

**PLANNING COMMISSION**  
**November 18, 2015**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, NOVEMBER 18, 2015, AT 7:30 PM IN THE COUNTY ADMINISTRATION BUILDING MEETING ROOM.

Those present were:

- Jay Willer, Chairman
- Victor Schaff, Vice-Chairman
- Frank Morris, Member
- Eva Young, Member
- John McCloskey, Member
- Davis Lamb, Ex-Officio Member
- Bart Svoboda, Planning Director
- Shawn Leake, Zoning Officer
- Marsha Alley, Secretary

**CALL TO ORDER**

The Chairman called the meeting to order.

**DETERMINATION OF QUORUM**

The Chairman took a roll call to determine a quorum.

**PUBLIC HEARINGS**

**Stephen & Gwendolyn Barber/Barber's Lawn Care, LLC request a special use permit for a home business for lawn and landscaping services to include up to five employees that do not reside on the premises, additional business vehicles, and outdoor storage of business related items on a 0.93 acre tract zoned R-1, Residential, located at 10 Terry Lane and identified on County Tax Maps as 66-(12)-1A2. (SUP#15-008)**

Mr. Willer asked Mr. Svoboda for a report.

Mr. Svoboda reviewed the request for a Home Business, the location and zoning of the property, and various maps, sketches, and photos. He stated that the request is designated as Suburban-Residential in the Comprehensive Plan. He reviewed the criteria to be considered in approving a special use permit. He added that agency comments were included in the packet. He noted that staff recommends the following:

- a) The lawn and landscaping service business shall comply with the definition for a Home Business under Article 22 of the Greene County Zoning Ordinance.
- b) There shall be no more than four (4) trucks and four (4) trailers associated with the home business.
- c) The outdoor storage of the equipment associated with the home business shall be limited to the area indicated on Exhibit A.

- d) Should the applicant desire to modify the special use permit, the applicant must request an amendment to the special use permit from the Board of Supervisors.
- e) An accurate and detailed site sketch showing the building, storage, screening yard, parking and related characteristics for the home business shall be submitted to the Zoning Administrator for approval prior to the commencement of the use.
- f) The home business shall have a screening yard for the outdoor storage and shall be in compliance with Article 19-6-2 of the Greene County Zoning Ordinance.

Mr. Morris asked if the property is located in a subdivision.

Mr. Svoboda explained that the parcel existed prior to the division that created the three lots. He added that under the county definition of subdivision, a lot that is divided in half would qualify as a subdivision. He added that if the question is whether or not the parcel qualifies as an identified subdivision with covenants, etc., the answer would be no.

Scott Barber, applicant, addressed the Commission. He stated that he is requesting a special use permit to allow up to at least four (4) employees to report to work in the mornings and returning in the evenings, noting that no work would be done on site. He added that he is requesting to be allowed to keep up to four (4) trailers also. He noted that he has been operating on site for ten years with no problems with neighbors that he is aware of.

The Chairman opened the public hearing.

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

Mr. Willer referred to a letter dated September 15, 2015 in which the applicant mentions the need for three (3) trucks on site and noted that the applicant has now mentioned that he would like to keep four (4) trucks.

Mr. Barber stated that he currently has three (3) trucks and would like to keep up to at least three (3) trucks, apologizing for having misspoke.

Mr. Willer asked Mr. Barber if he would be happy with the limit of three (3) trucks.

Mr. Barber stated that it would be fine.

Mr. Willer stated that the staff recommendation lists four (4) trucks and four (4) trailers.

Mr. Barber stated that he was going by the guidelines of the special use permit noting that they currently own three (3) trucks.

Mr. Willer explained that he was trying to get a sense of the number of trucks

needed in order to prevent the applicant from having to come back to the Commission while having the least impact possible as well. He asked if Mr. Barber would be comfortable with three (3) trucks.

Mr. Barber stated that it would be fine.

Mr. McCloskey asked about the reference to five (5) employees.

Mr. Barber stated that there are currently four (4) employees.

Mr. Schaff asked if that number included Mr. Barber himself.

Mr. Barber explained that there are five employees including him.

Mr. McCloskey asked how the business is conducted as it relates to where employees meet in the mornings.

Mr. Barber explained that the employees meet in the mornings at the shop at his house and that they then work offsite at customers' homes or businesses.

Mr. Willer stated that it is the nature of a special use permit that it goes with the land and not the owner, allowing future landscapes businesses at this location if the property ownership changes.

Mr. Barber stated that he did not realize that the special use permit served beyond the current ownership.

