



CITY OF WAYNESBORO PLANNING COMMISSION
Regular Meeting, Tuesday, February 16, 2021
7:00 pm

Virtual Meeting, Zoom

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**PLANNING
COMMISSIONERS**

Shannon Boyle
Chair

Stephen Arey
Vice-chair

Michael Gibson

Noelle Owen

Sarah Severs

W. Lowrie Tucker

Council Rep: Bobby
Henderson

• • •

**FUTURE SCHEDULED
MEETINGS:**

City Council
Business Meeting
Monday, February 22, 2021
7:00 pm

Planning Commission
Regular Meeting/
Public Hearing
Tuesday, March 16, 2021
7:00 pm

AGENDA

1. Call to order.
2. Adoption of agenda.
3. Review and approval of minutes of meeting held December 15, 2020.
4. Public comment period for items not on the agenda.
5. Public hearing on amending City Code chapter 98 (Zoning Ordinance) Article 9.3 "Enforcement procedure and remedies."
6. Public hearing a rezoning request by City of Waynesboro to rezone the listed parcels from L-I (Light Industrial) or L-B (Local Business) to MX-B (Mixed Business).
7. Other Business/Commissioners' Correspondence and Communication.
8. Adjournment.

**Members of the public who wish to comment during a public hearing or citizen comment period should watch the livestream on the City Council's YouTube page:
<https://www.youtube.com/c/WaynesboroVAcity/>

When the public hearing begins, dial 301-715-8592. When prompted, enter the meeting ID number: 854 2626 3294, then press #

The Planning Commission of the City of Waynesboro, Virginia, held a regular meeting on the 15th day of December 2020, at 7:00 P.M., held on Zoom:

PRESENT:	Commission Members:	Shannon Boyle, Chair Stephen Arey, Vice-chair Noelle Owen Michael Gibson Sarah Severs Bobby Henderson, Council Liaison
	City Planner & Clerk of the Commission:	Luke Juday Kira Johnson
	Absent	W. Lowrie Tucker

1. **Call to order:**

Meeting was called to order by Chairwoman Boyle.

2. **Adoption of agenda:**

Mr. Arey made the motion, Mr. Gibson seconded. All voted in favor.

3. **Review and approval of minutes of meeting held October 20, 2020.**

Mr. Henderson made the motion, Mr. Gibson seconded. All voted in favor.

4. **Public comment period for items not on the agenda.**

No comments.

5. **Public Hearing on a zoning text amendment request by Riverbend Development, applicant, to amend City Code Section 98.5.1.5.A.3.(g) to replace “shall not exceed 25% of the lot width” with “shall not exceed 12 feet or 25% of the lot width, whichever is greater.”**

Mr. Juday presented. For details shared, see the Planning Commission Agenda Packet shared on December 15, 2020. Staff recommends approval of the zoning text amendment.

Mr. Arey asked whether the text amendment can be applied only to single-family attached houses. Mr. Juday explained that because of the lot width minimums, the new provision will not be triggered with other housing types.

Ms. Boyle opened the public hearing. As there were no comments, it was closed.

Mr. Henderson moved to approve the text amendment; Mr. Arey seconded. All voted in favor.

6. **Public hearing for a preliminary subdivision plat request by Riverbend Development, applicant, on behalf of Rosser Avenue Development, LLC for a 220-lot residential subdivision on a 70.687-acre tract at 0 Tiffany Drive, Waynesboro, Virginia, Tax Map 41-3-112.**

Mr. Juday presented. For details shared, see the Planning Commission Agenda Packet shared on December 15, 2020. Staff recommends approval of the preliminary subdivision.

Mr. Arey asked whether the driveway width could be 10' rather than 12'. Ms. Ashley Davies of Riverbend Development explained that 12' offers space to park the car and get out of the car on the driveway.

Mr. Arey also asked about the downward slope and excess water runoff. Mr. Scott Collins, engineer for the development, explained there will be stormwater facilities.

Mr. Arey asked about retention of the forested areas in the "open space" areas. Mr. Collins confirmed that trees will be kept as much as possible.

Ms. Boyle opened the public hearing. As there were no comments, it was closed.

Mr. Arey motioned to recommend the preliminary subdivision to City Council; Ms. Severs seconded. All voted in favor.

7. Public hearing on a zoning text amendment initiated by the City of Waynesboro, applicant, to amend City Code Section 98.2.4.4 to add "Contractors offices" to the Use Table, and to permit Contractor's offices by right in the L-I, H-I, and MX-B districts and to add use standards for Contractor's offices to Section 98.4.

Mr. Juday presented. For details shared, see the Planning Commission Agenda Packet shared on December 15, 2020. Staff recommends approval of the zoning text amendment.

Ms. Severs asked about the meaning of an "accessory use." Mr. Juday explained that the office or business must be in operation in order for work vehicles to be parked there.

Ms. Severs expressed concern about allowing new contracting offices to enter the residential areas. She suggested putting a limit on how many work vehicles are allowed on site. Ms. Boyle agreed that the existing businesses can stay, but new contractor's offices should not be allowed in MX-B.

Ms. Boyle suggested putting this use by conditional use permit in MX-B.

Ms. Boyle opened the public hearing. As there were no comments, it was closed.

Mr. Arey motioned to recommend to City Council to amend the City Code to add "Contractor's offices" to the Use Table, and to permit Contractor's offices by right in the L-I, and H-I districts, and by CUP in the MX-B districts and to add use standards. Ms. Severs seconded. All voted in favor.

8. Other Business/Commissioners' Correspondence and Communication:

Mr. Juday asked the commissioners how they felt about 1800 E Main St being added to MX-B in order to allow an electrician business. Commissioners seemed to agree that this was appropriate for that building.

Happy holidays!

9. **Adjournment:**

Mr. Gibson motioned to adjourn. Mr. Arey seconded; all voted in favor. The meeting was adjourned at 8:10pm.

