

**PLANNING COMMISSION**  
**December 15, 2004**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, DECEMBER 15, 2004, AT 7:30 pm IN THE COUNTY MEETING ROOM.

Those present were:

- Gary Lowe, Chairman
- Helen Phillips, Vice-Chairperson
- Jim Davis, Member
- Mickey Cox, Ex-officio Member
- Catherine Clossin, Community Development Director
- Bart Svoboda, Zoning Official
- Marsha Alley, Secretary

The chairman called the meeting to order stating that there would be one public hearing for a special use permit request and added that a public hearing had been held previously regarding the ordinance revisions but noted that the revisions would be reviewed again tonight. He explained that those who wished to speak must sign-up and reviewed the public hearing process for those who had not attended before.

**PUBLIC HEARING: Roy & Mavis Deane—Special Use Permit Request #04-730**

Mr. Lowe read the request: Roy & Mavis Deane request a special use permit for a manufactured home on a 2.00 acre tract, which is zoned A-1, located on Sam Durrer Road and identified on County Tax Maps as 59-(A)-53. (SUP#04-730)

Ms. Clossin gave a report regarding the request. She stated that the request is being made by Mavis Deane as a medical and financial hardship. She noted that the property is not served by public utilities. She pointed out that there is an existing residence on the property and that the added double-wide would be the second residence which would be used by her elderly sister and her elderly brother-in-law. She added that there is adequate room for the additional residence and that the Health Department has issued an Operations Permit for a septic field. She gave a PowerPoint presentation describing the request and the property. She noted that staff recommended approval of the request with the following condition:

1. The applicant will not offer the manufactured home for rental.

She added that the Planning Commission may want to impose either a time limit or annual review of the special use permit.

Edward Deane, son of the applicant, addressed the Commission on her behalf. He stated that his mother is 80 years old and her sister, Edith, is 73 years old. He noted that they are the only two of their siblings that are still living. He added that his father, Roy, died and his mother would like to have her sister and brother-in-law live nearby so that they could help one another. He pointed out that his mother has some vision problems and that having her sister near would be helpful.

The chairman opened the public hearing to the public.

Marge Grassi, neighbor, addressed the Commission. She had the following questions/comments.

1. Roy & Mavis are listed as the owners. Roy is deceased. Why is his name listed?
2. How was the double-wide and the septic field placed on the property without the special use permit being granted first?
3. There are three residents on the property: Mavis Deane's house, the double-wide, and a single-wide in the rear of the property.
4. She stated that she does not want to see anyone put out but wants the Zoning Ordinance to be followed.

Patricia Shifflett, adjoining property owner, addressed the Commission. She had several questions/comments.

1. What stipulations will be placed to guarantee that the double-wide will be moved when the hardship is gone?
2. The copy of the permit that she received was for an addition to the existing dwelling. Why was a double-wide placed in addition to the dwelling?
3. Is there any stipulation for a right-of-way to the double-wide?
4. Roy & Mavis are listed as the owners. Who is Roy?

Maxine Durrer addressed the Commission. She stated that she was notified about the special use permit only after the double-wide was moved on to the property. She added that Mrs. Deane also has a daughter who lives on the property.

Alan Shank had signed up to speak but noted that his concerns have been mentioned already by others.

Patricia Shifflett presented the Commission with photos of the property and they were added to the file.

There being no further public comments, the public hearing was closed.

Mr. Davis asked if the double-wide would bring the total number of residences on the property to three.

Ms. Clossin explained that the single-wide in the rear is located on a different parcel and that the double-wide would be the second residence on the parcel in question.

Mr. Davis asked who lived in the existing residence.

Mr. Deane stated that his mother, Mavis Deane, lives there. He added that his mother's sister, Edith, and her brother-in-law, Bud, who is 90 years old and in bad health, would

live in the double-wide.

Mr. Davis asked if a permit was issued to place the double-wide on the property.

Mr. Svoboda explained that the permit was issued for the double-wide to be attached to the existing dwelling. He added that an affidavit was signed to remove the kitchen so that the double-wide would not be considered a separate residence. He noted that if the double-wide is not attached to the residence, a special use permit is required.

Mr. Lowe asked if the manufactured home meets all necessary code requirements.

Mr. Svoboda stated that it does.

Mr. Lowe asked if the double-wide can be attached by-right.

Mr. Svoboda stated that it can be attached by right with the signed affidavit agreeing to remove the kitchen.

