

**REGULAR MEETING OF  
LURAY PLANNING COMMISSION  
FEBRUARY 19, 2014**

The Luray Planning Commission met on Wednesday, February 19, 2014 at 7:00 p.m. in regular session. The meeting was held in the Luray Town Council Chambers at 45 East Main Street, Luray, Virginia at which time there were present the following:

Commissioners Present:

Clifton Campbell  
Larry Hakel  
Ronald Good  
Mark Malone  
Brian Sours  
Grace Nowak  
Jerry Dofflemyer

Others Present:

Bryan Chrisman, Assistant Town Manager  
Ligon Webb, Town Planner  
Jason Spitler, Town Attorney

The meeting was called to order by the Chairman, Clifton Campbell, at 7:00 p.m. and everyone joined in the Pledge of Allegiance to the flag.

Commissioner Campbell stated he would like to take this opportunity to thank you all for the card and memories. Ligon Webb stated I think 40 years definitely puts you in the top ten of the longest serving Planning Commissioners in the State. Peyton Baughan was probably the top 2 or 3.

**APPROVAL OF MINUTES:**

Commissioner Dofflemyer moved that the minutes of January 15, 2014 be approved as presented. Motion seconded by Commissioner Hakel with the vote as follows: YEA: Commissioners Campbell, Hakel, Good, Malone, Sours, Nowak, Dofflemyer. **Approved 7-0**

**MINUTES**  
**FEBRUARY 19, 2014**  
**PAGE 2**

**NEW BUSINESS:**

**Preliminary Plat Submission: Mr. Donald Farmer, seeking to subdivide an existing residentially zoned lot into two (2) parcels.**

Mr. Ligon Webb stated I hope I didn't make this more confusing than needs to be. It really isn't that difficult of a process but with this particular property on Page Street, Mr. Farmer came to me and explained the situation that he wanted to divide this right now. It is currently one lot with two houses on it. As I tried to explain, these were probably built in the 1960's before there was a zoning ordinance. This would be considered a non-conforming lot with two dwellings on one lot. Each dwelling has to have its own lot unless you are building an accessory building and that's a whole different story. In this case, he wants to divide the single into two separate parcels and my thinking in reviewing this is that the law itself is not conforming obviously but dividing it doesn't make that situation any worse. It just allows him the ability to sell one of the parcels. I believe he said he wants to sell it to a family member. Dividing it in the middle would kind of give him two equal halves roughly. In my thinking, I think most people would look at this from a zoning perspective by saying it doesn't change the situation; it just simply allows him to divide the lot. He is aware that he can't add on to this since the lot is too small. I told him what he has to do before he moved forward was he needed to give me a survey, which he did a few weeks later, to show how he would divide this before the Town will sign off when you create a new lot. By taking one lot and making it two kicks in the subdivision process; preliminary plat, final plat and the final plat goes to Town Council. There are three steps; two of them are the plat and the last step is to Town Council. Usually when we do this we are talking about building roads, streets, water and utilities and is a little more complicated. There are two separate water connections here; two separate bills; so Grace and I talked about that. You have a road and everything already in place. It goes back to the whole idea of dividing this lot. I don't believe this contributes to the non-conforming status. Commissioner Campbell stated the only problem you have is 10 feet in between. Mr. Webb stated they are tight together but I think you can build about 10 feet from each other as far as building codes. It's just an unusual situation. I think one of them was a manufactured trailer that he added on to. We won't see anything like this anymore; this is a grandfather situation. As far as moving forward, he realizes that he's not able to improve or add on or anything.

**MINUTES**  
**FEBRUARY 19, 2014**  
**PAGE 3**

Commissioner Nowak stated the problem I had when I went out there was because of the snow; you couldn't really see much and you couldn't walk on either side because it was too much snow but at least you could see the dwellings. I didn't realize Page Street runs as far as it did. Commissioner Campbell stated he had a question. Is the person that he is going to sell to the Campbell girl? Mr. Webb replied I didn't ask. Commissioner Campbell stated it shows Campbell being involved in this one lot and that would be my sister-in-law. I will discuss this with you all but as far as voting I can't. I don't see a problem with it because it's there; they are not changing anything except the name on it. Commissioner Good stated and it makes sense to have each house on its own lot. Mr. Farmer's son lives in one of these houses and he just got married back in December. Mr. Webb stated he obtained a survey so I think he is pretty serious about it.

