

A regular meeting of the Westmoreland County Planning Commission was held on July 6, 2009, in the General District Courtroom of the George D. English Sr. Memorial Building, Montross, Virginia. Those members present were Robert McDermott, James Coates, Elwood Carey, John Felt and Richard Moncure. Beth McDowell, Planners and Thomas Bondurant, Jr., County Attorney were also present.

CALL TO ORDER

Chairman McDermott called the meeting to order at 1:35 p.m. The roll was called and a quorum was declared.

PRIOR MINUTES

Chairman McDermott asked if everyone had received a copy of the May 2009 minutes. He then asked if there were any additions or corrections. Mr. Felt moved that the minutes be approved as submitted. Mr. Carey seconded and the motion carried with a unanimous vote.

COMMISSION'S CONCERNS

Chairman McDermott addressed the concern of the lighting at the Park-n-Ride at Oak Grove. According to the information from the County Administrators' office the lighting has been scheduled to be installed.

OLD BUSINESS

Drag strip road violation: Mr. Coates stated that the drag strip continued to violate the time of operation condition; noise and traffic was out of control and he did not believe that a land disturbing permit had been issued for the second pit. A status request was then asked about Mr. Iannavelli's mud bog. Mr. Fink, Planning Administrator, stated a letter had been written advising Mr. Iannavelli that a special exception and a permit would be needed.

CASE # 0907-SE-03 - BRANDYWINE AUTO SALES INC, 14145 BRANDYWINE ROAD, BRANDYWINE, MD, 20613, HAVE REQUESTED A SPECIAL EXCEPTION TO ALLOW AN "AUTOMOTIVE REPAIR GARAGE" IN A B-1, BUSINESS, GENERAL ZONED DISTRICT. THE PURPOSED LOCATION DESCRIBED AS LOT 44A SHOWN ON ZONING DISTRICT MAP 44, ALSO KNOWN AS 20530 KINGS HIGHWAY, MONTROSS MAGISTERIAL DISTRICT.

After discussion and public comment, Mr. Felt moved to recommend case # 0907-SE-03 to the Board of Supervisors for approval with the following conditions:

1. The Special Exception for an Automotive Repair Garage operation is approved for Tax Map 44-44A.
 2. Outdoor storage of vehicles shall be limited to three (3) customers' vehicles. Parking shall not be permitted upon the drainfield or septic tank area.
 3. This Special Exception shall have begun within 365 days from the date of approval or shall be declared null and void in accordance with the Zoning Code Section 6-2 (F). This includes the approval of a zoning and/or building permit for operation.
 4. No additional development will be permitted on the property except for in compliance with the Zoning Ordinance.
 5. VDOT approval of the entrance.
 6. All outside storage (excluding vehicles), waste disposal and recycling facilities shall be screened with an opaque fence and/or landscape.
 7. All signage shall be in accordance with the sign code.
 8. All exterior lights shall be shielded from abutting properties and directed onto the site. Extra safety measures shall be taken to assure that no lighting shall interfere with the vehicular traffic on any public right-of-way.
 9. All applicable Building, Zoning and Health Departments permits are obtained.
 10. All necessary local, state and federal plan application(s), review and approval processes shall be complied with and adhered to.
 11. Failure to abide by these requirements or conditions will result in the immediate revocation of this approval. Any future modification shall require re-submittal and approval.
- Mr. Carey seconded, the motion carried with an unanimous vote.

CASE # 0907-ZA-01 - AMENDING THE WESTMORELAND COUNTY ZONING ORDINANCE:

ARTICLE 4 Supplemental Use Regulations and Standards

4-1 Accessory Uses and Structures

4-1.1 Authorization

Accessory uses and structures are permitted in any zoning district, unless qualified below. Accessory uses and structures shall be permitted only in conjunction with, and incidental to, a principal use or structure, **except as exempted in section 4-1.3.**

4-1.2 Permitted residential accessory uses and structures, **allowed only in conjunction with, and incidental to, a principal use or structure.**

Accessory uses and structures shall be limited to the following residentially related uses and structures and to any other use or structure the zoning administrator determines to be similar in scope,

size and impact as those listed herein, and are in compliance with all other provisions of this chapter.

