

The Planning Commission of the City of Waynesboro, Virginia, held a regular meeting on the 18th day of October 2022, at 7:00 P.M., in Council Chambers, Charles T. Yancey Municipal Building, 503 West Main Street, Waynesboro, Virginia:

PRESENT: Commission Members: Shannon Boyle, Chair
Michael Gibson
Shari Lambert
Nick Zawhorodny

Director of Community Development: Leslie Tate
City Planner &
Clerk of the Commission: Alisande Tombarge

ABSENT: Commission Members: Bobby Henderson, Council Liaison
W. Lowrie Tucker

1. Call to order. Pledge of Allegiance.

Ms. Boyle called the meeting to order at 7:00 PM and asked Ms. Lambert to lead the Pledge of Allegiance.

2. Adoption of agenda.

Mr. Gibson motioned to adopt the agenda; Ms. Lambert seconded. Vote was 4-0 in favor.

3. Review and approval of minutes of meeting held October 18, 2022.

Mr. Zawhorodny motioned to approve the minutes; Ms. Lambert seconded. Vote was 4-0 in favor.

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

None.

5. Second consideration for a preliminary plat request by Wells Land Development, LLC, for a 58-lot residential subdivision on an 18.536-acre parcel located at 0 Stonewall Drive, Waynesboro, Virginia, Tax Map No. 42-12-8.

Ms. Tombarge gave a brief presentation recapping the request by Wells Land Development and how the developer had addressed staff's comments. For details, see the staff report in the agenda packet for the October 18, 2022, Planning Commission meeting.

Ms. Lambert said that she wished the developer would consider reducing the density of the development, and that there had been consistent comments from the neighborhood residents about traffic safety concerns. To help address these concerns, she wanted to make a recommendation to City Council that they examine various traffic calming measures along Vedette Avenue including reinstalling stop signs.

Mr. Gibson confirmed that the development was by-right.

Ms. Boyle clarified how the Planning Commission should proceed with making the motions regarding the approval of the development and for Ms. Lambert's comments. Discussion ensued about the appropriate motion to make and if a Planning Commissioner could vote to abstain.

Mr. Gibson made a motion that the Planning Commission approve the preliminary plat request by Wells Land Development, LLC, for a 58-lot residential subdivision on an 18.536-acre parcel located at 0 Stonewall Drive, Waynesboro, Virginia, Tax Map No. 42-12-8.

Ms. Lambert seconded the motion.

Ms. Boyle asked for a rollcall vote.

Mr. Gibson: **Aye**

Ms. Boyle: **Aye**

Ms. Lambert: **Aye**

Mr. Zawhorodny: **Abstained**

Motion carried 3-0 with Mr. Zawhorodny abstaining.

WHEREAS, upon application for a Major Subdivision (22-023) by Wells Land Development, LLC to subdivide an 18.536-acre parcel located at 0 Stonewall Jackson Drive, Tax Map #42-12-8, the Waynesboro Planning Commission finds that the subdivision requested is consistent with the City's zoning and subdivision ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Waynesboro Planning Commission, by a vote of 3-0 with 1 abstaining, that the request of Wells Land Development, LLC, for a major subdivision be approved, in accordance with the application and staff report dated September 20, 2022 and revised October 18, 2022.

Ms. Lambert made a motion to recommend to City Council that they consider reinstalling the stop signs on Vedette Avenue along with speed bumps and any other traffic calming measures deemed appropriate in order to ensure pedestrian and driver safety.

Ms. Lambert again asked that the developer consider reducing the density of the Kira Heights subdivision development.

Mr. Zawhorodny seconded.

Motion carried with a vote of 4-0.

6. Public hearing for a conditional use permit application from Lauren Sandercock to allow for a 1,100 square foot accessory dwelling unit at 1527 Red Top Orchard Road, Waynesboro, Virginia, Tax Map No. 40-1-12.

Ms. Tombarge gave a presentation the conditional use permit request by Lauren Sandercock. For details, see the staff report in the agenda packet for the October 18, 2022, Planning Commission meeting.

Mr. Gibson asked that since vegetation was recommended between the driveway and the adjacent driveway, what was the buffer between planned between the accessory dwelling unit (ADU) and Kiser Court to shield it from view.

Ms. Tate responded that expanse of what is seen along Kiser Court is less than what is seen along the rear property line, and that what was factored in during staff's consideration of buffers, but Mr. Gibson had a good point about the structure being seen from Kiser Court.

