



Planning Commission

MEETING AGENDA

Berryville-Clarke County Government Center  
101 Chalmers Court, Second Floor  
Main Meeting Room  
Regular Session

August 27, 2024

7:00 PM

Item

Page

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**1. Call to Order- William Steinmetz, Chair**

**2. Approval of Agenda**

**3. Approval of Minutes- July 23, 2024**

Minutes, July 23, 2024

**4. Public Hearings- Special Use Permit- Home Occupation, 308 Breckenridge Court**

Matthew and Deborah Renzi, Owners, are requesting a special use permit per Section 604.3(g) of the Berryville Soning Ordinance in order to operate a home occupation (fitness classes) at the property located at 308 Breckenridge Court, identified as Tax Map Parcel number 14A7-((2))-64, zoned DR-4 Detached Residential . SUP 03-24

**5. Discussion of Public Hearing Items**

**6. Citizens' Forum**

**7. Set Public Hearing- Special Use Permit- Home Occupation, 22 Jack Enders Boulevard**

Megan and Joshua Urban, Owners, are requesting a special use permit per Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation (fitness classes) at the property located at 22 JAck Enders Boulevard, identified as Tax Map Parcel number 14A6-((4))-25, zoned DR-2 Detached Residential. SUP 04-24

**8. Planning Update**

**9. Other**

**10. Adjourn**

**BERRYVILLE PLANNING COMMISSION**  
**Berryville-Clarke County Government Center**  
**Regular Meeting Minutes**  
**July 23, 2024**

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A meeting of the Berryville Planning Commission was held on Tuesday, July 23, 2024 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

**Attendance:** Members of the Planning Commission present: Gwen Malone, Vice Chair; William Gilpin, Dana Libby, Michelle Marino, Tom Parker

**Absent:** William Steinmetz, Chair; Michael Bell

**Staff present:** Christy Dunkle, Community Development Director; Miranda Dodson, Town Clerk

**Press present:** none

**1. Call to Order – Gwen Malone, Vice Chair**

Vice Chair Malone called the meeting to order at 7:00 p.m.

**2. Approval of Agenda**

Ms. Marino made the motion to approve the agenda as presented, motion seconded by Mr. Parker. The motion passed by voice vote.

**3. Approval of Meeting Minutes**

Ms. Marino made the motion to approve the minutes of the May 28, 2024 meeting as presented, motion seconded by Mr. Gilpin. The motion passed by voice vote.

**4. Set Public Hearing – Special Use Permit – Home Occupation**

**Matthew and Deborah Renzi, Owners, are requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court, identified as Tax Map Parcel number 14A7-((2))-64, zoned DR-4 Detached Residential. SUP 03-24**

Ms. Dunkle asked the Planning Commission to set a public hearing for their August 27, 2024 meeting for a special use permit. Ms. Dunkle informed commission members that Town Council has set a public hearing for their September 10, 2024 meeting. She said she has spoken with Mr. and Ms. Renzi about where will clients be parking during the classes and how the home will be utilized when they have a full class. She said that the applicant has permission from Martin's for their clients to park on their property.

Mr. Libby discussed building code and fire and recuse concerns. Ms. Dunkle said she would follow up with the building department.

Mr. Parker had concerns about the ability to accommodate 12 people for a class on site.

Mr. Gilpin stated that the Martin's parking lot is already a crowded area in the evening when the classes are being held.

Vice Chair Malone asked for the motion to set the public hearing for the special use permit- for a home occupation.

**Ms. Marino made the motion that the Planning Commission of the Town of Berryville set a public hearing for Tuesday, August 27, 2024 for a special use permit in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court, motion seconded by Mr. Libby. The motion passed by voice vote.**

**5. Citizens' Forum**

There were no speakers.

**6. Planning Update**

Vice Chair Malone complimented public works staff on how clean and well kept the park is for the Friday night concerts. She commended the pride of the work being done for the Town. Ms. Dunkle said she would pass the compliment to public works staff.

Ms. Marino discussed that there is another Vape Shop coming to the area. Ms. Dunkle answered that it will be located on Church Street.

**7. Other**

There was no other business.

**8. Adjourn**

Mr. Gilpin made the motion to adjourn the meeting at 7:16 p.m., motion seconded by Ms. Marino. The motion passed by voice vote.

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Gwen Malone, Vice Chair

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Miranda Dodson, Town Clerk

**Item Title**

Public Hearing – Special Use Permit – Home Occupation

**Prepared By**

Christy Dunkle

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**Matthew and Deborah Renzi, Owners, are requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court, identified as Tax Map Parcel number 14A7-((2))-64, zoned DR-4 Detached Residential. SUP 03-24**

**Background/History/General Information**

Mr. Renzi is requesting a special use permit in order to offer private and small group fitness sessions not exceeding 12 participants in the garage at his home located on Breckinridge Court.

