



Clarke County Planning Commission

MINUTES – Ordinances Committee Meeting

Friday, September 2, 2022 – 9:30AM or immediately following Planning Commission Business Meeting

Berryville/Clarke County Government Center – A/B Meeting Room

ATTENDANCE:			
Randy Buckley (White Post)	✓	Frank Lee (Berryville)	✓
Ron King (Buckmarsh)	✓	Gwendolyn Malone (Berryville)	✓
George L. Ohrstrom, II (Ex Officio)	✓E		

E – Denotes electronic participation

NOTE: George L. Ohrstrom, II participated electronically for personal reasons.

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator)

CALL TO ORDER: By Mr. Stidham at 9:31AM.

1. Approval of Agenda

Members voted unanimously to approve the agenda as presented by Staff.

Motion to approve the meeting agenda as presented by Staff:			
Buckley	AYE (moved)	Lee	AYE
King	AYE	Malone	AYE (seconded)

2. Approval of Minutes – May 6, 2022 Meeting

Members voted unanimously to approve the May 6, 2022 meeting minutes as presented by Staff.

Motion to approve May 6, 2022 meeting minutes as presented by Staff:			
Buckley	AYE (moved)	Lee	AYE (seconded)
King	AYE	Malone	AYE

3. Old Business

A. Continued Discussion, Waterworks and Sewerage System and Treatment Works Regulations – Zoning Ordinance Section 7.4.5

Mr. Stidham reviewed the staff memo and recapped the Committee’s May 5 discussion of the text amendment to the waterworks and sewerage system and treatment works regulations. He summarized the proposed changes to various Zoning and Subdivision Ordinance sections.

Commissioner Lee asked about the term “governmental entity” and asked whether this term would apply to Frederick Water, Frederick County’s division for public water and public sewer. Mr. Stidham replied yes and noted that Frederick County as the governing body is required to

authorize Frederick Water to provide service to any new areas that are not currently served. He continued by stating that “governmental entity” is a broader term that would cover governing bodies and water and sewer authorities. Chair Ohrstrom commented that this change puts a lot of trust in future boards of supervisors. Mr. Stidham replied that a majority vote of any future board of supervisors could result in a change to almost anything.

Members had no additional questions and were comfortable with moving the text amendment forward to the Commission. Mr. Stidham said that Staff will present this text amendment to the full Commission at the October 4 Work Session.

4. New Business

A. Structures Permitted in Required Setback Areas – Zoning Ordinance Section 7.1.2(C)

Mr. Stidham presented the staff memo on this proposed text amendment.

Chair Ohrstrom asked why fences are regulated beginning at a height of seven feet. Mr. Stidham replied that the building code requires a building permit for fences that are seven feet or taller.

Commissioner Lee noted that the staff memo includes water and sewer/sewage disposal systems as “mechanical equipment.” He said that most alternative septic systems have a required aerator or motor that by State law can be within 10 feet of a property line so this requirement would contradict the State’s requirements. Mr. Stidham agreed, noting that a septic system riser is technically a structure. Commissioner Lee added that a riser or a pipe would likely be the only above-ground system component. He also said that you might want to take out or specify that setback requirements do not apply to septic system components. Mr. Stidham said that they should probably be allowed outside of the 50% setback and added that staff has never interpreted well heads, risers, or similar equipment as elements that must comply with setback requirements. Mr. Camp also noted telephone or electric transformer boxes as elements that are often located outside of the building envelope and Vice-Chair Buckley noted that these elements are owned by the utility and not the property owner.

Regarding the proposed removal of “hedges” from this section, Chair Ohrstrom asked whether it would have any impact on the vegetated buffer requirement for AOC and FOC properties. Mr. Stidham replied that he would interpret a “hedge” as something that was planted by the property owner. Chair Ohrstrom clarified that he is talking about the 25-foot vegetated perimeter buffer requirement and asked if this change would have an impact on that requirement. Mr. Stidham replied that it would clarify that property owners do not have to maintain any vegetation that would be considered a “hedge” to a maximum height of seven feet. He also said that it would avoid any conflicts with landscaping plan requirements especially when screening over seven feet is needed.

Mr. Stidham noted one issue that was not addressed in the staff memo. He said that the term “architectural features” in the list of elements that can have a 50% setback reduction is vague and undefined. He recommended changing this term to read “decorative architectural features which are not required structural elements of the building” to address this issue. He said that this would

allow a column or projecting roof element of a building that is not structural in nature to have up to a 50% setback reduction. Mr. Camp added that the current “architectural features” term could mean any part of a building. Vice-Chair Buckley pointed out an example of a house that has a hanging chimney for a gas stove that is very close to the neighboring fence line. He added that safety should be an issue to consider with these features and Mr. Stidham replied that most features should be regulated by the building code.

Mr. Stidham asked members if they are comfortable forwarding this text amendment to the Commission in October. Commissioner Lee said he is fine with it so long as the issue of septic system structures is addressed. Mr. Stidham said that Staff will present this text amendment to the full Commission at the October 4 Work Session.

ADJOURN: Meeting was adjourned by consensus at 9:59AM.



Brandon Stidham, Clerk