

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

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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.

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William Steinmetz, Chair

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Miranda Dodson, Town Clerk