Mr. Lowe asked if the original plan had been to attach the double-wide.

Mr. Svoboda stated that it was the original plan.

Ms. Clossin, in answering earlier questions, pointed out that Roy Deane, Mavis Deane's deceased husband, is still listed on the tax records as a property owner and is therefore included in the property owner references on this request.

Ms. Phillips asked how long the double-wide has been on the property.

Mr. Deane estimated one month to six weeks.

Mr. Svoboda estimated about two months.

Ms. Phillips asked how far the double-wide is located from the house.

Mr. Deane stated about thirty feet.

Ms. Phillips asked why it is so far from the house.

Mr. Deane stated that if the double-wide must be attached to the existing dwelling, he plans to attach it by building one big room.

Ms. Phillips asked if he intends to build a room to connect the two structures.

Mr. Deane stated that if the special use permit is not granted, he will attach the

structures with a large room.

Ms. Phillips asked if Mrs. Deane is the only one living in the house since Mr. Deane died.

Mr. Deane stated that she lives alone there.

Ms. Phillips asked why Edith and Bud could not live with Mrs. Deane in the existing house.

Mr. Deane agreed with Ms. Phillips and stated that he had wondered the same thing.

Ms. Phillips asked if Mrs. Deane had any health problems.

Mr. Deane stated that she is 80 years old and has some trouble getting around and noted that she does have bad eyesight.

Ms. Phillips asked what Bud's health problems are.

Mr. Deane stated that he understands that Bud needs a pacemaker but they are not sure if he can withstand the surgery.

There was discussion regarding the health issues suffered by the applicant and her family members.

Mr. Lowe recapped the answers to some of the previously asked questions. He stated that adjoining property owners were notified after the double-wide was placed because a special use permit was not considered until that time. He pointed out that Roy Deane is still listed on the tax records as a property owner and is therefore included in the property owner references on this request. He asked Mr. Svoboda about any right-of-way issues and VDOT concerns.

Mr. Svoboda stated that access is already established to the property by the existing driveway.

Mr. Lowe asked if the driveway is located off of a state road.

Mr. Svoboda stated that it is but noted that the access is in existence.

There was discussion on subdivision and rights-of-way.

Mr. Lowe stated that typically the Commission tries to work with applicants regarding medical hardships. He added that time limits are often placed and medical documentation is usually required. He added that no medical documentation had been

received to date.

Mr. Davis stated that the adjoining property owners had voiced concern and that he would have difficulty with this decision tonight as well.

Ms. Phillips reviewed the definition of “hardship” and stated that she realized that there is an elderly lady with vision problems, but there were no sufficient facts presented to conclude a medical hardship.

There was discussion on the definition of “hardship” and how it applied to the request.

Ms. Phillips made a motion to recommend denial due to medical hardship criteria has not been met by the applicant.

Mr. Davis seconded the motion.

The vote was taken.

AYE

Mr. Davis  
Ms. Phillips  
Mr. Lowe

NAY

The motion carried by a unanimous vote.

Mr. Lowe stated that the Board of Supervisors would make the final decision on January 11, 2005.

**PUBLIC HEARING: Ordinance Revisions—Ordinance Revision #04-015**

Ms. Clossin addressed the Commission giving a report and summary of the proposed ordinance revisions. She added that no new information was included since the workshops were held. She explained that the proposed revisions are a scaled down version of the original revisions with other controversial areas to be addressed at a later date. She pointed out that staff has proceeded with the more technical amendments at this time.

She described the amendments as follows:

- Allow public facilities, schools and recreation by-right including transmission lines for the new waste treatment facility in all districts rather than by Special Use. It avoids the necessity for an additional layer of review of publicly funded and bonded projects (including, for example, as many as fifty separate Special Use Permits for the easements required by the treatment facility.)

