



POWHATAN COUNTY PLANNING COMMISSION
AGENDA ~ MONTHLY MEETING
Tuesday October 4, 2016
7:00 PM
Powhatan Village Building Auditorium

- A. **Call to Order** – Karin Carmack, Chair
- B. **Invocation** – David Van Gelder
- C. **Approval of Planning Commission Minutes**
1. September 6, 2016 Meeting Minutes 3
- D. **Administrative Items** 10
1. Monthly Activity Report – August FY2016-August FY2017
2. Request to Postpone Action/Amend the Agenda
- E. **Public Comment Period**
At this time, the Commission will hear citizen comments on unscheduled matters involving the services, policies, and affairs of the County government regarding planning or land use issues.
- F. **Presentations** – None
- G. **Public Hearings**
1. **16-04-CUP. Michael and Karen Thomas (Powhatan Station/Graceland Electoral District)** request a conditional use permit (CUP) to build an accessory dwelling unit in the R-2 Residential Zoning District per §83.213(b)(1) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Preservation on the Countywide Land Use Plan Map. The property is located at 3110 Timber Trace Court and is approximately 4.39 acres in size. Reference Tax Map Parcel #52A-1A-16. 15
2. **16-05-CUP. Melissa Cottone (Powhatan Courthouse/Mt. Zion Electoral District)** requests a conditional use permit (CUP) to operate a child day care center in the R-2 Residential Zoning District per §83.212(7) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The property is located at 4230 Pierce Road and is approximately 2.05 acres in size. Reference Tax Map Parcel #38-7-4. 41
3. **16-06-AZ: The County of Powhatan** requests the amendment and reenactment of Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan to allow conference centers and hotels as conditional uses. 63
4. **16-07-AZ: The County of Powhatan** requests the amendment and reenactment of Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of 67

Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan to allow manufacturing, assembly, or fabrication, light as a conditional use.

5. **16-02-PR: Craig & Lois Starr (Powhatan Courthouse/Mt. Zion Electoral District)** requests approval to construct a two (2) lot private road in the A-10 Agricultural District per §6.2-2.0 of the Subdivision Ordinance. The purpose of the request is to add an easement to a 3.0 acres parcel of land which currently does not have access to a state maintained road. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The existing subject properties are approximately 10.5± and 3.0 acres in size and are located on the north side of Pierce Road (Rt.718) approximately 1/4mile east of Giles Bridge Road (Route 609). Reference to Tax Map Parcels #38-13A and 38-13B. 73

- H. **Other Business** 87
1. Remote attendance policy

I. **Adjournment**

Planning Commission Meeting Minutes

September 6, 2016

VIRGINIA: AT A REGULAR MEETING OF THE PLANNING COMMISSION HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, SEPTEMBER 6, 2016 AT 7:00 PM

Planning Commissioners Present:	Karin Carmack, District 1, Chairman Owen Walker, District 2 Jennifer Giovannitti, District 3 Bill Cox, District 4 David Van Gelder, District 5, Vice-Chairman
Planning Commissioners Absent:	None
Staff Members Present:	Bret Schardein, Director of Community Development Ed Howland, Planning & Zoning Manager Tom Lacheney, County Attorney
Staff Members Absent:	None

A. CALL TO ORDER:

Ms. Carmack called the meeting to order at 7:00 PM.

B. INVOCATION:

Mr. Van Gelder gave the invocation.

C. MINUTES:

1. August 2, 2016 Meeting Minutes

Ms. Carmack opened the discussion of the previous meeting's minutes.

Mr. Cox asked the minutes be amended to reflect Ms. Carmack moved for the Planning Commission to recommend approval of case 16-08-REZC. He also asked for his statement concerning case 16-02-AZ be amended to the current zoning ordinance was broader than previous one and we were not re-enacting and that he supported the function.

Ms. Carmack motioned for approval of minutes as amended from the August 2, 2016 meeting.

Ms. Carmack, Mr. Walker, Ms. Giovannitti, Mr. Cox, Mr. Van Gelder voted AYE

**VOTE 5-0
MOTION Passed**

D. ADMINISTRATIVE ITEMS:

1. Monthly Activity Report - August 2015-2016

Planning Commission members discussed possible changes to the Monthly Activity Report including bringing together the use of calendar year and fiscal year and possible quarterly

Planning Commission Meeting Minutes

September 6, 2016

reporting instead of the present monthly reporting. Mr. Schardein advised the Commission he will check with the Board of Supervisors to see which method works best for all.

2. Request for Deferral/Amend the Agenda

Mr. Cox suggested the postponement of case 16-07-AZ for 30 days since it was not included in the packet.

All Planning Commission members concurred to move case 16-07-AZ to the next meeting.

Ms. Carmack asked if there were any questions of Mr. Schardein at this time. There were no questions or comments in reference to the Administrative Items.

Ms. Carmack welcomed Bret Schardein, new Director of Community Development.

E. PUBLIC COMMENT PERIOD

Chairman Carmack opened the public comment period.

Seeing, as there were no speakers, the public comment period was closed by Ms. Carmack.

F. PRESENTATIONS:

There were no presentations.

G. PUBLIC HEARINGS

1. **16-05-REZC: Norwood Creek (Subletts/Manakin/Flat Rock Electoral District)** requests the amendment of the proffer statement for the Norwood Creek Subdivision (Case #04-11-REZC) by reducing the cash proffer from \$3,530 to \$1,880.00 per dwelling unit.

Mr. Schardein provided a brief overview of the case.

Ms. Carmack asked if the applicant wished to make a comment.

Mr. David Sowers noted the suggested staff wording was a change to the proffer, possibly because of State law changes, from the wording in his original application; he has no objection to using staff wording. He asked if the Planning Commission had any questions for him. There were no questions and Mr. Sowers respectfully asked the Planning Commission to approve his request.

Ms. Carmack opened the public hearing period. Seeing, as there were no speakers, the public hearing period was closed by Ms. Carmack.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack moved for the Planning Commission to recommend denial of 16-05-REZC to the Board of Supervisors.

Ms. Carmack, Mr. Cox, Mr. Van Gelder, and Ms. Giovannitti voted AYE.

Mr. Walker voted NAY.

**VOTE 4-1
MOTION Passed**

2. **16-07-REZC: Goodwyn Road (Bethesda/Lees Landing Electoral District)** requests the rezoning of approximately 0.25 acre of land from I-1, Light Industrial to R-2, Residential. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Land Use Plan Map. The subject property is located at 3600 Goodwyn Road. Reference to Tax Map Parcel 27-28.

September 6, 2016

Mr. Schardein presented a brief overview of the case.

Ms. Carmack asked if the applicant wished to make a statement.

Mr. Woody Cofer asked that the case be approved based on staff recommendations and offered to answer any questions of the Planning Commission.

Ms. Carmack opened the public hearing period. Seeing, as there were no speakers, the public hearing period was closed by Ms. Carmack.

Ms. Carmack opened the period for questions for staff or applicant.

Mr. Cox asked for clarification on two issues. To have a 50-foot border is a subdivision rule and this accomplishes that? And there is also a stream closer with required 50-foot natural border from the edge of the deck, does this accomplish that?

Mr. Schardein confirmed yes, both issues would be addressed.

Ms. Giovannitti questioned if there are a process and written guidelines in the subdivision ordinance that tracks the actual construction and completion of the deck?

Mr. Lacheney clarified that this rezoning request is to rezone a small portion of a parcel to R-2; the reason for the request is not something the PC would regulate or follow-up on if it is a proper rezoning.

Staff clarified that a permit to construct a deck was applied for but did not meet setback requirements without acquiring additional land.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Giovannitti made the motion, based on staff approval, for the Planning Commission to recommend approval of 16-07-REZC to the Board of Supervisors.

Ms. Carmack, Mr. Cox, Ms. Giovannitti, Mr. Walker, and Mr. Van Gelder voted AYE.

VOTE 5-0
MOTION Passed

3. **16-09-REZC: Branchway Springs, Portions of Section C & D (Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Branchway Springs Subdivision (Case #05-10-REZC) by reducing the cash proffer from \$6,395 to \$1,880.00 per dwelling unit.

Mr. Schardein gave a brief overview of the case.

Ms. Carmack asked if the applicant cared to speak.

Mr. Doug Bradbury, representing the applicant, addressed the Planning Commission, stating he is not in favor of proffers which he believes are a targeted tax at those having to go through a rezoning case to obtain a building permit.

Ms. Carmack opened the public hearing period. Seeing, as there were no speakers, the public hearing period was closed by Ms. Carmack.

Ms. Carmack opened the period for questions for staff or applicant.

Ms. Giovannitti stated that with limited ways taxes can be added to new development, she believes proffers are important taxes for the County, voluntarily selected when the developments came in.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Giovannitti made the motion for the Planning Commission to recommend denial of 16-09-REZC to the Board of Supervisors.

September 6, 2016

Ms. Carmack, Mr. Cox, Mr. Van Gelder, and Ms. Giovannitti voted AYE.
Mr. Walker voted NAY.

VOTE 4-1
MOTION Passed

4. **16-10-REZC: Branchway Springs, Portions of Section D & C (Bethesda/Lees Landing Electoral District)** requests the amendment of the proffer statement for the Branchway Springs Subdivision (Case #04-06-REZC) by reducing the cash proffer from \$3,530 to \$1,880.00 per dwelling unit.

Mr. Schardein gave a brief overview of the case.

Ms. Carmack asked if the applicant cared to speak.

Mr. Bradbury, agent for the applicant, encouraged the Planning Commission, County Administrator, and staff, in an effort to cut down on everyone's time, to be more concise with packet documents and voiced his concern the subdivision ordinance may quadruple in size, causing more confusion.

Ms. Carmack opened the public hearing period. Seeing, as there were no speakers, the public hearing period was closed by Ms. Carmack.

Ms. Carmack opened the period for questions for staff or applicant.

Ms. Giovannitti thanked Mr. Bradbury for his comments and agreed we all strive for efficiency.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Giovannitti made the motion for the Planning Commission to recommend denial of 16-10-REZC to the Board of Supervisors.

Ms. Carmack, Mr. Cox, Mr. Van Gelder, and Ms. Giovannitti voted AYE.
Mr. Walker voted NAY.

VOTE 4-1
MOTION Passed

5. **16-03-AZ: The County of Powhatan** requests the amendment and reenactment of Section 83-122(d)(3), Application Fees, of Article II, Administration, of the Zoning Ordinance of the County of Powhatan

Mr. Schardein gave a brief overview of the proposed ordinance amendment, changing the wording from "resolution" "ordinance" to match the process used by the County.

Ms. Carmack opened the public hearing period. Seeing, as there were no speakers, the public hearing period was closed by Ms. Carmack.

Ms. Carmack opened the period for questions for staff or applicant.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack made the motion to recommend approval of 16-03-AZ to the Board of Supervisors.

Ms. Carmack, Mr. Cox, Ms. Giovannitti, Mr. Walker, and Mr. Van Gelder voted AYE.

VOTE 5-0
MOTION Passed

September 6, 2016

6. **16-04-AZ:** The County of Powhatan requests the amendment and reenactment of Section 83-231, Permitted Uses, and Section 83-232, Conditional Uses, in the Village Center (VC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan to allow Fire and EMS Stations and medical treatment facilities as permitted uses.

Mr. Schardein gave a brief overview of the proposed ordinance amendment, proposing to make fire and EMS stations and medical facilities permitted uses in the VC district.

Ms. Carmack opened the public hearing period. Seeing, as there were no speakers, the public hearing period was closed by Ms. Carmack.

Ms. Carmack opened the period for questions for staff or applicant.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack made the motion to recommend approval of 16-04-AZ to the Board of Supervisors.

Ms. Carmack, Mr. Cox, Ms. Giovannitti, Mr. Walkers, and Mr. Van Gelder voted AYE.

VOTE 5-0
MOTION Passed

7. **16-05-AZ:** The County of Powhatan requests the amendment and reenactment of Section 83-241, Permitted Uses, and Section 83-242, Conditional Uses, in the Commerce Center (CC) District, of Article IV, Village Growth Area Districts, of the Zoning Ordinance of the County of Powhatan to allow conference centers and Fire and EMS stations as permitted uses.

Mr. Schardein gave a brief overview of the proposed ordinance amendment, proposing to make fire and EMS stations and conference or training centers permitted uses in the VC district.

Ms. Carmack opened the public hearing period. Seeing, as there were no speakers, the public hearing period was closed by Ms. Carmack.

Ms. Carmack opened the period for questions for staff or applicant.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack made the motion to recommend approval of 16-05-AZ to the Board of Supervisors.

Ms. Carmack, Mr. Cox, Ms. Giovannitti, Mr. Walkers, and Mr. Van Gelder voted AYE.

VOTE 5-0
MOTION Passed

8. **16-06-AZ:** The County of Powhatan requests the amendment and reenactment of Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan to allow conference centers and hotels as conditional uses.

Mr. Schardein gave a brief overview of the proposed ordinance amendment, proposing to add conference/training facility and hotel/motel as conditional use in that district. This was generated by Independence Golf Club wanting to expand and diversify their activities beyond just golf. Staff recommends the approval.

September 6, 2016

Ms. Carmack opened the public hearing period. Seeing, as there were no speakers, the public hearing period was closed by Ms. Carmack.

Ms. Carmack opened the period for questions for staff or applicant.

Ms. Carmack expressed concerns with a “transition district” and prefers to perhaps encourage Independence Golf Club to rezone to something that would be a little more comprehensive to allow better flexibility in use.

Mr. Cox expressed his concerns with definitions in the zoning ordinance and permitted and/or conditional uses within the Residential Utility and Village Residential districts. He would like a more comprehensive review of the problems and issues Independence has and all the options on the zoning side to find the best possible working situation to mesh what they want to do with the County’s zoning laws. Mr. Cox suggested a deferral.

Ms. Carmack suggested a deferral may not address their concerns.

Mr. Van Gelder agreed with a deferral to look at it more closely and asked if there were time restraints with this.

