

The Department of Community Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: April 10, 2019
Re: **Conditional Use Permit (CUP) – First Church of Jesus of the Apostolic Faith – Fellowship Hall – 219 Jackson Street**

I. PETITIONER

First Church of Jesus of the Apostolic Faith, c/o William Frey, 219 Jackson Street, Lynchburg, Virginia 24504

Representative: Patrick Proffitt, P.E., Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property is approximately one (1) acre and is located at 219 Jackson Street.

III. PURPOSE

The purpose of the petition is to allow the construction of a fellowship hall.

IV. SUMMARY

- The petition agrees with the *Zoning Ordinance* in that churches and their associated uses are permitted upon approval of a conditional use permit (CUP) within residential districts.
- The *Comprehensive Plan 2013-2030* recommends a “Traditional Residential” use for the subject property.
- The church building was constructed in 1930 and is located within Tinbridge Hill. The proposed fellowship hall would be in keeping with the *Growing Tinbridge Hill Neighborhood Plan*.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Traditional Residential use for the area. This land use category (shown light brown) has been applied to the City’s older neighborhoods, generally built before World War II and before the City was zoned. The City’s historic districts are located in the traditional residential areas. Consequently, for many of the houses here, lot sizes, setbacks, and/or building heights do not conform to the standards of the City’s residential zoning districts. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the Plan Framework Map and are planned for further study for appropriate zoning changes, public investment, and community building efforts. Infill residential development in these neighborhoods should be designed to complement the style and type of housing there and to utilize comparable setbacks, yards, and building heights. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. Within Traditional Residential neighborhoods, small retail, personal service, office, and restaurant uses are often found. These uses may continue, although expansion is not

recommended, unless supported by a recommendation in a Neighborhood Conservation Area Plan. (*p. 75*)

The *Growing Tinbridge Hill Neighborhood Plan* was adopted by Council March 11, 2014. The resulting plan was a way to sustain ongoing neighborhood development efforts and foster new neighborhood leaders. In 2016, the City completed the construction of new and the repair of existing sidewalks and installed additional crosswalks within the neighborhood.

2. **Zoning.** The subject property was annexed into the City in 1870. The church building was constructed in 1930. The existing R-3, Medium-Density Residential District was established in 1978.

Churches and their associated uses require approval of a CUP when located within residential districts. Since the church was constructed in 1930, there has been no Council review and/or approval of the existing church use.

3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been a several items requiring City Council approval in the immediate area:
 - On October 12, 1993, City Council approved the CUP request of the Yoder Recreational Center to allow the expansion of a playground area at 109 Jackson Street.
 - On December 14, 1999, City Council approved the CUP request of New Jerusalem United Holiness Church to allow the construction of a fellowship hall and parking at 84 Monroe Street.
 - On May 23, 2006, City Council approved the *Fifth Street Corridor Master Plan*.
 - On March 11, 2014, City Council approved the *Growing Tinbridge Hill Neighborhood Plan*.
5. **Site Description.** The subject property is one (1) acre and contains a one (1)-story brick structure with basement constructed in 1930. The area proposed for the fellowship is grass with a few mature hardwood trees. The property slopes in a southerly direction towards 3rd Street.



219 Jackson Street

6. **Proposed Use of Property.** If the petition is approved, a two thousand, two-hundred seventy-five (2,275) square foot fellowship hall would be constructed to the north of the existing church building.
7. **Traffic, Parking and Public Transit.** A traffic study was not required by the City Engineer. A sidewalk extends along the Jackson Street frontage. The submitted concept plan indicates a connection to the public sidewalk, which would connect to the proposed fellowship hall and the existing church building.

The Greater Lynchburg Transit Company Bus Route 1A serves the area with a bus stop located in front of the subject property.

Parking requirements for churches are related to the seating capacity of the sanctuary. Since the proposal does not include additional seats in the sanctuary no additional parking is required.

8. **Stormwater Management.** An Erosion and Sediment Control Plan will be required prior to final site plan approval. The property is located within a Combined Sewer Overflow (CSO) area, which exempts it from stormwater management requirements.
9. **Emergency Services:** The City’s Fire Marshal and Police Department had no comments of concern regarding the proposal.
10. **Impact.** The proposal for a church fellowship hall would not increase the seating capacity of the existing sanctuary. The fellowship hall would allow the church additional space for classrooms and events related to the church.

