

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