

**NELSON COUNTY PLANNING COMMISSION**  
**MEETING MINUTES**  
**May 25, 2016**

**Present:** Chair Philippa Proulx, Commissioners Mike Harman, Linda Russell, Robert Goad and Tommy Bruguere (Board of Supervisors Liaison)

**Absent:** Commissioner Mary Kathryn Allen

**Staff Present:** Tim Padalino, Director of Planning & Zoning and Stormy Hopkins, Secretary

**Call to Order:** Chair Proulx called the meeting to order at 7:03 P. M. in the General District Courtroom, County Courthouse, Lovingson.

**Approval of Minutes – April 27, 2016:**

**Commissioner Harman made the following motion:**

**I move that the April 27, 2016 minutes be approved; the vote 5-0.**

**Public Hearing Items:**

**1. Special Use Permit #2016-01 – Ms. Elizabeth Jackson:**

Mr. Padalino noted information regarding the subject property's location, characteristics, and other information. He explained that the subject property is a 2-acre parcel, which is located in Afton (North District) at 1617 Avon Road, and is further identified as Tax Map Parcel #7-A-25, which is split-zoned Residential (R-1) and Agricultural (A-1).

He then noted that the Special Use Permit (SUP) application and fee payment was received on May 3<sup>rd</sup>, 2016. A Minor Site Plan was not submitted as is required with all other Special Use Permits. The applicant was notified that a request for a waiver for such requirement is necessary (pursuant to Z.O. 13-7-C). On May 20<sup>th</sup>, the request was received which stated, "*I, Elizabeth Jackson am sending this waiver to let you know that I am only replacing the home that burned down on the 9<sup>th</sup> of February, nothing is changing, I just want everything on one floor.*" He indicated that he evaluated the request (pursuant to Z.O. 13-7-C criteria) and found the wavier to be acceptable, relevant to the criteria listed in numbers four (4) and five (5). He further noted that a dwelling does not require a Minor Site Plan but is a requirement for a SUP.

He further noted that as of February, there were two (2) single-family dwellings on the property. However, those two (2) dwellings were permissible as a legal non-conforming (grandfathered) use. Currently, there is an existing mobile home and the damaged/destroyed foundation of the single-family detached dwelling that remains on the subject property. The applicant proposes to replace the former dwelling with a prefabricated double-wide manufactured home. The proposed structure would be eligible under the continued non-conforming use clause because it is being replaced within twelve months (as specified in Section 11-6-1). County Staff verified with Jaime Miller (Emergency Services Coordinator) that the chimney fire happened on February 9<sup>th</sup>. The damaged structure was taken down by the Rockfish Valley Volunteer Fire Department as a controlled burn as a training exercise. He also noted that the applicant does have to comply with all the required setbacks.

Mr. Padalino noted that according to Section 5-1-2a, **the type of dwelling a double wide manufactured home** in the Residential (R-1) district requires permitting through a SUP. There are four (4) criteria (Section 12-3-2) in which must be evaluated when reviewing request for SUP (as described in Staff Report dated May 16, 2016). An adjoining property owner, Mrs. Ruby Graves called the Planning & Zoning office on Friday, May 20<sup>th</sup> to note that she received her adjoining property owner (APO) letter and does not have an issue or problem with the mobile home. He further noted that he contact Mr. Tom Eick (Health Department) and provided the application materials

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for his review and comment. To date he has not received a response from Mr. Eick regarding the existing septic system.

Mr. Padalino concluded by noting it is the Staff's recommendation that the requested SUP would not change the established pattern of development; would not produce a negative impact to the character of the area, or otherwise be unharmonious to adjoining and nearby properties. Overall, the applicant's request to replace the fire-destroyed dwelling with a double-wide manufactured mobile home is acceptable relative to the evaluation criteria contingent upon Health Department approval, and compliance with all the minimum setback requirements. He also noted that he measured the existing foundation for setbacks. It is ninety-feet from the center-line of Avon Road, and the porch is eighty-five feet; both exceed the minimum setback requirements.

The Commissioners had the following questions:

1. *Does the applicant intend to use the existing foundation/footprint for the new mobile-home?* Mrs. Jackson stated that she does intend to use the same footprint on the existing foundation, as well as the existing well and septic.
2. *How far is the foundation to the side yard?* Mr. Padalino indicated that he does not know the exact measurement but does not believe it is anywhere close to the required twenty-five foot (combined) setback.

Chair Proulx opened the public hearing at 7:14PM. No comments were given, the public hearing was closed.

