

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, July 23, 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 – May 28, 2024
4. Set 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
5. Citizens' Forum
6. Planning Update
7. Other
8. 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**  
**May 28, 2024**

---

A meeting of the Berryville Planning Commission was held on Tuesday, May 28, 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

**Absent:** Michael Bell, Sheryl Reid

**Staff present:** Christy Dunkle, Community Development Director

**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 Mr. Parker. The motion passed by voice vote.

**3. Approval of Meeting Minutes**

Ms. Marino made the motion to approve the minutes of the April 23, 2024 meeting as presented, seconded by Vice Chair Malone. The motion passed by voice vote.

**4. Public Hearing**

**Rebekah Fowlds, Owner, is requesting a special use permit per Section 201.2(a) of the Berryville Zoning Ordinance in order to operate a home occupation (hair salon/personal services) at the property located at 108 Isaac Court, identified as Tax Map Parcel number 14A8-((4))-149, zoned R-1 Residential. SUP 02-24**

Ms. Dunkle read the public hearing notice and said the notice had been published in the Winchester Star on May 14 and May 21, 2024 and that adjacent property owners' notification went out on May 10, 2024. She said she received on comment concerning on-site parking and said she had discussed the matter with the applicant who said there will be at least one off-street space available for her clients.

Chair Steinmetz opened the public hearing. There were no speakers. Vice Chair Malone made the motion to close the public hearing, seconded by Ms. Marino. The motion passed by voice vote.

## **5. Public Hearing – Repeal and Readoption of Section 322 Erosion & Sediment**

**The Berryville Planning Commission is sponsoring text amendments to the Berryville Zoning Ordinance in order to repeal and readopt Section 322 Erosion and Sediment Control updating the ordinance to align with updated laws and regulations of the Commonwealth of Virginia Department of Environmental Quality. TA 01-24**

Ms. Dunkle read the public hearing notice and said the public hearing had been published in the Winchester Star on May 14 and May 21, 2024. She said no comments were received in the Planning Office.

Chair Steinmetz opened the public hearing. There were no speakers. Vice Chair Malone made the motion to close the public hearing, seconded by Mr. Gilpin. The motion passed by voice vote.

## **6. Public Hearing – Text amendments establishing public street widths and street light standards**

**The Berryville Planning Commission is sponsoring text amendments establishing street right-of-way widths and street light standards to Section 314.7(a) of the Berryville Zoning Ordinance and to Article IV, Section B of the Berryville Subdivision Ordinance, respectively. TA 02-24**

Ms. Dunkle read the public hearing notice and said the public hearing had been published in the Winchester Star on May 14 and May 21, 2024. She said no comments were received in the Planning Office.

Chair Steinmetz opened the public hearing. There were no speakers. Mr. Gilpin made the motion to close the public hearing, seconded by Mr. Libby. The motion passed by voice vote.

## **7. Discussion of Public Hearings**

### *Special Use Permit – Home Occupation*

Chair Steinmetz asked if there were any additional comments. Mr. Parker asked Ms. Fowlds about the off-street parking. She said that she will have no more than one client at a time and that there will be one off-street space available for her business. Mr. Parker discussed the signage as identified in the ordinance. There was a discussion about the zoning ordinance regulations in which three references permit no more than two (2) square feet of signage for a home occupation. Ms. Dunkle said that Section 315 states that a nameplate shall be used. Mr. Parker asked the applicant if she was okay with installing a nameplate rather than a sign. Ms. Fowlds agreed to the installation of a nameplate.

There being no further discussion, Ms. Marino made the motion that the Planning Commission of the Town of Berryville recommend approval of SUP 02-24 in order to operate a hair salon as a home occupation at 108 Isaac Court with the following conditions:

1. Hours of operation are Monday through Friday from 7:00 a.m. until 5:00 p.m. and Saturdays from 9:00 a.m. to 3:00 p.m.
2. A maximum of two (2) square feet of signage in the form of a nameplate per Section 315.5(a) of the Berryville Zoning Ordinance may be installed.

3. At least one off-street parking space is available for clients.

The motion was seconded by Mr. Parker and passed by voice vote.

*Text Amendment – Repeal and Readopt Section 322 Erosion and Sediment Control*

Chair Steinmetz asked Planning Commissioners if they had additional comments. There were none.

There being no further discussion, Ms. Marino made the motion that the Planning Commission of the Town of Berryville recommend that Town Council repeal and readopt Section 322 Erosion and Sediment Control of the Berryville Zoning Ordinance in order to update the ordinance to conform to state laws and regulations. The motion was seconded by Vice Chair Malone and passed by voice vote.

*Text Amendments – Public street right-of-way requirements and street lighting standards.*

Chair Steinmetz asked Planning Commissioners if there were additional comments. Mr. Parker said he had spoken with staff about the use of cobra head fixtures on residential collector roads. He said his concern was if they could replace standard street lights on Hermitage Boulevard. Ms. Dunkle said that would be highly unlikely. There was a discussion about the southeast collector and that these types of lights would not be a concern on a street with more commercial activity. Chair Steinmetz asked about the Friant property and whether cobra head fixtures could be installed in this location. Ms. Dunkle confirmed that there were no collector roads in the proposed subdivision. There was a discussion about the existing lights on Mosby Boulevard including their height and visibility from north of the Route 7 bypass. Ms. Dunkle discussed the need for this type of street lighting to reach across wider rights-of-way.

