



Planning Commission

MEETING AGENDA

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

October 22, 2024

7:00 PM

Item

Page

-
1. **Call to Order- William Steinmetz, Chair**
 2. **Approval of Agenda**
 3. **Approval of Minutes**
September 24, 2024
 4. **Set Public Hearing- Special Use Permit- Home Occupation, 8 West Fairfax Street**
Jason T. McCarty, Applicant, is requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. *SUP 05-24*
 5. **Site Plan Amendment- Clarke County Public Schools and John H. Enders Fire and Rescue**
Clarke County Public Schools, Owner (JC Blaylock, Chief, John H. Enders Fire Company, Inc., Applicant) is requesting a site plan amendment in order to construct an accessory structure on the property identified as Tax Map Parcel number 14A4-((A))-31, zoned R-2 Residential.
 6. **Citizens' Forum**
 7. **Planning Update**
 8. **Other**
 9. **Adjourn**

BERRYVILLE PLANNING COMMISSION
Berryville-Clarke County Government Center
Regular Meeting Minutes
September 24, 2024

A meeting of the Berryville Planning Commission was held on Tuesday, September 24, 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; William Gilpin, Dana Libby, Michelle Marino, Tom Parker, and Michael Bell.

Absent: None

Staff present: Jean Petti, Deputy Town Manager; Miranda Dodson, Town Clerk.

Press present: none

1. Call to Order – William Steinmetz, Chair

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

2. Approval of Agenda

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

3. Approval of Meeting Minutes

Mr. Libby made an amendment to the minutes on page 2, last paragraph, third sentence, to change the word *indictable* to *undetectable*.

Ms. Marino made the motion to approve the amended minutes of the August 27, 2024 meeting, seconded by Mr. Bell. The motion passed by voice vote with Mr. Parker abstaining.

4. Public Hearing

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

Mrs. Petti read the report summary prepared by Ms. Dunkle.

Chair Steinmetz called on Megan and Joshua Urban, Owners, to speak.

Mr. and Ms. Urban said that since they have moved to Berryville, one thing that felt was lacking in the area was a fitness center. Ms. Urban said that fitness is a passion of hers and having this permit to allow one on one and small group sessions is her way of giving back to Berryville. Mr. and Ms. Urban thanked the Planning Commission for their time and consideration of the special use permit.

There were no other speakers for the public hearing. Chair Steimetz closed the Public Hearing.

5. Discussion of Public Hearings

Chair Steinmetz opened the floor for discussion of the Public Hearing.

Mr. Parker asked where the fitness classes will be held at on the property and if the driveway can allow four cars to park.

Ms. Urban said that she plans to have all classes held in the garage and that they have been able to have four cars parked in the driveway with no issues.

Mr. Parker said that he is not in favor of the home occupation permit for businesses that will have more than one client at the resident at a time. He feels that single client/customers are reasonable. He also wanted to clarify the language in the ordinance of a Home Occupation. Chair Steimetz said that the language in the ordinance does need to be reviewed and addressed.

Chair Steinmetz asked if the garage door will be open during the sessions.

Ms. Urban said they do have two garage doors and one would be open during sessions when weather permits.

Mr. Libby said the noise does not play a concern for him. He said with the location of the house being at the industrial park and the large volume of trucks, he does not feel it to be an issue compared to a pervious permit request.

Ms. Marino said the Planning Commission needs to be consistent across the board for special use permits on the noise. She gave the examples such as Daycare Centers and AirBnB's in residential areas. She said we would need to hold all of them accountable.

Mr. Libby suggested the Planning Commission look at a "good neighbor" agreement. This would make sure there are not any long-term issues.

There was no further discussion from members. Chair Steinmetz asked for a motion to approve the special use permit.

Vice Chair Malone moved 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.

The motion was seconded by Mr. Bell. The motion passed by voice vote with Mr. Parker opposing.

6. Citizens' Forum

Emily Sinclair from 138 Rosemont Circle spoke in favor of the special use permit for Mr. and Ms. Urban. Ms. Sinclair has attended Ms. Urban's free session and commended her on her ability to work with people to build up their confidence when planning a work out. Ms. Sinclair also said that Ms. Urban is great with kids and gives them support during the free fitness sessions. Ms. Sinclair stated that she has driven past Ms. Urban's house multiple times and does not feel that the noise or music will be an issue due to the location of the house being next to an industrial park and railroad tracks. She said she has seen large trucks passing by and the train. Ms. Sinclair thanked the Planning Commission for their time and approval of the special use permit.

There were no other speakers. Chair Steinmetz closed Citizens' Forum.

7. Planning Update

There was no planning update.

8. Other

Mr. Libby present a concern to the Planning Commission pertaining to Municipal Water Supply and Development Density. He presented the document prepared by him for the Planning Commission members to review. Mr. Libby's main concern was getting this to the BADA for review.