Mr. Willer explained that the special use permit goes with the property and not the property owner which is why the Commission needs to consider carefully even when the neighbors may not have an issue with the current business.

Mr. McCloskey referred to a suggested condition relating to screening and asked what type of screening would be used.

Mr. Barber pointed out that there is an existing four-rail fence with forsythias along it, as well as the location of the garage and camper near the spruce trees, and the location of two tall oak trees in the rear. He added that it is difficult to see anything from the road.

Mr. Willer stated it would be more a question of the neighbors' view as opposed to the view from the road.

A couple spoke from the audience stating that they had no objections to the request.

Mr. Willer stated that a public hearing was held to obtain public comment noting that he appreciated their attendance. He asked if what appeared to be a driveway actually serves three properties.

Mr. Barber stated that it does.

Mr. Schaff asked if that would be considered Terry Lane.

There were inaudible comments.

Mr. Willer asked where the neighbors who are present are located.

The couple noted their location.

Mr. Willer noted that they do not share the driveway at all.

Mr. Willer asked if there would be any storage of material on site.

Mr. Barber stated that there would not be storage of material on site. He added that the property would serve for employee parking.

Mr. McCloskey asked if the work would take place on weekends.

Mr. Barber stated that most of the work is done Monday through Friday unless there is a rainy period that may require some weekend work.

Mr. Schaff stated that he would like to have heard from neighbors who live on the street as well. He added that he is curious about the screening of the business equipment, referring to the Article 22 definition for a Home Business. He wondered what the view would be from the perspective of other neighbors, noting that it may be a solvable issue.

Mr. Barber stated that there are oak trees in place which he could cut, although he would hate to do that, adding that a privacy fence would be an option.

Mr. Schaff agreed.

Mr. Morris asked if there have been any complaints or problems in the past ten years.

Mr. Barber stated that there were no complaints that he was aware of.

Mr. Willer noted that the primary operation was as a Home Office for a Home Occupation and not a Home business

Mr. Barber stated that he has had employees meet him on the property and has never had any issues.

Mr. Willer reviewed the definition of Home Business and its criteria, noting item c that relates to any exterior variation from the residential character of the main building, etc. He asked Mr. Svoboda to clarify the criteria and the

recommendation for approval.

Mr. Svoboda explained that the special use permit is legislative in nature and the Commission would interpret what would constitute a change in character. He stated that in looking at it from the structure standpoint, the character of the area is not changed due to the use, adding that in looking at it from a storage point of view, he noted that various properties have various conditions of vehicles or orderliness and that there is no hard and fast rule as to how the character changes, noting that it is more about the area and the neighbors view as the character of their neighborhood. He stated that adjoining property owners were notified of the application with no response at this time. He added that one letter was received and forwarded to the Commission from a citizen who is not an adjoining property owner but lives in the area.

Mr. Willer stated that there is a large open area in one of the maps. He asked if that those large parcels have any development pending.

Mr. Svoboda stated that he was not aware of anything there at this time.

Mr. McCloskey asked if the current screening would be adequate or if additional screening would be needed.

Mr. Svoboda stated that the ordinance section would need to be met, adding that existing vegetation would not want to be destroyed just to be replanted. He noted that the appropriate supplemental landscaping would be recommended for use as screening options and the use of the appropriate types of trees or shrubs would be used if they are determined to be necessary. He added that fencing could always be an option.

Mr. Willer stated that those items are addressed by the county screening ordinance.

Mr. Svoboda agreed.

Mr. Willer pointed out that there are two other structures, a garage and a shed, on the property and asked if they are in compliance with county ordinances.

Mr. Svoboda stated that they are in compliance to the best of his knowledge at this time.

Mr. Morris asked Mr. Svoboda, if Mr. Barber had four personal trucks and four friends that borrowed those trucks in the mornings, then the county could not require him to install more screening.

Mr. Svoboda stated that Mr. Morris was correct.

Mr. Morris stated that, given the topography of the parcel, he did not see that planting six-foot trees would do any good and that a possible stockade fence

would look odd. He noted that Mr. Barber is a landscaper and that he has trees in place and that common sense would lead you to believe that he will keep the place nice since that is how he makes his living.

Mr. Barber noted that the existing trees would get pretty tall adding that something else could be planted temporarily but that they would likely need to be removed later as the more mature trees begin to fill out.

