

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
6 January 2006**

A regular meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, the 6th of January 2006.

ATTENDANCE

Jay Arnold, Barbara Batterton, Anne Caldwell, Beverly McKay, Pat McKelvy, Cliff Nelson, George L. Ohrstrom, II, and Kathy Smart.

ABSENT

Mary Daniel, A. R. Dunning, and Robert Wade

STAFF

Charles Johnston, Planning Administrator; Jesse Russell, Zoning Administrator; Nancy Olin, Enforcement Officer; Debbie Bean, Recording Secretary.

CALL TO ORDER

Charles Johnston, Clerk to the Planning Commission, called the meeting to order at 9:04 a.m.

ELECTION OF CHAIRMAN and VICE CHAIRMAN

Mr. Johnston asked for nominations of Chair to the Commission. Commissioner Nelson nominated Commissioner Beverly B. McKay for the position of Chair of the Planning Commission for 2006.

The Commission voted unanimously to elect Commissioner Beverly B. McKay as Chair of the Commission for 2006.

Yes: Arnold, Batterton, Caldwell, McKelvy, Nelson (moved) Ohrstrom, and Smart (seconded)

No: No one

Abstained: McKay

Absent: Daniel, Dunning, and Wade

Mr. Johnston asked for nominations of Vice Chair to the Commission. Commissioner McKelvy nominated Commissioner Ohrstrom for the position of Vice Chair of the Commission for 2006.

The Commission voted to elect Commissioner Ohrstrom as Vice Chair of the Commission.

Yes: Arnold (seconded), Batterton, Caldwell, McKay, McKelvy (moved), Nelson, and Smart

No: No one

Abstained: Ohrstrom

Absent: Daniel, Dunning, and Wade

Commissioner McKay assumed the Chair.

Commissioner Daniel entered the meeting.

COMMITTEE APPOINTMENTS FOR 2006

Chair McKay stated that he and Vice Chair Ohrstrom will review the committee appointments and will report back to the Commission.

MEETING DATES FOR 2006

The Commission voted unanimously to approve the meeting dates for 2006 as presented with the briefing date in July to be set for 5 July 2006.

Yes: Arnold, Batterton, Caldwell (moved), Daniel, McKay, McKelvy (seconded), Nelson, Ohrstrom, and Smart

No: No one

Absent: Dunning and Wade

APPROVAL OF AGENDA

The agenda for 6 January 2006 was unanimously approved.

Yes: Arnold, Batterton, Caldwell (seconded), Daniel, McKay, McKelvy, Nelson, Ohrstrom (moved), and Smart

No: No one

Absent: Dunning and Wade

APPROVAL OF MINUTES

The briefing meeting minutes of 29 November 2005 were unanimously approved.

Yes: Arnold (moved), Batterton (seconded), Caldwell, Daniel, McKay, McKelvy, Nelson, Ohrstrom, and Smart

No: No one

Absent: Dunning and Wade

The regular meeting minutes of 2 December 2005 were unanimously approved.

Yes: Arnold, Batterton, Caldwell, Daniel, McKay, McKelvy (moved), Nelson, Ohrstrom, and Smart (seconded)

No: No one

Absent: Dunning and Wade

MINOR SUBDIVISION

Steven and Jody Shippa request approval for a two-lot subdivision for Tax Map 15-((A))-10B located at 1010 Parshall Road, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-05-18

Mr. Russell explained this request. He stated that since the last meeting, Planning Commissioners McKelvy and Batterton met on site with staff and VDOT. It was determined that the only entrance that could be approved is the one currently being proposed. The Planning Commission had concerns where the animals will graze on the property and the possibility of a mud hole developing. The Planning Commissioners suggested reconfiguring the shape of the lot. The applicant was present and stated he would need to discuss this suggestion with Mr. Genda, an adjoining property owner, and see how he will perceive this idea. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to postpone action on this request until the applicant negotiates with Mr. Genda about moving the house location.

Yes: Arnold, Batterton, Caldwell (seconded), Daniel, McKay, McKelvy (moved), Nelson, Ohrstrom, and Smart

No: No one

Absent: Dunning and Wade

MINOR SUBDIVISION

MNNW Partnership requests approval of a one-lot subdivision for Tax Map Parcel 7-((A))-19 11723 Harry Byrd Highway, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-05-20

Mr. Russell explained this request. He stated the applicant has met all of the requirements as required in the County Subdivision Ordinance. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request.

Yes: Arnold (seconded), Batterton (moved), Caldwell, Daniel, McKay, McKelvy, Nelson, Ohrstrom, and Smart

No: No one

Absent: Dunning and Wade

MINOR SUBDIVISION

William T. Milleeson requests approval of a two-lot subdivision of Tax Map #7-((A))-118 located at 135 Longmarsh Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-05-21

Mr. Russell explained this request. He stated the applicant has met all of the requirements as required in the County Subdivision Ordinance. He recommended approval of this request on condition a Deed of Dedication be provided. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on condition the applicant provides a Deed of Dedication before the Zoning Administrator signs the plats.

