

Town of Berryville
Berryville-Clarke County
Government Center
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Berryville, VA 22611



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BERRYVILLE PLANNING COMMISSION
Berryville/Clarke County Government Center – 101 Chalmers Court
Main Meeting Room
July 23, 2019 - 7:30 PM

AGENDA

1. Call to Order – Doug Shaffer, Chair
2. Approval of Agenda
3. Approval of Minutes – June 25, 2019

PUBLIC HEARINGS

4. Public Hearing - Special Use Permit – Home Occupation - *Attachment A*
Julie Wheeler Abrera, (Owner, Beaumont House Design) is requesting a Special Use Permit under Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation at her property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A zoned DR-2 Detached Residential. SUP 01-19
5. Public Hearing - Rezoning – *Attachment B*
The Berryville Planning Commission is sponsoring a Rezoning request by Hermitage, LLC (Ron Mislowsky, Pennoni Associates, Agent) for Hermitage Phase V in order to adjust the zoning to align with the proposed lot configuration for 71 parcels on Tax Map Parcel number 14A4-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-11A zoned DR-1 Detached Residential-1. RZ 01-19

Patricia Dickinson
Mayor

Harry Lee Arnold, Jr.
Recorder

Council Members

Donna Marie McDonald
Ward 1

Diane Harrison
Ward 2

Erecka L. Gibson
Ward 3

Kara C. Rodriguez
Ward 4

Keith R. Dalton
Town Manager

REGULAR SESSION

6. Discussion of Public Hearings

7. Citizen's Forum

OLD BUSINESS

8. Planning and Zoning Update - Discussion

9. Other

10. Adjourn

PLANNING COMMISSION
Berryville-Clarke County Government Center
MINUTES OF REGULAR MEETING
June 25, 2019

A meeting of the Berryville Planning Commission was held on Tuesday, June 25, 2019 at 7:30 p.m. at the Berryville-Clarke County Government Center in Berryville.

ATTENDANCE: Members of the Planning Commission present: Kim Kemp, Dale Barton, Gwen Malone, Krish Mathur, Sheryl Reid, William Steinmetz, Debbie Zimmerman

Absent: Michelle Marino, Doug Shaffer

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others present: Julie Abrera

Press present: None

CALL TO ORDER

Ms. Dunkle called the meeting to order at 7:30pm. She asked for nominations for chair and vice chair. Ms. Reid made the motion to retain Mr. Shaffer and Ms. Kemp as Chair and Vice Chair, respectively. The motion was seconded by Ms. Zimmerman. The motion passed by voice vote.

APPROVAL OF AGENDA

Vice Chair Kemp asked for approval of the agenda. Ms. Reid moved to approve the agenda as presented, seconded by Ms. Malone, the agenda was approved by voice vote.

APPROVAL OF MINUTES

Ms. Reid moved to approve the minutes of the March 27, 2018 Planning Commission meeting, seconded by Ms. Zimmerman. The motion passed by voice vote with Chair Shaffer abstaining.

New Business

Set Public Hearing – Special Use Permit – Home Occupation

Julie Wheeler Abrera, Owner, is requesting a Special Use Permit under Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation (workshops) at her property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A zoned DR-2 Detached Residential. SUP 01-19

Ms. Zimmerman recused herself and left the dais.

Vice Chair Kemp asked staff to explain the request. Ms. Dunkle said that Ms. Abrera currently operates a floral design business as a home office. She asked Ms. Abrera to discuss the proposed home occupation.

Ms. Abrera said she and her husband purchased a log cabin from the southern part of the County which they have rebuilt on their property. She described the history of the circa 1830's cabin and said that the construction should be completed within the next two weeks.

Ms. Abrera said that her business, Beaumont House Design, provides floral designs for special events including weddings and business applications. She said she has no employees and currently works out of her basement. She said she teaches workshops in Virginia and Washington, DC and would like to offer them at her home. She said she would have no more than six workshops per year and that the workshops are half day and two-day classes for no more than 12 participants. She described activities offered during the workshops including bouquet and centerpiece design and installations. She added that her business offers economic development for the Town as she is creating another opportunity for visitors to come to Berryville stating that approximately 90% of the participants are from Loudoun County and Washington, DC.

Ms. Abrera said she would also like the ability to meet with clients and vendors at her home. She added that these meetings usually consist of no more than four people.

There being no further discussion, Ms. Reid made the motion to set the public hearing for the July 23, 2019 meeting, seconded by Mr. Steinmetz. The motion was approved by voice vote.

Ms. Zimmerman rejoined the meeting.

Set Public Hearing - Rezoning

Hermitage, LLC (Ron Mislowsky, Pennoni Associates, Agent) is requesting sponsorship of a Rezoning for Hermitage Phase V in order to adjust the zoning to align with the proposed lot configuration for 71 parcels on Tax Map Parcel number 14A4-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-11A zoned DR-1 Detached Residential-1. RZ 01-19

Vice Chair Kemp asked staff to review the request. Ms. Dunkle referenced a general map of the Hermitage Subdivision that is in her staff report. She identified the straight line that identified the original Town/County border. She said the proposed lot configuration does not align with current zoning lines. She added that the number of lots approved in the preliminary plat has been reduced to a total of 71 lots. She said Department of Environmental Quality storm water regulations require conservation areas which she referenced on the exhibits submitted by the applicant.

Ms. Dunkle reviewed her staff report and asked if there were any questions. She said the request is to sponsor the rezoning and set a public hearing on the matter for their July 23 meeting.

There being no further discussion, Ms. Reid made the motion to sponsor the request and set a public hearing for the July 23, 2019 meeting. The motion was seconded by Mr. Steinmetz. The motion passed by voice vote.

REGULAR SESSION

Citizen's Forum

Vice Chair Kemp asked if anyone wished to speak. There were no speakers.

OLD BUSINESS

PLANNING AND ZONING UPDATE

Ms. Dunkle updated the Commissioners on upcoming development applications.

OTHER

There were no other comments.

Adjourn

There being no further business, Ms. Reid made a motion to adjourn the meeting, seconded by Ms. Zimmerman, the motion passed by voice vote at 7:58pm.

Kim Kemp, Vice Chair

Christy Dunkle, Recording Secretary

Julie Wheeler Abrera, (Owner, Beaumont House Design) is requesting a Special Use Permit under Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation at her property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A zoned DR-2 Detached Residential. SUP 01-19

Public hearing notices were published in the Winchester Star on Tuesday, July 9 and Tuesday, July 16, 2019. Adjacent property owners were notified via first class mail on July 8, 2019. Correspondence from adjacent property owners and others follows in this staff report. Additional correspondence will be forwarded to Planning Commissioners prior to the meeting. Please note all correspondence received will also be presented to Town Council.

Mrs. Abrera would like to hold client and vendor meetings and conduct no more than six half day to two-day workshops with a maximum of 12 participants for each workshop on the property. The applicant will be using a portion of the accessory structure for the home occupation. Section 315 of the Berryville Zoning Ordinance addresses Home Offices (which are a use by right) and Home Occupations (defined as allowing clients into the home for business-related activities).

Conditions that should be discussed at the meeting include but are not limited to:

- Number of events per year (applicant has requested no more than six);
- Number of participants (applicant has requested no more than 12 at each workshop);
- Parking (the applicant has identified six available on-site parking spaces for workshop participants);
- Hours of operation (the applicant has requested 9:00am until 9:00pm)
- Outdoor activities; and
- Additional site lighting.

The following items are included with this report:

- Public hearing notice as published in the Winchester Star on Tuesday, July 9 and Tuesday, July 16, 2019;
- Special Use Permit application with attachments including site plan and landscape plan;
- Vicinity Map;
- Section 315 Home Occupations, Home Offices of the Berryville Zoning Ordinance;
- Section 603 DR-2 Detached Residential-2 of the Berryville Zoning Ordinance;

- Section 503 Special Use Permit of the Berryville Zoning Ordinance;
- Correspondence received by staff concerning the request; and
- Motion.

June 25, 2019 Staff Report

Mrs. Abrera is requesting a Special Use Permit in order to offer workshops at her floral design studio, Beaumont House Design, located at the address referenced above. She has been operating as a home office and would like to expand her business in Berryville.

Site Information

Mrs. Abrera obtained a zoning permit in June of 2018 in order to construct an accessory structure at the rear of her property to use as a home office. Offering workshops or having clients on the property requires an approved Special Use Permit for a home occupation in the DR-2 zoning district. As indicated in her application, the 1830's cabin was being torn down in the County and has been reconstructed on her property.

Zoning Information

The zoning on the property is DR-2 Detached Residential-2. Zoning applied to adjacent property includes:

- *Properties to the north, west, and south are also zoned DR-2 Detached Residential-2*
- *The property to the east (owned by Audley) is zoned DR-1 Detached Residential and, while in the Annexation Area, has not been annexed into Town*

Business Activities

Mrs. Abrera would like to hold client and vendor meetings and conduct no more than six half day to two-day workshops with a maximum of 12 participants on the property. The applicant will be using a portion of the accessory structure for the home occupation.