Mr. Schardein replied that no time restraints were expressed to him but he would need to follow-up with Mr. Altman to confirm. He asked the Count Attorney to weigh in on asking for a denial vs. a deferral.

Mr. Lacheney suggested a procedural approach to defer indefinitely. Under Robert’s Rule, anything with an indefinite deferral disappears from the agenda, never to reappear on an agenda.

Based on public necessity, convenience, general welfare, and good zoning practice, Ms. Carmack made the motion to defer 16-06-AZ indefinitely.

Ms. Carmack, Mr. Cox, Ms. Giovannitti, Mr. Walkers, and Mr. Van Gelder voted AYE.

VOTE 5-0
MOTION Passed

H. Other Business

1.

Mr. Walker expressed a comment on the Soar Farm, stating it is creating some economic activity within the County, although it is temporary.

Ms. Carmack opened a discussion concerning a possible workshop to specifically discuss the Comprehensive Plan. Mr. Schardein is to follow-up with Commission members to verify schedules.

Ms. Carmack adjourned regular meeting at 7:40 PM.

Ms. Carmack opened the workshop meeting at 7:45 PM.

I. WORKSHOP MEETING

1. Comprehensive Land Use Plan Update Discussion

The Planning Commission continued its discussion of the Future Land Use Map. The Commission discussed the updated map which includes parcels that were 50 acres or more. After a lengthy discussion the Chair asked staff to prepare a similar map that included the existing water and sewer lines, and to redraw the growth area boundary following parcel lines.

September 6, 2016

J. ADJOURNMENT

There being no further business, Ms. Carmack adjourned the meeting at 8:30 PM.

Karin Carmack, Chairman
Chairman

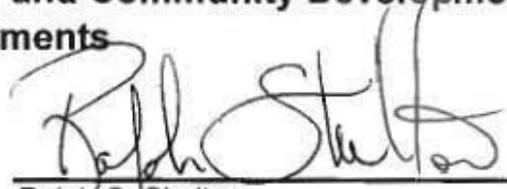
Bret Schardein
Director of Community Development

DRAFT

Powhatan County Monthly Report
Building Inspections, Planning and Community Development
Departments



 Bret Schardein
 Community Development Director



 Ralph O. Shelton
 Building Official

Building Permit Fees:	<u>AUG FY2016</u>	<u>AUG FY2017</u>
Administrative Fees: (Also Includes Septic Fees, Fire Code, Etc.)	<u>\$ 3,049.75</u>	<u>\$ 2,721.00</u>
Commercial: (New & Alterations)	<u>\$ 1,106.00</u>	<u>\$ -</u>
Construction Value	<u>\$ 249,000.00</u>	<u>\$ -</u>
Residential:	<u>\$ 24,469.46</u>	<u>\$ 30,457.00</u>
Proffers paid on New Construction	<u>\$ 35,639.21</u>	<u>\$8,432.00</u>
Construction Value	<u>\$ 3,003,000.00</u>	<u>\$ 6,994,372.00</u>
Residential:	<u>\$ 2,321.00</u>	<u>\$ 6,294.00</u>
(Additions, Alterations, Demo, Pools, Etc.)		
Construction Value	<u>\$ -</u>	<u>\$ 523,378.00</u>
Trade Permit Fees: (Residential & Commercial)	<u>\$ 7,906.00</u>	<u>\$ 10,795.70</u>
State Levy:	<u>\$ 716.25</u>	<u>\$ 947.90</u>
Planning Department Fees:	<u>\$ 3,197.00</u>	<u>\$ 11,412.26</u>
Total Fees for the Month:	<u>\$ 78,404.67</u>	<u>\$ 71,059.86</u>

Total Fees for Fiscal Year:	<u>\$ 208,680.60</u>	<u>\$ 117,645.31</u>
Building Permit Data:	<u>AUG FY2016</u>	<u>AUG FY2017</u>
Residential (New Construction):		
District 1 Subletts/Manakin/Flatrock	<u>6</u>	<u>2</u>
District 2 Powhatan Station/Graceland	<u>1</u>	<u>1</u>
District 3 Bethesda/Lees Landing	<u>1</u>	<u>6</u>
District 4 Powhatan Courthouse/Ballsv	<u>3</u>	<u>1</u>
District 5 Smith's Crossroad/Pineville	<u>2</u>	<u>4</u>
Total for the Month:	<u>13</u>	<u>14</u>
Total for the Fiscal Year:	<u>24</u>	<u>29</u>
Commercial:		
District 1 Subletts/Manakin/Flatrock	<u>1</u>	<u>2</u>
District 2 Powhatan Station/Graceland	<u>0</u>	<u>1</u>
District 3 Bethesda/Lees Landing	<u>1</u>	<u>2</u>
District 4 Powhatan Courthouse/Ballsville	<u>1</u>	<u>2</u>
District 5 Smith's Crossroad/Pineville	<u>1</u>	<u>0</u>
Total for the Month:	<u>4</u>	<u>7</u>
Total for the Fiscal Year:	<u>4</u>	<u>9</u>
Residential Additions, Alterations, Pools, Etc.	<u>18</u>	<u>9</u>
Total for Year:	<u>38</u>	<u>24</u>

TYPE	ADMIN FEE	BLDCOM	NEW HOMES	ADDITIONS/ALTER	TRADE PERMIT FEES	STATE LEVY	PLANNING DEPT FEES	CASH PROFFER	TOTAL
ADDRESS	1.00			3,834.00		76.68	325.00		
ADDRESS2									
ADMIN									
AMEND									
BLD COM		0.00				0.00			
BOND						0.00			
BUILD	130.00		30,457.00			605.29	2,830.00	8,432.00	
BURN	0.00								
COND							2,000.00		
COPY	0.00								
CUP									
DEMO				2,460.00		49.20			
E & S							1,314.00		
ELE					3,886.34	77.74			
ELE TMP									
ELE 2									
ELEVATOR									
EXTEN									
EVENT									
FAM									
FIRE3					0.00	0.00			
GAS					1,080.00	21.60			
GAS 2					480.00	9.60			
GAS 3					0.00	0.00			
MAP									
MECH					2,874.40	57.49			
MECH 2									
MOBIL			0.00			0.00	0.00		
NSP							450.00		
PLUMB					2,434.96	48.70			
PLUMB 2					0.00	0.00			
POOL				0.00		0.00			
RE-INSPECT	0.00								
READV									
RESB1							0.00		
ROAD							100.00		
RZP							4,115.50		
SEPT	2,590.00						0.00		
SF									
SIGN						0.80	277.76		
SITE									
SO									
TENT					40.00	0.80			
TOWER									
VAR									
ZO									
ZOLTR									
ZONE									
TOTAL	2,721.00	0.00	30,457.00	6,294.00	10,795.70	947.90	11,412.26	8,432.00	0.00

ZONING ACTIVITY

	<u>FY2016</u>	<u>FY2017</u>
Rezoning requests approved (acreage)		
Residential	<u>0</u>	<u>0</u>
Commercial/Industrial	<u>0</u>	<u>0</u>
Conditional Use Permits approved	<u>1</u>	<u>1</u>
Business Licenses approved (zoning review)	<u>31</u>	<u>34</u>
Site Plans		
Commercial/Industrial		
Filed	<u>1</u>	<u>0</u>
Approved	<u>0</u>	<u>0</u>
Other		
Filed	<u>1</u>	<u>0</u>
Approved	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>29</u>	<u>N/A</u>

Subdivision Activity

Preliminary Plats - Number of Lots Approved		
Residential	<u>0</u>	<u>0</u>
Commercial/Industrial	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>27</u>	<u>N/A</u>
Final Plats - Number of Lots Approved		
Residential	<u>0</u>	<u>10</u>
Commercial/Industrial	<u>0</u>	<u>0</u>
Average Review Time (Days)	<u>25</u>	<u>28</u>
Subdivision Exception Lots Approved		
Non-Subdivision	<u>5</u>	<u>8</u>
Single Cut	<u>1</u>	<u>0</u>
Family Division	<u>0</u>	<u>0</u>
Large Lot	<u>3</u>	<u>1</u>

	<u>FY2016</u>	<u>FY2017</u>
<u>Erosion & Sediment Control</u>		
Land Disturbance Plans Approved		
Residential	<u>0</u>	<u>1</u>
Agreement In Lieu of an E&S Plan	<u>23</u>	<u>14</u>
Commercial/Industrial	<u>1</u>	<u>0</u>
Average Commercial Review Time	<u>0</u>	<u>30</u>
<u>Private Road Review</u>		
Private Roads Approved		
Roads	<u>1</u>	<u>0</u>
Lots	<u>2</u>	<u>0</u>



16-04-CUP, Michael & Karen Thomas

Staff Report prepared for the Planning Commission Public Hearing

This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.

I. PUBLIC HEARINGS:

Planning Commission	October 4, 2016	Public Hearing
Board of Supervisors	October 24, 2016	Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request:	Conditional Use Permit for an accessory dwelling unit	
Existing Zoning:	R-2, Residential District	
Parcel Size:	4.39 acres	
Parcel ID#	52A-1A-16	
Owner:	Michael & Karen Thomas	
Location of Property:	3110 Timber Trace Court	
Electoral District:	2	Powhatan Station/Graceland
2010 Land Use Plan Recommendation:	Rural Preservation	
Zoning of Surrounding Property:	North:	R-2
	South:	A-10
	East:	R-2
	West:	R-2

III. EXECUTIVE SUMMARY:

The Applicants, Michael and Karen Thomas, are requesting approval of a Conditional Use Permit (CUP) for an accessory dwelling unit at 3110 Timber Trace Court. The property is currently zoned R-2, Residential District. An accessory dwelling unit is listed as a conditional use in the R-2, Residential District and the definition is as follows:

Accessory dwelling unit (detached) – means a secondary dwelling unit established in conjunction with, and clearly subordinate to, the principal dwelling unit on a lot, as a detached structure on the same lot for use by immediate family only

Per §83-213(b)(1) of the Zoning Ordinance, an accessory dwelling unit is allowed by Conditional Use Permit (CUP) within the R-2, Residential District provided the use complies with all applicable requirements as listed in the Powhatan County Zoning Ordinance.

IV. APPLICABLE CODE SECTIONS:

The provisions of the Zoning Ordinance that are germane to this conditional use request are as follows:

Section 83-213(b) (1). Conditional accessory uses (R-2, Residential District)

(b)(1) Accessory dwelling unit (detached)

Section 83-123(F) (4) - Conditional

Use Permit Review Standards

A Conditional Use Permit shall be approved if the applicant demonstrates the proposed conditional use:

- a) Is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans;
- b) Complies with all applicable zoning district-specific standards in **Articles III through VI**;
- c) Complies with all applicable use-specific standards **Article VII: Use Standards**;
- d) Complies with all applicable development and design standards in **Article VIII: Development Standards**;
- e) Complies with all relevant subdivision and infrastructure standards in **Chapter 68: Subdivisions** of the **Powhatan County Code**;
- f) Is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed;
- g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;

- h) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- i) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- j) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- k) Complies with all other relevant county, state and federal laws and standards; and
- l) Is required by the public necessity, convenience, general welfare, or good zoning practice.

Section 83-123(F) (5) - Expiration

A Conditional Use Permit shall expire in accordance with any expiration date or provisions in a condition of its approval. A Conditional Use Permit shall automatically expire if a Building Permit, Site Plan, or other county approval, whichever occurs first, for the development granted by the Conditional Use Permit, is not obtained within two (2) years after the date of approval of the Conditional Use Permit, or if no subsequent county approval is required, the development is not completed and operational within two (2) years.

V. SUBJECT PROPERTY:

The subject property is a heavily wooded 4.39 acre parcel that fronts on and has a driveway access to Timber Trace Court. The parcel is surrounded on three sides by lots that are zoned R-2, Residential District and to the south by an A-10, Agricultural District lot.

VI. LAND USE ANALYSIS:

The Applicants are requesting a conditional use permit to maintain an accessory dwelling unit for the elderly parents of Karen Thomas. The plan submitted with the CUP application indicates that the accessory dwelling unit will be approximately 1991 square feet and will be located in the rear yard of the lot in what is currently a thickly wooded section. The Applicants principal dwelling is 3370 square feet, so the accessory dwelling unit will be inferior in size as required by the Zoning Ordinance.

VII. COMPREHENSIVE PLAN ANALYSIS:

The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Preservation on the Countywide Land Use Plan Map. This request is generally consistent with the Comprehensive Plan.

VIII. PUBLIC SERVICE ANALYSIS:

Environmental:

Shaun Reynolds (Powhatan County Community Development) has no objections to this request.

Public Safety:

David Throckmorton (Powhatan County Fire Department) had the following comments: The Fire Department has reviewed the attached 16-04-CUP request. The Fire Department requirements are the to be built dwelling have a separate address and the address be posted at the street and on the dwelling. The address shall be clearly visible at the entrance from the state road and on the dwelling. Fire Department access to the dwelling shall meet the required county standards for width, height and weight.

Virginia Department of Health:

Richard Michniak (VDH) has no comments on this request.

Transportation:

The Virginia Department of Transportation had no objections to this request assuming no new entrances to the property are involved.

Public Utilities:

Johnny Melis (Powhatan Utilities/General Services) noted that the subject property is outside of the County's Water and Wastewater Service District and had no further comment.

Building Department:

Ralph Shelton (Powhatan Building Department) had no comments on this request.

Other County Departments:

No comments were received from other agencies or County Departments.