The property is located in an area recommended for a Traditional Residential use and is within the boundaries of the *Growing Tinbridge Hill Neighborhood Plan*. Large public or institutional uses are not appropriate in these areas unless designed to blend with the existing neighborhood through architectural treatments or landscaping. While the footprint of the proposed building is relatively small and should be in keeping with the neighborhood, no information on building design has been submitted. It is recommended that the proposed building be designed to complement the existing church building.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on March 19, 2019. Comments related to the proposed use have or will be addressed at the final site plan stage.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of First Church of Jesus of the Apostolic Faith for a conditional use permit at 219 Jackson Street to allow the construction of a fellowship hall subject to the following condition.

1. **The property shall be developed in substantial compliance with the concept plan, as prepared by Hurt & Proffitt, Inc., dated March 1, 2019 and received March 29, 2019.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. William Frey, Property Owner
Mr. Patrick Proffitt, Representative

VII. ATTACHMENTS

- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Conditional Use Permit Request

First Church of Jesus



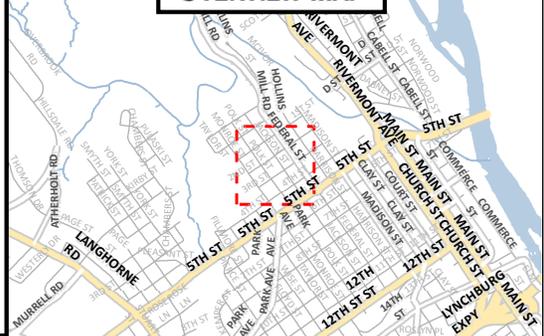
PROPERTY INFORMATION

PARCEL ID	ADDRESS
00917012	219 JACKSON ST

LEGEND

- Subject Property
- 215' Buffer
- B-1
- B-3
- B-4
- B-5
- R-C
- I-1
- I-2
- I-3
- IN-1
- IN-2
- R-1
- R-2
- R-3
- R-4