She will not be offering overnight accommodation. Hours of operation as identified in the application would be 9:00am until 9:00pm. Outdoor activities should be discussed at the meeting.

A synopsis of proposed activities is identified on page 2 of the applicant's submission.

Parking

The applicant's driveway can accommodate approximately six vehicles.

Landscaping

A landscape plan is included in the application packet for review by the Planning Commission. Mrs. Abrera identifies existing mature landscaping and describes proposed new plantings in her application.

Lighting with motion detectors is in place on the principal structure. Lighting on the cabin is downcast at the eastern entrance (covered with small roof), eastern porch entrance, and west facing backdoor. Security lights are also proposed on corners of the cabin. Proposed landscape lighting will be downcast and will be 3 at ground level no higher than six inches above grade.

Signage

Signage for Home Occupations is regulated under sections 307.3 and 315.5(a) of the Berryville Zoning Ordinance. The size shall not exceed two (2) square feet.

Process

Staff is recommending that the Planning Commission set a public hearing for the July 23, 2019 meeting in order to take public comment and determine recommendations to forward to Town Council. Conditions may include but not be limited to the following:

- Hours of operation*
- Number of events per year*
- Outdoor activities*
- Exterior lighting*

The public hearing will be advertised in the Winchester Star per Code of Virginia requirements for both Planning Commission and Town Council public hearings. Adjacent and affected property owners will be notified prior to each public hearing.

Recommendation

Discuss at the meeting and make recommendations for conditions to Town Council for their September 10, 2019 public hearing. A motion follows this report.

7/9 & 7/16, 2019
WINCHESTER STAR

BERRYVILLE PLANNING COMMISSION PUBLIC HEARING NOTICE

The Berryville Planning Commission will hold the following public hearings at 7:30 p.m., or as soon after as these matters may be heard, on **Tuesday, July 23, 2019**, in the Main Meeting Room, Second Floor, of the Berryville/Clarke County Government Center, 101 Chalmers Court, Berryville, Virginia to consider the following:

Julie Wheeler Abrera, (Owner, Beaumont House Design) is requesting a Special Use Permit under Section 603.3(f) of the Berryville Zoning Ordinance in order to operate a home occupation at her property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A zoned DR-2 Detached Residential. SUP 01-19

The Berryville Planning Commission is sponsoring a Rezoning request by Hermitage, LLC (Ron Mislowsky, Pennoni Associates, Agent) for Hermitage Phase V in order to adjust the zoning to align with the proposed lot configuration for 71 parcels on Tax Map Parcel number 14A4-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-11A zoned DR-1 Detached Residential-1. RZ 01-19

Copies of the applications, amendments, and maps may be examined at the Town Business Office, Berryville/Clarke County Government Center (101 Chalmers Court), First Floor, Berryville, Virginia during regular business hours. Additional information may be obtained by calling Assistant Town Manager Christy Dunkle at 540 955-4081. Any person desiring to be heard on these matters should appear at the appointed time and place.

The Town of Berryville does not discriminate against disabled persons in admission or access to its programs and activities. Accommodations will be made for disabled persons upon prior request.

By order of the Berryville Planning Commission
Christy N. Dunkle, Assistant Town Manager

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: June 11, 2019

Applicant's Name: Julie Wheeler Abrera

Applicant's Address: 204 Battletown Drive / Berryville VA 22611

Use Applied For: 503.1 / workshops

At the following address: 204 Battletown Drive / Berryville VA 22611

Special Conditions: _____

Property Owner's Name: Julie + Richard Abrera

Property Owner's Address: 204 Battletown Drive / 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: [Signature] Date: 6/11/2019

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: [Signature] Date: 6/11/2019

TO BE COMPLETED BY ZONING ADMINISTRATOR

Special Use: HOMES OCCUPATION Zone: DR-2

Street Address: 204 BATTLETOWN DR Tax Map #: MA3 ((2A)) 21A

Special Use Permit Fee: \$250 Paid: 6.11.19

Site Plan Fee: \$125 Paid: 6.11.19

Signature of Zoning Administrator: [Signature] Date: 6.19.19

Application for Special Use Permit

Julie Wheeler Abrera

204 Battletown Drive

Berryville, VA 22611

June 11, 2019

Overview

Currently I operate Beaumont House Design, a floral design studio from 204 Battletown Drive. Established in 2013, Beaumont House Design produces floral design for weddings and special events in Virginia, Maryland and Washington DC.

Three years ago, I added floral workshops to the offerings of Beaumont House. These workshops have been held off-site at various locations in Berryville, Winchester, Loudoun County and the Washington DC metro area. The workshops teach floral design technique as well as an appreciation of locally grown flowers from area farmers. Workshops have been a wonderful partnership with local businesses. Specifically, the majority of workshops have been held at Modern Mercantile (13 S Church Street). What started as a holiday wreath making workshop at Modern Mercantile has grown into 4-5 workshops per year and been featured three times in *Mingle Magazine*, a national publication. Each workshop is kept intentionally small (no more than 10 people) to ensure an intimate and luxury based floral experience. Participants in the workshop come from metro DC, Loudoun & Clarke County, Maryland and beyond. Many of them are repeat attendees and make a point to arrive early or stay after the workshop to eat and shop in Berryville.

In 2017, my husband and I acquired a circa 1830's log cabin that was being torn down on the southern end of Clarke County. This cabin has now been reconstructed in our backyard (Clarke County Building permit #B180445). Our intent is to preserve a piece of Clarke County history and ensure that it stayed in the county. We have worked with a team of local experts (Main Street Architecture, Cochran's Stone Masonry, Hip 'N Humble, and Huntlands Landscape Architecture) to rebuild the cabin. In addition, at the suggestion of our farm neighbor Clermont Farm, we contacted the Northern Shenandoah Valley Chapter of the Archaeological Society of Virginia (NSVC-ASV) to complete an archaeological survey before breaking ground.

As the demand for floral workshops has grown, I would like to expand my offerings for more intensive workshops in the studio and the historic cabin. These special workshops will be held periodically throughout the year for small groups of no more than twelve (12) people. I will continue to hold workshops off site as well.

Request for special use

Ability to use the home-based studio and cabin for no more than six (6) floral workshops per year and client/vendor meetings on an as needed basis.

Frequency and scope of workshops

Hold workshops no more than six (6) times per year. These workshops will range from half day workshops to two-day workshop for groups of no more than twelve (12) participants.

Workshop overview

Workshops will be held across the studio and cabin spaces. In the studio space, participants will do hands on work with flowers. The cabin space will also be used for special floral installations and a general gathering space. Participation cost in the workshops currently ranges from \$350 to \$1500 per participant.

Typical workshop schedule (for a full day workshop):

- 9:30am Guests arrive to meet and mingle
- 10:00am Workshop begins / demonstration / discussion of flower choices, etc.
- 10:30am Participants begin their designs
- 12:30pm break for lunch onsite
- 1:30pm Resume workshop
- 3:30pm Set up for styled dinner
- 8:00pm dinner concludes/participants depart

Typical workshop schedule (for a half day afternoon workshop):

- 1:00pm Participants arrive
- 1:30pm Participants begin their designs
- 3:30pm break/move to cabin to begin floral installation
- 6:00pm workshop concludes

Workshop Prep and Materials

Preparation for the workshop involves setting up workspace (worktables, flowers) inside the studio. There may be limited circumstances where we would set up a work/gathering space on the patio attached to the studio or in the front of the cabin. This would consist of four- or six-foot folding tables, chairs and florals.

Client/Vendor meetings

Hold client/vendor meetings as needed. Beaumont House Design takes on a limited number of clients each year. These meetings typically last one to four hours with clients and related vendors as needed during the months long design and planning process. Meetings are held in the studio or in the cabin space between the hours of 9:00am to 5:00pm.

Mitigation of impact on neighborhood

204 Battletown Drive is located at the end of a dead-end street at the eastern town/county line. Bordered by a 15-acre field (owned by Audley Farm), we have three residential neighbors:

- 201 Battletown Drive (owned by JDM Transport LLC) to the north directly across the street
- 122 Battletown Drive (owned by Debbie Zimmerman, a member of the Planning Commission) on the west property line
- 754 East Main Street (owned by Everett & Cathy Sutphin) on the south property line.

Parking

Attachment 1: diagram from Main Street Architecture showing house and cabin location on property

Attachment 2: most recent property survey from January 2009

Workshop participants and clients will be instructed to park in the driveway. Capacity for parked cars in driveway is 6 cars as well as room for 5 additional cars parked immediately in front of property. Every effort, through written reminders in workshop materials to greeting guests when they arrive, will be made to limit parking to our driveway. Living on a public street, we also understand that cars can utilize on street parking not necessarily in front of our property.