Mrs. Petti said that it is best to email the BADA committee to have the item review to be considered for addition to the agenda for the next meeting.

There was no other business for discussion.

9. Adjourn

Mr. Parker made the motion to adjourn the meeting at 7:25 p.m. The motion was seconded by Vice Chair Malone. The motion passed by voice vote.

William Steinmetz, Chair

Miranda Dodson, Town Clerk

Item Title

Set Public Hearing – Special Use Permit – Home Occupation

Prepared By

Christy Dunkle

Jason T. McCarty, Applicant, is requesting a special use permit per Section 604.3(g) of the Berryville Zoning Ordinance in order to operate a home occupation (tattoo business) at the property located at 8 West Fairfax Street, identified as Tax Map Parcel number 14A2-((3))-8, zoned DR-4 Detached Residential. SUP 05-24

Background/History/General Information

Mr. McCarty would like to move his tattoo business from the current West Main Street site to his home located at 8 West Fairfax Street. He is proposing one client at a time.

Adjacent Zoning

The adjacent property is zoned DR-4 Detached Residential.

Parking

The property has four off-street parking spaces, two of which are identified for the property applicants.

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 10:00 a.m. until 6:00 p.m. seven days a week.

General Information

Tattoo parlors are regulated by the Virginia Department of Professional and Occupational Regulation. Additional information can be found at this link: https://www.dpor.virginia.gov/sites/default/files/boards/BarberCosmo/REG-A425REGS_Tattooing.pdf

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

Mr. McCarty has been operating his tattoo business for 30 years. Due to changes in staffing as described in his application, he would like to move the business to his home.

Schedule/Deadlines

The regular meeting is scheduled for Tuesday, November 26, 2024. Due to the Thanksgiving holiday, staff has reserved the meeting room for Tuesday, December 3, 2024 should Planning Commissioners choose to change the meeting date.

Other Considerations

N/A

Recommendation

Set a public hearing for either Tuesday, November 26, 2024 or Tuesday, December 3, 2024.

Sample Motion

I move that the Planning Commission of the Town of Berryville set a public hearing for **Tuesday, November 26, 2024 OR Tuesday, December 3, 2024.**

Attachments:

- Special Use Permit application
- Special Use Permit narrative
- Aerial photo of the site
- Section 503 Special Use Permit of the Berryville Zoning Ordinance

Town of Berryville
101 Chalmers Court – Suite A
Berryville, Virginia 22611
Phone: (540) 955-4081 Fax: (540) 955-4524 E-mail: planner@berryvilleva.gov

SPECIAL USE PERMIT APPLICATION

Please Note: This is an application only. The permit will be issued only if approved by the Berryville Town Council after review and recommendation from the Planning Commission.

To be completed by Applicant: _____ Date: October 8, 2024

Applicant's Name: Jason T. M^c Carty

Applicant's Address: 8 West FAIRFAX STREET Berryville, VA 22611

Use Applied For: Home Occupation

At the following address: 8 West Fairfax Street Berryville, VA 22611

Special Conditions: Business has parking for clients, Business is separate from family dwelling, Business has private entrance, Business is appointment only

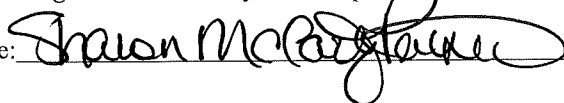
Property Owner's Name: Sharon Painter

Property Owner's Address: 116 West Main Street Berryville, VA 22611

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.

Signature:  Date: 10/8/24

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense

Signature:  Date: 10/8/2024

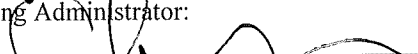
TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: HOME OCCUPATION Zone: DR-4

Street Address: 8 W FAIRFAXS Tax Map #: 14

Special Use Permit Fee: \$300 Paid: 10.9.24

Site Plan Fee: \$150 Paid: 10.9.24

Signature of Zoning Administrator:  Date: 10.11.24

October 8, 2024

Christy Dunkle, Community Development Director
Town of Berryville Planning & Zoning
101 Chalmers Court
Berryville, VA 22611

Dear Ms. Dunkle:

I am writing to make application for a Special Use Permit, in order to operate a Home Occupation, as defined in Section 503 of the Berryville Zoning Ordinance.

As introduction, my name is Jason McCarty and I am a life-long resident in the Town of Berryville. I have operated a successful business in Berryville for 30 years (1994-2024). Formally, the business operated at 8 Chalmers Court, renting from Dr. Clark Fortney with my father (1994-2014), and then renting a partial building from the Mayor Jay Arnold located at 119 W Main Street (2014-2024). At either location, I've been able to maintain a staff of 5-6 people and to manage all business-related financial and operating costs.

