

County of Shenandoah

PLANNING AND ZONING

SHENANDOAH COUNTY GOVERNMENT CENTER

Phone
(540) 459-6190

Fax
(540) 459-6193



MEMORANDUM

To: Planning Commission & Board of Supervisors

From: *JF* Joyce Fadeley, Zoning/Subdivision Administrator

Date: April 20, 2012

Subject: Planning Commission Meeting – May 3, 2012

Enclosed is the proposed Agenda for the next Planning Commission meeting to be held on Thursday, May 3, 2012 at 7:00pm in the Board Meeting Room in the Shenandoah County Government Center.

We have one special use permit, level II home business request and four text amendments on the agenda. If you are interested in visiting the site, we will be giving a site tour at 10:00 am on May 3rd.

Please call the Planning & Zoning Office by Wednesday, May 2nd to let us know whether you will be able to attend the tour and/or the meeting.

AGENDA
SHENANDOAH COUNTY PLANNING COMMISSION
BOARD MEETING ROOM
SHENANDOAH COUNTY GOVERNMENT CENTER
Thursday, May 3, 2012

SITE TOUR – 10:00am

CALL TO ORDER

- Invocation
- Pledge of Allegiance
- Approval of Minutes
 -April 5, 2012
- Approval of Agenda

PLANNING COMMISSION PUBLIC HEARING(S)

1. Special Use Permit No. 12-05-01: A Special Use Permit/Level II Home Business requested by Applicant/Owner Chad M. Kibler to operate a home-based firearms sales business on property located at 465 Lower River Road, Toms Brook, VA 22660, which lies approximately 2 miles east of the intersection of Hahns Lane and Riverview Dr. on Lower River Road. The property is zoned Agriculture (A-1) and is identified as Tax Map Number 35-02-14.
2. A text amendment to Article 1, Section 165-4. Definitions, of the Shenandoah County Zoning Ordinance, amending the definition of “Accessory Dwelling”, specifically changing it to read: “DWELLING, ACCESSORY – A dwelling unit located on a lot in addition and subordinate to the principal dwelling.” The effect of this amendment is to remove the existing size limitation of 1,200sf for accessory dwellings.
3. A text amendment to Article III, District Regulations of the Shenandoah County Zoning Ordinance, as follows: Amending the Conservation District, §165-11 C (2), to read “There shall be a maximum of one principal dwelling per lot and one accessory dwelling per lot. Amending the Agriculture District, §165-12 C (2), to read “There shall be a maximum of one principal dwelling per lot and one accessory dwelling per lot. Amending the Low-Density Residential District, §165-13 C. Area Regulations, by adding (2) “There shall be a maximum of one principal dwelling per lot and one accessory dwelling which shall not exceed a total of 1,200 square feet of finished livable floor area per lot.” The effect of this amendment is to expressly permit an accessory dwelling in C-1, A-1, & R-1.
4. A text amendment to Article X, Administration and Enforcement Regulations of the Shenandoah County Zoning Ordinance, specifically §165-115 Conditional zoning, by amending the section to require that proffered conditions be recorded in the Shenandoah County Circuit Court. The amendment also includes procedures to accomplish the recording. The purpose of this amendment is to help ensure that prospective property owners will be able to more easily locate proffered conditions during title searches for real estate transactions.
5. A text amendment to Article XII Off-Street Parking and Loading Regulations of the Shenandoah County Zoning Ordinance to amend §165-86F Minimum off-street parking requirements to reflect that the Zoning Administrator, after review and consultation with the County Attorney, is authorized to approve written agreements between parties utilizing collective parking facilities. Currently, code requires such agreements be approved by the Commonwealth’s Attorney.

6. A text amendment to Article V Miscellaneous Lot, Frontage and Setback Provisions Regulations of the Shenandoah County Zoning Ordinance to delete §165-26(1)B(3), which is an obsolete reference to Shenandoah County motor vehicle decals no longer issued by the county.

CLOSE PUBLIC HEARING(S)

CONSIDERATION OF PUBLIC HEARING ITEMS

NEW BUSINESS - NONE

REPORTS – NONE

OLD BUSINESS - NONE

STAFF COMMENTS

ADJOURNMENT



SPECIAL USE PERMIT #12-05-01
Chad Kibler, dba Massanutten Arms, LLC
Staff Report for the Planning Commission
Prepared: April 23, 2012
Staff Contact: Joyce Fadeley, Zoning Administrator or
Brandon Davis, Director of Planning & Zoning

This report is prepared by the Shenandoah County Office of Planning & Zoning to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request.

<u>Agenda Date:</u> 5/3/12		
<u>Consent:</u>	<u>Regular:</u>	<u>Closed Session:</u>
<u>Action:</u> X	<u>Information:</u>	
Item Title: Special Use Permit, Level II Home Business Chad Kibler, dba Massanutten Arms, LLC		

LOCATION: 465 Lower River Road, Toms Brook, Virginia 22660, 2.0 miles east of the intersection of Hahns Lane & Riverview on Lower River Road.

TAX MAP ID#, AREA: 35-02-14, 3.081acres

MAGISTERIAL DISTRICT: Davis

ELECTORAL DISTRICT: 5

PROPERTY ZONING & PRESENT USE:

Zoned: Agriculture (A-1)

Present Use: Residential

ADJACENT LAND USE & ZONING:

North: Agriculture (A-1)

Land Use: Residential

South: Agriculture (A-1)

Land Use: Residential

East: Agriculture (A-1)

Land Use: Residential

West: Agriculture (A-1)

Land Use: Residential

IN VICINITY OF:

Floodplain: Yes, Residence does not encroach.