Luke J. Juday, Clerk



**CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT
ZONING TEXT AMENDMENT
ZTA 20-004
February 16, 2021**

SUMMARY SHEET

<i>Applicant:</i>	Staff requests Planning Commission initiate this text amendment
<i>Affected Properties</i>	This change affects any property having a zoning violation.
<i>Action Requested:</i>	Amend Chapter 98, Article 9, Zoning Ordinance of the City of Waynesboro
<i>Authorizing City Code Section(s):</i>	Section 7.3.2.B (Initiation of a Zoning Text Amendment)
<i>Attachments:</i>	<ol style="list-style-type: none"> 1. Current ordinance with redline changes 2. Edited ordinance 3. Proposed ordinance
<i>Summary Recommendations:</i>	City staff recommends Planning Commission initiate the attached text amendment.

1. Nature of Request

Article 9 gives the Zoning Administrator authority to enforce provisions within Chapter 98. Previously, edits were made to bring sign regulations in accord with the *Reed v. Town of Gilbert* Supreme Court ruling. There are sections in Article 9 detailing enforcement measures and penalties for violating Signs and Floodplain regulations which need to be corrected in conjunction with the previous changes made to the sign regulations. The edit eliminates unconstitutional regulations, removes specifics regulations, and instead generalizes zoning enforcement and penalties to Chapter 98 in its entirety. The edits also set specific amounts for civil penalties.

2. Background

In December, City Council approved an ordinance to edit Chapter 98 Article 5.6. The City's legal counsel determined that it was unconstitutional under the 2015 Supreme Court Case *Reed v. Town of Gilbert*. The changes to Article 5.6 prompted changes to Article 9, the enforcement procedures and penalties for sign violations.

One significant change being made is that currently Article 9 separates out enforcement procedures for signage and floodplain, which is unnecessary and thus corrected in the edit.

Another significant change is our current ordinance authorizes civil penalties for zoning violations but there are not specific amounts set in place. The civil penalty could be anywhere from \$25 up to \$250. The edits make the civil penalties a specific amount (\$200 for the first violation and \$500 for each subsequent violation). This eliminates ambiguity regarding the penalties.

The last change is any reference of “Notice of Civil Citation” is replaced with “Notice of Violation” to be consistent with other sections of City Code.

3. Approval Criteria

In evaluating any proposed zoning text amendment, Section 7.3.8 of the Zoning Ordinance requires the Planning Commission and the City Council to consider the following six criteria (provided in italic below).

- A. Whether such amendment is consistent with good zoning practice;*
- B. Public necessity, convenience, and general welfare to the extent such factors are pertinent to the subject matter of the amendment;*
- C. The extent to which the proposed text amendment is consistent with the Comprehensive Plan and the remainder of this Chapter, including, specifically, the purpose and intent statements of Section 1.5;*
- D. The extent to which the proposed text amendment represents a new idea not considered in the existing ordinance, or represents a revision necessitated by changing circumstances over time;*
- E. Whether or not the proposed text amendment corrects an error in the chapter; and*
- F. Whether or not the proposed text amendment revises the chapter to comply with State or Federal statutes or case law.*

4. Analysis

The changes to Article 9 ensure that it is constitutional according to the previous changes made to Article 5. The City’s legal counsel reviewed and suggested the edits.

5. Recommendations

The City staff recommends approval of the ordinance as attached.

Cc: D. James Shaw II, Deputy City Manager
Laura Martin, Zoning Administrator
Tony Smith, Infrastructure Engineer
George Fitzgerald, Deputy Fire Marshal

ARTICLE 9. - ENFORCEMENT AND PENALTIES

Sec. 98-9.1. - General.

Sec. 98-9.1.1. - Responsibility for enforcement.

The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the uses of all land comply with the provisions of this Chapter. The Zoning Administrator shall have all necessary authority on behalf of the City Council to administer and enforce this Chapter.

Sec. 98-9.1.2. - Compliance required.

- A. Any building or structure erected contrary to any of the provisions of this Chapter and any use of any building or land which is conducted, operated or maintained contrary to the provisions of this Chapter shall be a violation of this Chapter and the same is hereby declared to be unlawful.
- B. Any person, firm or corporation, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Chapter, or permits any such violation, or who fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Chapter or the provisions of any approval granted under this Chapter shall be subject to the enforcement provisions of this article.

~~Sec. 98-9.2. - Violations and penalties.~~

~~Violations of this Chapter shall constitute civil violations. The designation of violations of this Chapter as civil violations shall preclude criminal prosecution or sanctions, except when such violation results in injury to a person.~~

~~Sec. 98-9.2.1. - General.~~

- ~~A. Any person who violates any of the provisions of this Chapter shall, upon admission of liability or finding of liability for a civil violation by the district court of the City of Waynesboro, be fined not less than \$25.00, nor more than \$150.00, if the offense is not willful; or not more than \$250.00 if the offense is willful, and in every case, \$25.00 for each day after the first day that such violation shall continue.~~
- ~~B. Furthermore, the existence of a civil penalty shall not preclude action by the Zoning Administrator or the City Council from seeking declaratory, injunctive or other relief as provided by Virginia law.~~

~~Sec. 98-9.2.2. - Signs.~~

~~Any person who violates any of the provisions of this Chapter shall, upon conviction thereof before the district court of the City of Waynesboro, be fined not less than ten dollars, nor more than \$100.00, if the offense is not willful; or not more than \$250.00 if the offense is willful, and in every case, ten dollars for each day after the first day that such violation shall continue; provided that after written notice to the owner by certified mail the City may remove any sign in violation of the sign regulations of this Chapter at the sign owner's or land owner's expense after violation has continued for more than 30 days.~~

~~Sec. 98-9.2.3. - Floodplain regulations.~~

~~A. Any person who fails to comply with any of the requirements or provisions of Sec. 98-3.3.5 or directions of the zoning administrator or any authorized employee of the City of Waynesboro shall be guilty of a zoning violation and subject to the penalties therefore.~~

~~B. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of Sec. 98-3.3.5. The imposition of a fine or penalty for any violation of, or noncompliance with, Sec. 98-3.3.5 shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violation(s) or noncompliance(s) within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with Sec. 98-3.3.5 may be declared by the City of Waynesboro to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of Sec. 98-3.3.5.~~

Sec. 98-9.23. - Enforcement procedure and penalties/remedies.

Sec. 98-9.23.1. - General.

A. Except as provided below in Subsection B, violations of this Chapter shall carry civil penalties assessed as follows: ~~be corrected in accordance with the procedures of this section.~~

1. Schedule of penalties.

a. The civil penalty shall be \$200 for the first Notice of Civil Citation.

b. The civil penalty shall be \$500 for each subsequent Notice of Civil Citation.

c. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.

