



PLANNING COMMISSION

AGENDA for January 10th 2023

AGENDA

PUBLIC HEARING

- 1) Conditional Use Permit for more than four unrelated persons in a dwelling unit (Section 711) at 1744 Cedar Ave
- 2) Conditional Use Permit for a two-family dwelling at 217 W 28th Street

REGULAR MEETING

Call to Order by Chairman and Roll Call

Public Comment

Review and Adoption of Minutes

October 11th and December 13th meetings

Report of Secretary

- Austin Rehl's revised application for abandonment of public ROW presented to Council on January 5th
- Manufactured Home zoning text amendment presented to Council on January 5th
- Industrial Revitalization Fund grant awarded to City for construction at the Virginia Innovation Accelerator (former Mundet-Hermetite)
- Mobilizing Main Street grant/program for Main Street Buena Vista

Old Business

- 1) Conditional Use Permit for 1744 Cedar Ave

New Business

- 1) Conditional Use Permit for a two-family dwelling at 217 W 28th Street

Adjournment

Members and Term Expirations

Dennis Hawes, Chairman, 7/31/2024

Harold Kidd, 6/30/2026

Justin Wiseman, 8/31/2025

Marolyn Cash, 6/30/2024

Lucy Ferrebee, 9/30/2023

Melvin Henson, City Council Representative,
9/30/2023

Kristie Gibbons, 12/31/2024

Timothy Petrie, 12/31/2024

Jason Tyree, Ex Officio member

Staff

Tom Roberts, Director of Community & Economic Development
City Hall, 2039 Sycamore Avenue, Buena Vista VA 24416
(540) 261-8607 | troberts@bvcity.org | buenvistava.org/planning

Meetings

Members of the Buena Vista Planning Commission meet in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on the 2nd Tuesday of each month, unless otherwise announced. Meetings may be held and business conducted without a quorum, but no votes may be taken unless a quorum is present. A majority of members constitutes a quorum. A motion passes with a majority vote; a tie constitutes defeat of the motion.



PLANNING COMMISSION

MINUTES of December 13th 2022

Members of the Buena Vista Planning Commission met in Council Chambers at 7:00 PM on Tuesday, December 13th 2022.

Members Present:

Dennis Hawes, Chairman
Lucy Ferrebee
Timothy Petrie
Melvin Henson, City Council Representative
Harold Kidd
Marolyn Cash
Kristie Gibbons
Justin Wiseman

Members Absent:

Jason Tyree, Ex Officio member

Staff Present:

Tom Roberts, Director of Community & Economic Development

Meeting is called into order and roll was called.

Minutes

It was noted that in the November 9th minutes, the second sentence in the paragraph about the minutes was incorrect and should be struck. Mr. Henson moved to approve the October 11th minutes, Mrs. Cash seconded, and all voted yes. Mr. Petrie moved to approve the November 9th minutes as amended, Mr. Henson seconded, and all voted yes except for abstentions by Mrs. Cash, Mrs. Gibbons, and Mr. Wiseman.

Secretary's Report

Mr. Hawes asked about mention of manufactured homes at the last City Council meeting. Mr. Roberts relayed that he had not been at the meeting, but it was his understanding that Mr. King had spoken to City Council to request that the zoning be modified to allow manufactured homes in R3. Mr. Hawes stated that he was skeptical of Mr. King's quoted price of \$40,000 for a manufactured home. Mr. Roberts replied that he had looked up the latest Clayton Homes models, and that the cheapest new manufactured home that met the minimum square footage of 960 sf was \$80,000, exclusive of transportation or placement costs. However, Mr. Roberts noted that a used manufactured home may be available for less. Mr. Petrie followed up with a question on codes and inspections for placement of manufactured homes, and Mr. Roberts responded that everything outside the envelope of the home would be subject to the regular uniform standard building code.

Mr. Roberts reported that SVU would soon be moving forward with construction of a new baseball field, parking areas, and a track at the Fields Athletic Complex. This is part of the site plan approved in 2014.

Mr. Roberts also reported that he continues to work on assembling a webpage of resources related to housing for renters, homeowners, etc.

Old Business

Manufactured Home zoning text amendment

Mr. Henson asked whether the R5 zone would allow single-wides or double-wides. Mr. Roberts responded that the only difference is size, and that in the draft R5 text there is no minimum dwelling unit size, so one could have either a single- or double-wide. There is a minimum lot size however, which is larger than what is in the existing Hillside MHP for example. Mr. Henson asked what single-wides would do to adjacent properties, and Mr. Roberts responded that adjacent uses would be a major consideration if someone proposed rezoning something to R5.

Mr. Petrie motioned to recommend approval of the text amendment as presented to City Council, and Mrs. Cash seconded. Mr. Henson voted nay, and the rest of the Commission voted yes.

Conditional Use Permit for more than four unrelated occupants at 1744 Cedar Ave

Mr. Hawes introduced this proposal by stating that he is the real estate agent for both buyer and seller on this property. He explained that the new owner wishes to increase her rental income by housing five student renters rather than four, and in his opinion there is sufficient space in the house because it is 1200 square feet with three bedrooms and two bathrooms.