**Commissioner Russell made the following motion:**

**I make a motion that the Planning Commission recommend that the Board of Supervisors approve SUP #2016-01 for Elizabeth Jackson on Avon Road; Tax Map #7-A-25, subject to Health Department approval and the mobile home complies with all setback regulations. Commissioner Harman provided the second; the vote 5-0.**

**Other Agenda Items:**

**2. Preliminary Major Site Plan #2016-07 – **Evan's Evans' Cabins:****

Mr. Padalino noted this is a review of a Major Site Plan prepared by Mr. David Collins, LS, PE in connection with a previously approved Special Use Permit #2015-05 (**Evan's Evans' Cabins**). When the SUP application was reviewed last year, it included a Minor Site Plan which was reviewed by the Site Plan Review Committee members for the purposes of providing initial commentary. This included the site layout and configuration; private septic and well; existing and proposed entrances with Beech Grove Road; on-site private roads; limits of disturbance; and other site details such as landscaping, exterior lighting and signage. This Major Site Plan seeks to address in full detail all those issues that were discussed during the previous Minor Site Plan Review. He pointed out that this is a preliminary site plan review. It was prepared and submitted using the optional provision in Z.O. 13-4-HH which reads: *A Preliminary Major Site Plan may be submitted to the Planning Commission for review and comment prior to submittal of the Final Site Plan for review and approval.*

Mr. Padalino noted information regarding the subject property's location, characteristics, and other information. He explained that the subject property is a 4.99-acre parcel zoned Agricultural (A-1), which is located on the south side of Beech Grove Road. The property owners are Mr. Bill and Mrs. Rebecca Evans.

Mr. Padalino noted that the original submittal was received and reviewed at the Site Plan Committee meeting on May 11<sup>th</sup>. He then provided a detailed summary of the review comments from that meeting (described in the Staff Report dated May 17, 2016 – see attached). Revisions were made and the plan was resubmitted on May 16<sup>th</sup>. He also noted that access to the site is handled by the Virginia Department of Transportation (VDOT). Mr. Collins has been actively working with them to make the necessary revisions in response to the initial review (as described in response letter included in PC packet).

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**David Collins:** Mr. Collins noted that he is a land surveyor and Civil Engineer in Nelson County. He stated that he “wanted to use a twelve (12) foot section of gravel, partly because of going to Douthat State Park is sort of their model for what this camp will be like.” He noted that the only section of the Z.O. that he could find was labeled a subdivision road; this is not a subdivision and it shows a fifty (50) foot opening. He indicated that they would like to have trees against the roadway (within reason). They are trying to save all the trees they can. They have laid out the cabins and positioned them ~~to face them~~ to make them as seemingly separate as possible. Originally there were plans for six (6) cabins and now there are four (4) cabins with double rooms (same number of rooms with fewer structures). He further noted that, “the road section I’m showing as sixteen (16) feet of gravel. There may need to be a ditch in some cases where we have a pipe/culvert crossing. I want to make it wider so you are not driving over the very end of the pipe.” There will be driveways that are not far apart. He noted that sixteen (16) feet is adequate for passenger vehicles. There may be some larger vehicles (fire truck, dump truck, etc.) but the road will be adequate for those as well. They are trying to keep the roads as narrow as possible to keep the wooden canopy as thick as possible and to limit disturbance to reduce run-off/storm-water management.

The Commissioners had the following questions/concerns/comments:

1. *Is there a gate for the main entrance so no one, except for the owner, can use the ten (10) foot road?* Mr. Collins stated there would be a sign that says “residence” or similar because they do not want cabin occupants to come to the house. There will be a gate that would stop them. If access is needed to make a circular loop, the gate can be opened.
2. *Is there a turnaround before the gate?* Mr. Collins noted that there are two (2) parking spaces before the garage that can be used to pull in, back up and turn around to get out. If there is an emergency vehicle, the gate can be opened.
3. *Is there no entrance on the private side of the gate?* Mr. Collins noted that there is gravel up to the residential side of the garage.
4. *Is the garage private or commercial?* Mr. Collins indicated that it is a private garage but it would be used for a workshop and office. It will be used for private use.
5. *What type of lighting would be used?* Mr. Collins provided copies of the lights for the Commissioners review.
6. *Will there be phones in the cabins?* Mr. Collins indicated that they are still working on the utilities.
7. *Will there be designated pedestrian paths around the cabins?* Mr. Collins indicated there will not be designated paths.
8. *The Z.O. requires the height of the private home on the Site Plan.* Mr. Collins indicated that he would make that note and would do it for all the buildings. The house is intended to be two-stories. The cabins will be one-story. One cabin will be made handicap accessible.

Mr. Collins noted that, “the septic plan for the cabins is a gravity system to a septic tank that will then flow to a pump tank and the pump will push it across the drain swell into a bit higher elevation to gravity flow into the septic field. The house will use a standard gravity system.” The pump will have an alarm system and will have a timer and float system.

The Commissioners indicated that they do not have a problem with the road as it is being proposed.

### **3. Proposed Amendments to Zoning Ordinance Article 10 - (General Floodplain District FP): (referral made at 12/8/2015 BOS meeting; PC review continued from 4/27/2016 PC meeting)**

Mr. Padalino noted this is a continued meeting of the referred amendments regarding Article 10 – (General Floodplain District FP).