2. Procedure.

aA. Upon becoming aware of a violation of this Chapter, the Zoning Administrator may charge the person committing or permitting such violation through the issuance of a Notice of Civil Citation. ~~Any such notice shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with Sec. 98-7.15, and that the decision shall be final and unappealable if not appealed within 30 days. Notwithstanding other provisions to the contrary, the appeal period shall not commence until the statement is given.~~

bB. ~~The A-Notice of Civil Citation shall be written notice of a zoning violation or order of the Zoning Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the owner and shall satisfy the notice requirements of this section.~~

~~C. If the person responsible for the alleged violation denies that a violation exists, the person may appeal the Zoning Administrator's decision in accordance with the procedures of Sec. 98-7.15.~~

~~cD.~~ Any person charged for such violation may ~~enter a waiver of~~ trial, admit liability, and pay the penalty to the Department of Finance prior to the date set for trial in court within 30 days of receipt of said citation. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

~~Such admission of liability shall have the same force and effect as a judgment of court and shall not be a criminal conviction.~~

~~dE.~~ If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in general district court. ~~Zoning Administrator shall cause the service of a summons for such person to appear in the district court to stand trial~~ in the same manner and with the same right of appeal as provided by law.

~~e.~~ If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

~~A finding of liability shall not be deemed a criminal conviction for any purpose.~~ 3. General.

~~aF.~~ The existence of a civil penalty shall not preclude action by the Zoning Administrator or the City Council from seeking declaratory, injunctive or other relief as provided by Virginia law.

~~b.~~ The civil penalties provided by this subsection shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.

~~B.~~ Violations of this Chapter related to (1) activities related to land development activities or (2) the posting of signs on public property or public rights-of-way, shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000, and any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$100 nor more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

The City reserves the right to remove unauthorized signs located within City rights-of-way without notice and without liability for the replacement cost of such signs.

~~Sec. 98-9.3.2. - Signs.~~

- ~~A. Any sign which is unlawfully installed or improperly maintained shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure or land upon which such sign may be found, within 30 days after written notification to do so from the Zoning Administrator. Upon failure to comply with such notice within the time specified herein, the Zoning Administrator may cause the removal of such sign. Any expenses incident thereto shall be paid by the owner of the building or structure of [or] land upon which such sign is erected.~~
- ~~B. Unauthorized signs located within City right of way may be removed without notice. The City shall not be responsible for the replacement cost of such signs.~~

Sec. 98-9.24.2 - Additional remedies.

In addition to the remedies provided in this article, the City Council or Zoning Administrator may bring legal action to ensure compliance with this Chapter, including injunction, mandamus, abatement or any other appropriate action or proceeding authorized by law, to prevent, enjoin, abate, or remove any unlawful building, structure or use.

ARTICLE 9. - ENFORCEMENT AND PENALTIES

Sec. 98-9.1. - General.

Sec. 98-9.1.1. - Responsibility for enforcement.

The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the uses of all land comply with the provisions of this Chapter. The Zoning Administrator shall have all necessary authority on behalf of the City Council to administer and enforce this Chapter.

Sec. 98-9.1.2. - Compliance required.

- A. Any building or structure erected contrary to any of the provisions of this Chapter and any use of any building or land which is conducted, operated or maintained contrary to the provisions of this Chapter shall be a violation of this Chapter and the same is hereby declared to be unlawful.
- B. Any person, firm or corporation, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Chapter, or permits any such violation, or who fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Chapter or the provisions of any approval granted under this Chapter shall be subject to the enforcement provisions of this article.

Sec. 98-9.2. - Enforcement procedure and penalties.

Sec. 98-9.2.1. - General.

- A. Except as provided below in Subsection B, violations of this Chapter shall carry civil penalties assessed as follows:

1. Schedule of penalties.

- a. The civil penalty shall be \$200 for the first Notice of Violation.
- b. The civil penalty shall be \$500 for each subsequent Notice of Violation.
- c. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.

2. Procedure.

- a. Upon becoming aware of a violation of this Chapter, the Zoning Administrator may charge the person committing or permitting such violation through the issuance of a Notice of Violation.
- b. The Notice of Violation shall be sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment records.
- c. Any person charged for such violation may waive trial, admit liability, and pay the penalty to the Department of Finance prior to the date set for trial in court. Such persons shall be

informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

- d. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in general district court in the same manner and with the same right of appeal as provided by law.
- e. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

3. General.

- a. The existence of a civil penalty shall not preclude action by the Zoning Administrator or the City Council from seeking declaratory, injunctive or other relief as provided by Virginia law.
- b. The civil penalties provided by this subsection shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.

- B. Violations of this Chapter related to (1) activities related to land development activities or (2) the posting of signs on public property or public rights-of-way, shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000, and any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$100 nor more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

The City reserves the right to remove unauthorized signs located within City rights-of-way without notice and without liability for the replacement cost of such signs.

Sec. 98-9.2.2 - Additional remedies.

In addition to the remedies provided in this article, the City Council or Zoning Administrator may bring legal action to ensure compliance with this Chapter, including injunction, mandamus, abatement or any other appropriate action or proceeding authorized by law, to prevent, enjoin, abate, or remove any unlawful building, structure or use.



**CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT
REZONING
ZMA 21-006
February 2, 2021**

SUMMARY SHEET

<i>Applicant:</i>	William L. Hausrath
<i>Address/Legal Description:</i>	312 Walnut Ave 316 Walnut Ave 325 Chestnut Ave
<i>Total Acreage:</i>	7,500 square feet
<i>Tax Map Number:</i>	45-1-30-37 & 38 45-1-30-35 & 36 45-1-30-5, 6, & 7A
<i>Real Estate Owner of Record:</i>	William L. Hausrath Revocable Trust 369 Walnut Ave. Waynesboro, VA 22980
<i>Current Zoning:</i>	RS-5 Traditional Residential
<i>Proposed Zoning:</i>	RG-5 General Residential
<i>Comprehensive Plan Designation:</i>	Residential
<i>Attachments:</i>	1. Application
<i>Flood Plain:</i>	No
<i>Enterprise Zone:</i>	No
<i>Action Requested:</i>	The applicant wishes to build a duplex and is thus requesting a rezoning.
<i>Authorizing City Code Section(s):</i>	City Zoning Ordinance Section 7.4.
<i>Summary Recommendations:</i>	City staff recommends approval of this rezoning.