Landscape Screening

We have worked closely with Huntlands Landscape Architecture in Purcellville, VA to develop a landscape plan that will screen activity in the backyard (along the west property line) from 122 Battletown Drive. Currently there are mature trees (a full size American holly, stand of mature redbud trees, dogwood, mature zelkova and deciduous magnolia) that provide a buffer with the plan to immediately plant (as soon as site work is completed on the cabin) a mixed evergreen border on the along the back west fence row, providing screening year-round.

Attachment 3: Planting plan

In the front yard along the west property line there are three groupings of mature plantings (a stand of three (3) mature redbud trees, two fast growing arbor vitae, a grouping of viburnum and a stand of three (3) mature crape myrtles). In addition, there is a seasonal mixed border of hydrangea, boxwood, Russian sage, ornamental grasses and bed for dahlias.

In the front of the property, there are foundation plantings, two mature dogwoods, a winter hawthorne and black gum tree. Along the eastern property line of the house are a mature (30' plus) magnolia, a stand of three serviceberry trees and a mixed border of mature spirea and weigela. To provide screening from 754 Main Street along the south property line, there is a stand of western cedars as well as a mixed border of fringe tree, hydrangea, serviceberry and redbud. The 754 Main Street property has a stand of mature pine trees and mature spirea along our common fence row, providing a significant four-season screen.

House Lighting

Reducing light pollution is a priority. On the rear of the house there are three motion sensor lights (one above the studio door, one at the first-floor corner and one on the second story

corner). There is no lighting on the western side of the house that shines directly into 122 Battletown Drive and typical front porch lighting (two ceiling lights as well as two lights flanking the front door).

Cabin lighting

The cabin has down facing exterior lighting at the east facing front door (which is covered by a small roof), east facing porch door and west facing backdoor. Security lights are located in the upper right corner in the front and back. These are motion-sensor based as well as on a switch that can be controlled from the house. Landscape lighting will be downward facing and illuminate the path from the studio to the cabin and is switch based.

Signage

On workshop/meeting day, a portable metal sandwich board style sign is placed in the driveway at the entrance to the backyard. This sign, which consists of the Beaumont House Design logo and arrow pointing towards studio entrance, is placed close to the house, not immediately visible from the street. Participants/clients use the back studio door, not the home's front door, for access.

Clients/vendors/participants all receive written notice to enter the studio via the driveway on the east side of the house, which is not visible from 122 Battletown Drive or 754 Main Street.

Liability Insurance

Beaumont House Design carries business liability insurance.

About Julie Wheeler Abrera and Beaumont House Design



Welcome to Beaumont House Design. Inspired by the Blue Ridge Mountains & Shenandoah Valley just beyond the garden gate, Beaumont House is about flowers, home, family and making memories.

Specializing in wedding florals and event design and intimate floral workshops, my boutique floral studio takes its design cues from Mother Nature. With a focus on using locally grown and foraged flowers, I love to create lush, distinctive flowers that tell your love story.

Based in Berryville, VA, you'll find me flowering in the DC metro area, Hunt Country, Charlottesville, the Shenandoah Valley and beyond. I take on a limited number of events each year so that I have the luxury of getting to know you.

I'm a proud [Shenandoah] Valley girl, passionate flower & tree lover and I bring my love of the bloom and celebrating life's milestones to my work at Beaumont House Design. Most days you will find me either in the studio or walking in the nearby fields with my dogs Bo & Puck.

I have been fortunate enough to train with many leading floral designers, including Erin Benzakein at Floret, Katie Davis at Ponderosa & Thyme, New York City based Putnam & Putnam and at the FlowerSchool New York as well being published in national and international wedding and design publications including Mingle Magazine, Magnolia Rouge, Artfully Wed, Southern Bride, the Carolinas Magazine and Belong Magazine.

I have flowered at variety of exclusive venues in the Washington DC area including Congressional Country Club (Potomac, MD), Woodlawn Plantation (Alexandria, VA), Oatlands (Leesburg, VA), Stone Tower Winery (Leesburg, VA), Rosemont Manor (Berryville, VA), Pippin Hill (Charlottesville, VA), Big Cork Vineyard (Frederick, MD), The Retreat at Cool Spring (Bluemont, VA), Bluemont Vineyard (Bluemont, VA), Goodstone Inn (Middleburg, VA) and Audley Farm (Berryville, VA). In addition, I have worked on events with some of the floral design world's top planners and floral designers including Amaryllis Events (on the inauguration of the 45th President of the United States), Jacin Fitzgerald Events (a Martha Stewart top wedding planner) and Beehive Events (a Martha Stewart top event designer).

At Beaumont House Design I live by ten simple Rules of the House and believe in the power of flowers to connect us to time and place.



Attachments:

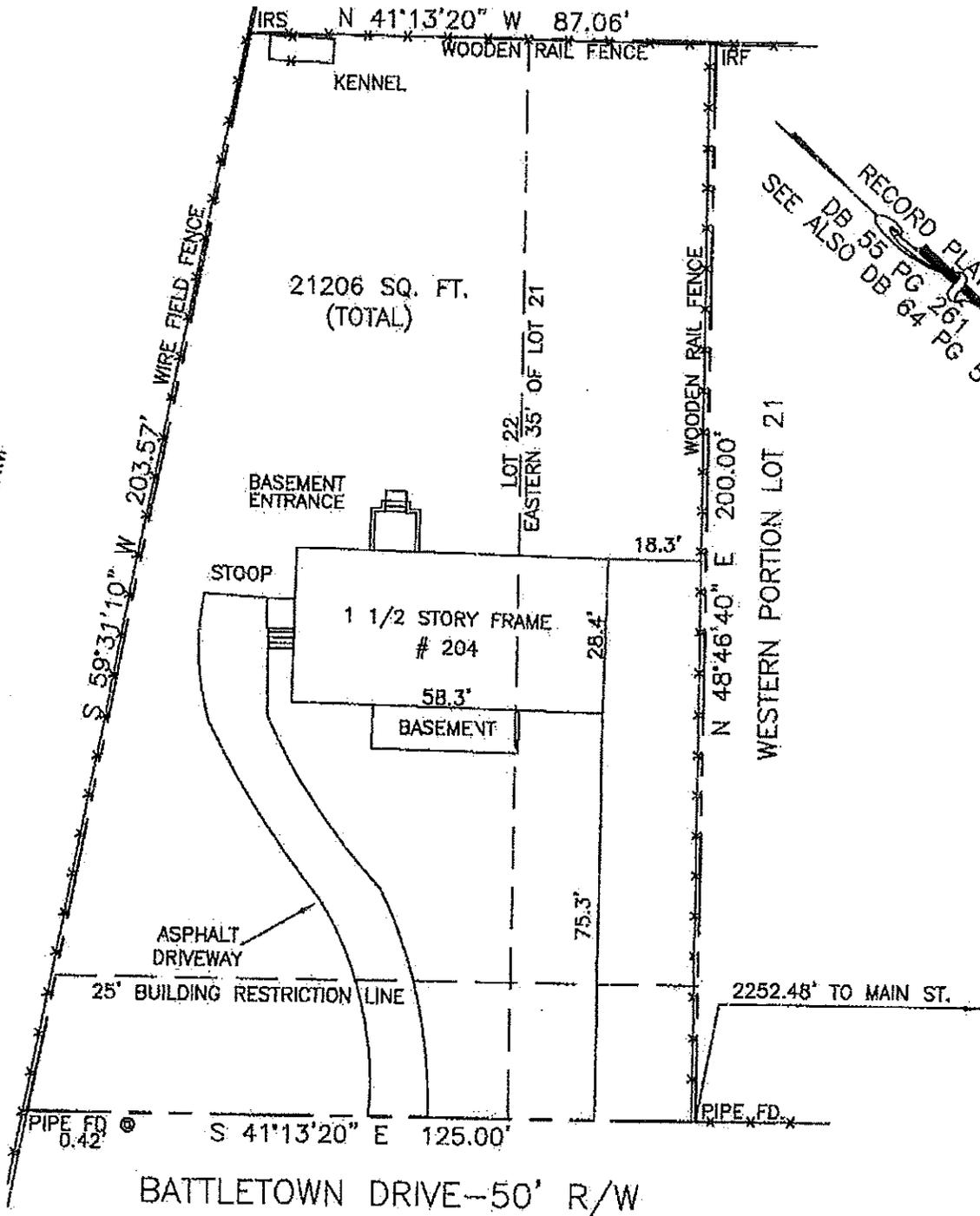
1 – diagram from Main Street Architecture showing house and cabin location

2 – most recent property survey from January 2009

3 – planting plan from Huntlands Landscape Architecture LLC

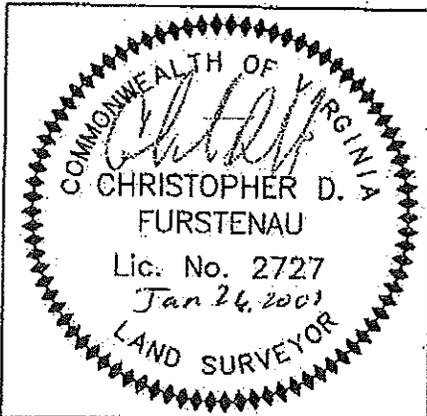
4 – Clarke County GIS map of Battletown Drive area