Mr. Zawhorodny asked if the ADU meets all of the setback and other requirements. Ms. Tate responded that the structure would be required to meet all of the required setbacks and a landscape buffer would be on the other side of the proposed driveway to help mitigate the impact of that driveway.

Ms. Boyle expressed concerns about setting a precedent, and that if the Commission approved this one, would they need to approve next one, and that the requested size for this was two-thirds over what is currently permitted. This ADU is very big and that it would be hard to tell a future applicant no, and she asked staff their thoughts.

Ms. Tate acknowledged that precedent was something to be concerned about, but that a conditional use is conditional to a specific property, and that there is more leeway for conditional use permits in that they can be approved with conditions to mitigate the impact of the use. Additional discussion was had between staff and the commissioners concerning the large size of the proposed ADU and setting precedent.

Ms. Boyle invited the applicant forward to speak.

Lauren Sandercock, applicant, 1527 Red Top Orchard Road, Waynesboro, stepped forward and explained why her family was seeking the conditional use permit. She also said that her family does not wish to upset the neighbors and she has been talking to them about the plans for the ADU. She also explained that some of the trees shown in a picture during the presentation were located on her neighbor's property.

Mr. Gibson asked if an addition to the house had been considered. Ms. Sandercock responded that it had but that the zoning ordinance does not allow for a residence to have two kitchens, and they needed two separate kitchens. The area with a second kitchen would be considered an accessory dwelling unit and the size restriction on the attached ADUs was smaller than the detached ADU.

Ms. Lambert commented that the 1,000 square foot with 200 square feet of porch is over the 50% size of the primary dwelling and that the applicant's intent is good, but she was concerned about setting the precedent of allowing an ADU of this size. Mr. Zawhorodny echoed this concern and asked if there was any way to reduce the size of the ADU and still achieve the desired outcome.

Michael Brown, applicant's architect, 11 East Beverly Street, Staunton, addressed the comments concerning the size of the ADU. He stated that the ADU could not be built on a smaller lot because of requirements of setbacks, and by reducing the ADU to 1,000 square feet, they had made the building as small as possible to still be considered accessible.

Mr. Zawhorodny asked how large the bedrooms where. Mr. Brown responded that they were 13 square feet and there was not a good way to make the ADU any smaller and still meet the requirements to ensure the ADU is accessible.

Ms. Lambert asked where the residents will park now that the carport had been removed. Mr. Brown said that the parking is now next to the ADU where the carport had been shown, and that the carport had been removed along with the basement and basement access. He also stated that they would reduce the porch down to the 200 square feet or remove it entirely if it would help address the concerns.

Glenn Slack, applicant's father, 2208 Davis Road, Waynesboro, explained some of the background of why the family decided to request the conditional use permit along with the need of the size and bedrooms. Mr. Slack emphasized that this was the reason for a conditional use permit and that he did not wish to build a building any larger than necessary because of the need to pay for it.

Ms. Boyle opened the public hearing.

Ms. Tate read a comment received from Travis and Jane Harris of 1521 Red Top Orchard Road, Waynesboro. Their comment is attached to these minutes.

Ms. Boyle closed the public hearing.

Mr. Gibson stated that the ADU is a good idea and that he was aware of the requirements of making something accessible, but he was concerned about setting a precedent and what might happen with future occupants of the structure and future neighbors.

Ms. Boyle said her questions about precedent had been answered and that this request was two-thirds over what the ordinance permits but that it is a large lot. Precedent is something that should be considered, but that with the past couple years, the community could be kinder, gentler, and more graceful for a family that is trying to take care of itself, especially since the applicants have made an effort to reach out to neighbors and address their concerns. There was mutual agreement amongst the Planning Commissioners.

Ms. Lambert made a motion that the Planning Commission recommend approval to City Council of the conditional use permit request for a 1,000 square foot accessory apartment, per amended plans and with the two staff recommended conditions, at 1527 Red Top Orchard Road, Waynesboro, Virginia, Tax Map No. 40-1-12.

Mr. Zawhorodny seconded.

Motion carried on a 4-0 vote.

