

PRESENT: J. Curd, Chairman  
S. Bridge  
L. Howdysshell  
K. Shiflett  
J. Wilkinson, Director of Community Development  
L. Tate, Planner II

ABSENT: T. Jennings, Vice Chairman  
G. Campbell  
K. Leonard

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, August 14, 2018, at 4:30 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

Mr. Curd called the meeting to order.

Mrs. Tate reviewed with the Commissioners the items coming before the BZA in September.

Mrs. Tate reviewed with the Commissioners the ordinance changes which will be considered at the Public Hearing.

- 1. An ordinance to amend Section 25-77.4. Lot frontage in general. Exceptions.**
- 2. An ordinance to amend Section 25-387. Buffer yards. D. Permitted structures in buffer area.**
- 3. An ordinance to amend Chapter 25 Zoning. Division I. Permits and Procedures. Article LVIII.**
- 4. An ordinance to amend Section 25-52. Accessory uses on undeveloped lots and other lots used for agricultural, residential, commercial, or industrial purposes.**

The Planning Commission reviewed the rezoning request and traveled to the following site, which will be considered at the Public Hearing. Ray Burkholder, representative for the applicant, attended the staff briefing but did not go on the site visit.

### **Kenneth Ray Bradley, Jr., Inc., - Rezoning**

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Chairman

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Secretary

PRESENT: J. Curd, Chairman  
S. Bridge  
L. Howdysshell  
K. Leonard  
K. Shiflett  
J. Wilkinson, Director of Community Development  
L. Tate, Planner II

ABSENT: T. Jennings, Vice Chairman  
G. Campbell

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, August 14, 2018, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Mr. Curd stated as there were five (5) members present, there was a quorum.

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**MINUTES**

Mr. Leonard moved to approve the minutes of the called and regular meetings held on June 12, 2018.

Mr. Bridge seconded the motion, which carried unanimously.

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## **PUBLIC HEARING**

- A. A request to rezone approximately 8.5 acres from General Agriculture to General Business owned by Kenneth Ray Bradley, Jr., Inc., and located on the east side of East Side Highway (Route 340), approximately .17 of a mile south of Dooms Crossing Road (Route 611) in the Wayne District.

Mrs. Tate explained the request as presented on PowerPoint. She stated the Comprehensive Plan designation for this property is Community Mixed Use which would allow residential use, business use, and in some cases industrial use. She reviewed the proffer with the Commissioners and explained the proffer was submitted after the Public Hearing ad was published in the newspaper. The request will need to be re-advertised with the proffer and the request presented before the Commission at the September meeting.

Ray Burkholder with Balzer and Associates and agent for Mr. Bradley stated given the depth and size of the parcel, they determined a business use would be a better use than residential. Public water is available and a private septic system is on site. The proffer being proposed will alleviate VDOT's concerns.

There being no questions from the Commissioners, Mr. Curd opened the Public Hearing. There being no one to speak in favor of or against the request, Mr. Curd closed the Public Hearing.

Mr. Howdysshell moved to continue the Public Hearing to the September Planning Commission meeting in order to re-advertise with the proposed proffer.

Mrs. Shiflett seconded the motion, which carried unanimously.

- B. An ordinance to amend Section 25-77.4. Lot frontage in general. Exceptions. Amendment creates a one-time "existing dwelling division lot" exception for the creation of a lot without road frontage for the sole purpose of separating an existing dwelling, built in or before the year 2000, and lot, from the original tract.**

Mrs. Tate explained the ordinance amendment as presented on PowerPoint. She stated additional conditions are that neither the original lot nor the existing dwelling division lot can further be subdivided using the proposed exception.

There being no questions from the Commissioners, Mr. Curd opened the Public Hearing.

There being no one to speak in favor of or against the request, Mr. Curd closed the Public Hearing.

Mr. Leonard asked how many divisions are allowed in General Agriculture districts per year.

Mrs. Tate explained one division a year is allowed to include a division with the required lot frontage, a division by family member exception or the newly proposed exception.

Mr. Leonard asked how often you can subdivide larger tracts of land.