*Adjacent Zoning*

The adjacent property is zoned DR-4 Detached Residential.

*Parking*

The property has four off-street parking spaces. Mr. Renzi has been given permission from Martin's for his clients to park in their parking lot.

*Signage*

A nameplate of up to two (2) square feet of signage is permitted for a home occupation per Section 315.5(a) of the Berryville Zoning Ordinance.

*Hours of Operation*

Mr. Renzi is requesting hours for single-client sessions from 9:00 a.m. to 12:00 p.m. on Mondays, Wednesdays, and Fridays during the summer and from 6:00 p.m. until 8:00 p.m. on Mondays and Wednesdays during the school year.

The applicant is also requesting group sessions (not to exceed 12 participants) on Tuesday and Thursday evenings from 6:30 p.m. until 8:00 p.m. throughout the year.

Home occupations are regulated under Section 315 of the Berryville Zoning Ordinance. A copy of this section is included in the packet.

Section 503 of the Berryville Zoning Ordinance regulates special use permits. The Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of the ordinance. Once a special use permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council. The authorized activities shall be established within two (2) years of the date of approval with an extension of one (1) additional year with Council approval, or such special use permit shall expire without notice.

### **Findings/Current Activity**

Public hearing notices were published in the Winchester Star on Tuesday, August 13 and Tuesday, August 20, 2024. Adjacent property owners were notified on August 13, 2024.

Staff received two phone calls and two visits from adjacent property owners. Each person voiced concerns about parking and noise. Three of the residents indicated that they would attend the public hearing.

Concerns voiced at the July Planning Commission meeting include lack of parking and questions as to whether the occupancy limit set by the Clarke County Building Department would dictate the number of participants. Staff discussed the matter with the County Building Official who said that occupancy limits are based on residents living at the house. In this case, the limit is set at eight (8). He also said that the garage is not considered conditioned space which would not be considered part of the maximum occupancy.

### **Schedule/Deadlines**

It would be appropriate for Planning Commission to make a recommendation at this meeting as the Town Council has set a public hearing for their September 10, 2024 meeting.

### **Other Considerations**

N/A

### **Recommendation**

Based on comments by residents and appointed officials, there is a concern about parking and noise generated from the property related to the home occupation. Staff is recommending that the number of participants be reduced and that activities must be held within the building.

## Sample Motion

I move that the Planning Commission of the Town of Berryville recommend that Town Council approve a special use permit in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court with the following conditions:

- No more than **four (4) clients** (or number recommended by Commissioners based on off-street parking availability) per session;
- All activities must take place within the structure;
- Hours of operation from 9:00 a.m. to 12:00 p.m. on Mondays, Wednesdays, and Fridays during the summer; 6:00 p.m. until 8:00 p.m. on Mondays and Wednesdays during the school year; and Tuesday and Thursday evenings from 6:30 p.m. until 8:00 p.m. throughout the year; and
- Signage shall be limited to a nameplate no more than two square feet per Section 315.5(a) of the Berryville Zoning Ordinance.

## Attachments:

- Public hearing notice published in the Winchester Star on Tuesday, August 13 and Tuesday, August 20, 2024.
- Letter from the applicant
- Site plan
- Section 315 Home Occupations, Home Offices of the Berryville Zoning Ordinance

WINCHESTER STAR

AUGUST 13 & 20, 2024

**BERRYVILLE PLANNING  
COMMISSION  
PUBLIC HEARING NOTICE**

The Berryville Planning Commission will hold the following public hearing at 7:00 p.m., or as soon after as this matter may be heard, on Tuesday, August 27, 2024, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

**Matthew and Deborah Renzi, Owners, are requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court, identified as Tax Map Parcel number 14A7-((2))-64, zoned DR-4 Detached Residential. SUP 03-24**

Copies of the applications, amendments, and maps may be examined at the Town Business Office, Berryville/Clarke County Government Center (101 Chalmers Court), First Floor, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Community Development Director Christy Dunkle at 540 955-4081. Any person desiring to be heard on this matter should appear at the appointed time and place.

The Town of Berryville does not discriminate against disabled persons in admission or access to its programs and activities. Accommodations will be made for disabled persons upon prior request.

By order of the Berryville Planning Commission  
Christy N. Dunkle, Community Development Director

To whom it may concern,

We hope this message finds you well. We are writing to request permission to use the garage space at 308 Breckinridge Ct as a Thai boxing gym. Our goal is to foster community and empower members through Thai boxing practice.

We intend to use the space primarily for private lessons and small group sessions not exceeding twelve people, which will operate with limited hours to minimize disruption. We are committed to maintaining the space, adhering to safety and noise regulations, and obtaining necessary insurance coverage.