Off-street parking is the main issue to address. Mr. Hawes asked if there was an off-street parking requirement, and Mr. Roberts replied that no, there was not a specific requirement for houses getting a conditional use permit. The only minimum is two off-street spaces for a single-family dwelling; any additional spaces is at the discretion of the Commission or City Council. The Commission discussed the need for parking and whether there was adequate off-street parking. Mr. Roberts shared an updated site sketch showing the improved driveway with four spaces.

One of the issues raised is RVs parked on this block and other blocks, which narrow the street for vehicle traffic and take up car parking. Mr. Roberts said he looked into this a few years ago and there was no prohibition, but Mr. Hawes said he saw a limit of 14 days in the regulations. Mr. Roberts will look into current regulations and whether some change could be made to limit RVs or boats parked on the street.

There was a question about whether conditional use permits expire, and Mr. Roberts explained that no, they do not unless the use ceases. The CUP is not based on ownership.

Adjournment 7:45 PM

Approved: _____



PLANNING COMMISSION Staff Report

Conditional Use Permit

1744 Cedar Ave

1/5/2023

Synopsis

Applicant JeNeal Martin requests conditional use permit to allow up to 5 unrelated persons in a dwelling unit.

Site Information

Address/Tax Map:	1744 Cedar Ave	
Existing zoning:	R3 Residential Limited	
Existing land use:	Single Family Dwelling	
Proposed zoning:	R3 Residential Limited	
Proposed land use:	Single Family Dwelling with increased occupancy	
Surrounding zoning and land use:		
R3 Residential Limited single family dwellings		
Size:	1200 sf house, 1.5 lots (9,375 sf)	
Staff Recommendation:	Approve as presented	
Tentative Timeline	Preliminary Commission Discussion	12/13/2022
	Planning Commission Public Hearing	1/10/2023
	City Council Public Hearing	2/2/2023
	City Council Adoption	2/16/2023

Overview

Proposal

The applicant proposes to house up to five unrelated adult residents in this single-family dwelling. By right, dwelling units may only be occupied by a family, as defined by the zoning code, which limits occupancy to four unrelated persons. The property is a one story, 1,200 sf home on 1.5 city lots with 3 bedrooms and two bathrooms.

Details

Purpose

The applicants seek a Conditional Use Permit (CUP) to allow more than four unrelated adults to reside in the house at 1744 Cedar Ave to maximize use of the rooms and square footage of the dwelling and increase rental revenue.

Comprehensive Plan Conformance

The subject property is located within the R3 Residential Limited zone. The future land use map recommends this neighborhood remaining medium-density residential, which it identifies as 4.65 to 11.15 dwelling units per acre. R3 is characterized by detached single-family dwellings, which are allowed by right, but the zone also features multiple scattered two-, three-, and four-family dwellings.

The comprehensive plan offers the following policy for residential properties in the Land Use chapter: "When conversion of single-family houses to multifamily is permitted, appropriate off-street parking should be required. Converting front yard areas to parking lots is not in the best interests of the area." While this CUP is not for multiple dwelling units, there are likely to be more vehicles than in a house occupied by a family (as defined by the zoning code).

Surrounding Land Uses

The surrounding houses are single-family residential of similar size/square footage.

Infrastructure, Access, and Parking

Existing water and sewer provision is adequate for the proposed occupancy. Three off-street parking will be provided in a driveway on the left (north) side of the property off of Cedar Ave. There are two on-street parking spaces in front of the house as well.

Public Comment

After adjacent owner notices and public advertisement, two neighbors contacted staff by email (see attached). They are both concerned with parking, noting that street parking is full already and there is not room for the potential additional cars. Also, the crowded street parking makes vehicles passing difficult.

Analysis

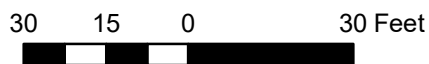
Adding one additional occupant to this house will only slightly increase the level of activity above the by-right occupancy of a single family home. The floorplan is adequate to allow five occupants, and the bedrooms meet building code requirements for two occupants.

The primary issue is providing sufficient off-street parking so that if all five residents have vehicles, so they are not using excessive on-street parking. This proposal provides parking for five vehicles using only the street parking in front of this house. As discussed at the 12/13/2022 meeting, RVs and boats parked on this street (and others) significantly compound on-street parking issues on this block and others around the City, but this would be dealt with separate from consideration of this CUP. Although the comprehensive plan recommends against parking in front of the house, in this case the driveway is unobtrusive and the embankment provides a visual separation from the street and opportunity for landscaping to soften the appearance.

Staff recommend approval as presented.



Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

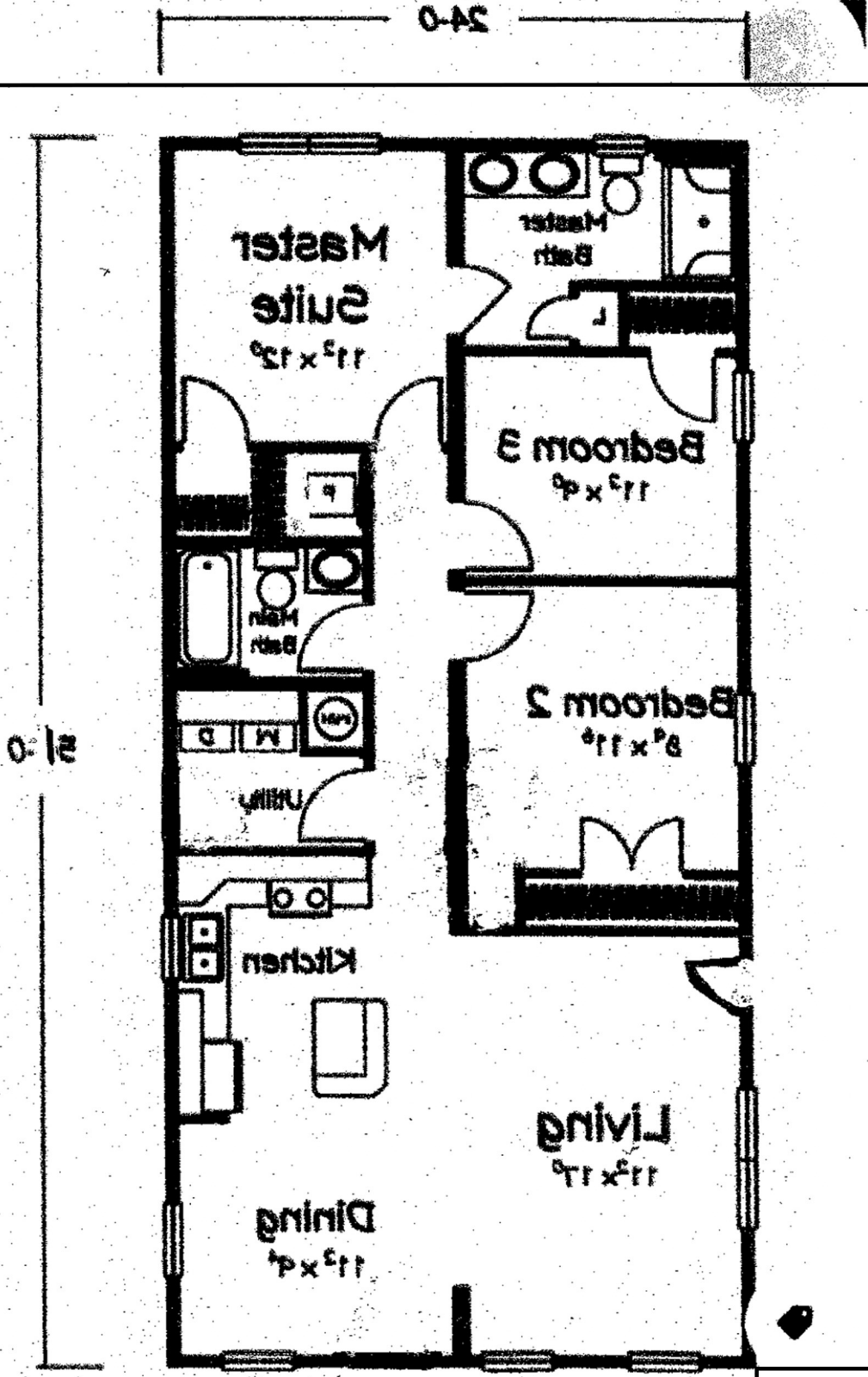


1744 Cedar Ave

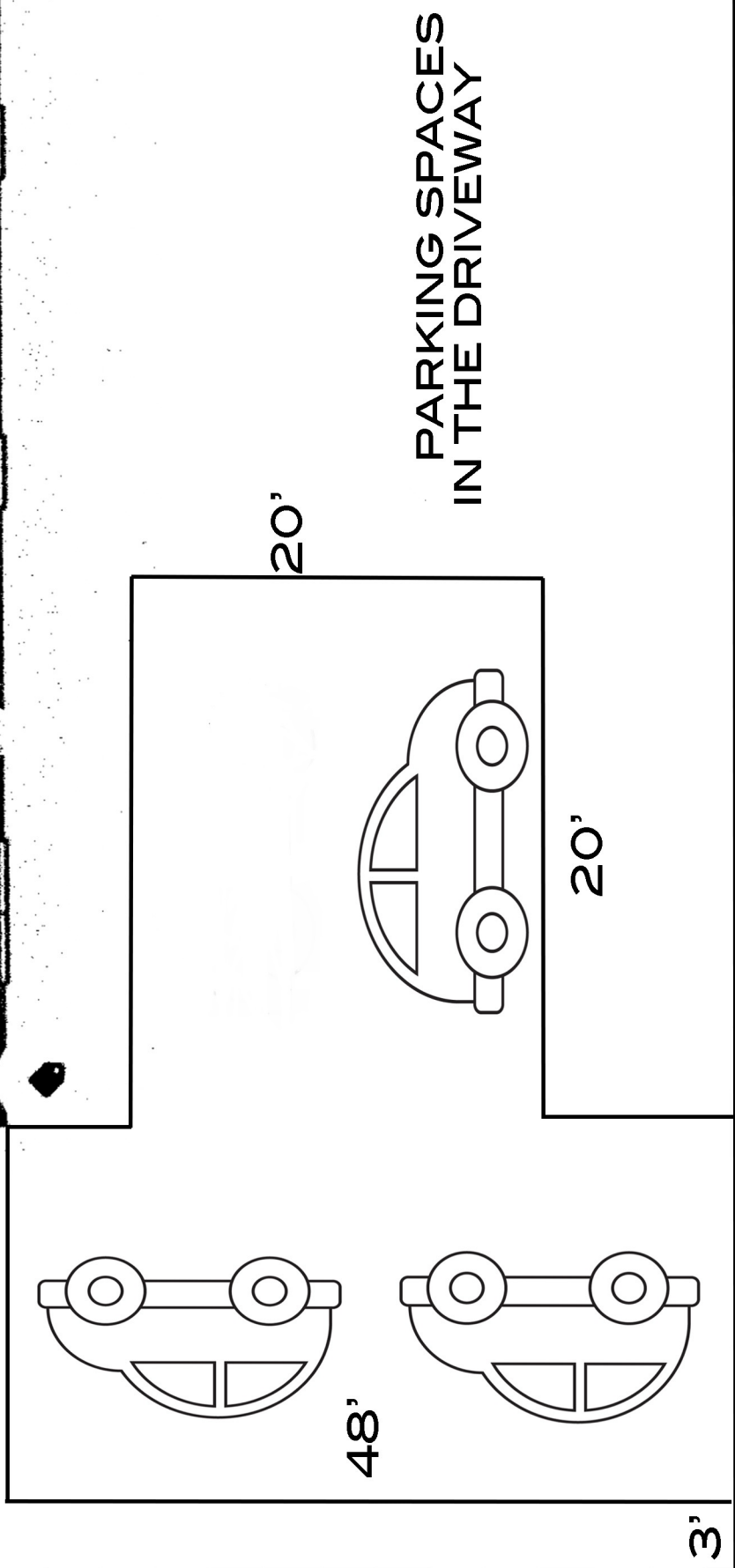
12/8/2022

Virginia Geographic Information Network (VGIN)

