

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
3 February 2006**

A regular meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, the 3rd day of February 2006.

ATTENDANCE

Beverly McKay, Chair; George L. Ohrstrom, II, Vice Chair; Jay Arnold, Barbara Batterton, Anne Caldwell, Mary Daniel, A. R. Dunning, Pat McKelvy, Cliff Nelson, Kathy Smart, and Robert Wade.

STAFF

Charles Johnston, Planning Administrator; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; Nancy Olin, Enforcement Officer; Debbie Bean, Recording Secretary.

CALL TO ORDER

Chair McKay called the meeting to order at 9:04 a.m.

APPROVAL OF AGENDA

The agenda for 3 February 2006 was unanimously approved.

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

No: No one

APPROVAL OF MINUTES

The briefing minutes for 3 January 2006 were unanimously approved.

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

No: No one

The regular minutes for 6 January 2006 were unanimously approved.

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

No: No one

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 staff met with the applicant and Mr. Genda, holder of the view easement at the proposed site to discuss reconfiguring the lot.

He said the only area in which the house location could be moved and not violate the spirit of the view easement was a location that would place the front of the house approximately 50-60 feet from the edge of the right of way. He said Parshall Road is a scenic by-way and requires the house to be located 85' from the right of way. In addition, Mr. Genda did not agree to change the view easement as exists on the proposed subdivision plat.

Mr. Shipa stated he was there when VDOT came out to the property. He stated in order to meet VDOT requirements; this was the only way to reconfigure the lot. He stated there would be a lot of work that will need to be done just to get VDOT to approve this configuration.

Mr. Dunning stated he feels there needs to be as much residue left on the area as possible. He stated even though the applicant has stated this is the only way to do this lot, the Commission needs to follow the comprehensive plan and not create these island shape lots in the AOC district.

Mr. Wade stated the lot is not in accordance with our ordinance and may need to be denied.

Mr. Dunning suggested that VDOT review the area again and try to come up with the entrance he has suggested based on a reconfiguration of the lot.

After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to postpone action on this proposal until the next regular meeting of the Commission in order to allow time to contact Mr. Genda and VDOT to review another area for site distance.

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

No: No one

Commissioner Wade suggested a committee be appointed to review this proposal.

MINOR SUBDIVISION

Double TT, Inc. (Neel Taylor, Agent) requests approval of a two-lot subdivision for Tax Map Parcel 33-((A))-7 located in the 700 block of Morgans Mill Road, Chapel Magisterial District, zoned Forestal-Open Space-Conservation (FOC). MS-05-22

Mr. Russell explained this request. He stated this proposal is less than 40 acres and can be divided as the applicant wishes with a 3-acre maximum. He said it has been approved by VDOT on condition of a site distance easement for purposes of clearing and maintaining vegetation. After discussion it was discovered that no one on the Commission had visited the site. After further discussion with staff and Commission, Chair McKay asked which Commissioners would visit the site. Commissioners Caldwell and Wade volunteered to visit the site and report back to the Commission. Chair McKay

called for a motion.

The Commission voted unanimously to postpone action on this request until the next regular meeting of the Commission in order to allow time for Commissioners Caldwell and Wade to visit the site and report back to the Commission.

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

No: No one

Mr. Dunning suggested that after the appropriate Commissioners visit the proposed sites, they provide a signed check off list to staff before the item goes in the Planning Commission packet or on the agenda.

MINOR SUBDIVISION

Mildred D. Wilson (George Greenhalgh, III, Agent) requests approval for a one-lot subdivision and maximum lot size exception for Tax Map 29-((A))-35B, located in the 7000 block of John Mosby Highway, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-06-02

Mr. Russell explained this request. He stated the applicant has met all the requirements as required in the County's ordinance. He stated that Chair McKay has visited the site and he said everything seems to be in order for this request. After discussion with staff and the Commission, Chair McKay called for a motion.

Stuart Dunn, surveyor for the applicant, stated that VDOT suggested moving the entrance 150 feet to 200 feet so that it is not too close to the cross over lane.

The Commission voted unanimously to approve preliminary and final plat and maximum lot size exception on this request.

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

No: No one

TEXT AMENDMENT – SET PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:

Section 3, Supplementary Regulations, so as to limit the number of occupants of a dwelling to not more than one person for each 200 square feet of heated area in a dwelling, with a maximum of 12 people, and

Section 9, Definitions, so as to state in the definition of 'Family' that a person related by blood is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece, or nephew of the property owner or leaser.

TA-06-01

Mr. Johnston read the text amendment to the Planning Commission. He stated concerns have been raised about excessive numbers of people in residential dwellings.

He said this amendment was originally written so as to limit the maximum number of persons in a dwelling to one for each 200 square feet. However, subsequent to preparation of the staff report, it was suggested the number of people in a single family dwelling with an on-site sewage disposal system be limited to two people per bedroom as identified in the Virginia Department of Health permit for property's drainfields. He said he would recommend this option over limiting the number of people by square footage. Second, Mr. Johnston said the Zoning Ordinance contains a definition of the term "family" for the purposes of regulating the occupants of a single-family dwelling. However, "family" is not specifically defined in the ordinance. He said the proposed change would use the Virginia Code definition of a family used for the purpose of defining a family subdivision. Finally, Mr. Johnston said it is proposed that accessory structures larger than 150 square feet not be allowed in the front yard of a single-family dwelling in residential areas so as not to create arrangements of structures inconsistent with conventional residential patterns. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing for the next regular meeting of the Commission on 3 March 2006 as now recommended by staff.

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

No: No one

REPORTS

- ◆ Board of Supervisors - Commissioner Dunning stated the only thing of consequence is waiting for the School Board to arrange the 71 acres in order to start the proposed new high school.
- ◆ Conservation Easement Authority - Commissioner McKelvy stated the amount of donations that have come in has reached over \$8,000 from the December donation mail out.
- ◆ Historic Preservation Comm. - Commissioner Nelson presented a map of a proposed Chapel Historic District for nomination to the National Register and reviewed this map with the Commission.
- ◆ Natural Resource Activities - No report
- ◆ Sanitary Authority (second Tuesdays, 10:30 a.m.) - Ms. Teetor stated Commissioner Dunning is now a member of the Sanitary Authority Board.
- ◆ Board of Septic & Well Appeals - No report
- ◆ Board of Zoning Appeals - Mr. Johnston stated there was a public hearing on 2 February 2006 regarding the variance for the Center for Consciousness. He said that after the public hearing, the Board voted to postpone action on this request until 28 February 2006.
- ◆ Enforcement Officer - Ms. Olin's progress reports for 1 January thru 31 January 2006 were reviewed.
- ◆ Lighting Committee - Commissioner Nelson reported the committee has purchased seven bulbs to test how much they illuminate at his house on 9 February 2006, all are invited.

There being no further discussion, the meeting was adjourned at 11:00 a.m. until 3 March 2006 at 9:00 a.m.

Beverly McKay, Chair

Charles Johnston, Clerk

Minutes prepared by
Debra L. Bean
Recording Secretary