N/F AUDLEY FARM



NO TITLE REPORT FURNISHED

SELLER: WARD
REFERENCE: DB 71 PG 327
PURCHASER: ABRERA

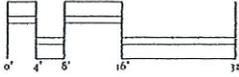


CHRISTOPHER D. FURSTENAU, L.S. PC

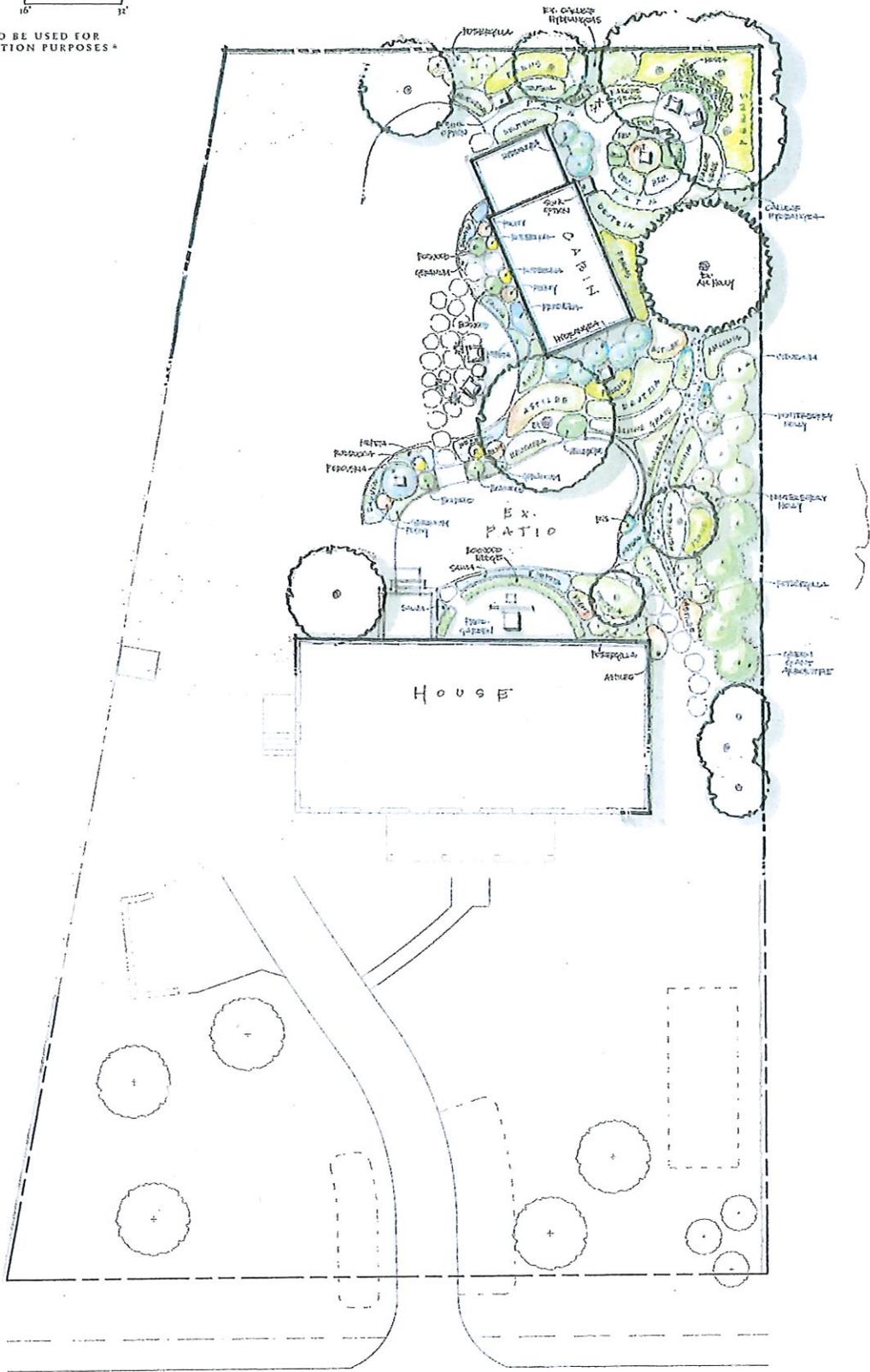
133 WEST BOSCAWEN STREET SUITE 8 WINCHESTER, VIRGINIA 22601
540 542-1164 FAX 540 542-1183 SERVICES@CDFSURVEYING.COM
MEMBER VIRGINIA ASSOCIATION OF SURVEYORS

DATE: JAN. 26, 2009
SCALE: 1" = 30'
TAX MAP: 14A3-2-A-21A

THIS IS TO CERTIFY THAT ON JANUARY 26, 2009 THAT I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

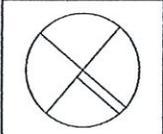


* NOT TO BE USED FOR CONSTRUCTION PURPOSES *



Scale: 1/8" = 1'-0"

Sheet 1 of 1

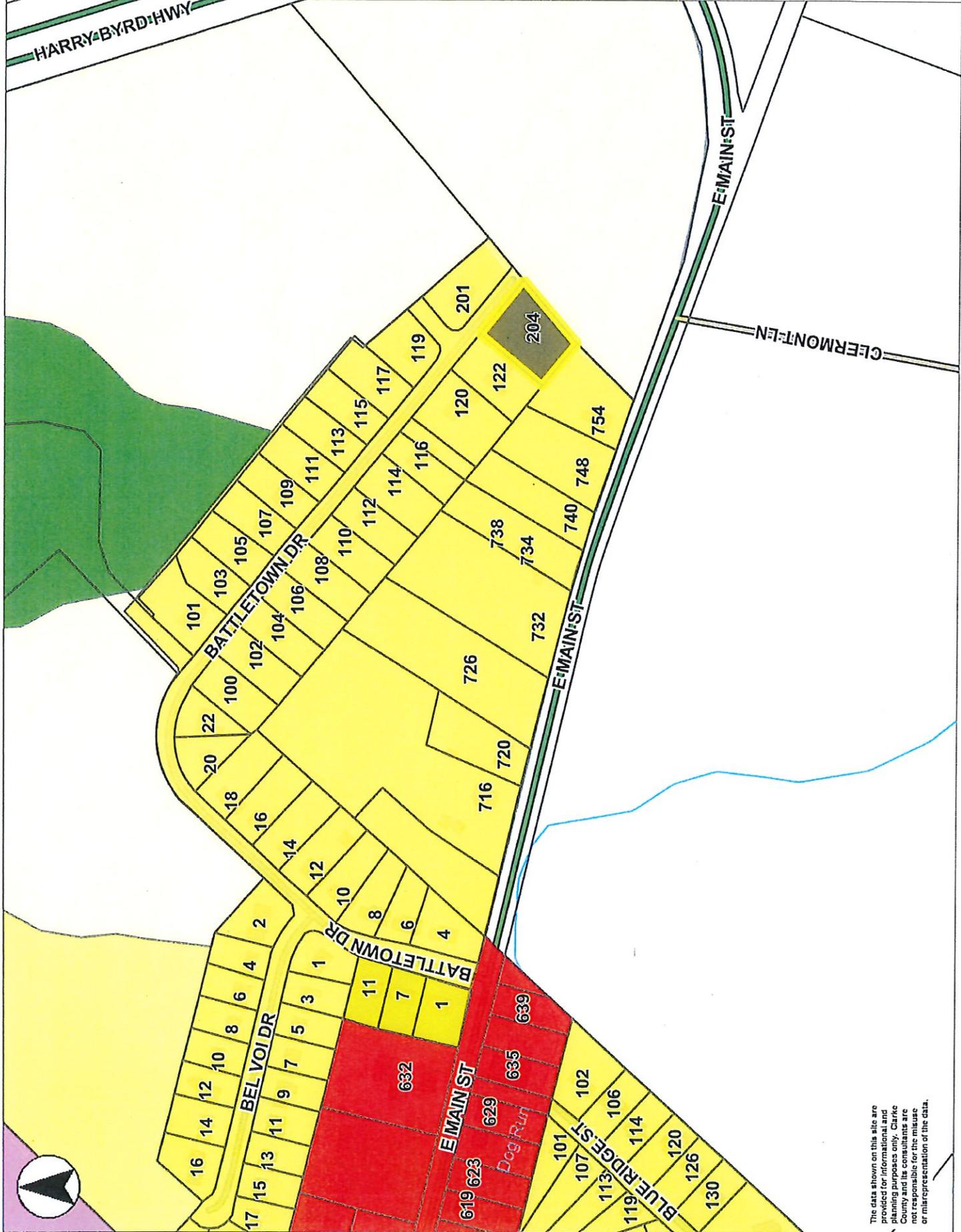


ABRERA RESIDENCE
 204 Battletown Drive
 Berryville, Virginia 22611

HUNTLANDS
 Landscape Architecture
 1408 Purcellville Gateway Drive, 537
 Purcellville, VA 20131
 703-899-0111 • www.huntlands.com



- Public
- Points of Interest
- Parcels
- Berryville Zoning
 - Detached Res-1 (DR)
 - Detached Res-2 (DR)
 - Detached Res-4 (DR)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Other Persons Res (O)
 - Open Space Res (OS)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (LC)
 - Light Industrial (LI-1)
 - Institutional (ITL)
- Towns
- Clarke County Boundary
- Major Roads
 - Interstate
 - US Highway
 - State Highway
- Surrounding Counties Ops
- Clarke County Roads
 - Private Roads
 - Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
 - Perennial Streams
 - Intermittent Streams
- Ponds
- Rivers



The data shown on this site are provided for informational and planning purposes only. Clarke County is not responsible for the use or misrepresentation of the data.