Our hours of operation include single-client sessions from 9am-12pm on Mondays, Wednesdays, and Fridays during the summer, single client sessions from 6pm-8pm on Mondays and Wednesdays that will occur throughout the year, and group sessions that will not exceed 12 clients on Tuesdays and Thursdays at 6:30pm-8pm that will occur throughout the year. When the school year resumes, the morning, single-client sessions on Mondays, Wednesdays, and Fridays will cease. This process will repeat indefinitely until further notice.

To ensure the comfort of our clients, the insulated garage doors will be opened and the industrial fans will be turned on. For cases of extreme heat, a portable air conditioning unit will be brought in, and the garage doors will be closed. During the colder seasons, the garage doors will be closed and the two space heaters that have been installed will be utilized. Clients will have access to the main floor bathroom and mud room for needed use. Water will be made available to all clients through the in-home plumbing system.

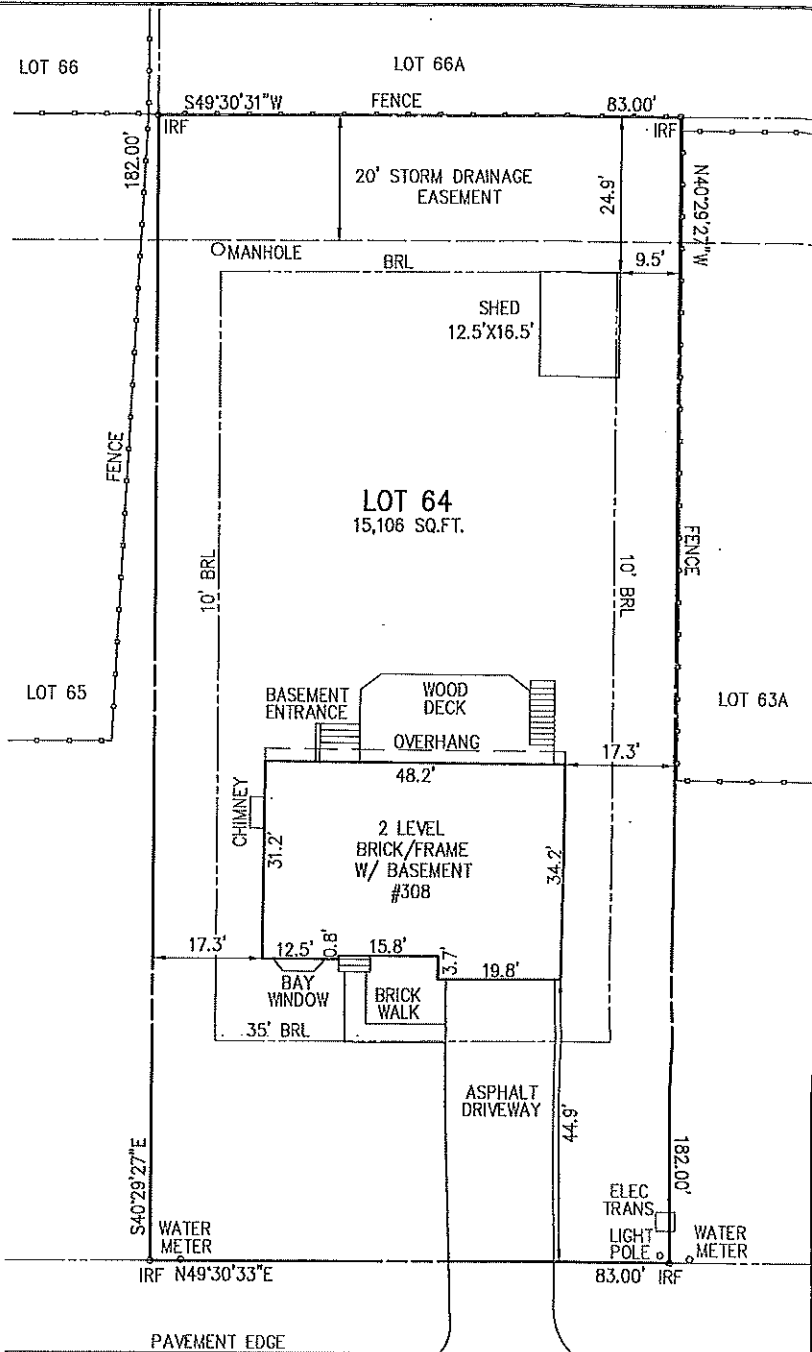
We have made arrangements with the Martin's management located at 409 North McNeil Rd to use the street-facing parking slots as additional parking, provided that we do not use the EVO charging spots, designated parking spots for Martin's customers, or the handicapped parking spots.