Virginia By-Way: No

Ag & Forest District: No

Public Service Area: No

River: Yes
Battlefield: No
Protected Land: No

PROPOSED USE: The applicant proposes to operate a retail business selling firearms and associated products. He will have an office in the basement to maintain and store files pursuant to the requirements of the ATF, as well as conduct internet sales and for scheduling appointments. The applicant does not plan to store guns or ammunition in the residence.

REVIEW EVALUATIONS:

BUILDING INSPECTION: See attached letter dated April 18, 2012. *P&Z Response: Applicant must meet all the Virginia Uniform Statewide Building Code (2009). It is noted that the building official has concerns with the entrances to the office in the basement. The applicant has responded to this concern by indicating that customers will have access from the first floor entrance and individuals requiring handicap accommodations will be directed to an area easily accessible on the main floor for the transaction to be conducted.*

FIRE & RESCUE: See attached comment form dated April 23, 2012. *P&Z Response: The review found the site plan to be in order with Emergency Service Site Plan Requirements.*

EROSION & SEDIMENT CONTROL: No erosion and sediments control plan is necessary because there will be no land disturbance required for this SUP. *P&Z Response: Nothing required.*

HEALTH DEPARTMENT: See attached comment form dated April 13, 2012. *P&Z Response: The applicant will provide restroom facilities to customers upon request.*

VDOT: No comments (private subdivision road). *P&Z Response: Nothing required.*

PLANNING & ZONING:

Introduction: The applicant has applied for a special use permit, level II home business, to operate a business selling firearms and associated products from his residence at 465 Lower River Road, Toms Brook, Virginia. Customers will come to the residence to purchase firearms by appointment only except for a three hour window once a week on Fridays, 4:00pm to 7:00pm. The applicant does not plan to post a sign on the property and intends for this home business to eventually be moved to a storefront location.

Zoning Ordinance: Article VI of the Shenandoah County Zoning Ordinance sets forth the criteria for operating a home business on private property otherwise not zoned for business. Section 165-30B.(2) specifically requires a special use permit for a level II home business. The applicant must be the owner of the subject property or have written permission to operate a business from the property; may retain employees and provide parking for the employees; use accessory buildings; and display a sign.

Traffic/Road: VDOT had no comment because Lower River Road is a private subdivision street.

Amenities: The residence is served by a well and private septic system.

Regulatory Oversight: The owner must obtain a change of use permit from the building department and the zoning office. This business is regulated by the ATF.

Environmental Issues: None

Safety Issues: None noted.

Budget Impact: None.

P&Z General Comment: If the Planning Commission chooses to recommend approval of this special use permit, level II home business, please consider the following conditions. The Office of Planning & Zoning may amend, change or expand the list of recommended conditions up to and until the public hearing.

RECOMMENDED CONDITIONS:

1) All the requirements of the Building Department, Health Department, and other commenting regulatory agencies shall be met.

OFFICE USE ONLY

Special Use Permit No. 12-05-01 Receipt No. _____ Fee Paid

Shenandoah County, Virginia

SPECIAL USE PERMIT APPLICATION

Date 4/9/12

1. The applicant is the owner other _____ (check one)

2. OWNER Massanutten Arms LLC OCCUPANT (If other than owner)

Name: Chad Kibler Name: _____

Address: 465 Lower River Rd Address: _____

Toms Brook VA 22660

Phone: 540-3351601 Phone: chad@massanuttenarms.com

3. Use Applied For: Level 2 Home, SUP for Firearms Sales

4. Has a previous application been made for this use: no
If yes, give date: _____

5. The property is located at: (Please give exact directions) 2.0 miles east
of the intersection of Hahns Lane + Riverview

6. Zoning District: A1 7. Size of Property: 3.081

7. Ownership of this property is evidenced by deed from Chad + Sonja Kibler
recorded in deed book number 1465 on page no. 0525 as found in the Office of the
Clerk of the Circuit Court of the County of Shenandoah.

8. This property is designated as tax map number 35-02-14, located in the
Davis Magisterial Magisterial District and in Election District 5.

9. Describe the proposed use: Firearms Sales

10. Current use of property Residential

11. It is proposed that the following additions/improvements to existing buildings will be constructed:

None

12. It is proposed that the following new buildings will be constructed:

None

13. ADDITIONAL COMMENTS, IF ANY

I (we), the undersigned, do hereby certify that the above information is correct and true. I (we) further understand that in granting approval of this application, the Board of Supervisors may require that I (we) comply with certain conditions and that such approval shall not be considered valid until these conditions are met.

Signature of Owner:

X [Handwritten Signature]

Signature of Applicant:

Complete Mailing Address:

465 Lower River Rd

Toms Brook, VA 22660

Telephone Number:

540 335-1601

OFFICE USE ONLY

PLANNING COMMISSION

Dates Public Hearing Was Advertised _____

Date Public Hearing Was Held: _____

Recommendation of Planning Commission: _____

Secretary _____

BOARD OF SUPERVISORS

Dates Public Hearing Was Advertised _____

Date Public Hearing Was Held: _____

Action of Board of Supervisors: _____

Clerk of the Board of Supervisors _____

SHENANDOAH COUNTY, VIRGINIA
SUPPLEMENTAL APPLICATION FOR LEVEL II HOME BUSINESS PERMIT

This application is to accompany the Special Use Permit Application

Date: 04/09/12

(1) The applicant is the owner tenant.