IX. APPLICANT'S POSITION: The applicant's justification for the proposed request is contained in the application.

X. STAFF RECOMMENDATION:

In accordance with public necessity, convenience, general welfare and good zoning practice, Staff recommends adoption of the following conditions by the Planning Commission if the request submitted by Michael and Karen Thomas to maintain an accessory dwelling unit at 3110 Timber Trace Court is approved:

Conditions:

1. The Applicant shall consent to annual administrative inspections by Planning Department Staff for compliance with the requirements of this CUP.
2. The Applicant shall sign the list of the adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. Failure to comply with the conditions of this CUP may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present this CUP to the Board of Supervisors for revocation if the NOV is not resolved as directed. Upon issuance of a third NOV of the permit, and failure of the permit holder to appeal to the Board of Zoning Appeals, the Zoning Administrator shall present the CUP to the Board of Supervisors for revocation.
4. The principal dwelling and the detached accessory dwelling unit shall be occupied by the owner of the property or a member of the family of the owner, or by domestic servants employed on the premises.
5. The accessory dwelling unit shall have a separate address and the address must be posted at the street and on the dwelling. The address number, four (4) inches in height and reflective, also needs to be clearly visible at the entrance to the state road and on the dwelling. Address numbers shall be maintained throughout the life of the CUP.
6. All activities associated with this CUP shall be in compliance with all State and Federal laws. The site shall fully comply with all applicable provisions of Section 83-213 (b) (1) of the Powhatan County Zoning Ordinance throughout the life of this CUP.
7. This conditional use permit (CUP) shall be issued to Michael & Karen Thomas to maintain an accessory dwelling unit on the subject property at 3110 Timber Trace Court.

XI. PROPOSED RESOLUTION:

In accordance with Section 83-123(f) (4), of the Powhatan Zoning Ordinance, and public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by Michael and Karen Thomas to maintain an accessory dwelling unit on the property subject to the conditions presented above.

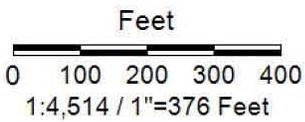
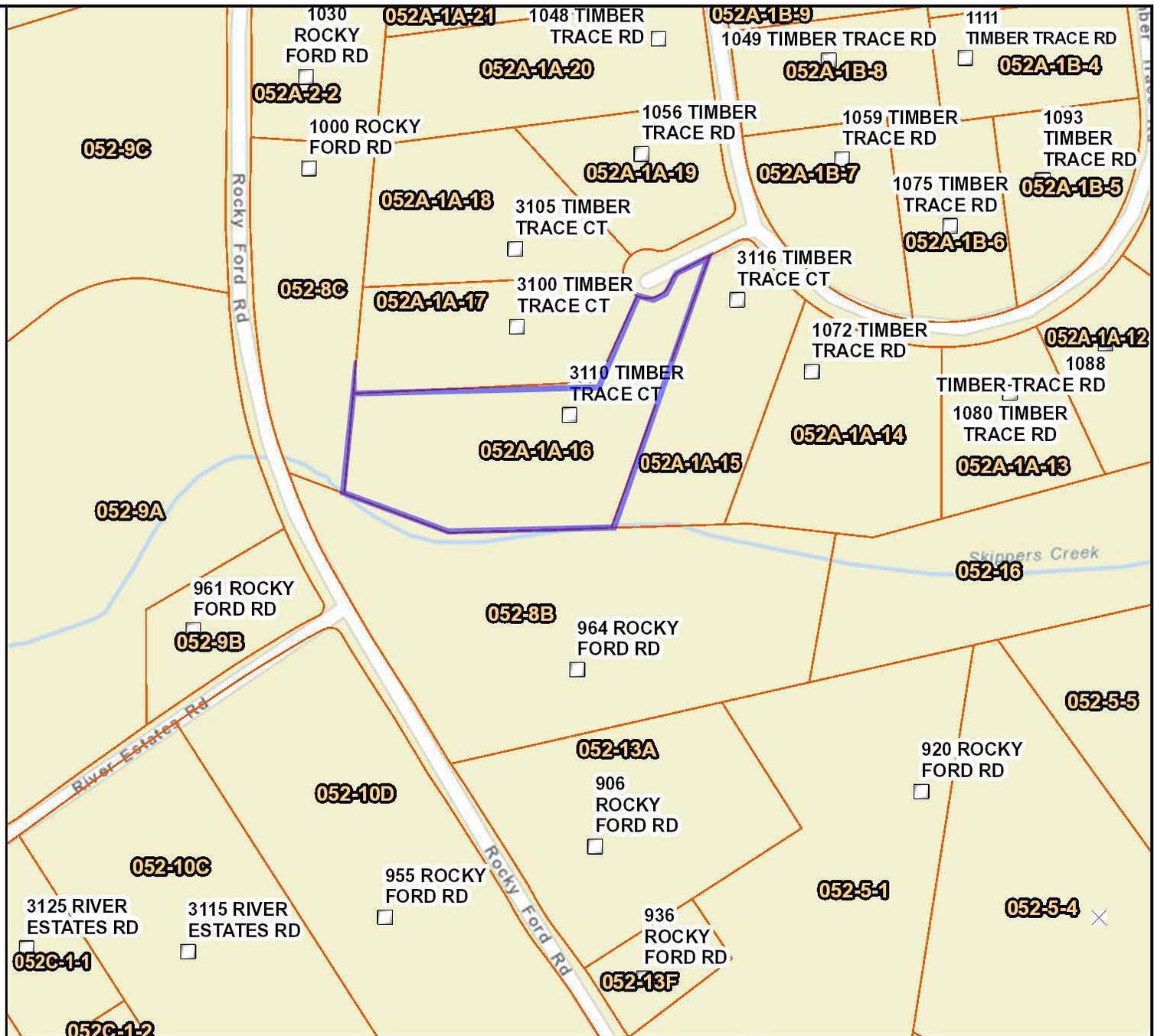
Attachment(s):

1. Vicinity Map
2. Zoning Map
3. Application
4. Site Plan
5. Letter from VDOT, dated September 2, 2016
6. List of Adjacent Property Owners
7. Letter to Adjacent Property Owners
8. Affidavit of Mailing

Powhatan County

Legend

-  County Boundary
-  Places
-  Addresses
-  Parcel ID Labels
-  Parcels



Title: Vicinity Map

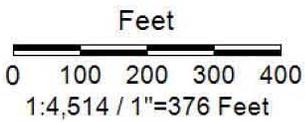
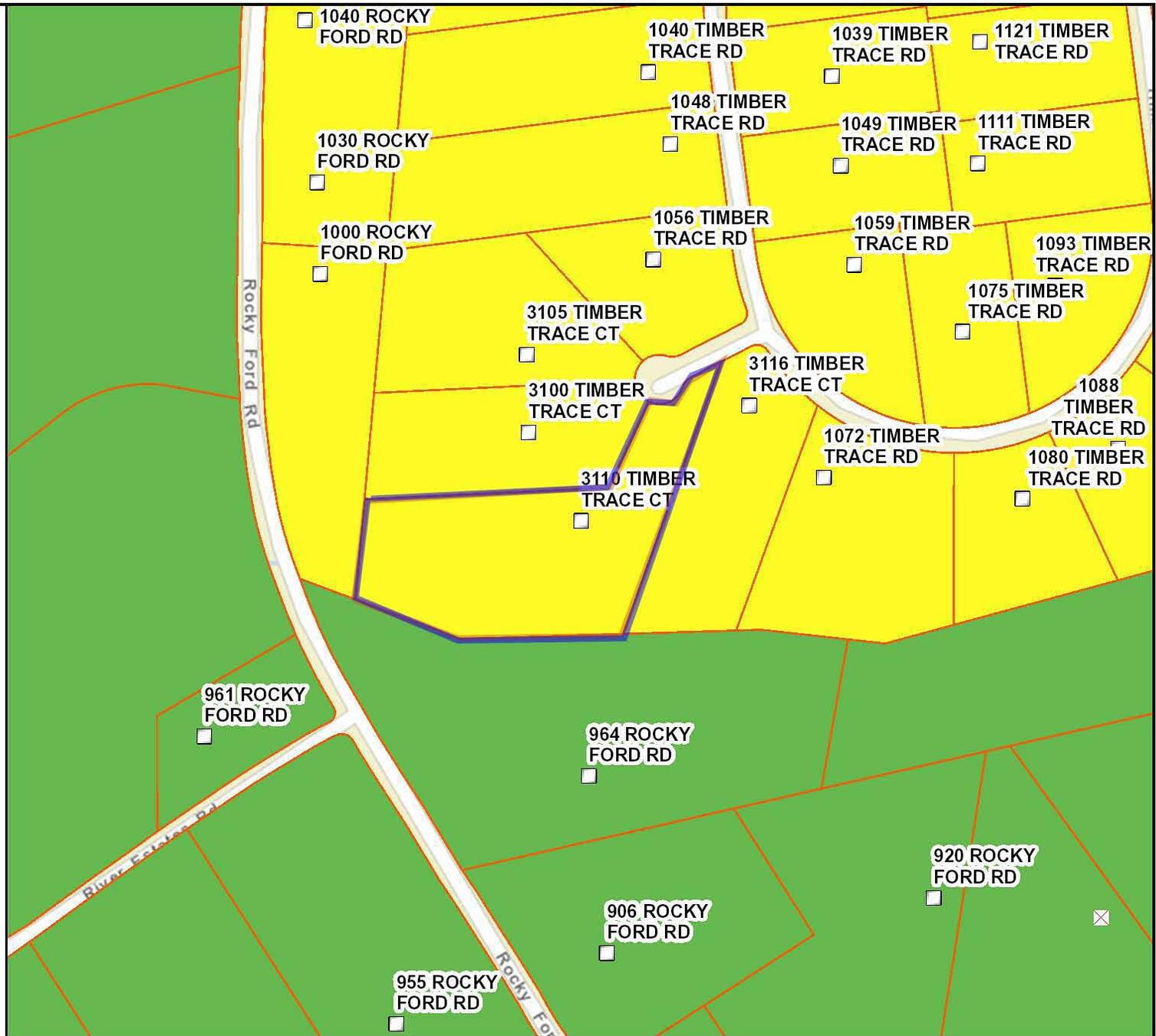
Date: 9/26/2016

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

Powhatan County

Legend

-  County Boundary
-  Places
-  Addresses
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Commercial
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development
-  Village Center



Title: Zoning Map of Area

Date: 9/23/2016

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

**APPLICATION FOR CONDITIONAL USE PERMIT
POWHATAN COUNTY, VIRGINIA**

(NOTE: Please type or print all information)

1. Applicant

NAME: Michael and Karen Thomas

ADDRESS: 3110 Timber Trace Ct
Powhatan, VA 23139

TELEPHONE: 804-598-7460 / cell 314-2788

Is the applicant the: Property Owner () Contract Purchaser ()
Check appropriate designation

Other:

2. Please list all owners, occupants, or parties in interest of the property:

MICHAEL & KAREN THOMAS

3. The property is located at: (please give exact directions, including Route number of your road or street)

3110 TIMBER TRACE COURT
POWHATAN VA

4. The property has a road frontage of 181.37 feet and a depth of 191 feet and consists of 4.387 acres. (Please be exact)

(THIS SECTION TO BE COMPLETED BY COUNTY STAFF)

Case Number 16-04-CUP
Submittal Deadline 8-5-16

PC Meeting 10-4-16
BOS Meeting _____

10. Please list (type or print) all of the individuals, firms, or corporations owning all adjacent properties, including those across the road/street from the property where requested use will be conducted. (Continue on back if necessary). These persons will be notified by mail of this application:

<u>Parcel Number</u>	<u>Name</u>	<u>Address</u>
052A-1A-17	TIM ; MARGURITA WHELAN	3105 TEMBERTRACE CT.
052A-1A-15	FRED HOLSHOUSER	3116 TEMBERTRACE CT.
052-8B	DEBORAH MADISON	964 ROCKY FORD RD.
052-8C	PATRICIA ASPENWALL	1000 ROCKY FORD RD.

11. Additional comments, if any:

STATEMENT FOR VALIDITY OF INFORMATION

Every applicant shall sign the following document to substantiate the validity of submitted information.

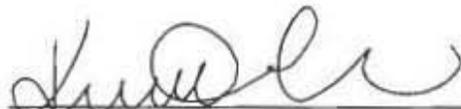
State of Virginia
County of Powhatan to wit:

I, MICHAEL W. THOMAS, declare that I have familiarized myself with the rules and regulation pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

Signed 

Print Name MICHAEL W. THOMAS

Subscribed and sworn to before me this 30 day of JULY, 2016.


Notary Public



OWNERSHIP DISCLOSURE

Both the Code of Virginia and the County Zoning Ordinance allow the County to request full disclosure of ownership in properties subject to this request. To assist us in obtaining this information, please complete this form in full.

Please list below the names and addresses of all owners or parties in interest of the land subject to this request:

NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

NAME

ADDRESS (Include Zip Code)

MICHAEL & KAREN THOMAS 3110 Timber Trace Court Powhatan VA 23139

I, MICHAEL W. THOMAS, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) 052A-1A-16 of tax map number(s) _____ requesting Rezoning, Conditional Use Permit, and Variance/Appeal. **(Please circle one)**

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

[Handwritten Signature]
Signature

STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day July 30, 2016 personally appeared before me, Michael W Thomas Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 30 day of July, 2016

[Handwritten Signature]
Notary Public



LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We

Name _____ Telephone _____

Address _____

being all of the owner(s) of the property described as County tax map numbers:

and authorized to take such action, do hereby make, constitute and appoint:

2. Name _____ Telephone _____

Address _____

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek rezoning, conditional use, or variance, and to set forth and offer such legally acceptable voluntarily proffered conditions including any additions, amendments, modifications or deletions thereto that in his discretion are deemed reasonable, appropriate and necessary except as follows:

3. _____



4. In witness whereof, I/we have hereto set my/our hand and seal this

30th day of July 20 16

Karen Monner

Signature(s)

M. D. W. T. V.

Signature(s)

Signature(s)

Signature(s)

Witnessed by:

Kristina Lynn Shroyer

Witnessed by:

Kristina Lynn Shroyer

NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.

APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, MICHAEL W. THOMAS, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for Conditional Use Permit (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

[Signature]
Applicant's Signature

30 JUL 2016
Date

Subscribed and sworn to before me this 30 day of JULY, 2016.

