RICHMOND COUNTY PLANNING COMMISSION
MEETING MINUTES

September 6, 2016

The Richmond County Planning Commission held its regularly scheduled meeting on Tuesday, September 6, 2016, in the Public Meeting Room, County Administrative Building, Warsaw, VA.

The following members were present:
Walter Ball
Glenn Bowen
Jesse Clark
Vice Chairman Darnell Clayton
Rick Cox
Chairperson Martha Hall
Cassandra Jackson
John W. Lewis
Harry Smith, Jr.

The following member was absent:
Clifton Jenkins

Also present:
D. Barry Sanders
Dwayne Sanders
Hope Mothershead
Taylor O'Bier
H. R. Robbins
Robert Franklin

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Chairperson Martha Hall called the meeting to order at 7:00 p.m. Jesse Clark gave the invocation and Chairperson Hall led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES – JULY 11, 2016 MEETING

Jesse Clark asked for removal of the "e" in his last name on page 3 of the minutes. Chairperson Hall asked for the omittance of the "&" and replacement with "and" throughout the minutes. John W. Lewis made a motion to approve the minutes, as amended. Cassandra Jackson seconded the motion and they were approved unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION REQUEST

Chairperson Hall declared the opening of the Public Hearing and turned the meeting over to Barry Sanders to hear the following:

> Elizabeth Dragone of 601 St. Christophers Road, Richmond, VA 23226, has applied for a Special Exception Permit in order to allow for repair of an existing boathouse. The property in question is located at 226 Rappa Point Road, Warsaw, VA and is further described as Lot 15, Block A, Rappa Point (Tax Map No. 14B-15).

Barry Sanders addressed the Planning Commission Members to explain that the application was an after-the-fact special exception to expand on an accessory structure in the RPA that was damaged in the tornado of February 2016. In April, 2016, the son of H. R. Robbins contacted the office of Barry Sanders to discuss replacement and was advised that a special exception permit would be required if they wanted to increase the height of the structure or they could rebuild to same height with a regular building permit. It was decided that H. R. Robbins Construction Company would take down the remainder of the building and rebuild. Barry Sanders indicated that the height of the building prior to destruction was 107" tall. Upon inspection after completion Barry Sanders advised the Board that the total height was 137" tall. Barry Sanders advised that after discussions with Mr. Robbins the special exception application was completed to start the process of approving the increased height of 30". The fees for after-the-fact permitting were not charged. Barry Sanders commented that certified letters/notices were sent to the neighboring property owners without any negative responses received.

Barry Sanders advised the Members that Mrs. Dragone was not available for the meeting and that H. R. Robbins was at the meeting as an agent. Chairperson Hall asked if Mr. Robbins would like to add any information. Mr. Robbins indicated that his son had started the building process and he took over without knowledge of the height restrictions. Mr. Robbins commented that the building was constructed with standard materials and the finished project was the standard height for an eight foot door.

Chairperson Hall asked if there were any questions from the Members.

John W. Lewis asked how the structure compared to the existing home as to height. Barry Sanders answered that the new construction was lower than the existing home. Chairperson Hall confirmed that what was being discussed was the construction being 30" taller than allowed without a special exception.

Jesse Clark asked if the new structure was built on the existing foundation. Mr. Robbins commented that it was on the same foundation.

Rick Cox asked if other accessory structures had been re-built in the area and Barry Sanders added that damage still remained in the area and the "boathouse" type buildings had not been repaired. Rick Cox indicated that he would just like to see all future applications done the same way so that policies are consistent. Rick Cox asked if there was a reason not to approve the request and Barry Sanders indicated that since there was no response from the neighbors that he and his staff would recommend approval of the project.

Walter Ball added that he did not see a problem with the approval as he understands that the extra height would be needed for the standard garage door height.

Chairperson Hall indicated that she would like to see the ordinances enforced and the process started before the project begins if possible. She would rather the commission not be put into the position of an after-the-fact approval.