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/29/2019

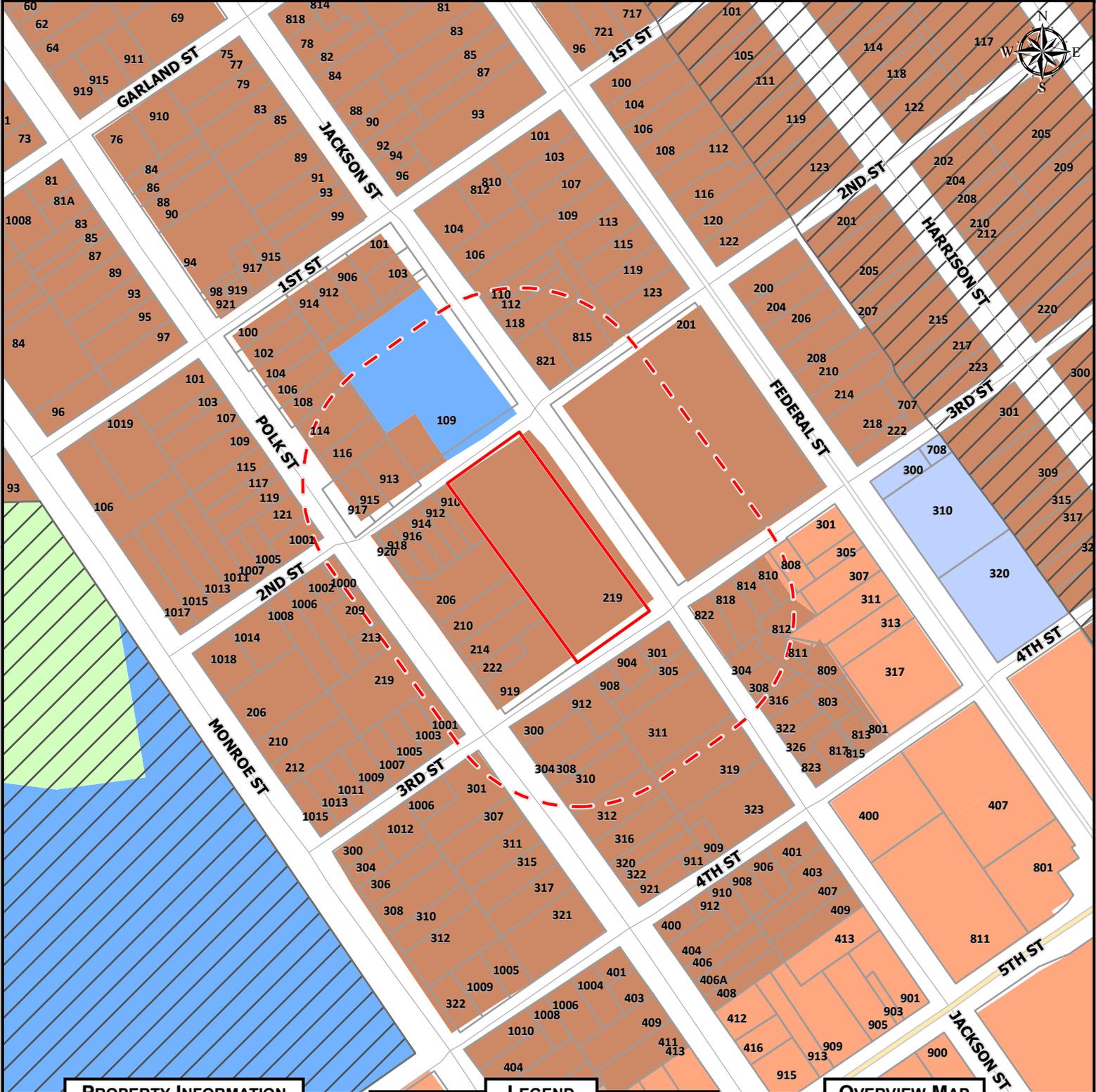
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Parcel ID	Address	Owner
00913011	821 2ND ST	ADAMS, LULA BEATRICE
00917015	222 POLK ST	ANTHONY, SALLIE V & ANTHONY, JOHN R
00915008	121 POLK ST	BARBOUR, VINCENT L & CONSUELLA O
00915009	1001 2ND ST	BARBOUR, VINCENT L & CONSUELLA O
02408024	304 JACKSON ST	BLANKS, JAMES L
02408030	811 4TH ST	BLANKS, JAMES L
00917002	918 2ND ST	BORN AGAIN CHRISTIAN CONST CO INC
00914004	109 JACKSON ST	CITY OF LYNCHBURG
00913005	109 FEDERAL ST	CORBETT, MARCUS L & AMY B
00913009	123 FEDERAL ST	DILLARD, MICHAEL L
00918006	305 JACKSON ST	EDWARDS, KERRY W
00916009	219 POLK ST	FARRINGTON, BRUNO
00917017	214 POLK ST	FIRST CHURCH OF JESUS
02408023	308 JACKSON ST	FIRST CHURCH OF JESUS APOSTOLIC
02408009	311 FEDERAL ST	FIRST CHURCH OF JESUS APOSTOLIC
00917006	910 2ND ST	FIRST CHURCH OF JESUS APOSTOLIC
02408022	316 JACKSON ST	FIRST CHURCH OF JESUS APOSTOLIC
00918005	301 JACKSON ST	FIRST CHURCH OF JESUS OF THE
00918002	912 3RD ST	FIRST CHURCH OF JESUS OF THE
00917012	219 JACKSON ST	FIRST CHURCH OF JESUS OF THE