1744 CEDAR AVE, BUENA VISTA



HOME SIZE: 1,224 SQ FT
LOT SIZE: 9,148 SQ FT



2 PARKING SPACES ON THE SIDE OF THE ROAD

125'

3'

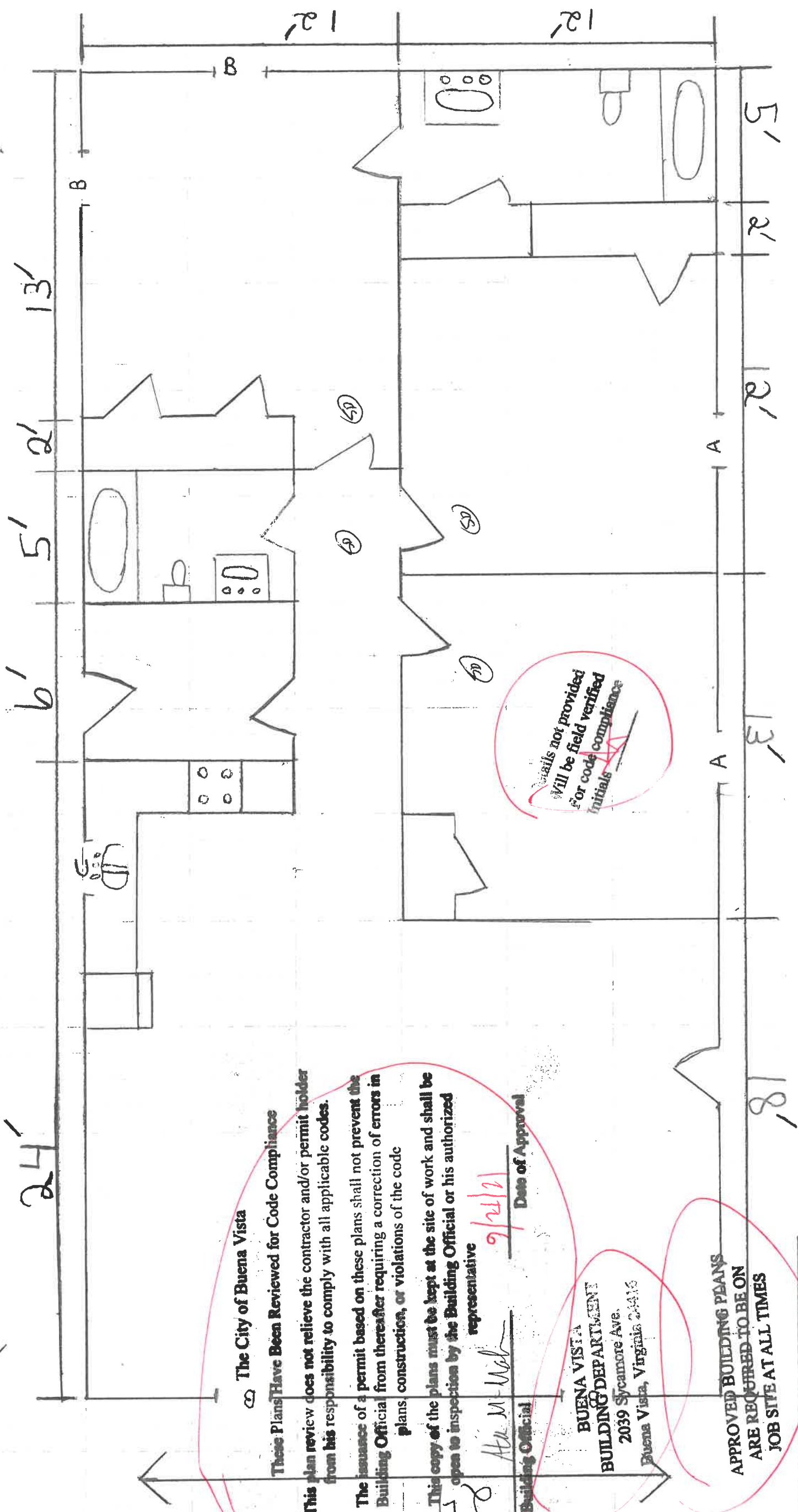
14'

