. What we gave you guys is a list of the homes that we want to pull and in doing so three of them were going to be two foot wider than what was in there. It was a 12 by 60, 12 by 60 and a 12 by 50. We would either go with the 14 by 48, 14 by 16 and 14 by 60 for just those three lots and those lots are 14, 18 and 22. As for the other ones, number five would be pulled, 27 there's nothing in there, 24 there's nothing in there, and 42 is a burnout. I could not find any information on that particular home that happened before we bought the property itself. Number 11 has a 16 by 66 in there, which I don't see how 66 could even fit in that lot. It might be something smaller in that lot, there was a 66 in there but I don't know how they got it. Also like I was saying with the tree trimming, yes, it needs to be trimmed, we understand that all our parks need to be trimmed. That is something that is not cheap especially for a bigger park as for this one, so that is what we will be working on. We do have the violation sheet, it varies a little bit, because I do have one, this one here, I think was from South Carolina. These are two of the ones for this particular park. We have a flat tire on a Jeep, we have some grass that needs to be mowed. When I rode through there yesterday I noticed as I was speaking earlier about the grass and some of this is my fault some of its Peyton's fault, they weren't sure what to mow, because it does vary. Number three we sold, so now he doesn't have to mow it and we pretty much got that squared away. Also to like I said when I was there, I saw some trash, I talked to the manager, and again I'm in charge of the home division in corporate, but I talked with the manager and I told her, I said I see this one house that we sold, and now there's flooring outside and she says well it wasn't there yesterday. I said well lets keep up on that, because that is an issue and if you don't stay up on these people they don't care. That is why we are doing the violations and sticking with that. There is a lease here. Attorney Eller stated can you state your name and position just for record. Jeffrey Zumski, operations manager with M & G Partners. Attorney Eller asked what your address is. Jeffrey replied our address is in Pineville North Carolina, 206 College Street Pineville North

Carolina 28134. Most of the companies down there, I am the only one in Virginia. I oversee Kentucky, Virginia and some of North Carolina in the home division company. As I said too about pulling trailers out, the one in the bottom will be coming out and you can't see in this picture, but behind this last mobile home is that barn area that I can't remember what was in it, I just saw it once, but I think if we forestry mulch that up, that'll take care of that. Here is the picture of the entrance taken as of yesterday, straight down in the mailbox area. I know that the one lady was concerned about that last time, and that's a common area right here that we pretty much mow and is mowed twice a month. As for the homes like I was saying before on the variance sheet, and also our contact information is in there the Regional Manager, which is Caitlin, Jarrett the owner of our park manager and our lawn care and this guy just started with the lawn care. Mr. Johnson asked if the park manger was on site. Jeffrey replied no, but she is 10 minutes away so she does go there everyday to address issues. We do have a number on the board. We do have emails and everybody has that, so the contact with the tenants to us is typically Joseph the manager. They'll Caitlin like I said she's in charge of the park. I'm in charge of the homes that we own and the lots that are vacant. That's the ones that are outlined in the variance sheet it also tunes last time when I was in here, I made some changes to number 18 and 22, because we're going to try to put in which it'll fit, but it will be really tight is a 14 by 66. I talked with the manufacturer, and it was a 12 by 60 in there so we can put a 14 by 60 and a 14 by 60 for 28 and 22. They said he will build those for me specifically for that and then 14 was the other one, where we need a 14 by 50 but we can put a 14 by 48 in there. I can have 18 and 22 specially built, which would be a two bedroom two bath or I have some options. I can put a 56 in there and have a two bedroom one bath with a porch on it, so there's a lot of variables but I can keep it within that 60 feet on those two. The rest of them there is pretty much no difference. It is either narrower the same, the same, narrower, the same. In fact on here too, you can see 11 and 14, it was pulled 2021, 2014, 2011, and 2011. Mr. Johnson asked are the tenants aware that you're the owner, they have signed their new lease agreements with you? Jeffrey replied yes, what we do, we have every body's emails, so we send out letters to them, Caitlin does and anything targeting your water, your water is going to be cut off for four hours if you have a busted line. Mr. Johnson asked when the new leases started. Jeffrey replied about a year and half ago. Mr. Johnson stated I went through there today and took pictures. I'm going off of your lease agreement. There's a trampoline, your lease agreement says no trampolines and no pool. No pools, no trampolines, there's a boat parked at one. As I've said in the email, and I'll clarify for Kenny, and for Jeff. The town has done a lot of things in good faith with people, businesses and such and its come back not on the good side for the Town, it did for the business but not for the Town. The property's been owned for a year and a half and I rode through there several times in the last month. I haven't seen anything change. Yes, those two pictures, they're all fine pictures, but the ones that I have, are not so fine. You've got trailers that are overgrown and I don't mean with high grass. They're overgrown to where you have to look through the poison ivy and everything to see in it. Jeffrey replied and that was probably some of our vacant lots and that goes back to the grass mowing. That should be taken care of and it is me and Caitlin's responsibility and making sure they are aware of what needs to be done. Mr. Johnson stated we have a huge responsibility in this Town and I want to say some good faith on your behalf.