(2) **Owner:**

Tenant:

Name: Chad M. Kibler Name: _____

Address: 465 Lower River Rd Address: _____

Toms Brook, VA 22660

Phone: (540) 436-8333 Phone: (540) 335-1601

(3) Type of occupation: Firearm Sales
a written statement describing the occupation) _____

(Attach

(4) Has a previous application been made for the occupation? no If yes, give date: _____

(5) Is the applicant the operator of the home occupation? yes

(6) How many people other than the applicant will be engaged in the occupation? 0

(7) How many are members of your family*? 0

(8) How many reside in your dwelling? 2

(9) How many off-street parking spaces are provided on the lot? 4

(10) Total living area* in dwelling: 2580 square feet

(11) Total floor area to be used for home occupation: 500 square feet (basement)

(12) Will an accessory building be used with this occupation? no

(13) Will clients or customers come to the residence for business? yes

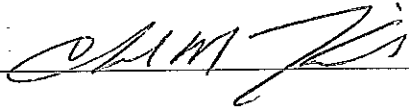
(14) Will the exterior of the dwelling show any evidence of this occupation? no

(15) If so, what? _____

(16) Will there be any outside display of products, goods or commodities? no

(17) Will there be any advertising signs? no

I (we) do hereby certify that the above information is true and correct to the best of my (our) knowledge and that I (we) have read and understand the Regulations for Level II Home Businesses.

Signature of Applicant  Date 04/09/12

Signature of Owner _____ Date _____

* - Read "Regulations for Level II Home Businesses" for explanation of these terms.

Office Use Only

Approved _____ Disapproved _____

Zoning Administrator _____ Date _____

Permit # _____ Fee Paid _____ Receipt # _____

Chad M. Kibler
Massanutten Arms, LLC
465 Lower River Rd, Toms Brook, VA 22660
chad@massanuttenarms.com 540-335-1601

April 10, 2012

Joyce Fadeley
Zoning Subdivision Administrator
600 North Main Street, Suite 107
Woodstock, VA 22664-1855

Dear Ms. Fadeley,

As you know, I have started the process of opening a business named Massanutten Arms, LLC. Upon successfully receiving my Federal Firearms License (FFL) the business will focus on the sale of firearms along with the many accessories that accompany this market. I am in the process of working with wholesale dealers to determine my product mix.

Massanutten Arms, LLC will initially focus on internet sales from a future website www.massanuttenarms.com. I am also investigating other internet sales avenues that cater to FFL dealers. Home sales will be by appointment only except for a 3 hour window one day a week. Once established, I plan to move Massanutten Arms, LLC to a storefront if it is profitable to do so. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Chad M. Kibler
Owner
Massanutten Arms, LLC

ATTACHMENT D

SHENANDOAH COUNTY
OFFICE OF PLANNING AND ZONING
600 NORTH MAIN STREET, SUITE 107
WOODSTOCK, VIRGINIA 22664

Comments For:

Special Use Permits Site Plan
 Subdivision Rezoning

THIS PAGE TO BE COMPLETED BY APPLICANT:

Agency Name & Address:

Shenandoah County Department of Building Inspections
600 N. Main Street, Suite 107
Woodstock, VA 22664
Attn: Geary Showman

RECEIVED APR 10 2012

Applicant's Name, Address and Phone Number:

Chad Kibler
465 Lower River Road,
Toms Brook, VA 22660
540-335-1601

Name of Development and Description of the Request:

Level II Home Business, Special Use Permit: Firearms Sales

The applicant will use 500sf of finished living space in the basement of his home for the business. Mr. Kibler will have customers coming to his residence for this business on Friday afternoons from 4:00pm to 7:00pm by appointment only. There will be no employees and 4 parking spaces are available for customer parking. No sign identifying the business will be posted.

Location:

465 Lower River Road, Toms Brook; travel approximately 1.5 mile east of the intersection of Hahns Lane and River View, turn left onto Lower River Road, proceed approximately .5 mile to 465 Lower River Road on left.

Tax Map #: 43-A-76

Continued

County of Shenandoah
BUILDING AND CODE ENFORCEMENT

GEARY W. SHOWMAN, CBO
BUILDING CODE OFFICIAL

Phone (540) 459-6185
Fax (540) 459-6193

website: www.shenandoahcountyva.us
email: gshowman@shenandoahcountyva.us



INSPECTORS:
Richard W. Ritter
Timothy Ferguson
Kent L. Tamkin
Robert L. Baker
Vernon Poff
PLANS EXAMINER:
Victoria Palmerton

SHENANDOAH COUNTY GOVERNMENT CENTER
600 NORTH MAIN STREET - SUITE 107
WOODSTOCK, VIRGINIA 22664-1855

April 18, 2012

Chad Kibler
465 Lower River Road
Toms Brook, VA. 22660

RE: Special Use Permit for Firearms Sales.

Dear Mr. Kibler;

This letter is in reference to your request for comments on a Special Use Permit to establish a home firearm's business, located at 465 Lower River Road, east of Toms Brook. As Building Code Official, I have the following comments and concerns.

