

PRESENT: K. Shiflett, Chairman
J. Curd, Vice Chairman
S. Bridge
G. Campbell
T. Jennings
L. Tate, Planner II and Secretary
J. Wilkinson, Director of Community Development

ABSENT: K. Leonard

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, August 8, 2017, at 4:30 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission reviewed the proposed ordinance amendments, which will be considered by the Commission.

The Planning Commission traveled to the following site, which will be considered by the Commission:

1. **Veterans of Foreign Wars Post 9339**

Chairman

Secretary

PRESENT: K. Shiflett, Chairman
J. Curd, Vice Chairman
S. Bridge
G. Campbell
T. Jennings
K. Leonard
L. Tate, Planner II and Secretary
J. Wilkinson, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, August 8, 2017, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

Mrs. Shiflett stated as there were six (6) members present, there was a quorum.

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MINUTES

Mr. Curd moved to approve the minutes of the called and regular meetings held on July 11, 2017.

Mr. Bridge seconded the motion, which carried unanimously.

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Veterans of Foreign Wars Post 9339

A request to rezone from General Agriculture to General Business approximately 1.02 acres owned by Veterans of Foreign Wars Post 9339 located off Stuarts Draft Highway (Rt. 340) in the southwest quadrant of the intersection of Stuarts Draft Highway (Rt. 340) and Augusta Farms Road (Rt. 649) in Stuarts Draft in the South River District.

Mrs. Tate explained the request as presented on PowerPoint. Even though this request is to rezone to general business, there is not a specific tenant in mind at this time. The VFW will continue to operate at this location for now, but would like to have the business zoning in place. The property is slated for business use in the Comprehensive Plan. She reviewed the proffers with the Commissioners.

Mr. Ralph Oakes of 270 Bookerdale Road, Waynesboro, VA, Quartermaster and representative of the Veterans of Foreign Wars Post 9339 stated he has been a member of the post for over 30 years. He stated the main gate has been bolted shut and has not been used for over a year.

There being no questions from the Commissioners, Mrs. Shiflett opened the Public Hearing.

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

Mr. Bridge stated the request is in compliance with the Comprehensive Plan. He moved to recommend approval of the request with proffers.

Mr. Jennings seconded the motion, which carried unanimously.

Augusta County Code §25.4

An ordinance to amend Section 25-4 of the Augusta County Code to create a definition for a Short-term rental as the provision of one (1) or more rooms that are suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for compensation, for a period of fewer than 30 consecutive days. Short-term rentals, include but are not necessarily limited to: Vacation rentals and Bed and breakfasts.

Mrs. Tate stated the County currently has a definition for a bed and breakfast and tourist home. The County is proposing to add a definition to provide clarification of a short term rental. The State has defined short term rental as a period of no more than 30 consecutive days. Adoption of the definition for short term rental will cover vacation rentals and bed and breakfasts and be intended for no more than 30 consecutive days. The rental could be for a one room rental, a full dwelling structure, or a detached structure.

There being no questions from the Commissioners, Mrs. Shiflett opened the Public Hearing.

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

Mr. Jennings stated redefining the definition seems to be appropriate. He moved to recommend approval of the amendment.

Mr. Leonard seconded the motion, which carried unanimously.

Augusta County Code §25.4

An ordinance to amend Section 25-4 of the Augusta County Code to revise the definition of Bed and breakfast to reference Short-term rental, eliminate the definition for Tourist home, as it is more commonly referred to as a Vacation rental, and make the definition for Vacation rental synonymous with Short-term rental.

Mrs. Tate explained the proposed amendment changes as presented on PowerPoint. She stated the definition of Bed and breakfast will now be defined as “Overnight accommodations and at least one meal per day provided as a **short-term rental** in a building containing a dwelling unit occupied by the owner or operator”. The definition for Tourist home is being removed as it is a dated term and is more commonly referred to as a vacation rental.

There being no questions from the Commissioners, Mrs. Shiflett opened the Public Hearing.

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

Mr. Jennings stated the proposed amendment will bring the ordinance in line with the present definition of Bed and breakfast. He moved to recommend approval of the amendment.

Mr. Bridge seconded the motion, which carried unanimously.

Augusta County Code §25-124

An ordinance to amend Section 25-124 of the Augusta County Code to permit the operation of Bed and breakfasts and Short-term rentals within a principal dwelling or a detached accessory dwelling unit in Rural Residential districts by Special Use Permit.

Mrs. Tate explained the request as presented on PowerPoint. She stated currently bed and breakfasts are permitted in General Agriculture districts through the Special Use Permit (SUP) process. This amendment will allow for bed and breakfasts through the SUP process in Rural Residential zonings. She explained the seven conditions, as presented on PowerPoint that will need to be met before a SUP can be applied for in Rural Residential districts.

There being no questions from the Commissioners, Mrs. Shiflett opened the Public Hearing.

Lara Young of 136 Abner Ln., Waynesboro asked if all seven conditions would need to be met or just a portion of the conditions.

Mrs. Tate stated the seven criteria are specific to the ordinance. There are some that will overlap with General Agriculture districts, but some will be exclusive to Rural Residential. The seven conditions will become part of the Staff report when a SUP is applied for, but the decision will ultimately be made by the Board of Zoning Appeals.

Mr. Wilkinson stated if the Board of Supervisors adopts the ordinance as proposed, the standards given will be the minimum standards. The applicant will need to meet all seven of the standards during the application process to be considered for the permit.

Ms. Young asked for clarification that the owner of the dwelling has to live on the premises.

Mrs. Tate stated the owner needs to reside on the premises and will occupy the dwelling that is being rented. They may live there some of the time or may leave some of the time during the rental, but the dwelling would be their principal dwelling.

Ms. Young asked if the owner needs to physically be on site during the rental.

Mr. Wilkinson stated the ordinance does not state the owner has to physically be on site during the rental, but the dwelling does need to be the principal dwelling of the owner.

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

Mr. Leonard asked if the seven conditions listed have to be met in General Agriculture districts as well, or just Rural Residential districts.

Mrs. Tate stated not all of the conditions for General Agriculture are the same for Rural Residential. There is no acreage requirement in General Agriculture.

Mr. Wilkinson stated with every SUP category there are minimum standards that are set by the Board of Supervisors.

Mr. Leonard asked if the conditions for Rural Residential districts were more stringent than in General Agriculture.

Mr. Wilkinson stated the requirement to live on site may be the one requirement that is more stringent than in General Agriculture.

Mr. Jennings asked for clarification for an accessory dwelling unit.

Mrs. Tate stated an example would be a detached garage with an apartment above it.

Leslie Bowman of 174 Shalom Road asked if a neighborhood has a Homeowner's Association (HOA) if any of the conditions of the HOA are considered for the conditions of the SUP.

Mr. Wilkinson stated the HOA is a private deed restriction and it is up to the residents of the HOA to enforce those restrictions.

Mrs. Shiflett asked if the HOA superseded the County ordinance.

Mr. Wilkinson stated the HOA and the zoning ordinance are two separate laws. The County enforces the zoning ordinance but does not enforce deed restrictions.

Mr. Leonard moved to recommend approval of the amendment.

Mr. Campbell seconded the motion, which carried unanimously.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

17-39 Jamie DeWayne Stickle

The Planning Commission recommends to the Board they consider the close proximity of surrounding properties and the impact of increased traffic the proposed use will generate.

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

Chairman

Secretary