(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.

Section 315 – Home Occupations, Home Offices

- (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 principle 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 principle 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)

Section 603 Detached Residential-2 (DR-2)

(4/92) **SECTION 603 - DETACHED RESIDENTIAL-2 (DR-2) DISTRICT**

603.1 PURPOSE AND INTENT

The Detached Residential-2 (DR-2) District is created to provide for single-family detached residences in a carefully planned pattern compatible with the Comprehensive Plan's goals for residential development in the Town of Berryville and within the precincts of the Berryville Area Plan. A maximum density of two (2) units per net developable acre establishes a low-density district for detached residences. This district shall be applied with the intent of preserving existing natural features and vegetation, promoting excellence in site planning and landscape design, and encouraging housing of compatible scale and architectural character. Cluster residential development shall be encouraged and permitted, by right, so that specific environmental preservation and land use goals may be promoted.

603.2 PERMITTED USES

- (a) Single-family detached dwellings, either a conventional "dispersed" layout or a clustered layout subdivision--a clustered subdivision requiring site plan approval.
- (b) Accessory uses, to include detached carports and garages, tool sheds, children's playhouses, doghouses, private swimming pools and Temporary Family Health Care Structures as established in Section 323. (11/10)
- (c) Municipal utilities.

603.3 SPECIAL PERMIT USES

- (a) Bed and breakfast lodging occupying more than 300 square feet of a residence
- (b) Cemeteries
- (c) Churches and shrines
- (d) Day care centers and nursery schools (10/94)
- (e) Fire stations
- (f) Home occupations as defined in Section 315 (12/93)
- (g) Libraries and museums
- (h) Plant nurseries with no sale of nursery products permitted on premises
- (i) Private or public schools, parks, playgrounds, and related uses
- (j) Public utility uses (sub-stations, pump stations, storage tanks, etc.) and related easements, except for municipal utilities
- (k) Recreational uses such as public swimming pools, tennis courts, and golf courses

603.5 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CONVENTIONAL LOTS

- (a) Lot area: Minimum--20,000 square feet; maximum--45,000 square feet.
Refer to Section 611 regarding the impact of critical environmental areas on lot size requirements.) (1/93)
- (b) Minimum lot width
 - (1) Interior lot: 100 feet (7/04)
 - (2) Corner lot: 120 feet (7/04)
- (c) Minimum yard requirements
 - (1) Front yard: 30 feet (7/04)
 - (2) Side yard: 15 feet

Section 603 Detached Residential-2 (DR-2)

- (3) Rear yard: 40 feet (residences) (7/04)
- (4) Accessory structure: 5 feet (rear and side setbacks)
- (d) Maximum building height: 35 feet

603.6 MINIMUM DISTRICT SIZE FOR CLUSTERING
Minimum district size for cluster subdivision: 4 acres

603.7 LOT SIZE, YARD, AND BULK REQUIREMENTS FOR CLUSTER LOTS

- (a) Minimum lot area: 12,500 square feet (7/04)
Maximum lot area: 30,000 square feet (7/04)
(Refer to Section 614 regarding the impact of critical environmental areas on lot size requirements.)
- (b) Minimum lot width
 - (1) Interior lot: 75 feet
 - (2) Corner lot: 90 feet
- (c) Minimum yard requirements
 - (1) Front yard: 25 feet
 - (2) Side yard: 10 feet
 - (3) Rear yard: 35 feet (residences) (7/04)
 - (4) Accessory structure: 5 feet (rear and side setbacks)
- (d) Maximum building height: 35 feet

603.8 OPEN SPACE REQUIREMENTS FOR DR-2 CLUSTER SUBDIVISIONS

- (a) In subdivisions approved for cluster development, twenty (20) percent of the net site area which excludes 100-year floodplain, sinkholes, and slopes exceeding twenty-five (25) percent and fifty (50) percent of land with slopes between fifteen (15) and twenty-five (25) percent shall be open space, dedicated to common usage and ownership.

603.9 ADDITIONAL REGULATIONS

- (a) Refer to Article III for general regulations and other provisions which may supplement those cited herein.
- (b) Refer to Section 305 for off-street parking requirements.
- (c) Refer to specific Overlay Zoning Districts where applicable.
- (d) Refer to Section 614 for special regulations relating to cluster subdivisions, critical environmental areas, and open spaces.
- (e) Refer to Section 317 Karst Features for additional requirements. (7/04)
- (f) The lot size, yard, and bulk requirements in effect at the time of subdivision plat approval prior to January 1, 2011 shall remain applicable to such subdivisions until July 1, 2017. The foregoing shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the subdivision are continued in force. (12/14)

Section 502 – Certificate of Occupancy

- 502.2 Prior to the issuance of a Certificate of Occupancy for a new structure, the Zoning Administrator will verify that all property corners have been set with permanent markers by a land surveyor licensed under the laws of the Commonwealth of Virginia. (11/00)
- 502.3 In addition to any other requirements for the issuance of a Certificate of Occupancy, a Certificate of Occupancy for a structure will not be issued unless (1) the structure is served by public water and sewer, (2) required curb and gutter and sidewalks are in place on the lot on which the structure is located and in place between said lot and an existing publicly maintained street, (3) a functional fire hydrant is located within three hundred (300) feet of the lot on which the structure is located, and (4) the lot on which the structure is located fronts on an existing publicly maintained street or street meeting Town requirements for a publicly maintained street. (8/01)
- 502.4 In addition to any other requirements for the issuance of a Certificate of Occupancy, after issuance of certificates of occupancy for structures on eighty percent (80%) of the lots in a section of a subdivision, a Certificate of Occupancy for a structure in the section will not be issued unless all public improvements in the section have been completed to Town requirements and all streets have been accepted for maintenance by the Virginia Department of Transportation (VDOT), or a complete application for acceptance thereof has been filed with VDOT. (8/01)
- 502.5 Upon written application, delayed installation of public improvements described in 502.3 and 502.4 may be considered by the Zoning Administrator. Approval of the application shall only be granted by the Zoning Administrator after consultation with the respective departments or agencies charged with the inspection, acceptance, and maintenance of the improvements, and only upon a further finding that the delayed installation will not be detrimental to the safety and welfare of the residents in the subdivision and the public. A written request for such delayed installation shall set forth the specific improvements sought to be delayed, the justification for the delay, and a committed date for completion of the improvements. A fifty-dollar (\$50.00) fee shall be paid with the request. If the Zoning Administrator approves the application for delayed installation of public improvements, the approval shall be subject to the applicant executing an agreement to hold harmless the town for any loss or liability occasioned by the lack of the improvements delayed. (8/01)

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.

Section 503 – Special Use Permit

- (d) Whenever a Special Use Permit is granted 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. (4/08)
- (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.

July 1, 2019

To Whom it may Concern:

I have read the Application for Special Use Permit of Julie Wheeler Abrera for her property at 204 Battletown Drive and the newspaper article in The Winchester Star on Monday, July 1st.

I live at 201 Battletown - directly across the street from Mrs. Abrera. I have lived here since 2016 and during that time there has been on-going construction work on the main house, in addition to the large two-story "cabin" in the back yard. At one point, there were roof trusses on the street pavement (at the end of the street) for a day and on most days, there were various construction contractor vehicles parked on the street (on one day I counted 11 vehicles parked in the driveway and along the street).

In addition, there have been several occasions where a sign-board for a florist event has been placed in the Abrera' driveway and the driveway itself was blocked off with traffic cones and all of the vehicles of guests parked on the street.

The problem is that these vehicles don't park on the right-of-way but park on the paved portion of the street. As Battletown Drive is a narrow street, if an emergency occurred, there would be problems with Rescue or Fire vehicles coming through, especially if vehicles are parked on both sides of the street.