- 1- The existing structure must comply with the 2009 Edition of the Virginia Uniform Statewide Building Code, as a Use and Occupancy Classification, *Group R-5 single family dwelling and Group M, "the use of a building or structure, or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public."*
- 2- The unfinished basement area must comply with International Building Code, Section 1104 for an accessible route and entrance into the basement area or a special area within the house to accommodate someone with a disability. There is no established walkway other than the grass yard around the front of the house and into the basement, which would be very dangerous to your customers in bad weather or darkness. There is also an existing basement door with a step-up which would not allow someone with a disability to enter the gun shop.
- 3- The IBC Table 1106.1 requires a minimum of one accessible parking space, with approved ADA parking signage to be made available.
- 3- Per the International Plumbing Code, Section 403, requires a business to provide accessibility to a bathroom within the structure or within a path of travel not to exceed 500 feet for the employees and/or patrons.
- 4- A Building Permit application is required for all necessary remodeling of your existing unfinished basement area, to comply with the above requirements.

If you have any questions or need additional information, please feel free to contact this office at (540)459-6185, fax (540) 459-6193, or e-mail gshowman@shenandoahcountyva.us.

Sincerely,

Geary W. Showman, CBO.

Geary W. Showman, CBO.
Shenandoah County Building Code Official

cc: Joyce Fadeley, Zoning/Subdivision Administrator

Shenandoah County
Department of Fire and Rescue
600 N. Main Street, Suite 109
Woodstock, VA 22664

(540) 459-6177 voice
(540) 459-6192 fax
Fire@shentel.net

Emergency Services Site Plan Comment Form

Shenandoah County Department of Fire and Rescue has reviewed site plans for Chad Kibler (465 Lower River Road, Toms Brook). After review the Department findings are as follows:

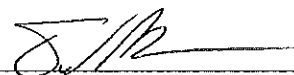
- The Department's review found the site plan to be in order with the Emergency Services Site Plan Requirements.
- The Department's review found that the site plans *do not meet the following REQUIREMENTS* out of the 2006 Virginia Statewide Fire Prevention Code and/or Shenandoah County's Emergency Services Requirements:

-
- The Department *RECOMMENDS* the following, above the requirements of the 2006 Virginia Statewide Fire Prevention Code and/or Shenandoah County's Emergency Services Requirements:

Date Submitted: _____

4/23/2012

Submitted by: _____



IMPORTANT: This is not a permit and does not authorize the construction of any of the work required by the Emergency Services Site Plan Requirements. Applicant shall obtain all necessary permits and approvals before any construction is started.



ATTACHMENT D

SHENANDOAH COUNTY
OFFICE OF PLANNING AND ZONING
600 NORTH MAIN STREET, SUITE 107
WOODSTOCK, VIRGINIA 22664

Comments For:

Special Use Permits Site Plan
 Subdivision Rezoning

THIS PAGE TO BE COMPLETED BY APPLICANT:

Agency Name & Address:

Shenandoah County, Erosion & Sediment Control
600 N. Main Street, Suite 107
Woodstock, VA 22664
Attn: Jason Smith

Applicant's Name, Address and Phone Number:

Chad Kibler
465 Lower River Road,
Toms Brook, VA 22660
540-335-1601

Name of Development and Description of the Request:

Level II Home Business, Special Use Permit: Firearms Sales

The applicant will use 500sf of finished living space in the basement of his home for the business. Mr. Kibler will have customers coming to his residence for this business on Friday afternoons from 4:00pm to 7:00pm by appointment only. There will be no employees and 4 parking spaces are available for customer parking. No sign identifying the business will be posted.

Location:

465 Lower River Road, Toms Brook; travel approximately 1.5 mile east of the intersection of Hahns Lane and River View, turn left onto Lower River Road, proceed approximately .5 mile to 465 Lower River Road on left.

Tax Map #: 43-A-76

Continued

THIS PAGE TO BE COMPLETED BY AGENCY

Agency Comments:

No erosion & Sediment Control plan is necessary because there will be no land disturbance required for this S.U.P.

Agency Signature *Joyce A. Smith* Date: *04/10/12*
Title *E*SC Admin.*

(NOTICE TO AGENCY - PLEASE RETURN THIS FORM TO THE APPLICANT & TO THE OFFICE OF PLANNING & ZONING)

Notice to Applicant

It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach a copy of the site plan and application form. Virginia Department of Transportation needs 3 copies of site plan & one copy of application form.

171-12-00907
①

REC'D APR 10 2012

ATTACHMENT D

**SHENANDOAH COUNTY
OFFICE OF PLANNING AND ZONING
600 NORTH MAIN STREET, SUITE 107
WOODSTOCK, VIRGINIA 22664**

Comments For:

Special Use Permits **Site Plan**
 Subdivision **Rezoning**

THIS PAGE TO BE COMPLETED BY APPLICANT:

Agency Name & Address:

Shenandoah County Health Department
Shenandoah County Health and Human Services Building
494 North Main Street, Suite 100
Woodstock, VA 22664
Attn: Herb Cormier

Applicant's Name, Address and Phone Number:

Chad Kibler
465 Lower River Road,
Toms Brook, VA 22660
540-335-1601

Name of Development and Description of the Request:

Level II Home Business, Special Use Permit: Firearms Sales

The applicant will use 500sf of finished living space in the basement of his home for the business. Mr. Kibler will have customers coming to his residence for this business on Friday afternoons from 4:00pm to 7:00pm by appointment only. There will be no employees and 4 parking spaces are available for customer parking. No sign identifying the business will be posted.