Mr. Chrisman stated the other option too is by dividing that in front, ultimately in the future you are making a non-conforming situation to become a little more compliant with the ordinance because you are at least putting each house on its own lot like Mr. Good said. Those two non-buildable lots in the back could be merged into the two lots in the front to make each lot 7,000 square feet. Commissioner Campbell stated since they are non-conforming, as far as building, you can't do any more than maintain. No matter what they do now, it remains non-conforming. Mr. Chrisman stated ultimately if we move this way, it's possible that he could combine the residue and then parcel 5 would create a more than a 7,000 square foot lot in R-3 and then he could come in feasibly and reorient a new home and it would be a totally durable lot and would meet the zoning ordinance; whereas if he doesn't subdivide; he already has two houses on one lot and he wouldn't be able to do that. Commissioner Malone asked if he had the situation with the Campbell lot is Campbell buying Lot 1. Mr. Chrisman stated Campbell could also buy Lot 1 and merge that with their property in the future and then make a conforming property there too. That would have road frontage on West Page Street. That's the point I would make; by moving in this direction we may actually be encouraging bigger lots there down the road. Commissioner Nowak asked does it go downhill; those two lots; would there be enough buildable space. Mr. Chrisman stated I'm not sure they would have road frontage on Page Street that would be wide enough but they definitely would have the square footage in R-3. Whether they could physically do it or not; that's pretty steep back in there. Parcel 5 and the Campbell lot and Parcel 4 are pretty steep. Commissioner Nowak stated I would like to have walked back there just to see, but because of the snow and everything I couldn't. It was so wet and it was a mess back there. Commissioner Hakel

**MINUTES**  
**FEBRUARY 19, 2014**  
**PAGE 4**

asked what is the process that they would have to go through to combine the lots. Mr. Webb stated if you were to combine a lot you just simply dissolve a boundary line and bring it in and we will sign off. Since you are not creating a new lot, just go and get the survey work, deed work and we'll sign off on it. Combining is quick and easy. Mr. Spitler stated I'm not quite sure they would need our approval. It's actually easier to combine lots than to divide lots. You can vacate your own existing boundaries as long as you haven't entered into some type of covenant that prohibits you from doing that.

Mr. Webb stated in our subdivision ordinance once you make a new lot you have to go through this process, which I like. We don't have a lot of new lots that are created in town so if someone does create one, it makes sense that we go through this process. In some places if you don't want to create three lots, then it's administrative. Commissioner Hakel stated it's kind of a personal thing with me. I have two lots and I would like to combine them. One is not a buildable lot anyway. Mr. Webb stated if you wanted to do that, you can. Mr. Spitler stated to answer your question Mr. Hakel, if you have a recent survey it's real easy; you just go back to your surveyor, pay him a couple hundred dollars to get a new plat and he shows a solid line, a broken line and some notation that the lot line is hereby vacated. Just basically you record your plat and you sign a deed from yourself to yourself in which you combine those two lots and vacate that boundary and probably pay Ron Wilson \$23 to record the deed and a couple hundred bucks to your surveyor and that's about it.

Commissioner Malone asked that area that's to the west of the boundary line that's shown here, is that an extension of Bank Street? Mr. Webb stated on the tax maps it comes as South Bank Street and then it's a public right-of-way through there. Commissioner Hakel asked are they encroaching on that. Mr. Webb stated I don't believe so. Commissioner Campbell stated it's platted as a street but it's not. Commissioner Campbell stated they have two parking places; they have a parking place across the street and they also have room on the top of the hill on South Main Street.

Mr. Webb stated we need to make a motion and second and take a vote on it and then again it will come back next month and then go on to the Town Council. Commissioner Hakel made a motion to approve what has been proposed and recommend it to Council. Motion was seconded by Commissioner Good and the vote was as follows: **YEA:** Commissioners Hakel, Good, Malone, Sours, Nowak, Dofflemyer. **ABSTAINED:** Commissioner Campbell. **APPROVED:** 6-0 Mr. Webb stated we'll submit the preliminary; the final will come back and then we'll send it on to Town Council and I think their initial review seemed to be OK with them.