1. Nature of Request

The applicant, William L. Hausrath, has requested a rezoning of a 7500 square foot vacant property located at 312 Walnut Avenue, city tax map numbers 45-1-30-37 & 38, from RS-5 (Traditional Residential) to RG-5 (General Residential). In the application, Mr. Hausrath indicated that he hopes to build a duplex on the lot. Additionally, the owners of 316 Walnut Ave (Tax Map #45-1-30-35 & 36) and 325 Chestnut Ave (Tax Map #45-1-30-5, 6, & 7A) would like to be included in the rezoning.

2. Background

Surrounding Land Use (see vicinity map)

East: Chiropractor's office and residence;
West: Duplex;
North: Fishburne Military School building ;
South: 4-unit apartment, church parking lot.



3. Zoning Requirements

As noted, the subject properties are zoned RS-5 (Traditional Residential). This district is established to accommodate single-family detached residential neighborhoods on individual lots.

The purpose of the RG-5 District is to provide for the establishment of higher density residential uses, including single-family detached dwelling, two-family houses, townhouses and multiplexes, compatible with traditional residential neighborhoods.

4. Review with Respect to the Comprehensive Plan

The City's 2008 Comprehensive Land Use Plan identifies the vacant property as "Institutional" and the other two properties as medium-density residential.

5. Analysis

Impacts to Adjacent Properties

The request is considered an "upzoning" according to the Zoning Ordinance's hierarchy. This means that the uses allowed in the RG-5 District may generate more negative impacts than those allowed in the RS-5 District. The RG-5 District is still a residential zone, but it permits more housing types than the Traditional Residential District.

Because the surrounding properties include many nonconforming multiplexes, duplexes, and townhomes, the material impact of this rezoning will be negligible. Additionally, the infrastructure, proximity to downtown, and subdivision pattern all suggest this area should accommodate higher densities than it does. The many nonconforming housing types in the area support that claim.

Access and Traffic

There will not be a significant increase in traffic. The gridded subdivision pattern and alleyways are meant to accommodate more traffic and parking than a suburban subdivision pattern.

Utilities

All necessary utilities are present in this location.

Compatibility with the Comprehensive Plan

This rezoning is aligned with the 2008 Land Use Map, which designates the entire area for “medium density residential.” This is the land use called for in all the historic neighborhoods adjacent to downtown, including Jefferson Park to the west, Wayne Hills and Florence Avenue to the North, and Basic City to the east. All of these neighborhoods are zoned RG-5.

The blocks northeast of 11th street are also zoned RG-5, including all of Fishburne Military Academy. Because of this, staff believes this rezoning is coherent with the surrounding area and comprehensive plan and does not constitute an instance of spot zoning. The properties that would connect the subject properties to existing RG-5 zones are currently used as a medical office and a parking lot.

6. Conclusion and Recommendations

Staff has concluded that the rezoning is consistent with the goals of the Comprehensive Plan, will cause no adverse impacts to surrounding properties, and is consistent with the economic and historic character of the area. Staff recommends approval of the rezoning.

cc: Bill Hausrath, applicant
D. James Shaw II, Deputy City Manager
Todd Wood, City Engineer
Laura Martin, Zoning Administrator



ZONING MAP AMENDMENT (REZONING) APPLICATION

Reference City Code Sec. 98-7-4

Application Fee \$350

A.) SITE INFORMATION:

Property Address: 312 Walnut Ave.

Tax Map No./Legal Description: TM 45-1-30-37438 ^{Waynesboro} Company Add
Present Zoning: RS-5 Comprehensive Plan Designation: BLOCK 30 LOTS 37438

Proposed Zoning:
R6-5

Lot Size (Acreage or Square Footage): 7,500 Present Use: vacant

Is property located in any of the following overlay districts? Enterprise Zone Flood Hazard Historic Other _____
(according to FEMA map)

Project Description: (use a separate sheet as necessary):

Applicant wishes to build a duplex

The property neighbors are currently a school building (FMS), a chiropractor's office & residence, a duplex, a church parking lot, a 4 unit apartment building & a single family rental unit. The duplex is, in my opinion, a better fit for the neighborhood than the current zoning for a single family house. Additionally the owners of 316 Walnut & 325 Chestnut would also like their property included in this rezoning.

B.) APPLICANT INFORMATION:

Property Owner of Record: William L. Hausrath Revokable Trust
(Printed)

Address: 369 Walnut Ave.
(Street Address)

(City, State, Zip)

Email Address: bhausrath@gmail.com

Phone #: 540/476-5050

*Applicant's Name: same as above
(Printed)

Contact Name: _____
(Printed)

Address: _____
(Street Address)

(City, State, Zip)

Email Address: _____ Phone #: _____

* If applicant is not property owner of record, the Power of Attorney Form is Required (Form A-2).

FOR OFFICE USE ONLY:

Date Rec'd _____ Fee Paid \$ _____ MS Receipt # _____ Application# _____ Approval Date _____ Not approved

C.) (OPTIONAL) LICENSED PROFESSIONAL (Architect, Engineer, Surveyor, Landscape Architect):

Firm Name: _____ Contact Name: _____
(Printed) (Printed)

Address: _____
(Street Address) (City, State, Zip)

Phone #: _____ Fax Number: _____

Email Address: _____ Professional License # _____

E.) SELECT PRIMARY CONTACT PERSON FOR STAFF: Owner Applicant Licensed Professional

D.) SIGNATURES:

If applicant is not property owner of record, the Power of Attorney Form is Required (Form A-2).

AFFIDAVIT: The undersigned property owner, or duly authorized agent/representative thereof [check one] certifies that the foregoing information is true and correct to the best of my knowledge and belief; WITH THE UNDERSTANDING THAT ANY INCORRECT INFORMATION SUBMITTED MAY RESULT IN THE DELAY OR RESCHEDULING OF APPROVAL. I hereby authorize the City of Waynesboro to review this request, visit the site, and contact any appropriate design professional in relation to questions generated as a result of the review.