Sincerely,

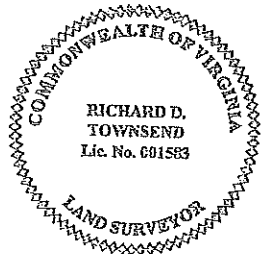
Matthew and Deborah Renzi

NOTES:

1. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
2. ACCORDING TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S FLOOD INSURANCE RATE MAP, THE HOUSE SHOWN HEREON APPEARS TO BE IN ZONE: "X"
3. NO TITLE REPORT FURNISHED, PLAT SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD.
4. METES AND BOUNDS AND MERIDIAN SHOWN WERE TAKEN FROM DEEDS OF RECORD.
5. IRF = IRON ROD FOUND.  
BRL = BUILDING RESTRICTION LINE



BRECKINRIDGE COURT  
(50' R/W)



HOUSE LOCATION SURVEY  
LOT 64 - PHASE 1A2  
**BATTLEFIELD ESTATES**  
TOWN OF BERRYVILLE  
CLARKE COUNTY, VIRGINIA  
SCALE: 1"=20' DATE: 07-28-2022

*NTS*

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINE.

*[Signature]*  
CERTIFIED LAND SURVEYOR

**SCHOOLS & TOWNSEND, P.C.**

ENGINEERS · SURVEYORS  
9252 MOSBY STREET · MANASSAS, VIRGINIA 20110  
703-368-8001 · WWW.SCHOOLSANDTOWNSEND.COM

PARCEL IDENTIFICATION #: 14A7-2-64	CASE NAME: POTOMAC TITLE	DRFT. BY: EW
OWNER OF RECORD: CURTIS (D.B. 631 PG. 581)	WO#: 4-22-637	FB. 749 PG. 37
		CHKD BY: EW

**(2/01) SECTION 315 – HOME OCCUPATIONS, HOME OFFICES**

**315.1 INTENT**

The Town Council intends to allow Home Occupations and Home Offices in the town to foster economic activity. Through the application of this Ordinance, the Town Council intends to preserve the sanctity, tranquility, value, appearance, and ambiance of the residential neighborhoods, residential units, or residential uses in the Town and to prevent, eliminate, or discontinue home-based businesses that negatively impact residents living near, around, or next to the site of the home-based business.

**315.2 ALLOWANCE OF HOME OCCUPATIONS AND HOME OFFICES**

- (a) Under the terms of the Section, a Home Office may be conducted by right in any dwelling unit in any residence in the Town.
- (b) Home occupations are allowed in residences either by right or by Special Use Permit as permitted in a given zoning district.
- (c) No such use shall be instituted or maintained unless the Zoning Administrator has first issued a zoning permit for this use.

**315.3 ADMINISTRATION AND ENFORCEMENT**

- (a) The practitioner of the proposed Home Occupation or Home Office shall file a zoning permit application with the Zoning Administrator. The application shall include a description of the business to be conducted, the square footage of the dwelling unit and the square footage to be used for the Home Occupation or Home Office, and the names and addresses of the proposed owners.
- (b) A Home Occupation or Home Office may be conducted within a dwelling unit or accessory building only so long as the business use remains incidental and secondary to the use of the dwelling unit as a place of residence. The Zoning Administrator shall determine if a Home Occupation or Home Office is not, or stops being, incidental and secondary to the use of the dwelling unit as a place of residence if and when Town officers, or residents living near, around, or next to the dwelling unit used for a Home Occupation or Home Office may hear, see, smell, or detect the existence of this use, in such a manner as alters the residential character of the zoning district in which the Home Occupation or Home Office is located. In making this determination, the Zoning Administrator shall rely on the intent Section of the respective zoning district regulations, the Intent Section of this Article, and any public affidavits filed by such residents. If the Zoning Administrator determines that due to growth or change in the Home Occupation or Home Office, the Home Occupation or Home Office is no longer consistent with this Article and other relevant provisions of this Section, the Zoning Administrator may revoke the zoning permit issued to the person conducting the Home Occupation or Home Office. The person conducting this use shall cease operation after forty-five days written notice mailed by certified mail. During this time period the business owner may apply to the Board of Zoning Appeals for a determination of the Zoning Administrator's decision.

## Section 315 – Home Occupations, Home Offices

- (c) The Town Treasurer shall refuse to issue a business license to any person conducting a Home Occupation or Home Office that the Zoning Administrator certifies is in violation of this Article.
- (d) No vested rights shall accrue to any person as to a Home Occupation or Home Office that begins as conforming to this Article and through growth or change becomes inconsistent with this Article and related provisions of this Section.