Mr. Cruz said I'll put my two cents in, there are two issues. I like the tenants on site piece of what you have in your contract and also the responsibilities and condition of leased premises, those two. If you had all that going on at this trailer park now this would be an easy hearing. There are two pieces we need to get, we need a timeline of when you are going to have that park like this here. Secondly we would like to be able to maintain that, if we approve this variance tonight and lets say you got it and had

every bit of this done, which it is not, but if you had it all done today we don't have any way to make you keep it that way then we wouldn't be doing our job as citizens. John please correct me here anywhere I am wrong, but we need some type of agreement here with you in the Town to say not only that your going to do this but keep it in this shape and I you don't, and I see that you are going to charge the homeowner but the Town will be charging you expecting you to pay the Town. The Town will take care of it and charge you for it. I'm sure John will be able to do it in a much more efficient manner than I just said, but I think I'm speaking for the whole group here. That is two pieces that I see were missing, well actually three but one is not there yet. I think you have our concerns of having keep the court written down here. Mr. Johnson stated we are just not seeing it. Mr. Cruz stated those are two I feel strongly about, one is getting it there and two is keeping it there.

Jeffrey stated also to I'll bring this up to Jared and Caitlin, I'm gonna spend about a half a million dollars in houses and of course it needs to be cleaned up. I can't sell if the grass is tall or overgrown, or if there's garbage sitting everywhere. It affects my area and my livelihood. We've had this discussion before about this that everything needs to be cleaned up to. One of our parks the guy keeps it and maybe that's one of the reason why the girl quit, she keeps hitting stuff because the grass is too tall, and she's hitting stuff underneath it, and this isn't this park. I know the grass here but that's something that we got to take care of. Sometimes it continuously rains, you have those problems, but it doesn't always rain. Mr. Johnson stated when we go back to your timelines, and milestones, there are 90% passed because if we just went off of January one this year, we're in the fifth month. We're already past tree trimming and landscaping, because that's month's one through three and we're in month five. Trailer removal replacement, that goes month one through six, and we're three weeks away from month six. The trash removal, cleanliness, and improvements month one and two and again, we're in month five. That's the big ticket that I think Kenny, Jeff and myself have, is we've saw the timelines and milestones come and pass. We're in this community where we can just ride right over there and see what the improvements are. I wanted to make sure one more time, before I came to this meeting, I said, let me ride one more time just in case something changed between three days ago and now, because I didn't want to come in here and then you say, hey, did you go over there today, so I wanted to make sure that I went before I came over here. Mr. Blaesing questioned you've got this as your timeline and milestones what is your beginning date for this? Jeffrey replied as soon as I get approval, all the houses are getting pulled out. Mr. Blaesing stated in your letter of December 6th you stated that you had intentions of revitalizing the community by removing trash from the property but that has nothing to do with this. This date has nothing to do with the date that you would anticipate this timeline you're looking at. This timeline would be after we give you a variance. Mr. Johnson stated I think what we would like to see in good faith is see at least half of this achieved before we can in good faith for the Town change this zoning. Mr. Cruz stated if we gave you the variance tonight and nothing has changed why we would expect it to change, as a member of the community that's the way I would look at it. Jeffrey replied we do have budgets at all of our parks and we were trying to get some revenue in because if you look at \$30,000-\$40,000 for that alone pulling these trailers out, that is not cheap either. I know that it's just the three that were really asking for. Mr. Johnson asked, you were already going to be doing that anyway? Jeffrey replied, correct. Mr. Johnson stated that's the good faith we want to see, go ahead and get the ones that you can, and get that park cleaned up and then we can come back to these three. Mr. Blaesing stated I guess in helping us prepare for this, they gave us an article from the planning law primer on basics of variances. It says that we're not responsible for a lack of due diligence on the company's behalf and it seems to me that there's been some lack of due diligence when you bought this property. One of