Mr. Padalino noted that the Board of Supervisors (BOS) approved the requested 100-day extension. The original deadline date was May 6<sup>th</sup> and the new deadline date is August 14<sup>th</sup>. That time allows for tonight’s meeting and two (2) more regularly scheduled meetings. He recommended that the Commissioners direct Staff to advertise for a public hearing on June 22<sup>nd</sup>. The July meeting could be used to work out any final issues and vote on formal recommendations to the BOS.

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Mr. Padalino then noted that since the last meeting he and Mr. Payne (County Attorney) had worked on some of the complicated issues that were in the current Z.O. that are not in the state's model ordinance. They were also able to gain some clarity on some of the issues about what can be prohibited and if so, how to do it thoughtfully and appropriately.

Mr. Padalino then characterized the modifications since the last version of proposed amendments (referencing the draft dated May 16, 2016 – see attached).

- Made the necessary housekeeping/editorial changes such as the capitalization for Special Flood Hazard Areas (SFHA), and Base Flood Elevation was changed throughout the ordinance.
- Separating the terms Special Use Permit (SUP) and Variance. All reference to SUP was taken out and replaced with Variance (referencing Section 10.22).
- All reference to SUP was removed and replaced with zoning permit (Section 10.13).
- All reference to SUP or Variance was removed and replaced with zoning permit (Section 10.14).

He then asked the Commissioners if they had recommendation/questions/concerns for the proposed amendments (as detailed in the draft dated May 16, 2016 – see attached).

1. *In Section 10.16, Item A, number 2, what is an endorsement and is that voted on by the Board of Zoning Appeals (BZA)?* Mr. Padalino noted that was added when SUP was removed, and that it was taken from the model ordinance. It would be reviewed and voted on by the BZA for uses in the Floodway.
2. *While comparing the drafts from March and May (Section 10.22) there is a list of factors for Variances. In the March draft there are two entries that do not appear in the current May draft (referencing 10.14 and 10.15E) for proposed critical facilities or proposed hazardous materials.* Mr. Padalino noted that Section 10.14 would be the prohibition that are the higher standards (critical facilities/hazardous materials), originally read that no “SUP or Variances shall be granted...” which has been replaced with zoning permit. It no longer prohibits the issuances of Variances.
3. *In the Definitions (Section 10.7) – Board of Zoning Appeals: need to remove SUP.*
4. *In Section 10.13, Item C, number 1: March draft had eight (8) copies of the Site Plan and the May draft states plans in triplicate.* Mr. Padalino noted that the plans in triplicate is what is in the model ordinance and the existing Z.O. With the BZA review being removed and replaced with an administrative review, there only needs to be plans in triplicate.
5. *In Section 10.15 – first sentence: special flood hazard areas needs to be capitalized.*
6. *What was Mr. Payne's decision on “transport” (Section 10.15, Item E)?* Mr. Padalino noted that he does not believe he got a final answer.
7. *In Section 10.22, sentence beginning with Variances shall be issues...the word Special needs to be removed.*

**Commissioner Harman made the following motion:**

**I make a motion that the Planning Commission recommend that Staff advertise for public hearing Article 10 – General Floodplain District FP per draft dated May 16, 2016 as amended. Commissioner Goad provided the second; the vote 5-0.**

Mr. Padalino provided handouts to the Commissioners regarding guidance from the Virginia Department of Conservation and Recreation (DCR) that was referenced at last months' meeting.

**Other Business:**

Mr. Padalino noted that an application for a Class C Communication Tower permit has been received from Shentel (formally nTelos). It is for an existing facility location at 12979 Thomas Nelson Highway, which is called Polly Wright Cove.

Mr. Padalino noted that regarding the Rockfish Valley Area Plan (RVAP), an Open House is scheduled to take place on Tuesday, June 28<sup>th</sup> at the Rockfish Valley Community Center from 6:30-8:30PM. There will be one presentation given twice. There is a public survey that is available to gauge people's interest/concerns/priorities

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specific to the Rockfish Valley. Those are available online as well as in paper format. He provided a copy to each of the Commissioners.

**Board of Supervisors Report:** Mr. Bruguere provided the following details:

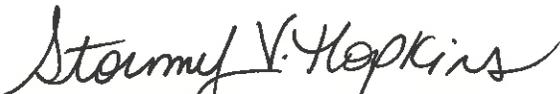
1. The 100-day extension was granted to the Planning Commission for the review of the Floodplain Ordinance.

Chair Proulx asked about the proposed M-1 “contractor’s yard” amendment and what was happening with that. Mr. Padalino noted that it is not about Gary Bryant and it would be a “big misconception” to make a decision based on him. The idea behind the amendment process was to consider whether or not to create that existing use in that new district, and if the BOS wanted to do so. Mr. Bruguere noted that the BOS was not making any recommendations until Mr. Bryant had “took care of all his housekeeping things.” The recommendations that the BOS would make would apply to everyone, not just one person. Mr. Padalino added that it would be a County-wide impact.

**Adjournment:**

Commissioner Harman made a motion to adjourn at 8:36 pm; vote 5-0.

Respectfully submitted,



Stormy V. Hopkins  
Secretary, Planning & Zoning