75'

1/4 to 1'

REC
NOV 05 2020

50'



The City of Buena Vista

These Plans Have Been Reviewed for Code Compliance

This plan review does not relieve the contractor and/or permit holder from his responsibility to comply with all applicable codes.

The issuance of a permit based on these plans shall not prevent the Building Official from thereafter requiring a correction of errors in plans construction, or violations of the code

This copy of the plans must be kept at the site of work and shall be open to inspection by the Building Official or his authorized representative

9/24/21

Date of Approval

Building Official

**BUENA VISTA
BUILDING DEPARTMENT
2039 Sycamore Ave.
Buena Vista, Virginia 24416**

**APPROVED BUILDING PLANS
ARE REQUIRED TO BE ON
JOB SITE AT ALL TIMES**

Window Key

A - 28 50

B - 28 46

C - 28 30



PHOTO TAKEN ABOUT 9:30 AM





PHOTO TAKEN ABOUT 9:30 AM

Tom Roberts

From: Mandy Staton <mstaton@bankersinsurance.net>
Sent: Tuesday, January 3, 2023 10:51 AM
To: Tom Roberts
Subject: Cedar Avenue

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from mstaton@bankersinsurance.net. [Learn why this is important](#)

Good morning,
I live at 1774 Cedar Ave in BV and was informed that there was going to be a meeting regarding allowing 1744 Cedar to have up to 5 people living in the premises. 5 people living in that home means 5 vehicles. I know they have a driveway, but that only holds 2 vehicles. Where are the other 3 going to park?? Parking on that street is horrendous. There is no parking unless there is a suitable driveway (which I do have) and if you have to park on the street, it is a hazard for traffic to go through there. Unfortunately, that street is very busy and is especially difficult for the buses to get through there some days. I did not receive a Certified Letter regarding the parking issue, but I wanted to send out my thoughts and concerns. Please do not allow there to be 5 residents living in that home. There is just not enough room on our block for extra parking. Thank you and have a great day.



Mandy Staton
Sales Executive - Personal Insurance
d: 1-540-463-5688
m: 1-540-461-1713
www.bankersinsurance.net



 **BANKERS INSURANCE**

HOW WAS YOUR EXPERIENCE TODAY?



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Tom Roberts

From: Nicole Wheeler <nicolewheeler.forestriverrealty@gmail.com>
Sent: Tuesday, January 3, 2023 9:15 AM
To: Tom Roberts
Subject: 1744 Cedar Ave

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Tom my father-in-law is currently doing rehab at the nursing home. We picked up the letter concerning the conditional use permit for the home located at the above address. This is of quite a bit of concern.

I'm not sure how often you've traveled that street it is very tight when you have cars parked on both sides. There is not enough parking at this location for five people, it does have a driveway. We have a home beside this location with a big camper parked on the street when there is cars parked on both sides and the school bus especially comes through. There is no room for another car to pass.

I do believe this is one of the tightest streets in town.

We will gather more insite with pictures and information for the meeting.

Thanks Nicole Wheeler

--

Nicole Wheeler
Forest River Realty
Office: 540-572-2489
Cell 540-784-0760
Nicolewheeler.forestriverrealty@gmail.com



PLANNING COMMISSION Staff Report

Conditional Use Permit

217 W 28th St

12/22/2022

Synopsis

Request to convert single-family home to a two-family home.