[Signature]
Notary Public's Signature



Home Design

#29305 the Minter

Like 0

ch Country

- 2x4 Ext Walls

Slab

Save this Plan

Email a Friend

Print this Design

Enlarge Front Elevation

NTS

q. Ft.: 1,991

d Sq. Ft.: 1,991

55'-0" Wide

70'-0" Deep

eight: 23' 0"

ceiling Ht: 9' 0"

FEATURES



This Home's Livability At A Glance:

Livability Features: _____

Who's this?

2016 Dwelling: 1

Exterior Information

Year Built:	1995
Property Type:	Dwelling
Foundation:	Brick
Exterior Siding:	Frame/Masonite
Roofing:	Comp Shg
Roof Style:	Gable
Garage:	Frame
# Of Garage Doors:	2
Pool:	None
# Of Pools:	0

Interior Information

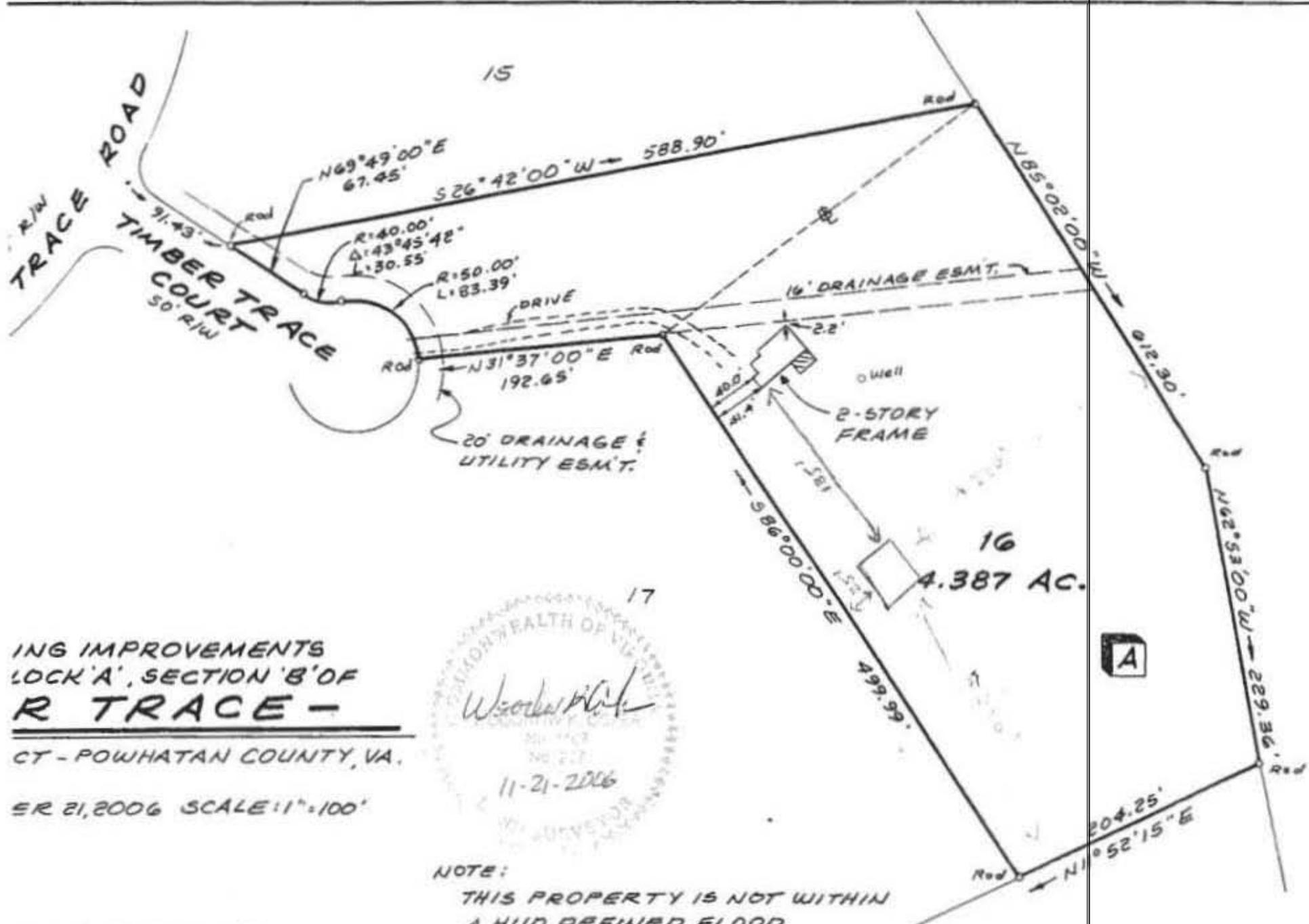
Story height:	2
# of Rooms:	10
# of Bedrooms:	4
Full Bathrooms:	3
Half Bathrooms:	1
Floors:	Wood
Building SqFt:	3,370
Basement SqFt:	0
Finished Basement SqFt:	N/A
Interior Walls:	Drywall
Heating:	Heat Pump
A/C:	Yes

Utilities

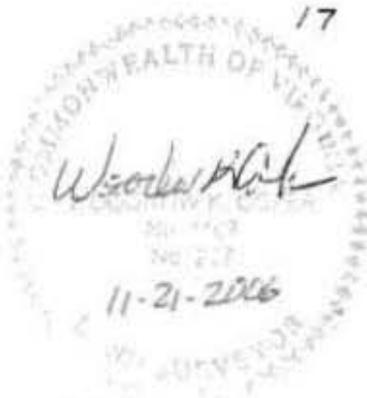
Water:	Well
Sewer:	Septic
Electric:	Yes
Gas:	No
Fuel Type:	Electric

Other Information

Fireplace:	
Stacked Fireplace:	
Flues:	
Metal Flues:	
Stacked Flues:	
Inop. Flues/FP:	



**ING IMPROVEMENTS
LOCK 'A', SECTION 'B' OF
R TRACE -**
CT - POWHATAN COUNTY, VA.
ER 21, 2006 SCALE: 1" = 100'



NOTE:
THIS PROPERTY IS NOT WITHIN
A HUD DEFINED FLOOD
HAZARD ZONE. (ZONE 'C')

DW K. COFER, INC.
D LAND SURVEYOR
TAN, VIRGINIA
) 598-2014



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

RICHMOND DISTRICT
2430 Pine Forest Drive
COLONIAL HEIGHTS, VA 23834
www.VDOT.Virginia.gov

Charles A. Kilpatrick, P.E.
COMMISSIONER

September 2, 2016

David Dameron
Zoning Administrator
Powhatan County Zoning
3834 Old Buckingham Road
Powhatan, Virginia 23139

REFERENCE: **16-04-CUP. Michael and Karen Thomas**
(Powhatan Station/Graceland Electoral District)
Date VDOT Received: **08/15/16**

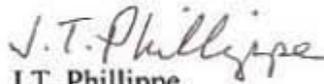
Dear Mr. Dameron:

The Virginia Department of Transportation has reviewed the request submitted for a conditional use permit (CUP) to build an accessory dwelling unit in the Residential 2 Zoning per §83.213(b)(1) of the Powhatan County Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Preservation on the Countywide Land Use Plan Map. The property is located at 3110 Timber Trace Court and is approximately 4.39 acres in size. Reference to Tax Map Parcel #52A-1A-16.

The Virginia Department of Transportation takes no exception to this request for the identified proposed addition of an accessory dwelling unit on this property, assuming now new entrances to the property are involved.

Should you have any questions, or need any additional information, please do not hesitate to contact me at (804) 674-2560, or Brian Lokker at (804) 674-3874.

Sincerely,


J.T. Phillippe
Plan Reviewer
VDOT Richmond District
Central Area Land Use

MADISON DEBORAH L
964 ROCKY FORD RD
POWHATAN, VA 23139

ASPINWALL PATRICIA M
1000 ROCKY FORD RD
POWHATAN, VA 23139

HOLSHOUSER FREDERICK L &
CAROLYN K
3116 TIMBER TRACE CT
POWHATAN, VA 23139

THOMAS MICHAEL W & KAREN B
3110 TIMBER TRACE CT
POWHATAN, VA 23139

WHALEN TIMOTHY J & MARGURITA M
3100 TIMBER TRACE CT
POWHATAN, VA 23139

LAWSON CHRISTOPHER S &
LORI E HOSKINS
3105 TIMBER TRACE COURT
POWHATAN, VA 23139

MORAN BERNARD L & SHARON A
1056 TIMBER TRACE RD
POWHATAN, VA 23139

September 20, 2016

The Powhatan County *Planning Commission*, on **October 4, 2016, at 7:00 p.m.** in the **Powhatan Village Building Auditorium, 3910 Old Buckingham Road**, will hold a public hearing taking under consideration the following:

CONDITIONAL USE PERMIT

16-04-CUP. Michael and Karen Thomas (Powhatan Station/Graceland Electoral District) request a conditional use permit (CUP) to build an accessory dwelling unit in the R-2 Residential Zoning District per §83.213(b)(1) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Preservation on the Countywide Land Use Plan Map. The property is located at 3110 Timber Trace Court and is approximately 4.39 acres in size. Reference Tax Map Parcel #52A-1A-16.

As an adjacent property owner, you are being notified of the request. All Planning Commission meetings are open to the public and you are encouraged to attend on the day and time specified above. Copies of the proposed plans, ordinances, or amendments may be reviewed in the Department of Planning and Community Development in the Powhatan County Administration Building between 8:30 AM and 5:00 PM of each business day. Copies of staff reports are available one week prior to the Public Hearing upon request.

If you have any questions or would like more information on the request, please contact the Planning Department at 598-5621.

Sincerely,

Department of Community Development Staff

AFFIDAVIT

CASE #: 16-04-CUP

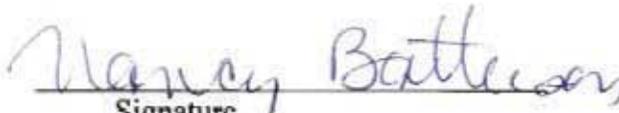
SECTION #: 52A-1A-16

NAME: Michael and Karen Thomas

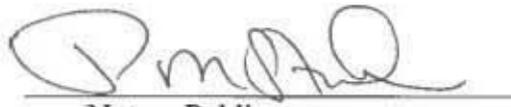
LETTERS MAILED: September 20, 2016

**COMMONWEALTH OF VIRGINIA,
COUNTY OF POWHATAN, to-wit:**

The undersigned affiant, first being duly sworn, states that this affidavit is made pursuant to Va. Code 15.2-2204 to certify that written notice of a pending public hearing on the above case has been sent by first-class mail to the last known address as shown by the current real estates tax assessment books of the owners of each parcel butting and immediately across the street from the affected property.


Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 20th of September, 2016


Notary Public



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INTENTIONALLY**



16-05-CUP, Melissa Cottone

Staff Report prepared for the Planning Commission Public Hearing

This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.

I. PUBLIC HEARINGS:

Planning Commission	October 4, 2016	Public Hearing
Board of Supervisors	October 24, 2016	Public Hearing, Tentative

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request:	Conditional Use Permit to operate a Child Day Care Center	
Existing Zoning:	R-2, Residential District	
Parcel Size:	2.05 acres	
Parcel ID#	38-(7)-4	
Owner:	Phillip & Melissa Cottone	
Location of Property:	4230 Pierce Road	
Electoral District:	4	Powhatan Courthouse/Mt. Zion
2010 Land Use Plan Recommendation:	Rural Residential	
Zoning of Surrounding Property:	North:	A-10
	South:	R-2
	East:	R-2
	West:	R-2

III. EXECUTIVE SUMMARY:

The Applicant, Melissa Cottone, is requesting approval of a Conditional Use Permit (CUP) to operate a child day care center at 4230 Pierce Road. The property is currently zoned R-2, Residential District. A child day care center is listed as a conditional use in the R-2, Residential District and the definition is as follows:

Child Day Care Center – An establishment providing a child day program offered to (i) two or more children under the age of thirteen in a facility that is not the residence of the provider or of any of the children in care or (ii) six or more children at any location.

Per §83-212(7) of the Zoning Ordinance, child day care centers are allowed by Conditional Use Permit (CUP) within the R-2, Residential District provided the use complies with all applicable requirements as listed in the Powhatan County Zoning Ordinance.

The Applicant currently operates as a family day home that provides care for one through five children, a use which is treated as accessory to the residential use of a dwelling unit. Due to the fact the Applicant wishes to care for more than five (5) children, she is required to obtain a CUP.

IV. APPLICABLE CODE SECTIONS:

The provisions of the Zoning Ordinance that are germane to this conditional use request are as follows:

Section 83-212. Conditional uses (R-2 Single Family Residential District)

(7) Child day care center

Section 83-123(F) (4) - Conditional Use Permit Review Standards

A Conditional Use Permit shall be approved if the applicant demonstrates the proposed conditional use:

- a) Is consistent with the purposes, goals, objectives, and policies of the comprehensive plan and other applicable county-adopted plans;
- b) Complies with all applicable zoning district-specific standards in **Articles III through VI**;
- c) Complies with all applicable use-specific standards **Article VII: Use Standards**;
- d) Complies with all applicable development and design standards in **Article VIII: Development Standards**;
- e) Complies with all relevant subdivision and infrastructure standards in **Chapter 68: Subdivisions** of the **Powhatan County Code**;
- f) Is appropriate for its location and is compatible with the general character of surrounding lands and the uses allowed in the zoning district where proposed;

- g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;
- h) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- i) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- j) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- k) Complies with all other relevant county, state and federal laws and standards; and
- l) Is required by the public necessity, convenience, general welfare, or good zoning practice.

Section 83-123(F) (5) - Expiration

A Conditional Use Permit shall expire in accordance with any expiration date or provisions in a condition of its approval. A Conditional Use Permit shall automatically expire if a Building Permit, Site Plan, or other county approval, whichever occurs first, for the development granted by the Conditional Use Permit, is not obtained within two (2) years after the date of approval of the Conditional Use Permit, or if no subsequent county approval is required, the development is not completed and operational within two (2) years.

