

POLICY COMMITTEE MEETING

April 14, 2014

3:00 p.m.

County Government Center, Building D

1.) Roll Call

Present

Mr. Tim O'Connor
Mr. Rich Krapf
Ms. Robin Bledsoe
Mr. John Wright

Staff Present

Mr. Paul Holt
Mr. Jason Purse
Mr. Scott Whyte
Ms. Jennifer VanDyke
Ms. TC Cantwell

Mr. Tim O'Connor called the meeting to order at 3:07 p.m.

2.) Minutes

a. March 13, 2014

Mr. Rich Krapf moved to approve the minutes.

In a unanimous voice vote the minutes were approved as submitted (4-0).

3.) Old Business

Case No. ZO-0007-2013, Zoning Ordinance Amendment to Consider the Keeping of Chickens in Residentially Zoned Areas of the County

Mr. Scott Whyte, Planner, addressed the Policy Committee giving a summary of the staff report included in the Agenda Packet.

Ms. Bledsoe moved to forward the case to the Planning Commission.

Mr. O'Connor stated that the case should go before the Planning Commission to consider and to have a public hearing.

Mr. Paul Holt stated that the Planning Commission may request additional changes.

In a unanimous voice vote the draft Ordinance was forwarded to the Planning Commission for consideration (4-0).

Mr. Roy Hartley of the Powhatan Crossing Home Owner's Association (HOA), inquired if a house is located in the center of a 15,000 square foot lot in R-1, Limited Residential, would they be permitted to keep chickens in the back yard.

Mr. Scott Whyte stated that is total lot area and that chickens would be permitted on lots that are 15,000 square feet or more in R-1, Limited Residential.

Mr. Holt stated that the chickens, coops and runs would remain in the back yard.

Mr. Hartley inquired if a back yard of 6,000 square feet would be sufficient.

Mr. Whyte stated yes that is sufficient.

Mr. O'Connor stated that is their understanding that a Homeowner's Association may have declarations of covenants and restrictions or rules that have been adopted that preclude chickens or any other domestic animals.

Mr. Hartley inquired if the approval of the ordinance would have any effect on the HOA and if the County overrules.

Mr. Krapf stated no.

Mr. Hartley inquired if the HOA would have to change their covenants to accommodate the change in ordinance.

Mr. Holt stated that the HOA has the option to leave the covenants in place and be more restrictive and not permit chickens at all.

Mr. Hartley stated that the HOA could ignore the ordinance.

Mr. Holt stated that it would not be applicable under the neighborhood association rules.

Mr. O'Connor stated that another opportunity to speak on behalf of this ordinance would be during the public hearing section of the May 7, 2014, Planning Commission meeting.

Mr. Krapf stated that if the HOA covenants or rules do not address the issue of chickens and the ordinance were to be approved then the residents would be allowed to have chickens.

Mr. Hartley stated that their covenants specify cats and dogs only.

Mr. Wright stated that the ordinance does not apply.

Mr. Hartley stated that the HOA would have to change the covenants to permit chickens.

Mr. Krapf stated that is correct if the residents are interested in keeping chickens.

Mr. Jason Purse stated that the County would not enforce the HOA covenants and that would be up to the Association.

Case No. ZO-0008-2013, Accessory Apartments

Ms. Jennifer VanDyke, Planner, addressed the Policy Committee giving a summary of the staff report included in the Agenda Packet.

Mr. Krapf requested that staff elaborate on the A-1, General Agricultural District. He requested information regarding both detached and attached apartments as specially permitted uses in A-1 District.

Mr. Krapf stated that the lot size in A-1 is a minimum of 3 acres which means the neighborhood criteria isn't as applicable as other districts. He inquired if staff had an internal discussion regarding the detached accessory apartments in A-1 District.

Ms. VanDyke stated that staff had not discussed the A-1 District in isolation and the proposed ordinance would allow attached apartments by-right uses within the residential districts with the exception of R-5, Multi-family Residential. She stated that the ordinance would allow detached apartments as a legislative review process with the exception of PUD, Planned Unit Development, MU, Mixed Use, and R-5.

Mr. Wright inquired if the MU, Mixed Use District would not allow detached accessory apartments.

Ms. VanDyke stated that is correct and there were more in depth discussions on MU and R-5 due to the nature of those neighborhoods.

Mr. O'Connor asked if in some districts, the entire accessory structure could be converted into an accessory apartment.

Mr. Holt stated that the purpose for limiting the size of an apartment within an accessory structure is due to the potential of creating a non-conforming lot.

Mr. O'Connor inquired if the ordinance allows the garage to be doubled in size to accommodate an accessory apartment.

Mr. Purse stated that the size of the structure could be doubled in size dependent on total size.

Mr. O'Connor inquired if the floor plan for the detached accessory structure could be doubled in size since there is a 3 acre minimum lot size in the A-1 zoning district.

Ms. VanDyke stated that the proposed special regulations language would allow cases to be reviewed based on the size and scale of the primary residence.

Mr. O'Connor stated that the size, scale, and architecturally compatible should be a condition in the ordinance instead of the SUP.

Mr. Holt stated that in agricultural zoned districts accessory structures such as barns, sheds, garages, etc. can be quite large and the SUP would assist with regulating the size of accessory apartments within that district.

Mr. Wright inquired if the detached garages within New Town that could be used as accessory apartments would be precluded from the draft ordinance.

Mr. Purse stated that the definition of dwelling units excludes full baths and kitchens.

Mr. Holt stated that the college students could reside in those units but they would have to utilize the full bath and full kitchen within the principal structure.

Mr. Holt stated that these units could be utilized as an art studio, a work shop, and a bedroom. He stated a 220 service to accommodate a full size stove or oven is not permitted, however, a microwave or hotplate is permitted.

Mr. O'Connor inquired if parking calculations in mixed use districts included garages.

Mr. Wright stated that New Town area provides approximately one parking space per residential unit.

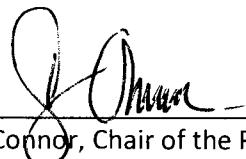
Ms. Bledsoe stated that parking has become an issue within residential areas.

Mr. Purse stated that residential neighborhoods usually have longer driveways and garages which accommodates for more parking, however, multi-family areas are typically not equipped with those options.

In a unanimous voice vote the draft Ordinance was forwarded to Planning Commission for consideration (4-0).

5.) Adjournment

The meeting was adjourned at 3:34 p.m.



Tim O'Connor, Chair of the Policy Committee