### **315.4 GENERAL RESTRICTIONS ON HOME OCCUPATIONS AND HOME OFFICES (2/01)**

A use within a residential dwelling shall meet the following criteria in order to qualify as either a Home Occupation or Home Office:

- (a) Such use shall be clearly incidental to a dwelling and if located within the dwelling, it must not occupy more than twenty-five (25) percent of the floor area of the principal structure.
- (b) No Home Occupation conducted in any accessory building shall occupy more than four hundred (400) square feet, which area shall be included in the maximum square footage allowed in Section 315.4(a). If located within an accessory building, a landscaping plan must be submitted for review and approval by the Zoning Administrator. If a Special Use Permit is required, the landscaping plan will be reviewed by the Planning Commission.
- (c) Such use shall be carried on by a resident or residents of the premises. No person not a resident on the premises may be employed, nor may there be sub-contracting of any work performed at the premises.
- (d) No stock, commodity, equipment or process shall be used in the Home Occupation which creates noise, vibration, glare, fumes, odors, electromagnetic interference, or radio frequency interference detectable to the normal senses off the lot if the occupation is conducted in a detached single-family residence, or outside the dwelling unit if conducted in an attached residence.
- (e) There shall be no exterior evidence that the building is being used for any purpose other than a dwelling.
- (f) There shall be no motor vehicle regularly operated from the premises that carries advertising.
- (g) All applicable licenses and permits shall be secured and other local, state, and federal requirements satisfied.
- (h) A Town of Berryville business license shall be obtained in accordance with Chapter 9 of the Code of the Town of Berryville (if applicable).
- (i) Home Occupation/Home Office permits shall be automatically renewed annually; however, permit shall be reviewed upon receipt of complaints.

### **315.5 HOME OCCUPATIONS (12/92)**

In addition to those requirements listed in Section 315.4 above, a use within a residential dwelling shall meet the following criteria in order to qualify as a Home Occupation:

- (a) There shall be no advertising sign displayed other than a nameplate not exceeding two (2) square feet in area on each face of said plate.

## Section 315 – Home Occupations, Home Offices

- (b) No storage of explosive or hazardous material is permitted in quantities not normally found in a residence.
- (c) Vehicular repair is specifically prohibited as a Home Occupation.

### **315.6 HOME OFFICE**

In addition to the requirements listed in Section 315.4, a Home Office shall be a permitted use in a residential dwelling when fully meeting each of the following criteria:

- (a) Customers shall not come to the premises in order to receive the service provided.
- (b) There shall be no signs identifying or advertising the Home Office either attached to the dwelling or posted in the yard.
- (c) There shall be no advertising of the street address.

## **SECTION 316 – PROVISIONS FOR CUL-DE-SAC LOTS**

### **316 PROVISIONS FOR CUL-DE-SAC LOTS**

The minimum width of any lot 15,000 square feet or greater in area that fronts on a cul-de-sac, as defined in Section IX of the Subdivision Ordinance, shall not be more than a twenty (20) percent reduction at the setback line as set forth in the appropriate zoning district regulations. (9/98)

## **SECTION 317 – KARST FEATURES (07/04)**

- 317.1** Prior to the issuance of a Zoning Permit for principal structures or additions thereto on lots in subdivisions for which a Karst Plan has been prepared or lots of record on which karst features have been identified, a geotechnical study shall be conducted at the site of the principle structure or addition to determine the existence of karst features. If karst features are found, a remediation plan shall be prepared by a PE or PG in order to protect the health, safety, and welfare of the occupants of the structure. This remediation plan shall:
- a. provide for mitigation of all karst features and sinkholes, except those identified as Critical Environmental Areas, in accordance with the Virginia Department of Transportation's Location and Design Division Instructional and Informational Memorandum 228 (IIM-LD-228) or other applicable mitigation standard as recommended by a PE or PG and approved by the Town's Engineer and the Town's Zoning Administrator, or
  - b. the applicant shall submit a report prepared by a PE or PG that identifies subsurface conditions within one-hundred (100) feet, or an appropriate distance as determined by the Town Zoning Administrator and Town's Engineer, of the discernable edge of any sinkhole or karst feature and establishes a minimum recommended setback for structures and a minimum recommended ground water protection buffer approved by the Town's Engineer and the Town's Zoning Administrator shall review and approve the report before issuance of said permit. (7/04)

**Item Title**

Set Public Hearing – Special Use Permit – Home Occupation

**Prepared By**

Christy Dunkle

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Megan and Joshua Urban, Owners, are requesting a special use permit per Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation (fitness classes) at the property located at 22 Jack Enders Boulevard, identified as Tax Map Parcel number 14A6-((4))-25, zoned DR-2 Detached Residential. SUP 04-24

**Background/History/General Information**

The applicants would like to offer private and small group fitness sessions, not exceeding four participants at a time with a maximum daily number of 10, at their home located on Jack Enders Boulevard.

*Adjacent Zoning*

The adjacent property is zoned DR-2 Detached Residential and L-1 Industrial across the street (Berryville Graphics).

*Parking*

The property has four off-street parking spaces, two of which are identified for the property applicants. There is no on-street parking on Jack Enders Boulevard in front of the property.