Mr. Svoboda stated that the difference is that personal vehicles do not require a special use permit. He added that the Commission must determine whether or not the impact is large enough to require the screening. He noted that the suggested conditions are merely recommendations to be used as a starting point by the Commission to determine what conditions, if any, should be in place for approval.

Mr. Schaff stated that his concern is more relating to the view from the nearest neighbors' house, noting that the special use permit runs with the parcel in the future and how it would impact the neighboring parcel.

Mr. Willer stated that the county screening ordinance would address those issues.

Mr. Svoboda stated that those issues would be addressed by the ordinance and that supplemental landscaping could be required.

Mr. Willer pointed out that deciduous bushes look differently in the winter than they do in the summer.

Mr. Willer asked Mr. Barber if he is registered as a business in the county.

Mr. Barber stated that his business is registered with the county.

Mr. McCloskey asked Mr. Barber if the limit of three (3) trucks would be acceptable of if he needed to have four (4) trucks.

Mr. Schaff asked where the request for four (4) originated.

Mr. Barber stated that he understood that the special use permit provision could allow for up to four (4) trucks.

Mr. Svoboda stated that the ordinance does not actually define the number of vehicles, adding that customarily the limit for a Home Occupation has been two (2) trucks and (2) trailers. He added that the ordinance limit for a Home Business is five (5) employees. He noted that staff does not know exactly how the business is operated and that allowing four (4) trucks and (4) trailers would provide some leeway to match with the number of employees. He noted that this is used as the starting point for justification.

Mr. Morris asked Mr. Barber is he is a corporation or a sole proprietor.

Mr. Barber stated that he is an LLC.

Mr. Willer stated that his concern is that the other questions have been related to screening the operation and it seems that the fewest number of vehicles acceptable would align with the screening concerns as well.

Mr. Barber stated that three (3) trucks would be fine and that he would like to have four (4) trailers if possible.

Mr. Morris made a motion to recommend approval of special use permit application SUP#15-008 as proposed.

Mr. Willer asked Mr. Morris if the motion includes recommendations by staff.

Mr. Morris stated that it does not include the recommendations by staff.

Mrs. Young seconded the motion.

Mr. Willer restated the motion noting that it only includes three (3) trucks and four (4) trailers with no other conditions.

Mr. Morris agreed.

The vote was taken.

AYE

Mr. Morris

Mrs. Young

NAY

Mr. Schaff

Mr. McCloskey

Mr. Willer

The motion to recommend approval of SUP#15-008 as proposed was defeated by a 2-3 vote.

Mr. McCloskey made a motion to recommend approval of special use permit application SUP#15-008 with the following conditions:

- a) The lawn and landscaping service business shall comply with the definition for a Home Business under Article 22 of the Greene County Zoning Ordinance.
- b) There shall be no more than three (3) trucks and four (4) trailers associated with the home business.
- c) The outdoor storage of the equipment associated with the home business shall be limited to the area indicated on Exhibit A.
- d) Should the applicant desire to modify the special use permit, the applicant must request an amendment to the special use permit from the Board of Supervisors.

- e) An accurate and detailed site sketch showing the building, storage, screening yard, parking and related characteristics for the home business shall be submitted to the Zoning Administrator for approval prior to the commencement of the use.
- f) The home business shall have a screening yard for the outdoor storage and shall be in compliance with Article 19-6-2 of the Greene County Zoning Ordinance.

Mr. Schaff seconded the motion.

The vote was taken.

AYE

Mr. Morris  
Mr. Schaff  
Mr. McCloskey

Mr. Willer

NAY

Mrs. Young

The motion to recommend approval of SUP#15-008 with conditions carried by a 4-1 vote.

**OLD/NEW BUSINESS**

There was no Old/New Business for discussion.

**APPROVAL OF MINUTES**

Mr. Willer stated that three sets of minutes would be considered for approval, the October Work Session, the October meeting, and the September meeting. He suggested that the October Work Session and the October meeting minutes could be approved at the same time if possible. He asked if there were any comments or proposed revisions.

Mr. Schaff stated that he would not vote on the October minutes as he was not present for the Work Session or the meeting.

Mr. McCloskey made a motion to approve the October 21, 2015 work session minutes and the October 21, 2015 regular meeting minutes as presented.

Mr. Willer seconded the motion.

The minutes for the October 21, 2015 work session and regular meeting were approved by a 3-1 vote with Mr. Schaff abstaining as he did not attend in October.

Mr. Willer stated that the September 16, 2015 meeting minutes were deferred for approval in order to have revisions made. He explained that he had asked for some changes which have been made in red, Mrs. Young had asked for changes



which have been made in blue, and that Mr. Morris had some changes but that they have not been presented to date.

