

**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, January 2, 2020**

Present: George Yancey (Chair); Donald Brooks (Vice Chair); Jason Capelle; Jim Hutchison; Julie Zeijlmaker,

Absent: James Crozier, BOS Representative

Staff Present: Sandra Thornton, Planning Services Manager; Bryan David, County Administrator; Eric Lansing, Assistant County Attorney; Tracey Newman, Planning Services Associate

1. Call to order and determination of quorum:

Chairman Yancey called the meeting to order at 6:00 pm.

2. Election of chairman and vice-chairman; appointment of secretary

Chairman Yancey yielded the floor to Ms. Thornton who opened nominations for new officers. The first nomination was for Chairman. Mr. Yancey nominated Mr. Brooks. There were no other nominations. Mr. Brooks was unanimously confirmed as Chairman for 2020.

Mr. Brooks nominated Mr. Capelle for Vice-Chairman with no other nominations. Mr. Capelle was unanimously confirmed as Vice-Chairman for 2020.

Chairman Brooks appointed Ms. Thornton as Secretary for 2020.

3. Approval of agenda:

On a motion of Mr. Yancey, seconded by Mr. Hutchison, the agenda was approved as presented by a vote of 5-0.

4. Approval of minutes:

A. November 7, 2019 regular meeting:

On the motion of Mr. Jim Hutchison, with second by Mr. Yancey, the minutes were accepted as presented by unanimous vote.

5. Public comment:

Chairman Brooks opened the floor for public comment. No one came forward and public comment closed.

6. Public hearings

- A. **ZTA 19-04:** The Orange County Board of Supervisors proposes to amend the Code of Orange County, **Section 70-244 (a)** regarding the expansion of nonconforming residential and non-residential structures in the Agricultural (A) District. The purpose of the proposed amendment is to allow owners of smaller structures an opportunity for a potentially greater expansion or enlargement of size than allowed under current regulations.

Mr. David reviewed the proposed text amendment, explaining it was initiated by the Board of Supervisors due to a small nonconforming church that wants to expand. Mr. Capelle asked whether the Board of Zoning Appeals (BZA) could grant a variance. Mr. Lansing advised that other than a violation of the 5th Amendment or of the American for Disabilities Act, the BZA has no statutory authority to grant such a variance. Mr. Capelle expressed concern about the potential of a large addition on a very small structure.

Chairman Brooks opened the public hearing. Mr. Christopher Schafer of 9310 Everona Rd. Unionville, spoke in favor of the proposed amendment as he wants to expand his home, but due to nonconformance can only add five-hundred (500) square feet. With the amendment he could add up to fifteen-hundred (1500) square feet.

Mr. Hutchison made a motion to recommend approval of the proposed text amendment and the motion was seconded by George Yancey. Chairman Brooks called for a vote on the motion and the Planning Commission recommended approval of ZTA 19-04 by a vote of 4-1.

Ayes: Brooks, Zeijlmaker, Hutchison, Yancey

Nays: Capelle

- B. **ZTA 19-05:** The Orange County Board of Supervisors proposes to amend the Code of Orange County, **Section 70-71 Administrative variance** by adding provisions to permit the Zoning Administrator to grant variances for reasonable modifications to property or improvements which are to benefit a person or persons covered by the State or Federal Fair Housing law or the Americans with Disabilities Act. The purpose of the amendment is to bring county regulations into compliance with the Code of Virginia.

The proposed text amendment was reviewed by Mr. David who advised that when there is a documented disability, the Americans with Disabilities Act (ADA) takes precedence.

Chairman Brooks opened the public hearing. No one appeared for or against the proposed amendment.

Mr. Hutchison made a motion to approve recommending the text amendment. The second came from Mr. Capelle and the Planning Commission recommended approval of ZTA 19-05 by a vote of 5-0.

- C. **ZTA 19-06:** The Orange County Board of Supervisors proposes to amend the Code of Orange County, **Section 70-551** under the provisions of the Barboursville Village Overlay District. The purpose of the amendment is to increase membership on the Barboursville Village Overlay District Advisory Committee from three (3) to five (5) members, with three (3) members residing or owning real estate in the Barboursville Village Overlay District.

Mr. David reviewed the proposed amendment, then Chairman Brooks opened the public hearing. No one appeared for or against the proposed amendment. A motion to approve was made by Mr. Yancey and was seconded by Mr. Capelle. The Planning Commission approved recommendation of ZTA 19-06 by 5-0 vote.

- D. **SUP 19-05:** Mark and Jill Thorburn have applied for a Special Use Permit to operate The Icebox Creamery, a seasonal business, from a permanent structure at 4324 Germanna Highway, the site of Lake of the Woods Car Wash. The property is identified as Tax Map Parcel 12A-17-1 and is situated in the Germanna-Wilderness Area Plan Subarea Five: Lake of the Woods.

Ms. Thornton reviewed the special use permit application. She explained the applicants were unable to attend as they were out of the country. Mr. Capelle expressed concern about delineating the pedestrian traffic between the car wash and the ice cream stand. Mr. Yancey and Mr. Hutchison expressed concern about potential pedestrian/traffic conflicts.

A motion to recommend approval of SUP 19-05 was made by Mr. Hutchison, and seconded by Mr. Brooks. The motion carried by vote 5-0.

7. Work session:

A. Adaptive Reuse Policies

Mr. James Cash Deane is a high school student in the Blue Ridge Virtual Governor's School. For his legacy project he researched Adaptive Reuse Policies and gave a presentation to the Planning Commission. The commissioners praised Mr. Deane for the research that was done and for his presentation skills.

8. New Business

No new business

9. Old business:

No old business.

10. Reports:

A. Planning Services Report – Sandra Thornton

Ms. Thornton gave the commissioners copies of the summary report on Planning and Zoning activities during 2019. She also advised there is a pending Private Road Application that will be presented at the next meeting.

11. Commissioner comments

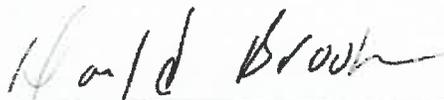
Mr. Hutchison recognized County Administrator Bryan David. He expressed his appreciation to Mr. David and stated his opinion that Mr. David's impact on Orange County will last for years.

Chairman Brooks stated that on behalf of the Planning Commission he wanted to thank Mr. David for his service, work and attention to detail. He too expressed gratitude for Mr. David's work for Orange County.

12. Next meeting date – February 6, 2020

13. Adjourn

On the motion of Mr. Hutchison, seconded by Mr. Yancey, which carried by a vote of 5-0, the meeting adjourned at 7:14 pm.



Donald Brooks, Chairman



Planning Commission Secretary

The events of this meeting were captured via digital audio recording. These written minutes shall serve as the official record of actions taken during the meeting.