John W. Lewis added that he agreed with Chairperson Hall that he was not comfortable with the after-the-fact approval and also was not in agreement with waiving the additional fees for after-the-fact approval.

Barry Sanders commented that it was his call to waive the after-the-fact fees.

Harry Smith mentioned to the Members that since the tornado in February, 2016, there has been lots of work in the area and he noted that if Barry Sanders had not measured the structure before and after, no one would have known about the difference.

Chairperson Hall opened the floor to the public. With no other comments, Chairperson Hall closed the floor to the public.

Walter Ball made a motion to approve Elizabeth Dragone's request for special exception use in order to allow for increased height of accessory structure. Cassandra Jackson seconded the motion. The motion carried with a vote of 9-0 (*Chairperson Hall – yay; Clifton Jenkins – yay; John W. Lewis – yay; Harry Smith – yay; Glenn Bowen – yay; Rick Cox – yay; Cassandra Jackson – yay; Walter Ball – yay; Jesse Clark – yay).*

PUBLIC HEARING – RE-ZONING REQUEST

Chairperson Hall declared the opening of the Public Hearing on the following:

> Thomas M. Weschler, Sr. and Teresa L. Weschler of 17309 MacDuff Avenue, Olney, MD 20832, proposes to rezone 2.00 acres (further identified as Tax Map No. 29A(3)B4) located on Lambs Lane, Warsaw, VA, from Residential Limited (R-1) to Agricultural General (A-1).

Barry Sanders addressed the members and explained that Mr. and Mrs. Thomas Weschler own a two acre parcel on Lambs Lane. Mr. and Mrs. Weschler would like to adopt a horse to be housed on the two acres. They would like to re-zone the two acre parcel to agricultural. Barry Sanders advised that with this request, the ordinance for equine became a discussion point. Barry Sanders admitted that the ordinance for equine was originally designed for the benefit of the horse, but needed to be more specific. After much research, the following to amend the ordinance was proposed:

> (15) Farm animals (such as cows, pigs, hogs, goats, sheep, mules, horses and other livestock, chickens and other fowl, bees, and similar utilitarian animals), *with the exception of equine and chickens,* shall not be permitted in the Residential, *Limited (*R-1*) or Residential, General (*R-2*)* Districts. Farm animals in the Residential, *Mixed-Use (*R-3*)* District may be allowed if adequate space and other provisions are included in the plan of development for the project. *(Amended July 10, 2008)*
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> (16) Equine may be permitted in the Agricultural, General (A-1), Residential, Limited (R-1), and/or Residential, General (R-2) Districts subject to the following provisions:
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> 1. Residential (R-1) and (R-2) parcels must have a minimum of five (5) acres.
> 2. Minimum of one and one-half (1.5) acres designated for pasture and housing per horse.
> 3. Housing must be a minimum of one hundred (100) feet from adjoining parcels.
> 4. Pastures must be enclosed with adequate fencing.
> 5. Manure management is required so as not to adversely affect adjoining properties (ie: use of manure harrow bi-annually).
>
> ~~*(16) Equine may be permitted in the Agricultural, General (A-1), Residential, Limited (R-1), and/or Residential, General (R-2) Districts, provided that property shall be at least five (5) acres in size. Three (3) equine may be permitted on property five (5) acres in size, with one (1) additional equine being allowed for each additional acre provided. (Amended July 10, 2008)*~~

Barry Sanders advised the members that the lot Mr. and Mrs. Thomas Weschler owns has adequate space for a horse.

Rick Cox asked if the re-zoning to agricultural should be addressed prior to the zoning ordinance amendment. Chairperson Hall added that the re-zoning is related to the Ordinance amendment, but the re-zoning will be discussed first.

Barry Sanders commented that all of the adjoining property owners had received notice of the request and Mr. Rich Gouldin responded with some questions about the stable location from the property line. After discussion with Mr. Gouldin, Barry Sanders agreed to propose a 100 foot requirement from the property line for the location of a stable.

Chairperson Hall added that she thought clear reasons had been given for the re-zoning and both adjoining parcels were agricultural.