Mr. Wilkinson stated when you create a new lot off the parent tract, one division a year is allowed, but that new lot cannot be subdivided again for five years. The family member exception division is a one-time division and the family member receiving the lot can never receive another lot under family member exception. The lot received through family member exception has to be held for three years before the owner can sell it.

Mr. Leonard stated there should be a required time frame in the amendment for owning the house. He suggested ownership be no less than five years.

Mr. Howdysshell stated he doesn't agree with the proposed five year ownership provision. If someone has the opportunity to sell the house in order to lower the cost of remaining land to be used for farming use, they should be allowed to do that, even if they haven't owned the home for five years.

Mr. Leonard moved to recommend approval of the amendment with a change in wording as follows: An ordinance to amend Section 25-77.4. Lot frontage in general. Exceptions. Amendment creates a one-time "existing dwelling division lot" exception for the creation of a lot without road frontage for the sole purpose of separating an existing dwelling, built in or before the year 2000 **and owned no less than five years**, and lot, from the original tract.

Mr. Bridge seconded the motion which passed 4-1, with Mr. Howdysshell being opposed.

**C. An ordinance to amend Section 25-387. Buffer yards. D. Permitted structures in buffer area. Amendment corrects a typo concerning privacy fence height in buffer yards in General Industrial districts. Amendment clarifies that the minimum height of an opaque privacy fence shall be 6' and if a combination of berm and fence is used, then the combination of both together shall be a minimum of 6'.**

Mrs. Tate explained the ordinance amendment as presented on PowerPoint and stated the current ordinance states the fence be a minimum of 3' in height when combined with a berm. The proposed ordinance will correct the typo of 3' to 6'.

There being no questions from the Commissioners, Mr. Curd opened the Public Hearing. There being no one to speak in favor of or against the request, Mr. Curd closed the Public Hearing.

Mr. Bridge moved to recommend approval of the amendment as written.

Mr. Howdysshell seconded the motion which carried unanimously.

**D. An ordinance to amend Chapter 25 Zoning. Division I. Permits and Procedures. Article LVIII. Special use permit procedures. Amendment reserves the right for the Board of Supervisors to hear Special Use Permit requests as identified in the ordinance.**

Mrs. Tate explained the ordinance changes as presented on PowerPoint. She stated currently the majority of Special Use Permits are heard by the Board of Zoning Appeals. State Code does allow the Board of Supervisors to grant that authority to another entity or to reserve that authority for themselves. This amendment will reserve the right for the Board of Supervisors to hear certain special use permit requests as identified in the ordinance.

Mr. Leonard asked how it is decided which special use permit requests the Board of Supervisors will hear.

Mrs. Tate stated the special use permit requests that will come before the Board of Supervisors will be identified throughout the county ordinance.

There being no further questions from the Planning Commission, Mr. Curd opened the Public Hearing. There being no one to speak in favor of or against the request, Mr. Curd closed the Public Hearing.

Mr. Bridge moved to recommend approved of the amendment as written. Mr. Leonard seconded the motion which carried unanimously.

**E. An ordinance to amend Section 25-52. Accessory uses on undeveloped lots and other lots used for agricultural, residential, commercial, or industrial purposes. Amendment changes “commercial” to “business” and increases the size of a utility shed permitted in any zoning district when accessory to an undeveloped lot or any lot not used for agricultural, residential, business or industrial use from 200 square feet to 256 square feet.**

Mrs. Tate explained the amendment as presented on PowerPoint. She explained that the 256 square feet comes from the building code requirement for a foundation.

There being no questions from the Planning Commission, Mr. Curd opened the Public Hearing. There being no one to speak in favor of or against the request, Mr. Curd closed the Public Hearing.

Mr. Leonard moved to recommend approval of the amendment. Mr. Howdysshell seconded the motion, which carried unanimously.

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**STAFF REPORTS**

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Tate reviewed with the Commissioners the requests coming before the BZA at the September meeting.

The Planning Commission took no action on the BZA items.

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There being no further business to come before the Commission, the meeting was adjourned.

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Chairman

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Secretary