- Allow telecommunications in certain districts subject to restrictions in the existing Article 21.
- Clarify definitions of corner lots.
- Allow temporary fireworks in certain districts subject to specific restrictions.
- Allows overhang of certain covered porches, balconies, chimneys, eaves, etc., no more than four (4) feet into a required yard so long as no such feature is located closer than six (6) feet to any lot line.
- Allows the Board of Supervisors to reduce the percentage of common open space when considering other amenities and the nature of the PUD.
- Defines parking spaces including required sizes.
- Allows mulch production facilities in certain districts by Special Use Permit.
- Clarifies language with regard to granting of a Certificate of Occupancy.
- Provides requirements for loading areas and handicapped parking spaces.
- Provides restrictions on the sale and display of fireworks.
- Specifies requirements for frontage and lot width measurements.
- Clarifies language with regard to approval of a site development plan.
- Clarifies the status of nonconforming lots to omit the wording “unimproved” and thus allow any improved lots to also fall into the category of nonconforming status.
- Specifies conditions to be imposed by the Board of Supervisors in granting a Special Use Permit.
- Provides criteria and procedure for granting of an administrative variance.
- Removes fire lanes and hydrant systems from site plan requirements and makes hydrant locations subject to ISO standards and subject to approval by the Building Official. Specifies where and when fire lanes are to be provided.
- Provides definitions for circus, cul-de-sac, farm building, farm winery, flea market, group home, livestock, mulch production facility, preliminary plat, story, story above grade plane, private right-of-way, and travel trailer.
- Removes Special Use Permit regulations from the Board of Zoning Appeals functions and adds review of Special Exceptions to Board of Zoning Appeals functions. Adds Special Use Permit regulations to the General Provisions section of the ordinance.
- Adds notification of adjacent property owners to the requirements of site plan review.
- Extends deadline for recording of final plats from sixty days to six months to be consistent with state statutes.
- Expands the definition of natural or legal offspring to include “sibling, grandchild or grandparent” to be consistent with state statutes.
- Clarifies that once a division of a parent tract has occurred, the single lot exemption is no longer valid for “either the parcels that were divided from the parent tract or the residual parcel.”

There was discussion on the revisions. Each member had reviewed and was familiar with the proposed changes.

Ms. Clossin stated that many of the revisions were maintenance issues and basic changes to the Ordinance.

The chairman opened the public hearing to the public.

There being no public comments, the public hearing was closed.

Mr. Lowe shared that Carl Schmitt and Roger Ray could not attend the meeting but had sent in comments regarding the revisions.

Ms. Clossin stated that staff had met with Mr. Ray and Mr. Schmitt to review their concerns. She added that staff agreed with the change from 150 ft. to 100 ft. regarding the frontage requirement on a cul-de-sac in the A-1 district.

There was discussion on campgrounds, as to acreage limitations and whether or not a special use permit should be required for a campground, and farm buildings.

Mr. Davis made a motion to recommend approval of Ordinance Revisions OR#04-015 as submitted with the following change:

1. Cul-de-sacs in A-1 need only require 100 feet of frontage pursuant to Section 4-4-1.

Ms. Phillips seconded the motion.

The vote was taken.

AYE

Mr. Davis

Ms. Phillips

Mr. Lowe

NAY

The motion carried by a unanimous vote.

## **OLD/NEW BUSINESS**

Mr. Lowe asked Ms. Clossin if any progress had been made on the Build-out Spreadsheet.

Ms. Clossin stated that Don Pamenter has been working with her on completing that project.

Mr. Lowe stated that it will be a great tool for the Capital Improvements Project (CIP).

Ms. Clossin informed the Commission that she is currently working on grants for water

impoundment.

Mr. Lowe asked if there was an update regarding the CIP.

Ms. Clossin stated that responses are trickling in.

Mr. Lowe asked what the timeframe might be for the CIP.

Ms. Clossin stated that she hoped it would be completed in draft form by February 2005.

Mr. Lowe asked if workshops would be held to review it.

Ms. Clossin stated that workshops would definitely be held. She added that she is hoping for February because the last CIP was approved in 1997.

Mr. Lowe stated that the CIP is necessary for grants and other growth issues. He applauded the effort.

Mr. Davis asked what the other revisions are and when they would come before the Commission.

Ms. Clossin suggested that the members review their previous packet information to familiarize themselves with revisions such as non-conforming uses, mobile homes, home occupations, accessory apartments, signs, lighting, and parking. She added that each revision will come before the Commission separately.

There was discussion on the upcoming revisions.

Mr. Davis stated that hearing the revisions in smaller portions may be a better idea.

Ms. Clossin stated that the Planning District Commission (TJPDC) is working on some prototypes for potential cluster development for Greene County.

## **APPROVAL OF MINUTES**

The minutes of the October 20, 2004 meeting were unanimously approved as submitted.

## **OTHER PLANNING MATTERS**

There were no other Planning matters.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Secretary