V. SUBJECT PROPERTY:

The subject property is a 2.05-acre parcel with a gravel driveway that accesses directly onto Pierce Road. The parcel is surrounded on three sides by lots that are zoned R-2, Single Family Residential District. To the north, the property adjoins a lot zoned A-10, Agricultural District. There is a playground in the rear yard of the property which is effectively screened by thick woods on three sides.

VI. LAND USE ANALYSIS:

The Applicant currently operates a family day home, which is a permitted accessory use in the R-2, Single family Residential District and includes from one to five children. The Applicant requires a CUP to care for more than 5 (five) children.

VII. COMPREHENSIVE PLAN ANALYSIS:

The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. This request is generally consistent with the Comprehensive Plan.

VIII. PUBLIC SERVICE ANALYSIS:

Environmental:

Shaun Reynolds (Powhatan County Community Development) has no concerns with this request.

Public Safety:

David Throckmorton (Powhatan County Fire Department) had the following comments regarding this request:

The fire department has reviewed the attached 16-05-CUP. Applicant currently has state and county license and will need to meet regulations required for the business growth. The fire department requires the facility address be clearly marked at the driveway entrance from the state road and on the dwelling if more than one structure exist on the property.

Virginia Department of Health:

Richard Michniak (VDH) had no comments on this request.

Transportation:

The Virginia Department of Transportation takes no exception to this request as the existing driveway appears to be adequate for residential use and the incidental addition of a low intensity child daycare.

Public Utilities:

Johnny Melis (Powhatan Utilities/General Services) stated that the parcel is outside of the County's Water and Wastewater Service District.

Building Department:

Ralph Shelton (Powhatan Building Department) had no comments on this request.

Other County Departments:

No comments were received from other agencies or County Departments.

IX. APPLICANT'S POSTIONS:

The applicant's justification for the proposed request is contained in the application.

X. STAFF RECOMMENDATION:

In accordance with public necessity, convenience, general welfare and good zoning practice, Staff recommends adoption of the following conditions by the Planning Commission if the request submitted by Melissa Cottone to operate a child day care center at 4230 Pierce Road is approved:

1. The Applicant shall consent to annual administrative inspections by Planning Department Staff for compliance with the requirements of this CUP.
2. The Applicant shall sign the list of the adopted conditions for this CUP signifying acceptance and intent to comply with these conditions.
3. Failure to comply with the conditions of this CUP may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present this CUP to the Board of Supervisors for revocation if the NOV is not resolved as directed. Upon issuance of a third NOV of the permit, and failure of the permit holder to appeal to the Board of Zoning Appeals, the Zoning Administrator shall present the CUP to the Board of Supervisors for revocation.
4. The conditional use permit for a child day care center is issued for a maximum of twelve (12) children as licensed by the Virginia Department of Social Services. Any physical expansion of the facility either beyond the current building or for more than twelve (12) children will require a new or amended conditional use permit.
5. The child day care center shall be properly certified and licensed by the Virginia Department of Social Services and any suspension or revocation of said license by that agency will make this conditional use permit null and void.
6. The child day care center will open no earlier than 6:00 a.m. and close no later than 6:00 p.m. Monday through Friday. The child day care center will not operate on Saturday or Sunday. Outdoor play areas shall be limited to the fenced rear yard, and existing fencing and gates shall be maintained.
7. The property address number needs to be clearly marked at the driveway entrance from Pierce Road. Address numbers shall be maintained throughout the life of the CUP.
8. All activities associated with this CUP shall be in compliance with all State and Federal laws. The site shall fully comply with all applicable provisions of Section 83-212 of the Powhatan County Zoning Ordinance throughout the life of this CUP.
9. This conditional use permit (CUP) shall be issued to Melissa Cottone to operate a child day care center on the lot.

XI. PROPOSED RESOLUTION:

In accordance with Section 83-123(F)(4), of the Powhatan Zoning Ordinance, and public necessity, convenience, general welfare and good zoning practice, the Planning Commission (*approves / denies / defers*) of the request submitted by Melissa Cottone to operate a child day care center on the property subject to the conditions presented above.

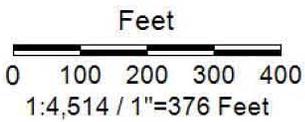
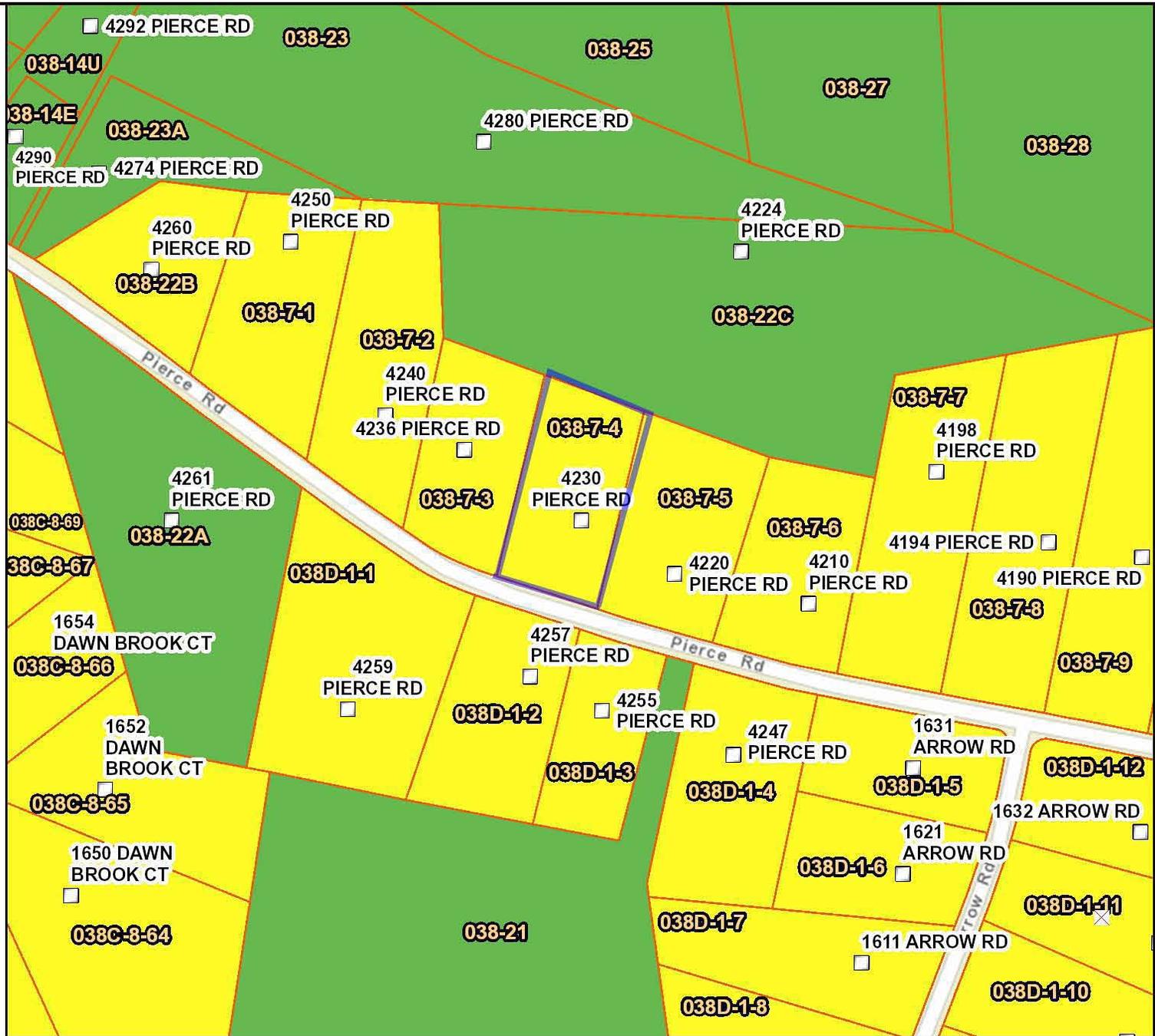
Attachment(s):

1. Vicinity Map
2. Zoning Map
3. Application
4. Site Plan
5. Letter from VDOT, dated September 2, 2016
6. List of Adjacent Property Owners
7. Letter to Adjacent Property Owners
8. Affidavit of Mailing

Powhatan County

Legend

-  County Boundary
-  Places
-  Addresses
-  Parcel ID Labels
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Commercial
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development
-  Village Center



Title: Zoning Map of Area

Date: 9/23/2016

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.



Case Number

16-05-CUP

Submittal Deadline

8/5/16

PC Meeting

10/4/16

BOS Meeting

APPLICATION FOR CONDITIONAL USE PERMIT
POWHATAN COUNTY, VIRGINIA

(NOTE: Please type or print all information)

1. Applicant

NAME: Melissa Cottone

ADDRESS: 4230 Pierce Rd
Powhatan, Va 23139

TELEPHONE: 804-677-7491

Is the applicant the: Property Owner (X) Contract Purchaser ()
Check appropriate designation

Other:

2. Please list all owners, occupants, or parties in interest of the property:

Phillip Cottone

3. The property is located at: (please give exact directions and include the Route number of your road or street)

Route 13 west, turn left onto Route 609,
turn left onto Pierce Road Route 718
go 1 mile house on left.

4. The property has a road frontage of ___ feet and a depth of ___ and consists of 2.05 acres. (Please be exact)

5. Parcel number 038-7-4 on Powhatan Real Estate Tax Map Number.

Current Zoning Residential

6. Adjoining Property:

<u>Direction</u>	<u>Use</u>	<u>Zoning</u>
North	<u>Home</u>	<u>Residential</u>
East	<u>Home</u>	<u>Residential</u>
South	<u>Home</u>	<u>Residential</u>
West	<u>Home</u>	<u>Residential</u>

7. Describe the proposed use in detail, including the reason for this request for a Conditional Use.

State licensed home daycare requesting to
expand/increase number of children from 5
to max of 12. Currently licensed through
county & state.

8. State how the proposed use will not be detrimental to adjacent property, the surrounding neighborhood or the County in general. Include where applicable, information on the proposed uses effect on public roads, its hours of operation, etc.

The proposed use will benefit county residents & families by providing An additional home based daycare option by increasing the number of children that can attend above the current 5 child limit. All surrounding properties have

A range of 2+ to 10+ Acres And Are buffeted by trees. Impact to roads will be little to none as most who attend Melissa's Daycare live in the neighborhood & have to drive past this daycare to go to work & home.

Current hours of operation is 7:00 am to 6:00 pm.

9. Attach a detailed site plan using a copy of the recorded plat for the property showing all proposed and/or existing structures, parking areas, outdoor storage areas, etc., including measurements from such structures and activity areas to all property lines.

10. Please list (type or print) of all of the individuals, firms, or corporations owning property adjacent on both sides, rear and in front of (also across street from) the property where requested use will be conducted. (Continue on back if necessary). These people will be notified by mail of this application:

Parcel Number

Name

Address

Charles + Melena Homburger - 42360 Pierce Rd

Peter + Camille McAteer - ~~4274~~⁴²²⁴ Pierce Rd

Mary Wilburn - 4270 Pierce Rd

Paul + Audrey Nize - 4257 Pierce Rd

Dayna + Kristen Jamerson - 4255 Pierce Rd

11. Additional comments



STATEMENT FOR VALIDITY OF INFORMATION

Every applicant shall sign the following document to substantiate the validity of submitted information.

State of Virginia
County of Powhatan to wit:

I, Melissa Cottone, declare that I have familiarized myself with the rules and regulation pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

Signed Melissa Cottone

Print Name Melissa Cottone

Subscribed and sworn to before me this 5th day of August, 2016.

Kelly Grubbs
Notary Public



OWNERSHIP DISCLOSURE

Both the Code of Virginia and the County Zoning Ordinance allow the County to request full disclosure of ownership in properties subject to this request. To assist us in obtaining this information, please complete this form in full.

Please list below the names and addresses of all owners or parties in interest of the land subject to this request:

NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

NAME

ADDRESS (Include Zip Code)

Charles + Helene Hamburger	4236 Pierce Rd, Pow, VA 23139
Peter + Camille McAteer	4224 Pierce Rd, Pow, VA 23139
Mary Wilburn	4220 Pierce Rd, Pow, VA 23139
Paul + Audrey Nice	4257 Pierce Rd, Pow, VA 23139
Daylax + Kristen Jamerson	4255 Pierce Rd, Pow, VA 23139

I, Melissa Cottone, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) _____ of tax map number(s) _____ requesting Rezoning, Conditional Use Permit, and Variance/Appeal. **(Please circle one)**

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

Melissa Cottone
Signature

STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day August 5, 2016 personally appeared before me, Melissa Cottone, a Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Ownership Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 5th day of August, 20 16.

Kelly Embler
Notary Public



4. In witness whereof, I/we have hereto set my/our hand and seal this

___ day of _____ 20__.

Signature(s)

Signature(s)

Signature(s)

Signature(s)

Witnessed
by: _____

Witnessed
by: _____

NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.

APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, Melissa Cottone, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for 4230 Pierre Rd (Specify type of request – rezoning, conditional use permit, private road, variance, etc.).