*Signage*

A nameplate of up to two (2) square feet of signage is permitted for a home occupation per Section 315.5(a) of the Berryville Zoning Ordinance.

*Hours of Operation*

Proposed hours of operation are 6:00 a.m. until 7:00 p.m. seven days a week.

Home occupations are regulated under Section 315 of the Berryville Zoning Ordinance. A copy of this section is included in the packet.

Section 503 of the Berryville Zoning Ordinance regulates special use permits. The Council may impose any conditions deemed appropriate in the public interest to secure compliance with the

provisions of the ordinance. Once a special use permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council. The authorized activities shall be established within two (2) years of the date of approval with an extension of one (1) additional year with Council approval, or such special use permit shall expire without notice.

**Findings/Current Activity**

N/A

**Schedule/Deadlines**

N/A

**Other Considerations**

N/A

**Recommendation**

Set a public hearing for the September 24, 2024 meeting.

**Sample Motion**

I move that the Planning Commission of the Town of Berryville set a public hearing for Tuesday, September 24, 2024 for a special use permit in order to operate a home occupation (fitness classes) at the property located at 22 Jack Enders Boulevard.

**Attachments:**

- Letter from the applicant
- Vicinity map
- Section 315 Home Occupations, Home Offices of the Berryville Zoning Ordinance

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**Megan Urban**

22 Jack Enders Blvd  
Berryville, VA 22611  
(703) 999 - 2695  
[meganurbanfitness@gmail.com](mailto:meganurbanfitness@gmail.com)  
12th August 2024

**Town of Berryville**

**Planning Commission & Town Council**

101 Chalmers Court, Ste. A  
Berryville, VA 22611

Dear Members of the Berryville Planning Commission & Town Council,

I am writing to propose the use of my home located at 22 Jack Enders Blvd, in Berryville, VA, for a 1-on-1 fitness coaching business. As a Certified Athletic Trainer and CrossFit coach, I have extensive experience in providing personalized fitness coaching to individuals seeking to improve their physical health and well-being.

**Nature of Business**

The business will primarily be a 1-on-1 fitness coaching service, focused on personalized training sessions that cater to the specific needs and goals of each client. The sessions will involve a variety of fitness activities, including strength training, cardiovascular exercises, and mobility work, all tailored to the client's abilities and objectives.

**Maximum Number of Clients**

To ensure a high level of individualized attention and maintain a quiet and respectful environment for the surrounding neighborhood, I will only work with up to 4 clients at a time. The maximum number of clients per day will be 10, with each session lasting approximately 30-60 minutes.

**Off-Street Parking at our Home**

The driveway at our home is wide enough and long enough to fit up to 6 cars in it. With 2 of these cars likely being our own personal cars, that leaves space for a maximum of 4 more cars for a private group (maximum of 4 clients) coaching session. See **Figure 1** below for a plat of our property, identifying this off-street parking.

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### Hours of Operation

The proposed hours of operation will be from 6:00 AM to 7:00 PM, Monday - Sunday. These hours are designed to be flexible to accommodate the needs of clients while also being mindful of the surrounding community's routine and tranquility.