WHEREAS, upon a Conditional Use Permit (22-009) application by Lauren Sandercock, the Waynesboro Planning Commission finds that a Conditional Use Permit should be granted for a 1,000 square foot detached accessory apartment; and that the proposed use will have no more adverse effect on the health, safety, or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in such District; and, further, that the request is consistent with good planning and zoning practice; is justified by the public necessity, convenience, and general welfare; and is in accord with the comprehensive plan of this City;

NOW, THEREFORE, BE IT RESOLVED by the Waynesboro Planning Commission, by a vote of 4-0, that a recommendation be forwarded to City Council that the request of Lauren Sandercock to receive a Conditional Use Permit (CUP 22-009) for a 1,000 square foot detached accessory apartment at Tax Map Number 40-1-12, be approved, in accordance with the application and staff report dated October 18, 2022. Planning Commission recommends the following conditions:

1. Accessory apartment shall be limited to 1,000 square feet or less of interior living area and 200 square feet or less of exterior, attached area for a front porch and rear entry.
2. Vegetative plantings to provide a buffer between the accessory apartment and adjacent properties will be required and be determined during site plan review.

7. Review of minor subdivisions approved since the September 20, 2022, meeting.

Ms. Tombarge presented on a minor subdivision plat for Tax Map Nos. 44-4-17-1, 2, 3, and 4 located at 401, 403, 405, & 407 Magnolia Avenue, Waynesboro.

8. Consider appointing a member of the Planning Commission to represent the Planning Commission on the Board of Zoning Appeals.

Ms. Tombarge said that Mr. Arey had been the Planning Commission's representative on the Board of Zoning Appeals, and with his resignation due to moving out of state, a new member of the Planning Commission would need to be named. Mr. Gibson said that he was interested in being appointed as the Planning Commission's representative to the Board of Zoning Appeals. With no objects, Ms. Boyle named Mr. Gibson as the Planning Commission's new representative to the Board of Zoning Appeals.

9. Other business/commissioners' correspondence and communications

Ms. Tombarge noted that the Planning Commission's bylaws call for a new chair and vice-chair to be voted on after September 1st. Ms. Boyle asked if this decision could wait until the end of the year because of the new Planning Commission member being appointed and a new Council representative would be named. Ms. Tate agreed that it would be fine to wait until these two new members are added if the Commissioners feel comfortable with that. She also mentioned that the Planning Commission may want to revisit the bylaws to update the dates to conform with the calendar year. There was broad agreement among the Planning Commissioners that this was a good idea.

10. Adjournment.

Ms. Lambert made a motion to adjourn the meeting. Mr. Gibson seconded. The vote was 4-0 in favor.

The meeting was adjourned at 8:02 P.M.

Tombarge, Alisande M.

From: Jan Beasley Harris <jan@teamh2realty.com>
Sent: Tuesday, October 18, 2022 4:11 PM
To: Planning
Cc: Travis Harris
Subject: Conditional Use Permit Requested at 1527 Red Top Orchard Rd

CAUTION: This email originated from outside of the organization. Do not follow guidance, click links, or open attachments unless you know the content is safe.

Hello, my husband, Travis Harris, and I are the Sandercock's next door neighbors at 1521 Red Top Orchard Rd. This email is regarding Michael and Lauren Sandercock's request for a conditional use permit to build an ADU and other exterior structures on their property located at 1527 Red Top Orchard Rd.

We support their request before the City's Planning Commission and we understand the growing needs of their family.

We do have a question to be considered after reviewing the architect's plans online today. We noticed that the proposed location of the carport appears to be next to or close to our property line. Since we are unsure of the exact location of the proposed planting of additional vegetation specified in the plans, if this vegetation is not planned as a buffer between our property and theirs, we would like to request a privacy fence to be installed between our two parcels. This fence would run the length from the left/rear elevation of our home to the end of the rear property line between our properties.

The reason we bring this up is that the existing landscaping buffer of Leland Cypress trees and other tall shrubbery along the property line between our two parcels were planted by my husband 23 years ago and have reached their maximum maturity. We had plans to remove this existing landscaping, however by doing so now, their proposed ADU and other structures will be completely and entirely visible from our rear yard and in-ground pool.

When we considered removing these trees prior to our neighbors' plans, mostly our rear yards would be visible to each other. With the addition of another dwelling, carport, porch and patio in the rear of their property being proposed, we fear that these structures may now be in our direct view.

If a privacy fence is not feasible due to their existing design plans and/or cost to the Sandercocks, we can perhaps figure something else out between the four of us to help with this potential situation. We do not want to hinder our neighbor's proposal that they have requested, and we hope that the City's planning commission considers approving their request.

Thank you all for your time.

Travis & Jan Harris
1521 Red Top Orchard Rd