Melissa Cottone
Applicant's Signature

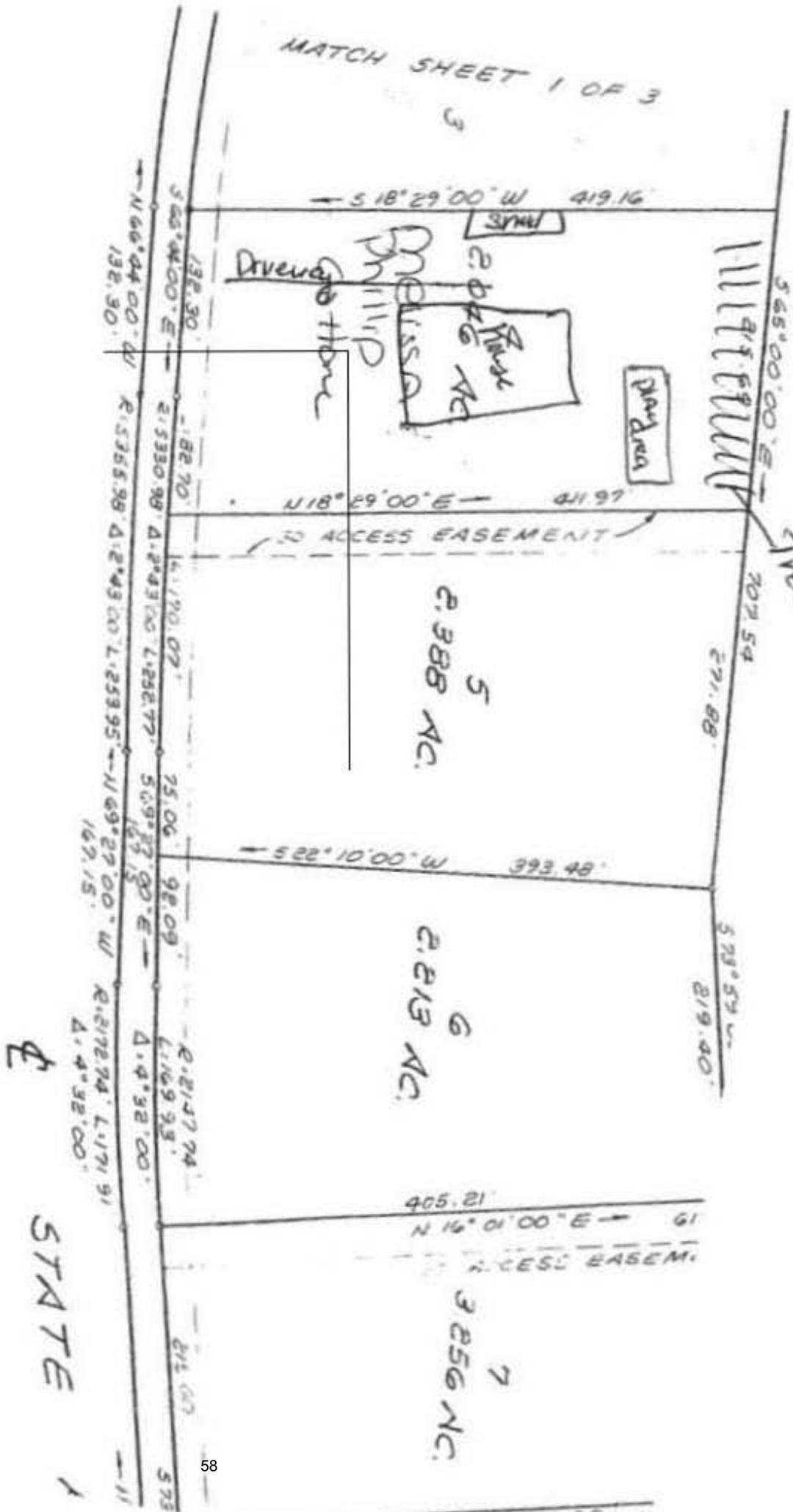
8/5/16
Date

Subscribed and sworn to before me this 5th day of August, 2016.

Kelly Pembro
Notary Public's Signature



MATCH SHEET 1 OF 3





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

RICHMOND DISTRICT
2430 Pine Forest Drive
COLONIAL HEIGHTS, VA 23834
www.VDOT.Virginia.gov

Charles A. Kilpatrick, P.E.
COMMISSIONER

September 2, 2016

David Dameron
Zoning Administrator
Powhatan County Zoning
3834 Old Buckingham Road
Powhatan, Virginia 23139

REFERENCE: **16-05-CUP. Melissa Cottrone**
(Powhatan Courthouse/Mt. Zion Electoral District)
Date VDOT Received: 08/15/16

Dear Mr. Dameron:

The Virginia Department of Transportation has reviewed the request submitted for a conditional use permit (CUP) to operate a child day care center in the Residential 2 Zoning per §83.212(7) of the Powhatan County Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The property is located at 4230 Pierce Road and is approximately 2.05 acres in size. Reference to Tax Map Parcel #38-7-4.

The Virginia Department of Transportation takes no exception to this request for the identified operation of a child daycare on this property. The existing entrance appears to be adequate for residential use and the incidental addition of low intensity child daycare.

Should you have any questions, or need any additional information, please do not hesitate to contact me at (804) 674-2560, or Brian Lokker at (804) 674-3874.

Sincerely,

A handwritten signature in cursive script that reads "J.T. Phillippe".

J.T. Phillippe
Plan Reviewer
VDOT Richmond District
Central Area Land Use

MCATEER PETER J JR & CAMILLE M
4224 PIERCE ROAD
POWHATAN, VA 23139

HOMBURGER CHARLES & HELENA
4236 PIERCE RD
POWHATAN, VA 23139

COTTONE PHILLIP A & MELISSA A
4230 PIERCE RD
POWHATAN, VA 23139

WILBURN MARY T
4220 PIERCE RD
POWHATAN, VA 23139

ALLEN ROBERT W & BETTY T
4259 PIERCE RD
POWHATAN, VA 23139

NICE PAUL H & AUDREY KATE H
4257 PIERCE RD
POWHATAN, VA 23139

JAMERSON DOUGLAS ROBERT &
KRISTEN ANN JAMERSON
4255 PIERCE RD
POWHATAN, VA 23139

September 20, 2016

The Powhatan County *Planning Commission*, on **October 4, 2016, at 7:00 p.m.** in the **Powhatan Village Building Auditorium, 3910 Old Buckingham Road**, will hold a public hearing taking under consideration the following:

CONDITIONAL USE PERMIT

16-05-CUP. Melissa Cottone (Powhatan Courthouse/Mt. Zion Electoral District) requests a conditional use permit (CUP) to operate a child day care center in the R-2 Residential Zoning District per §83.212(7) of the Zoning Ordinance. The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The property is located at 4230 Pierce Road and is approximately 2.05 acres in size. Reference Tax Map Parcel #38-7-4.

As an adjacent property owner, you are being notified of the request. All Planning Commission meetings are open to the public and you are encouraged to attend on the day and time specified above. Copies of the proposed plans, ordinances, or amendments may be reviewed in the Department of Planning and Community Development in the Powhatan County Administration Building between 8:30 AM and 5:00 PM of each business day. Copies of staff reports are available one week prior to the Public Hearing upon request.

If you have any questions or would like more information on the request, please contact the Planning Department at 598-5621.

Sincerely,

Department of Community Development Staff

AFFIDAVIT

CASE #: 16-05-CUP

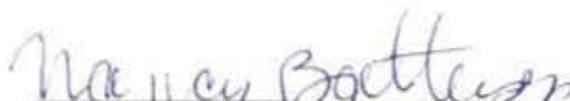
SECTION #: 38-7-4

NAME: Melissa Cottone

LETTERS MAILED: September 20, 2016

**COMMONWEALTH OF VIRGINIA,
COUNTY OF POWHATAN, to-wit:**

The undersigned affiant, first being duly sworn, states that this affidavit is made pursuant to Va. Code 15.2-2204 to certify that written notice of a pending public hearing on the above case has been sent by first-class mail to the last known address as shown by the current real estates tax assessment books of the owners of each parcel butting and immediately across the street from the affected property.


Signature

Sworn and subscribed to before me a Notary Public in and for the jurisdiction aforesaid this day 20th of September, 2016.


Notary Public





16-06-AZ – County of Powhatan Section 83-352, Conditional Uses, in R-U District

Staff Report prepared for the Planning Commission Public Hearing

This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.

I. PUBLIC HEARINGS

Planning Commission	September 6, 2016	Deferred by Commission
Planning Commission	October 4, 2016	Public Hearing
Board of Supervisors	October 24, 2016	Public Hearing - Tentative

II. SUMMARY OF AMENDMENT

An Ordinance amending and reenacting provisions contained in Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance. The ordinance adds “conference or training facilities” and “hotel or motel” as a conditional use.

The County has been approached by the ownership group at Independence Golf Course about expanding the amenities, events, and uses offered on site. The ownership group wants to expand the offerings beyond golf related activities in an effort to diversify the property so that it is not solely dependent on golf related activities. County staff requested the ownership group provide the County with a list of all of activities that they could envision for the property. The majority of the list was events that could be held on the property without an amendment to the zoning or the issuance of a CUP. After staff reviewed and discussed the remaining items it determined that those items could occur as two uses – a conference center and a hotel. Given the residential use of the area surrounding the golf course, staff has proposed to add the two uses as conditional uses to the R-U District. This will allow the Planning Commission and the Board of Supervisors to review any request and place conditions on the operation based on the specific nature of the request and its location. While the R-U District is a Transition District, staff felt it appropriate to amend the zoning district instead of the ownership group requesting a rezoning of the golf course property to Village Residential, as recommended by the Comprehensive Plan, which would have resulted in having to amend the zoning district to allow for the golf course and the two uses that are the subject of the proposed request.

The proposed amendment was discussed with the Board of Supervisors at the August 15, 2016 workshop.

III. STAFF RECOMMENDATION:

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance.

VI. PLANNING COMMISSION RESOLUTION:

In accordance with Section 83-123(b), of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by the County of Powhatan to amend and re-enact provisions contained Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance.

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-06-AZ)

An Ordinance amending and reenacting provisions contained in Section 83-352, Conditional Uses, in the Residential-Utility (R-U) District, of Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-352, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE V – TRANSITION BASE DISTRICTS

Sec. 83-350 - Residential Utility (R-U) District.

Sec. 83-351. – Permitted uses.

- .
- .
- .

Sec. 83-352. - Conditional uses.

The following uses are allowable as principal uses in the R-U District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Dwelling, manufactured home;
- (2) Dwelling, multifamily;
- (3) Dwelling, three- or four-family;
- (4) Dwelling, townhouse;
- (5) Museum;
- (6) Adult day care center;
- (7) Child day care center;
- (8) College or university;
- (9) Private school;
- (10) Vocational or trade school;
- (11) Government administrative offices;
- (12) Law enforcement facility;
- (13) Post office;
- (14) Hospital;
- (15) Massage clinic;
- (16) Medical or dental clinic;

- (17) Public square or plaza;
- (18) Club or lodge;
- (19) Place of worship;
- (20) Professional offices;
- (21) Country club;
- (22) Golf course;
- (23) Recreation facility, nonprofit;
- ~~(24)~~ Recreation facility, public;
- ~~(25)~~ Conference or training center;
- ~~(24)~~(26) Hotel.

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON MONTH DAY, 2016.

**William E. Melton, Chairman
Powhatan County Board of Supervisors**

ATTEST:

**Patricia Weiler, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Angela Y. Cabell _____
William E. Melton _____
Carson L. Tucker _____



16-07-AZ – County of Powhatan Section 83-362, Conditional Uses, in R-C District

Staff Report prepared for the Planning Commission Public Hearing

This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.

I. PUBLIC HEARINGS

Planning Commission	September 6, 2016	Deferred by Commission
Planning Commission	October 4, 2016	Public Hearing
Board of Supervisors	October 24, 2016	Public Hearing - Tentative

II. SUMMARY OF AMENDMENT

An Ordinance amending and reenacting provisions contained in Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base Districts, of the Zoning Ordinance. The ordinance adds “manufacturing, assembly, or fabrication, light” as a conditional use. The zoning ordinance defines “manufacturing, assembly, or fabrication, light” as:

“an establishment primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. This use type does not include other manufacturing uses specifically listed in the principal use tables. Examples include, but are not limited to: computer design and development; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.)”

By definition, the proposed amendment would allow for the location and expansion of businesses that assemble or produce products within an enclosed building, and that from a

production standpoint do not have an adverse effect on the environment surrounding the location of business. The amendment would allow local businesses that would like to expand beyond sales into the assembly of products from pre-manufactured parts, the opportunity to pursue the expansion. Under the current provisions of the R-C district the business cannot expand and will have to find a new location either in the County or outside of the County. The proposed amendment will allow the business to apply for a conditional use permit for consideration by the Planning Commission and the Board of Supervisors.

The Planning Commission and the Board of Supervisors then would have the opportunity to review proposed projects and create conditions to address concerns/issues based on the factors associated with the case – location, type of use proposed, etc.

The proposed amendment was discussed with the Board of Supervisors at the August 15, 2016 workshop.

III. STAFF RECOMMENDATION:

The staff recommends approval of the proposed amendment to amend and re-enact provisions contained in Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base Districts, of the Zoning Ordinance.

VI. PLANNING COMMISSION RESOLUTION:

In accordance with Section 83-123(b), of the Powhatan Zoning Ordinance, and in accordance public necessity, convenience, general welfare and good zoning practice, the Planning Commission recommends (*approval / denial / deferral*) of the request submitted by the County of Powhatan to amend and re-enact provisions contained Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base Districts, of the Zoning Ordinance.

Attachment(s):

1. Copy of the Proposed Zoning Ordinance Amendment (16-07-AZ)

An Ordinance amending and reenacting provisions contained in Section 83-362, Conditional Uses, in the Residential-Commercial (R-C) District, of Article V, Transition Base Districts, of the Zoning Ordinance of the County of Powhatan.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF POWHATAN that Section 83-362, of the Zoning Ordinance of the County of Powhatan, is amended and reenacted as follows:

ARTICLE V – TRANSITION BASE DISTRICTS

Sec. 83-360. - Residential-Commercial (R-C) District.

Sec. 83-361. - Permitted uses.

- .
- .
- .

Sec. 83-362. - Conditional uses.

The following uses are allowable as principal uses in the R-C District only on approval of a conditional use permit and subject to any referenced use-specific standards and all other applicable regulations of this chapter:

- (1) Dwelling, duplex;
- (2) Dwelling, live/work;
- (3) Dwelling, multifamily;
- (4) Dwelling, townhouse;
- (5) Assisted living facility;
- (6) Continuing care retirement community;
- (7) Hospice facility;
- (8) Rooming or boarding house;
- (9) Nursing home;
- (10) Cemetery;
- (11) Public square or plaza;
- (12) Club or lodge;
- (13) Halfway house;
- (14) Homeless shelter;

- (15) Place of worship;
- (16) Shelter for victims of domestic abuse;
- (17) Utility use, major;
- (18) Kennel, commercial;
- (19) Bar or lounge;
- (20) Nightclub;
- (21) Recreation facility, commercial outdoor;
- (22) Self-service storage facility;
- (23) Automotive painting or body shop;
- (24) Automotive repair and servicing;
- (25) Automotive wrecker service;
- (26) Car wash or auto detailing;
- (27) Parking lot or parking structure (as a principal use);
- (28) Taxi or limousine service facility;
- (29) Tire sales and mounting;
- (30) Hotel or motel;
- (31) Recycling drop-off center;
- (32) Home based business-;
- (32)(33) Manufacturing, assembly, or fabrication, light.