00917005	912 2ND ST	FIRST CHURCH OF JESUS OF THE
00917018	210 POLK ST	FIRST CHURCH OF JESUS OF THE
00917019	206 POLK ST	FIRST CHURCH OF JESUS OF THE
00918003	908 3RD ST	FIRST CHURCH OF JESUS TRS
00917014	919 3RD ST	FIRST CHURCH OF JESUS TRS
02408002	818 3RD ST	FIRST CHURCH OF JESUS TRS
00918004	904 3RD ST	FIRST CHURCH OF JESUS TRS
02408001	822 3RD ST	GRAY, JONCY M
02408003	814 3RD ST	GRAZIANO, KRISTIN R
00914009	116 POLK ST	HEWITT, ALBERT
00916010	1001 3RD ST	HORSLEY, QUENTIN
00916007	209 POLK ST	HORSLEY, RONNIE
00916006	1000 2ND ST	JACKSON PROPERTY NETWORK INC
00918007	311 JACKSON ST	JACKSON, TERESA A & JACKSON, GREGORY
00917003	916 2ND ST	JENNINGS, ALBERT & VIOLA
00914011	108 POLK ST	JOHNSON, LLOYD H
00918016	312 POLK ST	JOHNSON, ROBERT L SR & SHARON D
00914006	913 2ND ST	LYNCHBURG REDEVELOPMENT & HOUSING
00914007	915 2ND ST	LYNCHBURG REDEVELOPMENT & HOUSING
00916008	213 POLK ST	LYNN, TYRONE V
00914008	917 2ND ST	MANGUS, WOODROW M
00918017	310 POLK ST	MULLEN, GLADYS L ET AL
00918001	300 POLK ST	MULLEN, JOHN T ESTATE
00914010	114 POLK ST	PARSLOW, KEVIN M & REBECCA L
00913010	815 2ND ST	PAYNE, JULIUS ET AL