Location:

465 Lower River Road, Toms Brook; travel approximately 1.5 mile east of the intersection of Hahns Lane and River View, turn left onto Lower River Road, proceed approximately .5 mile to 465 Lower River Road on left.

Tax Map #: ~~43-A-76~~ → See correct tax map #
35-2-14 on Special Use Permit Application

*MUST HAVE 1 COPY FOR EACH AGENCY**

Continued

THIS PAGE TO BE COMPLETED BY AGENCY

Agency Comments:

This Health Department has reviewed the application for a Special Use Permit for a Level II Home Business for Firearms Sales, to be operated from the basement of a residence belonging to Chad Kibler, at 465 Lower River Road, Toms Brook, VA 22660; Tax Map#: 35-2-14, in River of the Valley Subdivision, Lot 14. Based upon information provided by the applicant, the business will be done by appointment only on Fridays, between the hours of 4:00 PM & 7:00 PM. Mr. Kibler estimates that he will only have 1-2 customers on any given Friday evening. Currently, the home only has 2 (two) full-time residents. The three-bedroom home is currently being served by a 450 gpd sewage disposal system. The potential usage by customers (25 gpd X 2= 50 gpd), plus the waste water production by the two full-time occupants (150 gpd), brings the total to 50 gpd+150 gpd=200 gpd. This serves to indicate that this business should not have any adverse affects on the existing sewage disposal system. Therefore, This Health Department has no objections to the issuance of the Special Use Permit. The sewage disposal system (particularly the drain field area) should be carefully monitored during the operation of this business. Any problems or issues should be reported immediately to this Health Department, so that an on-site evaluation can be performed by a representative of this Health Department.

Page 2

Agency Signature: Harold Erwin Date: April 13, 2012

Title: EA Supervisor

(NOTICE TO AGENCY—PLEASE RETURN THIS FORM TO THE APPLICANT)

Notice to Applicant: It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach a copy of the site plan and application form. Virginia Department of Transportation needs 3 copies of site plan and one copy of application form.

ATTACHMENT D

**SHENANDOAH COUNTY
OFFICE OF PLANNING AND ZONING
600 NORTH MAIN STREET, SUITE 107
WOODSTOCK, VIRGINIA 22664**

Comments For:

Special Use Permits **Site Plan**
 Subdivision **Rezoning**

THIS PAGE TO BE COMPLETED BY APPLICANT:

Agency Name & Address:

Virginia Department of Transportation
14031 Old Valley Pike
Edinburg, VA 22824
Attn: Lloyd A. Ingram

Applicant's Name, Address and Phone Number:

Chad Kibler
465 Lower River Road,
Toms Brook, VA 22660
540-335-1601

Name of Development and Description of the Request:

Level II Home Business, Special Use Permit: Firearms Sales

The applicant will use 500sf of finished living space in the basement of his home for the business. Mr. Kibler will have customers coming to his residence for this business on Friday afternoons from 4:00pm to 7:00pm by appointment only. There will be no employees and 4 parking spaces are available for customer parking.

Location:

465 Lower River Road, Toms Brook; travel approximately 1.5 mile east of the intersection of Hahns Lane and River View, turn left onto Lower River Road, proceed approximately .5 mile to 465 Lower River Road on left.


Tax Map #: 43-A-76

Continued

THIS PAGE TO BE COMPLETED BY AGENCY

Agency Comments:

VDOT - No comments (Private Subdivision Rd)

Agency Signature  Date: 4-19-2012

Title Permits Specialist

(NOTICE TO AGENCY - PLEASE RETURN THIS FORM TO THE APPLICANT & TO THE OFFICE OF PLANNING & ZONING)

Notice to Applicant

It is your responsibility to complete this form as accurately as possible in order to assist the agency with their review. Please attach a copy of the site plan and application form. Virginia Department of Transportation needs 3 copies of site plan & one copy of application form.

County of Shenandoah
Planning Commission

Agenda Item Summary

AGENDA DATE: May 3, 2012

CONSENT: REGULAR: X CLOSED SESSION:

ACTION: X INFORMATION:

ITEM TITLE: ZONING ORDINANCE AMENDMENT - ACCESSORY DWELLINGS

RECOMMENDATION:

The Office of Planning & Zoning recommends that the Zoning Ordinance of Shenandoah County be amended and reenacted as follows:

- (1) By amending § 165-4. Definitions.

ACCESSORY DWELLING, ACCESSORY – A dwelling unit located on a lot in addition and subordinate to the principal dwelling which shall not exceed a total of 1,200 square feet of finished livable floor area.

- (2) By amending § 165-11 C (2). Conservation District (C-1) Area Regulations.

§ 165-11 C (2) There shall be a maximum of one principal dwelling per lot and one accessory dwelling per lot.

- (3) By amending § 165-12 C (2). Agriculture District (A-1) Area Regulations.

§ 165-12 C (2) There shall be a maximum of one principal dwelling per lot and one accessory dwelling per lot.

- (4) By amending § 165-13 C. Low-Density Residential District (R-1) Area Regulations.

§ 165-13 C. Area Regulations

- (1) The minimum lot size shall be 30,000 square feet.