In all other respects said Zoning Ordinance of the County of Powhatan shall remain unchanged and be in full force and effect.

APPROVED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON MONTH DAY, 2016.

**William E. Melton, Chairman
Powhatan County Board of Supervisors**

ATTEST:

**Patricia Weiler, Clerk
Powhatan County Board of Supervisors**

Recorded Vote:

David T. Williams _____
Larry J. Nordvig _____
Angela Y. Cabell _____
William E. Melton _____
Carson L. Tucker _____

DRAFT

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16-02-PR, Craig & Lois Starr (Owner) Woody Cofer (Applicant)

Staff Report prepared for the Planning Commission

This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist in making an informed decision on this matter.

I. PUBLIC HEARINGS:

Planning Commission October 4, 2016 Action Item

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request:	Private Road approval to serve two lots.	
Existing Zoning:	A-10, Agricultural	
Parcel Size:	10.5 & 3.0 acres	
Parcel ID#	38-13A & 38-13B	
Owner:	Craig E. & Lois D. Starr	
Location of Property:	Pierce Road	
Electoral District:	4 Powhatan Courthouse/Mt. Zion	
2010 Land Use Plan Recommendation:	Rural Residential	
Zoning of Surrounding Property:	North:	A-10 - Agricultural
	South:	A-10 - Agricultural
	East:	A-10 - Agricultural
	West:	A-10 - Agricultural

III. EXECUTIVE SUMMARY:

The Applicant, Woody Cofer, is requesting approval to construct a two (2) lot private road in the A-10 Agricultural District per §6.2-2.2 & §6.2-3.0 of the Subdivision Ordinance.

Mr. and Mrs. Starr own two parcels of land approximately 10.5 and 3.0 acres in size referenced to Tax Map Parcels 38-13A and 38-13B respectively. The properties are located on the north side of Pierce Road (Rt. 718) approximately 1/4 mile east of Giles Bridge Road (Route 609).

The owner's 10.5-acre parcel referenced as Tax Map Parcel 38-13A has a 30-foot-wide strip of land that has state road frontage on Pierce Road. The 3.0-acre parcel reference as Tax Max Parcel 38-13B does not have recorded access to a state road. The owners would like to grant a 30-foot-wide access and utility easement to the 3-acre parcel as shown on the proposed plat dated August 3, 2016, prepared by Woodow K. Cofer.

The private road is required to be constructed to the two (2)-lot residential driveway standard. Per §6.4-3.4 of the Powhatan County Subdivision Ordinance the driveway will have at least a ten (10) foot gravel width, a two (2) foot cleared buffer on either side, and a minimum vertical clearance of twelve (12) feet. Per §6.2-5.8, a road maintenance agreement will be signed by all parties involved and shall be established and recorded on the deed and title of the newly created lot.

IV. APPLICABLE CODE SECTIONS:

The provisions of the Subdivision Ordinance that are germane to this private road request are as follows:

6.2-2.0 Eligibility Criteria for Private Roads – The Planning Commission may approve any private road under the following circumstances:

- A. No lot of a subdivision to be served by such road shall be less than ten (10) acres in land area; or
- B. A subdivision contains only two (2) lots and such private road serves only the lots in such subdivision; each lot is not less than two (2) acres in land areas; and is the sole and direct means of access to a road in the state highway system.

6.2-3.0 Additional Eligibility Criteria for Private Roads – In addition to the provisions of Article 6.2-2.0, the Planning Commission may approve a subdivision served by one or more private roads in any case in which the subdivider, in accordance with Article 6.2-7.0 of this chapter demonstrates to the reasonable satisfaction of the Planning Commission that:

- A. Approval of such roads will alleviate a clearly demonstrable danger of significant degradation to the environment of the site or adjacent properties which would be occasioned by the construction of public roads; or
- B. For a specific, identifiable reason, the general public interest, as opposed to the propriety interest of the subdivider, would be better served by the construction of such roads than by the construction of public roads. In the case of any such approval, the Planning

Commission may require such assurances from the subdivider in a form acceptable to the County Attorney as it may determine to be necessary to protect the public interest with respect to such roads.

- C. In the case of any such approval, the Planning Commission may require such assurances or performance guarantees from the subdivider in a form acceptable to the County Attorney as it may determine to be necessary to protect the public interest with respect to such roads. Such assurances shall be held by the County for a period of one (1) year from the completion of the private road construction for maintenance purposes, including but not limited to road surface integrity and soil stabilization.
- D. A private road shall be deemed completed when Planning Staff has received all required documents from the Applicant's licensed professional engineer certifying compliance with 6.2-5.0 and any other requirements of Article 6.

V. SUBJECT PROPERTY:

The subject properties are 10.5 and 3.0 acres in size and are referenced to Tax Map Parcel 38-13A and 38-13B. The properties are located on the north side of Pierce Road (Rt. 718) approximately 1/4 mile east of Giles Bridge Road (Route 609). The properties are zoned Agricultural-10 (A-10) and are bordered to the north, south, east, and west by Agricultural – 10 (A-10) zoned parcels.

VI. LAND USE ANALYSIS:

The current and proposed use of the property for single-family dwellings is permitted in the A-10 zoning district. The development of a two (2) lot private road is permitted by the provisions of the County's Subdivision Ordinance.

VII. COMPREHENSIVE PLAN ANALYSIS:

The 2010 Long-Range Comprehensive Plan designates the subject property as Rural Residential on the Countywide Land Use Plan Map. The Plan does speak to residential development in the Rural Preservation designation in that it should be accommodated on lots of five (5) acres or more or on smaller lots in conservation subdivisions. The Applicant's request to create a two lot private road is generally consistent with the 2010 Long-Range Comprehensive Plan.

VIII. PUBLIC SERVICE ANALYSIS:

The reviewing agencies made no adverse comments on this request.

IX. STAFF RECOMMENDATION:

The Applicant's request complies with the provisions of both the zoning and subdivision ordinances, therefore in accordance with public necessity, convenience, general welfare

and good zoning practice, staff recommends approval of the request submitted by Craig and Lois Starr to construct a two (2) lot private road subject to the following conditions:

1. The design and construction of the road shall be in compliance with all applicable provisions of the Subdivision Ordinance. In this case the road will be constructed at a minimum to the two-lot residential driveway standard having ten (10) foot wide gravel road surface, a two (2) foot cleared buffer on each side, and a minimum vertical clearance of twelve (12) feet. (Staff)
2. This is a private road and there will be no public maintenance of it now or in the future. This requirement is specifically noted in Section 6.2-5.8 of the Subdivision Ordinance as attached. (Staff)
3. The deed and plat of each lot on the road shall carry a restrictive covenant specifying that the road will be private and that there will be no responsibility imposed on Powhatan County and/or the Virginia Department of Transportation to construct, maintain or repair the private road. (Staff)
4. A road maintenance agreement signed by the parties involved shall be established and recorded with the title of the new lots. This maintenance agreement shall include a statement stating that the maintenance of drainage easements beyond the public road right-of-way shall be the responsibility of the property owners. (Staff)
5. If necessary, detailed road construction plans shall be submitted to the County showing road design, topography and drainage. (Staff)
The Applicant shall obtain a Land Disturbance Permit from the County before construction of the private road. (Staff)
6. The Applicant shall conform to §83.471 of the Powhatan County Zoning Ordinance with regards to buffers and setbacks associated with streams and wetlands. (Staff)
7. Secondary driveway culverts will need to be designed for any driveways that are crossing swales and streams. The crossing of any streams shall be at a right angle. (Staff)
8. Prior to the issuance of a Powhatan County Land Disturbance Permit, the Applicant shall obtain any necessary permits from USACE and/or DEQ for impacts to wetlands and streams associated with the construction of the road. Copies of the documents granting permission for impacts and a map showing locations of allowable impacts shall also be submitted to the County prior to permit issuance. (Staff)
9. Septic systems are to be placed outside the stream buffers. (Staff)
10. The plat shall show all surface water bodies and their buffers per county classification. (Staff)
11. The HUD floodplain shall be shown on all lots, if applicable. Houses constructed on lots within a HUD floodplain shall be located outside of the floodplain horizontally 10 feet and vertically 1 foot. (Staff)

12. The address numbers for these dwellings need to be a minimum of four (4) inches in height, reflective and located in two (2) locations. The address numbers need to be located where the private road meets the state road and needs to be highly visible from both directions. The address numbers also need to be located where the dwellings' driveway meets the private road so each dwelling site can be quickly identified in an emergency. (Fire)
13. The owner/developer must retain the services of an Authorized Onsite Soil Evaluator (AOSE) to provide adequate information to the Powhatan Health Department to determine if the lot contains suitable primary and reserve areas for septic systems and sites for private wells. Lot-specific soil information and a home site planning plat are to be submitted and approved by the Health Department. (Staff)
14. The connection of the proposed private road onto Pierce Road (State Route 718) shall meet the requirements of a private entrance (PE-1). (VDOT)
15. The issuance of a VDOT Land Use Permit is required prior to any construction activity within the right-of-way limits of State Route 718. A Land Use Permit may be obtained when construction plans are approved. (Staff)
16. Prior to the approval of a plat for the lots served by the road, a licensed surveyor shall certify and provide documentation to the Planning Department that the private road meets the construction standards of the Powhatan County Subdivision Ordinance. As an alternative, the Applicant(s) may furnish the County assurances or performance guarantees for the road's construction cost along with a letter establishing the proposed construction schedule. Such assurances shall be held by the County for a period of one (1) year from the completion of the private road for maintenance purposes, including but not limited to road surface integrity and soil stabilization. No building permits shall be issued prior to private road completion. (Staff)

X. PROPOSED RESOLUTION:

In accordance with Sections 6.2-2.0 & 6.2-3.0, of the Powhatan County Subdivision Ordinance, and public necessity, convenience, general welfare and good zoning practice, the Planning Commission (*approves / denies / defers*) of the request submitted by Woody Cofer to construct a two (2) lot private road subject to the conditions presented above.

Attachment(s):

1. Subject Property Map of the General Area of Proposal
2. Zoning Map of Area
3. Application for Private Road approval
4. Proposed Plat

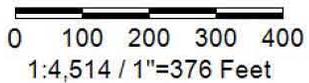
Powhatan County

Legend

-  County Boundary
-  Places
-  Addresses
-  Parcels



Feet



Title: 16-02-PR Starr Subject Property

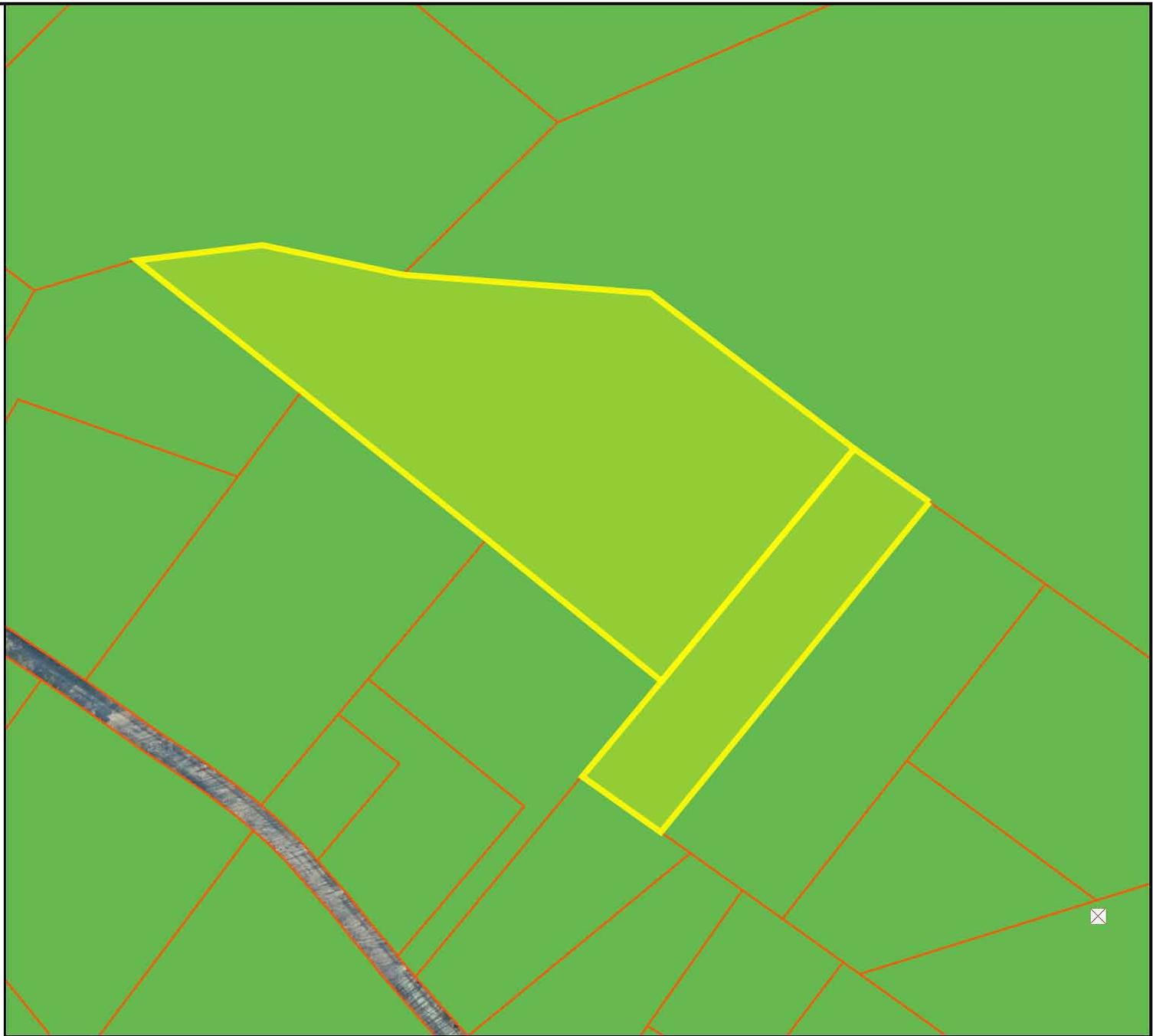
Date: 9/22/2016

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

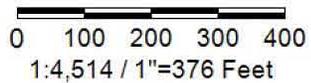
Powhatan County

Legend

-  County Boundary
-  Places
-  Parcels
- Zoning**
-  Agriculture A-10
-  Agricultural/Animal Confinement
-  Commercial
-  Courthouse Square Center
-  Industrial - 1
-  Industrial - 2
-  Mining
-  Office
-  Residential - 2
-  Rural Residential 5
-  Residential Commercial
-  Residential Utility
-  Rural Residential
-  Village Center Planned Development
-  Village Center