Mr. Franklin asked if many years from now, Mr. and Mrs. Weschler decide to build a home on the two acre parcel, would they have to re-zone back to residential. Barry Sanders commented that they could build on an agricultural parcel and it would not need to be re-zoned. Mr. Franklin commented that Mr. and Mrs. Weschler's granddaughter has worked at a horse rescue facility for many years and wants to adopt a horse to bring to the area.

Walter Ball asked if the property owner planned to have multiple horses. Barry Sanders answered that only one horse would be allowed on the two acre lot.

John W. Lewis commented that in his opinion two acres is not a farm – it should be considered a lot because it is in a small neighborhood.

Jesse Clark asked how many acres is required now to have a horse in a residential area. Barry Sanders answered that five acres is required. Jesse Clark did not understand why Mr. and Mrs. Weschler would ask for the re-zoning and horse adoption since they only had a two acre parcel.

John W. Lewis mentioned that his idea of agricultural is that if the property is not eligible for land use, meaning twenty acres of wooded or five acres of farmland, re-zoning to agricultural should not be allowed.

Jesse Clark advised that he was concerned about the order that the approvals were being discussed because if the re-zoning was approved and the ordinance amendment was not, the landowners would not be able to accomplish what they wished.

Chairperson Hall closed the public hearing for the re-zoning request and the members decided to set the matter aside for a later time.

PUBLIC HEARING – AMENDMENT TO ZONING ORDINANCE

Chairperson Hall declared the opening of the Public Hearing and asked if there were questions or issues related to the zoning ordinance amendment following:

> (15) Farm animals (such as cows, pigs, hogs, goats, sheep, mules, horses and other livestock, chickens and other fowl, bees, and similar utilitarian animals), *with the exception of equine and chickens,* shall not be permitted in the Residential, *Limited (*R-1*) or Residential, General (*R-2*)* Districts. Farm animals in the Residential, *Mixed-Use (*R-3*)* District may be allowed if adequate space and other provisions are included in the plan of development for the project. *(Amended July 10, 2008)*
>
> (16) Equine may be permitted in the Agricultural, General (A-1), Residential, Limited (R-1), and/or Residential, General (R-2) Districts subject to the following provisions:
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> 1. Residential (R-1) and (R-2) parcels must have a minimum of five (5) acres.
> 2. Minimum of one and one-half (1.5) acres designated for pasture and housing per horse.
> 3. Housing must be a minimum of one hundred (100) feet from adjoining parcels.
> 4. Pastures must be enclosed with adequate fencing.
> 5. Manure management is required so as not to adversely affect adjoining properties (ie: use of manure harrow bi-annually).
>
> ~~*(16) Equine may be permitted in the Agricultural, General (A-1), Residential, Limited (R-1), and/or Residential, General (R-2) Districts, provided that property shall be at least five (5) acres in size. Three (3) equine may be permitted on property five (5) acres in size, with one (1) additional equine being allowed for each additional acre provided. (Amended July 10, 2008)*~~

Rick Cox noted that he did not think the A-1 District needed to be included in the amendment. Barry Sanders explained that the A-1 District would still need to have requirements such as area for pasture and housing for horse. Barry Sanders stated that the re-write of the ordinance would allow a horse in A-1 District on a parcel with a minimum of one and one-half acres and in residential areas on a minimum of five acres.

John W. Lewis added that the neighbors also need to be considered, that he did not think one and one-half acres was enough space for a horse considering the smells and flies that typically follow.

Jesse Clark added that the proposal included manure management which would help with smells and flies. Jesse Clark questioned the distance from property line for housing of horses. Barry Sanders indicated that after much research it appeared that 100 feet was an average distance from the property line for the stable to be positioned. Jesse Clark also asked about shade requirements for horses and if that was considered.

Chairperson Hall commented that if three horses are allowed on five acres, then allowing one horse on a one and one-half acre parcel should be no different. Glenn Bowen commented that the pasture size is the difference, the new ordinance would require a specific pasture area.

