

PLANNING COMMISSION
January 17, 2007

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, JANUARY 17, 2007, AT 7:30 PM IN THE COUNTY MEETING ROOM.

Those present were: Jim Davis, Vice-Chairman
 Davis Lamb, Member
 Graydon Lamb, Member
 Phyllis Woodfolk, Member
 Mickey Cox, Ex-officio Member
 Bart Svoboda, Zoning Administrator
 Marsha Alley, Secretary

Mr. Davis called the meeting to order. He stated that there would be three public hearings tonight. He stated that the first order of business is the election of officers. He opened the floor for nominations for Chairman.

Davis Lamb nominated Graydon Lamb.

Ms. Woodfolk seconded the motion.

The Commission voted by ballot. Graydon Lamb was elected as Chairman with a 3-0 vote as he abstained from voting.

Mr. Davis opened the floor for nominations for Vice Chairman.

Graydon Lamb nominated Davis Lamb.

Phyllis Woodfolk seconded the nomination.

The Commission voted by ballot. Davis Lamb was elected as Vice-Chairman with a 3-0 vote as he abstained from voting.

Mr. Lamb said that a secretary needed to be selected and it did not necessarily need to be from the Planning Commission members and historically we have used staff to fill this position.

Ms. Woodfolk nominated Marsha Alley as Secretary.

Davis Lamb seconded the motion.

Marsha Alley was appointed unanimously as Secretary.

Mr. Lamb said that there needs to be two liaisons', one for the EDA and one for

the Town of Stanardsville.

Davis Lamb nominated Graydon Lamb as the EDA liaison.

Phyllis Woodfolk seconded the nomination.

Graydon Lamb was unanimously appointed to serve as the EDA liaison.

Phyllis Woodfolk nominated Jimmy Davis.

Davis Lamb seconded the nomination.

Jimmy Davis was unanimously appointed to serve as the Town of Stanardsville liaison.

Graydon Lamb presided over the remainder of the meeting as Chairman.

PUBLIC HEARINGS

Myrle Cason requests a special use permit for a manufactured home on a 1.81 acre tract, which is zoned A-1, located on Fredericksburg Road and identified on County Tax Maps as 38-(A)-96. (SUP#06-007)

Graydon Lamb opened the public hearing, read the above request statement, and reviewed the public hearing process.

Mr. Svoboda presented information regarding the request and read the staff report. He stated that public water and public sewer are not available on the property. He added that there is an existing residence on the property as well. He explained that the applicant wants to add a single-wide mobile home to the property, noting that the proposed use would create a non-conforming density on the 1.81 acre parcel. He added that the hardship is of a medical nature which would allow a second residence on the property for the grandson to reside in while caring for his grandmother. He stated that staff recommends approval of the request with the following conditions:

- 1) That adequate septic and reserve fields be located upon the property in accordance with Health Department regulations.
- 2) That the special permit is valid for three (3) years from the date of issuance of the Certificate of Occupancy.
- 3) If the use, structure or activity for SUP#06-007 is not commenced within twelve (12) months after the approval date, this permit shall be deemed abandoned and become void. The term "commenced" shall mean starting lawful physical construction of any structure necessary to the use authorized by this permit.

Myrle Cason, applicant, addressed the Commission. She stated that due to her own health concerns, she needs her grandson's assistance and would like to have him nearby.

Graydon Lamb opened the public hearing.

Ned Loyd, Paul Zimmerman, and Pat Collier voiced objections and/or concerns regarding the request. Their concerns included maintaining the integrity of the neighborhood, enforcing the three-year limit, and pointing out that the grandson living in the basement of the existing home would be a better and more practical option. Mr. Loyd also pointed out that the water to be residence is served by a spring located on Mr. Loyd's property.

Mr. Svoboda pointed out that the reality of the workload and staffing issues does limit the tracking of these approvals and pending renewals.

There being no further public comment, the Chairman closed the public hearing.

The Commission discussed the request concerning the basement being a viable option for the grandson, drainfield and water availability, and the enforcement of the three-year limit. They also reviewed the proposed location of the proposed manufactured home and whether it could be seen from adjoining properties. It was determined that it would be seen from the adjoining property.

Mrs. Cason explained that her grandson and his wife would want their own privacy and that the basement would not be a good option because she has to go downstairs to the basement to do her laundry. She added that they would be sleeping during the day as they work nights and she would be disturbing them with her daily routine. She stated that she only had one bedroom in the basement and that it was not all finished space. She added that there is a partial bathroom in the basement as well but no cooking area.

The Commission explained that the proposed accessory apartment revision might be an option in this instance once it is approved. They reminded the applicant that there could be a different Commission to review the request in three years so approval would not be automatic.

Davis Lamb made a motion to recommend approval of SUP#06-007 with the following conditions:

- 1) That adequate septic and reserve fields be located upon the property in accordance with Health Department regulations.
- 2) That the special permit is valid for three (3) years from the date of issuance of the Certificate of Occupancy.

