

Berryville – Clarke County
Government Center
101 Chalmers Court, Suite A
Berryville, VA 22611



[T] 540/955-1099
[F] 540/955-4524
[E] info@berryvilleva.gov
www.berryvilleva.gov

BERRYVILLE
EST. 1798 *Genuine* VIRGINIA

BERRYVILLE PLANNING COMMISSION

Regular Meeting

Tuesday, September 24, 2024 – 7:00 p.m.

101 Chalmers Court – Main Meeting Room – Second Floor

AGENDA

1. Call to Order – William Steinmetz, Chair
2. Approval of Agenda
3. Approval of Minutes – August 27, 2024
4. Public Hearing – Special Use Permit – Home Occupation
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
5. Discussion of Public Hearing
6. Citizens' Forum
7. Planning Update
8. Other
9. Adjourn

Harry Lee Arnold, Jr.
Mayor

Erecka L. Gibson
Vice Mayor

Council Members

William Steinmetz
Ward 1

Diane Harrison
Ward 2

Grant Mazzarino
Ward 3

Ryan Tibbens
Ward 4

Keith R. Dalton
Town Manager

BERRYVILLE PLANNING COMMISSION
Berryville-Clarke County Government Center
Regular Meeting Minutes
August 27, 2024

A meeting of the Berryville Planning Commission was held on Tuesday, August 27, 2024 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

Attendance: Members of the Planning Commission present: William Steinmetz, Chair; Gwen Malone, Vice Chair; Michael Bell, William Gilpin, Dana Libby, Michelle Marino

Absent: Tom Parker

Staff present: Christy Dunkle, Community Development Director

Press present: none

1. Call to Order – William Steinmetz

Chair Steinmetz called the meeting to order at 7:04 p.m.

2. Approval of Agenda

Ms. Marino made the motion to approve the agenda as presented, motion seconded by Vice Chair Malone. The motion passed by voice vote.

3. Approval of Meeting Minutes

Mr. Gilpin made the motion to approve the minutes of the July 23, 2024 meeting as presented, motion seconded by Ms. Marino. The motion passed by voice vote.

4. 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 reviewed the public hearing notice and read Mr. Parker's email dated August 22, 2024 (**attached**). Ms. Dunkle said that five adjacent property owners had contacted her and were concerned about parking and noise generated from the business.

Ms. Dunkle described the request. Chair Steinmetz opened the public hearing.

Chair Steinmetz recognized Alex Roy, Town resident. Mr. Roy said he lives next door to the applicant and is concerned about parking and noise. He said the applicant started holding classes prior to the approval.

Chair Steinmetz recognized Matthew Renzi, applicant. Mr. Renzi described the history of his business. He said that Thai boxing has given him courage and expressed that this activity has been life changing. He said he could not afford a commercial space for his business adding that he would like to be part of the community. He said he has had open communication with his neighbors and gave staff an agreement from Martin's allowing his clients to park on their site (attached).

Mr. Renzi said he has reduced the number of participants to no more than six (6) students. He said he had several students at the meeting to answer any questions that the Planning Commissioners had.

There being no further public comments, Chair Steinmetz closed the public hearing.

Ms. Marino thanked Mr. Renzi for his honesty and bravery. She asked what the classes entail and how long the classes last. Mr. Renzi said the classes vary in length of time and that clients are sparring and doing partner drills. He said he hoped to install an air conditioning system in the future and close off the 400 square-foot garage space used for the class. He said that his clients also do sprints and that he had asked the neighbors if they were okay with that. He referenced his certifications and participation in a number of national events.

Mr. Bell asked what the ideal number of participants is and Mr. Renzi said six participants plus himself is the size he is now requesting. Mr. Renzi said that he is a teacher and cannot afford commercial rent at this time, adding that it is his long-term goal to do so.

Vice Chair Malone asked about the number of cars that could be parked on-site during classes. There was a discussion about the number of vehicles and concerns about adversely effecting the neighborhood. There was a discussion about soundproofing the garage to mitigate noise from the classes. Mr. Renzi discussed the agreement with Martin's to use their parking lot adding that he would restrict his clients from parking at his home.