Within the past several months, I have experienced the loss of three key Artists – one married and moved away from this area; one is retiring; and one recently moved to Southern Virginia to pursue their career in the Richmond area. These losses effect my ability to self-maintain a rented facility on the scale I have been accustomed to.

My intent in applying for the Special Use Permit is to create a private Studio business in my home located at 8 W Fairfax Street, Berryville, VA. My work is custom photo realism and requires focus and attention. I am considered one of the best photo realistic artists on the East Coast. Within the 30 years I've worked, I have won over 200 1st, 2nd or 3rd place trophies in competitions across the East and West Coasts. As well, my business has brought many clients to the area who have patroned other Berryville businesses such as our restaurants and shopping boutiques. Over the course of the past five years I reduced my competitions to just East Coast Events, primarily due to

economical fluctuations and family commitments, as well as my own professional commitments.

The one good thing Covid did for professional artists such as myself was to allow us to work privately, by appointment, and to remain so, once the Covid restrictions were lifted. Custom work only allows one appointment per day. I enjoy not having the distractions of walk in traffic from off the street. The business would operate by scheduled appointments Monday through Friday. I am accustomed to operating under normal office hours, 10 am to 6 pm, and would like to continue these hours of operation. There would be no unexpected late or unscheduled visitors to my property or neighborhood. I am a family-oriented person with a wife and son in high school and sports, so our evenings and weekends are busy with typical household chores and sporting or family-focused events.

The size and layout of my home at 8 W Fairfax Street easily allows for the installment of a private Studio, without disrupting or disturbing the home internally or externally. And, without disturbing our neighborhood. My family is well known to our neighbors and we have received encouraging support from them in pursuing this endeavor. I have three off street parking spaces, one of which would be used for one client at a time.

I am hopeful to demonstrate to the Planning Commission and Town Council plans for creating a successful home-based business.