3) If the use, structure or activity for SUP#06-007 is not commenced within twelve (12) months after the approval date, this permit shall be deemed abandoned and become void. The term "commenced" shall mean starting lawful physical construction of any structure necessary to the use authorized by this permit.

Graydon Lamb seconded the motion.

A vote was taken.

AYE

Davis Lamb

Graydon Lamb

NAY

Jimmy Davis

Phyllis Woodfolk

The motion to recommend approval of SUP#06-007 failed.

Jeffery Williams requests a special use permit for a manufactured home on a 2.00 acre tract, which is zoned A-1, located on Simms Road and identified on County Tax Maps as 13-(17)-E1. (SUP#06-008)

Graydon Lamb read the above request statement.

Jim Davis recused himself from the public hearing and was seated in the public venue.

Bart Svoboda presented information regarding the request and read the staff report. He stated that public water and public sewer are not available to the property. He added that there is an existing residence on the property that is being served by an onsite sewage disposal system and well. He explained that the applicants want to add a single-wide mobile home to the property which would create a non-conforming density on the 2.0 acre parcel. He added that the hardship is of a medical nature and would allow a second residence on the property for the mother to reside. He added that staff recommends approval of this application with the following conditions:

- 1) That adequate septic and reserve fields be located upon the property in accordance with Health Department regulations.
- 2) That the special permit is valid for three (3) years from the date of issuance of the Certificate of Occupancy.
- 3) If the use, structure or activity for SUP#06-008 is not commenced within twelve (12) months after the approval date, this permit shall be deemed abandoned and become void. The term "commenced" shall mean starting lawful physical construction of any structure necessary to the use

authorized by this permit

Graydon Lamb reminded all of the applicants that the Planning Commission made a recommendation to the Board of Supervisors who would make the final decision.

Jeffery Williams, applicant, addressed the Commission. He stated that he wanted to help his mother who was up in age and on a fixed income. He added that he would like to have her closer to the family so that they could care for her. He added that there would be no hard feelings no matter the outcome.

The chairman opened the public hearing.

There being no public comment, the chairman closed the public hearing.

The Commission asked the applicant details about his home and his mother's condition.

Mr. Williams explained that his mother does not own a home and this approval would be based on a medical and financial hardship. He added that his home is 1500 square feet with no basement, noting that he, his wife, and two children occupy the home.

The Commission discussed the proposed site and its needs in regard to septic, noting that a previously installed septic field would need to be reviewed and approved prior to hooking up to it. They noted also that a new entrance would not be needed.

Phyllis Woodfolk made a motion to recommend approval of SUP#06-008 subject to the following conditions:

- 1) That adequate septic and reserve fields be located upon the property in accordance with Health Department regulations.
- 2) That the special permit is valid for three (3) years from the date of issuance of the Certificate of Occupancy.
- 3) If the use, structure or activity for SUP#06-008 is not commenced within twelve (12) months after the approval date, this permit shall be deemed abandoned and become void. The term "commenced" shall mean starting lawful physical construction of any structure necessary to the use authorized by this permit.

Davis Lamb seconded the motion.

A vote was taken.

AYE

Phyllis Woodfolk
Graydon Lamb
Davis Lamb

NAY

The motion to recommend approval of SUP#06-008 carried by a 3-0 vote with one member being recused.

Jessica Roach requests a special use permit for a manufactured home on a 2.00 acre tract, which is zoned A-1, located on Middle River Road and identified on County Tax Maps as 14-(A)-14A. (SUP#06-009)

Graydon Lamb read the above request statement.

Bart Svoboda presented information regarding the request and read the staff report. He stated that public water and public sewer are not available to the property. He added that there is an existing residence on the property that is being served by an onsite sewage disposal system and well and that the applicant wants to add a single-wide mobile home to the property which would create a non-conforming density on the 2.0 acre parcel. He noted that the hardship is of a medical nature and would allow a second residence on the property for the daughter to reside near her father who lives in the existing residence. He explained that a previous variance had been granted in order to divide the original property creating a non-conforming lot adjacent to this one. He stated that staff recommends approval of this application with the following conditions:

- A) That adequate septic and reserve fields be located upon the property in accordance with Health Department regulations.
- B) That the special permit is valid for three (3) years from the date of issuance of the Certificate of Occupancy.
- C) If the use, structure or activity for SUP#06-009 is not commenced within twelve (12) months after the approval date, this permit shall be deemed abandoned and become void. The term "commenced" shall mean starting lawful physical construction of any structure necessary to the use authorized by this permit.

Jessica Roach, applicant, addressed the Commission. She stated that her father lives in the existing residence and that she owns the property. She explained that she currently lives with her mother and needs to have a home for herself and her infant daughter as she cannot afford to pay rent, noting that she needs to be near her father as he is getting up in age.

The chairman opened the public hearing.

Gaither Samuels commented on behalf of Liberty Baptist Church. He explained that the church has no objections to the request but asked that the church's well be protected from the adjacent septic field.

