

Minutes
Essex County Planning Commission
Regular Meeting
October 4, 2022
7:00 P.M.

A regular meeting of the Essex County Planning Commission was held on October 4, 2022, at the Essex County School Board Office, Tappahannock, Virginia.

Present:

David Jones – Chairman
Dr. G. R. Quarles – Vice Chairman
Jean Segar
Angelo Stevens
Trent Taliaferro
Benjamin Scott Mundie

Absent:

Cheryl Evans

Also present:

Kelly McKnight – Planning and Zoning Office Manager
Rob Hodges – Planning and Zoning Administrator

CALL TO ORDER

David Jones, Chairman, called the regular meeting of the Planning Commission to order at 7:00 pm.

ROLL CALL

Chairman Jones asked Ms. McKnight to call the roll. A quorum was met.

MEETING AGENDA

The New Business was moved to before the Old Business.

APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes of the September 7, 2022, Planning Commission meeting. AYES: 6 NAYES: 0 ABSENT: 1

PUBLIC COMMENTS

Chairman Jones opened the Public Comments session and as no one came forward to speak, closed the session.

NEW BUSINESS

PUBLIC HEARING

Application for text amendment change to Essex County Zoning Code submitted by Kent Williams.

Chairman Jones asked Mr. Rob Hodges to walk them through that.

Mr. Hodges stated that there is a petition from Kent Williams for an amendment to section 7.2 of the Essex County Zoning Ordinance to add 'dwelling multi-family as a permitted use by right in the agricultural district limited known as A-2 zoning district.' The staff recommends the commission vote to recommend denial of the proposed ordinance amendment for the following reasons:

- 1) We believe that it would allow properties within the district to develop at densities exceeding the recommendations of the County's Comprehensive Plan which suggests one dwelling per five acres for Countryside Areas and one dwelling unit per one acre for Rural Residential Areas.
- 2) The proposed amendment would allow for the formation of urban clusters of dwellings that are not in keeping with the intent of the of the A-2 Zoning District to protect existing and future farming operations, allowing for low density residential uses and protecting the rural character of the district.

Per the current ordinance a Dwelling, Multi-Family is defined as a building designed for or occupied exclusively by three or more families living independently of each other. Use of the current property is being done so without the requisite zoning approval.

Mr. Hodges believes that multi-family dwelling is happening on the property now. There is 2 trailers with an addition on each side of the doublewide. The request is due to them wanting to break the current electric service into 4 independent meters which is the definition of a multi-family use.

Mr. Hodges also stated that a text amendment is not parcel specific it would apply to every parcel in A-2. If you allow multi-family in A-2 you could put multi-family anywhere in 2/3 of the county which is detrimental to the comprehensive plan and the intent to maintain a rural lifestyle. The Countryside and Rural Residential Areas are the largest in physical land area and are intended to limit development to a level which should not be expected to require substantial support services from the County.

Mr. Hodges stated in closing the staff recommends denial of the proposed text zoning amendment of section 7.2 of the county zoning ordinance.

Commissioner Taliaferro asked why the applicant seek a text amendment vs. a variance for a preexisting condition? Mr. Williams stated that he truly understands the difference between the two. He said he went through the material that was sent by Mr. Hodges and felt that this was the right thing to do. Mr. Williams stated he does understand the reason for the denial. He had explained to Mr. Hodges and Mr. Sadler that his mother had done this prior to her death and his brother lives there as well. They just want to legalize what their mother had spent her money on and to do it the right way. He is willing to do what needs to be done but does not know the process. He has talked to Alwyn Davis about the septic tank, and it does. Mr. Davis is working on getting that taken care of. Mr. Williams does not want to put any more money into this project if he will not be able to complete it.

Mr. Hodges stated this has been an ongoing request to try and create a multifamily property on one acre in A2. He has the double wide trailer, a smaller singlewide, a 2 story on one end and another building on the other end of the double wide. His intent is to have separate meters where the people live and by the zoning code that cannot happen in A-2. A multi-family is allowed in R-4, but the property is not big enough to support a multifamily. There is no way legally for him to do anything with a zoning variance without changing the zoning code or to rezone the property to R-4 from A-2. The only way to legally have 4 electric meters is to get a text amendment or to rezone the property to R-4 and then get a variance to allow that number of residents on the property.

Mr. Williams stated that the singlewide trailer is not on the parcel of land it is not on the 369 Old Wagon Rd it is on family land.

Commissioner Taliaferro asked if the property could be sub metered. Mr. Hodges stated that is what they are trying to do but are not allowed by code.

Mr. Williams stated that the electrician has done that with one line going to and will break it into 2-4 meters.