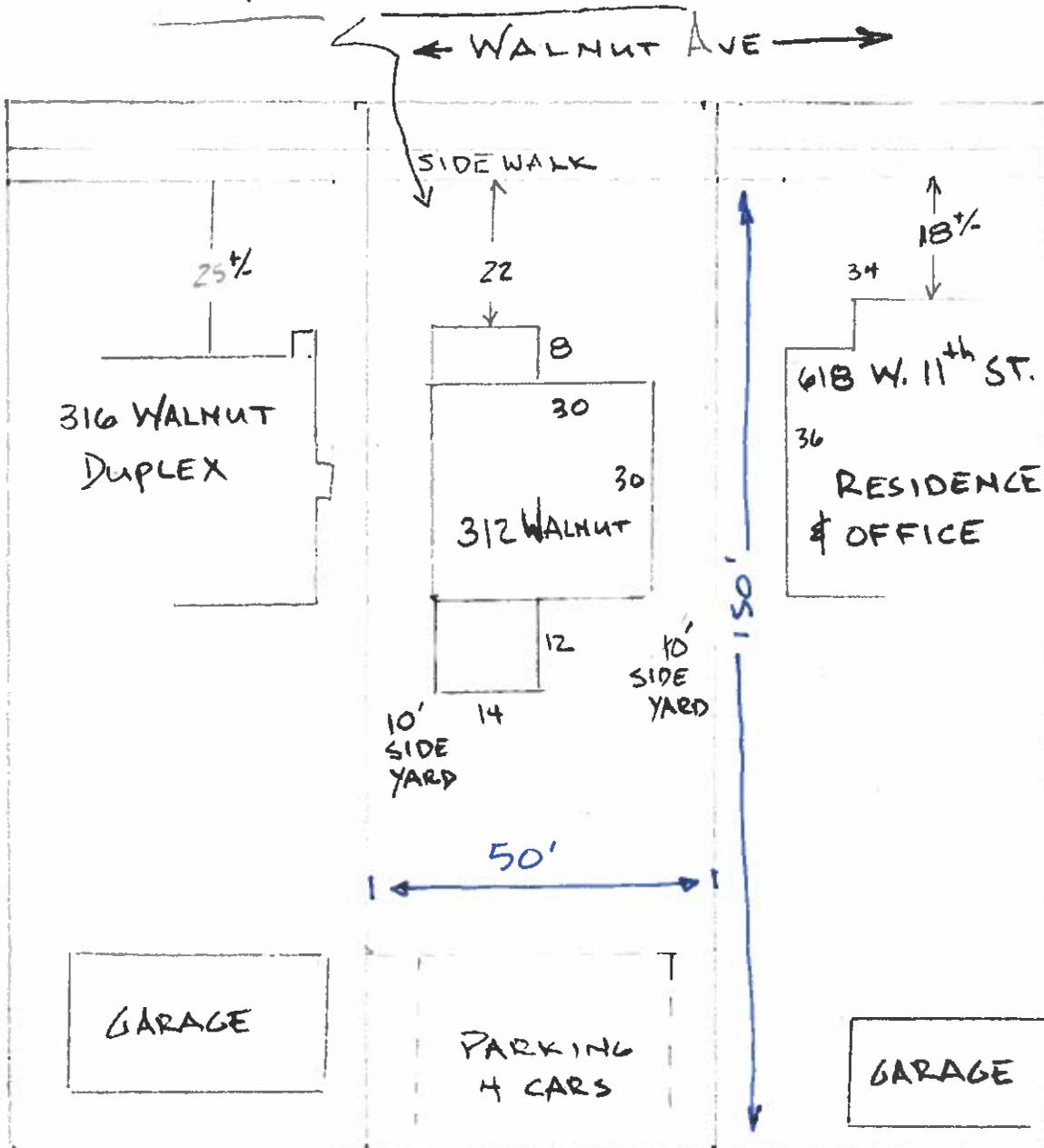
William L. Hausrath
Print Name
W. L. Hausrath
Signature of Owner, Contract Purchaser, Agent