As you know, there is no turn around at the end of Battletown Drive, which means that traffic usually turns around in my driveway, the Abrera's driveway, or the driveway of Debbie Zimmerman. There is a gravel section on the Friant's right of way which is at the upper end of my property and directly across from Debbie's driveway which delivery vehicles and the trash trucks use that helps with some of the turnaround traffic.

I understand the constraints as stated in the application of no more than six (6) events per year and the stated intent in the application that parking will be provided in the Abrera driveway and along their property right-of-way.

My concern is that, after approval of this Application for Special Use Permit, and these events begin to happen – there will be no compliance with the approved parking provisions and number of events allowed.

Your consideration of these comments is appreciated.

Mary Jane Pierce
201 Battletown Drive

Christy Dunkle

From: Mary Veilleux <mfveilleux@comcast.net>
Sent: Wednesday, July 10, 2019 2:43 PM
To: Christy Dunkle
Cc: Julie Abrera
Subject: Special use permit on Battletown Drive

Dear Christy and Members of the Planning Commission,

I am writing on behalf of my neighbor on Battletown Drive, Julie Abrera, who has performed due diligence in preparing for her application for a special use permit. I can attest to Julie's professionalism in all her dealings - both with her clients and with us as her neighbors.

In her opening remarks, she clarified that her mini classes would only take place six times per year at the most. Even if a group of twenty were to enroll, I do not see this as a hindrance to our street. I welcome the added business and exposure of our town to those who do not live here!

Julie has been a community woman since her arrival in Berryville, volunteering for FISH on a monthly basis, organizing workshops, and serving as a consultant for non-profits, especially for FISH of Clarke County. In addition, she coordinated the 50th Anniversary Celebration for FISH in October 2018- a huge effort! Her attention to detail and doing everything the right way are a hallmark of her work-as a floral designer, as an organizer and as a community volunteer. I know her work will be an asset to the economic development of Berryville and am glad she can pursue giving workshops from her home!

I am in full support of her business and trust the special use permit will be awarded.

Sincerely,

Mary Veilleux
100 Battletown Drive
Berryville, VA.

Christy Dunkle

From: Elizabeth Mock <modernmercantilellc@gmail.com>
Sent: Thursday, July 11, 2019 1:39 PM
To: Christy Dunkle
Subject: Letter of support-Julie Abrera special use permit

Dear Members of the Planning Commission,

I'm writing this letter in support of the special use permit for Julie Abrera/Beaumont House Designs located at 204 Battletown Dr. in Berryville. Julie has been hosting workshops in my shop, Modern Mercantile (13 S. Church St.) for the past 3 years. Each workshop brings new customers to my shop and to other businesses in Berryville, many of who become repeat customers. Workshops have featured collaborations from local businesses such as Sweet Elephant Bake Shop, Kelsey Cakes, and Cordial Coffee. Every detail of each event is handled very professionally and all attendees have been great.

Julie's cabin is a beautiful piece of Clarke County history that I hope can be shared with others through her floral workshops.

Sincerely,

Elizabeth Mock
Modern Mercantile
13 South Church Street
Berryville, VA 22611
540-955-1830
www.modernmercantilellc.com

BERRYVILLE PLANNING COMMISSION

**MOTION FOR SPECIAL USE PERMIT (SUP 01-19) RECOMMENDATION
TO TOWN COUNCIL**

Date: July 23, 2109

Motion By:

Second By:

I move that the Planning Commission of the Town of Berryville recommend that Town Council approve the request for a Special Use Permit (SUP 01-19) in order to allow a home occupation at the property located at 204 Battletown Drive, identified as Tax Map Parcel number 14A3-((2A))-21A, zoned DR-2 Detached Residential with the following conditions:

1. Workshops on site are limited to no more than six (6) per year with a maximum of 12 participants attending each workshop;
2. Hours of operation shall be limited to the hours between 9:00am until 9:00pm;
3. Participants shall park in the driveway of the property referenced above until it has reached its capacity;
4. _____

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST:

Doug Shaffer, Chair

The Berryville Planning Commission is sponsoring a Rezoning request by Hermitage, LLC (Ron Mislowsky, Pennoni Associates, Agent) for Hermitage Phase V in order to adjust the zoning to align with the proposed lot configuration for 71 parcels on Tax Map Parcel number 14A4-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-11A zoned DR-1 Detached Residential-1. RZ 01-19

Public hearing notices were published in the Winchester Star on Tuesday, July 9 and Tuesday, July 16, 2019. Adjacent property owners were notified on July 8, 2019. No comments have been received in the Planning Office.

Mr. Mislowsky is requesting a re-alignment of the zoning on some lots included in Phase V. This does not require a comprehensive plan amendment because it is in substantial conformance (e.g., same zoning designations, no increase in density) with the preliminary plat originally approved in 1998. Modifications to Virginia Department of Environmental Quality (DEQ) storm water management regulations have prompted this request.

The following items are included in this packet:

- Land Development Application;
- Memo dated June 19, 2019 requesting sponsorship of the rezoning and a narrative about the request;
- Exhibits A and B identifying zoning and phase information;
- Vicinity map;
- Location of original zoning line identified on preliminary plat; and
- Motion.

June 25, 2019 Staff Report

Mr. Mislowsky is requesting that the Planning Commission sponsor the rezoning of Phase V of the Hermitage subdivision in order to align zoning districts with proposed parcels. The existing zoning line between DR-1 and R-1 (the straight line indicated in red on Exhibit A of the application) reflects the respective County and Town corporate limits at the time of preliminary plat.

Background Information

The preliminary plat for the Hermitage subdivision was approved in 1998. At that time, a portion of the property was located in the Town and a portion in the County. All of the property is now within the Town's corporate limits.

Staff has researched both Town and County files from 1998 – 2000 concerning the zoning in the Hermitage subdivision. While the zoning line was in its current location through Phase II of the subdivision, minutes do not reflect any action to rezone the lots in a similar condition in this earlier phase.

The updated Exhibits included in the application identify 71 lots in the subdivision of Phase V, two less than the previously approved plan. As Mr. Mislowsky references in the application, changes to storm water management regulations by the Virginia Department of Environmental Quality has prompted a reconfiguration of the lot layout.

Process

The Planning Commission will make a recommendation to Town Council on the Rezoning of the property with final approval by Council. Upon receipt of a land use application, the Berryville Area Development Authority will review and approve the final plat of subdivision for Phase V. Public hearing notices will be published and adjacent property owners will be notified per Code of Virginia requirements for all public hearings.

Recommendation

Recommend Town Council approve the request as presented. A motion follows this report.

LAND DEVELOPMENT APPLICATION TOWN OF BERRYVILLE

(Please print or type)

Current Property Owner Hermitage, LLC

Owner's Address 13 South Loudoun Street, Winchester, VA 22601

Phone 540-662-7215

Agent (Contact Person) Ron Mislowsky, Pennoni Associates

Agent's Address 117 E Piccadilly Street, Suite, 200, Winchester, VA 22601

Phone 540-771-2085

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
- Other: _____

Complete As Applicable:

Nature of Request/Proposal: Adjustment of Zoning Boundary to match subdivision.

Tax Map & Parcel Number(s): 14-A-11A 14A4-A-23

Size of Project Site: A-11A - 35.25 AC A-23 - 23.43 AC

Proposed # of Lots: N/A Existing Zoning 11A - DR-1 23 - R1

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: 6.19.19

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: [Signature] manager
Hermitage LLC Date: 7/1/19

OFFICE USE ONLY

Public Hearing Required? _____ Dates Advertised _____

Adjoining Property Owners Notified? _____

Action Taken: _____

MEMORANDUM

TO: Christy Dunkle, Assistant Town Manager, Berryville,VA
FROM: Ronald A. Mislowsky, PE
DATE: June 19, 2019
SUBJECT: Hermitage Rezoning

The final phase of the Hermitage development is Phase 5, at the southwest corner of the project area. That parcel currently has two lots, each zoned differently. The southernmost is in the annexation area and zoned DR-1. The northern parcel, adjacent to Phase 4, is zoned R-1 within the Town limits. The Preliminary Plan for phase 5 was approved about 13 years ago and at that time consisted of 73 lots and had the zoning and Town limits boundary jogging down the lots that were proposed with that submittal.