Walter Ball mentioned his property on Richmond Hill Road. His neighbor had horses and now cows and the odor is bad. He cannot have a cookout because of smells and flies so he cannot imagine having a horse on a two acre parcel. Walter Ball indicated that he does not think one horse in a residential area on one and one-half acres is acceptable.

Jesse Clark added that he has a friend in a very residential area that owns two acres and has two horses. He does not remember the smell being bad and indicated that someone is probably working hard to control any odor.

Chairperson Hall closed the public hearing and asked for a motion.

Jesse Clark made a motion to approve the ordinance amendment as presented. Rick Cox seconded the motion.

Chairperson Hall asked for further discussion.

Harry Smith commented that he feels like the guidelines given in the ordinance amendment spell out the requirements clearly.

Chairperson Hall indicated that her concern with any zoning ordinance is the enforceability and she feels these guidelines will allow the staff to enforce.

The motion carried with a vote of 7-1 (*Chairperson Hall – yay; Clifton Jenkins – yay; John W. Lewis – nay; Harry Smith – yay; Glenn Bowen – yay; Rick Cox – yay; Cassandra Jackson – yay; Walter Ball – abstain; Jesse Clark – yay).*

PUBLIC HEARING – RE-ZONING REQUEST

Chairperson Hall addressed the Members and advised that further discussion would be entertained on the request for re-zoning discussed prior in the meeting. The rezoning of the two acre parcel from residential to agricultural would afford Mr. and Mrs. Weschler the legal right to have a horse.

Chairperson Hall opened the public hearing and asked for questions and/or comments from the members.

Harry Smith asked if a home was to be built on the property at a later date, would the horse be able to stay. Barry Sanders answered that ultimately if a home was built on the property, the horse would have to be removed unless the home was placed in the middle of the pasture.

Rick Cox asked Mr. Franklin if the Board of Supervisors did not adopt the change to the zoning ordinance, would Mr. and Mrs. Weschler still want to re-zone the parcel. Mr. Cox thinks it may be pre-mature to ask for the re-zoning if the zoning ordinance is not approved. Chairperson Hall clarified that if the Board of Supervisors did not accept the proposed amendment to the zoning ordinance but the property was re-zoned to agricultural, Mr. and Mrs. Weschler still would not be able to have a horse.

Chairperson Hall thought that maybe the request for re-zoning should be held over to the next meeting until the Board of Supervisors approves the Zoning Ordinance Amendment. Rick Cox agreed that the Board should act on the ordinance change first.

Harry asked if Mr. and Mrs. Weschler decide to withdraw their application, could a refund be given to them for fees paid. Barry Sanders indicated that a refund could be issued minus the $25.00 administration fee.

Chairperson Hall closed the public hearing and suggested to put the re-zoning application on the agenda for the November meeting.

DISCUSSSION FOR ZONING AMENDMENT FOR ALLOWANCE OF CHICKENS

Barry Sanders has received complaints of chickens in a residential area. Mr. Sanders has proposed language to amend the zoning ordinance as follows:

(16a) Chickens may be permitted in Residential, Limited (R-1) and Residential, General (R-2) subject to the following provisions:

1. No more than six (6) chickens.
2. No roosters allowed.

3. Pens and housing shall not be permitted within the front yard setback and must maintain a minimum of fifteen (15) feet setback from rear and side property lines.
4. Chickens must not roam as to be a nuisance to adjoining properties.
5. Manure management is required so as not to adversely affect adjoining properties.

Chairperson Hall suggested that this be discussed as a public hearing after advertising. All members agreed that discussion for this will be held at the next meeting.

John W. Lewis asked if the animal ordinance should be addressed instead of just the chickens and horses. Barry Sanders indicated that the animal ordinance was not a part of the zoning ordinance, and that currently he is trying to include requirements for these animals into the zoning ordinance.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further business, Chairperson Hall adjourned the meeting.

Respectfully submitted,

Hope Mothershead
Commission Secretary