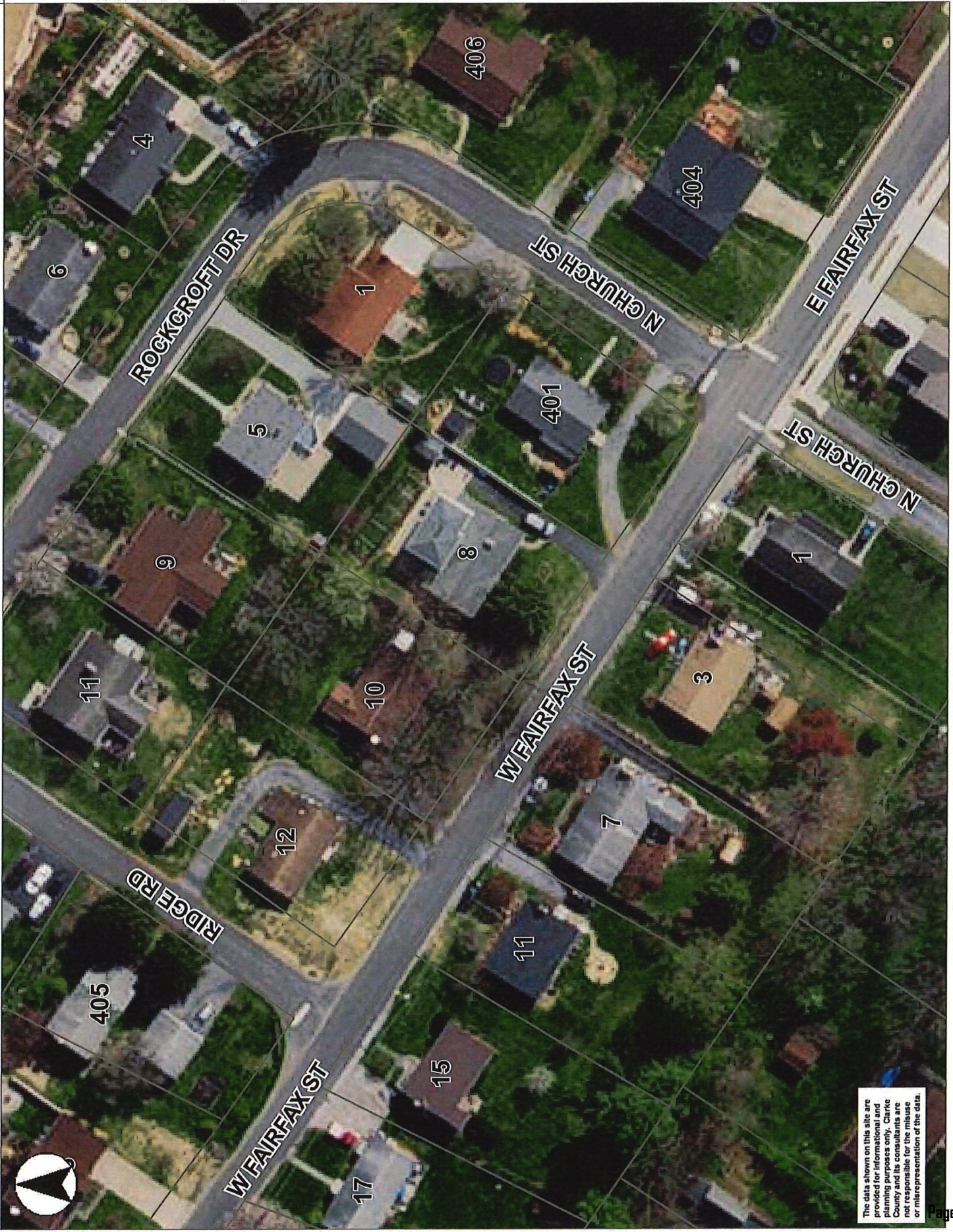
Sincerely,

Jason McCarty

8 W Main St., Berryville, VA 22611 (540) 664-6969 jbodyart@gmail.com



- Public
- Parcels
- Parcels With Orphan
- Clarke County Boundary
- Major Roads
- Interstate
- US Highway
- State Highway
- Surrounding Counties Open
- Surrounding Counties Non



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.

85

170 ft

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SECTION 503 - SPECIAL USE PERMIT

503.1 PROVISIONS FOR SPECIAL USE PERMITS

- (a) In consideration of an application filed with the Zoning Administrator, the Council may, after a public hearing, authorize the establishment of those uses that are expressly listed as Special Permit uses in a particular zoning district.
- (b) In addition to all applicable conditions and requirements of this Ordinance, the Council may impose any conditions deemed appropriate in the public interest to secure compliance with the provisions of this Ordinance.
- (c) Once a Special Use Permit is granted, the use shall not be enlarged, extended, increased in intensity or relocated unless authorized by the Council.
- (d) Whenever a Special Use Permit is granted by the Council, the authorized activities shall be established within one (1) year of the date of approval, or such Special Use Permit shall expire without notice.
- (e) Should the owner or operator of the use covered by the Special Permit fail to observe all requirements of law with respect to the maintenance and conduct of the use and all permit conditions, the Council may, after due notice to permit holder and a public hearing, revoke the Special Use Permit.

503.2 APPLICATIONS

An application for a Special Use Permit may be submitted by the property owner of record, tenant, or contractor owner.

503.3 APPLICATION REQUIREMENTS

Applications for Special Use Permits shall be accompanied by seven (7) copies of the following items:

- (a) Letter of request, signed by property owner and applicant, outlining complete details of special use desired.
- (b) Site development plan.
- (c) Floor plan, front, side, and rear elevations of proposed new buildings.
- (d) Certified house location plat.
- (e) Information deemed necessary by the Zoning Administrator.
- (f) Applicable filing fee.

503.4 APPLICATION PROCEDURE

- (a) Application submitted to Zoning Administrator, which shall be referred to the Planning Commission for recommendation, and a public hearing shall be scheduled by the Town Council.
- (b) Review by the Planning Commission (public hearing if desired) and recommendation to Town Council.
- (c) Public hearing by Town Council.
- (d) Town Council action (In acting upon the application, the Town Council shall consider the following, among other relevant factors):
 - 1. The health, safety, and welfare of the general public.
 - 2. Physical and visual impact on adjoining and abutting properties.
 - 3. Adequate utilities, drainage, parking, and other necessary facilities to serve the proposed use.

4. Compliance with the adopted master plan.
 5. Environmental compatibility.
 6. Community sentiment.
- (e) Applicant to be notified by Zoning Administrator of Town Council action.

SECTION 504 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

- 504.1** The Town Council shall establish, by resolution, a schedule of fees, charges, and expenses and collection procedures for zoning permits, certificates of use and occupancy, special permits, variances, appeals, amendments, and other matters pertaining to this Ordinance.
- 504.2** The schedule of fees shall be available for inspection in the office of the Zoning Administrator and may be altered or amended by the Governing Body by resolutions. Until all application fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Item Title

Site Plan Amendment – Clarke County Public Schools and John H. Enders Fire and Rescue

Prepared By

Christy Dunkle

Clarke County Public Schools, Owner (JC Blaylock, Chief, John H. Enders Fire Company, Inc., Applicant) is requesting a site plan amendment in order to construct an accessory structure on the property identified as Tax Map Parcel number 14A4-((A))-31, zoned R-2 Residential.

Background/History/General Information

John H. Enders Fire Company, Inc. has a lease agreement with the Clarke County School Board (CCSB) that allows use of a portion of their property (Johnson-Williams Middle School) for vehicle parking and other activities related to fire company functions. The lease also permits construction of a storage structure within the area identified in the lease when approved by the CCSB. The lease area is identified on the plat included with the agreement.