Mr. Harold Sims Junior, Mr. Williams brother, currently lives in Northern Virginia but grew up on this property. He is not sure if the commission has the authority to make exceptions for specific pieces of land or not. He did want to give his mother's intent for the property. His mother wanted to help family in hard times. She got to a place where she allowed things to be done on the property to give them some space and privacy, somewhat of affordable housing. To help someone get back on their feet.

Commissioner Taliaferro agrees that a text amendment makes it available countywide which is in conflict with the way zoning is now.

Chairman Jones stated that they just finished the updating of the subdivision ordinance and neither allow for the multi-family use. He agrees that it would be nice to have some way for this to continue. He told Mr. Sims that they are not the body that could make the variance but that

would be the board of zoning and appeals. He agrees with Mr. Hodges that doing a text amendment it opens it up for too much that goes against the comprehensive plan.

Commissioner Segar stated she wants to find a way they can do what they need to do on that property.

Commissioner Taliaferro if the text amendment is denied this is a non-conforming use there is nothing to stop it in its current form correct?

Chairman Jones stated that it is nonconforming although they are trying to change the meters to have people pay their own power bill.

Commissioner Taliaferro stated that you can have a single connection to the power company is a digital consumption meter using CT rings. Chairman Jones stated they would need to get a permit for that. Commissioner Taliaferro asked if it would be needed for a CT ring around a line? There is a way to separate the electrical consumption without any structural changes, changes to the footprint or the dominion power meter.

Mr. Hodges stated that a lot of the work was done without permits. So, it is not non-conforming. The only way to get to 'yes' is through a text amendment or through rezoning the property.

Vice-Chairman Quarles supports Commissioner Segar. He understands what Mr. Sims and Mr. Williams are trying to do but there isn't much that the Commission can do. He asked if it were two acres would it have made a difference. Mr. Hodges stated that 2 acres is the minimum for a duplex.

Mr. Williams stated that there are 15 acres of family land surrounding the 1 acre that the property is on. They pay the taxes on it. He wants to know if that counts for anything being that it is that amount of acreage owned by the family? Chairman Jones stated that it doesn't count unless it was all 1 lot.

Commissioner Segar asked if the 15 acres was in his mom's name? Mr. Williams stated that it is in the name of Alvonnia Vaughan from 1940.

Commissioner Taliaferro made the motion to deny the request for text amendment.

Commissioner Mundie Seconded. AYES: 5 NAYES: 1 ABSENT: 1

OLD BUSINESS

Chairman Jones stated that in talking with Mr. Akers, Chairman of the Board of Supervisors, the number we received back from the Middle Peninsula was \$150,000 ballpark to review what we need for the comprehensive plan. It is more than what we thought it would be and the board does not have that in the budget for this year. They would like to work on some things for the comprehensive plan as they prepare for the budget for next year.

Commissioner Mundie asked what made the number go up so high based on the numbers that had been tossed around at the last meeting.

Commissioner Taliaferro stated that this seemed to be the cost for a total word for word review and he thought that we were just going to do a simple review for around \$15,000 to skim through it.

Chairman Jones stated after their preliminary review this is the work that is needed to be done to get us through 2 more reviews. There is a lot of work that is needed to be done.

Mr. Hodges stated when you looked at the option of spending \$25,000 to make it compliant with Virginia Law our current comprehensive plan was not competitive with other counties. So, to get to that it is roughly \$150,000.

Commissioner Taliaferro stated that if we wait to put the money in the budget, we are looking at review next July.

Chairman Jones stated we could start looking at the things we want to see change and make notes.

Commissioner Taliaferro asked if we had a deadline to be compliant?

Chairman Jones stated we are supposed to review it every 5 years so as long as we are review it, we don't get our hand slapped.

Commissioner Taliaferro suggested that we spend the \$25,000 to make us compliant and then next year put \$125,000 in the budget for the full review and have them credit us what we will have already done.

Chairman Jones said that is a good question to ask. He stated that there is still work that we can do and look at until then.

Commissioner Taliaferro stated that he is not sure of the wording that makes us competitive.

Mr. Hodges stated one thing that would benefit the county is that if there was a focused effort of the planning commission to understand coastal resiliency and sea level rise and the impact in the county over the next 30-50 years. Take that and put it in the context of land use.

Chairman Jones stated they can continue to look at the comprehensive plan to make their own observations and that way if they tell us we are overdue we can say that we have been reviewing it every month.

Mr. Hodges stated that next month there will be a request to rezone a B-1 to a Planned Unit Development.

ADJOURN

Having no further discussion, a motion to adjourn was made and seconded. AYES: 6, NAYES: 0, ABSENT: 1

Chairman