Site Information

Address/Tax Map:	217 W 28 th St, 18-1-5-21-22	
Existing zoning:	R3 Residential Limited	
Existing land use:	Single-family home	
Proposed zoning:	R3 Residential Limited with CUP for two-family dwelling	
Proposed land use:	Two-family home	
Surrounding zoning and land use:		
East and West: single family homes		
North: River Rock Village townhouses, zoned Mixed Business		
South: Wooded hillside up to SVU, zoned Institutional		
Size:	Lot: 9, 325 sf (1.5 lots)	
	Building: 1,165 sf in unit 1; 1,316 sf unit 2	
Staff Recommendation:	Approval as presented	
Tentative Timeline	Preliminary Commission Discussion	n/a
	Planning Commission Public Hearing	1/10/2023
	City Council Public Hearing	2/2/2023
	City Council Adoption	2/16/2023

Overview

Applicant Leon Barker purchased the single-family home at 217 W 28th Street in 2019 and met with City staff shortly after that with plans for extensive renovation. We discussed zoning regulations for single- and two-family dwellings, and he chose to proceed with renovation but keep his options open for zoning. Now he has chosen to pursue a CUP for a two-family dwelling.

Layout and Site

The house has a total of 2,481 sf on two levels, the main level and a walk-out basement. The site is 1.5 lots with an asphalt driveway off of 28th Street in front. The lot meets the minimum lot size and frontage for a two-family dwelling in R3.

Both levels were completely renovated, including reconfiguring floor plans, adding bathrooms, etc. The internal stairway was removed; the basement can only be accessed from the exterior. Each level has a living room, kitchen, two bedrooms, and two and a half bathrooms. The building meets all applicable building codes for a two-family dwelling (e.g. separate electric service, adequate egress, fire separation, bedroom size, etc.) and recently received a certificate of occupancy (at the conclusion of renovation). If approved, up to four unrelated people could live in each unit. The upper level is 1,165 sf and the lower level is 1,316 sf. Both of these exceed the minimum dwelling unit size in R3 of 960 sf.

Comprehensive Plan Conformance

Two-family dwellings in this neighborhood are supported by the comprehensive plan. The future land use identifies this area for medium density residential use with single-family up to four-family dwellings. Prior to 2018, two- to four-family dwellings were allowed by right in the R3 zone.

Infrastructure and Access

Existing water, sewer, and electric meets code and is sufficient for a two-family dwelling. The existing asphalt driveway provides six (6) off-street parking spaces. The minimum off-street parking for a two-family dwelling is four spaces (two for each unit). Because of the configuration of the driveway entrances, there is no on-street parking in front of this property. However, this block only has houses on one side of the street because of the hillside.

Surrounding Land Uses

This house is in the narrow sliver of R3 zoned single-family residential neighborhood between the SVU hill (zoned Institutional) and the 29th Street corridor (zoned Mixed Business). Both these zones allow greater density and a wider mix of uses than R3. On either side of this house are single-family dwellings, but immediately across the alleyway from this house is River Rock Village, the development with five two-family dwellings constructed in the last few years. This house is within a block of Beech Avenue.

Analysis & Recommendation

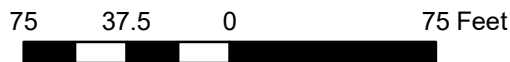
Staff recommend approval of conversion to a two-family dwelling as presented. The property is very close to other multifamily development, commercial development (Advance Auto), and SVU. However, it maintains the appearance of a single-family dwelling so blends in with single-family houses nearby on 28th Street. Significant investment went into the renovation, contributing quality housing units to the City's supply. The off-street parking provides up to three spaces per unit, and on-street parking is not in high demand on this block.

Public Feedback

Following the official notice to adjacent owners & public advertisement, staff received phone comments from David Royer, owner to the east (right). He has general concerns about setting a precedent for higher density or new zoning in this section of 28th St, and concerns about adequate parking for all the potential residents. He is not sure that the driveway will provide enough spaces because at max capacity, some cars will be blocked in.