Mr. Libby discussed the high standards that zoning sets in a locality. He said the zoning ordinance states that a home occupation must be incidental to the use as a dwelling unit. He added that the business should be indictable in a residential neighborhood. Mr. Libby said that different neighborhoods have different levels of activity within them. Mr. Renzi said that if his business is no longer working, then he would terminate his business license and invite his friends to continue the classes. Mr. Libby said that there are standards required to operate a business in a neighborhood. He discussed operating a business versus doing it anyway without compensation. There was a discussion about noise mitigation and Mr. Libby asked the applicant whether he could comply or not. Mr. Renzi said he could comply. Chair Steinmetz asked the applicant how he

can show the Planning Commission that the level of interruption to the neighborhood would be undetectable. There was a discussion about the need for the applicant's garage door to be closed during classes; soundproofing the garage door; the addition of air conditioning in the class space; and turning off the music by 8:00 p.m.

Mr. Renzi discussed the noise that lawn mowers make in a neighborhood setting. Planning Commissioners discussed other home occupations and how they mitigate adverse conditions in a neighborhood setting.

Chair Steinmetz asked Mr. Roy a what his concerns were with the business next door to him. Mr. Roy said that he was concerned about parking and noise, stating that sounds include music and hitting the bags when the garage door was open. Mr. Gilpin said that it is a different proposal when the garage door is open and music is coming from the business. There was a discussion about protecting the neighbors from business activities.

Mr. Renzi said that it was unfair that he had to wait until another meeting stating that he was transparent with his neighbors from the start. Mr. Roy said he was not told that the business would be a gym.

There was a discussion about home occupations that require special use permits being held to the same standards. Mr. Libby said that this is a worthwhile activity and that he supports the concept of Mr. Renzi's business, adding that it is a matter of how to avoid recommending approval of an activity that is disruptive to the neighborhood.

Chair Steinmetz gave a synopsis of the Planning Commissioners' concerns. He said that 12 clients at once is too much and that Mr. Renzi agreed to no more than six (6) clients at a time. He recommended that the garage door needed to be closed during class time and that the Commission did not appear to have any concerns about the proposed hours of operation. Mr. Libby confirmed that the classes inside the garage with the door closed would mitigate noise concerns. It was recommended that the agreement with Martin's remain in good standing as long as the business is operating and that a maximum of two clients be permitted in the driveway.

There being no further discussion, Vice Chair Malone made the motion 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 six (6) clients per session;
- All activities must take place within the structure with the garage door closed in order to mitigate sound related to the business;
- 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. and Saturdays from 10:00 a.m. until 12:00 noon throughout the year;

- Signage shall be limited to a nameplate no more than two square feet per Section 315.5(a) of the Berryville Zoning Ordinance;
- The agreement with Martin's to use their parking lot shall remain in good standing; and
- A maximum of two (2) clients parking on-site.

The motion was seconded by Mr. Bell. The motion passed by voice vote.

5. Citizens' Forum

There were no speakers.

6. Planning Update

There was no update.

7. Set Public Hearing – Special Use Permit – Home Occupation

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

Chair Steinmetz recognized Megan Urban. Ms. Urban said that they would like to do their coaching in a two-car garage at their home. She said they would like to offer classes for two-to-four clients with a maximum of four people at one time. She said that there are four off-street parking spaces at their home.

There being no further discussion, Vice Chair Malone made the motion to 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. The motion was seconded by Mr. Gilpin and approved by voice vote.

8. Other

There was no other business.

9. Adjourn

Vice Chair Malone made the motion to adjourn the meeting at 7:50 p.m., motion seconded by Mr. Bell. The motion passed by voice vote.

William Steinmetz, Chair

Christy Dunkle, Clerk

Martins Grocery Store
409 McNeil Rd
Berryville, VA 22611
8/26/24

RECEIVED

AUG 27 2024

Members of the Town Hall
101 Chalmers Ct Ste A
Berryville, VA 22611

Town of Berryville, Virginia

Dear Members of the Town Hall,

I hope this letter finds you well. I am writing to inform you that Martins Grocery Store, located at 409 McNeil Rd, has made an arrangement regarding parking for the members of Berryville Muay Thai Gym.