- (2) There shall be a maximum of one principal dwelling per lot and one accessory dwelling which shall not exceed a total of 1,200 square feet of finished livable floor area per lot.

BACKGROUND: The delineation between principal and accessory dwellings occurred during the rather recent Community Planning Process (CPP), with the intent of permitting smaller secondary dwellings (commonly referred to as mother-in-law suites) to be built as accessories to primary dwellings in the A-1 and C-1 districts, while mitigating the challenges presented by allowing two freestanding, independent dwellings on the same property. Prior to the CPP, two dwellings were allowed per lot in C-1 and A-1. R-1 stands unchanged in this regard.

Since the enactment of the accessory dwelling changes approximately 15 months ago, administration of the code has revealed unintended consequences of the 1,200 square foot limit placed on accessory dwellings in the A-1 and C-1 districts. The most prevalent example is found on properties with existing, often older and larger farmstead homes. When plans are made to build a new home on a parcel with an existing home-place larger than 1,200sf, property owners are faced with the dilemma of whether to demolish the existing structure in order to build a new home larger than 1,200sf, undertake an often cost-ineffective remodel, convert the existing structure to an unlivable accessory building, or build a new home smaller than what meets their needs.

It is worth noting that this proposed increase in flexibility allows property owners to develop their property in such a way that leaves two separate freestanding single family dwellings on one property that cannot be divided to allow the dwellings to be sold as separate fee-simple parcels.

Brief Summary of Proposed Changes: The proposed amendments would remove the 1,200sf limit on accessory dwellings in the A-1 and C-1 districts, and would allow the construction of a 1,200sf accessory dwelling on R-1 properties, where currently only one dwelling is allowed. The choice to recommend a 1,200sf limit for accessory dwellings on R-1 properties is due to the generally smaller lot size of existing R-1 parcels. However, the ability to build a garage apartment or a detached mother-in-law suite would be added.

BUDGET IMPACT: None.

STAFF CONTACTS: Joyce Fadeley, Zoning Administrator or Brandon Davis, Director of Planning & Zoning.

ATTACHMENT(S): 1) A draft ordinance amending Articles I & III of the Zoning Ordinance.

AN ORDINANCE AMENDING
ARTICLE I "PURPOSE, TITLE AND DEFINITIONS" REGULATIONS
OF CHAPTER 165 OF THE CODE OF SHENANDOAH COUNTY

BE IT ORDAINED by the Board of Supervisors of Shenandoah County, Virginia, that Chapter 165 of the Shenandoah County code, "**ZONING**", be amended and reenacted as follows:

- (1) By amending § 165-4. Definitions.

~~ACCESSORY DWELLING, ACCESSORY~~ – A dwelling unit located on a lot in addition and subordinate to the principal dwelling ~~which shall not exceed a total of 1,200 square feet of finished livable floor area.~~

AN ORDINANCE AMENDING
ARTICLE III "DISTRICT REGULATIONS"
OF CHAPTER 165 OF THE CODE OF SHENANDOAH COUNTY

BE IT ORDAINED by the Board of Supervisors of Shenandoah County, Virginia, that Chapter 165 of the Shenandoah County code, "**ZONING**", be amended and reenacted as follows:

- (1) By amending § 165-11 C (2). Conservation District (C-1) Area Regulations.

§ 165-11 C (2) There shall be a maximum of one principal dwelling per lot and one accessory dwelling per lot.

- (2) By amending § 165-12 C (2). Agriculture District (A-1) Area Regulations.

§ 165-12 C (2) There shall be a maximum of one principal dwelling per lot and one accessory dwelling per lot.

- (3) By amending § 165-13 C. Low-Density Residential District (R-1) Area Regulations.

§ 165-13 C. Area Regulations

(1) The minimum lot size shall be 30,000 square feet.

(2) There shall be a maximum of one principal dwelling per lot and one accessory dwelling which shall not exceed a total of 1,200 square feet of finished livable floor area per lot.

County of Shenandoah
Planning Commission

Agenda Item Summary

AGENDA DATE: May 3, 2012

CONSENT:

REGULAR: X

CLOSED SESSION:

ACTION: X

INFORMATION:

ITEM TITLE: AMENDMENT TO THE ZONING ORDINANCE, ARTICLE XII "OFF-STREET PARKING AND LOADING" REGULATIONS

RECOMMENDATION: The Office of Planning & Zoning recommends that the Zoning Ordinance of Shenandoah County be amended and reenacted as follows:

- (1) By amending § 165-86F. Minimum off-street parking requirements

Collective provisions of off-street parking facilities for two or more structures or uses is permissible, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all previously stated parking requirements. Before such spaces are collectively provided or used, a written agreement assuring their retention for parking purposes shall be drawn and executed by the parties concerned, ***filed with and*** approved by the Commonwealth's Attorney, ~~and filed with the Zoning Administrator,~~ ***after review and consultation with the County Attorney.***

BACKGROUND: Section 165-86F. Minimum off-street parking requirements includes an outdated reference to the "Commonwealth's Attorney" as an approving authority of a written agreement between parties to use off-street parking collectively. The section has been reworded to reflect that the agreement must be filed with the Zoning Administrator who will in turn consult with the County Attorney on the matter.

BUDGET IMPACT: None.

STAFF CONTACTS: Joyce Fadeley, Zoning Administrator or Brandon Davis, Director of Planning & Zoning.