02401001	201 FEDERAL ST	REALTY INTEGRATION LLC
00919003	301 POLK ST	ROBINSON, JANET L
00918019	308 POLK ST	ROSE, CAROLYN J
00918018	304 POLK ST	ROSE, ELIZAH K LIFE ESTATE
02408005	808 3RD ST	RUTH, IDA C
02408004	810 3RD ST	RUTH, IDA C
02408025	812 3RD ST	RUTH, IDA CREQUE
00913012	118 JACKSON ST	SLAUGHTER, MICHAEL
00917001	920 2ND ST	SMITH, ESSIE C
00913014	110 JACKSON ST	STEVENS, MICHELLE R
00917004	914 2ND ST	THURMAN, J W & A
00918008	319 JACKSON ST	TURNER, PERCY ANN
00913013	112 JACKSON ST	XRT ENTERPRISES INC

Conditional Use Permit Request

First Church of Jesus



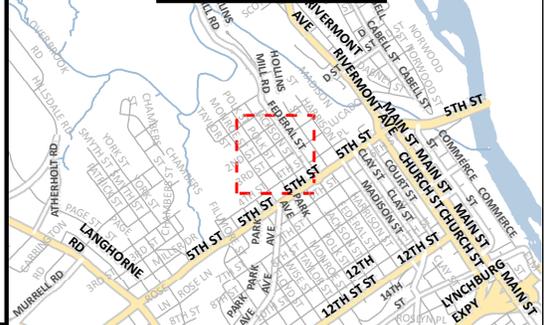
PROPERTY INFORMATION

PARCEL ID	ADDRESS
00917012	219 JACKSON ST

LEGEND

- Local Historic District
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Employment 1
- Employment 2
- Downtown
- Public Use
- Public Parks
- Resource Conservation
- Mixed Use

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/29/2019

DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.