Land disturbance will be approximately 4,000 square feet. Access to the storage building will be from the parking lot that was constructed on the leased area in 2011. The location of the structure is not within the 100-year floodplain area.

The applicant will be required to obtain a Clarke County Building Permit prior to construction. Erosion and sediment controls will be installed during the construction process and will remain in place until the ground around the building has been stabilized.

Staff has requested building elevations, height information, and lighting specifications (if applicable) from the applicant. This information will be available at the meeting.

Findings/Current Activity

N/A

Schedule/Deadlines

A public hearing is not required.

Other Considerations

N/A

Recommendation

Approve the request as presented.

Sample Motion

I move that the Planning Commission of the Town of Berryville approve a site plan amendment in order to construct an accessory structure on the property identified as Tax Map Parcel number 14A4-((A))-31.

Attachments:

- Land Development Application
- Lease agreement between the Clarke County Public Schools and John H. Enders Fire Company, Incorporated
- Site plan
- Vicinity map

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner Clarke County Public Schools Leased by John H Enders Fire Company, Inc

Owner's Address 317 West Main Street, Ste A, Berryville, VA 22611

Phone 540-955-6100

Agent (Contact Person) JC Blaylock, Chief

Agent's Address 9 South Buckmarsh Street, Berryville, VA 22611

Phone 540-533-6705

Check Appropriate Request:

- Subdivision - creating more than 2 lots
- Minor Subdivision - single lot divided into 2 lots
- Boundary Line Adjustment
- Site Plan
- Rezoning
- Text Amendment: Zoning or Subdivision Ordinance
- ARB Certificate of Appropriateness
- Town of Berryville Utilities
- Other: Site Plan Amendment

Complete As Applicable:

Nature of Request/Proposal: SITE PLAN AMENDMENT

Tax Map & Parcel Number(s): 14A4 (A) - 31

Size of Project Site: 2000 sq ft

Proposed # of Lots: Storage Existing Zoning R:2

Owner or Agent: The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve the request for which I am applying. I certify that all property corners have been clearly staked and flagged.

Signature: [Signature] Date: 10/11/24

Owner: I have read this completed application, understand its intent, and freely consent to its filing. Furthermore, I grant permission to the Town Planning Department and other government agents to enter the property and make such investigations and tests, as they deem necessary. I acknowledge that in accordance with Article X of the Subdivision Ordinance I am responsible for costs incurred for review of subdivision and/or development plans by the Town's engineer and that any other required tests or studies will be carried out at owner/agent expense. Agent will be responsible for all fees and costs incurred.

Signature: [Signature] Date: 10/11/24

OFFICE USE ONLY

Public Hearing Required? N/A Dates Advertised N/A

Adjoining Property Owners Notified? N/A

Action Taken: _____

REAL ESTATE LEASE AGREEMENT (COMMERCIAL)

Parties: Clarke County School Board (the “Landlord”)
John H. Enders Fire Company, Incorporated (the “Tenant”)

This Real Estate Lease Agreement (the “Lease”) is made effective May 22, 2023 by and between the Landlord and Tenant constitutes a new lease between the parties and revokes any and all leases previously established between the parties.

PREMISES. The Landlord, in consideration of the payments provided for pursuant to this Lease and other valuable consideration by virtue of the Tenant’s services to the Landlord, agrees to lease to Tenant real estate situated on the northeast corner of the Johnson-Williams Middle School (the “Premises”) located at 200 Swan Avenue, Berryville, Virginia 22611. A sketch of the Premises subject to this Lease is attached as Exhibit A by virtue of a plat depicting the lease parcel dated March 7, 2023 and prepared by licensed land surveyor David F. Spriggs. Such leased area constitutes approximately 0.6669 acres.

TERM. The Lease’s term shall commence on May 22, 2023 and shall terminate on May 31, 2052.

CONSIDERATION AND LEASE PAYMENTS. The Tenant shall pay to the Landlord a lease payment of One Dollar (\$1.00) per year totaling a sum of Thirty Dollars (\$30.00), payable in advance upon ratification of this Lease. The Landlord acknowledges the significant contributions of the Tenant to the safety and welfare of the community, inclusive of the Landlord. The facilities currently owned by the Tenant serve as a designated community emergency shelter and an emergency shelter for the students and staff of Johnson-Williams Middle School.

POSSESSION. The Tenant shall be entitled to possession on the first day of the term of Lease and shall yield possession to Landlord on the last day of the terms of this Lease, unless otherwise agreed by both parties in writing.

USE OF PREMISES.