There being no further discussion, Mr. Parker made the motion that the Planning Commission of the Town of Berryville recommend that Town Council approve the text amendments concerning street rights-of-way and street lighting standards in the zoning and subdivision ordinances as presented. The motion was seconded by Ms. Marino and passed by voice vote.

## **8. Citizens' Forum**

Chair Steinmetz recognized Abigail Custis, County resident. Ms. Custis said she previously lived in the Town and now lives on a farm in the County. She said she respects the government and that transparency goes both ways. She asked if there were any policies in the Town and County regarding public safety and security. She asked what the policy is on national security in the Town and County. Ms. Marino asked if she wanted to discuss a specific concern. Ms. Custis said that she has lived in the community for 26 years and that she has not had an easy time in the last 21 years. She said she had witnessed tragedies not of her own doing. She said that people have heard of Berryville all over the country and that she can't imagine why. She requested clarification on extending surveillance in the community.

There were no other speakers.

**9. Planning Update**

Vice Chair Malone complimented public works staff on how nice the Town looked ahead of Memorial Day activities. Chair Steinmetz said that they always do a great job.

**10. Other**

There was no other business.

**11. Adjourn**

Vice Chair Malone made the motion to adjourn the meeting at 7:21 p.m.

---

William Steinmetz, Chair

---

Christy Dunkle, Secretary

**Item Title**

Set Public Hearing – Special Use Permit – Home Occupation

**Prepared By**

Christy Dunkle

---

**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**

**Background/History/General Information**

Mr. Renzi would like to offer private and small group fitness sessions not exceeding 12 participants at his home located on Breckinridge Court.

*Adjacent Zoning*

The adjacent property is zoned DR-4 Detached Residential.

*Parking*

The property has four off-street parking spaces and a two-car garage. Mr. Renzi has been given permission from Martin's for his clients to park in their parking lot.

*Signage*

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*

Mr. Renzi is requesting hours for single-client sessions from 9:00 a.m. to 12:00 p.m. on Mondays, Wednesdays, and Fridays during the summer and from 6:00 p.m. until 8:00 p.m. on Mondays and Wednesdays during the school year.

The applicant is also requesting group sessions (not to exceed 12 participants) on Tuesday and Thursday evenings from 6:30 p.m. until 8:00 p.m. throughout the year.

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**

N/A

**Schedule/Deadlines**

Town Council has set a public hearing for their September 10, 2024 meeting.

**Other Considerations**

N/A

**Recommendation**

Set a public hearing for the August 27, 2024 meeting.

**Sample Motion**

I move that the Planning Commission of the Town of Berryville set a public hearing for Tuesday, August 27, 2024 for a special use permit in order to operate a home occupation (fitness classes) at the property located at 308 Breckinridge Court.

**Attachments:**

- Letter from the applicant
- Site plan
- Section 315 Home Occupations, Home Offices of the Berryville Zoning Ordinance

To whom it may concern,

We hope this message finds you well. We are writing to request permission to use the garage space at 308 Breckinridge Ct as a Thai boxing gym. Our goal is to foster community and empower members through Thai boxing practice.

We intend to use the space primarily for private lessons and small group sessions not exceeding twelve people, which will operate with limited hours to minimize disruption. We are committed to maintaining the space, adhering to safety and noise regulations, and obtaining necessary insurance coverage.

Our hours of operation include single-client sessions from 9am-12pm on Mondays, Wednesdays, and Fridays during the summer, single client sessions from 6pm-8pm on Mondays and Wednesdays that will occur throughout the year, and group sessions that will not exceed 12 clients on Tuesdays and Thursdays at 6:30pm-8pm that will occur throughout the year. When the school year resumes, the morning, single-client sessions on Mondays, Wednesdays, and Fridays will cease. This process will repeat indefinitely until further notice.

To ensure the comfort of our clients, the insulated garage doors will be opened and the industrial fans will be turned on. For cases of extreme heat, a portable air conditioning unit will be brought in, and the garage doors will be closed. During the colder seasons, the garage doors will be closed and the two space heaters that have been installed will be utilized. Clients will have access to the main floor bathroom and mud room for needed use. Water will be made available to all clients through the in-home plumbing system.