Effective immediately, members of the Berryville Muay Thai Gym are welcome to use the street-facing parking slots adjacent to our store. However, we kindly ask that the following conditions be observed to ensure that all parking needs are met:

1. **EVO Charging Spots:** These spaces are designated for electric vehicle charging and must remain available for EV users.
2. **Designated Martins Customer Spots:** Parking slots reserved specifically for Martins Grocery Store customers should remain open for our shoppers.
3. **Handicapped Parking Spots:** These spaces are reserved for individuals with disabilities and must be kept clear for those who need them.

We appreciate your cooperation in adhering to these guidelines. Our goal is to ensure that our parking facilities are accessible and convenient for all our customers and guests.

Thank you for your attention to this matter.

 Jason Horton

Martin's General Manager

Christy Dunkle

From: Tom Parker <tomparkerbvpc@gmail.com>
Sent: Thursday, August 22, 2024 3:46 PM
To: Christy Dunkle
Subject: August 27 Meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Christy,

I received this month's meeting packet and am confirming that I will be unable to attend the meeting on Tuesday evening due to a work obligation. Please pass along the email below to the other Commissioners.

Thank you,
Tom

Dear Commissioners,

I am sorry that I will not be able to attend Tuesday's meeting. I have to be present for a meeting at work that evening. I did want to write and express my thoughts about the item on tonight's Public Hearing agenda.

As may have become evident over our last few meetings, I am somewhat concerned about the impact that home occupations can have on a residential community. A few months ago we were discussing an in-home salon, and ultimately, I felt that I could support it since the owner committed to limiting it to one customer at a time.

Tonight, we have a request for an in-home fitness center with group fitness classes of 12 people at a time. The level of this request seems too intense for an in-home occupation within one of our residential neighborhoods. While I have several outstanding issues regarding noise and occupancy levels, one of the biggest issues is parking. The proposal would hold the classes in the garage of the home. This requires any vehicles belonging to the homeowner to be moved out, likely into the driveway, leaving only two spaces. The streets in Battlefield Estates have no curbs or gutters, only ditchline drainage. When vehicles park along the shoulder, it makes the streets tight to traverse and most times you end up parking in someone's yard.

While I appreciate the applicant's diligence in securing approval from Martins to park in their lot, I feel that any proposed use should be able to meet its needs on their lot. That isn't happening here. Bottomline, this is too intense a use for an in-home occupation as proposed and belongs in a commercial space downtown, not in a residential neighborhood.

I would encourage the Planning Commission to recommend denial of the current proposal, or restrict the number of customers at a time to one. Personal training as a one-on-one service seems more fitting for an in-home occupation, not group fitness classes.

I know we have another request coming and I will reserve comment on that until it gets scheduled.

Thank you and I look forward to seeing you at the next meeting.

Tom

Item Title

Public Hearing – Special Use Permit – Home Occupation

Prepared By

Christy Dunkle

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

Public hearing notices were published in the Winchester Star on Tuesday, September 10 and Tuesday, September 17, 2024. Adjacent property notices were mailed via first class mail on September 10, 2024. Town staff received two emails and a telephone call concerning the matter. All of those who contacted the Town were in favor of the request.

Schedule/Deadlines

Town Council has set a public hearing on the matter for their October 8, 2024 meeting and it would be appropriate for the Planning Commission to make a recommendation at this meeting.

Other Considerations

N/A

Recommendation

Recommend approval to Town Council with the conditions identified below.

Sample Motion

I move that the Planning Commission of the Town of Berryville recommend approval of Special Use Permit 04-24 in order to operate a home occupation (fitness classes) at the property located at 22 Jack Enders Boulevard with the following conditions:

- Hours of operation from 6:00 a.m. until 7:00 p.m. daily;
- A maximum of four (4) clients permitted on the property at one time; and
- 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.

Attachments:

- Public hearing notice published in the Winchester Star on September 10 and September 17, 2024
- Letter from the applicant
- Vicinity map
- Section 315 Home Occupations, Home Offices of the Berryville Zoning Ordinance

Winchester Star September 10 & 17, 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, September 24, 2024, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

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

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

Megan Urban

22 Jack Enders Blvd
Berryville, VA 22611
(703) 999 - 2695
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.

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.