540/476-5050
Daytime phone number of contact
1.21.21
Date

321
WALNUT
SINGLE
FAMILY

FMS
ROTC
BUILDING

PROPOSED DUPLEX
AT 312 WALNUT



FMS
→

11th ST.
→

FMS
→

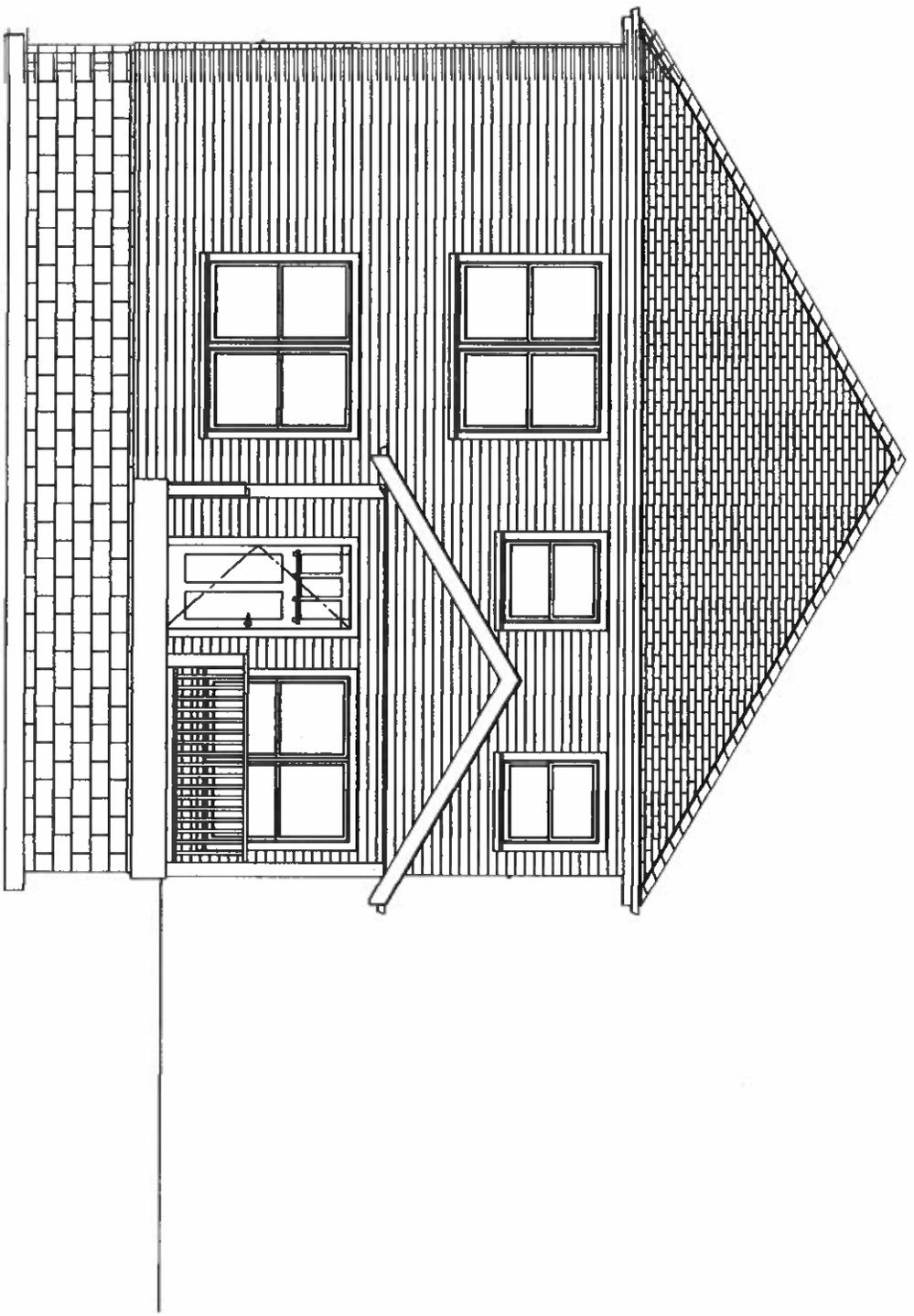
ALLEY

FOUR
UNIT
APARTMENT
BLDG

FIRST
PRESBYTERIAN
CHURCH
PARKING
LOTS

FMS
→

WALNUT AVENUE DUPLEX
PMK 11/12/2020
Rev 11/13/2020

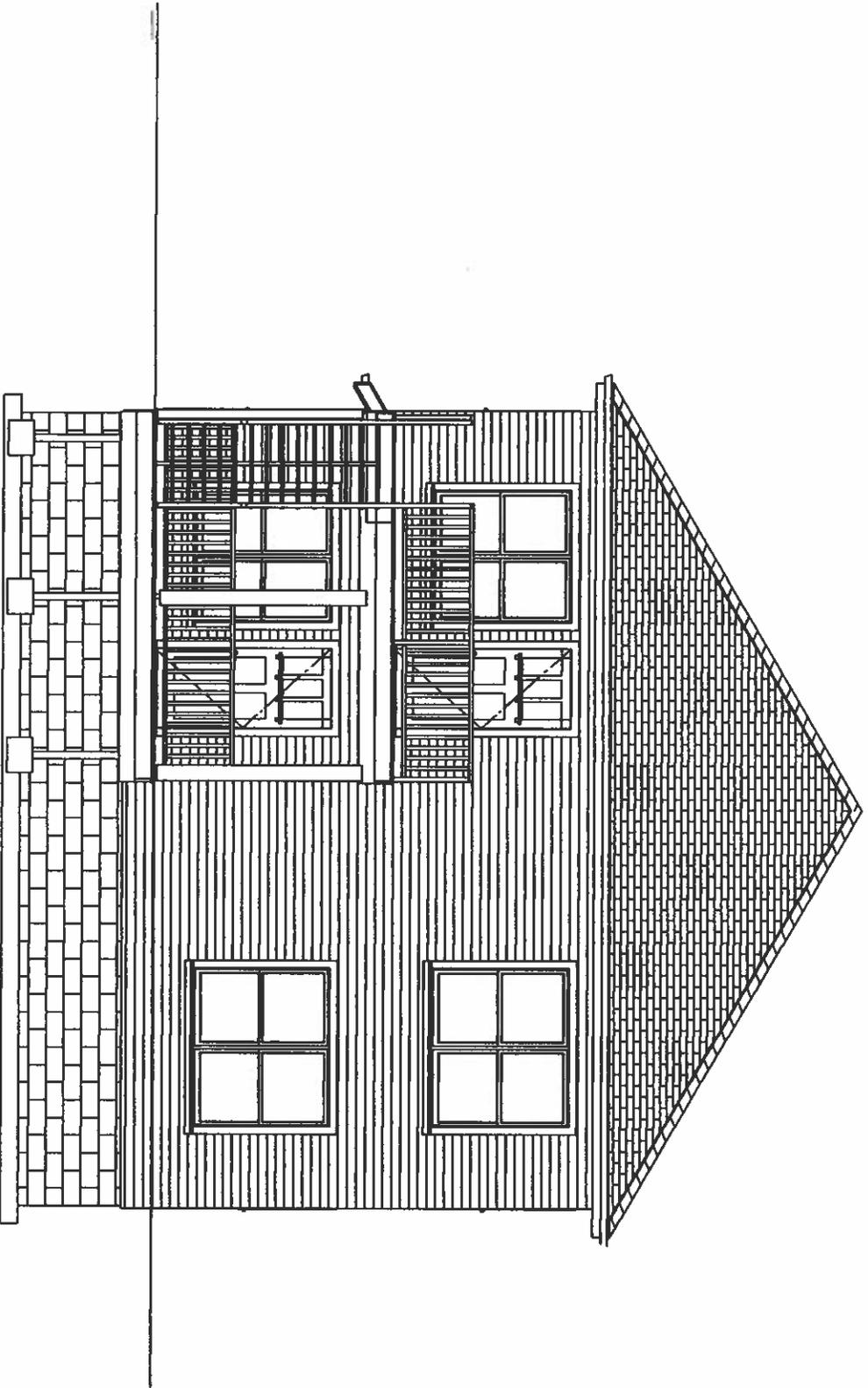


FRONT ELEVATION

Scale 1/4" = 1'-0"