- A. Tenant’s General Usage. The Tenant may use the Premise for parking of vehicles or other activities related to fire company functions.
- B. Tenant’s Modifications. It is understood and agreed upon between the parties that the Tenant may construct a storage structure within the Premises. The Tenant further agrees that any modifications made to the Premises must be approved by the Landlord before such modifications

are made, excepting those structures approved as referenced in this paragraph. All modifications made to the Premises shall become the property of the Landlord upon termination of this Agreement if such modifications constitute fixtures (i.e. not reasonably removable and typically remain with the property permanently). The Tenant shall be responsible for all permits, construction, fencing, paving, etc. required as a result of any modifications to the Premises. The Tenant shall be responsible for the maintenance of the bioretention filter and associated gravel trickle ditch. The filter shall be inspected monthly and after each significant rainfall. All inspections shall include investigation for potential sources of contamination, plant viability, sediment in the manholes, ponding, and clogging of the filter surfaces. Tenant shall be responsible for the replacement of dead plants, gravel, and mulch within the filter as necessary to maintain the biofilter in the condition expressed on the approved site plan. Invasive plant species and weeds shall be removed annually or otherwise controlled without the use of herbicides. Access to the site shall be made available to the Town of Berryville Zoning Administrator and/or the Town's Certified Erosion and Sediment Control Inspector in order to inspect the bioretention area.

- C. Landlord's Use of Premises. The parties agree that the Landlord may use the premises for parking of vehicles related to school functions and for access to adjacent school property so long as such use does not conflict with the Tenant's fire company functions.
- D. Insurance. The Tenant shall annually provide on the anniversary date of the Lease a current certificate of insurance demonstrating that the Clarke County School Board is an additional insured on such insurance.
- E. Tenant's Extended Absence. The Tenant shall notify the Landlord of any anticipated extended absences from the Premises not later than the first day of the extended absence.

DEFAULTS. The Tenant shall be in default of this Lease if the Tenant fails to fulfill any lease obligation or term by which the Tenant is bound. Subject to any governing provisions of law to the contrary, if the Tenant fails to cure any obligation within thirty (30) days after written notice of such default is provided by the Landlord to the Tenant, the Landlord may take possession of the Premises without further notice, to the extent permitted by law, and without prejudicing the Landlord's rights to damages. In the alternative, the Landlord may elect to cure any

default and the cost of such action shall be added to the Tenant's financial obligations under this Lease. The Tenant shall pay all costs, damages, and expenses including reasonable attorney fees and expenses, suffered by the Landlord by reason of the Tenant's defaults. All sums of money or charges required to be paid by the Tenant under this Lease shall be additional rent, whether or not such sums or charges are designated as "additional rent."

TERMINATION OF LEASE DUE TO NEED TO RE-POSSESS OR SALE.

The parties agree that in the event that the Landlord should need to use the Premises or otherwise need to sell the Premises during the term of this Lease, this Lease shall become null and void without further liability of either party.

NOTICES. Notices under Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

Landlord: Clarke County School Board
317 West Main Street
Berryville, Virginia 22611

Tenant: John H. Enders Fire Company, Inc.
9 South Buckmarsh Street
Berryville, Virginia 2611

Such addresses may be changed from time to time by either party by providing notice as set forth above at least thirty (30) days prior to the change in address.

ENTIRE AGREEMENT AND AMENDMENTS. This Lease contains the entire agreement of the parties, and there are no other promises or conditions in any other agreement whether oral or written. This Lease may be modified or amended in writing if such modification or amendment is signed by both parties.

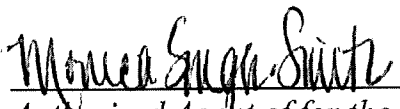
SEVERABILITY. If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable.

WAIVER. The failure of either party to enforce any provision of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.


GOVERNING LAW. This Lease shall be construed in accordance with the laws of the Commonwealth of Virginia.

WITH THE INTENT TO BE BOUND, THE PARTIES SIGN HERETO:

LANDLORD:

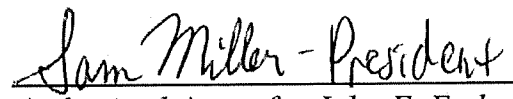

Authorized Agent of for the
Clarke County School Board

5/22/23
Date

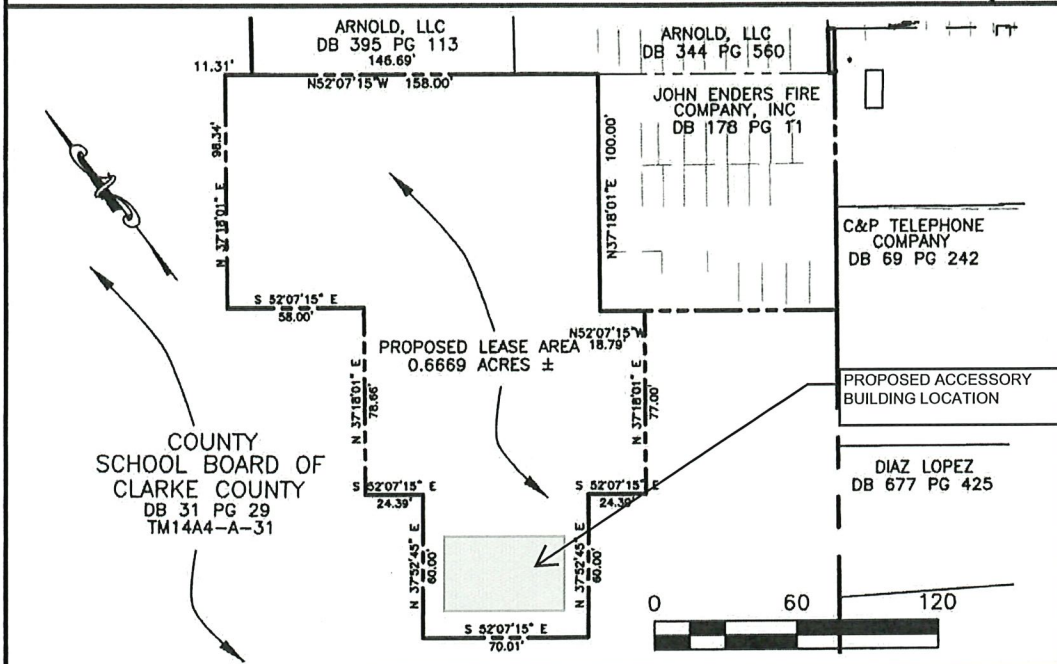
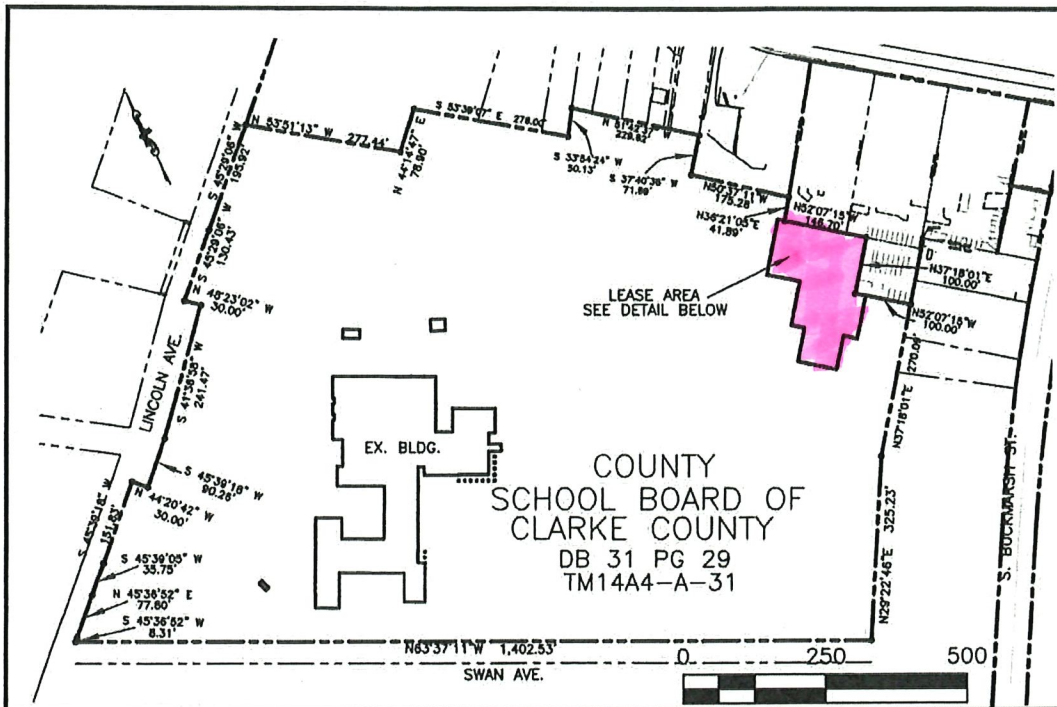

Superintendent of Clarke County
Public Schools

5/22/23
Date

TENANT:


Authorized Agent for John E. Enders
Fire Company, Inc.

5/30/23
Date



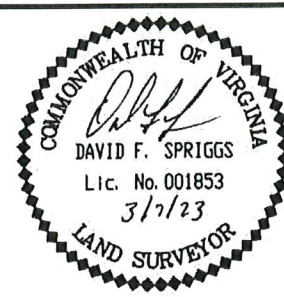
CURRENT OWNERS: COUNTY SCHOOL BOARD OF CLARKE COUNTY, TM 14A4-A-31
DEED BOOK 31 PAGE 29.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT THIS PLAT MAY NOT INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

BOUNDARY INFORMATION SHOWN HAS BEEN COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT AN ACTUAL FIELD RUN BOUNDARY SURVEY BY PAINTER-LEWIS, P.L.C.