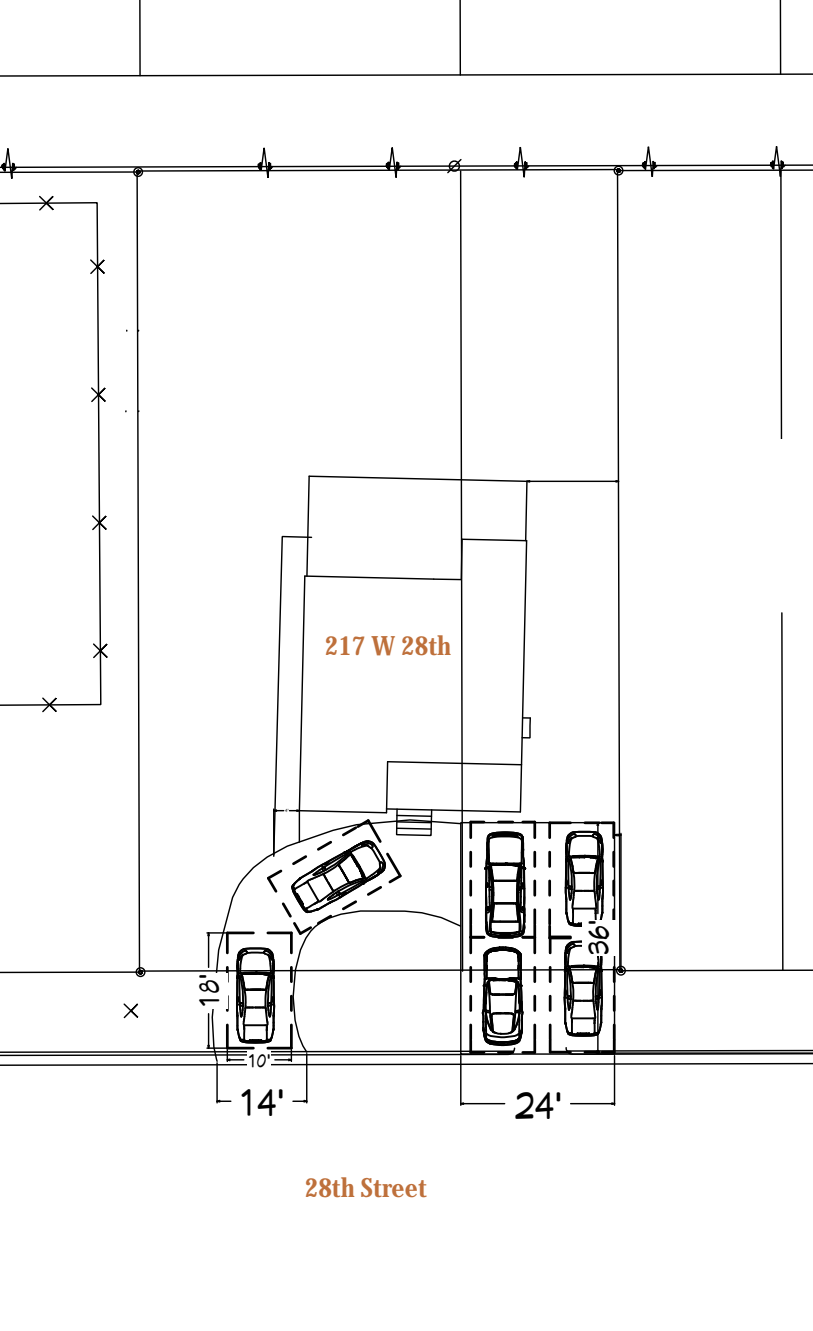


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217 W 28th St

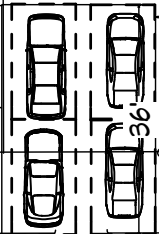
12/22/2022



217 W 28th



14'



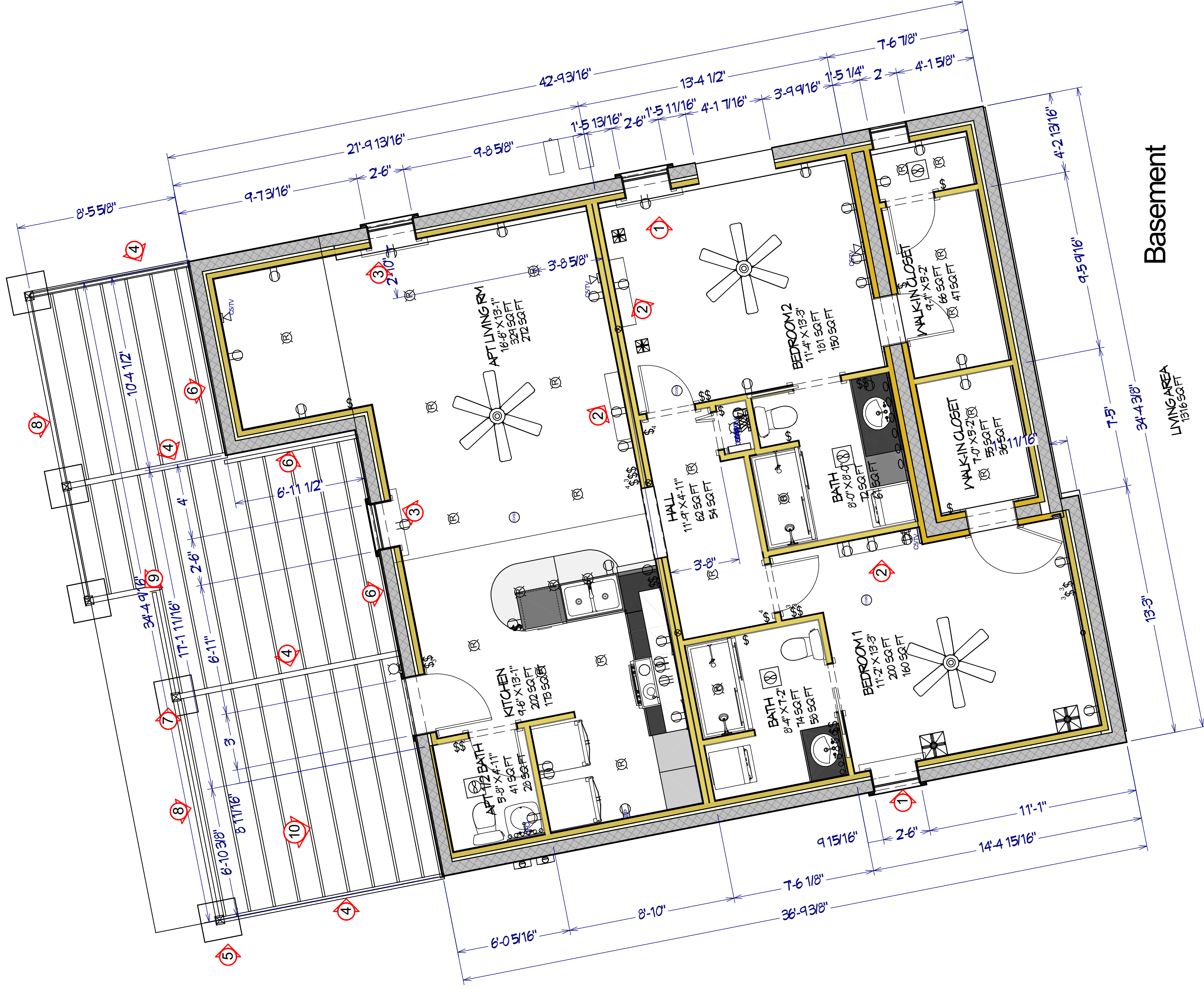
24'