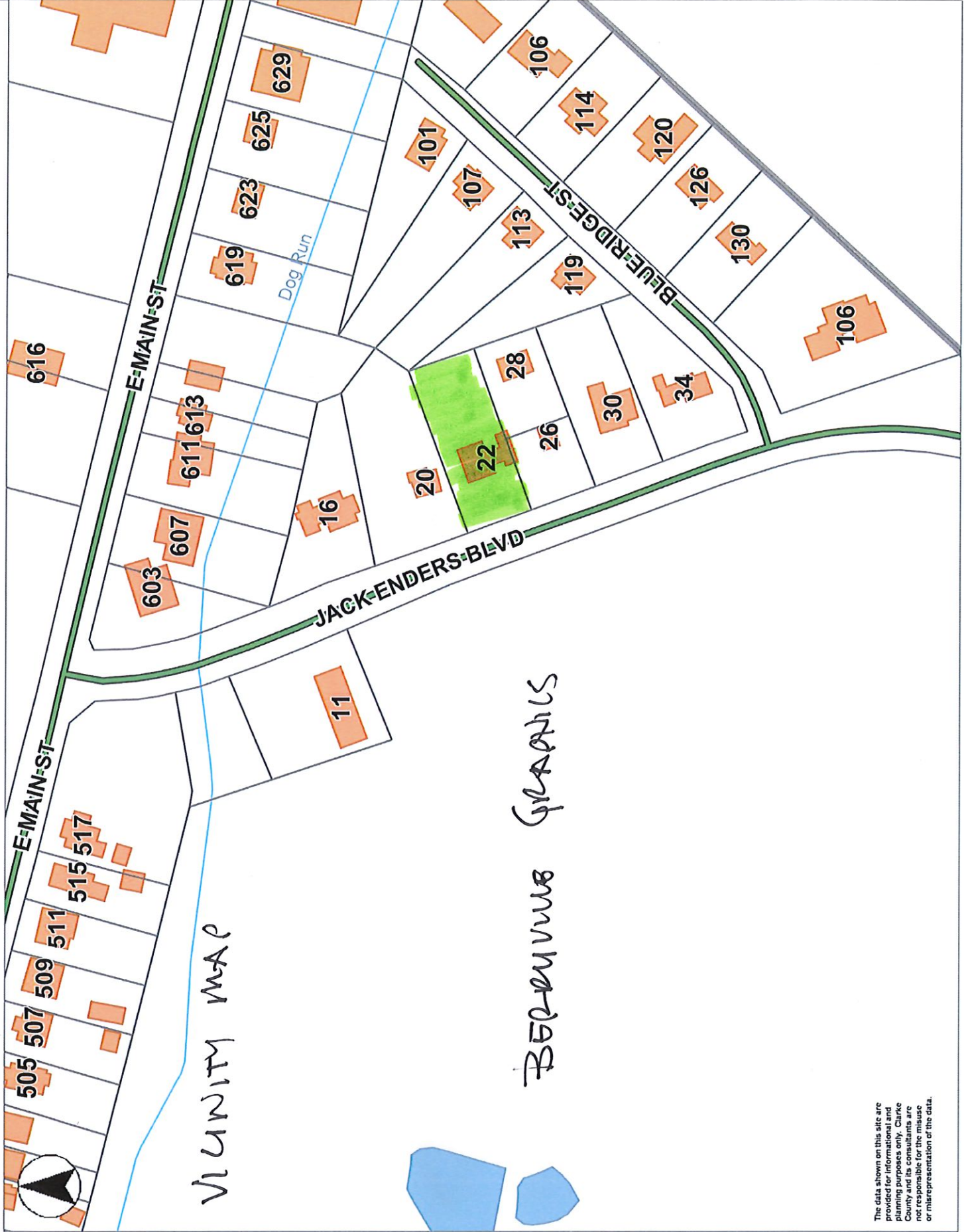
Megan Urban

Figure 1





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



VICINITY MAP

BERNARD 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.



(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)