Mr. Morris agreed.

Mr. Willer stated that if there are no other changes other than the ones as made in blue and red, he would accept a motion.

Mrs. Young asked for a moment to review.

Mr. Willer agreed.

Mrs. Young requested a revision to her statement on page 21 to clarify it to read *accurate* record is needed.

Mr. Schaff made a motion to approve the September 16, 2015 meeting minutes as presented with the red and blue revisions being made in addition to the clarification on page 21 as noted this evening.

Mr. McCloskey seconded the motion.

The minutes for the September 16, 2015 meeting were approved with the noted revisions by a 5-0 vote.

## **OTHER PLANNING MATTERS**

### Next Month's Agenda

Mr. Svoboda reviewed the agenda for the December meeting. He stated that there would be three public hearings, a special use permit request at the corner of Route 29 and Route 33, a rezoning and a special use permit request at the property just north of Sheetz on the east side of Route 29. He explained the process for the rezoning and special use permit requests running at the same time. He noted that the special use permit request at the corner of Route 29 and Route 33 is for a variety of uses and not just one specific use.

Mr. Morris asked what they want to do on that corner.

Mr. Svoboda explained that it appears that he is trying to maintain an Agricultural zoning and have business uses at the same time. He urged the Commission to wait until receiving the application and information and to not make any judgments until that time.

Mr. McCloskey asked if it is legal to apply for that many uses at once.

Mr. Svoboda explained that it is allowed, noting that there is no limit specified.

Mr. McCloskey asked if the applicant is paying a fee for each requested use.

Mr. Svoboda stated that the applicant is only paying one fee.

Mr. Schaff asked if the previous business was operating within the rules.

Mr. Svoboda stated that the original commercial use was non-conforming, with that being said, he added that he did not want to have a discussion regarding the application prior to the public hearing.

Mr. Schaff agreed.

Mr. Willer asked if there were any other questions for Mr. Svoboda.

Mr. Morris asked when the Commission would hear all of the cases that were sent back from the Board of Supervisors.

Mr. Svoboda stated that those items would be scheduled according to other applications that have been submitted by the public. He added that the Joint Public Work Session with the Board of Supervisors may be scheduled for January or February to review the tourist lodging information.

Mr. Willer asked that the Commission be notified of that date when it is confirmed.

Mr. McCloskey asked if it will be a public meeting.

Mr. Svoboda stated that it is likely in February and that it is a public meeting with the Board of Supervisors, the Planning Commission, and the public as they requested. He explained that this will determine how the application will proceed.

Mr. Morris asked if the Board is saying that the Commission needs to do their homework better instead of rubber stamping things and sending them on.

Mr. Svoboda stated that this is the process the Board requested for this particular application.

Mr. Svoboda stated that several applications have been sent back to the Commission and have been tentatively scheduled as time slots are available. He added that they will also begin working on the Work Program and any required code changes as mandated by the state code.

Mr. Morris stated that the only good pat on the back the Commission received from the Board of Supervisors was for the winery application which was deferred several times, adding that letters and emails were sent. He added that the Board said the Commission did a good job on that application but that the last two applications they were a little harsh on us.

Mr. Schaff asked who commented about that.

Mr. Morris stated that Mr. Frydl and Mr. Martin stated on record that the Planning Commission did a great job on the winery application.

Mr. Willer reminded the Commission that they serve at the pleasure of the Board.

Mr. Willer stated that Mr. Lamb is in attendance tonight and that, in the possible event that we will not see him at the December meeting, he wanted to thank Mr. Lamb for his diligence in being the Board liaison for the Commission and his service on the Commission as well. He added that it he has considered it a privilege to fulfill the last two years of Mr. Lamb's term on the Commission. He thanked Mr. Lamb for his service to the county and to his diligence in supporting the Planning Commission.

Mr. Lamb stated that he plans to be in attendance in December and afterwards.

Town of Stanardsville Information

Mr. McCloskey gave an update from the Town of Stanardsville. He stated that the Town has received a grant to hire a grant writer/consultant to assist in applying for a 3 million dollar grant for improvements to the Town of Stanardsville. He added that STAR is making efforts to purchase a historical home in town and make improvements to it as well as Phase II of the streetscapes project moving forward.

Mr. Willer wished everyone a Happy Thanksgiving.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Secretary

  
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Planning Commission, Chairman

12.16.15  
\_\_\_\_\_  
Date