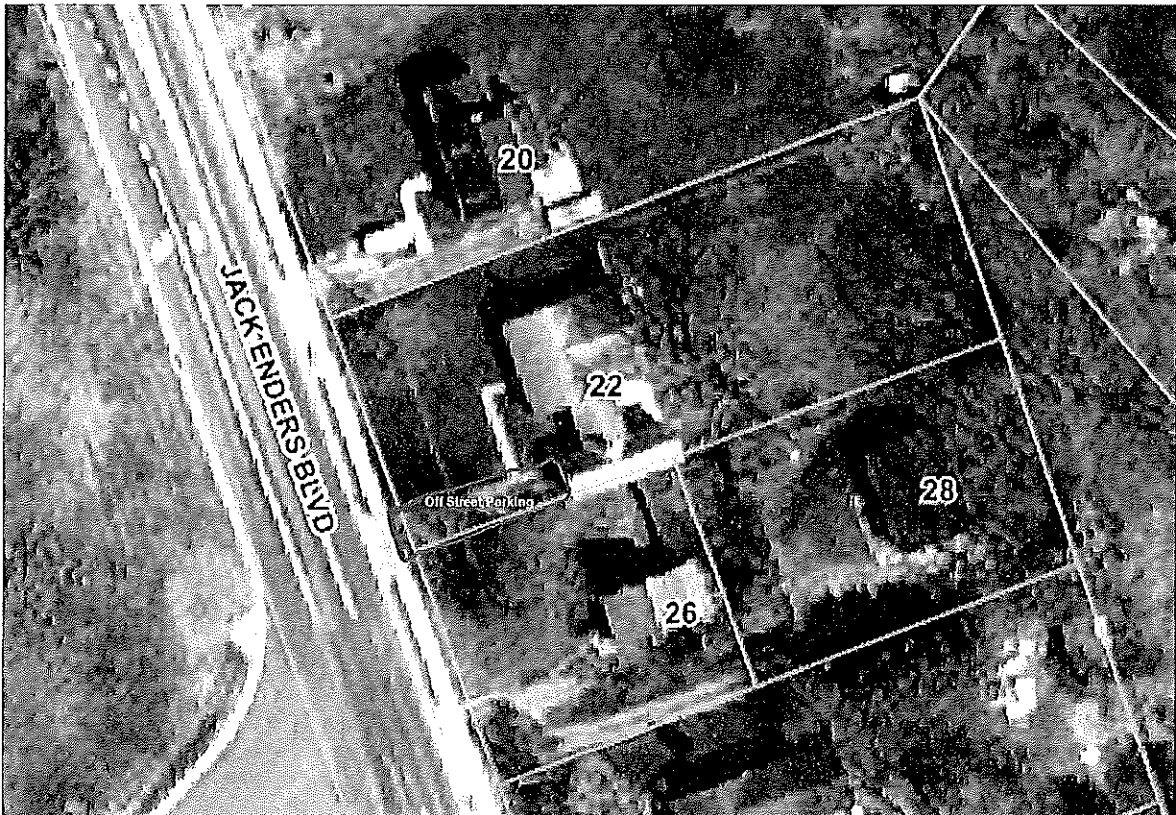
### Conclusion

I am committed to operating this business in a manner that aligns with the values and standards of the Berryville community. The focus on 1-on-1 coaching ensures minimal traffic and noise, contributing positively to the local area.

Thank you for considering my proposal. I am happy to provide any additional information or answer any questions the Board may have.

**Megan Urban**

Figure 1





- Public
- Parcels
- Clarke County Boundary
- Major Roads
  - Interstate
  - US Highway
  - State Highway
  - Surrounding Counties Open Roads
- Clarke County Roads
  - County Roads
  - Roads
  - Rail
- Buildings
- Appalachian Trail
- Streams
  - Perennial Streams
  - Intermittent Streams
- Ponds
- Rivers



VINUNITY MAP

BERNUNG GRAPHICS

The data shown on this site are provided for informational and planning purposes only. Clarke County and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 08/21/2024 at 01:25 PM

**(2/01) SECTION 315 – HOME OCCUPATIONS, HOME OFFICES**

**315.1 INTENT**

The Town Council intends to allow Home Occupations and Home Offices in the town to foster economic activity. Through the application of this Ordinance, the Town Council intends to preserve the sanctity, tranquility, value, appearance, and ambiance of the residential neighborhoods, residential units, or residential uses in the Town and to prevent, eliminate, or discontinue home-based businesses that negatively impact residents living near, around, or next to the site of the home-based business.

**315.2 ALLOWANCE OF HOME OCCUPATIONS AND HOME OFFICES**

- (a) Under the terms of the Section, a Home Office may be conducted by right in any dwelling unit in any residence in the Town.
- (b) Home occupations are allowed in residences either by right or by Special Use Permit as permitted in a given zoning district.
- (c) No such use shall be instituted or maintained unless the Zoning Administrator has first issued a zoning permit for this use.

**315.3 ADMINISTRATION AND ENFORCEMENT**

- (a) The practitioner of the proposed Home Occupation or Home Office shall file a zoning permit application with the Zoning Administrator. The application shall include a description of the business to be conducted, the square footage of the dwelling unit and the square footage to be used for the Home Occupation or Home Office, and the names and addresses of the proposed owners.
- (b) A Home Occupation or Home Office may be conducted within a dwelling unit or accessory building only so long as the business use remains incidental and secondary to the use of the dwelling unit as a place of residence. The Zoning Administrator shall determine if a Home Occupation or Home Office is not, or stops being, incidental and secondary to the use of the dwelling unit as a place of residence if and when Town officers, or residents living near, around, or next to the dwelling unit used for a Home Occupation or Home Office may hear, see, smell, or detect the existence of this use, in such a manner as alters the residential character of the zoning district in which the Home Occupation or Home Office is located. In making this determination, the Zoning Administrator shall rely on the intent Section of the respective zoning district regulations, the Intent Section of this Article, and any public affidavits filed by such residents. If the Zoning Administrator determines that due to growth or change in the Home Occupation or Home Office, the Home Occupation or Home Office is no longer consistent with this Article and other relevant provisions of this Section, the Zoning Administrator may revoke the zoning permit issued to the person conducting the Home Occupation or Home Office. The person conducting this use shall cease operation after forty-five days written notice mailed by certified mail. During this time period the business owner may apply to the Board of Zoning Appeals for a determination of the Zoning Administrator's decision.