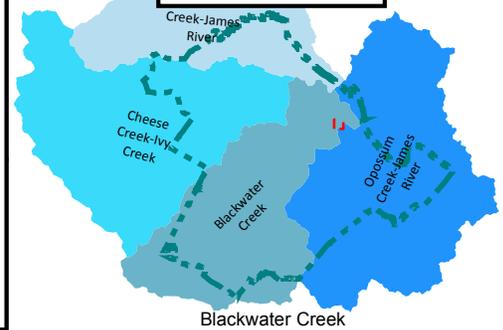
PROPERTY INFORMATION

PARCEL ID	ADDRESS
00917012	219 JACKSON ST

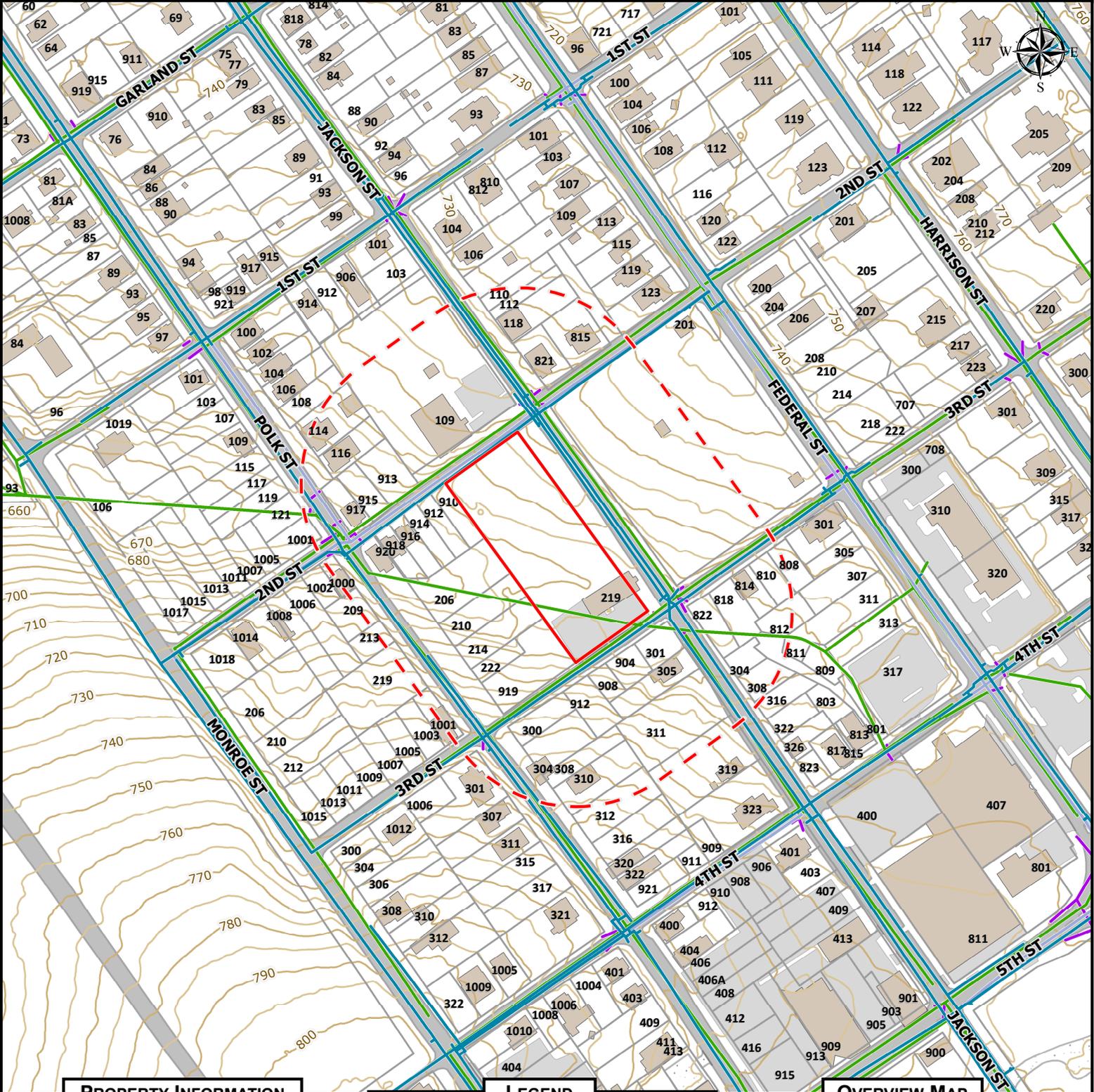
LEGEND

- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/29/2019



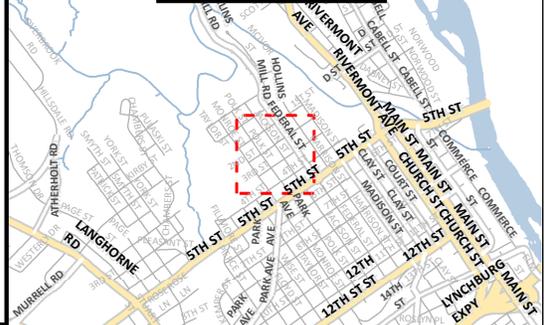
PROPERTY INFORMATION

PARCEL ID	ADDRESS
00917012	219 JACKSON ST

LEGEND

	Active	Proposed	Abandoned
Utilities	Water (solid blue)	Sanitary (dashed blue)	Storm (dotted blue)
	Paved (solid grey)	Unpaved (dotted grey)	Other (dashed grey)
Planimetrics	Structure (solid black)	Roadway (solid grey)	Parking (dotted grey)
	Sidewalk (dashed grey)	Driveway (dotted grey)	
Topography	Contour 100'	Contour 20'	Contour 5'
	Contour 50'	Contour 10'	Contour 1'

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/29/2019

STORMWATER MANAGEMENT

TOTAL DISTURBED AREA OF THE PROJECT WILL BE LESS THAN 1.0 ACRE THEREFORE A VSMP/SWPPP WILL NOT BE REQUIRED FOR THE PROJECT. ALSO, THIS PROPERTY IS LOCATED IN THE CITY OF LYNCHBURG'S CSO AREA SO IS EXEMPT FOR THE CITY'S STORMWATER MANAGEMENT REQUIREMENTS

SIDEWALK REQUIREMENTS

THE PROPERTY HAS 329.90 LINEAR FEET OF STREET FRONTAGE ALONG JACKSON STREET. PER SECTION 35.2-67.1 OF THE CITY OF LYNCHBURG ZONING ORDINANCE THE PROPERTY CAN CONSTRUCT UP TO 49,485 SQUARE FEET OF DEVELOPED SPACE BEFORE ANY ADDITIONAL SIDEWALK WOULD BE REQUIRED. THE TOTAL DEVELOPED SPACE INCLUDING THE NEW FELLOWSHIP HALL WILL TOTAL 10,610.