ATTACHMENT(S): 1) A draft ordinance amending Article XII of the Zoning Ordinance.

AN ORDINANCE AMENDING
ARTICLE XII "OFF-STREET PARKING AND LOADING" REGULATIONS
OF CHAPTER 165 OF THE CODE OF SHENANDOAH COUNTY

BE IT ORDAINED by the Board of Supervisors of Shenandoah County, Virginia, that Chapter 165 of the Shenandoah County code, "**ZONING**", be amended and reenacted as follows:

- (1) By amending § 165-86F. Minimum off-street parking requirements

..... Collective provisions of off-street parking facilities for two or more structures or uses is permissible, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all previously stated parking requirements. Before such spaces are collectively provided or used, a written agreement assuring their retention for parking purposes shall be drawn and executed by the parties concerned, **filed with and** approved by the Commonwealth's Attorney, ~~and filed with the Zoning Administrator~~, **after review and consultation with the County Attorney.**

c. After approval by the Board of Supervisors, the applicant shall cause such certificate to be recorded in the Circuit Court Clerk's office in the most current deed book, indexing the owners of the property as grantors and grantees. The applicant shall provide the Zoning Administrator with a copy of the recorded certificate prior to the issuance of a zoning permit.

BACKGROUND: Section 165-115. Conditional zoning. A proffer is an offer by the applicant to perform an act, donate money, services or a product, to justify a proposed rezoning request. Proffers are voluntarily made in writing by the landowner. The Zoning Ordinance charges the Zoning Administrator with the responsibility of keeping a record of all conditions attached to a rezoning and also to cause an index to be accessible to the public and to place a symbol on the zoning map showing the existence of conditions. The index is available in the lobby of the Zoning Office.

Despite the availability of the index, it has come to the attention of the Zoning Administrator that prospective buyers of property with rezoning conditions are not being informed of those conditions due to lack of research. In an effort to ensure that the information is widely available, it is proposed that the applicant for a rezoning file a certificate of conditions with the Clerk of Court inserting it into the chain of title of ownership of the property. Included in the amendment to this section is a procedure for accomplishing the recording.

BUDGET IMPACT: None.

STAFF CONTACTS: Joyce Fadeley, Zoning Administrator or Brandon Davis, Director of Planning & Zoning.

ATTACHMENT(S): 1) A draft ordinance amending Article XII of the Zoning Ordinance.

AN ORDINANCE AMENDING
ARTICLE XV "ADMINISTRATION AND ENFORCEMENT" REGULATIONS
OF CHAPTER 165 OF THE CODE OF SHENANDOAH COUNTY

BE IT ORDAINED by the Board of Supervisors of Shenandoah County, Virginia, that Chapter 165 of the Shenandoah County code, "**ZONING**", be amended and reenacted as follows:

(1) By amending § 165-115. Conditional zoning.

D. Proffered conditions adopted by the governing body *shall be recorded in the Shenandoah County Circuit Court Clerk's Office* and shall be in addition to the regulations provided for the zoning district by the text of this chapter, and shall not provide for altering the standards of this chapter except when specifically authorized in this chapter.

(1) The recording of the proffered conditions shall be accomplished by the following procedure:

a. The applicant shall provide a title opinion from a licensed attorney certifying the names of the current owners of the property as of the date of the filing of the application, with a supplemental opinion updating the ownership to the actual time of recording, prior to the final vote by the Board of Supervisors.

b. A recordable certificate listing the proffered conditions as approved shall be prepared by the Zoning Administrator with review and approval by the County Attorney indexing the names of the owners of the property.

c. After approval by the Board of Supervisors, the applicant shall cause such certificate to be recorded in the Circuit Court Clerk's office in the most current deed book, indexing the owners of the property as grantors and grantees. The applicant shall provide the Zoning Administrator with a copy of the recorded certificate prior to the issuance of a zoning permit.

County of Shenandoah
Planning Commission

Agenda Item Summary

AGENDA DATE: May 3, 2012

CONSENT:

REGULAR: X

CLOSED SESSION:

ACTION: X

INFORMATION:

ITEM TITLE: AMENDMENT TO THE ZONING ORDINANCE, ARTICLE V OF CHAPTER 165 "MISCELLANEOUS LOT, FRONTAGE AND SETBACK PROVISIONS" REGULATIONS, ACCESSORY USES STRUCTURES OR BUILDINGS AND ARTICLE III DISTRICT REGULATIONS

RECOMMENDATION: The Office of Planning & Zoning recommends that the Zoning Ordinance of Shenandoah County be amended and reenacted as follows:

- (1) By amending § 165-26. Accessory uses structures or buildings.
 - B. Motor vehicles, whether operable or inoperable, may be kept on the owner's property as an accessory use if the following conditions are met:
 - (1) The owner must have the title for each vehicle.
 - (2) Personal Property taxes shall have been paid-to-date.
 - (3) ~~Each vehicle must display a Shenandoah County motor vehicle decal or an inoperable vehicle decal.~~
 - C. If the ~~above~~ conditions **as set forth in B.** are not met, vehicles may be kept on the property as long as they are not visible from a state-maintained **or named private roadway.**

BACKGROUND: Section 165-26B.(3) is obsolete since citizens of Shenandoah County are no longer required to display a county motor vehicle decal. It is proposed that Section 165-26B.(3) be stricken in its entirety. Section 165-26C. refers back to 165-26B. and is proposed to be changed to reflect a more specific reference. Also, "named private roadway" has been added so as to be more restrictive of the storage of operable or inoperable vehicles on private property such that visibility from both public roads and private roads is prohibited.