PRELIMINARY

WALNUT AVENUE DUPLEX
PMK 11/12/2020
Rev 11/13/2020

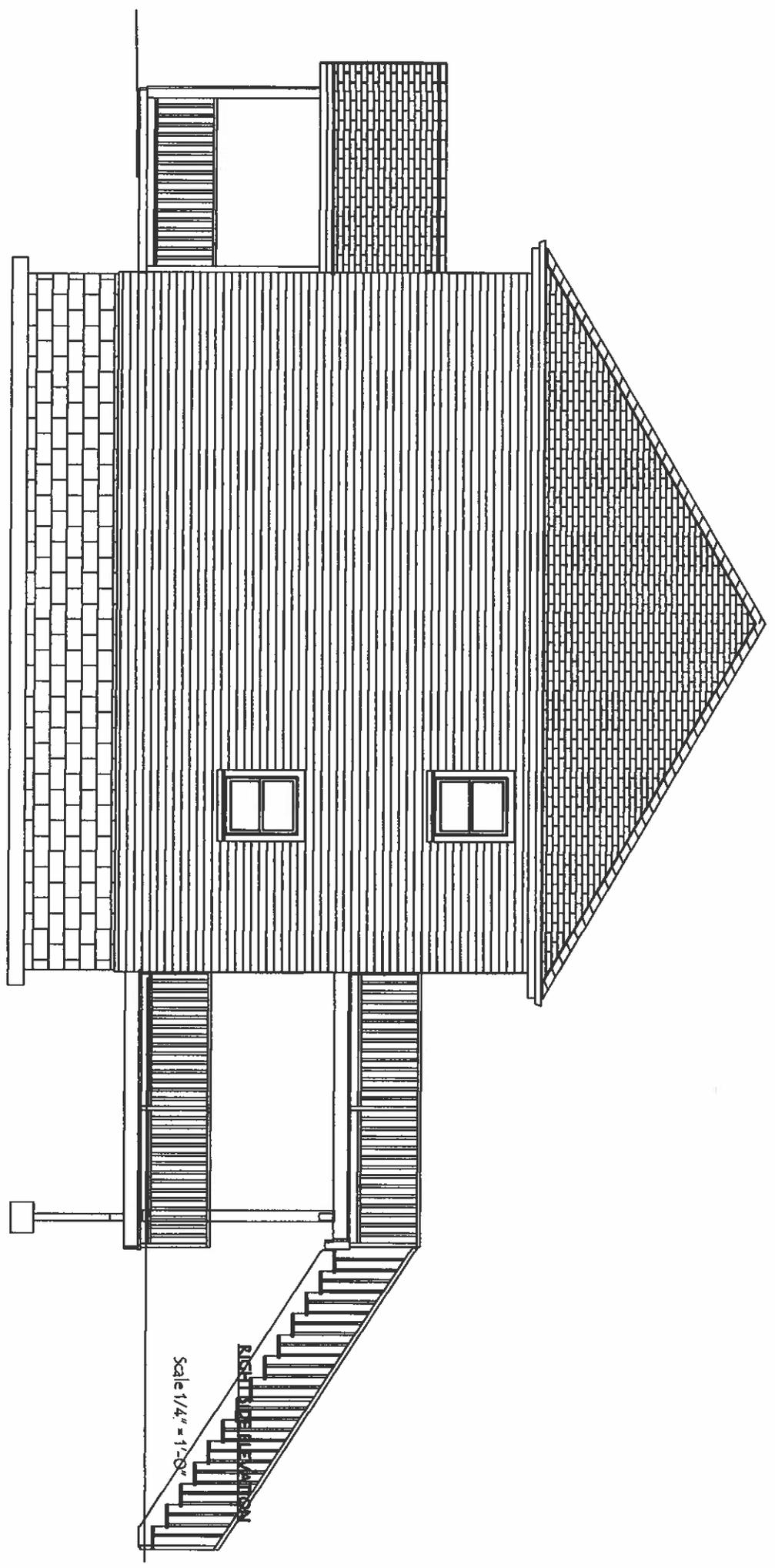


REAR ELEVATION

Scale 1/4" = 1'-0"