**MINUTES**  
**FEBRUARY 19, 2014**  
**PAGE 5**

**OLD BUSINESS:**

**Continued discussion regarding Town Historic District/Architectural Review Board**

Mr. Webb stated I will say that I did talk to a colleague about coming and she could not come this last week and I didn't think to see if she could come tonight. I will try to reschedule her for March. I have done a little more research; it hasn't been as much as I would have liked; I have been searching and ideally we could do something like this. I like the idea of the Planning Commission serving even though I know Mr. Taylor didn't think that was a good idea but I sort of like the idea of the Planning Commission being involved in the architectural review. To me, creating another board that potentially would meet rarely or very sporadically; we already have one board like that; I just don't think we need two. I feel like I have the answer to that. I have searched around the internet and can't see any community in Virginia thus far that operates that way but I still need to get a definitive answer on that. The second thing since we are getting ready for a little change in Council, and potentially Planning Commission members; I don't know if everyone is going to be back; is maybe when that sort of change happens this may be something that really can be approached; say come summertime when the new boards are seated. My feeling is that if we were to establish one, you can establish your own set of review criteria and you can narrow it to a few different things and I think that is important and a good thing. I talked to my colleague in Berryville and they have a pretty efficient and easy system. When people in the district go to get a building permit, they have to go to the Review Board and they set a meeting up and it's pretty efficient and happens pretty quick and they don't have too many major issues. Commissioner Hakel stated you said you thought it was permissible that the Planning Commission be the – Mr. Webb stated I'm not saying whether that is something; I can't find an example anywhere. Mr. Spitler stated I am not aware of anything that would prohibit it; now if we were talking about the Town Council members serving under something like that, it would be a different answer. Mr. Webb stated the Council gets the ultimate decision on these things; the Review Board makes a decision, so you can appeal it, if you ever get a situation where somebody isn't happy with the decision. Who knows if you ever got to that point but the Council would be the first level of appeal but I guess the question likely to find out is if the Planning Commission can serve. Mr. Spitler stated there is nothing in the state code that prevents it. Mr. Webb stated having a board that meets once a month, you guys think about these things; if it was an additional duty that was added on to the Planning Commission, it makes sense and I think it would probably be a little easier. Commissioner Malone

**MINUTES**  
**FEBRUARY 19, 2014**  
**PAGE 6**

stated I think it would take one reason against it out of the equation. I think that it would be a positive thing; whatever they decide would have to be in a public forum. If somebody wanted a building torn down, it would be a public meeting right. I think everybody had a chance to come out and talk about it, two people showed up and so go ahead with demolition. It's not that much interest in it but if a whole bunch of people show up, then maybe we would come up with a different thought. I think it's a good thing to have. I disagree with Mr. Taylor and the idea that he had to have architects and all these special boards and stuff like that and it would be very hard to sell that idea. Mr. Webb stated we would probably have one or two licensed architects in the whole county so I think we would have a hard time finding someone. I do believe the state code says one member must live in the district. Commissioner Campbell stated we have quite a cross section of people on the Planning Commission. Mr. Chrisman stated if you have more than one architect in a room, they are going to have more than one opinion on anything so if you ran into a stumbling block you could still contact an architect and say we have a technical question about this matter, can you give us some guidance. Then you guys can come back. Mr. Spitler stated I'm not convinced that it's something that the Council is going to approve. I don't really know, but I think if we are talking about a narrow scope that focuses on the big picture and we are talking about a body that already exists, people that are already known, I think you have a whole lot better chance making that pitch than if we are trying to reinvent the wheel so to speak; I don't think that is going to happen.

Mr. Webb stated myself and Jason will get a definitive answer to that Planning Commission question. Read that real carefully Jason and see if we are OK with that; if we meet all the letter of the law from the state code for appointing the Planning Commission to serve at that duty. The second thing, I think actually making a new ordinance. From Berryville, it's fairly pretty forward. You use that as a template and add in what the town feels what should be reviewed and is important and leave it at that. Keep a narrow scope. The idea of setting a whole separate board is something that I just can't see. If it's something that can be added on to this body, I think it's great. Mr. Spitler stated so much of it will be in terms of the minutes and understanding the meeting procedure and the schedule and everything else and you guys are already here and you are already doing what you're doing; it's not really that much more in the grand scheme of things. It makes so much more sense to take what you already have. Mr. Webb stated

**MINUTES**  
**FEBRUARY 19, 2014**  
**PAGE 7**

my colleague at Berryville suggested that we contact VML and ask their attorney. Ask them if this could be possible and if we get that answer and it's yes, then maybe we can approach the Town Council. We'll present it to them and like Jason said; something that's narrow and focused that this body is responsible for, it would be hard to say no. Mr. Spitler stated since you brought it up, who are the commissioners that are up for reappointment on July 1. Mr. Webb replied Commissioners Campbell, Hakel and Good. Mr. Webb stated I have the document that was done back in 2003. I can scan it and send to all of you. As I said, the main piece to creating this is you have to have that evaluation done and it was done back in 2003. We'll come back in March and have those answers for you and have this plat and I think Mr. Borgie is going to move forward with his special use so that will fill up March and usually something comes along in the spring.

There being no further business, a motion was made by Commissioner Dofflemyer and seconded by Commissioner Good that the meeting be adjourned. Motion approved and meeting adjourned at 7:40 P.M.

Bryan Chrisman  
Assistant Town Manager

ATTEST:

---