my questions is, if you don't get the variance, what is your intention with the property, and I'm not expecting an answer at the given moment. Jeffrey replied well you have it right here, the homes, I've waited because I wanted to make sure before I did anything that it was ok to pull these homes. Not the three but even if I pull those three, how do you know what was there, your going to say what was there, a 14 a 10, so I can pull the other ones. That is not an issue, I can pull those at any time, but I was trying to wait. Mr. Blaesing stated one of the my concerns are similar to the gentlemen's, that beyond the idea of pulling things, there are a lot of things that can be done as far as cleaning up. Jeffrey replied that is kind of the community clean up, we are going to get a dumpster. I gave you some of the violations that were written today, but we typically get a 30 yard dumpster. We let them have at it with the outside stuff, but you do have to watch sometimes, of course somebody jogged down the road and stated hey look a dumpster and we have 35 tires stuck in it, and so I had to get charged. That is the plan there going with the violations. Mr. Johnson asked has that occurred because I don't remember seeing a dumpster. Jeff replied no it has not, that was from another community that is the letter that goes out to everybody. Mr. Johnson stated you will have 5 trailers that you will be switching out automatically no questions asked, so that's revenue times 5 right there. Jeff replied pulling 6 replacing 5. Mr. Johnson stated so another question I have is there a plan for overflow parking, because you get to two parking places per lot. Lets just say somebody wants to have a birthday party is there a place for overflow parking because there's no parking in the street and there's two parking places per lot. Is there a plan for overflow? Jeff replied as of right now, no, and I can get with Jared on that also. Mr. Johnson stated just curious how that would be addressed because I can promise you somebody's going to have one. I have seen plenty of kids' toys up there so you can bet there's going to be a birthday party. Mr. Cruz briefly stated about the contract stating no driving on the grass or having any inoperable vehicles or they would be removed at owners expense. Any special occasions that are occurring, the manger will be notified and be able to approve. Again it was briefly discussed about parking and allowing two vehicles per lot, and cleaning up a boat between lot 5 and 6.

Mr. Johnson stated I think that's the big thing we're going to need to see is the five that you can swap, swap those out and get a major cleanup in there because I agree with what Jeff said and exactly what is stated in the in law that that John provided. One, we can't err on the side what it cost you in finance because we are obligated to the Town. As Jeff said, surely the property was visited before it was purchased, ordinances were checked ahead of time, which would have been the ideal thing to do. We do have the communication that John provided where it was October of 21. Attorney Eller stated in the section it stated that the trailer can be moved but has to be in the exact same spot, and what they are saying is they don't make a trailer the same size for the same spot. It was discussed that you can get the same size trailer, but a lot of those exact trailers would have to be purchased. The Town wants to work with Jeff due to it benefiting the Town, and we realize with time things change. It was asked from Mr. Johnson if Jeff can provide a date of moving these 5 out, and 5 in, tree trimming, and trash clean up. Provide us a day that we have a benchmark that this is this is your schedule. That's what I'm asking you. This is your schedule, not ours, you provide a schedule on the five trailers out the five trailers in, the clean up., the tenants doing as they're supposed to do, get that dumpster in here so they can get that going. You have decks that are hazard because we have to go by codes too. You have stairs that are rotten with no hand rails, you have a porch up there that is a back deck that is about 8 feet off the ground that just has four post. Now it may be a work in progress but by that same token, we need to know what the timeline on whether it's you or that individual. What's the timeline of making that a safe progress, because even though you call out in here, the children it'd be a company. I promise you,

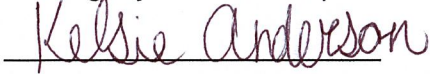
somebody's kids going to get away from somebody and then that's all they need to do is go off the backside of that deck. Mr. Cruz it states in his contract he is not liable, but it states it has to be safe. It is a good contract, but if you can get there that is what we are looking for. Mr. Johnson stated yea if you can provide that date and get those 5 in, get it cleaned up, and get your manager on board with what the Town is looking for, have Mr. Tyree ready to roll on grass before it gets to be an ordinance issue. Mr. Cruz asked what parts will we want him to have completed before we ask him to come back to see if we can get his variance? Mr. Johnson replied there are 5 trailers that can go in that will generate revenue. If you get those 5 in and out and a good major cleanup, and we have all discussed what that clean up entails. We do want to work with you because you do have money tied up, because we all know what that park was 30 years ago. Mr. Shelton owned it and he ran a tight ship. Attorney Eller stated just needs to be enforced.