PLAT SHOWING
LEASE PARCEL
ON THE PROPERTY OF
COUNTY SCHOOL BOARD OF CLARKE COUNTY
TOWN OF BERRYVILLE, VA
DATE: MARCH 7, 2023

2303015

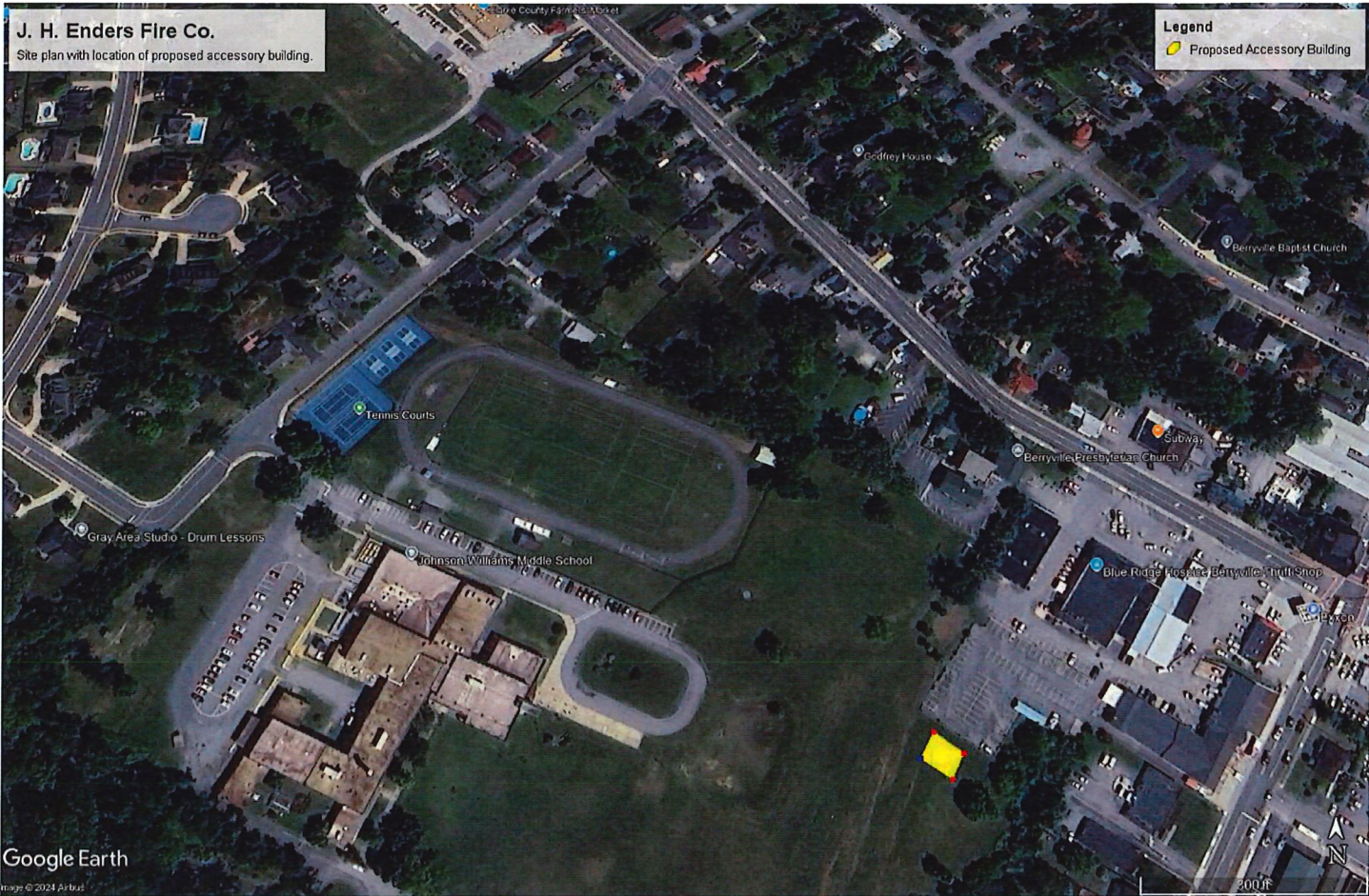


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Email: office@painterlewis.com



J. H. Enders Fire Co.

Site plan with location of proposed accessory building.

Legend

Proposed Accessory Building

Google Earth

Image © 2024 Airbus

300 ft