Yes: Arnold, Batterton, Caldwell, Daniel, McKay, McKelvy, Nelson (moved), Ohrstrom (seconded), and Smart

No: No one

Absent: Dunning and Wade

BOUNDARY LINE ADJUSTMENT

Mike Morris and Kenny Wisecarver request approval for a Boundary Line Adjustment of Tax Maps 13-((A))-25D and 13-((A))-25B located at 2200 Senseny Road, Chapel Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). BLA-05-23

Mr. Russell explained this request. The applicant is requesting approval of a boundary line adjustment increasing the size of a residential lot and reducing the size of an agricultural lot. In accordance with County Ordinance, boundary line adjustments between residential and agricultural parcels must be approved by the Planning Commission when a residential lot adjustment exceeds a total parcel size of 3 acres. Mike Morris (owner of residential lot) has raised sheep and kept horses on the property for a number of years. In order to have the pasture area needed for his agricultural endeavor he had signed a 99 year lease with Kenny Wisecarver (agricultural lot owner and stepfather to Morris) for an additional 4 acres in 1992. Mr. Wisecarver has agreed to sell the leased land portion of his farm to Mr. Morris. Mr. Russell was concerned this may set a precedent

for other individuals wishing to do this. The Planning Commission stated this is a unique situation and does not feel this would set a precedent. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request.

Yes: Arnold, Batterton (seconded), Caldwell, Daniel, McKay, McKelvy, Nelson, Ohrstrom (moved), and Smart

No: No one

Absent: Dunning and Wade

TEXT AMENDMENT

A. The Clarke County Board of Supervisors refers to the County Planning Commission for consideration the request of Jerry and Helen Kirk (Joan Fine, agent) to amend the text of the County Zoning Ordinance so as to amend either:

1. Section 3-A-13-e, Maximum Height of All Structures in the Highway Commercial Zoning District so as to state: “40 feet, except as otherwise provided, *and except that flag poles shall not exceed 80 feet with the limitation that only one such flag pole shall be permitted per parcel*”, or
2. Section 4-H-3-b, Height Limitation Exceptions, so as to state: “Towers, gables, penthouses, scenery lofts, residential chimneys, cupolas, spires, similar structures, smokestacks, and necessary mechanical appurtenances, may be erected on a building to a height greater than the limit established for the district in which the building is located; provided, that no such exception shall cover at any level more than fifteen percent of the area of the roof on which it is to be erected; and provided, further, that no such exception shall exceed maximum height established in the district by more than forty percent *and, except as otherwise provided, flag poles in the Highway Commercial District shall not exceed 80 feet with the limitation that only one such flag pole shall be permitted per parcel.*”

B. The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance so as to amend Section 4-H-3-b, Height Limitation Exceptions, so as to state: “Towers, gables, penthouses, scenery lofts, residential chimneys, cupolas, *flag poles*, spires, similar structures, smokestacks, and necessary mechanical appurtenances, may be erected ~~on a building~~ to a height greater than the limit established for the district in which the building is located; provided, that no such exception (*excluding free-standing flag poles*) shall cover at any level more than fifteen percent of the area of the roof on which it is to be erected; *there shall be not more than one such exception per parcel*, and provided, further, that no such exception shall exceed maximum height established in the district by more than ~~forty~~ fifty percent *and that any such exception shall be setback from all property lines a distance equal to 1.5 times its height.*” TA-05-06

Mr. Johnston explained this item. He stated that at the December meeting the Commission voted unanimously to postpone consideration of the proposed amendments. He recommended the Commission consider revisions to amendment B that would allow structures that are commonly taller than the portions of structures used for human occupancy to be 50% taller than the basic height limit instead of 40% as currently allowed. He said these revisions would also limit the number of such excepted structures to one per parcel and require a setback equal to the height of these structures. Mr. Johnston said if the Commission wished to consider the revisions, the items would have to be readvertised for another public hearing. The Commissioners discussed the revisions and determined that while they seem acceptable, they did not wish to have another public hearing and that the Board of Supervisors could consider an amendment with these provisions. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to recommend to the Board of Supervisors the amendment as previously advertised for the 2 December 2005 public hearing and leave to the Board’s decision whether additional

modifications should be made.

Yes: Arnold, Batterton, Caldwell (seconded), Daniel, McKay, McKelvy, Nelson, Ohrstrom (moved), and Smart

No: No one

Absent: Dunning and Wade

2006 Planning Priorities

Mr. Johnston gave a brief overview of the activities that the Planning Commission will be working on in the coming year.

Commissioner Dunning entered the meeting.

REPORTS

- ◆ Board of Supervisors - Commissioner Dunning reviewed the Planning items on the agenda of the 20 December 2005 meeting. He also talked about the reassessment and the extreme increase of the property values. He said the tax rate needs to go back to a neutral tax rate.
- ◆ Conservation Easement Authority – Commissioner McKelvy stated a mailing for donations was sent out in December.
- ◆ Historic Preservation Comm. - Commissioner Nelson stated the next meeting is scheduled for 19 January 2006.
- ◆ Natural Resource Activities - No report
- ◆ Sanitary Authority (second Tuesdays, 10:30 a.m.) - No report
- ◆ Board of Septic & Well Appeals - No report
- ◆ Board of Zoning Appeals - Mr. Russell stated the next meeting is scheduled for 2 February 2006.
- ◆ Enforcement Officer - Ms. Olin's progress reports for 1 December thru 31 December 2005 were reviewed.
- ◆ Lighting Committee - Mr. Johnston stated a meeting is scheduled for 19 January 2006.
- ◆ Other - Mr. Johnston distributed information to the Commission regarding the issues with I-81.

There being no further discussion, the meeting was adjourned at 10:25 p.m. until 9:00 a.m. on 3 February 2006.

Beverly McKay, Chair

Charles Johnston, Clerk