Feet



Title: 16-02-PR Starr Zoning Map

Date: 9/22/2016

DISCLAIMER: ALL INFORMATION DEPICTED ON THIS MAP SHALL BE TREATED AS CONFIDENTIAL INFORMATION AND SHALL ONLY BE USED FOR THE SOLE PURPOSE FOR WHICH IT WAS PROVIDED. ANY OTHER USE OF THIS MAP, OR THE INFORMATION INCLUDED THEREON, IS STRICTLY PROHIBITED. THE DATA SHOWN ON THIS MAP IS FOR INFORMATION PURPOSES ONLY. THIS MAP MAY NOT BE COPIED OR OTHERWISE MADE AVAILABLE TO ANY OTHER PARTY IN PAPER OR ELECTRONIC FORMAT.

PRIVATE ROAD APPLICATION FORM

APPLICANT WOODY COFER TELEPHONE # 304-598-2014

ADDRESS Box 8, POWHATAN Va 23139

LAND OWNER CRAIG E. STARR AND LOIS D. STARR
(If applicant is not the landowner, the landowner must sign a Limited Power of Attorney Form page 7)

LANDOWNER ADDRESS 4218 RICHWINE ROAD, RICHMOND, Va 23234

Answer either question 1 or 2 below:

1. Are you adding a lot(s) to an **existing** private road? YES NO
(If Yes, answer items a - f.)

a. Location of road: Tax Map _____ Off of Which Public Road? _____

b. Is there a recorded 50-foot wide right-of-way that provides direct access to a public road?
Yes No

If No, how wide is the right-of-way? _____

Can additional right-of-way be acquired? _____

c. Does the applicant have an unrestricted, recorded right to use such access? Yes No

d. How many lots/parcels are on the private road? _____

e. Tax Map Parcel Numbers of lots/parcels on the private road: _____

f. What type of lot(s) are proposed, i.e. Large Lot, Single Cut? _____

- Size in acres of proposed lot(s) _____

g. What is the total number of lots served by the private road? _____

2. Are the proposed lots creating a **new** private road? YES NO
(If Yes, answer items a - g)

a. Tax Map Parcel Number 38-13A + 13B off of which Public Road? ROUTE No 718

b. Will a 50-foot right-of-way be recorded that provides direct access to a public road?
YES NO

If no, why can't a 50' right-of-way be established? How wide is the proposed right-of-way?

30' RIGHT-OF-WAY

Case Number 16-02-PR Submittal Date _____ P. C. Meeting _____

c. Does the applicant have an unrestricted, **recorded** right to use such access? Yes No

d. Tax Map Parcel Number of parcel(s) the road will cross 38 - 13A

e. Will the road only serve 2 lots (Single Cut Subdivision)? YES

- Size in acres of the two lots? 10.50 3.00

f. Large Lot Development. Number of new lot(s) proposed? N/A

- Size in acres of the new lot(s)? (*Minimum lot size 10 acres*)

g. If three (3) or more lots are to be created, provide several alternative names for the road:

a. _____

b. _____

c. _____

STATEMENT FOR VALIDITY OF INFORMATION

Every applicant shall sign the following document to substantiate the validity of submitted information.

State of Virginia
County of Powhatan to wit

I, WOODY COFER, declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application. I further declare that the foregoing statements and answers provided throughout the various sections of this application are in all respects true and correct to the best of my knowledge and belief.

Signed Woody Coff

Print Name WOODY COFER

Subscribed and sworn to before me this 4 day of AUGUST, 2016.

Notary Public Signature Nancy Batterson

My Commission Expires on 11/30/18



APPLICANT'S PERMISSION FOR INSPECTION OF PROPERTY

I, WOODY COFER, hereby grant access to the Planning Director, Zoning Administrator, or assigns thereof, to enter my property during reasonable hours without prior notice to make inspections as deemed necessary for the evaluation of my application for a private road.

AUGUST 4, 2016
Date

Woody Coff Applicant's Signature

Subscribed and sworn to before me this 4 day of AUGUST, 2016.

Nancy Batterson
Notary Public Signature

11/29/18
Commission Expiration Date



OWNERSHIP DISCLOSURE

Please list below the names and addresses of all owners or parties in interest of the land:

<u>NAME</u>	<u>ADDRESS (Include Zip Code)</u>
<u>CRAIG E. STARR</u>	<u>4218 RICHWINE ROAD, RICHMOND 23234</u>
<u>LOIS D. STARR</u>	<u>4218 RICHWINE ROAD, RICHMOND 23234</u>

NOTE: If this request is in the name of a corporation, artificial person, joint venture, trust, or other form of ownership, all officers, directors, and any stock holders owning ten percent or more of such stock must be listed.

I, WOODY COFER, do hereby swear and affirm that to the best of my knowledge and belief, the above information is true and that I am the applicant for this request for parcel number(s) of tax map number(s) requesting Private Road approval.

If the above information changes at any time while this case is being considered, I will provide the County with an updated list.

Signature Woody Coffe

STATE OF VIRGINIA
COUNTY OF POWHATAN, to wit:

This day WOODY COFER personally appeared before me, Nancy Batterson, Notary Public in and for the County and State aforesaid, and swore or affirmed that the matters stated in the foregoing Zoning Disclosure Affidavit are true to the best of his/her knowledge and belief.

Given under my hand this 8th day of Aug, 2016

Nancy Batterson
Notary Public

My commission expires: 11/29/18



LIMITED POWER OF ATTORNEY

Private Road

KNOW ALL MEN BY THESE PRESENTS:

1. That I/We
(Name) CRAIG E. STARR Telephone _____
(Address) 4218 RICHWINE ROAD, RICHMOND, Va 23234
(Name) LOIS D. STARR Telephone _____
(Address) 4218 RICHWINE ROAD, RICHMOND Va 23234
(Name) _____ Telephone 276-2137
(Address) _____
(Name) _____ Telephone _____
(Address) _____

being all of the owner(s) of the property described as County tax map numbers:

TM 38-13A AND TM 38-13B

and authorized to take such action, do hereby make, constitute and appoint:

2. (Name) WOODROW COFER Telephone 804-598-2014
(Address) Box 8, POWHATAN, Va 23139

to act as my/our true and lawful attorney-in-fact for and in my/own name, place and stead with full power and authority I/we would have if acting personally to seek approval of a private road on said property.

3. In witness whereof, I/we have hereto set my/our hand and seal this 24 day of August 20 16

Lois Starr
Signature(s)

Craig Starr
Signature(s)

Signature(s)

Signature(s)

Witnessed by: [Signature]

Witnessed by: [Signature]

NOTE: This document, with original signatures, shall be filed with the application and become a permanent part thereof.



Scott Timberland Co., LP
DB. 394 PG. 194
T.M. No. 38-28

Stephen D. Clark
DB. 717 PG. 431
T.M. No. 38-12

Craig E. Starr
Lois D. Starr
DB. 126 PG. 196
T.M. No. 38-13A

Parcel 'A'
10.50 Ac.

Craig E. Starr
Lois D. Starr
DB. 130 PG. 1
T.M. No. 38-13B

Parcel 'B'
3.00 Ac.

Robert E. Magill
DB. 858 PG. 1628
T.M. No. 38-13E

Stephen T. Cobb
DB. 849 PG. 1972
T.M. No. 38-14Q

Sondra Dulio
DB. 465 PG. 649
T.M. No. 38-14L

Anthony Desposito
DB. 161 PG. 250
T.M. No. 38-14M1

Allen D. Martin
DB. 480 PG. 429
T.M. No. 38-14M

Annette Caughorn
DB. 458 PG. 828
T.M. No. 38-14P

1180.94' 194.30'

234.03'
S 45° 03' 00" E

30' Access & Utility Easement

30.00'

711.00'

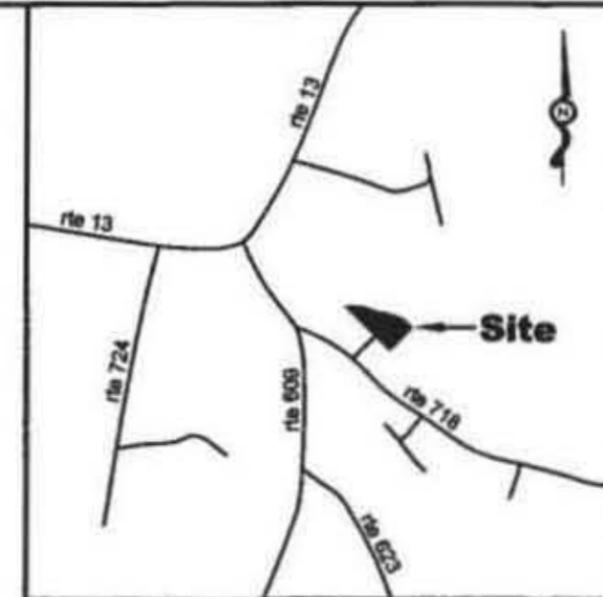
N 45° 09' 00" E

1400' to Rte. 609

State Route No. 718
50' R/W

Notes:

Use : Residential
Zoning : A-10
Water : Private Wells
Sewer : Private Septic Systems
Tax Map No. 38 - 13A and 13B
Area of Parcels : 13.5 Ac.
Area of Easement : 0.67 Ac.
Number of Lots : 2



Vicinity Map
Scale: 1" = 4000'

Notes:

The street in this subdivision is private and shall not be maintained by the Virginia Department of Transportation or other public agency. The maintenance and improvements of said road shall be the sole responsibility of Parcel 'A' & 'B' land owners. This road shall not be taken into the State Highway System until Parcel 'A' & 'B' landowners have brought the road up to State Highway Specifications and have the recommendation of the Powhatan County Board of Supervisors.

This road shall provide reasonable access by motor vehicle as required by 8.2-5.0 of the Powhatan County Subdivision Ordinance.

This Property is not within a FEMA Designated Flood Hazard Area, see panel No. 51145C0115B.

Owner / Developer:

Craig E. Starr & Lois D. Starr
4218 Richwine Road
Richmond VA, 23234
Phone: (804)278-2133

- Proposed Private Road -
for T.M. No. 38 - 13A and 13B

Spencer District - Powhatan County, Virginia

Date: August 3, 2016 Scale: 1" = 200'



Woodrow K. Cofer, Inc.
Certified Land Surveyor
Powhatan, Virginia
Phone: (804)598-2014

JN: 1102



REMOTE MEETING ATTENDANCE POLICY

Staff Report prepared for the Planning Commission

This report is prepared by the County of Powhatan Department of Community Development Staff to provide information to the Planning Commission to assist in making an informed decision on this matter.

I. SUMMARY:

The Board of Supervisors in their by-laws (section VIII) permit remote meeting attendance, with some restrictions. The Planning Commission may wish to adopt such a policy. For discussion purposes staff has attached the Board's by-laws section. Based on Planning Commission's direction, staff can at a future meeting bring back a draft to the Planning Commission's Rules of Order (by-laws) that includes either an identical version of the Board's by-laws or a modified version (compliant with Va. Code §2.2-3708.1).

Attachment(s):

1. Board of Supervisors' By-Laws (excerpt)
2. Va. Code §2.2-3708.1

VIII. REMOTE PARTICIPATION IN BOARD MEETINGS

- A. It is the policy of the Board of Supervisors that individual Board members may participate in meetings of Board of Supervisors by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.1, as amended, and in compliance with this policy. This policy shall apply strictly and uniformly to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
- B. An individual member may participate from a remote location only if a quorum (3 members) of the Board of Supervisors is physically assembled at the primary or central meeting location, and the Board has made arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
- C. Remote participation in a meeting due to an emergency or personal matter may be approved only if, before Noon on the day of the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter.
- D. Remote participation in a meeting due to a temporary or permanent disability or other medical condition may be approved only if, before Noon on the day of the meeting, the requesting member notifies the Chairman of the Board that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
- E. As required by law, in the event of any such participation by a member from a remote location, the Board shall record in its minutes the specific nature of the emergency,

§ 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies

A. A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:

1. If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

B. Participation by a member of a public body as authorized under subsection A shall be only under the following conditions:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at the primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all

persons at the primary or central meeting location.

2007, c. [945](#);2013, cc. [119](#), [694](#);2014, cc. [492](#), [524](#).

personal matter, temporary or permanent disability or other medical condition, and the location from which the Board member participated remotely.

- F. As required by law, remote participation that is due to an emergency or personal matter shall be limited in each calendar year for each individual member to two (2) meetings or 25 percent of the meetings of the Board, whichever is fewer.
- G. An individual member's request for participation from a remote location under this policy shall be considered approved upon communicating the request to the Chairman of the Board, pending review by the County Attorney for compliance with the Code of Virginia and this policy. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.