4-1.2.1 Permits are typically required prior to installation:

1. Above-ground deck
2. Fallout Shelter
3. ~~Fence, wall, arbor, trellis, barbeque equipment, statue, flagpole, hedges, gates and gateposts~~
4. Freestanding air conditioning unit
5. ~~Gardening and composting~~
6. ~~Driveways and parking for motor vehicles, subject to Article 5~~
7. Patio, porch, gazebo
8. Private garage, carport ~~not to exceed 18 feet in height and 4,200 square feet in size~~
9. Private greenhouse
10. Private swimming pool and bathhouse
11. Private tennis court or outdoor recreational court
12. Radio or satellite antennas, freestanding or on roof, setback from required yards a minimum of one (1) foot for each one (1) foot in height
13. Storage shed, ~~200 square feet or less in size~~, for personal, noncommercial use, and clearly subordinate to principal structure. Not more than two storage sheds may be placed on any single residential lot
14. Studios and workshops without outdoor display for personal use, and clearly subordinate to the principal structure
15. Solar power panels **and windmills**
16. ~~Water-related structures~~
17. Accessory dwelling in accord with Article 4
18. ~~Private well for a single dwelling unit~~
19. ~~Private septic system for a single dwelling unit~~

4-1.2.2 Permits are typically not required for installation:

1. Clothesline
2. Pet houses, pens, runs hutches for commonly accepted pets but not kennels
3. Storage, outdoor, provided such storage area is located on the rear half of the lot; is screened from view from the first story window of any neighboring dwelling; and the total area for such outside storage does not occupy more than 100 square feet
4. Enclosed areas devoted to collection of recyclable materials generated by the principal use
5. School bus shelter or bus stand

6. Playhouse for children, not to exceed 100 square feet in gross floor area or 6 feet in height, and children's play equipment

4-1.3 Permitted residential accessory uses and structures, allowed absent a principal use or structure.

4-1.3.1 Permits are typically required prior to installation:

1. Private well for a single dwelling unit (site plan engineered by design professional is required for installation prior to principal structure)
2. Community water facilities, in accord with Article 4
3. Private septic system for a single dwelling unit (site plan engineered by design professional is required for installation prior to principal structure)
4. Driveways and parking for motor vehicles, subject to Article 5
5. Water-dependent structures
6. Fence greater than six feet in height
7. Retaining wall
8. Gardening, exceeding 2,500 square feet (permits required for initial establishment of garden only)
9. One (1) accessory structure, 200 square feet or less in size, with electric and plumbing permissible

4-1.3.2 Permits are typically not required for installation:

1. Gardening and composting, which is less than 2,500 square feet and outside the 100' Resource Protection Area
2. Fence or privacy wall that is six feet or less in height, arbor, trellis, barbecue equipment, statue, flagpole, hedges, gates and gateposts

4-1.4 Permitted commercial and industrial accessory uses and structures

Accessory uses and structures shall be limited to the following commercially and industrially related uses and to any other use or structure the zoning administrator determines to be similar in scope, size and impact as those listed herein, and are in compliance with all other provisions of this chapter:

1. Administrative offices for the principle **principal** uses
2. Dumpsters and dumpster pads
3. Emergency power generators
4. Fence, flagpole, or wall
5. Freestanding air conditioning unit
6. Off-street Parking, loading spaces and parking structures, as

- permitted by Article 5
- 7. Recycling facilities
- 8. Storage sheds, clearly subordinate to principal structure
- 9. Stormwater management facilities, BMP facilities
- 10. Bus shelter or bus stand
- 11. Sculpture, fountain, and other outdoor decorative elements etc. clearly subordinate to principal structure
- 12. Solar power panels **and windmills**
- 13. Water-related structure
- 14. Private outdoor recreational courts or facilities for use by employees
- 15. Motor vehicle fuel tanks and pumping facilities as an accessory to an industrial or commercial use, provided that such facilities are private, not visible from a public roadway, and used solely to fuel company vehicles and equipment
- 16. Loading docks and bays
- 17. Signs, as permitted by Article 7
- 18. Accessory living quarters for watchman, guard, caretaker or custodian subject to Article 4

4-1.5 Accessory Use and Structure Limitations

- 4-1.5.1** Accessory structures shall be included in the calculation required by this ordinance for the purpose of complying with height, bulk and coverage regulations.
- 4-1.5.2** No accessory use or structure shall create a nuisance or hazard.
- 4-1.5.3** Accessory uses and structures shall be operated and maintained under the same ownership as the principal use.
- 4-1.5.4** All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which it is located.
- 4-1.5.5** If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building and shall comply in all respects with the requirements of this Ordinance applicable to a principal building.
- ~~4-1.5.6~~ ~~Accessory structures shall be included in the calculation required by this ordinance for the purpose of complying with height, bulk and coverage regulations.-(SAME AS 4-1.5.1)~~
- 4.1.5.6** No barbed wire, electrical elements or other hazardous materials, and no unfinished concrete or cinder block or

similar unfinished material shall be maintained as a fence or part of a fence or wall in a residential district or abutting a residential district or use, except in conjunction with bona fide agricultural uses in the A-C, RC, or A-1 districts. Underground "invisible" fencing shall be permitted.