36'

28th Street

Details for the following markers:

- 1 - New windows for basement bedrooms to be cut into existing cement block with 1/4" Angle metal header. Min 5 sq ft of egress for each window per code.
- 2 - Ductless mini-split AC/Heat interior units.
- 3 - Existing windows to be replaced with new
- 4 - Deck beams are double 2"x12" pressure treated, nailed/bolted per requirements. Mounts to 2"x12" pressure treated board bolted to existing house rim board (note - 6) with galvanized beam hanger. Mounts to the other end post (note - 5) with cut-in and rest on post and bolted to post. There are 4 beams. None span more than 12' nor support joists extending more than 12'.
- 5 - Five posts 6"x6" pressure treated mounted on 24" x 24" x 24" concrete footings. Top of post is notched and beams (note - 4) rest on the post and are bolted into the notch. Galvanized brace is mounted into the concrete and post base is attached.
- 6 - 2" x 12" pressure treated board is bolted to the house rim board and joists to allow deck beams (note - 4) to be attached with hangers.
- 7 - 24" X 24" X 24" concrete footer.
- 8 - 2" x 12" pressure treated rim board to finish off edge
- 9 - Top of stairs mounting. Double 2" x 8" with 2" x 12" runing from post to double run as attachment for stair runners.



Basement

LIVING AREA
1316 SQ FT

SHEET:
A-1

DRAWINGS PROVIDED BY:
Leon Barker

PROJECT DESCRIPTION:
217 W 28th Street
Buena Vista, VA 24416

SHEET TITLE:
Basement

DATE:
7/10/21
SCALE:
1/4" = 1 ft

NO.	DESCRIPTION	BY	DATE

Notes for the remodel. Specific on Beam and roof truss is requested.

- 1 - This Beam needs to support the existing roof. It spans 19' from the exterior wall on the left to the wall by the 1/2 bath. This runs directly above the basement center bearing beams on 4" round metal posts. Please specify the size of this beam. The walls on each side will be framed in solid to distribute the weight directly to the foundation.
- 2 - new exterior door 36" wide. Will have 2" x 8" double header and door framing.
- 3 - Decking to be 1"x6" approved decking material running perpendicular to the joists.
- 4 - Stairs are 36" wide, 14 risers that are 6 7/16
- 5 - New kitchen window
- 6- Existing roof is made of trusses that are a triangle with a center post and diagonal support made from 2" x 6" lumber. The plan is to remove the center and bottom boards and diagonal support leaving only the boards running from the exterior wall to the peak of the roof. These are attached to the roof decking. New TJI or equivalent beams will be run from the top of the exterior wall to the new center beam and hung with metal hangers on each end. foam insulation will be placed to fill the space and sheet rock then applied directly to the underside of the TJIs. Please provide specifications on the size of these TJIs. The existing 2x6 will be nailed into the new TJIs. The center beam will be approximately 5' - 6' higher than the current wall height.
- Fire rated foam is being used in all the walls 2" minimum as well as double layer of sheetrock in basement ceiling and use of soundproofing z channel to separate the two units. This application is for an owner occupied single dwelling with basement apartment, but want everything to be in place to petition for duplex conditional use per zoning.

Parking of a 24' x 36' drive with a U hourshoe turn out 14' wide by 56' long. Allowing off street parking for 6 vehicles.