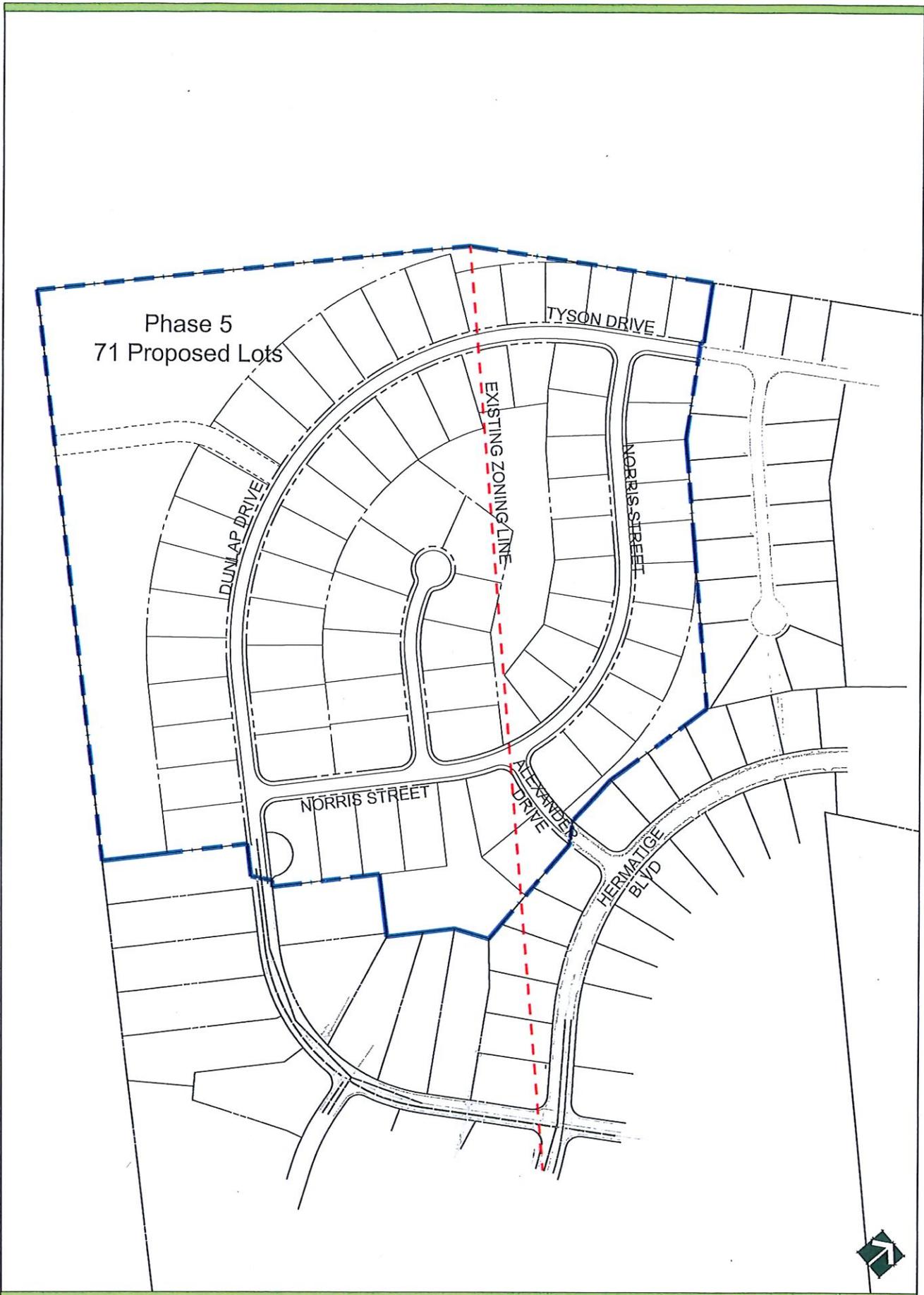
Since that approval, the State of Virginia has adopted a different set of stormwater treatment requirements which require low impact treatment for the runoff from the development. In order to implement a new stormwater treatment plan and also reduce the earthwork required to construct the road and utilities, we have revised that lot layout to provide room for treatment units and more open space that will be dedicated as a conservation easement. This new lot layout will require that the DR-1 and R-1 areas be rezoned to effectively shift the boundary to run down the proposed lot lines.

We have attached two exhibits. Exhibit A shows the new lot layout with the current zoning boundary and Exhibit B show the new layout with the proposed zoning boundary.

Areas in Hermitage have been rezoned in the past accommodate the final lot layout. The existing line jogs around lots in Phase 1, 2 and 3.

We request the Town sponsor this rezoning to conform to the proposed Phase 5 lot layout.





Phase 5
71 Proposed Lots

TYSON DRIVE

DUNLAP DRIVE

EXISTING ZONING LINE

NORRIS STREET

NORRIS STREET

ALEXANDER DRIVE

HERMATIGE BLVD

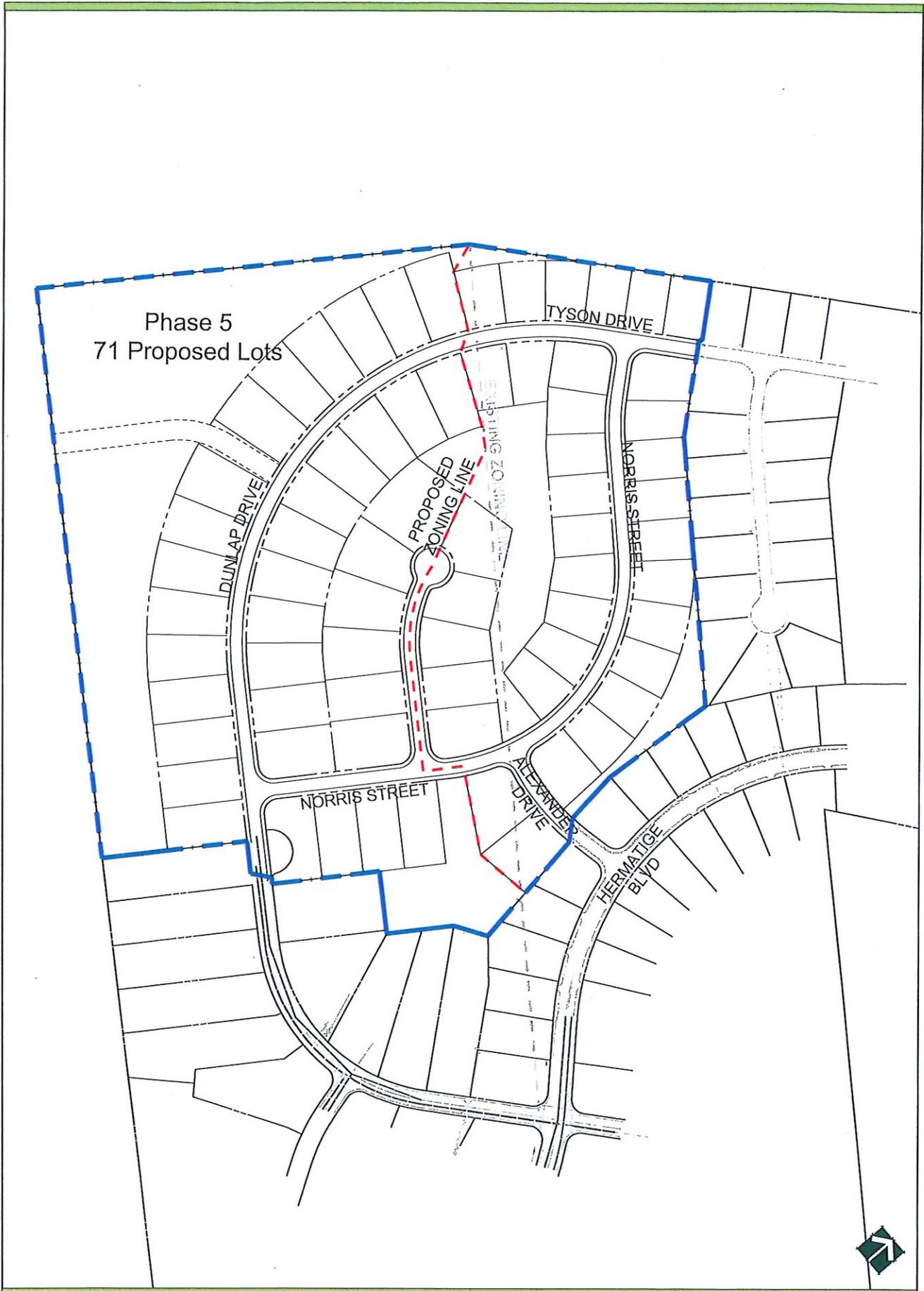


Hermitage Section 5, Exhibit A

existing zoning line



PENNONI ASSOCIATES INC.