## Section 315 – Home Occupations, Home Offices

- (c) The Town Treasurer shall refuse to issue a business license to any person conducting a Home Occupation or Home Office that the Zoning Administrator certifies is in violation of this Article.
- (d) No vested rights shall accrue to any person as to a Home Occupation or Home Office that begins as conforming to this Article and through growth or change becomes inconsistent with this Article and related provisions of this Section.

### **315.4 GENERAL RESTRICTIONS ON HOME OCCUPATIONS AND HOME OFFICES (2/01)**

A use within a residential dwelling shall meet the following criteria in order to qualify as either a Home Occupation or Home Office:

- (a) Such use shall be clearly incidental to a dwelling and if located within the dwelling, it must not occupy more than twenty-five (25) percent of the floor area of the principal structure.
- (b) No Home Occupation conducted in any accessory building shall occupy more than four hundred (400) square feet, which area shall be included in the maximum square footage allowed in Section 315.4(a). If located within an accessory building, a landscaping plan must be submitted for review and approval by the Zoning Administrator. If a Special Use Permit is required, the landscaping plan will be reviewed by the Planning Commission.
- (c) Such use shall be carried on by a resident or residents of the premises. No person not a resident on the premises may be employed, nor may there be sub-contracting of any work performed at the premises.
- (d) No stock, commodity, equipment or process shall be used in the Home Occupation which creates noise, vibration, glare, fumes, odors, electromagnetic interference, or radio frequency interference detectable to the normal senses off the lot if the occupation is conducted in a detached single-family residence, or outside the dwelling unit if conducted in an attached residence.
- (e) There shall be no exterior evidence that the building is being used for any purpose other than a dwelling.
- (f) There shall be no motor vehicle regularly operated from the premises that carries advertising.
- (g) All applicable licenses and permits shall be secured and other local, state, and federal requirements satisfied.
- (h) A Town of Berryville business license shall be obtained in accordance with Chapter 9 of the Code of the Town of Berryville (if applicable).
- (i) Home Occupation/Home Office permits shall be automatically renewed annually; however, permit shall be reviewed upon receipt of complaints.

### **315.5 HOME OCCUPATIONS (12/92)**

In addition to those requirements listed in Section 315.4 above, a use within a residential dwelling shall meet the following criteria in order to qualify as a Home Occupation:

- (a) There shall be no advertising sign displayed other than a nameplate not exceeding two (2) square feet in area on each face of said plate.

## Section 315 – Home Occupations, Home Offices

- (b) No storage of explosive or hazardous material is permitted in quantities not normally found in a residence.
- (c) Vehicular repair is specifically prohibited as a Home Occupation.

### **315.6 HOME OFFICE**

In addition to the requirements listed in Section 315.4, a Home Office shall be a permitted use in a residential dwelling when fully meeting each of the following criteria:

- (a) Customers shall not come to the premises in order to receive the service provided.
- (b) There shall be no signs identifying or advertising the Home Office either attached to the dwelling or posted in the yard.
- (c) There shall be no advertising of the street address.

## **SECTION 316 – PROVISIONS FOR CUL-DE-SAC LOTS**

### **316 PROVISIONS FOR CUL-DE-SAC LOTS**

The minimum width of any lot 15,000 square feet or greater in area that fronts on a cul-de-sac, as defined in Section IX of the Subdivision Ordinance, shall not be more than a twenty (20) percent reduction at the setback line as set forth in the appropriate zoning district regulations. (9/98)

## **SECTION 317 – KARST FEATURES (07/04)**

- 317.1** Prior to the issuance of a Zoning Permit for principal structures or additions thereto on lots in subdivisions for which a Karst Plan has been prepared or lots of record on which karst features have been identified, a geotechnical study shall be conducted at the site of the principle structure or addition to determine the existence of karst features. If karst features are found, a remediation plan shall be prepared by a PE or PG in order to protect the health, safety, and welfare of the occupants of the structure. This remediation plan shall:
- a. provide for mitigation of all karst features and sinkholes, except those identified as Critical Environmental Areas, in accordance with the Virginia Department of Transportation's Location and Design Division Instructional and Informational Memorandum 228 (IIM-LD-228) or other applicable mitigation standard as recommended by a PE or PG and approved by the Town's Engineer and the Town's Zoning Administrator, or
  - b. the applicant shall submit a report prepared by a PE or PG that identifies subsurface conditions within one-hundred (100) feet, or an appropriate distance as determined by the Town Zoning Administrator and Town's Engineer, of the discernable edge of any sinkhole or karst feature and establishes a minimum recommended setback for structures and a minimum recommended ground water protection buffer approved by the Town's Engineer and the Town's Zoning Administrator shall review and approve the report before issuance of said permit. (7/04)