Norman Slezak and Lewis Taylor voiced their objections to the request. Their concerns included the non-conformity issues of the original property and the history of the property division, which required a variance. They were also concerned as to how the homes, septic fields, wells, etc. could be situated on the parcel without affecting adjacent properties.

There being no further public comment, the chairman closed the public hearing.

The Commission discussed the hardship and the adjoining property owners concerns.

When asked about her father's age, Ms. Roach stated that she did not feel that she had to answer that question.

The Commission discussed the need to have hardships documented and the conditions that would be added for approval.

Davis Lamb made a motion to recommend approval of SUP#06-009 subject to the following conditions:

- A) That adequate septic and reserve fields be located upon the property in accordance with Health Department regulations.
- B) That the special permit is valid for three (3) years from the date of issuance of the Certificate of Occupancy.
- C) If the use, structure or activity for SUP#06-009 is not commenced within twelve (12) months after the approval date, this permit shall be deemed abandoned and become void. The term "commenced" shall mean starting lawful physical construction of any structure necessary to the use authorized by this permit.

Graydon Lamb seconded the motion.

A vote was taken.

AYE

Davis Lamb
Graydon Lamb

NAY

Phyllis Woodfolk
Jimmy Davis

The motion to recommend approval of SUP#06-009 failed.

APPROVAL OF MINUTES

The minutes for the October 18, 2006 and the November 15, 2006 meetings were unanimously approved as submitted.

OLD/NEW BUSINESS

There were no items for Old/New Business.

OTHER PLANNING MATTERS

Planning Commission Appeal

Jennifer Varner requests a waiver from Section 5-3 of the Greene County Subdivision Ordinance regarding family divisions on a 7.00 acre tract, which is zoned A-1, located on Celt Road and identified on County Tax Maps as 57-(A)-28A. (PCA#06-002)

Bart Svoboda read the above request statement and gave a staff report. He stated that the applicant is requesting that the applicant wishes to sell the said parcel immediately and would like the Planning Commission to grant a conveyance in order to move forward with the sale. He added that the plat recorded on Plat Card 3466 states that Lot 1 containing 7 acres was part of a family division and that the applicant proposes that the Plat Card 3466 is incorrect and that it was not created as a family division. He explained that Section 5-3 of the Greene County Subdivision Ordinance provides standards, procedures and regulations for the County of Greene (shown below).

5-3 Family Partitions

- 5-3-1 The single division of a lot or parcel for the purpose of gift or sale to a member of the immediate family or the property owner defined as his natural or legal offspring, spouse, sibling, grandchild, grandparent or parent are subject to the provisions of Section 5-1. (Revised 1/11/05)
- 5-3-2. Only one (1) such division shall be allowed per family member and shall be certified as such by the owner at the time of application to the Department of Planning and Community Development.
- 5-3-3. The exemption granted herein shall be for a bona fide family purpose and shall not constitute a circumvention of this ordinance by enabling any further division of such lots created by this section, by providing ingress and egress to other than a dedicated recorded public street or by the transference of such lots, except by law, to a person other than a member of the immediate family or the transferor for a period of five (5) years; provided, however, that the

Planning Commission may approve a conveyance within such five-year period where the grantor demonstrates a financial or economic hardship or disaster which necessitates such reconveyance.

Mr. Svoboda added that the proposed Planning Commission appeal will meet the standards set forth by the Subdivision Ordinance.

Bruce Maxa, attorney for Jennifer Varner, addressed the Commission. He explained that the applicant received the property from her mother, June Deaton, but that the plat had been mislabeled as a "family division". He added that it is actually division with co-owners. He stated that Ms. Varner's husband died, she has three children and is in a financial bind at this time.

The Commission discussed the letter which referred to a re-submission, noting that the re-submission never happened. Mr. Maxa agreed that it did not happen.

The Commission discussed the need for documenting the hardship. Ms. Varner stated that she would be willing to provide them with any information that they would need.

The Commission discussed the plat, the recorded date (6/17/04), the family division language noted on the plat, the other property owners and their relation to the applicant. Ms. Varner stated that she would sell the property as a whole parcel.

The Commission discussed the five-year period language and its purpose and the hardship.

Jimmy Davis made a motion to approve PCA#06-002 based on an economic hardship.

Davis Lamb seconded the motion.

The vote was taken.

AYE

Phyllis Woodfolk
Jimmy Davis
Davis Lamb
Graydon Lamb

NAY

The motion to approve PCA#06-002 carried.

Review of Accessory Apartments—OR#06-005

Mr. Svoboda presented revised information regarding the proposed accessory

apartment ordinance revision. He stated that these revisions were made upon the advice from the Board of Supervisors. He added that the information was included in the Commission packets for review and a public hearing needed to be scheduled in order to move forward with the proposal. He noted that a work session could be scheduled if the Commission felt that one was needed.

The Commission reviewed the information and agreed that a public hearing should be scheduled in February.

Mr. Svoboda informed the Commission that the CIP would be coming soon.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley
Secretary