- 4-1.5.7** Accessory uses or structures shall be located on the same lot or parcel as the principal structure or use except in Agricultural zoning districts, where accessory uses or structures may be located on a parcel that is under the same ownership as the parcel or lot upon which the principal use or structure is located.
- 4-1.5.8** No accessory use or structure shall be located in a required yard except as permitted in Section **4-1.5.9** and Section **4-1.5.10**. The potential future location of reserve drainfields must be taken into consideration when locating accessory structures.
- 4-1.5.9** For any yard, including front yards, the following structures shall be permitted, provided applicable sight distance and fire safety requirements are met and maintained:
- A. Fences, provided that no fence in a front yard of a residential district shall exceed four (4) feet in height, nor shall it contain barbed wire.
 - B. Ground level terraces, patios or decks not over thirty (30) inches high, which do not include a permanently roofed-over terrace or porch.
 - C. Awnings or canopies, provided they do not project more than eight (8) feet from the existing building face.
 - D. Bay windows and overhanging eaves or gutters, projecting no more than four (4) feet into the yard.
 - E. Architectural features, chimneys, or the like, projecting a maximum of three (3) feet into any yard, provided that such projection does not reduce the width of a yard to less than three (3) feet.
 - F. Covered entry porches, enclosed or unenclosed, may project a maximum of four (4) feet, provided such projection does not reduce the width of the yard to less than three (3) feet.
 - G. Arbors and trellises not exceeding ten (10) feet in height, provided that such structures do not reduce the width of the yard to less than three (3) feet.

- H. Flag poles.
- I. Recreational equipment, provided that such equipment does not reduce the width of the yard to less than three (3) feet.

4-1.5.10 For any yard except front yards of a lot of one acre or less in a residential district, and any yard of a waterfront lot except the rear yard between the principal structure and the water, the following structures are permitted, provided applicable sight distance and fire safety requirements are met and maintained:

- A. Clotheslines.
- B. Fences shall not exceed eight (8) feet in height in residential areas and shall not contain barbed wire. (also see Section **4-1.5.9** (A).
- C. Balconies projecting a maximum of four (4) feet, provided they do not reduce the width of the yard to less than three (3) feet.
- D. In conjunction with single-family dwellings only, small sheds, pet houses and pens, provided that such structures:
 - (1) Are not in excess of one hundred fifty (150) square feet in floor area.
 - (2) Not in excess of twelve (12) feet in height.
 - (3) At least fifty (50) feet from any street right-of-way or private access easement at the front of the lot.
 - (4) At least twenty (20) feet from any street right-of-way or private access easement at the rear of the lot, except for street frontage setbacks.
 - (5) Decks exceeding thirty (30) inches in height may be permitted in rear yards provided that they are no closer than twenty (20) feet to a property line.

After a brief discussion, Mr. Carey moved to allow accessory structures up to 200 sf or less Mr. Coates seconded the motion, it carried unanimously. Mr. Felt then moved to approve electricity in an accessory structure, Mr. Carey seconded, the motion carried unanimously. Mr. Felt also moved to limit the electric power to 60 amp, however, due to the lack of a second, the motion failed. Mr. Moncure moved to allow plumbing in an accessory structure, Mr. Coates seconded, the motion carried with a 4 to 1 vote, Mr. Felt voting "no". After the aforementioned preliminary actions, Mr. Carey moved to recommend approval to the Board of Supervisors of

Article 4-1.3.1, Supplemental Use Regulations and Standards, as amended July 6, 2009, to include an accessory structure 200 sf. or less in size with electric and plumbing. Mr. Moncure seconded, the motion carried with a 4 to 1 vote, Mr. Felt voting "no".

ADJOURNMENT

There being no other business to come before the Commission, Mr. Felt moved that they adjourn. Mr. Coates seconded and the motion carried by unanimous vote.

Chairman