LEGAL DESCRIPTION - CITY OF LYNCHBURG PID #00917012

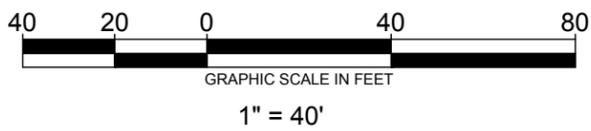
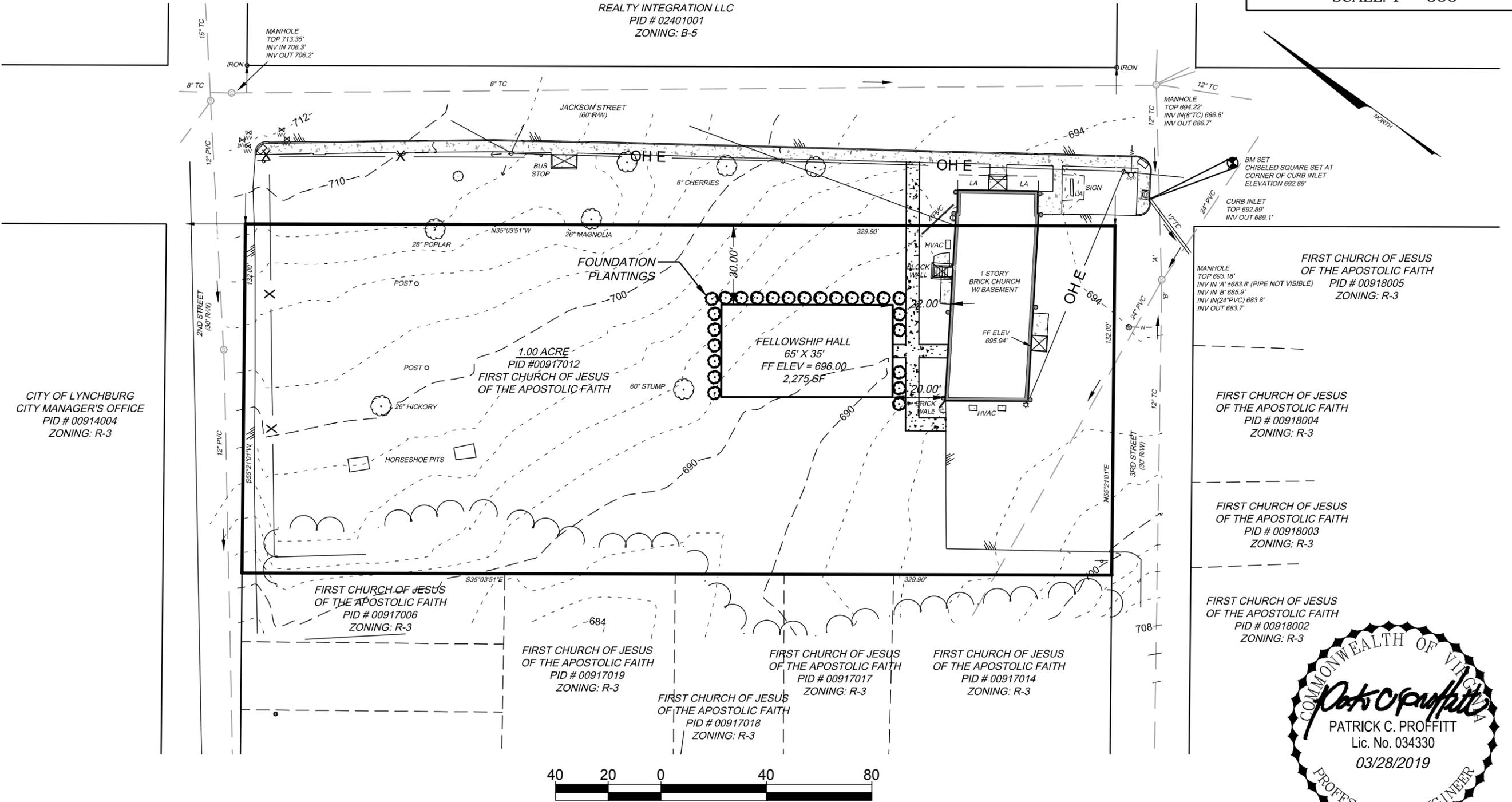
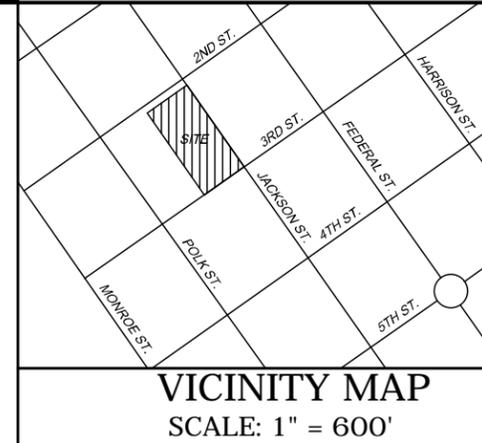
BEGINNING AT THE INTERSECTION OF THE NORTHWESTERN RIGHT-OF-WAY OF 3RD STREET AND THE SOUTHWESTERN RIGHT-OF-WAY OF JACKSON STREET, THENCE ALONG SAID RIGHT-OF-WAY OF JACKSON STREET NORTH 35 DEGREES 03 MINUTES 51 SECONDS WEST 329.90 FEET TO THE SOUTHEASTERN RIGHT-OF-WAY OF 2ND STREET; THENCE ALONG SAID RIGHT-OF-WAY OF 2ND STREET SOUTH 55 DEGREES 21 MINUTES 01 SECONDS WEST 132.00 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 35 DEGREES 03 MINUTES 51 SECONDS EAST 329.90 FEET TO A POINT ON THE AFOREMENTIONED RIGHT-OF-WAY OF 3RD STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 55 DEGREES 21 MINUTES 01 SECONDS EAST 132.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.00 ACRE.