Jeffrey stated I have to go to North Carolina tomorrow actually and meet with Caitlin and ill go over everything on that aspect. The homes I can take care of. Ill take with Jared and Fleetwood about building the homes, typically it don't take them very long. Ill get Charlie to start moving stuff out. I have to call Pittsylvania County, I don't know if I need a demolition permit, I was going to call today, but I got on the phone. Do I need to get an OSC consultant for the health department some counties do, some counties don't. In Campbell County and Amherst County I have too. Jeff stated I will be traveling in and out the next 3 weeks, but I will meet with Jared next week. Attorney Eller stated what we can do is continue until a later date at which that time the final decision will be made. We don't know a date right now so we can just say 90 days and then if you get it done in 60 days we can move the date up. Everyone agreed to shoot for 90 days or less. Mr. Blaesing stated I don't want anybody to think we're being hard about this. I'm looking at the documents that you have provided and in the letter of December 6, that Jared and he's the man in charge. He's the one that you're accountable to in all of this. He says that we acquired the mobile home park in good faith with the intentions of revitalizing the community by removing the trash and remodeling the vacant homes. All I think we're asking for is a show of that good faith before we make a decision. Jeff replied and I can address that with Caitlin, Jared, and Julia in that fashion. The home part of it that would be solely on me and I can definitely take care of that. Attorney Eller stated we can continue to august 9th that will be 90 days.

It was discussed about violations and making \$25 per violation. Jeff stated it's a total of 42 lots in there. It's about 6 rentals in there and the rest of either vacant or TOH which is tenant own home. Also lot 3 is a RTL to rent to own. I will be traveling all day tomorrow so it may be Friday before I get you something. Jeff briefly again discussed the sizes of some of the trailers, bedrooms, and decks. Mr. Blaesing stated one of the reasons I have a concern about all of this is I used to own 20 acres down in near Denton, North Carolina and when I moved out of it, I had a trailer. I was going to build the home and I ended up getting a job here in Altavista. About 10 years ago a friend of mine called me that I worked with down in North Carolina and said, boy you should have never sold that property. It became a trailer park. It became one of the most dangerous places in Davidson County, North Carolina. There were murderers there was it turned into a drug den. I don't want to see anything like that. We already have one going out Ricky Van Shelton drive that has had lots of issues. Jeff replied I'm a little gun shy. That's why I haven't really pulled anything from here. In Amherst, Campbell County, Lakeside I pulled out four homes, junky homes, and I'm like ok I'm ready to go. You got to have an OSC and can't find one. I was telling Gary the records go back to 59 and 61. You might have 10 trailers on one septic because it's a 3000 gallon tank, and people will come out and they're like, where's the stuff and I said, I don't know it's

kind of what I'm paying you and so Amherst, I got 30 to pull out there. I've just left it for right now. In Fayetteville we had to pull 30 homes out because they were setting fire to them, shootings, and then they were setting trees on fire and cars, so we cleared it. I have spent \$450,000 in three homes that they just dropped off on Friday. Then the one in Roanoke, Pine tree, we just kicked out some crack heads and put in a new trailer there. Attorney Eller asked when you put the dumpster out like you were talking about and other properties do the tenants just cooperate and put everything in there real nice? Jeff replied no they just throw it on the side, like in Roanoke we had to dump toilets even if they are in the yard. Then I will get a call and they will say you owe an extra \$600 and I would say for what, it would be 35 tires in there. You have to alert them and let them know where it is at, because if you put it near the road it can turn into a disaster. It needs to be tucked in somewhere with the residents knowing where it is at. It was briefly discussed more about the dumpsters and the garbage and the process of who would monitor the dumpster. We do have some confidants and they will call and tell us if anything silly is going on. I don't usually leave the dumpster very long. Mr. Cruz stated the last statement, we're proposing the amendment to the zoning ordinance will no longer require the exact same size newer mobile home to replace another within a mobile home park, located within the Town of Hurt. I guess that caught our attention when we read it because we're talking about this trailer park in there. There's more than one in the Town of Hurt. I think we would want that to be changed to avoid this. Attorney Eller stated what happened was we started out and we were looking at rezoning of the home for all the rules about mobile homes, we realized that would not be good. We went through the variance but that sentence did not get removed. Jeff stated he will remove that and send it in correctly. Mr. Johnson stated we will move to August 9th, Wednesday at 7:00pm. All were in favor. Jeffrey stated he will try and call the County tomorrow and he will be in touch but you all have my contact if you need anything.

Meeting adjourned at 8:10pm



Kelsie Anderson-Clerk



Paul Johnson