PRELIMINARY

WALNUT AVENUE DUPLEX
PMK 11/12/2020
REV 11/13/2020

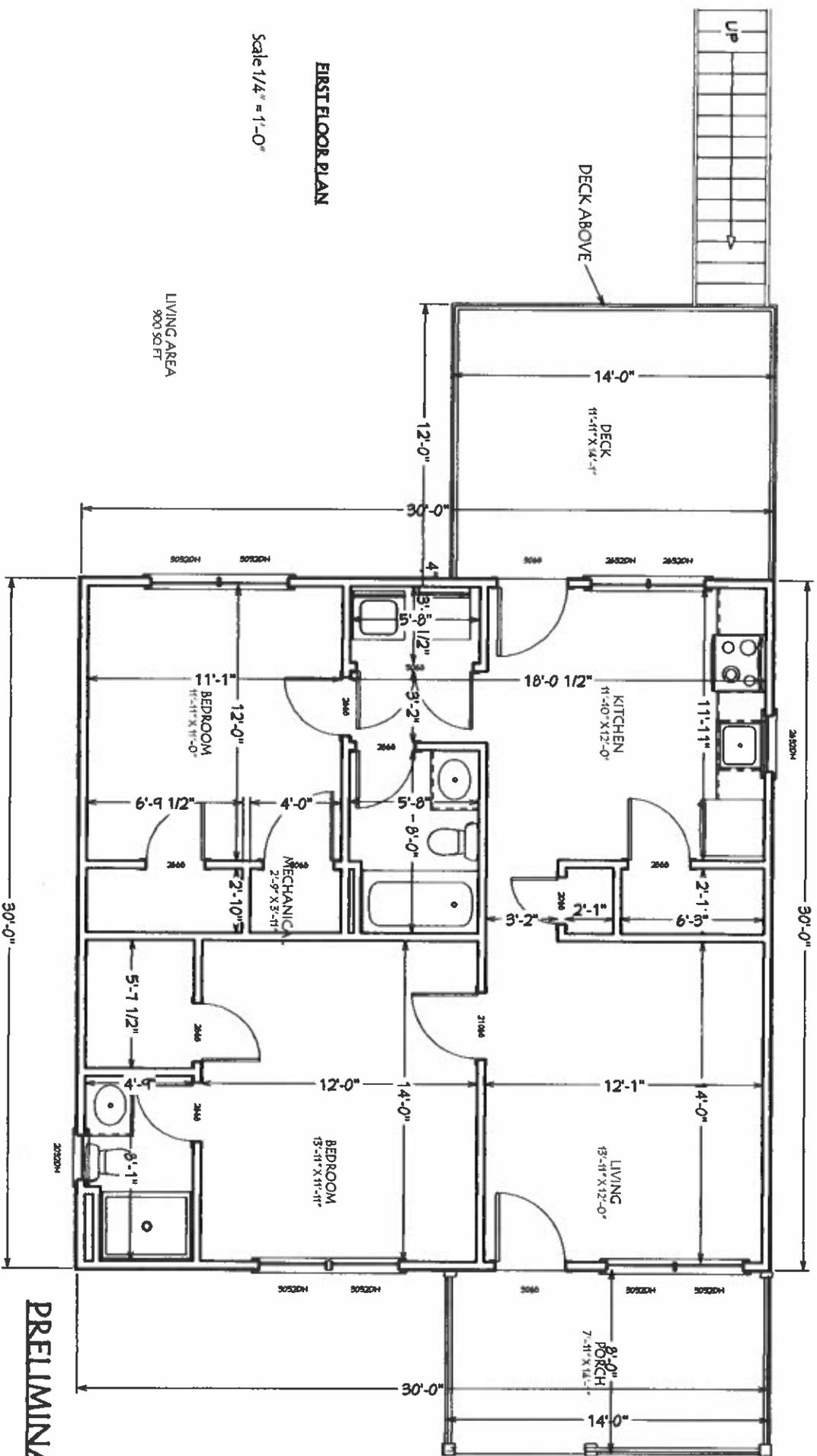


RIGHT SIDE ELEVATION
Scale 1/4" = 1'-0"

PRELIMINARY

WALNUT AVENUE DUPLEX

PMK 11/12/2020
REV 11/13/2020



FIRST FLOOR PLAN

Scale 1/4" = 1'-0"

LIVING AREA
900 SQ FT

PRELIMINARY

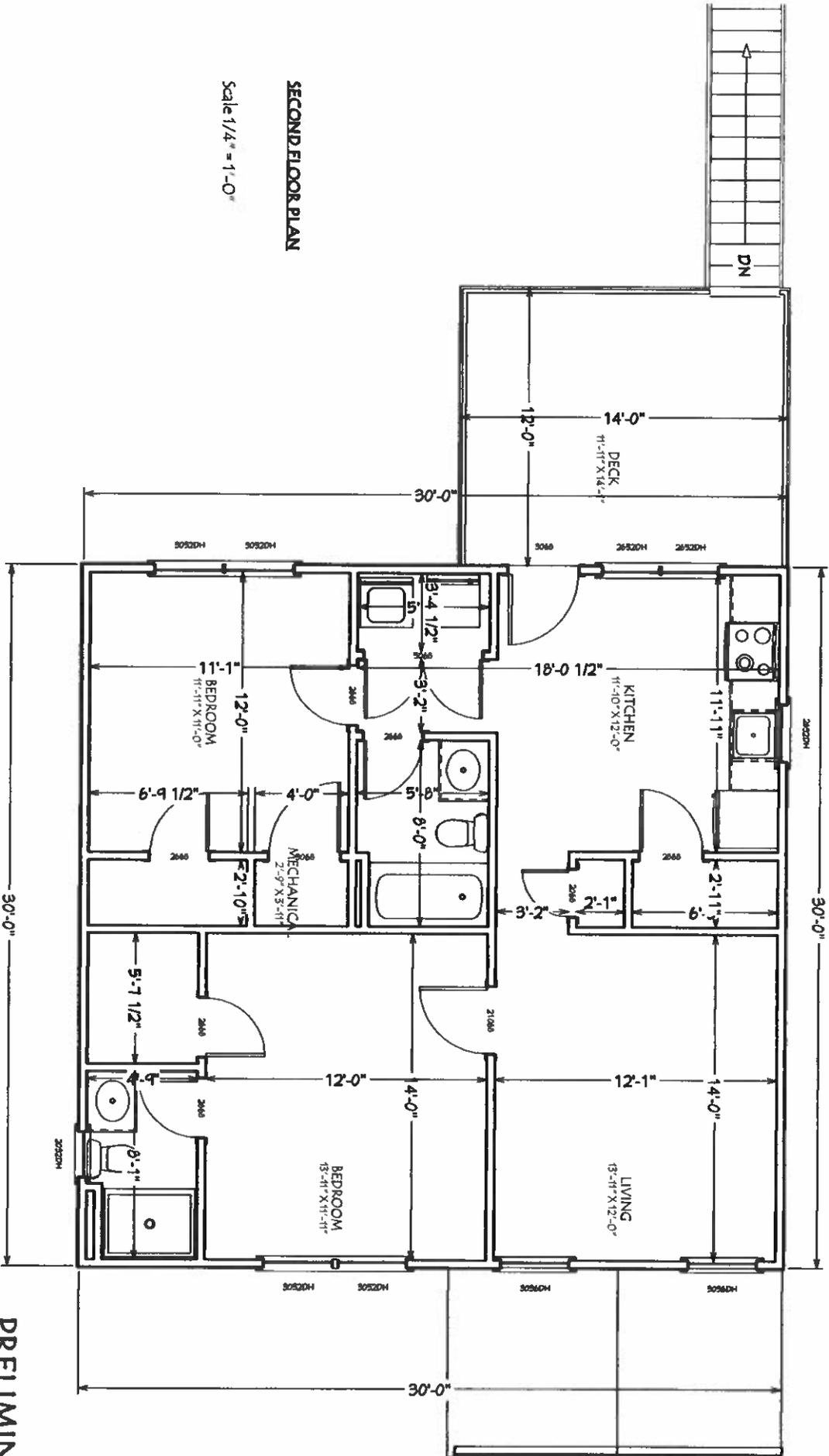
WALNUT AVENUE DUPLEX

PMK 11/12/2020
Rev 11/13/2020

PRELIMINARY

LIVING AREA
9'0" X 9'0" FT

LIVING AREA



SECOND FLOOR PLAN

Scale 1/4" = 1'-0"