LOT COVERAGE

2,085 SF EXISTING BUILDING
 5,610 SF EXISTING PARKING
 2,275 SF PROPOSED BUILDING
 640 SF PROPOSED SIDEWALK
 10,610 SF/43,560 SF = 24%

PROPOSED USE: FAITH BASED ORGANIZATION
EXISTING OCCUPANCY: 200

REALTY INTEGRATION LLC
 PID # 02401001
 ZONING: B-5

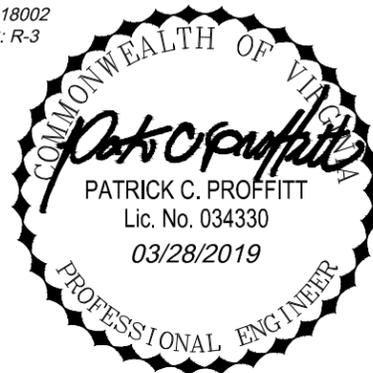


FIRST CHURCH OF JESUS OF THE APOSTOLIC FAITH
 PID # 00918005
 ZONING: R-3

FIRST CHURCH OF JESUS OF THE APOSTOLIC FAITH
 PID # 00918004
 ZONING: R-3

FIRST CHURCH OF JESUS OF THE APOSTOLIC FAITH
 PID # 00918003
 ZONING: R-3

FIRST CHURCH OF JESUS OF THE APOSTOLIC FAITH
 PID # 00918002
 ZONING: R-3



CONDITIONAL USE PERMIT
 FOR
FIRST CHURCH OF JESUS OF THE APOSTOLIC FAITH
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 20190029
 LAT. 37.41639°
 LONG. -79.15361°
 DATE: 3/1/19
 DRAWN BY: WCH
 CHECKED BY: PCP

SHEET NO.
 1 OF 1

Mar-28-2019 2:17:00 PM, D:\DATA\01\Projects\2019\20190029\Engineering\CAD\Conditional Use Permit.dwg, 2/29/2019, 2:17:17 PM

THIS SHEET IS INTENDED TO BE REPRODUCED AT 11"x17". REPRODUCTION OF THIS SHEET AT A DIFFERENT SIZE THAN INTENDED SHALL VOID THE SCALE SHOWN ON THE SHEET.

HURT & PROFFITT
 INSPIRED / RESPONSIVE / TRUSTED

2524 LANGHORNE ROAD
 LYNCHBURG VA 24501
 434.847.7796 | HANDP.COM

ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
 GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES



CONDITIONAL USE PERMIT NARRATIVE

First Church of Jesus of the Apostolic Faith
219 Jackson Street
TM# 00917012
Lynchburg, Virginia

PROJECT DESCRIPTION

This petition consists of a request to obtain a Conditional Use permit to allow the First Church of Jesus to construct a Fellowship Hall to allow them to move some of their existing church programs into a less cramped and more modern space. Currently improvements on the property consist of a one story church building with basement having a footprint of approximately 2400 square feet. It is not anticipated that the construction of the fellowship hall will increase the membership but it will allow them to move out of cramped basement spaces so that they can conduct classes, repasts, holiday events, youth activities and community events. The new fellowship hall will have footprint of approximately 2,275 square feet and may be one or two stories. The subject property is 1.0 acre in area and after the proposed construction the total lot coverage will be 8570 square feet. The total lot coverage will therefore be 24% which is under the 30% requirement as required in Section 35.2-61.4 of the City of Lynchburg Zoning Ordinance. Please also note that the property has 329.90 linear feet of street frontage along Jackson Street. Per Section 35.2-67.1 of the City of Lynchburg Zoning Ordinance the property can construct up to 49,485 square feet of developed space before any additional sidewalk would be required. The 10,610 square feet total including this project is well under that threshold.

STORMWATER MANAGEMENT

Total disturbed area of the project will be less than 1.0 acre therefore a VSMP/SWPPP will not be required for the project. Also, this property is located in the City of Lynchburg's CSO area so is exempt from the City's stormwater management requirements.

COMPREHENSIVE PLAN

The property is currently being used as a neighborhood church and will continue to be used in that capacity after the construction of the Fellowship Hall. The church was established in 1927 and the continued use of the property as a "faith based organization" community partner is compatible with the Growing Tinbridge Hill Neighborhood plan adapted March 2014.