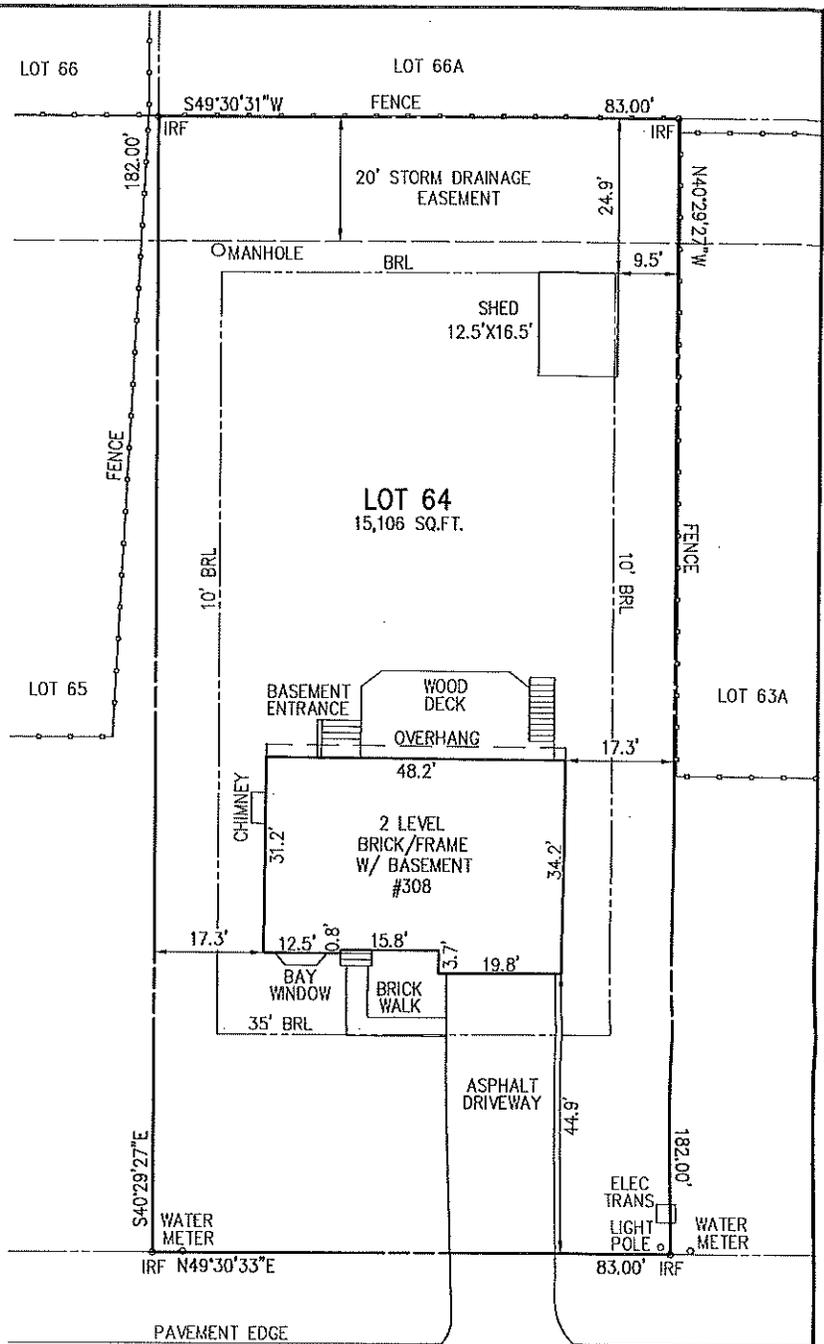
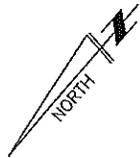
We have made arrangements with the Martin's management located at 409 North McNeil Rd to use the street-facing parking slots as additional parking, provided that we do not use the EVO charging spots, designated parking spots for Martin's customers, or the handicapped parking spots.

Sincerely,

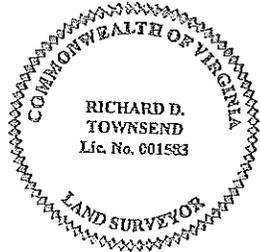
Matthew and Deborah Renzi

NOTES:

1. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
2. ACCORDING TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S FLOOD INSURANCE RATE MAP, THE HOUSE SHOWN HEREON APPEARS TO BE IN ZONE: "X"
3. NO TITLE REPORT FURNISHED, PLAT SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD.
4. METES AND BOUNDS AND MERIDIAN SHOWN WERE TAKEN FROM DEEDS OF RECORD.
5. IRF = IRON ROD FOUND.  
BRL = BUILDING RESTRICTION LINE



BRECKINRIDGE COURT  
(50' R/W)



HOUSE LOCATION SURVEY  
LOT 64 - PHASE 1A2  
**BATTLEFIELD ESTATES**  
TOWN OF BERRYVILLE  
CLARKE COUNTY, VIRGINIA  
SCALE: 1"=20' DATE: 07-28-2022

*NTS*

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINE.

*[Signature]*  
CERTIFIED LAND SURVEYOR



**SCHOOLS & TOWNSEND, P.C.**   
ENGINEERS · SURVEYORS  
9252 MOSBY STREET · MANASSAS, VIRGINIA 20110  
703-368-8001 · WWW.SCHOOLSANDTOWNSEND.COM

PARCEL IDENTIFICATION #: 14A7-2-64  
OWNER OF RECORD: CURTIS (D.B. 631 PG. 581)

CASE NAME: POTOMAC TITLE	DRFT. BY: EW
WO#: 4-22-637	FB. 749 PG. 37 CHKD. BY: AC

**(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.

- (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)