BUDGET IMPACT: None.

STAFF CONTACTS: Joyce Fadeley, Zoning Administrator or Brandon Davis, Director of Planning & Zoning.

ATTACHMENT(S): 1) A draft ordinance amending Article V of the Zoning Ordinance.

AN ORDINANCE AMENDING
ARTICLE V "MISCELLANEOUS LOT, FRONTAGE AND SETBACK PROVISIONS" REGULATIONS
OF CHAPTER 165 OF THE CODE OF SHENANDOAH COUNTY

BE IT ORDAINED by the Board of Supervisors of Shenandoah County, Virginia, that Chapter 165 of the Shenandoah County code, "**ZONING**", be amended and reenacted as follows:

(1) By amending § 165-26. Accessory uses structures or buildings.

B. Motor vehicles, whether operable or inoperable, may be kept on the owner's property as an accessory use if the following conditions are met:

(1) The owner must have the title for each vehicle.

(2) Personal Property taxes shall have been paid-to-date.

~~(3) Each vehicle must display a Shenandoah County motor vehicle decal or an inoperable vehicle decal.~~

C. If the above conditions *as set forth in B.* are not met, vehicles may be kept on the property as long as they are not visible from a state-maintained *or named private roadway.*

“Draft”

Planning Commission Meeting Minutes

Thursday, April 5, 2012

7:00p.m.

The Shenandoah County Planning Commission held its regular meeting on Thursday, April 5, 2012 in the Board Meeting Room of the Shenandoah County Government Office. Present from the Planning Commission were Chairman Gary Lantz, Russ Adams, Rick Miller, Leon Smith and Hilda C. Vann. In attendance from the Board of Supervisors was David Ferguson. Also in attendance was Joyce Fadeley, Zoning/Subdivision Administrator. The meeting was called to order at 7:00 p.m. by Chairman Lantz.

The minutes from the March 1, 2012 Planning Commission meeting were approved on a 6-0 vote (Davis absent) as presented.

The agenda for the April 5, 2012 Planning Commission meeting was approved on a 6-0 vote (Davis absent) as presented.

PLANNING COMMISSION PUBLIC HEARING(S) - NONE

NEW BUSINESS

1. Antioch Church of the Brethren – Site Plan Review & Action

Dave Bushman, who was representing Antioch Church of the Brethren, explained that the church wants to build an addition for a 350 seat sanctuary on Senedo Road. During the construction phase of the addition, there will be some renovations to the existing structure. The new addition will consist of 6,996 square feet with an unfinished basement underneath. There will be parking modification due to where the addition will be constructed. The church currently has two parcels of land, consisting of approximately five acres. The parking modifications will be made along the adjacent parcel that is currently vacant and located to left side of the church. The second tract of land was purchased approximately 10 years ago, with the hope of being able to expand in the future. On this same parcel of land, there is flat drainage area. The stormwater management pond will be located on that parcel and it will also be used for the sediment base during construction. The state requires any project over 10 acres to have a water quality plan. The amount of pervious area in this project is below the state threshold; therefore, a stormwater plan versus a water quality plan must be submitted to DCR.

Commissioner Smith stated it appeared there could be ½ an acre of pervious material. Right now the parking lot is showing it will be paved, but could it be feasible to change the parking area to a pervious type material.

Mr. Bushman wasn't sure if it would be feasible for the church because they are on a tight budget. The asphalt material is good for parking, especially for handicap parking and that is why the asphalt parking lot was extended over further than the new addition.

Commissioner Smith stated that the pervious material would help with drainage.

Mr. Bushman didn't feel there would be any issues with drainage because there are moderate soils on the property, a flat grade and a lot of grass to help with those issues.

Ms. Fadely stated that the surrounding parcels are currently zoned R-2, Medium Density Residential, and that the church parcel is zoned General Business (B-2). Churches are allowed by-right in the R-2 and B-2 zoning districts. The adjoining uses are residential and farming. The property consists of approx 5 acres and the Building Departments comments were usual in nature. The Fire Marshal stated that if a fire alarm is installed, they will be required to install a Knox Box. VDOT confirmed the existing entrance is okay for the expansion of the church. The Town of Woodstock was notified as well, and they were made aware of the project due to a water main going through the property. The town had no additional comments or concerns with the project.

Mr. Bushman explained that the church sign will be the same in size but will have to be moved 3' closer to the property line, due to the church expansion.

Commissioner Adams motioned for approval of the site plan as presented and Commissioner Smith seconded the motion.

The site plan was approved on a 6-0 vote (Davis absent) as presented.

Commissioner Vann stated she was glad to see a church growing in the county.

Ms. Fadely asked the Planning Commissioners to make a motion for a public hearing to take place on the text amendments that were presented to the commissioners last month. She explained that if anyone had questions or issues with the amendments', they needed to speak with Joyce or Brandon before the public hearing is advertised in the paper. Joyce and Brandon are currently reviewing the camper text amendment, due to concerns made by the Building Code Official.

Commissioner Smith motioned to send four text amendments to public hearing for the May Planning Commission meeting and Commissioner Adams seconded the motion.

Hearing no other business, the meeting was adjourned at 7:15p.m.