

**BERRYVILLE PLANNING COMMISSION**  
**Berryville-Clarke County Government Center**  
**Meeting Minutes**  
**June 27, 2023**

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A meeting of the Berryville Planning Commission was held on Tuesday, June 27, 2023 at 7:00 p.m. at the Berryville-Clarke County Government Center in Berryville.

**ATTENDANCE:** Members of the Planning Commission present: Kim Kemp, vice chair, Michael Bell, Gwen Malone, Michelle Marino, Sheryl Reid

Absent: William Steinmetz, chair, Tom Parker

Staff present: Christy Dunkle, Community Development Director, Jean Petti, Deputy Town Manager

Press present: Mickey Powell, Winchester Star

Others present: Susan Godfrey, Myron and Gail Altman

**1. CALL TO ORDER – Kim Kemp, vice chair**

Vice chair Kemp called the meeting to order at 7:00 p.m.

**2. APPROVAL OF AGENDA**

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

**3. APPROVAL OF MINUTES**

Ms. Malone made the motion to approve the May 23, 2023 minutes as presented, seconded by Mr. Bell. The motion passed by voice vote.

**4. PUBLIC HEARING – TEXT AMENDMENTS FOR SHORT-TERM RENTAL REGULATIONS**

Ms. Dunkle read the public hearing notice information and the proposed amendment to Article I defining short-term rentals which had been modified to address the previous discussion at the May Planning Commission meeting. She said she had included the proposed text amendment for the use by special permit in each zoning district that was discussed previously.

Vice chair Kemp opened the public hearing. She recognized Susan Godfrey who lives on West Main Street next door to 210 West Main Street. She said 15 people, including six children, stayed at the property over the last weekend. She said there is no Certificate of Occupancy, business license, or zoning on the building and said she hoped that language in the new ordinance would address this concern. She said it may be difficult to investigate a complaint because the facility is normally used on

the weekends. She added that she hopes there are real time consequences. Ms. Godfrey said that the elevator had been removed and children are in the building which may result in safety issues. Ms. Dunkle said two Certificates of Occupancy on this building have been revoked by the County. She said the owners have been notified of violation by the County and she is anticipating action after the required 30-day waiting period. Ms. Malone asked for confirmation on responsibility for issuing CO. There was a discussion about enforcement. Ms. Dunkle said enforcement of Town code violations would be addressed by the police, occupancy violations by the County, and zoning by her office.

Ms. Dunkle said there were approximately eight short-term rentals currently operating legally in the Town. Ms. Reid asked whether this property owner had a business license and Ms. Dunkle said she did not believe so.

Ms. Malone asked how many rooms were available. Ms. Godfrey said the owner had created new rooms with false walls and added three bathrooms. She said that the property owner is advertising accommodation for a maximum of 30 people. Mr. Myron Altman said they are advertising 16 bedrooms. Ms. Godfrey said they have seen 20 people at the facility, adding that it has been booked for two weeks in July. Mr. Altman said it has been going on for a year. Ms. Dunkle said the owner indicated the building was going to revert back to a licensed nursing facility in May.

There being no further discussion, vice chair Kemp closed the public hearing at 7:10 p.m.

Ms. Dunkle described the timing of Council action as they do not meet in August.

Ms. Reid made the motion to postpone further discussion on the matter to the July meeting, seconded by Ms. Marino. The motion passed by voice vote.

Ms. Dunkle said she will request that Town Council set a public hearing for their September meeting at their next meeting on July 11, 2023.

## **5. DISCUSSION – PUBLIC HEARING**

There was no further discussion.

## **6. CITIZENS' FORUM**

No one spoke.

## **7. NEW BUSINESS – SET PUBLIC HEARING – SPECIAL USE PERMIT**

Ms. Dunkle introduced the request for a Special Use Permit by Zion Church in order to operate a day care center at the parish hall across from the church on Josephine Street. She said they have been offering meals to seniors and overflow activities from the church in this building. She said the applicants are working with the Clarke County Building Department on requirements for the facility to be used as a day care center. Ms. Dunkle said they would like to operate from 6 a.m. to 6 p.m. with a maximum number 24 students at one time. She added that parking requirements established in the zoning ordinance have been met.

Ms. Dunkle said the applicants will be adding recreational areas in the back and will add approximately 10 jobs with this use. She requested that the Planning Commission set a public hearing for their July 25, 2023 meeting on the matter. She reviewed the notification process with commissioners.

There being no further discussion, Ms. Malone made the motion, seconded by Ms. Reid, to set the public hearing for the July meeting. Ms. Dunkle said she will request that Town Council set their public hearing for their September meeting.

**8. DISCUSSION – PLANNING UPDATE**

There was no further discussion.

**9. OTHER**

There was no further discussion.

**10. ADJOURN**

There being no further discussion, Mr. Bell moved for adjournment, seconded by Ms. Malone, with the motion passing by consensus at 7:17 p.m.

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Kim Kemp, Vice Chair

Christy Dunkle, Secretary