Hermitage Section 5, Exhibit B

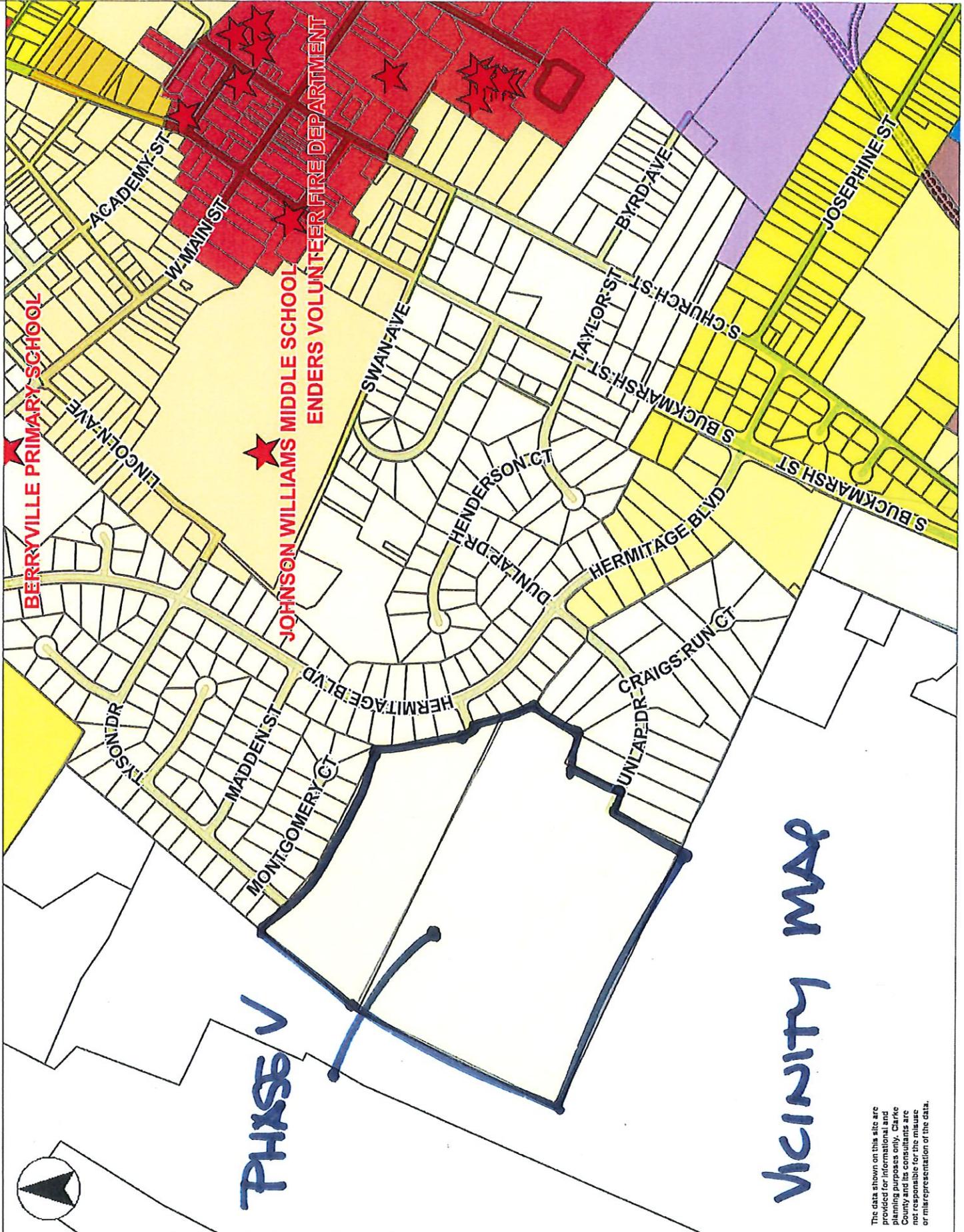
proposed zoning line



PENNONI ASSOCIATES INC.

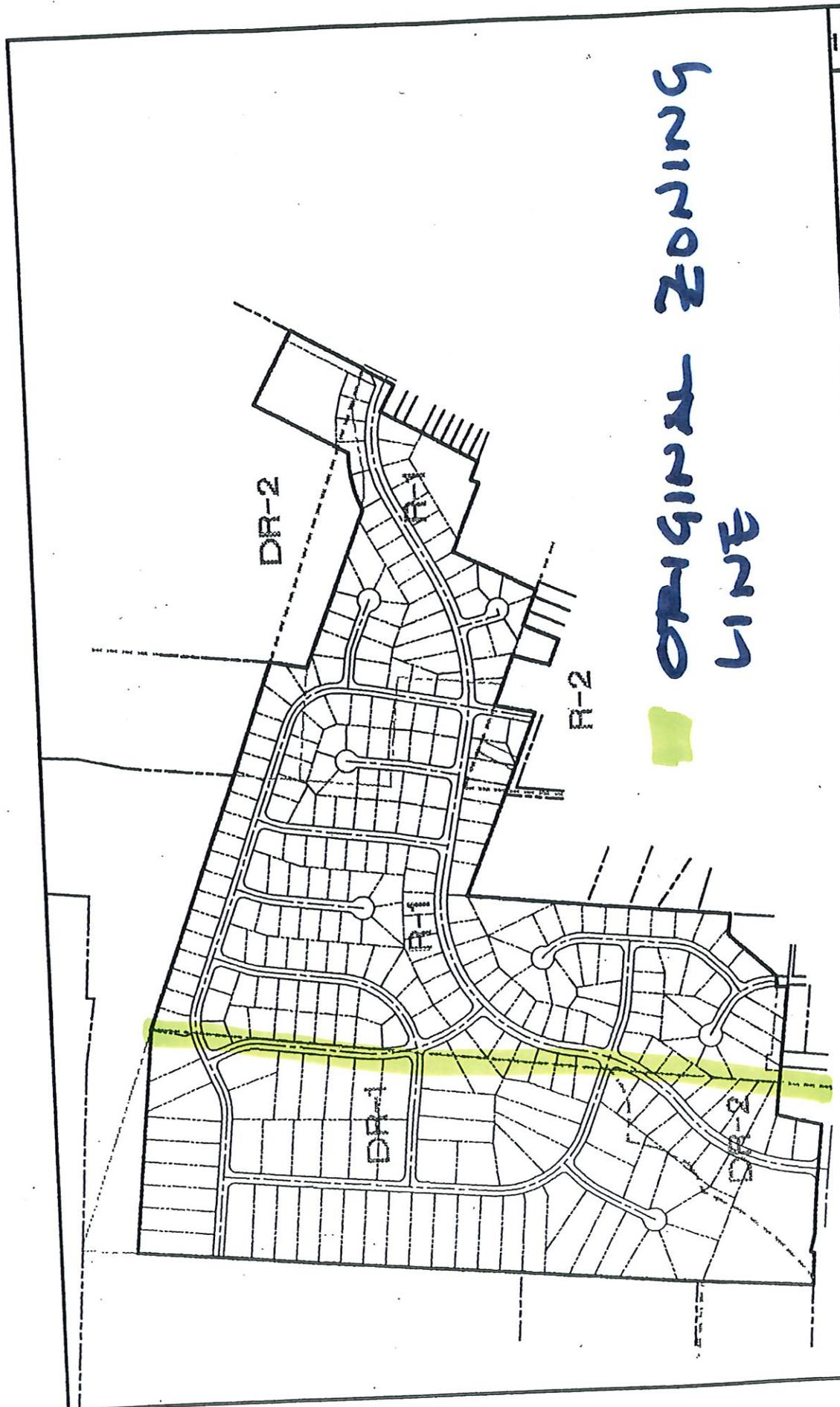


- Public
- Points of Interest
- Parcels
- Berryville Zoning
 - Detached Res-1 (DR)
 - Detached Res-2 (DR)
 - Detached Res-4 (DR)
 - Residential-1 (R-1)
 - Residential-2 (R-2)
 - Residential-3 (R-3)
 - Attached Res (AR)
 - Older Persons Res (OPR)
 - Open Space Res (OSR)
 - Business (B)
 - Business Park (BP)
 - Bus Commercial (BC)
 - Light Commercial (LC)
 - Downtown Commercial (DC)
 - Light Industrial (LI-1)
 - Institutional (ITL)
- Clarke County Boundary
- Major Roads
 - Interstate
 - US Highway
 - State Highway
- Surrounding Counties One
- Clarke County Roads
 - Private Roads
 - Roads
- Rail
- Buildings
- Appalachian Trail
- Streams
 - Perennial Streams
 - Intermittent Streams
- Ponds
- Rivers



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.





ORIGINAL ZONING LINE

HERMITAGE
 PRELIMINARY PLAT
 BOUNDARY INFORMATION

Gilbert W. Clifford and Associates, Inc.
 Land Planners
 2000
 123-C Oak Grove Rd.,
 Winchester, VA 22601



DATE	APR 5, 1990
BY	C.E.L.
SCALE	1" = 50'
PROJECT NO.	9-172

TOWN OF BORTVILLE AND CLARKE COUNTY, VIRGINIA

BERRYVILLE PLANNING COMMISSION

**MOTION FOR REZONING (RZ 01-19) RECOMMENDATION
TO TOWN COUNCIL**

Date: July 23, 2109

Motion By:

Second By:

I move that the Planning Commission of the Town of Berryville recommend that Town Council approve the request to align zoning with the proposed lot configuration for Phase V of the Hermitage subdivision on Tax Map Parcel number 14A3-((A))-23 zoned R-1 Residential and Tax Map Parcel number 14-A-23 zoned DR-1 Detached Residential.

VOTE:

Aye:

Nay:

Absent:

Abstain:

ATTEST:

Doug Shaffer, Chair